

TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: September 20, 2012

APPROVED

TBP

The Planning Board met and held a public hearing on Thursday, September 20, 2012 at 6:00 PM at the Town Hall.

**Board Members Present:** Tyler Phillips, Chairman; Steve Babin, Vice Chairman; Gloria Kimball, member; Carolyn Piantedosi, member; Frank Freeman, member; Sandy MacIntosh, member; Steve Morton, Ex-officio; Fred Gunter, alternate; Russ Gilman, alternate.

**Staff Present:** Nancy Decoteau, Planning Board Assistant; Jessi Fleury, Board Secretary.

**Please see attached sign in sheet**

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

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

**6:05 p.m. Steve Morton motioned to approve the June 21, 2012 minutes as amended. Gloria Kimball seconded. Motion passed 7-0.**

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

**6:06 p.m. Gloria Kimball motioned to approve July 19, 2012 minutes as amended. Steve Morton seconded. Motion passed 7-0.**

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

**6:07 p.m. Gloria Kimball motioned to approve August 13, 2012 minutes as amended. Frank Freeman seconded. Motion passed 7-0.**

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

**6:08 p.m. Frank Freeman motioned to approve August 16, 2012 minutes as amended. Seconded by Steven Babin. Motion passed 7-0.**

**Planning Assistant Update**

Ms. Decoteau informed the board that Jerry Warren is going to hold off on submitting an application for permanent buildings at the Pemi-River Campground.

*Baron Mountain - LDA*

Ms. Decoteau informed the board that Attorney McCormack is in attendance and requesting that the Planning Board sign the updated LDA. Chairman Phillips and Frank Freeman recused themselves from the board. Vice-chairman Steven Babin appointed Russ Gilman and Fred Gunter as voting members. Mr. McCormack presented a revised LDA for the board's review. Ms. Decoteau informed the board that Mr. McCormack's changes were outlined in the board members information in their packets. Vice-chairman Babin confirmed that there are no substantial changes. McCormack confirmed that this is all housekeeping and no substantial changes have been made.

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Mr. Morton asked for clarification as to the road bond language in the LDA. Mr. Morton stated that in the agreement it references "in the event that a lot was conveyed before the road was completed" and asked for confirmation that no lots would be received without the road being accepted. Mr. McCormack explained that no lots would be conveyed until the road is 100% completed. Mr. McCormack stated that this language means that either the road will be approved before lots are conveyed or they will post a bond. Steve Morton confirmed that if there is a bond requirement, the bond will be set during a planning board meeting before any lots are conveyed. Mr. McCormack agreed that the intention of the language is that no lots will be conveyed until a bond is established through the planning board or unless the road has been completed and accepted. Mr. McCormack agreed to sign an agreement letter confirming this intention. Ms. Decoteau confirmed that the seven sheets will be signed rather than the 38 as referenced on the plan. Steven Babin asked for other comments or questions. Receiving none Mr. Babin called for a motion.

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

**6:18 p.m. Fred Gunter motioned to sign the cover sheet and the seven plans as approved previously. Seconded by Gloria Kimball. Motion passed 7-0.**

The board signed all seven plans as well as the cover sheet.

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

**6:19 p.m. Fred Gunter amended his motion to include the board signing a total of 9 plats rather than 7 plats as stated in the previous motion. Steve Morton seconded. Motion passed 7-0.**

The dates on the agreement were changed from August to today's date. Marianne Peabody notarized the document.

Chairman Phillips and Frank Freeman rejoined the board as voting members.

### *Scrimshaw – BLA Information*

Mr. Mark Vander-Heyden explained to the board that Mr. Scrimshaw came before the board in 2008 to discuss his property and to get his affairs in order. The board reviewed the map that was presented in 2008. Mr. Vander-Heyden stated that Mr. Scrimshaw would like to apply for a boundary line adjustment for the next Planning Board meeting and would like to know if the board has any questions that he should be aware of before the next meeting. The board discussed his intentions and understands that the lot line will be moving 50 feet which makes the new lot more conforming as a buildable lot. He would like to meet with the planning board next month to finalize. The board provided feedback and agreed that he should meet with Ms. Decoteau to be placed on the next agenda.

### **6:30 Public Hearing – Scenic Road- Upper Mad River Road**

Chairman Phillips opened the public hearing as advertised to consider the removal of 14 hazardous dead trees from the Upper Mad River Road which is designated as a Scenic

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Road. Mr. Phillips explained that the 14 trees in question were flagged with colored tape and located between the top of Burbank Hill Road and Orris Road.

John Kubik, Road Agent explained that some of the trees should be removed due to safety concerns. These trees did not pose an imminent danger and therefore the planning board is holding a public hearing to agree on the removal of the trees pursuant to state RSA requirements.

Karl Hartz asked what the measurement is for the town right of way. Discussion continued regarding the town's right to remove trees on a scenic road as well as the property owner's right to remove dead trees.

David Levin asked how the property owner knows what type of work they can do if they own property on a scenic road. Mr. Phillips informed him RSA 271:57 govern the town's rights but that home owners can remove trees as they deem necessary. However, the town cannot cut trees within the right of way without notifying the abutters through the public hearing process. Steve Morton clarified that the scenic road RSA applies to stone walls and trees only, not driveways and culverts.

Mr. Levin stated that there is another tree in the area that is leaning over the road. John Kubik agreed to take a look at that area.

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

**6:54 p.m. Frank Freeman motioned to approve the removal of the 14 trees as designated by the Road Agent on Upper Mad River Road. Seconded by Carolyn Piantedosi. Motion passed 7-0.**

Frank Freeman commended John Kubik for the good work he has seen done on many roads, Gloria Kimball and Sandy MacIntosh agreed.

### **7:00 public hearing for Brox Industries Excavation Permit 17-7-5**

George Hall, real estate manager for Brox industries presented plans for the excavation and explained that he is asking for a renewal of a permit granted in 2008. Mr. Hall presented the layout of the pit, grading and reclamation area as well as history of the permit. The pit has been active since the late 70's and the last pit permit was given in 2008. Mr. Hall explained that there has been no excavation on this lot yet, but they do have plans in the future to excavate. They intend to continue to meet the provisions that were established by the board in 2008. In general, there have been improvements over the operation. Mr. Hall explained that this has been a phased approach based on the need for gravel.

Steve Morton stated that he lives right across from the pit and it is a neat, well run, stabilized gravel pit. Mr. Hall thanked Mr. Morton for his comments and explained that in the future they plan to make some changes but would leave the embankment to serve as a buffer. Chairman Phillips confirmed that the materials brought in would be aggregate materials not building debris. Mr. Hall agreed and explained that Mr. Piper does bring in material and he is confident that appropriate aggregate materials would be

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asked Mr. Hall if he feels the town needs other assurance that the pit has not been abandoned since there hasn't been any excavation activity. Mr. Hall stated that he feels as long as the board provides a current permit then it prevents the pit from being considered abandoned.

Steve Morton confirmed the bond is in place and indicated that the planning board is working on updating their gravel excavation which may extend the time frame for the permitting process. Mr. Hall stated that he has no problem re-applying every two years if that is what the town continues to require. Chairman Phillips asked if the side slopes contain stumps. Mr. Hall replied that it does not. Ms. Decoteau provided a copy of the previous conditions that were attached to the old permit.

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

**7:23 p.m. Carolyn Piantedosi motioned to extend (renew) the Excavation Permit for Sunset Rock, LLC for PID 17-7-5 located off Route 49 based on the same conditions contained in the previous permit dated October 21, 2010. Seconded by Gloria Kimball. Motion passed 7-0.**

The board signed the gravel excavation permit.

### *Other Business*

The board reviewed a letter from the Zoning Board regarding the town ordinances and agreed to have all three boards meet to discuss potential changes. Mr. Demeritt explained the reasoning behind the letter. The board discussed the structure of the ordinance and the appeal process. Steve Morton recommended that the Planning Board attorney review the changes that should be made before the joint meeting. Fred Gunter requested that a copy of the previous ZBA minutes be emailed to each planning board member and hard copies to Russ Gilman, Gloria Kimball, and Sandy MacIntosh.

Chairman Phillips requested that Ms. Decoteau forward a letter to Bart Mayer outlining the wishes of the planning board relevant to the joint meeting discussion held early. Steve Babin asked for clarification as to how a letter addressed to the planning board from their Attorney was used in an applicant's site plan application process. Mr. Demerit stated that the letter was read at a previous planning board meeting, and once it was read into the record it became a public document. Mr. Babin suggested that any legal correspondence not be made public unless it passes through a vote of the Planning Board. The Planning Board agreed.

Selectman Morton requested that Nancy Decoteau follow up with Attorney Matt Serge and request his feedback from the last Thornton Bluff Public Hearing before the next meeting.

The Planning Board scheduled a workshop for October 11, 2012 at 6:00 p.m. to finalize changes to the rules of procedure and work on updating excavation regulations

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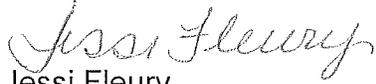
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**\*\*Motion\*\***

**8:20 p.m. Vice Chairman Babin motioned to adjourn. Seconded by Steve Morton.  
Motion passed 7-0.**

Respectfully submitted,



Jessi Fleury

Board Secretary

Draft Posted 9/27/12

# Planning Board Meeting

September 20, 2012

6:00 p.m.

Sign In Sheet

**PLEASE PRINT YOUR NAME AND A  
ADDRESS.**

Thank you!

1. JAMES DEMERITT 76 Fadden Rd
2. ERIK STEVENSON BROX IND., INC DRACUT, MA
3. DANA THOMPSON BROX IND. INC. DRACUT, MA
4. GEORGE HALL " " " " "
5. JOHN KUBIK
6. JACK M'CLANAHAN
7. MARK VANDER-HEYDEN LLS 278 MOUNTAIN ROAD  
VANDER-HEYDEN LAND SURVEYING DALTON NH 03598
8. \_\_\_\_\_
9. B Chappell 12 BEATRICE LANE
10. KARL F HAARTZ 230 UPPER AND RIVER ROAD
11. John K GAUDETTE 704 upper and River Road
12. Marianne Reboody Thornton
13. David Lewin 9 Davies Dr Thornton
14. DICK PIPER PLYMOUTH N.H.
15. \_\_\_\_\_
16. \_\_\_\_\_

**AGENDA**

**Thursday, September 20, 2012  
at Thornton Town Office  
beginning at 6:00 PM**

- A. Call to Order – Salute of Flag:
- B. Roll Call:
- C. Approval of Minutes:
  - 1. June 14, 2012            Work Session
  - 2. July 19, 2012            Regular Meeting
  - 3. August 13, 2012        Work Session
  - 4. August 16, 2012        Regular Meeting
- D. Planning Board Assistant Items:
  - 1. Mark Scrimshaw        BLA Informational
  - 2. Barron Mt.: LDA / Mylar New Cover Sheet
  - 3. Pemi River Campground: Jerry Warren came into the office and let us know he is going to hold off on any new structures.

**PUBLIC HEARINGS:**

**6:30PM** Public Hearing to consider the removal of 14 hazardous dead trees from the Upper Mad River Road which is designated as a Scenic Road. The 14 hazardous dead trees are flagged with colored tape and located between the top of Burbank Hill Road and Orris Road.

**7:00PM** Public Hearing to consider the application submitted by Brox Industries, Inc. for an Excavation Permit on property owned by Sunset Rock, LLC identified as Map 17 Lot 7-5 located off NH Rt 49.

- E. Correspondence:
  - 1. ZBA letter to Planning Board and Board of Selectmen
  - 2. LGC Law Lecture Series: Sept 26 Procedural Basics Laconia Middle School
  - 3. Tamworth Planning Board: Cell Tower Public Hearing 09-26-2012
  - 4. Email from M. Lucy/ White Mt. Survey & Engineering
- F. Next Regular Meeting Date: Thursday, Oct 18, 2012  
Continued Public Hearing for Thornton Bluffs to 7PM, Oct 18<sup>th</sup> at the school
- G. Workshop Meeting Date:
- H. Adjournment: