

MONT VERNON PLANNING BOARD**Public Meeting Minutes Via Zoom****November 24, 2020****AGENDA**

Times are approximate and subject to change without notice.

7:00 pm Discussion of Legal Input on Proposed Wetlands Ordinance

8:30 pm Other Business

Mail & Announcements

Review Minutes from 11/10/20

9:00 pm Adjournment

Present: Bill **McKinney**, Steve **Bennett**, Chip **Spalding**, Dave **Hall**, Jim **Bird**

Absent: Tim **Berry**, Bill **Johnson**, Rebecca **Schwarz**, Charles **Baker**, Eric **Will**

7:05 PM

McKinney called the meeting to order and had everyone recite the Pledge of Allegiance. The Board worked on the latest Wetlands Ordinance revisions to Article 8 I-805.1 Exceptions. **McKinney** does not want to institute a 24-month time limit stipulation to active and substantial development; he would rather allow NH RSA 674:39 to play out and grant them a 5-year time limit. **Bird** feels there are two advantages to doing so. The first being it is a state law so we can fall back on that and second, it would be less likely to speed up development faster than it might otherwise have been should the lot owner be concerned that they will have to come back again if it takes more than two years. **Spalding** strongly feels the need to identify what is considered substantial completion. For an example, say that you are proposing doing some drainage improvements off of a town road that isn't naturally occurring right now. If we don't identify this as substantial completion and a new wetlands ordinance is passed, there is nothing to protect the developer because there is nothing in writing saying that this is substantially completed. They might have to face the new wetlands ordinance if they haven't yet built a house; but maybe they have done the drainage improvements on the road. It's a method to protect the owner by saying they have met substantial completion; they won't get hit with double jeopardy. **Hall** predicts that if this ordinance goes through as currently crafted, the PB will become the enforcement arm adjunct to the Building Dept. Anyone who is going for a building permit will get put off by the Building Dept. to the Planning Board and we will be mired down in rendering decisions on whether or not someone can build on a lot because of our ordinance. His suggestion for consideration is to say the following: 'All pre-existing lots of record prior to the adoption of this ordinance are exempt from setbacks and/or buffers. In the event that a property owner elects to alter or subdivide the existing lot of record after the adoption of this ordinance, the property owner may be subject to the current wetland ordinance rules and regulations'. We need to start with a baseline. Otherwise, we run the risk of alienating every existing property owner. **McKinney** feels that with the adoption of RSA 674:39 several years ago, it was clear that any subdivision, if it did not have explicit requirements put on it, was granted a 5-year exemption. If the Planning Board has never made any zoning changes since 1971, you by default have been

granted exemptions from any ordinance since. He doesn't believe that a subdivision granted in 1971 should be exempt from all of the requirements for wetlands protections, well protections, etc. in 2020. For example, if you have an approved subdivision from six years ago and have done nothing other than allowing it to be a wood lot, your exemption by state statute would be void after 5-years according to RSA 674:39 as you do not have vested rights. There was lengthy discussion regarding the 5-year exemption. **Bennett** stated that we are confusing 'substantial development' with 'substantial completion'. Our ordinance confuses the two and that needs to be addressed. **Spalding** stressed again the need to define substantial development so as to be clear to developers. **Bird** feels that what the developers want is stability. They want to know that when something is approved, then it's approved and the Town is not going to come back for more. **Hall** feels that this is very confusing as it is written. **Bennett** agrees that there are many inconsistencies. He feels the Board should consider whether they want to have 2 standards for major and minor subdivisions. **McKinney** feels we need to define the difference between major and minor subdivisions. **Spalding** read the definition of minor subdivision – "A subdivision which creates not more than 3 lots for building development purposes". **McKinney** feels a minor subdivision should be granted a 5-year exemption. Other members of the Board feel it should be 24 months. **Spalding** feels we have inconsistency within our regulations. He feels we should simplify things and apply a general requirement to all subdivisions regardless of the size. The Board used the 3-lot proposed subdivision on Trow Road as an example. There was discussion on who has the authority to grant Conditional Use Permits. The Board discussed how to move forward on this Ordinance without complicating it further. **McKinney** noted that the Board has conditionally approved I-805.1(a). There was lengthy discussion on the interpretation of Section I-805.2 regarding existing unimproved lots and existing approved lots.

9:30PM Other Business

McKinney discussed the Hazard Mitigation Committee being formed with the NRPC. Mont Vernon last had a plan adopted in 2015 which means it is time to complete a new one. We need a member of the Planning Board assigned to the Committee. **Bird** offered to represent the Planning Board. He feels this will go along with his concept of wetlands protection which is managing hazardous material, underground tanks, industrial chemicals that people may have, etc. **Hall** motioned to appoint **Bird** to the Hazard Mitigation Committee seconded by **Bennett**. All in favor, motion passed. **McKinney** asked for a monthly report back to the Board. **McKinney** noted that we did receive as-built plans for Riley Road. He asked the Board to review them. The Board reviewed the minutes of 11/10/20. **Bennett** motioned to approve the minutes as written seconded by **Hall**. All in favor, motion passed.

9:50 PM

As there was no further business before the Board, **Bennett** motioned to adjourn seconded by **Bird**. All in favor.

Respectfully submitted,

Joan Cleary

Administrative Assistant