

# TOWN OF THORNTON PLANNING BOARD

Approved on: 6/19/2014  
PB Initials: TDP  
Rec'd by Town Clerk on: 7-2-14  
Town Clerk Initials: AGZ

## Planning Board Meeting Minutes Thursday, May 15, 2014

### CALL TO ORDER – SALUTE OF FLAG:

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

### ROLL CALL: The following members were present:

G. Kimball, Member      S. MacIntosh, Member      F. Freeman, Member      R. Gilman, Alternate  
F. Gunter, Alternate      S. Babin, Vice-Chairman arrived at 6:15pm

F. Gunter was appointed to serve as a voting member in the absence of T. Phillips.

R. Gilman was appointed to serve as a voting member in the absence of B. Regan.

R. Sabourn addressed the Board regarding a plan approved by the Planning Board and recorded in the Grafton County Registry of Deeds as Plan #5133 titled "Subdivision for Ardelle Gilman in Thornton, NH" which includes the following statement as Note#2: "This lot shall not be transferred to any party until drainage improvements have been installed."

R. Sabourn stated the parcel of land is currently for sale and the potential buyers are concerned about the restriction as stated on the plan.

R. Sabourn stated the drainage improvements as described on the plan were never completed.

R. Sabourn indicated that the restriction of note #2 was not included in the deed for the parcel and that the property has already been transferred at least twice within the family without the drainage improvements being completed.

R. Sabourn stated he has reviewed the plan and the current conditions of the property along with the Road Agent.

R. Sabourn stated that the proposed drainage improvements as stated on the plan are not the best way to address the issues of developing the parcel of land as concerns regarding the maintenance of the improvements would carry forward.

R. Sabourn proposed moving the driveway 86 ft. west of the centerline of Sugar Run Road and making changes to the berm on the easterly side of the driveway as well as some tree cutting along the westerly side of the driveway which will improve the driveway line of sight.

R. Sabourn requested a release from note #2 on the plan be given in writing by the Planning Board.

R. Sabourn agreed that he would provide a State approved 3-bedroom septic design and follow through on the driveway permit process as described and agreed upon with the Road Agent, John Kubik.

**MOTION: "To agree to issue a release on Note#2 on Plan # 5133 with the understanding that a new driveway will be located as described and approved by the Road Agent on the driveway permit dated 5-15-2014 for Map 17 Lot 7-63."**

Motion: G. Kimball

Second: F. Freeman

Discussion: None

Motion passes: 4 – YES, 0-NO    Abstained: R. Gilman

Vice-Chairman, S. Babin arrived at 6:15pm.

R. Gilman asked to be removed from being a voting member for the meeting.

### PUBLIC HEARINGS:

S. Babin opened the public hearing at 6:15pm.

**Franklin / 2 Lot Subdivision:** Public Hearing to consider an application for a 2 Lot Subdivision submitted by John March of Mountain Mapping on behalf of property owners Douglas and Kristin Franklin for property identified as Tax Map 17 Lot 7-4103, located at 468 Upper Mad River Road.

T. Collins of Mountain Mapping presented the plan and referenced the meeting minutes of March 20, 2014 where the plan was originally submitted as a 4-Lot subdivision.

T. Collins stated the applicant has determined to modify the application to a simple 2-Lot subdivision, leaving the outline of the cul-de-sac to allow for the potential future subdivision of the 4.63 acre parcel identified as Lot #1 on the plan.

The Board determined to review the Subdivision Final Plan Application Checklist.

S. Babin led the Board in a review of the checklist and found that the following item needs to be addressed:

1. The Driveway Permit application approval process has been initiated but needs to be completed.

**MOTION: "To accept the plan "Subdivision Survey Plat for Douglas & Kristin Franklin" as complete."**

Motion: F. Freeman

Second: F. Gunter

Discussion: None

Motion passes: 5 – YES, 0-NO

S. Babin asked if there were any comments/concerns from the public.

No concerns were raised from those present.

F. Gunter noted that there are multiple proposed septic areas shown on Lot #1 on the plan.

T. Collins agreed that the proposed sites were part of the initial 4-lot proposal and left on the 2-lot plan to show the options available.

**MOTION: "To approve the plan "Subdivision Survey Plat for Douglas & Kristin Franklin" with the condition that the Driveway Permit be approved by the Road Agent."**

Motion: F. Gunter

Second: F. Freeman

Discussion: None

Motion passes: 5 – YES, 0-NO

S. Babin and F. Freeman signed the plan with the understanding that it would not be sent to the Grafton County Registry of Deeds until the Driveway Permit is approved.

The Board reviewed the conditional approval granted at the April 17, 2014 meeting of the Thornton Planning Board for a 4-Lot Subdivision submitted by J. March on behalf of property owners Stephanie Brown Fehm, Susan Norris & Katharine Brown for property identified as Map 17 Lot 19-15 located at 878 NH Rt. 49 which listed the following conditions of approval:

1. One mylar copy and three blue or black line paper copies of the final plan be submitted
2. The final lot lines, dimensions, frontage and total area of each lot be shown on the final plan,
3. A copy of any restrictive covenants to be attached to the deed shall be submitted,
4. The location and descriptions of permanent monuments shall be shown on the final plan,
5. NH DES subdivision approval be submitted,
6. A note added to the final plan stating no fill will be added to the Flood Plain,
7. Flood Hazard Areas (100 year floodplain boundary) will be shown on the final plan with a notation of the field evidence used in determining such boundary, and
8. The seal of a land surveyor licensed in New Hampshire be on the plan.

The Board reviewed the items listed and found that items # 1, 2, 4, 5, 6, 7 and 8 have been met.

F. Freeman reviewed the document listing the deed restrictions which listed the following items:

1. Lots are to be for single family residential use only.

2. No temporary structures other than those necessary for construction of permanent buildings. Temporary structures must be removed immediately upon completion of permanent buildings. Exterior construction of all buildings including all finish work shall be completed within one year of the start of construction. No trailers, mobile homes or quonset type buildings shall be placed on said lot.
3. No buildings or structures shall be covered with tar paper or sheathing paper or any similar temporary wall coverings. All buildings shall be painted or stained.
4. All sewerage and waste disposal shall comply with the rules and regulations as administered by the NH Water Supply and Pollution Control Commission and any Planning or Zoning Regulations of the Town of Thornton. No building or any structure shall be constructed closer than 15 feet from the boundary of any lot line.
5. No unregistered motor vehicles shall be kept on the premises in such a manner as to be visible by the neighbors or traveling public.
6. No mobile homes or camping trailers shall be allowed.

F. Gunter asked how the deed restrictions get attached to the plan and the deeds.

The Board agreed that the deed restrictions listed in "The Protective Covenants of Katharine Brown" should be recorded at the Grafton County Registry of Deeds and be referenced by the recording information in a note on the plan.

The Board agreed that the plan would not be signed until that was done.

S. Babin opened the Public Hearing at 7:00pm.

#### **7:00pm Amendments to the Thornton Campground Regulations**

Public Hearing to consider proposed amendments to the Town of Thornton Campground Regulations which were adopted by the Planning Board in August of 2000. The full text of the document under consideration is available for review at the Town Office and the town website: <http://www.townofthornton.org>.

N. Decoteau stated the following corrections needed to be made to the posted document:

1. Under I. General change "house trailer, fifth wheelers" to "house trailers and fifth wheelers".
2. Under II. A. 1. Capitalize the word site to read Site Plan.
3. Under II. B. the words "where ever" should be one word "wherever".
4. Under II C. change "Defined" to "defined".
5. Under III A. change "in concert with accepted involving" to "in concert with accepted practices involving".
6. Under V. change "minor violation of" to minor violations of".

C. Schofield pointed out that under II. A. 1. the word "polls" should be changed to "pools".

S. Babin noted that the posted document was a result of an initial work session on April 24, 2014.

S. Babin reminded those present that the regulations being amended are for the type of campground voters allowed in all zones in 2000.

The Board discussed III. Special Conditions F. & G. which stated:

1. **F.** 90-night maximum stay
2. **G.** RV's, tents, trailers, or any occupancy of a campsite by a vehicle or camping apparatus has a maximum stay of 90-nights.

The Board agreed to remove **F.** and add the statement "The maximum length of stay for an individual is 90-nights" to the end of **E.** which states "Campsites are for temporary occupancy only and are not to be utilized as the basis of claiming permanent year round residency".

S. Babin opened the meeting to comments from the public.

B. O'Donnell asked if the regulations would be for existing campgrounds.

S. Babin stated that if the regulations are amended, the new regulations would apply to future campgrounds.

G. Warren asked if the regulations would apply to existing campgrounds or not.

S. Babin stated again that the amended regulation would apply to campgrounds that are developed after the adoption of the amended regulations.

G. Warren stated he owns the Pemi River Campground and stated enforcing the 90-night limit will be difficult.

S. Babin stated the Planning Board welcomes the comments of current campground owners.

G. Warren stated that the biggest part of the campground business for him is the seasonal campers because it is too expensive and labor intensive to tow the camper to the campground every weekend throughout the summer as compared to bringing the camper in May and taking it home in October.

G. Warren pointed out that the regulations allow for a camping season from May 1 to October 31 which includes 184 days and limits the number of days a person can stay there to 90 days.

C. Schofield asked if campers would be allowed to keep camping equipment on the site for more than 90 days and who would be responsible to enforce the regulations.

S. Babin stated that Ill. Special Conditions D. states "Off season storage of vehicles, trailers or personal property is not allowed in the campground.

S. Babin stated that the Board of Selectmen would be the enforcement agent for the town and noted that V. Penalty states "the selectmen may impose a penalty of up to \$50.00 per day for minor violations of the regulation and up to and including campground closure for major violations dealing with public safety".

F. Gunter pointed out that the owners of campgrounds would be asked to enforce the regulations.

F. Gunter pointed out that if the existing campgrounds wanted to expand/change their current operation that they would need to comply with the current set of regulations for the expansion.

F. Freeman asked G. Warren how many of his patrons who lease a site for the whole season actually occupy the campsite full-time during the season.

G. Warren stated he has one worker who stays from May to October and 99% of the rest of his patrons stay just for the weekends and for their weeks of vacation.

G. Warren stated that approximately 10 campers are left on the campground at the end of the season to be stored.

S. MacIntosh asked if an existing campground changes ownership would that campground be subject to the regulations in place at the time the property transferred.

S. Babin stated that he would recommend getting legal consul to make that determination.

R. Gilman noted that one of the current campgrounds has been in operation prior to the adoption of a zoning ordinance in Thornton and that it is open outside of the defined camping season.

S. Babin reminded those present that the regulations being updated are for the type of campground voters approved for all zones back in 2000 and the Board will have the opportunity to define other types of camping areas in the future.

S. Babin noted that wrapping every conceivable type of camping use into the Campground Regulations being reviewed is not the goal.

The Board determined to send letters to the current campground owners inviting them to attend the next Public Hearing on the Campground Regulations to be held at 6:30pm on Thursday, June 19, 2014.

**MOTION: "To continue the Public Hearing on amending the Campground Regulations to 6:30pm on Thursday, June 19, 2014."**

Motion: F. Gunter

Seconded: F. Freeman

Discussion: S. MacIntosh suggested adding "an established campground under new ownership will continue to operate under the existing conditions or be subject to current regulations if changes are made."

G. Kimball asked for further explanation.

S. Babin stated that if an existing campground is sold, the new owners would be allowed to continue the existing operation but that if they wanted to make any changes a site plan review would be required and current regulations would apply.

Motion Passes: 5 – Yes, 0 – No.

**APPROVAL OF MINUTES:**

**MOTION: "To approve the regular meeting minutes of April 17, 2014 as amended."**

Motion: G. Kimball

Second: S. Babin

Discussion: None

Motion passes: 4 – YES, 0-NO

**MOTION: "To approve the workshop session meeting minutes of April 24, 2014 as amended."**

Motion: G. Kimball

Second: F. Freeman

Discussion: G. Kimball pointed out the need to change the word "tow" to "Town".

Motion passes: 4 – YES, 0-NO                      F. Freeman abstained

**OTHER BUSINESS:**

1. N. Decoteau reported that according to RSA 673:11 the Planning Board does not appoint an alternate to sit in place of an absent Ex-officio and that the Board of Selectmen is responsible to assign an alternate to be present. The Board directed N. Decoteau to send a note to the Board of Selectmen reminding them of their duty.
2. N. Decoteau reported that it is not the responsibility of the Planning Board to make a determination regarding when or what defines an abandoned Non-conforming Use but that the Board of Selectmen would be responsible.
3. N. Decoteau reported that the hearing date for the case regarding jurisdiction is scheduled for Wednesday, July 16, 2014.
4. N. Decoteau presented a letter from Road Agent, J. Kubik dated May 2014.

The letter stated the following:

*This spring I have encountered a couple residents requesting driveway permits that would result in multiple driveways per parcel. In the Town's current driveway permit application it states, "One driveway entrance is permissible, not to exceed 20 feet in width". Is this a gentle way of saying that only one driveway is allowed? If not are there guidelines to how much road frontage is necessary to install a second driveway, etc.?*

*From a maintenance standpoint, because the homeowner is solely responsible for maintaining their culverts in driveways where a culvert is required, at this point I personally do not see a problem with multiple entryways provided that the criteria in the current driveway application is met. This being as long as the entryways are installed so that it does not negatively affect the existing drainage system of the road or the right of way, and that there are good lines of sight that do not create safety hazards.*

*One of the applicants is looking at purchasing a parcel that currently has a driveway on it that serves a neighboring parcel. In this case, they desire to install their own driveway so that they do not need to share one with their neighbors. If only one driveway is allowed - Would this rule be waived as a result of the situation?*

*I am unclear if the Town of Thornton has drafted a rule or not against multiple driveways. At this point I am seeking clarification so that I can respond properly to my current applicants.*

The Board reviewed the letter and discussed the issue of driveways with more than one entrance onto the town road.

F. Gunter stated his opinion that driveways with more than one entrance could be allowed if they are reviewed/approved by the Road Agent.

F. Freeman agreed that the Road Agent should be allowed to use some discretion regarding approving driveways.

S. Babin stated that the Board would need some time to consider the wording of the current permit and the policy of the town.

N. Decoteau asked the Board to consider giving the Road Agent an answer for the current applicant who wants to put in a second driveway so that he will not need to use the existing driveway which provides access to both his lot and the neighboring lot.

The Board members agreed to allow the Road Agent to make a determination for the current applicant.

R. Gilman questioned if in the past there was a directive from the Board of Selectmen regarding the Road Agent not having the authority to approve driveways.

G. Kimball and F. Gunter agreed that several years ago the Board of Selectmen may have been dealing with a personnel issue rather than changing the policy of having the road agent review/approve driveway permits.

S. Babin asked N. Decoteau to verify with the Board of Selectmen that they agree with allowing the Road Agent to make a determination regarding the approval of more than one driveway per parcel.

5. N. Decoteau informed the Board that a Concerned Citizen Form was submitted regarding new signs put up for Pope Auto Sales Signs.

N. Decoteau stated the Board of Selectmen requested the owner of Pope Auto Sales request Planning Board approval for their signs at the June 19, 2014 Planning Board meeting.

6. N. Decoteau reviewed three minor changes to the draft job description for the part time planning director position:

- Remove "Skills in operating the listed tools and equipment" from the Knowledge, Skills and Abilities Required section.
- Under Minimum Qualifications change the 1 year to a 2 year period of time, and
- Add the word "experience" so the phrase reads, "and two(2) years of progressively responsible related municipal experience".

N. Decoteau reported that the Interview Committee consists of the following individuals:

- i. Chairman of the Board of Selectmen, S. Morton
- ii. Selectman, B. Benton
- iii. Chairman of the Planning Board, T. Phillips
- iv. Vice Chairman of the Planning Board, S. Babin
- v. Town Administrator, T. Beaulieu
- vi. Admin Assistant, N. Decoteau

N. Decoteau stated the job advertisement is posted and applications are due June 23, 2014 with the first round of interviews scheduled for July 16, 2014 beginning at 6:30pm.

7. G. Warren owner of Pemi River Campground had a question regarding the four rental recreational vehicles he got approved in June 2013 in an amendment to his site plan approval for the campground.

G. Warren asked if he could anchor the structures to meet the floodplain development ordinance so that they could stay on site rather than being required to be moved off site every year.

G. Kimball pointed out that the Site Plan approval for those units stipulated that the four units "*will be moved off site in compliance with the Floodplain Ordinance with the allowance for reconsideration of that requirement if new floodplain elevation information is provided*" and that they were not approved to be permanent structures.

S. Babin stated that the Planning Board should look into the issue and get back to G. Warren regarding the procedure that needs to be followed before making any changes to the four units in question.

After a discussion the general consensus of the board was that G. Warren would be required to come in with an application to amend his site plan approval before making any changes to the four units.

#### **ADJOURNMENT:**

At 8:45pm the following motion was made:

**MOTION: "To adjourn."**

Motion: F. Gunter

Second: G. Kimball

Discussion: None

Motion passes: 5 – YES, 0-NO

Respectfully Submitted,  
Nancy Decoteau

Planning Board  
May 15, 2014  
SIGN IN SHEET (Please Print)

- 1 LESLIE FOX / RED FOX REALTY
- 2 Roy Sebourn Sebourn + Tower Surveying
- 3 Tim Collins Mountain Mapping
- 4 BIRCH O'DONNELL SHAMROCK MOTEL
- 5 KRISTIN FRANK
- 6 Cindy Schofield 21 Campden St
- 7 GERALD WARREN PAMI RIVER
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