

TOWN OF THORNTON PLANNING BOARD

Approved on: DEC 18, 2014
PB Initials: TBP
Rec'd by Town Clerk on: 12-30-14
Town Clerk Initials: 282

Planning Board Meeting Minutes Thursday, November 20, 2014

CALL TO ORDER – SALUTE OF FLAG:

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

ROLL CALL: The following members were present:

S. Babin, Vice Chairman	F. Freeman, Member	S. Macintosh, Member
G. Kimball, Member	N. Decoteau, Ex-officio	F. Gunter, Alternate R. Gilman, Alternate

The following members were not present: T. Phillips.

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

Motion: S. Babin

Second: F. Freeman

Discussion: None

Motion passes: 5 – YES, 0-NO

R. Gilman asked if the Board was going to appoint an alternate to fill the unexpired term of former member B. Regan. The Board determined to move forward with six voting members for the meeting and wait until Chairman Phillips is present to discuss the issue of appointing an alternate to fill the unexpired term of B. Regan.

APPROVAL OF MINUTES:

MOTION: "To approve the Minutes of October 16, 2014 as amended."

Motion: G. Kimball

Second: F. Gunter

Discussion: G. Kimball stated she had sent in a couple of small corrections to the draft which have been made.

Motion passes: 4 – YES, 0-NO Abstained: N. Decoteau, F. Freeman

APPOINTMENT OF ALTERNATE MEMBERS:

Planning Director, B. Regan stated that the following three individuals have expressed interest in serving as an alternate on the Planning Board: Julie Piehn, Donna O'Donnell and Cynthia Schofield.

After a brief discussion with J. Piehn, D. O'Donnell and C. Schofield regarding the length of time they would each be willing to serve as an alternate the following motion was made:

MOTION: "To appoint Julie Piehn as a Planning Board Alternate for a term to expire in March of 2015, to appoint Donna O'Donnell as a Planning Board Alternate for a term to expire in March of 2017, and to appoint Cynthia Schofield as a Planning Board Alternate for a term to expire in March of 2017."

Motion: N. Decoteau

Second: F. Freeman

Discussion: None

Motion passes: 6 – YES, 0-NO

J. Demeritt, C.I.P. member, stated that Zoning Board of Adjustment member, D. Gravel, has expressed in serving as a member of the Capital Improvements Committee and recommended that the Planning Board appoint D. Gravel to the committee.

MOTION: "To appoint David Gravel as a member of the Capital Improvements Committee for a term to expire in March of 2016."

Motion: G. Kimball
Second: F. Freeman
Discussion: None
Motion passes: 6– YES, 0-NO

OTHER BUSINESS:

Planning Director, B. Regan brought the following items to the attention of the Board:

1. Pope Auto Sales: Map 16 Lots 7-6 and 7-62

J. Demeritt, Chairman of the Zoning Board of Adjustment, stated that E. Pope was directed by the Planning Board to make application for a Variance to allow the use of the garage to continue with the auto sales business.
J. Demeritt stated that the ZBA did not render a decision but understands from information presented by the applicant that the garage has been in use in association with the auto sales for several years.
J. Demeritt stated that documents the applicant delivered to the ZBA at the Public Hearing on November 19, 2014 helped clarify what the applicant needed.
J. Demeritt stated the NH Department of Safety Official Dealer Registration Rules and a document dated February 28, 1997 with Town Clerk's signature indicating that the business "Ed Pope" owned by Edward Pope and Elvira Pope was in compliance with local ordinances or requirements were presented to the ZBA at the Public Hearing on November 19, 2014.
J. Demeritt explained that if it is true that the business existed prior to the inception of zoning then a variance is not necessary as the business would fall under the provision in the Zoning Ordinance which designates Nonconforming Uses.
J. Demeritt presented a list compiled in 1970 which identified businesses in existence prior to zoning and pointed out that Pope Auto Sales is included on the list.

J. Demeritt expressed his concern regarding applicants going through the process of applying to the Zoning Board of Adjustment only to discover that they do not need what they thought they did.
G. Kimball stated that the Planning Board directed the applicants to the ZBA based on what they presented to the Planning Board on September 18, 2014 which did not include all of the information they provided to the ZBA.

A discussion followed regarding which administrative board would sign the state authorization form stating the business is in compliance with local ordinances.

S. Babin stated that it was not clear to the Planning Board whether the home with the attached garage being used in association with Pope Auto Sales was or was not included as part of an existing nonconforming use.
The Board directed B. Regan to gather the facts and make a presentation to the Board of Selectmen or ZBA as necessary.

2. Pemi River Campground / Plan Clarification matter

B. Regan presented a letter from T. Duffield, PE and G. Warren dated October 24, 2014 which stated the following:
*"In response to your letter dated October 17, 2014, we provide the following clarification on the intent of the submitted Plan. The intent was to show location where structures are to be located in the off-season and during **high water** levels of the Pemigewasset River. In addition, the Plan referenced a Campground Subdivision Plan which should have correctly been titled "The Lot Merger & Site Plan for Pemi River Campground Plan". Please accept this letter to clarify the submitted Plan."*

B. Regan suggested the letter, bearing the signatures of both the property owner and the engineer be attached to the plan and become part of the record.

MOTION: "To place the letter from T. Duffield, PE and G. Warren dated October 24, 2014 on file with the plan that designates the location of areas outside of the flood zone on Map 16 Lot 3-50."

Motion: S. Babin
Second: G. Kimball
Discussion: None
Motion passes: 6– YES, 0-NO

3. C. Lenahan - Request for Release of Bond

B. Regan referred to the email from C. Lenahan requesting the release of the bond being held on the Whitehouse gravel pit.

N. Decoteau indicated that Certified/Return Receipt letters were mailed to the bond company, the new owner and the Whitehouse Estate regarding the April 1, 2015 deadline for reclamation to be complete and that if reclamation is not found to be complete at that time the bond would be called.

F. Freeman suggested posting a bond for reclamation may have been included in some fashion as a condition of the sale. N. Decoteau suggested it may be wise to visit the site before snowfall to make a determination as to what aspects of the reclamation remain to be completed.

S. Babin stated that the bond company could be contacted to verify whether or not the new owners have taken out a bond.

B. Regan responded that he will follow up on the issue.

4. 2015 Budget – Status

B. Regan presented the FY2015 proposed budget for the Planning Board as follows:

	2014	YTD	2015
PLANNING	Budget	Actual	Budget
01-01-41911-40112-00 Wages PT Planning Director	15,600.00	\$5,144.13	TBD
01-01-41911-40113-00 Wages PT Plan Assist	5,270.00	\$7,130.11	TBD
01-01-41911-40320-00 Legal PLBD	15,000.00	\$16,896.70	\$15,000.00
01-01-41911-40560-00 Dues/Subscriptions	500.00	\$23.90	\$350.00
01-01-41911-40570-00 Training PLBD	300.00	\$150.00	\$500.00
01-01-41911-40580-00 Operating Expenses PLBD	3,000.00	\$2,051.62	\$3,000.00
01-01-41911-40581-00 Cap. Imp. Maint. PLBD	20.00	\$0.00	\$20.00
01-01-41911-40810-00 Master Plan Expenses PLBD	100.00	\$0.00	\$100.00
	39,790.00	\$31,396.46	\$18,970.00

B. Regan indicated that the Town Administrator will determine the proposed wages.

B. Regan stated that the Planning Board line items are being proposed to be set essentially the same budget as 2014.

MOTION: "To authorize Planning Director, B. Regan, to present the FY2015 budget to the Board of Selectmen."

Motion: S. Babin

Second: F. Freeman

Discussion: None

Motion passes: 6– YES, 0-NO

CORRESPONDENCE:

B. Regan presented the following correspondence:

1. Brox Industries, Inc.

B. Regan stated the bond for the Brox gravel pit has been renewed.

2. Nobis Engineering (Re: Waterville Birches / Phase II)

B. Regan stated correspondence has been received stating that the Storm water drainage for Waterville Birches / Phase II complies with the town regulation.

J. Demeritt stated that a few months ago the ZBA and Planning Board discussed moving the legal services of Attorney Boldt to the Planning Board but that it was decided that the boards should wait to do so until after the pending litigation against the ZBA was settled.

J. Demeritt stated that the ZBA is still willing to allow the Planning Board to use the services of Attorney Boldt and that the ZBA is willing to engage new legal counsel if the Planning Board decides to do so.

REPORT & RECOMMENDATION: Proposed Zoning Amendment (One dwelling per parcel)

B. Regan presented the following information:

Background: Property owner requests as to whether or not multiple single family dwelling units are allowed on their land consisting of multiple acres are currently met with conflicting answers from Town Officials.

Presently it is the position of the Select Board that it is not in the best interests of the Town to allow multiple single family dwellings on one (1) parcel. At the same time the Planning Board has taken the position that there is presently no regulation in place to prevent it.

The Town is currently unable to give clear direction as to how the Town will deal with a request to allow multiple single family dwellings on a single parcel of land. As the result property owners are faced with a confusing and frustrating situation.

Issue: Is the Town's best interest better served by allowing more than one Dwelling Unit per lot or by limiting Dwelling Units per lot to one (1) in any Zoning District?

Conclusion & Recommendation: The Town has adopted Subdivision Regulations with a stated purpose "...to promote the general health and welfare of the Town of Thornton."

The Town has an obligation to its property owners and should establish a definitive answer to this ongoing issue. Since no regulation currently exists to address the issue at hand the optimal action is to place the question before the voters on the next Ballot in the form of an amendment to the Zoning Code.

The rationale for this conclusion is as follows: A vote in favor of the proposed amendment would affirm the Select Board's position and also establish a definitive answer to this issue.

A vote against the proposed amendment would signal disfavor of the Select Board's position and indicate that a revised amendment should be considered by the Planning Board.

It is recommended that the best interests of the Town would be served by the Planning Board moving forward with a proposal to amend the Zoning code by adding:

ARTICLE VI: DIMENSIONAL REQUIREMENTS

Conventional Development

4. Dwellings per Lot: No more than one building used and intended for human habitation shall be erected, placed or converted to use as such in any Zoning District.

F. Freeman suggested changing the wording of the proposed amendment to include the words "on a single parcel" after the phrase "as such".

The Board agreed.

F. Freeman state his agreement to present the amendment as suggested.

F. Gunter stated that although his opinion may differ on the issue, he agrees that the amendment should be put forward in the manner suggested.

G. Kimball stated her agreement to move forward with the amendment as suggested.

S. Babin agreed that the Planning Board should propose a zoning amendment as suggested.

It was determined that the Planning Director will notice a public hearing on the proposed zoning amendment for the December 18, 2014 meeting.

At 7:06 the following motion was made:

MOTION: "To enter non-public session in accordance with RSA 91-A:3 II (e) Pending Litigation".

Roll Call Vote:

S. Babin - Yes

N. Decoteau – Yes

F. Freeman - Yes

S. Macintosh – Yes

G. Kimball – Yes

F. Gunter - Yes

Motion passes: 6 - 0

Motion: G. Kimball

Second: S. Babin

Discussion: None

Motion passes: 6 – YES, 0-NO

The Board returned from Non Public Session at 7: 15pm.

ADJOURNMENT:

At 7:16pm the following motion was made:

MOTION: "To adjourn."

Motion: F. Gunter

Second: G. Kimball

Discussion: None

Motion passes: 6 – YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director