

# TOWN OF THORNTON

## Zoning Board of Adjustment

Approved on: 9 July 20  
ZBA Initials: JMM  
Rec'd by Town Clerk on: 7/13/2020  
Town Clerk Initials: dpm

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### ZONING BOARD OF ADJUSTMENT MEETING MINUTES

May 28, 2020

#### 7:00 P.M. WELCOME:

Chairman Joe Monti welcomed the members.

#### CALL TO ORDER BY CHAIR:

Chairman Monti called the meeting to order at 7:00 p.m. with the Pledge of Allegiance and a moment of silence for Dennis Day, board member who passed away.

Chairperson Monti stated rules of procedure due to the new social distance order.

#### ROLL CALL BY CLERK/CHAIRMAN:

Chairman Monti completed the roll call.

#### ROLL CALL:

The following members were present:

Chairman Joe Monti, Vice-Chairman Ken Miller, Joan Marshall, Jerry Sobolowski. Alternate Judy Gutry (not participating as a voting member)

Present via teleconference: Alan Rawson

Also Present: J. Fleury, Board Secretary

#### REVIEW/APPROVAL OF MINUTES:

#### MOTION: "To accept the minutes of February 27, 2020 as written."

Motion: J. Marshall

Second: K. Miller

Discussion: None.

Roll Call: J. Marshall – yes, Jerry Sobolowski – yes, Ken Miller – yes,

Alan Rawson – yes, J. Monti – yes.

**Motion Passes: 5-0**

#### UNFINISHED BUSINESS:

Chairman Monti stated the on February 27, 2020 the Zoning Board held a public hearing for Floating Feathers LLC for a special exception. The public hearing was closed and the Board voted to continue deliberation and to consult with legal counsel.

Chairman Monti stated that the Board meetings on March 26 and April 25 were cancelled due to COVID 19 pandemic. Since the 27<sup>th</sup> of February, the Zoning Board has received additional information as provided to members of the ZBA. The additional information received includes:

- A letter from Attorney Paul Fitzgerald, Westcott Law P.A., on behalf of the abutters
- A letter from Alan DeStefano, Broker/Owner of Granite Group Realty Services on behalf of the Thornton Family Trust (an abutter to the applicant)
- Information from applicant Joe Frazer with regard to a letter he sent to the abutters about his project.

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Chairman Monti asked, based upon the additional information received, if the Board members feel that there is any new compelling information that the Board would need to revisit any of their decisions made on the criteria for the special exception.

Chairman Monti stated that the new documents may be considered in their decision if the Board motions to reopen the public hearing. The Board has given adequate notice to all involved parties.

**MOTION: "To reopen the public hearing."**

Motion: J. Marshall

Second: K. Miller

Discussion: None.

Roll Call: J. Marshall – yes, Jerry Sobolowski – yes, Ken Miller – yes,  
Alan Rawson – yes, J. Monti – yes.

**Motion Passes: 5-0**

**PUBLIC HEARING:**

APPLICATION/PUBLIC HEARING: Review and Public Hearing on an application filed by property owner Floating Feather, LLC by members Joe Frazer and Anna Gammal for "SPECIAL EXCEPTION" as provided under ARTICLE IV of the Thornton Zoning Ordinance. Their intent is to use the property for the operation of a "Meeting Room, Shop, Office with other approved bldgs." on Judges Road [Tax Map 13, Lot 6-7].

Chairman Monti stated that all three new documents will become part of the applicants file.

Chairman Monti requested that the applicant as well as the abutters refrain from repeating any information that has already been stated, including the information contained in the written documents.

Chairman Monti requested any new information from the applicant, J. Frazer.

J. Frazier stated that if the meeting had been held in March as scheduled, Maury Movitz would not have proposed any objections.

J. Frazer stated that he received an objection a week and a half ago from abutter Maury Movitz not leaving him any time to acquire legal representation.

After the meeting on February 27, 2020, Mr. Frazer reached out to the neighbors and received feedback from many stating that they had changed their opinion that was based on what Murray had initially presented to the neighbors. Mr. Frazer stated that their opinions were based on what they thought he was proposing, rather than what he is actually proposing.

Mr. Frazer stated that the letter received from the attorney that is being considered during this meeting, states that he is representing the abutters that were at the initial public hearing. Mr. Frazer stated that many of the neighbors have expressed that they do not have objections anymore to the application.

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Chairman Monti stated that the abutters will have an opportunity to express their opinions after Mr. Frazer has submitted his information.

Mr. Frazer stated that both the lawyer and the relator that submitted letters in opposition of the application were referencing a property that Mr. Frazer does own, however it is not the property that is being applied for on the application. The property in the application is not subject to the covenants of the neighborhood. Chairman Monti stated that the Zoning Board does not enforce covenants for neighborhoods.

Mr. Frazer stated that he did not adequate time to obtain a statement from a relator. Mr. Frazer stated that he has received feedback from two real estate professionals in the community that agree the application will not adversely affect the property values of others. Mr. Frazer stated that he does not have documentation of this, but does have one of the professionals on the teleconference tonight for public comment.

Chairman Monti called for abutter rebuttal.

Abutter Patricia Lindblom stated that after the initial public hearing in February, she received an email from Maury Movitz and other neighbors stating that he intended to obtain a lawyer. Ms. Lindblom stated that she informed Mr. Movitz that she was completely satisfied with the discussion from the public hearing and asked that her name be removed from the list of neighbors in opposition.

Ms. Lindblom stated that she has spoken to two or three other neighbors and they are no longer in opposition of the application after realizing that Maury Movitz was giving incorrect information regarding the applicant's intentions. She stated the applicant has no intention to have a massage parlor in the neighborhood.

Ms. Lindblom stated that she is three lots down from Mr. Frazer. Mr. Frazier's front lot will not be cleared which will reduce any visibility of the property on the application.

Ms. Lindblom stated that the neighborhood is quiet, but she has a large family and lives next to a Bed & Breakfast, which creates car traffic as well. She does not feel that there will be any harm or adverse effects on property values if this application is approved.

She is in support of the application.

Terri Qualters, Realtor of Roper Real Estate in Waterville Valley stated that she has worked in the Campton/Thornton area for 15 years. Ms. Qualters stated that the application is in accordance with the past use of the property. A value decrease due to any of the components is not likely and would actually bring a positive value to the neighborhood.

Chairman Monti asked if Attorney Paul Fitzgerald or Alan DeStefano were present. Neither were present during the meeting in person or via teleconference.

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**7:34 p.m. MOTION: "To close the public hearing."**

Motion: K. Miller

Second: J. Marshall

Discussion: None.

Roll Call: J. Marshall – yes, Jerry Sobolowski – yes, Ken Miller – yes,

Alan Rawson – yes, J. Monti – yes.

**Motion Passes: 5-0**

*Discussion for conditional approval:*

Chairman Monti stated that the application had been approved at the initial public hearing and the Board must determine the conditions, if any, for the approval. The Board voted unanimously that there was no compelling evidence that was submitted to revisit the initial motion made on February 27, 2020 to approve the special exception.

**MOTION: "To limit the number of participants to six."**

Motion: A. Rawson

Second: K. Miller

Discussion: The Board reviewed the applicants request for 4-6 participants. J. Marshall agreed that six participants are adequate. K. Miller asked if the instructors were included in the limit. J. Sobolowski assumed that the instructors will be living onsite and that there should only be a limit to the number of participants. The Board agreed.

Roll Call: J. Marshall – yes, Jerry Sobolowski – yes, Ken Miller – yes,

Alan Rawson – yes, J. Monti – yes.

**Motion Passes: 5-0**

**MOTION: "To limit the number of vehicles for attendees of the training to 4 vehicles."**

Motion: J. Marshall

Second: A. Rawson

Discussion: None.

Roll Call: J. Marshall – yes, Jerry Sobolowski – yes, Ken Miller – yes,

Alan Rawson – yes, J. Monti – yes.

**Motion Passes: 5-0**

**MOTION: "To prohibit the following activities in the Yurt, training sessions will not include hands on massage techniques, food service, alcohol service or overnight stays."**

Motion: J. Marshall

Second: K. Miller

Discussion: None.

Roll Call: J. Marshall – yes, Jerry Sobolowski – yes, Ken Miller – yes,

Alan Rawson – yes, J. Monti – yes.

**Motion Passes: 5-0**

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**MOTION: "Before either the proposed house and/or the proposed yurt/meeting room can be occupied, a professionally designed and state approved septic system sized for both the house and maximum number of participants/ instructors in these training sessions must be constructed on the back lot and obtain a Certificate of Operation from the NH Department of Environmental Services."**

Motion: J. Marshall

Second: K. Miller

Discussion: None.

Roll Call: J. Marshall – yes, Jerry Sobolowski – yes, Ken Miller – yes,

Alan Rawson– yes, J, Monti – yes.

**Motion Passes: 5-0**

### New Business

**MOTION: "To nominate J. Monti as the chairman of the Zoning Board of Adjustment."**

Motion: K. Miller

Second: J. Marshall

Discussion: None.

Roll Call: J. Marshall – yes, Jerry Sobolowski – yes, Ken Miller – yes,

Alan Rawson– yes, J, Monti – yes.

**Motion Passes: 5-0**

**MOTION: "To nominate K. Miller as the vice-chairman of the Zoning Board of Adjustment."**

Motion: J. Sobolowski

Second: A. Rawson

Discussion: None.

Roll Call: J. Marshall – yes, Jerry Sobolowski – yes, Ken Miller – yes,

Alan Rawson– yes, J, Monti – yes.

**Motion Passes: 5-0**

### ADJOURNMENT:

**7:59 p.m. MOTION: "To adjourn."**

Motion: J. Marshall

Second: K. Miller

Discussion: None.

Roll Call: J. Marshall – yes, Jerry Sobolowski – yes, Ken Miller – yes,

Alan Rawson– yes, J, Monti – yes.

**Motion Passes: 5-0**

Respectfully submitted,

Jessi Fleury  
Board Secretary