

TOWN OF THORNTON PLANNING BOARD

Approved on: 17 9 2020
PB Initials: SB
Rec'd by Town Clerk on: 9/29/20
Town Clerk Initials: afm

Planning Board Meeting Minutes Thursday, July 16, 2020

NOTE: In light of the COVID-19 pandemic and pursuant to Emergency Order #23/Executive Order 2020-04 as amended, "Temporary modification of municipal and local government statutory requirements," this meeting was limited in scope and was conducted via teleconference with a base at the Town Offices, 16 Merrill Access Road, Thornton, NH with no general physical presence.

CALL TO ORDER:

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

ROLL CALL:

Members present at Town Hall: S. Babin, F. Freeman, R. Sabourn
Members present via call-in: P. Laufenberg, K. Waters, N. Decoteau
Alternates present via call-in: J. Piehn
Members/Alternates absent: D. O'Donnell

Others present at Town Hall: Brian Regan, Pamela White

Others present via call-in: Tom DeMatteo, Wayne Murphy, Scott Dupuis, Chad Stocker, Richard Linck, John Warzocha, Paul Killgren, Tim Kingston, David Rivers

Chairman S. Babin acknowledged that a quorum was present, there being six (6) members in attendance. He the appointed Alternate Julie Piehn participate in the meeting as a voting member in place of absent Member D. O'Donnell

APPROVAL OF MINUTES

1. Upon distribution and review of the meeting minutes of February 20, 2020, the members took the following action:

MOTION: "To accept and approve the Minutes of the Thursday, February 20, 2020 meeting."

Motion: P. Laufenberg

Second: F. Freeman

Discussion: None

Roll Call Vote: 6-YES, 0-NO, 1-Abstain (N. Decoteau)

Motion passes.

2. Upon distribution and review of the meeting minutes of April 16, 2020, the members took the following action:

MOTION: "To accept and approve the Minutes of the Thursday, April 16, 2020 meeting."

Motion: F. Freeman

Second: K. Waters

Discussion: None

Roll Call Vote: 5-YES, 0-NO, 2-Abstain (P. Laufenberg, J. Piehn)

Motion passes.

PRELIMINARY BUSINESS:

B. Regan reviewed the dynamics of the teleconference meeting and the process of addressing members of the Board and public via calling in.

1. Election of Officers

MOTION: "To nominate Steve Babin as Chairman of the Planning Board."

Motion: R. Sabourn

Second: F. Freeman

Discussion: None

Roll Call Vote: 6-YES, 0-NO, 1-Abstain (S. Babin)

Motion passes.

MOTION: "To nominate Frank Freeman as Vice-Chairman of the Planning Board."

Motion: S. Babin

Second: P. Laufenberg

Discussion: None

Roll Call Vote: 6-YES, 0-NO, 1-Abstain (F. Freeman)

Motion passes.

2. Re-appointment of Alternate Fred Gunter
3. Re-appointment of Alternate Gloria Kimball
4. Re-appointment of Alternate Cindy Schofield

R. Sabourn recommended combining the three alternate appointments in one motion.

B. Regan clarified that two versions had been sent to members for C. Schofield; one for three years and one for one year. C. Schofield indicated she was interested in a one-year appointment, which is the form before the Board. The other two alternates are for three-year terms.

MOTION: "To re-appoint Fred Gunter as an alternate member of the Planning Board for a term three years; Gloria Kimball as an alternate member of the Planning Board for a term of three years; and Cindy Schofield as an alternate member of the Planning Board for a term of one year per her request."

Motion: R. Sabourn

Second: J. Piehn

Discussion: None

Roll Call Vote: 7-YES, 0-NO

Motion passes.

COMMUNICATIONS

1. David Rivers – Letter of interest in serving as a Planning Board Alternate

B. Regan stated this Thornton resident had expressed an interest in this position via an email to him; this email has been distributed to the Board. An appointment sheet will be prepared and ready for a future meeting if the Board would like him as a member.

MOTION: "To accept the application of David Rivers as an alternate member of the Planning Board and prepare the certification document."

Motion: P. Laufenberg

Second: F. Freeman

Discussion: None

Roll Call Vote:

Motion passes: 7-YES, 0-NO

2. BOS letter re: Caulder Excavation Pit Reclamation

B. Regan stated this was an excavation site up on LaBrecque Road that closed down and was subject to reclamation by the pit operators. This had not been concluded as of last June at which time the Town made claim against their bond as surety. After discussions with several parties and the onset of winter, there was an agreement to complete the reclamation by June 30th or sacrifice the due amount. The property owners did further reclamation work to his satisfaction and that of the Board of Selectmen in advance of this date. The bond was released and that document is before the Board, which concludes the matter and the pit has been closed. No further action by this Board is needed.

3. Planning Director – Administrative decision on proposed subdivision.

B. Regan stated this was a recent application for a two-lot subdivision. Upon preliminary review of the application and the plan submitted, one of the lots to be divided out would lack sufficient road frontage to meet the zoning ordinance requirements of 100 feet. B. Regan stated it was his decision to reject pursuing the application from the planning standpoint until such time as it sought relief from the Zoning Board of Adjustment to address the insufficient frontage issue. Otherwise it is a fairly straightforward subdivision of a parcel with existing buildings.

REPORTS

1. **Planning Director re: Preliminary Consultation and Review: Mike Boisvert, proposal for Hiking Trail access and parking on Sugar Run Rd utilizing Map 12 Lot 05-17 and a portion of Map 17 Lot 05-21.**

B. Regan stated this had been on the agenda for the March meeting which had been canceled. Since this was a preliminary matter it was not brought forward to the April meeting where two hearings were posted. This matter was brought to the Planning Board via a phone call. M. Boisvert had interest in purchasing land in the Sugar Run subdivision and in the adjacent parcel owned by SMA, Inc. M. Boisvert's interest was to buy the land and build an access for a hiking trail to the Cone Mountain area which is all in Thornton. B. Regan stated he contacted Mr. Boisvert to reschedule and he indicated the discussions for the purchase of the parcels had fallen through and he was not pursuing the matter.

UNFINISHED BUSINESS:

1. Approval of 2020 Zoning Ordinance

S. Babin reminded the Board there had been housekeeping on the writings and discussion on the ordinance which was voted on and approved by the townspeople. The Board must now formally adopt or reject this.

B. Regan clarified the vote has been taken, the amendments were approved by the voters, and the results were here. The amendments to the actual ordinance have been made and that is before the Board. If accepted, it will need to be signed by the Chair, Vice-Chair, and received by the Town Clerk for the official record.

S. Babin re-stated these amendments for the Board. He reminded the Board that those amendments were voted on by the townspeople and approved.

MOTION: "To accept the amendments and add to the Zoning Ordinance."

Motion: F. Freeman

Second: P. Laufenberg

Discussion: None

Roll Call Vote: 7-YES, 0-NO

Motion passes.

HEARINGS:

1. **6:30 pm APPLICATION/PUBLIC HEARING – Site Plan Review; Horizons Engineering, Inc. as agent for LCJ Holdings, LLC for Map 16 Lot 01-07, Map 16 Lot 01-07-02 and Map 16 Lot 01-07-03. The proposal sets forth "Clubhouse Lane realignment, Tennis Courts, Event Tent, Cart Barn/Amenities area".**

S. Babin opened the Public Hearing at 6:30PM.

W. Murphy, part of the ownership group with B. Lash, stated B. Lash unfortunately could not participate due to a family emergency.

J. Warzocha, from Horizons, stated he could give an overview or answer questions depending on how the Board wanted to proceed.

S. Babin stated the Board members had the documents before them and asked the Board if they had any questions they wanted answered.

F. Freeman questioned where the clubhouse was on the documents; J. Warzocha stated it sits west of what is before him.

R. Sabourn asked about the status of their State DES permit regarding the septic system for the wedding event building. J. Warzocha stated they did not have the final septic approval for the amenity area. They are waiting on the water supply permit. Final septic approval will not be issued until that is issued.

R. Sabourn asked about the height of the structure of the wedding venue at the lake relative to the Zoning Ordinance which states maximum height is 35 feet. C. Stocker, from Dupuis Construction, stated they are just under 35 feet to the top of the ridge on that building. He stated the finished grade would be 12 to 18 inches below finished floor – the same as the top of the concrete wall. He clarified that the top of the concrete wall is the same location as the finished floor level.

S. Babin asked if their less than 35 feet included the cupola that is on top of the roof, or is it to the peak of the active roof. C. Stocker stated it was to the top of the base structure, excluding the cupola. S. Dupuis, from Dupuis Construction, clarified that the peak of the roof according to their plans is 31 feet, 11 inches from grade; the peak of the cupola sits approximately five feet above that.

B. Regan stated he had reviewed the ordinance and the dimensional requirement for any structure in that zone is 35 feet. He noted the cupola from the plans will be 35 feet, 11 inches. B. Regan stated the ordinance addresses potential exceptions in that additional structures such as steeples, antennas, or cupolas that are not occupied or utilized but are decorative in nature are acceptable. He feels this cupola fits as an exception.

J. Piehn wanted to make sure that the cupola will only be for adornment and will not be open for people to enter and look out; C. Stocker confirmed this. He stated the current plans show the cupola sitting on top of the roof structure for decoration without any access to it.

S. Babin wondered if there was an estimated time of arrival for their water permit. J. Warzocha stated they were told mid-July. S. Babin asked when the anticipated date for getting the septic approval would be once the water permit was received. J. Warzocha said the process would be to drill the well and provide documentation to the State that they have the required yield. Once this is submitted, final approval will be issued and then the septic can be issued. He believes the time frame will be September or late August.

S. Babin wondered if they received any comments from the other services provided by the Town of Thornton, such as safety or fire. B. Regan stated the first set of plans along with the recent building sketches were shared with the Fire Chief who had not responded as of the start of this meeting.

W. Murphy stated they have 15 locally based contractors who are eager to get started. They are cognizant of being a good neighbor and try to hire local. They appreciate the support and consideration the Town has given them.

B. Regan stated it appears that the proposed construction of the tennis and pickleball courts cross the boundary of parcels. Although they are currently owned by one entity, it seems logical that a voluntary merger would be sought to create one parcel that has the project within it. J. Warzocha stated they will discuss this as a team and has heard this from their attorney as well; it would be a prudent course of action.

S. Babin reminded the applicants that the Board needs an updated land dedication agreement that highlights the number of dwellings in the project and clearly identifies future plans. W. Murphy stated they have several amended land dedication agreements at this time; he believes they do have a current one and will see that the Board receives it.

B. Regan noted since this project has great weight in this town, we want to make sure the land dedication agreement is kept up to date.

S. Babin closed the Public Hearing at 6:49PM.

J. Piehn noted that we have not heard from the Fire Chief. Given this is going to be an event venue, she feels it is beneficial to get his feedback on the impact to our fire department.

C. Stocker stated they have spoken to the chief about placing dry hydrants to service many of the buildings being constructed which will provide adequate access to water on site. They have ensured they have adequate slopes and turnarounds for emergency vehicles. He has personally talked to the chief to make sure they are headed in the right direction and kept communication open.

J. Piehn noted her concerns are also in regards to manpower and what our department can handle as our department is small.

S. Babin asked J. Piehn if she would be agreeable to the applicant honoring costs associated with the fire department as a result of this project; if the fire department relays that this project will cause an undue burden, the applicant will address the Board at the next meeting. J. Piehn was in agreement with this.

B. Regan stated that the application would need to be accepted as complete or not at this juncture. Conditions or discussions would be best suited for the second vote.

MOTION: "To accept the application as complete."

Motion: F. Freeman

Second: P. Laufenberg

Discussion: R. Sabourn stated he is concerned about the well and septic approvals. He believes the Board of Selectmen will not approve a zoning compliance application for the construction of buildings without septic system approval. J. Warzocha noted it is typical for them to seek site plan review without these approvals from DES; these approvals would be a requirement for having a building permit. His preference is this be considered with conditions that can be addressed as part of the building permit process, allowing them to move forward with projects that do not require these approvals. They ideally want the Planning Board approval to allow them to move ahead with the site work and then get the state permits to get approval from the Town for the structures. J. Warzocha stated it will not be too much of a stretch to get that well in and if need be, they will put in two. They have a contingency in place to get adequate water supply for the scope for this application.

R. Sabourn asked if there were any concerns about the quality. J. Warzocha stated there is not as this type of use is considered a transient non-community use which has more flexibility on the water quality rules as it is not a full-time, permanent population that is drinking the water on a regular basis. They will have the ability to treat the water for any problems that might arise. He is confident that the well and water will not be an issue and they can develop adequate water supply for what is being proposed tonight. C. Stocker commented that the processes are a little slower than normal in light of the current situation and typically they would have already had these permits in hand; they do not anticipate any problems with either the well or septic system. J. Warzocha stated no waivers have been requested either.

S. Dupuis stated they would appreciate the Board considering conditional approval so that work could continue and timelines would not get pushed back.

Motion passes: 7-YES, 0-NO

After acceptance of the application, there was a recap and discussion on the application and possible conditions.

S. Dupuis requested that the Board approve the parts of the application that are simply tennis courts and minor road realignments independently of the recreational facilities to maintain their construction schedule.

B. Regan reiterated that the site plan includes the components of a minor road adjustment, some sporting facilities, and parking areas. Structures would need further approvals of another board. The site plan would encompass things that the applicant could proceed with subject to conditions imposed for the future structures.

W. Murphy stated they understood what they can start and what they can't because of other steps that need to be taken.

The following motion was then presented.

MOTION: "The Board approve this application for a non-residential Site Plan submitted by Horizon's Engineering, Inc. as agent for property owner LCJ Holdings, LLC for the development of "Lakeside amenities, racquet courts, parking, and road reconfiguration" upon the land located, within the Owl's Nest Resort, and further identified as Tax Map 16 Lot 01-07, 01-07-02, 01-07-03. All as depicted on the final plan set submitted. Approval is conditioned on the applicant submitting the following on or before September 1, 2020:

1. Approved water supply permitting.
2. Approve septic permitting.
3. Satisfactory comment from the Fire Chief as to life safety issues.
4. Satisfactory comment from the Fire Chief as to any financial impact on his department.

Motion: S. Babin

Second: F. Freeman

Discussion: None

Roll Call Vote: 7-YES, 0-NO

Motion passes.

OTHER BUSINESS:

S. Babin stated he would like to express his sincere appreciation to B. Regan and all of his hard work. He has certainly elevated the Board. S. Babin personally wishes him the best in his future endeavors and extended an invitation to attend the meetings and be active in the Town of Thornton. Seconded by F. Freeman. R. Sabourn expressed his appreciation and that of the Select Board and wishes B. Regan the best.

S. Babin stated there is an opening for a Planning Director for which a single application has been received. He encourages the Board members to offer their services to this position.

B. Regan stated the approvals for alternate members require signatures. Those members not present are asked to come in to the office to sign these forms. The land use law books are also available for picking up.

ADJOURNMENT:

The following motion was made at 7:37 p.m.

MOTION: "To adjourn."

Motion: J. Piehn

Second: K. Waters

Discussion: None

Roll Call Vote: 7-YES, 0-NO

Motion passes.

Respectfully Submitted,

Brian Regan, Planning Director
Pamela White, Board Assistant