

# TOWN OF THORNTON PLANNING BOARD

Approved on: Feb 15 2018  
PB initials: SB  
Rec'd by Town Clerk on: 2/26/18  
Town Clerk Initials: BR

## Planning Board Meeting Minutes Thursday January 18, 2018

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

Chairman S. Babin led the Pledge of Allegiance and called the meeting to order at 6:01 p.m.

### ROLL CALL:

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

Others present: Brian Regan, Alfred Duguay, Dennis McDonald

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After call of the roll, Chairman S. Babin acknowledged that a quorum was present, then appointed G. Kimball to sit in place of absent member D. O'Donnell.

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

**MOTION: "To accept and approve the Minutes of December 21, 2017 as amended."**

Motion: B. Dutto

Second: F. Freeman

Discussion: B. Regan noted some edits were made to the draft after board input. F. Freeman noted missing words on page one, PRELIMINARY BUSINESS, line 5. After discussion, B. Regan amended the sentence by adding "at next" after the word "consideration" and initialing the change.

Motion passes: 6-YES, 0-NO, 1 ABSTAIN (G. Kimball)

### PRELIMINARY BUSINESS:

1. **Voluntary Merger (RSA 674:39a) by LCJ Holdings, LLC** for properties at "Sunrise at Owls' Nest" property at Lafayette Road (Tax Map 16 Lot 01-07SR01 through Tax Map 16 Lot 01-07SR12 and Tax Map 16 Lot 01-07SRCO).

B. Regan presented an overview of the proposal coming forward to revise "Sunrise at Owls Nest" as proposed in a Preliminary Hearing at last month's meeting.

B. Regan further noted his discussions with project manager Tom Devane indicating that the merger document could be brought forward in advance of the formal site plan/boundary line adjustment.

B. Regan also noted mortgage holder approval was needed and he suggested, if the board opted to appoint him as designee, that approval be conditioned on mortgage holder approval being submitted.

**MOTION: "To authorize the Planning Director, as designee of the Planning Board, to act on the board's behalf to execute a completed Voluntary Merger Application in the particular instance of LCJ Holdings, LLC for thirteen (13) lots on Lafayette Road and further identified as 'Sunrise at Owls Nest' conditioned on submission of mortgage holder approval."**

Motion: F. Freeman

Second: G. Kimball

Discussion: None

Motion passes: 7-YES, 0-NO

## **2. March Meeting:**

B. Regan reminded the board of upcoming elections and forwarded a copy of Town Clerk listing of open positions. He further noted the short window for filing for election.

B. Regan further stated he would not be available for the March meeting but would see that all necessary steps would be taken in advance to assure the meeting would be able to be held in his absence at the appointed time.

## **COMMUNICATIONS:**

## **REPORTS:**

### **Zoning Ordinance amendments 2018?:**

B. Regan suggested, given the short time left for presenting any changes that the board consider putting a sub-committee or working group to address any necessary changes within the coming year to be presented in March of 2019 in a comprehensive package.

### **“Sunrise at Owls Nest” Update:**

B. Regan presented an overview of the recent filings and explanation as to why the application was not on the agenda. He further advised, if all is in order the proposal would be presented at next month’s meeting.

**UNFINISHED BUSINESS:** See 1. below.

## **HEARINGS:**

1. APPLICATION/PUBLIC HEARING - 6:15 pm: (continued from December 21, 2017) 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 matter at 6:21 pm.

S. Babin recognized A. Duguay.

A. Duguay advised the board, applicant A. Pitman could not be present as they “have a sick child”.

S. Babin allowed A. Duguay to present discussion as to the status of the pending application.

A. Duguay made note as follows:

- We are still trying to deal with the state.
- State did a title review as said they don’t own the land (he presented a photocopy of a NH DOT internal memorandum)
- State sent a 31-page document saying what to do.
- We see 25-30 people regularly looking for the business. If there was an open sign that would probably triple.

F. Freeman suggested, under the circumstances presented it may be in the applicant’s best interests to pursue an action to quiet title in the courts.

B. Regan noted that in one of the applicant’s requests to continue this matter it was stated it was due to the fact that they were going to “speak with our attorney”.

S. Babin reiterated it would be in the applicant’s interests to speak with an attorney to see what would be needed for an action to quiet title.

B. Regan reminded the board it was the ZBA decision to allow the proposed use by special exception on the condition they completed the NH DOT Driveway Application process.

S. Babin also stated a concern here is that the problem the applicant faces is always going to be a problem and that it is a good time to address it fully.

F. Freeman suggested the applicant may consider a revised site plan which does not seek to utilize the so called “state land” in question.

S. Babin offered that acquiring the land in question would go a long way in resolving the matter.

Both S. Babin and F. Freeman asked that A. Duguay see that a copy of the states 31-page document he referred to earlier be e-mailed to B. Regan.

A. Duguay acknowledged that he would.

R. Gilman asked if they had sought alternative sites for locating the business?

A. Duguay said, although that could be done, it is already owned and renting would be expensive.

S. Babin asked A. Duguay, since the application remains incomplete, would you like us to continue the matter?

A. Duguay replied, Yes.

B. Regan reiterated the request that A. Duguay send in a copy of the state of NH document as its review may provide some assistance in further review of this matter.

A. Duguay again stated he would

**MOTION: "To continue the discussion of the application and the public hearing to Thursday February 15, 2018 at 6:15 pm."**

Motion: B. Dutto

Second: G. Kimball

Discussion: None

Motion passes: 7-YES, 0-NO

2. APPLICATION/PUBLIC HEARING - 6:30 pm: Application for two-lot **Subdivision** submitted by John March d/b/a/ Mountain Mapping as agent for **Joseph V. Fleming** for his **14.79 +/- acre** property on **NH Rt. 175** identified as **Tax Map 6 Lot 9 -19**.

S. Babin read the foregoing and recognized D. McDonald who was appearing as representative of John March d/b/a Mountain Mapping.

D. McDonald stated, due to some unresolved matters concerning the NH DOT Driveway permitting processes the applicant was requesting continuance of the matter in order to have an opportunity to address the issues fully.

**MOTION: "To continue the discussion of the application and the public hearing to Thursday February 15, 2018 at 6:30 pm."**

Motion: G. Kimball

Second: J. Gaites

Discussion: None

Motion passes: 7-YES, 0-NO

**OTHER BUSINESS:**

1. C@R Auto Sales and Services, LLC: Preliminary Consultation and Review - Site Plan Review [Map 6 Lot 3-14] at 6 Conkey Road.

B. Regan advised he had been in contact with C@R with respect to Minor Site Plan review and they had agreed to come with a formal proposal next month.

**ADJOURNMENT:**

The following motion was made at 7:14 p.m.

**MOTION: "To adjourn."**

Motion: B. Dutto

Second: G. Kimball

Discussion: None

Motion passes: 7-YES, 0-NO

Respectfully Submitted,

*Brian Regan*, Planning Director

Thornton Planning Board Meeting

**January 18, 2018**

6:00 p.m.

Sign In Sheet

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

Thank you!

	Name	Address
1.	Dennis McDonald (Master Moppy)	Scholar (P)
2.	ALFRED DUGUENY	
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