

**MONT VERNON PLANNING BOARD****Mont Vernon, NH 03057****Meeting Minutes – May 9, 2017****AGENDA**

Times are approximate and subject to change without notice.

- 7:00pm Orchard Hill Subdivision
- 8:30pm Mail & Announcements  
Review Minutes from 4/25/17
- 8:45pm Other Business
- 9:00pm Adjournment

**Seated:** Bill **McKinney**, Annette **Immorlica**, John **Quinlan**, Dave **Hall**, Steve **Bennett**

**Absent:** Chip **Spalding**, Bill **Johnson**, Eric **Will**, Chris **Aiston**, Jim **Bird**

**7:00 PM – Orchard Hill Subdivision**

**McKinney** asked everyone to stand for the Pledge of Allegiance. **McKinney** then continued with the public hearing. Chad Branon spoke to the Board. They had last been here on April 11, 2017. At that meeting they had presented a letter requesting modifications to the off-site improvements we requested for this project. They had discussed the feasibility of the project and cost related issues. In their letter dated April 11, 2017 they outlined the parameters of what they were seeking and supported this with engineering reference material. After much discussion we had requested that they submit a summary letter outlining how they would address the remaining checklist items. On May 1, 2017, they submitted a formal response acknowledging and reviewing how they were going to address the outstanding items. **McKinney** asked for an update on the negotiations between Vaughn and the Purgatory Fish & Game Club. Vaughn stated that he has met again with the Board of Directors of the club and they have come up with a handshake agreement. The agreement states basically that the gun club will agree to implement specific improvements to the range which will significantly reduce noise and improve safety. In exchange for this Vaughn will give them a 300' buffer on the south and the west boundaries of the range; approximately 8 acres of land. The specifics of that construction aren't as of yet defined; they are waiting on the sound engineers sketches. This still has to be voted on by the members of the gun club. This would be a lot line adjustment resulting in the gun club owning the land. Jim Kempf, President of the gun club, spoke to the Board. He stated that if in fact the 300' boundary is ceded to the gun club, they have no intention of going beyond their original footprint of the range. That 300' buffer would remain untouched. He stated that the gun club is not opposed to Mr. Vaughn putting in this subdivision. Branon repeated their request that the Board not get involved in the negotiations between Mr. Vaughn and the gun club. They are proposing a development that is not showing any homes anywhere close to the gun club. They are not creating on the face of this plan a safety concern. If the Board gets involved they feel it will be counterproductive to the negotiations that have been going on for many months. He spoke of the imposition of a perceived safety issue from the gun range being inflicted on Vaughn's property. They don't feel it is reasonable for the Board to want to be involved. The Board would be interfering with a negotiation and they do not believe that the Board has the jurisdiction to do this because this plan does not in their view present a safety issue. **McKinney** asked what would stop a future landowner from cutting all the trees right to the edge of the property line. **Bennett** stressed the importance of having a vegetative buffer to reduce the noise coming from the gun range. **Hall** stated that he understands the frustration but questioned if this should go to Town Counsel. He does not know what the Boards responsibilities are in the way of upholding safety measures. As a member of the Board he represents the Town. What if a stray bullet comes through a second floor window? If someone then comes to the Selectmen and threatens to sue the Town – are we derelict in our responsibilities because we didn't require certain things? Until it is clear what our legal grounds are he feels we need to continue to have the discussion. Branon responded that he feel our grounds are bounded in our ordinance. Our ordinance doesn't address this scenario and this plan meets all of our regulations. Garth Witty stated that if we are going to require a 300' buffer, it really doesn't matter whether the gun club owns it or it is part of the subdivision. We could simply state that the timber cannot be cut. This would protect that 300' buffer regardless of ownership. **Immorlica** stated that we can't require them to put the buffer in, but we can deny something if it's not safe. That is in our ordinances. **McKinney** asked Vaughn if he would be amenable to a condition that says 'pending a good faith agreement between the property owners comes to fruition'. In order to move this forward we need to make sure that there are some protections put in place to protect any property owners in the future that might be affected by the gun club. In regard to the proposed right-of-ways needing to be wider, Branon stated that the plans will be revised to depict a wider right-of-way on both Upton Road and Purgatory Road. The right-of-way will be 25 feet from the centerline of Upton Road adjacent to Parcels 1-

24-2, 1-24-3 and 1-24-9 (formerly 1-24). The right-of-way on Purgatory Road will be 25 feet from the centerline adjacent to Parcel 1-24-9 (formerly 1-24). We then moved on to the off-site improvements on Purgatory Road. There was a review of the April 11, 2017 letter requesting that the Board reconsider the off-site improvements on Purgatory Road. They propose reconstructing the road through station 19+00 with a roadway cross-section of 20' in width with 12" of bank run gravel, 6" of crushed stone and 2.5" of pavement. The pavement would be installed at 18" in width up to station 19+00 with 1' shoulders. Branon stated that this standard would meet engineering guidelines, would meet National Fire Protection Association guidelines for emergency response vehicles and would be a significant improvement to Purgatory Road. Branon added that Mr. Vaughn would be willing to place restrictions on the subject lots with frontage along Upton Road to ensure that no future development will occur from Upton Road. Mike Ypya, DPW Director, stated he would like to see 20' of pavement with 2' shoulders on Purgatory Road. He feels that 18' of pavement is minimal. **McKinney** read a letter from Chief Jay Wilson, MVFD dated 5/8/17 (letter attached). **McKinney** stated that 18' width might be acceptable if they put in 2' shoulders. Also he feels we need 3" of base coat instead of 2.5". Wilson asked what would be the depth of the ditch lines. He stressed the dangers in having ditch lines too deep. He also stressed the importance of having shoulders wide enough to hold the road together when the road gets soft. Branon said the ditch lines would be 12"-18" deep. Joanne Draghetti went on record to voice her concerns about the water being redirected down towards her property. Branon stated that the storm water management plan shows that the project will not impact adjacent properties. Ypya and Wilson both would prefer 20' of pavement but will accept 18' with 2' shoulders. **Hall** wants to see 3" base asphalt. **Immorlica** wants 18' pavement with 2' shoulders. Branon asked for a 5 minute recess. The meeting resumed. Branon stated that they agree to 18' pavement width with 2' shoulders, 12" of bank run gravel, 6" of crushed stone and 3" of base asphalt. As this is a condition of approval, **McKinney** formally made the motion to accept 18' in pavement width with 2' shoulders, 12" of bank run gravel, 6" of crushed stone and 3" of base asphalt. **Quinlan** seconded. All were in favor. The motion passed. In regard to the proposed Conservation Easement, Branon stated that this is not actually a requirement as this is a conventional subdivision. Mr. Vaughn is still willing to offer the Conservation Easement along lots 1-24-9 and 1-24-5. Since the Conservation Easement is not a requirement for this style development, Mr. Vaughn believes the Conservation Commission should pay for the drafting of any legal documents associated with this easement. He would review and approve of the Conservation Commissions proposed language as long as the language is standard and does not hinder the passive recreational activities that he would like to extend to the future homeowners. Joanne Draghetti responded that the Conservation Commission would be happy to continue working on the Conservation Easement with Mr. Vaughn. She stated that the Conservation Commission needs to know from Mr. Vaughn what specific lots the easement would include and what type of recreational activities and uses he wants to either allow or restrict. She suggested that Mr. Vaughn attend the Conservation Commissions next meeting. Branon stated that they are willing to maintain a Conservation Easement in the area that they have presented in the past. The Conservation Commission can present to them any specifics they would like. The proposed easement is defined, detailed and depicted on the plan. The easement can be done at any time. They do not want this to hinder the approval of the project. They wish to leave the proposed Conservation Easement on the plan and the Conservation Commission can work out the details of how it gets executed. **Immorlica** went through the unresolved checklist items. Our regulations state we have the option to define active and substantial. We can put a timeline on the road upgrade as a protection for the Town so that we are not left with an unfinished road for a great length of time. **McKinney** stated that active and substantial would be more relative to new subdivisions and new roadway construction; he doesn't feel it is applicable here. **Immorlica** stated that we are not allowed to give approval without a bond posted and reviewed by Town Counsel. Setting of the bond is the Planning Boards responsibility. Branon stated that we are allowed to give a conditional approval. The details of the road were just resolved tonight so they now have the ability to go forward with the bond process. **Immorlica** said that they needed to provide legal data prior to approval and they are missing the cross driveway easements and culvert easements. Branon stated that he feels it safe to say until a satisfactory resolution was made on any of the off-site improvements there was not real knowledge that this project was going forward. Now that we've gotten through this step they will be happy to submit these legal documents for review. **Immorlica** stated that we need to find out if there are any outstanding fees or taxes on the property. She asked who will be overseeing the road inspection and the erosion control inspection. Branon said there had been a discussion with **Spalding** and Ypya relative to both of them looking at both the road and the erosion control. **Immorlica** asked if there are any state permits needed. Branon said the only one needed is the wetlands permit for some of the upgrades to the roadway crossings. **Immorlica** said the RSA states that conditional approval can only be granted if the remaining items are administrative and non-discretionary. The definition of discretionary is 'things that are not fixed by rules but decided by people in authority'. In terms of the negotiations between the gun club and Mr. Vaughn. **McKinney** said that he would like to see a condition added regarding some assurance of an agreement reached between the landowners. Branon and Vaughn disagreed; if we put that in there as part of conditional approval, it takes away the incentive for the gun club to spend money to do the improvements on the gun club site. **Bennett** suggested that should their negotiations fall through, we put in a 300' buffer as a default to preserve the sound buffer. **Quinlan** stated that he feels we are overthinking this. He said he feels it's all a matter of perception. He is not worried about flying bullets. He feels it's in the best interests of both Vaughn and the gun club to be good neighbors. He doesn't feel that forcing Vaughn to put in the 300' buffer benefits anyone. **Immorlica** asked about the 25' restriction on the back lots with frontage on Upton Road. Branon stated that on the plan it will be noted that lots with frontage on Upton Road will not be permitted access for development off of Upton Road. **Immorlica** asked if the conditions needed would be put on the updated plan or just listed in the minutes. Branon said they would submit revised plans along with a letter stating what they have done to address the conditions of approval. The Board would then go through and make sure those conditions are depicted on the final plan before signing.

**McKinney** summed up the list of 8 conditions needed in order to give the conditional approval:

- Update plans per the May 1, 2017 letter

- Roadway width and profile to be updated to what was voted on tonight
- All easements and legal documents submitted and approved
- Proof of all fees and taxes paid to date
- Bond information submitted and approved
- State Wetlands Permit provided
- Note on plan restricting access from Upton Road
- Revise the right-of-ways to 25' from centerline of both Upton Road & Purgatory Road

**Quinlan** made a motion for conditional approval based on these 8 conditions. **Bennett** seconded. **Hall** - yay; **Immorlica** – yay; **Bennett** – yay; **Quinlan** – yay; **McKinney** –yay

All were in favor, conditional approval was granted. Public hearing was closed at 9:31 pm.

#### **9:35 PM**

The minutes from 4/25/17 were reviewed. **Hall** motioned to accept the minutes as written. **McKinney** seconded. All in favor; **Quinlan** and **Bennett** abstained. The motion passed.

#### **9:45 PM Other Business**

**Quinlan** discussed Kevin Anderson, Meridian Land Services, who is scheduled to come in to the Selectmen's meeting on Monday, May 15, 2017 to discuss the Old Orchard Estates Subdivision. **Quinlan** stressed the importance of having either **McKinney** or **Spalding** attend that meeting. There is concern amongst the Select Board that we do not have an independent engineer overseeing the project. Also, with all the special drainage features in place, how much is this going to cost the Town once the road is in place and we have to take over maintenance. **McKinney** is unavailable to be there on May 15<sup>th</sup>. An email will be sent to **Spalding** to check on his availability. If he cannot make the meeting, we will reschedule to the following Monday, May 22, 2017. **Quinlan** then discussed a complaint filed against a town resident for having an illegal junkyard on their property. The Police Chief looked into how to officially proceed. The Select Board is contemplating putting proper procedures in place to create a zoning ordinance in the near future. The Planning Board would be called in to help put that in place.

#### **10:00 PM**

As there was no further business, **Bennett** motioned to adjourn. **Hall** seconded. All were in favor, the motion passed.

Respectfully submitted,

Joan Cleary

Planning Board Administrative Assistant