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**TOWN OF THORNTON
PLANNING BOARD**

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

Approved on: 12/21/23
PB Initials: ND
Rec'd by Town Clerk on: 12/26/23
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 Donna O'Donnell, Vice Chairman; Steven Babin, Ex-Officio; Frank Freeman; Cynthia Schofield; Jack Gaites; David Levin; Matt Peltier, Alternate (via Zoom); Kerrin Randall, Board Assistant; Steve Keach, Keach-Nordstrom Associates

Members Absent: None

Others present via call-in (partial names are as they appeared via Zoom): Matt, Francis Parisi, Anne Strickland, Will Dodge, Sally Davis

Others present at Town Hall: Kevin McKenna, Shawn Magoon, Philip Hastings, Andrew Neil McGonagle, Jeff Merritt, Pete McDonough, David O'Rourke, Lyndell Helgerson, Jim Helgerson, Myrtle Lewis, Andrew Becker, Jon Warzocha, Mitchell Hoar

Mr. Babin, as Selectman, swore in Mr. Gaites as an interim member.

COMMUNICATIONS:

Alternate Interest: Myrtle Lewis

Ms. Decoteau stated that a letter of interest from Myrtle Lewis was received for an alternate position on the Board.

MOTION: "To appoint Myrtle Lewis as an alternate of the Planning Board."

Motion: F. Freeman

Second: D. O'Donnell

Discussion: None

Motion passes: 7 – YES; 0 – NO; 0 – ABSTAIN

Mr. Babin, as Selectman, swore in Ms. Lewis as an alternate member.

APPROVAL OF MINUTES:

MOTION: "To accept and approve the Minutes of the Thursday, October 19, 2023 public meeting as amended."

Motion: F. Freeman

Second: J. Gaites

Discussion: None

Motion passes: 6 – YES; 0 – NO; 1 – ABSTAIN

Ms. Decoteau asked the Board if the order of items on the agenda could be changed in order to have the public hearings and discussions, and the Board stated the order could be changed.

NEW BUSINESS:

Site Plan Review Conditional Approval Extension Request: Vertex Tower Assets – Francis Parisi

Francis Parisi, representative for Vertex Tower Assets, reviewed that Vertex Tower Assets, LLC received Site Plan Approval on September 7, 2021 from the Planning Board to construct and operate a wireless communications facility off Upper Mad River Road. He stated that due to circumstances

beyond its control, including a lengthy state Alteration of Terrain permitting process that remains ongoing, the applicant has been unable to complete construction of the facility.

Attorney Parisi stated that Vertex respectfully requests that the Board extend the date by which it must complete construction of the facility until September 7, 2025 or such other date as the Board shall deem appropriate and as allowed under applicable law. He reviewed that the same issue came up at the ZBA regarding the allowed timeline, and the ZBA granted an extension to December 3, 2024.

Mr. Freeman asked Attorney Parisi if any carriers had been secured for the tower and Attorney Parisi stated yes, at least one (1) carrier is committed.

Ms. Decoteau asked the Board to review the timeline provided for the tower and stated that the Board needs to consider the information provided before deciding on an extension. She stated that the initial start date of the time allowed began on September 7, 2021. Ms. Decoteau stated if the Board extends the approval for an additional six (6) months, as is stated in the site plan regulations, the period for construction would expire in March 2024; the Board may grant additional time if they choose to do so.

Mr. Babin stated that the time period for construction expired September 7, 2023, and the application is now non-existent. Ms. O'Donnell stated that the request for extension was received October 24, 2023, which is after the expiration date.

Attorney Parisi stated the regulations do require the extension request to be submitted before or after the date of approval. He stated that the application is still active, as permitting is being worked on at the State level.

Mr. Babin asked Attorney Parisi if he understood when the application was conditionally approved there was a two-year construction period allowed. Attorney Parisi stated the condition was not known at the time of approval, but it was known before the two-year period expired.

Ms. Decoteau asked for comments, and Mr. Freeman stated he personally feels that granting the six (6) month extension is reasonable, but he would prefer to have Legal Counsel's take on the request, as he is unsure about the timing concern.

Mr. Levin asked if there were other factors that attributed to missing the request for extension deadline and Attorney Parisi stated no. Attorney Parisi stated it was an oversight on his part, and it was not a conscious effort to miss the deadline. Discussion on the timeline of the application and request for extension continued.

MOTION: "To table the extension request until the December 21, 2023 meeting."

Motion: D. Levin

Second: F. Freeman

Discussion: Mr. Keach suggested legal counsel be consulted regarding the request timeframe, and Ms. Decoteau stated she will contact counsel for clarification.

Motion passes: 7 – YES; 0 – NO; 0 – ABSTAIN

APPLICATION: PUBLIC HEARING – Site Plan Review; Phil Hastings as agent for Franconia Subsidiaries; 2635 US Route 3 [Map 237, Lot 59]. *Construct 15 geodesic domes and a commercial building at the site of the former Blake Mountain Hotel.*

Ms. Decoteau stated the application was deemed to be complete at the September meeting and opened the public hearing.

Attorney Hastings stated his client had received the report from Mr. Keach and agreed with all the suggestions. Andrew Becker of Franconia Subsidiaries reviewed the overall plan for the parcel that included the demolition of existing structures to be replaced with dome structures and a commercial building that could be used as a small grocery and necessities store for guests as well as the Town.

111 Mr. Becker continued to give a history of the property as well as renderings of what the new site could
112 look like.

113
114 Mr. Becker stated the landscaping has not been finalized yet, but they hope to use existing trees and
115 new ones to 'hide' the domes from the street if that is the will of the Board.

116
117 Mr. Freeman asked if there were interior floorplans for the domes, as those are the only depictions not
118 provided, and those will be important in determining the type of unit that is being proposed. Mr. Becker
119 stated he is unsure where the floor plans are, but they can be obtained for the Board to view.

120
121 Brenton Cole and Jeff Merritt of Granite Engineering reviewed the plans in more technical detail that
122 included the main parking lot, drainage, access to the domes, and plans for the existing swimming pool.

123
124 Mr. Freeman asked if all units would have a bathroom, and Mr. Becker stated the units will have a
125 shower, sink, and toilet. Mr. Becker stated the water will be supplied through an existing well that will
126 be registered as a public water supply through the State.

127
128 Mr. Cole reviewed the lighting plan that included parking lot lights and lit pathways throughout the
129 property for safety. He stated that all lights meet the 'night sky' requirements and he further reviewed
130 the permits that will need to be obtained from the State.

131
132 Attorney Hastings stated that in absence of floorplan, each dome will contain 1-2 beds, a bathroom,
133 and a combined living area and kitchenette. He stated the amenities will be similar to those at an
134 extended stay hotel; fridge, sink, some type of cooking facility. Attorney Hastings stated the units are
135 designed for short term stays and are not apartment units. He stated they will be serviced and cleaned
136 by staff and will be available to the public, as the individual domes will not be privately owned.

137
138 Discussion on the construction of the domes and materials to be used, as well as color options
139 occurred. Mr. Babin commented that the impact on the land will be minimal, as the structures will be
140 built on decks rather than foundations. Mr. Becker stated the domes are built to withstand various
141 types of weather, including strong winds.

142
143 Ms. O'Donnell asked if there will be a maximum occupancy for each dome and David O'Rourke,
144 property manager, stated yes. Attorney Hastings added that he believes the State has required
145 occupancy limitations as well.

146
147 Ms. Decoteau commented that she is a little concerned about the plan, as several topics that have
148 been discussed have not been finalized i.e., things 'could' be done one way. She stated the idea is
149 sound, but she would like to see things firmed up on the plans. Ms. Decoteau stated the floorplans will
150 be important, especially with the kitchenette as it relates to a dwelling unit.

151
152 Ms. Decoteau asked for public comments.

153
154 Pete McDonough, Beacon Hill Road, asked if the existing cabins all have bathrooms and water. Mr.
155 Becker stated yes. Mr. McDonough stated he has concerns about the water usage for all the units plus
156 the swimming pool. Mr. Cole stated that the well needs to meet a certain capacity to support it being
157 used as a public water system, and it appears to meet that requirement.

158
159 Mr. McDonough stated that there have been issues with transients using the property and having
160 campfires in the middle of the night and he would like to see the new owners have regulations about
161 that, as the property abuts his.

162
163 Mr. McDonough stated he thinks this is a beautiful project and anything would be an improvement to
164 what is currently there. He expressed concern with rodents migrating from the site onto his property
165 once the buildings are demolished, and asked if anything could be done to mitigate that.

Attorney Hastings stated that he can investigate if there are best practices for rodent control for demolition and construction and Mr. Becker stated they could attempt to mitigate the problem before deconstruction begins.

Anne Strickland, Blake Mountain Road, stated that in considering this application, she asks that the Board review the draft of the 2022 Master Plan survey results. She reviewed that the results show that residents don't want to see more lodging developed and that there is a preference for recreation. Ms. Strickland stated that this project will go against the historic nature of the Town, and that the survey indicates that residents want the Town rezoned to better reflect what areas are being used for, and this project would undermine the wants of the residents.

Ms. Strickland stated she has additional concerns with the lighting plan, as the proposed lighting for this project will provide a significant amount of light that will show beyond the boundary of the parcel; this is in violation of the 'night sky' lighting required in the site plan regulations. She stated that she would be seeing the light from the project from her property, thus preventing her from seeing the night sky.

Ms. Strickland stated that the project would be a curiosity in the neighborhood and asked that the Board vote against the project and expedite the rezoning to reduce future conflict and to prevent development in residential areas.

Mr. Cole stated that the lighting plan was developed with a lighting designer and shows that the lights are full cutoffs and will not project beyond the boundaries of the property.

Mr. Babin stated he appreciates the comments given and stated that he does not agree with the assessment of the historic nature being disrupted. He reviewed that, historically, Thornton has always been a transient stop and the property in question was used as a motel dating back to the 1930s.

Kevin McKenna, resident, asked about the occupancy for each dome, as he wants to ensure that it will not turn into an 'Airbnb' that says it can sleep 12. Ms. Decoteau thanked Mr. McKenna for his comments and stated that the floorplans to be provided should have more detail regarding the number of occupants.

Mr. Keach asked that the landscaping plan be reviewed in further detail to see if existing trees could be utilized.

Shawn Magoon, as Zoning Review Officer, asked that the minimum distance between units be reviewed, as the Fire Department may require the structures to have sprinklers if they are too close together. Mr. Cole thanked Mr. Magoon for the information and will follow up with the Fire Department.

MOTION: "To continue the public hearing of the site plan for Franconia Subsidiaries; 2635 US Route 3 [Map 237, Lot 59] to construct 15 geodesic domes and a commercial building to the December 21, 2023 meeting."

Motion: D. O'Donnell

Second: F. Freeman

Discussion: None

Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN

OLD BUSINESS:

Site Plan and Subdivision Regulations Amendments

NH Office of Planning and Development re: Site Plan and Subdivision Regulations: Amendment to Include the Required Language Related to the National Flood Insurance Program (NFIP).

Ms. Decoteau reviewed that the required language related to the National Flood Insurance Program (NFIP) was updated in the Zoning Ordinance and approved at Town Meeting last year but was not amended in the Site Plan and Subdivision regulations. The Board reviewed the proposed language.

MOTION: "To hold a public hearing on December 21, 2023 for the addition of required language to the Site Plan and Subdivision Regulations relating to the National Flood Insurance Program (NFIP)."

Motion: D. Levin

Second: J. Gaites

Discussion: None

Motion passes: 7 – YES; 0 – NO; 0 – ABSTAIN

HEARINGS:

APPLICATION: PUBLIC HEARING – Site Plan Review; Phil Hastings as agent for LCJ Holdings, LLC [Map 240, Lot 114]. *Construct a pump house.*

Ms. Decoteau reviewed that the application was accepted as complete at the October meeting and opened the public hearing at 7:30 p.m.

Attorney Hastings stated that his client received Mr. Keach's report, and the comments have been addressed.

Mr. Warzocha stated that the proposed is a pump house for a new well field that will provide potable water to the Owl's Nest resort. He reviewed that the building would serve a control for the well pumps and will house the treatment, storage, and metering of the water; the building would be accessed a few times a week.

As the Board had no questions, Ms. Decoteau asked for public comment.

Neil McGonagle, abutter, asked how much noise the building would generate, and Mr. Stocker stated that the building is powered by electricity and there will be little to no noise generated. He stated there will be an emergency backup generator that will turn on when there is a power outage.

Lindell Helgersen, abutter, asked how big the building would be as there is concern that they will see it from their property across the river. Jim Helgersen stated that a gravel path is visible from their property currently.

Mr. Stocker stated the location of the pump house will not be clearly visible from across the river, as there is a row of trees blocking the view and the intent is to let the natural vegetation grow back once the building is complete. Mr. Warzocha stated that the building is not going to be a storage facility and will be accessed either by an ATV or small truck.

Myrtle Lewis asked if the proposed water system was being done to accommodate more development to Owl's Nest for residential houses and Mr. Warzocha stated yes, this water would feed into the resort to supply the houses that have been approved to be built. Mr. Babin briefly explained that there is a Land Dedication Agreement with the Town that states how many units can be built, and that this water supply is not for projects beyond the units allowed.

Mitchell Hoar, Remington Road, asked if the water draws for this well field will affect abutters' wells, and Mr. Warzocha stated no. Mr. Warzocha stated that the State requires that testing is done to see the impact on other wells in the area. He stated NHDES would not have approved the well field if the test results showed that other water sources would be compromised.

Ms. Decoteau asked for additional comments and as there were none, closed the public hearing at 7:47 p.m.

270 **MOTION: "To approve the Site Plan for LCJ Holdings, LLC [Map 240, Lot 114] to construct a**
271 **pump house with the following conditions:**

- 272 • Receipt of correspondence from Keach-Nordstrom Associates, Inc. (KNA) acknowledging all
273 comments and recommendations offered in a letter report dated November 15, 2023 have
274 been resolved to their satisfaction.
- 275
- 276 • Planning Board Assistant's acknowledgement of receipt of requisite number of copies of
277 final drawings and related documents, if any.
- 278
- 279 • Confirmation of Planning Board Assistant that all application fees, recording fees, and third-
280 party review/legal fees, if any, have been paid in full."
- 281

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

283 **Second:** C. Schofield

284 **Discussion:** The Planning Board finds that the site plan meets all town ordinances, zoning
285 regulations, site plan regulations, and subdivision regulations. Adequate materials were
286 submitted to make an informed decision on the application.

287
288 **Motion passes: 7 – YES; 0 – NO; 0 – ABSTAIN**
289

290 **NEW BUSINESS (continued):**

291 **Road Bond Release Request: Jack's Run – Kevin Dorsey**

292 The Board reviewed the request and supporting documents from Keach-Nordstrom Associates for
293 release of the road bond for Jack's Run.

294 **MOTION: "To approve the release of the remaining bond amount of \$42,500.00 for 'Jack's Run'**
295 **identified as Tax Map 238 Lot 012."**

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

297 **Second:** F. Freeman

298 **Discussion:** The Planning Board finds that adequate materials indicating the satisfaction of all
299 improvements on 'Jack's Run' have been submitted to make an informed decision on the
300 request for release of the bond.

301
302 **Motion passes: 7 – YES; 0 – NO; 0 – ABSTAIN**
303

304 **Bond Reduction Request: The Preserve – Kevin Dorsey**

305 The Board reviewed the request and supporting documents from Keach-Nordstrom Associates for
306 reduction of the infrastructure bond for The Preserve.

307 **MOTION: "To approve a reduction of the original bond of \$260,000.00 in the amount of**
308 **\$194,550.00. This will bring the balance of the bond to \$65,450.00."**

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

310 **Second:** F. Freeman

311 **Discussion:** The Planning Board finds that Adequate materials indicating the satisfaction
312 improvements on 'The Preserve' were submitted to make an informed decision on the request
313 for reduction of the bond.

314
315 **Motion passes: 6 – YES; 0 – NO; 1 – ABSTAIN**
316

317 **Discuss Land Use Administrator Position**

318 Ms. Decoteau reviewed that the position of Land Use Administrator (fka Planning Director) has been
319 vacant for six (6) months. She stated there was one (1) applicant that she and Vice Chair O'Donnell
320 reviewed the application and felt that they were not a viable candidate for the position.

321
322 Ms. Decoteau stated she presented an idea for the position that she and Vice Chair O'Donnell came up
323 with to the BOS to see if they would support it.

Ms. Decoteau stated that since May of 2023, the Board has been able to "make it work" without a Planning Director. The services of Keach-Nordstrom Associates have been used and, to date, the Planning Department has been working well with them. She stated that Staff in the Planning Department stepped up and took on the additional responsibilities since the previous Planner left.

Ms. Decoteau stated that the Planning Director responsibilities were reviewed, and categorized to show what current staff has been doing, what Keach-Nordstrom Associates has been doing, and items that can be addressed through Keach-Nordstrom should the Planning Board choose to delegate them.

Ms. Decoteau reviewed that the Planning Board has been using Keach-Nordstrom Associates for compliance and technical review, with a fee system in place. She stated that the fee system seems to flow within the budget as it is determined based on workload.

Ms. Decoteau stated that the idea proposed was that consideration be given to not filling the position, and redesignating current Planning Department Staff to reflect the additional work/responsibility being done, as the level of responsibility is above that of a "board secretary" and perhaps a new job title and step increase is needed.

Mr. Keach stated he has no problem with the reallocation of tasks that Keach-Nordstrom will be taking on, as they provide these types of services to other towns. Mr. Babin stated that the BOS was receptive of the idea and that they support it.

The Planning Board agreed to the idea being proposed and thanked Staff for their continued work for the Board.

MOTION: "To stop the process of seeking out a part-time Land Use Administrator."

Motion: N. Decoteau

Second: F. Freeman

Discussion: Ms. Decoteau stated that budgeting will determine the wages to be paid to Staff.

Motion passes: 7 – YES; 0 – NO; 0 – ABSTAIN

OTHER BUSINESS

Legal Representation Discussion

Ms. Decoteau stated that the BOS has signed their intent to contract Donahue, Tucker, and Ciandella, PLLC. For legal representation. She reviewed that the Town will be utilizing the same law firm for all three (3) boards, with each Board retaining their own attorney within the firm.

MOTION: "To acknowledge the change in legal representation for the Planning Board to align with that of the BOS and authorize Ms. Decoteau to sign the letter of intent."

Motion: S. Babin

Second: F. Freeman

Discussion: None

Motion passes: 7 – YES; 0 – NO; 0 – ABSTAIN

Review and Approve 2024 Meeting Dates

MOTION: "To approve the 2024 meeting dates as presented."

Motion: D. O'Donnell

Second: C. Schofield

Discussion: None

Motion passes: 7 – YES; 0 – NO; 0 – ABSTAIN

Master Plan Public Hearing on December 21, 2023

Ms. O'Donnell asked if changes were being made to the draft of the Master Plan, as there were questions on the formatting and content details at the public hearing in September, resulting in the hearing being continued to December 21, 2023. She reviewed that there was concern that there are not clear sections on goals and how to achieve them.

379 Ms. Schofield acknowledged the questions brought to the Board in September and clarified that the
380 document is not the same as in years past. She reviewed that the idea was to upgrade the document
381 to include more modern items and to have the Master Plan be a 'living document'. Ms. Schofield
382 reviewed that the idea was to have different sections visited annually to achieve the goals set in the
383 plan.
384

385 Mr. Babin stated that the Master Plan Committee did massive work in compiling the document. He
386 stated that the BOS was admonished by another committee in that they could not provide a plan to
387 achieve a goal. Mr. Babin stated he thinks it will be beneficial if the Master Plan Committee revisit the
388 document and bring it back to the Board.
389

390 Ms. Randall clarified that the Committee is not responsible for the document anymore, as it has been
391 given to the Planning Board and it is their responsibility now. Lengthy discussion on the 'completeness'
392 of the draft document and whether it is ready to be published occurred.
393

394 Ms. Decoteau asked if the Board felt that the draft document was ready to be discussed at the
395 continued public hearing in December; the majority of the Board concurred that the document was
396 ready to be discussed.
397

398 Allow recording of Zoom meetings by Third Parties

399 Mr. Babin stated that the BOS recently made a change that allows for third party recording of Zoom
400 meetings, as RSA 91A indicates that recording by a third party cannot be prevented if the ability to
401 record is available.

402 **MOTION: "To allow third party recording of Planning Board Zoom meetings."**

403 **Motion:** S. Babin

404 **Second:** D. Levin

405 **Discussion:** None

406 **Motion passes: 7 – YES; 0 – NO; 0 – ABSTAIN**
407

408 ADJOURNMENT

409 **MOTION: "To adjourn the meeting at 8:44 p.m."**

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

411 **Seconded:** C. Schofield

412 **Discussion:** None

413 **Motion Passes: 7 – Yes, 0 – No, 0 – Abstained**
414

415 Respectfully Submitted,
416 Kerrin Randall, Board Assistant