

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: June 21, 2012

APPROVED

The Planning Board met and held a public meeting on Thursday, June 21, 2012 6:00 PM at the Thornton Town Hall.

6:05 p.m. Vice Chairman Phillips opened the meeting with the flag salute.

Board Members Present: Gloria Kimball, Carolyn Piantedosi, Frank Freeman, Steve Babin, Tyler Phillips, Vice Chairman, Steve Morton, Selectboard Representative, Fred Gunter (alternate). Beverly "Sandy" MacIntosh (alternate), Russ Gilman (alternate)

Please see attached sign in sheet

Election of Officers

Fred Gunter nominated Tyler Phillips to the chairman position. Frank Freeman agreed. Mr. Phillips stated that he is not sure that he is able to commit the time needed for the chairman position. He would accept the nomination but feels that someone else could be appointed as chairman, in a training type situation where Mr. Phillips could run the meeting when he is in attendance but not hold the chairman title. The board discussed appointing a vice-chairman that could assist the chairman when he is not able to attend meetings. Frank Freeman nominated Steven Babin as the vice chairman.

****Motion****

6:10 p.m. Frank Freeman motioned to appoint Tyler Phillips as chairman, and Steven Babin as vice chairman. Seconded by Steve Morton, Roll call, Gloria Kimball - yes, Russ Gilman - yes, Steve Morton-yes, Steven Babin-yes, Frank Freeman-yes, Tyler Phillips-yes, Carolyn Piantedosi-yes, Fred Gunter-yes, Sandy MacIntosh-yes, 9-0.

The board discussed the need to appoint a new board member to serve the remainder of the position resigned by Bart Dutto.

****Motion****

6:12 p.m. Carolyn Piantedosi nominated Beverly "Sandy" MacIntosh until the 2013 election. Gloria Kimball seconded. Roll call, Gloria Kimball - yes, Russ Gilman - yes, Steve Morton-yes, Steven Babin-yes, Frank Freeman-yes, Tyler Phillips-yes, Carolyn Piantedosi-yes, Fred Gunter-yes, Sandy MacIntosh-yes, Motion passed 9-0.

Minutes

****Motion****

6:15 p.m. Frank Freeman motioned to accept the minutes of 5-9-12 as amended. Seconded by Steven Babin. Roll call, Gloria Kimball - yes, Steve Morton-yes, Steven Babin-yes, Frank Freeman-yes, Tyler Phillips-yes. Motion passed 5-0-2. Carolyn Piantedosi and Sandy MacIntosh abstained.

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****Motion****

6:25 p.m. Frank Freeman motioned to accept the minutes of 5-17-12 as amended. Seconded by Steven Babin. Roll call, Gloria Kimball - yes, Steve Morton-yes, Steven Babin-yes, Frank Freeman-yes, Tyler Phillips-yes, Carolyn Piantedosi-yes. Sandy MacIntosh abstained. Motion passed, 6-0-1.

The board discussed the wording of the motion on page 4 of the draft 5-24-12 minutes.

****Motion****

6:35 p.m. Gloria Kimball motioned to accept the minutes of 5-24-12 as amended. Seconded by Steven Babin. Roll call, Gloria Kimball - yes, Steve Morton-yes, Steven Babin-yes, Frank Freeman-yes, Tyler Phillips-yes. Motion passed 5-0-2. Carolyn Piantedosi and Sandy MacIntosh abstained.

6:40 – Preliminary Consultation

Paul Freselone /ATV Rentals

Chairman Phillips explained to the public that a preliminary consultation is not a binding process and is merely informational as to what an applicant might want to do. Mr. Freselone was not in attendance

6:45 PM Application for Site Plan Review -Recreational Campground
Applicant: CBDA Development, LLC Location: US Route 3 PID 10-08-08

Tyler explained that the process for the public hearing will include two basic steps to review an application; the first is to review to find if an application is complete and that it provides the planning board with the information needed to make a decision. The next step before an applicant can move forward is that they must approve the application. They can occur in one meeting, but are two separate decisions. The abutters will have a chance to express their concerns which he feels is appropriate, even though other towns normally do not allow public input during the review for acceptance stage of the public hearing. Mr. Phillips stated that in order to accurately gather the information from the applicant, they will present first, and then the planning board will review the checklist. Before accepting the application as complete the abutters will have the opportunity to express their concerns. Chairman Phillips asked that everyone be respectful.

Fred Gunter informed the board that he has been contacted as part of the Pemi Local Advisory to review the plans in the capacity of the advisory and not as a planning board member. Steve Babin stated that he has been contacted by Toni Basso regarding the disposition of the barn. Mr. Babin was concerned that he may have a conflict since he had conversations about the relocation of the barn. The board agreed that as long as he does not have a financial interest then there is not a conflict of interest. Mr. Babin stated that he does not stand to benefit financially relative to the information he has received regarding the barn.

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Toni Basso of Keach Nordstrom and Stephanie Schubert of Anagnost Companies presented the project and application for Thornton Bluffs campground PID 10-08-08 to include 254 sites, RV/Park Model campground. The sites have a minimum size of 40x50 feet that would house a park model RV with two parking spaces and some sites are larger. The sites would be leased yearly. Mr. Basso stated that the lease and the residency laws are available for the planning board members as well as legal interpretation of residency and lease. There will be a pool and a clubhouse. Mr. Basso discussed the driveway location on US Route 3 and stated they will be applying for driveway permits with the NHDOT. There will be onsite septic systems and wells installed for water use for the entire facilities. They have incorporated storm water management systems as well which is being designed by a water engineering company. They have applied for all state permits such as driveway permits, Shoreland protection permits, and alteration of terrain permits.

Mr. Basso also discussed a series of berms and the landscaping buffer to provide canopy and screening. The developer would like to put up a temporary sign for marketing services. He would like to include this request tonight for the planning board. Mr. Basso further explained the park models, and that the community will be gated, the park models will have to be registered as a vehicle and they are set on the site and then it can be occupied during the times the campground is open, including a one year lease. Chairman Phillips asked if the 400 square feet of the model includes decking. Mr. Basso stated that he would have to verify what the proposed campground rules are concerning decks and sunrooms.

The board discussed the connections for piping. Mr. Basso explained that all three services are being provided by PVC to each model. A professional company will install the connections. Chairman Phillips asked for clarification as to how permanent the park models are. Selectman Morton stated that even though they are called park model trailers/RVs, there are legal cases that indicate these models can be assessed as a structure.

Ms. MacIntosh asked if the park models come on wheels. Mr. Basso stated that they do come on wheels and that they would be registered every year. Chairman Phillips stated that this application would have a large impact on the town including the town public services. The board discussed how the town would be able to meet the increase in services that will be needed and also discussed if phasing in the project would be an option. Mr. Basso indicated that the campground would be phased in as units are sold, therefore the area would not be at full capacity immediately. He also explained that the developer would hire private garbage removal service and not require the use of the transfer station.

Selectman Morton stated that Carlton Ham is still the owner and that he believes that there is a plan that the developer will be purchasing the land. Stephanie stated that this is true and that it is contingent upon the approval from the planning board. Selectman

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Morton clarified that the assessment/tax bill would be given to the developer rather than the individual lot leasee. Mr. Basso explained that there will not be a mylar to record, and that the spaces will be leased. Frank Freeman asked for clarification as to the sales process. Basso explained that there will be models to view and then they would be ordered as they are purchased. Maximum occupancy was discussed and it is anticipated that there will be busier times of the season than others. Steve Babin expressed concern that at peak season there could be 40% of the town's population at the campground.

Selectman Morton asked if there was space allowance for boats, trailers, atv's etc. since the plans indicate space for only 2 cars allowed at the site. The board discussed how enforcement of the campground's rules will be handled. Ms. Schubert read the guidelines and explained that the management company tries to handle enforcement issues internally rather than using local law enforcement.

The board reviewed the project according to the checklist. After review of the checklist, it was noted that Peter Towers is the Soil/Wetlands Scientist that will be designing the water plans. Mr. Basso explained that they used the subdivision references to indicate property lines, and that a land survey was completed as well. It was determined that the only buildings that are anticipated are the clubhouse and a well house if needed. He indicated that there is no intention to have laundry facilities on site either.

Mr. Basso stated that the sites would be organized in accordance with the plan. Chairman Phillips asked if the setbacks were met for the driveways. Mr. Basso explained that there are no interior setbacks since there are not lots by definition. Chairman Phillips stated that once they have utility plans, they will need to address safety/shielding plans for the transformers. Mr. Basso agreed. Ms. MacIntosh asked where the visitors will park. Mr. Basso stated that he would have to look into overflow parking and that the gate for visitors to enter through would have to be located after the clubhouse and visitors would report there first. Mr. Basso also explained that they will be working with the fire chief regarding fire protection provisions. The board continued to review the checklist.

Mr. Basso indicated that the campground would not be open for more than 180 consecutive days, and that it would be closed April 1 through May 9 and November 1 through December 15. He also stated that there is no proposed exterior lighting other than safety lighting at the buildings and what comes on the park models, and that it would not violate the night sky ordinance. He is also open to landscaping suggestions from abutters in order to lessen the impact. The board also recommended animal proof containers for garbage and landscaping to hide the trash collection area.

The board discussed using a third party engineering firm to review the plan and application. The board agreed that the third party firm would review the plans without initial contact with Keach Nordstrom.

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Abutter Feedback

Robert Sylvester expressed concern regarding the wells and water table. Mr. Basso replied that the water system will be addressed and will comply with the state standards; an engineering firm has been hired that specializes in the water systems. NH DES is heavily involved to make sure it does not impact other properties. Mr. Sylvester is also concerned with the police activity increasing.

Chairman Phillips asked for clarification as to the management duties and if the manager would enforce security. Ms. Schubert stated that currently there is not a security person. There is concern as to the increase in police needed. Basso stated that this can be addressed and they can discuss and come up with suggestions.

Fran Gordon stated that he does not want to look at this campground as he looks out his window. He feels it represents a trailer park and feels that this lowers the quality of the community. He also is concerned with the water quality as he feels the water level is very low.

Patrick Sutton is concerned with the setbacks as his property is 20 feet from the park, with the low level of water in the area, and asked what prevents the storm water drainage from going over into their property. Mr. Basso explained that the grading would be determined to prevent draining on neighboring properties. He also confirmed that the plan meets the current zoning setbacks of the ordinance. Mr. Sutton stated the purpose of the site plan review and indicated that he feels this project is in violation of the site plan purpose. He asked the board to please not approve this. Chairman Phillips asked Mr. Sutton to provide specific tangible items that can be addressed.

Ingrid McIver asked when the campground will be closed. She asked that the board not approve the sign since there is no good place to pull over and look at the sign other than at her property. She asked that the board reject their request for safety reasons. Chairman Phillips asked Mr. Basso if he could address the situation of people pulling off Route 3 into neighboring driveways to look at the sign. The location of the sign was discussed. Ms. Schubert stated that they can consider moving the location of the sign so that it is not in front of her property. Ms. McIver mentioned concern regarding the need for provisions for bird feeders and invasive plants. She would like the north side with the high slope to have some visual barriers for her as an abutter as well since her property is level with the campground.

Bob Paulson expressed traffic concerns, and the location of the driveway was discussed as well as the speed limit. Chairman Phillips informed Mr. Paulson that the reposting of speed limit will have to be addressed with NHDOT if necessary. It was asked if the buildings would comply with ADA. Mr. Basso confirmed that the building would comply with disability access regulations.

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Byron O'Donnell (Shamrock Hotel) provided detailed information and photographs of park models, and a similar project that is in the Town of Bristol. He is also concerned with water and there are occasions when they run low or run out, and referenced applicable RSA's for large water withdrawals. Mr. Basso stated that they are under the threshold amount and that they are aware there are strict guidelines and this is why the water engineer is handling this.

Sharron Avery asked the cost of the yearly lease per site. Ms. Schubert will research the proposed amount. Ms. Avery questioned the intentions to tear down the red barn. Mr. Basso stated that initially there was talk of tearing the barn down, but then there was discussion about moving the barn after the last meeting.

Cindy Schofield is upset with the project in general. In review of the zoning ordinance, the intended purpose of the ordinance is violated, suffocates the intent of the purpose of the ordinance to prevent overcrowding of land. Ms. Schofield asked if there will be campfires, she is concerned with firewood being transported in from other areas and there are infestations that can destroy local life. Chairman Phillips stated that the state law includes provisions regarding the sales and transportation of personal firewood. Phillips stated that the provisions are state law.

Jonathan Ham stated that he is honored that everyone cares so much about the barn. He does not want to see it torn down either. He stated that he owns the river access in that area and asked what will be done to insure that the people will not migrate to the river through his property. Mr. Basso stated that there is nothing in place at this point. Mr. Ham is also concerned of the length of operating hours, and lack of containment. Basso stated that they can address some type of barrier or signage. Mr. Basso agreed to address the access to the river, and Chairman Phillips suggested that Mr. Ham can post his property as well.

Julie Piehn, Gilchrist cottage owner, asked about the sandy soil and the run off. She would also like to know if the models will be put on a pad. Mr. Basso explained that the models will be on a gravel pad. She also asked if the models have lights. Mr. Basso stated that they may. She also asked if there will there be an outside area at the club house and if there be noise or gatherings, such as events or concerts. Ms. Schubert stated that at this point, it is limited use for leasers only. She is also concerned with the 180 days, and there was a similar situation in Campton where now it is occupied full time.

The board discussed the need to have additional items included in the lease. Chairman Phillips expressed that the town will hire a third party to review, at the cost of the applicant, and the review will be based on what is in the town's best interest.

Ed Downing expressed concerns about taxes increasing due to an increase in demand for services.

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Miranda Sutton asked why there wasn't a market study conducted. Ms. Schubert stated that she is not 100% sure that a study was not conducted and that she is going to check. Ms. Sutton also asked why she was not contacted for screening suggestions as they have been working with another abutter. Ms. Schubert explained that the abutter contacted them directly.

Corey Schwartz asked if there would be a change in the drainage from Route 3. Mr. Basso stated that the storm water drainage from their property will not be put onto neighboring properties.

Dick Stumpke asked when the farm was converted to a commercial land and why it wasn't preserved as a farmland. Phillips believes that the property was in current use and received a reduced tax benefit. Mr. Phillips further stated that if people are concerned with the zones, then the people must submit requests to make zoning changes at the next town meeting. However, any zoning changes will not affect this application. He feels that the applicant has done their best to meet the requirements of the application.

The board discussed the completeness of the application. Frank Freeman stated that the application is not complete because they have not met with the fire chief yet. Phillips stated that they do not have enough information to approve the application, but they do have enough information to accept the application as complete. Mr. Basso stated that they have met all conditions for acceptance of the application and that they are going to meet with the fire chief and they will adhere to his requirements. Mr. Freeman does not feel that he has enough information about what is happening to consider a complete application. Mr. Basso stated that the town has a checklist for a reason and there is a procedure in the state of NH. The checklist is in place so that he, as the applicant, knows what to provide. Mr. Basso stated that many items were brought up that are not on the checklist, they are happy to address those items, but they were not on the checklist and he is required to meet the items on the checklist in order to have the application accepted as complete. Fred Gunter commented that this is one of the most complete applications that he has seen and some of the concerns brought up do not relate to the application and some are not under the jurisdiction of the planning board. He does not see any reason why this application is not complete. Chairman Phillips stated that he would like it agreed that the applicant would be financially responsible for the costs involved for third party review. Mr. Basso and Ms. Schubert agreed to be financially responsible for the costs associated with the third party review. Mr. Basso stated that once the application is voted as complete, they can begin working on the requests made by the board this evening. Mr. Gilman is concerned that not enough of the residents were notified of this application hearing. Chairman Phillips stated that the applicant has done their job in notifying the abutters. The board continued to discuss the process and if they consider the application complete.

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Sandy MacIntosh raised a concern with only having one exit in the event that there is a safety hazard and there is only one way out. Chairman Phillips replied that more than one exit could create a more frequent hazard with traffic.

Chairman Phillip stated that Mr. Basso should work with the town staff to establish an escrow account for third party peer review expenses. Mr. Basso agreed.

****Motion****

10:50 p.m. Gloria Kimball motioned to accept the application as complete. Seconded by Steve Morton. Roll call, Frank Freeman – no because he does not have enough operational details on the nature of the property, Sandy MacIntosh – no, Gloria Kimball – yes, Carolyn Piantedosi – yes, Steve Morton-yes, Tyler Phillips- yes, Steven Babin-yes. Motion passed 5-2.

****Motion****

10:55 p.m. Gloria Kimball motioned to continue the public hearing to July 19th at 7:00 p.m. at the town hall. Steve Morton seconded. Roll call, Frank Freeman – yes, Sandy MacIntosh – yes, Gloria Kimball – yes, Carolyn Piantedosi – yes, Steve Morton- yes, Tyler Phillips-yes, Steven Babin-yes. Motion passed 7-0.

Other Business

Request for Information

Ms. Decoteau stated that she received a request for information regarding a communication between the planning board and their attorney. The board discussed the request.

****Motion****

11:05 p.m. Frank Freeman motioned to not waive the attorney client privilege and that they would not be allowing distribution of attorney communication. Gloria Kimball seconded the motion. Roll call, Frank Freeman – yes, Sandy MacIntosh – yes, Gloria Kimball – yes, Carolyn Piantedosi – yes, Steve Morton- yes, Tyler Phillips-yes, Steven Babin-yes. Motion passed 7-0.

Subdivision Appeal

Ms. Decoteau informed the board that the appeal to the zoning board has been withdrawn conditionally with the superior court conditioned upon the Matson's compliance with the final stipulations including that they merge the Boughton lot with their existing lot within 30 days of obtaining title to the Boughton lot. Mr. Babin stated that he was requested by the court to provide personal information since he filed the appearance. As a result of the recent appeals with the zoning board, they are forming some comments as to areas of the ordinances that need modification in order to better represent the town. The zoning board will submit their suggestions to the planning board and selectboard and it has been recommended that each board attorney review the proposed changes. Mr. Babin stated that he is not sure that the judicial body should be discussing with the legislative body as to what should be done with the legislative

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wording. Ms. Decoteau clarified that the zoning board will only be informing the planning board of the areas that they view as conflicting not suggesting the wording to amend. Mr. Babin stated that the overall process between the planning and zoning board worked the way it was supposed to.

Third Party Reviews

Ms. Decoteau asked for other engineering suggestions if the others mentioned are not available. The board discussed engineering firms.

****Motion****

11:20 p.m. Gloria Kimball motioned to give Nancy Decoteau the authority to contact engineering firms. Seconded by Steve Morton. Roll call, Frank Freeman – yes, Sandy MacIntosh – yes, Gloria Kimball – yes, Carolyn Piantedosi – yes, Steve Morton- yes, Tyler Phillips-yes, Steven Babin-yes. Motion passed 7-0.

Russ Gilman stated that he is running about two months behind the rest of the board. He does not understand if the campground for the sugar shack was approved. Steve Morton replied that it was approved with conditions. Mr. Gilman stated that he spoke with Frank Freeman the other night regarding the campground. Mr. Freeman indicated that the conversation he had with Mr. Gilman was regarding the stage approval not the campground. Mr. Freeman indicated that he did not vote for the approval, but rather to accept the application. Ms. Chappell stated that it is in the minutes and on the tape that the board accepted the application, but a notice of decision was created for approval of the application. Ms. Chappell stated that she is holding the board members to their decisions made at the public hearing. Mr. Freeman stated that as a board they made a decision, but personally he did not vote in favor. Ms. Chappell disagreed. Mr. Freeman stated that the conversation is beyond the scope of this meeting. Chairman Phillips referenced the letter of opinion received by Attorney Mayer. Ms. Chappell asked how the determination by the attorney was made that the application was approved.

Mr. Gilman is concerned that the requirement for the bridge at the Sugar Shack Campground was not included as part of the conditions for approval. Mr. Phillip stated that the bridge was discussed during the meeting but he feels it was discussed after the approval. Ms. Chappell asked who checks to see if the conditions have been met. Mr. Gunter stated that the police or fire chief can request the need for a bridge for safety purposes since safety is the concern. Mr. Gilman feels that no campgrounds, in general, should be allowed in flood zones. He is very upset to think of what could happen if the campground floods. Chairman Phillips stated that specifically they cannot discuss this application, but generally speaking, the concern of all campgrounds in flood zones is real and can be addressed when the board discusses zoning changes. Mr. Gunter stated that the condition of the Benton Campground approval included approval of a hazard mitigation plan. He explained that as concerned citizens, he and Mr. Gilman met with the fire and police chief to make them aware of their concern. They realize that the planning board has no authority to require anything further. Chairman Phillips stated

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that he does not want to discuss specific applications. He clarified that this conversation was regarding clarification in the previous minutes and not the application specifically.

The board discussed that some areas of concern can be addressed in the campground regulations, but that it would be best to bring those changes to town meeting to be included in the zoning ordinances.

****Motion****

11:40 p.m. Gloria motioned to adjourn. Morton seconded. Roll call, Gloria Kimball - yes, Steve Morton-yes, Steven Babin-yes, Frank Freeman-yes, Tyler Phillips-yes. Carolyn Piantedosi-yes and Sandy MacIntosh-yes. Motion passed 7-0.

Respectfully submitted,

Jessi Fleury
Board Secretary
Draft posted 5/31/2012