

**TOWN OF THORNTON  
PLANNING BOARD**

**Planning Board Meeting Minutes  
Thursday, March 16, 2023**

Approved on: 5.18.23  
PB Initials: ND  
Rec'd by Town Clerk on: 5/23/23  
Town Clerk Initials: ACR

**CALL TO ORDER – PLEDGE OF ALLEGIANCE:**

Mr. Freeman called the meeting to order at 6:04 p.m. Mr. Freeman facilitated the meeting, as the Chair and Vice Chair were attending the meeting via Zoom.

**ROLL CALL:**

**Members Present at Town Hall:** Frank Freeman; Peter Laufenberg; Donna O'Donnell; David Rivers; Cynthia Schofield; Kathy Menici, Planning Director; Kerrin Randall, Board Assistant

**Members Absent:** Jack Gaites

**Others present via call-in (*partial names are as they appeared via Zoom*):** Nancy Decoteau, Chairman, Steven Babin, Vice-Chairman, Matt, iPhone, Bob Gallagher, Tim Kingston

**Others present at Town Hall:** Shawn Magoon, Alan Uhlman, Phil Hastings, Chad Stocker, Richard Linck, Sandra Linck, Charles Rowley, Joe Peznola, Shirley Benton, Tom Duffield, Dave Levin, Myrtle Lewis, Kevin Dorsey, George Chadwick

**APPROVAL OF MINUTES:**

**MOTION: "To accept and approve the Minutes of the Thursday, February 16, 2023 meeting as amended."**

**Motion:** P. Laufenberg

**Second:** D. O'Donnell

**Discussion:** None

**Roll call vote:** Nancy Decoteau – yes, Frank Freeman – yes, Peter Laufenberg – yes, Donna O'Donnell – yes, David Rivers – yes, Cynthia Schofield – yes

**6 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

**MOTION: "To accept and approve the non-public Minutes of the Thursday, February 16, 2023 meeting as presented."**

**Motion:** P. Laufenberg

**Second:** D. O'Donnell

**Discussion:** None

**Roll call vote:** Nancy Decoteau – yes, Frank Freeman – yes, Peter Laufenberg – yes, Donna O'Donnell – yes, David Rivers – yes, Cynthia Schofield – yes

**6 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

**MOTION: "To seal the non-public Minutes of the Thursday, February 16, 2023."**

**Motion:** N. Decoteau

**Second:** D. Rivers

**Discussion:** None

**Roll call vote:** Nancy Decoteau – yes, Frank Freeman – yes, Peter Laufenberg – no, Donna O'Donnell – yes, David Rivers – yes, Cynthia Schofield – yes

**5 YES - 1 NO - 0 ABSTAIN**

**Motion passes.**

**PRELIMINARY BUSINESS:**

1. Master Plan Committee – Update

Ms. O'Donnell stated the Committee is meeting twice a month in the effort to have the Master Plan completed as soon as possible. She stated she will keep the Board updated as the process continues.

Mr. Babin entered the meeting via Zoom.

## HEARINGS:

1. APPLICATION/PUBLIC HEARING – Amended Site Plan Review; Marc Burnell as agent for LCJ Holdings, LLC., Clubhouse Lane [Map 240, Lot 110].

*To allow a full foundation and an overhead garage entrance where a crawlspace was previously approved. Walkway access to be added to access the overhead door, and a 22-foot by 8-foot deck above the garage entrance.*

*Reconfiguring the previously approved retaining walls, relocating main entrance from North end to South end of building, and relocating side doors from West to East. Previously approved walkway to be extended to accommodate relocated doors on the east side of the building.*

Mr. Laufenberg reviewed that Mr. Stocker came before the BOS, as a ZCA for a slab foundation with frost walls was approved and he was seeking permission to continue the construction of the full foundation due to time constraints. He stated the BOS agreed that the construction of the foundation could continue, so long as an amended site plan was submitted. As the amended plan has been submitted, the foundation has been poured.

The Board reviewed the amended site plan with the notes from Planner Menici, Steve Keach, and proposed conditions of approval.

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

**Motion:** P. Laufenberg

**Second:** F. Freeman

**Discussion:** None

**Roll call vote:** Nancy Decoteau – yes, Steve Babin – yes, Frank Freeman – yes, Peter Laufenberg – yes, Donna O'Donnell – yes, David Rivers – yes, Cynthia Schofield – yes

**7 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

Mr. Freeman opened the public hearing at 6:49 p.m. and asked for public comment.

Residents in attendance asked what building this application was for, and Mr. Laufenberg reviewed that it was for the event pavilion, which was being built in place of the former event tent.

Mr. Stocker reviewed that the original site plan submitted was approved and after construction began, it was discovered that the ground materials were not suitable for building on until they reached a certain depth. He stated once they reached suitable material, the depth was enough to add a full basement. Mr. Stocker stated with a full basement, some aspects of the original site plan needed to be amended.

Mr. Babin exited the meeting via Zoom.

Myrtle Lewis, resident, asked what the dimensions of the pavilion were, and Mr. Stocker stated the original footprint of the event tent site are not changing, and the pavilion will be the same as the tent.

Attorney Hastings commented that he is good with the proposed conditions of approval.

Ms. Lewis asked if Owl's Nest would be hosting an "open house" for the public to see the progress of various projects, and Attorney Hastings stated that an "open house" would be a good idea, and he will bring it up to his client.

Mr. Freeman asked for additional comments and, as there were none, closed the public hearing at 7:00 p.m.

**MOTION: "To approve the amended site plan for the Event Pavilion, as the Planning Board finds that the amended site plan meets all town ordinances, zoning regulations, site plan regulations, and subdivision regulations. Adequate materials were submitted to make an informed decision on the application with the following conditions:**

- The following note to be added to the plan:  
'The applicant will preserve and maintain existing landscaping beyond the limits of work identified on the plan set and intent to install "limited plantings" on the perimeter of the planned retaining wall as described on the waiver request form submitted for the original application. The number, location, and type/specification of any future building-mounted lighting fixtures will be identified prior to submitting the plan to the Chairperson for signing.'
- Note to be added to the plan that the intended use of the full basement is storage.
- The following items to be added to/corrected on the plan:
  1. Correct map and lot number;
  2. Add zoning district and street address to plan set.
- Applicant must satisfy all conditions of approval from the Notice of Decision dated November 17, 2022. All notes required on the plan as a condition of the November 17, 2022, approval to be added to the amended site plan.
- This approval incorporates by this reference all conditions specified in the Notice of Decision dated November 17, 2022, and all representations made by the applicant and/or his agents during the November 17, 2022, public hearing."

**Motion:** P. Laufenberg

**Second:** D. Rivers

**Discussion:** None

**Roll call vote:** Nancy Decoteau – yes, Frank Freeman – yes, Peter Laufenberg – yes, Donna O'Donnell – yes, David Rivers – yes, Cynthia Schofield – yes

**6 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

Attorney Hastings thanked the Board and reviewed that LCJ Holdings, LLC will have applications forthcoming for lot line adjustments and possible condominium subdivisions in the near future. He stated that he has also been speaking with Board Counsel regarding the incorporation of an additional parcel that LCJ Holdings, LLC owns into the LDA. This will be discussed at a future meeting, as it may require amendments to the Zoning Ordinance.

Mr. Rivers asked that diagrams be provided in order for the Board to understand the areas of discussion. Attorney Hastings stated he will provide diagrams.

Mr. Stocker asked if the following items would be considered ancillary, or would require amended site plan:

- Moving a gazebo at the Boathouse to a different spot on the approved plan, approximately 100 feet away from where it was presented on the site plan, and eliminating the proposed playground on the same approved site plan.
- Adding a deck to the boathouse that would allow for storage under it.

Planner Menici commented that moving the gazebo does not need amended site plan review but would need to be deemed an ancillary change by the Board, and that the deck addition will require amended site plan review.

Mr. Stocker stated he agrees with Planner Menici. Mr. Stocker showed the Board on a plan where the gazebo would be moved to and after review, the Board agreed that moving the structure as presented is an ancillary change. Mr. Stocker thanked the Board.

- 168 2. Continued APPLICATION/PUBLIC HEARING – Site Plan Review; US Route 3 [Map 227, Lot 2]  
169 Kevin Dorsey for White Mountain Escapes.  
170 *Construct a residential cluster condominium subdivision; 18 single family homes with*  
171 *shared common land.*  
172

173 Ms. Schofield and Ms. O'Donnell recused themselves from the Board, as they are abutters.  
174

175 Planner Menici reviewed that with two (2) members of the Board recusing themselves, there are  
176 currently four (4) voting members present. She reviewed with Mr. Dorsey that he has the right to  
177 continue his waiver request until a full Board is present or continue the hearing with the understanding  
178 that any vote would need to be unanimous. Mr. Dorsey thanked Planner Menici and stated he would  
179 like to move forward with his waiver request this evening.  
180

181 Mr. Freeman reviewed that at the last meeting, a waiver of SECTION IV, GENERAL REQUIREMENTS  
182 FOR THE SUBDIVISION OF LAND; I. TABLE OF ROAD CONSTRUCTION STANDARDS, 1. Minimum  
183 width of right of way 50 ft. was granted, with the condition that a note be added stating vehicles cannot  
184 park within 25-feet of the center line of the road.  
185

186 Mr. Dorsey confirmed this. Mr. Freeman reviewed that, at this meeting, a waiver is being requested to  
187 not finish the shoulders of the road in the same way as the road and Mr. Dorsey stated that is correct.  
188

189 Mr. Dorsey stated he has asked George Chadwick of Bedford Designs to speak to the waiver request,  
190 as he handled the AOT permit process and will be speaking about the development of the project  
191 moving forward. He stated the AOT permit has been approved by the State, and that updated plans  
192 have been submitted to Keach-Nordstrom and the Planning Office. Planner Menici and Ms. Randall  
193 stated they have not received updated plans and will follow up with Mr. Dorsey.  
194

195 Mr. Babin entered the meeting via Zoom at 7:10 p.m.  
196

197 Mr. Chadwick reviewed the materials being proposed on the shoulders in place of asphalt are the same  
198 base material of the paved road and are being held to the same standard of the road prior to paving.  
199 He stated the materials will be compacted and able to be travelled on if needed.  
200

201 Mr. Chadwick reviewed data from the State of NH on trip generation calculations that help illustrate how  
202 many trips in and out of the road may occur.  
203

204 Mr. Rivers asked Mr. Chadwick if he feels the calculations for Mr. Dorsey's project are satisfactory and  
205 Mr. Chadwick stated yes.  
206

207 Joe Peznola, abutter, asked if the Board could clarify who the engineer of record on this project is, as  
208 plans submitted have been from both Mr. Duffield and Bedford Designs.  
209

210 Mr. Dorsey stated Mr. Duffield is the lead engineer on the project, and that Bedford Designs was  
211 brought on to complete the AOT permits and provide an outside perspective to the project.  
212

213 Mr. Freeman asked Mr. Duffield if he disagrees with anything Bedford Designs has provided for the  
214 project and Mr. Duffield stated no. Mr. Duffield stated he supports everything Bedford Designs has  
215 done and that they have been taking his plans and going more in depth.  
216

217 Mr. Peznola asked if his letter of concern was shared with Keach-Nordstrom and Planner Menici stated  
218 she will look into it.  
219

220 Ms. Lewis asked how the parking ban on the road was going to be enforced, and Mr. Dorsey stated it  
221 will be the responsibility of the property owners to call and have the vehicles moved. He stated that the  
222 parking on the road will be addressed in the HOA documents and covenants that will be drafted.  
223 Lengthy discussion on scenarios for cars parked on the road continued.

Ms. Lewis, as Chair of the Conservation Commission and member of PRLAC, asked if she could get permission from Mr. Dorsey to drive onto the property to see the progress of the build. Mr. Dorsey stated Ms. Lewis could drive onto his property using the driveway to park and walk around at this time.

Ms. Schofield, abutter, stated that Mr. Dorsey came before the Board for a preliminary discussion on this project and then obtained permits to build a single-family home on the parcel from the BOS. She stated that if Mr. Dorsey had kept to his permit for one (1) home, the road would not have needed to be built. She stated that while the house was being constructed, utilities for the other 17 units were installed. Ms. Schofield stated nothing has been done by the Town to address Mr. Dorsey violating the building permit for a single home and doing other work for 17 additional homes. She stated Mr. Dorsey did not go through proper site plan review and did not have the right to install additional utilities for houses that he presumes will be approved. Ms. Schofield stated she is worried that this has set a precedent for future developments.

Ms. Decoteau clarified that when the applicant came before the Board for a preliminary discussion, she made a point of stating that nothing discussed would be binding. This is the procedure for any preliminary discussion.

Ms. Decoteau stated that while she appreciates the data provided by Mr. Chadwick on travel patterns, the regulations in place are there for a reason, and she encouraged the Board to adhere to them. She also stated that the State Regulations grant the Planning Board the power to regulate streets within a subdivision and shall adopt such regulations as are necessary to carry out the minimum standards that are represented in the document, and more stringent regulations are encouraged.

Mr. Dorsey asked Ms. Lewis if she agrees that less pavement is better than more, and Ms. Lewis stated her opinion is not being discussed and that the concern is about safety and access during an emergency.

Mr. Babin stated that the applicant has come before the Board several times and brought experts to speak to the width of the road. He stated the issue before us pertains to relying on expert opinions or sticking to the letter of the law.

**MOTION: "To grant the waiver of SECTION IV, GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND; I. TABLE OF ROAD CONSTRUCTION STANDARDS, 2. Shoulders shall be constructed to the same standards as travel way."**

**Motion:** P. Laufenberg

**Second:** D. Rivers

**Discussion:** None

**Roll call vote:** Nancy Decoteau – no, Steve Babin – yes, Frank Freeman – yes, Peter Laufenberg – yes, David Rivers – yes

**4 YES - 1 NO - 0 ABSTAIN**

**Motion passes.**

**MOTION: "To continue the public hearing for Site Plan Review; US Route 3 [Map 227, Lot 2] Kevin Dorsey for White Mountain Escapes to the April 20, 2023 meeting."**

**Motion:** P. Laufenberg

**Second:** D. Rivers

**Discussion:** None

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

**Motion passes.**

Ms. O'Donnell and Ms. Schofield rejoined the Board.

#### **OTHER BUSINESS:**

1. Preliminary Consultation – Shirley Benton re: Old Sawmill Subdivision

Mr. Duffield stated he was representing Mr. Benton. He stated Mr. Benton would like to subdivide 2.5 acres out of the previously approved cluster development to sell the first duplex built. Mr. Duffield reviewed that the sale of the duplex will aid in the construction of the rest of the development.

Mr. Benton stated the Board gave him five (5) years to complete Phase 1 of the project and he is unable to do meet that deadline if he has no money to build. He stated that the cluster development requires a five (5) acre minimum, and he is looking for direction; can he get a waiver of that requirement, or other means to make the sale possible.

Mr. Freeman commented that there is a regulation that states there can only be one (1) residence per lot and Mr. Benton stated this is not the case in a cluster development. Mr. Freeman stated that if this lot was to be divided off of the cluster development that was approved, it would not longer be part of that development. Mr. Benton stated there is a provision in the RSAs where the Planning Board can waive the required acreage for a cluster development.

Ms. O'Donnell stated that the Board approved the original cluster development with duplexes as all units were going to be under one (1) ownership. She commented that it is now a different situation if the intent is to sell a duplex. Mr. Benton stated that is why he is seeking guidance from the Board on what he needs to do.

Mr. Laufenberg stated that he understands Mr. Benton's need at this time and commented that he is concerned that other units will be sold as they are built. Mr. Benton stated the State Attorney General's Office does not allow for that to occur.

The Board and Mr. Benton all agreed that more information was needed before any guidance can be given. Mr. Freeman asked Planner Menici to research and speak with Counsel; once information is found, the Board will ask Mr. Benton to attend a meeting. Mr. Benton thanked the Board.

## **COMMUNICATIONS:**

### **1. Draft Flow Chart for Planning Board Processes**

The Board reviewed a draft flow chart created by Ms. Randall to help explain the application process for the Planning Board. Mr. Laufenberg asked that a few clarifying statements be added to the chart, and a lengthy discussion on the timeline for determination of completeness of applications occurred.

Planner Menici stated the application process can be addressed in the regulations, and can be discussed further in the work session to be scheduled. The Board agreed and thanked Ms. Randall for the diagram.

### **2. Discussion of Proposed Amendments to Site Plan and Subdivision Regulations**

#### **i. Road Standards**

#### **ii. Continued discussion on Exemption of Certain Projects from Site Plan Review**

Planner Menici stated she has been going through both sets of regulations and found several inconsistencies that she would like the Board to address. She suggested a work session be scheduled to review and discuss proposed amendments.

Ms. Decoteau exited the meeting via Zoom at 7:33 p.m.

Mr. Freeman asked that a list of available dates be compiled for discussion at the April 20, 2023 meeting.

Ms. Schofield repeated her thoughts on Mr. Dorsey's project and stated that he is in violation of his approved ZCA and should be held accountable. Planner Menici commented that if there is to be conversation on an application, the applicant should be present for the discussion. Planner Menici

333 reviewed that the Planning Board has no enforcement jurisdiction and advised Ms. Schofield to file a  
334 concern citizen report with the BOS. Ms. Schofield thanked Planner Menici for the clarification.  
335

336 **ADJOURNMENT:**

337 **MOTION: "To adjourn at 7:40 p.m."**

338 **Motion:** P. Laufenberg

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

340 **Discussion:** None

341 **Vote:** 4 YES - 0 NO - 0 ABSTAIN

342 **Motion passes.**

343

344 Respectfully Submitted,

345 Kerrin Randall, Board Assistant

346