

# TOWN OF THORNTON PLANNING BOARD

Approved on: 10/19/17  
PB Initials: [Signature]  
Rec'd by Town Clerk on: 10/20/17  
Town Clerk Initials: [Signature]

## Planning Board Meeting Minutes Thursday October 19, 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, F. Freeman, J. Gaites, R. Gilman, L. Hoyt and D. O'Donnell

Alternates present: F. Gunter, G. Kimball, J. Piehn.

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

Others present: Brian Regan, Gary Piehn, Tom Duffield, Shirley Benton, Jerel Benton, Tom Devane, Tyler Phillips, Adrienne Michaud, Charles "Chip" Rowley, Deb Doucette, Billy Doucette, Lauri McKenna, Tom Avallone, John March, Roy Sabourn, Ralph Bradley

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After call of the roll, Chairman S. Babin acknowledged a quorum was present, then appointed F. Gunter to sit in place of absent member B. Dutto.

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

**MOTION:** "To approve the Minutes of Thursday September 21, 2017 as amended."

Motion: F. Freeman

Second: D. O'Donnell

Discussion: B. Regan noted some edits were made to the draft after board input and further review.

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

### PRELIMINARY BUSINESS:

### COMMUNICATIONS:

1. ZBA Notice of Decision- Newell [Map 3 Lot 2-22] Thornton Gore Road

B. Regan indicated the ZBA NOD was presented under the requirement that certain parties, including the Planning Board, be copied with NOD's for informational purposes as well as review.

**REPORTS:** None

**UNFINISHED BUSINESS:** See H1; H2; and H4 below.

### 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 re-opened the public hearing at 6:16 pm.

B. Regan advised the board he had again been contacted by applicant Amy Pitman and her husband via telephone to request a continuance of the matter to the next Planning Board meeting. The applicant cited "personal reasons" as the basis for the request.

**MOTION: "To continue the discussion of the application and the public hearing to Thursday November 16, 2017 at 6:15 pm."**

Motion: F. Freeman

Second: D. O'Donnell

Discussion: None

Motion passes: 7-YES, 0-NO

2. APPLICATION/PUBLIC HEARING - 6:30 pm: Application for **Minor Site Plan Review** submitted by **LCJ Holdings, LLC** regarding their property at **40 Clubhouse Lane**, Tax Map 16 Lot 01-08 for development by addition or alteration to existing structure(s) at "**Owl's Nest Resort**".

S. Babin read the foregoing and opened the matter for general discussion.

B. Regan noted the Minor Site Plan Review checklist had been reviewed by the board at last month's meeting when the application had also been accepted as complete.

T. Devane introduced himself as the authorized agent and T. Phillips of Horizons Engineering who is working with him on the project.

T. Devane, once again, presented a rendering/plan of the site in question and gave an overview of the proposal.

T. Devane stated "essentially, we want to double the square footage of the existing function tent by replacing it with a larger, approximately 5,000 sq. ft., function tent". He further stated they "would lower the grade in the same general vicinity on the parcel and we would also reconfigure the parking around the clubhouse/tent area". He also noted a septic re-design had been submitted and is in process.

T. Devane advised that, if approved, he would begin the Zoning Compliance Application (ZCA) process.

S. Babin re-opened the public hearing at 6:30 pm.

T. Phillips and T. Devane presented the final plan including the limitations of the scope of work.

S. Babin sought confirmation that the application before the board is limited to tent, parking lot and adjacent area of the 10<sup>th</sup> Tee.

T. Devane acknowledged that it was.

F. Gunter asked if this project included relocation of the "Cart Barn".

T. Devane stated "No". He went on to say that would be part of a future proposal.

C. Rowley asked "what the timeframe was, for construction?"

T. Devane advised the plan is to complete site work and concrete slab "by Thanksgiving, and complete construction in the Spring."

S. Babin questioned whether the structure is subject to "life safety" review?

T. Devane advised that it is and that they would consult with the Fire Chief at the appropriate time to certify compliance.

C. Rowley asked about the capacity of the new structure versus the existing one.

T. Devane stated "roughly double".

S. Babin closed the public hearing at 6:37 and asked "what were the wishes of the board".

**MOTION: "To approve the application for Minor Site Plan Review submitted by LCJ Holdings, LLC for their property at 40 Clubhouse Lane, Tax Map 16 Lot 01-08, for development by addition or alteration to existing structure(s) at "Owl's Nest Resort" in accordance with the final plan as submitted and conditioned upon Fire Chief acknowledgement of compliance with respect to any applicable "life safety" issues.**

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

S. Babin and F. Freeman signed the paper copies on behalf of the board.  
B. Regan distributed signed copies to the applicant/agent.

3. APPLICATION/PUBLIC HEARING - 6:45 pm. Application for **Boundary Line Adjustment** submitted by Horizons Engineering on behalf of **LCJ Holdings, LLC** regarding their property at **Lafayette Road and Edgewater Lane**, Tax Map 16 Lot 01-07-04 0FRCO for common area in the development identified as **"The Village at Fox Run"**.

S. Babin read the foregoing and opened the matter for general discussion.

B. Regan noted the proposed plan may look familiar as it is very similar to one that had previously been presented and approved by the board for the same development.

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

T. Phillips introduced himself as representative of Horizon's Engineering, Inc. on behalf of the applicant. He went on to advise that three (3) of the home sites were built slightly encroaching on the Limited Common Areas (LCA). As the result this revised plan has been created to correct the problem.

F. Freeman suggested "this seems to be a housekeeping issue"

C. Rowley questioned "How does something like this happen"?

S. Babin offered that it may be a situation wherein "site conditions prevail".

T. Devane asked to be recognized and responded "We messed up. The site contractor made a mistake and we are not happy about it either."

S. Babin suggested "this is essentially a boundary line adjustment" to address an inconsistency.

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

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

Motion: F. Gunter

Second: D. O'Donnell

Discussion: None

Motion passes: 7-YES, 0-NO

**MOTION: "To approve the application dated 09/26/17 for a Revised Subdivision Plan submitted by Horizon's Engineering, Inc. as agent for property owner LCJ Holdings, LLC for "The Village at Fox Run" [Map 16 Lot 01-07-FRCO] and including lot line modifications as shown on the final plan submitted."**

Motion: D. O'Donnell

Second: F. Gunter

Discussion: None

Motion passes: 7-YES, 0-NO

S. Babin and F. Freeman signed the paper copies and Mylar on behalf of the board.

B. Regan distributed signed copies to the applicant/agent.

4. 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 re-opened the public hearing at 7:03 pm.

T. Duffield introduced himself as agent for the applicants and reviewed some items missing at the last meeting, noting a driveway permit had been obtained, a sample elevation plan had been prepared and he had confirmed with the Fire Chief that he was satisfied with structure separation distances.

D. O'Donnell suggested the board may want to refer to the "Planner Review" submitted with regard to this application.

B. Regan acknowledged he had received e-mail correspondence from T. Duffield. He further noted he had been in contact with board counsel regarding applicable zoning ordinance provisions in question, in particular, the one dwelling per lot provision.

T. Duffield questioned whether "that means apartments are not allowed?"

S. Babin read the following excerpt from the Planner Review noting Matthew Serge is the counsel to the Planning Board:

*"I have reviewed the current zoning ordinance and the plan being presented. It seems fairly clear to me that this applicant is proposing to construct 27 two-family dwellings on the lot. The definition of multi-family dwelling does not consider the aggregate number of buildings proposed, but rather the number of families residing in one dwelling (building), and that requires 3-10 families, which is not being presented here.*

*Article VI, Section A(4), plainly states that the Town allows only one dwelling per lot, but that dwelling can be single-family, two-family, or multi-family. So at the end of the day a landowner is entitled to have one building on a lot capable of housing up to 10 families (assuming the lot satisfies other zoning requirements). The current proposal seeks to have 27 separate dwellings on the lot, which is not permitted under the current zoning ordinance. As a result, I do not believe the Planning board can proceed with this application since it fails to meet the zoning requirements. Rather, the landowner would need to subdivide the parcel to accommodate each dwelling."*

S. Babin read further from the Planner review stating the Planning Director's recommendation was:

*"Option 1- Allow the applicant(s) the opportunity to withdraw the application.*

*Option 2- Find that the board has no jurisdiction to review the proposal on its merits as it cannot be determined to be complete."*

T. Duffield asked what is "the board's interpretation of multi-family?"

S. Babin suggested it is three or more units.

F. Freeman said he also thought it was three or more units.

B. Regan agreed noting multi-family is limited to ten units per the Zoning Ordinance.

S. Benton stated he thought you could have ten units per every ten acres in multi-family.

S. Babin noted it would require subdivision.

F. Freeman suggested, if you wanted fifty units you would need five lots.

S. Benton asked then how can you have a condo complex.

F. Freeman noted a condominium is a form of subdivision, with each unit in individual ownership.

T. Duffield agreed.

S. Benton stated "I'll have my lawyer look at this then. There's no way I'm going to just say ok".

T. Duffield stated "we have been looking at this and come up with different interpretations".

S. Benton remarked "Can you imagine what it would be like right now if I had written that check out last month"?

S. Babin asked S. Benton, in light of this recommendation, if he wanted the board to continue the matter.

S. Benton said yes.

S. Benton further made it known he thought the process was slow and took too long and was not helping the towns people get something done.

B. Regan stated, "in fairness to the board this proposal has been changed many times".

S. Benton stated only because we could not get a straight answer in the beginning!

B. Regan replied that we have one now.  
S. Babin asked the board if there was a motion.

**MOTION: "To continue the discussion of the application and the public hearing to Thursday November 16, 2017 at 6:30 pm."**

Motion: D. O'Donnell  
Second: F. Freeman  
Discussion: None  
Motion passes: 7-YES, 0-NO

APPLICATION/PUBLIC HEARING - 7:20 pm Application for **Boundary Line Adjustment** submitted by **Sabourn & Tower Surveying** on behalf of **Ralph & Ruth Bradley** and **The Andrea L. Giordano Revocable Trust** regarding their properties at **Johnson Brook Road**, Tax Map 3 Lot 05-04 and Tax Map 3 Lot 05-03 respectively.

S. Babin read the foregoing and opened the public hearing at 7:20 pm.  
R. Sabourn introduced himself as, a sitting Selectman, and representative of the applicants.  
H went on to state that as the result of a survey it was found that a well and driveway of the Giordano Trust property was found to actually be on "a piece of the Bradley Farm situated between the brook and Johnson Brook Road".  
R. Sabourn stated the proposed BLA is intended to "fix the encroachment issue".  
B. Regan noted both parties have signed the application and are in agreement on the BLA.

S. Babin closed the public hearing at 7:47pm.

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

Motion: F. Freeman  
Second: J. Gaites  
Discussion: None  
Motion passes: 7-YES, 0-NO

**MOTION: "To approve the Boundary Line Adjustment, as presented, between properties owned by Ralph and Ruth Bradley and The Andrea L. Giordano Revocable Trust on Johnson Brook Road and identified as Map 3 Lot 5-4 and Map 3 Lot 5-3 respectively, per the final plan submitted."**

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

S. Babin and F. Freeman signed the paper copies and Mylar on behalf of the board.  
B. Regan distributed signed copies to the applicant/agent.

6. APPLICATION/PUBLIC HEARING - 7:45 pm Application for **Boundary Line Adjustment** submitted by **John March dba Mountain Mapping** on behalf of **Waterville Birches, LLC** regarding the property at **Weeping Birches Lane**, Tax Map 17 Lot 14-15-03 and **White Birches Condominium Association** Tax Map 17 Lot 15-04.

S. Babin read the foregoing and opened the matter for discussion.

J. March introduced himself as agent for the applicants He then distributed copies of the final plan for the board's review.

J. March went on to describe that the proposed BLA was agreed to by the parties and is designed to correct a mistake which resulted in one building being out of compliance with setbacks.

T. Avallone stated this was a mistake of “over-clearing of the site” which resulted in a mistaken lot line recognition and misplacement of a structure.

**MOTION: “To accept the application as complete”.**

Motion: F. Freeman

Second: F. Gunter

Discussion: None

Motion passes: 7-YES, 0-NO

S. Babin opened the public hearing at 7:45 pm

S. Babin made it known the application, after review and discussion by the board, has been accepted as complete.

S. Babin asked if there was any further discussion or public input.

Hearing no further discussion for or against the application, S. Babin closed the hearing at 7:47 pm.

**MOTION: “To approve the application submitted by John March d/b/a Mountain Mapping for a Boundary Line Adjustment of property owned by Waterville Birches, LLC and White Birches Condominium Association identified as Map 17 Lot 14-15-03 and Map 17 Lot 15-04 respectively, as depicted on the final plan submitted.”**

Motion: D. O’Donnell

Seconded: F. Gunter

Discussion: None

Motion passes: 7-YES, 0-NO

**OTHER BUSINESS:**

**Discussion-R.** Gilman requested clarification on the Route Three Thornton, LLC subdivision of the “Ham Farm” parcel from last month’s meeting. He expressed his concern that the property owner was not a party to the matter.

B. Regan assured R. Gilman that the property owner is, in fact, Route Three Thornton, LLC and the LLC member had been a participant in the process by signing the plan as well as the application designating Jarrett Ham to act on the LLC’s behalf for the purposes of the subdivision application.

R. Gilman acknowledged that the matter had been clarified to his satisfaction.

**ADJOURNMENT:**

The following motion was made at 7:49 p.m.

**MOTION: “To adjourn.”**

Motion: S. Babin

Second: F. Gunter

Discussion: None

Motion passes: 7-YES, 0-NO

Respectfully Submitted,

*Brian Regan*, Planning Director

# Thornton Planning Board Meeting

## October 19, 2017

6:00 p.m.

### Sign In Sheet

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

Thank you!

	Name	Address
1.	Gary Pickers	50 Banjo Dr Thornton
2.	Tyler Phillips	115 Mt Woodlands Rd.
3.	Tom DeWANE	48 Clubhouse Rd
4.	Adrienne Michaud	7 Linkside Drive
5.	Clay Rowley	11 Edgewater Lane
6.	Deb Dorval	50 Edgewater Lane
7.	Laurie McKa	55 Lafayette Rd.
8.	Tom Duffield	Thornton, NH
9.	Jerel Benton	Thornton NH
10.	Billy Doucotte	Thornton NH
11.	Tom WALLONE	5-1 CAREY CIRCLE THORNTON
12.	Shirley Benton	Thornton
13.	Roy Sabourn	Thornton
14.	Ralph Bradley	Thornton
15.	John Mow	THORNTON
16.		