

MONT VERNON PLANNING BOARD**Public Zoom Meeting Minutes****May 26, 2020****AGENDA**

Times are approximate and subject to change without notice.

- 7:00 pm Election of Board Officers
- 7:15 pm Lot Line Adjustment – Schmidlein/Carver
Pinkham Ave./Temple St. Lot 9-2 & 9-3
- 7:45 pm Discussion on Old Mill Estates Road Bond Reduction
- 8:30 pm Other Business
 - Mail & Announcements
 - Review Minutes from 5/12/20
- 9:00 pm Adjournment

Present: Bill McKinney, Bill Johnson, Tim Berry, Charles Baker, Rebecca Schwarz, Chip Spalding, Dave Hall, Eric Will

Absent: Steve Bennett, Michelle Riesselman, Jim Bird

7:05 PM – Election of Board Officers

McKinney called the meeting to order and had everyone recite the Pledge of Allegiance. Currently we have **Bill McKinney** as Chairman of the Board, **Steve Bennett** as Vice Chairman and **Bill Johnson** as Secretary. All three are interested in continuing their positions if the members present will have them. There were no other nominations. **Schwarz** motioned to keep the ballot as is seconded by **Baker**. All in favor, motion passed.

7:15 PM – Lot Line Adjustment – Schmidlein/Carver, Pinkham Ave./Temple St.

Kevin and Allison Schmidlein were present as well as Carl Foley of Fieldstone Land Consultants. Carl Foley explained the lot line adjustment to the Board. Lots 9-2 & 9-3 are two existing lots of record with two homes on them. This is a simple lot line adjustment, moving the lot line about 20' to the north to allow a little more area in between the existing garage and barn for maintenance and upkeep. This would add 2,630 sq feet added to lot 9-2, keeping existing lot 9-3 conforming to the zoning which is 2 -acres. There is no new lot created with this lot line adjustment. **Spalding** questioned if they did a ground survey for both parcels to get a true measurement for the lot line as well as the area. Foley stated that they found monumentation which tied into parcel 9-2's deed; what we see parcel-wise is per the deed. What we see on parcel 9-3 is the actual reference plan that they were able to tie in to. **Spalding** stated that the Town of Mont Vernon uses the NRPC to capture our tax map information. He showed that the NRPC map only reflects 1.8 acres on parcel 9-3; not over 2 acres as identified on the Fieldstone plans. Foley stated that he has the reference plan that shows 9-3; he'd be surprised if the NRPC doesn't have that plan. **Berry** questioned where **Spalding's** graphic came from. **Spalding** explained that it was on overlay aerial photograph taken from the NRPC tax maps. Foley produced the reference plan they tied into during their survey; it shows parcel 9-3 as having 2.060 acres. He stated that tax maps aren't typically used for surveying; they typically try to do much more due diligence with research. **Spalding** said the fact that they are bringing it right down to 2 acres which is the

minimum parcel size per the town's zoning ordinance makes him less than comfortable; he'd feel much better if there wasn't this big delta between the tax map and what is demonstrated here – it's almost 2/10ths of an acre, its way off. He questioned if Foley has additional information that might explain where that 2/10ths of an acre went. Foley stated he does not have any additional information; although parcel 9-2 is subject to public rights for Temple Street. The configuration that the tax map shows actually shows the right-of-way line just along Temple Street where in fact the lot of record itself crosses Temple Street. The tax map that NRPC is showing doesn't depict the boundary information they were able to tie into per the deed and per what the record plan shows. They were able to do a closed survey loop around parcel 9-3 and verify the calculations to the 2.06 acres. **Spalding** questioned why are NRPC's values so different with this particular lot; they are spot on with the first lot, 9-2. He questioned when the 9-3 parcel was surveyed. Foley responded that the survey was dated 3/14/85 and done by Walkins, a surveyor out of Wilton. **Spalding** stated to the Board that while surveyors are licensed to do this, they are prone to errors as well. He went on to say that the confidence we have here is Fieldstone has tried to recreate the boundaries that were identified on the first surveyed drawing, so they kind of rebuilt it in the field. What they're showing is 2 acres. They are stamping it; they are going to stand by their stamp. Foley stated that is correct. **Johnson** questioned should we hold our decision until we can inquire with NRPC to find where their 1.8- acre calculation was derived from. **McKinney** questioned to the applicant if there is an urgency for this decision to be made this evening. Schmidlein feels that the NRPC overlay Spalding showed has a discrepancy. It doesn't look anything like the tax map. **Berry** stated he would not trust the NRPC tax maps nor their computer-generated maps. He noted that they state that they are not intended for survey purposes. He feels that Fieldstone is vouching for the square footage within the lot lines that they have laid out on the plan. We should go with the plan that has the engineers stamp on it. He doesn't want the applicant to incur any more expense or time. **Spalding** stated he only brings this up because he would hate to see that there was potentially something in error on the previous survey of 9-3. We're going right down to 2-acres which is the minimum lot size. If that should tip down to 1.99 acres then the Planning Board would be breaking the town law by creating a non-conforming lot. He understands that we're making a non-conforming use in 9-2 less non-conforming, but if we tip the scale the other way, we will be creating two non-conforming lots. The Planning Board does not have the authority to do that. **Berry** stated that if there should be a problem, the liability rests with Fieldstone Land Consultants, the engineer of record, not with the Town of Mont Vernon. Foley confirmed that they are certifying that it is a 2-acre piece. The liability would be on Fieldstone. **Spalding** requested that they amend their application and include the 1985 survey for a more complete package. Foley agreed to share the survey and include when the mylars are created. Foley will send an electronic copy of the 1985 survey for file. **Johnson** motioned to accept the application and lot line adjustment as amended and agreed to by Carl Foley, seconded by **Baker**. All in favor, motion passed. Lot line adjustment is approved.

7:45 PM Discussion of Old Mill Estates Road Bond Reduction

Ben Crosby reached out to Justin Gamache about the work in question on Riley Road. Erosion control, guardrail and granite bounds have been completed. The ditch line/drainage swale between Riley Road and Dwyer's property will be taken care of before paving. The last lot & driveway to be done is 1-57-19. Excavation and driveway work will be done before the topcoat on the roadway is done. Gamache is waiting on final inspection report from Kevin Anderson (Meridian) and will schedule the paving and shoulder gravel once all excavation is done; most likely the middle to end of June. He will then send a formal letter requesting his bond reduction. We will need to come up with a maintenance bond amount and determine the length of time on the bond. We will continue this until we have our as-builts.

7:55 PM - Other Business

Hall would like the Board to consider detached accessory dwelling units under appropriate circumstances. **McKinney** said the state lets the towns decide whether to allow attached or detached. They are not inexpensive to create; you still need foundation, plumbing, electrical, a septic system that can handle the extra bedrooms, etc. They are a decent alternative for people who have the land, to be able to have parents stay close by or even their kids coming out of college who cannot afford housing due to college loans. At the time when the law passed, the Board limited them to only attached ADU's. One concern was that you cannot require it to be family occupied; state law prohibits that. Therefore, any time you approve an ADU you are technically creating a rental unit. **McKinney** doesn't feel that is a major concern. It could benefit the community when looking at more affordable housing. **Hall** feels that it may offer versatility; people may stay in Mont Vernon longer. It might help younger families come into the town. **Berry** stated that in order to enact this change this would require that we draft an amendment to the zoning ordinance and present to the town at Town Meeting next March. He is in favor of pursuing this.

8:05 PM

The Board reviewed the minutes of 5/12/20. **Spalding** motioned to approve the minutes as amended seconded by **Berry**. **Baker** abstained, the rest were in favor, motion passed. **McKinney** told the Board of his and **Baker's** meeting with the Selectmen to present the Facilities Chapter and Appendix A. They were very pleased with it. **McKinney** thanked the sub-

committee for their hard work in rewriting the chapter. **Spalding** brought up our earlier lot line adjustment. He stated that it is our responsibility to do due diligence and to do research; don't be afraid to challenge the applicant coming before the Board. Engineers and surveyors make mistakes. He encourages the discussion to make certain we get it right. **McKinney** agreed; it is our responsibility to question those applications and plans. There was discussion on the accuracy of NRPC maps.

8:25 PM

As there was no further business before the Board, **Spalding** motioned to adjourn seconded by **Baker**. All in favor, motion passed.

Respectfully submitted,

Joan Cleary

Administrative Assistant