

1 16 Merrill Access Road
2 Thornton, NH 03285
3 Tel: 603-726-8168
4 Fax: 603-726-2078

**TOWN OF THORNTON
PLANNING BOARD**

**Planning Board Meeting Minutes
Thursday, October 19, 2023**

Approved on: 11/16/23
PB Initials: AWD
Rec'd by Town Clerk on: 11/21/23
Town Clerk Initials: Aep

CALL TO ORDER – PLEDGE OF ALLEGIANCE:

Vice Chairman O'Donnell called the meeting to order at 6:00 p.m.

ROLL CALL:

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

Members Absent: Nancy Decoteau, Chairman

Others present via call-in (partial names are as they appeared via Zoom): Gary S. Lemay, Andrew, Steve, Erin's iPhone, CD, Matt, Sally Davis

Others present at Town Hall: Shawn Magoon, Briana Feather, Philip Hastings, Kevin McKenna, Sally Davis, Jon Warzocha, Chad Stocker

Ms. O'Donnell sat Mr. Gaites, alternate, as a voting member.

APPROVAL OF MINUTES:

MOTION: "To accept and approve the Minutes of the Thursday, September 21, 2023 public meeting as presented."

Motion: F. Freeman

Second: C. Schofield

Discussion: None

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

OLD BUSINESS:

Appointment of Vacated Board Position

Ms. O'Donnell stated that there is an open member position on the Board, and the past practice has been to appoint an alternate member to the vacated member position. She stated Mr. Gaites and Mr. Peltier submitted letters of interest to be considered for the position.

Ms. O'Donnell stated that the for the interim position will be until March 2024; the position will be listed on the warrant for a one (1) year term to conclude in 2025, where it will return to a three (3) year term.

MOTION: "To appoint Jack Gaites as an interim voting member until March 2024."

Motion: F. Freeman

Second: S. Babin

Discussion: Mr. Freeman commented that Mr. Gaites has been attending meetings in person for most of the year, and Mr. Peltier has not been able to attend in person, and it makes sense to consider Mr. Gaites because of this fact.

Motion passes: 5 – YES; 0 – NO; 1 – ABSTAIN

HEARINGS:

APPLICATION: PUBLIC HEARING – 2022 Town of Thornton Master Plan

Ms. O'Donnell reviewed that the draft Master Plan has been available for review by the Board and public to review via the town website or request to the Planning Department. She stated public input sessions were held before the draft was written and notice of the public hearing was published.

Mr. Freeman stated he reviewed the document, and he thinks it is very good and Mr. Levin echoed those statements.

Ms. O'Donnell opened the public hearing at 6:05 p.m.

Sally Davis, 50 Sugar Run, stated she had several comments and questions on the draft document, and shared her concerns:

- Several grammatical errors
- More detailed information on current activities from various town departments and facilities is needed; Police Department, Fire Department, Transfer Station
- Assessing processes need to be clearly written
- Census information needs to be updated
- Police statistics need to be reviewed and updated

Lengthy discussion on the intended purpose of the Master Plan and the reasoning behind what was in the document occurred. Kevin McKenna, resident, commented that the document would be easier to understand if the formatting was done that addressed a topic; past, present, future goals.

Ms. O'Donnell thanked Ms. Davis and Mr. McKenna for their feedback. She stated the Master Plan was envisioned to be a living document, and that specific areas would be looked at yearly for updating. Ms. Schofield agreed with Ms. O'Donnell and stated that the Committee intending for the Master Plan to be a living document where topics were going to be revisited over time.

MOTION: "To continue the public hearing for the 2022 Town of Thornton Master Plan to the December 21, 2023 meeting."

Motion: S. Babin

Second: D. Levin

Discussion: None

Motion passes: 4 – YES; 2 – NO; 0 – ABSTAIN

APPLICATION: PUBLIC HEARING – Site Plan Review; Gary Lemay as agent for New Hampshire Electric Co-op; US Route 3 [Map 240, Lot 128]. *Construct a structure (cabinet) for fiberoptic cable utility services.*

Ms. O'Donnell recognized Mr. Lemay on Zoom and asked that he provide a recap of the project, as the application was deemed complete at the September meeting.

Mr. Lemay thanked the Board and reviewed that the NHEC would like to put a cabinet unit to house electric equipment that will allow for fiber optic, high speed internet cables at the site of their existing substation.

Mr. Lemay stated the cables would enter the cabinet to be distributed to NHEC customers in Thornton. He stated that, unfortunately, only NHEC customer will have access to this service now as the cables will use NHEC poles. He stated that the only comment from Mr. Keach has been addressed and is reflected in a report to the Board.

Ms. O'Donnell opened the public hearing at 6:47 p.m. and asked for public comment. As there was no public comment, the public hearing was closed. The Board reviewed the report from Keach-Nordstrom Associates and the updated plan.

MOTION: "To approve the Site Plan Review application for Gary Lemay as agent for New Hampshire Electric Co-op; US Route 3 [Map 240, Lot 128]."

Motion: F. Freeman

Second: S. Babin

Discussion: None

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

110 APPLICATION: PUBLIC HEARING – Scenic Road Work; Briana and William Feather, 583 Upper Mad
111 River Road [Map 234, Lot 2]. *Removal of trees to run utility services to house.*
112 The Board reviewed the materials submitted from Ms. Feather, who was in attendance.
113

114 Mr. Freeman commented that he has been by the site and seen the trees marked for removal. He
115 stated he does not feel that the removal of those trees will impact the scenic nature of the road, and
116 that the request is reasonable.
117

118 Mr. Levin asked if a second service pole would need to be installed on the main road that the service
119 will be coming from and Ms. Feather stated yes, another pole will be placed directly next to the current
120 pole.
121

122 Ms. O'Donnell opened the public hearing at 6:53 p.m. and asked for public comment. As there was no
123 public comment, the public hearing was closed.

124 **MOTION: "To approve the Scenic Road Work application for Briana and William Feather, 583**
125 **Upper Mad River Road [Map 234, Lot 2]."**

126 **Motion:** F. Freeman

127 **Second:** D. Levin

128 **Discussion:** None

129 **Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN**
130

131 APPLICATION: DETERMINATION OF COMPLETENESS – Site Plan Review; Phil Hastings as agent
132 for Franconia Subsidiaries; 2635 US Route 3 [Map 237, Lot 59]. *Construct 15 geocentric domes and a*
133 *commercial building at the site of the former Blake Mountain Motel.*

134 The Board reviewed the following materials submitted:

- 135 • Keach-Nordstrom Compliance Review
- 136 • Letter from Applicants' Counsel
- 137 • Letter from NH Wetlands Scientist
- 138 • Site Plan Application
- 139 • Site Plan
- 140 • Stormwater Management Report
- 141 • Narrative Package with Pictures
142

143 Ms. O'Donnell stated this meeting was for a determination of completeness of the application submitted
144 only. Attorney Hastings acknowledged this and reviewed the documents submitted. He commented
145 that the Keach-Nordstrom report reflects that the project as presented is in compliance with the Zoning
146 Ordinance.

147 **MOTION: "To accept the application as complete, and to schedule a public hearing on**
148 **November 16, 2023."**

149 **Motion:** F. Freeman

150 **Second:** S. Babin

151 **Discussion:** None

152 **Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN**
153

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

156 The Board reviewed the following materials submitted:

- 157 • Keach Compliance Review
- 158 • Waiver Requests
- 159 • Site Plan Application
- 160 • Site Plan Review Checklist
- 161 • 11x17 Copy of Site Plan
162

Ms. O'Donnell reviewed that the report from Keach-Nordstrom indicates that the project conforms to the Zoning Ordinance as presented, and recommends that waivers are approved prior to completeness determination in order for the application to be deemed complete.

Mr. Freeman asked if the pump house is being proposed as a support to the general resort operations and Mr. Warzocha stated that the pump house will support drinking water needs for the resort. Mr. Warzocha reviewed that early in developing the resort, a tie-in to the Campton Water Precinct for drinking water was discussed. He stated when that topic was revisited, the precinct indicated they would not allow for a tie-in to their system.

Mr. Warzocha stated water withdrawals from three (3) wells drilled on the parcel have been approved by NHDES, and others will be applied for. He stated that the pump house will serve these wells and provide room for the water treatment components needed for drinking water.

Attorney Hastings reviewed the recommendations from Keach-Nordstrom and provided an updated plan that addressed them. He stated a copy had been sent to Keach-Nordstrom for review.

Attorney Hastings reviewed that the waivers being requested are from the site plan requirements for landscaping and lighting. He stated there will be no landscaping, as it is a utility building and that there will be minimal lighting at the site, mainly over the doors.

MOTION: "To grant the waiver of Site Plan Requirement B 19: location, type and size of all proposed landscaping or screening."

Motion: D. Levin

Second: C. Schofield

Discussion: None

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

MOTION: "To grant the waiver of Site Plan Requirement B 20: Exterior Lighting."

Motion: D. Levin

Second: F. Freeman

Discussion: None

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

MOTION: "To accept the application as complete, and to schedule a public hearing on November 16, 2023."

Motion: D. Levin

Second: C. Schofield

Discussion: None

Motion passes: 5 – YES; 0 – NO; 1 – ABSTAIN

Attorney Hastings updated the Board on his conversation with Attorney Serge regarding the development of the Pope Parcel. He stated he believes they have an understanding of what the property owners want to do and possible ways to achieve it.

Mr. Freeman asked if Campton had been brought into the conversation regarding possible 'key swapping', as they need to be involved. Attorney Hastings stated he has not approached Campton yet, but he hopes to have something to bring to this Board in the coming months for review.

OTHER BUSINESS:

Preliminary Consultation; Phil Hastings as agent re: Valley Brook Cottages; 2901 U.S. Route 3 [TM 227-045]

Ms. O'Donnell stated that this is a preliminary discussion, and that nothing said is binding or indicative of a decision to be made.

Attorney Hastings stated he has a client who is interested in doing something with this property and reviewed that there are questions regarding the cabins themselves as well as the ability for creative uses, and/or adaptive reuse of them. He ran through various scenarios of rebuilding or repurposing the structures.

Attorney Hastings stated his client is considering using the property for certain types of events, and asked if Special Event permits would need to be obtained. Mr. Freeman stated that Special Events are done through the BOS and not the Planning Board.

Attorney Hastings commented that parking may need to be addressed and asked if on-street parking was permitted. F. Freeman stated that the road is a state highway, and the Town has no jurisdiction over it.

Attorney Hastings asked if anyone on the Board knew the history of the property, and Ms. O'Donnell stated that it has been used as transient, short-term lodging and has changed owners several times.

Attorney Hastings commented that his client may be interested in continuing the short term, transient lodging, and Mr. Freeman asked how this project differs from the one being proposed with the domes. Attorney Hastings stated Valley Brook Cottages are still actively being used and the Blake Mountain Hotel use as a hotel was abandoned.

Mr. Babin stated that some of the scenarios proposed are not, in his opinion, a Planning Board matter. He stated that building improvements would be through the Selectmen's Office through the ZCA process. Discussion on requirements and restrictions for replacing a building or part of a building occurred.

Mr. Babin stated that Mr. Freeman is correct in that event permits need to go through the BOS, and there is an RSA that the event permitting process was developed from.

Mr. Babin stated that the property is currently non-conforming and ZRO Magoon commented that nothing can be done on the property that would add to the non-conformity unless approved by the ZBA. Discussion on types of possible units as well as residential use versus transient use occurred.

Attorney Hastings thanked the Board for their time and comments.

OTHER BUSINESS

Allow recording of Zoom meetings by Third Parties

Mr. Babin stated on September 20, 2023 the BOS voted to allow the ability of third party recording for Zoom meetings. He stated people attending the meeting via Zoom will be permitted to record the meeting on their own should they chose to. Mr. Babin stated the Town will not be posting these recordings and will retain them until the minutes from that meeting are approved, just like the audio recordings.

Ms. O'Donnell asked if the Board would like to review this topic and the Board agreed to wait until all members are present to discuss it.

Legal RFP

Ms. O'Donnell stated that the BOS has sent out a request for proposals for new legal counsel for all Boards, and that Ms. Decoteau has been involved with the process since it began as the representative of the Planning Board. Ms. O'Donnell commented that she participated in an interview with a potential new firm, as Ms. Decoteau was unavailable; the Chairs of the BOS and ZBA were also involved in the interview.

Mr. Babin reviewed that each Board has its own attorney, and the Town is looking to have one (1) firm represent the Town, with each Board having its own attorney within that firm.

272
273 Mr. Freeman asked if the current Planning Board attorney submitted an RFP and Ms. O'Donnell stated
274 she does not believe current counsel submitted an RFP and discussion continued.
275

276 Mr. Freeman stated that if the purpose of this conversation was to notify the Board that an RFP was
277 sent, then the Board has been notified, as the BOS will make the final decision.
278

279 Mr. Gaites suggested Mr. Laufenberg, Chair of the BOS, come in to speak to the Planning Board to
280 better understand the process.
281

282 **ADJOURNMENT**

283 **MOTION: "To adjourn the meeting at 8:01 p.m."**

284 **Motion:** S. Babin

285 **Seconded:** D. O'Donnell

286 **Discussion:** None

287 **Motion Passes: 6 – Yes, 0 – No, 0 – Abstained**
288

289
290 Respectfully Submitted,
291 Kerrin Randall, Board Assistant