

TOWN OF THORNTON PLANNING BOARD

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

PLANNING BOARD MEETING MINUTES Public Hearing / Zoning Amendment November 7, 2013



CALL TO ORDER:

T. Phillips called the meeting to order at 6:04 pm and led the pledge of allegiance.

ROLL CALL:

The following members/alternates were present:

T. Phillips, Chairman 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.

R. Gilman was appointed to serve as a member in the absence of S. Babin.

Capital Improvements Committee:

J. Demeritt stated the CIP Committee is made up of G. Kriebel, C. Schofield and himself.

J. Demeritt pointed out that G. Kriebel is currently out of state which does not allow him to meet with department heads when they present the FY2014 requests.

J. Demeritt presented the CIP currently being discussed.

J. Demeritt stated that the original request from the Fire Department had an increase of \$500,000.

J. Demeritt stated that the Fire Department has requested the following items be placed into the CIP:

1. 2014 \$ 19,300 for Air Packs
2. 2015 \$ 20,000 new fire truck, 19,300 air packs
3. 2016 \$ 15,000 defibrillator, \$22,400 defibrillator-ambulance, \$26,400 command vehicle
4. 2017 \$ 77,840 Ambulance
5. 2019 \$ 90,000 Rescue Truck
6. 2020 \$240,000 Fire Truck
7. 2021 \$ 30,000 Command Vehicle

J. Demeritt stated that the CIP has traditionally requested an annual total appropriation of \$290,000 be made for the capital items.

J. Demeritt stated that given the large increases submitted by the fire department the annual appropriation will not keep pace with the requests being made.

J. Demeritt stated the requested amounts are for the Town of Thornton's share (38%) of the cost of each item.

J. Demeritt stated that the fire department requested 30 air packs but there are not 30 firefighters that respond to a call.

A general discussion followed regarding the various capital requests made by the fire department.

J. Demeritt reminded the Planning Board that the CIP reports to the Planning Board and is in need of another member to serve on the committee.

When asked, none of the Planning Board members present indicated they were available/willing to serve on the CIP committee.

T. Phillips confirmed with J. Demeritt that the CIP committee reviews all requests made to the CIP.

T. Phillips asked J. Demeritt if he would wait and finish the discussion after the scheduled public hearing.

T. Phillips opened the Public Hearing at 6:18pm

PUBLIC HEARING:

To consider a Zoning Amendment to 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."

T. Phillips gave a brief review of the work the Planning Board is doing.

T. Phillips stated several months ago the Planning Board began working on clarifying the language of the Zoning Ordinance and started with definitions but determined that the task required outside assistance.

T. Phillips stated that G. Coogan is assisting the Planning Board in clarifying the language of the Zoning Ordinance and that the Board has been spending more time on the various sections of the Zoning Ordinance.

T. Phillips stated that the planning board assistant has been working on a list of definitions for all of the allowed uses not currently defined in the Zoning Ordinance which the Planning Board is reviewing.

T. Phillips stated during the past year, two applications dealt with the town's campground regulations and that the Planning Board feels that bringing a definition of a campground into the Zoning Ordinance makes sense.

T. Phillips stated that holding the public hearing on the definition of campground would allow for public input, towards determining what type of campground the voters intended to approve when the campground regulations were enacted in 2000.

T. Phillips stated that it may be necessary to have a definition for various types of camping areas to keep pace with the new trends in the recreational camping industry.

T. Phillips stated that the definition posted is a starting point and asked for input from Board members regarding wording to define what the intent of the voters was when they enacted the camping regulations.

The Board discussed the issue of including a camping season in the definition.

The Board discussed whether the phrase "180 days and must be consecutive" means the campground is open for not more than 180 days per calendar year.

F. Freeman suggested using the phrase "not more than 180 consecutive days per calendar year" to define the camping season during which the campground is open.

F. Gunter noted that in general for the last 30 years the campgrounds have been essentially closed during the winter months, although the Goose Hollow Campground has in the past been used by skiers.

F. Freeman noted that the National Forest Campgrounds open around Memorial Day and close around Columbus Day which is approximately 140 days.

J. Demeritt cautioned the Board regarding offering too many definitions of various types of campgrounds as it is his opinion that it will be too much for the voters to deal with at one time.

R. Gilman asked if the State RSA's say anything about the number of days a campground can be open.

T. Phillips responded that he did not believe the RSA's make any reference to the number of days a campground can be open.

T. Phillips explained his concern that the town, by allowing campgrounds in all zones and for extended stays may not be able to handle the added service demands of campgrounds with extended seasons due to the high density allowed in campgrounds and the federal requirement that specifically obligates a town to provide education for those living in campgrounds whether they are residents or not.

T. Phillips added that campgrounds are allowed in all zones at a density that is 40 times higher than any other type or residential use in the town.

T. Phillips stated his concern as to whether the town is able to accommodate even a small percentage of campgrounds turning into something where there are people using the campground as their living place and demanding town services similar to those of a resident.

F. Freeman noted the importance of capturing the transient - not full time- aspect of a campground and that they are not a place where people can live on a year round basis.
T. Phillips noted that the change to non-seasonal use has been occurring elsewhere as camping has evolved over the years and asked if that was the intent of the voters when they originally adopted the Campground Regulations.

T. Phillips stated that provisions can be made, perhaps during site plan review, so that the units used during a camping season are moved off the campsites and stored during the time the campground is closed which would lessen the burden on the town to police the campgrounds with regard to being open for a specific season.

T. Phillips asked the members their opinion on campgrounds being open for a set season.

R. Gilman stated there are some who want to camp on the weekends during the winter which would not fall within the parameters of a 180 day camping season.

T. Phillips asked for input from the public present.

D. Muller from the office of Cronin Bisson & Zalinsky, who represent CBDA Development, presented a letter dated November 7, 2013 for the board members to review.

N. Decoteau stated it was the same letter that was received in the mail but with a different date.

D. Muller stated his opinion that the procedure followed for the Public Hearing did not comply with state law.

D. Muller made the claim that CBDA submitted a new application on October 9, 2013 and was told at that time that the application would be heard on November 7, 2013.

D. Muller made the claim that at about the same time CBDA discovered that there was to be a Public Hearing on November 7, 2013 to consider a Zoning Amendment to add the definition of campground, they were told the application would not be heard until later in November.

D. Muller reminded the board that the amendment process cannot be used to affect a general or selective moratorium on a specific development and stated his opinion that the proposed amendment seems to be aimed at their application.

T. Phillips stated that at the last meeting of the Planning Board on October 17, 2013 the Board voted to have a Public Hearing on the Zoning Amendment to consider a definition of campground.

T. Phillips stated that in light of the recent applications the Planning Board has been aware for some time that providing a clearer path for applicants to determine where campgrounds are allowed and what determines a campground is sorely needed.

T. Phillips stated his opinion that it would be unacceptable for the Planning Board not to address this issue given the fact that two of the major applications heard last year related to campgrounds.

T. Phillips stated that proposing the definition is an effort to avoid some of the confusion.

T. Phillips stated the Public Hearing was properly noticed and in compliance with the RSA's.

T. Phillips stated the Planning Board is justified in making the effort to clarify the definition of campground.

T. Phillips stated the Planning Board considered whether a Public Hearing to add a definition for campgrounds should occur prior to receiving any new applications for campgrounds and determined it would be good to do so.

T. Phillips stated the Planning Board determined to wait until some response/decision was received from the court regarding the pending litigation on the initial CBDA application before holding a Public Hearing to add a definition for campgrounds.

T. Phillips stated that the Planning Board waited, but it cannot continue waiting any longer because the Planning Board wants to allow time for public input on the issue that has the greatest potential to cause confusion.

T. Phillips stated there is no intent to stop a previous application or a current one but rather the Planning Board intends only to clarify the definition of campground and this is the time of year that changes to the Zoning Ordinance are proposed.

D. Muller stated that RSA 676:12 states once legal notice goes up for a proposed zoning amendment and that notice predates the notice for an application then that application is potentially subject to the proposed zoning amendment.

D. Muller stated he understands the definition of campground as proposed would allow for temporary structures to be used in a campground and only be there for 180 days.

D. Muller stated from their perspective they do not see how that serves any health, safety and welfare concern with regard to allowing permanent/long-term v. temporary structures.

D. Muller stated that under the definition as proposed that camping cabins would be prohibited in the town.

D. Muller stated the state definition of a campground already makes provision that it cannot be open year round as it is for temporary recreational use only whether the structures are permanent or temporary.

T. Phillips stated his opinion that the allowance of campgrounds in all zones was for a use that was intended to be quite innocuous due to the duration of stay and associated level of service demands.

T. Phillips stated that perhaps a second type of campground with a more extensive use period could potentially be allowed in certain zones if approved by the voters.

T. Phillips stated that the Planning Board is not trying to specifically exclude any application but rather is trying to address an issue that has created considerable confusion and public concern – simply put; the Planning Board would be failing in its duties if it did not propose language that clarifies what a campground is.

D. Muller asked for clarification that all structures in the definition proposed are to be temporary in nature.

T. Phillips responded that in this definition the structures are to be temporary but that in a secondary definition of a camping facility perhaps more permanent camping shelters can be used.

T. Phillips restated that the intent of the Planning Board is to rewrite the Zoning Ordinance to clarify the existing language as well as add some needed definitions.

N. Decoteau asked to address a statement made in the letter from Cronin Bisson & Zalinsky dated November 7, 2013 which stated that at the time CBDA made application (Oct 9, 2013) they were told the application would be heard on November 7, 2013.

N. Decoteau stated that the minutes of October 17, 2013 reflect the decision of the Planning Board to hold a Public Hearing on Nov 7, 2013 and thus at the time CBDA made application (Oct 9, 2013) staff was not even aware a Public Hearing was going to be held on Nov 7, 2013.

N. Decoteau indicated the same untruth is stated a second time in the letter on page 2.

R. Meisenbacher stated his opinion that a 180 day camping season would be a detriment to the town as it would limit the availability of jobs.

T. Phillips asked if R. Meisenbacher thought there is a particular part of the year in which there was more demand or all season.

R. Meisenbacher stated that there is demand all year round, but it is from different groups of people during different times of year.

R. Meisenbacher added that in his experience working at a campground the older retirees come earlier and stay later whereas younger couples with families tend to come during the summer.

D. Muller asked regarding changing the language of the definition as proposed and if a second public hearing on the definition would be required.

T. Phillips indicated that there will likely be a second public hearing on the proposed definition for campground.

Discussion continued on the specific wording of the definition as proposed.

J. Demeritt stated there is a need for campground operators to have a base of seasonal patrons because it is difficult to have a successful business with only temporary guests.

Discussion followed regarding the temporary nature of the structures and the temporary nature of the stay of the occupants.

T. Phillips asked if the Board members were open to saying that the campground should be closed for 180 days, or that the campground should be open for 365 days a year with restrictions as to how long a person can stay, or that no one person could occupy the sites in the log book for more than 180 days.

T. Phillips stated his opinion that the easiest way to deal with the issues relative to campgrounds would be to allow them to operate for a single season of 180 days per year.

T. Phillips stated that the 180 days season may be too harsh so another alternative would be to regulate the length of time the structures can be on site within a campground.

D. Muller asked what specific draw on services the Planning Board is concerned about.

G. Kimball responded Police, Fire, Transfer Station and School services are of concern given the increased density of development within campgrounds with the school services having the largest potential financial impact.

T. Phillips encouraged the Board members to come to a consensus of what they wanted to see in the definition for a campground.

It was suggested that three issues which need to be determined are:

1. the length of time a campground may operate,
2. the length of time sites within the campground can be occupied by a camping structure, and
3. the length of time the camping structures can be occupied by individuals.

F. Freeman stated that the essence is to allow for temporary recreational purposes.

F. Gunter referred to the fact that some successful winter use of campgrounds has occurred in the town with a six month season.

F. Gunter stated some language needs to be included to discourage the use of campgrounds to claim residency.

D. Muller referred again to the "temporary recreational use" language in the state RSA.

When asked if the state assigned any numeric value to the word temporary, D. Muller indicated he did not think a numeric value was attached to "temporary".

T. Phillips asked the members and noted the majority of the board feels that the campground can operate 365 days a year, but there is concern over the length of time that a user may inhabit a site.

T. Phillips asked the members regarding how long the camping structures can occupy the sites within a campground.

R. Gilman noted that camping cabins are permanent anyway, and did not see the rationale in requiring travel trailers to move after a certain period of time as long as they were paying the rent.

F. Gunter indicated that the temporary nature of the structures on the site needs to be represented in the definition.

S. MacIntosh asked if leaving the structures on site all year would permit one group of people to stay for six months and then another group of people to occupy it for the remaining six months.

T. Phillips stated that the current proposed definition is intended to indicate that a site can only have a camping structure on it for 180 days.

G. Kimball stated that the structures should come and go with the people using them.

F. Freeman agreed that the campground can be open 365 days a year, but if structures become permanent then setbacks and other regulations should apply.

F. Freeman stated the structures need to be on site on a temporary basis.

T. Phillips suggested creating a definition for two types of campgrounds and allowing voters to decide which zone(s) each type of campground is allowed in.

F. Freeman agreed and reminded the Board that Tyler had proposed the idea of two definitions for campgrounds, one being a longer term camping park and the other more of a traditional campground.

T. Phillips stated giving people two options for defining what type of campground can be allowed which zone is a fair way to approach the issue.

R. Gilman suggested continuing the Public Hearing so that the three members not present can have input on the issue.

T. Phillips asked the members what definitions they want to post for another hearing.

The Board determined to repost the definition as initially proposed, along with all other new definitions and any definitions that have been changed for consideration as proposed Zoning Amendments at a Public Hearing.

D. Muller suggested that the definition of the over 55 Camping Park seems to be in contradiction to the fair housing act and may not be legal.

T. Phillips closed the Public Hearing at 9:07pm.

MOTION: "To hold a Public Hearing on December 3, 2013 at 6:00pm to consider a Zoning Amendment which would change the definition of the following terms:

- a. Dwelling
- b. Family
- c. Home Occupation
- d. Qualifying Acreage
- e. Structure
- f. Variance

and add the definition for the following terms:

- a. Abutter
- b. Camping Park
- c. Cluster Development
- d. Dwelling, Accessory
- e. Dwelling, Single-Family
- f. Dwelling, Two-Family
- g. Dwelling, Multi-Family
- h. Dwelling Unit
- i. Recreational Campground."

Motion: G. Kimball

Second: F. Gunter

Discussion: None

Motion Passes: 7 – Yes, 0 - No

Planning Assistant Items:

N. Decoteau reviewed the fee schedule items and informed the Board that the fees charged for the various regulations have been increased to reflect the number of pages in the documents.

The Board agreed.

The Board reviewed the FY2014 request for the Planning Board as follows:

01-01-41911-40320-00 Legal	\$15,000
01-01-41911-40560-00 Dues/Subscriptions	\$ 500
01-01-41911-40570-00 Training	\$ 300
01-01-41911-40580-00 Operating Expense	\$ 3,000
01-01-41911-40581-00 Cap Imp Maint	\$ 20
01-01-41911-40810-00 Master Plan Expense	\$ 100
01-01-41911-40980-00 Debt Service Principal	\$ 0
01-01-41911-40320-00 General Purchased Services	\$ 0
	\$18,920

The Board agreed to submit the FY2014 budget as presented to the Selectmen for review.

J. Demeritt was still present at the meeting and agreed to get an estimate for legal expenses for the Zoning Board of Adjustment.

J. Demeritt continued the earlier discussion on the C. I. P. requests from the fire department.

J. Demeritt stated the C.I.P. committee reports to the Planning Board and that the Planning Board generally makes a recommendation to the Board of Selectmen regarding the annual C.I.P. proposal.

MOTION: "To direct N. Decoteau to draft a letter to the Board of Selectmen stating that the Planning Board supports the financing plan outlined by the Selectmen in the email dated 11/4/2013 to the C.I.P committee."

Motion: F. Gunter

Second: G. Kimball

Discussion: T. Phillips suggested that in the event there is not unanimous decision on the proposed C.I.P. that the letter indicates the majority of the Planning Board is in favor.

Motion Passes: 6-Yes, 1-No

Adjournment:

At 10:20pm the following motion was made:

MOTION: "To adjourn."

Motion: F. Gunter

Second: G. Kimball

Discussion: None

Motion Passes: 7-Yes, 0-No

Respectfully Submitted,

Nancy Decoteau
Planning Board Assistant