

Town of Thornton Planning Board Minutes

Meeting Date: July 12, 2007

On-Site Inspection and Business Meeting/On-Site Inspection: Barron Mountain Club Subdivision, Gore Rd.

At 6:15 PM the Thornton Planning Board met on Gore Rd. to see and learn more about the proposed Barron Mountain Club Subdivision. Board members present: Barry VanDeMoere, chair; Tom Anderson, vice-chair; Sandy MacIntosh; Ron Jansen; Sally Kriebel, also acting as secretary; and alternates Russ Gilman, Tyler Stearns, Bart Dutto, and Fred Gunter. Representing Barron Mountain Club: David Jordan of SFC Engineering; Jack McBride, Bob Wyldes, and Kathy Corcoran. The Barron group explained and showed through the placement of frequent road stakes the difference of impact a 12% vs. a 10% grade would mean in terms of side slopes, roadbed lowering, and ditching. They have spoken several times with Fire Chief Tobine who has made suggestions to them. The developers intend to keep the road private but adhere to Town subdivision road regulations as closely as possible. Alternate Gunter reminded the Barron group to bring a letter of permission to subdivide from the current owner of the property when they present their application for the subdivision. At 7:55 PM the Board left Gore Rd. to meet over at Town Hall for the business meeting.

At 8:10 PM the business meeting was called to order. All above attendants (less the Barron group) at the on-site were present with the addition of Arthur Gross, ex-officio member from the Board of Selectmen standing in for Jim Parziale. Member Sally Kriebel was again acting as secretary in place of Marianne Peabody.

Whitehouse Excavation Site

As a result of the Board's site visit on Thursday June 12, 2007, a letter was sent to the Rowley Agency, c/o Christine Darling, cc Robert Whitehouse, stating that until some issues regarding the pit restoration are resolved, the Board will not recommend releasing bond #110675 for \$10,000.00. The July 12, 2007 discussion revolved around the question of whether the money can be used for the grandfathered pit restoration which was of greatest concern. Reading RSA 155-E:5:I (p. 153) concerning "Minimum and Express Reclamation Standards" indicates that parts of the pit area, grandfathered and permitted, do not meet these standards. Chairman VanDeMoere proposed composing a letter with Secretary Marianne Peabody to Mr. Whitehouse that the RSA standards be met; it will include a 30 day time limit for a response from Mr. Whitehouse before the Board takes any further action.

Sunset Rock Excavation

Members (less Bart Dutto who left at 8:35 PM) reviewed the letter from Atty. Bart Mayer of Upton and Hatfield, LLP pertaining to queries from the Board about Sunset Rock, most particularly whether the excavation may be expanded from Sublot 20 onto the abutting Sublot 5. Mayer writes, "...the single question outstanding is whether Sublots 20 and 5 represent lots which have 'been appraised and inventoried for property tax purposes a(s) part of the same tract as the excavation site.' If the Selectmen and Town's

Assessors state that it has not been so appraised, then expansion cannot be expanded onto Sublot 5, as it fails one of the three required tests to qualify for expansion of an excavation area. This would mean that the owner would have to comply with the Zoning Ordinance, and no excavation could occur on Sublot 5, unless a use variance is secured." Alternate Fred Gunter pointed out that Marianne Peabody had ascertained that Sublots 20 and 5 have not been "appraised and inventoried for tax purposes as part of the same tract as the excavation site" (on August 24, 1979); thus, Sunset Rock cannot expand operations onto Sublot 5. The Board unanimously decided to have Atty. Mayer send a letter to Sunset Rock that Sublot 5 may not be excavated. Vote: 6-0.

Irregular Shaped Lots

Some recent subdivision lots (shapes) have raised the question among Board members of how our subdivision regulation regarding shape can be clarified. Currently in our Oct. 2003 Amended Regulations, Section IV:G reads: "Long narrow lot or lots with very irregular shapes shall not generally be accepted by the Board." Marianne Peabody has previously presented Board members copies from the Town of Bedford, NH's definition of irregular shaped lots. After some discussion, the Thornton Board felt combining the wording of Bedford, NH with that of Thornton would provide a much more concrete basis for its planning purposes. It was moved, seconded, and approved 6-0. At the July 19, 2007 Planning Board meeting, the Board shall propose a public hearing for the August 16, 2007 meeting for the proposed wording change which shall read thusly:

Section IV:G. "The arrangement of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall be arranged such that their sidelines are substantially perpendicular or radial to streets. Lots shall be configured in regular geometric shapes, such as squares, triangles, rectangles or any other form acceptable to the Planning Board to address specific site constraints. Long, narrow lot or lots with very irregular shapes shall not generally be accepted by the Board."

Other Business

Alternate Russ Gilman brought up the June 6, 2007 letter from the Kowalskis RE: repair of the well by the owner of property 17-07-45, DeMarco, on Upper Mad River Rd. Apparently the Kowalskis were under the misunderstanding that approval of the DeMarco subdivision was contingent upon this repair being completed. Alternate Gilman and the rest of the Board felt the Kowalski claim of the contingency was erroneous and that the agreement between Dr. Kowalski and Mr. and Mrs. DeMarco was a "gentlemen's/gentlewoman's agreement and thus a civil issue, not a Planning Board issue.

Chairman VanDeMoere then advised the Board of a brewing problem in the Chadwick Ridge Subdivision. Although it is not a Planning Board mistake or problem per se, he felt the Board needed to know the situation for several reasons. Alternate Fred Gunter suggested the Board of Selectmen contact their attorney, Tim Bates of Mitchell and Bates, for guidance.

With no other business brought forward, a motion was made and seconded to adjourn at 9:38 PM. Vote: 6-0. The Board will have its next meeting on Thursday, July 19, 2007 at 7 PM, Thornton Town Hall.

Respectfully submitted,

Sally S. Kriebel,

Acting secretary