

MONT VERNON PLANNING BOARD**Mont Vernon, NH 03057****MEETING MINUTES –Tuesday, November 29, 2016****AGENDA**

- 7:00PM Public Hearing
- Accessory Dwelling Units
- Scenic Roads
- Definition of Structure
- 7:45PM Chad Branon for Brett Vaughn
- Orchard Hill Subdivision
- 8:45PM Mail and Announcements
- 9:00PM Adjournment

Seated: Bill **McKinney**,
Chairman, John **Quinlan**, Annette **Immorlica**, Chip **Spalding**, Stephen **Bennett** (alternate seated on both hearings for Bill Johnson),

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

7:05 PM – Public Hearings

McKinney called the meeting to order, and asked everyone to stand for the Pledge of Allegiance. **McKinney** opened the Public Hearing for Accessory Dwelling Units (ADU), Scenic Roads and Definition of Structure, and asked for comments from the board. **Immorlica** stated the ADU regulations are administrative on the part of the board because the state directed towns toward the changes. **McKinney** stated towns are required to amend In Law Apartment regulations to come into compliance with the new state law which will go into effect in the summer of 2017. **Bennett** noted section 308.2 mentions ADUs are not intended as a general rental unit. **Bennett** stated that phrase isn't necessarily contrary to the law, but it doesn't represent the spirit of the law. An ADU, per the state statutes, can be used as a way for a homeowner to make extra income to be able to afford to stay in their home. **Immorlica** stated it represents the spirit of Mont Vernon's zoning regulations which do not allow for duplexes. **Bennett** pointed out state statutes would override town zoning. **McKinney** asked if the phrase was challengeable. **Bennett** stated his concern is the statement is misleading. **Immorlica** suggested changing the wording to state "it is not primarily intended as a general rental unit". **Spalding** stated the current wording implies it will be a family member in the ADU, and that conflicts with the state RSA. **Bennett** mentioned someone who might use the ADU for a live-in caregiver for at home services. **Immorlica** stated if the board changes the wording to reflect the possibility of a non-family member renting the ADU, it would be in conflict with the rest of Mont Vernon's zoning. **Immorlica** suggested leaving the wording as-is. **McKinney** stated the town is required to allow non-family members in an ADU by right because of the new state law. **McKinney** agreed with **Bennett** that the wording is misleading and not aligned

with the true intent of the law. **Immorlica** asked for the wording of the state law. **Spalding** located it on the NHMA website, and **Immorlica** read a portion which states, “every municipality with a Zoning Ordinance shall allow an attached Accessory Dwelling Unit as a matter of right or by conditional use permit or by special exception in all districts that permit single family housing.” **Immorlica** suggested requiring a special exception if it’s not a family member. **Bennett** mentioned the law states that towns cannot require a family connection. **Immorlica** suggested she read further about the state statute, so that the board can move on with the hearing, and come back to this issue.

Bennett next referred to section 308.3 b, which refers to external entrances not being the primary entrance. **Bennett** stated the state statute reads the ADU cannot be limited to family member use. By requiring the external entrance to not be the primary entrance, that would require the occupant to travel through the main home, which could be awkward for non-family use. **Bennett** stated he looked at other town’s statutes, which require one outside entrance as well as an interior connection. However, they do not specify that the exterior entrance be the secondary entrance. **McKinney** suggested changing the wording to state that up to one external entrance shall be allowed to the Accessory Dwelling Unit. **Spalding** agreed with **Bennett’s** proposal and motioned to revise the wording to state that “Up to one external entrance shall be allowed to the Accessory Dwelling Unit”. **Quinlan** seconded. All were in favor, the motion passed.

Immorlica stated she was ready to go back to the wording issue, and read the following text from the state statute, “a municipality may not require a familial relationship between the occupant of an Accessory Dwelling Unit and the occupant of a principal dwelling unit.” **McKinney** asked if there was a motion to strike the phrase, “it is not intended as a general rental unit” from 308.2. **Bennett** motioned to strike the phrase. **Spalding** seconded. All were in favor, the motion passed.

Bennett’s third question concerned 308.3 f, which deals with septic systems. **Bennett** asked if a separate new septic system could be added for the ADU. **McKinney** stated the wording covers a new separate septic system for the ADU, as it states, “ the existing or proposed septic system must be certified by a licensed septic designer or engineer as adequate to handle the increased volumes generated”. **Spalding** stated that if the proposed septic met state requirements, that would be sufficient.

McKinney asked for a motion for the proposed amendments to be posted to the warrant. **Spalding** motioned to approve the revision to section I 308 as amended. **Bennett** seconded. All were in favor the motion passed. **McKinney** stated the amendments to I 308 would be posted to the Town Warrant for voting in January.

7:27 PM

McKinney announced that the next two items were items the Planning Board worked on the previous year and that were inadvertently left out of 2016 Town Meeting. The first item dealt with scenic roads; the board was looking to designate Cemetery Road, Cross Road, Lamson Road, and Horton Road as scenic roads in the Transportation chapter in the Master Plan. **Immorlica** motioned to designate the roads as scenic roads. **Bennett** seconded. All were in favor, the motion passed.

7:29 PM

The final item on the hearing concerns adding the definition of the word “structure” to the glossary in the zoning regulations. **McKinney** read the proposed definition, “that which is built or constructed for occupancy or use. Structures shall not include stone walls and fences less than 6 feet in height.” **McKinney** stated there had not previously been a definition of structure in the Zoning regulations. **Bennett** motioned to post the definition of structure on the Town Warrant. **Immorlica** seconded. All were in favor, the motion passed. **Spalding** asked if the scenic roads and the definition would need to be included on the Warrant as a vote, and thought perhaps only a Planning Board hearing was necessary. Joanne Draghetti mentioned that she thought the scenic roads were all listed in the Natural Resources section of the Master Plan which was approved and accepted the previous year. **Spalding** stated this occurrence is in the Transportation chapter, so it is different, and that these roads were already proposed as scenic roads in the Transportation chapter. **Quinlan** stated designation of scenic roads have

always been included on Town Warrants. **McKinney** stated the definition is a change to the zoning, so it would need to be included.

McKinney asked if there were any public comments on ADUs, scenic roads, or the definition of structure. Seeing none, **McKinney** closed that portion of public hearing and announced the hearing on the Orchard Hill subdivision would open at 7:45pm.

7:45 PM

McKinney opened the continued hearing on the Orchard Hill subdivision. Chad Branon, from Fieldstone Land Consultants, spoke for the applicant Brett Vaughn. Branon stated the applicant is looking for more direction on several items and expressed appreciation for the attendance of the Department Heads. Branon stated they are looking for guidance and feedback concerning the design of the project and addressing storm water concerns raised at the last meeting. Branon stated they have copies of the completed checklist for approval. Branon stated there is no intention by his client to develop the land along Upton Road, and stated there has been positive dialog with the gun club. Branon stated the project proposes to improve Purgatory Road from the intersection of Old Wilton road to past the last driveway and pave Purgatory Road a few hundred feet past the existing residence. Branon proposes paving to 18 feet wide with a 1 foot shoulder. Branon stated the location of the cross culverts have been reviewed with the DPW director. Branon stated the subdivision will bring substantial improvements to Purgatory Road. Branon stated if the costs grow, there are no other options but to contemplate an open space subdivision to ensure a profit. Branon discussed the Planning Board's idea of contracting with an outside 3rd party engineering review. Branon stated the improvements to Purgatory Road are not complicated from an engineering standpoint, and encouraged the Road agent to be involved in the process. Branon stated the road would be built to town and DOT specifications. Branon stated a 3rd party engineering review would have a cost component. Branon stated he knows the board has knowledgeable members and was hoping the board would consider utilizing its own expertise as opposed to using a 3rd party review. Branon stated they have no problem completing the drainage exercise the board requested at the last meeting, explained that it has been started but that a formal report is not yet ready.

McKinney asked about the waivers that have been requested. Branon stated that currently the only waiver requested pertains to High Intensity Soils Mapping. Branon stated he has another waiver that he planned to submit that evening that pertains to providing cross-sections of the road at 50 foot intervals. Branon offered to address that waiver right then, **McKinney** told Branon to feel free to read it into the record at that time. Branon read the HISS waiver, which references Chapter 3 Article 4 section 410.3 d, regarding High intensity soils mapping. Branon stated the HISS requirement is an antiquated requirement and it would not yield any additional changes to the design. This project has all oversized lots and all lots have 100 foot setbacks to jurisdictional wetlands. Branon pointed out the regulations for poorly drained soils only require 75 feet setbacks to wetlands. Branon stated the applicant has shown the lots can support the development, with soil testing, a field survey, wetlands mapping, and stated the data submitted is sufficient to obtain state subdivision approval. Branon pointed out only one lot in the development requires state subdivision approval, 1-24-4, because it is less than 5 acres in size. The HISS would create a financial hardship and not provide any additional information to the Planning board for further evaluation of this project. The above are the reasons the applicant is requesting the HISS waiver. **Immorlica** stated she wasn't sure the board could vote on the waiver until the board was sure they were going with this plan. Branon stated from a technical standpoint it wouldn't matter what plan they went with, but suggested the waiver could be approved conditional on following this plan. **Spalding** stated in the past waivers have been addressed after reviewing the checklist for approval, and proposed reviewing the second waiver, getting department feedback then public feedback before moving on to the checklist.

Branon gave an overview of the second waiver, which covers Chapter 3 Article 4 section III 605.1 b I XVI, regarding cross-sections. Branon stated cross-sections aren't generally used in road construction anymore due to new technologies available. Branon pointed out he has not provided cross-sections for road constructions or subdivisions in over 10 years. Branon stated the plans provide general typical road cross-sections on detail sheets. Branon stated producing 50 foot cross sections would result in an unnecessary financial hardship for his client with no gain to the plan set. Branon stated cross-sections used to be used to calculate volumes on projects.

Branon stated all the grading detail is referenced on the plans. Branon stated these days the digital files are given to the contractor and the contractor uses the digital files to build the road rather than referring to the plan set. **Spalding** asked what the cost was involved with creating the cross-sections. Branon stated the sections need to be cut in 50 foot intervals and detailed with all the drainage and erosion controls. Branon stated that when revisions happen they need to be detailed all the way through the project. Branon stated there is a cost associated with the work, and the cost is a function of how many times they need to be cut and detailed.

McKinney confirmed Branon was submitting the two waivers, and asked if he planned to submit a waiver for Article 7 III 705.1, Street Width. Branon stated he didn't believe it was applicable because this is an existing town road with proposed improvements, not a new street. **McKinney** asked if there were any public comments on the waiver requests. There were none. **Spalding** summarized the two waiver requests. **Immorlica** asked what the benefit would be for 50 foot cross-sections. **Spalding** stated you can see details in a cross-section that you cannot see in a plan view. **Spalding** stated cross-sections are meant to provide details on a section of road quickly and help evaluate whether the road is being constructed based on that standard. **McKinney** asked if there were comments from the Road Agent. Mike Ypya, the Road agent, stated he'd like to do research about cross-sections to see if it's common in other municipalities, especially doing a cross-section on an old road. **Spalding** asked how difficult it would be to create a cross-section with the tools Branon has at hand. **Spalding** asked if Branon did a cross-section going up the road, would it capture existing and proposed without too much effort? Branon stated the software typically does not label side slopes, and that's where it gets time consuming, detailing and modifying cross-sections. Branon stated again that cross-sections are outdated. **Spalding** stated the town sees value in doing cross-sections when it comes to doing inspection for quality assurance. Branon stated interpreting the data from a cross-section is all relative to where you are on the road, and that sometimes cross-sections can create more confusion than benefit. Branon reiterated he has seen waivers obtained on cross-sections in the past. **Immorlica** asked **Spalding** if the town has a 3rd party engineering review, would the engineering company need to see the cross-sections. **Spalding** stated there could be value for the 3rd party to see the cross-sections. Branon did state they would rather provide the cross-sections and have an internal town engineering review than see a 3rd party review. **McKinney** asked for a copy of the cross-section waiver in writing. Branon provided a copy.

Immorlica asked if the board wasn't going to vote on the waivers that evening that they should move forward and hear from the Department heads who were present. **McKinney** stated he wanted to read correspondence from the Fire Chief into the record. **McKinney** read the email from Fire Chief Jay Wilson, "from a Fire Department standpoint, an 18-foot paved road is not acceptable. As I mentioned to Chad a 20-foot paved road with 1 foot shoulders is our recommendation, especially given the terrain even with an improved road, this is basically a one way road with limited area for shuttling water, limited area for laying and deploying supply lines, shoulders are not a road bed especially when the frost is thawing or during heavy rains. Street numbers should be put on the plan before final approval." **McKinney** read from a separate email from Fire Chief Wilson regarding fire protection systems, "As we discussed, approved residential sprinkler systems are acceptable for this subdivision, and that would include the already approved section now that a cistern is not going to be installed". **McKinney** also read correspondence from DPW Director Mike Ypya, "1. The proposed road width is 18 feet, and that is not an acceptable width. All new construction is a minimum of 20-24 feet. There is going to be approximately 28 vehicles to the new subdivision not including delivery and highway trucks maintaining the roads. This requires the larger width. 2. The road should be fully paved to the last driveway. 3. My concern is that the new driveways on the north side of Purgatory Road will erode or wash away into the roadway and drainage ditch line. For example, the second driveway at the old Harris homestead erodes into the roadway and ditch line causing the road to be filled with silt and gravel. Submitted Nov. 26, 2016". **McKinney** also read the correspondence from Police Chief Kevin Furlong. "I have taken the opportunity to review the plans proposed relative to the Orchard Hill subdivision located on Purgatory Road. I do not see this proposed development having a significant impact on public safety or police services. One area that raises some concern is the intersection of Old Wilton Road and Purgatory Road. With this development, it will greatly increase the amount of traffic coming off Purgatory Road. Based on the increased traffic flow a 4-way stop should be considered for that intersection (currently 3-way stop). In addition, I am sure the board has considered the location of this development in relation to the Purgatory Fish and Game Club (discharge of firearms and noise). I do not have any additional concerns or opinions at this time." **McKinney** asked if there were any further comments from the

Department heads. Larry Yetter from the Conservation Commission asked if the board had received his letter on behalf of the Conservation Commission. **McKinney** stated that the letter had been received and would be addressed shortly. Fire Chief Wilson stated his biggest concern is road width; he is concerned about the heavy fire equipment going up and down the road. Wilson stated gravel shoulders are not safe for fire apparatus. Wilson also stated passing 2 trucks on an 18-foot road is not a good situation. Wilson stated that when a truck is parked it is parked on the pavement, not on the shoulders. Wilson stated snow storage is also a concern, and its effect on the width of the road. **Quinlan** asked Ypya to elaborate on drainage and silt piling up on Purgatory Road. Ypya stated he'd gone over the culverts with Branon and felt they would be adequate. Ypya stated his big concern is the drainage on the north side of the driveways that the gravel section would wash down into the road and the ditchline. **McKinney** confirmed that Ypya was comfortable with the proposed culvert sizes and Ypya stated yes. **McKinney** asked if Ypya felt there was a need for further drainage studies and Ypya stated no.

McKinney asked if the board was willing to move forward with the waivers; **McKinney** recommended the board table the second waiver so that Ypya could gather more information. **Bennett** asked if the first waiver needed a recommendation from the Hillsborough County Soils survey. **Spalding** stated when a study like this is done, the soils for Mont Vernon from the Hillsborough County soils survey would be referenced. **Spalding** admitted the wording is misleading. **Spalding** stated that he didn't see the value in requiring the HISS, and motioned to grant the waiver for the High Intensity Soils Survey referenced in Chapter 3 Article 4 section 410.3 d, conditional on this plan moving forward. **Immorlica** seconded. All were in favor, the motion passed. **Bennett** suggested adding a note for the board to get rid of the language referencing the Hillsborough County Soils survey.

McKinney next addressed the letter from the Conservation Commission, dated November 14, 2016. A copy of the letter in its entirety is attached to the end of these minutes. **McKinney** read the letter aloud for the board, minus the conservation easement language. **McKinney** confirmed Branon has a copy of the letter. Larry Yetter stated the Conservation Commission felt drainage was a key issue, as well as protecting the existing wildlife, and runoff from the property. Yetter stated the conservation easement language included came from multiple sources including the NH Society for NH Forests. Joanne Draghetti expressed concern over the large amounts of invasive species on the property. She also mentioned water quality, and protecting wildlife. Draghetti stated the Conservation Commission wanted to see the pavement reduced to avoid runoff of road salt and disturbance of invasive species. Draghetti stated she didn't want to see road salt and silt pushed into existing wetland areas.

McKinney offered Branon the opportunity to address the Conservation Commission's comments. Branon asked if he could first address the correspondence from the Fire Chief and Road Agent. Branon stated they understand the desired widths, but felt some consideration needs to be given to the fact that the current town road is only 15 feet wide in some spots. Branon mentioned the substantial improvements they have planned to Purgatory Road, which he stated is basically a gutter in its current state. Branon stated the plan proposes an 18-foot paved road with 2 foot shoulders. Branon stated 20-foot-wide with 2 foot shoulders wouldn't be possible, with serious cuts and fills needed. Branon stated the design will work with the existing town road and minimize the impact while maximizing the drainage improvements. Branon stated he felt there wasn't a lot of consideration to that fact, and felt some of the requests are not reasonable. Branon pointed out there are other roads in town that are gravel, and gravel is an acceptable surface in the area. Branon stated he wanted to focus on the positive; what are they giving as part of the project. Branon mentioned how this project proposes a 50 foot right of way dedication. Branon stated the 22-foot-wide road proposed is a huge improvement over 15-17 feet, with standard ditches and slopes. Branon stated the 5 cross culverts will disperse the drainage better over the land and prevent erosion. Branon stated the ditches and slopes will allow for snow storage. Branon stated he understands from a maintenance perspective that the wider a road can be the better, but he thinks there needs to be balance. **McKinney** mentioned the plan proposes an 18-foot paved road with 2 foot shoulders and the Fire Chief is asking for a 20-foot paved road with 1 foot shoulders, which still equals 22 feet. Branon stated that's why he didn't want to focus on the pavement yet. Branon stated they can get the width to work, but that the second part is discussing the DPW's request to pave to the last driveway. Branon stated he felt that request is unreasonable. Branon suggested keeping the pavement limits where it's at (not paving to the last driveway), and go with a 20-foot-wide with a 1 foot shoulder. Branon stated the extra pavement to the last driveway would be approximately 400-500 feet, which would be expensive. **Bennett** asked about how the gravel washing out of the driveways on

the proposed non-paved section could be addressed. Branon stated that as part of the process, each driveway will require a driveway permit, with an entrance design. Branon stated it will be critical for the driveways to grade away from the road to the ditch line which is adjacent to the road so that storm water come down into the ditch lines rather than washing gravel onto the road. Brett Vaughn, the applicant, suggested paving an apron at the end of the driveway. **Immorlica** asked what would keep the erosion from happening in the area that's not being paved. Branon stated erosion is a drainage management issue. Branon stated erosion happens from concentrated runoff when there's no erosion control measures. Branon stated the proposed design has erosion control measures. **Spalding** proposed giving the applicant and Branon time to create a formal response that could be shared with the department heads, and get more feedback for the applicant. **Spalding** stated there is a balance between environmental concerns and public safety concerns. **McKinney** asked Ypya if he has experience with recycled asphalt as a finished road topping. Ypya stated he has used it in the past but he's not keen on it. He stated it makes a good base but you need to put something on top of it so it stays. Bennett asked where the crest of the hill is and if the paving goes to the crest. Branon stated it does not go to the crest, that it goes to the cross culvert in the area of the small lot. Branon stated there is no benefit to paving the few extra hundred feet, because the road will be crowned and the water sheets into the drainage ditches. Branon stated they feel four houses coming onto the gravel portion is reasonable. Ypya stated he wants to see the road paved to the last driveway because there is high maintenance on the gravel road with potholes happening in front of driveways. **Immorlica** asked Vaughn if he had other developments that she could go drive to and see. Vaughn stated there is one in Merrimack on Savannah Way and Amherst Road.

McKinney asked Branon if he wants a position from the board on road width. Branon stated yes, but asked if he could touch on the Conservation Commission letter first. Branon stated they would prefer not to model the storm water analysis of 50% of trees being gone, as it's not a situation they envision for the development of this property by his client. Branon stated he understands why it's being asked, the property owner across the street who clear cut his view. Draghetti stated that some of the lots are more wooded and sloped, and there is concern that a substantial amount could possibly be cleared to get a view. **Bennett** asked how much runoff would make it down to the road if someone were to cut a substantial amount of vegetation. Branon stated it's a good question. Branon stated storm water modeling doesn't always anticipate the design, taking infiltration into account. Branon stated watershed analysis averages the soils in the watershed and calculates a runoff. Branon stated their approach assumes a relatively large yard area around the homes; they model the driveway and the changes to the cover and they run the analysis. Branon stated they will show this project will have no impact on the downstream abutters. Branon stated he didn't feel assuming 50% of the land being cut was reasonable. Branon stated the site is being designed to meet standard practices. Draghetti stated the recommendation to model to 50% came from the Conservation Commission's new board member who is a professional forester. **McKinney** stated the board needs to look at a plan as to what is being proposed for the subdivision, in terms of what will be their disturbance area and clear area, and that it's difficult to anticipate what a future home owner might do. **McKinney** stated he understands the concerns of the Conservation Commission, but in his opinion it's hard to subject this current land owner to studies based on what a future land owner may or may not do. Draghetti was concerned if further lots were clear cut in the area, what the impact could be. Branon again stated that the applicant is designing the subdivision to proper standards. **Spalding** asked Branon to show the proposed footprint of cleared tree line on the plan, and give measurements for how much will be cleared for the yards and driveways to make it easier to understand the impacts. Branon stated that will part of the storm water management report. Draghetti stated having that information on the plan could be helpful for a future land owner to know what has been planned. **McKinney** asked Branon if he wanted formal decisions from the board that evening or if he was happy with just discussion. Branon stated he appreciates all the feedback but was hoping for some decisions to be made.

Branon addressed more of the Conservation Commission recommendations; concerning no further subdivision on any of the lots, Branon stated there could be room for discussion. Branon stated he didn't feel the applicant could agree to the 20-foot wetland buffer recommendation or the suggestion to limit timber harvesting to 50% at any one time. Branon stated this gets into a level of policing conditions for future land owners. **McKinney** stated he believes the 20-foot buffer is a no-disturbance-of-vegetation buffer. Branon stated he understands the request but that it's not supported by any regulation in Mont Vernon. Branon stated the design they are proposing meets that intent. Branon mentioned that restrictions on the property creates a "black eye" when trying to sell. Branon

stated he doesn't think the subdivision should be held to a standard higher than the current regulations. Branon stated none of the homes are currently proposed within 20 feet of the wetlands. **Spalding** asked specifically about Lot 1-24, and asked about the restrictions on that lot. Branon stated it is a part of a proposed conservation easement which has been modified as the result of a discussion with the Conservation Commission, so that the proposed easement lines up with the current conservation land to the south of the lot. Branon stated he had updated copies of the plan to give to the board. Branon next addressed the suggestion of the 300-foot setback off Upton Road. Branon stated his client would possibly be willing to put that land in an easement or to work with the Gun Club on some other plan. Branon stated there has been further dialog between his client and the Gun Club. **Immorlica** stated what she's hearing is the biggest expenses are the size of the road, the amount of paving on the road, and the engineering review. Branon and Vaughn agreed. Branon stated he felt they could work directly with the town on the engineering review, as he didn't feel the engineering design for the 8 lots would be complicated.

Vaughn mentioned he's been talking with the Gun club about the possibility to give the area of land along Upton Road to the Gun club. Vaughn stated this could possibly solve some of the issues, as then no one would be building homes up there. Draghetti wondered if that would encourage the Gun Club to expand. Vaughn mentioned he's also been in discussions with the Gun Club about a proposal that might not only reduce the sound impact to the area, but might also remove potential dangers to houses down slope from the Gun Club. **McKinney** stated there would be regulations and variances required for any sort of Gun Club expansion. **McKinney** again stated the board needs to look at what's being proposed today, not what could be proposed down the road. Draghetti stated the Conservation Commission was charged with giving recommendation about this property for what would be the best way to preserve the natural resources there. Draghetti suggested giving the land to the Gun Club and putting a conservation easement on it, and mentioned there might be potential tax incentives. Draghetti offered to send information concerning the tax incentives to Branon. Branon stated there are no firm proposals with the Gun Club right now but that things are still being discussed.

McKinney stated he'd like to see the board make decisions on roadway width, requiring a 3rd party engineering review and monitoring, and some of the points from the Conservation Commission to give guidance to the applicant. **McKinney** asked if the 2nd waiver request had been formally tabled. The AA stated no, not officially. **Immorlica** asked if a turn-around was still potentially an idea for the subdivision. Branon stated there is a turn-around at the end of Purgatory Road. Branon mentioned a comment from a previous meeting about possibly widening a driveway to accommodate a turn-around, but that no other turn-around is part of the plan. **McKinney** mentioned looking at easements to the town if there's a turn-around in a driveway. Branon agreed. **Immorlica** asked if there was a benefit to the fire department for a driveway turnaround. Fire Chief Wilson stated if it's just a driveway turn-around being proposed, it's just as easy to go to the end of the road and turn around. Draghetti mentioned Wah-Lum, and any work done at the end of the road would have to be approved by the Amherst Land Trust. **Immorlica** asked if the DPW and Fire trucks can turn around down there now. Both answered yes. Fire Chief Wilson asked what the initial road cut would be for the road. Branon stated the cut drives the limits to the width of the proposed road, and that a standard section would be 30 feet; center of ditch to center of ditch. Wilson reiterated his suggestion for a 20-foot paved road with 1 foot shoulders. Branon mentioned there is a narrow section of improvements at the beginning of Purgatory Road because they do not own the land at the start of the north side of the road.

McKinney asked about formally tabling the waiver for cross-sections. **Spalding** stated the waiver will depend on whether there is a 3rd party engineering review with construction monitoring. Branon mentioned a 3rd party engineering review is typically done when a new road is being built to ensure it is being built to town standards, and since this is already a town road, Branon's client is working with the town to make improvements. **McKinney** asked for the DPW director's opinion on an engineering review. Ypya stated he'd like to see the cross cuts. Branon offered to produce the cross cuts in lieu of having a 3rd party engineering review. **Bennett** asked what specs a 3rd party firm would be looking at. **Spalding** stated they'd be looking at Mont Vernon's requirements, the plan, and any waivers. **Bennett** stated this is an existing road, so it wouldn't be the same as looking at a new road. **Bennett** stated that if a developer is putting a subdivision on a road, the town

has the right to require improvements at the developer's cost. Branon stated he believes the improvements they are proposing are reasonable. **Quinlan** stated the Selectmen are interested in an engineering study due to long term protection of the town's interests. Branon stated they would prefer to work with local officials, as it helps build a good relationship with the DPW director. **Immorlica** stated she's willing to have some compromises. **Immorlica** suggested Chief Wilson's recommendation of a 20-foot road width with 1 foot shoulders, having the 3rd party engineering review, and not requiring the pavement to go to the last driveway. **Immorlica** cited the Conservation Commission's point that more pavement = more disturbance to the environment. **Bennett** stated he's not sure what the variables are that an outside engineer review would help with, and feels information that would be provided is the same information that could be received from the DPW director in town. **Bennett** stated he doesn't see any added value for the money spent, and there are other things he's more concerned about. **Spalding** stated he's also willing to suggest a compromise; he'd like to see pavement to the crest of the roadway but is willing to consider an in-town engineering review. **Quinlan** asked **Spalding** if his knowledge combined with DPW Director Ypya's would be enough to satisfy the needs for the review. **Spalding** stated he feels there is expertise in the town and mentioned the cross-sections combined with proper construction staking would be necessary. **Bennett** stated he agreed with **Spalding's** proposal to see the pavement to the crest of the roadway and doing an internal review. **Quinlan** stated an in-town review would be a big compromise on the part of the Selectmen,

McKinney asked for a vote from the board on the requirement of a 3rd party engineering review. The board voted as follows: **Bennett** – No. **Immorlica** – Yes. **Spalding** – No. **Quinlan** – No. **McKinney** – No. **McKinney** stated the Planning Board will not require a 3rd party engineering review.

Spalding stated a bond would need to be put up to make sure that what's being proposed is what is done. **Spalding** mentioned compaction tests as well. **McKinney** stated there are two parts to any road construction; the engineering design review, as well as construction monitoring. **McKinney** asked the DPW director if he felt he could handle construction monitoring. Ypya stated construction monitoring could be done in-house. Branon stated they could come up with a construction schedule to make sure things are in place. **Immorlica** expressed concern over **Spalding** taking on such a large responsibility.

McKinney asked for a vote on outside construction monitoring. The board voted as follows: **Bennett** – No. **Immorlica** – No. **Spalding** – No. **Quinlan** -No. **McKinney** – No.

McKinney asked for a vote on roadway and pavement width, stating there are three suggestions; 18-foot road with 2 foot shoulders, or a 20-foot road with 1 foot shoulders, or a 20-foot road with 2 foot shoulders. **Bennett** – 20 foot with 1 foot shoulders. **Immorlica** - 20 foot with 1 foot shoulders. **Spalding** - 20 foot with 1 foot shoulders. **Quinlan** – 20 foot with 1 foot shoulders. **McKinney** - 20 foot with 1 foot shoulders.

Immorlica asked about the type of paving machinery that would be used. **McKinney** stated the roller width and weight is the more important thing to consider. **Spalding** asked if there were any spots that might require a guard rail. Branon stated the road is positioned to eliminate the need for guard rails.

McKinney asked for thoughts on the pavement distance. Chief Wilson mentioned ending pavement in the middle of a crest is a hazard because of the pot holes that are created. Chief Wilson suggested paving to just past the crest. **Spalding** proposed to paving to station 1900. Branon stated 1900 is all the way to the end of the last driveway. **Spalding** stated that is the end of the geometry of the vertical curve. **Immorlica** pointed out that by making some accommodations, the town will get a 9-lot subdivision, but if the applicant needed to redesign to maximize costs they could end up with a 24-lot subdivision proposal again. **Spalding** stated the current plan proposes paving to 1710, and 1900 would be roughly 200 feet further. Branon suggested 1800, which is the other side of the high point. **Spalding** stated from a geometry standpoint it makes sense to go to 1900. Branon stated the vertical curve is marginal. Branon suggested changing the geometry by moving the vertical curve, and then pave to the new end of the geometry. Branon stated they could shift the vertical curve to save on some pavement. **Immorlica** asked if it would be less than a 10% grade. Branon stated yes. **McKinney** suggested instead of voting on pavement length that evening, Branon should coordinate with the DPW director and come

to an agreement that could then be brought back to the board. **Spalding** stated he did say he'd like to see pavement past the crest.

Branon submitted copies of the Checklist for Approval to the board. **Immorlica** stated one board member will look over the checklist and take responsibility for it. Branon stated he appreciated the board adding this extra meeting in November to further the discussion. Branon asked for a continuance to the next available Planning Board meeting. **McKinney** stated the next available time to discuss Orchard Hill is January 10th. The hearing was formally continued to January 10th.

McKinney reviewed the evening, stating the board had granted the waiver for Chapter 3, Article 4 III -410.3. The board had taken no action on the second waiver; Branon stated they would withdraw the waiver concerning cross sections due to the agreement on in-house engineering review. Branon asked if he could submit the storm water review report prior to January 10th so the board could begin its review. **Spalding** stated yes, and suggested Branon send the report to the AA through the Planning Board email and then it could be distributed to the board. planningboard@montvernonnh.us"> planningboard@montvernonnh.us **McKinney** asked if he could send Branon the revised wording for the declaration of covenants in reference to sprinkler systems. **McKinney** read, "sprinkler system...provided as a substitution to required static fire protection and it shall be constructed in accordance with Town of Mont Vernon and NFPA 13d."

McKinney offered the following items as to-do items for the January 10th meeting: Finish going through the Conservation Commission recommendations, go through the checklist for approval.

10:47 PM

Immorlica motioned to adjourn the meeting. **Bennett** seconded. All were in favor, the motion passed.

Respectfully submitted,

Amy Wyman

Planning Board Administrative Assistant