

# TOWN OF THORNTON PLANNING BOARD

Approved on: June 18 2015  
PB Initials: SS  
Rec'd by Town Clerk on: 6/19/15  
Town Clerk Initials: 292

## Planning Board Meeting Minutes Thursday, May 21, 2015

### CALL TO ORDER – SALUTE OF FLAG:

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

### ROLL CALL:

The following members were present:

F. Freeman, Vice Chair    N. Decoteau, Ex-officio

G. Kimball, Member

B. Macintosh, Member

B. Dutto, Member        F. Gunter, Alternate

D. O'Donnell, Alternate

C. Schofield, Alternate

S. Babin, Chairman arrived at 6:20pm

Staff present:

B. Regan, Planning Director

### MOTION: "To appoint C. Schofield for the vacant position as voting member for the meeting."

Motion: N. Decoteau

Second: G. Kimball

Discussion: None

Motion passes: 5-YES, 0-NO

### NEW BUSINESS:

#### 1. Right to Know Law NH RSA 91-A: Update

B. Regan provided information packets he obtained for a session at the recent OEP conference regarding RSA 91-A for the members to review and for discussion at a future meeting.

#### 2. Andrew's Construction Company, Inc. – "Exit 29 Gravel Pit" / Informational

B. Regan gave an overview of an inquiry from a potential applicant as to what may be the options for extending the existing permit.

B. Crane, owner of Andrews Construction stated he has a purchase & sales agreement with the bank to buy the gravel pit at Exit 29 and has some concerns/questions regarding obtaining an Excavation Permit from the town. His hope in purchasing the land from the bank is to carry on the excavation as it has been done under the existing permit.

B. Crane said he is willing to post adequate surety for reclamation of the pit property.

F. Freeman said his request sounds like it makes common sense under the circumstances. However he indicated he wasn't certain how the existing statutes and regulations might affect the process.

B. Crane stated it was his understanding that it was possible for him to take over the permit now held by M. Johnston, however given the change in Excavation Regulations he was concerned he would have to meet new standards and time and expense are his concerns.

N. Decoteau asked B. Crane..."Going forward, what provisions of the new regulations concern you?"

B. Crane stated it was his understanding that it was possible for him to take over the permit now held by M. Johnston, however given the change in Excavation Regulations he was concerned he would have to meet new standards and time and expense are also his concerns.

S. Babin, Chairman arrived at 6:20pm.

F. Freeman brought S. Babin up to speed on the matter at hand.

B. Crane stated to clarify his position is that he would like to operate the pit sooner as opposed to later.

F. Freeman said it appears we have a special situation and a foreclosure involved and that it is his position that the board would be willing to work with B. Crane as best it could with regard to his concerns of the permit process time and expense while also protecting the Planning Board's interests.

N. Decoteau stated an application of some sort has to be filed to get the process started. She also noted that the board has worked with applicants in the past when an existing excavation pit is involved. It was her suggestion that B. Crane should start by meeting with Planning Director B. Regan.

B. Regan stated he would call B. Crane next week to commence the process.

#### **PUBLIC HEARINGS:**

S. Babin opened the Public Hearing at 6:34pm and read the following notice into the record:

*Public Hearing for a Boundary Line Adjustment / Cross Road - Map 10 Lot 5-1 and Map 10-5-3 to consider an application for a 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.*

R. Sabourn presented the plan which proposed adding 1.24 acres from Map 10 Lot 5-1 to Map 10 Lot 5-3 to allow for the well which now serves the dwelling on Map 10 Lot 5-3 to be included in that parcel of land.

R. Sabourn explained that the well that serves and has been serving the property of applicant' Derosier/Simmons is on land owned by applicants R. & H. Duffy. And, although Derosier/Simmons may have thought they had some deeded rights to the well in question, there is some question whether any such rights actually refer to a well on another parcel altogether. He sated R. Duffy thought it in the best interests of all to grant the land to Derosier/Simmons to resolve any questions or problems regarding the well.

B. Regan outlined the applicant's request for waivers from several requirements of the Preliminary Subdivision Plan.

**MOTION: "To grant the request to use the plan sheet sized 24" x 36" and to grant the following waivers from the Preliminary Plan Application Submission Checklist as requested:**

- 19. Location, name and width of all existing water courses,**
- 20. Location, name and width of all existing standing water,**
- 21. Location, name and width of all existing rock ledge,**
- 22. Location, name and width of all existing stone walls,**
- 24. Contours of existing topography at not more than ten (10) foot intervals. (Major Subdivisions)**
- 25. Flood Hazard Areas."**

Motion: N. Decoteau

Second: G. Kimball

Discussion: None

Motion passes: 7-YES, 0-NO

B. Regan pointed out to the board he had reviewed the plan and prepared and signed a separate Preliminary Subdivision Plan Checklist for the board's use.

F. Freeman, B. Dutto, & G. Kimball all agreed that the proposed plan "makes sense".

**MOTION: "To accept the application 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 as complete."**

Motion: G. Kimball

Second: F. Freeman

Discussion: None

Motion passes: 7-YES, 0-NO

R. Sabourn noted he had in his possession checks for recording, the Mylar and final copies of the final plat.  
B. Regan stated he had reviewed the Final Plat Checklist and found all to be in order upon submission of the Mylar and recording fees.

**MOTION: "To approve the application 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."**

Motion: G. Kimball

Second: N. Decoteau

Discussion: None

Motion passes: 7-YES, 0-NO

S. Babin and F. Freeman signed plans as necessary on behalf of the board.

#### **OLD BUSINESS:**

1. "Sullivan Farm" presentation of documentation to fulfill conditions of approval.

B. Regan stated that the approval of the recent 4-Lot subdivision of Sullivan Farm included the following conditions:

1. Submission of one (1) Mylar copy (for recording), and
2. Submission of three (3) amended, blue or black line paper copies, one showing 5' topographical gradations, and
3. Delivery of a copy of the Wetlands/Culvert permit from State of NH, and
4. Copies of the "Land/Vest" deed to Kilmer with easements and all deeds as identified in Note 6 on the plan that affect the validity of the plan. "

B. Regan informed the board that he had in the file the documents necessary to fulfill the conditions of approval. They are: 1) Wetlands Permit, 2) Mylar, 3) Three plan copies, one with topographical gradations, 4) Deed from LandVest to Kilmer.

B. Regan also noted a letter from M. Pomerantz was evidence that the property in question was accepted into and under the covenants of the Mill Brook Valley Maintenance Association.

K. French submitted the Mylar and recording fees.

S. Babin and F. Freeman signed plans as necessary on behalf of the board.

2. "Whitehouse Pit": Cola reclamation. Status report.

B. Regan informed the board he had been contacted by owner Jeanne Cola who stated reclamation work had been done and she was seeking the release of her bond.

B. Regan stated he had obtained permission from J. Cola for him and the board to enter upon the land for inspection of the reclamation work.

He further advised he told J. Cola he would ask the board how they preferred to complete inspection.

F. Freeman suggested individual members visit the site and submit their observations or comments.

3. "CBDA II" Update.

B. Regan informed the board that the Appellant had filed their Brief and Counsel for the Board was in the process of doing the same.

#### **CORRESPONDENCE:**

1. B. Regan stated the North Country Council sent a Notice of Public Hearing on June 9<sup>th</sup> to review the Draft Transportation Plan.
2. B. Regan stated the North Country Council sent the Scenic Byway Corridor Management Plan to be available for review.

S. Babin gave an overview of the OEP conference he attended on May 2, 2015. He raised the question as to whether the board could utilize "distance" participation in meetings. He stated he had discussions with a representative at OEP who indicated it is feasible to do so under circumstances and with certain requirements. He further suggested increased regional planning activities by or on behalf of the town.

**APPROVAL OF MINUTES:**

**MOTION: "To approve the Minutes of April 16, 2015 as amended."**

Motion: G. Kimball

Second: N. Decoteau

Motion passes: 4-YES, 0-NO      3-Abstained: F. Freeman, B. Dutto, C. Schofield

**ADJOURNMENT:**

The following motion was made at 7:45pm:

**MOTION: "To adjourn."**

Motion: N. Decoteau

Second: F. Freeman

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 Grave| 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 Sabourn	29
5	Rick Vollmer	30
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