

TOWN OF THORNTON PLANNING BOARD

Approved on: Sept 17 2015
PB Initials: SB
Rec'd by Town Clerk on: 9/22/15
Town Clerk Initials: aj2

Planning Board Meeting Minutes Thursday, August 20, 2015

CALL TO ORDER – SALUTE OF FLAG:

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

ROLL CALL:

The following members were present:

S. Babin, Chairman F. Freeman, Vice-Chairman B. Dutto, Member N. Decoteau, Ex-officio
G. Kimball, Member B. Macintosh, Member
D. O'Donnell, Alternate C. Schofield, Alternate J. Piehn, Alternate

Staff present:

B. Regan, Planning Director

MOTION: "To appoint J. Piehn to the vacant position as voting member for the meeting."

Motion: N. Decoteau

Second: G. Kimball

Discussion: None

Motion passes: 6 -YES, 0 -NO

APPROVAL OF MINUTES:

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

Motion: G. Kimball

Second: N. Decoteau

Discussion: B. Regan indicated that the minor corrections submitted by board members have been made to the document.

Motion passes: 4-YES, 0 -NO Abstained: S. Babin, F. Freeman and J. Piehn

NEW BUSINESS:

1. Request from BKKM Realty Trust for clarification of use at 3261 US Rte. 3.

B. Regan stated he received a letter from BKMM Realty Trust dated July 23, 2015 requesting direction from the Planning Board regarding the status of the existing structure at 3261 US Rte. 3 on Map 6 Lot 2-21.

B. Regan reviewed the memo he prepared dated August 20, 2015, pointing out:

- The parcel in question consists of 1.45 acres in Industrial II zone.
- The owner admits there are two (2) apartments on the second floor and commercial space on the first floor.
- The current Zoning Ordinance requires 1 acre per dwelling unit in an Industrial II zone.

S. Babin stated his opinion that, as it stands today the property is not in compliance.

F. Freeman suggested that if it were one (1) apartment as opposed to two (2) it would be compliant.

B. Regan stated one option for the owner would be to seek relief, perhaps a variance, from the ZBA.

S. Babin said it would be the ZBA that has the authority to grant the owner relief, not the Planning Board.

F. Freeman agreed that as two apartments it does not conform. He further stated in his opinion he was unsure as to what the hardship would be in this case.

B. Regan conveyed the owner's desire to "do the right thing under the circumstances ", as he is looking to sell and wants to market the property effectively.

S. Babin observed that the Tax Assessors card did not include any "Extra Kitchens" indicating the Town was not aware that more than one dwelling unit existed there.

S. Babin further noted if the owner were to acquire an additional .55 acre of land to be included in the parcel he would be able to be compliant with the one acre per dwelling provision of the Zoning Ordinance.

After some discussion about the provisions requiring one acre per dwelling unit in Commercial and Industrial zones the following motion was made:

MOTION: "To authorize Planning Director, B. Regan to write a letter to BKKM Realty Trust reviewing the options available to bring the property into compliance."

Motion: G. Kimball

Second: B. Dutto

Discussion: None.

Motion passes: 7-YES, 0 -NO

2. "Northern Pass" Project-Update

B. Regan updated the Board regarding the announcement made on August 18, 2015 that 60 miles (from Bethlehem to Bridgewater) of the Northern Pass utility line will be buried.

B. Regan added that the portion of utility line passing through Thornton will be buried in the right-of-way along US RT 3.

OLD BUSINESS:

1. CBDA vs. Town of Thornton update:

B. Regan stated Attorney M. Serge had advised that the Supreme Court date for oral argument is scheduled for September 16, 2015, in Concord.

CORRESPONDENCE:

B. Regan reviewed the following correspondence with the Board:

1. North Country Council-Notice of relocation of offices.
2. North Country Council-Notice of Representative Meeting
3. Department of Environmental Services: Notice of Acceptance of Permit Application for Judges Road at Upper Mad River Road, Thornton, NH (**Map 13 Lot 6-22**).

6:30 PUBLIC HEARING:

S. Babin opened the Public Hearing at 6:30pm which had been continued from July 16, 2015 at 6:45pm: Application for Subdivision Approval-**6 Judges Road at Upper Mad River Road**, Thornton, NH (**Map 13 Lot 6-22**): Public Hearing to consider an application for a Subdivision Approval submitted by John March d/b/a Mountain Mapping as agent for property owner Harry George.

B. Regan reported that the applicant, through his authorized agent, had requested the matter be continued to the September meeting because he was awaiting NHDES approval(S) and was also unable to personally appear tonight.

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

MOTION: "To continue the public hearing for the application submitted for subdivision approval by John March d/b/a Mountain Mapping as agent for property owner Harry George for property at 6 Judges Road at Upper Mad River Road, Thornton, NH identified as Map 13 Lot 6-22 to 6:30pm on Thursday, September 17, 2015."

Motion: F. Freeman
Second: G. Kimball
Discussion: None
Motion passes: 7 -YES, 0 -NO

OLD BUSINESS:

2. Waterville Birches II: Status Report

B. Regan reported T. Avallone was ready to start construction of two (2) buildings of Phase 2.1 and had a Zoning Compliance application in and it was approved by the BOS conditioned upon receipt of a Letter of Credit satisfactory to the Planning Board.

3. Waterville Birches II: Letter of Credit

B. Regan advised the board he had worked with T. Avallone and Woodsville Guaranty Savings Bank representatives to come up with a suitable LOC for Phase 2.1. He presented a copy of the LOC and further advised that a copy of the LOC had been delivered to the BOS at their last regular meeting.

B. Dutto asked how the figure of \$50,000.00 was arrived at.

S. Babin explained that T. Avallone had presented the board with a phasing schedule for the entire project with construction of the roadway to be done incrementally with each Phase and that amount was set for Phase 2.1.

B. Regan reported that he had conducted a sight visit with T. Avallone and felt the project, overall, appeared to be a "quality development".

MOTION: "To accept the Letter of Credit for Phase 2.1 of the Waterville Birches II project on Weeping Birches Lane as given by Woodsville Guaranty Savings Bank in the amount of \$50,000.00 as satisfactory".

Motion: B. Dutto
Second: G. Kimball
Discussion: None
Motion passes: 7-YES, 0-No

NON-PUBLIC:

No Non-Public Session was necessary.

ADJOURNMENT:

The following motion was made at 6:50pm:

MOTION: "To adjourn."

Motion: G. Kimball
Second: B. Dutto
Discussion: None
Motion passes: 7 -YES, 0 -NO

Respectfully Submitted,

Brian Regan, Planning Director

TOWN OF THORNTON PLANNING BOARD

AGENDA

Thursday, August 20, 2015

6:00 PM

A. CALL TO ORDER – SALUTE OF FLAG:

B. ROLL CALL:

S. Babin, Chair

B. Dutto, Member

N. Decoteau, Ex-officio

F. Freeman, Vice Chair

G. Kimball, Member

B. Macintosh, Member

R. Gilman, Alternate

F. Gunter, Alternate

D. O'Donnell, Alternate

J. Piehn, Alternate

C. Schofield, Alternate

C. APPROVAL OF MINUTES:

- July 16, 2015 Regular Meeting

D. NEW BUSINESS:

1. Request from BKKM Realty Trust for clarification of use at 3261 US Rte. 3.
2. "Northern Pass" Project-Update

E. PUBLIC HEARINGS:

1. **6:30 Public Hearing:** Continued from July 16, 2015 at 6:45 p.m. Application for Subdivision Approval-6 Judges Road at Upper Mad River Road, Thornton, NH (**Map 13 Lot 6-22**): Public Hearing to consider an application for a Subdivision Approval submitted by John March d/b/a Mountain Mapping as agent for property owner Harry George.

F. OLD BUSINESS:

1. Waterville Birches II: Status Report
2. Waterville Birches II: Letter of Credit
3. CBDA vs. Town of Thornton: Update

G. NON-PUBLIC:

None

H. CORRESPONDENCE:

1. North Country Council-Notice of relocation of offices.
2. North Country Council-Notice of Representative Meeting
3. Department of Environmental Services: Notice of Acceptance of Permit Application for Judges Road at Upper Mad River Road, Thornton, NH (**Map 13 Lot 6-22**).

I. ADJOURNMENT:

Planning Board
August 20, 2015

SIGN IN SHEET (Please Print)

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