

## TOWN OF THORNTON PLANNING BOARD MEETING MINUTES

Meeting Date: September 12, 2012

APPROVED

Tyler Phillips

The Planning Board met and held a public hearing on Wednesday, September 12, 2012 at 7:00 PM at the Thornton Central School.

**Board Members Present:** Tyler Phillips, Chairman; Steve Babin, Vice Chairman; Gloria Kimball, member; Carolyn Piantedosi, member; Frank Freeman, member; Sandy MacIntosh, member; Steve Morton, Ex-officio; Fred Gunter, alternate; Russ Gilman, alternate.

**Staff Present:** Nancy Decoteau, Planning Board Assistant; Jessi Fleury, Board Secretary.

**Please see attached sign in sheet**

6:05 p.m. Chairman Phillips opened the meeting with the flag salute

*Present:* Sandy MacIntosh, Steve Morton, Steve Babin, Matt Serge, Tyler Phillips, Gloria Kimball, Carolyn Piantedosi, Frank Freeman, Fred Gunter, Alternate; Russ Gilman, Alternate; Town Counsel Matt Serge.

*Staff Present:* Nancy Decoteau, Planning Assistant; Jessi Fleury, Board Secretary

*Chairman Phillips opened the public hearing for Applicant: CBDA Development, LLC / Location: US Route 3 PID 10-08-08.*

Chairman Phillips announced that all attendees should sign in and as the Chairman he will request that the meeting end by 10:00 p.m. with the potential for continuance. He also stated that should the application be continued the public will have the opportunity to comment in the future.

During the previous hearing, the applicant was presenting their application when a potential conflict of interest was presented. Mr. Phillips asked if Mr. Morton would like to address the question as to if he has a conflict of interest. Mr. Morton stated that he discussed the three pieces of correspondence in question with town counsel, an email to Rob Tardiff, DES; an emailed letter to the Planning Board Assistant dated July 28; a letter to the Planning Board dated August 15, 2012 the letter to DES, and the letter to Nancy and he does not feel he has a conflict of interest. He further stated that he has questions and concerns relative to the information presented by the applicant and how it relates to his interpretation of the town ordinances and campground regulations.

Mr. Morton also referenced a letter that Beverley Chappell forwarded to the applicant stating the he had told people to attend the meeting and speak against the application. Mr. Morton stated that this is untrue and he assured the applicant that he has an open mind and is impartial. His opinions are not set in stone, but rather changing along with new information as it is received and he looks forward to hearing this application through. He does not plan to recuse himself and asked the planning board if they felt he needed to recuse himself.

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Chairman Phillips called for any planning board members to speak up if they are not comfortable with Mr. Morton's explanation or feel that Mr. Morton should recuse himself. No opposition was had by the planning board.

Chairman Phillips asked for the applicant to proceed with their presentation to the Planning Board.

John Cronin, applicant representative, addressed the planning board and asked for an opportunity to present their presentation without interruption. Mr. Cronin acknowledged Mr. Morton's decision to not recuse himself and it is his duty to make sure he exhaust his requests for recusal and asked that the board members recuse themselves if they have a conflict.

Mr. Cronin introduced Mr. Basso as the Project Manager and Stephen Pernaw, Traffic Engineer. Mr. Cronin provided an overview of the rights of the property owners.

He mentioned the two other letters/email sent to Nancy and his duties to the board, the public, and the applicant. He also mentioned a letter that was provided from Beverly Chappell and it was false.

No other members were opposed to Steve Morton as remaining a board member. No other planning board members feel there is a recusal needed.

Mr. Cronin referenced the campground regulations, as adopted by the planning board, and explained that Mr. Basso has developed the project details to comply the town campground regulations and the town ordinances. He further referenced Steve Morton's letter dated August 15, 2012, he respectfully disagrees that the town has the right with respect to campgrounds to adopt regulations more strict than the State RSA's. He further stated that his clients are willing to follow the state RSA's and intends to work cooperatively with the planning board in order to meet regulations of the town and the state.

Mr. Cronin stated that they would like to work cooperatively with the Planning Board in the event that there are concerns regarding the applicant, it is not set in stone and they are willing to make adjustments. Mr. Basso distributed new binders for the board members with supplemented information from the previous meeting. A binder was marked for the record.

Chairman Phillips asked to have any new information provided to the board members prior to the meeting to allow sufficient time to review before the meeting. Mr. Cronin agreed and would like to have a free flow of information from the Planning Board as well.

Mr. Cronin presented the contents of the binders with explanations.

*Tab 1 – Application* – Original comprehension application as submitted as complete

*Tab 2 – Campground Plan* - The layout of the road as a state highway III is suitable for this type of development. Mr. Cronin feels that the density allowed could be much greater than they are requesting.

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*Tab 3 – Thornton Bluff License Agreement / Rules and Regulations-* In its initial configuration it was characterizes as a lease. Rather than a lease they are using a license agreement. Mr. Cronin mentioned that the period that the park is closed has been revised to meet state law. He also stated that they would work cooperatively with town counsel to tailor the agreement to meet the town's needs within reason. Mr. Cronin mentioned that part of the regulations they may not meet is the absolute liability provisions as he does not feel it is reasonable that the park owners be held to absolute liabilities especially for those beyond their control. He views the regulations as a guide and feels that they comply with the ordinance and is willing to cooperate with any discrepancies. However, the absolute liability provision he does not feel is reasonable. He agrees that there are property liabilities to maintain a safe place, he does not agree with the absolute liability and has some reservations.

*Tab 4 – Cronin & Bisson, P.C. – General Response Memo -* The licensing agreement based on previous planning board concerns has been amended regarding the 180 day residency rule. Relevant statues and state laws are also included.

*Tab 5 - Cronin & Bisson, P.C. – Subdivision Memo-* There is no intent to subdivide the land and will remain in fee simple ownership of the applicant. He believes this is a non-issue.

*Tab 6 – Shore Land Impact Permit –* Shore Land Impact Permit #21201464 has been issued by NH DES with conditions and they intend to meet the conditions of approval.

*Tab 7 –Fire Chief Letter - Letter from Campton Thornton Fire Rescue –* Mr. Basso has spoken to the Fire Chief and concerns that were raised have been addressed and if they are not already resolved in the plans, they will be.

*Tab 8 – Peabody & Smith Letter - Property Value Impact -* Mr. Cronin stated that he had an independent real estate professional investigate the impacted value of surrounding properties. Andy Smith, Peabody and Smith, visited the site and reviewed the plans and the immediate area, his study concludes that there would be no negative impact to surrounding properties if this project is approved. Mr. Cronin stated that the standard of impact to property values is not the impact to the individual and does not represent the opinion of the landowner.

*Tab 9 – Letter from Mr. Mark Fougere – Municipal Impact Statement -* Mr. Fougere, an independent municipal planner for the Town of Milford and the Town of Hollis, was consulted relative to economic impact issues. Mr. Fougere reviewed this project, as well as Bristol Shores, and some others and spoke with some assessors to come up with a demand on services figure in comparison to expected tax revenues.

Mr. Cronin also explained that they will defer to the assessor as to how they want to assess the units. Mr. Cronin stated that the expected revenue of \$275,957.00 if registered the figure would be about \$210,000.

Police and Municipal Impacts were studied as well and explained that these residences cannot in nature become permanent residences. Therefore, the schools would not be impacted. In viewing

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the Bristol Shore development there were small increases in police services. He feels that the expected revenue will far outweigh the costs.

*Tab 10 – Stephen Pernaw Traffic Impact Report* - Mr. Cronin introduced Steven Pernaw and restated his credentials. Mr. Pernaw explained that he conducted a traffic study for this project following a basic process, documenting existing conditions, collecting traffic data at the specific site in consideration of what is being proposed. Mr. Pernaw provided a traffic study and reviewed the results of those studies.

Mr. Cronin resumed addressing the board again and reviewed the rest of the application. He confirmed that the letters mentioned earlier by Mr. Morton were made part of the official record file and it was agreed that they were (make sure).

*Tab 11 – Sharp Letter – Barn* - The barn relocation issue has been discussed, and Steve and Lee Sharp are willing to dismantle the barn and relocate it on the 100 acres they own overlooking Little Squam Lake.

Chairman Phillips informed the public that there are copies available at the town hall

*Tab 12, Alteration of Terrain-* permit has been submitted and the permit was issued and is valid until July 29, 2017

*Tab 13 – Water Wells Report* - He asked that when it is appropriate they would ask for conditional approval based on DES recommendation. DES is concerned with abutting wells or wells within a 1000 foot radius, which would include approximately 3 wells. The monitoring of these wells would need to be done during and after the installation of the wells.

*Tab 14 – Attorney Deachman Letter Residency* – Attorney Deachman did research concerning an increase in population. His research suggests that the population for the town would not include these residences since they would be seasonal and not permitted to be permanent residents.

*Tab 15 – Review of Proposed Community Center* – Colonial Style and also includes a Concept Elevation. Mr. Cronin agreed they would be willing to work with the board to discuss comments.

*Tab 16 – Well Location Approval* - Mr. Cronin stated that the location has been granted but follow up items needing attention with respect to the septic and well monitoring and would welcome a conditional approval on these items.

*Tab 17- Historical Report* - Mr. Cronin indicated that since this property is in the same area as the river there were generic concerns regarding archeological impacts. There were no concerns brought forward from the state.

*Tab 18 – Chappell memo – Standards for Approval - Campground* – Mr. Cronin asked that the minutes of the Sugar Shack Campground approval be incorporated as a reference.

*Tab 19 –Sanborn Head Well Letter– Issues relative to Water Monitoring* - Mr. Cronin stated that it is their intent to fully comply with DES rules for wells, water, and septic.

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*Tab 20 – White Mountain Survey & Engineering Inc. Peer Review* - It is his understanding that a subsequent report that was done.

*Tab 21 – Keach-Nordstrom Associates response to White Mountain Survey & Engineering, Basso* – Addressed concerns that were raised from White Mountain Engineers Reviews and Mr. Basso's responses are in italicized print.

*Tab 22 – Upton & Hatfield Letter – Zoning Ordinance Review* - Mr. Cronin reiterated that the absolute liability is not a reasonable clause and they recognize that the broad liability requirement is something they would like to work with counsel on to make mutually acceptable.

*Tab 23 – Steve Morton's Letter*- Mr. Cronin asked that the board look favorably on the application for approval and that his clients plan to meet all state laws relative to campgrounds.

*General Public Access* – Mr. Cronin stated that this campground will be available for purchase to the general public with no discrimination to the general public. The style of the park model was considered; as well as the board's thoughts on including other types of structures such as fifth wheels and tent sites.

Chairman Phillips thanked the applicant for presenting their project. Mr. Phillips stated that a letter from NH-DOT was received late this afternoon with concerns regarding the railway impact and submitted a copy for the record. Mr. Cronin confirmed that he has already received this information from NH-DOT and he intends to address those concerns. Mr. Phillips asked the board members to address their questions to the applicant.

### **Planning Board Questions/Comments**

Steve Morton mentioned the concerns as addressed in a letter that he drafted on 8-15-12 regarding Thornton's definition of a campground. He does not believe that there is an issue with campgrounds being allowed at that site, but he is not sure that this project meets the definition of a campground as defined by the Thornton campground regulations.

Attorney Matt Serge stated that there is not time this evening to address specific legal issues. Mr. Serge asked Mr. Cronin to clarify his earlier statement that the state statute preempts the local authority of the board to adopt campground regulations. Mr. Cronin replied that even if it did not preempt, then it would have to comply with state law. Mr. Cronin mentioned concerns with the definition of general public and that it is an undefined term in the regulations.

Attorney Serge also clarified that the letter mentioned earlier as Tab 22 is addressed from his law firm to the planning board and was not from him particularly. He stated that he would need time to review that correspondence before making any comments.

Mr. Morton explained his concern with the state definition of the park model and that park models are not included as recreational vehicle which makes it difficult to understand what exactly this application is for, since it does not fit the traditional definition of a campground. Mr. Morton also questioned if the subdivision application process would fit this application better in review of the campground regulations, zoning ordinance and the details presented about the

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application. Mr. Morton further stated that the commercial sales use of the site when the park models are being sold has not been considered either and is a separate use than a campground.

Mr. Cronin stated that his interpretation of the subdivision issue is different and that they do not intend to subdivide the land. Mr. Cronin also asked if Mr. Morton would be agreeable if the units were fifth wheel trailers or tents. Mr. Morton agreed that fifth wheel trailers and tents meet the definition of a traditional campground with use by the general public better than a gated park model community.

Chairman Philips and Mr. Cronin discussed the authority of the planning board with respect to adopting regulations that are stricter than the state statute. Mr. Cronin believes that the liability clause exceeds the duty and power of the planning board. Chairman Phillips mentioned the evolving definition of a campground and that the town created these regulations as a result of the changing meaning of campgrounds. Mr. Cronin stated that his concern with the campground regulation is with the general public definition and the absolute liability clause.

Steven Babin referenced RSA 676-14 and what local ordinance takes precedence for this application. Mr. Babin stated concerns with what this project actually is and if it can be characterized as a traditional campground. He further stated that there are a lot of discrepancies in the definition of a park model and if it is a manufactured home or a recreational vehicle. Mr. Babin mentioned ANSI standards exclude this park model as recreational vehicle and makes him question if these structures meet campground regulations. HUD standards also view these structures as manufactured housing, and he is unsure if the applicant should be applying for a manufactured home park or a campground. Mr. Cronin stated that they would like to be considered as a campground.

Mr. Babin also referenced the assessment issue of the units in regard to how it relates to possible subdivision requirements as well as the definition of a dwelling. Mr. Babin asked if the applicant feels that the park models meet the definition of a dwelling and that this needs to be considered by the board. Mr. Cronin does not feel that park models rise to the legal definition of a dwelling but that they meet the requirements of a recreational trailer. The various definitions of the park model and recreational vehicles were discussed between Mr. Cronin and Mr. Babin.

Frank Freeman complimented the applicant on a very professional and competent application. Mr. Freeman stated that he has fundamental concerns concerning the zoning ordinance. He does not understand what this project is as it is not a traditional campground. Mr. Freeman feels that this application could interfere with the zoning ordinance and principals of what the zoning ordinance embraces. He does not see it as a campground but it more resembles a housing development. Mr. Freeman cited the purpose of the zoning ordinance as stated in Article "To prevent the overcrowding of land; to avoid undue concentration of population." He stated concern that 254 housing structures situated on a portion of 37 acres does not prevent the overcrowding of land. He also is concerned that the requirement to avoid undue concentration of population, when this project is complete there will a 40% increase in population for the town on a portion of 37 acres. Mr. Freeman asked for any clarification that would prove otherwise.

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Mr. Babin reiterated that population density is a concern and the density of Thornton compared to the model used for comparison known as Bristol Shores is much different.

The conflicting definitions of recreational vehicles were mentioned by Mr. Morton.

**9:30 p.m. Chairman Phillips opened the hearing for public comment.**

Chairman Phillips explained that questions must be directed to the Planning Board not the applicant and each person will be allowed no more than 5 minutes to state their question. Mr. Phillips asked that abutters speak first and be specific as to the location of their property.

Patrick Sutton, an abutter to the property, informed the board that he did receive a professional opinion as to the impact of this project on his property and that the impact would be negative. He asked that the board review the professional opinion. The board agreed to review this document.

Byron O'Donnell, Shamrock Hotel owner, is concerned with the water usage and the fact that the requirements for water usage is less by definition for a recreational vehicle than a manufactured home. Mr. O'Donnell also stated that the lease indicates that the dwellings are to be used for resident purposes, which he feels is not consistent with the information presented earlier by the applicant.

Tammy Ham, abutter, stated concerns with people from the campground that will likely trespass through her property to gain access to the river, as well as safety concerns of traffic, and the fact that the lease agreement specifies a carry in/carry out facility for trash which will affect the transfer station. Mr. Basso agreed that they could discuss signage or fencing for the trespassing issue and that they intend to have private trash removal. The applicant feels that the traffic concerns have been addressed through Mr. Pernaw's traffic studies.

Joe Laufenberg, of Banjo Drive, is concerned that by applying for a HUD dwelling it has a longer term use than a campground.

Pat Bahr asked if the original application was for a campground. She is not sure how the planning board can approve without more clear definition. She feels that the documents need to be revised and that it would be good to inform the public of information. She also suggested that the board consider a bond requiring an agreement between the town and the developer and the need for full time enforcement/security personnel.

Ian Helm relayed concern of the increased use of Mirror Lake in Woodstock as it is currently a public beach owned by Woodstock. There is a potential impact with the expectation that the use will increase, which also impacts the many ecological studies that take place at the lake. The board discussed the continuation of the hearing. Mr. Cronin agreed to continue the meeting.

**\*\*Motion\*\***

**9:53 p.m. Chairman Phillips motioned to continue the public hearing to October 18, 2012 at 7:00 p.m. at the Thornton School. Seconded by Steve Babin. Motion passed 7-0.**

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**\*\*Motion\*\***

**9:53 p.m. Mr. Babin motioned to adjourn. Seconded by Steve Morton. Motion passed 7-0.**

Respectfully submitted,



Jessi Fleury  
Board Secretary  
Draft Posted 9/19/12

# Planning Board Meeting

September 12, 2012

7:00 p.m.

Sign In Sheet

**PLEASE PRINT YOUR NAME AND ADDRESS.**

Thank you!

1. Chris Chiocca 103 Lee Brook Rd.
2. Donna Chiocca " " " "
3. Cookie Benton Mill Brook Rd
4. Susan B Jayne 20 Logan St
5. Beatrice Jayne 20 Logan St
6. ~~MARK~~ WOT White Mtn Survey & Engineering
7. Donna O'Donnell 2913 US Route 3
8. Byron O'Donnell 2913 US Route 3
9. Donald MANNING 15 PEAKED HILL RD
10. Janet + Donna Downing 3285 US RT 3
11. K Mc Lewis 9 Karma Ct Thornton
12. Steve Shaugnessy 22 Merrill Access Rd Thornton
13. Dan + Beta Lehalillies 5 Little Pond Rd Thornton
14. Dean S. Merrill 10 Sutherland Rd Thornton
15. Anita C Ross 33 Mirror Lake Rd Thornton
16. Will March 18 tree line Thornton
17. JOHN PIANTEDOSI 18 MILL BROOK RD Thornton
18. Julie Piehn 2378 U.S. Rte 3 Thornton
- JERRY WARREN 2458 RT 3 THORNTON

19. Maurer Hailer 93 Banja Dr Thornton
20. Jack Hailer 93 Banja Dr Thornton
21. Cynthia Hayfield 21 Compton St Thornton
22. ~~Donna L. L. Wuxette Rd Thornton~~
23. Jeff Kunk 910 NH Rt 49 "
24. ~~Pellae Wolfe 16 Chadwick Pl. Thornton~~
25. Elaine Tibbets 16 Buck Harrys Rd Thornton
26. DAVID WILMAN " "
27. Christine Hickey 27 Mitchell Rd - Thornton
28. Deven MILON 2959 US Rt 3 Thornton
29. Ingrid McIVER " " "
30. Dainre Alberts Northpointe Thornton
31. Robert Ross 33 Mirror Lake Road, Thornton
32. ROBERT J. PAUSOW 3039 US Rt 3
33. RUTH PAUSOW 3039 US Rt 3
34. Beverly Chappel 12 BEATRICE LANE
35. Peter Lautenberg 62 Tyler way Campton.
36. Stephen Perrow - Perrow + Co Inc - Concord NH
37. John Gebbeiff 34 Tuxette Rd Thornton
38. Danielle Baxter 56 Tuxette RD Thornton
39. SEPT BAXTER SE TUXETTE RD THORNTON
40. Nancy Meier 15 Church St. Thornton.
41. DAVID ABJORNSON JR 4 LILY LANE
42. Pat Bahr 17 Roma Dr Thornton
43. Warren Bahr " "

44. Daniel Reis 2901 USRT3
45. Gilbert Michetti Ham Farm Rd
46. Marlene Ruess 50 Mill Brook Rd
47. Mamedaglia 132 Pang's
48. Barbara Patterson Thornton
49. Charles BOWNET Champions way
50. Jonathan + Tammy Ham Ham Farm
51. Tom Anderson Thornton
52. Don Morlock "
53. C. Johnson "
54. JOSE LAFFENBERG Thornton
55. Don Engelhardt Thornton
56. Jennifer Derrane Ham Farm Rd, Thornton
57. Eleanor Derrane Ham Farm Rd Thornton
58. Carol Friedrich Wentworth
59. Marilyn Lutz Gorton
60. Richard + Kathy Stwack Thornton
61. ~~Jane~~ 76 Fadden Rd
62. Aimee Moller Police Dept
63. JAY Palermo RE/MAX REALTY
64. Hannah Vollmer Thornton
65. Steve Mesablia Thornton
66. Patrick Sutton 2886 USRT3 Thornton
67. Miranda Sutton 2886 US Rt 3 Thornton NH 033
68. Alison Chase 8 Camp Rd Thornton

**AGENDA**

**Wednesday, September 12, 2012  
at Thornton Central School  
7:00 PM**

- A. Call to Order – Salute of Flag:
- B. Roll Call:
- C. Approval of Minutes: None

**7:00 PM PUBLIC HEARING: CONTINUATION**

Application for Site Plan Review / Recreational Campground  
Applicant: CBDA Development, LLC / Location: US Route 3 PID 10-08-08

- D. Correspondence: None
- E. Next Regular Meeting Date: Thursday, October 18, 2012
- F. Adjournment:

Packet Contents:

1. Summary of Public Input since June 21, 2012 hearing
2. White Mt Survey response August 31, 2012
3. White Mt Survey response July 16, 2012
4. Steve Morton letter dated 8/15/2012
5. Summary of Escrow account
6. Memo: Cronin & Bisson