

## TOWN OF THORNTON PLANNING BOARD

Approved on: 18/Nov/2021  
PB Initials: SB  
Rec'd by Town Clerk on: 11-22-2021  
Town Clerk Initials: pdw

### Planning Board Meeting Minutes October 21, 2021

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

Chairman Babin called the meeting to order at 6:00 p.m.

#### ROLL CALL:

**Members present at Town Hall:** Steven Babin, Chairman; Frank Freeman, Vice-Chairman; Peter Laufenberg; Donna O'Donnell, Kathy Menici, Planning Director; Kerrin Randall, Board Assistant; David Rivers; Karen Waters

**Alternates present at Town Hall:** Cynthia Schofield; Jack Gaites

**Others present via call-in (names are as they appeared via Zoom):** Nancy Decoteau, iPad (6), Dave Orourke, Leslie's iPhone, Andrew B, Leslie's iPhone, We The People, timkingston, Thomas Smith, Brett Owings, Jonathan Grebow, scott, Jim

**Others present at Town Hall:** Philip Hastings, Eric Fieleke, Miya Fieleke, Steve Tower, Chad Stocker

Mr. Babin sat Ms. Schofield as a voting member in place of Ms. Decoteau who elected not to participate as a voting member as she was on Zoom.

#### APPROVAL OF MINUTES:

Upon distribution and review of the meeting minutes of September 16, 2021, the members took the following action:

**MOTION: "To accept and approve the Minutes of the Thursday, September 16, 2021 meeting as presented."**

**Motion: F. Freeman**

**Second: K. Waters**

**Discussion: None**

**Vote: 7 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

#### PRELIMINARY BUSINESS:

1. Preliminary Discussion: Zoning Amendments for the 2022 Town Meeting  
Planner Menici stated January 6, 2022 is the deadline for amendments to be made in order for the proposed amendments to get on the warrant article for Town Meeting in March. She stated a work session will likely need to be held to discuss, in detail, the items the Board would like to amend. Planner Menici stated following the Public Hearings this evening, a list of items needed to be discussed can be compiled.

#### COMMUNICATIONS:

1. BOS meeting 10/06/2021: Thornton Conservation Commission – Antioch University of NE-  
Project Application

Mr. Babin stated there are no representatives present or on Zoom from the Conservation Commission to speak at this time.

#### REPORTS: None

#### UNFINISHED BUSINESS: None

55 **HEARINGS:**

- 56 1. APPLICATION/PUBLIC HEARING – Lot Line Adjustment: [Map 02, Lot 06-03 and Map 02,  
57 Lot 06-08] Stephen Tower as agent for Christopher and Christina Savage.

Mr. Tower presented the proposed BLA for Christoher and Christina Savage, the purpose of which is to create a better building lot for the owners.

- 60 • Parcel Size, Existing: Map 2 Lot 6-3: 1.0 acre  
61 Map 2 Lot 6-8: 40.0 acres  
62  
63 • Parcel Size, Proposed: Map 2 Lot 6-3: 2.42 acres  
64 Map 2 Lot 6-8: 38.58 acres  
65

66 **MOTION: “To accept the application as substantially complete.”**

67 **Motion: P. Laufenberg**

68 **Second: F. Freeman**

69 **Discussion: None**

70 **Vote: 7 YES - 0 NO - 0 ABSTAIN**

71 **Motion passes.**  
72

73 Mr. Tower stated he received the proposed conditions of approval from Planner Menici and his client has no  
74 concern with them.  
75

76 Mr. Babin opened the Public Hearing and asked for comment; there was none. Mr. Babin closed the Public  
77 Hearing at 6:25 p.m.  
78

79 **MOTION: “To approve the Lot Line Adjustment: [Map 02, Lot 06-03 and Map 02, Lot 06-08]**  
80 **Stephen Tower as agent for Christopher and Christina Savage with the following conditions:**

- 81 • All necessary state and federal permits to the Town prior to the issuance of a Zoning  
82 Compliance Certificate, including by not limited to the following:  
83 ○ NH-DES – Alteration of Terrain  
84 ○ NH-DES – Wetlands  
85 • NH-DES – Septic  
86 • State Subdivision Approval  
87 • Permit numbers to be added as a note to the final plan set.  
88 • Final plan set to be stamped and signed by the engineer, wetlands scientist and surveyor, as  
89 applicable.  
90 • Applicant to submit a minimum of:  
91 ○ One full size final plan set for each of the following: the Town, property owner and  
92 each professional stamping and signing the plan set,  
93 ○ one (1) 11x17 final plan set, and  
94 ○ one (1) electronic final plan set.  
95  
96 • *From Chief Daniel Defosses, Fire Chief, Campton-Thornton Fire Department*  
97 Applicant to install a turn-around near the end of the driveway, sized appropriately to  
98 accommodate the Town’s fire apparatus. The turn-around can be a hammerhead or  
99 similar style with adequate room to maneuver fire apparatus and should be no less than 40  
100 feet long. The turn-around must remain clear and open at all times.”  
101

102 **Motion: D. O’Donnell**

103 **Second: F. Freeman**

104 **Discussion: None**

105 **Vote: 7 YES - 0 NO - 0 ABSTAIN**

106 **Motion passes.**  
107

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

Mr. Babin stated the application was deemed substantially complete at the September meeting.

Planner Menici stated all items requested at the September meeting have been received and are complete. She stated there are waiver requests that need to be reviewed prior to voting on the application.

The Board reviewed the Site Plan Review Regulations waiver requests:

**Article V. Submission Requirements**

**Section B. Site Plan Requirements**

- B.12 The location of all existing and proposed deed restrictions, easements, covenants, right-of-way, etc. along with a draft copy of the full legal description of proposed rights and restrictions.
- B.19 The location, type and size of all proposed landscaping or screening.
- B.20 Exterior lighting as signs to be located on the site.
- B.23 Copies of all applicable state approvals and permits, such as:
  - a. State Water Supply and Pollution Control Commission water supply approval, sewage approval, alteration of existing terrain approval, or groundwater discharge approval;
  - b. Special Board Approval for the relocation, filling, dredging, or rechanneling of any manmade or natural drainage way.
  - c. State Department of Public Works and Approval for and required driveway or curb cut.

**MOTION: “To accept the waiver requests.”**

**Motion: F. Freeman**

**Second: K. Waters**

**Discussion: None**

**Vote: 7 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

Mr. Hastings stated he received the proposed conditions of approval from Planner Menici and his client has no concern with them.

Mr. Babin opened the Public Hearing and asked for comment; there was none. Mr. Babin closed the Public Hearing at 6:38 p.m.

**MOTION: “To approve the Site Plan Review: Sales Office; Marc Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7] with waivers previously granted and the following conditions:**

- All necessary state and federal permits to the Town prior to the issuance of a Zoning Compliance Certificate, including by not limited to the following:
  - NH-DES – Alteration of Terrain
  - NH-DES – Wetlands
  - NH-DES – Septic
  - State Subdivision Approval
- Permit numbers to be added as a note to the final plan set.
- Final plan set to be stamped and signed by the engineer, wetlands scientist and surveyor, as applicable.
- Applicant to submit a minimum of:
  - One full size final plan set for each of the following: the Town, property owner and each professional stamping and signing the plan set,
  - one (1) 11x17 final plan set, and
  - one (1) electronic final plan set.

- *From Chief Daniel Defosses, Fire Chief, Campton-Thornton Fire Department*  
Compliance with the requirements identified by the Fire Chief in his letter dated October 15, 2021, noting that these requirements are subject to modification during project inspections or as plans are altered.
- As the applicant has applied for a temporary sales office, the Board limits the time the temporary office may remain on-site to 18 months, and should the applicant require the temporary office to remain in place longer than 18 months, the applicant can submit a request in writing at least 30 days prior to the end of the 18-month term to the Board to amend the condition of approval to extend the period of time the temporary office may stay in place.

**Motion: F. Freeman**

**Second: K. Waters**

**Discussion: None**

**Vote: 7 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

3. Continuation of APPLICATION/PUBLIC HEARING – Site Plan Review: Slice Restaurant; Marc Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-8].

Mr. Babin stated the application was deemed substantially complete at the September meeting.

Planner Menici stated all items requested at the September meeting have been received and are complete. She stated there are waiver requests that need to be reviewed prior to voting on the application; physical waiver applications were not submitted.

The Board reviewed the Site Plan Review Regulations waiver requests:

**Article V. Submission Requirements**

**Section B. Site Plan Requirements**

- B.1 Property lines showing bearing, distance, monuments, and the lot area of the entire parcel for which the site plan is proposed, and the source of the information. In some situations, the Board may require a property survey and certification of the survey by a Land Surveyor.
- B.4 The location of all building setbacks as required by the Thornton Zoning Ordinance.

**MOTION: “To accept the waiver requests with the following condition:**

- Waiver Request Application forms be filled out and submitted.”

**Motion: P. Laufenberg**

**Second: F. Freeman**

**Discussion: None**

**Vote: 7 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

Mr. Hastings stated he received the proposed conditions of approval from Planner Menici and his client has no concern with them.

Mr. Babin opened the Public Hearing and asked for comment; there was none. Mr. Babin closed the Public Hearing at 6:51 p.m.

**MOTION: “To approve the Site Plan Review: Slice Restaurant; Marc Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-8] with waivers previously granted and the following conditions:**

- All necessary state and federal permits to the Town prior to the issuance of a Zoning Compliance Certificate, including by not limited to the following:
  - NH-DES – Alteration of Terrain
  - NH-DES – Wetlands
  - NH-DES – Septic
- State Subdivision Approval
- Permit numbers to be added as a note to the final plan set.
- Final plan set to be stamped and signed by the engineer, wetlands scientist and surveyor, as applicable.
- Applicant to submit a minimum of:
  - One full size final plan set for each of the following: the Town, property owner and each professional stamping and signing the plan set,
  - one (1) 11x17 final plan set, and
  - one (1) electronic final plan set.
- *From Keach-Nordstrom Associates review letter dated October 13, 2021:*  
Sheets C-2.1 and C-2.2 of the current site plan to be edited to accurately depict current existing conditions within the image are of these two drawings. Revised Sheets to be submitted to Keach-Nordstrom Associates for their review and sign-off prior to the issuance of a Zoning Compliance Certificate.
- *From Chief Daniel Defosses, Fire Chief, Campton-Thornton Fire Department*  
Compliance with the requirements identified by the Fire Chief in his letter dated October 18, 2021, noting that these requirements are subject to modification during project inspections or as plans are altered.

**Motion: P. Laufenberg**

**Second: D. O'Donnell**

**Discussion: None**

**Vote: 7 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

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

Mr. Babin stated the application was deemed substantially complete at the September meeting.

Planner Menici stated all items requested at the September meeting have been received and are complete. She stated there are waiver requests that need to be reviewed prior to voting on the application.

The Board reviewed the Subdivision Regulations waiver requests:

#### **SECTION IV**

#### **GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND**

- H. TREES AND PLANTING
- I. TABLE OF ROAD CONSTRUCTION STANDARDS
- M. ROADS, DRIVEWAYS AND PERMITS
- N. DRAINAGE DESIGNS (amended 7/15/04)
  - 1. FLOOD ATTENUATION
  - 2. STORM TREATMENT

**MOTION: "To accept the waiver requests as they relate to subdivisions."**

**Motion: F. Freeman**

**Second: P. Laufenberg**

**Discussion: None**

270 **Vote: 7 YES - 0 NO - 0 ABSTAIN**

271 **Motion passes.**

272 Mr. Hastings stated he received the proposed conditions of approval from Planner Menici and his client has no  
274 concern with them.

275  
276 Mr. Babin opened the Public Hearing and asked for comment; there was none. Mr. Babin closed the Public  
277 Hearing at 7:05 p.m.

278  
279 **MOTION: "To approve the Subdivision: South Lake; Marc Burnell as agent for LCJ Holdings,**  
280 **LLC, Lafayette Road [Map 16 Lot 1-7] with waivers previously granted and the following**  
281 **conditions:**

- 282 • **All necessary state and federal permits to the Town prior to the issuance of a Zoning**  
283 **Compliance Certificate, including by not limited to the following:**
  - 284 ○ NH-DES – Alteration of Terrain
  - 285 ○ NH-DES – Wetlands
  - 286 ○ NH-DES – Septic
- 287 • **State Subdivision Approval**
- 288 • **Permit numbers to be added as a note to the final plan set.**
- 289 • **Final plan set to be stamped and signed by the engineer, wetlands scientist and surveyor, as**  
290 **applicable.**
- 291 • **Applicant to submit a minimum of:**
  - 292 ○ **One full size final plan set for each of the following: the Town, property owner and**  
293 **each professional stamping and signing the plan set,**
  - 294 ○ **one (1) 11x17 final plan set, and**
  - 295 ○ **one (1) electronic final plan set.**
- 296  
297 • ***From Keach-Nordstrom review letter dated October 13, 2021:***  
298 **Applicant to provide consulting engineer with copies of the following prior to the issuance**  
299 **of a Zoning Compliance Certificate:**
  - 300 ○ **Drainage calculations and customary supporting information for planned drainage**  
301 **and stormwater management improvements;**
  - 302 ○ **Stormwater management report and corresponding drainage calculations to**  
303 **complete technical review of application for compliance with applicable provisions**  
304 **of local code, including Sections VI.C.1 through VI.C.3 of the Subdivision**  
305 **Regulations.**
  - 306 ○ **Keach-Nordstrom Associates to review and sign-off on the above items prior to the**  
307 **issuance of a Zoning Compliance Certificate.**
- 308  
309 • ***From Chief Daniel Defosses, Fire Chief, Campton-Thornton Fire Department***  
310 **Compliance with the requirements identified by the Fire Chief in his letter dated October**  
311 **15, 2021, noting that these requirements are subject to modification during project**  
312 **inspections or as plans are altered.**

313  
314 **Motion: F. Freeman**

315 **Second: P. Laufenberg**

316 **Discussion: None**

317 **Vote: 7 YES - 0 NO - 0 ABSTAIN**

318 **Motion passes.**

- 319  
320 5. Continuation of APPLICATION/PUBLIC HEARING – Site Plan Review: South Lake; Marc  
321 Burnell as agent for LCJ Holdings, LLC, Lafayette Road [Map 16 Lot 1-7].

322 Mr. Babin stated the application was deemed substantially complete at the September meeting.

Planner Menici stated all items requested at the September meeting have been received and are complete. She stated there are waiver requests that need to be reviewed prior to voting on the application.

Mr. Hastings stated his client would like to withdraw the waiver requests submitted for the South Lake Site Plan Review. Mr. Babin acknowledged the withdrawal.

Mr. Hastings stated he received the proposed conditions of approval from Planner Menici and his client has no concern with them.

Mr. Babin opened the Public Hearing and asked for comment; there was none. Mr. Babin closed the Public Hearing at 7:15 p.m.

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

- **All necessary state and federal permits to the Town prior to the issuance of a Zoning Compliance Certificate, including by not limited to the following:**
  - NH-DES – Alteration of Terrain
  - NH-DES – Wetlands
  - NH-DES – Septic
- **State Subdivision Approval**
- **Permit numbers to be added as a note to the final plan set.**
- **Final plan set to be stamped and signed by the engineer, wetlands scientist and surveyor, as applicable.**
- **Applicant to submit a minimum of:**
  - **One full size final plan set for each of the following: the Town, property owner and each professional stamping and signing the plan set,**
  - **one (1) 11x17 final plan set, and**
  - **one (1) electronic final plan set.**
- ***From Keach-Nordstrom Associates review letter dated October 13, 2021:***
  - **Applicant to provide consulting engineer with copies of the following prior to the issuance of a Zoning Compliance Certificate:**
  - **Drainage calculations and customary supporting information for planned drainage and stormwater management improvements;**
  - **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 Subdivision Regulations.**
  - **The following to be added to the final plan set: The location of all existing and proposed deed restrictions, easements, covenants, rights-of-way, etc.**
  - **Keach-Nordstrom Associates to review and sign-off on the above items prior to the issuance of a Zoning Compliance Certificate.**
- ***From Chief Daniel Defosses, Fire Chief, Campton-Thornton Fire Department***
  - **Compliance with the requirements identified by the Fire Chief in his letter dated October 15, 2021, noting that these requirements are subject to modification during project inspections or as plans are altered.**

**Motion: P. Laufenberg**

**Second: F. Freeman**

**Discussion: None**

**Vote: 7 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

378 **OTHER BUSINESS:**

379 Mr. Stocker asked what the status of approval for the pumphouse was. Mr. Laufenberg asked if the pumphouse  
380 was going to be considered for Minor Site Plan Review. Planner Menici stated that after consultation with  
381 Counsel, it was determined that the pumphouse is considered an ancillary building that does not require further  
382 approval from the Board. Planner Menici stated she will compose a letter stating this in order for a ZCA to be  
383 applied for.

- 384  
385 1. Preliminary Consultation: Tom Smith as agent for Franconia Subsidiaries, LLC, 2635 US Route 3  
386 (Blake Mountain Motel) [Map 15 Lot 4-15].

387 Tom Smith stated his client purchased the former Blake Mountain Motel and were hoping to do improvements to  
388 the property. He stated he was looking for direction from the Board as to what would need to be obtained for his  
389 client to complete the renovations. He questioned if they had to go through Site Plan Review, as the property was  
390 going to be used for the same business that was there.

391  
392 Dave O'Rourke stated he is working with Mr. Smith, and that a site visit had been conducted to note major  
393 concerns and items that needed improvement.

394  
395 Mr. Babin stated that a Site Plan Review Application would need to be submitted in order for the Board to  
396 comment further on what would be required for the property to be used as a lodging business.

397  
398 Mr. O'Rourke thanked the Board and exited the meeting at 7:37 p.m.

399  
400 Continued Preliminary Discussion: Zoning Amendments for the 2022 Town Meeting

401 The Board highlighted the following to be reviewed for amendment at a work session:

- 402 • Telecommunications Facility Ordinance
- 403 • Zoning Map
- 404 • Permitted Uses Table
- 405 • Flood Map
- 406 • Town Map
- 407 • Minor Site Plan Review Committee

408 Ms. Menici clarified that a Minor Site Plan Review Committee needs to be approved by the local legislative body,  
409 meaning Town Meeting

- 410  
411 • Capital Improvement Program (CIP)

412 Mr. Babin stated the CIP was taken from the Planning Board by the Board of Selectmen (BOS). He stated the  
413 CIP needs to be looked at and brought back under the Planning Board.

414  
415 Mr. Laufenberg clarified that the CIP was given to the BOS from the Planning Board by the previous Town  
416 Planner. Ms. Schofield, who serves on the CIP Committee, confirmed Mr. Laufenberg's statement. A lengthy  
417 discussion continued.

- 418  
419 • Short Term Rental Regulations

420 Mr. Laufenberg stated he was given a verbal directive from the BOS to see where the process of creating  
421 regulations for Short Term Rentals was. He stated a letter was sent from the BOS in 2019 asking if regulations  
422 were going to be developed or not; they would like an answer one way or another.

423  
424 Planner Menici stated there is more information available now than there was in 2019; a number of municipalities  
425 have developed regulations and court rulings have been made. She stated she can compile all the information she  
426 has for the Board to review in order to develop regulations.

427  
428 Mr. Laufenberg asked if Short Term Rental Regulations would need to be submitted for the Town warrant article;  
429 Ms. Menici stated no. She stated the Board was given authorization to draft and implement regulations for short  
430 term rentals.



Ms. Menici recommended that the Board focus on proposed zoning amendments, as they have a brief period to submit those for Town Meeting.

Mr. Babin questioned if there was a problem with short term rentals, as nothing has come before this Board indicating that there is concern. He stated if regulations are in place, they will be limiting the use of someone's property.

Mr. Laufenberg stated there is no interest in banning short term rentals, but there needs to be something in place to protect residents. He stated if there is an absentee owner in a residential neighborhood that rents short term, it violates the spirit of the zoning and those are the properties that come to the Town with concerns.

Mr. Babin stated the Board will have no authority to enforce regulations. He stated this Board currently has no enforcement and receives no communication on concerns. Mr. Babin stated if a citizen submits a complaint, it goes to the BOS who can enforce it; the Planning Board does not get notified.

Mr. Babin stated a Zoning Compliance Officer was recently hired with no notification or input from the Planning Board. He stated the Board should have been involved in the hiring of a Compliance Officer if they are looking to create regulations that will need to be enforced.

Ms. Menici suggested October 28, 2021 at 1:00 p.m. for a work session to discuss the proposed zoning amendments. Ms. Randall will email the Board to ensure a quorum is present.

Mr. Rivers brought up a concern with Mill Brook, as he sees Town trucks bringing loads of dirt from Mill Brook to the other side of Town. He stated this happens daily, and he would like clarification as to what is happening.

Mr. Laufenberg stated there are currently improvements being made to Mill Brook, and he will seek clarification for Mr. Rivers.

#### **ADJOURNMENT:**

**MOTION: "To adjourn at 8:13 p.m."**

**Motion: P. Laufenberg**

**Second: K. Waters**

**Discussion: None**

**Roll Call Vote: 7 YES - 0 NO - 0 ABSTAIN**

**Motion passes.**

Respectfully Submitted,

Kerrin Randall, Board Assistant