

## TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: November 15, 2012

APPROVED

The Planning Board met and held a public meeting on Thursday, November 15, 2012 6:00 p.m. at the Thornton Central School.

**6:00 p.m. Chairman Phillips opened the meeting with the flag salute.**

**Board Members present:** Chairman Tyler Phillips, Vice-Chairman Steve Babin, Frank Freeman, Gloria Kimball, Ex-officio member Steve Morton, Carolyn Piantedosi, Sandy MacIntosh

**Staff present:** Nancy Decoteau, Planning Assistant

**Absent:** Jessi Fleury, Secretary

*Minutes*

**\*\*Motion\*\***

**6:06 p.m. Steve Morton motioned to accept the minutes of 10-18-12 as amended. Seconded by Steve Babin. Motion passed 7-0.**

**\*\*Motion\*\***

**6:10 p.m. Frank Freeman motioned to accept the work session minutes of 11-1-12 as submitted. Seconded by Gloria Kimball. Motion passed 7-0.**

*Lot Merger Information*

Chairman Tyler recognized a request for information for a lot merger from Steven Carr and Diane Nericcio for map 15 lot 2-5 and 2-18. Ms. Nericcio stated that she would like more information as to what has to be done to remove the property line between their two lots. Chairman Phillips explained that he understands that both parcels have dwellings on them, a home and a rental property. He explained that the zoning allows for one dwelling unit per lot. The irregular lot line could be adjusted by doing a lot line adjustment. Ms. Nericcio and Mr. Carr stated that they are not interested in a lot line adjustment, and would like to merge. Chairman Phillips explained that the request would not be in line with the spirit of the Zoning Ordinance or Subdivision Regulations. The board discussed the request further. Mr. Gilman questioned the other properties in town that had two dwellings on one lot. Selectman Morton explained that allowing two dwellings on one lot is an issue that the board will be discussing during their zoning amendment process. Chairman Phillips suggested that the property owner could ask for a variance, although this may not be approved, it is an option for the property owner. Chairman Phillips suggested getting an opinion from counsel.

*Nancy Plumber/Day Drive*

Tom Cowie met with the selectmen on behalf of Mr. and Mrs. Whitehouse and Carol Lenahan. He referred to the statement presented to the Planning Board for signature on August 16, 2012. Mr. Cowie explained the intent of the previous request. He is aware that they need to go before the Selectman in order for Day Drive to be accepted as a town road but asked that the Planning Board sign the letter as a point of historical reference. The board discussed the request. Selectman Morton explained that the letter Mr. Cowie would like the Planning Board to sign confirms that the road has been

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completed but it does not meet town standards for acceptance as a town road. Selectman Morton added that a letter from the Planning Board stating that the road is complete according to subdivision purposes may be an option but not that it meets town standards or that the town is accepting it as a town road. Chairman Phillips asked if there was a review of the road to verify that it meets the plans as approved by the Planning Board. After discussion, the board agreed that they could hire an engineer to review the road and verify that it meets the plans approved by the Planning Board. The board agreed to provide an estimate of cost to Mr. Cowie for the peer review study. Ms. Decoteau will be in contact with Mr. Cowie.

### **\*\*Motion\*\***

**6:30 p.m. Steve Babin motioned to provide Attorney Cowie with a cost estimate from White Mountain Survey & Engineering, Inc. to review Day Drive and determine if it has been constructed in substantial conformance with the approved subdivision plan. Frank Freeman seconded and asked questions regarding the previous process of verifying completeness of roads. After discussion, the motion passed 6-0.**

### *Thomas Mullen – Owl's Nest*

Chairman Phillips recused himself. Vice Chairman Babin appointed Fred Gunter as a voting member in place of Tyler Phillips. Mr. Mullen introduced and explained that he requested a meeting with the board to correct an oversight necessary to facilitate a new form of financing he is in the process of applying for.

Mr. Mullen explained that he is trying to indicate that local permits have been received for a new nine hole golf course in 2009. Mr. Mullen stated the nine hole golf course does not show on the Dedicated Land Plan and Master Plan for Owl Street Associates signed by the Planning Board on July 16, 2009. Mr. Mullen presented the Dedicated Land Plan, New Nine Hole Golf Course and Master Plan for Owl Street Associates for the Planning Board to sign which shows the nine hole golf course. Mr. Mullen noted that the signature block contains the statement "This is not a subdivision. This plan is not for recording purposes." Mr. Mullen explained that the master plan will be used as a guide for ongoing subdivision developments at Owl's Nest. Mr. Mullen stated that the only thing he is asking for is a signature on the Dedicated Land Plan, New Nine Hole Golf Course and Master Plan for Owl Street Associates.

The board discussed the request. Selectman Morton explained that he found a master plan that was signed by the Planning Board in 2004, approving the density for acreage/units rather than a site plan approval for a nine-hole golf course. Mr. Babin stated that the master plan signed by the Planning Board is dated July 16, 2009. Mr. Mullen explained that the Dedicated Land Plan, New Nine Hole Golf Course and Master Plan for Owl Street Associates was reviewed in 2009 but never signed. Mr. Babin questioned why there are only two holes indicated on the master plan dated 2009 and not the nine that Mr. Mullen suggested. Mr. Gunter explained that when the planning board began reviewing applications from Owl's Nest in 1998 zoning required one acre

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per dwelling. Mr. Gunter explained that the Dedicated Land Plan and Master Plan assisted in keeping track of the density requirements each time Owl's Nest made a new application to the Planning Board for the individual condominium developments. Mr. Gunter explained that the nine hole golf course has not been through the site plan/subdivision process to date but that the land dedicated to be used as the nine hole golf course has been included in density calculations for condominium development applications. Mr. Gunter explained that is why the nine hole golf course is not indicated in full on the plan. Mr. Morton asked if the golf course was required to go through the subdivision process. Mr. Gunter replied that a subdivision/site plan was not required for the golf course. Mr. Freeman stated that this request is more of an acknowledgement that the nine hole golf course is part of the master plan rather than an approval of the new nine hole golf course. Mr. Morton agreed that if the golf course does not require subdivision/site plan review then there is no issue; he also indicated that the plan Mr. Mullen is asking the board to sign titled Dedicated Land Plan, New Nine Hole Golf Course and Master Plan for Owl Street Associates includes the statement "This is not a subdivision. This plan is not for recording purposes." and stated that he does not know the history of this project.

### **\*\*Motion\*\***

**Fred Gunter motioned to document the fact that they have seen the plans and had approved the land dedication agreements for Owl's Nest and the drawings include the addition of the nine hole golf course. Carolyn Piantedosi seconded the motion. Motion passed 4-0-3. Selectman Morton, Gloria Kimball, and Sandy MacIntosh abstained.**

Tyler Phillips rejoined the Planning Board.

*7:00 p.m. Continued Public Hearing*

Present: Toni Basso, Engineer Keach-Nordstrom; Attorney John Cronin.

Chairman Phillips opened the public hearing to discuss a site plan application from CBDG Development LLC for a recreational campground on property located off US Route 3 at Tax Map 10 lot 8-8 owned by Carlton C. Ham.

Chairman Phillips reviewed information from the previous meeting and stated that the last meeting was continued with the thought that town counsel and attorney Cronin could come to an agreement on the use matter. Chairman Phillips indicated that after discussion between the attorneys no resolution was reached regarding the land use issue. Chairman Phillips stated the board has not had the opportunity to discuss site plan review matters since they are still dealing with the land use specifics. Chairman Phillips stated that he would like to hear any new information on the land use matters to see if this project can meet the land use regulations. Mr. Phillips asked for any additional land use comments from the abutters.

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A resident stated concern with how trailer parks can be allowed in town if the zoning regulations require a minimum of one acre per dwelling, as well as traffic concerns.

Bryon O'Donnell asked for clarification on what the board is voting on this evening due to the changing dynamics of the application. Chairman Phillips stated that the board will ultimately vote on the application that was originally accepted as complete which specified park model units. He explained that the board will have to vote on whether or not the use, as presented, will comply with the zoning regulations as proposed.

**Attorney Serge stated that previously there were proposals to submit changes, but no changes have been submitted to the board as of today. There was a discussion from the last continued hearing that was continued, for him and Attorney Cronin to discuss if they could come to an agreement for procedural changes. The hope of the planning board would be to take the application off the table and move to a design review process, although this is a decision of the applicant. Since there was no understanding achieved between Mr. Cronin and Mr. Serge the matter of land use needs to be resolved and once that is resolved then the site plan issues can be discussed.**

Alison Chase stated her concern regarding the definition of the park models.

Attorney Cronin addressed the board and stated that his hope to establish a procedural change was not possible, but that he still wishes to discuss the options of use with the planning board. He further explained that his applicant has applied for the site plan based on current state laws and town regulations. He also stated that he is willing to compromise and has had conversations with the applicant, Mr. Anagost (CBDG Development LLC) who is willing to purchase Mr. Sutton's property at market value. Mr. Cronin also indicated that Mr. Anagost is willing to entertain other options to buy out interest in the project.

Steve Babin discussed the temporary nature of a campground. Other discussion continued on the state laws concerning recreation vehicles. Cindy Schofield referenced RSA 216 and 205A, and how it relates to RSA 674. Attorney Serge stated that the planning board needs to vote on the use of the land considering the local regulation and the state statutes. Attorney Cronin referenced RSA 205: A,1 and provided a copy for the record. He also stated that the applicant's intention was to use park models as they believed that these would be most appealing, but are open to other forms of camping accommodations such as fifth wheelers.

Chairman Phillips called for discussion from board members regarding the land use issue for the application. By show of hands, the majority of the Planning Board indicated that they do not feel the application meets the requirements of the campground regulations and the zoning ordinance. Mr. Phillips further explained that one option is for the applicant to withdraw the application and to seek a variance. Attorney Cronin stated that he does not feel that a variance is required but he may be willing to do that while

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they appeal the decision of the planning board if the application is denied. Mr. Cronin presented a "Request for Findings and Rulings" to be addressed in the Notice of Decision.

Chairman Phillips closed the public hearing and began the deliberative session of the meeting. Selectman Morton stated that from the beginning of the application process, before Mr. Cronin was present, there was a large amount of information presented. Mr. Morton stated that after the acceptance of the application he wrote a letter to the planning board to indicate his thoughts from the beginning that there would be a use issue with the application. Mr. Morton stated in his opinion the Thornton Campground Regulations have been discounted by the applicant throughout the process. Mr. Morton stated in his opinion the application conflicts with the intent of a having a traditional campgrounds. Mr. Morton stated his opinion that the use associated with the application was for park models and stated that the sales and marketing of the park models are a different use. Mr. Morton stated his opinion that if the applicant wishes to change their use, then they should submit a new application.

### **\*\*Motion\*\***

**Frank Freeman motioned that the Board move to deny the Thornton Bluffs application as proposed on the basis that it does not conform with either the essence or the spirit of the Thornton Zoning Ordinance or the Campground Regulations and that this motion is made without reference to the evaluation of the proposed site plan details, engineering details and all accompanying material that the applicant has supplied. Seconded by Sandy Macintosh. Chairman Phillips clarified that the motion is made independent of future site plan review. Discussion followed on the application and the intended use. Roll call, Chairman Phillips – yes, Vice Chairman Steve Babin – yes, Selectman Steve Morton – yes, Frank Freeman – yes, Sandy Macintosh – yes, Carolyn Piantedosi – yes, Gloria Kimball – yes. Motion passed – 7-0.**

Chairman Phillips and Attorney Serge will draft the Notice of Decision and include a response to the request of findings.

### *Star Ridge Condo Association – Driveway Permit – 6/9-35*

President of the board of the Star Ridge Condo Association met with the Planning Board to discuss a driveway permit to relocate dumpsters to a new area along the road. She is meeting with the board to receive permission because the area that the dumpsters are proposed to be located has site plan requirements of a pad and an access way off of the town owned portion of Star Ridge. Since there is a site plan approval for the development, Ms. Decoteau questioned if it required an amendment or minor site plan review. There was also concern that the driveway could not be over 20 feet in width, however, after research Mr. Morton found that driveways can be more than 20 feet in width. The requested 40 foot width for a turnaround would meet safety requirements which would prevent vehicles from turning around in the road. Chairman Phillips discussed future processing and concerns that the dumpsters could be located

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within wells or pump houses. Mr. Phillips would like an official determination that the location of the dumpsters would not create a risk of well contamination and agreed that a statement from Engineering Tom Duffield would be sufficient. After discussion, the board agreed that this request does not require an amendment to the site plan.

**\*\*Motion\*\***

**Vice Chairman Babin motioned to approve the application conditional upon the receipt of a letter received from Engineer Tom Duffield indicating that he does not see any health or safety issues in relation to water supply and that the driveway/dumpster location meets all state and local requirements. Seconded by Carolyn Piantedosi. Motion passed 7-0.**

*Mr. Mullen / Owl's Nest*

Mr. Mullen re-addressed the board regarding Owl's Nest and asked if there were other concerns and if he could obtain the signed plans this evening. Chairman Phillips recused himself. Mr. Babin noted concern with the wording "approved" on the plan. The board discussed the request further. Vice Chairman Babin and Fred Gunter signed the plan as requested.

*Barron Mountain Letter of Agreement Draft*

Ms. Decoteau stated she has prepared a draft letter of agreement for the Barron Mt. Development project which notes the progression of the project, cites the minutes, lists the outstanding conditions, and the note added to the plan signed on September 20, 2012. Ms. Decoteau explained no formal Notice of Decision was recorded for the Barron Mt. project and that the letter of agreement would be a reference point for the project. Ms. Decoteau suggested the board review the letter and submit any changes. The Board agreed that if no changes are suggested Mr. Babin will sign the letter.

Chairman Phillips rejoined the meeting.

*Master Plan Committee*

Jim Demerit stated that the master plan committee had met and would like the planning board to establish the goals to be included in the Master Plan. Carolyn Piantedosi stated that she was planning to bring this discussion to the planning board for the next work session. She explained that all the information has been compiled by Jessi Fleury and has been drafted into one document. The goals in 2003 were based on the answers to the questionnaire and those goals have been met. Ms. Piantedosi stated that she can provide the answers to the questionnaire and the synopsis of the questionnaire for the board to review and base the new goals on. The board agreed that this would be helpful.

*Annual Meeting Timeline/Zoning Amendments*

Ms. Decoteau provided the board with a timeline relative to the annual town meeting. The board agreed to focus on this during their work session on December 6, 2012.

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**\*\*Motion\*\***

**Steve Morton** motioned to adjourn. **Seconded by Carolyn Piantedosi.**  
**Motion passed 7-0.**

Respectfully submitted,



Jessi Fleury  
Board Secretary

**TOWN OF THORNTON  
PLANNING BOARD**

**AGENDA**

**Thursday, November 15, 2012  
at Thornton Central School  
beginning at 6:00 PM**

- A. Call to Order – Salute of Flag:
- B. Roll Call:
- C. Approval of Minutes:
  - 1. October 18, 2012                      Regular Meeting
  - 2. November 1, 2012                      Workshop Session

**PUBLIC HEARINGS:**

**7:00PM CONTINUED PUBLIC HEARING**

For Site Plan Application submitted by CBDA Development, LLC for a Recreational Campground on property located off US Rt 3 at Tax Map 10 Lot 8-8 owned by Carton C. Ham.

- D. Planning Board Assistant Items:
  - 1. Lot Merger Information: Steven Carr & Diane Nericcio Map 15 Lot 2-5 and 2-18
  - 2. Nancy Plummer / Day Drive
  - 3. Thomas Mullen / Owl's Nest
  - 4. Star Ridge Condo Association Driveway Permit
  - 5. Barron Mt. Letter of Agreement Draft
  - 6. Annual Meeting Timeline / Zoning Amendments
  - 7. Excavation Regs
- E. Correspondence:
- F. Next Regular Meeting Date: Thursday, December 20, 2012
- G. Workshop Meeting Date: Thursday, December 6, 2012
- H. Adjournment:

# Planning Board Meeting

November 15, 2012

6:00 p.m.

Sign In Sheet

**PLEASE PRINT YOUR NAME AND ADDRESS.**

Thank you!

1. Evan Hill 110 New Hebron rd. Ply
2. Steve Zachary 67 Mad River Rd Thornton
3. CAROL BENAHAN 37 SPOKEFIELD RD /CAMPTON
4. James Smith 76 Fadden
5. Joale Bedwitz 96 Star Ridge Rd
6. TOM COWIE 9 66 Main Plymouth
7. Robert Culligan Jr. 52 Main West Rd  
Campton, N.H.
8. B Chappell BEATRICE LANE
9. Lynda Eldred Goffstown
10. Robert Sylvester 2858 Route 3 Thornton
11. A. Basso 722 Chestnut March
12. J. Cronin " " "
13. David McJannet 2959 US Rt 3, 03285
14. Kathleigh Horn 98 US Rt. 3 Lincoln NH
15. Dawn McEvoy 2959 US Rt 3
16. Jonathan A Ham Ham Farm
17. Susan Jayne 20 Logan St
18. Beatrice Jayne 20 Logan St

19. Danielle Barber 50 Tuxedo RD
20. Byron O'Donnell 2913 US Route 3
21. Donna O'Donnell 2913 U.S. Route 3
22. Cynthia Schiefel 21 Campton St. Thornton
23. Robert Paulsen 3039 US RT 3
24. Chris Chioce 103 La Brook Rd
25. Donna Chioce " " " "
26. Alvin Chase 8 Camp Rd
27. Barbara Patterson 10 Cricket Hollow Path Thornton
28. John Cobbeiff 34 Tuxedo Rd Thornton
29. Pat Bahr 17 Roma Dr
30. Warren Bih- 17 ROMA DR
31. Anita Ross 33 Mirror Lake Road
32. Pat Sutton 2886 US RT 3
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