

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: May 17, 2012

APPROVED

The Thornton Planning Board met and held a public meeting on Thursday, May 17, 2012 6:00 PM at the Thornton Town Hall.

6:00 opened the meeting with the flag salute.

Board Members Present: Gloria Kimball, Russ Gilman (alternate, voting), Frank Freeman, Steve Babin, Carolyn Piantedosi, Steve Morton Selectman representative, Fred Gunter (alternate, voting).

Board Members Absent: Tyler Phillips, Vice Chairman, Bart Dutto, Chairman.

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

6:00 PM Regular Business

Frank Freeman opened the meeting and stated that he has been informed that Chairman Bart Dutto has resigned from the planning board this morning. He understands that there have been some negative things that continue to happen in this town and it is unfortunate because it stops good things from happening.

Mr. Freeman suggested that perhaps Bart Dutto would reconsider his resignation. If he does not, he feels that Tyler Phillips is the most appropriate replacement for chairman, and he is not present this evening. The board agreed to hold off on discussing a replacement nomination for the chairman position.

The board reviewed the draft planning board minutes of April 19; Gloria Kimball added an additional correction on page four.

****Motion****

6:09 p.m. Steve Morton motioned to accept the minutes of the planning board meeting of April 19, 2012 as amended. Seconded by Carolyn Piantedosi. Roll call, motion passed 7-0.

Ms. Fleury asked who the voting members of the planning board are since there are two vacancies this evening. Mr. Freeman replied that the board would appoint Russ Gilman and Fred Gunter as full board members for this evening.

Mr. Freeman called attention to the last appointment of the agenda, the site plan review for the Benton Campground. Mr. Rand proposed to the selectboard that the campground site plan review and the construction review of the stage not only be subject to planning board site plan review but also a flood plain review in accordance with the town ordinance and FEMA. Mr. Rand explained that FEMA regulates the ordinance adopted by the town. Mr. Gunter explained that in order for the town to participate in the insurance program, the town needs to follow the federal regulations adopted in the town ordinance. Mr. Freeman understands that the structures to be erected in the Benton's field have to meet flood plain regulations. Mr. Rand was met with some opposition among the Selectboard members. Mr. Freeman asked for some

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: May 17, 2012

APPROVED

clarification. Mr. Morton explained that Jennifer Gilbert, Flood Management Coordinator from OEP office is meeting with the Selectboard at 9am on May 22, 2012 to discuss the regulations and permit process. There is going to be a coming together of the minds as to what has to happen. In regard to the Benton's application, it is the planning board's decision; however, the Selectboard feel it would be best for the planning board to hold off on their decision until after meeting with Ms. Gilbert so they have more information. The meeting is open to the planning board and zoning board as well. Mr. Morton understands that the Benton's have not received the LOMA yet. He feels that the Benton's would be ok with recessing their hearing until after the meeting with OEP.

Mr. Freeman agrees and personally thought the issue was a local matter between the Selectboard and the planning board and now understands that the State and Federal officials are involved and that frustrates him. Mr. Rand stated that this has been ignored on a local level for years and explained that the town has to follow certain criteria to remain part of the flood insurance. Mr. Freeman stated that he agrees that the recessing of the hearing until after the meeting with OEP is the best option for the Benton's. Marianne Peabody stated that the Benton's should be heard since they are scheduled on the agenda. Mr. Freeman agreed that they will be heard. Mr. Freeman stated that he is in dismay that the federal officials were contacted before the local boards were able to work this out. Ms. Fleury explained that the only reason FEMA is visiting the town is because there is confusion as to the process that needs to be followed when building or developing in the flood zone, including site plan and subdivision approvals. The purpose of the meeting is so that the town can understand what their obligations are and what process they need to follow so that they meet those obligations for the flood insurance program. FEMA is not coming in to tell the town what to do or to reprimand, but to help the town so that the process is followed correctly. Beverly Chappell stated she had informed the town years ago that they were not following the flood ordinance. She also confirmed that the applicants have not received final approval yet for the campground and that the planning board should wait to make any decisions until they are present. She also provided a flyer as part of the record, showing that the Benton's are already advertising their property as a campground before they have been approved. The board discussed a tentative date to recess the hearing.

The board discussed the members that will be voting at the next meeting. Gloria Kimball stated that she would like to appoint Sandy MacIntosh as an alternate member to the planning board. The board discussed the need for an application with the Town Clerk. Ms. Fleury clarified that the planning board can appoint an alternate as a full voting member to serve until the next town election. At the next town election, the townspeople will vote for a new member to finish out Bart Dutto's term if applicable. The planning board can appoint a new alternate and will need to sign an appointment form. Ms. Fleury drafted an appointment form and explained that the board can sign the form tonight, and then it is given to the Town Clerk to process. Ms. MacIntosh must meet with the Town Clerk to be sworn in, and then she can be considered a voting member.

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: May 17, 2012

APPROVED

****Motion****

6:25 p.m. Frank Freeman motioned to appoint Sandy MacIntosh as an alternate member to the Planning board. Seconded by Mr. Morton. Roll call, motion passed 7-0.

6:30 PM Public Forum (5 Minute Limit)

Beverly Chappell stated that the zoning ordinance is not clear concerning home occupation requirements and asked if the ordinance should be changed to be clearer. Mr. Freeman stated that he feels the ordinance is clear, he stated that it is the practice of the planning board to encourage residents to meet with the board for informational purposes. Mr. Rand stated that there are many individuals who have a working desk at their home and can be delayed unnecessarily. Andrew White explained that due to his own requirements, he needs to have written permission from the planning board to work out of his home to meet his own business needs. The board discussed the ordinance. After discussion, the Planning board understands that there are a few criteria that need to be met for a home occupation; individuals are encouraged to meet with the board so they can be sure it qualifies as a home occupation although individuals are not required. If any of the criteria changes then the use may not qualify as a home occupation anymore.

Carolyn Piantedosi stated that the Thornton Beautification Committee has the funding from the town to do some landscaping around the town hall. They would like to locate the town land boundaries and put up a sign like the school sign created by the local Marvel sign company. The Board thought it was a great idea.

*6:45 PM Notice of Home Occupation - Beta Acquisition, Inc.
202 Tamarack Lane - Applicant: Andrew White*

Mr. White informed the board that he acquired a weather instruments company and is working out of a home office; his manufacturing office is in Lyndeborough. He is the sole employee working out of this location. Mr. White requires notification of approval from the town attorney. Mr. Rand has provided this notification from the Planning board counsel already. Mr. White figured he would meet with the board to finish the process. Mr. Morton read through the criteria of a home occupation. Mr. White answered all questions as No, and the board agreed that the information is satisfactory and the business is within the intent of the ordinance.

****Motion****

6:42 p.m. Fred Gunter motioned to approve the home occupation for Andrew White, Beta Acquisition and have it noted in the minutes. Gloria Kimball seconded. Roll call, motion passed 7-0.

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: May 17, 2012

APPROVED

7:00 PM Application for Subdivision Approval Boundary Adjustment and Lot Merger, Route 175, PID 2-4, 7A, 7B, 7, Applicant: John J. and Wade A. Reed; Surveyor: Sabourn Surveying, Inc.

Roy Sabourn, Surveyor, provided the board with plans of the boundary adjustment and lot merger. Mr. Sabourn explained the application to the Planning board. The two driveway permits have been approved and are noted on the map. The board discussed the plans. There are no structures on the lots. Sabourn confirmed that the driveway is 450 feet from the abutter's boundary line. Mr. Freeman requested a checklist for minor subdivision from Mr. Rand. Frank Freeman went through the checklist. Mr. Sabourn stated that the plans with the seal are the official copies to be signed. He further explained that there were three separate properties, two small and one large. The Reed brothers bought all three properties and want to merge one of the small properties with the large one, and then do a boundary line adjustment for the second small property to increase acreage. The board discussed the plans submitted. Mr. Freeman went through the checklist. The application met the criteria as applicable in the checklist.

Deborah Brown, abutter, raised concerns regarding her easement from the roadway to the Poulin's property, and asked if they will have a meeting to discuss their logging project. Mr. Freeman stated that this situation is not before the Planning board this evening. He explained that they are required to receive a logging permit, but it is not heard before the Planning board. Ms. Brown explained that she purchased her property with the intent to retire peacefully and does not want to view a logging situation from her back deck; she has privacy acreage between her property and the Reed property so their project does not affect her. The board agreed that the Poulin property is not a Planning board matter, but suggested that she speak with the Poulin's regarding her concerns. Mr. Freeman called for any further discussion of the Reed application.

****Motion****

7:30 p.m. Steve Morton motioned to accept the application as complete for subdivision approval, boundary Adjustment and lot merger for PID 2-4, 7A, 7B, 7 for John J. Reed and Wade A. Reed. Seconded by Steven Babin. Roll call, motion passed 6-0-1. Russ Gilman abstained.

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: May 17, 2012

APPROVED

****Motion****

7:32 p.m. Fred Gunter motioned to approve the application for subdivision, boundary Adjustment and lot merger for PID 2-4, 7A, 7B, 7 for John J. Reed and Wade A. Reed. Seconded by Gloria Kimball. Roll call, motion passed 6-0-1. Russ Gilman abstained.

Mr. Freeman signed the plans.

7:30 PM Informational Hearing Prior to Submission of Application for Site Plan Review, Campground Route 3, PID 10-8-8, Applicant: Dick Anagnost; Surveyor/Engineer: Keach-Nordstrom

The board reviewed the preliminary plans for a proposed site plan review for a Campground on Route 3 in the industrial zone 1. Tony Basso, Engineer with Keach Nordstrom is representing the developer. The zone is split between commercial and industrial zones. Mr. Basso provided an overview of the property. The site is relatively flat and is above the 100 year flood map. The proposal is for about 277 or more lots for park model RVs with an internal road system. It is not meant for residency, and will be sold with one year, renewable leases. There will be a number of community leach fields, septic plans and community wells are being worked on currently. There will be a store and pool area within the campground. Mr. Morton asked for clarification as to what a park model is. Mr. Demeritt stated that it is basically a mobile home, it is self-contained, and is smaller than a mobile home. The board discussed what a park model is. Mr. Freeman stated that the models are meant to be permanent. Questions were asked regarding outside additions to the park models. Mr. Basso stated that the term of the lease will state whatever the time frame is allowed for occupancy to avoid residency. There will be no street lighting, but there would be security enforcing the rules including noise, the use of atv's on site will not be permitted, etc. The rules will be included in the actual application for the next Planning board meeting. Ms. Piantedosi asked for clarification of how a person would purchase a park model. Mr. Basso explained that individual would purchase the model from the developer. He explained that the lot would be leased on a yearly basis and the units would not be removed at the end of the season. Mr. Babin stated that Hyannis has several of these establishments that are there year round. They look like trailer parks, but do not meet the criteria of a trailer park. Mr. Babin stated that normally these communities set up their rules in order to not violate laws. Mr. Morton asked if these park models would be taxed. The board discussed maintenance of the grounds when the area is closed. Ms. Peabody stated that there are many of these

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: May 17, 2012

APPROVED

communities in Wells, Maine and that they are not considered residents but have access to town services. The board discussed the definition of a campground.

Discussion continued regarding landscaping, fencing, and natural barriers. Ms. Piantedosi stated that the appearance is a big concern, and if it could be done nicely to avoid some opposition. Mr. Basso explained that the image of the barriers would be important and the landscape architect would take into consideration all of the areas of the land, and residents would have to understand that some landscaping will take some time for growth as well. There would be over 50 feet from the roadside.

Mr. Basso stated that they would like to submit their full application by the end of the month to be heard at the next Planning board meeting. They would like to open as soon as possible, this summer.

*8:30 PM Application for Site Plan Review (2nd Review), Campground Route 175, PID 10-03-37, and Applicant: Brad Benton and Helen Steele;
Surveyor/Engineer: Tom Duffield*

Mr. Freeman stated that some people in town feel that the application needs to be reviewed in light of the floodplain zone because of developments in the flood zone. The board discussed this previously in the meeting. Mr. Morton explained that there is some confusion as to the permitting process in order to be in compliance with the Flood Insurance program requirements. There has been some difference of opinion as to what the process is, so the selectboard scheduled a meeting with Jennifer Gilbert from the Office of Energy and Planning on May 22 at 9:00 a.m. to help the town establish a process to be administered and enforced by the selectmen. The public hearing can be heard this evening; however the Benton's do not have all the documents that they need at this time either. The suggestion is to recess the meeting until Thursday, May 24, 2012 at the town hall at 6:00 p.m. so that the selectboard and the planning board know exactly what the town's process should be to comply with the ordinance. Mr. Freeman stated that this has been a long process, but both boards should have the opportunity to meet with the state so that the town is in compliance. This will be an educational meeting with the FEMA coordinator and is open to the public; however, there will be no public input. Mike Benton agreed to recess the hearing.

Beverly Chappell asked if there would be a final approval at the next meeting. Discussion continued as to if the posting had to indicate if it was a final hearing.

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: May 17, 2012

APPROVED

Ms. Chappell stated that she has some new concerns that she would like to address before the final approval hearing. Mr. Duffield stated that they would like to know any new concerns before the next meeting. Ms. Chappell asked if the Planning board has the amended plan approved from the NH DES. Mr. Rand does not believe that the plan that the board accepted is the same plan that was accepted by DES. Ms. Chappell expressed concern with the unorganized presentation of the campground and indicated that it is not easy to interpret unlike the campground plan that was presented earlier this evening. The campground has never been cut and dry. Mr. Duffield stated that the clarification with the state septic plans would be possible, but the applicants want to phase in the septic systems. Mr. Duffield agreed that he will work on addressing Ms. Chappell's concerns before the next meeting. He further agreed to include the new location of the shed on the plan. Mr. Freeman asked if Mr. Rand could contact Dawn Bewker at NHDES to make sure that the town has the same plan as approved by NH DES. Mr. Rand agreed. Ms. Chappell raised another concern with the lack of buffer for the six sites abutting her property. She does not agree with her trees being used as buffer and urged the board to put some thought into how they can minimize the nuisance that the six sites has the potential to cause to her as an abutter.

Matthew Boyd, stated his concern with the concert issue being considered appropriate at the campground. The board informed him that the special event is an issue to be heard with the selectmen, not the planning board. Mr. Babin stated that the campground and the special event are two different issues. The hearing that is being discussed now is the campground case, and the special event is a situation that selectmen address. Kelly Coburn expressed concern that the stage at the campground can be used if there are less than 200 people. Discussion continued on special event criteria and campground use. Mr. Freeman restated that the planning board does not have jurisdiction over special events. He appreciates his concerns, but even if the planning board turns down the campground application, the applicant can still have special events. Mr. Boyd stated that there is a question as to if the use is a special event or a business. He further stated that if the planning board is going to consider the campground they must consider the use of the campground. Mr. Babin stated that the planning board does not approve or consider special events. Mr. Freeman stated that if he has an issue with the Special Events then he needs to petition with the selectboard. Kelly Coburn restated her concerns as addressed at a previous meeting and feel that the Benton's have received preferential treatment. She stated that she has not received an answer for any of her questions. Mr. Freeman stated that it is not right that she has not

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: May 17, 2012

APPROVED

received answers to her questions. Mr. Gunter stated that the Planning board has to follow their regulations, and if there are things that residents do not like, then the regulations should be changed, and the Planning board needs to make sure that all applicants are held to the same standards. Beverly Chappell stated that they have not been diligent in equally dispersing regulations, and that there has been no enforcement of the town's policies. Mr. Gunter explained that the Planning board can only enforce excavation regulations and that the selectmen are the enforcing body in this situation. The town only recently voted in a code enforcement officer position last year, there are many things that should not have happened, but there was no enforcement in place at that time. Ms. Chappell urged the board to do their due diligence on approving this campground application to avoid a nuisance situation and to ensure there are no more surprises with the application. She stated that the removal of the sites abutting her property would be appreciated and asked that the board do whatever they can to alleviate the stress.

****Motion****

9:14 p.m. Mr. Gunter motioned to recess the hearing until May 24, 2012 at 6:00 p.m. at the town hall. Seconded by Frank Freeman. Roll call, motion passed 7-0.

9:30 PM Other Business before the Board

Frank Freeman called for any other business before the board.

Ms. Fleury asked if the Planning board has reviewed the new updated zoning ordinance as distributed at the last meeting. Bart Dutto was going to sign off on the ordinance so that the staff could provide the updated ordinance to the public, but he has resigned beforehand. Mr. Babin suggested that the Vice Chairman sign them after review. Mr. Babin also suggested that the Planning board sign a letter to Bart Dutto asking for reconsideration. Ms. Fleury drafted a letter during the meeting for the board to sign. Russ Gilman stated that he spoke with Bart and is sad to see him go, but he is not sure that he wants to sign a letter since he has already relayed his feelings to Bart about his decision to resign. If the board feels he should sign the letter, he will. The board discussed. Mr. Gilman feels that it is not correct for him to ask Mr. Dutto to do something that he does not want to do. Mr. Gunter agreed. The board agreed to sign the letter, excluding Mr. Gilman and Mr. Gunter's signature.

Discussion continued regarding the process that Kelly went through for her variance and additional concerns raised by Beverly Chappell regarding the board

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: May 17, 2012

APPROVED

violating their ordinances. Mr. Freeman stated that her concerns were well said and understood.

****Motion****

9:35 p.m. Steven Babin motioned to adjourn the meeting. Seconded by Frank Freeman. Roll call, all in favor 7-0.

Respectfully submitted,

**Jessi Fleury
Board Secretary
Drafted 5/24/12**