

TOWN OF THORNTON PLANNING BOARD

Approved on: 12/19/19
PB Initials:
Rec'd by Town Clerk on: 12/30/19
Town Clerk Initials:

Planning Board Meeting Minutes Thursday November 21, 2019

CALL TO ORDER – SALUTE TO THE FLAG:

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

ROLL CALL:

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

Chairman S. Babin acknowledged that a quorum was present, there being a full board in attendance.

Others present: Brian Regan, Sara Holland, Tom DeMatteo. An unknown individual was present but failed to sign in.

APPROVAL OF MINUTES:

1. Upon distribution and review of the meeting minutes of October 17, 2019, the members took the following action:

MOTION: "To accept and approve the Minutes of the Thursday, October 17, 2019 meeting as amended."

Motion: P. Laufenberg

Second: F. Freeman

Discussion: B. Regan stated he had received some minor input as to suggested corrections or changes and the final version is presented as amended.

Motion passes: 6-YES, 0-NO, 1-Abstain (L. Hoyt)

2. Upon distribution and review of the meeting minutes of a board work session of Tuesday, November 12, 2019, the members took the following action:

MOTION: "To accept and approve the Minutes of the work session of Tuesday, November 12, 2019 meeting."

Motion: P. Laufenberg

Second: D. O'Donnell

Discussion: None

Motion passes: 4-YES, 0-NO, 3-Abstain (S. Babin, B. Dutto, R. Sabourn)

PRELIMINARY BUSINESS: None

1. Review and sign 2019 Zoning Ordinance Revisions.

B. Regan stated the Zoning Ordinance provided is a revision; he has the original for the Board's signatures. He stated last March the Town voted to amend two or three sections of the Zoning Ordinance, particularly the flood plain and the accessory dwelling unit section. The amendments were voted on and passed at Town Meeting and the changes were enacted. The version published on-line was the old version, not the revised version as it had not been done. Before the Board is now what should have been done last year. B. Regan reminded the Board what those changes entailed.

MOTION: "To approve the revised Zoning Ordinance for the Town of Thornton."

Motion: P. Laufenberg

Second: D. O'Donnell

Discussion: None

Motion passes: 7-Yes 0-No

COMMUNICATIONS: None

REPORTS:

1. Results of Work Session of November 12, 2019

B. Regan summarized this work session for the Board. Basically, the session was to hone down the issue as to this Board's response to the Select Board's letter asking for a review of the matter of short-term rentals. The issue had been discussed and researched over the past several months. The work session determined the answer to the Select Board's question is that *something* should be done. Some alternatives were discussed as well; to slightly amend the Zoning Ordinance to clarify short-term rentals and look at some kind of regulations.

S. Babin stated that he appreciated the work done at the work session on November 12, 2019 and thanked those members in attendance, both Board and public.

UNFINISHED BUSINESS:

1. Response/action on BOS letter regarding Short-Term Rentals.

As a result of the work session, B. Regan stated it was requested that he draft a letter in reply to the Select Board's request; that letter is now before the Board for review and signature. Any further action would require additional work to develop either an amendment or regulation. After a short discussion, B. Regan reiterated that all that was asked of this Board was accomplished with the work session.

P. Laufenberg noted that he did not see this on the Town Warrant for 2020, unless the Board of Selectmen chose to accelerate this.

R. Sabourn stated it was the Board of Selectmen's hope that the Planning Board, as one of its functions, would take the lead on this charge. He stated the Select Board was looking for some advice as to how to fix this. It was their expectation that a Zoning Ordinance change would be likely. He believes this issue is going to be problematic for the Town, as it is for every other town he has communicated with. Resolving this issue sooner rather than later is important; holding off for another year would not be prudent.

B. Regan stated a Zoning Amendment can be done to some degree between now and March, but if a regulation is to be done; it would not need to go to Town Meeting and could be done anytime. He is willing to work on that if the Board sees fit to do that. The enabling statute allows the Select Board to make regulations for businesses; it is fairly straightforward. Another item mentioned at the seminar is that the avenue of site plan review is applicable to this issue.

S. Babin asked if B. Regan would be able to prepare something for this Board in a matter of three months to be ready for a 2020 revision.

F. Freeman noted we first need to know what we are preparing.

B. Regan stated it will be either an amendment or a regulation and he would be able to prepare what was needed.

F. Freeman noted the Board will not decide if something should be done, it will be the voters. He suggests it might make sense to think of a zoning change to state short-term rentals are permitted in all zones subject to the Town of Thornton's short-term rental regulations. He noted those adopted by Laconia are very good.

S. Babin stated his concern is that this path would be a longer path as we don't have short-term rentals in our zoning nor do we have long-term rentals. The amount of work required between now and March in order to get this to the voters would take more time than we have.

P. Laufenberg stated the three items that need to be addressed to change the Zoning Ordinance are defining short-term, defining long-term and addressing specifically Article IV, Section A, No. 11. He noted discussion has stressed the concerns have been specific to the latter, noting it needs to be changed or spelled out to prohibit short-term rentals. That is what needs to be changed in the zoning and then an actual policy will need to be drafted. He stated that is the part requiring a larger amount of time.

Discussion continued on these points.

S. Babin asked if F. Freeman, D. O'Donnell, and B. Regan work to put something together for the Board by the December meeting. They affirmed they could.

B. Regan stated, for the short-term, if that is the route that is going to be taken, things can be clarified. He stated if you have a permissive Zoning Ordinance which does not allow something that is specifically mentioned; if you further define things so people know what it is, then it wouldn't be allowed. A special exception can be made, or something of that nature. He clarified that, from these past months, no one is against this happening, it is a matter of control and if things get out of hand, then there's an enforcement issue. Presently it is not clear enough to go out and enforce.

Discussion regarding participation of members to present to the Board at the December meeting.

B. Regan stated it would be appropriate to proceed with responding to the Select Board with the letter that was drafted.

R. Sabourn stated a follow-up memo would give the Board peace of mind that there will be further deliberations, which is what they will be expecting.

B. Regan stated that based on the minutes of this meeting that can be done, saving time for another month going forward.

MOTION: "To approve signing and sending the letter to Chairman Brad Benton of the Select Board."

Motion: F. Freeman

Second: S. Babin

Discussion: None

Motion passes: 7-Yes, 0-No

2. Response/action on NH Office of Strategic Initiatives (OSI) letter etc. regarding National Flood Insurance Program (NFIP)

B. Regan stated that a couple of times in the last few months this has been before the Board. The representative from OSI has recommended the Town take some actions. Several things are noted in the letter – some of them have been done; some of them can't be done. There are three things OSI suggests: adopting a different flood plain ordinance, a "model" ordinance; short of that they recommend adapting out current zoning ordinance which adjusts this flood plain by adding one line.

B. Regan suggests the Board proceeds to do that so that when they return next year to review the actions, we've taken a step. They suggest changing some language in the site plan review and subdivision regulations to clarify. We can do that without the zoning change before the Town Meeting. He is requesting a vote tonight to put that change on public hearing for next month's meeting.

MOTION: "To make an agenda item for next month to modify our existing flood plain regulations to address the concerns of the State in a paragraph modification."

Motion: F. Freeman

Second: P. Laufenberg

Discussion: R. Sabourn requested some clarification of the motion.

B. Regan reiterated the request was that we consider adopting the “model” flood plain ordinance done in 2018, which is a whole new addition. Short of that, they suggest adding one line to our current section.

R. Sabourn provided insight into the validity of the science of this request and there is a lot to this, but agreed this is something we should do to comply to the request from OSI.

MOTION: “I move to replace the previous motion and further move to start the process of amending the Zoning Ordinance, Section IX, Special Flood Hazard Areas as suggested by OSI and as presented.”

Motion: P. Laufenberg

Second: B. Dutto

Discussion: J. Piehn questioned if this would keep our Town in compliance. R. Sabourn stated it would keep us in compliance so that we can buy flood insurance, which is the key.

Motion passes: 7-Yes, 0-No

3. Tax Map 6 Lot 2-23: Caulder Excavation Bond Matter

B. Regan reviewed the matter for the Board. He stated that certain excavation permits had expired without renewal. Owners were contacted. One owner reapplied with an updated permit; the other owner did not. Subsequently the Town received a letter stating the bond for this excavation will lapse. B. Regan contacted the owner and bonding company. The bonding company acknowledged they were contacted in a timely manner and the bond would remain viable for the reclamation. No word had been received by the owner. The bonding company sent an email stating they had reclaimed it and were just waiting for the Town to sign off, but we had not heard yet from the owners. This was followed up with another email from the bonding company, stating they had a letter from the owners who were waiting on the Town. Considering the Town had nothing from the owners, the company was told the Town needed the letter for reviewing. At this time, the Town has still not received any letter from the owners. The reclamation plan calls for seeding only – from photos provided it was noted there was some work done, noting it is not fully compliant with what the owners said they were going to do.

R. Sabourn stated the vast majority of the site has been replayed; there is vegetation growing on it – although not lawn quality, it is good given the pit scenario. The biggest problem is the southerly end of the property. It has been graded and the face has been sloped; although a steep slope, you can grow grass on it. There are also piles of loam and compost on the top that could be spread. There is perhaps 150 – 175 feet of raw face that has not been top-soiled or seeded.

B. Regan affirmed he had not heard from the owners since they indicated they would reapply for their permit a year ago, which did not happen.

Discussion continued regarding whether or not owners should be contacted again by the Board.

B. Regan noted there is a claim pending against the bond that was on the property.

R. Sabourn questioned whether a letter should be sent to the property owner and bonding company to the effect that the project has not been completed and due to the lateness of the season, the Town does not believe appropriate vegetation can be grown at this time of year and we will ask that the bond be held in advance until the end of May next year. If at that time it hasn't been completed and inspected to our satisfaction, the Board would ask that the bond be turned over and return the part we don't use.

B. Regan stated this is a possibility but he would need specifics as to what they haven't done.

P. Laufenberg questioned why we would give them more time. At this point it has been a year since they last approached the Board.

B. Regan noted it had been expired for more than a year and at that point they were put on notice.

Discussion continued on specifics of letter to the insurance company.

B. Regan stated the reclamation plan as presented shows loaming, seeding, seedlings, replacing trees that were removed. There is no evidence of that having been done; it is just a sand bank. S. Babin stated we would like them to address the loam as indicated in their reclamation plan; the loaming and reseedling; planting of trees.

R. Sabourn stated the biggest problem is the erosion due to the way the land has been left and it has not been seeded. He suggests sending a letter to the insurance company, cc the owners, with a copy of the plan, several pictures, and sketch on the drawing the areas that have not been addressed with percentages noted. Note in the letter that the Town should get reimbursed for the percentage that is not completed.

P. Laufenberg would remove the percentages from the letter. The letter should go to the insurance company with all the information, but clearly state it does not meet what was laid out to the Town, putting the onus on Caulder to explain what they have and have not done.

B. Regan stated the Board could present a letter, but he noted he asked them twice for a copy of what they have and we have not received anything.

R. Sabourn stated "we should send a letter out with the plan and the pictures that illustrate the areas that have never been addressed and we are asking for the bond to be released".

B. Dutto expressed his agreement.

B. Regan acknowledged he would prepare and present such a letter with accompanying documents.

HEARINGS: None

OTHER BUSINESS: None

ADJOURNMENT:

The following motion was made at 7:16 p.m.

MOTION: "To adjourn."

Motion: P. Laufenberg

Second: S. Babin

Discussion: None

Motion passes: 7-YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director

Thornton Planning Board Meeting

November 21, 2019

6:00 p.m.

Sign-in Sheet

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

Thank you!

	Name	Address
1.	Sara Holland	399 E 49 Canyon
2.	Tom Dencette	5 Linker Drive
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