

TOWN OF THORNTON PLANNING BOARD

Approved on: July 16, 2021
PB Initials: SB
Rec'd by Town Clerk on: 7/29/21
Town Clerk Initials: Don For PW

Planning Board Meeting Minutes Thursday, July 1, 2021

CALL TO ORDER – PLEDGE OF ALLEGIANCE:

Chairman Steven Babin called the meeting to order at 6:00 p.m.

ROLL CALL:

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

Members present via call-in: Kathy Menici, Planning Director

Members not present: Nancy Decoteau

Alternates present at Town Hall: Cynthia Schofield, Jack Gaites

Alternates absent: Gloria Kimball

Others present via call-in (partial names are as they appeared via Zoom):

Sally Davis, Maureen's iPhone, Elaine, Marcia King, Kathleen's iPad, Jim, Cher Duffield, iPhone, Marianne, Marc Burnell

Others present at Town Hall:

Roxanna Wright, Robert Wright, Karen Florio, James Adelman, Deb McKinnon, Diane Gallagher, Bob Gallagher, Brad Trott, Cecile Trott, Duane R. Johnston, Dean R. Johnston, Cheryl Wallace, John Wallace, Bob Murray, Lin Murray, Dillon Trott, Dennis Farrenkopf, Karen Farrenkopf, Christina Guilbert, Philip Hastings, Chad Stocker, Tom Duffield, Jerry Warren, Jon Warzocha

Alternate Jack Gaites was seated for Nancy Decoteau.

APPROVAL OF MINUTES:

Upon distribution and review of the meeting minutes of June 17, 2021, the members took the following action:

MOTION: "To accept and approve the Minutes of the Thursday, June 17, 2021 meeting as presented."

Motion: P. Laufenberg

Second: D. O'Donnell

Discussion: None

Roll Call Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

PRELIMINARY BUSINESS: None

COMMUNICATIONS:

Mr. Babin stated the Board received correspondence from the Zoning Board of Adjustment that will not be discussed at a public meeting due to the nature of the contents. He stated the Board will be reviewing the letter with Counsel prior to discussion.

REPORTS: None

54 **UNFINISHED BUSINESS:** None

55
56 **HEARINGS:**

57
58 **1. APPLICATION/PUBLIC HEARING – Excavation Permit: Dirt Designs by Johnston**
59 **Brothers; Duane Johnston, 73 Laundromat Road. [Map 6, Lot 6-7]**

60 Mr. Babin recused himself from the Board as he is an abutter.

61
62 Mr. Freeman acted as chairman.

63
64 Mr. Freeman stated the applicants are seeking a renewal of their current excavation permit. He asked the
65 applicants how long they have been in operation. Mr. Johnston stated they have been operating out of the pit in
66 question for five (5) years.

67
68 Mr. Freeman stated Ms. Menici had questions on the submitted plans; Mr. Johnston submitted new plans to the
69 Board. Ms. Menici stated she will need to review the plans.

70
71 Mr. Freeman asked if there were any questions from the Board. There were none.

72
73 **MOTION: “To accept the application as substantially complete.”**

74 **Motion: P. Laufenberg**

75 **Second: K. Waters**

76 **Discussion: None**

77 **Roll Call Vote: 6 YES - 0 NO - 1 ABSTAIN**

78 **Motion passes.**

79
80 Mr. Laufenberg asked the applicants if there were aware of Ms. Menici’s concerns on the originally submitted
81 plan. Mr. Johnston stated yes; the concerns have been addressed on the updated plans.

82
83 Ms. O’Donnell asked if there was a bond in place. Mr. Johnston stated there is a \$5,000 bond in place.

84
85 Mr. Freeman opened the public hearing and asked for comment. There was no public comment, and the public
86 hearing was closed.

87
88 Ms. Menici stated NH State laws do not allow for renewal of excavation permits, so every time someone comes in
89 for an excavation permit, it is a new application.

90
91 **MOTION: “To approve the Excavation Permit for Dirt Designs by Johnston Brothers, 73**
92 **Laundromat Road [Map 6, Lot 6-7] with a final review by Ms. Menici to ensure all rules and**
93 **regulations have been met on the plans submitted on July 1, 2021.”**

94 **Motion: D. O’Donnell**

95 **Second: K. Waters**

96 **Discussion: None**

97 **Roll Call Vote: 6 YES - 0 NO - 1 ABSTAIN**

98 **Motion passes.**

99
100 Mr. Babin rejoined the Board at 6:16 p.m.

101
102 **2. APPLICATION/PUBLIC HEARING – Site Plan Review: Pemi River Campground**
103 **Expansion; Thomas Duffield as agent for Gerri Warren, Route 3. [Map 16 Lot 2-8]**

104 Tom Duffield stated there was a review done by Ms. Menici on June 10, 2021 with editorial changes to the plans
105 submitted. He stated those changes will be corrected.

106
107 Mr. Duffield reviewed a plan for better access to the property that is being proposed for the campground
108 expansion.

Mr. Babin asked if the access would go through land owned by NHEC. Mr. Duffield stated there is an egress note from NHEC stating that access will be allowed.

Mr. Babin asked about the other access to the property would be crossing the railroad tracks. Mr. Duffield stated yes, and that permission has been obtained from DOT and the crossing has been reconstructed.

Mr. Babin asked if flood mitigation has been done to include exit strategies in the event of a flood; the parcel is in a flood zone. Mr. Duffield stated there are areas that are out of the 100-year flood zone where they can move in the event of a flood.

Mr. Warren stated none of the proposed campsites are in the floodplain, and that 5.5 acres have been surveyed to show they are above the floodplain.

Mr. Babin stated a written plan on the floodplains and flood mitigation need to be included in the application, as is stated in the Campground Regulations.

Mr. Duffield stated they plan to have 30-40, 3-way hookups at the campsites with one (1) or two (2) systems in a low area that will be floodproof; these sites will be seasonal.

A lengthy discussion ensued regarding missing information on the application and plans submitted.

Mr. Babin stated the application is lacking too much information, and it is not at a point where the Board can accept it in any manner.

Ms. Menici stated the public hearing cannot be permitted if the application is not acceptable.

Mr. Babin stated written concerns were received by the Board by Bob Gallagher, Bob Murray, John Wallace, Roxanna Wright, and Jeff Klaubert. Mr. Duffield asked for copies of the letters.

Mr. Babin stated the applicant has not given enough information for the public to make comment on the application.

A lengthy discussion ensued regarding the Planning Board's procedures for public hearings and notices, as several people in attendance were not clear on why public comment could not be given at this time. Several members of the public expressed their frustration in the application process.

Mr. Babin clarified the application, as presented tonight, does not have enough information for the Board or the public to make comment on.

MOTION: "To continue the APPLICATION/PUBLIC HEARING – Site Plan Review: Pemi River Campground Expansion; Thomas Duffield as agent for Gerri Warren, Route 3 [Map 16 Lot 2-8] to the August 19, 2021 meeting."

Motion: S. Babin

Second: D. Rivers

Discussion: None

Roll Call Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

The Board agreed that clearer language needs to be sent out in abutters' notices regarding public comment at public hearings. Ms. Menici stated she and Ms. Randall will add language to abutters notices. Members of the Planning Board were also not clear with the procedure. Mr. Laufenberg stated it is embarrassing that as elected officials, the Board cannot agree on their own procedures.

3. APPLICATION/PUBLIC HEARING – Subdivision: Sunrise at Owl's Nest; Marc Burnell as agent for LCJ Holdings, LLC, Lafayette Road. [Map 16 Lot 1-7 SRCO]

Mr. Hastings stated the application is for the conversion of a current subdivision into a condominium. He stated all units are owned by LCJ Holdings, LLC and the change will allow for flexibility to sell if needed.

Mr. Freeman asked if State Condominium documents have been obtained. Mr. Hastings stated if the units are ready to sell, state condominium documents will be obtained; the State will not take applications if the Town Planning Board does not approve the condominium subdivision.

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

Motion: F. Freeman

Second: D. O'Donnell

Discussion: None

Roll Call Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

Mr. Babin opened the public hearing and asked for comment. There was no public comment, and the public hearing was closed.

MOTION: "To approve the Subdivision: Sunrise at Owl's Nest; for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7 SRCO] with a final review by Ms. Menici to ensure all rules and regulations have been met on the plans submitted on July 1, 2021."

Motion: K. Waters

Second: D. Rivers

Discussion: None

Roll Call Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

OTHER BUSINESS:

Public Hearing and Comments Procedure

Bob Murray, abutter to Pemi River Campground, questioned if the Site Plan Regulations stated that no public comments can be given if an application is not accepted, or if that is a policy of the Planning Board. Mr. Babin stated that the Board follows the State statutes and RSAs. He stated public comment is open once an application is accepted as substantially complete or complete; they cannot have comment on an application that has not been accepted by the Board. Mr. Murray exited the meeting at 7:55 p.m.

Owl's Nest Gambrel - Additional Bedrooms

Mr. Babin stated there was a concern from the Board of Selectmen (BOS) that there were two (2) additional bedrooms being added to a unit that was approved for four (4) bedrooms. He stated there is a concern with water and septic flows with the addition of two (2) additional bedrooms.

Jon Warzocha stated the unit's water flow was determined by NHDES using hotel standards and does not have all the amenities that a hotel would have; the water and sewer flows will not be affected by the additional bedrooms. He stated the unit in question originally had commercial washing machines in the basement that have been removed.

Mr. Babin asked if access to the additional bedrooms in the basement are outside or inside the unit. Chad Stocker stated they can be accessed inside and/or outside.

Mr. Hastings stated they have updated septic approval for the additional bedrooms in hand and the BOS took the position that there was no site plan approval for the unit.

Mr. Babin stated the original Site Plan was approved for four (4) bedrooms.

Ms. Menici clarified that the additional bedroom in the basement can be locked off from main house and accessed from the outside. Mr. Stocker stated yes. Ms. Menici asked if the units can be accessed and rented separately

218 from the rest of house, where will they park; there are currently six (6) parking spots for three (3) dwellings with
219 the possibility for four (4) more rentals.
220 Mr. Stocker stated there is a shuttle service at the resort and additional parking off the edge of Lafayette Road.
221 Ms. Menici stated guests will not want to be shuttled to their vehicles if they are renting a unit with direct access.
222 She stated parking on the side of the road will cause a safety issue.
223 Mr. Warzocha asked if the addition of the two (2) bedrooms will need a site plan, as there is no change in use, and
224 there is parking available.
225
226 Mr. Babin stated the units were originally approved for four (4) bedrooms, and the additional bedrooms will
227 require an amended site plan review. He stated the Board may be able to facilitate the amending of the site plan
228 without going through the hearing process. Ms. Menici stated it would require a public hearing.
229
230 Discussion ensued regarding amended site plans, minor site plans, and what structures require site plan. Mr.
231 Babin stated anything built in the Commercial Zone requires Site Plan Review in the Town of Thornton.
232
233 Mr. Stocker submitted plans for a pumphouse and bathroom that he feels would qualify for minor site plan
234 review. Ms. Menici clarified that minor site plan review needs to be defined, and the Site Plan Regulations would
235 need to be updated and adopted to add language for amendments.
236
237 Mr. Babin stated he will discuss the concerns regarding site plan review and amendments to approved site plans
238 with Ms. Menici and Counsel.
239
240 **ADJOURNMENT:**
241 **MOTION: "To adjourn at 8:38 p.m."**
242 **Motion: F. Freeman**
243 **Second: K. Waters**
244 **Discussion: None**
245 **Roll Call Vote: 7 YES - 0 NO - 0 ABSTAIN**
246 **Motion passes.**
247
248 Respectfully Submitted,
249
250 Kerrin Randall, Board Assistant