

TOWN OF THORNTON PLANNING BOARD

Approved on: 11/15/18
PB Initials: [Signature]
Rec'd by Town Clerk on: 11/20/18
Town Clerk Initials: djm

Planning Board Meeting Minutes Thursday October 18, 2018

CALL TO ORDER – SALUTE TO THE FLAG:

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

ROLL CALL:

Members present: S. Babin, B. Dutto, F. Freeman, L. Hoyt, D. O'Donnell, J. Piehn

Alternates present: F. Gunter, G. Kimball

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

Others present: Brian Regan, Tom Duffield, Shirley Benton, Gerald Warren, Jay Silvia.

Chairman Babin then acknowledged that a quorum was present.

APPROVAL OF MINUTES: Upon distribution and review of the meeting minutes of September 20, 2018 the members took the following action:

MOTION: "To accept and approve the Minutes of Thursday September 20, 2018 meeting as amended."

Motion: J. Piehn

Second: D. O'Donnell

Discussion: B. Regan advised he had received corrections and/or amendments from the board and made the appropriate changes

Motion passes: 5-YES, 0-NO, 1 ABSTAIN (B. Dutto)

PRELIMINARY BUSINESS: None

COMMUNICATIONS: None

REPORTS:

Planning Director report(s):

- Planner Review regarding item H. 2.

UNFINISHED BUSINESS:

1. See H 1. Below.

HEARINGS:

1. APPLICATION/PUBLIC HEARING- 6:10 pm: (continued from September 20, 2018) Application for **Subdivision** submitted by Shirley Benton and Jerel Benton of their property at **NH RT. 175** (Tax Map 11 Lot 02-03) for division of the parcel into **two (2) lots** of approximately **1.11 acres** and **1.40 acres** respectively.

S. Babin read the foregoing and re-opened the public hearing at 6:08 pm.

B. Regan advised the board that the applicants had revised their plan and submitted the amended version as requested at the September meeting. Referring to a copy of the final plan, B. Regan demonstrated that existing structure(s) and well locations had been added to the plan as per the board's request.

S. Babin closed the hearing at 6:12 p.m. and asked for the wishes of the board.

The board then took the following action:

MOTION: "To approve the application submitted by Shirley Benton & Jerel Benton the owners of a 2.5 ± acre property, identified as Map 11 Lot 02-03 and located at NH Rt. 175 into two (2) lots as depicted on the final subdivision plan as submitted."

Motion: F. Freeman

Second: S. Babin

Discussion: None

Motion passes: 6-YES, 0-NO

B. Regan then presented the Mylar and paper copies of the plan for signature.

2. APPLICATION - 6:20 pm: Application for **Site Plan Review** submitted by Thomas Duffield d/b/a Duffield Engineering on behalf of Gerald Warren and Laura Warren d/b/a Pemi River Campground for their property at 2458 U.S. Rte. 3 (Tax Map 16 Lot 03-50 for **development of ten (10) "camping cabins"** on the parcel.

S. Babin read the foregoing and opened the matter for consideration at 6:20 pm.

S. Babin asked the board members to complete their reading of the Planner Review and accompanying documentation.

S. Babin recognized T. Duffield as agent for the applicant.

F. Freeman asked the applicant if the "proposed cabins would be on existing sites", as was represented previously.

G. Warren replied "yes, they are".

B. Regan summarized his correspondence with counsel as to the regulations specifically stating camping cabins were not permitted and whether or not the waiver provisions of the regulations would be an appropriate option for the applicant. He stated it was the opinion of counsel that waiver was not an appropriate option for the board in this instance.

B. Regan further elaborated on the application submissions indicating proposed cabins on sites that don't now exist, some sites being removed and other sites being added. Also, he described the plan submitted as being a "doctored" version of a plan previously prepared, by someone other than T. Duffield, and duly recorded at the registry of deeds.

S. Babin noted he had reviewed the submitted plan against the original (recorded) plan as well as the amended plan (previously presented to the board) to find where campsites were now proposed and where they were on the original recorded plan. He indicated, as he saw it, that there were new sites and moved sites that were not on the recorded original plan. S. Babin continued and by reference to various plans identified discrepancies in the proposed versus existing campsites.

T. Duffield attempted to explain his amendments to the original plan.

G. Warren said "the sites weren't on the plan because we didn't use them".

G. Warren stated "those sites existed when I bought the campground".

S. Babin stated although the use (campground) is allowable in the zone granting a waiver would not appear to be in the best interests of the town.

He further suggested the board would be "hard pressed to see a way through our regulations with what is before us".

S. Babin suggested the applicant could either proceed, consider revising the proposal, or voluntarily withdraw the application at this time.

F. Freeman added that he had supported the concept of waiver in this instance initially, but since our counsel advised against it, it wouldn't be appropriate because cabins are specifically prohibited.

T. Duffield asked whether the board might be in favor of amending the regulations and also asked whether applying for a "Variance" would be an option.

S. Babin suggested that granting a waiver in this instance would be in direct conflict with the regulations and would therefore set a bad precedent.

F. Freeman also stated the matter is really two-fold that is adding campsites versus allowing cabins and should be looked at as such.

B. Regan stated his opinion that a Variance may not be the appropriate avenue but, if the application were to be denied, an application for Appeal of an Administrative Decision may become an option.

F. Freeman suggested the matter should be looked at as separate matters, the amendment of plan for campsites and then the inclusion of camping cabins.

S. Babin stated I don't see a path to acceptance based on what is before us.

F. Gunter added he would see the path in such a case through amendment of the regulations.

G. Warren asked if a motel was permitted in a commercial zone? Couldn't I subdivide my property?

B. Regan answered that a motel would be an allowed use in the commercial zone.

S. Babin agreed that although it (motel) is an allowed use "you would still need to meet other applicable requirements". He added although "there are ways to seek amendment of regulations and or the zoning ordinance, as a land use board we must deal with what is presented to us".

J. Piehn made mention of the specific requirements of the Zoning Ordinance that apply to construction in the flood plain.

S. Babin asked the applicant how he wanted to proceed.

T. Duffield, after discussion with G. Warren, stated "it sounds like we will withdraw the application".

The board then took the following action:

MOTION: "To accept the voluntary withdrawal of the application by Gerald Warren & Laura Warren d/b/a Pemi River Campground, identified as Map 16 Lot 03-50 and located at U.S. Rte. 3, without prejudice."

Motion: S. Babin

Second: D. O'Donnell

Discussion: None

Motion passes: 6-YES, 0-NO

3. APPLICATION/PUBLIC HEARING-6:30 pm: (continued from September 20, 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.

S. Babin read the foregoing and re-opened the matter at 6:48 p.m.

B. Regan presented a "Planner Review" stating the applicants had made a request, that the matter be continued for one month while they continue to work with NH DOT.

After consideration of the "Planner Review", the board then took the following action:

MOTION: "I move that the board grant the applicants' request for continuance and place the matter on the agenda for Thursday November 15th at 6:30 p.m."

Motion: F. Freeman

Second: D. O'Donnell

Discussion: None

Motion passes: 6-YES, 0-NO

OTHER BUSINESS:

1. Proposed Zoning Ordinance Amendment – Accessory Dwelling Units (NH RSA 674:71-72).

B. Regan distributed documents reflecting some proposed changes to the Zoning Ordinance for the board's review and consideration. They are existing provisions, proposed changes and applicable statutory provisions.

F. Freeman asked how this matter arose.

B. Regan stated it basically was from the BOS and is necessary to clarify provisions that apply to their review of Zoning Compliance Applications and applications for what are now known as "Accessory Apartments".

After general discussion, the board agreed to further review the documents and set the matter for further discussion and public hearing at next month's meeting.

2. Planning Director request for board position on rules of procedure with regard to plan signing.

B. Regan presented the board with an excerpt from their rules of procedure as it relates to Planning Board Staff. He further requested clarification and/or acknowledgement of the fact that by virtue of his position he is the de facto Secretary and therefore should be authorized to sign plans as "Secretary".

After discussion the board unanimously agreed, consented and acknowledged that the Planning Director is so authorized.

ADJOURNMENT:

The following motion was made at 7:13 p.m.

MOTION: "To adjourn."

Motion: S. Babin

Second: J. Piehn

Discussion: None

Motion passes: 6-YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director

Thornton Planning Board Meeting

October 18, 2018

6:00 p.m.

Sign In Sheet

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

Thank you!

	Name	Address
1.	Tom Duffield	Thornton
2.	JERRY WARREN	THORNTON
3.	JAV SILVIA	'
4.	Shirley Benton	Thornton
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		