

Mont Vernon Planning Board

Public Meeting Via Zoom

July 28, 2020

AGENDA

Times are approximate and subject to change without notice.

7:00 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 7/14/20

9:00 pm Adjournment

Present: Bill McKinney, Steve Bennett, Tim Berry, Charles Baker, Jim Bird

Absent: Bill Johnson, Rebecca Schwarz, Dave Hall, Chip Spalding, Eric Will

7:10 PM – Discussion on Legal Input on Proposed Wetlands Ordinance

McKinney called the meeting to order and had everyone recite the Pledge of Allegiance. **McKinney** seated **Jim Bird** so as to have a quorum. The Board went over in detail the Summary of Legal Review on the Proposed Wetlands Ordinance. The biggest issue is in trying to stay consistent throughout the Ordinance. There were recommendations made regarding Article 1 – Title & Authority. The Board next discussed Article 4 – Applicability. **McKinney** stressed that we want to be sensible enough to have a decent regulation, but from a developer's point of view, if you've got existing lots already approved by the community, you should not have to jump through hoops again. **McKinney** suggested adding 'Existing Unimproved Lots' to Article 4. **Bird** stated the challenge is that we all have a good idea of what we want, but how do we codify that in law? Our intent is to keep all existing lots buildable. Where we have our true leverage is when a new subdivision comes in; our intent should be to apply these regulations to non-existing lots. **Berry** thinks it would be simple enough to add an exception in the regulations for Existing Unimproved Lots. **Bennett** noted that we will end up with an ordinance on paper that is unenforceable. The Board discussed construction being allowed on improved lots with a variance, while unimproved lots only require a conditional use permit. They should both require a conditional use permit. The Board discussed Vested Rights. **Bennett** suggested amending Section II-401.2 'if the Planning Board determines that it is not feasible to locate the structure outside of the buffer zone'. He would prefer 'reasonable' to 'feasible'. The Board discussed defining 'substantial improvement'. **Bird** questioned if somebody comes in for a building permit on an existing lot, who is going to review the high intensity soil survey; the Building Inspector or the Planning Board? **McKinney** responded that it would depend on if it is an existing lot that has all because substantial improvement hasn't been created, then that's not quite a buildable lot yet. **Bennett** cited RSA 674:39 which states that under current law, any approved subdivision is exempt for five years from any changes in regulations. They have to do improvements within two years. What they are not exempt from are regulations or ordinances which expressly protect public health standards such as water quality. The Board had discussion on who will be responsible for enforcing the Wetlands Ordinance. **Berry** motioned to

table further discussion on the remaining legal items, Article 5-Article 13, seconded by **Baker**. All in favor, motion passed.

8:50 PM – Discussion on Detached ADU’s to Existing Ordinance

Bennett motioned to table seconded by **Berry**. All in favor, motion passed.

8:55 PM – Other Business

The Board reviewed the minutes from July 14, 2020. **Berry** motioned to accept the minutes as written, seconded by **Bennett**. **Bird** abstained, the rest were in favor, motion passed.

9:00 PM

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

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Respectfully submitted,

Joan Cleary

Administrative Assistant