

TOWN OF THORNTON PLANNING BOARD

Approved on: 6/20/19
PB Initials:
Rec'd by Town Clerk on: 6/27/19
Town Clerk Initials:

Planning Board Meeting Minutes Thursday May 16, 2019

CALL TO ORDER – SALUTE TO THE FLAG:

S. Babin called the meeting to order and led the Pledge of Allegiance at 6:00 p.m.

ROLL CALL:

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

Chairman Babin acknowledged that a quorum was present, there being six (6) Members present. He then appointed Alternate J. Piehn to sit in place of absent Member B. Dutto for the evening's meeting.

Others present: Brian Regan, Joseph Frazer, Jon Warzocha, Brian Lash, Chad Stacker, Karen Florio, James Adelman, Tom DeMatteo, Dick & Sandy Linck, Shirley Benton, Tom Duffield, Alfred Duguay.

APPROVAL OF MINUTES: Upon distribution and review of the meeting minutes of April 18, 2019 the members took the following action:

MOTION: "To accept and approve the Minutes of the Thursday April 18, 2019 meeting as amended."

Motion: P. Laufenberg

Second: D. O'Donnell

Discussion: None

Motion passes: 5-YES, 0-NO, 2-Abstain (F. Freeman, R. Sabourn)

PRELIMINARY BUSINESS:

B. Regan made note that it was time for the annual election of officers to act for the board for the coming year.

1. Election of Officers:

S. Babin asked the board if they wished to nominate anyone for the positions of Chair and Vice-Chair.

D. O'Donnell nominated S. Babin for Chairman and Frank Freeman for Vice-Chairman. S. Babin asked if there were any other nominations for Chair and or Vice-Chair. There were none.

MOTION: "That Steve Babin be re-elected to the position of Chairman of the Planning Board and Frank Freeman be re-elected to the position of Vice-Chair."

Motion by: D. O'Donnell

Second: P. Laufenberg

Discussion: None

Vote passes: 7-YES, 0-NO

S. Babin accepted the position of Chairman. F. Freeman accepted the position of Vice-Chairman.

COMMUNICATIONS: None

REPORTS:

1. Planner Review of H.1 below.

2. Planner Review of H.4 below.

B. Regan stated the above referenced reports were attached to and are presented to be considered with the related item.

UNFINISHED BUSINESS: None

HEARINGS:

1. APPLICATION/PUBLIC HEARING EXCAVATION PERMIT-6:15 pm: Application for a Permit to Excavate submitted by Shirley Benton & Jerel Benton for property owned by them and identified as Tax Map 10 Lot 14-03 located at 4 Stone Dam Road off Merrill Access Road.

S. Babin read the forgoing and opened the public hearing at 6:16 pm.

B. Regan gave an overview of the history of the parcel and its prior use for excavation "incidental to permitted construction". He further advised the board that an abutter, namely the State of NH, had expressed some concern over the potential encroachment of the excavation and the actual location of the lot lines.

S. Benton stated he felt if there was any encroachment, it was minimal as far as he can tell.

B. Regan also stated he was told by the NH DOT that they were considering their options and asked that the board not give final approval until the matter is resolved satisfactorily.

T. Duffield arrived at the meeting and acted as representative of S. Benton. He stated he had viewed the site and based on his review of the "tax maps" he felt there were some discrepancies with the property lines. He further stated they were looking to "get an access" to Merrill Access Road from the state.

S. Babin made a point of clarification that the present application and the state's concern is regarding the boundary line between the applicant's land and the abutting parcel owned by the state.

T. Duffield stated he had "flagged the markers" on the parcel. He further stated any "encumbrance" on the abutting property "was minimal".

F. Freeman questioned the ownership history and the deed description and suggested that may be reviewed further.

B. Regan made a point that it may not be a wise practice to use any town's "tax maps" for establishing exact boundaries or dimensions. He further noted that Merrill Access Road is a limited access highway and may not be open for further access being established to the parcel in question.

R. Sabourn expressed a concern that state law may mandate certain "set back" from abutting properties and further noted he saw no such "buffer" described or noted on the plan presented.

T. Duffield stated "the state has ordered a survey" of the parcel.

It was the consensus of the board the boundary line matter needs to be resolved between the applicant and the state of New Hampshire DOT.

S. Babin suggested a continuance may be the best way to get any outstanding issues resolved.

The board then took the following action:

MOTION: "To continue the matter for further discussion and public hearing on June 20, 2019 at 6:15 pm".

Motion: F. Freeman

Second: D. O'Donnell

Discussion: No further discussion

Motion passes: 7-YES, 0-NO

2. PRELIMINARY CONSULTATION AND REVIEW- 6:30 pm: Proposed Site Plan Review to be submitted by Floating Feather, LLC for the development of a "Yurt for Group Yoga and Movement Classes" upon the land located off Judges Road containing approximately 1.6 acres and further identified as Tax Map 13 Lot 06-07.

J. Frazer introduced himself as a member of Floating Feather, LLC and presented an overview of the proposed "development". He identified the parcels in question and the respective ownership of the parcels. His stated goal is to construct a "yurt" to facilitate "wellness activities" and hiking for a small number of clients.

The board carried on a general discussion about the proposal and whether or not the "use" would be allowable in the residential zone.

B. Regan commented that the question remains as to just what is the proposed use? He further stated there are a number of uses listed in the Zoning Ordinance which may allow such a use with a "Special Exception" from the Zoning Board of Adjustment (ZBA).

J. Frazer stated he just wants to determine his best way to move forward.

S. Babin suggested that Mr. Frazer coordinate his efforts through the Planning Director to get the necessary processes in line, starting with seeking a "Special Exception" from the ZBA, the Site Plan Review by the Planning Board and then a Zoning Compliance application from the Select Board.

J. Frazer acknowledged he would do so and thanked the board for its time.

3. APPLICATION - 6:45 pm: Application for Site Plan Review submitted by Horizons Engineering, Inc. on behalf of LCJ Holdings, LLC for the development of a "Lake and Road Extension" upon the land located, within the Owl's Nest Resort, off NH Rt. 175 containing approximately 180 acres +/- and further identified as Tax Map 16 Lots 01-07, 01-05 and 0107-MDCO.

B. Regan advised the board that the application was before them for consideration and review for completeness and that a public hearing had not yet been noticed.

S. Babin read the forgoing and opened the matter for consideration a 6:47 pm.

J. Warzocha introduced himself and Horizons Engineering, Inc. as an agent for the applicant. He prefaced his remarks with a statement that LCJ is working on the amendment of the Land Dedication Agreement (LDA) and it is currently with their attorneys.

He then presented an overview of the proposed project while referencing the preliminary plans presented. He stated, at this point in time, they were only looking to construct the "infrastructure" for the proposed roadways and lake.

P. Laufenberg posed several questions about access to and from the resort property.

J. Warzocha answered all questions to the satisfaction of the board.

S. Babin reviewed the Site Plan Review checklist, point by point, with the board and applicant's representative.

S. Babin asked the board members if there were any further questions or comments.

J. Piehn asked about the depth and construction of the lake.

J. Warzocha stated the applicant was working with the state on water use. He further stated the lake would be "lined" with a sand coating and would be up to "15 feet deep".

B. Regan noted he had shared the proposed plans with the Fire Chief, Police Chief and Road Agent and had heard from the Fire Chief who has been in touch with the applicant.

S. Babin asked the wishes of the board.

MOTION: "To accept the application as complete and set the matter for public hearing on June 20, 2019 at 6:45 pm".

Motion: F. Freeman

Second: P. Laufenberg

Discussion: No further discussion

Motion passes: 7-YES, 0-NO

4. APPLICATION STATUS REVIEW- 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.

A. Duguay appeared on behalf of the applicants.

He advised that the status is that everything requested has been addressed with the exception of the submittal of the final version of the Licensed Land Surveyor's plan and the copy of duly issued Driveway Permit.

B. Regan noted his report concurs with what A. Duguay stated in that there are two items remaining. He further stated, with respect to the town's action to discontinue the former road carries a six (6) month appeal period.

Finally, he outlined the board's options at this juncture.

S. Babin asked if the applicants had a request for a particular period of time.

A Duguay suggested a continuance of ninety (90) days.

P. Laufenberg asked as a point of clarification why the matter had been approved with so many open issues.

S. Babin and B. Regan offered input as to the prior history of the pending application and its conditional approval.

The board then took the following action.

MOTION: "That the matter be continued at the request of the applicants until August 15th 2019 by which time the issues of a survey and driveway permit are to be addressed."

Motion: D. O'Donnell

Second: J. Piehn

Discussion: No further discussion

Motion passes: 5-YES, 0-NO, 2 ABSTAIN (P. Laufenberg, R. Sabourn)

OTHER BUSINESS:

Member D. O'Donnell advised the board that there is a possibility that the realtor she works for may be directly involved with sales of properties to be built at the Owl's Nest Resort. She wanted the board to be aware that in some circumstances she may need to consider recusing herself.

ADJOURNMENT:

The following motion was made at 7:34 p.m.

MOTION: "To adjourn."

Motion: J. Piehn

Second: F. Freeman

Discussion: None

Motion passes: 6-YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director

Thornton Planning Board Meeting

May 16, 2019

6:00 p.m.

Sign-in Sheet

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

Thank you!

	Name	Address
1.	Shirley Benton	70 Bayter Rd
2.	Tom Duffield	Thornton
3.	ALFRED Dineen	Thornton
4.	Chad Stacker	Chester, VT
5.	Jon Verzacke-Horizon Eng.	34 School St. Litchton VT
6.	TOM DeMatteo	5 Linkside Dr
7.	Dick & Sandy Linck	52 Edge Water Lane
8.	BRIAN LASH	Civils Nest
9.	Karen Hew	9 SW Spar Rd Thornton
10.	JAMES AORRANA	" " " "
11.		
12.		
13.		
14.		
15.		
16.		