

# TOWN OF THORNTON PLANNING BOARD

Approved on: 9/21/17  
PB Initials: [Signature]  
Rec'd by Town Clerk on: 9/21/17  
Town Clerk Initials: [Signature]

## Planning Board Meeting Minutes Thursday August 17, 2017

### CALL TO ORDER – SALUTE TO THE FLAG:

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

### ROLL CALL:

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

Others present: Brian Regan, Erik Stevenson, Dick Piper, Amy Pitman, Alfred Duguay, Mike Hering, Mike Bauman, John March, Kevin Dorsey, Tom Duffield, Shirley Benton, Karl Warnick, Jarrett Ham, Jonathan Ham, Joe Peznola.

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After call of the roll, Chairman S. Babin acknowledged a quorum was present.

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

**MOTION: "To approve the Minutes of Thursday July 20, 2017 as amended."**

Motion: F. Freeman

Second: D. O'Donnell

Discussion: None

Motion passes: 5-YES, 0-NO, 2-ABSTAIN (B. Dutto, L. Hoyt)

### PRELIMINARY BUSINESS:

1. Application for **Voluntary Merger (RSA 674:39a)** by White Mountain Escapes, LLC for properties at "**Weeping Birches Lane**" (Map 17 Lot 14-15-01), (Map 17 Lot 14-65) and Map 17 Lot 14-66).

S. Babin read the foregoing into the record.

B. Regan advised the board that the application is related to the White Mountain Escapes, LLC site plan application to be heard later in the meeting and the board could consider the matter at that time.

B. Regan further stated in his opinion the merger application was not sufficiently completed and the board could not therefore approve it as presented.

J. March asked what was the deficiency?

B. Regan stated the deed references on the form were erroneous, as they related to the prior owners and not the current owner.

J. March noted he understood and would get the proper paperwork in.

### COMMUNICATIONS:

1. North Country Council News Letter

2. NH Office of Energy & Planning flyer "Flood Plain Administration Workshop"

B. Regan advised the board that the correspondence is for informational purposes.

**REPORTS:** No reports were submitted.

### **UNFINISHED BUSINESS:**

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

T. Duffield presented revised plans as previously requested by the Planning Board.

B. Regan noted he would contact the insurance agent regarding revision options for the reclamation bond previously submitted.

### **HEARINGS:**

1. APPLICATION/PUBLIC HEARING - 6:05 pm: Application for an **Excavation Permit** renewal, submitted by **Brox Industries, Inc.** for property owned by **Sunset Rock, LLC** and identified as Tax Map 17 Lot 07-05 located off NH Rt. 49.

S. Babin read the foregoing and opened the public hearing at 6:05 pm.

E. Stevenson introduced himself as representative of the applicant and also introduced D. Piper as the current pit operator, R.M. Piper, Inc.

E. Stevenson presented an overview of the application, plans for excavation/reclamation and photographs of the existing pit operations on the approximately 7.9 acres of the pit area that are not "grandfathered". Noting the requirement of updating State of NH Alteration of Terrain permitting falls into a five (5) year cycle E. Stevenson requested the permit, if approved, be issued for a term of five (5) years to coincide.

B. Regan noted that the Excavation Regulations allow for a permit term of up to five (5) years.

F. Freeman suggested a term of five years would be acceptable given the applicant's "track record".

S. Babin asked the board if a five year term was acceptable and whether they felt the bond was adequate. No opposition was forthcoming from board members.

R. Gilman asked if it is a "duty of the Planning Board to go out and inspect these pits?"

S. Babin replied that it is in the purview of the board to carry out pit inspections periodically.

B. Regan stated the board is certainly authorized to inspect. However, in this case you are looking at a renewal with extensive photographic evidence of existing pit operations.

B. Dutto inquired as to whether a bond was in place.

B. Regan replied an existing \$5,000.00 bond is in place and is up for renewal in October.

E. Stevenson thanked the board for their consideration and offered the board the opportunity to make a site visit at their convenience.

### **MOTION: "To accept the application as complete".**

Motion: F. Freeman

Second: B. Dutto

Discussion: None

Motion passes: 7-YES, 0-NO

### **MOTION: "To approve renewal of the Excavation Permit submitted by Brox Industries, Inc. for property owned by Sunset Rock, LLC off NH Rt. 49 (Map 17 Lot 07-05) as submitted subject to the following conditions:**

- **Hours of operation:** 7:00 am-5:00 pm Monday through Friday and 8:00 am-12:00 noon on Saturday with no operation on Sunday or Federal Holidays.
- **Processing machinery:** Processing Machinery to be erected or maintained on the lot as approved within the operational plan and to be removed from the lot upon expiration of the permit.
- **Blasting:** None permitted for this site.
- **On-site Storage – Solid Waste:** None permitted for this site.
- **Backhauling, Importing and Storage of Material:** None permitted for this site.
- **Crushing:** Hours of operation for crushing are to be Monday – Friday 7:00am – 5:00pm with no crushing permitted on weekends or holidays.
- **Posting of Bond/Surety:** Amount of Bond to be posted for site is \$5,000.00 and it is the responsibility of the applicant to renew the bond throughout the duration of the permit. Bond Renewal date is October 29, 2017.
- **Term:** Five (5) years expiring September 1, 2022."

Motion: F. Freeman  
Second: B. Dutto  
Discussion: None  
Motion passes: 7-YES, 0-NO

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 6:23 pm.

A. Duguay presented a “sketch” of the proposed site. Copies were distributed to all board members and alternates.

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

A. Pitman stated she “had a meeting with the state” in particular Phillip Miles at DOT. Further stating with regard to the middle property they said it does not belong to the state.

A. Pitman stated “they want to work with me on an encroachment agreement”.

A. Pitman said she had spoken to Jeff Woodburn about a “common sense agreement” with the state.

S. Babin asked the applicant to include the Planning Director in the exchange of information with the state.

F. Freeman asked about the chain of title to the roadway in question.

S. Babin suggested, since the board did not yet have sufficient information to make an informed decision the matter should be continued.

A. Pitman said “since they didn’t own it, the state shouldn’t have been notified and I wouldn’t be standing here right now”.

S. Babin stated the Planning Board did not have authority to authorize parking on the property of another.

B. Regan referred to his Planner Review outlining the issues at hand as regards the land in question. He further stated nothing has been presented to date to establish that anything has changed.

F. Freeman asked A. Pitman if she could get something in writing from the state.

A. Pitman said “that’s what they are working on now”.

S. Babin stated if it is determined that the roadway in question is town property the Select Board would need to address the issue.

S. Babin asked A. Pitman to get documentation to B. Regan prior to the next meeting.

A. Pitman acknowledged that would be done.

B. Regan noted the ZBA Special Exception for the use was not effective since the condition of completing the driveway permit process had not been met, to date.

**MOTION: “To continue the discussion of the application and the public hearing to Thursday September 21, 2017 at 6:15 pm.”**

Motion: D. O’Donnell

Second: F. Freeman

Discussion: None

Motion passes: 7-YES, 0-NO

APPLICATION/PUBLIC HEARING-6:30 pm: **Site Plan Review** for **ten (10) dwelling units** submitted by John March d/b/a Mountain Mapping as agent for property owner **White Mountain Escapes, LLC** for property identified as Tax Map 17 Lot 14-15-1, Map 17 Lot 14-65, Map 17 Lot 14-66. All parcels are located on **“Weeping Birches Lane”**.

S. Babin read the foregoing and opened the public hearing at 6:45 pm.

John March introduced himself as agent and Mike Bauman and Mike Hering as representatives of the Waterville Estates Village district (WEVD). He also introduced the property owner Kevin Dorsey.

J. March showed the preliminary plan to the board, stating it was to be 10 single family homes on one parcel of approximately fourteen (14) acres and under a Home Owners Association (HOA).

J. March further indicated he understood the issues raised as to the Voluntary Merger application and would see that that is corrected and resubmitted.

B. Regan noted what was before the board is a revised application for site plan review as well as a proposed road opening bond. He further stated the plan had been presented before and issues noted were sufficiency of "qualifying acreage", merger of three lots and perhaps the identification of the cul-de-sac. Kevin Dorsey introduced himself as the present property owner of the three (3) parcels in question, under the White Mountain Escapes, LLC noting he is employed as an Estimator for a large paving company in another state. His stated intent is "to build the road to town specifications" and "above and beyond". He further stated he intended to have one of the proposed homes as his own and takes a personal interest in the quality of the road construction.

K. Dorsey presented a bond in the amount of \$143,000.00 in favor of the Town and indicated he would be issued surety to the WEVD as well.

He further asked for the board's approval so he could initiate construction in advance of the winter months.

M. Bauman stated the WEVD also wants the road built to town specifications and that the bond be in a sufficient amount.

B. Regan asked K. Dorsey how he arrived at the bond amount.

K. Dorsey stated he had estimates for construction from \$125,000.00 to \$140,000.00 and he added contingency funds to the bond amount to arrive at the \$143,000.00 figure.

B. Regan commented the board could not give final approval to the project without the final plan and Mylar plan are submitted reviewed and signed.

J. March stated he would submit the plans and Mylar.

F. Freeman noted the Voluntary Merger was also an issue.

B. Regan suggested, to expedite the Merger the board could authorize him to execute the form as their designee.

R. Gilman expressed his concern as to road grade.

K. Dorsey stated all road grades would be 8% or less.

S. Babin closed the public hearing at 7:02pm.

S. Babin asked "What are the wishes of the board?"

**MOTION: "To accept the application as complete".**

Motion: D. O'Donnell

Second: L. Hoyt

Discussion: None

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

**MOTION: Authorize the Planning Director as designee of Planning Board to act on the board's behalf to execute a completed Voluntary Merger Application in the particular instance of White Mountain Escapes, LLC for three (3) parcels on "Weeping Birches Lane".**

Motion: F. Freeman

Second: J. Gaites

Discussion: None

Motion passes: 7 YES, 0 NO

**MOTION: "To approve the site plan of White Mountain Escapes, LLC as presented for ten (10) single family dwelling units under an HOA subject to the following conditions:**

- 1. Voluntary Merger application be completed and recorded by the owner.**
- 2. Evidence of established Homeowner's Association ("HOA") be submitted.**
- 3. Plan be amended to reflect "Notes" requested by the WEVD.**
- 4. Final plans and Mylar be submitted.**

Motion: B. Dutto

Second: D. O'Donnell

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 7:11 pm.

T. Duffield introduced himself as a Professional Engineer and agent for the applicants. He then stated to the board that a revised Driveway Permit Application has been filed with NH DOT.

He further stated he had a conversation with the Fire Chief that morning regarding fire code application to the proposed 54 unit apartment complex. He said, under revised code provisions adopted by the state any building of three (3) units or more must have sprinklers installed.

T. Duffield then advised the board that installing sprinklers in the buildings "would cause significant cost and complication" and as the result the applicant would need to revise the application. He went on to say the revised proposal would be for twenty-six (26) "duplex" units instead of the eleven (11) varying sized buildings originally presented.

T. Duffield then stated it was his understanding the "duplexes can be spaced thirty (30) feet apart" as opposed to "multi-family which must be seventy (70) feet apart".

T. Duffield then presented a conceptual drawing of the units under consideration. He described the units as "32' x 40' slab on grade two story" containing approximately 1,200 sq. ft.

He then stated "since they will be duplexes we don't need dumpsters".

F. Freeman asked T. Duffield if he was certain that the new proposal would meet zoning dimensional requirements.

T. Duffield responded that they would.

T. Duffield then advised the board that the applicant has agreed to pay the full "application fees" due over and above what has already been submitted.

S. Babin stated to T. Duffield "the expectation is that the revised plan will include a representative unit"

S. Babin recognized K. Warnick and asked if he wished to be heard.

K. Warnick said "My concern is the proposed retention pond and potential flooding on my land". He also stated he had concerns "about the Sunrise Hill cul-de-sac" that was being taken up with the Highway department.

S. Benton stated the proposed pond was to be a "fire pond" and it will be relocated on the revised plan and would actually be further from the Warnick property than on the initial proposal.

S. Babin then reviewed K. Warnick's written concerns with the board item by item.

T. Duffield stated "since I just heard today about the revised fire code, we don't have a revised plan".

S. Babin asked the board how they "felt about this application as far as completeness".

B. Regan asked to be recognized and stated "What the board has now is a proposed amendment to the original application. I don't think you can accept this as complete since you don't have a plan or other documentation to review with respect to the Zoning Ordinance, let alone the Site Plan Review regulations."

F. Freeman suggested the matter could "be considered conceptually".

S. Babin stated he "would like to see a completed application and a more detailed plan, in order to make an informed decision."

B. Regan stated the board may want to consider asking for some sort of certification as to the structural integrity of the bridge accessing the property.

T. Duffield stated "we can get that".

**MOTION: "To continue the discussion of the application and the public hearing to Thursday September 21, 2017 at 7:00 pm."**

Motion: D. O'Donnell

Second: B. Dutto

Discussion: None

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

APPLICATION/PUBLIC HEARING - 7:30 pm: Application for Subdivision of a parcel into two (2) lots of approximately eleven (11) acres & twenty-seven (27) acres has been submitted by Jarrett Ham as agent for property owner Route Three Thornton, LLC for property identified as Tax Map 10 Lot 08-08. All involved parcels are located on U.S. Rte. 3.

S. Babin read the foregoing and opened the public hearing at 7:36 pm.

Jarrett Ham introduced himself as authorized agent for the current property owner Route Three Thornton, LLC. He gave an overview of the proposed subdivision of the property wherein a lot of approximately eleven (11) acres would be created for the purposes of conveyance to himself and his brother Jonathan Ham. He further stated their intent in purchasing the parcel is to preserve the land and existing barn which had previously been in the Ham family ownership.

Jarrett Ham said this is mostly preliminary since we are still in negotiations and are working with the owners engineers as to a final plan. He acknowledged he didn't have everything in place at the present time.

S. Babin asked if all abutters had been notified.

B. Regan responded all had been notified and all but two (2) had signed return receipts.

B. Regan further stated what the board had before them was a conceptual plan and not a plan that could be approved at this point, so "in effect you do not have a completed application".

Upon general discussion the board was in agreement that the general concept appeared to be acceptable. S. Babin noted, although the proposed parcel was not "geometrically pleasing", the board should consider the nature and history of the land.

B. Regan suggested, upon submission of a final plan, the board could give the application full consideration.

**MOTION: "To continue the discussion of the application and public hearing to Thursday September 21, 2017 at 7:30 pm."**

Motion: F. Freeman

Second: J. Gaites

Discussion: None

Motion passes: 7-YES, 0-NO

**OTHER BUSINESS: None**

**ADJOURNMENT:**

The following motion was made at 7:56 p.m.

**MOTION: "To adjourn."**

Motion: B. Dutto

Second: D. O'Donnell

Discussion: None

Motion passes: 7-YES, 0-NO

Respectfully Submitted,

*Brian Regan*, Planning Director

# Thornton Planning Board Meeting

## August 17, 2016

6:00 p.m.

### Sign In Sheet

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

Thank you!

|     | Name           | Address                     |
|-----|----------------|-----------------------------|
| 1.  | JOHN MARCH     | THORNTON, NH                |
| 2.  | Amy Pitman     | Thornton NH                 |
| 3.  | Alfred Duguay  | Thornton NH                 |
| 4.  | Kevin Dorsey   | Cranston, RI                |
| 5.  | WIKES STANUS   | 236 PEOWAY HILL RD CRANSTON |
| 6.  | DICK PIPER     | PLYMOUTH NH.                |
| 7.  | MIKE BAUMANN   | CANTON NH                   |
| 8.  | Shirley Bertoz | Thornton NH                 |
| 9.  | Tom Duffield   | Thornton, NH                |
| 10. | Karl Wannick   | 155 Sunrise Road            |
| 11. | Jarrett Ham    | Lincoln NH                  |
| 12. | JOE PEZNOA     | THORNTON NH.                |
| 13. | Jonathan Ham   | Lincoln NH.                 |
| 14. |                |                             |
| 15. |                |                             |
| 16. |                |                             |