

# TOWN OF THORNTON PLANNING BOARD

Approved on: May 21, 2015  
PB Initials: SD  
Rec'd by Town Clerk on: 5/22/15  
Town Clerk Initials: PB  
APR 5-25-15

## Planning Board Meeting Minutes Thursday, April 16, 2015

### CALL TO ORDER – SALUTE OF FLAG:

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

### ROLL CALL:

The following members were present:

S. Babin, Chair                      N. Decoteau, Ex-officio                      G. Kimball, Member                      B. Macintosh, Member  
F. Gunter, Alternate                      D. O'Donnell, Alternate                      J. Piehn, Alternate

Staff present:

B. Regan, Planning Director

### MOTION: "To appoint the following as voting members for the meeting:

- a. J. Piehn in place of F. Freeman,
- b. F. Gunter in place of B. Dutto and
- c. D. O'Donnell in the vacant position."

Motion: N. Decoteau

Second: G. Kimball

Discussion: None

Motion passes: 4-YES, 0-NO

### APPROVAL OF MINUTES:

#### MOTION: "To approve the Minutes of March 19, 2015 as amended."

Motion: G. Kimball

Second: B. MacIntosh

Discussion: B. Regan stated that changes submitted have been incorporated in the final document for signature.

Motion passes: 5-YES, 0-NO      2 Abstained: F. Gunter, J. Piehn

#### MOTION: "To approve the Non-Public Minutes of March 19, 2015 as presented."

Motion: N. Decoteau

Second: G. Kimball

Discussion: None

Motion passes: 5-YES, 0-NO      2 Abstained: F. Gunter, J. Piehn

### NEW BUSINESS:

#### 1. CIP Committee Appointment:

B. Regan stated W. DeLeo has submitted a letter of interest in serving as a member of the Capital Improvements Program Committee.

J. Piehn stated her opinion that W. DeLeo is a good candidate for the committee.

#### MOTION: "To appoint W. DeLeo as a member of the Capital Improvements Program Committee for a term to expire in March of 2017."

Motion: N. Decoteau

Second: D. O'Donnell

Discussion: None

Motion passes: 7-YES, 0-NO

## 2. D. King Jennings (King Realty) Informational:

B. Regan stated that he had received inquiries regarding property at 2872 U.S. Rte. 3 formerly known as the "Rooster Cabins" a property that is currently for sale. One was a prospective buyer looking into "reestablishing the previous business". The other was Darlene King-Jennings of King Realty asking what can be done with the property.

D. King-Jennings stated she had some questions regarding how the 2015 Zoning Amendment regarding the limitation of one dwelling per parcel would affect the property. She said she was attempting to find out "How to project the new zoning regulation to perspective clients" in her realty business.

D. King-Jennings asked for clarification as to what would be an allowed use on the property. She indicated it used to be six (6) cottages and is now a house, a 2 bedroom cottage and a workshop. She then asked "could someone put cottages on it and rent by the week?"

S. Babin stated, you have a property in a commercial zone existing prior to the new ordinance so the multiple (existing) units would not be restricted as regards the current owner. However as regards a buyer there would be a zoning violation.

S. Babin further stated, attempting to establish a hotel or motel for example may be looked upon differently.

D. King-Jennings stated "the two bedroom cottage is "grandfathered".

S. Babin opined the term grandfather can be subject to interpretation but in his mind he questioned whether a violation could run with the land?

D. King-Jennings asked, "Could someone put a cottage colony back in there and rent by the week, or month?"

N. Decoteau stated her feeling is that the safest way to present the matter, since it is in a commercial zone, is to inquire of the Planning Board with some specifics in your site plan. She further said, this would be better than trying to present it as a "grandfathered" property.

S. Babin stated, "Again, it appears the intent of the regulation is to limit multiple single family dwellings on a single lot. A hotel or motel would need to be considered differently. Also hotels and motels are allowed in a commercial zone."

J. Piehn offered that Section VI, D. of the Zoning Ordinance states:

*"Commercial & Industrial development in these zones is exempt from specific the minimum lot size requirements but is subject to site plan review to ensure compliance with accepted standards involving safety, vehicular access & parking, setbacks, utilities easements, septic disposal etc. Housing development in these zones require one acre per dwelling or unit. The Planning Board shall have the authority to adopt regulations, which determine minimum lot sizes for proposed commercial and/or industrial development."*

There was general discussion surrounding the issue of whether the current owners use (i.e. renting two dwellings on one lot would be a violation or would run with the land after sale, given the new zoning provision limiting dwellings per lot.

S. Babin further stated, "If the goal is to operate a cabin business, that use is plausible, but such a business is not based on long term rentals."

D. King-Jennings said, "To her knowledge many of the cottage businesses in the area are rented on a long term basis".

D. O'Donnell said she was aware that many of the cottage businesses in the area are no longer rented long term".

J. Piehn stated she knew the Select Board was in support of no long term rentals since these are commercial entities and state Rooms & Meals taxes are collected on rentals up to six months. One day past 6 months no tax is collected and that hurts our town because some of that money comes back to the town.

D. King-Jennings stated "that information is helpful to me as a realtor in the area."

D. King-Jennings stated, "Now I understand that the Town is looking to allow only short term rentals and the fact that you have explained that the previous use/violation would not run with the land."

## OLD BUSINESS:

### 1. Vacant Position:

B. Regan submitted a Memo dated April 16, 2015 regarding his findings relative to the election results with regard to the remaining open position.

The memo included the following CONCLUSION and RECOMMENDATION:

**CONCLUSION:**

*The current state of the law in NH is that RSA 669:70 provides that a land use board vacancy be filled as further provided in RSA 673:11 (Designation of Alternate Members) or RSA 673:12 (Filling Vacancies in Membership).*

*It appears clear that the PB would be able to appoint a replacement if the seat was vacated by reasons other than the expiration of the term under 673:12, I.*

*However, in the instance at hand, Bart Dutto received the most write-in votes for both the 3 Yr. term (T. Phillips expired term) and the 2 Yr. term (B. Regan resigned seat). He chose the 2 Yr. term thereby leaving the current vacancy as created by the expiration of T. Phillips seat.*

**RECOMMENDATION:**

*Since we presently have a full roster of five (5) alternate members we should fill the vacant seat on a meeting by meeting basis and in accordance with the Alternate use policy.*

*To fill the seat on a full time basis for the remainder of the term would need to occur at the next Town election.*

S. Babin thanked B. Regan for the research and recommendation.

Board members agreed to follow the recommendation of the Planning Director.

**2. Whitehouse Pit Reclamation Bond – Status Report:**

B. Regan stated that he has not received a bond from the new owner of the former Whitehouse Pit, the Cola's.

B. Regan recommended that the Planning Board begin action to call the existing "Whitehouse bond" as the expiration of the bond and notice to call the bond are coming up.

After a brief discussion the following motion was made:

**MOTION: "To authorize Planning Director, B. Regan, to submit a request to the Board of Selectmen on April 21, 2015 to begin the process of calling the restoration bond #110675 to assure completion of restoration work at the gravel pit on Tax map 16 Lot 4-29."**

Motion: G. Kimball

Second: D. O'Donnell

Discussion: None

Motion passes: 7-YES, 0-NO

**CORRESPONDENCE:**

1. B. Regan stated that information regarding the Office of Energy and Planning Spring Planning/Zoning Conference to be held on Saturday, May 2, 2015 in Concord is available.

S. Babin and B. Regan stated they would attend.

N. Decoteau updated the Planning Board regarding the enforcement side of the 2014 Zoning Amendment regarding Accessory Apartments.

N. Decoteau stated as the Enforcement Agents for the town, the Selectmen have directed the office staff to create an application packet specific to requests to add accessory apartments.

N. Decoteau stated that the application packet will request information regarding the eight criteria listed in the Zoning Ordinance as well as other pertinent information and include details regarding the calculation of square footage.

**ADJOURNMENT:**

At 7:21PM the following motion was made:

**MOTION: "To adjourn."**

Motion: G. Kimball

Second: J. Piehn

Discussion: None

Motion passes: 7-YES, 0-NO

Respectfully Submitted,  
Brian Regan, Planning Director

# TOWN OF THORNTON PLANNING BOARD

## AGENDA Thursday, May 21, 2015 6:00PM

**A. CALL TO ORDER – SALUTE OF FLAG:**

**B. ROLL CALL:**

S. Babin, Member  
F. Freeman, Member

B. Dutto, Member  
G. Kimball, Member

N. Decoteau, Ex-officio  
B. Macintosh, Member

R. Gilman, Alternate  
J. Piehn, Alternate

F. Gunter, Alternate  
C. Schofield, Alternate

D. O'Donnell, Alternate

**C. APPROVAL OF MINUTES:**

- April 16, 2015 Regular Meeting

**D. NEW BUSINESS:**

1. (See Item E)
2. Right to Know Law NH RSA 91-A: Update
3. Andrews Construction Co., Inc. – “Exit 29 Gravel Pit” (Informational)

**E. PUBLIC HEARINGS:**

**6:30 p.m. PUBLIC HEARING: Boundary Line Adjustment / Cross Road - Map 10 Lot 5-1 and Map 10-5-3**  
Public Hearing to consider an application for a Boundary Line Adjustment submitted by Sabourn & Tower Surveying and Septic Design, PLLC as agent for property owners 1) Richard H. Duffy and Hilda J. Duffy, and 2) Jerard M. Derosier and Carolee Simmons.

**F. OLD BUSINESS:**

1. “Sullivan Farm” presentation of documentation to fulfill conditions of approval.
2. “Whitehouse Pit”: Cola reclamation. Status report.
3. “CBDA II”. Update

**G. NON-PUBLIC:**

None

**H. CORRESPONDENCE:**

1. North Country Council-Notice of Public Hearing
2. North Country Council- Scenic Byway Corridor Management Plan

**I. ADJOURNMENT:**

PLANNING BOARD  
May 21, 2015  
SIGN IN SHEET (Please Print)

1	KEVIN FRENCH	26
2	FRANCIS "Bud" CRANE	27
3	Darlene King Jennings	28
4	Ray Sabourin	29
5	Rick Vollmer	30
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