

**TOWN OF THORNTON PLANNING BOARD MEETING MINUTES**

**Meeting Date: April 19, 2012**

**APPROVED**

The Planning Board met and held a public meeting on Thursday, April 19, 2012 6:00 PM at the Thornton Town Hall.

**6:05 Chairman Dutto opened the meeting with the flag salute.**

**Board Members Present:** Gloria Kimball, Russ Gilman (alternate, not voting), Frank Freeman, Steve Babin, Tyler Phillips, Vice Chairman, Bart Dutto, Chairman, Carolyn Piantedosi, Steve Morton, Selectman representative, Fred Gunter (alternate, not voting).

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

**Please see attached sign in sheet:**

Chairman Dutto welcomed Steve Morton as the new Selectman representative and new Planning Board member Steve Babin.

*Review of Meeting Minutes*

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

**6:08 p.m. Mr. Phillips motioned to approve the minutes of March 15, 2012 as amended with amendments attached. Seconded by Carolyn Piantedosi. Roll call, all in favor, motion passed 7-0.**

**6:00 PM Regular Business**

*Sandy's Happy Tails –Sandy Harvey, 2429 Route 175- Sign Permit*

Ms. Harvey met with the board to receive permission to install a sign for her dog grooming business on Route 175 (PID 6-9-28). Sign dimensions and pictures were reviewed by the Planning Board. Mr. Rand agreed that the sign meets the requirements of the town ordinance.

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

**6:11 p.m. Chairman Dutto motioned to approve the sign permit as submitted for Sandy's Happy Tails. Seconded by Mr. Phillips. Roll call, motion passed 7-0.**

*6:15 PM Kimberly Grace – Grace Wellness Center -Nathan Drive*

Chairman Dutto stated that the board attended a site visit at this property to review the road concerns raised by abutters. The board discussed the amount of houses using one driveway. The requirements of the regulations that one driveway cannot access more than two properties and that the driveway would have to become a road were discussed. The board agreed that this is a separate issue from the home occupation use.

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Chairman Dutto referenced that the Zoning Board may grant special exceptions for home occupations. Mr. Phillips stated that the Planning Board would approve home occupations based on their criteria and if the occupation does not meet the criteria then the applicant would apply through the Zoning Board for a special exception. Mr. Phillips mentioned that the road issues concerning traffic safety could be addressed as a condition. Selectman Morton has concern with the current road standard, since it is a single car wide shared driveway. He feels that there could be a winter hazard due to the grade level. Kimberly Grace replied that she is giving notice to people in the winter time and providing a shuttle service and agrees that the road is not the best during the winter but she has provided modifications. The board discussed the possibility of grading the driveway. Mr. Grace indicated that it is possible. Mr. Phillips suggested approving the application for a year and then they can reassess traffic situations. Mr. Babin asked if there is a history of the road hazard. Ms. Grace indicated there is no history. She further explained there is a potential for eight clients per day. Mr. Campbell mentioned a concern with his well with winter conditions and salt and he is concerned with 8 potential clients each day and with drivers who do not have experience traveling this road and the question of whom has the right of way when two vehicles meet.

Chairman Dutto reviewed the six criteria for the home based business as stated in the zoning ordinance and found that two items raised a concern, generating twice the traffic as nearby properties and creating a hazardous situation. Mr. Phillips feels that if there is a limit to 6 clients a day then it meets requirements. Mr. Babin stated that the hazardous condition is the existing road and the business does not create the hazard, it already exists. The board discussed the situation further.

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

**6:49 p.m. Chairman Dutto motioned to approve Grace Wellness Center with the contingency that the road is maintained with eco-friendly substance during the winter and that the clients are shuttled from November 15 through April 30. Mr. Freeman seconded the motion. Jim Demerit asked questions regarding the enforcement ability of the Planning Board once this is approved and recommended a bond. The board agreed a bond is not needed. The board agreed that if the home occupation does not meet the criteria as approved by the Planning Board then the Wellness Center would no longer meet the criteria as a home occupation. Roll call, Frank Freeman -yes, Steve Babin – yes, Tyler Phillips-yes, Carolyn Piantedosi, yes, Steve Morton-no, Gloria Kimball-no, Chairman Dutto –no. Motion passed 4-3.**

Chairman Dutto stated that a Notice of Decision will be sent to the Grace's from the Planning Board assistant reflecting the motion made this evening.

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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 tax map for the merger request.

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

**7:10 p.m. Mr. Phillips motioned to approve the voluntary merger application for Kathleen Mackay and Cameron Sanders for lots 02-05-10 and 02-05-09. Mr. Freeman seconded the motion. Roll call, Gloria Kimball-yes, Frank Freeman-yes, Steve Babin-yes, Tyler Phillips-yes, Bart Dutto-yes, Carolyn Piantedosi-yes, Steve Morton-yes. Motion passed 7-0.**

Chairman Dutto noted that a Notice of Decision will be processed by the planning department indicating approval for the voluntary merger.

7:00 PM *James Sanborn, Gravel Pit*  
*Permitting Requirements after Transfer, Route 49*

Mr. Sanborn met with the Planning Board to discuss his requirements to operate his gravel pit. He understands that the grandfathered status on Route 49 gravel pit has been transferred with the property. The board agreed. Mr. Sanborn plans to continue the same operation as in previous years. Mr. Phillips believes that the difference with having a grandfathered gravel pit is that there is no reclamation bond required like the non-grandfathered pits. The board does not feel there are any requirements from the Planning Board at this time. Mr. Sanborn informed that he has completed the Intent to Excavate with the Selectmen. Mr. Phillips asked if the board should review the property as part of its biannual review process. The board agreed to schedule a site visit later in the year, perhaps September, to check on safety issues or any clear violations. . The board agreed he is allowed to operate.

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

Chairman Dutto stated that three selectmen are in attendance during this hearing and this could be construed as a quorum. Brad R. Benton left the meeting. Selectboard members Marianne Peabody and Steve Morton, Selectboard representative to the Planning Board remained. Revised plans were distributed by Tom Duffield, Engineer, as well as updated flood plain information.

The board discussed if they would consider this application a minor or major subdivision. Mr. Phillips feels that minor site plan reviews are reserved more so for smaller activities. The board agreed to use major site plan review criteria. Duffield explained that the campsites have been noted and specified as the board requested previously, they have also mapped the 100 year flood area and has submitted a

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L.O.M.A (letter of map amendment) to FEMA for a map amendment. Mr. Duffield indicated that setbacks have been indicated on the new maps, there is one area of encroachment regarding the setback requirements for structures. He explained that this does not apply since campsites are not structures. A letter was submitted to the board from the abutter that abuts the section of campsites that encroach on the setbacks stating that they do not have a problem with the location of the campsites. The board agreed that campsites are not subject to setback requirements since they are not a structure.

The board discussed the flood zone area. Mr. Duffield stated that the L.O.M.A could take up to 6 weeks to be approved from FEMA. Mr. Rand asked if Mr. Duffield has received a flood elevation certificate. Mr. Duffield explained that they do not, and that FEMA requires either a flood elevation certificate or a letter of map amendment and they have decided to submit the L.O.M.A. Mr. Duffield provided letters from FEMA and State of NH engineers addressing the flood zone concerns for the campground and the town's participation in the flood insurance program. Mr. Duffield indicated that the letter from FEMA confirms that the town would not be in jeopardy of losing their participation in the flood insurance program and that campgrounds in general are allowed in flood zones. These letters were placed in the site plan review file for future reference.

Chairman Dutto confirmed that there would be no campers/RV's stored off-season in the flood zone. Mike Benton confirmed that there would be no storage in the off season in the low land. The board discussed the L.O.M.A process. Mr. Rand stated that the flood insurance rate map plans indicates that the area is still in the flood plain according to the FIRM (flood insurance rate map) until it is amended by the L.O.M.A and approved by FEMA. Steve Morton read from the FIRM map that the FIRM map is for flood insurance rating only and not to be used as the sole source of flood area indication.

The board reviewed each item of the checklist. Beverly Chappell asked for clarification regarding permitting. Mr. Duffield stated that they have a subdivision permit and that is applicable to their project.

Kelly Coburn, who lives across the street, stated that she was never notified as an abutter. Mr. Phillips stated that the definition of abutter has been used to determine who requires notification as an abutter. He suggested that if she would like to change the definition of abutter in the town regulations that would need to be done at next year's town meeting.

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

**9:19 p.m. Dutto motioned to consider the checklist complete with the following conditions, a note on the plan indicating the minimum road width required for safety, a letter from Fire Chief Tobine and Police Chief Moller indicating adequate safety requirements, and a waiver letter from Mr. Duffield on street profiles. Gloria Kimball seconded. Roll call, motion passed 7-0. Gloria Kimball-yes, Frank**

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**Freeman-yes, Steve Babin-yes, Tyler Phillips-yes, Bart Dutto-yes, Carolyn Piantedosi-yes, Steve Morton-yes. Motion passed 7-0. Roll call, list all, 7-0.**

Beverly Chappell stated that her lifestyle, quality of life and assessed value on her property has been dramatically decreased due to the activities of the Benton's with the campground and the special events that take place next door to her house. She complained of smoke from the campfires, noise, headlights and trespassers. She also requested that the cameras that were located along the fence in between the properties are harassing in nature. She further stated that removing those six sites would go a long way towards compromise. Mike Benton stated that he has already removed a number of sites in that area and would like to keep the six sites left if possible. He also replied that the cameras are not real and that they were meant to deter any trespassing. The board discussed installing a screen to shield the headlights from those campers parking within the six sites abutting Ms. Chappell's property and discussed ideas of how to limit the campfire smoke from engulfing the neighbors. Mike Benton suggested that he would be willing to install angled parking for those sites so that the headlights do not shine through Ms. Chappell's windows, he also offered to either make those 6 sites non campfire sites or have one campfire ring for all six sites to share.

The board agreed that they would continue this application to the next Planning Board meeting on May 17, 2012 to determine final approval and that the application will only be considered approved once the three conditions have been met. The board agreed that Chief Moller would be contacted as well as Chief Tobine regarding safety requirements

Russ Gilman suggested scheduling a site visit to view the area again to have a better idea of the area after all the recent discussion. Fred Gunter agreed. The board agreed to schedule a site visit for Tuesday, May 8, 2012 at 5:00p.m. Chairman Dutto request that the site visit be posted locally and that an email reminder be sent to all Planning Board members.

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

The board discussed if the site plan is relative to the minor or major checklist. The board discussed the application. Mr. Duffield suggested that the actual location of the stage can be viewed during the scheduled site visit. The board agreed that the special event is separate from the building of a stage. Mr. Freeman stated that the details have been provided already this evening when they reviewed the campground plans. Mr. Phillips stated that he is confused on this process and he is not sure why the applicants are applying for a site plan review if they are only building a structure. If a site plan is in fact needed, he feels that there is no road profile needed because there is no road associated with the stage. The board discussed the checklist and the access to the

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stage. Beverly Chappell stated that the intended use of the stage is a commercial use. Mr. Demerritt explained that the town attorneys agreed in the past that the Planning Board should hear this application as a site plan review and that is why it is in front of the Planning Board rather than the Zoning Board.

Some members of the board agreed that they are addressing the requirements of the site plan review and not the actual use of the stage but rather the actual structure that resides in the general residence zone. Marianne Peabody stated that because they are using the stage it falls under the site plan review. It is up to the Selectmen to approve or deny the actual event, and this would be considered by special event process. Chairman Dutto suggested that the area can be viewed during the site visit scheduled. He also suggested that the minor site plan review checklist should be used. Mr. Rand stated that most of the concerns with the stage were covered during the Board of Selectmen meeting last night, when they approved the special event license. Mr. Rand also stated that provided the stage meets the flood plain regulations he does not see a problem with approving the structure.

The board reviewed the requirements of the minor site plan. Beverly asked what the use will be according to the application. Chairman Dutto stated that the proposed use as indicated on the application is to have special events. There was a question as to the parking area for the special events. Mr. Duffield indicated that parking has not been designated for the stage; however he feels that the parking is subject to the special event ordinance under the Board of Selectmen's jurisdiction. Selectman Steve Morton suggested approving the application with the condition that the police and fire chief suggestions are followed. Mr. Duffield stated that they can obtain input from the fire and police department. Ms. Chappell questioned what the difference is between an outdoor theatre and a stage. Fred Gunther stated that the site plan review requires the knowledge of what the stage is going to be used for.

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

**9:19 p.m. Chairman Dutto motioned to accept the application for site plan for Brad C. Benton, for map 10-03-37 to build a permanent stage contingent upon public safety review from Chief Moller and Chief Tobine. Gloria Kimball seconded. Roll call, Gloria Kimball-yes, Frank Freeman-yes, Steve Babin-yes, Tyler Phillips-abstained, Bart Dutto-yes, Carolyn Piantedosi-yes, Steve Morton-yes. Motion passed 6-0-1.**

### *Other Business*

The board secretary stated that she has created a binder for the new board members that includes all the most up to date ordinances and asked if each of the existing board members would like one and if they would like each new member in the future to receive this information. The board agreed they would all like a new binder with all ordinances and checklists.

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

**10:57 p.m. Gloria Kimball motioned to adjourn the meeting. Roll call, all in favor, motion passed 7-0.**

Respectfully submitted,

Jessi Fleury  
Board Secretary  
Draft posted 4/24/2012