

# TOWN OF THORNTON PLANNING BOARD

Approved on: 4/20/2014  
PB Initials: SB  
Rec'd by Town Clerk on: 12-9-14  
Town Clerk Initials: [Signature]

## Planning Board Meeting Minutes Thursday, October 16, 2014

### CALL TO ORDER – SALUTE OF FLAG:

S. Babin called the meeting to order at 6:08pm and led the pledge of allegiance.

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

S. Babin, Vice Chairman	M. Peabody, Ex-Officio	S. Macintosh, Member	
G. Kimball, Member	B. Regan, Member	F. Gunter, Alternate	R. Gilman, Alternate

The following members were not present: T. Phillips, F. Freeman

### MOTION: "To appoint the following as a voting member for the meeting: R. Gilman in place of F. Freeman."

Motion: S. Babin

Second: G. Kimball

Discussion: None

Motion passes: 5 – YES, 0-NO

### MOTION: "To appoint the following as a voting member for the meeting: F. Gunter in place of T. Phillips."

Motion: S. Babin

Second: B. Regan

Discussion: None

Motion passes: 6 – YES, 0-NO

### APPROVAL OF MINUTES:

#### MOTION: "To approve the Non Public Minutes of July 17, 2014 as presented."

Motion: B. Regan

Second: G. Kimball

Discussion: None

Motion passes: 6 – YES, 0-NO S. Babin abstained as he was not present on July 17, 2014.

#### MOTION: "To approve the Non Public Minutes of September 18, 2014 as presented."

Motion: G. Kimball

Second: F. Gunter

Discussion: None

Motion passes: 7 – YES, 0-NO

#### MOTION: "To approve the Minutes of September 18, 2014 as amended."

Motion: G. Kimball

Second: F. Gunter

Discussion: G. Kimball asked if the note on the plan that indicated the area out of the floodzone on the Pemi River Campground was correct.

N. Decoteau responded that the minutes reflect the exact wording of the note on the plan which is as follows:

*"The intent of the plan is to use the Campground Subdivision Plan to show the area(s) above the 100-year Flood elevation, which is where structures are to be located in the off-season and during **low** water levels of the Pemigewasset River."*

G. Kimball asked if the note should read "high" water levels.

After some discussion it was determined that the minutes were accurate but that some action should be taken to clarify the language of the note on the plan.

Motion passes: 7 – YES, 0-NO

**MOTION: “To contact both the property owner, G. Warren, and the engineer, T. Duffield, and request the note on the plan be clarified and that both G. Warren and T. Duffield indicate they agree by dating and signing off on any change to the plan.”**

Motion: G. Kimball

Second: F. Gunter

Discussion: The Board directed N. Decoteau to send a letter to T. Duffield and G. Warren regarding the issue.

Motion passes: 7 – YES, 0-NO

#### **OTHER BUSINESS:**

##### **1. Planning Director:**

M. Peabody introduced B. Regan as the new Planning Director.

B. Regan submitted a letter of resignation for his position as a Planning Board member upon adjournment of the meeting and stated he will begin as the Planning Director on October 21, 2014.

##### **2. Correspondence:**

The Board was informed that the following items are in the mail folder:

- a. Road Agent letter to Dean & Rebecca Rodgers re: driveway
- b. Grafton County Conservation District Fall 2014 Newsletter
- c. NCC 2015 Work Plan budget

##### **3. Scenic Byways Committee:**

The Board was informed that the three options available in making a decision regarding the Scenic Byways Committee were as follows:

- Agree to participate but not designate a representative
- Agree to participate and designate a representative
- Decline to participate

**MOTION: “To agree to participate but not designate a representative at this time to the Scenic Byways Council.”**

Motion: S. Babin

Second: B. Regan

Discussion: The Board directed N. Decoteau to send a letter to the NCC regarding the board’s participation level with the Scenic Byways Council.

Motion passes: 6 – YES, 1-NO (S. MacIntosh)

##### **4. Land Use Law Books:**

The Board determined that two books with a CD should be ordered @ \$11.95 each.

Motion: S. Babin

Second: F. Gunter

Discussion: None

Motion passes: 7 – YES, 0-NO

#### **PUBLIC HEARING - Adoption of Amended Thornton Campground Regulations**

S. Babin opened the Public Hearing at 6:30pm.

Public Hearing to consider the adoption of the amended 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>.

S. Babin noted that perhaps due to the inclement weather there are no participants in the public arena present and suggested that the Board should consider waiting to adopt the amended regulations.

S. Babin closed the public hearing at 6:35pm.

**MOTION: "To table the Public Hearing to consider the adoption of the amended Town of Thornton Campground Regulations which were adopted by the Planning Board in August of 2000 until such time that the Planning Board is prepared to vote on the adoption of the document."**

Motion: S. Babin

Second: B. Regan

Discussion: B. Regan noted that it is important to keep the document alive.

M. Peabody suggested that it can be noticed as a Public Hearing when the Board decides to reconsider adopting the amended regulations.

M. Peabody stated that counsel has recommended the Board wait until a decision is made on the pending litigation before voting to adopt the new regulations.

Motion passes: 7 – YES, 0-NO

#### **OTHER BUSINESS:**

##### **5. One Dwelling per acre per parcel:**

The Board discussed the issue of the placement of more than one single family dwelling on a single parcel of land.

S. Babin summarized that the issue has been discussed at length over the past couple of years and noted the input on the subject provided for review.

##### **A. Excerpt from Board of Selectmen Meeting Minutes of October 1, 2014**

*Chairman Morton explained that the Planning Board discussed a letter sent from M. Peabody as ex-officio to TA Beaulieu regarding multiple dwellings on one parcel relating to the density requirement of one dwelling per acre. The Planning Board is requesting direction from the Board of Selectmen on a request they received relative to a family compound. M. Peabody explained the request of the Planning Board. The Board discussed this request. TA Beaulieu asked for clarification as to what a family compound entails. M. Peabody explained that the discussion at the Planning Board meeting was to have two dwellings on one parcel at this time. The Board agreed the current zoning ordinance does not prohibit the Selectboard from issuing a ZCA to the applicant.*

*The board discussed the benefits that a planner can provide in assisting the board with these types of applications and ordinance needs. S. Morton agreed that there needs to be regulations or subdivision requirements to approve multiple dwellings on one parcel. If an applicant is interested in building a family compound the option of a subdivision, cluster housing or condominiums should be offered.*

*M. Peabody stated that property owners should be allowed to place second family dwellings on one parcel without requiring too many permits.*

*B. Benton stated that initially he agreed that two dwellings on one parcel should be permitted, but after some research he agrees that regulations should be in place to prevent multiple dwellings on one parcel due to the best interest of the town as a whole.*

*R. Sabourn agreed that allowing multiple dwellings on one parcel is not in the best interest of the town.*

*J. Paul-Hilliard stated as an elected official he has to support regulations to prevent situations that could adversely affect the town and supports the Planning Board in their efforts to fix this problem through the zoning ordinance.*

*The majority of the board agreed that it is not in the best interest of the town to allow more than one single-family dwelling on a parcel, and regulations to support this should be*

*drafted by the Planning Board and enforced. The board agreed to have N. Decoteau respond to the Planning Board as to their request for direction on this subject.*

M. Peabody stated the minutes reflect her comment as *"that property owners should be allowed to place second family dwellings on one parcel without requiring too many permits"* needs to be clarified to say she agrees that one additional single family home can be added to a parcel of land as long as the density requirement is met and that she is not in favor of adding more than one additional single family home to a single parcel of land.

M. Peabody clarified that she is not in favor of allowing multiple single family dwellings on a parcel of land, but agrees that one additional single family home could be allowed.

M. Peabody stated her intention to clarify the Selectmen minutes to reflect her comment more accurately.

N. Decoteau added that if a change was going to be made to the Selectmen minutes that the heading may need to be changed to "Family Compound" rather than "Family Campground".

B. Suggestion from F. Gunter:

*Amendment to Article VI Dimensional Requirements:*

*Note: Multiple dwellings may be constructed on a single parcel of land (unique map identification number) but must be sited such that a subsequent subdivision can be made with each new parcel meeting all of the requirements of this Article and Article VII in effect at the time the building permit is issued.*

F. Gunter noted that his suggested amendment to the Zoning Ordinance falls in line with comments from legal counsel and from the North Country Council representative.

G. Kimball noted the point made by legal counsel, *"One of the more significant dangers presented by not requiring subdivision approval is that an owner could have numerous single-family houses on one large parcel, which could eventually include roads and other infrastructure that is never reviewed by the planning board"*.

S. Babin suggested consideration of a process where property owners who want to have multiple single family homes on a single parcel of land would be subject to subdivision review to determine the placement and construction of roads and other infrastructure but not be required to subdivide the parcel.

S. Babin shared his opinion it diminishes the property value to allow only one single family home to be constructed on a parcel of land with acreage that could support multiple single family homes.

C. NH RSA 674:43, I:

*A municipality, having adopted a zoning ordinance as provided in RSA 674:16 , and where the planning board has adopted subdivision regulations as provided in RSA 674:36 , may by ordinance or resolution further authorize the planning board to require preliminary review of site plans and to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site.*

F. Gunter stated that per state statute the Planning Board is not authorized to impose site plan review for single family dwellings.

F. Gunter noted that if the Zoning Ordinance has a requirement relative to requiring any additional single family home to be subject to the subdivision regulations then the Planning Board may be able to handle it that way.

F. Gunter stated his suggested amendment would not prohibit multiple single family homes on a single parcel of land.

F. Gunter stated his suggested amendment lays out a process that could be followed when there is a request to have more than one single family home on a single parcel of land.

R. Gilman stated his opinion that care needs to be taken regarding what is allowed in residential zones.

R. Gilman stated allowing multiple single family homes in the industrial or commercial zones is a different matter than allowing it in the residential zones.

7. Regan noted that currently any request to have multiple single family dwellings on a single parcel of land is met with a bit of confusion and that clarifying the issue via a zoning amendment will give clear direction as to how the town will deal with the issue.

The Board continued to discuss the issue and reviewed other comments regarding the issue.

D. Suggested Amendment to Zoning Ordinance Article V (A)(1)

*"One single family dwelling per lot (unless approved for cluster development), or multi-family housing containing not more than ten apartment units, housing one family per unit, in one structure."*

It was noted that since the other zoning districts allow for those uses permitted in the Rural Residence Zone there is no need to revise each district uses.

E. City of Middletown CT:

*Section 5.12- One Dwelling Unit per Lot: Not more than one building designed or available for use for dwelling purposes shall be erected, placed or converted to use as such, on any lot in a residential zone*

The Board began to discuss wording for a proposed amendment to allow multiple single family homes on a single parcel of land.

N. Decoteau asked for clarification as to why the Planning Board is going to work on an amendment to allow multiple single family homes on a single parcel given the fact that the Planning Board requested the opinion of the Board of Selectmen on the issue and the Board of Selectmen responded that they are not in favor of allowing multiple single family homes on a single parcel as noted in the Board of Selectmen minutes as follows:

*"The majority of the board agreed that it is not in the best interest of the town to allow more than one single-family dwelling on a parcel, and regulations to support this should be drafted by the Planning Board and enforced. The board agreed to have N. Decoteau respond to the Planning Board as to their request for direction on this subject."*

F. Gunter stated his opinion that an amendment that disallowed multiple single family homes on a single parcel would be met with an overwhelming negative response from the voters.

S. Babin noted that requiring subdivision of a tract of land prior to the construction of an additional single family home has led to there being fewer and fewer large tracts of land.

The Board determined that the new Planning Director would review the suggested amendments to the Zoning Ordinance regarding the issue and present suggested wording of a proposed amendment at the next regular planning board meeting.

F. Gunter stated that the Pemigewasset River Local Advisory Committee has asked him to get a feeling for the Planning Board's opinion on runoff issues and water retention ponds on individual parcels.

F. Gunter stated that in his opinion the regulations currently in place (Section N of the Subdivision Regulations) are adequate in dealing with water runoff issues.

Board members voiced their agreement with F. Gunter.

S. Babin stated his agreement that F. Gunter should respond back to the Pemigewasset River Local Advisory Committee that the Planning Board currently has adequate regulations in place.

R. Gilman stated the following three concerns:

- It is his opinion that it is important for the Planning Board should visit every site that comes before the Planning Board for subdivision or site plan approval.
- It is his opinion that the Planning Board has an obligation and responsibility to visit the active gravel pits each year to review for compliance.
- It is his opinion that there are some safety concerns regarding the emergency evacuation plan for a campground on the river.

S. Babin responded that visiting the site of a proposed subdivision or site plan is a good practice and that the Planning Board has visited various sites in the past.

S. Babin responded that perhaps the new Planning Director would take a look at the status of the excavation activity taking place in town and make some suggestions.

G. Kimball added that the town is fortunate to have responsible gravel pit operations in town.

S. Babin responded that the campground has all the necessary approvals and are operating within the boundaries set by the Planning Board.

S. Babin stated that it is outside of the jurisdiction of the Planning Board to request any changes to the campground be made at this time and that the Board of Selectmen deals with enforcement issues.

R. Gillman questioned whether anyone could verify that they are operating within the approval.

M. Peabody noted that she and other town officials have been on the site multiple times to verify compliance with approvals.

M. Peabody stated that T. Powers is the Emergency Management Director for the town and he would be aware of the Hazard Mitigation that is in place for the property.

R. Gilman asked if the Warrant needs to be read at the beginning of the Planning Board meeting.

M. Peabody clarified that at the Annual Town Meeting, and on Election Day a Warrant is read at the beginning but that is not included in the standard practice of conducting Planning Board meetings.

M. Peabody noted that the Notice of Public Hearing is read for each application on the Planning Board's Agenda.

#### **ADJOURNMENT:**

At 7:40pm 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