

TOWN OF THORNTON PLANNING BOARD

Approved on: Aug 17 2017
PB Initials: [Signature]
Rec'd by Town Clerk on: 8/29/17
Town Clerk Initials: [Signature]

Planning Board Meeting Minutes Thursday July 20, 2017

CALL TO ORDER – SALUTE TO THE FLAG:

Chairman S. Babin led the Pledge of Allegiance and called the meeting to order at 6:04 p.m.

ROLL CALL:

Members present: S. Babin, F. Freeman, J. Gaites, R. Gilman, and D. O'Donnell
Alternates present: F. Gunter, G. Kimball, C. Schofield, J. Piehn
Members/Alternates absent: L. Hoyt, B. Dutto

Others present: B. Regan, Wayne Shirkey, Wanda Hoon, Alfred Duguay, Amy Pitman, Tom Duguay, Tom Duffield, Mike Hering, John march, Tom Avallone, Mike Bauman, Georgeann Boyd, Matt Boyd, Jerel Benton, Shirley Benton, Karl Warnick, Kurt Warnick, Sandy MacIntosh, Austin Kraft, Claudia LaBrecque, Martin Fuller, Rick Parent, Wendy Zimbone, Dennis Croteau

Chairman S. Babin acknowledged a quorum was present.
Chairman S. Babin opted to appoint Alternate's J. Piehn and G. Kimball to sit in place of absent members B. Dutto and L. Hoyt.

APPROVAL OF MINUTES: Upon distribution and review the members took the following action:

MOTION: "To approve the Minutes of Thursday June 15, 2017 as amended."

Motion: F. Freeman
Second: D. O'Donnell
Discussion: None
Motion passes: 5-YES, 0-NO, 2-ABSTAIN (S. Babin, J. Piehn)

PRELIMINARY BUSINESS:

1. Application for **Voluntary Merger (RSA 674:39a)** by Donald C. & Priscilla Sleeper Trust for properties at **289 Upper Mad River Road** (Map 17 Lot 01-05) and **Blackberry Hill Road** (Map17 Lot 01-25).

B. Regan provide copies of the application packet for the Board members for two contiguous lots in common ownership. The house is on one parcel, the well to the house is on another parcel. The goal is to merge the lots together to facilitate the sale of the properties.

B. Regan stated that the owners have attested that neither property has a mortgage. B. Regan stated that there are no issues related to the property that would prevent the Board from approving the Voluntary Merger application.

MOTION: "To approve the Voluntary Merger application from Donald C. & Priscilla Sleeper Trust for properties at 289 Upper Mad River Road (Map 17 Lot 01-05) and Blackberry Hill Road (Map17 Lot 01-25)."

Motion: F. Freeman
Second: G. Kimball
Discussion: None

Motion passes: 7-YES, 0-NO

Chairman Babin and Vice Chairman Freeman signed the Voluntary Merger Application.

COMMUNICATIONS:

1. Notice of Decision-Zoning Board of Adjustment (ZBA): As to Special Exception 3447 U.S. Rte. 3
B. Regan advised the board that this correspondence was directed to the board with regard to the Pitman application for Site Plan Review.
2. NH Liquor Commission **541-A: 39 Notice to Municipalities** 3447 U.S. Rte. 3
B. Regan advised the board that this correspondence was directed to the board with regard to the Pitman application for Site Plan Review.
3. NH DOT Correspondence regarding "Mirror Lake Road".
B. Regan advised the board that this correspondence was directed to the board with regard to the Pitman application for Site Plan Review.
4. North Country Council News Letter
B. Regan advised the board that this correspondence is for informational purpose.

REPORTS: No reports were submitted.

UNFINISHED BUSINESS:

STATUS REVIEW- Duffield Engineering & Consulting re: Stone Dam/Merrill Access Rd (Map 10 Lot 14-13).

B. Regan referenced two meetings ago it was indicated that a revised plan would be submitted from Duffield Engineering & Consulting. B. Regan stated that there has been no revised plan with additional detail of the reclamation area submitted to date.

B. Regan recommended that the bond be revised to reflect the specific property to be reclaimed.

T. Duffield stated that the plan can be prepared for the next month's Planning Board meeting.

HEARINGS:

1. **APPLICATION/PUBLIC HEARING - 6:15 pm:** Application for **Site Plan Review**-Amy, Charles & Linda Pitman property at **3447 U.S. Rte. 3**, Tax Map 6 Lot 5-1 for development/change of use for operating a **"boutique" winery, café & gift shop** in and upon the property.

S. Babin read the foregoing and opened the public hearing at 6:15 pm.

S. Babin asked the applicants if they had copies of all the correspondence pertaining to their application.

A. Pitman believed that she had all the copies. S. Babin asked the applicant for any questions. A. Pitman stated that she was not aware that parking would be in question when she met with the ZBA for a variance.

A. Pitman stated that she obtained copies of her deeds that state the three tracts of land are hers. She stated that she has a warranty deed dated 2001.

B. Regan stated that the description included in the deed does not adequately address the former driveway or roadway in question.

A. Pitman stated that she has been paying taxes on this property for years and is included as her property on the town tax map.

B. Regan referred the Board to the tax assessment card for additional information.

T. Duguay stated that the property used to be a store for many years and that parking should not be an issue.

S. Babin replied that the Planning Board is trying to establish a location for the parking that is not on state property.

B. Regan explained that the land was taken by the state in the 1970's and the portion of Mirror Lake Road was voted to be discontinued "subject to gates and bars" at Town Meeting in 1985.

A. Pitman stated that she spoke to Mike Kimball at the NHDOT he informed her that if the Town voted to close the road then she would gain at least half of the road edge back in front of her property. She was informed that if she had a surveyor create a new right of way for Mirror Lake Road, the Town or State could then grant back the use of that property to her. A. Pitman spoke with Phillip Miles, Chief of

Property Management NHDOT and was informed that the State is researching titles to determine who owns the land in question. The ownership of the property needs to be determined before any solutions can be made.

B. Regan confirmed that Mike Kimball has asked that the Concord district office research the title information, M. Kimball has requested that the Town not move on this application until the title research is complete.

S. Babin stated that the ZBA gave approval for the business use that was not specific in the zoning ordinance with the condition that the driveway be permitted by the State or permission granted by the State for the use of the existing driveway.

T. Duguay stated "it's a bunch of political Bull#@*%!"

A. Pitman requested a copy if the warrant article that passed allowing the road to be discontinued.

B. Regan indicated he would provide the requested information.

B. Regan noted, although the board is being asked to review a "Site Plan" no such plan has yet been presented. He further stated it was suggested to the applicant that a "Minor Site Plan" review may satisfy the board and would limit their filing to fourteen items/issues.

S. Babin reviewed the 14 items of the "Minor Site Plan Review" checklist with the board, 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.
10. Any changes in utilities and driveway entrances.
11. Existing and proposed parking, loading and circulation.
12. Location of landscaping, screening, exterior lighting, and signs.
13. Any applicable State Approvals.
14. Any other additional information specifically warranted by the particular application.

F. Freeman stated "we need a sketch or actual plan" to show the parking etc.

S. Babin reiterated that some sort of plan should be submitted to allow the board the opportunity to review the proposed parking, etc. because "we have no authority to approve parking on state land".

A. Pitman asked if the Town can allow her to use it until the issue is clarified?

S. Babin noted the Planning Board had no such authority.

F. Freeman reiterated the board needs to be shown that the applicant has the authority to use the land and a plan to show where that parking would be.

S. Babin stated he would like to see the matter continued and that an answer be obtained from NH DOT

MOTION: "To continue the discussion of the application and the public hearing to Thursday August 17, 2017 at 6:15 pm."

Motion: F. Freeman

Second: J. Piehn

Discussion: None

Motion passes: 7-YES, 0-NO

2. APPLICATION/PUBLIC HEARING - 7:00 pm: Application for a **Site Plan Review** for **fifty-four (54) apartment units** submitted by Thomas Duffield, PE as agent for property owners Shirley Benton, Jerel Benton and Keith McNamara for property identified as Tax Map 11 Lot 1-33 located **off NH Rt. 175** on what is known as "**Old Sawmill Road**".

S. Babin read the foregoing and opened the public hearing at 7:07 pm.

T. Duffield introduced himself as a Professional Engineer and agent for the applicants. He proceeded to offer the board an overview of what he termed a "Master Plan" for the development of a 54 unit apartment complex on a roughly 80 acre parcel with an existing two-family dwelling on it. He represented that the applicant sought to have the filling fees "waived" and that certain aspects of site plan review criteria be waived as they would be presented at later dates as "market demand" allowed for development. He stated such detail would be presented with septic design at the time of application for the individual "building permits". He suggested the scale would be different on the later details.

T. Duffield further explained the application fee for site plan review includes a \$75.00/unit fee, which would "be in the \$4,000.00 range".

S. Benton stated "we already paid a Subdivision application fee and the market went sour, so we're already out \$4,000 or \$5,000".

F. Freeman asked "will this be a phased development?"

T. Duffield replied "you could call it that".

B. Regan stated to the board "you are being asked to review something that is not being applied for" and approve a site plan for 54 units, two of which already exist in what was permitted as a single-family dwelling. This board has no authority to waive established fees and you have been presented with a "Master Plan". You are being told individual plans would be submitted at some future date. "I don't know how that happens if you approve a site plan for all units."

"What are you actually being presented with?"

He suggested, given the concern over fees, detail, etc. a more limited Site Plan could be submitted and as future demand arose amended Site Plans could be presented.

F. Freeman asked do we have any detail as to first building i.e. parking, septic etc.?

T. Duffield stated "I think the owners would like to know that the 54 units is acceptable to the board.

C. LaBrecque you've come right up to our stone wall... what level would they be, two story?

S. Benton replied. "Two story, two bedroom."

C. LaBrecque: "If these are rentals will they be geared toward families?"

A response was given after general comment, that no target population was considered but whoever would be looking to rent would be considered.

G. Boyd questioned "just how does this proposed project abut our property?"

M. Fuller asked, "Will the road be paved? What will the vehicle traffic/day?"

T. Duffield stated it is a "private road so there is no requirement to pave it". He also state "2-4 car trips per day per unit".

W. Zimbone on behalf of abutting owner D. Joyce inquired of the result of any "EPA violations relative to the bridge construction?"

T. Duffield stated "there were no EPA violations".

W. Zimbone asked about traffic volume as regards NH DOT road access approval".

T. Duffield said the permit would need to be reapplied for as the prior subdivision plan was the basis for the existing access permit.

T. Duffield also said he had spoken with the Fire chief, who was currently reviewing the matter.

W. Zimbone also asked about septic volumes.

T. Duffield suggested test pits and studies have been done, sufficient to establish septic approvals.

Karl Warnick expressed his concerns about the planned retention pond at upper end of the proposed project and submitted written statement of concerns to the board. (A copy of which is attached hereto and made a part hereof).

T. Duffield referenced "Hydro Cad" report in "Schauer" soils report and suggested the project would not increase storm water runoff.

S. Babin asked about any impact on wetlands.

T. Duffield stated "all wetlands work had been completed" under a prior permit. He further stated there will be "no wetlands disturbance in this project".

Karl Warnick further asked about "qualifying acreage" for the proposed number of units.

He further asked if "the state has to come in and inspect that bridge?"

T. Duffield said it is a private road.

W. Zimbone asked "Was that bridge inspected during construction?"

S. Benton said "Yes".

Karl Warnick asked if "you have evidence of that?"

S. Benton stated that he did.

M & G Boyd expressed concerns about what will the facilities look like? traffic? school impact? These are questions we have.

B. Regan noted he had been contacted by a butter Richard Smith who was out of state and could not attend. He advised R. Smith expressed concerns about "vehicular traffic" i.e. trips/day and "buildable acres".

S. Babin reviewed the checklist with the board.

S Babin reiterated the fact that application fees remain an issue as to adequacy of the application and must be addressed by the applicant before the application can be accepted as complete.

B. Regan noted that fees are established by the Select Board and cannot be waived by the Planning Board.

S. Benton stated "we are not asking to waive the fees we want to pay it as we go" with construction.

S. Babin raised the question as to the property "connection to RT 175"?

S. Babin noted a number of checklist items are not addressed.

T. Duffield stated they would be addressed in future submissions.

F. Freeman noted two things that stand out to him. First that "the NH DOT permit application for the access needs to be updated. Also, checking with the fire chief as to the project layout access and fire suppression adequacy.

F. Freeman then posed a general question as to the board's authority to address a "Master Plan" and asked what is it we are being asked to approve in the end. Should we be looking at a proposal for each phase?

B. Regan replied "that's a good question". It begs the further question that is: How do you address the existing structure? You have a single parcel with a permit for a single family dwelling and the applicant has told you tonight that it is in fact a two-family structure. In essence that are asking you for approval to build 52 more units "in the back yard". What is it?

He further stated if it's a phased development then it should be presented in phases. That may solve any issue as to adequacy of fees.

J. Piehn asked T. Duffield about the existing wetlands permitting.

S. Babin suggested the "wrinkle is" that such a development is usually done under an HOA and not as individual owner.

S. Babin asked: How will the board address the phasing? What will be the method?

B. Regan suggested the board had authority to address a Site Plan not a Master Plan.

F. Gunter equated the proposal to the Owl's Nest resort project.

T. Duffield stated he could be back in a month with phasing detail and further information requested tonight.

B. Regan said he sees two options 1) You resolve the issue of the fees either by payment or waiver and review the proposal as a Site Plan in its entirety, or 2) If it's to be done in phases there would need to be an initial site plan and subsequent amended plans for each phase.

D. O'Donnell noted that the issue of fees still needs to be addressed, perhaps by the Select Board.

B. Regan agreed that it would have to be addressed before it could be accepted as complete.

MOTION: "To continue the discussion of the application and the public hearing to Thursday August 17, 2017 at 7:00 pm."

Motion: G. Kimball

Second: J. Gaites

Discussion: None

Motion passes: 7-YES, 0-NO

OTHER BUSINESS:

1. APPLICATION: For **Site Plan Review for ten (10) dwelling units** submitted by John March d/b/a Mountain Mapping as agent for property owner Waterville Birches, LLC for property identified as Tax Map 17 Lot 14 -15-1, and Waterville Birches Garages, LLC for property identified as Map 17 Lot 14-65, Map 17 Lot 14-66. All parcels are located on "**Weeping Birches Lane**".

T. Avallone introduced himself as the present property owner of the three (3) parcels in question, noting a sale to one "Kevin Dorsey" was imminent. He further stated K. Dorsey would be the applicant going forward. He then introduced John March as agent and Mike Bauman and Mike Hering as representatives of the Waterville Estates Village district (WEVD).

S. Babin noted the new owner/entity should be the applicant.

B. Regan stated it would be appropriate in this instance, to accept a "revised" application and abutters list, etc. since the application had been timely filed.

J. March then gave an overview of the proposal for ten (10) single family dwellings on approximately fourteen (14) acres to be organized under a Home Owners Association (HOA).

J. March stated the roadway, owned by the WEVD, would be developed "to town specifications". Also, that water service and other utilities would be underground.

J. March further indicated the new owner intended to apply for Voluntary Merger of all three lots.

M. Hering stated the WEVD and developer were "on the same page" with the proposal.

S. Babin noted, although a road may be built to town specifications there are no guarantees that it will be accepted by the town thereafter.

M. Hering further stated he had requested that J. March include two (2) specific notations on the plan to Address concerns of the WEVD. First that zoning compliance be certified to and, Second, that the plan may be subject to further conditions of the WEVD.

J. March acknowledged the notations would be included on the plan.

MOTION: "To continue the discussion of the application and, upon receipt of revised application and abutters list to allow for adequate notice, schedule a public hearing for Thursday August 17, 2017 at 6:30 pm."

Motion: J. Piehn

Second: J. Gaites

Discussion: None

Motion passes: 7-YES, 0-NO

ADJOURNMENT:

The following motion was made at 8:35 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

July 20, 2016

6:00 p.m.

Sign In Sheet

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

Thank you!

	Name	Address
1.	WAYNE SHIRKEY	3469 RT 3
2.	WANDA HOON	3469 - US RTE 3
3.	ALFRED DOUAYAMPTON	3447 US RT 3
4.	Tom Rigby	17 Mirror Lake Rd
5.	Romy Hyslop	
6.	Tom Duffield	Thornton
7.	MIKE HAZELINE	230 PERWINS CAMPWAY
8.	JOHN MARSH	185 Mad River Road
9.	TOM HULLONG	548 WINTERBROOK RD CAMPWAY
10.	MIKE BAUMANN	185 Reservoir Rd. Campway
11.	Georgene Boyd	17 King's Chair Rd.
12.	Jerel Benton	
13.	MATT BOND	17 KINGS CHAIR RD Thornton
14.	Harold Bond	155 Sunrise Hill
15.	Shirley Benton	Thornton NH
16.	Bandy MacIntosh	Gore Rd

- 17. Kurt Worrilik 155 Sunrise Hill
- 18. ~~Justin Keast~~ 146 Sunrise Hill Rd (The
- 19. ~~David Koberg~~ 26 Rainbow Lane
- 20. David LaBrogna 26 Rainbow Lane
- 21. ~~Justin Keast~~ 23 Rainbow Lane
- 22. ~~Paul Parent~~ 19 Rainbow Lane
- 23. Wendy Zimone (on behalf of David Joyce) 1958 Rte 175
- 24. Dennis Crocco 157 Sunrise Hill
- 25. _____
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- 27. _____
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- 40. _____
- 41. _____

Retention pond

- 1) How and what will it be constructed out of?
- 2) What will ensure that it retains water and does not overflow onto our existing home below?
- 3) How will runoff be managed? Will it drain into the existing running brook that is adjacent to it and our existing home?
- 4) The culvert at the Sunrisehill cul-de-sac is currently not handling all the rain we have had and it has been flooded. A sinkhole has been developing over the past few years.
- 5) We are having major issues with beavers in the neighborhood and most recently at the bottom of the stream at the Sunrisehill culvert....will beavers move in upstream of our home changing the topography of our land and creating a new, larger wetland zone.
- 6) How is the standing water going to be treated for mosquitos so close to our home?

7) WHAT IS THE PURPOSE OF THE POND - IF IT'S FOR FIRE, IT'S OUR UNDERSTANDING THAT THE FIRE DEPT. WILL NOT CROSS THE COVERED BRIDGE.

8) UNIT J4 LOOKS TO BE SITUATED IN THE R.O.W OF THE POWER COMPANY?

9) WHERE IS THE "NEW" EXISTING HOUSE ON THIS PLOT PLAN?

10) ZONING?

11) OUR WELL IS DOWNSTREAM OF CONSTRUCTION - IN LINE WITH THE POND - WORRIED ABOUT POTENTIAL CONTAMINATION -

Harl Wehmick

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Karl Wernick