

TOWN OF THORNTON PLANNING BOARD

PLANNING BOARD MEETING MINUTES January 31, 2013

CALL TO ORDER:

T. Phillips called the meeting to order and led the pledge of allegiance at 6:00 pm.

ROLL CALL:

The following members/alternates were present:

T. Phillips, Chairman	S. Babin, Vice Chairman	F. Freeman	G. Kimball
C. Piantedosi	S. Morton, Ex-officio	R. Gilman/Alternate	

T. Phillips appointed R. Gilman to sit as a voting member for the meeting.

The following members of the public were present:

S. Davis	G. Kriebel	C. Schofield	L. Klotz
I. McIver	D. McIver	B. Feather	D. Feather
G. Perry	E. Broga		

APPROVAL OF MINUTES:

MOTION: "To approve the minutes of January 17, 2013 as presented."

Motion: S. Morton

Second: S. Babin

Discussion: None

Motion Passes: YES – 4 NO - 0 Abstained: T. Phillips, R. Gilman, G. Kimball

PUBLIC HEARING: Proposed Zoning Amendments

T. Phillips opened the Public Hearing at 6:05pm.

T. Phillips read proposed Amendment 1.

Amendment #1

"Are you in favor of the adoption of Amendment 1 as proposed by the Planning Board for the Thornton Zoning Ordinance as follows:

Recreational Zone East – Extinguish the Recreational Zone East and any subsequent reference to it in later articles and designate the portion of land identified as Recreational Zone East as General Residence Zone."

(The Recreational Zone East is identified as a tract of land on the north side of Upper Mad River Road east of Sugar Run Road and a portion of the land east of Burbank Hill Road between Upper Mad River Road and NH Rt. 49 with a total acreage of approximately 386.8 acres. The Recreational Zone East currently includes the following parcels: Map 17 Lot 5-21, Map 17 Lot 5-21-1, Map 17 Lot 5-22, Map 17 Lot 6-1, Map 17 Lot 7-48, Map 17 Lot 8-1, Map 17 Lot 8-1-1 and Map 17 Lot 8-3.)

T. Phillips asked for public input.

G. Perry, owner of Goose Hollow Campground identified as Map 17 Lot 8-3, asked if changing to the General Residence Zone would in effect put his campground out of business.

T. Phillips stated that an existing business would be grandfathered so that whatever is already there and whatever has already been approved would continue to operate.

T. Phillips read from the Zoning Ordinance the allowed uses for the Rural Residence Zone which are: single family dwellings or multi-family housing, green houses and nurseries, home occupations, road side stands, golf courses, aircraft landing strips, cemeteries, manufactured housing, non-commercial uses accessory to the above, public parks, renting of rooms and furnishing of table board to resident guests in private family dwellings, cluster development, day care facilities, campgrounds, small wind energy systems, special events.

T. Phillips continued to read what is allowed in the General Residence Zone which includes all those listed for the Rural Residence Zone and the following: churches, non-profit schools, colleges, hospitals, sanitariums, recreational buildings designed and proposed to be part of residential subdivision development, non-commercial uses accessory to the above, small wind energy systems and special events.

G. Perry asked about making some changes to the existing features of the campground.

T. Phillips stated that a natural progression or expansion of what already exists as an accessory use to the campground should be fine but cautioned that adding anything new may require site plan review for approval.

A lengthy discussion followed between G. Perry and the Board regarding existing conditions at the campground and how changing the zone to General Residence Zone would affect his plan for the campground.

T. Phillips stated the uses allowed in the Recreational Zone East include everything in the Rural Residence Zone and General Residence Zone as well as the following: lodges, clubhouses, hotels, restaurants, recreational buildings, meeting rooms, shops and offices contained within approved buildings, residential developments, and commercial indoor and outdoor recreational activities and related facilities and improvements to serve the same; such activities may include, but not be limited to golf, tennis, swimming, cross country skiing, horseback riding, snowmobiling, hiking and bicycling.

T. Phillips restated that an existing operation currently within the Recreational Zone East would be grandfathered and allowed to continue.

T. Phillips further stated another provision of the Recreational Zone East states the following: The Board in granting permits for such uses shall give due consideration to the recreational nature of the district; the provision of adequate and appropriate facilities, preservation of natural features and maximizing available open space; the provision of suitable landscaping, buffers and surrounding area; ensuring adequate access; preventing overcrowding of the land; and insuring that the proposed use is compatible with surrounding uses. The above facilities may be open to the public for a fee.

T. Phillips stated that it was his understanding that the original intent of the property owner of a large portion of the Recreational Zone East was to put in a golf course development and that Amendment 1 is being proposed again this year because that is no longer likely.

T. Phillips stated that the Board felt there may have been confusion last year with the voters thinking it was the Recreational Zone West which includes Owl's Nest golf course so a more detailed description of the Recreational Zone East is provided with the Amendment this year.

T. Phillips summarized the discussion by saying the Planning Board can't give G. Perry carte blanche saying that he can do anything new at his campground but reminded him it is grandfathered and encouraged him to read through what the Zoning Ordinance says is allowed in each of the zones.

R. Gilman asked if the Planning Board should have notified the property owners in the Recreational Zone East about the proposed amendment.

S. Morton stated that all of the property owners in the Recreational Zone East were sent letters notifying them of the proposed amendment and the date of the public hearing.

S. Babin asked if other property owners were present and what their position was regarding the proposed amendment.

B. Feather stated he owned two lots in the Recreational Zone East that he is fine with the proposed amendment.

T. Phillips stated that if someone is opposed to the change they may consider the option of a protest petition which must be signed by 20% of the property owners in the Recreational Zone East and submitted at least 7 days prior to the annual meeting which could require the proposed amendment to pass with a 2/3 majority instead of a simple majority vote.

T. Phillips asked if there was any further input from Board members or the public and hearing none he called for a motion.

MOTION: "That the Planning Board is in favor of placing Amendment #1 on the annual warrant."

Motion: G. Kimball

Seconded: S. Morton

Discussion: None

Motion Passes: Vote: 5 – In favor. 2 – Opposed: S. Babin and R. Gilman

At 6:25 pm T. Phillips read Amendment #2.

Amendment 2

"Are you in favor of the adoption of Amendment 2 as proposed by the Planning Board for the Thornton Zoning Ordinance as follows:

Article V Permitted Uses in Various Zones

A. Rural Residence Zone

8. Manufactured housing per RSA 674:31. Clustered development of manufactured housing is not permitted."

T. Phillips stated that the amendment is for clarification purposes and that it continues to allow manufactured housing in the Rural Residence Zone but prohibits clustered development of manufactured housing in the Rural Residence Zone.

R. Gilman asked for someone to read RSA 674:31.

T. Phillips read RSA 674:1 into the record: "As used in this subdivision, "manufactured housing" means any structure, transportable in one or more sections, which , in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in the section shall not include preside built housing as defined in RSA 674:31-a."

S. Davis asked a question regarding limiting the cluster development of manufactured housing. A brief discussion followed between the Board, S. Davis, and those present regarding clustered developments.

F. Freeman pointed out that Amendment #3 is referencing an allowed use for the Rural Residence Zone.

G. Kriebel asked for the current language of Article V A. 8 of the Zoning Ordinance to be read into the record.

N. Decoteau read the current language into the record: "Article V Permitted Uses in Various Zones, A. Rural Residence Zone, 8. Manufactured housing per RSA 674:31 mobile homes and what are commonly referred to as trailers are permitted, but a minimum of one acre of land shall be required for each mobile home and such mobile home shall be set back 25 feet from any highway, right of way boundary line. Mobile home clusters or parks are not permitted."

R. Gilman stated the proposed amendment refers specifically to manufactured housing and the definition in RSA 674:31 makes it very clear.

T. Phillips stated the pertinent part of Amendment 2 is that the current language states mobile home clusters or parks are not permitted and the wording of the amendment changes it to use the word and definition of manufactured housing.

S. Morton agreed that the amendment clarifies the intent and updates the language.

S. Davis stated she did not understand why clustered development is allowed in other areas but not in this instance.

R. Gilman stated the proposed amendment would just add to the confusion and suggested that a Table of Uses in the Zoning Ordinance would clear up much of the confusion.

S. Babin stated that the current language is confusing because it uses words that have no definition.

S. Babin stated that the proposed amendment uses words that have a definition and are clearly cited in the RSA.

C. Schofield stated that the updated language will fall more in line with current terminology used by banks and financing institutions.

T. Phillips stated that the intent of the proposed amendment is just to clarify what the current language states.

T. Phillips asked if there was any further input from Board members or the public and hearing none he called for a motion.

MOTION: "That the Planning Board is in favor of placing Amendment #2 on the annual warrant."

Motion: S. Babin

Seconded: S. Morton

Discussion: None

Motion Passes: Vote: 5 – In favor. 2 – Opposed: T. Phillips and R. Gilman

At 7:05 pm T. Phillips read Amendment #3.

Amendment 3

"Are you in favor of the adoption of Amendment 3 as proposed by the Planning Board for the Thornton Zoning Ordinance as follows:

ARTICLE III Definitions:

Add

Q. Single Family Dwelling

A building containing one residential family unit, which must occupy in common ownership, its own individual lot or parcel of land."

T. Phillips stated that this would be a new definition in the Zoning Ordinance.

G. Kriebel read the definition of dwelling into the record: "A building or portion of a building containing any number of rooms designed for use by one family or group as a single housekeeping unit. A dwelling is any building lived in continuously for six months or more months where "continuous" is defined, as a time not interrupted by more than one month."

G. Kriebel stated that using the defined term 'dwelling' as part of another definition could cause confusion.

A lengthy discussion among the Board and those present followed regarding the use of the word dwelling as part of the new definition and the possible unintended consequences it may have if approved.

T. Phillips stated that there are major issues to deal with regarding the definitions listed in the Zoning Ordinance and that this amendment was proposed with the intent to begin to start that process.

S. Morton stated the need to define a single family dwelling stemmed from the town recently being put in the position of someone owning a house but not the land it was on.

S. Morton stated the portion of the definition 'which must occupy in common ownership, its own individual lot or parcel of land' is intended to keep that from happening again.

N. Decoteau stated that due to posting of public notice requirements if substantial changes are made to Amendments #3 or #4 from the way they were posted it would disqualify those amendments from being included on the annual warrant this year.

T. Phillips suggested that ultimately this should not be a definition but rather a provision that any single family dwelling must be on its own parcel of land.

S. Morton stated that doing so would be a substantial change and thus disqualify the amendment from being placed on the warrant for this year.

After additional discussion among those present, T. Phillips stated that the general consensus is that the definition of dwelling needs to be changed.

T. Phillips asked if there was any further input from Board members or the public and hearing none he called for a motion.

MOTION: "That the Planning Board is not in favor of placing Amendment #3 on the annual warrant."

Motion: F. Freeman

Seconded: G. Kimball

Discussion: None

Motion Passes: Vote: 7 – In favor. 0 – Opposed:

At 7:30 pm T. Phillips read Amendment #4.

Amendment 4

"Are you in favor of the adoption of Amendment 4 as proposed by the Planning Board for the Thornton Zoning Ordinance as follows:

ARTICLE III Definitions:

Add

R. Voluntary Lot Merger

Pursuant to RSA 674:39-a, any owner of two or more pre-existing, contiguous lots or parcels of land, may combine them into one single lot or parcel for the purposes of municipal regulation, taxation, or other purposes. The resulting merged lot shall not contain more than one dwelling. The applicant shall pay all property taxes owed on every parcel that is subject to the proposed merger."

F. Freeman stated that the proposed amendment addresses a taxation issue rather than a land use issue.

T. Phillips pointed out that the amendment deals specifically with the merging of lots.

S. Morton reminded the Board that they recently suggested to an applicant who was asking about the merging of two lots, each with a dwelling on it, that it is not recommended.

S. Morton stated the proposed amendment would provide clarification on the matter of merging lots.

T. Phillips stated that as proposed the amendment would not allow the merging of lots that would result with a parcel with more than one building used as a dwelling on it.

T. Phillips stated it was his understanding that when a structure is owned by one individual on land owned by another a taxation problem is created because if the owner of the house does not pay the taxes the town has nothing to lien.

S. Babin stated he thought the wrong RSA is cited in the proposed amendment but it was determined to be correctly stated as RSA 674:39-a.

A discussion continued among those present relative to the tax issue, the need for common ownership prior to merging, the requirement for the resulting lot to have only one dwelling, the intent of the proposed amendment, and the situation that brought about the proposed amendment.

S. Morton stated that a house was sold without transferring the land with it which contributed to the need for proposing this amendment.

F. Freeman stated there is no definition of selling real estate without selling land and that it is illegal to sell a building without selling the land.

T. Phillips stated that if the circumstance that caused the consideration of this amendment is illegal then he questioned whether the Planning Board should consider the amendment at all.

T. Phillips asked if there was any further input from Board members or the public.

R. Gilman stated that it seems the amendment is about the collection of taxes and that there is a fair amount of confusion regarding the amendment.

R. Gilman suggested passing over the amendment until the Board has a clearer picture of the problem that it is trying to solve.

T. Phillips stated his opinion that the Planning Board should not delve into something very specific if the Board does not fully understand the original basis or the potential it has to mislead future decisions.

MOTION: "That the Planning Board is not in favor of placing Amendment #4 on the annual warrant."

Motion: G. Kimball

Seconded: F. Freeman

Discussion: None

Motion Passes: Vote: 6 – In favor. 1 – Opposed: S. Morton

T. Phillips closed the public hearing at 8:05 pm.

The Board met with Capital Improvement Planning Committee members C. Schofield, G. Kriebel, S. Davis and L. Klotz.

C. Schofield gave a presentation of the current C.I.P. using the following documents: Memo from T. Beaulieu to the CIP Committee dated 01/31/2013, a summary sheet of what the committee did this year, a spreadsheet on Total Capital Requirements and a spreadsheet on the Reserve Calculation.

G. Kriebel explained the C.I.P. starts with listing out the future capital needs of the town and determining the amounts to put into reserve for each item so that when the item is needed the entire cost of the item is not appropriated through taxation in one year.

G. Kriebel stated that the proposed town hall expansion is a unique circumstance this year and that the C.I. P. committee has worked together with the Board of Selectmen regarding the funding options for the proposed expansion.

G. Kriebel stated the total C.I.P. request for 2013 would be \$316,874 which includes \$20,874 for a lease to purchase and \$297,000 for the proposed building expansion.

G. Kriebel stated the total cost of the proposed expansion is \$596,000.

G. Kriebel stated that \$149,000 from Building Capital Reserve Balance, \$150,000 from unexpended fund balance and \$297,000 from the 2013 operating budget make up the total cost of the building.

G. Kriebel stated that the reserve funding for roads is an area that needs attention and may require the annual C.I.P. commitment to increase from the usual \$270,000 per year.

T. Phillips asked why more was not being put aside for roads this year.

G. Kriebel stated that in an effort to stabilize the tax rate the C.I.P. committee is hoping that after the school bond is paid off in two years, an increase to the Roads Capital Reserve fund would be made.

T. Phillips stated his opinion that bonding an item is a way of spreading out the cost of large capital items to those who are using the services of it.

T. Phillips explained that people moving into the town a few years from now will certainly benefit from the proposed building expansion and bonding the project would provide an avenue for the cost to be shared by people actually using the facility.

T. Phillips asked why, given the low interest rates, the proposed building expansion is not being bonded and more funds being set aside for roads.

G. Kriebel stated that the funding options are unique this year and that increasing the Roads Capital Reserve allotment is one thing the C.I. P. committee plans to do in the next couple of year.

G. Kriebel added that the goal is to stabilize the tax rate no matter which method of funding or combination of funding methods is used.

S. Morton stated that the Board of Selectmen will present three options on the annual warrant: 1.) fund the entire project, 2.) fund just an addition to the police department and 3.) determine how to allot the funds if the first two options are voted down.

A discussion regarding long term planning for the roads continued.

C. Schofield suggested that a Road Committee be formed to begin the process of long term planning to deal with the road issues.

S. Babin suggested that using a small amount of money now to have a professional study done that would identify the specific areas of need and prioritize what needs to be done relative to the roads would be a good investment.

G. Kriebel stated that there are funds available in the roads capital reserve account but people need to make the decision to do the study.

T. Phillips stated that the C.I.P. committee is doing a good job and suggested that the Planning Board have an earlier involvement with the process.

G. Kriebel suggested that a Planning Board member sit on the C.I.P. committee.

C. Schofield concluded by stating the C.I.P. committee appreciates the time spent this evening and looks forward to having a discussion on the roads and how the C.I.P. committee will work on a long term plan to address issues with the roads.

T. Phillips asked if there was any further discussion and hearing none he called for a motion.

MOTION: "To accept the CIP 2013 Plan A as presented."

Motion: S. Morton

Seconded: F. Freeman

Discussion: None

Motion Passes: Vote: 7 – In favor. 0 – Opposed.

PLANNING BOARD ASSISTANT ITEMS:

Correspondence;

1. Chief Moller letter re: Conditional approval for Sugar Shack Campground at Map 10 Lot 3-37.
T. Phillips recommended that Board members review the letter and reminded the Board that satisfying safety concerns of Chief Moller is one of the pending conditions of approval for the campground.
The Board directed N. Decoteau to mail a copy of the letter to the Bentons and request that they meet with the Planning Board to discuss how they plan to meet the concerns raised by Chief Moller in the letter.
2. NH DOT letter dated January 14, 2013 regarding the status of the driveway permit for the excavation pit owned by Shirley Benton.
T. Phillips stated that this meets one of the remaining conditions of approval for the excavation permit of Shirley Benton.
3. White Mt. Survey letter dated January 17, 2013 regarding the Day Drive Design Review.
T. Phillips stated that the record for the Whitehouse subdivision at Day Drive lacks road profiles and any waiver request that may have been submitted.
T. Phillips stated if grades are shown on the plan that do not meet the road standard requirement at the time it is assumed that they requested a waiver.
T. Phillips stated that if the plans don't show any grades it is presumed that the town standards are to be met.
T. Phillips stated that the applicant requested the design review of Day Drive to show that the road was constructed according to the approved plan.
The Board directed N. Decoteau to send a copy of the letter to Attorney Cowie who represented the Whitehouse family at the meeting the review of Day Drive was requested.
4. N. Decoteau stated that it has been pointed out that in April 2012 the Planning Board was billed by the Planning Board attorney for a three hour meeting with C. Rand for which no written product or verbal report was produced. The Board determined that if the staff supporting the Planning Board were to meet with the attorney it is expected that the staff member would report back to the Board.
5. The Board determined to ask the attorney representing the Planning Board in the pending litigation to attend the February meeting.

R. Gilman stated that in his opinion the Planning Board should start working on zoning amendments earlier in the year.

R. Gilman stated that the Planning Board discusses issues and then often never makes a decision or follows through on issues such as the fire sprinklers issue.

R. Gilman suggested that the Planning Board could form subcommittees to address specific issues and report back to the Planning Board as one way to better track many of the on-going issues they discuss.

The Planning Board agreed to work on the definition of dwelling at the next regular meeting and to begin to build a new zoning ordinance by starting with a new set of definitions.

At 10:05pm the following motion was made:

MOTION: "To adjourn."

Motion: F. Freeman

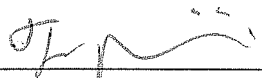
Seconded: S. Morton

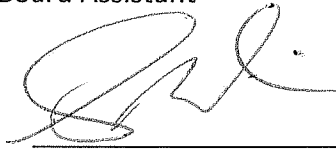
Discussion: None

Motion Passes: Vote: 7 – In favor. 0 – Opposed.

Respectfully Submitted,

Nancy Decoteau, Planning Board Assistant



T. Phillips, Chairman

S. Babin, Vice Chairman

F. Freeman

G. Kimball

C. Piantedosi

S. Morton, Ex-officio

R. Gilman/Alternate

Approved on: Feb 21, 2013