

TOWN OF THORNTON PLANNING BOARD

Approved on: Feb 19 2015
PB Initials: S.O.
Rec'd by Town Clerk on: 2-23-15
Town Clerk Initials: JJ

Planning Board Meeting Minutes Thursday, January 15, 2015

CALL TO ORDER – SALUTE OF FLAG:

T. Phillips called the meeting to order at 6:07pm and led the pledge of allegiance.

ROLL CALL: The following members were present:

| | | | |
|-------------------------|-------------------------|---------------------|-------------------------|
| T. Phillips, Chairman | S. Babin, Vice Chairman | F. Freeman, Member | B. Macintosh, Member |
| G. Kimball, Member | N. Decoteau, Ex-officio | J. Piehn, Alternate | D. O'Donnell, Alternate |
| C. Schofield, Alternate | | | |

MOTION: "To appoint the following as a voting member for the meeting: C. Schofield in place of B. Regan's vacated position."

Motion: G. Kimball

Second: S. Babin

Discussion: None

Motion passes: 6 – YES, 0-NO

NON-PUBLIC: Discussion pursuant to NH RSA 91-A, 3, II, (e)

At 6:10pm 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:

T. Phillips - Yes S. Babin - Yes F. Freeman - Yes S. Macintosh- Yes

G. Kimball - Yes N. Decoteau - Yes C. Schofield – Yes

Motion: G. Kimball

Second: F. Freeman

Discussion: None

Motion passes: 7– YES, 0-NO

The Board returned from Non Public Session at 6:15pm.

T. Phillips suggested that since no members of the public were present the Board could approve the minutes and open the public hearing scheduled for 6:15pm to allow people a few more minutes to arrive.

APPROVAL OF MINUTES:

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

Motion: S. Babin

Second: F. Freeman

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

Motion passes: 6 – YES, 0-NO Abstained: N. Decoteau

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

Motion: G. Kimball

Second: S. Babin

Discussion: None

Motion passes: 7 – YES, 0-NO

PUBLIC HEARING: 2-Lot Subdivision / Ahmed Mohamed - Map 6 Lot 13-1-2

T. Phillips opened the Public Hearing which was continued from the December meeting at 6:18pm and read the Notice of Public Hearing:

Public Hearing to consider an application for a 2-Lot Subdivision submitted by M. Mahmoud as agent for property owner A. Mohamed on property located off NH Rt. 175 identified as Tax Map 6 Lot 13-1-2.

T. Phillips noted that no one was present to represent the application.

T. Phillips closed the Public Hearing at 6:27pm.

B. Regan stated correspondence was received from F. Lewis, an abutter who expressed concern that the water that runs down through the property should not be diverted as it feeds his well. He further indicated this concern would be fully addressed if and when a viable application is submitted regarding this property.

B. Regan stated correspondence was received from the owners of Lot 1, A. Katz and J. Gavin, who stated they received notification of a proposed house site and have no issues with the site if it remains exactly where it is as shown on an attached plan.

B. Regan advised the Board of his written correspondence in reply to the Katz & Gavin letter. He then read the letter into the record as follows:

"December 23, 2014

Aaron Katz and Jeremy Gavin

165 Hancock Street

Braintree, MA 02184

Re: Your letter dated December 15, 2014 (Concerning Map 6 Lot 13-1-2)

Dear Messrs. Katz/Gavin:

I have reviewed your correspondence, as above referenced, relative to the proposed subdivision of land abutting property owned by you on Rt. 175 in Thornton, NH. As the result of my review it appears that you may be unclear as to what has been proposed to the town's Planning Board. As the result, and in an effort to help clarify the matter, I would offer the following facts:

- 1. Application by Ahmed Mohamed concerns the subdivision of lot 2 in a subdivision called "Moose Haven". The application does not concern the location of a dwelling on any lot in particular.*
- 2. Town records show Lot 2 as consisting of 1.06 acres; as such it would not be dividable.*
- 3. Town records show Lot 1 in the same subdivision as being owned by you and consisting of 2.40 acres and including two (2) dwellings where the minimum density is one (1) dwelling unit acre per. The application in question shows Lot 1 as consisting 1.06 acres.*
- 4. The copy of the plan you included with your letter is not a copy of an approved plan.*
- 5. The town's Board of Selectmen, through its Counsel, is pursuing an enforcement action against the owner of Lot 2 and his agent, in order to correct plans and/or records relative to these parcels. A copy of Counsel's notice to the owner is a matter of public record and therefore available to you. Should you desire a copy please contact me at the address and number above.*

Should you have any question, concern or need of clarification please feel free to call upon me.

Regards,

Brian Regan

Planning Director"

B. Regan noted that the plan submitted indicates Lot 2 consists of 1.06 acres and that the legality of the plan has been called into question.

B. Regan recommended the Board deny the application as the plan presented is based on information on a plan deemed illegal by the attorneys representing the enforcement authority of the town of Thornton (*i.e. Board of Selectmen*).

MOTION: "To reject the application for a 2-Lot Subdivision submitted by M. Mahmoud as agent for property owner A. Mohamed on property located off NH Rt. 175 identified as Tax Map 6 Lot 13-1-2 because it is incomplete as the application presented is based on information on a plan deemed illegal by the attorneys representing the enforcement authority of the town of Thornton."

Motion: S. Babin

Seconded: G. Kimball

Discussion: None

Motion Passes: 7– Yes, 0 – No

OTHER BUSINESS:

1. Update: Pope Auto Sales

B. Regan updated the Planning Board on the status of the Pope Auto Sales request from November.

B. Regan stated the ZBA determined a variance was not necessary.

B. Regan stated the Board of Selectmen signed the state form relative to the Pope Auto Sales application to the state to become a bonded dealer.

PUBLIC HEARING: Proposed Amendments to the Zoning Ordinance

T. Phillips opened the following Public Hearing at 7:00pm:

Public Hearing to discuss the following proposed amendment to the Thornton Zoning Ordinance.

1. To add the following language under ARTICLE VI: DIMENSIONAL REQUIREMENTS –

A. 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 on a single parcel in any Zoning District.

T. Phillips noted that no one from the public was present for the Public Hearing.

The Board discussed the time requirement for holding/posting public hearings on proposed zoning amendments.

It was determined that the State law requires the proposed amendments be delivered to the Town Clerk in final form no later than February 3, 2015 and that public hearings on the amendments must be a minimum of 14 days apart with 10 day notice given.

It was determined that no further Public Hearings on the proposed amendment could be scheduled.

T. Phillips indicated that the Planning Board had two issues to discuss:

1. Does the Planning Board agree to place the amendment on the ballot?

2. Will the Planning Board include "*Recommended by the Planning Board*" or "*Not recommended by the Planning Board*" with the proposed amendment?

After a lengthy discussion of personal opinions regarding the placement of the amendment on the ballot, the wording of the amendment, and whether or not the Planning Board should "recommend" or "not recommend" the amendment the following motions were made:

MOTION: "To include the following proposed amendment to the Thornton Zoning Ordinance on the ballot:

To add the following language under ARTICLE VI: DIMENSIONAL REQUIREMENTS –

A. 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 on a single parcel in any Zoning District."

Motion: G. Kimball

Second: F. Freeman

Discussion: None

Motion passes: 5– YES, 2-NO

MOTION: "To include the phrase "*Not recommended by the Planning Board*" with the following proposed amendment to the Thornton Zoning Ordinance on the ballot:

To add the following language under ARTICLE VI: DIMENSIONAL REQUIREMENTS –

A. 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 on a single parcel in any Zoning District."

Motion: S. Babin

Second: B. MacIntosh

Discussion: None

Motion fails: 3– YES, 4-NO

MOTION: "To include the phrase "Recommended by the Planning Board" with the following proposed amendment to the Thornton Zoning Ordinance on the ballot:

To add the following language under ARTICLE VI: DIMENSIONAL REQUIREMENTS –

A. 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 on a single parcel in any Zoning District."

Motion: N. Decoteau

Second: G. Kimball

Discussion: None

Motion passes: 4– YES, 3-NO

- T. Phillips reviewed the question of how to schedule the appointment of an alternate for the meetings.
- S. Babin stated his opinion that if an alternate is appointed to be a voting member on an application then that alternate should continue to be a voting member on that application as it progresses through the approval process with the board.
- T. Phillips asked if the Board would require that a regular member be absent for two meetings on an application before the alternate appointed is designated to continue with the application.
- F. Freeman agreed that the two meeting threshold was appropriate.
- S. Babin stated that he is confident that the recommendation regarding the appointment of alternates presented by B. Regan will address the needs of the Planning Board appropriately.

- N. Decoteau noted that the positions held by S. Babin and T. Phillips are up for re-election this year along with the unexpired term of B. Regan.
- B. Regan confirmed that two 3-year terms and one 2-year term for Planning Board members will be on the ballot this year.

ADJOURNMENT:

At 7:40pm the following motion was made:

MOTION: "To adjourn."

Motion: S. Babin

Second: G. Kimball

Discussion: None

Motion passes: 6 – YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director