

**TOWN OF THORNTON  
PLANNING BOARD**

**Planning Board Meeting Minutes  
Thursday, February 16, 2023**

Approved on: 3/16/23  
PB Initials: NAD  
Rec'd by Town Clerk on: 3/28/23  
Town Clerk Initials: AER

**CALL TO ORDER – PLEDGE OF ALLEGIANCE:**

Chairman Nancy Decoteau called the meeting to order at 6:00 p.m.

**ROLL CALL:**

**Members present at Town Hall:** Nancy Decoteau, Chairman; Steven Babin, Vice-Chairman  
Frank Freeman; Peter Laufenberg; Donna O'Donnell; David Rivers; Cynthia Schofield; Kathy  
Menici, Planning Director; Kerrin Randall, Board Assistant

**Alternates present at Town Hall:** Jack Gaites

**Others present via call-in (*partial names are as they appeared via Zoom*):** None

**Others present at Town Hall:** Paul Bankosky, Joe Peznola, Shawn Magoon, Jerry Sobolewski,  
Tom Duffield, Craig Francisco, Kevin Dorsey, Byron O'Donnell

**APPROVAL OF MINUTES:**

Mr. Babin stated that he received an audio recording of the December 15, 2022 meeting and was  
invoiced \$25.00, which he paid. He stated he has submitted an invoice for reimbursement, as the  
recording was for the Planning Board, and asked if the Board supported his actions in submitting for  
reimbursement.

Mr. Rivers asked if it was a town policy that audio recordings are \$25.00, and Ms. Randall clarified yes;  
anyone looking to obtain audio recordings of a meeting has to pay the fee established on the approved  
Fee Schedule. Ms. Randall stated the \$25.00 is for a secure USB thumb drive that the recordings are  
put on. She stated that audio recordings are available until the meeting minutes are approved, as the  
written minutes are the official record of the Board meetings.

**MOTION: "To authorize the reimbursement of \$25.00 to Mr. Babin out of the Equipment  
Purchase and Rental line from the Planning Board budget."**

**Motion:** P. Laufenberg

**Second:** F. Freeman

**Discussion:** None

**Vote:** 6 YES - 0 NO - 1 ABSTAIN

**Motion passes.**

Upon distribution and review of the meeting minutes of December 15, 2022, the members took the  
following action:

**MOTION: "To accept and approve the Minutes of the Thursday, December 15, 2022 meeting as  
amended."**

**Motion:** P. Laufenberg

**Second:** F. Freeman

**Discussion:** None

**Vote:** 6 YES - 0 NO - 1 ABSTAIN

**Motion passes.**

**MOTION: "To accept and approve the Minutes of the Thursday, January 19, 2023 meeting as  
amended."**

**Motion:** F. Freeman

**Second:** D. O'Donnell

**Discussion:** None

57 **Vote: 7 YES - 0 NO - 0 ABSTAIN**

58 **Motion passes.**

59  
60 **COMMUNICATIONS:**

61 Planner Menici shared a "Save the Date" notice for the NH Planning and Zoning Spring meeting. She  
62 stated registration information will be sent out when available.

63  
64 **PRELIMINARY BUSINESS:**

65 1. Master Plan Committee – Update

66 Ms. O'Donnell stated that summaries of the discussion sessions have been given to the Board for  
67 review. She stated the summaries will be included in the Master Plan, and the goal of the Committee is  
68 to have the Master Plan ready for review at the April Planning Board meeting.

69  
70 2. Sign Proposal for 'Shamrock Grove'

71 Ms. O'Donnell recused herself from the Board. Ms. Decoteau sat Mr. Gaites as a voting member.

72  
73 Ms. O'Donnell, applicant, reviewed the proposed changes to the existing sign for the 'Shamrock Motel.'  
74 She stated the sign will remain in the same location and will be taller to accommodate aspects of the  
75 rebranding efforts happening.

76  
77 The Board reviewed the information and graphic proposal presented by the applicant as follows:

- 78  
79 1. Sign will be six feet (6' W) by eight feet (8' H) in dimension.  
80 2. Location of the sign will be where the existing sign for the 'Shamrock Motel' is located.  
81 3. The sign will not be placed in a manner that will endanger traffic by obscuring views, cause  
82 confusion with official signs, cause glare either by sunshine or artificial lights, or provide a  
83 seasonal visual obstruction during snow season.  
84 4. The sign will not be internally illuminated.

85 The board agreed the sign, as proposed by the applicant, would be in compliance with the Sign  
86 Regulations.

87 **MOTION: "To recognize that the application meets Thornton's Sign Regulations and approve**  
88 **and permit the sign as requested by Byron and Donna O'Donnell for 'Shamrock Grove'.**

89 **Motion:** D. Rivers

90 **Second:** F. Freeman

91 **Discussion:** None

92 **Motion passes:** 7 – YES, 0 – NO, 0 – Abstained

93  
94 Ms. O'Donnell rejoined the Board and Mr. Gaites stepped off the Board to act as an alternate.

95  
96 **HEARINGS:**

97 1. APPLICATION/PUBLIC HEARING – Subdivision; NH Route 49 [Map 234, Lot 15] Jeffrey  
98 Morey. *Subdivide Map 234, Lot 15 into two (2), 1.1 acre lots.*

99 Ms. Decoteau asked the applicant if he had received the Planner Review as well as Recommended  
100 Conditions of Approval and the applicant stated yes. The Board reviewed the application and checklist  
101 to determine completeness.

102  
103 **MOTION: "To accept the application as complete.**

104 **Motion:** P. Laufenberg

105 **Second:** S. Babin

106 **Discussion:** None

107 **Motion passes:** 7 – YES, 0 – NO, 0 – Abstained

108  
109 Ms. Decoteau opened the public hearing at 6:14 p.m.

Mr. Morey stated he would like to subdivide his 2.2-acre lot into two (2) lots with a shared driveway. He stated Mr. Perry, an abutter, relinquished his shared right to use the driveway and the recorded documents are before the Board to show this. Mr. Morey stated the driveway is now in compliance to access his proposed subdivided lots.

Ms. Decoteau questioned items on the checklist not being filled in and Planner Menici commented that she had received a response from the project engineer addressing items noted in her review. She stated the engineer indicates that all items noted in the Planner Report can and will be addressed and can be listed as conditions of approval.

Mr. Morey stated he has not applied for State subdivision approval, as he needs to know if the Town will approve the subdivision first.

Ms. Decoteau questioned the water and sewage on the proposed parcels, and Planner Menici stated the well radii extend into White Mountain National Forest property.

Planner Menici commented that the project engineer has recommended that, rather than obtain an easement from WMNF, a Protected Well Radius Release Form from NHDES can be completed and recorded; the form acknowledges that current state law does not protect the well beyond the boundary of the property. She commented that this appears to be a good solution and she would recommend it rather than obtaining an easement.

Ms. Decoteau asked for any additional comments from the Board or the Public. No further comments were given and the public hearing was closed at 6:23 p.m.

**MOTION: "To approve the subdivision application with the following conditions:**

1. State subdivision approval number to be added to the plan and recording sheet;
2. State septic approval to be obtained prior to the issuance of a ZCA;
3. NHDES Protected Well Radius Release Form to be completed and recorded with note to be added to the plan and recording sheet to include recording information;
4. Change reference to *Proposed Lot 234-53-1* to read *Proposed Lot* as lot number will be assigned by assessor.
5. Table to be added to the plat to demonstrate that the Proposed Lot satisfies the buildable acre requirements;
6. Update NH DOT driveway permit to reflect exclusion of the parcel identified as Map 234 Lot 54 from the access permit;
7. Correct notation on plan to read Existing NHDOT Access (See Note 11);
8. Monumentation to be set on the plat, recording sheet and in the field. Plat to be signed and stamped by a NH-licensed surveyor;
9. Correct Map and Lot number for the White Mountain National Forest property to read Map 233 Lot 1 (incorrectly labeled Map 234 Lot 45).
10. Planning Board's legal counsel to review and approve language in "Termination of Easement" and related note on the plan and recording sheet, at the applicant's expense;
11. Provisions to be added to the deeds and as a note on the plan and recording sheet regarding the maintenance of the driveway shared by Map 235 Lot 145 and the newly created parcel. Deed language and note on the plan/recording sheet to be reviewed and approved by the Planning Board's legal counsel, at the applicant's expense;
12. Conditions of approval to be added as a note on the plan and recording sheet;
13. Recording sheet requirements:
  - a. Recording sheet to be added to the plan set and to be labeled as such;
  - b. The following to be deleted from recording sheet: delineation of contours and treelines, protective well radii, proposed 4k areas, wetlands;
  - c. Signature block to be included on the recording sheet;
  - d. Note to be added to the recording sheet that states "The complete plan set is on file at the Town of Thornton Town Offices."

**Motion:** F. Freeman

**Second:** P. Laufenberg

167 **Discussion:** None

168 **Motion passes:** 7 – YES, 0 – NO, 0 – Abstained

- 169
- 170 2. Continued APPLICATION/PUBLIC HEARING – Site Plan Review; US Route 3 [Map 227, Lot 2]
- 171 Kevin Dorsey for White Mountain Escapes. *Construct a residential cluster condominium*
- 172 *subdivision; 18 single family homes with shared common land.*
- 173

174 Ms. Schofield and Ms. O'Donnell recused themselves from the Board, as they are abutters. Mr. Gaites

175 was seated in place of Ms. O'Donnell.

176

177 Ms. Decoteau reconvened the public hearing at 6:25 p.m. and asked Mr. Dorsey if he had received

178 Planner Menici's review, and he stated yes.

179

180 Planner Menici reviewed that at the last meeting, the Board authorized Mr. Dorsey to begin the third-

181 party review and, as of tonight, Keach-Nordstrom has not received any plans. She commented that the

182 primary reason for Mr. Dorsey being present tonight is to get a determination from the Board on waivers

183 for the paved width of the private road and from the 50-foot ROW requirement.

184

185 Mr. Freeman asked for clarification on the road width and ROW requirements. Planner Menici

186 reviewed that the subdivision regulations state:

187

187 **SECTION IV GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND**

188 **I. TABLE OF ROAD CONSTRUCTION STANDARDS**

- 189 1. *Minimum width of right of way 50 ft.*
- 190 2. *Minimum width of roadway (generally centered in R.O.W. shall be 24 ft with 20ft*
- 191 *of travel way and 2 ft of shoulders on either side. Shoulders shall be constructed*
- 192 *to the same standards as travel way.*
- 193

194 Mr. Dorsey stated he took a step back after the last meeting and contracted Bedford Design

195 Consultants to review the project; Craig Francisco is present to speak if needed. Mr. Dorsey reviewed

196 that he has applied for an AOT permit from the State and the Town has a copy of the application. He

197 stated updated plans have not been sent to Keach-Nordstrom yet, as he needs a determination of the

198 requirements for the road and ROW.

199

200 Mr. Dorsey stated, currently, a 20-foot-wide road is acceptable for private condominiums, which his

201 project is. He commented that he wants to have the least amount of impervious surface possible to

202 preserve the land. Ms. Decoteau asked Mr. Dorsey where in the regulations it states that 20-foot-wide

203 roads are permitted and Mr. Dorsey stated Planner Menici told him it was permissible with two (2), two

204 (2) foot shoulders. Planner Menici clarified that the shoulders need to be paved, as the regs state

205 shoulders shall be constructed to the same standards as travel way; this would be 24-feet total. She

206 stated the 24-feet of road would be centered within the 50-foot ROW.

207

208 Mr. Dorsey questioned who would own the land within the 50-foot ROW, as he has never seen this

209 before in a condominium. He commented that he is selling his house on Fraser Road and moving into

210 the house currently on the subject property. He stated this is relevant, as he will be residing there, and

211 he does not want to cause any issues with his neighbors. Mr. Dorsey stated he wants to address the

212 concerns brought up from neighbors.

213

214 Mr. Freeman asked why the house on the subject parcel is listed on MLS; this implies, to Mr. Freeman,

215 that Mr. Dorsey plans to sell it at some point. Mr. Dorsey clarified that the house is not listed on MLS

216 as "for sale" but is listed as a marketing tool for the other homes in the development.

217

218 Mr. Dorsey asked Mr. Francisco of Bedford Design Consulting to speak on the project. Mr. Francisco

219 stated he has been with Bedford Design for 30 years and done projects all over New Hampshire. He

220 reviewed that he has worked on several condominium projects, and he doesn't understand why the

221 Town wants a 50-foot ROW for a condominium subdivision.

222

223 Mr. Freeman acknowledged Mr. Francisco's question, but the Board can't answer the question of the  
224 ROW, as it was approved by the Town. A waiver can be requested for the road and ROW, but the  
225 Planning Board cannot change what the governing body of the Town voted to approve.  
226

227 Mr. Babin stated that Mr. Francisco asked a pertinent question. Mr. Babin asked the Board if the spirit  
228 of the law or the letter of law are what they are concerned with. He stated Fire Chief Defosses has  
229 addressed in his letter that he has no concern with the current paved area from a public safety point.  
230 He commented that the letter of the law is the hang-up with the ROW in question, and that is why the  
231 Planning Board exists, to help with land use.  
232

233 Ms. Decoteau asked what makes this project unique from other subdivisions in Thornton who have  
234 adhered to the road width and ROW, and Mr. Francisco stated this project is a condominium with  
235 common land, and the owners will only own their physical home and not the land around it.  
236

237 Mr. Freeman asked Mr. Francisco why a 50-foot ROW is an issue, but a 40-foot ROW is not, and Mr.  
238 Francsico stated he does not want any ROW to be required, as all common land is owned by the  
239 condominium association. Ms. Decoteau verified that Mr. Francsico does not want a ROW listed at all,  
240 and Mr. Francsico stated yes. Mr. Francsico stated a ROW is just a line on the plan, and the Board  
241 disagreed.  
242

243 Ms. Schofield, as an abutter, asked if the electric transformers already in place on the lot would be in  
244 non-compliance with the setbacks if the ROW is in place and Mr. Dorsey stated no.  
245

246 Mr. Francsico stated he does not see the purpose of a ROW for this project, as Mr. Dorsey has said  
247 that the road will remain private, but putting a ROW sets it up for the Town to take it over. A lengthy  
248 discussion of possible scenarios that could pose safety concerns with or without a ROW occurred.  
249

250 Mr. Dorsey stated there will be restrictive covenants in the Condominium Association documents that  
251 ensure that the road will not be infringed upon.  
252

253 Ms. Decoteau asked for additional public comment.  
254

255 Mr. O'Donnell stated that laws are written to be followed and there is no gray area. He commented that  
256 he thinks the only reason Mr. Dorsey does not want the required ROW is so he can fit more houses on  
257 the parcel.  
258

259 Mr. O'Donnell stated he does not know what will be written in the Condominium Association  
260 documents, but asked if homeowners are going to be permitted to sublet their homes for short term  
261 rentals. He stated if that is allowed, there are going to be cars packed into those driveways and on the  
262 road. Mr. O'Donnell stated, as he is in the lodging industry, people can be told the maximum number of  
263 guests allowed and they will bring double that number; he has seen it occur.  
264

265 Mr. O'Donnell stated the ROW requirement was put in place for a reason, and if this project is allowed  
266 to go without one, does it set a precedent for future projects.  
267

268 Planner Menici commented that there doesn't necessarily have to be a ROW, as some condominiums  
269 depict a private roadway with a width of 50 feet but not labeled as a ROW; the setbacks are set based  
270 on the edge of the 50 feet wide road. This would show on the plan as being in compliance with the  
271 regulations without creating a separate parcel; it would still be part of the condominium.  
272

273 Mr. Laufenberg commented that the applicant has submitted a waiver for the width of the road and  
274 showing it on the plan in a different way would be their choice.  
275

276 Mr. Dorsey stated there can be covenants incorporated in the Condominium Association documents  
277 that restrict the number of vehicles allowed to be parked at a house. He commented that if a neighbor

is having a gathering and requires more space, they will have to ask a neighbor and not park on the road.

Mr. Dorsey stated when he came before the Board a year ago, he stated at the preliminary discussion that the road would be privately owned by the HOA in perpetuity, and that the 20-foot road with shoulders was understood.

Mr. Rivers asked Mr. Dorsey if he took what was preliminarily discussed as direction from the Board and then implemented the building of the road based on your interpretation of what was discussed. Mr. Dorsey stated yes, and Mr. Rivers asked where the documentation was that gave him permission to construct the road with those specifications and Mr. Dorsey stated he did not get permission, but it was discussed at the preliminary meeting. Mr. Dorsey stated there was no way that he or the professionals working on the project missed the road measurements required.

Ms. Decoteau asked for any additional public comment and there was none.

Ms. Decoteau reviewed that the subdivision regulations state that the shoulders shall be constructed to the same standards as travel way. Mr. Dorsey stated he has permits for 18 homes and could build more based on the acreage he owns. He stated he wants to be able to give Mr. Ham and The Suttons more property, but he doesn't have to; he wants to be courteous to his neighbors.

Discussion on the waiver request on the 50-foot ROW occurred.

**MOTION: "To grant the waiver of SECTION IV, GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND; I. TABLE OF ROAD CONSTRUCTION STANDARDS, 1. Minimum width of right of way 50 ft. with the following condition:**

- **Note to be added stating vehicles cannot park within 25-feet of the center line of the road be added to the plan."**

**Motion:** P. Laufenberg

**Second:** D. Rivers

**Discussion:** None

**Motion passes:** 6 – YES, 0 – NO, 0 – Abstained

Ms. Decoteau stated no waiver has been submitted for the paving of the shoulders. Mr. Dorsey confirmed that no waiver has been submitted yet, but there will be one submitted for the next meeting. Mr. Laufenberg commented that waiver request should be detailed.

Mr. Dorsey asked when the waiver and updated plan would need to be submitted by and Ms. Decoteau stated the deadline for continued or revised projects is Thursday, March 2, 2023 by 12:00 p.m. Mr. Dorsey thanked the Board.

**MOTION: "To continue the public hearing for Site Plan Review; US Route 3 [Map 227, Lot 2] Kevin Dorsey for White Mountain Escapes to the March 16, 2023 meeting."**

**Motion:** P. Laufenberg

**Second:** F. Freeman

**Discussion:** None

**Vote:** 6 YES - 0 NO - 0 ABSTAIN

**Motion passes.**

Ms. O'Donnell and Ms. Schofield rejoined the Board and Mr. Gaites stepped off the Board to act as an alternate.

#### **OTHER BUSINESS:**

##### **1. Rules of Procedure**

##### **i. Draft Language for Attending Meetings Virtually**

Ms. Decoteau reviewed the proposed language to be added to the Rules of Procedure:

#### IV. MEETINGS

- **ADD to section:**

- a. Meetings may be attended by the public via virtual meeting platform, with the link to the meeting provided on the meeting agenda. Members of the public may signal any intent to comment or ask questions using the SIGNALS tool on the virtual meeting platform.
- b. Board members may attend meetings, participate in the decision-making process, and participate in roll-call votes via virtual meeting platform; however, a quorum of the Board [four (4)] must be present in person to conduct a meeting.
- c. Any member participating via virtual meeting platform shall identify the persons present in the location from which the member is participating.

Board members participation via virtual meeting platform should be the exception, and, when possible, members should notify the Chair or staff 48-hours in advance if participating via virtual meeting platform.

**MOTION: "To adopt the proposed language for virtual meeting participation for the Rules of Procedure."**

**Motion:** P. Laufenberg

**Second:** F. Freeman

**Discussion:** None

**Vote:** 6 YES - 0 NO - 1 ABSTAIN

**Motion passes.**

#### *ii. Draft Language for Signing Plats*

Ms. Decoteau reviewed the proposed language to be added to the Rules of Procedure:

#### **X. DECISIONS**

- **ADD to section:**

4. Upon satisfaction of conditions of approval precedent, the Chairperson shall sign the plat. In the absence of the Chairperson, the Vice Chairperson or other elected member of the Board may sign the plat.

**MOTION: "To adopt the proposed language for the signing of plats for the Rules of Procedure."**

**Motion:** D. O'Donnell

**Second:** F. Freeman

**Discussion:** Mr. Babin commented that the language presented is how the Board has been operating, and he does not feel that more regulations need to be added to the Rules of Procedure as the RSA already allows for any member of the Board to sign a plat.

**Vote:** 5 YES - 1 NO - 1 ABSTAIN

**Motion passes.**

#### 2. Discussion of Proposed Amendments to Site Plan and Subdivision Regulations

##### *i. Continued discussion on Exemption of Certain Projects from Site Plan Review*

Ms. Decoteau asked for comments on the proposed language, and the Board asked for more time to review before reopening the discussion. Ms. Decoteau asked that the topic be added to the March agenda and asked that members come prepared for discussion.

##### *ii. Draft Language for Design Review Addition*

Planning Menici commented that in reviewing the Rules of Procedure, it was discovered that the Planning Board has Design Review as an option for applicants. She recommended that the proposed language be removed from the Rules of Procedure and added to the Site Plan and Subdivision Regulations:

**ADD:**

#### **DESIGN REVIEW PHASE:**

*The applicant may appear at a regular meeting of the Planning Board to engage in nonbinding*

discussions with the Board which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by RSA 676:4, I(d).

*Design Review is subject to the following:*

1. Applications for a Design Review Phase (676:4, II (b)) meeting with the Board shall be made on forms provided by the Board and shall be presented to the Secretary of the Board or the Board's agent who shall sign and record the date of receipt.
2. Notice shall be given as required in RSA 676:4, I (d) 10 days before such application is submitted to the Board.
3. The plan shall include at a minimum the following items:
  - a) A site location map placing the parcel in the larger context of the community;
  - b) A site survey showing pertinent features of the site;
  - c) An indication of any future subdivisions contemplated in or adjacent to the proposal;
  - d) A topographic map of the area;
  - e) Any soils information, such as permeability or boring data, that has been gathered; and
  - f) A sketch showing the proposed layout of lots, structures, parking, streets, and recreation areas; watercourses; natural features and easements, as applicable.
4. The board shall determine the conclusion of the Design Review Phase process and inform the applicant of such determination in writing.

*Statements made by planning board members during Design Review shall not be the basis for disqualifying said members or invalidating any action taken.*

Ms. Decoteau asked for any questions and there were none.

**MOTION: "To remove the language for Design Review from the Rules of Procedure and add it to the Site Plan and Subdivision Regulations."**

**Motion:** N. Decoteau

**Second:** F. Freeman

**Discussion:** None

**Vote:** 7 YES - 0 NO - 0 ABSTAIN

**Motion passes.**

Mr. Laufenberg asked if something could be made that shows the process for applicants and the options they have for coming before the Planning Board; a visual 'one sheet'. Ms. Randall stated she will draft something for the Board to review.

iii. Draft Language for Determination of Completeness Process

Ms. Decoteau reviewed the proposed language to be added to the Site Plan and Subdivision Regulations:

**ADD:**

**Section D. Completed Application**

An application for Site Plan Review will not be noticed for public hearing until the Planning Board reviews and makes a determination regarding the completeness of the application materials. The determination of completeness will be limited to the review of the application checklist items only. Any discussion regarding the merits of the application will not begin until the application is accepted as complete, the application is noticed in accordance with RSA 676:4, I(d), and the public hearing is formally opened.

Planner Menici asked if there was a possibility of another option for determining completeness that would not require the application process to be a two (2) month procedure. She stated the process proposed will achieve the Board's goal of ensuring that applications are complete prior to opening the public hearing, but cautioned that it would add time to the applicant's timeline. She asked if the Board

444 would like her to research how other municipalities determine completeness before deciding on the  
445 proposed language.

446  
447 Discussion on potential alternatives occurred. Mr. Laufenberg stated that the current procedure is  
448 causing applicants to have Public Hearings continued anyway, and Ms. O'Donnell agreed, stating that it  
449 is rare that an application gets approved in one meeting and takes two (2) months at a minimum.  
450

451 Ms. Decoteau stated that if the proposed procedure is adopted, the Board needs to be consistent and  
452 firm in their process; if the application is not complete, the discussion of the proposal needs to stop.  
453

454 Mr. Babin stated that the Board has commented several times on incomplete applications being  
455 submitted, and perhaps it is the regulations that are causing confusion to the applicants. He referenced  
456 professionals coming before the Board and questioning why applications are incomplete. Mr. Babin  
457 suggested a committee reach out to engineers for feedback on how to 'clean up' the regulations.  
458

459 Planner Menici commented that, as time allows, she has been reviewing the regulations for  
460 inconsistencies, conflicts, and lack of clarity. She commented that she does not believe the regulations  
461 are creating problems, and that they are appropriate for a town like Thornton.  
462

463 Mr. Babin stated he does not disagree with Planner Menici's statement; however, the Town Planner is a  
464 Professional that is coming to a local land use board and a lot of people are wondering what is  
465 happening. He stated property owners do not feel they should be giving up their perceived property  
466 rights, and no one from the Town or Planning Office is reaching out to help them; letters are sent with  
467 no guidance. Mr. Babin stated anything that applicants say before this Board can be used against them  
468 in the restriction of the use of their land. Mr. Babin stated the Board is not paying attention to the fact  
469 that property owners feel this way.  
470

471 Planner Menici clarified that her role, as a professional planner, is to advise the public of land use  
472 regulations and zoning; she does not make decisions. She stated that there is no one at the staff level  
473 with the authority to tell applicants that they can or cannot do something; that is the decision of the  
474 Board.  
475

476 Ms. Decoteau asked the Board if Planner Menici needs to research other municipalities for their  
477 determination of completeness procedure and the Board agreed the research was not needed.

478 **MOTION: "To approve the proposed language for the Determination of Completeness Process**  
479 **to be added to the Site Plan and Subdivision Regulations."**

480 **Motion:** P. Laufenberg

481 **Second:** S. Babin

482 **Discussion:** None

483 **Vote:** 7 YES - 0 NO - 0 ABSTAIN

484 **Motion passes.**  
485

486 Mr. Babin stated he was advised by Planning Board Legal Counsel that he could not have direct  
487 communication with them. Mr. Babin stated he then called NHMA free legal counsel and was told that  
488 his question needed to go through Planning Board Legal Counsel. Mr. Babin stated he does not want  
489 to cause a problem but would like clarification on how to contact legal counsel as a Planning Board  
490 member.  
491

492 Mr. Laufenberg clarified that any member of the Board may contact Legal Counsel, but other Boards  
493 have adopted that the chair makes the determination of who contacts counsel. Ms. Decoteau stated  
494 that, as Chair, she will be the point of contact for Legal Counsel unless she delegates otherwise.  
495

496 **Non-Public pursuant to RSA 91-A: 3, II (c)**

497 **MOTION: "To enter into non-public session pursuant to RSA 91-A: 3, II: (c) at 8:37 p.m."**

498 **Motion:** S. Babin

499 **Seconded:** P. Laufenberg

**Discussion:** Mr. Babin asked ZCO Magoon and Planner Menici to stay for the non-public

session.

**Roll call vote:** Nancy Decoteau – yes, Steven Babin – yes, Frank Freeman – yes, Peter Laufenberg – yes, Donna O'Donnell – yes, David Rivers – yes, Cynthia Schofield – yes

**Motion Passes: 7 – Yes, 0 – No, 0 – Abstained**

**MOTION: “To exit non-public session pursuant to RSA 91-A: 3, II: (c) at 9:25 p.m.”**

**Motion:** C. Schofield

**Seconded:** P. Laufenberg

**Discussion:** None

**Roll call vote:** Nancy Decoteau – yes, Steven Babin – yes, Frank Freeman – yes, Peter Laufenberg – yes, Donna O'Donnell – yes, David Rivers – yes, Cynthia Schofield – yes

**Motion Passes: 7 – Yes, 0 – No, 0 – Abstained**

**ADJOURNMENT:**

**MOTION: “To adjourn at 9:30 p.m.”**

**Motion:** P. Laufenberg

**Second:** D. O'Donnell

**Discussion:** None

**Vote: 7 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

Respectfully Submitted,  
Kerrin Randall, Board Assistant