

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: February 16, 2012

APPROVED

The Planning Board met and held a public meeting on
Thursday, February 16, 2012 6:00 PM at the Thornton Town Hall.

6:00 Tyler Phillips opened the meeting with the flag salute.

Board Members present: Gloria Kimball, Russ Gilman, Frank Freeman, David Joyce, Carolyn Piantedosi, Sandy MacIntosh, Tyler Phillips.

Board Members Absent: Chairman Bart Dutto

Staff present: Clint Rand, Administrative Assistant, Jessi Fleury, Contracted Secretary

Please see attached sign in sheet:

Review of Minutes

Mr. Phillips reported that Dennis Day will be in the hospital for quite some time and feels that the board should send him a card.

The board reviewed the meeting minutes for 1-19-12 and made corrections.

****Motion****

6:13 p.m. David Joyce motioned to accept the minutes of January 19, 2012 as amended. Frank Freeman seconded the motion. All in favor, motion passed 7-0.

The board reviewed the meeting minutes of January 24, 2012. Members of the public asked questions pertaining to the specifics of the meeting since their intentions were not reflected in the minutes. After review, the board agreed that the draft minutes do not accurately reflect the details of the meeting and agreed to table the minutes until the next meeting so that a new copy can be drafted.

Appointments

6:32 p.m. Kimberly Grace, Home Occupation, Grace Wellness Center, Nathan Drive.

Ms. Grace informed the board that she would like to open a physical therapy occupation clinic at her place of residence. She explained that the proposed business will have its own entrance into the building as well as its own driveway access. Mr. Phillips read the requirements for the home occupation ordinance as well as the intent letter as written by Kimberly Grace. Ms. Grace explained that she is not changing outside appearance, not hiring any other employees, no additional lighting, no additional traffic other than one or two people every two hours and the parking would be an extension of their existing parking area. Mr. Phillips confirmed with Ms. Grace that there would be no parking on the road or on the side of the road. The board agreed that the current septic design would not be impacted. Ms. Grace stated that no signage is intended at this point. Mr. Phillips reminded her that signage would need to comply with town requirements if she changes her mind and if she adds lighting she would need to meet with the board again. A neighbor, Mr. Campbell, has road condition concerns and feels the extra traffic would be a problem. He requested that the board do a site visit to view the road. He feels that the road is too narrow and not safe enough to increase traffic flow. He is concerned with road maintenance and the dust level. The road is a private road with shared maintenance between the

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Grace's and the Campbell's. Ms. Grace offered to hire a private service to do winter maintenance. Russ Gilman suggested visiting the road during the first part of April since that is when the conditions would be the worst. The board agreed to meet as a board and set a date during their March 15th meeting for the first part of April. A letter will be sent to Ms. Grace to inform her of the date established for the meeting. David Joyce suggested having a checklist of requirements for a home occupation business for the board members to review while at the site.

7:05 p.m. Shirley Benton– PID 11-01-03 Site Plan Review, Additional Units to Existing Apartment Building- Route 175

Shirley Benton met with the Planning Board to submit an application for site plan review for an addition onto the current unpermitted three unit apartment building. Mr. Benton indicated that he was not aware of a prior site plan approval for the existing three unit site. The addition consists of two, two-bedroom units. The units would look identical to what is already there. He has a nine bedroom septic design approval already. Parking would be increased to 12-13 spaces with overflow available, away from the road to avoid right of way issues with the state. Mr. Benton will install walkways and motion lighting.

The board discussed the previous decisions made by the board on this property and the process that was taken in the past when these two lots were merged. The board agreed that even though there is confusion on the process used in the past regarding this property, Mr. Benton is doing the right thing by bringing the site plan forward for review.

****Motion****

7:20 p.m. Russ Gilman motioned to accept the application. Gloria Kimball seconded the motion. Discussion ensued on the information needed to accept the application. Mr. Phillips stated that the board should review the site plan review checklist before accepting, chair is concerned that if they do not have the information needed to accept the application. Mr. Gilman withdrew the motion.

Mr. Phillips began to review the site plan review checklist and asked if he has a driveway permit for more than one residence or for a commercial use. Mr. Benton argued that it is still a residence even though there are five units. Mr. Phillips reviewed each item on the checklist. Additional items to be included: road frontage needs be clarified on the map, location, name, and width of the street (alongside the property with the building), wells need to be notated on the map (or a deed reference notating the off-site wells), set-back lines, a letter from the Department of Transportation approving the existing driveway permit and drainage, the building inspector and fire chief will have to review for code. Mr. Benton agreed that he will not be selling the units privately. The board agreed that a new stamped plan needs to be submitted by the surveyor or engineer and he needs to submit one Mylar with five copies. The board agreed that no site visit is needed. Mr. Benton expressed his frustration in the process the board is taking to review the site plan. Mr. Phillips explained that although many items in the site plan checklist do not apply to every plan, the board must go through each one. He provided Mr. Benton with a list of items that need to be addressed and presented at the next board meeting and asked if there were any questions regarding what they need.

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****Motion****

7:54 p.m. Gloria Kimball motioned to continue the application until the next meeting. Seconded by Frank Freeman. The motion was approved 7-0.

The board took a five minute recess.

New Business

The board reviewed a letter received from Mike Benton regarding the removal of a petitioned warrant article and the non-support of such article in order to work with the town to come up with a better solution. The letter was read as part of the record. Frank Freeman acknowledged the letter and was impressed with Mike Benton's intentions.

Steve Morton referenced the letter that was presented and explained that the petition was signed because the existing businesses felt they had no other option to protect their interests. After receiving Mike Benton's letter some people agreed to rescind their support for the petitioned article. Steve Morton presented another letter that is going to be printed in the paper regarding the same petitioned warrant article and the new positive direction of the residents and the town boards.

Regarding site plan review, Tyler Phillips explained that he noticed the applicant's frustration with the process of the site plan checklist but insisted that the board needs to go through the checklist even though some items are not applicable. It needs to be done correctly even though it can be time consuming. Mr. Phillips recommended that in the future, applicants receive a checklist and a conceptual hearing so that the people know what is needed ahead of time.

Beverly Chappell stated that the purpose of a procedure is so that everyone in town has to follow the same rules and this is necessary so that others do not get their rights infringed on. She stated that she was mentioned in this letter and that she had tried to work with the town as well to come up with a solution to resolve a current issue. She feels that the rumors that have been spread about her and her family are not fair. She continued to express that she is not threatening legal action; it ended up in this situation because she felt the town would not work with her. Tyler Phillips reminded Ms. Chappell that he would like to avoid discussing specific cases and that the board is trying to be thorough, consistent and fair with all citizens from this point forward. He feels that the board needs to be fair and not approve applications based on relationships but rather by a fair process.

Tyler Phillips continued to explain the value of the checklist and that the same process should be followed for every person and for existing businesses as well as future businesses. The board agreed that there should be a process to review existing businesses and it can't always happen in one meeting. Mr. Freeman stated that the board of selectmen and Planning Board will be working together to be fair to everyone.

The Planning Board has a joint meeting with the board of selectmen with town counsel on February 27, 2012, closed to the public. A resident asked for clarification as to what the meeting was about. Mr. Phillips replied that he believes that they will receive direction as to how the

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town can move forward with existing businesses that are in operation currently. David Rivers suggested that new committees be organized to address some issues and help the town boards. Other residents agreed that this is a good idea to get citizens involved to help create solutions to issues the town is experiencing.

David Joyce stated that the selectboard has to enforce what the Planning Board decides so the meeting is scheduled so that both boards are on the same understanding. He further explained that the rumor that the selectmen are suing the Planning Board is incorrect. The board of selectmen is appealing a decision made by the Planning Board and the meeting scheduled for February 27 is designed to have both boards working together. Mr. Joyce also suggested that if the board members have questions or thoughts, to have them written down and be ready to present them to both attorneys during the meeting.

Russ Gilman addressed the Planning Board members and explained that a recent situation came up. He referenced a decision that was made that did not adhere to recent legislation regarding approval of a subdivision on a private road. The Planning Board approved a subdivision that perhaps they should not have. The selectboard has to follow up on Planning Board decisions and had to go before the court to have this situation straightened out on February 1, 2012. Bart Dutto spoke with Mr. Gilman stating that he understood that the selectmen sued the Planning Board and that he emailed the board members informing them of this news. Mr. Gilman and Mr. Dutto were very upset and found it hard to believe that the selectboard would do this and not notify the Planning Board. Mr. Gilman contact Selectmen Burbank regarding this issue and was informed that this was a great misunderstanding and that the selectboard did not sue the Planning Board. The Board of Selectmen had no other option but to instigate court action to appeal the Planning Board's decision, but they are not suing the Planning Board. Selectmen Burbank agreed that the Planning Board should have been notified sooner, but that there is no lawsuit.

Jim Demeritt stated that there was a joint meeting between the selectmen and the boards of Campton and Waterville estates. After a process of submitting evidence they realized that a mistake was made, and filed to appeal the decision to the board of adjustment. He explained that there is a possibility that the appeal process could be brought to a higher court and could take years. David Joyce stated that he could have communicated better as a liaison between the two boards and some of the misunderstanding regarding a law suit could have been prevented. Russ Gilman feels that it is best to bring this information into a public meeting so that rumors are not spread.

Russ Gilman thanked Mike Benton for his letter and offered his gratefulness. The board called for any additional business.

****Motion****

9:35 p.m. Frank Freeman motioned to adjourn. Motion seconded by Gloria Kimball. Motion passed 7-0.

Respectfully Submitted,

Jessi Fleury

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Board Secretary