

TOWN OF THORNTON PLANNING BOARD

Approved on: 10-20-2016
PB Initials: SB
Rec'd by Town Clerk on: 10/20/16
Town Clerk Initials: RSK

Planning Board Meeting Minutes Thursday September 15, 2016

CALL TO ORDER – SALUTE OF FLAG:

S. Babin (Chairman), led the Pledge of Allegiance and called the meeting to order at 6:03 pm.

ROLL CALL:

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

Members absent: B. Dutto

Alternates present: F. Gunter, J. Piehn

Alternates absent: C. Schofield

Staff present: B. Regan, Planning Director

Others present: Tom Avallone, John March, Kevin French, Eileen Woolfenden, Milton Woolfenden, Fred Schneider, Mike Hering, Mike Bauman, Roy Weddleton, Esq.

APPROVAL OF MINUTES:

MOTION: "To approve the Minutes of Thursday August 18, 2016 as amended."

Motion: G. Kimball

Second: D. O'Donnell

Discussion: None

Motion passes: 6-YES, 0-NO 1-Abstain (S. Babin)

PRELIMINARY MATTERS:

In the absence of member B. Dutto, S. Babin appointed Alternate J. Piehn to be seated as a voting member of the board.

NEW BUSINESS:

1. **PRELIMINARY CONSULTATION and REVIEW** - Proposed Site Plan Review 22 Merrill Access Road [Map 10 Lot 12-2] French Land Services, Inc for owner Fresch Development, LLC, for consideration of change of use to Transportation (School Bus) facility.

K. French spoke as representative of property owner Fresch Development, LLC and presented a preliminary plan to the board. He went on to state that "nothing has changed. It was a service garage before and it will continue to be a service garage". He further stated..."what they did was buy Robertson Transit and had to move the busses." "They plan to store up to 10 busses on the site and have five hot spots" (electric outlets) "on the property." Also, "they bought an office trailer" to "get up and running right away". He also stated the plan was to place the trailer under the carport but it was too big and "that's why it is now next to the building".

K. French further advised the board he was in possession of a newly approved septic plan. He further indicated the new plan "covered the one bedroom apartment and the service area for three employees".

B. Regan asked "when was the property approved for the residential use as an apartment"?

K. French said "I don't know". "The apartment's been there for ten years".

S. Babin asked if "the old use approval would tell us"?

B. Regan stated "there is no record of approval of a dwelling unit on the property".

S. Babin asked if "oil would be stored" on the property?

K. French replied he understood they would be doing oil changes but thought the used oil would be taken off site.

B. Regan advised that the proposed use (i.e. transportation) was appropriate in the zone (Industrial II) and that since it is a "change of use" it becomes a matter of site plan review for the board, whether "Major" or "Minor" was up to the board.

S. Babin asked the board's input on the question of Major versus Minor.

F. Freeman stated in his opinion it "would be a Minor review".

B. Regan informed the board he had inquiries about the property from a company named "APEX" from Ohio but to date nobody has identified the proposed tenant.

F. Schneider stated "...they are National Express. It's a big, big worldwide company".

B. Regan stated he would "concur that a Minor site plan review would be suitable" and "would be less cumbersome to the applicant". He also noted that "a positive aspect of the proposal would be the removal of a non-conforming use" from the former Robertson Transit location.

K. French responded that he too was prepared to make that point.

S. Babin asked if they had the requirements for Minor site plan review?

K. French replied he "had access to them". He then asked "who owns the road".

S. Babin responded "we will attempt to get you the answer to that".

2. ANNUAL FEE SCHEDULE: Report and Recommendation of the Planning Director.

B. Regan briefed the board on the BOS' annual review of the town fee schedule and their request for recommended changes. He presented the board with a copy of existing fees and proposed revisions to the fee schedule based on his research of other comparable town's fees.

D. O'Donnell, S. Babin and F. Freeman all expressed concerns over any fee for a "Preliminary Consultation/Review".

D. O'Donnell and J. Piehn expressed concerns over fees for "Home Occupation" and "Sign" application.

F. Freeman and S. Babin suggested those processes warranted an application fee.

It was the consensus of the board that the proposed fee schedule was reasonable with changes to "Preliminary Consultation/Review", "Home Occupation" and "Sign" as amended.

B. Regan will amend and submit the proposed fee schedule for the BOS' consideration.

PUBLIC HEARINGS:

1. **PUBLIC HEARING- 6:15 PM Amended Planning Board Rules of Procedure:** Public Hearing to consider the adoption of amended Town of Thornton Planning Board Rules of Procedure. (Adopted by the Planning Board in October 2009).

S. Babin opened the public hearing at 6:16 PM.

B. Regan briefed the board as to the current status of the proposed rules and noted he had received some input from members.

F. Freeman suggested at page 1 ¶ 4 the words "Thornton Select Board" should replace "local legislative body".

B. Regan said he would double check the statute to identify the appropriate authority.
F. Freeman also noted that page 2 ¶ 7 should read "Town of Thornton" as opposed to "the community".
G. Kimball reiterated her input that there was an incompletely typed ¶ 1 under "XII. RECORDS" on page 6 in the draft. She suggested the final document include the proposed ¶ in its entirety.
F. Gunter commented that "there appear to be no substantive changes" there appears to be "no need for continuance of the public hearing" and that the board "could adopt as amended".
S. Babin closed the public hearing at 6:25 PM.

Motion: "To adopt the revised Planning Board Rules of Procedure as amended with the minor changes noted at tonight's meeting and public hearing."

Motion: G. Kimball

Second: F. Freeman

Discussion: None

Motion Passes: 7-Yes 0-No

2. PUBLIC HEARING- 6:30PM 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 6:35 PM after extending apologies for the late start to the applicant.

J. March introduced himself as surveyor and agent for the applicant and distributed a revised plan to the board. J. March also distributed "cross sections" of proposed cul-de-sacs on the plan.

S. Babin asked if representatives of Waterville Estates Village District (WEVD) were present at the hearing".

T. Avallone pointed out that representatives were present from the WEVD and the Waterville Estates Association (WEA) Building Committee.

J. March pointed out changes made to the plan since the last meeting.

J. March stated the "plan shows the proposed cul-de-sacs with a 120' radius as opposed to 90' as previously presented". He further asked for "clarification" as to what is acceptable to the board.

B. Regan read from the Thornton Subdivision Regulations Section IV, I, 8. "All dead end streets shall have a 90 ft. diameter loop with a 20 ft. travel-way (24 ft. ditch to ditch) with an island in the middle."

B. Regan pointed out that the board "could accept a 120' radius but the minimum standard would be 90'.

F. Freeman noted there "appear to be more substantive issues" for the board to consider first.

J. March stated he and T. Avallone had met with the WEVD and its attorney on August 10th regarding roads and property ownership, etc. He further stated they "had not yet heard back".

M. Baumann identified himself as Chairman of Waterville Estates Village District Commission. He stated the WEVD have a "number of concerns" about the project and asked if he could read a prepared statement to the board.

S. Babin recognized M. Baumann to read the statement.

M. Baumann read the following statement:

"The Village District is willing to meet with Mr. Avallone to resolve outstanding questions, but its paramount concern is for the homeowners who will come to live at Mr. Avallone's subdivision.

As matters stand, there is no provision for maintenance of the road. As we understand it, phase contains a stretch of road whose grade is 12 %. That may preclude the selectmen accepting the road. The district will not accept a substandard road either. When Mr. Avallone leaves, those residents will be complaining to the town and the district. Unfortunately, we were never given notice of or included in the hearings on phase 1, despite

the fact that the District owns the land upon which the road was to be (and is) built. Moreover, the road Mr. Avallone built is not paved, and we are unaware of any bond to ensure it is paved from Snowood to its terminus (or at least from the location of the former gate)."

F. Freeman made the observation that "we appear to be no further along than we were a month ago when another board member said 'you guys have some work to do before you come before us' ". "It appears the parties involved need to come to terms on some issues." "We don't have information enough to act upon."

F. Freeman further stated "your presenting something that may or may not be agreed to".

J. March replied "that is correct".

F. Freeman asked how do we know what to consider for approval?

B. Regan noted that the board had "nothing before [them] that could be approved".

S. Babin made note of the "odd lots" as presented and suggested they be addressed.

T. Avallone expressed his frustration with the progress of his project due to lack of response from the WEVD and WEA Building Committee, relative to building permits for properties already under agreement for sale.

F. Freeman asked T. Avallone "Who do you feel is holding you up?"

T. Avallone replied "The Village District".

B. Regan pointed out that the town's BOS had approved permits for the buildings in question.

M. Baumann stated the matter and related documents are in the hands of their attorney.

S. Babin noted the PB cannot assure any acceptance of a road by the town.

T. Avallone suggested pending a meeting on the 22nd with attorneys the matter would come back before the board.

Motion: "To continue the public hearing to Thursday, October 20, 2016 at 6:30 pm."

Motion: G. Kimball

Second: F. Freeman

Discussion: None

Motion Passes: 7-Yes 0-No

M. Hering expressed some questions and concerns regarding a number of issues in the vicinity of the proposed project. General discussion ensued.

CORRESPONDENCE: Town of Plymouth-Regional Impact Notification

B. Regan advised the board of a notice from the Town of Plymouth concerning a proposed cellular tower at 563 Tenney Mt. Highway. He further stated, given the proposed location, there would appear to be no real impact on the Town of Thornton, and the notice was presented to the board for their information.

S. Babin made note that such notices are standard practice among neighboring towns.

OTHER: Summary of Concerns of PB Member R. Gilman

Various areas of concern were raised and discussed by the board as follows:

I. What is the Responsibility of PB Members?

Zoning violations/non-compliance:

No Application/Approval

No Permit

No Follow-up

II. Update Zoning Ordinance/Map?

Examples:

Ham Farm is one parcel split into two zoning districts.

Businesses on Rt. 175 and other "residential district" roads.

III. Status-Pope Auto Sales

IV. TAME-Jurisdiction?

V. Responsibility for Pine Grove Cemetery (Rotting Tree near roadway? Town or State?)

After discussion of the general points the board determined it would be appropriate to continue to consider these and similar issue and continue to be active in addressing them when deemed appropriate.

ADJOURNMENT:

The following motion was made at 7:57 p.m.

MOTION: "To adjourn."

Motion: G. Kimball

Second: J. Piehn

Discussion: None

Motion passes: 7-YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director

Thornton Planning Board Meeting

September 15, 2016

6:00 p.m.

Sign In Sheet

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

Thank you!

	Name	Address
1.	Eileen Woolfenden	77 Lee Brook Rd.
2.	Milton Woolfenden	77 Lee Brook Road
3.	KEVIN FRENCH	ROMNEY, NH
4.	Fred Schneider	Bridgewater, N.H.
5.	TOM AVALONE	15 CARLY CIRCLE
6.	Roy Woodson	CONCORD, NH
7.	WILLIE HERING	236 PEGWOOD HILL RD CAMPTON
8.	MIKE BAUMANN	185 RESERVOIR RD CAMPTON
9.	JOHN MARCH	THORNTON, NH
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