

TOWN OF THORNTON PLANNING BOARD

Approved on: 12-17-2015
PB Initials: SB
Rec'd by Town Clerk on: 12/21/15
Town Clerk Initials: RPP

Planning Board Meeting Minutes Thursday, November 19, 2015

CALL TO ORDER – SALUTE OF FLAG:

S. Babin called the meeting to order at 6:01pm and led the Pledge of Allegiance.

ROLL CALL:

Members present:

S. Babin, Chair
F. Freeman, Vice Chair
J. Piehn, Alternate
D. O'Donnell, Alternate and C. Schofield, Alternate arrived a few minutes after the roll call.

B. Dutto, Member
G. Kimball, Member

N. Decoteau, Ex-officio
F. Gunter, Alternate

Staff Present: B. Regan, Planning Director

S. Babin appointed F. Gunter to the fill position held by S. Macintosh and J. Piehn to fill the vacant position as voting members for the meeting.

APPROVAL OF MINUTES:

MOTION: "To approve the Minutes of October 15, 2015 as amended."

Motion: G. Kimball

Second: F. Gunter

Discussion: None

Motion passes: 5-YES, 0-NO 2 ABSTAIN (J. Piehn, B. Dutto)

NEW BUSINESS:

BOS Notice pursuant to NH RSA 41:14-a: Acquisition of Land

B. Regan stated the Board of Selectmen is considering acquiring a small portion of Map 3 Lot 4-10 to facilitate the Highway Department's maintenance of Dick Bradley Road by creating a turn-around.

B. Regan stated the process requires notice to the Planning Board and Conservation Commission for review and recommendation to the Board of Selectmen from the Planning Board.

N. Decoteau noted the Road Agent has been working with the property owner and it is understood the transaction may involve nominal consideration in the amount of \$1.00.

B. Regan presented a written response document for the board to consider signing.

After review, the Board agreed to recommend approval of the acquisition.

Chairman S. Babin and Vice-Chair Freeman signed the recommendation response document.

Informational: Map 17 Lot 7-61 / 891 NH RT 49 Paul Overstreet

P. Overstreet met with the Board regarding the building formerly known as the "Tell's Restaurant".

F. Freeman recused himself from participation as a board member due to his employer's involvement with the transaction.

P. Overstreet stated he and partners are considering purchase of the property and wanted to be assured the non-conforming use as a restaurant could continue. He further stated, they would need to go forward with plans for septic repair and did not want to make the expenditure if there would be a problem with the town. He also acknowledged the restaurant is a non-conforming use and suggested the use had not been abandoned.

B. Regan noted the question of continuing a non-conforming use as a restaurant in a residential zone turns on whether or not the use has been abandoned. He further stated that turns on the owner's intent with respect to the continuance of that use.

B. Regan suggested it is the owner's burden to establish that the use had not been abandoned and stated if there is an intent to expand the non-conforming use there would be a clear violation.

S. Babin asked if P. Overstreet understood.

P. Overstreet acknowledged his understanding.

B. Regan reiterated he just wanted it to be understood the burden of showing non-abandonment rests with the owner and not with the town.

F. Gunter stated his research supports B. Regan's statements.

N. Decoteau asked if site plan review might be necessary?

B. Regan stated he would review and respond once more information is received.

B. Dutto asked if the equipment, tables, chairs etc. were still in the building?

P. Overstreet stated they were.

B. Dutto expressed his opinion that the use had not been abandoned.

F. Gunter suggested if it was continuously marketed as a restaurant that would support continuance of the use.

S. Babin stated there doesn't appear to be any hindrance to continuance of the use under the circumstances represented by Mr. Overstreet.

B. Regan asked that it be clear that this board is not making any official determination this evening and that remains the onus of the owner to establish the continued use.

P. Overstreet asked how that could be done.

B. Regan replied it amounts to a legal question and someone would need to document the continued use.

P. Overstreet stated he understood and thanked the board for their time.

OLD BUSINESS:

1. Harry George 2 Lot subdivision-Signing of Final Plat Map 13 Lot 6-22

B. Regan stated that the Mylar plan for subdivision of property owned by H. George identified as Map 13 Lot 6-22 has been submitted by John March d/b/a Mountain Mapping.

B. Regan noted the subdivision was approved with the following two conditions:

- a. Recording fees for the Grafton County Registry of Deeds be submitted.
- b. A driveway permit for Lot 2 on the plan be approved by the Thornton Road Agent.

B. Regan stated that the recording fees, in the form of checks from Mountain Mapping, have been received and a driveway permit signed by the property owner, H. George and the Thornton Road agent, J. Kubik has been submitted.

The Board agreed that the conditions of approval have been met.

S. Babin and F. Freeman signed the Mylar plan which is to be recorded at the Grafton County Registry of Deeds.

2. Memo & Letter: Planning Director regarding Retail Auto Dealer application Map 16 Lot 7-6.

B. Regan updated the Board regarding the Retail Auto Dealer application notice and reply submitted to the State of NH DMV for property identified as Map 16 Lot 7-6.

B. Regan explained that a notice pursuant to NH RSA 541-A:39(I) had been delivered to the Town Clerk and presented to him for review. Upon his review he stated there was a form included seeking the Town's response to certain land use questions. B. Regan had presented the matter to the BOS at a recent meeting for information and input as to the question of authority to complete and sign the form on the Town's behalf.

B. Regan stated the BOS saw fit to allow him to respond as Planning Director. Copies of B. Regan's reply documents were presented to the board for their information.

B. Regan explained Ed Pope Auto sales, a "Bonded Dealer" was now applying to become a "retail Dealer" and the stat form for "Retail Dealer" asks different questions of the Town. B. Regan further explained

that based on the questions asked, his research and the resultant answers to the questions posed, a recommendation of denial was appropriate.

B. Dutto asked "Does this put him out of business?"

B. Regan stated, in and of itself the Town's response does not put him out of business and that the state had other criteria to consider.

F. Freeman asked whether there was a plan to expand the business?

B. Regan answered, it was unclear but the questions asked of the "Town for a Retail Dealer" were different than previously presented and therefore had to be answered differently.

S. Babin suggested the applicant may have an avenue for relief by way of the ZBA.

B. Dutto commented he " did not want to put them out of business".

PUBLIC HEARINGS:

Public Hearing: - 6:15 p.m. - Adoption of Amended Thornton Campground Regulations

S. Babin opened the public hearing at 6:15pm and read the following notice into the record:

Public Hearing continued from October 15, 2015 at 7:30 pm to consider the adoption of the amended Town of Thornton Campground Regulations which were last adopted by the Planning Board in August of 2000.

F. Freeman made note that at the last meeting the board was in full accord as to the content of the document being considered for adoption this evening.

S. Babin offered copies of the proposed regulations to the public and went on to advise the public of the background of the matter and that the matter had been under consideration since May of 2014.

S. Babin read the proposed Thornton Campground Regulations, as amended, (*copy attached hereto and made a part hereof*) into the record pausing after each section to inquire of the public and the board members whether there was any question, comment, or concern with regard to the section read. Each time no question, comment, or concern was forthcoming.

S. Babin closed the Public Hearing at 6:31pm.

MOTION: "To adopt the amended Thornton Campground Regulations as presented."

Motion: F. Gunter

Second: G. Kimball

Discussion: N. Decoteau asked if the Board had given consideration to the status of pending litigation. The Board agreed that adopting the amended at this time would have no impact on the matter pending decision by the NH Supreme Court.

Motion passes: 7-YES, 0-NO

Public Hearing: - 6:30 p.m. Site Plan Review

S. Babin opened the Public Hearing at 6:35pm and read the following notice into the record:

Continued by agreement from October 15, 2015 6:30 p.m. and September 17, 2015 at 7:15 p.m. Site Plan Review Application submitted by Route Three Thornton, LLC for the development of a 267 site nonresidential campground on property on US Rte. 3, formerly known as the "Ham Farm" and identified as Tax Map 10 Lot 8-8.

B. Regan stated a request to continue the public hearing was submitted by Keach-Nordstrom, the agent for the applicant, dated November 3, 2015 and read the letter into the record. (*copy attached hereto and made a part hereof*)

R. Sylvester submitted a document containing mathematical calculations regarding the capacity/output of wells required to service a campground the size of one similar to what is being proposed. (*copy attached hereto and made a part hereof*)

S. Babin made note that the applicant has continued to ask for the public's input noting that the board too would welcome additional public input and asked if anyone else had anything to submit.

B. Regan suggested the document should be conveyed to the applicant as it amounts to a written question or concern from the public.

The board agreed and directed B. Regan to convey the document to the applicant.

F. Freeman noted the continuance would actually allow additional time for public input.

C. Schofield asked whether extending the hearing in some way creates a disadvantage to the abutter's position on the matter.

S. Babin stated the only impact is that the "clock has not started ticking" with respect to the application.

B. Dutto noted "we should not let this go on indefinitely".

S. Babin agreed the matter will need to be addressed and not continued indefinitely.

S. Babin closed the Public Hearing at 6:44pm.

MOTION: "To accept the applicant's request to voluntarily continue the scheduled public hearing until December 17, 2015 at 6:30pm."

Motion: G. Kimball

Second: F. Freeman

Discussion: None

Motion passes: 7-YES, 0-NO

CORRESPONDENCE:

B. Regan reviewed the following items with the Board:

1. Keach-Nordstrom: Request to continue public hearing.
2. North Country Council-Dues Notice

The Board agreed to continue to not be a dues-paying member of the North Country Council.

3. Eversource: News Release regarding Northern Pass site approval application.
4. Society for the Protection of NH Forests letter dated November 9, 2015.

Public Hearing: -7:15 p.m. Excavation Permit

S. Babin opened the Public Hearing at 7:20 pm and read the following notice into the record:

Application for a Permit to Excavate submitted by Shirley Benton and Jerel Benton for property owned by Shirley Benton and identified as Tax Map 10 Lot 3-41 located off Cross Road.

S. Benton presented a plan to the board indicating that the plan now shows "5ft topos"

B. Regan made note to the board of two plans posted on an easel. He state the top plan highlighted in yellow was submitted with the current application and the lower plan highlighted in orange was submitted with the 2013 application.

B. Regan stated "you will note the plans are identical" and that neither is the same as the plan presented this evening.

S. Benton in reference to the plan he presented to the board "and this is the same plan with more lines on it."

F. Freeman noted any renewal would now need to be considered under the new regulations.

B. Regan explained to the board that the application as submitted consisted of a partially completed application form, fees, a blank checklist, evidence of being able to be bonded, and other documentation from 2013 were submitted.

B. Regan stated he found the application to be incomplete and thereafter had a discussion with S. Benton in which S. Benton stated he could answer all checklist items by referencing the plan at tonight's hearing.

B. Regan made note of a more current Google map he made available to the board.

S. Babin asked if S. Benton had a checklist.

S. Benton stated he had had one.

S. Benton asked why the permit keeps changing.

S. Babin replied he believed changes, at least in part, were regulatory in nature.

B. Regan added that when S. Benton's prior application was issued the Planning Board was in the process of revising the Excavation Regulations.

S. Babin asked what components of the checklist are complete?

B. Regan stated he had reviewed the application against the checklist and found the following:

1. Signed App
2. Fees
3. Excavation Plan
3. a Name/Address of owner, excavator and all abutters.
5. Evidence of ability to be bonded.

N. Decoteau stated "we should be seeing a reclamation plan."

S. Benton stated "the pond is the reclamation plan."

N. Decoteau asked if that appeared on the plan?

S. Benton said it was identified in green and went on to describe the plan in part.

T. Duffield stated he did not have a checklist and generally described the status and said "the bulk of the checklist items are on the plan."

S. Babin asked if they "could show the checklist items on the plan in clearer form?"

S. Benton stated "anything that's on there I'll fix it by the next meeting."

S. Babin asked if there is any timeframe in play.

B. Regan stated the current permit expires 12/31/15.

T. Duffield stated he could get checklist things in order within a week or so.

S. Rossley asked if they were just going to continue what they are doing and not get any closer to her property?

S. Benton replied yes.

R. Daley stated on a windy day dust is an issue from his perspective.

T. Duffield stated he could annotate the plan accordingly.

S. Benton thanked the board.

S. Babin closed the Public Hearing at 7:40pm.

MOTION: "To continue the public hearing for a Permit to Excavate submitted by Shirley Benton and Jerel Benton for property owned by Shirley Benton and identified as Tax Map 10 Lot 3-41 located off Cross Road until December 17, 2015 at 6:15pm."

Motion: N. Decoteau

Second: G. Kimball

Discussion: None

Motion passes: 7-YES, 0-NO

NON-PUBLIC:

Non-Public Session was not necessary.

OTHER: B. Dutto asked that the Clover Rd subdivision file be reviewed for compliance.

ADJOURNMENT:

The following motion was made at 7:45pm:

MOTION: "To adjourn."

Motion: G. Kimball

Second: F. Gunter

Discussion: None

Motion passes: 7-YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director

TOWN OF THORNTON CAMPGROUND REGULATIONS

*Adopted by the Planning Board at a Public Hearing held on August 17, 2000
Amended by the Planning Board at a Public Hearing first commenced May 2014
and concluded November 19, 2015*

I. General

Definition: A campground is a specific area approved by the Planning Board for use by the General Public on a controlled, commercial basis utilizing as shelters; tents, pop-up trailers, motor homes, house trailers and fifth wheelers, however, camping cabins are not permitted. The Campground Season shall be defined as beginning on May 1st and ending on Oct 31st.

- A. Zones where Campgrounds are permitted – Campgrounds are permitted in all zones.
- B. Compliance with New Hampshire RSA's (Revised Statutes Annotated) and New Hampshire's Code of Administrative Rules applicable to Recreational Campgrounds is required.

II. Site Specific Details: – The Planning Board shall review all applications for campgrounds.

- A. Site Plan Review shall address the following items:
 - 1. Permanent structures such as care-taker's house, office, storage buildings, public showers and/or toilets, free standing bulletin boards, directional signs, swimming pools and playgrounds are permitted but must be identified during the Site Plan review process.
 - 2. Features such as access to campsites, allowed campfire sites, potable water sources and areas requiring clearing or grading shall also be identified.
- B. Set Backs & Natural Screening: Set Backs for structures and permanent driveways shall conform to those described in subdivision regulations. Individual campsites, especially those on the perimeter of the site, shall be provided with natural screening wherever possible to provide reasonable privacy both to the campsites and to abutters.
- C. Details of the campground plan may be reviewed under the terms of Innovative Land Use as defined in RSA 674:21 when regulations for its use are adopted by the Planning Board.

III. Special Conditions:

- A. The campground must be managed in concert with accepted practices involving public safety and welfare.
- B. Playgrounds shall not include any motorized or powered playground equipment.
- C. Off season storage of vehicles, trailers or personal property is not allowed in the campground.
- D. Campsites are for temporary occupancy only and are not to be utilized as the basis of claiming permanent year round residency.
- E. RV's, tents, trailers, or any occupancy of a campsite by a vehicle or camping apparatus has a maximum stay of the Camping Season.
- F. A Campground that has campsites located in the Flood Plain shall provide a detailed Hazard Mitigation Plan.

IV. Waiver of Regulation Request Process:

The planning board may only grant a waiver if the board finds, by majority vote, that:

- (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- (2) Specific circumstances relative to the proposed campground, or conditions of the land of the proposed campground, indicate that the waiver will properly carry out the spirit and intent of the regulations.



KEACH-NORDSTROM ASSOCIATES, INC.

November 3, 2015

Town of Thornton
Planning Board
15 Merrill Access Road
Thornton, NH 03285

RE: Outlook Campground

Dear Members of the Board,

During the September 17, 2015 Planning Board meeting, it was agreed that the Applicant for the Outlook Campground would voluntarily postpone any further action by the Planning Board until the October meeting. This was to allow time for all neighbors to submit written questions and comments with respect to the application before the Board. Due to limited participation by the neighbors we felt it would be prudent to request a continuance to allow more time. At the October 15, 2015 the Board was gracious enough to vote to continue public hearing to November 17th.

Unfortunately, our client Mr. Anagnost has been called out of the State on the week of November 17th. It is his desire to personally present and represent his project before the Board. So it is necessary for us to request another continuance. Therefore, on behalf of Mr. Anagnost and Route Three Thornton, LLC we request an additional continuance to the December 17th, 2015 Planning Board meeting. We would also like to extend our apologies to the Board and neighbors for any inconveniences this delay has caused.

Respectively submitted by,

Jason Lopez
Keach-Nordstrom Associates, Inc

On behalf of
Dick Anagnost
Route Three Thornton, LLC
1662 Elm Street
Manchester, NH 03101

Civil Engineering

Land Surveying

Landscape Architecture

10 Commerce Park North, Suite 3B

Bedford, NH 03110

Phone (603) 627-2881

Fax (603) 627-2915

100 gal. per person per day
times 267 people = 26700 gal. per day
" 534 " = 53400 gal. "
" 801 " = 80100 gal. "
" 1068 " = 106800 gal. "

11-18-15
Submitted by:
ROBERT SYLVESTER


200 gal. per person per day
times 267 people = 53400 gal. per day
" 534 " = 106800 gal. per day

well

1.5 gal. per min
times 60 min = 90 gal. per hour
" 24 hrs. = 2160 gal. per day

9.25 gal. per min
times 60 min = 555 gal. per hour
24 hrs. = 13320 gal per day
times 2 wells = 26640 gal. per day

TOWN OF THORNTON PLANNING BOARD

AGENDA

Thursday, November 19, 2015

6:00 PM

A. CALL TO ORDER – SALUTE OF FLAG:

B. ROLL CALL:

S. Babin, Chair

F. Freeman, Vice Chair

R. Gilman, Alternate

J. Piehn, Alternate

B. Dutto, Member

G. Kimball, Member

F. Gunter, Alternate

C. Schofield, Alternate

N. Decoteau, Ex-officio

B. Macintosh, Member

D. O'Donnell, Alternate

C. APPROVAL OF MINUTES:

- October 15, 2015 Regular Meeting

D. NEW BUSINESS:

1. **BOS** Notice pursuant to **NH RSA 41:14-a**: Acquisition of Land
2. See item **E. 3**
3. Paul Overstreet (Informational): **Map 17 Lot 7-61** on **Rt. 49** f/k/a "Tell's Restaurant"

E. PUBLIC HEARINGS:

1. **Public Hearing: - 6:15 p.m. - Adoption of Amended Thornton Campground Regulations**
Public Hearing continued from October 15, 2015 at 7:30 pm to consider the adoption of the amended Town of Thornton Campground Regulations which were last adopted by the Planning Board in August of 2000.
2. **Public Hearing: - 6:30 p.m.** Continued by agreement from October 15, 2015 6:30 p.m. and September 17, 2015 at 7:15 p.m. **Site Plan Review Application** submitted by **Route Three Thornton, LLC** for the development of a 267 site nonresidential campground on property on US Rte. 3, formerly known as the "Ham Farm" and identified as **Tax Map 10 Lot 8-8**.
3. **Public Hearing: -7:15 p.m. Excavation Permit** – Application for a Permit to Excavate submitted by **Shirley Benton and Jerel Benton** for property owned by **Shirley Benton** and identified as **Tax Map 10 Lot 3-41** located off Cross Road.

F. OLD BUSINESS:

1. **Harry George 2 Lot subdivision**-Signing of Final Plat **Map 13 Lot 6-22**
2. **Memo & Letter:** Planning Director regarding Retail Auto Dealer application **Map 16 Lot 7-6**.

G. NON-PUBLIC: None

H. CORRESPONDENCE:

1. Keach-Nordstrom: Request to continue public hearing.
2. North Country Council-Dues Notice
3. Eversource: News Release regarding Northern Pass site approval application.
4. Society for the Protection of Forests: Northern Pass letters

I. ADJOURNMENT:

Planning Board
November 19, 2015
SIGN IN SHEET (Please Print)

1	Robert W. Sylvester	25
2	Kelli Aquilano	26
3	Lynne Charney	27
4	Cindy Schfield	28
5	Doris Merrill	29
6	Jill Merrill	30
7	Jonathan Hamer	31
8	Paul Overstreet	32
9	Susan Rowland	33
10	Christy Burtton	34
11	John A. Bentus	35
12	Ron Dreyer	36
13	Tom Duffield	37
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