

MONT VERNON PLANNING BOARD**Public Meeting Minutes****July 14, 2020****AGENDA**

Times are approximate and subject to change without notice.

7:00 pm Public Hearing on Amendments to Existing Driveway Ordinance

7:30 pm Update on Old Mill Estates Road Bond Reduction

8:00 pm Discussion on Legal Input on Proposed Wetlands Ordinance

8:30 pm Discussion on Detached ADU's to Existing Ordinance

8:45 pm Other Business

Mail & Announcements

Review Minutes from 6/23/20

9:00 pm Adjournment

Present: Bill McKinney, Bill Johnson, Steve Bennett, Tim Berry, Chip Spalding,

Charlie Baker, Rebecca Schwarz, Dave Hall, Jim Bird

Absent: Eric Will

7:05 PM – Public Hearing on Amendments to Existing Driveway Ordinance

McKinney called the meeting to order and had everyone recite the Pledge of Allegiance.

He opened the Public Hearing. We went over the amendments requested by the Public Works Director, Ben Crosby. These amendments will help the Public Works Director in getting driveways that meet the roadway to comply with the ordinance. The Amendments are to Article 2 under Definitions, to add some additional language to the definition of Construction *to include paving of existing unpaved surfaces*. **Spalding** asked if we are talking about all curb cuts that we want the opportunity to monitor/review or just specifically a driveway to a house. Our definition of driveway does not mention curb cut. **Bird** motioned to add curb cut into the definition of 'Construction' seconded by **Berry**. **McKinney** took a roll call vote:

Spalding, yes; **Berry**, yes; **Baker**, no; **Johnson**, no; **McKinney**, no. Motion not approved.

The Board next went over Article 3. Under General Provisions, to add *alterations, to include paving of existing unpaved surfaces*. **Berry** motioned to accept the amendment to Article 3 as written, seconded by **Baker**. **McKinney** took a roll call vote:

Berry, yes; Johnson, yes; Spalding, yes; Baker, yes; McKinney, yes. Motion approved. The last was Article 9, Administration & Enforcement. The added language is and any alterations or widening to an existing driveway, to include paving of existing unpaved surfaces. **Berry** motioned to accept the amendment to Article 9 as written, seconded by **Johnson. McKinney** took a roll call vote:

Baker, yes; Spalding, yes; Berry, yes; Johnson, yes; McKinney, yes. Motion approved.

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As there was no further comment, **Baker** motioned to close the public hearing seconded by **Berry. McKinney** took a roll call vote:

Spalding, yes; Berry, yes; Baker, yes; Johnson, yes; McKinney, yes. Public hearing closed.

7:30 PM – Update on Old Mill Estates Road Bond Reduction

McKinney stated that we have received several pieces of information over the past couple of weeks, some of it incomplete as far as the as-built plan. The report from the engineering firm identifies multiple deficiencies with the drainage that need to be corrected before we can even entertain the thought of reduction of the bond or acceptance of the roadway. **Berry** noted that the engineering report shows a lot of areas where the erosion control and vegetation is lacking and areas need to be re-seeded. Crosby added that there is definitely soil stabilization that needs to be done. The Board went over the inspection report in detail. Crosby will schedule a time to meet with Gamache and go over the areas of concern. **Johnson** asked is it fair to ask, once Gamache has adequately addressed all the deficiencies outlined, that Meridian go back out and do a final non-deficient report rather than editing the one we have. **McKinney** feels we are well within our right to ask for a non-deficient report for all of the conditions that have been identified on this site. **Berry** wants photographs of the corrected areas. **Berry** motioned that the Planning Board reject consideration of Mr. Gamache's reduction of road bond until we receive a construction report free of deficiencies, seconded by **Johnson. McKinney** took a roll call vote:

Berry, yes; Baker, yes; Johnson, yes; Bennett, yes; McKinney, yes. Motion passed. **Johnson** added that unless we receive an inspection report that has satisfactorily addressed all of the issues as well as an as-built plan that identifies all the outlined items as a package, we should not even entertain it.

8:00 PM **Spalding** left the meeting; **Bennett** joined in.

The Board discussed keeping a maintenance bond vs allowing a letter of credit for the remaining balance. **Bennett** feels that a letter of credit will provide adequate protection while there is still construction going on, but we will want a maintenance bond for the road should we accept it. **McKinney** said if we were to accept a letter of credit, it would have to be transferable later on to a reduced amount as a road maintenance bond for a term of two or three years after road acceptance. At this point he does not support reduction of anything. The Board as a whole wants Gamache to maintain his road bond at this time.

8:10 PM – Discussion on Legal Input on Proposed Wetlands Ordinance

Baker feels the legal review adds more confusion. Article 1 of the ordinance currently is titled 'Wetlands Conservation Regulations for the Town of Mont Vernon'. The draft we received from the Conservation Commission reads 'Wetlands Overlay District'. **Berry** motioned to strike 'Wetlands Overlay District' and replace with 'Wetlands Conservation Regulations for the Town of Mont Vernon' seconded by **Johnson. McKinney** took a roll call vote:

Johnson, yes; Baker, yes; Berry, yes; Bennett, yes; McKinney, yes. Motion passed. The Board needs to review Article 102 & Article 102.1. Article 4 needs to be rewritten; the Board will work on this at our next work session. **McKinney** appealed to Dave **Hall** with his existing lot experience; he wants **Hall's** input as a builder. The Board's intention is to somehow protect existing wetlands without overly impacting existing buildable lots

or lots that are already built that may want to do existing structures. How do we get there where we can protect buffers but without overly impacting land owners? **Berry** thinks we should have input from **Bird** on this as well. He feels that **Bird** is very knowledgeable in this arena. **Hall** spoke using Dutton Circle as an example. That project took 2+ years to get through the Planning Board. He believes the open space zoning ordinance required that 40% of that space, after you took out the wetlands, had to be open space. He feels as a builder/developer/landowner that the conservation had already taken place on existing projects such as that. He feels it is an illegal taking to go back to the landowner and then require them to do additional buffering when the subdivision was already approved with the existing zoning that was in place at the time of the approval. He spoke with Attorney Tom Quinn who suggested that the Board be very careful and make sure that they research the legalities of substantial improvement. **Hall** understands that going forward we want to have these buffers, but to encumber a landowner to have to come back to the Planning Board for lots that have already been approved and then ask for permission to build within certain guidelines after the fact is, in his opinion, onerous. **McKinney** agreed and stressed that while we don't want to become an overly burdensome community, we have to wake up and realize that we have to protect the ground waters and surface waters as much as we can because it's our drinking water. **Bird** mentioned that the State published in their recommended wetlands ordinance that the single biggest threat to wetlands in NH is underground storage tanks. The Board moved on to Article 501.1 regarding vernal pools. There was an actual calculation that states any vernal pool under 3000 sq. feet is excluded. There was discussion on the difficulty this may represent if the vernal pool covers multiple lots. **McKinney** will take the legal review comments and overlay them with the proposed ordinance sections of concern so the Board has the chance to review for our next meeting. **Bennett** motioned to table the Wetland Ordinance Review seconded by **Berry**. **McKinney** took a roll call vote:

Bennett, yes; **Berry**, yes; **Baker**, yes; **Johnson**, yes; **Spalding**, yes; **McKinney**, yes. Motion approved.
***Bennett** noted that RSA 674:21(II) is the authority for Conditional Use Permits.

8:55 PM – Discussion of Detached ADU's

Berry motioned to table discussion seconded by **Bennett**. **McKinney** took a roll call vote:

Johnson, yes; **Bennett**, yes; **Spalding**, yes; **Berry**, yes; **Baker**, yes; **McKinney**, yes. Motion passed.

9:10 PM – Other Business

The Board received a resignation from Michelle Reisselman effective July 29, 2020. **Bennett** motioned to accept the resignation, place on file and forward to the Board of Selectmen, seconded by **Baker**. **McKinney** will reach out to Michelle and thank her for her time on the Board. The Board received an email from the Roberge's voluntarily withdrawing their subdivision application. They will resubmit at a later date. **Bennett** motioned to accept the Roberge subdivision application withdrawal seconded by **Baker**. **McKinney** took roll call vote:

Bennett, yes; **Berry**, yes; **Baker**, yes; **Spalding**, yes; **Johnson**, yes; **McKinney**, yes. Motion passed.

9:20 PM

The Board reviewed the minutes from June 23, 2020. **Berry** motioned to accept the minutes from June 23, 2020 as written, seconded by **Bennett**. All in favor except for **Johnson** who abstained. Motion passed. **Bennett** has agreed to be reappointed to the Board for another three years. **McKinney** will make his recommendation the BOS. **Bird** questioned if the Schmidt property out on Beech Hill Road has been purchased. There is some action going on recently. No transfer has come through from NH Deeds. Joan will add that lot to our Action Items list so we don't lose track.

9:30 PM

As there was no further business before the Board, **Berry** motioned seconded by **Bennett**. All in favor, motion accepted.

Respectfully submitted,

Joan Cleary

Administrative Assistant