

**TOWN OF THORNTON
PLANNING BOARD**

**Planning Board Meeting Minutes
Thursday, June 15, 2023**

Approved on: 7.20.23
PB Initials: ND
Rec'd by Town Clerk on: 7/25/23
Town Clerk Initials: ACR

CALL TO ORDER – PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Members Present at Town Hall: Nancy Decoteau, Chairman; Steven Babin, Ex-Officio; Frank Freeman; David Rivers; David Levin; Donna O'Donnell; Cynthia Schofield; Kerrin Randall, Board Assistant; Jack Gaites, Alternate; Matt Peltier, Alternate (via Zoom)

Members Absent: None

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

Others present at Town Hall: Steve Keach, Gabriel Nizetic, Brad Trott, Cecilia Trott, Shawn Magoon, Deb McKinnon, Christina Guilbert, Jeff Klaubert, Diane Gallagher, Bob Gallagher, Bob Murray, Lin Murray, Mike Reilly, Maureen Norman, Kevin McKenna, Gerald Warren, Brandon Rugar, Mahlynn Warren, Sherrill Howard, Shirley Benton, Jerry Sobolewski, Jack McCormack, Tom Duffield

Ms. Decoteau stated Mr. Keach has joined the Board for this meeting and explained that he is a licensed professional engineer who has been helping the Board manage applications in the absence of a Planning Director.

Mr. Keach introduced himself and reviewed that he conducts peer reviews for 16 other communities on planning matters. He stated that he has provided recommendations on the applications before the Board tonight and is here to answer questions and advise as needed.

APPROVAL OF MINUTES

MOTION: "To accept and approve the Minutes of the Thursday, May 18, 2023 public meeting as amended."

Motion: F. Freeman

Second: D. Rivers

Discussion: None

6 – YES; 0 – NO; 1 – ABSTAIN

Motion passes.

MOTION: "To accept and approve the Minutes of the Thursday, May 18, 2023 non-public session as presented."

Motion: F. Freeman

Second: C. Schofield

Discussion: None

7 – YES; 0 – NO; 0 – ABSTAIN

Motion passes.

OLD BUSINESS

Master Plan Update on Review Process

Ms. Decoteau asked that members review and comment on the draft of the Master Plan and pass along those comments to Ms. O'Donnell or Ms. Schofield. Mr. Babin suggested a work session where the draft could be discussed, and the Board agreed; a date certain will be determined later in the meeting.

57
58 **HEARINGS***

59 ** If the Planning Board determines that an applicant has not provided sufficient information to give the*
60 *Board jurisdiction over the application, the application will be deemed incomplete and Public Comment*
61 *will not be given. **

62
63 APPLICATION/PUBLIC HEARING –Subdivision; Jack McCormack as agent for Shirley and Jerel
64 Benton; 86 Old Sawmill Road [Map 228, Lot 9]. Create a 2-Lot Subdivision; A=2.23 acres and B=74.73
65 acres.

66
67 Ms. Decoteau reviewed the process for public hearings as written in the Rules of Procedure, and asked
68 Ms. Randall to review how notice was given for the hearings. Ms. Randall stated that public notice was
69 printed in the Laconia Daily Sun, as the Plymouth Record Enterprise was unable to accommodate the
70 Board at this time. She stated the agenda was posted at the Town Hall, town website, and certified
71 abutters notices were sent.

72
73 The Board reviewed the application and the recommendations submitted by Mr. Keach.

74 **MOTION: "To accept the application as complete pursuant to RSA 676:4, I (c)(1)."**

75 **Motion:** S. Babin

76 **Second:** F. Freeman

77 **Discussion:** None

78 **7 – YES; 0 – NO; 0 – ABSTAIN**

79 **Motion passes.**

80
81 Ms. Decoteau opened the public hearing at 6:09 p.m.

82
83 Attorney McCormack, as agent for Mr. Benton, reviewed that his client is seeking to create a 2-Lot
84 Subdivision; A=2.23 acres and B=74.73 acres. He reviewed that the parent parcel was approved by
85 the Planning Board as a cluster development of rental units and one of the duplex units has been built.

86
87 Attorney McCormack reviewed that due to the pandemic, interest rate hikes, and costs of materials, his
88 client is unable to begin construction on the other units without selling the single duplex that has been
89 built. Because it was approved as part of a larger development, subdividing and creating a
90 condominium is the best option for his client to continue the project.

91
92 Attorney McCormack stated that the application before the Board is for the subdivision of the land, and
93 the next application will be for the condominium. He stated he has reviewed Mr. Keach's
94 recommendations and that there are no concerns with the report or suggested conditions for approval.

95
96 Ms. Decoteau asked the Board if they had any questions, and Mr. Levin asked how the conversion to
97 private ownership of the current duplex in relation to the larger parcel will relate to the road and bridge;
98 will it be problematic for multiple property owners on the road?

99
100 Attorney McCormack stated that road maintenance will be shared with all those on the road, and this
101 has been indicated in the condominium documents that can be reviewed further in the next application.

102
103 Discussion on if the future structures within the cluster development will be converted to condominiums
104 continued. Attorney McCormack stated that is a discussion for the future, and the current application is
105 to subdivide the land only, and he will draft language that addresses each property owner's share in
106 road maintenance.

107
108 Ms. Decoteau asked for public comment and as there was none, closed the public hearing at 6:23 p.m.

109 **MOTION: "To approve the application for subdivision of Map 228, Lot 9 to create a 2-Lot**
110 **Subdivision; A=2.23 acres and B=74.73 acres with the following conditions:**

- 111 a. Receipt of NHDES Subdivision Approval for creation of proposed outparcel with
112 acknowledgement of approval receipt noted on final plat.

- 113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
- b. Receipt of correspondence from Keach-Nordstrom Associates, Inc. acknowledging Planning Matters No. 1 through No. 8, specified in correspondence dated June 08, 2023, have been resolved to their satisfaction.
1. The subdivision plat currently identifies the proposed outparcel as "Lot 3". We recommend amendment of the final subdivision plan to identify and label the proposed outparcel by the map and lot numbers assigned by the assessor's office.
 2. As acknowledged at Note No. 8 on the subdivision plan, the limited extent of jurisdictional wetland shown was identified and delineated by a Certified Wetland Scientist. We recommend the professional stamp of that individual appear on the final subdivision plan.
 3. The abutters list submitted with the application correctly identifies the owner of Map 228 – Lot 10 as Martin Joseph Forde. We recommend amendment of the final subdivision plan to indicate the same.
 4. We recommend expansion of the subdivision plan to specify appropriate boundary monuments are to be installed at both the westerly and easterly ends of a boundary segment identified as Curve 1 (C1). To satisfy Section IV.E of the Subdivision Regulations, we recommend installation of each boundary monument identified as "to be set" on the final plan prior to or as condition of application approval.
 5. To satisfy Section V.B.1 of the Subdivision Regulations we recommend expansion of the plan indicate the current owner's mailing address.
 6. To satisfy Section V.B.4 of the Subdivision Regulations we recommend expansion of the plan to specify the right-of-way width of Old Sawmill Road along the frontage of the proposed outparcel.
 7. To satisfy Section V.B.6 of the Subdivision Regulations we recommend expansion of the final plan to include a note indicating current Flood Insurance Rate Mapping published by FEMA suggests the proposed outparcel is not located within a Special Flood Hazard Area.
 8. Section III.M.1 of the Subdivision Regulations reads as follows: "*The sub-divider shall make legal provisions for the long-term maintenance of all roads and driveways within the subdivisions serving more than one lot. Said provisions shall be stated on the final plat and shall be a deed covenant in all conveyances from the owner at the time of final approval to all new owners.*" We recommend a note stating this requirement appear on the final plat. As a practical matter, given planned future condominium form of ownership, it is understood applicant's counsel intends to fulfill this requirement via provision contained in the declaration of condominium (See Article IV – Section 4.1 (e) of draft declaration). Nevertheless, given the proposed outparcels dependency on Old Sawmill Road, a private way, for frontage and access, for regulatory compliance, we recommend the text highlighted *in italics* above appear on the final plat.
- c. Planning Board Assistant's acknowledgment of receipt of requested/required number of copies of final drawings and state agency permit(s).
- d. Receipt of confirmation by Planning Board Assistant that all application fees, recording fees and third-party review/legal fees, if any, have been paid in full.

160
161
162
163
164
165

Motion: S. Babin

Second: F. Freeman

Discussion: None

7 – YES; 0 – NO; 0 – ABSTAIN

Motion passes.

166
167
168

APPLICATION/PUBLIC HEARING –Subdivision Condominium; Jack McCormack as agent for Shirley and Jerel Benton; 86 Old Sawmill Road [Map 228, Lot 9]. Create a condominium subdivision; Single duplex within 2.3 acres.

The Board reviewed the application and the recommendations submitted by Mr. Keach.

MOTION: "To accept the application as complete pursuant to RSA 676:4, I (c)(1)."

Motion: S. Babin

Second: D. O'Donnell

Discussion: None

7 – YES; 0 – NO; 0 – ABSTAIN

Motion passes.

Ms. Decoteau opened the public hearing at 6:29 a.m.

Attorney McCormack stated this application is to create a condominium on the approved 2.3-acre parcel with a single duplex; the condominium would be the two (2) owners of the duplex. He reviewed that draft condominium documents have been submitted but will likely be amended prior to final review from town counsel for approval.

Attorney McCormack reviewed the following from the Zoning Ordinance:

ARTICLE VI: DIMENSIONAL REQUIREMENTS

B. Cluster Development

In general Cluster Development shall be considered only on parcels of land exceeding (5) acres, however, the Planning Board shall have the authority, pursuant to RSA 674:21 to adopt regulations and grant waivers in appropriate cases for Cluster Development. In general, the following apply: (Amended: 3/11/08)

Attorney McCormack asked if the Board would consider granting a waiver, as is within their authority, of the five (5) acre requirement as nothing has physically changed from the originally approved cluster development.

The Board, after brief discussion, took the following action:

MOTION: "To grant the waiver request of the five (5) acre requirement, pursuant to RSA 674:21."

Motion: S. Babin

Second: D. O'Donnell

Discussion: None

7 – YES; 0 – NO; 0 – ABSTAIN

Motion passes.

Attorney McCormack stated he has reviewed the suggested conditions of approval from Mr. Keach and has no concerns.

Ms. Decoteau asked for public comment and as there was none, closed the public hearing at 6:36 p.m.

MOTION: "To approve the application for condominium subdivision of Map 228, Lot 9 to create a condominium subdivision; Single duplex within 2.3 acres with the following conditions:

- a. Receipt of NHDES Subdivision Approval for creation of proposed condominium units and acknowledgement of the same in the form of a note on the final condominium site plan.
- b. Receipt of correspondence from Keach-Nordstrom Associates, Inc. acknowledging Planning Matters No. 1 through No. 4, specified in correspondence dated June 08, 2023, have been resolved to their satisfaction.
 1. The condominium site plan currently identifies the subject outparcel as "Lot 3". We recommend amendment of the final drawings to identify and label both the parcel and individual condominium units by the map and lot numbers assigned by the assessor's office.

2. The abutters list submitted with the application correctly identifies the owner of Map 228 – Lot 10 as Martin Joseph Forde. We recommend amendment of the final condominium site plan to indicate the same.
3. To satisfy Section V.B.1 of the Subdivision Regulations we recommend expansion of the plan indicate the current owner's mailing address.
4. Since the 2.23-acre parcel upon which the current condominium conversion is planned is presently proposed rather than existing, we recommend expansion of the final condominium site plan to cite the final version of the subdivision plan which creates this parcel as a plan of reference.
- c. The addition of a note or notes acknowledging waivers of terms and conditions of land use ordinances and regulations, if any, granted by the Planning Board.
- d. Receipt of favorable review of condominium declaration by Town Counsel.
- e. Planning Board Assistant's acknowledgment of receipt of requested/required number of copies of final drawings and state agency permit(s).
- f. Receipt of confirmation by Planning Board Assistant that all application fees, recording fees and third-party review/legal fees, if any, have been paid in full.

Motion: D. Levin

Second: D. O'Donnell

Discussion: None

7 – YES; 0 – NO; 0 – ABSTAIN

Motion passes.

APPLICATION/PUBLIC HEARING –Site Plan Review, Tom Duffield as agent for Pemi River Campground, Gerald Warren; US Route 3 [Map 240, Lot 129]. *Create 35 campsites and mobile bathhouse.*

The Board reviewed the application and the recommendations submitted by Mr. Keach.

Ms. O'Donnell stated Mr. Keach notes in his review that he finds the application incomplete and does not recommend the Board accept it at this time.

Mr. Keach stated Ms. O'Donnell is correct and reviewed that the application was reviewed for compliance with statutes and regulations of the State and Town; the plans received were far from complete. He stated that the plan received was essentially a sketch and does not recommend that the Board accept it as complete at this time. Mr. Keach recommended the applicant resubmit once the plans are updated to reflect the items needed noted.

Ms. Decoteau asked if the application can remain on the Board's agenda in order to be in compliance with notification and Mr. Keach stated the application has not been accepted and therefore cannot remain on the agenda; if the Board finds it incomplete, a notice of decision will be rendered and the application process would begin over again.

Mr. Duffield, as agent for the Pemi River Campground, asked if he would be able to address the concerns brought up by Mr. Keach in his review as he had limited time to look over the report and amend the plans. Mr. Duffield proceeded to explain that new plans were submitted today that address concerns found in Mr. Keach's review.

Ms. Decoteau acknowledged that new plans had been submitted, but the Board has not reviewed them, as they were received earlier in the day. She stated the determination of completeness is for the

application originally submitted, not the new one received today. Ms. Decoteau stated that the original plans, according to Mr. Keach's review, are very incomplete.

Mr. Keach made clear that he does not enjoy finding plans to be incomplete, as he is an engineer himself, but his recommendations were made solely on the regulations and requirements the Town has for plans; lengthy discussion continued.

Mr. Warren, applicant, asked Mr. Keach if he would agree to meet with Mr. Duffield to ensure that all required information is obtained in a way that would satisfy the Board's requirements, and Mr. Keach stated yes, and he and Mr. Duffield will set up a time outside of this meeting to go over the plans.

Mr. Warren requested a continuation of completeness determination to the August 17, 2023 meeting. Mr. Warren acknowledged the deadline of July 25, 2023 for materials to be submitted for review.

MOTION: "To grant the request to continue the determination of completeness review to August 17, 2023."

Motion: N. Decoteau

Second: S. Babin

Discussion: None

7 – YES; 0 – NO; 0 – ABSTAIN

Motion passes.

Mr. Murray, an abutter, asked if abutters would be able to communicate with Mr. Keach during the review process, and Ms. Randall clarified that any correspondence from abutters regarding a project submitted to the Town is sent with review materials; Mr. Keach confirmed that.

Mr. Murray stated he wanted to ensure that Mr. Keach was making his recommendations based on accurate information and not relying on only materials provided by the applicant. Ms. Randall stated that many items requested by Mr. Keach's review are state permits, and they will be verified by outside agencies.

OTHER BUSINESS

Review of Proposed Fee Schedule

MOTION: "To accept the proposed fee schedule as presented."

Motion: C. Schofield

Second: D. Rivers

Discussion: None

7 – YES; 0 – NO; 0 – ABSTAIN

Motion passes.

Rules of Procedure

MOTION: "To accept the amendments to the Rules of Procedure and schedule a public hearing for approval on July 20, 2023."

Motion: D. O'Donnell

Second: F. Freeman

Discussion: None

7 – YES; 0 – NO; 0 – ABSTAIN

Motion passes.

Site Plan Regulations

MOTION: "To accept the amendments to the Site Plan Regulations and schedule a public hearing for approval on July 20, 2023."

Motion: F. Freeman

Second: D. O'Donnell

Discussion: None

7 – YES; 0 – NO; 0 – ABSTAIN

336 **Motion passes.**

337
338 Subdivision Regulations

339 Mr. Babin stated that SECTION IX: THORNTON SUBDIVISION FIRE REGULATIONS is not clear on
340 which regulations from the National Fire Protection Association (NFPA) are applicable within the types
341 of subdivisions possible. He commented he would like to have Fire Chief Defosses meet with the
342 Board to review the current wording in the subdivision regulations to ensure there is no confusion for
343 the Board or residents.

344
345 Ms. Decoteau agreed that it would be beneficial to have Chief Defosses discuss the fire regulations,
346 however, the Board is discussion the amendments discussed at the work session; Chie Defosses can
347 be asked to a future meeting for discussion.

348
349 **MOTION: "To accept the amendments to the Subdivision Regulations and schedule a public**
350 **hearing for approval on July 20, 2023."**

351 **Motion:** N. Decoteau

352 **Second:** D. O'Donnell

353 **Discussion:** Mr. Rivers stated there are tests listed within the fire regulations, but the frequency
354 of those tests is not noted. Ms. Decoteau stated this can be added to the topics of discussion
355 for Chief Defosses.

356 **7 – YES; 0 – NO; 0 – ABSTAIN**

357 **Motion passes.**

358
359 Hiring of Planning Director Process

360 Ms. Decoteau reviewed that she met with the BOS, and they will be posting an ad for a Land Use
361 Administrator, as all agreed that the title of Planning Director did not reflect the duties of the position.
362 She stated applications are due by July 21, 2023 and she will update the Board on the progress.

363
364 Review of Third-Party Review process in lieu of Planning Director/ Interim Completeness Review
365 Procedure

366 Ms. Decoteau commented that the meeting tonight had gone very well, and thanked Mr. Keach for
367 attending. She stated there is concern with the fees to be incurred for reviews in the interim, and the
368 Board cannot charge the applicants directly, as the cost for reviews is not on the current fee schedule;
369 at this time, the Board is absorbing the costs.

370
371 Mr. Babin commented that the comment of not being able to charge applicants because it is not on the
372 fee schedule is the opinion of one (1) BOS member, Mr. Monti, and Mr. Babin stated he does not share
373 in that opinion.

374
375 Mr. Babin stated that in the past, when this Board ever contemplated asking an applicant to have
376 outside review at the cost of the applicant, it has been at the agreement of the applicant. He stated it is
377 not written anywhere that the cost for an outside review needs to be posted on a fee schedule. Ms.
378 Decoteau stated that the site plan and subdivision regulations currently state that outside review may
379 be asked of any application at the applicant's cost.

380
381 Ms. Decoteau stated that in the interim until a Land Use Administrator is hired, there will be a rotation of
382 Board members who will review new applications for Town regulations and compliance on the deadline
383 dates. If the Board members conducting the initial, internal review cannot determine if Town
384 regulations and compliance, the applications will be sent to Keach-Nordstrom for compliance review.

385
386 Ms. Decoteau stated a course of action needs to be determined regarding whether the Town or the
387 applicant pays for the compliance review if it is determined it needs to be reviewed by Keach-
388 Nordstrom. Ms. Decoteau clarified that, in the interim, technical reviews will be done by Keach-
389 Nordstrom at the applicant's expense; discussion continued.

Ms. Keach suggested that the Board could, if needed for compliance review, pay for the first hour of time spent by Keach-Nordstrom and invoice the applicant for any additional time over an hour. He commented that this has been done in other towns and is only a suggestion.

Ms. Decoteau commented that Mr. Keach's suggestion is fair to applicants in the interim, and stated that when applications are submitted, applicants need to be made aware of this change. Ms. Randall suggested a memo be posted explaining the interim procedures and the Board agreed that one should be drafted.

MOTION: "To invoice applicants for any time over one (1) hour for compliance review by Keach-Nordstrom if necessary. Applicants will be informed of this when an application is submitted. This process is to be used until further notice."

Motion: N. Decoteau

Seconded: F. Freeman

Discussion: None

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

Work Session Date

After review of available dates, the Board asked that a work session be scheduled for Tuesday, June 27, 2023 at 3:00 p.m. to address the following:

- Comments to the Master Plan
- Comments on Internal Compliance Review by Planning Board members
- Review of Memo on Interim Procedures

ADJOURNMENT

MOTION: "To adjourn the meeting at 7:53 p.m."

Motion: D. O'Donnell

Seconded: C. Schofield

Discussion: None

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

Respectfully Submitted,
Kerrin Randall, Board Assistant