

TOWN OF THORNTON PLANNING BOARD

Approved on: 8/18/16
PB Initials: GR
Rec'd by Town Clerk on: 8/22/16
Town Clerk Initials: RR

Planning Board Meeting Minutes Thursday July 21, 2016

CALL TO ORDER – SALUTE OF FLAG:

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

ROLL CALL:

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

Alternates present: F. Gunter, C. Schofield,

Alternates absent: J. Piehn

Staff present: B. Regan, Planning Director

Others present: Geraldine Benton, Kevin French, Carl Kilmer, Tom Avallone, John March, Corey Smith, Lloyd Willey, Darlene King-Jennings, Greg Jencks.

APPROVAL OF MINUTES:

MOTION: "To approve the Minutes of Thursday June 16, 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: 6-YES, 0-NO Abstained: 1 (J. Gaites)

NEW BUSINESS:

1. See E 2 Below.

2. Robert J. LaRochelle Revocable Trust: **Preliminary Consultation and Review** - Proposed Subdivision/Boundary Line Adjustment at Map 15 Lot 6-04-12 on Remington Road.

J. March appeared on behalf of property owner (Trust) and outlined a proposal under which a parcel identified as Lot 12 on Remington road would be subdivided resulting in a lot line adjustment with additional land taken from Lot 12 to be added to an adjacent parcel also owned by the Trust.

Upon review the board expressed a generally receptive view of the proposed lot line adjustment.

3. Kilmer NH Holdings, LLC: **Preliminary Consultation and Review** - Proposal for a ten (10) lot Subdivision **Map 8 Lot 14-8** at Sullivan Drive ("Sullivan Farm").

K. French appeared on behalf of property owner and outlined a proposal under which a roughly 40 acre parcel would be subdivided into ten (10) residential lots and a road with a dead end cul-de-sac extending off of the existing Sullivan Drive.

He presented a plan of the proposed subdivision as well as proposed road elevations.

K. French asked the board, at this point "what additional actions or information would you be looking for?"

F. Freeman noted at past meeting there had been some concerns as to whether the existing Sullivan Drive was in a condition to handle additional traffic.

K. French acknowledged by saying "This may be a good time to wrestle that alligator".

S. Babin noted, at present, Sullivan Drive provides access to only two of the parcels.

- F. Freeman suggested that the Road Agent may take a look and offer suggestions.
- G. Kimball stated the "road is in good shape".
- B. Regan noted surety for the construction of the road would likely be an issue.
- F. Freeman suggested "we would like to see an estimate on road construction".
- C. Kilmer stated "the rough estimate we got was about \$100/ft.
- K. French raised an issue involving an existing dry hydrant serving the area near the proposed subdivision. The state DES wants it removed. The Mill Brook Valley Association wants it to stay.
- C. Kilmer gave an overview of the history of the dry hydrant as well as the current matters pending with the NH DES.
- C. Kilmer asked if there was a way for the town to "intervene" with the DES matter.
- F. Freeman suggested the Fire Chief could perhaps address the issue with the BOS and/or the state Fire Marshall.
- S. Babin agreed the BOS would be the proper channel for such a matter, and the state Fire Marshall's office may also be of help.
- C. Kilmer asked "What do we need to do here (i.e. for the subdivision)?"
- S. Babin suggested the plan appears to meet zoning requirements but the applicant should look into applicable state codes that might come into play.

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 and June 16, 2016.

Public hearing opened by S. Babin at 6:34 p.m. at which time he offered his apologies, on behalf of the board, for the delayed start.

B. Regan identified documents received since the last meeting and now before the board as follows:

- Excerpt of plan
- NH DOT Driveway Permit (Updated)
- Site Plan prepared by J. March
- Letter from Campton-Thornton Fire Chief
- Letter from NH DOT regarding the need to update the Driveway Permit for other property on Benton Road

B. Regan further identified the May 26, 2016 letter to the applicant describing outstanding items and suggested the board compare submittals to the letter and checklist while considering further action on this application.

S. Babin recognized applicant G. Benton to continue her presentation on the application.

J. March stated he could add the calculations as to current and proposed use square footage to the plan in an effort to address item #9.

J. March further described parking as shown on the plan to address parking spaces and circulation.

J. March stated his understanding that G. Benton was "taking care of state approvals".

F. Freeman asked, since the child care center is no longer operating at the site would the property now be operated as 100% eldercare?

G. Benton replied "Yes, a portion of it. It depends". "I have to file a packet with the state to find out the square footage allowed they will allow".

F. Freeman stated it was his understanding "a majority of the participants would be dropped off and picked up.

G. Benton stated "Correct. They don't stay all night".
F. Freeman asked how many employees were anticipated.
G. Benton replied "depends on the state".
S. Babin noted, although the proposed use is allowed in the zone, the number of participants is limited to sixteen (16).
B. Regan agreed, stating the Zoning Ordinance specifically limits day care participants to 16.
G. Benton acknowledged her understanding and added she "had to get a variance for my child care" center.
G. Kimball offered that this would involve "people dropping their elder family members off, so they can go to work".
F. Freeman reiterated the fact that additional participants "would require a visit to the ZBA".
S. Babin noted the plan appeared to show five (5) parking spaces.
J. March stated his plan actually shows six (6) as one would be in front of the garage.
B. Dutto suggested the state would likely consider the parking concerns when considering her application.
B. Regan noted "the state has approximately forty-eight pages of Administrative Rules applicable to adult day care, so the regulations are fairly extensive".
General discussion ensued about the fact that, although it was unknown as to how many participants the state might allow for the site, it was clear that the town ordinance limits the use to sixteen participants.

Public hearing closed by S. Babin at 6:51 p.m.

MOTION: "To accept the site plan application as complete."

Motion: B. Dutto

Second: F. Freeman

Discussion: None

Motion Passes: 7-YES, 0-NO

S. Babin asked does the board have any motions or need for further discussion?

F. Freeman asked one further question. "We've talked about the six parking spaces. Do you anticipate any situation in which you would have more than six employees?"

G. Benton responded "I have no idea".

F. Freeman noted "for the record you have limited parking".

MOTION: "To approve the application as conditioned upon the applicant satisfying the following conditions:

- 1. Present documentation to show all existing and proposed uses of the property, including identification the number of square feet devoted to each such use.**
- 2. Present evidence of possession of any and all applicable State approvals necessary for the operation of an "Adult Day Care" Facility."**

Motion: G. Kimball

Second: D. O'Donnell

Discussion: None

Motion Passes: 7-YES, 0-NO

S. Babin was presented with a portion of the applicant's form to be submitted for state licensing. Upon review, S. Babin made note that the form asks for the "number of beds/clients, so it will reflect 16 on this form".

S. Babin completed and signed the applicable section and returned it to G. Benton.

2. **PUBLIC HEARING- 6:45PM Waterville Birches, LLC: Subdivision/Site Plan Review** - Proposed amendment to site plan of Waterville Birches, II and subdivision application for property located at "Weeping Birches Lane" in Waterville Estates and identified as Tax Map 17 Lot 14-14 and Tax Map 17 Lot 14-15.

S. Babin opened the public hearing at 6:59 pm.

B. Regan presented an overview of the documents now before the board.

J. March described the proposal while referring to the plan as two (2) cul-de-sacs located at either end of the property. One is designed to service two (2) existing foundation as well as two (2) proposed foundations, ultimately to become four (4) condominium home sites.

B. Regan pointed out that the current proposal appears to involve two actions. First to amend a prior site plan and the second is to further subdivide the remainder of the land.

J. March stated the applicant's focus has changed from the earlier 21 unit development to a smaller 4 unit development.

J. March further stated the cul-de-sacs, as presented, are designed to meet town specifications.

S. Babin asked the applicant if he foresaw any "negative affects" upon those who were involved with or dependent upon the initial proposal.

T. Avallone stated the owners/prospective owners of the units to be built are aware of the planned reduction and have shown no concerns.

B. Regan made note that the board should re-visit the issues of AG approval of condo docs as well as the construction and surety of the proposed roadways.

L. Willey identified himself as a Commissioner with the Waterville Estates Village District (WEVD) and expressed two areas of concern. First, WEVD owns the land that is "Weeping Birches Lane" and the concern is that the proposed building would encroach upon their land. The second concern that any roads in the proposed plan be built to meet Town of Thornton specifications.

C. Smith (General Manager) stated that WEVD owns the land under deed.

J. March stated his opinion that there is no encroachment by either the existing foundations on the plan or the proposed foundations on the plan.

S. Babin observed that the plan, as presented, does not show or otherwise identify the land known as "Weeping Birches Lane".

L. Willey reiterated his concern that "any roads to be constructed are done to meet town specs". "Our objective" is to assure that the residents receive proper services, and that the roads can ultimately be considered for acceptance by the town.

C. Smith said it is the WEVD's concern that the road would not be approved in such a way as to "pre-disqualify" town acceptance.

J. March again stated the cul-de-sacs as designed and presented in the plan meet town specs.

S. Babin asked the WEVD representative if the plan "would be less objectionable if it showed the Weeping Birches Lane land as deed?"

C. Smith offered his opinion that "it would be improper to approve a plan that includes deed land but does not show it".

F. Freeman stated he agreed with C. smith.

J. March asked "if the cul-de-sacs are built to meet town specs, we don't have a problem?"

C. Smith replied "I think so, but it has not yet been decide at the district level"

L. Willey stated "In all likelihood we would divest ourselves of the land, but we want assurance that the road will be accepted."

General discussion ensued and ultimately it was clear to all present that the Select Board and not the Planning Board has authority to address road acceptance.

S. Babin noted the land swap or trade of the land is not within the purview of the planning Board.

R. Gilman expressed his opinion that the parties involved should work together to bring an agreement to the Planning Board.

T. Avallone stated "all I want to do is subdivide my land, build the four units and sell the remainder of the land."

T. Avallone further stated "I have no problem adding the deeded land to the plan and bringing it back before you".

Motion: "To continue the public hearing to Thursday August 18 at 6:45 pm."

Motion: S. Babin

Second: F. Freeman

Discussion: None

Motion Passes: 7-Yes 0-No

OLD BUSINESS:

1. Planning Director: **Planning Board Rules of Procedure**

B. Regan noted he had received some additional comments, questions and/or concerns from board members and would incorporate all and bring a final version back for further board action.

The board expressed their agreement.

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

OTHER: S. Babin made "a request that the PB look into obtaining copies of applicable codes and standards that are adopted by the state and would affect PB decisions" e.g. Fire suppression, parking etc.

B. Regan noted some funds are budgeted for such things.

It was the Board's consensus that funds be expended to procure pertinent codes and standards.

ADJOURNMENT:

The following motion was made at 7:50 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

Thornton Planning Board Meeting

July 21, 2016

6:00 p.m.

Sign In Sheet

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

Thank you!

	Name	Address
1.	KEVIN FRENCH	RUMNEY NH
2.	CARL Kilmer	8 YARROW RD.
3.	JOHN MARCH	THORNTON NH
4.	Mери Gontar	Thornton, NH
5.	TOM AVALONE	15 CAREY CIRCLE THORNTON
6.	Corey Smith	Waterville Estate
7.	Lloyd Willey	Waterville Estate Village Dist
8.	Darlene King Jennings	Campton
9.	Sharon Judd	Campton
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