

MONT VERNON PLANNING BOARD**Mont Vernon, NH 03057****MEETING MINUTES –Tuesday, November 22, 2016****AGENDA**

- 7:00PM Public Input Session - Town Center District Zoning
- 8:30PM Mail and Announcements
- Review of Minutes from 10/25/16 & 11/1/2016
- Review of Site walk minutes from 10/23/16
- 8:45PM Other Business
- 9:00PM Adjournment

Seated: Bill **McKinney**, Chairman, John **Quinlan**, Annette **Immorlica**, Chip **Spalding**

Present: Stephen **Bennett**, Dave **Hall**, Chris **Aiston** **Absent:** Jim **Bird**, Bill **Johnson**

7:02 PM – Town Center District Zoning

McKinney called the meeting to order, and asked everyone to stand for the Pledge of Allegiance. There were approximately 30 members of the public present. **McKinney** welcomed the public, explained the work session process, and introduced Jen Czysz from the Nashua Regional Planning Commission, who would be facilitating the meeting. **McKinney** stated the board had two group exercises planned for the evening, and that the first would cover uses- what would be allowed in the district. Jen Czysz began explaining the exercise. Sheila Sturm of 14 North Main Street asked that before participating in any exercises she wanted to know the reason why the Town Center District Zoning was being proposed as a change, and what the data was backing up the decision. **McKinney** stated the data comes from the UNH Survey from 2011 as well as a less informal survey done earlier in 2016. Zoe Fimbel of Beech Hill Road asked how many people participated in the UNH survey. Sturm stated the residents of Main Street need more information since the Planning Board is looking to change their neighborhood into a commercial zone. Christine Rand of Temple Street asked why the survey was done in 2011. **McKinney** stated he wasn't on the board at that time but he believes the survey was done to help with planning for the future of Mont Vernon. There were 204 responses to the 2011 survey, out of 963 households in Mont Vernon who received the survey. Fimbel stated that seemed like a small percentage of responses to use to base decisions on for what could now affect Main Street. **Immorlica**, who was on the board in 2011, stated there wasn't one precipitating factor behind the survey, that it was just part of the planning process. The survey covered many topics, not just business related. Many members of the public present expressed they did not remember receiving the survey in 2011. Rand stated the initiative for the Town Center District is only based on 200 responses from the survey. Czysz pointed out that is a good sample size. Rand asked if the survey asked where residents lived. **McKinney** stated no. **Spalding** stated the board had made a short presentation at Town Meeting, and had the new survey available at that time. **McKinney** stated out of that survey there was support for a business district in the Main Street area. **McKinney** stated that nothing is set in stone and the board is still looking for feedback as to how this will move forward, if it even moves forward. Mike Fimbel of Beech Hill Road asked if the state law requires the Town to have a business district. **McKinney** explained that the Town's

current business district, the Limited Commercial District, is mostly conservation land because the current land owner chose to put the land in conservation. **McKinney** stated there are two businesses there, Wilkins Lumber and the company run in the former Zahn's guest house. Janice Shaughnessy, who lives at 16 North Main Street, stated she has a home business which was first denied, then approved, through the Zoning Board. She stated she feels this process is appropriate and that it protects the town. Shaughnessy stated the strict zoning regulations give the Town control. Sturm, who stated she is the Chair of the Zoning Board, stated there have been at least 3 applications for a special exception for a home business in the past year. Sturm stated the most contentious was one for a home day care on Kittredge Road, which was granted with very specific conditions. Sturm pointed out that if an applicant meets all the criteria the board must grant the special exception; but the Zoning Board can set forth conditions which consider the concerns of abutters. Sturm stated she believes the Town Center District zoning proposal does not support the Master Plan, and contradicts some portions of the Master Plan. Sturm stated she feels the planned exercise for the evening is too premature because the board is assuming residents want the Town Center District Zoning. **McKinney** stated he understands that this is bringing up a certain amount of emotions. **McKinney** pointed out having the Town Center District zoning could possibly help with grant opportunities to pay for the repairs of Town buildings. Hannah Will of 6 Pinkham Avenue asked for an explanation of a business district vs. a Town Center District. **McKinney** stated the Town Center district is a designation; an area that defines the downtown. Jeanette Vinton of 24 North Main Street asked about taxes, and wanted to know if the way residents are taxed would change in the Town Center District. **Immorlica** stated she'd spoken with Laurie Brown, who had talked with the Assessor. Brown stated there would be no difference in the appraisals. **McKinney** stated it's up to the Assessor and the Board of Selectmen to address whether a property with a business would be taxed differently. Vinton stated she would not want to see things set up like Milford, where property owners in a commercial area who do not have a business must request an abatement every year. Vinton stated that is a hassle. **McKinney** stated the intent is for the Town Center District to be predominantly residential with allowances for some business uses. Sturm suggested the board consider just changing the name, rather than changing all the zoning regulations. **McKinney** stated that is still a possibility. Cindy Raspiller of 2 Blood Road stated she felt it would make sense to mention the residential uses of the district first, then the business uses. Raspiller stated it seems people are all riled up because businesses were put first, and the residential use feels less important. **Spalding** stated that was good feedback. Eric Will of 6 Pinkham Ave., stated there already is a mechanism for having a business (the special exception through the Zoning Board) and that it should be a hard process for a business to get in. Will also asked why Grand Hill was included. **McKinney** stated the board wanted to include areas of the Historic District because the Historic District Commission will add an extra layer of protection. **McKinney** also pointed out the Historic District Commission needs new members. **McKinney** stated the Town Center District follows lot lines to avoid Split Zoning, which would be too confusing. Rand asked about water issues, and stated she has been doing her laundry in Milford since August due to the drought. Rand expressed concern that the Village can't sustain a commercial use, from a water usage perspective. Zoe Fimbel was concerned about wording which mentions the removal of buildings. **McKinney** stated there is nothing preventing a property owner from tearing down and removing a building right now. Eric Will expressed concern over the Town possibly not having control over which types of businesses could come in, and mentioned specifically a Dunkin Donuts vs. a small individually owned coffee shop. David Brooks, Old Milford Road, stated that a good reason to have more business in town is that Mont Vernon does not have anything for people to do during the day. Brooks stated that more businesses and jobs right in town would mean more life happening in Mont Vernon and felt that is an advantage that needs to be weighed against staying as a rural community. Suzanne Will of 6 Pinkham Ave., felt it would be better to stick with the current system which allows businesses by special exception of the Zoning Board. Zoe Fimbel stated she felt the Town Center District area is too large, and asked if it could be proposed smaller. **McKinney** stated that was good feedback and that yes the size can be changed. Jason Darula of Spring Hill Road asked if the Town Center District can co-exist with the existing criteria for having a home business. **McKinney** answered yes.

McKinney asked the room to move forward with the first exercise. Hannah Will asked how to fill out the sticky notes provided if they want no changes. Czysz stated that the blue sticky notes represented a yes, the pink notes represent no. **Spalding** asked if the public was willing to write their addresses on the back of the notes it would be helpful to the board to know whether respondents live in the proposed area. Before everyone started getting up to place their notes, **McKinney** had the board members introduce themselves. **Immorlica** pointed out that the

Master Plan work is done by volunteers. **McKinney** stated the Master Plan update still needs more work and that that will be a focus of the Planning Board going into 2017. Jen Czys stated she would read through the post its and calculate the responses while the board continued the discussion.

McKinney began explaining the second exercise, which would address allowable building sizes. Sturm stated she felt the board was moving too fast, and that the public can't reasonably answer questions concerning building sizes. Sturm stated the communications from the Planning Board are not getting out to the people. **Spalding** stated the board is just trying to collect feedback and maximize the time with the current audience to collect information. Hannah Will stated she is nervous to give feedback on something she doesn't want at all. **McKinney** discussed the current maximum footprint size of 3500 square feet and explained how the board arrived at that number. Shaughnessy pointed out that if a majority of the residents stated they want to stick with the current system of needing a ZBA Special Exception that the building size won't matter. Sturm again stated she felt the board was moving too fast. Sheila Clegg of 12 North Main Street stated that this proposal is hitting the Main Street residents where they live and that they need time to process all the variables, because whatever the Planning Board has been doing previously to provide information hasn't been working. Suzanne Will again stated that the current special exception system makes sense, so why change things. Raspiller stated that no one is against allowing home businesses, but that residents are concerned with the unintended consequences of opening up the area to other commercial businesses. Zoe Fimbel asked once we opened the area to a set of permitted uses, could someone sue to allow for another use. **Spalding** stated they would be able to go to the Zoning Board to get a special exception. Shaughnessy wondered about the language to prevent fast food chains, and if it is possible to prevent those restaurants. **Spalding** stated there is language already in place to mitigate fast food. Peter King of 10 South Main Street wanted to know what would happen with the results of the first exercise, and how much weight it would have. King felt it would be better to wait on the second exercise before seeing what the feedback is from the first exercise. **Immorlica** agreed. Kevin Schmidlein of Pinkham Ave mentioned that the percentage of businesses that fail is high, and he doesn't want to see vacant buildings along Main Street from shops that have failed. Schmidlein stated someone desperate to fill a vacant building could be a problem. **McKinney** stated that small businesses can help promote other small businesses, in the sense that someone stopping at an antique shop may also stop at a café next door for a coffee or lunch, or vice versa. **McKinney** did note that there is always risk that a business won't survive. Alison Schmidlein of Pinkham Ave. echoed other earlier speakers and stated that a system already exists for small businesses to open, and she doesn't see the need to change things. Cindy Raspiller stated that she sees a key difference between an owner-occupied business and a strictly commercial business. She stated that the mixed-use intent is not coming through in the current language. She also asked if an attorney would be looking over the proposal prior to Town Meeting. **McKinney** stated that nothing goes on the Town Warrant without Town Counsel review. **Spalding** stated that the board's original model in designing the Town Center District was to create a mixed use zone so that the houses wouldn't become abandoned. **Immorlica** asked if there was support for owner occupied businesses. Many residents present stated yes, but by special exception, as the system currently allows. Sturm discussed the process for gaining an exception for a home business. The Administrative Assistant (AA) explained the difference between a special exception and a variance, stating that a special exception goes with a person and a variance goes with a lot. The AA gave The Picket Fence Gift Shop as an example- the owner of that house got a special exception to run the business out of the barn and if they ever decided to move, the special exception would not be transferred to the next owner. **McKinney** stated the board is getting a good sense of the feelings of the group present. **McKinney** stated the board next needs to look at the information gathered that evening and decide whether the board will move forward with the proposal.

Jen Czys re-capped the data from the first exercise. About 2/3rds of respondents stated no to all proposed changes. A handful asked to exclude certain streets, and eleven specifically called out opposed uses such as restaurants, bed and breakfast, banks, drive throughs, coffee shops, vet clinics, telecommunications. Czys stated the Yes sticky notes had roughly half voting to keep things as-is, residential with business allowed by special exception. There were a few mentions of low impact businesses, bakeries, small retail, café, antique shops, farm stand, professional offices. On the Special exception board, about 1/3 stated no change to zoning, special exception for home businesses only. Some responses stated no businesses. There were a handful which offered examples for specific uses that would be okay with conditions set forth, such as bed and breakfast, restaurants, child care, pet grooming, coffee shop, car repair, bakery.

McKinney stated the board would postpone the second activity. **McKinney** asked those present to look at the Zoning Regulations and consider that some of the uses people are against are already permitted. **Spalding** referred to the executive summary of the Master Plan, which mentions small businesses. Zoe Fimbel stated she felt it was premature to consider this for Town Meeting in March because so many town residents are uneducated concerning this proposal. **Spalding** stated the board is always looking for feedback, and they aren't trying to push something through. Ana Barrett of 28 South Main Street asked what the next steps would be and wanted to know what would happen now. **McKinney** stated the board would discuss the Town Center District Zoning again on December 13th, and at that meeting the board would decide if the Town Center District Zoning proposal would go forward to a Public Hearing or if it would be halted for more study or even halted not to go forward with it at all. Shaughnessy asked if the public would be able to make comments at the December 13th meeting. **McKinney** stated no. Shaughnessy asked if the board would be able to have another meeting for public input before the December 13th meeting. **Immorlica** stated she felt it would be clear at the December 13th meeting if another public input meeting was needed. **McKinney** stated that if the board chose to move forward with the proposal that the next step after December 13th would be to schedule a public hearing. Zoe Fimbel asked when that might be scheduled, since late December is a busy time. **McKinney** stated the first public hearing would be scheduled in January. Bennett referred to the state schedule which states the last day to hold a first public hearing is January 16th. **McKinney** stated two hearings would likely happen, and he acknowledges the decisions the board will make are not something they take lightly. Shaughnessy stated she is concerned that things are moving fast and asked if it was safe to say that it would not be up for vote at Town Meeting. **McKinney** stated he could not say that, since there is still officially time to hold hearings if the board decides to move forward. Zoe Fimbel asked if the public has input on whether it goes to vote at Town Meeting. **McKinney** stated that would be the hearing process, but that the board ultimately makes the decision as to whether it goes to the Town Ballot. Barrett asked if the Selectmen decide if it goes on the ballot. **McKinney** stated no, that the Planning Board decide to put it on the ballot, but that the Selectmen can choose to support it or not. Shaughnessy asked if it would be okay for the Village residents to create a petition and solicit feedback from other town residents by going door to door. **McKinney** stated he welcomes all feedback. **McKinney** stated the board has received 7 or 8 emails and that he believes he's responded to all. Alison Schmidlein stated she had not received a response to her email. *(note from AA- in researching the Schmidlein email, the AA noted that **McKinney** did write an email response to Alison Schmidlein, but accidentally left her off as a recipient; the email went to the AA as well as the other board members)* Heather Carver of 3 Temple Street asked if the fire chief and the chief of police had given any input concerning the proposal and if they would see any additional challenges to their department resulting from the Town Center District zoning. **McKinney** stated the board had not done that yet. Clegg stated she felt there was a misconception that the Town Center District would provide tax relief. **McKinney** agreed. Zoe Fimbel stated that bit of information needs to get out to the town residents. Shaughnessy asked if an impact study could be done on what effect businesses could have on the Main Street area. **Spalding** stated a survey like that could be done, but that it would cost money and it would have to be planned into the Planning Board budget. Shaughnessy felt a business impact study would be important to see what the effect could possibly be, since taxes could increase because of businesses in the Town Center. **Spalding** stated this was great feedback. **Hall** asked what the ramifications of precedence could be. **Hall** wanted to know if a property owner had a special exception and the next property owner also asked for a special exception for a business, does the Town have the teeth to say no to certain types of businesses?

McKinney thanked everyone for coming to the meeting, and stated the board appreciates all the input. **McKinney** stated the public is welcome to stay as the board goes over minutes.

9:13 PM

McKinney asked if there were any mail and announcements. The AA stated there were the handful of emails she had forwarded to the board prior to the evening's meeting. **McKinney** noted that all the letters received regarding the Town Center District would be read into the minutes at the December 13th meeting. **Immorlica** stated the Conservation Commission had written a letter to the Planning Board concerning the Orchard Hill subdivision and asked the AA to forward the letter to the Planning Board. The AA

stated that the person she knows who is interested in the Administrative Assistant position is indeed still interested. The AA also stated she is unable to take minutes at the Dec. 13th meeting because of her son's school band concert. **Spalding** asked if it would be possible to have the interested person try taking minutes that evening. **Quinlan** stated the Selectmen discussed the AA position and that there is a possible reorganization that could happen at Town Hall concerning filling the job. **McKinney** stated he would be in touch with Laurie Brown that week.

The Board reviewed the minutes. **Immorlica** motioned to accept the minutes of the 10/23 site walk as written. **Quinlan** seconded. All were in favor, the motion passed. **Spalding** abstained.

October 25th meeting minutes: **Immorlica** noted an edit. **Immorlica** also stated her comment at 9:06 pm about the drainage study was to ask if a drainage study could be done to model if 50% of the trees were removed. **Spalding** stated typically drainage studies only look at existing vs. proposed conditions and that future conditions aren't looked at unless they are building out to that possible future condition. **McKinney** stated he didn't believe they could require that number from a drainage study since that's not the work Vaughn is doing; he is only subdividing, not removing 50% of the trees. **McKinney** also noted an edit. **Spalding** motioned to accept the 10/25 minutes as amended. **Quinlan** seconded. All were in favor, the motion passed.

November 1st meeting minutes: **Quinlan** motioned to accept the minutes as written. **Immorlica** seconded. All were in favor, the motion passed.

9:30 PM

Immorlica asked if **Hall** would be at the December 13th meeting. **Immorlica** thought **Hall's** question of precedence was interesting. **Hall** stated he had a prior commitment. **Immorlica** wondered if the board should ask Sheila Sturm her opinion as Zoning Board chair. **Bennett** stated that the short answer concerning precedence is no, since meeting the 5 criteria is specific to whatever the business is. **Immorlica** asked **Quinlan** what is happening with the Selectmen. **Quinlan** stated there are a few people interested in the open position but that no decisions had been made yet. **McKinney** stated he has a conflict for the December 13th meeting and cannot attend; **McKinney** stated that **Immorlica** would chair the meeting. **McKinney** stated he would provide his input in writing to the board. **Immorlica** asked how the board would get the input from the exercise. **Czys** stated she'd taken photos of sheets from the exercise and left them up so the public could come to see them. **Czys** stated she would tabulate the data and get that to the board. **McKinney** stated she didn't feel there was a need for **Czys** to be at the December 13th meeting. **Immorlica** asked if **McKinney** had already made up his mind, and how **McKinney** could have input without hearing what the whole board discusses. **McKinney** stated he hadn't made up his mind but that he would provide his thoughts. **McKinney** stated the board's decision is a majority decision. **McKinney** stated he will support whatever the board decides. **Immorlica** stated there are three things that could happen; the board can forward to hearing, the board can table it for further discussion/study, or the board can decide to not go forward. **Immorlica** asked if the zoning regulations are in effect once it's posted for the hearing. **McKinney** stated it's not in effect until it is posted for the warrant. If it gets voted down at Town Meeting, then it's dead, but it's possible that it could be in effect for a month prior to Town Meeting.

McKinney stated that at the extra meeting the following week on Nov. 29th, the board would be holding the hearings concerning ADUs, as well as the Scenic Roads and definition of structure left over from last year. **McKinney** stated that after that the board would continue the review of the Orchard Hill subdivision. **Immorlica** asked if there had been any further information concerning the Mystic Brook subdivision. The AA stated she hadn't heard any new information regarding fixing the assessing software error and the subsequent purchase. The AA stated she would check with Laurie Brown and update the board.

McKinney opened the floor to public comments. Mike Fimbel suggested that if the board chooses not to go forward with the hearings that the amount for an impact study could be added to the Planning Board's budget for next year to cover the study. Zoe Fimbel stated the study would help provide more information on how it could affect all the taxpayers in town as opposed to just those in the village. **Spalding** stated that even if the impact

study came back and stated the Town Center District was a good idea, he didn't feel that information would change the minds of the people in opposition who were present that evening. Eric Will stated he didn't see that as the intent behind the suggestion anyway. Will stated the Town in general is not well informed about the proposal, and that there is a misconception that taxes will go down when businesses come in. Will mentioned the impact of Walmart in Amherst, and how the town had perceived Walmart as a positive thing. An unintended consequence of Walmart's opening in Amherst was that the town needed to hire 2 full time police officers just to handle shoplifting claims. Will wouldn't want something similar happening in Mont Vernon. Matt Schwoegler of 34 Old Amherst Road stated he feels that hearing from the rest of the town on the Town Center District would be helpful. **Spalding** stated he didn't know how much harder the Planning Board could reach out to the Town; the board has been trying to get feedback. Eric Will stated that if the board decides not to proceed, they are still making a choice. **Immorlica** asked Eric and Hannah Will if they were interested in helping with the Master Plan. Eric Will stated he was interested. Hannah stated she is in the process of moving out of town, that she would be happy to help, but didn't know if there were rules regarding being a town resident. **McKinney** stated he'd also discussed with Eric Will the idea of his becoming a Planning Board alternate. Hannah Will stated that perhaps people aren't giving information because they don't want any changes. Eric Will asked if the board decides to proceed on the 13th, what will the draft look like at that point? **McKinney** stated that's part of what the board will need to decide. **Hall** asked if there is a sense of what the members of the public outside of the affected area think? **Hall** stated he was concerned that the vocal minority could be outvoted by the majority, and he wants to be sensitive to the concerns raised tonight. **Spalding** stated it's a good point because there is no conversation at Town Meeting about the proposal, it's a yes or no vote. **Quinlan** stated that in general, the interest is considerable. **McKinney** stated that the 2011 survey showed there were citizens who favored some form of small business in town. **Spalding** stated the board refers to the Master Plan which mentions small businesses. Hannah Will thanks the board for all their work and she understands that if even if the Town Center District doesn't go through that the work that they have done has been valuable. **Quinlan** stated zoning regulations are difficult to explain to the general public because it's minutiae, and the Planning Board explains it as best as they can. **Quinlan** stated he can't force the public to attend meetings and pay attention, but that doesn't mean things are going to stop just because people aren't paying attention. **Quinlan** stated the town can't stand still. **Quinlan** stated this would be an incremental change to allow a little more flexibility. The Village is the focal point of the town, and the natural place where people come. **Quinlan** stated that if it goes through and is successful, it could possibly be expanded up Route 13 in the future. **Quinlan** stated it makes sense to start in the Town Center because of the added safeguards in the Historic District. Hannah Will pointed out the Historic District Commission is inactive. **Quinlan** stated if the proposed regulation passes that the Historic District Commission would be revamped and given better tools.

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10:00PM

McKinney again thanked the public for all their input and feedback, and stated he would contact Eric Will regarding becoming a Planning Board alternate. **Immorlica** also mentioned his offer to assist with the Land Use chapter of the Master Plan. **Immorlica** motioned to adjourn the meeting. **Quinlan** seconded. All were in favor, the motion passed.

Respectfully submitted,

Amy Wyman

Planning Board Administrative Assistant