

TOWN OF THORNTON
PLANNING BOARD

Approved on: Nov 21, 2013
PB Initials: _____
Rec'd by Town Clerk on: 26 Nov 13
Town Clerk Initials: JR

PLANNING BOARD MEETING MINUTES
October 17, 2013

CALL TO ORDER:

T. Phillips called the meeting to order at 6:02 pm and led the pledge of allegiance.

ROLL CALL:

The following members/alternates were present:

T. Phillips, Chairman S. Babin, Vice Chairman J. Paul-Hilliard, Ex-officio S. Macintosh, Member
G. Kimball, Member F. Freeman, Member R. Gilman, Alternate F. Gunter, Alternate

F. Gunter was appointed to serve as a member in the absence of C. Piantedosi.

Fraser Meadows LOC / Estimate submitted

T. Phillips recused himself from this issue.

S. Babin was appointed to serve as Chairman for this item.

B. Fraser submitted an estimate from L. E. Johnston dated October 7, 2013 regarding the price for paving Fraser Meadows.

The estimate listed the following information:

- Option #1: Price \$24,650.00
- Fine Grade road with proper pitch
 - Subcontract the paving the rest of the road with a 2" base mix
 - Place a shoulder of material on edge of pavement
- Option #2 Price \$39,250.00
- Includes option #1
 - Pave a 1" top coat on the whole road

B. Fraser stated that the Letter of Credit on file which has expired was in the amount of \$57,150.00

B. Fraser stated that per the RSA's that the Planning Board should be working from the original request and that the amount listed for each item should have been released as it was completed.

B. Fraser stated that the Planning Board set the bond amount at \$57,150 in July of 2009 for the following items:

Construction of Fraser Road:	\$ 5,000.00
Water Cistern:	\$14,450.00
Paving of Fraser Road:	\$26,418.00
Paving of Holly Lane:	<u>\$11,282.00</u>
	\$57,150.00

B. Fraser stated he disagreed with the Planning Board's decision to hold the letter of credit for \$57,150.00 because at that time Fraser Road was constructed, the water cistern was completed and all that remained was the paving.

B. Fraser requested that the letter of credit be set at \$39,250.00 to include the items listed in the estimate provided.

G. Kimball asked if the \$39,250.00 included paving all of the currently unpaved area on Holly Lane and a 1" topcoat on both Fraser Drive and Holly Lane.

B. Fraser stated the amount in the estimate does provide for the paving of the currently unpaved area on Holly Lane and a 1" topcoat on both Fraser Drive and Holly Lane and that the shoulders of the roads would be brought up as well.

F. Gunter asked B. Fraser if he would agree to the letter of credit being for the amount of \$40,000.00.

B. Fraser agreed.

MOTION: "To agree that the water cistern has been completed and the amount for the water cistern, \$14,450.00, be released from the items covered by the Letter of Credit."

Motion: F. Freeman

Second: G. Kimball

Discussion: None

Motion Passes: 6-YES, 0-No (T. Phillips recused)

MOTION: "To set the amount of the Letter of Credit for Fraser Meadows in the amount of \$40,000.00 for the following items:

1. \$ 24,650 to perform the following:
 - Fine grade road with proper pitch,
 - Subcontract the paving the rest of the road with a 2" base mix,
 - Place a shoulder of material on edge of pavement, and
2. \$15,350 to pave a 1" top coat on the whole road."

Motion: F. Freeman

Second: G. Kimball

Discussion: None

Motion Passes: 6-YES, 0-No (T. Phillips recused)

B. Fraser reminded the Planning Board to act in compliance with the RSA674:36 III(b) which limits the amount of increase to a letter of credit or bond to 10% per year.

Voluntary Merger of Lots: Map 10 Lot 8-5 and Map 10 Lot 7-4 / Property owned by William & Diane Kerr
T. Phillips returned to the Board.

The Board reviewed the Property Record Card for each parcel and noted that there are no structures on Map 10 Lot 7-4 and the Kerr residence is located on Map 10 Lot 8-5.

The Board reviewed the location of the parcels on the town tax maps.

S. Babin asked regarding the railroad tracks dividing the property and after reviewing the deed noted that it is a right-of-way granted to the B&M railroad.

MOTION: "To approve the application for voluntary lot merger from William and Diane Kerr for Map 10 Lot 8-5 and Map 10 Lot 7-4."

Motion: G. Kimball

Second: S. Babin

Discussion: None

Motion Passes: 7-YES, 0-No

Waterville Birches LLC, Letter of Credit Draft

The Board reviewed the draft schedule of costs and LOC for Waterville Birches LLC Phase II from T. Avallone.

The Board agreed that the document is hard to follow in regard to how the amounts in the two columns relate to each other.

The Board agreed that under each phase of the project a list of the items to be covered by the letter of credit needs to be provided but that cost estimates do not need to be provided.

The Board agreed that prior to beginning construction on any phase of the project the applicant and the Board will review and agree on the costs of specific items in that phase at that time.

T. Phillips stated that two documents are required per the conditions of approval for the project: one is an agreement that lays out the overall project and breaks down the items that will be covered by a letter of credit in each of the four phases, the second is a letter of credit for the 2.1 phase of the project that specifically lists the items covered in that phase and the cost associated with each item.

T. Phillips directed N. Decoteau to ask T. Avallone to modify his document to reflect the changes discussed by the Board.

Approval of Minutes:

MOTION: "To approve the minutes of September 19, 2013 as amended."

Motion: F. Gunter

Second: S. Babin

Discussion:

R. Gilman noted that the numbering of the Waterville Birches LLC, Phase II project is confusing.

N. Decoteau stated that the numbering system used in referring to the project is the same as what was presented on the plan.

T. Phillips stated that the point R. Gilman makes is well taken, but that the plan sheets use the Arabic numbers even though the plan title uses a roman numeral and conditional approval has already been granted.

T. Phillips stated that the Planning Board needs to be aware of the numbering used on applications presented in the future

N. Decoteau made the changes and presented the document for T. Phillips to initial.

Motion Passes: 4-YES, 0-No 2- Abstained: S. Babin & J. Paul-Hilliard

MOTION: "To approve the minutes of the October 10, 2013 Workshop as amended."

Motion: G. Kimball

Second: S. Babin

Discussion: N. Decoteau made the changes and presented the document for T. Phillips to initial.

Motion Passes: 7-YES, 0-No

A discussion followed regarding how land is allowed to be removed from Current Use as it relates to acreage that is counted in meeting the density requirement for cluster development.

The Board directed N. Decoteau to review the issue with NH DRA and update the board.

Planning Assistant Items:

1. The Board reviewed the Waterville Birches Phase II Notice of Decision
2. The Board reviewed the letter dated October 16, 2013 from Shelly Garber regarding his project and request to be on the Planning Board agenda. The Board agreed to have N. Decoteau contact S. Garber regarding being on the agenda.
3. The Board reviewed the Waiver Request forms for both a Subdivision and Site Plan Review.

T. Phillips stated that the checklists are not legally binding but rather a reference the Planning Board uses.

T. Phillips stated there can still be requirements that applicants need to meet that are not part of a checklist, and suggested having the Waiver Request Forms stand-alone without the checklists attached to them.

T. Phillips stated that the Waiver Request Form is to be used to waive any standard in the regulations whether it is on the checklist or not.

MOTION: "To approve the Site Plan Waiver Request and Subdivision Waiver Request forms as amended."

Motion: F. Gunter

Second: S. Babin

Discussion: None

Motion Passes: 7-Yes, 0-No

N. Decoteau updated the Planning Board regarding the application for a variance submitted by Valley Snow Dogz, LLC to the ZBA per the suggestion from the Planning Board.

N. Decoteau stated the ZBA requested the applicant change the request and submit an application for a Special Exception instead of a Variance.

T. Phillips stated that ultimately it is a determination to be made by the Zoning Board of Adjustment.

The following motion was made at 7:45pm:

MOTION: "To enter non-public session in accordance with NH RSA 91-A:3 Nonpublic Sessions II. (e) Consideration or negotiation of pending claims or litigation."

Motion: G. Kimball

Second: F. Gunter

Discussion: None

Motion Passes: 7-Yes, 0-No

Roll Call Vote as follows:

T. Phillips – Yes

S. Babin- Yes

J. Paul-Hilliard- Yes

S. Macintosh-Yes

G. Kimball- Yes

F. Freeman-Yes

F. Gunter-Yes

The Board adjourned from non-public session and returned to the regular meeting at 8:05PM.

F. Freeman updated the Board on the information regarding requiring homes to have residential fire sprinkler systems.

F. Freeman stated that he spoke with the NH Fire Marshall's office representative, Ron Annessy, who shared the following points regarding the issue:

- Planning Boards are not allowed to require the installation of sprinkler systems
- Developers can offer to install the sprinkler systems
- It is up to the local Fire Chief to make the determination as to whether the sprinkler system is adequate

R. Gilman brought up the issue of enforcement and asked J. Paul-Hilliard to respond.

J. Paul-Hilliard read from the August 21, 2013 Board of Selectmen minutes:

J. Paul-Hilliard stated that during the last Planning Board meeting, he was requested by R. Gilman and S. Babin to seek clarification from the Selectmen as to their intentions to hire a Code Enforcement Officer.

The Planning Board members feel that the revamping of the zoning ordinance is not to its fullest potential if it is not being enforced.

T. Beaulieu stated that the enforcement of the current zoning ordinance is being handled adequately by N. Decoteau for all areas that are currently occurring. The pending compliance issues are those that have occurred in the past.

The Select Board agreed that some of the past zoning compliance issues need to be corrected. The board also agreed that due to the number of legal issues this year, they had to prioritize legal funds.

The Selectman also agreed that they have had numerous projects and have made large strides towards improvements in many areas this year. They agreed that they are handling enforcement at this point and do intend to address compliance issues made years ago. The board also agreed that the zoning ordinance must be legal and enforceable in order for the town to enforce it and are pleased that the Planning Board is taking the initiative to make improvements to the ordinance.

The Planning Board requested a representative to attend their next meeting to discuss allowing more than one dwelling on a single lot. N. Decoteau has provided written information to the Planning Board on Buildings on land of another in the past. The board agreed that they have taken action to fix the potential problems that can occur when there are buildings on land of another.

R. Gilman noted that some of the regular members of the Planning Board do not regularly attend the meetings.

R. Gilman asked how important it is for members to be present and how many members need to be present to run a meeting.

T. Phillips stated that 4 members constitute a quorum and noted that when members miss a meeting there is a concern regarding the responsibility of that member to get caught up on current applications before the Board.

J. Paul-Hilliard apologized for missing several Planning Board meetings, and stated that he asked the Board of Selectmen to reconsider how they assign the Ex-officio Planning Board position.

J. Paul-Hilliard indicated that the fact that he considers his position of Selectman his first priority and that he works 60 to 70 hours a week results in him not being able to attend many of the Planning Board meetings.

R. Gilman stated his appreciation of the input J. Paul-Hilliard offers the Planning Board.

N. Decoteau asked the members if there is any truth to the statement that there are certain Select Board members they would not like to have serve as Ex-officio.

All of the members confirmed that there was no truth to that statement at all and that they would welcome any of the Select Board members as the Ex-officio member.

S. Babin stated when he ran for the position on the Planning Board he believed that he would be working in Thornton, but that since that time his job has changed and he works long hours outside of Thornton.

S. Babin stated that he does not think there is a growing void between the Board of Selectmen and the Planning Board.

F. Gunter asked if there is any effort being made to find another alternate as he is scheduled to leave soon.
J. Paul-Hilliard stated that the Planning Board needs to be ready for the CIP to present their plan for 2014.
F. Freeman stated he recalled that the CIP members strongly encouraged that a Planning Board member attend the CIP meetings.
None of the Planning Board members volunteered to attend the CIP meetings.

Review of Zoning Ordinance Update

Definitions of allowed uses:

T. Phillips noted that one definition the Board should consider adding to the Zoning Ordinance would be that of campground given the fact that last year the Planning Board had two campground applications submitted and there are clearly seems to be some confusion by applicants on what constitutes a campground.

T. Phillips suggested that maybe a couple different types of campgrounds may need to be defined to potentially accommodate the changing nature of what some consider to be a campground.

T. Phillips stated that it is important to allow the voters to voice their opinion on the issue as they may feel that certain types of campgrounds can be accommodated in all zones while others may not.

A discussion followed regarding the need to define campground and how to define a campground.

The Board members agreed to add a definition of campground as follows:

Recreational campground means a parcel of land on which 2 or more campsites are temporarily occupied by recreational vehicles, tents, and trailers for not more than 180 days and must be consecutive, are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency, excluding recreation camps as defined in RSA 485-A:23.

The Board discussed the need for the public to be well informed about the reorganization of the Zoning Ordinance and be made aware of the changes that are being made to it.

T. Phillips stated that the sooner the public hearing is scheduled the greater opportunity to receive input from the public on this issue.

MOTION: "To hold a Public Hearing on November 7, 2013 at 6:00pm to consider a Zoning Amendment which would add the definition of recreational campground as follows:

Recreational campground means a parcel of land on which 2 or more campsites are temporarily occupied by recreational vehicles, tents, and trailers for not more than 180 days and must be consecutive, are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency, excluding recreation camps as defined in RSA 485-A:23."

Motion: F. Gunter

Second: G. Kimball

Discussion: None

Motion Passes: 7 – Yes, 0 - No

Adjournment:

At 9:25pm the following motion was made:

MOTION: "To adjourn."

Motion: F. Gunter

Second: J. Paul-Hilliard

Discussion: None

Motion Passes: 7-Yes, 0-No

Respectfully Submitted,

Nancy Decoteau
Planning Board Assistant