

MONT VERNON PLANNING BOARD
Mont Vernon, NH 03057
MEETING MINUTES –Tuesday, August 9, 2016

AGENDA

7:00PM Ray Shea, Sandford Engineering
Wetlands Impact application, Old Amherst Rd.

7:30PM Rules of Procedure

8:00PM Accessory Dwelling Units (ADUs)

8:30PM Mail & Announcements
Review of minutes from 7/12/16 & 7/26/16

8:45PM Other Business

9:00PM Adjournment

Seated: Bill McKinney, Chairman, John Quinlan, Annette Immorlica
Absent: Chip Spalding, Bill Johnson, Jim Bird

7:01 PM

McKinney called the meeting to order, and asked everyone present to stand for the Pledge of Allegiance. McKinney opened the public hearing on the Wetlands Impact Application for lot 2-43 on Old Amherst Road. Immorlica asked about the road frontage on the lot. Ray Shea stated it has 50 feet, and is an existing lot of record. Shea explained the application is for a wetland impact for a culvert on a driveway for a single family residence. Shea stated he'd met with the Conservation Commission (CC). Shea had a copy of the letter the CC had sent, offering their support of the proposed project. Shea shared a copy of the letter and the Administrative Assistant (AA) noted there was also a copy in the file. Shea stated he submitted the Dredge and Fill permit application to NH DES on June 24, and were still awaiting their decision. Shea stated the wetland impact study was done by Tom Sokolowski, and that it is a straightforward culvert project. The seasonal stream/brook comes down from the north and in order to access the back of the 25 acres is to cross this brook. There will be a total of 512 square feet impacted. A 60 inch culvert will be installed, 32 feet long. It will be keyed 12 inches into the ground with stone and other natural materials in it to simulate a stream bed. A culvert this size takes into account a 100 year flood. Immorlica asked what type of silt fencing would be used. Shea explained they would be using a sock filled with natural materials. Immorlica suggested adding something to the approval stating if plastic silt fencing is used that it needs to be removed upon completion. Shea stated they don't use the plastic silt fencing very much anymore, and prefer a sock. Shea stated the socks biodegrade. Shea agreed to note that the Planning Board prefers to see sock used, as opposed to plastic silt fencing. McKinney stated sock would likely be better suited to the project, because of the lay of the land. Immorlica asked the difference between a seasonal stream and runoff. Immorlica asked McKinney to read the letter from the Conservation Committee into the minutes. (A copy of the letter is attached at the end of the minutes, please refer to the last page) Immorlica asked if the state had approved the permit yet. Shea stated he had not heard from NH DES yet, and that it would likely take the full 75 days. McKinney suggested the board could approve the application, conditional on NH DES approval. Immorlica motioned to approve the wetlands permit application, conditional on NH DES approval. McKinney asked if there was any public comment. Hearing none, he asked for a second to Immorlica's motion. Quinlan seconded. All were in favor, the motion passed. Shea thanked the board for their time. McKinney closed the public hearing at 7:14pm.

7:15 PM – Rules of Procedure

Immorlica asked if the board wanted to include an attendance rule for active members, something stating that upon missing x number of meetings that the member in question is off the board. McKinney agreed on the idea for active members, but not alternates. McKinney did state that once an alternate has started on an application that he or she would need to keep attending and finish out the application. McKinney pointed to # 4, under

meetings, on page 2 of the Rules of Procedure, which discusses alternates sitting at a meeting. Immorlica felt it was important to have a rule which states regular members are required to attend meetings.

7:18 PM

Mary & Geoffrey Wilson, from 74 Old Amherst Road, came to hear the wetlands impact hearing. They thought the hearing was beginning at 7:30pm. McKinney gave them a summary of what had happened, and they stated they were not opposed to the project and had just been curious to hear more. The Wilsons thanked the board for their time and left.

7:23 PM

The board went back to Rules of Procedure, and McKinney reviewed some edits that Johnson had suggested. McKinney stated that because the board members are appointed by the board of Selectmen, it is up to the Selectmen to remove a member. Quinlan stated he understood that if a member on any board missed two meetings in a year they could be subject to removal. McKinney mentioned dismissal is covered by state statute. McKinney offered to add a sentence which states members who aren't able to satisfy their commitment to the board may be subject to dismissal in accordance with state statute. The board discussed swearing-in, and realized that all the current members need to be sworn in. McKinney asked the AA to contact the Town Clerk to arrange for her to attend the next Planning Board meeting and swear in the entire board. Another edit Johnson suggested referred to the board meeting twice monthly as opposed to monthly. Immorlica pointed out the board does not meet twice in December. The board discussed order of business. Immorlica stated she loved the board's flexibility and suggested the order of business being more of a list where all items need to be included but not in a particular order. McKinney stated he preferred to have a specific order, and suggested moving hearings before review of Mail & Announcements. McKinney also noted that Planning Board meetings do not require 2/3rds of members in attendance to have a quorum, only a majority of the members. Another edit Immorlica mentioned was to have the Secretary or AA monitor Checklists during a subdivision application process, as opposed to it being the responsibility of the Chairman. The board also discussed a situation where if a member was disqualified from participating in a hearing as a board member, they may still sit in the audience and participate as a member of the public. McKinney stated that could be added in. McKinney asked if the Town Website/Planning Board page should be added as an accepted place for sharing Notices. The AA stated she has not specifically posted Hearing Notices on the Town Website, and suggested that Laurie Brown may be able to add a new tab or page where Hearing Notices could be posted. McKinney stated prior notices would not need to remain on the website, only current hearing notices would be needed. The board also discussed where physical notices are placed in town. The AA states she currently posts at Town Hall, the Post Office, and Library. McKinney stated the Rules of Procedure should be reviewed yearly, as directed by state RSAs, and suggested review at the first meeting following the election of new officers. McKinney offered to make all these new changes and amendments and have them for the board at the next worksession meeting. Immorlica mentioned one last possible edit. The board needs to specifically identify in writing when the design review phase ends, otherwise there is ambiguity as to when the 12 month vesting begins and ends. McKinney looked up the subdivision regulations and found a section which covers this topic.

Action Item: AA to contact Town Clerk to inquire about swearing in at next meeting.

Action Item: AA to contact Laurie Brown to inquire about adding Hearing Notice section to Planning Board page on Town Website.

Action Item: McKinney to make amendments to Rules of Procedure for review at next meeting.

8:00 PM – Accessory Dwelling Units (ADUs)

McKinney added in the word "and" under 308.2 Definitions, so that the line reads, "open foyer or hallway and contained within the larger dwelling unit" McKinney stated this addresses Immorlica's concerns about an ADU being tacked on by a walkway. Quinlan stated an ADU needs to be part of the original building. McKinney also added I-308.5, Existing Legally Permitted In-Law Apartments Post 2005, which states, "owners of legally constructed in-law apartments constructed after March 2005 but prior to the amendments of Article I-308 in 2017 and that obtained a building permit and certificate of occupancy are grandfathered." Immorlica asked if Fire Department approval is mentioned anywhere, as some people had tried to put In-law apartments in basements which didn't have safe egress. McKinney stated that the building inspector would be reviewing the

building permits for such proposals, and is aware that a minimum egress of 5.7 square feet directly from the bedroom is a requirement of the building code. McKinney noted that's about the size of an average bedroom window. McKinney also noted the current code requires two options for egress out of a basement. There were no other changes noted to the ADUs, and the current version is considered the final draft. Immorlica motioned to schedule a public hearing. McKinney noted that once the hearing is posted, the changes go into effect. Quinlan suggested running the new ADU regulations past the building inspector prior to the hearing, and requesting the Building Inspector be in attendance at the Public Hearing. The AA pointed out that September will see the Public Comment Session for the Town Center district; Quinlan stated October would be better for the ADU hearing. The AA noted the date is October 11th. McKinney stated he will email the proposed ADU Zoning Regulations to the Fire Chief as well.

Action Item: AA to get a copy of the proposed ADU Zoning Regulations to the Building Inspector, and to request the Building Inspector attend the Hearing.

Action Item: McKinney to email copy of proposed ADU Zoning Regulations to Fire Chief.

8:14 PM – Mail & Announcements

The AA stated there was no new mail. The AA checked the wetlands impact application on the DES page just prior to the meeting and it still showed as being under technical review. McKinney stated he would write the approval letter for the wetlands impact application. The AA has not been contacted by Chad Branon or Brett Vaughn about their existing application, and the AA stated she plans on sending one more reminder about the deadline to submit an updated abutter's list and any new materials prior to the September meeting, which is Wednesday August 24th. McKinney mentioned an email from Immorlica, in her Conservation Commission role, which stated that the Conservation Commission would be reviewing buffers to see if they wanted to make a recommendation to the Planning Board concerning buffers. McKinney welcomed the feedback.

Immorlica asked for clarity about the Mystic Brook subdivision, and wanted to know if the lots are lots of record. The AA pulled the subdivision plan from the files, and the board reviewed the documents. Immorlica asked if a new developer purchased the land would they be able to come in and follow the approved subdivision plan. McKinney stated that any changes to the regulations since they came in for approval would need to be followed. McKinney noted the AA contacted the NHMA for an opinion on this situation. McKinney mentioned that if the development had substantial improvement they would not need to comply with changes to the regulations but that in McKinney's opinion substantial improvements have not been made. McKinney stated the wetlands crossing has been done but no roadways are in. McKinney stated typically substantial improvement means things like all drainage structures and base gravel down for the roadway. Immorlica stated that there is no description of substantial improvement included in the approved plan, and that it is important going forward to include a description of what qualifies as substantial improvement. The AA stated that all the lots for the subdivision are separate lots on the tax map, and McKinney stated that confirms they are lots of record. McKinney stated if there is further interest in the subdivision in the future, the Planning Board will need to do a site walk of the property to see exactly what's been done there, and if substantial improvement has been completed. Immorlica stated the board should have a definition of active and substantial improvement that applies to all subdivision applicants. Immorlica suggested an action item for the entire board to create a list of what defines active and substantial improvement.

Immorlica asked if the square footages for the Main Street houses had been looked up, concerning the Town Center district, and McKinney stated that the AA got all the information from Laurie Brown.

Immorlica stated she also wanted to know what state permits need to be in place for a subdivision aside from alteration of terrain or septic. McKinney also mentioned wetlands. Immorlica wondered if there was a list somewhere. The AA stated she wasn't aware of a list. Immorlica stated it would be nice to have a list, and also mentioned it would be nice to have a list of studies that are allowed to be asked for during a subdivision review process. Immorlica mentioned environmental, economic impact, historical, archeological, and traffic. Immorlica stated she wouldn't be expecting each developer to complete all the studies, but it would be nice to have a complete list for the board of everything that is possible. McKinney suggested this would be a good Action Item

for Immorlica, to look up the list of studies and state approvals. McKinney suggested starting by seeing if NH OEP has any information.

Action Item: McKinney to write approval letter for wetlands impact application.

Action Item: Entire board: Come up with a list of what defines active and substantial improvement for a subdivision.

Action Item: Immorlica to look up what studies can be required during a subdivision review, and what state approvals need to be in place for a subdivision.

8:34 PM - Other Business

Quinlan stated the Board of Selectmen approved a new Planning Board alternate, Steve Bennett. McKinney stated Bennett will make a good addition to the board because he is an attorney with experience in land use law and municipal law. McKinney mentioned Bennett was the attorney for the City of Nashua for several years and McKinney has worked with him in the past and is looking forward to having him involved with the Planning Board. The AA mentioned she has a copy of both the Mont Vernon Zoning Regulations and the State RSAs for both Bennett and Johnson.

The board reviewed the minutes. Immorlica asked McKinney if he'd found the discrepancy in the 7/12 minutes, and McKinney had not. McKinney tabled the approval of the 7/12 minutes to the 8/23 Planning Board meeting. Immorlica motioned to approve the 7/26/16 minutes. Quinlan seconded. All were in favor, the motion passed. The AA stated she will also look for the incomplete sentence in the 7/12 minutes.

Action Item: McKinney to find the incomplete sentence in the 7/12 minutes.

9:16 PM

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

Respectfully submitted,

Amy Wyman

Planning Board Administrative Assistant