

**TOWN OF THORNTON PLANNING BOARD MEETING MINUTES****Meeting Date: August 16, 2012****APPROVED**

The Planning Board met and held a public meeting on Thursday, August 16, 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.

**6:05 p.m. Regular Business****Approval of Minutes: July 19, 2012**

The board agreed to review the approval of minutes at their next meeting due to technology issues that occurred at the town hall that prevented the preparation of minutes.

*Jerry Warren – Pemi River Campground.*

Mr. Warren met with the planning board to discuss the requirements for having a camper cabin at the campground that would consist of sleeping quarters only; there is nothing in the cabins other than beds. Selectman Morton discussed the fact that the trailer is over 400 square feet and that this would place the structure in a different category and that this type of shelter is not included in their campground regulations. Chairman Phillips recommended that Mr. Warren provide specifications on the structure. Mr. Babin referenced the RSA that concerns the size of the structure within a campground. The board discussed the campground regulations and provided Mr. Warren with a copy. Mr. Warren agreed that he would review the regulations and come back and meet with the board at a later date.

*Barron Mountain Club*

Chairman Phillips appointed Fred Gunter and Russ Gilman as voting board members. Chairman Phillips and Frank Freeman recused themselves and joined the public.

Attorney McCormack addressed the board and explained that Barron Mountain Club is requesting an extension to complete Phase 1, until October 30, 2013. He further explained that the roadway would be inspected per the Town of Thornton engineer, and that if any lots are conveyed before the road is complete, a letter of credit or bond will be issued to the town. Mr. McCormack discussed that documents relative to the extension for the Barron Mountain Club were not previously recorded and these are needed for lending purposes. He would like the plan and the land dedication agreement signed and recorded. Over the next month he would like to amend the dedication agreement dates already approved and to push back the dates for road construction. Mr. McCormack reviewed the conditions that were needed. The board discussed the request.

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

**6:33 p.m. Fred Gunter motioned to sign the LDA and date it for today. Gloria Kimball seconded. Russ Gilman stated that he remembers most of the issues discussed tonight and it took a long time to find out that it was wrong; he would like to look back into the**

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records before making a decision tonight. Mr. McCormack stated that the records from previous meetings were scarce and that he put together information in good faith based on the records that he could locate. Motion passed 5-2, Sandy MacIntosh and Russ Gilman opposed.

Chairman Phillips and Mr. Freeman returned to the meeting.

*Removal of Trees on Upper Mad River Road*

Mr. Morton explained that there are 14 dead trees on Upper Mad River road that pose a significant risk and need to be removed. Mr. Morton explained that Road Agent Kubik has received quotes and the expense would be covered in his budget. Mr. Kubik would like to follow the scenic road process and has requested that the Planning Board schedule a public hearing for their next meeting. Mr. Morton explained that he would like planning board members to look at the trees on their own time, no more than 2 at a time, so that the board is able to discuss the trees in question during the public hearing. Mr. Phillips recommended that the public hearing notice indicate the trees in question are flagged for identification.

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

**6:57 p.m. Vice Chairman Babin made the motion that planning board members individually visit the site to view the trees and to schedule a public hearing to consider the removal of the trees at their next regular meeting on September 20, 2012 at 6:30 p.m., and to include in the public notice the fact that the trees are flagged for identification. Seconded by Ms. Piantedosi. Motion passed 7-0.**

*7:00 p.m. PUBLIC HEARING (continuation):*

*Application for Site Plan Review / Recreational Campground*

*Applicant: CBDA Development, LLC / Location: US Route 3 PID 10-08-08*

Chairman Phillips called the hearing to order and provided a recap of the last hearing and explained the applicant had requested a continuance, which was granted and scheduled for this evening. The board requested a peer review of the project from a third party, Mark Lucy of White Mountain Survey and Engineering. Chairman Tyler introduced Mark Lucy from White Mountain Survey to review his findings.

Mr. Lucy introduced himself and read his letter of findings. Mr. Lucy further explained that in the previous set of minutes, the developer indicated that there would be no laundry facilities on site, however when he reviewed the lease agreement, it clearly indicates that there will be laundry facilities, with coin operation.

Ex-officio member Mr. Morton stated that campgrounds are permitted in all zones, and that he noticed that Mr. Lucy did not mention the Thornton Campground Regulations. Mr. Morton read the definition of campground for Thornton and asked if the intended use by the owners allows use by the general public. Mr. Lucy replied, as he understands, anyone from the general public can purchase a unit. Mr. Morton asked for clarification, if anyone from the general public can use the shelters or amenities at the proposed campground. The issue of whether park models fit a recreational vehicle definition was discussed since they require a CDL A to move.

Chairman Phillips suggested that the applicant respond before the board discusses.

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Attorney John Cronin introduced himself, and other members of his party including, Tony Basso, Project Engineer from Keach Nordstrom, Steve Keach, President of Keach Nordstrom Engineers, Stephanie Schubert, Anagost Development and Stephen Pernaw, traffic engineer. Mr. Cronin distributed binders for the board members. Mr. Cronin explained that he understands that there is controversy in situations like these; however the applicant expects to have a full and fair hearing and he hopes to address concerns. Mr. Cronin stated that he understands that people have opinions but that the planning board voting members have a sworn duty to be impartial. He asked if anyone on the voting board has formed an opinion on this before the record closes, that it be disclosed. Mr. Cronin further stated that he has been contacted by a source informing him that a board member has spoken against this case in a public way and he asked that if this applies to any board member that they recuse themselves as a voting member.

Mr. Morton explained that he wrote a letter yesterday to the board members after reviewing the lease agreements, which included some concerns as well as some of his opinions including that the Thornton Bluffs project is not an approvable campground according to the town's regulations. Mr. Cronin stated that based on Mr. Morton's disclosure, that this is justification for him to ask that he be recused and an alternate be seated in his place as a voting member. Mr. Freeman suggested that opinions formed during applicant presentations are not cause for recusal at all. Mr. Cronin stated that this opinion is at odds with the Supreme Court, and that planning board members must keep an open mind until the hearing is closed. He further stated that it is up to the board to decide if recusal is necessary. The board discussed Mr. Morton's letter. Mr. Morton clarified that his opinion was relating to his review of the interpretation of the town's campground regulations, the application, and the use of the application. His intent was to have the board discuss an interpretation to the Thornton Campground regulations in comparison to the lease agreements provided by the applicant. Mr. Morton further explained that his opinions were based on the use and whether or not the structure of the application would be better fit to be heard by the Zoning Board for a variance rather than the Planning Board as a site plan review.

Mr. Cronin stated that the planning board is duty bound to work with the applicant to try to get them approved within the law and regulations, in a cooperative manner. He is concerned that Mr. Morton would not be able to have an open mind as to the approval of the application. Mr. Cronin further stated that to the extent that there was any recommendation or solicitation that people come to the meeting to speak in opposition is a concern. Mr. Morton confirmed that he had not spoken in opposition or asked that public members speak in opposition of the application.

Mr. Morton stated that the planning board should have their counsel present due to the difference in dynamics from the last hearing. He would like to seek the opinion of counsel as to having the planning board consider his concerns relating to the interpretation of the Thornton Campground Regulations as his concerns apply to any campground application not just this one.

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### **\*\*Motion\*\***

Selectman Morton motioned to request a continuance until next month at 7:00p.m. September 20<sup>th</sup> at the Thornton School to request legal counsel to attend. Seconded by Mr. Babin for discussion. Chairman Phillips discussed that Mr. Morton is an ex-officio Selectboard member and that if he recuses himself then the selectboard needs to appoint another ex-officio. Mr. Freeman stated that it is difficult to not have an opinion based on the information they have been presented with so far and feels that it is not reasonable for the attorney to suggest recusal and imply that they do not have an open mind simply because they have an opinion. Mr. Babin explained that the letter that Mr. Morton wrote was addressing the regulations and the process that should be looked at with this application. Mr. Cronin further stated that they have come a long way, and are prepared to present this evening. Mr. Phillips stated that Mr. Morton's letter is based on determining whether the Thornton Bluffs application is an allowed use according to the town regulations and his opinion was not based on the merits of the actual application. Discussion continued on the continuance. Mr. Freeman does not feel comfortable moving forward until they speak with town counsel. Mr. Cronin stated that he is not prepared to waive the potential conflict, and that recusal is up to the planning board. Mr. Cronin conferred with his client. Mr. Morton withdrew the motion on the table.

Mr. Cronin stated that his clients are in agreement to schedule a continuance if the board chooses that option. Discussion continued on an alternate date to continue the hearing.

### **\*\*Motion\*\***

**Mr. Morton motioned to continue the public hearing to September 12, 2012 at the Thornton Central School for 7:00 p.m. Mr. Babin seconded the motion. Motion passed 7-0 with no opposition.**

### *Chappell – Master Plan Committee RSA 91-A Request*

The board reviewed a letter from Ms. Chappell indicating that the Master Plan Committee did not follow the RSA 91-A for their posting and minute requirements. The board discussed the letter and agreed that the meetings had been posted previously, however the last meeting was not posted due to a lack of effective communication between a board member and town staff. Ms. Fleury explained that she had received an email from Ms. Piantedosi with meeting information however, it was not clear that a posting was needed. In the future, Ms. Piantedosi agreed to send a specific request to the secretary to post the meeting. Chairman Phillips stated that any decisions made regarding the master plan committee, have been done in a public meeting with the planning board and that all future meetings will be posted and minutes will be transcribed in accordance to the RSA's.

### **\*\*Motion\*\***

**Mr. Morton motioned that the Planning Board makes a formal statement that the planning board, and its subcommittees, will comply with RSA 91-A and notice meetings and to take minutes. Seconded by Frank Freeman. Motion passed 7-0.**

Mr. Babin stated that he feels that the board members and staff do try to meet RSA 91-A requirements and that the staff did not act in bad faith. The board agreed.

The board reviewed a letter from Shirley Benton responding to a complaint addressed to the planning board from Mr. Dailey. Mr. Babin informed the board that he visited Mr. Benton and the

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The board reviewed a letter from Shirley Benton responding to a complaint addressed to the planning board from Mr. Dailey. Mr. Babin informed the board that he visited Mr. Benton and the gravel pit is well taken care of and he offered to visit Mr. Dailey and see if he is satisfied with the response of Mr. Benton.

### *Wellness Center*

The board reviewed a letter received from Grace Wellness Center indicating that she will be relocating her home business.

### *Other Business*

Chairman Phillips suggested that the board members indicate any new suggestions to ordinances or regulations as they come across so that it is part of the record to be referenced when the board updates their regulations.

The board reviewed a letter received by Carol Lenahan asking that the board sign a statement regarding road conditions and homeowner provisions on Day Drive/Whitehouse Subdivision. Gloria Kimball stated that when she served on the selectboard, they did not accept Day Drive due to the steepness and safety concerns regarding guardrails. The board discussed the letter and agreed that they would not sign the requested letter drafted by Ms. Lenahan as it does not concern the planning board.

### *O'Brien Subdivision Map # 6-09-30*

Ms. Decoteau informed the board that the O'Brien subdivision was conditionally approved in August 2011 subject to receipt of NHDOT approval for a new driveway to serve Lot 2. Ms. Decoteau confirmed that conditions have been met and the NHDOT approval is on file. She explained that the new Mylar plan reflects the new owner and all of the previous conditions have been met.

### **\*\*Motion**

**Mr. Freeman motioned to sign the Mylar and have it recorded at the Registry. Mr. Morton seconded. No discussion, all in favor, Motion passed 7-0.**

The board discussed the scheduling of the scenic road hearing as mentioned earlier by Mr. Morton. After discussion, the board agreed to schedule the scenic road hearing on September 20, at 6:30 p.m.

Residents from the town asked for clarification on the application process for site plans. Chairman Phillips explained the process and the time limits that are required per RSA. He also explained that the choice to continue any hearing must be mutually agreed upon by both parties.

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Beverly Chappell and Daintre Alberts expressed complaints regarding permitting of the Bluegrass Festival. Both residents were informed that their complaints should be forwarded to the board of selectmen since they are the board that issues special event permits. Ms. Fleury stated that the letter of complaint referenced by Ms. Chappell was received in the office earlier and is being responded to by the office staff.

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

**9:11 p.m. Mr. Babin motioned to adjourn. Seconded by Ms. Kimball. Motion passed 7-0.**

Respectfully submitted,



Jessi Fleury  
Board Secretary  
Draft posted 8/23/12

Selectmen Meeting  
Planning Board

August 22, 2012

10:00 a.m.

6:00 p.m.

Sign In Sheet

**PLEASE PRINT YOUR NAME AND A**

**ADDRESS.**

Thank you!

1. GERALD WARREN PEMI RIVER CAMPGROUND
2. CHRISTOPHER WARR NORTH POINTE RD. TN
3. DAINTRE ALBERTS NORTHPOINTE, THORNTON
4. John Mc Lu ASHLAND
5. Phil Wald Waterville Valley
6. MARCIA O'BRIEN-DeCosta 2479 Rte 05 Thornton
7. Beverly Chappell Beatrice Lane
8. Kelly Cohn 1980 Rt 175
9. Susan B Jayne 20 Logan St
10. Beatrice Jayne 20 Logan St
11. Jammy Ham Lincoln
12. Jon Ham Lincoln
13. Lynda Eldred Goffstown
14. C. Abjornson Sunrise Hill
15. D. Abjornson Wey Lane
16. Ingrid McFadyen 2959 U.S. Rt 3

19. Deven McIVER 2959 US RT 3
20. Cynthia Schofield 21 Campton St Thornton
21. Donald Manning 55 PEAKE Rd Hotel Concord R.
22. Dick Wolfe 16 Chadwick Pl. T.
23. Ron Daley 6 Pine Path
24. Corbie Benton Mill Brook Rd
25. Joan Allen 2831 Rt 3
26. Anita Ross 33 Mirror Lake Rd.
27. Robert Ross 33 Mirror Lake Road
28. RICHARD MURRAY 38 MITCHELL RD.
29. MARK LUCY White Mountain Survey & Engineering, Inc.
30. Robert Sylvester 2858 Route 3
31. Matt + Judy Gooden 3478 US RT 3
32. John Cronin 722 Chestnut St. Manch.
33. Stephanie Schubert 1662 Elm St Manchester
34. STEVEN B. KEACH, P.E. KWA - BOSTON, NH
35. TONY M BASSO LLC " "
36. Gilbert Michetti Ham Farm Rd.
37. Maura Lute 206 River Rd Grafton
38. Kathleen Stumcke } 2872 Rt 3
39. Richard Stumcke }
40. Julie Piehn 2378 U.S. Rte 3
41. Brian O'Donnell 2913 US Route 3
42. Doma O'Donnell 2913 U.S Route 3
43. Jan Choccol 103 Lee Brook Rd
44. Chris Choccol 103 Lee Brook Rd.
- Sharon B. Avery 14 Avery Middle Rd.
- Danielle Barber 56 Tubette

Nancy Meier	15 Church St	Thornton, NH
Susan Marsden	25 Adams Farm Rd.	Thornton
Julie Munton	10 Montan Trail	"
Christine Hukey	57 Melick Rd	Thornton
Sue BAXTER	56 TUXETE RD	THORNTON
Debbie Duffy	51 Cross Rd	Thornton
Stephen Perron	PERRON + Co. Inc	Coward
ROBERT & DONNA REESE	27 PEPPER HILL ROAD	
Patrick Sutton	2886 US RT 3	Thornton
ANDREW Reboino	141 COVERED BRIDGE RD	Thornton
Hannah Vollmer	2234 RT 175	Thornton
JAY POLMEVO	ALUMINO ABACTY	N. WOODSTOCK
Paulette Bowers	81 Beacon Hill	Thornton
Dan	" " "	"
David Rivers	50 Mill Brook Rd	"
Melaine Rivers	" " "	"
Miranda Sutton	2886 US RT 3	
Maxine Hook	170 Banjo Drive	
Rick Welmer	107 cross rd	Thornton
Joan Welmer	107 cross rd	"
Heather Phillips	115 Mt. Woodlands Rd	Th-
Halley Philli	115 Mt Woodlan	Thornton
Michael Leon	3243 US Rte 3	Thornton
Kelley Holnic-Leon	" "	"
Joan Marshall	619 Mill Brook Rd.	Thornton
Everellen Cole	" "	"
George Nutty	35 Blake Mt Rd	Thornton
Jim Sacchetti	water Thornton	
Ron	water Thornton	

# TOWN OF THORNTON PLANNING BOARD

**Planning Board Packet / August 16, 2012**  
**THORNTON BLUFFS / Recreational Campground PID# 10-08-08**  
**Project Activity after June 21, 2012 Public Hearing**

**STATE PERMITS:**

1. Alteration of Terrain: Permit # AoT-0453 with conditions Expires July 29, 2017
2. Subsurface Disposal System Applications have been received for subject property Map 10 Lot 8-8 and Fields A – G have been RECEIVED.

**WHITE MOUNTAIN SURVEY & ENGINEERING, INC REVIEW**

1. Agreement letter needs to be signed by Chairman
2. Funds received from Developer in the amount of \$2500
3. Escrow account is established
4. Invoice received: \$956.25 (leaves balance of \$ 1543.75)

**CALENDAR REVIEW:**

1. Date of Plan Acceptance as complete – June 21, 2012
2. Request for continuance granted on July 19, 2012 Days used: 28
3. August 16, 2012 second Public Hearing:  
35 days until next regular PB meeting day of Sept 20, 2012 brings total days used to 63.

**CORRESPONDENCE RECEIVED: (These items are attached to this packet)**

1. Public input received after the public hearing on June 21, 2012 is summarized on the attached sheet.
2. Letter from S. Morton dated August 15, 2012
3. Letter from Chief Tobine
4. White Mountain Surveying and Engineering, INC review