

TOWN OF THORNTON PLANNING BOARD

Approved on: Sept 20 2018
PB Initials: SKB
Rec'd by Town Clerk on: 9/25/18
Town Clerk Initials: djm

Planning Board Meeting Minutes Thursday August 16, 2018

CALL TO ORDER – SALUTE TO THE FLAG:

Vice-Chairman F. Freeman called the meeting to order and led the Pledge of Allegiance at 6:09 p.m.

ROLL CALL:

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

Others present: Brian Regan, John March, John B. Benton, Joyce Brophy, Amy Pitman, Linda Pitman, Alfred Duguay, Gerald Warren, Jay Silvia.

After call of the roll, Vice-Chairman F. Freeman appointed Alternate F. Gunter to sit in place of absent member S. Babin and Alternate G. Kimball to sit in place of absent member B. Dutto, and Alternate C. Schofield to sit in place of absent member J. Piehn.

F. Freeman then acknowledged that a quorum was present.

APPROVAL OF MINUTES: Upon distribution and review of the meeting minutes of July 19, 2018 the members took the following action:

MOTION: "To approve the Minutes of Thursday July 19, 2018 meeting as amended."

Motion: D. O'Donnell

Second: F. Gunter

Discussion: None

Motion passes: 6-YES, 0-NO

PRELIMINARY BUSINESS:

1. Appointment of J. Piehn-B. Regan advised the board in follow-up to the board's vote, at the June 21 regular meeting, to appoint Alternate J. Piehn to fill the vacant seat, until the next town election, and the subsequent signing of the "Certificate of Appointment" form at the July 16 regular meeting, J. Piehn has since been sworn in and is now a regular member of the Planning Board.

COMMUNICATIONS:

B. Regan distributed copies of the following communications to the board for their review and consideration:

1. NH DOT-Re 3447U.S. Rte. 3 (See H.2 below).
2. Planning Director-Copy of letter to Smitty's Heavy Duty Diesel Repair, LLC.

REPORTS:

Planning Director report(s):

- Planner Review regarding item H. 1. and H.2.

UNFINISHED BUSINESS:

1. Update: Concerned Citizen Issue. 6 Pine Path [Map 10 Lot 02-42]

B. Regan distributed copies of the letter requested by the board and sent to the property owner after review of the matter at the July regular meeting.

B. Regan advised the board that Mr. Shirley Benton had come in to Town Hall to discuss the letter. He went on to describe Mr. Benton's responses to the various issues presented as follows:

- ... "At Benton Enterprises sand pit there is a water pump running 24/7 Monday to Sunday pumping water..."

To this S. Benton noted after a phone call from a different neighbor he had shut the pump down prior to receiving the board's letter.

- ... "the stock piles of dirt haven't been knocked down or grassed over..."

To this S. Benton advised the only piles not grassed over were sand piles.

- ... "also the 25' apron on to Cross Road hasn't been addressed yet."

To this S. Benton stated his understanding the apron as it exists meets state DOT requirements.

After brief discussion of the issues presented the board directed B. Regan to issue a memo to the Town Administrator to advise, at this point in time, it would appear the matter has been addressed to the board's satisfaction.

2. Discussion: Campground Regulations.

B. Regan distributed copies of excerpts from pertinent NH RSA's and some excerpts from previous meetings concerning Campground Regulations as requested by the board at last month's meeting.

The board continued its general discussion of the current Campground Regulations and, in particular the provision that "Camping Cabins" are not allowed.

D. O'Donnell suggested the "waiver" provisions of the current regulation may be an option to an existing campground applicant.

It was the general consensus of the board that any application submitted may be reviewed with consideration of the "waiver" provisions rather than amending the regulations in response to any application.

HEARINGS:

1. APPLICATION/PUBLIC HEARING- **6:15 pm** Application for Subdivision submitted by John March d/b/a Mountain Mapping as agent for the John B. Benton Revocable Trust of 2016 regarding its property at Mill Brook Road (Tax Map 07 Lot 02-19 A) for subdivision of the parcel into two (2) lots of approximately 5.21 acres and 42.13 acres respectively.

F. Freeman read the foregoing and opened the public hearing at 6:15 pm.

F. Freeman recognized J. March as authorized agent of the applicant.

J. March distributed copies of a revised/final survey plan to the board for review.

He noted the purpose of the subdivision is for the owner to be able to convey a 5+ acre parcel to his son.

J. March described the proposal as a "basic two lot subdivision".

He then pointed out the potential sites for a well and septic leach field on the 5+ acre parcel being divided out. He also identified an existing driveway on the plan.

F. Freeman asked for clarification as to just how far out Mill Brook Road the land was.

J. March answered "approximately two miles".

F. Freeman suggested the plan, as presented, "seemed reasonable".

F. Freeman went through the checklist with the board.

The board acknowledged the checklist as being complete.

J. Brophy, an abutter, commented "I am looking forward to my brother building across the road".

With no other parties wishing to be heard on this matter, F. Freeman closed the hearing at 6:24 p.m.

The board then took the following action.

MOTION: "I move that the board accept the application of the John B. Benton 2016 Revocable Trust as complete."

Motion: G. Kimball

Second: D. O'Donnell

Discussion: None

Motion passes: 6-YES, 0-NO

The board then took the following action.

MOTION: "To approve the application submitted by authorized agent John March, d/b/a Mountain Mapping for subdivision of a 47.34 acre property owned by John B. Benton 2016 Revocable Trust, identified as Map 7 Lot 2-19A and located at Mill Brook Road into two (2) lots as depicted on the final survey plan as submitted, upon fulfillment of the following conditions:

1. Applicant submittal of appropriate fees for plan recording at the Grafton County Registry of Deeds."

Motion: G. Kimball

Second: F. Gunter

Discussion: None

Motion passes: 6-YES, 0-NO

F. Freeman and D. O'Donnell then signed the Mylar and paper plans.

2. APPLICATION/PUBLIC HEARING-6:30 pm: (continued from February 15, 2018) 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.

F. Freeman read the foregoing and re-opened the public hearing at 6:36 pm.

B. Regan reviewed the background and status of the matter for the board. He noted:

- The applicants had a conditional approval from the ZBA for a Special Exception for the proposed use.
- Thus far the applicants have not been able to supply sufficient documentation to allow the board to make a final decision on the Site Plan application.
- Due to a string of requests for continuance from the applicants the board tabled the matter for six months giving notice to the applicants that, if they had further information to supply, the matter would be re-opened, but no later than August 16, 2018.
- In July the NH DOT sent a letter with accompanying documentation giving indication they were working with the applicants to relinquish NH DOT easements/rights of way to the area in question subject to the Town of Thornton retaining a right of way on Mirror Lake Road.
- The NH DOT correspondence prompted the matter to returned to the Planning Board agenda.

F. Freeman stated his opinion the correspondence for DOT was good and pertinent information for the board.

A. Pitman stated Phillip Miles of NH DOT suggested the survey showing land as "State of NH" was incorrect as the state does not own the land.

A. Pitman said Senator Jeff Woodburn "sent a letter to the Commissioner".

B. Regan stated "nobody seems to know who owns the land".

D. O'Donnell, referring to a NH DOT memo, noted the last known owner was somebody named Kosoff.

A. Pitman suggested the state should not have been notified as "they are not my abutter".

B. Regan noted, whether the state had been notified or not the issue remains as to just who owns the underlying land. He further suggested that contact with the state may in fact have helped as they now appear to be willing to give up any interest they may have.

A. Pitman stated she had talked to a real estate attorney and "I am going to be taking that land by adverse possession because I have been maintaining it for 17 years".

F. Freeman suggested it would be of great help if the applicants can show an ownership interest in the land.

F. Freeman asked how far along the applicants were with the adverse possession action.

A. Pitman state "I just spoke with a real estate attorney and I spoke with a regular attorney about other issues with things that are going on here".

F. Freeman suggested that the board can't act further without this being straightened out.

F. Gunter said "I think it's very clear that Brian is trying to make sure we are on firm ground. So that we don't get pulled into court for doing something improper"

A. Pitman expressed her intent to "just open up."

L. Pitman asked "Do people in this town not want a winery there?"

F. Gunter replied "I'd love to see this resolved, in your favor."

F. Freeman also replied saying "I think it's a great idea, a fabulous idea."

B. Regan asked to be allowed to summarize the discussion so that all parties are aware of the three (3) matters that remain to be resolved before the board would have sufficient information/documentation to consider an approvable site plan, they are that:

- A. Applicants complete the process of documenting the NH DOT's relinquishment of any rights-of-way or easements they possess over the lands in question.
- B. Applicants establish the ownership interest in the land now or formerly of "Kosoff" between Mirror Lake Road, the "spur" in front of the Pitman property, and U.S. Rte. 3.
- C. Applicants petition the Thornton Town Meeting to seek complete abandonment of any right, title or interest the Town may have in the "spur".

B. Regan further stated "if these things are complete a plan could be presented to show adequate parking, etc."

F. Gunter and F. Freeman said they agreed.

L. Pitman said she did not agree.

The board took the following action.

MOTION: "To continue the public hearing and discussion of the matter to September 20, 2018 at 6:30 p.m."

Motion: G. Kimball

Second: D. O'Donnell

Discussion: None

Motion passes: 6-YES, 0-NO

OTHER BUSINESS: None

ADJOURNMENT:

The following motion was made at 7:38 p.m.

MOTION: "To adjourn."

Motion: G. Kimball

Second: F. Gunter

Discussion: None

Motion passes: 6-YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director

Thornton Planning Board Meeting

AUGUST 16, 2018

6:00 p.m.

Sign In Sheet

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

Thank you!

	Name	Address
1.	JOHN MARCH	THORNTON, NH
2.	JERRY WARREN	THORNTON NH
3.	Jay Silvia	Thornton, N.H.
4.	ALFRED DEQUAY	Thornton NH
5.	Amy Pitman	Thornton NH
6.	Linda Pitman	Thornton
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