

**TOWN OF THORNTON
PLANNING BOARD**

Approved on: 7/21/2022
PB Initials: NAD
Rec'd by Town Clerk on: 7/22/2022
Town Clerk Initials: ACR

**Planning Board Meeting Minutes
June 27, 2022**

CALL TO ORDER – PLEDGE OF ALLEGIANCE:

Chairman Decoteau called the meeting to order at 6:03 p.m.

ROLL CALL:

Members present at Town Hall: Nancy Decoteau, Chairman; Steven Babin (entered the meeting at 6:12 p.m.), Vice-Chairman, Frank Freeman, Donna O'Donnell, Dave Rivers, Karen Waters, Kathy Menici, Planning Director; Kerrin Randall, Board Assistant

Members Absent: Jack Gaites, Peter Laufenberg

Alternates present at Town Hall: Cynthia Schofield

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

Others present at Town Hall: Steve Tower, Shawn Magoon, Phil Hastings, Chad Stocker, Bob Fraser, Brent Cole, Andrew Becker, Dave O'Rourke

PRELIMINARY BUSINESS:

1. Master Plan Committee Update

Ms. O'Donnell reviewed the Master Plan Committee is meeting twice a month, with their next meeting scheduled for July 11, 2022 at 6:00 p.m. There are currently three (3) members of the Planning Board and five (5) residents on the committee. Planner Menici advised that the noticing of the meetings may need to be done differently, as there are three (3) Board members gathering, and she will verify this with legal counsel.

Ms. O'Donnell commented the committee's goal is to have the town-wide survey out to the public by the end of July. Previous surveys are being reviewed for questions, and Board members are encouraged to submit questions they feel will aid in the development of the Master Plan. Ms. O'Donnell stated the next meeting is Monday, July 11, 2022 at 6:00 p.m. at the Town Hall.

Ms. O'Donnell commented members of the Economic Development Committee attended the last Master Plan Committee meeting, and both briefly talked about goals moving forward. Ms. Decoteau commented that the Chair of the Economic Development Committee, Mr. Peznola, has asked for a Planning Board member to join that committee. After discussion, Ms. Decoteau agreed to attend the next Economic Development meeting and report back to the Board.

Mr. Babin entered the meeting at 6:12 p.m.

APPROVAL OF MINUTES:

Upon distribution and review of the meeting minutes of May 19, 2022 Meeting, the members took the following action:

MOTION: "To accept and approve the meeting minutes of the Thursday, May 19, 2022 meeting as amended."

Motion: F. Freeman

Second: K. Waters

Discussion: None

Vote: 6 YES - 0 NO – 0 ABSTAIN

Motion passes

56 Upon distribution and review of the meeting minutes of June 16, 2022 Meeting, the members took the following
57 action:

58 **MOTION: "To accept and approve the meeting minutes of the Thursday, June 16, 2022 meeting as
59 presented."**

60 **Motion:** D. O'Donnell

61 **Second:** F. Freeman

62 **Discussion:** None

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

64 **Motion passes**

65
66 2. Revisions to Site Plan Review and Subdivision Regulations Update

67 Planner Menici reviewed she submitted reformatted Site Plan Review Regulations and was seeking the Board's
68 approval of the formatting changes; if approved she will do the same to the Subdivision Regulations. Planner
69 Menici reiterated that no content had been changed, only the format of the document. This was done to make it
70 easier to read and follow. The Board agreed that they accept the formatting changes and encouraged Planner
71 Menici to move forward with the Subdivision Regulations.

72
73 3. Short-Term Rental Update

74 Ms. Decoteau asked Mr. Rivers if he would like to update the Board with his and Ms. O'Donnell's findings, and
75 Mr. Rivers commented that he would like definitive confirmation on what constitutes a committee, as it is just
76 him and Ms. O'Donnell currently working on this topic. Ms. Decoteau clarified that the points of order state two
77 members cannot be called a committee and commented the motion from the May 19, 2022 minutes that formed
78 the committee will need to be rescinded. This will not affect the ability for Mr. Rivers and Ms. O'Donnell to
79 continue their research on the topic.

80
81 **MOTION: "To rescind the motion to form a Short-Term Rental Committee from the May 19, 2022
82 meeting."**

83 **Motion:** K. Waters

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

85 **Discussion:** None

86 **Vote:** 5 YES - 0 NO - 1 ABSTAIN

87 **Motion passes**

88
89 **MOTION: "To remove the topic of Short-Term Rentals from the Planning Board agenda."**

90 **Motion:** S. Babin

91 **Second:** None

92
93 Ms. O'Donnell asked Mr. Babin why he wants the topic removed from the agenda and Mr. Babin stated creating
94 regulations for short-term rentals is a violation of state statute and the Constitution. He commented regulations
95 are taking away property owners' rights and creating 'special classes' of residents. He stated he has not found any
96 evidence that regulations are needed in the Town of Thornton; no police reports or other offences could be found.
97 Mr. Babin stated the public has not been notified that this topic is being discussed.

98
99 Mr. Freeman disagreed, and commented the electorate gave the Board the authority to make regulations regarding
100 short-term rentals during Town Meeting. Mr. Babin acknowledged that yes, a vote was taken, but there is no
101 evidence that they are needed. He continued to discuss how the Board will be removing property rights, how no
102 residents were told this topic is being discussed, and how the Board would be in violation of the law should
103 regulations be made. Mr. Babin stated regulations are created and never enforced, and this happens frequently in
104 Thornton.

105
106 Mr. Freeman clarified that the regulations that are being discussed are not going to take away property owner's
107 rights but will ensure that the properties being used follow life safety protocols, public safety standards, and septic
108 loading. He commented that the idea of the regulations is being looked at to protect the property owner, not
109 hinder them.

Ms. Decoteau thanked Mr. Babin and Mr. Freeman for their comments, and asked Planner Menici to verify with counsel that the Board can create short-term rental regulations. She commented that Ms. O'Donnell and Mr. Rivers should continue their research into how other communities work with short-term rentals, as this may bring other thoughts and/or processes forward for the Board to consider.

Mr. Babin stated the Board is acting as a quasi-judicial board and, as such, can make rules that violate the State Constitution, however, each member took an oath not to do that. He continued that short-term rentals have been happening since 1763 and there are already regulations in place; regulations that have not been violated, as no evidence of such can be found. Mr. Babin commented that moving forward, he will spend his time making sure regulations for short-term rentals do not go through.

Ms. Decoteau stated that, for now, the Board is exploring the creation of regulations as the electorate charged them with doing their due diligence. She clarified that no decisions have been made yet regarding the creation or implementation of regulations

Mr. Babin stated the topic of short-term rentals was brought to the Board from the BOS due to their failure of enforcing the regulations already in place. He stated the BOS is asking the Board to regulate the people, and it is going to be a waste of time for this board to take on. He commented there may be one (1) or two (2) people renting their homes, the town doesn't like it, and the BOS is not enforcing anything. As a result, they are passing it to the Planning Board.

Ms. Decoteau took an informal poll of the Board to see if they would like to continue the exploration of short-term rental regulations.

D. O'Donnell: Yes; the Board should continue to do their due diligence on the topic.

F. Freeman: Yes; reasonable regulations for life safety concerns need to be addressed.

S. Babin: No; he asked that those involved in the real estate and rental field recognize that what is being proposed will have individuals trying to get over hurdles to participate in sharing personal property. He commented hopefully he can get an attorney that will agree with him to fight against these regulations.

D. Rivers: Yes; as a sitting member on this board, he has the opportunity to help the town and residents. He commented that he lives near a property that acts as a short-term rental, and there are no egresses for basement rooms. With safety regulations in place, he feels that both owners and renters will benefit if the Board proceed with exploring regulations.

K. Waters: No; if regulations in place now are not being enforced, why are new ones being looked at.

N. Decoteau: Yes; the Board was charged to create regulations, and they need to do due diligence.

Ms. Decoteau reviewed that, for now, she would encourage D. Rivers and D. O'Donnell to continue their review of short-term rental regulations to see what issues come to light. She asked Planner Menici to check with legal counsel on the process of adopting regulations would be, should the Board reach that point.

Ms. Decoteau asked Mr. Rivers to review the information he and Ms. O'Donnell had compiled thus far. Mr. Rivers reviewed the information on short-term rental regulations, as well as examples from other towns that have them currently in place. Ms. Decoteau thanked Mr. Rivers and Ms. O'Donnell for the information. No further action was taken at this time.

4. Home Occupation Memo – FYI

Planner Menici reviewed there was a question regarding home occupation from the last meeting, and the memo presented is for informational purpose only.

COMMUNICATIONS:

1. Posting Video of Meetings Update

Ms. Decoteau stated she is on the BOS agenda for July 13, 2022 to talk to them about posting video recordings of meetings, at the direction of the board.

HEARINGS:

1. APPLICATION/PUBLIC HEARING – Proposed four (4) Lot Subdivision: Blake Mountain Road; Steve Tower as agent for Fraser Family Trust [Map 238; Lot 12] *Previous PID 15-04-11*.
The Board reviewed the application.

MOTION: “To accept the application as complete.”

Motion: S. Babin

Second: F. Freeman

Discussion: None

Vote: 6 YES - 0 NO - 0 ABSTAIN

Motion passes

Ms. Decoteau opened the public hearing at 6:45p.m.

Mr. Tower presented the proposed subdivision and reviewed that NH State subdivision approval has already been approved. Mr. Freeman asked if there are going to be any deed restrictions and Mr. Fraser, owner, stated yes. There will be a restriction that lots are for residential use.

Mr. Duffy, abutter, asked if any drainage considerations are going to be given, as there is currently ponding on his ROW in the winter and the development of more houses may increase water runoff. A discussion regarding the drainage and deeded right-of-way ensued.

Ms. Decoteau asked for additional comment. As there was none, the public hearing was closed at 7:02 p.m.

MOTION: “To approve the four (4) Lot Subdivision: Blake Mountain Road [Map 238 Lot 12]

- NHDES septic approval prior to the issuance of a Zoning Compliance Certificate.”

Motion: S. Babin

Second: K. Waters

Discussion: None

Vote: 6 YES - 0 NO - 0 ABSTAIN

Motion passes

2. PUBLIC HEARING – Telecommunications Ordinance Revisions.

Ms. Decoteau asked if the Board wanted to go through the document and make revisions, or would they prefer for legal counsel to make necessary updates. The consensus of the Board was to ask legal counsel to draft new language.

MOTION: “To have legal counsel draft language for the Telecommunications Ordinance before further action is taken by the Board.”

Motion: K. Waters

Second: D. O'Donnell

Discussion: None

Vote: 6 YES - 0 NO - 0 ABSTAIN

Motion passes

3. Continued APPLICATION/PUBLIC HEARING – Amendment to Previously Approved Site Plan: Convert from one (1), *one-bedroom* unit to two (2), *one-bedroom* units; one upper unit and one lower unit in each building. - Lafayette Road, Sunrise Nanos J, K, L; LCJ Holdings, LLC [Tax Map 240, Lot 106] *Previous PID 16, 01-7SRCO*.

The Board reviewed the amended site plan, and Ms. Decoteau opened the public hearing at 7:06 p.m.

Mr. Hastings reviewed the concerns brought up by the Board have been addressed in the new plan submitted. He reviewed the layout of the Sunrise area:

- 8 Gambrel style buildings with 6 bedrooms in each
- 9 Nano style buildings with 1 bedroom in each
- 3 Nano style buildings with 2 bedrooms each
- 63 total bedrooms in the Sunrise area

Mr. Freeman asked how many units that was and Mr. Hastings replied it was 23 separate units in 20 buildings. He commented the amended site plan shows additional parking on site and on Lafayette Road that will alleviate the concerns of off-street parking. He commented there will be a minimum of 63 parking spots and a maximum of 87 if they are all put in at once. Discussion on the speed limit within Owl's Nest as well as the additional parking continued.

Ms. Decoteau asked if the floorplan for the additional units in Nanos J, K, and L included a kitchen, bathroom, and living area and Mr. Hastings said yes. Ms. Decoteau commented that these would need to be added to the LDA as three (3).

Ms. Decoteau asked for public comment and as there was none, closed the public hearing at 7:18 p.m.

MOTION: "To approve the Amendment to Previously Approved Site Plan: Convert from one (1), one-bedroom unit to two (2), one-bedroom units; one upper unit and one lower unit in each building. Lafayette Road, Sunrise Nanos J, K, L; LCJ Holdings, LLC [Tax Map 240 Lot 106] with the following conditions:

- Submission of revised septic approvals from the NH Department of Environmental Services prior to the issuance of a Zoning Compliance Certificate.
- The parking improvements depicted on Sheet C-103 of the plan set printed on May 26, 2022, shall be completed within 150 days of approval of this application.

Motion: F. Freeman

Second: D. O'Donnell

Discussion: None

Vote: 6 YES - 0 NO - 0 ABSTAIN

Motion passes

4. Continued PUBLIC HEARING – Land Dedication Agreement with Owl's Nest

Ms. Decoteau opened the public hearing at 7:20 p.m.

Planner Menici reviewed that the Board moved to approve "Alternative #2" presented by Attorney Hastings, and there is still question as to what units are being counted as: dwellings or hotel units. She commented that the Board was going to get legal review and comment. Mr. Hastings commented he thought all was decided at the last meeting. Continued discussion on "Alternative #2" and how units are calculated and counted occurred.

Ms. Decoteau clarified the Board asked that the Hotel Village be counted as 13 when the motion to approve "Alternative #2" was made. Attorney Hastings stated he will speak to his client about counting Hotel Village Phase I as 13; he does not feel this will be a major concern. Attorney Hastings clarified that the Sunrise units would only be used as rentals as stated in the LDA; should that change, they will have to propose another amendment.

MOTION: "To accept Alternative #2 – LCJ Proposed Alternative Unit Availability Calculations with the additional Nanos units that were approved at this meeting added, and the Hotel Village unit count being increased to 13 in the sixth amendment to the Land Dedication Agreement."

Motion: S. Babin

Second: K. Waters

Discussion: Mr. Freeman commented he is abstaining from the vote, as he does not have a problem with the numbers being proposed, but he does not favor the formula being used to determine them.

Vote: 4 YES - 0 NO - 2 ABSTAIN

Motion passes

OTHER BUSINESS:

- 276 1. Voluntary Merger: Centrella Family Trust; Gerard and Lisa Centrella as Trustees [Tax Map 213,
277 Lot 66 and Lot 67] *Previous PID 08-10-03, and 08-10-04.* Smoke Rise Drive and Sullivan Drive
278

279 **MOTION: "To approve the Voluntary Merger: Centrella Family Trust; Gerard and Lisa Centrella as**
280 **Trustees [Tax Map 213, Map 213 Lot 66, and Map 213 Lot 67] Smoke Rise Drive and Sullivan Drive."**

281 **Motion:** F. Freeman

282 **Second:** K. Waters

283 **Discussion:** None

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

285 **Motion passes**
286

287 Mr. Stocker asked if a proposed expansion of an existing upper deck on the boathouse would require an amended
288 site plan, or if it would be considered ancillary/accessory to the previously approved site plan. He stated there
289 would be no seating on the deck and would allow for people to step out and get air. After discussion, the Board
290 made the following motion:

291 **MOTION: "To confirm that the Planning Board finds the use of the proposed upper deck expansion at the**
292 **Boat House to be ancillary/accessory to the previously approved site plan(s), and further site plan review is**
293 **not necessary for the project."**

294 **Motion:** S. Babin

295 **Second:** K. Waters

296 **Discussion:** None

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

298 **Motion passes**
299

- 300 1. Preliminary Consultation: Granite Engineering as agent for Franconia Subsidiaries, LLC [Tax
301 Map 237, Lot 59] *Previous PID 15-04-15.* Dome cabins at former Blake Mountain Motel.

302 Brent Cole, Dave O'Rourke, and Andrew Becker, owner of Franconia Subsidiaries, LLC entered the meeting.
303 Mr. Becker commented he has been working on this project for awhile and is hoping to improve the, currently
304 abandoned, Blake Mountain Motel. He stated Mr. O'Rourke's real estate firm would serve as property manager,
305 and his plan is to tear down the existing buildings and replace them with short-term rental units.
306

307 Mr. Becker commented that the parcel is in an opportunity zone, and Planner Menici questioned that, as she does
308 not believe that the town is an approved opportunity zone. Mr. Becker stated he can look further into that for
309 clarification. He commented his idea is to capitalize on the idea of "glamping" by placing geometric dome
310 structures on site in place of the cabins that are currently there. There would also be a commercial building on
311 site.
312

313 Mr. Becker stated these would be year-round rentals that will be heated with a wood stove in winter. Mr.
314 Freeman asked if the domes would have kitchens and bathrooms and Mr. Becker commented he hopes to have
315 them equipped with kitchens and baths.
316

317 Mr. Cole commented he and his associates received the Planner Review earlier during this meeting and have not
318 had a chance to go over all the points. Ms. Decoteau stated the review indicates that the proposed domes, as
319 presented, are not in compliance with the town zoning ordinance.
320

321 Ms. Decoteau commented the Zoning Compliance Officer (ZCO) was asked to review the proposal to ensure that
322 the applicant had all necessary information before deciding to move forward. Mr. Babin commented he finds it
323 problematic that the ZCO looked at the proposal and is telling the applicant what they can and cannot do.
324

325 Ms. Decoteau shared that the previous use of the site has been discontinued and is not grandfathered, putting the
326 parcel under the one (1) dwelling per acre requirement.
327

328 Mr. Babin suggested the applicant look into the campground regulations, as well as the waiver process in order to
329 achieve their goal at the site. Mr. Freeman asked what the commercial building would be used for, and Mr. Cole
330 stated it could potentially be a deli and/or small store that would sell items needed by those staying at the site. He
331 commented the store would also be for use by the public.

332 Ms. Decoteau asked the applicants if they had enough information from the Board to regroup, and Mr. Cole
333 commented that it feels like they have no other option besides looking into the campground regulations to achieve
334 their goal. Ms. Decoteau clarified that, in looking at the initially proposed plan that was discussed tonight, it
335 appears that a campground would be their best option based on the zoning ordinance.

336
337 Mr. Cole commented that he will investigate the legality of the restrictions and they can circle back to the path of
338 least resistance. Mr. Freeman stated there is merit to the concept if it can fit into the zoning regulations.

339
340 The Board thanked Mr. Cole, Mr. Becker, and Mr. O'Rourke for coming and they exited the meeting at 8:32 p.m.

341
342 **ADJOURNMENT:**

343 **MOTION: "To adjourn at 8:36 p.m."**

344 **Motion:** S. Babin

345 **Second:** F. Freeman

346 **Discussion:** Mr. Babin questioned why a public notice from NHDES was posted on the town website and
347 Facebook page and asked why the Town jumps to fulfill the State's requests, but not the Planning
348 Board's. He asked why Planning Board material is not posted, and Ms. Randall advised that all Planning
349 Board agendas, minutes, and announcements are posted on the town website; should the Board want
350 something on the town Facebook page, they need only request it. Mr. Freeman asked why this was a
351 concern.

352
353 Mr. Babin asked who posted to the town Facebook page, and why does it have to be requested to be
354 posted? He also asked why recordings of the meetings have not been posted yet and Ms. Decoteau
355 repeated that she is going before the BOS at their July 13, 2022 meeting to discuss.

356
357 Mr. Babin proceeded to question what procedures have to occur to get items posted on the town website
358 and Facebook page and Ms. Randall repeated her previous statement. Mr. Babin continued to question
359 the procedures.

360 **Vote: 5 YES - 0 NO - 1 ABSTAIN**

361 **Motion passes.**

362
363 Respectfully Submitted,

364
365 Kerrin Randall, Board Assistant