

# TOWN OF THORNTON

## May 16, 2007

### Selectmen's Meeting Minutes

9:30 AM The meeting was called to order.

Board members present: Arthur Gross, Jim Parziale and Roy Sabourn

Also present: Administrator Andrew (TA), Attorney Tom Cowie, Road Agent Tom Dubey, George Cheney, Jim Demeritt, Jim Sanborn

The board requested the TA collect information from the affected departments for submission to FEMA for reimbursement relative to the April wind storm. A note will be sent to all department heads.

Jim Sanborn stated that the Planning Board overrules the Selectmen and Road Agent in matters of subdivision acceptance. He used the Keona Road (King's Chair) subdivision as an example. Mr. Sanborn was Road Agent and would not approve driveways onto Mill Brook Road due to visibility concerns. The Planning Board approved the subdivision with the driveways accessing Mill Brook Road.

Mr. Sanborn stated that he was both Road Agent and contractor for the construction of Hidden Acres Road. He was unaware of the 5% grade rule within the subdivision regulations and it was never brought up during the road's construction. No road profile was requested of the developer. The issue of the road's grade only came up after this year's town meeting. The road has been in place for 3 ½ years. Mr. Sanborn gave several examples of roads accepted by the town that are in fact over the 5% grade rule. Suzi Lane, Blackberry Hill, Diamond Ledge, Waterthorn and Windswept. Selectman Sabourn stated that Suzi Lane was done as a life-safety issue and a betterment assessment was utilized.

Mr. Sanborn produced paperwork obtained from the Planning Board's files showing a road checklist that had been approved. The checklist just says grades-it does not address the %. The Planning Board had recommended release of the road construction bond. The Selectmen had approved. He questioned who had given permission to pave the road? Mr. Sanborn noted that it will be costly to change the road's grade at this point. He again stated that at the time he was not aware of the 5% grade requirement and he had requested that the current workers, Tom Dubey and George Cheney, check his work daily as he was also the Road Agent.

Mr. Sanborn produced a copy of Planning Board minutes where he had asked about the slope and a culvert that was not on the plan where Hidden Acres Road joined Mill Brook Road. He also inquired about opening the line of site for safety reasons and was told Mill Brook Road was a scenic road. Minor changes were allowed along Mill Brook Road without a public hearing being held.

Mr. Sanborn reported that prior to the development of Hidden Acres Road, one house had been built on the Mill Brook Road end of the road and two houses on the Rte 175 end of the road. One of those parties did not want to be part of the association so attempts were made to adjust the road plans to accommodate that. Changing the grade will affect how much excess water comes out of Hidden Acres draining onto property on Mill Brook Road.

Mr. Sanborn inquired why he wasn't notified that the Planning Board was planning to visit "his" road. Selectman Gross responded that Planning Board meetings are public meetings and he could have attended.

Mr. Sanborn stated that road grade does not appear to have been such an issue in the past. He inquired why the town has a subdivision across from Frannie's Restaurant on which they are allowing a 10% grade? The area of grade concern on Hidden Acres Road is open and bares up if there is snow without salt. He stated that he may need to consult legal counsel if he has to tear up the road because the Planning Board released the road's bond.

Selectman Sabourn inquired if Attorney Cowie was Mr. Sanborn's legal counsel. Mr. Cowie responded he was observing the proceedings at the request of Carelton Kilmer as Mill Brook Valley has a road named Smoke Rise Lane that might be considered for becoming a town road.

Selectman Parziale stated it is falling on this Board of Selectmen to approve the road or have its issues remedied. It wouldn't have been built if everyone had been made aware of the 5% rule. Selectman Sabourn stated that the board is probably bound to some degree at this point due to the fact that the checklist has the words "meets road standards". The checklist should not have been signed. He concurred that there will be drainage issues if the road is cut down. He stated that anything coming through the Planning Board now should be held to the standards and that the developer needs to be able to know their costs. More engineering expertise should be required as plans go along. The rules are not bad, but they need to be enforced. An engineering firm carries a liability insurance that their work is done in good faith and the road design is appropriate. Selectman Parziale stated he didn't think the developer should have to incur thousands of dollars of expense for modifying the road at this point. Selectman Gross stated that where the checklist was signed by a prior board, the current board may be bound by their action.

Selectman Sabourn noted that Mr. Sanborn had expressed concerns relative to line of sight while the subdivision was being reviewed. He stated that the landowner is not bound by the scenic road issues with the exception of stone walls. The town however is bound by the requirements. He suggested that the board consider and a decision be made next week.

Mr. Sanborn suggested that the town check with their counsel prior to making any decision.

10:15 The board adjourned the meeting to reconvene at Hidden Acres Road.

Jim Sanborn gave all present a tour of the road with explanation. From the Mill Brook Road end, the first house on the left predates Hidden Acres Road. Mr. Sanborn indicated the cut of 3 ½ feet that had already been done during the road's construction. He continued that the road had caused increased water issues on property on Mill Brook Road. The attempt was made to minimize the impact of the runoff water. Mr. Sanborn noted that he had questioned the slope at a planning meeting and noted that the original plan did not call for a culvert at the Mill Brook Road end of Hidden Acres Road, nor did it call for the cut back of ditch lines for visibility on both sides of Hidden Acres Road for improved visibility.

Selectman Sabourn stated that engineering for Hidden Acres Road should have been requested of the developer, but was not. Selectman Parziale suggested that the Mill Brook Road end of Hidden Acres Road be closed off for the two properties located there and a cul-de-sac placed on that part of the road accessed from Route 175. The TA inquired if having the road a one-way road would eliminate the problem?

Jim Sanborn stated that there is no need. Hidden Acres Road has been in place 3 ½-4 years. The Mill Brook Rd. end of the road faces south and opens right up when the sun is out. It does not retain snow or ice.

Barry VanDeMoere stated that the road is still a private road. Jim Demeritt stated that it is a liability to the town to accept the road.

Mr. Sanborn stated that the areas of broken pavement were due to trucks on/off the edge of the road in the process of house construction on the road.

Selectman Sabourn noted two areas of ditch repair were needed - one is 20-30' at the junction of Rte 175 on the south side of Hidden Acres Road; and the other on the north side of Hidden Acres Road in front of the fire fighting cistern. All agreed. Mr. Sanborn agreed to the ditch repair.

Selectman Sabourn stated that the developer might wish to contact the property owner with a driveway adjacent to the fire fighting cistern to request they install a silt retaining fence or culvert to keep their driveway runoff from damaging the rock ditch lines when they have been installed.

The board agreed to discuss Hidden Acres Road at the Selectmen's Meeting on 5/22/07.

11:00 It was moved to adjourn to 137 Mad River Road. 11:12 The board reconvened the meeting. Present were the Board of Selectmen, Town Administrator, and Barry VanDeMoere

Residents Russell Brodeur and Kathryn Silvester showed their property to those present. Selectman Sabourn requested permission to look out back. Permission was granted. Mr. Brodeur inquired why he was being inspected when one of those lodging a complaint

against him has 15 vehicles out behind his property. Mr. Brodeur stated that he has only two unregistered vehicles on the property.

Selectman Parziale stated that it seems like Mr. Brodeur and Ms. Silvester are trying to clean up the property.

Selectman Gross stated that 2 or more vehicles create a junk yard. Selectman Sabourn stated he counted 3 unregistered vehicles including a van. The rest of the “stuff” on the property is personal property. Selectman Sabourn related that the RSA refers to two or more vehicles. Another caveat is the parts. He continued that the complaint included a charge that Mr. Brodeur was doing car repairs at the house. Selectman Sabourn stated that home occupation is allowed with the Planning Board’s approval. Other than that, doing repairs for family members is okay. Repairing vehicles as a business is not acceptable because that would be a business operating in a residential zone.

Mr. Brodeur stated that he will have a vehicle removed and the trailer should be gone in a month. The board agreed that this will bring the property into compliance. AGREED (x3) They requested that Mr. Brodeur and Ms. Silvester send them a letter when this has been accomplished.

Mr. Brodeur noted that the tow truck is registered, however it is out of service. Vehicle service will be performed on family vehicles only.

11:35 It was moved to adjourn. PASSED (x3)

**The next scheduled Selectmen’s Meeting  
Will be  
May 22, 2007  
6:45 PM at the Municipal Building**