

TOWN OF THORNTON PLANNING BOARD

Approved on: 7/21/2016
PB Initials: SB
Rec'd by Town Clerk on: 7/25/16
Town Clerk Initials: [Signature]

Planning Board Meeting Minutes Thursday June 16, 2016

CALL TO ORDER – SALUTE OF FLAG:

S. Babin led the Pledge of Allegiance then called the meeting to order at 6:07 pm.

ROLL CALL:

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

Members Absent: J. Gaites

Alternates present: F. Gunter, C. Schofield, J. Piehn

Staff present: B. Regan, Planning Director

Others present: Geraldine Benton, Tom Avallone, John March

PRELIMINARY: B. Regan replied to F. Gunter's question from a previous meeting about the necessity of a quorum to validate board action versus appointing alternate members to reach a quorum to actually start a meeting. In short, he stated a meeting, having been duly noticed and posted, could be opened without a quorum but, a quorum is needed to validate any board action taken and it is the Chairperson who has the authority to seat alternates as the need arises. He further noted an exception under which only the Select Board can appoint an alternate to fill the Ex-Officio seat.

F. Gunter thanked B. Regan for the clarification

APPROVAL OF MINUTES:

MOTION: "To approve the Minutes of Thursday May 19, 2016 as amended."

Motion: G. Kimball

Second: D. O'Donnell

Discussion: B. Regan noted he received corrections from individual board members which were incorporated into the minutes as presented. G. Kimball noted an oversight on page (1) one where the word sated was typed where stated should have been. B. Regan penned the correction and initialed the correction.

Motion passes: 5-YES, 0-NO Abstained: 1 (B. Dutto)

NEW BUSINESS:

1. Waterville Birches, LLC: **Preliminary Consultation and Review** - Proposed amendment to site plan of Waterville Birches, II.

S. Babin recognized T. Avallone to be heard and advised there were four (4) minutes available before the board must hold a previously scheduled public hearing.

T. Avallone stated he would like to begin his presentation.

T. Avallone presented a preliminary plan depicting his intended revisions to a prior site plan approved by the Planning Board for land of Waterville Birches II, LLC on either side of a road/right-of-way in the Waterville Estates Village District (WEVD) known as "Weeping Birches Lane".

T. Avallone advised of his intent to lower the number of planned dwelling units from twenty-one (21) to four (4). He noted two (2) units were permitted and under construction and the other two (2) had permits from the town but not from the WEVD. He noted he was concerned he may lose a pending sale agreement as the result of his inability to proceed with their construction.

T. Avallone further pointed out his desire to further subdivide the parcels in hopes of future sale.

S. Babin interrupted Mr. Avallone and, with apologies noted, he redirected the meeting to the scheduled public hearing.

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", continued from May 19, 2016.

Public hearing opened by S. Babin at 6:25 p.m. at which time he offered his apologies for the delayed start.

S. Babin recognized applicant G. Benton to continue her presentation.

G. Benton commenced her statements by stating she had a couple of "complaints". She then held up a document and stated due to delay in receiving the document she was unable to prepare to present responses to the items requested by the board.

G. Benton stated "one issue from May 19th was parking and I contacted John March".

G. Benton identified Mr. John March (who was present for a separate matter) as her representative to supply a plan or plans to address the parking and traffic concerns.

J. March acknowledged his intended involvement and indicated he had recently been contacted by the applicant who told him she received a "late letter from the board" but could have plan(s) prepared for the next meeting.

Note: It was determined the document she held was a letter from the Planning Director, B. Regan detailing items to be addressed and reminding of the continued public hearing. B. Regan issued the letter as instructed at the May PB meeting.

S. Babin referred to the outstanding items as presented to the applicant in the May 19 meeting and follow-up letter as follows:

"A. Present documentation to show existing and proposed uses of the property, including the number of square feet devoted to the uses identified to address #9.

B. Present a drawing or amended plan to include in the application to address #11 showing existing and proposed parking, loading and circulation. Also a sketch showing the # of parking spaces would be helpful.

C. Contact the state relative to the driveway permit issue and obtain documentation from NH DOT supporting you position, or ask NH DOT to submit documentation directly to the town, address #10.

D. Present evidence of possession of any applicable State approvals (i.e. other than the license you are now seeking) to address item #13."

G. Benton stated with regard to state driveway permitting she had talked to "Mike Kimball" at NH DOT and held up a document while stating "I have copies of the driveway permits, updated, and they're O.K." and "You can call Mr. Kimball to verify that". She then wrote on the document and handed it the Chairman Babin.

Note: Upon review of the document presented it appears to be just a copy of a NH DOT Application For Driveway Permit form bearing no evidence of submittal receipt by DOT nor DOT action to either approve or deny.

G. Benton contended that the letter from B. Regan was unduly delayed causing her to "lose another month" in the application review process and that she was "in limbo" and as the result the town "was not receiving tax money".

B. Regan asked to "let the record reflect the applicant is pointing at me as she made those comments".

B. Regan stated he had prepared the letter after completion of the applicable meeting minutes. He further stated "there is nothing in that letter that was not made known to the applicant at the May 19th meeting and public hearing".

F. Freeman stated he would like "to reiterate, that there is nothing in this letter that wasn't discussed at the May 19 meeting".

B. Dutto, F. Freeman and S. Babin expressed the opinion that it did not appear that issuance of the letter was unduly delayed. The applicant's expressions of frustration were acknowledged.

G. Benton further complained that she had come to the board for an "informational review in January 2016" and "It is now June and due to inefficiency on your end" her application had "not been approved".

G. Benton stated she "had met with Mr. Regan a couple of times" and that "he said I had all the documents I needed for the application and it would be approved at the May meeting."

B. Regan responded by saying "That is absolutely untrue!" "I met with Ms. Benton on one occasion." and "I never stated she had all the necessary documentation".

G. Benton then stated she "closed down [her] daycare center due to "state underhandedness" and "slanderous statements around town". She further stated "I cannot elaborate, it is in legal hands now."

G. Benton further stated, once again, her project was not approved due to its not being "done in a timely fashion on your end".

G. Benton stated "I am a taxpayer in this town." "I pay \$7,200.00 in taxes for the house where I'm trying to get this project approved"." I'm in limbo on six months of tax money". "I now have nothing in that building".

G. Benton went on to say "this is a simple site plan review and I want it to go forward". "But, unfortunately it can't for another 30 days".

D. O'Donnell said "Well, unfortunately with us it's that the time doesn't start until the application is received and we received the application in April."

D. O'Donnell then asked "Should we go through and see that everything is complete?"

S. Babin asked J. March to confirm he "needed more time to complete his work" on this application. John March acknowledged he did and that it would be ready for next month's meeting.

S. Babin asked if anyone else from the public wished to be heard. No response was received.

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

S. Babin asked "in light of the fact that we don't have all the information" does the board have any motions or need for further discussion?

MOTION: "To continue the public hearing to Thursday July 21, 2016 at 6:15 p.m."

Motion: D. O'Donnell

Second: B. Dutto

Discussion: None

Motion Passes: 6-YES, 0-NO

NEW BUSINESS: (Continued)

1. Waterville Birches, LLC: **Preliminary Consultation and Review** - Proposed amendment to site plan of Waterville Birches, II.

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NEW BUSINESS: (Continued)

1. Waterville Birches, LLC: **Preliminary Consultation and Review** - Proposed amendment to site plan of Waterville Birches, II.

T. Avallone introduced John March of "Mountain Mapping" as his representative for submittal of the proposed plan revision.
J. March discussed the changes to be made to achieve the goal of reducing the number of dwelling units from twenty-one (21) to four (4). He noted the previous roadway design would be shortened to create a cul-de-sac on either end.
T. Avallone made note that he was experiencing some "resistance" on the part of the WEVD with respect to the road construction.
J. March further discussed the roadway layout and planned dimensions of the cul-de-sacs.
F. Freeman commented that "conceptually" the proposed changes seemed "reasonable".
T. Avallone thanked the board for hearing him and stated he hoped to file a formal application for the July agenda.
B. Regan advised T. Avallone of the filing and advertisement deadlines.
T. Avallone acknowledged his awareness of the schedule and stated he intended to meet the deadlines.

OLD BUSINESS:

1. Planning Director: Planning Board Rules of Procedure

B. Regan suggested, at this point it would be beneficial if all members could direct their edits comments questions and concerns to him he would "assimilate" all and bring a revised version back for further action. It was then suggested 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 July's regular PB meeting.

NON-PUBLIC: None

CORRESPONDENCE:

B. Regan identified the items on the agenda under correspondence.
General discussion took place with respect to each item as presented.

OTHER:

1. Informational Article on residential fire suppression systems.

B. Regan distributed a copy of the above referenced article to the board members noting it had been provided for their information by Chairman S. Babin.

ADJOURNMENT:

The following motion was made at 7:29 p.m.

MOTION: "To adjourn."

Motion: B. Dutto

Second: G. Kimball

Discussion: None

Motion passes: 6-YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director

Thornton Planning Board Meeting

June 16, 2016

6:00 p.m.

Sign In Sheet

PLEASE **PRINT** YOUR **NAME AND ADDRESS.**

Thank you!

	Name	Address
1.	Tom Avalone	15 Gary Circle Thornton
2.	Gerri Benton	5 Benton Rd Thornton
3.	John March	Mad River Road, Thornton
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