

TOWN OF THORNTON
PLANNING BOARD

Approved on: 10/17/13
PB Initials: TBP
Rec'd by Town Clerk on: 25 OCT 13
Town Clerk Initials: FL

PLANNING BOARD MEETING MINUTES

September 19, 2013

CALL TO ORDER:

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

ROLL CALL:

The following members/alternates were present:

T. Phillips, Chairman	C. Piantedosi	S. MacIntosh
G. Kimball	R. Gilman/Alternate	F. Gunter/Alternate

T. Phillips appointed alternates F. Gunter and R. Gilman as voting members for the meeting due to the fact that regular members F. Freeman, S. Babin and J. Paul-Hilliard were not able to attend.

Informational / L. Dale-Mesaros- Sled Dogs

The Board met with Lidia Dale-Mesaros / Valley Snow Dogs regarding offering sled dog rides on Tax Map 10 Lot 3-37 which is identified as the Sugar Shack Campground.

T. Phillips stated that the proposed use is not an allowed use in the General Residence zone and that a Variance from the Zoning Board of Adjustment is necessary prior to the Planning Board considering the site plan application.

L. Dale-Mesaros was provided an Application for a Variance and agreed to meet with office staff to complete the form.

T. Phillips excused himself from the meeting at 6:20pm.

F. Gunter was appointed Chairman until the return of T. Phillips.

Fraser Meadows Representative RE: LOC / Paving of Holly Lane and Fraser Road

B. Fraser addressed the Board regarding the Letter of Credit which was in place for Fraser Meadows in the amount of \$57,150.00 has expired.

The Board reviewed the letter dated September 12, 2013 from R. Burgess, Jr. of Community Guaranty Savings Bank which stated in part the following: *"...Community Guaranty Savings Bank has agreed to extend the existing letter or credit on behalf of Mary Fraser for the completion of the Fraser Meadows Subdivision for an additional two years, through March 17, 2015. Please provide a letter on behalf of the Planning Board confirming the amount of the letter of credit, and a breakdown of the amount (i.e. for road construction; paving; and cistern). Upon receipt of this information the bank will prepare the new letter of credit and forward it to the Town upon complete execution."*

At the request of the Board, B. Fraser agreed to obtain a current estimate of the cost to complete the road construction and paving of Fraser Road and Holly Lane and present it to the Planning Board so the Board is able to prepare the letter for the bank.

F. Gunter asked T. Avallone if he would agree to delay the start of Public Hearing scheduled for Waterville Birches LLC.

T. Avallone agreed to delay the start.

The following motion was made at 6:30pm:

MOTION: "To enter Non Public session in accordance with RSA 91-A:3 II(c)."

Motion: F. Gunter

Seconded: C. Piantedosi

Discussion: None

Motion Passes: 6– Yes, 0 – No

At 6:45pm the following motion was made:

MOTION: "To exit Non Public session."

Motion: G. Kimball

Seconded: C. Piantedosi

Discussion: None

Motion Passes: 6– Yes, 0 – No

At 6:45pm F. Gunter opened the Public Hearing:

CONTINUED PUBLIC HEARING: Waterville Birches/ Tom Avallone

Application for Site Plan Review submitted by Tom Avallone on behalf of property owner Waterville Birches LLC for property identified as Tax Map 17 Lot 14-15, located at Weeping Birches Lane, for continuation with Phase II of an existing project by constructing 21 detached single units in condominium organization.

T. Avallone began with an overview of the project and the documents presented for consideration.

N. Decoteau explained that T. Avallone has met with her twice to go over in detail the items necessary for submission listed on the Site Plan application checklist.

T. Avallone stated that all of the items listed on the Checklist are provided except for those that do not apply which included the following six items:

1. The 100 year flood elevation line: The site is at elevation 1100+/-, well beyond the 100 year flood elevation line of any water bodies near the property.
2. Proposed landscaping and screening: The project proposes to keep as much of the existing forest as possible for screening from the road and from adjoining houses. Finish landscaping will be around each house, consistent with the landscaping already done for Phase I (*e. g. bark mulch, birch trees, rhododendrons, and wide use of wildflowers and perennial flower beds*).
3. Exterior Lighting: There is no exterior lighting on the road, the only exterior lighting on the homes is a light at every door and an auto sensor light mounted on the garage.
4. State Water Supply & Pollution Control Commission Water Supply Approval, Sewerage Approval, Alteration of Terrain Approval or Groundwater Discharge Approval: Septic sites have been identified and test pit data recorded. He will be applying for a septic system approval for each "clump" of houses in advance of their building. J. March/Mountain Mapping will be doing the septic designs and surveying for deeds for all homes sold for the balance of the project.
5. Special approval for relocation, filling dredging or re-channeling of any man-made or natural waterway: There is no filling, dredging, or re-channeling of any waterways.
6. State Department of Public Works and Approval for any required driveway cuts: There are no State required driveway cuts.

T. Avallone submitted a signed agreement between White Birches Condo Association and Waterville Birches LLC with signature dates of September 16, 2013.

T. Avallone explained the two issues addressed in the agreement are the construction and maintenance of the water retention area and the drainage easement as shown on the plan.

T. Avallone submitted one copy of the Stormwater Management Plan, Waterville Birches – Phase II done by Nobis Engineering, Inc., stamped by John Chris Nadeau dated September 6, 2013.

T. Avallone stated that the Waterville Birches Phase II will be completed in four phases: 2.1 will include the construction of 3 units, 2.2 will include the construction of 4 units, 2.3 will include the construction of 6 units and 2.4 will include the construction of 8 units as noted on sheet C-1.

T. Avallone stated the road will be constructed as the project moves along through the 2.1, 2.2, 2.3 and 2.4 phases.

T. Avallone stated he reviewed the phasing process of road construction with former Chief Tobine and that he was fine with the plan due to the fact that the existing cistern is close to the project area and the fact that a turnaround for emergency vehicles will be provided at every phase of road construction.

T. Avallone stated the water system will eventually complete the loop from Snowood Drive all the way around back to Snowood Drive using 4 inch pipe which will be an improvement to the system.

T. Avallone indicated the snow drop areas are noted on sheet C-2.

T. Avallone reviewed the drainage schedule on sheet C-3 and stated each system will be put in during the construction of the phase it is located in.

T. Avallone reviewed the driveway plan on sheet C-4 and stated that all the driveways with the exception of only one have a less than 10% grade and flat areas were added at the junctions of the driveway and the road.

T. Avallone stated the site specific approval for the entire project came in 2007 and an amendment to that plan has been submitted to NH DES and approval is expected within a couple of weeks.

T. Avallone reviewed the utility plan with the location of proposed utility pole locations.

T. Avallone stated the Attorney General's office will review the Condominium Association Documents which are expected to be submitted within the week.

T. Phillips returned at 7:12pm.

T. Avallone stated currently there is no letter of credit on file with the town.

T. Avallone stated he plans to issue a letter of credit in the amount of \$50,000 for phase 2.1 and revisit the amount and breakdown of items associated with each phase the letter of credit prior to beginning the construction of each phase.

T. Avallone stated he believes the same amount of \$50,000 should be adequate for phase 2.2 but would expect an increase in the amount of the letter of credit for phase 2.3. and phase 2.4.

T. Avallone stated he is not able to determine whether a request will be made to approve Weeping Birches Road end up as a Town road or kept as a Waterville Estates road and admitted that it is an outstanding question.

T. Avallone stated that if Weeping Birches Road ends up being a private road, maintained by the Condo Associations that he will likely construct it in accordance with the Town Road Standards but leave it as a gravel road.

F. Gunter asked if the road will be built in compliance with the town road standards.

T. Avallone stated it is his intention to build the road to comply with the road standards of the town but is unsure at this point as to whether he will pave it or not.

T. Phillips asked if the Stormwater report reviewed the town standards to verify that the project is in compliance with the Town standards.

T. Avallone indicated the report states the project does comply with the Town's drainage/Stormwater standards.

T. Phillips noted his concern regarding the wording of the Phasing of Project and Letter of Credit document submitted by T. Avallone which states in part as follows: *"In the unlikely event this LOC is called it would be with the understanding that the town would complete Weeping Birches Lane and would accept the road as a town road."*

T. Phillips agreed that if the Letter of Credit is called the funds would be used to complete the construction of the road but it should be very clear that accepting the road as a town road is not part of the Letter of Credit.

T. Avallone stated he would likely not pave the road if it were not going to be accepted as a town road or a Waterville Estates road, but will construct it to comply with the town road standards.

T. Phillips stated that the standard policy of the town is that roads are to be paved irrespective of whether they are to be private or public, and that a Waiver Request should be submitted if T. Avallone is not going to pave the road.

T. Phillips stated that a deed restriction is usually put in place which states the obligation to accept the road cannot be put back on the town at some future date when a developer requests and is granted a waiver to not pave the road.

T. Phillips asked if phase 2.1 would be paved at the time of construction.

T. Avallone stated any paving would occur only at the completion of the construction of the entire road at the end of phase 2.4. if he decides to pave it.

T. Phillips questioned whether the road standards apply to Site Plan review or just to Subdivision applications and confirmed that the road standards only apply to Subdivision applications.

T. Phillips discussed the phasing of the Letter of Credit and stated that one condition of approval for the entire project would be that a Phasing Plan for the Letter of Credit be submitted and agreed upon by the Board and the applicant.

T. Phillips stated that prior to the start of construction of any phase the Letter of Credit for that phase (2.1, 2.2, 2.3 or 2.4) will need to be in place.

F. Gunter added that only the homes for which a Letter of Credit is in place can be offered for sale.

F. Gunter explained that only the 3 units to be constructed as part of phase 2.1 can be offered for sale during the construction of that phase and that the Letter of Credit for phase 2.2 must be in place before the 4 units to be constructed as part of phase 2.2 can be offered for sale.

F. Gunter stated the statement *"In the unlikely event this LOC is called it would be with the understanding that the town would complete Weeping Birches Lane and would accept the road as a town road."* should be removed from the Phasing of Project and letter of Credit document submitted by T. Avallone.

F. Gunter explained that the Board of Selectmen has the final authority over the acceptance of roads as town roads.

T. Phillips also agreed that the Phasing of Project and letter of Credit document submitted by T. Avallone needs to be changed so that there is no suggestion that the town would have to accept the road as a town road if the letter of credit is called because the Planning Board does not have authority to accept a road as a town road.

T. Avallone agreed to remove the statement.

T. Phillips stated that the Letter of Credit for each phase should include an itemized list of the items included for that phase.

T. Avallone agreed to begin to draft a document outlining the phasing of the letter of credit and a specific breakdown of the items to be covered as part of phase 2.1.

MOTION: "To accept as complete the application for "Waterville Birches Phase II" submitted by Tom Avallone on behalf of property owner Waterville Birches LLC for property identified as Tax Map 17 Lot 14-15, located at Weeping Birches Lane.

Motion: F. Gunter

Seconded: G. Kimball

Discussion:

T. Phillips asked about the septic approvals for each unit.

T. Avallone stated that the septic approvals would be submitted one at a time as each unit is constructed.

T. Avallone added that as part of the site specific all of the septic data has been submitted and that the data indicates there are not any issues with putting in the septic systems for any of the units.

Motion Passes: 5 – yes, 0- no (R. Gilman abstained)

The Board determined that the following items need to be addressed:

1. The Condominium Association Documents need to be approved by the State Attorney General
2. The Alteration of Terrain permit needs to be approved by NH DES
3. The developer and the Planning Board need to have an agreement in place regarding how the phasing of the project will work with regard to the letter of credit.
4. In addition to the plan outlining the phasing of the entire project a letter of credit for the first phase should be in place and it should include a detailed list of the items covered for the first phase.

After a discussion regarding the wording that needed to be included in the conditions of approval the following motion was made:

MOTION: " To approve the application for "Waterville Birches Phase II" submitted by Tom Avallone on behalf of property owner Waterville Birches LLC for property identified as Tax Map 17 Lot 14-15, located at Weeping Birches Lane, which will be developed in phases 2.1, 2.2, 2.3 and 2.4 with the following conditions:

1. State Attorney General approval of the Condominium Association Documents
2. NH DES approval of the Site Alteration of Terrain Permit
3. A Phasing Plan of the proposed approach for satisfying the Letter of Credit requirements for the four phases of the development: 2.1, 2.2, 2.3 and 2.4 shall be provided.
4. A Letter of Credit for phase 2.1 with reasonable detail concerning the breakdown of the specific elements associated in phase 2.1 covered by said letter shall be provided.

Motion: T. Phillips

Seconded: G. Kimball

Motion Passes: 5 – Yes, 0 – No (R. Gilman abstained)

Approval of Minutes:

The Board suggested changes to the August 13, 2013 minutes document presented by J. Fleury. N. Decoteau made the changes as directed and presented an amended document for approval.

MOTION: "To approve the minutes of August 15, 2013 as amended."

Motion: G. Kimball

Seconded: F. Gunter

Motion Passes: 5 – Yes, 0 – No (C. Piantedosi abstained)

The Board reviewed the September 3, 2013 minutes document presented.

MOTION: "To approve the minutes of September 3, 2013 as presented."

Motion: G. Kimball

Seconded: F. Gunter

Motion Passes: 5 – Yes, 0 – No (S. MacIntosh abstained)

The Board determined to hold a workshop on October 10, 2013 at 6:00pm.

G. Kimball updated the Board regarding the ride along tour of the town with G. Coogan.

G. Kimball stated that G. Coogan wanted to get a lay of the land and that he noted there is no true town center.

Planning Assistant Items:

1. The Board reviewed the letter C. Lenahan sent to the bond agency to renew the \$10,000 bond on the Whitehouse Gravel pit.
2. N. Decoteau shared a resource that was shared by other planning departments during a class she recently attended: the Planners Dictionary

T. Phillips suggested that the Planning Board develop and use a waiver request form.

The Board agreed and N. Decoteau will draft a document.

Adjournment:

At 8:35pm the following motion was made:

MOTION: "To adjourn."

Motion: F. Gunter

Seconded: G. Kimball

Discussion: None

Motion Passes: 6– Yes, 0 – No

Respectfully submitted by:

Nancy Decoteau, Planning Board Assistant

Approved on: Oct 17, 2013