

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: March 15, 2012

APPROVED

The Planning Board met and held a public meeting on Thursday, March 15, 2012 6:00 PM at the Thornton Town Hall.

6:00 Chairman Dutto opened the meeting with the flag salute.

Board Members present: Chairman Bart Dutto, Gloria Kimball, Russ Gilman (alternate, voting member until the arrival of Selectmen Burbank part way through the meeting), Frank Freeman, Selectman Butch Burbank (attended late), Carolyn Piantedosi, Sandy MacIntosh, Tyler Phillips.

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

Please see attached sign in sheet

Nomination for Board Chairman

The board discussed nominating a new chair for the Planning Board. There were nominations for Bart Dutto and Tyler Phillips. Mr. Phillips stated that he is not sure he can commit the time needed to be chairman. The board members submitted anonymous votes. Bart Dutto was elected chairman 6-1.

Review of Minutes

****Motion****

6:15 p.m. Frank Freeman motioned to accept the minutes of February 16, 2012 as amended. Tyler Phillips seconded the motion. All in favor, motion passed 7-0.

The board agreed to table the review of the minutes of January 24, 2012 until later in the meeting.

6:00 PM Regular Business

Kimberly Grace gave some additional information for the board to review relating to her application for site plan review. The board agreed to meet at the cul-de-sac on Susi Lane on April 3, 2012 at 6:00 p.m. to do a site visit for Ms. Grace. An abutter stated that there are traffic concerns with the road. The board agreed that they will discuss this during their site visit.

Selectmen Burbank arrived. Russ Gilman is no longer a voting member.

6:30 PM Kathleen MacKay & Cameron Sanders -Application for Voluntary Merger, PID 02-05-10 & PID 02-05-09, 2867 Route 175

The board reviewed the application, and noted that the applicant was not present. The board agreed that the applicant needs to add a map with the buildings and acreage specified. The board agreed to postpone until the next meeting.

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The board reviewed the meeting minutes of January 24, 2012.

****Motion****

6:47 p.m. Gloria Kimball motioned to accept the minutes of January 24, 2012 as amended. Seconded by Frank Freeman. Roll call. Motion passed 6-0-1. Selectman Burbank abstained.

7:00 PM Shirley Benton -Site Plan Review, PID 11-01-03 - Additional Units to Existing Apartment Building - 1842 Route 175

The board reviewed the site plans submitted along with the new information requested during the previous meeting. Engineer Tom Duffield arrived with updated plans for the board to review. Mr. Benton will be installing a drip edge on the new building and the existing building so that storm water drainage is not affected. The curb cut has been submitted to NH Department of Transportation and they plan to do a site visit to review on Monday. Mr. Duffield stated that they will adhere to the requirements set forth by NH Department of Transportation when they are received, if there are any. There is an approved septic plan already. The front will not look the same as originally stated since dormers will have to be added. The fire chief has not submitted a letter yet. The board agreed that this can be part of the conditions if needed. Mr. Benton agreed that he will meet the conditions set forth by NH Department of Transportation and the Thornton Fire Chief.

****Motion****

7:12 p.m. Gloria Kimball motioned to accept the application as complete. Seconded by Frank Freeman. Roll call. Motion passed 7-0.

****Motion****

7:12 p.m. Bart Dutto motioned to approve the application with conditions if required by the Thornton Fire Chief and NH Department of Transportation. Gloria Kimball seconded the motion. Roll call. Motion passed 7-0.

7:45 PM Helen B. Steele and Bradford C. Benton - Site Plan Review, PID 10-03-37 Campground - Benton Steele Property, Route 175

The board reviewed the plans submitted. Mr. Rand provided RSA information and correspondence for the board to review pertaining to the plan. Chairman Dutto reviewed the general campground regulations in the town and RSA 216-I:2. Mr. Duffield stated that the sizes of the campground sites meet the requirements although they are not to scale on the plan. The state administrative order has been released and they are working on the subdivision approval with a phased septic system. Portable toilets would be used until the septic is complete. Mr. Duffield claimed that the plan he is submitting is more accurate than the FEMA flood map for this area. He wants to meet with Mr. Rand to confirm his plans. Mr. Rand stated that FEMA was here in the Fall and all of Grafton County has been updated recently and the flood insurance is based on FEMA maps. Chairman Dutto would like to see defined sites with dimensions and locations. There are a total of 86 camping sites proposed. Citizens stated their concern regarding events that are going to be held at the proposed campground. Mr. Phillips clarified that the Planning Board is strictly reviewing this plan for a campground use only not a special event situation at this time. Mr. Duffield and Mike Benton agreed. Mr. Duffield explained that a new

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artesian well will be installed outside the flood zone and is considered a public water supply. A disposal system will be phased in, while providing portable toilets in the meantime while leach fields are installed. Mr. Dutto questioned if the portable toilets meets the disposal system requirements. Mr. Phillips expressed concern as to emergency plans for flooding since the majority of the campsites are in the flood zone. Mr. Duffield stated that there is plenty of room for the campers to be moved to higher ground. Mr. Duffield stated that the map can be updated to show exact locations for tent sites and RV sites. Three way hook-ups are required for campers staying for three weeks or longer. The bath house would be a permanent structure. Mr. Phillips requested that the campground rules be submitted for the board's information. A resident stated concern with evacuation routes and if there was a safety plan for the campers. Beverly Chappell asked questions regarding the campground regulations and mentioned her concern with the Planning Board approving this application in a residential zone. Another abutter mentioned safety concerns with the water level when the area floods and asked if all the campsites are in the flood zone. Mr. Demeritt said that not all of them are in the flood zone, but 80-90% are in the flood zone.

Mr. Phillips mentioned that the board received a letter from Ms. Chappell regarding the town's regulations. He asked Mr. Rand if the campground regulations were approved correctly by the town. Mr. Rand stated that it is not showing up in the town warrant but there is a set of minutes that reference the regulations. Mr. Phillips stated that in order to move forward with this application, they should make sure that the campgrounds are allowed in all zones. Ms. Chappell stated that she has asked for the results of the vote by the town's people and has not yet received the information. There is information that suggests that there was an overhaul of the zoning ordinance but there is no record of the list to be found at this time. The town has discovered a lack of records at the town hall and the town staff has been working on locating previous documents and information regarding the zoning ordinances. Selectmen Burbank stated that the two boards should research this situation with their counsel. The Planning Board has to determine what the town's people actually voted in and be sure that their ordinance is accurate. The town staff is researching records from the 1970s through the current year to make sure the ordinances are accurate. Selectman Burbank stated that there is a serious issue at the town involving possible due process and their top priority is to fix these issues. He also stated that applicants must be aware of this situation since money and time are being invested. Selectman Burbank stated that in the best interest of the town, the applicants, and the residents, they must do the research needed to make sure they are making good decisions. Mr. Phillips informed the applicants that they have other options, they could apply for a variance or they could wait it out. He stated that the Planning Board does not want to unintentionally mislead them and approve an application that will later be challenged. Each board must consider the opinions of legal counsel as well as they move forward because there are other changes in the ordinance that are in question besides campgrounds. Mike Benton stated that waiting it out seems like the only option for them at this point. Mr. Phillips added that once the ordinance is straightened out, they may still have to apply for a variance. Mike Benton agreed, and asked if this same situation applies to the next agenda item, for the building of the stage for special events. Selectman Burbank said he feels it may apply. Mr. Morton feels that if there are no official records on the vote of the 2000 regulation amendment then the Planning Board is not able to approve any new business until this

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is figured out. Chairman Dutto suggested tabling the next two agenda appointments until the next Planning Board meeting until they have more information.

****Motion****

8:27 p.m. Chairman Dutto motioned to table the campground site plan review until after the zoning regulations have been clarified. Discussion ensued regarding continuing the application to the next meeting. Mr. Phillips asked if this should be continued to the next meeting and hope that the ordinance concerns have been addressed or will the applicant be applying for a variance. If there is no additional information by then, then the Benton's will not need to attend. Mike Benton agreed to wait and continue the application with the Planning Board. Chairman Dutto rescinded the motion.

****Motion****

8:28 p.m. Board member Phillips motioned to continue this application to the next scheduled meeting of April 19, 2012. Chairman Dutto seconded. Roll call. Motion passed 7-0.

8:30 PM Brad C. Benton - Site Plan Review, PID 10-03-37 - Special Event, To Build a Stage - Benton Steele Property, Route 175

Mr. Demeritt explained the plan for the stage. Tyler Phillips asked what the stage is intended to be used as, and would like to know if there were different requirements for the town to follow if the stage is going to be used as a commercial purpose rather than a personal use. After discussion regarding the use of the stage, the board agreed to table this application to the next meeting and to speak to town counsel. The applicants agreed. Selectman Burbank stated that Mr. Rand is doing a lot of work and a lot of research to assist both boards with this project. The town staff is working to create a correct paper trail and this is a priority. Mr. Burbank is under the impression after speaking with Brad Benton that the stage structure is intended to be permanent not temporary. Mr. Freeman feels that the intent of the structure and how it is to be used is important to consider.

The board agreed to have Mr. Rand contact the Planning Board counsel. The selectmen are in contact with their counsel separately as well. Chairman Dutto stated that both boards are committed to making sure that the town's people have the information that is correct.

****Motion****

8:58 p.m. Chairman Dutto motioned to continue the site plan application for site plan review to build a stage to the next meeting on April 19. Seconded by Selectman Burbank. Motion passed 7-0.

9:15 PM Other Business before the Board - Public input

Steve Morton mentioned the petitioned article that will affect the Planning Board assistant and that could eliminate the job altogether. Mr. Morton stated that he has learned that this position is needed in the town and he is planning to speak about this article at town meeting. Mr. Morton asked the board if this position is necessary to them. Chairman Dutto replied that this position is needed, since the board members mostly work full time and have other commitments. The assistant position is very valuable to the board and they could not operate without it. Chairman Dutto further explained that this position was created to alleviate administrative duties from the

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previous secretary and was intended to have a transition period; however the transition took place quicker than expected when the previous secretary resigned. Jim Demeritt added that as a Board of Adjustment member, this position is very valuable in providing facts to the board and Mr. Rand does a lot of work that is very important.

Selectman Burbank clarified that even though Mr. Rand's job description includes the term code enforcement officer, it is important that the residents understand that he does not enforce anything. This position is responsible to bring information to the Board of Selectmen, and to research information requested by the board. The Board of Selectmen is the enforcing agent for the town, not Clint Rand. Mr. Phillips feels that the both the Planning Board and Board of Selectmen should make sure Mr. Rand is aware of their expectations with that position and what he should be doing to satisfy his role as code enforcement officer and Planning Board assistant.

****Motion****

9:20 p.m. Gloria Kimball motioned to adjourn. Motion seconded by Frank Freeman. Motion passed 7-0.

Respectfully Submitted,

Jessi Fleury
Board Secretary
Draft posted March 22, 2012