

**MONT VERNON PLANNING BOARD**

Mont Vernon, NH 03057

MEETING MINUTES –Tuesday, September 27, 2016

**AGENDA**

7:00PM Public Input Session – Town Center Zoning

7:30PM Rules of Procedure

8:00PM Mail &amp; Announcements

Review of minutes from 9/13/2016

8:15PM Other Business

9:00PM Adjournment

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

Present: Dave Hall, Stephen Bennett

Absent: Jim Bird

7:02 PM – Town Center Zoning

McKinney called the meeting to order, and asked everyone present to stand for the Pledge of Allegiance. McKinney explained NRPC has incorporated the changes the board had suggested last month. McKinney stated NRPC clarified the question of voluntary removal of non-conforming structures in 408.1 b, V, VI & VII. McKinney stated the square footage number needs to be determined that evening, and that he had square footages on buildings in the Main St. area. The board spent some time discussing a maximum number for square footage before deciding on a maximum footprint of 3500 square feet. The 3500 number was reached by looking at 2 Smith Road, 2 Blood Road, as well as the Mont Vernon at 26 North Main Street, as examples of large buildings in the Main St. area. McKinney pointed out that having the 3500 size maximum will limit larger lots from being developed with exceedingly large buildings; instead the land owner could build multiple smaller buildings, which is more in character with the Main street area. JoAnn Kitchel, of 13 North Main Street, expressed concern over the board's mention of tearing down buildings and new construction. McKinney stated the board's intent isn't to build out the empty lots, but that there are some lots in the proposed district area that could support new buildings. The town has to prepare for the future in order to keep any new future construction in line with what's already here. Hall pointed out that if someone came to the board with a plan for a building that exceeds the limit, they could still go to the ZBA to request a variance for a larger building. The board also discussed whether the proposed Option 2 was still needed; McKinney stated he felt it wasn't needed since Option 1 was giving a maximum building size. Johnson pointed out that Option 1 would give more overall green space as well. Immorlica stated she liked the first sentence from Option 2, and thought it would be good to preserve that and move it into Option 1. Immorlica stated she liked that the sentence mentioned the town wants to preserve rural character. McKinney agreed to get rid of Option 2. Hall also pointed out this maximum size is only for new commercial construction. JoAnn Kitchel asked if there was any language included requiring new construction to be in keeping with the other houses in the area. McKinney reviewed 408.1 a and 408.1 b with Kitchel, which are the Goals and Objective and Characteristics of the Town Center District. McKinney stated there is a second layer of oversight with the Historic District Commission, since the Town Center District is within the Historic District. McKinney stated the character of the downtown is extremely important. Immorlica asked if the new zoning regulations would allow for someone to knock down a building. Quinlan stated anyone could knock down a building right now, even before the new Town Center District. McKinney stated the town would have more say with the new proposed ordinance in place. Hall asked about fast food restaurants, and asked if the town had legal rights to prevent something like a Dunkin Donuts from coming in. McKinney stated there is a restriction on drive throughs; and that fast food restaurants are not a permitted use in the proposed district. The wording states, "Restaurants, pubs, taverns, excluding drive-ins, drive throughs or fast food service." McKinney stated that in 408.1 b, V & VI, NRPC is looking for input. This area allows for someone to rebuild a non-conforming structure within one year, maintaining the same footprint. Johnson asked about a

change of use; McKinney stated that if the owner did not meet the setback, they can build in the same square footage but they cannot expand. Johnson asked if retaining existing use was needed. Spalding stated permitted uses are listed in the regulations. McKinney asked if permitted uses would be allowed to stay within the setback (being non-conforming) if they were rebuilding in the same footprint, and noted he didn't have a problem with it as long as it stayed within the character of the rest of the Main Street area. Spalding pointed out a building as-is could change to one of the new permitted uses and be within the setback. McKinney stated the regulations are being written so that if someone has a building that's currently conforming or non-conforming they can change the use; expansion of a property would be where issues arise. Hall asked if the Planning Board is responsible for addressing mechanical ventilation, noise, etc. Johnson stated specifically for a restaurant, the board could impose sound and odor restrictions in this district. McKinney asked if the board was comfortable with section V before moving on to VI. There was no further discussion needed on section VI. McKinney confirmed the changes for the above sections: VII- a 7000 square foot total, and any one floor cannot have a footprint larger than 3500 square feet. The board has chosen Option 1 on Building and Site Coverage, with the amendment, "In order to preserve the rural character of the town, the portion of the total area of the lots which may be covered by all buildings and structures located thereon shall not exceed 50%". McKinney asked if the board was all in agreement, and asked for a motion. Immorlica motioned to accept I 408 B V, VI, & VII, I 408.3 Option 1. Spalding seconded. All were in favor, the motion passed.

Spalding asked if the board still needs I 402, which is the Residential district, since the Town Center District will be replacing the Residential District. McKinney asked to make a note of that idea to bring it up during the Public Input session. McKinney agreed the Residential district would no longer be needed. Spalding pointed out there are subtle changes needed to be made in the Rural Residential district description. Spalding stated I 201.1 would also need to be deleted. McKinney asked Spalding to send him a summary email with the edits, and McKinney stated he would bring these edits to the attention of NRPC. Spalding asked for a copy of the map with the Historic District overlay with the Residential district and proposed Town Center District. Spalding explained that the areas of the current Residential district that do not fall within the new proposed Town Center District will become part of the Rural Residential district. Immorlica suggested that the Administrative Assistant (AA) check the written boundaries of the Town Center District against what's shown on the map, to confirm they match. McKinney made note of the idea to repeal the residential district and amend rural residential. Spalding gave McKinney a draft of language for the rural residential district which stated, "the rural residential district shall be designated for single family residences and related uses only".

McKinney moved on to I 304.2; which will be amended to add in the wording in District 5; "District 5 classification is an overlay classification which dictates frontage and setback requirements for all land bordering NH Route 13 excluding District 6, the Town Center District, to a depth of 200 feet." Immorlica asked if the sentence could be reworded so that the 200 foot depth is by route 13, rather than split by excluding District 6, the Town Center District.

McKinney next moved on to the District 6 description and asked if the board had a preference on frontage. Spalding suggested being consistent with other sections and using 200 feet or 300 feet. Johnson asked if that was feasible in the Main Street area. JoAnn Kitchel pointed out the houses on Main Street are close together. McKinney pointed out the frontage is for anything in the Town Center district, a business or residential. McKinney asked what the frontage requirement is for residential, and Spalding answered 200 feet. Spalding stated there are probably few houses currently with 200 feet of frontage; they are grandfathered. Immorlica stated she thought the frontage should be smaller. Hall asked if someone bought the Foster lot on Blood Road, and wanted to carve off the field, what would the requirements be? Spalding stated each parcel created would have to have 200 feet of frontage. Immorlica stated Blood Road is part of Main Street and it is part of the village and should have that same village feel. McKinney stated he felt that the district should have one frontage requirement, to keep it simple, and agreed on a smaller frontage. Spalding and Hall looked at the tax maps at Town Hall which show the frontage of all lots and noted 110 feet, 300 feet, 85 feet, 160 feet, 112 feet, 70 feet, 210 feet, and 124 as some of the frontages along Main Street. Immorlica stated 150 feet would be a reasonable amount for frontage, and in keeping with what is in town. Spalding stated a driveway would take up approximately 30 feet, leaving 120 feet. McKinney asked if there were objections to 150 feet, seeing none, the board set that as the frontage requirement for the Town Center District. Immorlica had a comment on driveways:

Immorlica reminded the board there is no driveway regulations in the zoning regulations, and there are no specifics on what constitutes a driveway. McKinney mentioned that any of the lots on Route 13 would have to meet state requirements since it is a state road. Immorlica asked about adding a standard definition for driveways; McKinney didn't think it was a good idea unless the board also adopted driveway regulations. McKinney asked if the board agreed on the wording for District 6. The board agreed and McKinney stated he would send the edits to NRPC.

Next was I 306: to integrate proposed Town District into the table of 306.3.2A, which refers back to Non-residential site plan review. McKinney stated this table refers to telecommunication facilities. Johnson pointed out a spelling error, tower vs. town. McKinney stated this edit adds in Town Center District. Spalding mentioned the need to strike Residential in that table as well.

Next was I 407.1 C, Non-conforming use, to add paragraph as follows, "I 407.1 C Damaged or Destroyed – Any legal non-conforming use and/or structure that is involuntarily damaged or destroyed by fire or natural disaster may be rebuilt to its former extent of non-conformance. Reconstruction must begin within one year." McKinney stated this just covers natural causes. The board agreed with I 407.1 C.

McKinney stated at the Oct 25 meeting, the board will need to wrap up Article 2, and then get ready for the first Public hearing. Immorlica asked about the Public Hearing, and mentioned presenting everything that is in both the zoning regulations and the subdivision regulations during the hearing. McKinney agreed. Spalding stated section 4-1200 is subdivision requirements. Immorlica mentioned exterior storage areas, signs, lighting and other requirements as items for review, and specifically mentioned she would like to see the sign size limit to be made smaller. McKinney stated he'd like to see 4-1200 addressed at the Oct. 11 meeting. Immorlica offered to head a committee to review 4-1200 prior to the meeting. Spalding stated he didn't feel a committee was necessary, and that McKinney just needs to collect feedback. McKinney stated it was important to not have a back and forth discussion by email as that would violate rules.

Action Item:

Spalding: Send email to McKinney with edits concerning Residential District.

AA: check the written boundaries of the Town Center District against what's shown on the map, to confirm they match.

AA: Add Town Center District to Oct. 11 agenda., Rules of Procedure to 10/25.

8:48 PM – Rules of Procedure

McKinney asked to table the Rules of Procedure to the next meeting so that the board would have time to look at the plans for the Orchard Hill subdivision that is scheduled as a hearing on Oct. 11. Immorlica offered to email her comments on the Rules of Procedure to McKinney. The AA asked when to table Rules of Procedure to; McKinney asked to have it tabled to Oct. 25th.

Action Item:

AA: Add Rules of Procedure to 10/25 agenda.

8:51 PM – Mail and Announcements

The AA mentioned that the 2nd Tuesday meeting in November falls on Election Day and asked if the board planned to hold the meeting that day or move it to another day. Quinlan suggested moving the meeting. McKinney asked the AA to check to see if the meeting room is available on Tuesday Nov. 1. The AA mentioned the NHMA Conference on Nov. 16 & 17 and asked members to refer to the email sent out by McKinney if they were interested in attending. The AA mentioned a letter from Larry Yetter and the Conservation Commission concerning the Vibert Subdivision on Hazen Road. McKinney read the letter to the board, and a copy may be found at the end of these minutes. The AA will also place a copy of the letter in the Vibert Subdivision file. Next the AA presented a copy of a letter sent to the Building Inspector concerning Best Management Practices for groundwater protection. McKinney suggested giving a copy of that letter to the Conservation Commission. The AA stated she'd sent out the abutters notices for the upcoming hearing on the Orchard Hill subdivision, and asked if she needed to keep all the old paperwork from the previous submission. McKinney stated that since the other plan wasn't accepted it can be gotten rid of; the board will only be working off of the information

submitted with the new application and plan. The AA asked what the order should be for the 10/11 meeting. Immorlica noted that since the public is coming for the ADU hearing that should be first. McKinney agreed and asked the AA to order it that way. The AA stated she needs the final draft of the ADU regulations so that it can be placed on the town website as well as a physical copy placed at Town Hall and the Library. McKinney briefly reviewed what he has for the ADU draft; explaining the current in law apartment regulations are listed first, then the proposed ADU regulations with strikeouts and additions, and the draft ends with a clean copy without the strikeouts. Spalding asked if there should be a cover sheet explaining why the changes are happening. The AA stated she could use the wording from the newspaper notice. Spalding also asked to explain the different documents within the draft. Bennett suggested not including the current in law regulations and using just the knockout and addition copy and the clean copy. The AA mentioned Laurie Brown added a section on the Planning Board page of the town website for posting public notices, and stated the ADU hearing and the Orchard Hill subdivision are listed there currently. Immorlica asked McKinney about a joint meeting between the Conservation Commission and ZBA. McKinney stated other chairs were traveling and busy over the summer but that he would try again to connect. McKinney stated it would be important for the other boards to understand the changes the Planning Board is putting together for Town Meeting.

Action Item:

AA: Check with Laurie Brown to see if meeting room is available on 11/1.

AA: Place copy of Conservation Letter in Vibert Subdivision file.

AA: Share copy of BMP Letter to Conservation Commission.

AA: Create cover sheet for ADU regulations.

9:08 PM – Orchard Hill Subdivision

McKinney asked the board to remember they cannot make any motions on the application. McKinney wanted the board to make a cursory review of the plan to familiarize themselves with what would be presented at the hearing on 10/11. McKinney stated the subdivision has been downsized from a 24 lot to a 9 lot subdivision. Immorlica mentioned the engineer had come to the Conservation Commission meeting and discussed the subdivision. Immorlica noted there is one driveway that is very long, possibly 1000 feet; Immorlica stated the fire department may have input on that. Bennett asked how large the lots are; Immorlica stated some are around 10 acres, with one in the 2s. Quinlan mentioned the road needs to be paved up to just past the last driveway. Hall asked about the south side of the road; the board confirmed that was a separate subdivision which was already approved and one lot has even been sold. McKinney asked if the 4 lots in the subdivision on the south side of the road were supposed to have a cistern; Quinlan stated yes, and that it has not been built. Hall asked where the cistern was supposed to have been built; Spalding stated the cistern would have been included with the subdivision on the north side of the road. McKinney stated the Fire Department would likely like to see a cistern out there for a water source. Johnson asked what was approved for the south subdivision; Immorlica stated that the south was approved for a cistern or a sprinkler, and now since there's no cistern the houses will have to be sprinkled. McKinney stated all that is required is some sort of fire protection; a cistern, pond, or sprinklers. The AA pointed out that Brett Vaughn's signature is missing from the application. Quinlan stated the signature is needed to continue. Immorlica noted there is a waiver request to skip High density soils mapping. McKinney stated it's not an uncommon request. Spalding noted there is only one lot which doesn't meet the 5 acre criteria. Bennett asked about the frontage on Upton Road; Spalding stated the frontage on Upton is not being used in this plan. Bennett pointed out some of those larger lots could be sold as sub-dividable. Quinlan stated Upton road should be checked to see where the Class 5 designation ends and the Class 6 designation begins.

Action Item:

AA: Contact Chad Branon to get Mr. Vaughn's signature on application.

9:33 PM

McKinney motioned to adjourn the meeting. Spalding seconded. All were in favor, the motion passed.

Respectfully submitted,  
Amy Wyman  
Planning Board Administrative Assistant