

TOWN OF THORNTON PLANNING BOARD

Approved on: Dec 15 2016
PB Initials: SB
Rec'd by Town Clerk on: 12/19/16
Town Clerk Initials: Bje

Planning Board Meeting Minutes Thursday November 17, 2016

CALL TO ORDER – SALUTE OF FLAG:

Chairman S. Babin led the Pledge of Allegiance and opened the meeting at 6:00 p.m.

ROLL CALL:

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

Alternates present: F. Gunter

Members/Alternates absent: B. Dutto, J. Piehn, C. Schofield,

Others present: Brian Regan, John March, Tom Avallone, Lloyd Wiley, Mike Bauman, Andrew Nadeau, Tom Devane, Tom Duffield, Darlene King Jennings, Robert LaRochelle, Jr., Shirley Benton, Jerel Benton

PRELIMINARY: In the absence of board member B. Dutto, Chairman S. Babin appointed F. Gunter to sit as a voting member.

APPROVAL OF MINUTES: Upon distribution to and review by the members the following action was taken:

MOTION: "To approve the Minutes of Thursday October 20, 2016 as amended."

Motion: G. Kimball

Second: D. O'Donnell

Discussion: None

Motion passes: 6-YES, 0-NO 1-Abstain (R. Gilman)

NEW BUSINESS:

S. Babin read the following:

Revised Subdivision Plan/Boundary Line Adjustment: 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-FRCL, currently identified as Map 16 Lot 1-7-04-00FRCL and Map 16 Lot 1-7-04 0FR-01 through Map 16 Lot 1-7-04 0FR-10.

S. Babin opened the public hearing at 6:48pm.

A. Nadeau of Horizons Engineering, Inc. introduced himself as agent for the applicant and identified T. Devane as a representative of LCJ Holdings, LLC, also present. He explained the current proposal is needed to complete the project development with no changes to the total land area used.

A. Nadeau described the proposed amendments to the previously approved 10 unit homesite condominium development within the Owl's Nest resort community.

A. Nadeau advised updated septic plans were in place.

T. Devane stated the revised septic plan would accommodate the few additional bedrooms proposed.

S. Babin closed the public hearing at 6:58pm

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 dated 10-25-16 for a Revised Subdivision Plan as submitted by Horizon's Engineering, Inc. as agent for property owner LCJ Holdings, LLC Map 16 Lot 01-07-

FRCO and Map 16 Lot 1-7-04 0FR-01 through Map 16 Lot 1-7-04 0FR-10 and including lot lines and driveway modifications as shown on the final plan submitted. “

Motion: F. Gunter
Second: G. Kimball
Discussion: None
Motion passes: 7-YES, 0 -NO

The plan was then signed by the Chairman and Vice-Chairman.

Subdivision Plan/Boundary Line Adjustment: Submitted by John March, d/b/a Mountain Mapping for a Subdivision/ Boundary Line Adjustment to properties owned by Bruce H. & Susan B. Kominz identified as **Map 13 Lot 6-20, and Map 13 Lot 6-21** located on Judges Road.

J. March introduced himself as agent of the applicant and went on to describe the plan in support of the application before the board.

J. March stated the property owner's driveway is over the property line and the house is in violation of zoning. He further stated the proposed adjustment was to bring the parcels into compliance.

The board reviewed the checklist as submitted.

MOTION: “To accept the application as complete.”

Motion: G. Kimball
Second: F. Gunter
Discussion: None
Motion passes: 7-YES, 0-NO

Public hearing to be scheduled for December 15 regular meeting.

Subdivision Plan/Boundary Line Adjustment: Submitted by John March, d/b/a Mountain Mapping for a Subdivision/ Boundary Line Adjustment to properties owned by Robert J. LaRochelle, Jr. Trust identified as **Map 15 Lot 6-4-2 and Map 15 Lot 6-4-12** located on Remington Road.

J. March introduced himself as agent of the applicant Robert J. LaRochelle, Jr., Trust and went on to describe the plan in support of the application before the board.

J. March stated the property has the intent to divide lot #12 on plan and create a smaller buildable lot (#13) while at the same time adjusting the boundary line and adding square footage to lot #2 on plan.

S. Babin noted his concerns as to applicability of and compliance with NFPA regulations/codes as adopted by the State of NH.

The board reviewed the checklist as submitted.

MOTION: “To accept the application as complete.”

Motion: G. Kimball
Second: F. Gunter
Discussion: None
Motion passes: 7-YES, 0-NO

Public hearing to be scheduled for December 15 regular meeting.

S. Babin read the following:

Site Plan Review: Public Hearing to consider an application submitted by **Thomas Duffield** as agent for property owners **Shirley and Jerel Benton** for site plan review relative to the proposed development of a “**equipment storage/maintenance**” facility on property identified as **Map 10 Lot 14-3**, located on **Stone Dam Road** at Merrill Access Road.

S. Babin opened the public hearing at 7:30 p.m.

T. Duffield introduced himself as agent for the applicants and describe the proposal and the rudimentary plan submitted.

T. Duffield stated the applicant's intent is to "harvest the timber" and "remove the soil and use it for other purposes. Because of two reasons they'd like to get an equipment maintenance shed in there, and you have to be able to get access." He further stated "right now you have to climb approximately 30-35 ft. of incline to get up there" and in addition by dropping the property lower than the interstate you reduce the noise.

T. Duffield suggested there was an RSA 155: E exemption that applied, and that under that exemption between 16-20,000 cubic feet of material could be removed. He noted the site was about 1 acre and consists of mostly sand.

F. Freeman requested B. Regan's position as to the application.

B. Regan stated his opinion that the applicant and their agent were, in effect, asking the board to circumvent the law. He further stated this proposal is an excavation site and processes and procedures exist to accommodate that but are not being followed here.

B. Regan suggested the matter may be considered a Minor Site Plan for purposes of review. He further stated the exemption claimed by the applicant limits removal of material to 1,000 cubic yards.

T. Duffield stated he had been in contact with Mary Pinkham-Langer at the state DORA. He stated she indicated that more than 1,000 cu. yds. could be removed. He further stated the applicant could remove the soil and "stockpile it over at their gravel pit".

T. Duffield stated "if we go over the 1,000 cu ft. we have to pay a \$100.00 application fee".

B. Regan stated "perhaps you could get something in writing from the state"

S. Benton stated "if this was in any other town we wouldn't even be here."

The board determined to consider the application as a "Minor Site Plan" review.

S. Babin ran through the applicable checklist with the board. T. Duffield fielded checklist related questions from the board. S. Babin noted the proposed structure would be 30' by 50'.

S. Babin asked T. Duffield to get a note from Mary Pinkham Langer to assure that she is in agreement as to the proposed removal.

D. O'Donnell suggested a time limit be assigned.

S. & J. Benton agreed to a 2 year time limit.

F. Freeman noted his concern that reclamation standards be met. S. & J. Benton agreed that they would complete the necessary reclamation.

R. Gilman advised the board of his relationship as uncle to the applicants and questioned whether he should vote or not.

S. Babin suggested he should vote his conscience.

S. Babin closed the public hearing at 7:58 p.m.

MOTION: "To approve the application as complete."

Motion: G. Kimball

Second: F. Freeman

Discussion: None

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

MOTION: "To approve the site plan application conditioned upon the applicant satisfying the following:

1. Present a letter from Mary Pinkham-Langer to set forth NH DORA position as to project compliance with applicable provisions of NH RSA155:E.
2. Slope on Northerly boundary to be reclaimed to Excavation Regulation standards.
3. Building construction to be completed within two (2) years of date of decision.

Motion: F. Gunter

Second: G. Kimball

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

OLD BUSINESS:

S. Babin opened the continued public hearing at 6:15 p.m. and read the following:

Waterville Birches, LLC: **Subdivision/Site Plan Review** (continued from July 21, 2016 at 6:45 pm; August 18, 2016 at 6:45pm, September 15 at 6:30pm and October 20 2016 at 6:30) - 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.

T. Avallone introduced himself and his agent J. March. He also identified L. Wiley and M. Bauman as representatives of the Waterville Estates Village District (WEVD).

T. Avallone further addressed outstanding issues of concern to the board at prior meetings, they were:

1. Sufficient frontage of lots to meet Zoning Ordinance, and
2. Agreement and approval of the WEVD as to construction planned for roads on land owned by the WEVD.

T. Avallone stated a meeting was held the day before between attorneys and the parties involved resulting in agreement. He then presented a written document purporting to be a copy of an e-mail outlining the terms of agreement. He went on to describe the documents content.

S. Babin asked if the proposed roads included land/right of way owned by the WEVD and would require the WEVD approval to proceed with construction and use. T. Avallone and L. Wiley replied in the affirmative.

B. Regan noted that a reference in the "e-mail" document indicated that the Planning Board requested the cul-de-sac and road "...be shown for illustrative purposes". He further stated that the record would show that statement is not true and the board never made that suggestion or request.

L. Wiley and M Bauman affirmed the WEVD's agreement that construction of roads proposed could take place on WEVD lands/rights of way.

S. Babin closed the public hearing at 6:46 pm

MOTION: "To accept the application as complete."

Motion: F. Freeman

Second: D. O'Donnell

Discussion: R. Gilman expressed his concern that a site visit should take place and the proposal is confusing.

F. Freeman, F. Gunter and B. Regan stated they had visited the site separately. F. Gunter further stated all members had been invited to visit the site by T. Avallone.

Vote: 6-YES, 1-NO (R. Gilman)

MOTION: "To approve the application of "Waterville Birches" submitted by Tom Avallone on behalf of property owner Waterville Birches, LLC for property identified as Tax Map 17 Lot 14-15, located at Weeping Birches Lane, which will result in a four (4) lot subdivision as depicted on the plan as submitted."

Motion: D. O'Donnell

Seconded: F. Gunter

Discussion: None

Vote: 6-Yes, 0-No, 1-Abstain (R. Gilman)

The plan was then signed by the Chairman and Vice-Chairman.

CORRESPONDENCE: Deachman & Cowie, P.A. re: Mill Brook Valley Maint. Corp. - Dry Hydrant
B. Regan presented an overview of the situation involving a "dry hydrant" in Mill Brook Valley which is the subject of the correspondence. He further described the request for a response by the Planning Board contained in the correspondence.

After general discussion by the board the following action was taken:

S. Babin advised he had no intention, as chairman, to sign the letter presented.

MOTION: "To authorize B. Regan to issue a written reply to the correspondence noting the board's position and place both on file"

Motion: F. Freeman

Second: G. Kimball

Discussion: None

Motion passes: 7-YES, 0-NO

OTHER: The board, by unanimous voice vote directed B. Regan to send the previously acknowledged Waterville Birches, LLC letter of credit to the Board of Selectmen.

ADJOURNMENT:

The following motion was made at 8:08 p.m.

MOTION: "To adjourn."

Motion: F. Gunter

Second: G. Kimball

Discussion: None

Motion passes: 7-YES, 0 -NO

Respectfully Submitted,

Brian Regan

Thornton Planning Board Meeting

November 17, 2016

6:00 p.m.

Sign In Sheet

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

Thank you!

	Name	Address
1.	John Mann	THORNTON, NH
2.	Harold G. Wilby	Campton, NH
3.	Tom AVALONIS	5-1 CAREY CIRCLE, THORNTON
4.	MIKE BANMANN	RESERVIR RD, CAMPTON, NH
5.	Andrew Nadeau	34 School St. Littleton, 03561
6.	Orlando King Jr	57 King Rd Campton
7.	Jerel Benton	50 Benton Rd Thornton
8.	Robert LaRoche	Thornton NH
9.	Tom DEANE	representing Owl's Nest
10.	Tom Duffield	Thornton, NH
11.	Sturkey Benton	Thornton NH
12.		
13.		
14.		
15.		
16.		