

TOWN OF THORNTON
PLANNING BOARD

Approved on: 3/21/22
PB Initials: ND
Rec'd by Town Clerk on: 4/28/22
Town Clerk Initials: ACR

Planning Board Meeting Minutes
March 17, 2022

CALL TO ORDER – PLEDGE OF ALLEGIANCE:

Chairman Babin called the meeting to order at 6:01 p.m.

ROLL CALL:

Members present at Town Hall: Steven Babin, Chairman; Nancy Decoteau, Donna O'Donnell, Peter Laufenberg, Dave Rivers, Karen Waters, Kathy Menici, Planning Director; Kerrin Randall, Board Assistant

Members Absent: Frank Freeman, Vice-Chairman, Cynthia Schofield

Alternates present at Town Hall: Jack Gaites

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

Others present at Town Hall: Philip Hastings, Chad Stocker, Brad McCoil, Jon Warzocha, Gil Michotti, Greg Sanborn

Mr. Babin sat Mr. Gaites as a voting member in place of Mr. Freeman who was absent.

APPROVAL OF MINUTES:

Upon distribution and review of the meeting minutes of February 17, 2022 Meeting, the members took the following action:

MOTION: "To accept and approve the meeting minutes of the Thursday, February 17, 2022 meeting as amended."

Motion: P. Laufenberg

Second: D. O'Donnell

Discussion: None

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

PRELIMINARY BUSINESS:

1. Board Elections

Mr. Babin asked if elections should proceed without all members present, as Mr. Freeman is absent. Ms. Decoteau reviewed that the Rules and Procedures states that elections shall be held in March; discussion continued.

MOTION: "To continue the Board Elections to the April 21, 2022 meeting."

Motion: J. Gaites

Second: K. Waters

Discussion: Mr. Laufenberg stated he will abstain from the vote, as he is a representative of the BOS and should not be voting for officers for the Planning Board.

Roll-Call Vote: S. Babin – Abstained; N. Decoteau – Yes; J. Gaites – Yes; D. O'Donnell – Yes; P. Laufenberg – Abstained; D. Rivers – Yes; K. Waters – Yes

5 YES - 0 NO - 2 ABSTAIN

Motion passes.

COMMUNICATIONS:

1. Lucas Environmental Letter re: Vertex Tower

Mr. Babin reviewed that a letter was received from Lucas Environmental, LLC to comment on the Vertex Tower Assets, LLC cell tower having any potential effects for historic properties at the site of the tower. This is part of the review process for Vertex Tower Assets, LLC beyond the Town. Mr. Babin reviewed that the letter references that the project is located off Treeline Road, which is in direct violation of the conditions of approval set by both the Planning and Zoning boards. Lucas Environmental, LLC also published a public notice of the review in the Plymouth Record Enterprise that referenced Treeline Road.

Mr. Laufenberg commented that emails have been exchanged between Attorney Parisi and Attorney Boldt of the ZBA that verify the proposed tower is going to be located off Upper Mad River Road, not Treeline Road; the public notice in the Plymouth Record Enterprise prompted the email exchange. Attorney Parisi indicated that Lucas Environmental, LLC made an error in the address of the project and discussion continued.

MOTION: "To reply to Lucas Environmental, LLC indicating that the location of the proposed tower is incorrect, and that a corrected public notice will need to be published with the correct location."

Motion: S. Babin

Second: P. Laufenberg

Discussion: None

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

HEARINGS:

1. Continuation of APPLICATION/PUBLIC HEARING – Condominium Subdivision: North Lake; Marc Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7].

Attorney Hastings reviewed that revised plans were submitted to reflect comments from Keach-Nordstrom and Planner Menici. He stated draft condo documents were sent to Attorney Serge for review and he finds them acceptable. The Board reviewed the revised condominium subdivision plans.

Mr. Babin opened the public hearing at 6:20 p.m. and no public comments were made. Mr. Babin closed the public hearing at 6:21 p.m.

MOTION: "To approve the Condominium Subdivision: North Lake; Marc Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7] subject to approval of the pending Site Plan Review application for the same land development agreement."

Motion: S. Babin

Second: P. Laufenberg

Discussion: None

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

2. Continuation of APPLICATION/PUBLIC HEARING – Site Plan Review: North Lake; Marc Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7].

Attorney Hastings reviewed that revised plans were submitted to reflect comments from Keach-Nordstrom and Planner Menici. He stated that this site plan is unique, in that units will be built at various points as they are sold individually and will each require their own approved state septic plans to get a ZCA.

Planner Menici reviewed Mr. Keach stated in his most recent review that the applicant has not provided the stormwater management report and drainage calculations needed for him to complete his technical review. Since the application was first submitted for the Board's consideration at the November 2021 meeting, Mr. Keach has identified in each of his review letters that he is unable to complete his technical review of the project as the stormwater management plan and drainage calculations have not been provided. Mr. Keach goes on to state that this portion of his review is to verify compliance with the Town's regulations, "including Sections VI.C.1 through VI.C.3 of" the Site Plan Review regulations.

Mr. Laufenberg asked why these calculations have not been submitted after multiple requests and Attorney Hastings stated that the AOT permitting exceeds the Town requirements for stormwater, and once the AOT is submitted and approved by the State, they will be more than compliant with the site plan review regulations.

Mr. Warzocha clarified that once the AOT permit is approved, Mr. Keach will receive a copy to verify the stormwater requirements have been met. He commented that previous applications have been approved conditionally for the same reason and that this is no different than others submitted. A lengthy discussion continued on why this application has been before the Board for five (5) months and the timing of State permitting.

Attorney Hastings submitted proposed conditions of approval that were created from previously approved site plans. He stated he does not see any difference between this application and previously approved ones.

MOTION: "To approve the Site Plan Review: North Lake; Marc Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7] with the following conditions:

1. Permit numbers (NHDES Subdivision Approval and NHDES Alteration of Terrain permit) to be added as a note to the final plan set.
2. Final plan set to be stamped and signed by the engineer, wetlands scientist, and surveyor, as applicable.
3. Applicant to submit a minimum of:
 - a. One full size final plan set for each of the following: The Town, property owner and each professional stamping and signing the plan set.
 - b. One (1) 11" x 17" final plan set.
 - c. One (1) electronic final plan set.

Additional conditions in accordance with Keach-Nordstrom Associates review letter dated March 8, 2022:

1. NHDES Subdivision Approval and NHDES Alteration of Terrain permits to be submitted to the Town as a condition of execution of the site plan by the Planning Board and the issuance of a Zoning Compliance Application for the construction of the first dwelling unit in the development. No other state or federal permits (including NHDES septic construction approval serving individual dwelling units) shall be required as a condition of execution of the site plan by the Planning Board. NHDES septic construction approval shall be obtained on a unit-by-unit basis and submitted prior to construction of the specific dwelling unit(s) to which such approval applies.
2. Applicant to provide consulting engineer with copies of the following prior to the issuance of a Zoning Compliance Application:
 - a. Stormwater management report and corresponding drainage calculations to complete technical review of application for compliance with applicable provisions of local code, including Sections VI.C.1 through VI.C.3 of the Site Plan Review Regulations.
 - b. Final plans showing test pits and percolation test pit data for each proposed septic system location.
3. Compliance with the requirement of the Campton-Thornton Fire Department."

Motion: N. Decoteau

Second: P. Laufenberg

Discussion: None

Vote: 7 YES - 0 NO - 0 ABSTAIN

Motion passes.

OTHER BUSINESS:

1. Land Dedication Agreement with Owl's Nest

Mr. Babin stated he and Planner Menici reviewed the LDA with Attorney Serge, and the Board has copies to review. A work session will be scheduled before the April 21 meeting. Mr. Babin commented that the work session will be noticed and open for the public to attend, but no public comment will be allowed at that time. When a public hearing is scheduled to discuss the LDA, public comment will be permitted.

2. Preliminary Consultation: Greg Sanborn – Building of Private Road

Mr. Sanborn reviewed that he is planning to purchase two (2) lots, and those lots currently have no road frontage and are in violation of State RSAs that require road frontage for properties. He stated the old deed indicates that a driveway was plotted but never actually placed on the property. The proposed plan is to merge the two (2) lots

and build a private road for access and frontage. He stated he builds roads for a living and the proposed would be a private road that would not need to be bonded.

Mr. Sanborn presented a handout that illustrates his plan and the Board reviewed. He indicated that Fire Chief Defosses has been out to the property area and said that there will be room for emergency vehicles to turn around.

Mr. Babin asked if the Board needed to make a comment to the BOS about this and Planner Menici stated no, Mr. Sanborn would need to come before the Planning Board with a formal road plan to be approved.

Mr. Sanborn stated he came before the Board tonight to see if his plans would be possible before he puts in a formal application for review. The Board agreed that they cannot see anything that would prevent Mr. Sanborn from submitting a formal road plan for approval if he chooses to do so.

Mr. Sanborn thanked the Board and exited at 7:22 p.m.

PLANNING BOARD ITEMS OF DISCUSSION:

Master Plan Discussion

Ms. O'Donnell asked if a work session for the Master Plan was going to be scheduled and Planner Menici suggested an hour session be scheduled prior to the April 21, 2022 meeting. The Board agreed that a work session to further discuss the Master Plan will be scheduled from 5:00 p.m. to 6:00 p.m. on April 21, 2022.

Abutter Concerns: Lafayette Lodge

Planner Menici shared that Planning Staff has been contacted by multiple abutters to the Lafayette Lodge (formerly Meadows II) at Owl's Nest regarding the construction of the hotel. She reviewed that the abutters have claimed they were not notified that a hotel was being constructed and were told by Owl's Nest that another condominium was being built.

Planner Menici stated the HOA presidents of The Meadows and Windcrest condominiums have spoken with her directly about not being notified of the hotel, and she reviewed that the notices were sent to the HOA c/o LCJ Holdings, LLC as instructed by the applicant, and it is then the responsibility of the person receiving the notice on the HOA behalf to distribute to their residents.

Planner Menici reviewed that the HOA presidents understood the process and were advised they were beyond the 30-day appeal window at the Planning Board level, as the application was approved over a year ago. She commented that the current options for the associations would be to file in court or file an appeal of administrative decision to the BOS on the approval of the ZCA for the hotel that was approved on February 23, 2022. She stated that Attorney Hastings is aware of the HOA concerns.

Planner Menici stated that this is concerning as every time an application from LCJ Holdings, LLC is received, their abutter notifications are being sent to the condominium associations c/o LCJ Holdings, LLC. Mr. Rivers commented that by submitting the abutter list as they currently are, LCJ Holdings, LLC are essentially notifying themselves and not the HOA as intended.

Ms. Randall verified that each abutter notice sent to the condominium associations c/o LCJ Holdings, LLC was sent certified with a return receipt, and all had been signed for. Planner Menici stated she wanted to bring this to the Board's attention, but no action from the Board can be taken at this time.

Short Term Rental Discussion

Ms. O'Donnell asked if the topic of short-term rentals and potential regulations would be better discussed in committee and volunteered to participate on such a committee if needed. Mr. Rivers volunteered to be on the committee, and it was agreed that the topic of forming a committee will be discussed at a work session.

ADJOURNMENT:

MOTION: "To adjourn at 7:41 p.m."

Motion: P. Laufenberg

217 **Second: K. Waters**
218 **Discussion: None**
219 **Roll Call Vote: 7 YES - 0 NO - 0 ABSTAIN**
220 **Motion passes.**
221
222 Respectfully Submitted,
223
224 Kerrin Randall, Board Assistant