

**TOWN OF THORNTON  
PLANNING BOARD**

Approved on: 7/10/13  
PB Initials: TBP  
Rec'd by Town Clerk on: 23 July 13  
Town Clerk Initials: [Signature]

**PLANNING BOARD MEETING MINUTES  
June 20, 2013**

**CALL TO ORDER:**

T. Phillips called the meeting to order and led the pledge of allegiance at 6:00 pm.

**ROLL CALL:**

The following members/alternates were present:

T. Phillips, Chairman	S. Babin, Vice Chairman	C. Piantedosi, Member	S. Macintosh, Member
G. Kimball, Member	F. Freeman, Member	John Paul-Hilliard, Ex-Officio	R. Gilman, Alternate
F. Gunter, Alternate			

**INFORMATIONAL: D. King Map 16 Lot 44-3**

D. King reviewed the history of the parcel which currently has two structures each serving as a dwelling on the parcel.

D. King asked if the Planning Board would consider allowing the parcel to be subdivided into two lots, each with one dwelling.

T. Phillips noted that if the parcel was subdivided into two parcels the resulting lots would not be in compliance with the Zoning Ordinance with regard to the following two issues: 1. the one acre minimum lot size and 2. the 100 ft. of road frontage requirement.

T. Phillips referenced the statement signed by the property owners dated 5/23/2007 which states that they "agree and confirm that one mobile home will be permanently removed when construction begins on new home. The second mobile home will be removed when the new home is completed".

After a brief discussion it was apparent that there was not overwhelming support from the Board members for a subdivision that creates non-conforming lots.

**PUBLIC HEARING:**

At 6:30pm T. Phillips opened the public hearing for an amendment to Site Plan submitted by property owner Gerald R. Warren for property identified as Tax Map 16 Lot 3-50, located at 2458 US Rt. 3, known as the Pemi River Campground to allow the placement of 4 rental recreational vehicles on four existing camp sites.

**MOTION: "To continue the Public Hearing after dealing with one other item on the agenda."**

Motion: G. Kimball

Seconded: F. Freeman

Discussion: Applicant G. Warren agreed to allow the public hearing to continue after the Board members address S. Macera.

Vote: 7 – Yes, 0 – No

**INFORMATIONAL: S. Macera Subdivision**

G. Jencks reviewed the history and status of the subdivision conditionally approved in 2011 and introduced property owner S. Macera and T. Collins of Mountain Mapping.

G. Jencks submitted a letter dated June 19, 2013 which stated the applicant is willing to include a note on the plan and in the deed regarding the driveway serving Lot 1 and Lot 10 remaining a driveway in perpetuity and that the owners shall be precluded from ever requesting it be taken over by the Town for the purposes of long term maintenance and snow plowing.

T. Phillips stated that RSA 674:41 will cause a challenge in obtaining a building permit for the subdivision lots without frontage.

T. Phillips stated that it is up to the property owner as to how to move forward as the Planning Board granted the approval, and added that the Planning Board wants to make it clear that the Selectmen will not be able to issue a building permit for lots without frontage without first requiring an application be made to the ZBA.

The Board reviewed the Planning Board minutes of February 17, 2011 which read:

*A motion was made and seconded to approve this subdivision contingent on the following:*

*Note #4 to be added to the covenants with the elevation added*

*A copy of the recorded covenants and restrictions for the record*

*L-Chip fee of \$25.00 made payable to the Grafton County Registry of Deeds.*

*VOTED Final 7 – 0.”*

The Board and the applicant agreed that the three conditions had not been met.

The Board and the applicant agreed that the following wording would be included in the covenants and added as Note #4 to the plan: “No lot owner shall place fill in the flood plain. Based upon a flood plain analysis of the Macera property by Northpoint Engineering of Pembroke, NH in October 2010, the base flood elevation was determined to be somewhere between elevation 550 and 552.”

The Board and the applicant agreed that the covenant document needs to be executed and the LCHIP fee be paid prior to the recording of the plan.

F. Gunter reminded Mountain Mapping of the requirement for 100 ft. of frontage on all parcels.

At 7:00pm the following motion was made:

**MOTION: “To open the Public Hearing for an amendment to Site Plan submitted by property owner Gerald R. Warren for property identified as Tax Map 16 Lot 3-50, located at 2458 US Rt. 3, known as the Pemi River Campground to allow the placement of 4 rental recreational vehicles on four existing camp sites.”**

Motion: F. Freeman

Seconded: S. Babin

Discussion: The Board thanked G. Warren for waiting.

Vote: 7 – Yes, 0 – No

G. Warren stated the units previously viewed by Planning Board members have been cut in half to create four separate units.

G. Warren stated the units are on axels and have hitches and are roughly 220 sq. ft. when measured.

G. Warren stated there is a section of his property which is not in the floodplain and that he is working on getting the data collected and submitted.

G. Warren stated that when necessary he plans to move the units to the area of his property that is out of the flood zone rather than across the street.

T. Phillips confirmed with G. Warren that all units located on sites within the floodplain in the campground will be on site less than 180 consecutive days and be fully licensed and ready for highway use or meet all the standards of Section III of the Floodplain Development Ordinance as well as the elevation and anchoring requirements listed in Section IX (2) (c) of the Floodplain Development Ordinance.

T. Phillips asked how the requirement to be “fully licensed and ready for highway use” was going to be met.

G. Warren stated he spoke with NH DOT and set up an account to obtain a permit online when it is necessary to move the units and that it takes less than five minutes to obtain the permit.

G. Warren stated they had come into the Town Office to register the units but has since been informed that the registrations are invalid.

N. Decoteau shared a statement from Chief Moller who passed along State Trooper Chute's comment that a NH DOT permit would be necessary to move them and that it may require a DOT impact study to verify that no wires get taken down.

G. Warren stated that Trooper Chute was concerned because the units cannot be registered because the height and width prevent them from qualifying for a license plate as they must obtain an OS/OW permit to be moved.

G. Warren indicated that he is working on identifying a section of his property that is not in the floodplain and will not have to move the units over the road once the updated floodplain information for his property is approved.

T. Phillips suggested the Board could revisit the requirement to relocate the units during a flooding event once the updated flood elevation is obtained.

T. Phillips stated that units placed on any area determined to be out of the floodplain need not meet the requirements of the Floodplain Development Ordinance as previously stated.

S. Babin clarified that the units could remain on the property for longer than 180 days if they are stored on the area determined to be out of the flood zone.

T. Phillips clarified that until such time as a LOMA is provided the units must be moved off of the property to comply with the Floodplain Development Ordinance since the entire property is entirely located in the floodzone.

G. Warren indicated he is prepared to comply with the Flood zone Development Ordinance and move the units off of his property as required until he submits the updated information to the Planning Board identifying the portion of his property that is not in the flood zone.

T. Phillips stated the Board is waiving the requirement for a new plan to be submitted as the change to the approved site plan is placing rental recreational vehicles on four approved sites already designated as recreational vehicle sites.

T. Phillips asked if any abutters wanted to speak regarding the application.

There was no input from abutters.

**MOTION: "To accept the application as complete with no new plan submitted as the change to the approved site plan includes placing rental recreational vehicles on four approved sites already designated as recreational vehicle sites."**

Motion: C. Piantedosi

Seconded: F. Freeman

Discussion:

R. Gilman stated his concern about accepting the application as complete because it is for recreational vehicles that do not meet R.V.I.A. specifications and questioned whether the units proposed meet the definition of recreational vehicle.

S. Babin stated that in his opinion the units meet the definition of recreational vehicle and read the following into the record:

"A recreational vehicle is defined as:

- a) built on a single chassis,

- b) 400 square feet or less when measured at the largest horizontal projection,
- c) designed to be self-propelled or permanently towable by a light duty truck; and
- d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. "

Motion Passes: 7 – Yes, 0 – No

**MOTION: "To approve the placement of a rental recreational vehicle on sites 11, 12, 13 and 14 of Recorded Plan # 14303 with the condition that they will be moved off site in compliance with the Floodplain Ordinance, with the allowance for reconsideration of that requirement if new floodplain elevation information is provided."**

Motion: G. Kimball

Seconded: J. Paul-Hilliard

Discussion:

T. Phillips stated G. Warren should come before the Board if any addition rental units are to be added. J. Paul-Hilliard asked if the allowance to reconsider the issue of where to move the units needed to be attached to the approval.

S. Babin stated it would preclude the applicant from having to go through site plan approval again.

Motion Passes: 6 – Yes, 0 – No (S. Macintosh abstained)

**PUBLIC HEARING: Excavation Permit**

At 7:30pm T. Phillips opened the Public Hearing for an application for a Permit to Excavate submitted by M. E. Johnston Construction for property owned by December 20, LLC identified as Tax Map 15 Lot 4-31 located off U.S. Rt. 3.

After a brief discussion with the applicant, M. Johnston, the following motion was made:

**MOTION: "To continue the Public Hearing after the Board meets with S. Benton."**

Motion: G. Kimball

Seconded: F. Freeman

Discussion: Applicant M. Johnston agreed to allow the public hearing to continue after the Board members address S. Benton.

Vote: 7 – Yes, 0 – No

S. Benton updated the Board regarding the status of him meeting the two conditions of approval on his Excavation Permit.

S. Benton and the Board agreed that the condition regarding obtaining a letter regarding the driveway to the pit being in compliance with NH DOT is met.

S. Benton stated he has submitted the required documentation to update his Alteration of Terrain permit and should hear back from the state soon.

S. Benton stated that the acreage for permitting will remain the same but the shape of the pit will change.

T. Phillips asked S. Benton if the plan he presented at his last application for an excavation permit is the same plan he filed to obtain a current Alteration of Terrain Permit with the state.

S. Benton stated it is the same plan.

The Board and S. Benton agreed that S. Benton would return to the Planning Board at the August 15, 2013 meeting to update the Board and that he is allowed to continue the operation of his pit until then.

S. Benton asked regarding the process of becoming an alternate on the Planning Board.

T. Phillips stated a letter of intent should be sent to the Planning Board addressed to the Chairman expressing the interest in becoming an alternate.

At 7:45pm the following motion was made:

**MOTION: "To open the Public Hearing for an application for a Permit to Excavate submitted by M. E. Johnston Construction for property owned by December 20, LLC identified as Tax Map 15 Lot 4-31 located off U.S. Rt. 3."**

Motion: S. Babin  
Seconded: F. Freeman  
Discussion: None.  
Motion Passes: 7 – Yes, 0 – No

T. Phillips noted he may have a conflict of interest as his company has done work for Mr. Mullen the property owner and T. Phillips has done work for M. E. Johnston.

F. Freeman and other Board members stated their opinion that T. Phillips need not recuse himself.

N. Decoteau noted that the application came in prior to the Public Hearing on the updated Excavation Regulations and the applicant was given the existing application.

T. Phillips noted that by law once the new regulations are posted they are what should be followed.

N. Decoteau stated the Public Hearing on the updated Excavation Regulations was May 16, 2013 and the application was submitted May 14, 2013.

N. Decoteau stated it was her mistake to not provide the applicant the new forms.

After a brief discussion the Board determined that this application will be the last one to follow the old regulations and from this point forward the new application/regulations are to be adhered to.

Board members expressed their opinion that the updated Excavation Regulations are still be worked on and that until the document is adopted the old procedure will be followed.

T. Phillips stated that the Board needs to be clear that this is not setting a precedent, but rather the Planning Board dealing with the particular circumstances of a situation where the applicant was not provided the updated application.

T. Phillips stated that there is an allowance to administratively continue operating under an existing permit until such time that the updated regulations are adopted.

C. Piantedosi clarified that M. E. Johnston will move forward with his current application using the existing regulations and that applications from this point forward will follow the updated regulations as required.

M. E. Johnston presented his plan.

T. Phillips used the existing checklist to review the application.

T. Phillips asked if the excavation area was changing and M. E. Johnston replied that the application has not changed.

The Board reviewed the plan submitted.

T. Phillips read a portion of RSA 155-E:4a "Where temporary slopes will exceed a grade of 1:1, a fence or other suitable barricade shall be erected to warn of danger or limit access to the site."

T. Phillips asked if there will be slopes steeper than 1:1 what type of visual barrier will be used.

M. E. Johnston stated all of his slopes have berms in accordance with federal regulations which have a 3 ft. berm all the way around them and rows of rocks along the top.

The Board agreed it is a sufficient barrier.

T. Phillips asked if the site is not considered unduly hazardous or injurious to the public welfare as there was only one complaint regarding the pit which was dealt with last year.

M. Johnston reminded that the complaint actually turned out to be directed to noise from a pit other than his.

T. Phillips noted that the trees are maintained on the parcel, and that no wetlands are present.

T. Phillips noted that based upon the acreage of the pit provided by the applicant, it does not appear to require an Alteration of Terrain Permit.

M. Johnston indicated the small amount of water leaving the site does not reach a wetland area or surface water.

M. Johnston stated the Town holds \$5,000.00 in the reclamation account for this site.

**MOTION: "To accept the application for an Excavation Permit for M. E. Johnston Construction for property owned by December 20, LLC identified as Tax Map 15 Lot 4-31 located off U.S. Rt. 3 as complete."**

Motion: C. Piantedosi

Seconded: G. Kimball

Discussion: None.

Motion Passes: 7 – Yes, 0 – No

**MOTION: "To approve the Excavation Permit for M. E. Johnston Construction for property owned by December 20, LLC identified as Tax Map 15 Lot 4-31 located off U.S. Rt. 3 to expire June 20, 2015."**

Motion: G. Kimball

Seconded: J. Paul-Hilliard

Discussion: None

Motion Passes: 7 – Yes, 0 – No

**PUBLIC HEARING: Adoption of Updated Excavation Regulations**

The Board reviewed the comments/concerns brought up by the pit owners during their meeting on June 4, 2013 with N. Decoteau and M. Pinkham-Langer.

N. Decoteau will update the document to reflect the changes discussed and present it for review at the next meeting.

**APPROVAL OF MINUTES:**

**MOTION: "To approve the minutes of May 16, 2013 as presented."**

Motion: F. Freeman

Seconded: G. Kimball

Discussion: None.

Motion Passes: 7 – Yes, 0 – No

**MOTION: "To approve the Workshop Session minutes of June 6, 2013 with the correction made to the name of S. MacIntosh."**

**Motion: G. Kimball**

Seconded: F. Freeman

Discussion: None.

Motion Passes: 7 – Yes, 0 – No

**PLANNING ASSISTANT ITEMS:**

N. Decoteau was directed to set up a meeting with a planner to discuss the option of amending the Zoning Ordinance for the Planning Board.

**ADJOURNMENT:**

At 10:30pm the following motion was made:

**MOTION: "To adjourn."**

Motion: G. Kimball

Seconded: F. Gunter

Discussion: None

Motion Passes: 7 – Yes, 0 – No

Respectfully submitted by:

Nancy Decoteau, Planning Board Assistant

Approved on: \_\_\_\_\_