

TOWN OF THORNTON

June 19, 2007

Selectmen's Meeting Minutes

6:45 The meeting was called to order.

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

Also present: Administrator Andrew (TA), Planning Board (PB) members: Barry Van deMoere, Sally Kriebel, Tyler Stearns, Fred Gunter, Sandy McIntosh and Russell Gilman; Zoning Board of Adjustment (ZBA) members Jim Demeritt, Dennis Day, David Gravel; Planning/Zoning Secretary: Marianne Peabody; Building Inspector: Richard Gilpatric; Jeffrey & Donna Hutchins and Diane Gravel

Jim Demeritt stated that the ZBA members have talked and they would like to have some input into PB matters and they decided that there ought to be a meeting with all of the boards.

Selectman Sabourn asked the audience to identify themselves and what board(s) they serve on.

Jim Demeritt stated the ZBA needs some legislation to allow for alternates to be appointed by the Board of Selectmen (BOS) to the ZBA. An article needs to be placed on the warrant and voted on at town meeting. Mr. Demeritt volunteered that the ZBA write the article. He continued the ZBA is currently a 5-member board and there should be alternates available in the event that a regular member cannot attend a meeting. David Gravel stated it's not fair to an applicant for the board not to have sufficient numbers. Selectman Gross suggested that ZBA members attend the PB meetings to keep informed of ongoing issues. Mr. Demeritt stated they want to make the current regulations work and make more regulations if needed.

Barry Van deMoere stated that the PB is having more business meetings and that the ZBA will be invited to help keep them informed. He continued that it is not fair to have a case given to them that they know nothing of. Selectman Sabourn agreed that it is very important. The ZBA has to deal with the hardship end and the more heads the better in the formulation of zoning ordinance and subdivision regulation changes.

Mr. Van deMoere stated that another issue is the lack of policing a subdivision that the PB has approved. The checks and balances are not necessarily in place. A lot of faith is given to the developers to follow what has been approved on paper. The PB is discussing requiring an as-built plan to prove that the developer has followed the rules that were established. He continued that it is tough for the Building Inspector to follow up on every building permit that goes through. Some individuals he has to deal with are unscrupulous.

Selectman Sabourn stated that a way to solve this is that some communities have added to their building process the requirement for a certified foundation plan. He noted that this increases the cost of building, but ensures that someone with a surveyors seal certifies that setback requirements are met. Some banks require them as well.

Fred Gunter stated that another problem for the town is supervising road construction to make sure subdivision roads are built properly. Selectman Sabourn agreed that it comes back to having inspections done along the way. Supervisory staff costs money, and it should be someone with expertise in the field. Engineering firms contract construction supervision, but it is very expensive, and the individual conducting inspections may not be qualified although the firm is. He continued that the Town of Plymouth has such requirements.

Dennis Day inquired when does the town accept a road? He stated that he signed off on Day Drive thinking that the town was to take it over. Selectman Gross stated that it is not automatic that the town will take over a road. He continued that there have been several site visits where the road grade has been discussed as well as guardrails. Selectman Sabourn stated generally the developer builds the road and after so many homes the developer or homeowners petition the town for the road to become a town road. This goes to the town meeting and if voted then BOS reviews. He suggested that if Mr. Day thinks Day Drive deserves, he should file a petition. If there is a hazard, for instance a guardrail, it would need to be addressed before the board agreed to accept the road for the town. It was noted that the road has been in for some time and now there are new regulations. There is a possibility that the road might be held to lesser standards due to standards that were in place at that time. The situation would have to be reviewed on a case by case basis.

Sally Kriebel questioned how the town enforces regulations, admitting that enforcement gets to be dicey in some situations. She noted that there are cases where ordinances have been flagrantly abused on a consistent basis, and if allowed to continue others will follow. If the town is going to just ignore the violations they should disband PB and ZBA altogether. Selectman Sabourn responded that the publication Knowing the Territory that is put out by the Local Government Center (LGC) appears to recommend an approach where the town send's a letter stating that there "appears" to be a violation and then step up correspondence, and ultimately the Police Department can issue a citation for a violation of the Zoning Ordinance. Ms. Kriebel inquired who initiates the action. Selectman Sabourn stated any citizen or board member could start the process, or the BOS. Ms. Kriebel stated that our elected officials especially should go out and look at things prior to taking action.

David Gravel inquired if there is a plan for getting a code enforcement officer, continuing that there is no ordinance if there is no one available to enforce it. Selectman Parziale agreed that the whole thing goes back to enforcing the regulations that are in place, but that he thinks the PB should consider revision of some of the regulations given the terrain that exists in Thornton. Mr. Demeritt stated it is time that the town takes a good look at

how we work together. Some things need to be addressed. Selectman Gross stated the BOS is constantly talking with people and trying to resolve issues that are brought to them. Selectman Parziale stated the BOS follows up with the complaints they receive. Jim Demeritt stated the BOS needs to be more aggressive with policing and enforcing compliance. David Gravel mentioned the Ham Farm as an example.

Selectman Sabourn stated part of problem is that septic designers are trying to do survey work. Everyone has their own niche. Septic designs should not be done by an individual if he (or she) is not completely certain of the property boundaries. He stated he has seen the issue a few times this past year where boundary placement was incorrect on septic plans. He continued that individuals can be reported to the licensing authority if they are acting outside of their trade. A licensing entity needs to be made aware. The landowner relies on individuals to do the work they were hired for. He continued that maybe a code enforcement officer is the right answer; the Building Inspector is responsible for the building not the site per se. The LGC recommends that the Police Department prosecute cases as they occur. He agreed that it is something that we as boards need to talk about. Jim Demeritt stated that we are all in the same boat and need to look forward in trying to enforce what regulations we have or get rid of them.

Marianne Peabody stated that there needs to be a procedure on how to enforce. She continued that having been a Health Officer for many years she has found that usually if someone in authority talks with them about a violation to start with, they will work with you. Selectman Sabourn agreed that we need to set up a program of how to deal with violations stating that it isn't just one person. Selectman Parziale stated that the problems won't go away overnight, but that we are all on the same page for betterment of the town.

Selectman Gross stated that zoning was established in 1970. The Planning Board has done a fantastic job of bringing it up to date.

Marianne Peabody noted that Route 3 is in the industrial zone and we could get an application for a major factory.

Selectman Sabourn stated he would like to see the prohibition of the removal of topsoil from town removed from the zoning ordinance. He would strongly recommend removal of that stipulation. Topsoil is a commodity; it is unfair to restrict an individual in that way. Selectman Sabourn agreed that for the most part he agrees that the current regulations are pretty good.

Russell Gilman stated he sees a problem with who is going to oversee construction of roads and buildings. He noted that a lot can be covered up very quickly. Periodic assessments need to be made. Selectman Gross stated that in the past they would have the Road Agent follow the road's construction through. Selectman Sabourn stated he does not agree with the Road Agent being responsible for the road's construction.

Selectman Sabourn suggested that Ms. Peabody contact the Plymouth Town Planner relative to the program they have in place with procedures, engineering fees, etc. He continued that he doesn't know whether the town is happy with it or not, but that property owners are not happy. Sometimes a town supervisory firm has made issues. The Road Agent has more training. He has met the requirements and is now a Master Road Scholar. Selectman Sabourn continued that he does not think it is fair to dump road construction inspections in his lap in addition to his regular work. The town should build the costs of inspection into the fee schedule and to have the developer cover those costs. An engineer is not always the best answer; someone who builds roads like a Leigh Johnston or one of the other local contractors might be a good road inspector. This would be in the developers best interest to make sure that things are done as planned.

Ms. Peabody asked if the Building Inspector needs to have more time.

Mr. Van deMoere stated that engineers are trained with 8 years after high school. He stated that he would rather have that level of expertise with the occasional mistake vs. having an untrained eye making the calls. Costs are pinned on the developers, and it would have the effect of slowing development. Selectman Sabourn stated he is not anti engineer; he is anti "bad" engineer-someone who doesn't have the experience.

Ms. Peabody stated that public relations go a long way and are lacking in the current process. We need someone to ride around and check on zoning violations and someone who can approach residents about that violation. Selectman Sabourn stated that if we are getting into that level, we need to have someone on the payroll with the expertise. Ms. Peabody stated that maybe each level could handle their responsibility. She stated that the Selectmen are the enforcers. Each level should be able to work within their boards to accomplish what needs to be done.

Selectman Gross stated that before the building permit on Rte 175 was even signed, he made the statement that it didn't look right and cautioned about the lot size. Ms. Peabody stated that problem is on selectmen's level.

Jim Demeritt thanked the selectmen for meeting with the boards. Selectman Sabourn confirmed that the ZBA would generate an article for the warrant relative to ZBA alternates. YES

Selectman Sabourn stated he would like to thank Russell Gilman for allowing the town to place a hydrant on Russell & Ardelle's property. He continued that it is a very generous offer that is very much appreciated.

Ms. Kriebel questioned whether a department debriefing meeting was ever held relative to April's windstorm? YES

8:00 Fire Commissioners terms of office-the board appointed Todd Baldwin to a 3- year term and Jim Demeritt for a 2- year term. APPROVED (x3)

North Road/Jeffrey & Donna Hutchins-Selectman Sabourn informed M/M Hutchins that town counsel had been contacted and the board has received some feedback from him. RSA 67:41 deals with streets. There are two issues-one is issuing a building permit and the other is making it a town street. The board shared town counsels response with M/M Hutchins. The Planning Board needs to make comment because the road at best is classified as a Class VI. Selectman Sabourn does not believe that a variance will be necessary because there is frontage shown on the subdivision plan recorded in 1970. The PB signed that plan in good faith. M/M Hutchins stated that surveyor, John March, did a septic design and marked the boundary. Trees in the cul de sac are from M/M Hutchins property.

Selectman Sabourn stated that the PB is probably going to want to do a site visit. He doesn't think it is unsafe to build on the parcel, but he would be absolutely against the town taking over the road's maintenance. He continued that the graveled surface is about 18' wide and the cul de sac is at best 40' and would not work for fire apparatus. The culvert at the lower corner is set too deep and there is no ditch line on the Hutchins side of roadway. All of these would be problems for the town to accept the road, but Selectman Sabourn does not see a safety issue for the construction of a house. M/M Hutchins would have to release the town from any responsibility for lack of accessibility to the property in order to have a building permit approved. He continued that the Selectmen have to consider the recommendations of the Planning Board prior to proceeding.

There was discussion about what would be necessary to enlarge the cul de sac.

Mr. Demeritt inquired how we make the road so that the town is fair to the property owners. What is the procedure? Selectman Sabourn stated he is not in favor of granting permits for 3 houses without the access becoming a road. He continued that he can justify the driveway serving 2 buildings, but not making it a street without fixing it as such. The Selectmen will await the PB comments.

Crawford ball field. Sabourn Surveying has started the survey. Location work has been done. They still need to do some registry work. There is an access at the back to lower fields. There is no current purpose and the town may be able to get any rights released.

Signs – Selectman Sabourn stated that NHDOT can't give permission for parking and wouldn't put up signs on Rte 175 near Crawford Field. The Police Department can put up signs as a safety issue and DOT would not have a problem with it. Selectman Sabourn stated he would suggest a couple of permanent "No Parking Between Signs". The Police Chief should look for proper placement with the RA. The RA is to order and install signs in the agreed locations.

It was moved to approve the Selectmen Meeting minutes of 6/5/07 as presented.
PASSED (x3).

Selectman Sabourn asked to address the minutes of the department head storm operations debriefing meeting. He stated he was bothered that the minutes say he is opposed to grant applications. It was not what was said. He would support grant applications for fire fighting water tanks, radios, etc; equipment that can be used. He does not think the grant applications proposed had a lot of value. The board agreed that the minutes be amended as stated. PASSED (x3)

Ed Summersby land in Mill Brook. Selectman Sabourn stated he had a call from Brian Roy, the logger. He was advised to file the intent to cut. Mr. Roy had delivered an unsigned copy of the intent form and contract with Mr. Summersby. Selectman Sabourn asked when he could get a signed intent form to the office. Mr. Roy had responded, Monday, at the latest Tuesday and said that all he was cutting was around house. Selectman Sabourn had Mr. Roy agree that if a signed intent was in the office by the end of day on Tuesday he could continue operations. The intent did not arrive. It was moved that due to the size of the harvest, a police officer is to issue a cease and desist order and order Mr. Roy to move out his equipment until a signed Intent to Cut form is in place. PASSED (x3) The TA is to notify the Police Department in the morning.

Selectman Gross suggested the town charge four times what the logs are worth for those owners trying to scam the town.

Jim Demeritt stated the RA did a great job on the 1st culvert with the cold patch and smoothing but he only did half of second culvert. He did that part of the road on the right hand side. Selectman Sabourn stated the RA had probably used up the patch he had on the truck. The TA will confirm the RA's plan on the 2nd culvert.

Culverts on Mill Brook scheduled for replacement. Mr. Demeritt stated he would like to know tentatively when it will be done so that he can be either in or out. Selectman Sabourn asked Mr. Demeritt for a list of folks that actually live there full time so that possibly people could be notified in some fashion. Mr, Demeritt stated he thinks there are 10 households that live out there. He continued it is not an issue, because he knows it has to be done. The TA stated that the RA is planning to keep the road open as much as possible and to attempt one side at a time.

Letters of Intent to apply for grant monies for the Hazard Mitigation Grant Programs. The board agreed that the intent letters could be mailed for part-time coordination efforts (\$26,667.00) and education/outreach packets (\$8,000).

A motion was made that one selectman's signature will validate manifests until the July 17, 2007 selectmen's meeting. PASSED (x3)

APPROVALS

Building Permit		
16 4 27	B&R Tryder	porch
10 1 5-9	J&M.Daigneault	2 bay garage
12 2 3	R&L Mauceri	2 BR/1+BA house
17 13 3-04	R Bohlin	
Intent to Cut		
6 6 9	J.Powers	14 lot subdivision
8 2 1	E&J Summersby	
Veteran Credit		
17 7 64	L.Kowalski	
Abatement of 2006 tax		
11 4 31	L&P Klotz	\$192
17 8 2-1d	Cordeiro/Pomerantz	\$ 73
6 11 2	A.Barounsky	\$859
10 10 13	M.Arnett	\$ 15
12 7 5	J.Manseau & K.Shaunna	\$398
13 7 4A	F&D James	\$763
13 7 4	P James	\$1138
2 6 2A	W&T Joyce	\$671
13 4 2	R.Wilkie Jr	\$553
15 1 47	M.Look	\$169

9:25 It was moved to adjourn. PASSED (x3)

**The next scheduled Selectmen's Meeting
Will be
July 3, 2007
5:30 PM at the Municipal Building**