

TOWN OF THORNTON PLANNING BOARD

Approved on: June 16 2016
PB Initials: SB
Rec'd by Town Clerk on: 6/17/16
Town Clerk Initials: BJR

Planning Board Meeting Minutes Thursday, May 19, 2016

CALL TO ORDER – SALUTE OF FLAG:

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

WELCOME: Newly appointed Ex-Officio Member John F. ("Jack") Gaites was introduced and welcomed by the board.

ROLL CALL:

Members present: S. Babin, F. Freeman, R. Gilman, G. Kimball, D. O'Donnell, and J. Gaites

Alternates present: F. Gunter, C. Schofield

Staff present: B. Regan, Planning Director

Others present: Jerel Benton, Shirley Benton, Duane Johnston, Dean Johnston, Gardner Kellogg, Richard Marotto, James Doherty, Cynthia Thomas, Donald Ayotte, Tom Devane, Charles Wheeler, Andrew Nadeau

PRELIMINARY: Chairman S. Babin appointed Alternate C. Schofield to fill the seat of absent member B. Dutto.

APPROVAL OF MINUTES:

MOTION: "To approve the Minutes of Thursday April 21, 2016 as amended."

Motion: G. Kimball

Second: F. Freeman

Discussion: B. Regan noted he received corrections from individual board members which were incorporated into the minutes as presented.

Motion passes: 5-YES, 0-NO Abstained: 2 (S. Babin, J. Gaites)

NEW BUSINESS/ PUBLIC HEARINGS:

1. PUBLIC HEARING- 6:15PM: **Site Plan Review:**

S. Babin read hearing notice into the record as follows: "Public Hearing to consider an application submitted by Geraldine A. Benton for site plan review relative to establishing an 'Adult Day Care' center on property owned by Geraldine A. Benton, identified as Map 16 Lot 7-1A, located off NH Rt. 175 at 5 Benton Road"

Public hearing opened by S. Babin at 6:15 p.m.

Applicant G. Benton appeared at 6:17 p.m.

S. Babin advised the applicant that the public hearing had been opened as scheduled at 6:15 p.m.

B. Regan described the application package as presented, noting no completed checklist had been submitted and some of the application submittals were derived from existing files at the Town Hall.

B. Regan noted the applicant has the burden of presenting her case.

S. Babin asked the applicant if she had anything further to add to her application.

G. Benton stated she had a letter from the Fire Department indicating they "had inspected the site".

G. Benton presented the letter to the Chairman.

F. Freeman asked if the applicant had a number as to how many adults would be served at the center.

G. Benton stated "Once I get acceptance for this I have to go before the state and it is based on square footage".

PR

F. Freeman stated his opinion that the concept "seems like great idea" and also that "the combination of the older people and the younger people, could be good for both".

G. Benton replied "Correct".

S. Babin asked if there was an application check list for site plan review.

B. Regan stated "None was submitted".

G. Benton stated "I went over it with Brian".

B. Regan stated he was asked to highlight items deemed to be necessary for the application. He also stated he had done so.

B. Regan noted the board had the option to address the proposal as a "Minor Site Plan" and review it under a limited checklist.

B. Regan also noted that "Adult Day Care" facilities have a significant number of state statutes and administrative rules to comply with.

B. Regan also noted the application contained a copy of a septic approval for specific uses and questioned whether or not that would be sufficient to handle the proposed added use. He further noted the NH DOT driveway permit also was for specific uses and contained a provision that voided it if a new or changed use occurred.

G. Benton stated she "showed the permit to the state for her day care center" and "I never had a problem with it".

G. Benton went on to state she "holds two driveway permits". "One off Rt. 175 and one off Benton Road."

B. Regan stated he had placed a call to the NH DOT but had not heard back by meeting time. He further suggested the board should take into consideration how any action they may take might impact the state permit

S. Babin advised the applicant that the board would walk through the checklist.

Copies of a list of requirements for Minor Site Plan review were distributed to the board.

S. Babin noted "much of this is for the meeting record" and proceeded to walk through the list as follows:

1. Names and addresses of owner and applicant.
2. Street address, and tax map and parcel number of property.
3. Date of plan, scale, north arrow.
4. Property lines from available survey or tax map.
5. Acreage of property.
6. Names and addresses of all abutters.
7. Existing structures, roads, landscaping, and other man made features.
8. Existing and proposed property deed restrictions, easements, etc.
9. Existing and proposed uses of the property, including the number of square feet devoted to the uses.

General discussion took place as to the available square footage as regards both the existing child care facility and the proposed adult care facility.

G. Benton stated it was not yet known to her how much square footage was necessary for adult day care.

B. Regan advised the current application, if approved would have to limit the use to sixteen participants in order to comply with the Zoning Ordinance.

10. Any changes in utilities and driveway entrances.

G. Benton again stated she "had shown the permit to the state" when she applied for day care and "they had no problem with it".

S. Babin suggested the applicant should contact the state relative to the driveway permit issue and obtain something in writing from them supporting her position, or have them submit something to the town.

11. Existing and proposed parking, loading and circulation.

S. Babin asked the applicant about parking included in the site plan application.

G. Benton stated "I've got parking". "It's not going to be people driving themselves". "They will be dropped off and picked up".

J. Benton identified himself as an abutter and holder of responsibility for Benton Road's maintenance and stated "It's also waiting, they're in line at the end of my road".

F. Freeman asked whether parking has been a problem in the general area near the property in question.

G. Benton stated "it has worked out alright for the day care".

S. Benton, an abutter, asked whether the proposal would "cause added traffic flow". He further stated he had a "tenant who had almost been rear-ended" due to backed-up traffic, and "they also park along the side of Benton Road.

S. Benton also stated "So I don't think she has adequate parking".

F. Freeman asked if the applicant fore sees any additional parking needs for the proposed facility.

G. Benton stated she did not.

S. Babin asked the applicant how many parking spaces she currently has?

G. Benton stated she did not know.

S. Babin stated it would be helpful to the board to have a drawing or amended plan of some sort to include in the application to address #11.

F. Freeman stated "parking seems to be an issue" and "we should address the abutter's concerns".

F. Freeman stated, "Essentially we're looking for a sketch showing how many parking spaces.

S. Babin referred the applicant to the International Code Council (ICC) as a resource to assist the applicant, and advised if she had any trouble getting in touch she should contact the town for assistance.

12. Location of landscaping, screening, exterior lighting, and signs.

G. Benton stated no changes would be made under #12.

13. Any applicable State Approvals.

C. Schofield asked if it was the state's responsibility to enter the property and check on these issues?

G. Benton said yes.

14. Any other additional information specifically warranted by the particular application.

G. Kimball stated "at this point it seems parking is the problem".

C. Schofield noted the state driveway permit seems to be an issue that "needs to be addressed."

D. O'Donnell asked if it was the board's intent to accept the application or, as suggested, acknowledge receipt and request the items discussed be addressed by the applicant.

S. Babin stated "we should send a letter to the applicant acknowledging receipt of the application and identifying items needed to be addressed.

Public hearing closed by S. Babin at 6:57p.m.

MOTION: "To acknowledge receipt of application and direct correspondence through the Planning Director specifying the checklist items needing to be addressed by the applicant."

Motion: D. O'Donnell

Second: G. Kimball

Discussion: None

Motion Passes: 7-YES, 0-NO

MOTION: "To continue the public hearing to Thursday June 16 at 6:15 p.m."

Motion: D. O'Donnell

Second: G. Kimball

Discussion: None

Motion Passes: 7-YES, 0-NO

2. PUBLIC HEARING- 6:45PM: **Boundary Line Adjustment:** Public Hearing to consider an application submitted by Horizons Engineering, Inc. for a Boundary Line Adjustment on property owned by LCJ Holdings, LLC known as "The Village at Fox Run", located on Lafayette Road, formerly identified as Map 16 Lot 01-07-FRCCO, currently identified as Map 16 Lot 1-7-04-00FRCL and Map 16 Lot 1-7-04 OFR-01 through Map 16 Lot 1-7-04 OFR-10.

Public hearing opened by S. Babin at 6:59 p.m.

A. Nadeau, as agent for the applicant presented the plan and gave an overview of the revisions and the background necessitating the modification to a previously approved subdivision plan.

There was no additional public comment.

Public hearing Closed by S. Babin at 7:08 p.m.

MOTION: "To accept the application as complete"

Motion: F. Freeman

Second: G. Kimball

Discussion: None

Motion passes: 7-YES, 0 -NO

MOTION: "To approve the application for a Boundary Line Adjustment/ Subdivision Modification, Thornton, NH submitted by Horizon's Engineering as agent for property owner LCJ Holdings, LLC Map 16 Lot 01-07-FRCCO and Map 16 Lot 1-7-04 OFR-01 through Map 16 Lot 1-7-04 OFR-10 and encompassing lot lines and driveway modifications as shown on the submitted plan. "

Motion: F. Freeman

Second: G. Kimball

Discussion: None

Motion passes: 7-YES, 0 -NO

The Mylar and paper plans were signed by the Chairman (s. Babin) and Vice-Chairman (F. Freeman).

Note: S. Babin recused himself from the D. Johnston Excavation Permit matter to be heard next making note that he is an abutter.

Prior to commencement of the D. Johnston Excavation Permit matter S. Babin appointed Alternate F. Gunter to be seated in his place.

3. PUBLIC HEARING- 7:15PM: **Excavation Permit:** Public Hearing to consider an application for a Permit to Excavate submitted by **Dean Johnston and Duane Johnston** for property owned by **Duane R. Johnston** and identified as Tax Map 6 Lot 6-7 located off U.S. Rte. 3.

Public hearing opened by F. Freeman at 7:17p.m.

G. Kellogg as agent for the applicant presented the plan and gave an overview of the excavation components of the plan as well as the reclamation measures to be taken.

Duane Johnston gave the board the background as to his acquisition of the property as well as the previous excavation activity carried out on the site.

B. Regan advised the board that he had reviewed the application and applied the appropriate checklist.

B. Regan further advised, although most checklist items were met it remained unclear whether some #'d items were met or should be considered not applicable? They are:

3d. Zoning district boundaries of excavation area and within 200' of the area boundary.

4e. Timetable as to fully depleted sites within the project area.

4d. Final surface drainage pattern.

Under reclamation:

1. Tree seedlings will be planted in areas visible from a public way to replace trees that were removed.

G. Kellogg addressed to open items noted by B. Regan item by item and stated he would re-vise and re-submit the plan to reflect changes.

C. Thomas identified herself as an abutter noting she was present "to see what this is all about"?

R. Marotto also identified as an abutter and asked whether crushing and screening would be carried out on the site"?

F. Freeman walked through permitting provisions as follows:

Hours of operation: Standard Hours of Operation permitted: 7:00 am –5:00 pm Monday through Friday and 8:00 am – 12:00 noon on Saturday with no operation on Sunday or Federal Holidays

Processing machinery: Processing Machinery to be erected or maintained on the lot as approved within the operational plan and to be removed from the lot upon expiration of the permit.

Blasting: None permitted for this site with following stipulation: Should the permit pit operator determine that the need exists to carry on blasting on site the board should be re-contacted

Crushing: Approved with the following conditions: No crushing on Saturday, Sunday or Federal Holidays

On-site Storage – Solid Waste:

None approved for this site.

The burial/storage site for waste, building materials and rubble (i.e. "demolition and construction debris" or "C&D" waste) will be noted on the plan and performed in accordance with all local, state and federal regulations.

Backhauling, Importing and Storage of Material:

None permitted for this site.

Posting of Bond/Surety: Amount of Bond to be posted for site is \$5,000. Cash to be on account held by the Town of Thornton

Public hearing closed by F. Freeman at 7:46 p.m.

MOTION: "To accept the application as complete"

Motion: F. Gunter

Second: G. Kimball

Discussion: None

Motion passes: 7-YES, 0-NO,

MOTION: "To approve the application for Excavation permit for a five (5) year term conditioned on submission of revised excavation/reclamation plan."

Motion: F. Gunter

Second: G. Kimball

Discussion: None

Motion passes: 7 -YES, 0 –NO,

OLD BUSINESS:

1. Mark E. Johnston, "Exit 29" Excavation Pit Reclamation Status/Update

B. Regan advised the board that M. Johnston made both verbal and written requests for release.

Motion: "That Planning Director issue letter to the Board of Selectman acknowledging completion of reclamation by M. Johnston and recommending that the BOS release the surety posted for his portion of the excavation site at Map 15 Lot 4-31."

Motion: G. Kimball

Second: C. Schofield

Discussion: None

Motion passes: 6-YES, 0-NO Abstain: 1 (J. Gaites)

2. Planning Director: Planning Board Rules of Procedure

B. Regan suggested, due to the full agenda as well as the absence of some members, that the board continue procedure review and discussion until next month's meeting.

The board expressed their agreement

B. Regan will place the matter on the agenda for June's regular PB meeting.

NON-PUBLIC: None

CORRESPONDENCE:

1. Red Fox Realty: Re DOT and **Sign Permit** Map 17 Lot 19-15-1 on NH Rt. 49 (Leslie Fox)

B. Regan advised of receipt of correspondence from L. Fox evidencing her contact with NH DOT and that NH DOT acknowledged there was no issue with the proposed sign and its location as long as it is not placed in the state road right of way.

B. Regan presented a Notice of Decision for approve the sign permit request of L. Fox noting her contingency of contacting and abiding by NH DOT regulations the NH DOT has been met and that written evidence of same has been presented to the town.

Upon acknowledgement by the board that the contingency has been met Chairman S. Babin signed and dated the NOD.

OTHER:

ADJOURNMENT:

The following motion was made at 8:07 p.m.

MOTION: "To adjourn."

Motion: G. Kimball

Second: D. O'Donnell

Discussion: None

Motion passes: 7-YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director

Town of Thornton Planning Board Meeting

MAY 19, 2016

6:00 p.m.

Sign In Sheet

PLEASE PRINT YOUR NAME AND ADDRESS.

Thank you!

1. Gerard A. Bertin 50 Benton Rd
2. Charles Wheeler 18 Sugar bush
3. Tom Devance P.O. Box 146 Hamarock, MA 02047
4. Duane R. Johnston 73 Laundromat Rd. Thornton NH
5. DEAN JOHNSTON 73 LAUNDROMAT RD THORNTON NH
6. GARDNER KELLOGG 254 MANS HILL ROAD LITTLETON NH
7. Andrew VanDeau 34 School St. Littleton
8. JAMES POWERY 86 SCOTIE ROAD DERRY
9. Cynthia Thomas 66 Mirror Lake Rd, Woodstock
10. Douglas Aylte RTE 3 Woodstock
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____