

TOWN OF THORNTON
PLANNING BOARD

Approved on: March 17 2022
PB Initials: SJS
Rec'd by Town Clerk on: 3/24/22
Town Clerk Initials: ACR

Planning Board Meeting Minutes
February 17, 2022

CALL TO ORDER – PLEDGE OF ALLEGIANCE:

Chairman Babin called the meeting to order at 6:01 p.m.

ROLL CALL:

Members present at Town Hall: Steven Babin, Chairman; Frank Freeman, Vice-Chairman; Donna O'Donnell, Peter Laufenberg, Karen Waters, Dave Rivers, Kathy Menici, Planning Director; Kerrin Randall, Board Assistant

Members Absent: None

Alternates present at Town Hall: Jack Gaites, Cynthia Schofield

Others present via call-in (names are as they appeared via Zoom): Scott, timkingston, Butch Burbank

Others present at Town Hall: Philip Hastings, Shawn Magoon, Chad Stocker, Kevin Dorsey, Stephen Tower, Emmylou Vollmer, Hannah Vollmer

APPROVAL OF MINUTES:

Upon distribution and review of the meeting minutes of January 20, 2022 Meeting, the members took the following action:

MOTION: "To accept and approve the meeting minutes of the Thursday, January 20, 2022 meeting as amended."

Motion: D. O'Donnell

Second: K. Waters

Discussion: None

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

PRELIMINARY BUSINESS:

1. Discussion of Process for Updates/Revisions of the following: Master Plan, Subdivision Regulations, Site Plan Review Regulations, and Short-Term Rental Regulations.

Planner Menici asked the Board how they would like to proceed with updating/revising the Master Plan, Subdivision Regulations, Site Plan Review Regulations, and Short-Term Rental Regulations. There was previous talk of forming a committee to discuss these topics or holding work sessions. Planner Menici stated there are sections in all the mentioned regulations and documents that are outdated or irrelevant.

Mr. Babin commented the Master Plan could be treated as a "living document" that is updated as needed. Mr. Babin then questioned the need to update any regulations as he has seen nothing come up that would warrant a change. He stated regulations should not be made without a need. A lengthy discussion continued.

Mr. Freeman clarified that Planner Menici did not say that regulations needed to be added but edited and updated with relevant information. Mr. Laufenberg agreed with Mr. Freeman and stated that he also agrees with Mr. Babin in that the Master Plan can be a working document rather than updating it every 10 years. Planner Menici clarified that, for the Master Plan, there are certain areas that will routinely need to be updated every few years. A lengthy discussion on whether a committee or work session would be more appropriate to discuss the regulations further. Discussion on sending out surveys to residents to gauge their opinion on certain items that will be discussed in the regulations and Master Plan occurred.

The Board agreed that these topics need to be discussed further, and a work session will be scheduled to determine how to move forward.

HEARINGS:

1. PUBLIC HEARING – 2022 Fee Schedule

Ms. Randall presented a proposed fee schedule for 2022. She stated costs of materials and public postings of hearings are increasing, and currently it is implied that those fees are included in the application fee. Ms. Randall commented that the submission process was altered in hopes of making the abutter notice process more streamlined, but it has actually hindered the process. By adding the additional abutter fee, materials sent will be better organized and processed quicker. Ms. Randall stated the proposed public noticing fee was calculated as an average per hearing posted; if there are three (3) hearings, the cost for the ad is an average of \$150.00, making each hearing noticed \$50.00.

Ms. Randall stated the costs proposed for application fees was based on an average of what other neighboring towns charge, as well as costs associated with processing. Mr. Babin questioned why application fees need to be increased, as there was nothing indicating that there was a need to increase, unlike the abutter and publishing fees that were substantiated. A lengthy discussion followed.

MOTION: “To accept and approve the proposed fee schedule with abutter, publishing, and certified/return receipt fees added to all applications; application fees will not be altered at this time.”

	<u>Current</u>	<u>Proposed</u>
Application Fees: <i>(Cost of Public Notice, Abutter fees, and Certified-Return Receipt fees to be added to application amount)</i>		

Site Plan Review Application:

Minor Site Plan (Due with application):	\$100.00	\$100.00
+ Public Notice <i>(Due with application)</i>		\$50.00
+ Abutter Fee <i>(Due with application)</i>		\$5/abutter
+ Certified Mailing w/Return Receipt* <i>(Due with application)</i>		\$7.33/abutter
<i>*Postal Fees are subject to change according to rates determined by USPS</i>		

Major Site Plan (Due with application):	\$150.00	\$150.00
+ Public Notice <i>(Due with application)</i>		\$50.00
+ Abutter Fee <i>(Due with application)</i>		\$5/abutter
+ Certified Mailing w/Return Receipt* <i>(Due with application)</i>		\$7.33/abutter
<i>*Postal Fees are subject to change according to rates determined by USPS</i>		

Subdivision Application <i>(add price per lot)</i>	\$150.00	\$150.00
+ Price per lot up to 3 new lots	\$75.00	\$75.00
+ Price per lot 4 or more lots	\$100.00	\$100.00
+ Public Notice <i>(Due with application)</i>		\$50.00
+ Abutter Fee <i>(Due with application)</i>		\$5/abutter
+ Certified Mailing w/Return Receipt* <i>(Due with application)</i>		\$7.33/abutter
<i>*Postal Fees are subject to change according to rates determined by USPS</i>		

Motion: P. Laufenberg

Second: N. Decoteau

Discussion: None

Vote: 6 YES - 1 NO - 0 ABSTAIN

Motion passes.

Ms. Randall stated this will be added to the Town fee schedule that is scheduled for public hearing on Wednesday, February 23, 2022 at 6:00 p.m. and thanked the Board for their time.

2. APPLICATION/PUBLIC HEARING – Amendment to Conditional Approval for Previously Approved

Subdivision: Route 175; Emmylou Vollmer [Map 10 Lot 01-04-01].

Planner Menici explained the originally approved subdivision required all houses to have domestic sprinkler systems for fire suppression. Ms. E. Vollmer has indicated that a domestic sprinkler system will not work for her

house plans and has submitted an alternate plan for fire suppression that Chief Defosses has reviewed the plan and finds it appropriate. Planner Menici clarified that this proposed alternative is for Ms. E. Vollmer's property only and not the remaining lots within the subdivision.

Ms. H. Vollmer explained that the subdivision was not created traditionally with an association involved and was divided up among heirs as an inheritance with individual lots within a larger parcel. Mr. Freeman commented that at the time the subdivision was proposed, it was determined that a cistern for all lots was cost prohibitive and they determined that the lots had to install private fire suppression.

Planner Menici stated the proposed alternative would be a buried tank installed on the property with hose fittings for the fire department. The tank would need to be inspected by the Fire Chief and it is the owner's responsibility to maintain the tank. Planner Menici stated that, again, this proposed alternative is for Ms. E. Vollmer's property only and other lots within the subdivision are still subject to the sprinkler requirement. She stated should those lots be built upon the owners may submit alternative fire suppression systems. Discussion continued.

MOTION: "To accept and approve the amendment to allow the installation of an onsite fire suppression tank with hose fittings as approved by the Campton-Thornton Fire Chief instead of a domestic sprinkler system for Map 10 Lot 01-04-01 only with the following conditions set forth by Chief Defosses:

- The final design of the tank and hose fittings must be approved by the Fire Chief.
- The system will be tested annually by the Fire Department, and at the expense of the property owner.
- Property owner to provide easement, or other written and recorded document, to allow the Campton-Thornton Fire Department (CTFD) access to the system for annual inspection and testing.
- Property owner remains responsible for all necessary maintenance and repairs identified as necessary by the CTFD to ensure cistern remains operational. Repairs will be completed at the property owner's expense.
- Minor repairs to the system are to be completed within 90 days of notification from the Fire Department. Major repairs to the system are to be completed within 180 days of notification from the Fire Department. It is the sole responsibility of the Fire Chief to determine whether a repair is minor or major.
- Access to the cistern must be available year-round and must be kept clear of snow during the winter months.
- Level pad, the construction of which is to be approved by the Fire Chief, to be installed directly in front of the dry hydrant that is capable of supporting the weight of a fire engine.
- Bollards, or other form of protection for the connections, to be spaced 3-feet apart.
- Fire Chief to inspect and approve the installation of the tank before back-filling.

Motion: N. Decoteau

Second: K. Waters

Discussion: None

Vote: 6 YES - 1 NO - 0 ABSTAIN

Motion passes.

OTHER BUSINESS:

1. Preliminary discussion regarding waiver request from 50' ROW requirement for The Preserve (Dorsey Ham Field project)

Mr. Tower reviewed that Mr. Dorsey recently purchased property on Route 3 and he will be proposing an 18-unit condominium subdivision; the preliminary plans have been given to the Board for review. Mr. Tower stated the reason for coming tonight was to see if they will need a 50-foot ROW on the plans. The applicant, when using the required 1-acre of land per building model, will not have enough land to have a 50-foot ROW and the 18 proposed buildings. Mr. Tower clarified that the entrance to the condominium units is a driveway and not a road and therefore he does not think they need an additional ROW.

Mr. Freeman questioned whether a ROW can be used in the calculation of acreage and Mr. Tower stated he does not think it is included into the acreage. Mr. Freeman asked Planner Menici if she could speak with Town Counsel to see if the ROW is included in the acreage calculations.

Ms. Decoteau asked Mr. Dorsey for a time frame for the project and Mr. Dorsey stated they are beginning now with burying the power lines. He acknowledged that the location of the project is very visible and wanted to make it clear that they are only creating a construction driveway to reach the power lines in order to bury them; no other construction will be occurring until plans have been approved by the Town.

Mr. Dorsey and Mr. Tower thanked the Board for their time.

2. Fraser Meadows Phase I Road Bond Reduction Request

Mr. Dorsey reviewed there are two (2) bonds currently out for Fraser Meadows; Phase I and Phase II. He stated the road bond for Phase I included costs for final surface covering, but with Phase II being approved, he will be doing the surface covering for both phases at the same time; this will reduce the costs originally submitted for the Phase I bond. Mr. Dorsey is asking that the Board approve a reduction in the bond amount from \$80,000.00 to \$39,000.00.

MOTION: "To approve a reduction in the road bond amount from \$80,000.00 to \$39,000.00 for Fraser Meadows Phase I as requested.

Motion: P. Laufenberg

Second: D. Rivers

Discussion: None

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

Planner Menici asked that a replacement bond with the new amount be submitted. Mr. Dorsey stated he will get a replacement bond submitted following the receipt of a notice of decision.

3. APPLICATION/PUBLIC HEARING – Amendment to Previously Approved Site Plan: Lafayette Road, Units 5 and 6; LCJ Holdings [Map 16 Lot 01-7SRCO].

Attorney Hastings reviewed that there are two (2) basement units in each building that will be converted into dwelling units. He stated the site plan has been amended to reflect the change in the number of units and include updated septic approval to move from four (4) sleeping units per building to six (6) sleeping units. He stated he reviewed the Planner report and agrees to the conditions set forth for approval.

Ms. Decoteau expressed concern with the parking available for the additional sleeping units and commented that parking at Owl's Nest Resort could become problematic and create dangerous situations if it is not addressed. Mr. Stocker stated parking is a concern that they are trying to address with overflow lots and additional areas for parking being created when other buildings are approved and completed. Discussion continued on ways to track parking at Owl's Nest and potential situations that could arise should roads become blocked due to lack of assigned parking. Planner Menici clarified that there are no regulations that dictate how many parking spots are needed relative to dwelling units in a building.

Planner Menici stated the application before the Board changes the use of the two buildings and nothing has physically changed on the plan.

MOTION: "To accept the application as substantially complete."

Motion: P. Laufenberg

Second: N. Decoteau

Discussion: None

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

B. Burbank, resident, commented that parking at Owl's Nest is problematic, and trying to determine what to do for the benefit of the town and the resort is a slippery slope to head down. Mr. Babin asked for other public comments; there were none. Mr. Babin closed the public hearing at 8:01 p.m.

MOTION: "To approve the amendment to the previously approved site plan for Sunrise at Owl's Nest, Gambrell Units 5 and 6 with the following conditions:

- Walkway to proposed sleeping areas and lighting plan for these walkways to be depicted on the plan.

Motion: N. Decoteau

196 **Second: F. Freeman**

197 **Discussion: None**

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

199 **Motion passes.**

- 200
201 4. Continuation of APPLICATION/PUBLIC HEARING – Condominium Subdivision: North Lake; Marc
202 Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7].

203 Attorney Hastings asked that this application be continued to the March 17, 2022 meeting.

204 **MOTION: “To continue the APPLICATION/PUBLIC HEARING – Condominium Subdivision: North**
205 **Lake; Marc Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7] to the March 17,**
206 **2022 meeting.**

207 **Motion: S. Babin**

208 **Second: F. Freeman**

209 **Discussion: None**

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

211 **Motion passes.**

- 212
213 1. Continuation of APPLICATION/PUBLIC HEARING – Subdivision and BLA: North Lake
214 Condominium; Marc Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7].

215 Attorney Hastings reviewed that this application was continued from January as there were comments that needed
216 to be addressed; those comments have been corrected on the plan that is before the Board. He stated the depiction
217 of easements are not listed on the plan.

218
219 The Board reviewed the plans and Mr. Babin opened the public hearing at 8:10 p.m.

220
221 Mr. Burbank questioned why permanent markers are not listed on the plans and that, as a taxpayer, he is
222 concerned that what is being proposed is not what is being done if there are no markers set.

223
224 Discussion continued on monument setting, and the difficulty of placing them in the winter with construction
225 vehicles actively working. Planner Menici clarified that each time the applicant subdivides their parcel, Map 16
226 Lot 1-7, the concern about monumentation will come up. She stated this is a condition of approval for many
227 plans that Owl’s Nest submits.

228
229 Proposed conditions of approval were reviewed, and Mr. Warzocha questioned the fire suppression condition.
230 Planner Menici stated there is concern with several projects using a water source for fire prevention that is not yet
231 completed.

232
233 Mr. Babin asked for additional comments and there were none. Mr. Babin closed the public hearing at 8:22 p.m.

234
235 **MOTION: “To approve the subdivision and boundary line adjustment for ‘North Lake Condominium’,**
236 **Lafayette Road [Map 16 Lot 1-7] with the following conditions:**

- 237 • A note to be added to the plan indicating whether the series of septic and nitrate setback easements
238 encumbering Map 16 Lot 1-7 are presently existing or proposed. These setback easements to be defined
239 on the final plat by a metes and bounds description, whether proposed or existing.
- 240 • Monumentation to be set on the plat and in the field prior to the Planning Board signing the final plan. A
241 note certifying that the monumentation has been set to be added to the plan. Note to be stamped and
242 signed by the NH-licensed surveyor setting the monumentation.
- 243 • If monumentation is not set prior to final approval of the plan, the applicant must provide a performance
244 guarantee in a form and amount acceptable to the Board, and reviewed and approved by Town Counsel at
245 the applicant’s expense, as financial surety for the future completion of setting the monumentation.

246 **Motion: P. Laufenberg**

247 **Second: F. Freeman**

248 **Discussion: None**

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

250 **Motion passes.**

- 251
252 2. Continuation of APPLICATION/PUBLIC HEARING – Site Plan Review: North Lake; Marc Burnell as
253 agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7].

254 Attorney Hastings stated he reviewed the comments from Mr. Keach and Planner Menici and agrees with them,
255 however, he disagrees that the application should be continued to March as suggested in the planner review.
256 Attorney Hastings stated the concerns expressed can be added as conditions of approval.
257

258 Planner Menici clarified there were two (2) letters submitted by Mr. Keach that state he cannot complete his
259 technical review, as there is missing information that has not been submitted after multiple requests to the
260 applicant. Discussion continued.
261

262 Mr. Freeman stated he feels the Board should follow staff recommendation and continue the application to March
263 17, 2022.

264 **MOTION: “To continue the APPLICATION/PUBLIC HEARING – Site Plan Review: North Lake; Marc**
265 **Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7] to the March 17, 2022 meeting.**

266 **Motion: N. Decoteau**

267 **Second: F. Freeman**

268 **Discussion: None**

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

270 **Motion passes.**
271

272 **OTHER BUSINESS:**

- 273 3. Land Dedication Agreement with Owl’s Nest

274 Mr. Babin clarified that the LDA is with counsel and will be sent to the Board via email for review. He asked that
275 any comments be sent to Planner Menici.
276

- 277 4. Request from LCJ Holdings, LLC: Process clarification for ‘after-the-fact’ waiver from Site Plan Review
278 parking requirements

279 Mr. Babin reviewed that following the last meeting, a final site plan for ‘Lafayette Lodge aka The Meadows II’
280 needed to be submitted by the applicant and signed by the Chair. Following the meeting, parking concerns were
281 called into question. After reviewing with counsel, it was suggested that a waiver for parking be submitted to the
282 Board for review; this waiver would require public hearing and abutter notifications. Mr. Babin reviewed that the
283 signature on the site plan is required before a ZCA can be obtained.
284

285 Attorney Hastings stated he does not believe that the Board did anything incorrect in their approval of the site
286 plan at the time, and parking was never brought into question as there was adequate parking shown. He does not
287 believe that a waiver and renotification are needed, as the plan was already approved a year ago. A lengthy
288 discussion continued. Mr. Babin confirmed that conditions of approval for the site plan have been met and he was
289 unaware that there was anything beyond that outstanding.
290

291 Ms. Decoteau asked how the parking concern came up and Planner Menici stated ZCO Magoon was conducting
292 an inspection and questioned the parking for the hotel. ZCO Magoon stated he asked Mr. Stocker how 20 parking
293 spots would accommodate a 33-unit hotel as it doesn’t make sense to him. He stated he was asking for liability
294 and safety purposes for both Owl’s Nest and the Town or Thornton.
295

296 Attorney Hastings stated LCJ Holding, LLC has acknowledged the need for parking and taken responsibility for
297 that by having overflow parking areas available. He stated LCJ Holdings, LLC will take responsibility for any
298 parking issues that may arise.
299

300 Mr. Babin clarified the Board approved the site plan with conditions that were met, and ZCO Magoon was doing
301 his due diligence to ensure safety. Discussion continued.
302

303 The Board agreed the submitted site plan was approved, as all conditions of approval were fulfilled, and parking
304 was adequate. No further waivers are required, and a final plan set will need to be signed prior to obtaining a
305 ZCA.
306

307 **ADJOURNMENT:**
308
309 **MOTION: "To adjourn at 9:11 p.m."**
310 **Motion: K. Waters**
311 **Second: S. Babin**
312 **Discussion: None**
313 **Roll Call Vote: 7 YES - 0 NO - 0 ABSTAIN**
314 **Motion passes.**
315
316 **Respectfully Submitted,**
317
318 **Kerrin Randall, Board Assistant**