

**TOWN OF THORNTON BOARD OF SELECTMEN MEETING MINUTES**

**Meeting Date: April 18, 2012**

**APPROVED**

The Board of Selectmen met and held a public meeting on Wednesday, April 18, 2012 5:00 PM at the Thornton Town Hall.

**At 5:00 p.m. Chairman Burbank opened the business meeting with the salute to the flag.**

**Board Members present:** A.W. (Butch) Burbank, Roy Sabourn, Brad R. Benton, Steve Morton and Marianne Peabody

**Staff present:** Tammie Beaulieu, Administrator; Jessi Fleury, Secretary

**Please see attached sign in sheet**

*Selectmen Work Session*

**Signature File**

The board reviewed the meeting file contents.

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

**5:40 p.m. Selectman Sabourn motioned to accept the payroll manifest for 4-20-12 in the amount of \$17,791.95. Seconded by Selectman Morton. Roll call, Motion passed 3-0-2 Selectman Benton and Selectwoman Peabody abstained.**

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

**5:42 p.m. Selectman Morton motioned to accept the vendor manifest for check dated 4-20-2012, in the amount of \$162,215.02 Seconded by Selectman Sabourn. Roll call, motion passed 3-0-2, Selectwoman Peabody and Selectman Benton abstained.**

**Signature File**

The board signed and approved the following:

*Building Permits*

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

**5:43 p.m. Selectman Sabourn motioned to approve a building permit for Todd Kent for PID 12-7-17 for a deck addition. Selectman Morton seconded. Roll call, motion passed 5-0.**

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

**5:45 p.m. Selectman Morton motioned to approve a building permit for Steven Ash for PID 3-3-6 to relocate a 1790's barn frame to become an addition to current blacksmith shop. Selectman Benton seconded. Selectwoman Peabody asked if the blacksmith shop is a business. Selectman Sabourn believes it is used for personnel use however he is not certain. Roll call, motion passed 5-0.**

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

**5:46 p.m. Selectman Benton motioned to approve a building permit for Cornelius Holmes for PID 10-1-5-07 for a two car garage with storage above. Selectman Morton seconded. Roll call, motion passed 5-0.**

The board reviewed a building permit for Brad and Cecile Trott for the demolition of a house due to a flood and to construct a new home in the flood zone. Chairman Burbank raised concerns with the home in the flood zone. Code Enforcement Officer, Clint Rand explained that the Trott's are aware of the flood plain ordinance and they are working with John March to make sure they are in compliance with flood zone requirements. He further explained that inspections are required throughout the building process and that the Trott's need a building permit in order to begin removal of the old building.

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

**5:50 p.m. Selectman Morton motioned to accept the building permit for Brad and Cecile Trott for PID 16-3-5. Selectman Sabourn seconded for discussion purposes. Selectwoman Peabody asked if they would be using the existing septic system. Mr. Rand explained that the permit indicates an existing septic that will have to be in compliance and that anything in the flood plain needs to have a separate permit. The building permit would precede the other permits required. Selectman Morton asked if the requirements Mr. Rand is implementing are in the zoning ordinance. Mr. Rand confirmed and stated that he has no authority to require anything other than what the ordinance indicates. Roll call, motion passed 5-0.**

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

**5:52 p.m. Selectwoman Peabody motioned to approve a building permit for Louis and Patricia Klotz for PID 11-4-31 for a shed. Selectman Morton seconded. Roll call, motion passed 5-0.**

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

**5:53 p.m. Selectwoman Peabody motioned to approve a building permit for Patti Nocito for PID 11-4-24 for a shed. Selectman Morton seconded. Roll call, motion passed 5-0.**

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

**5:55 p.m. Selectman Benton motioned to accept the minutes of 4-4-12 as amended, with amendments attached. Seconded by Selectman Morton. Roll call, motion passed 5-0.**

*6:00 Bid Opening for the 2008 Tax Deeded Properties advertised*

Vice Chairman Sabourn is concerned with the advertising process for the selling of the tax deeded property. He feels that one week in the paper is not sufficient notice. Chairman Burbank read the advertisement. The board discussed whether or not they should open the bids or if they should go back out to bid with more advertising to allow for more interest. After discussion, the board agreed they would open the bids and it is their discretion as to whether they will accept the bid or go back out to bid for certain properties. The board also agreed that they would address the process later in the meeting.

The first property consists of 24.9 acres of land on Birch Bend Drive known as 10-1-3 the town received one sealed bid received from Stanley Freeman for \$3,250.00 with a \$100 deposit. Ms. Beaulieu provided the board with a tax calculation spreadsheet including a breakdown of the tax that would have been

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collected and any fees associated totaling \$15,306.93. She explained that the board does not have to collect this amount and it is at their discretion. The board agreed the bid received was too low.

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

**6:02 p.m. Selectman Morton motioned to reject the bid received from Stanley Freeman and re-advertise. Second by Selectman Benton, Vice Chairman Sabourn feels that they should wait 6 months due to the current state of the economy. The board discussed advertising and cost. Vice Chairman Sabourn would like to amend the motion to not repost immediately. Selectman Benton re-motioned to reject the bid, Selectman Morton seconded, roll call, all in favor 5-0.**

*LT7 Bear Ridge Road PID 16-7-48 - 5.2 acre property*

There were no bids received for this property.

*6-3-9 and 6-3-9TOWN/ 3374 US Route 3*

The board reviewed the property information and the tax calculation spreadsheet. The amount that would have been collected with tax and fees is \$51,173.50. The property is half owned by the town and Helen Petrycki. Helen has informed the town that she wants the town to sell the property and has no interest in collecting any funds. Selectwoman Peabody recused herself due to the property abuts her house and her son-in-law placed the bid on the house. Chairman Burbank opened the bid received from Bruce and Laurie Rodgers in the amount of \$8,500.00 with a \$100 deposit.

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

**6:09 p.m. Vice Chairman Sabourn motioned to accept the bid from Bruce and Laurie Rodgers in the amount of \$8,500.00. Selectman Morton seconded for discussion purposes. The board discussed the current assessed value of \$116, 600 and the current condition of the land and building. Selectwoman stated that the property is a liability and that it is not locked and people do go in the building. Ms. Beaulieu agreed it is a liability and that the town did install locks on the building previously. Chairman Burbank restated the motion to sell the property known as PID 6-3-9 and 6-3-9TOWN to Bruce and Laurie Rodgers for \$8,500.00. The board discussed the value and the liability of the property. Roll call 4-0-1 motion passed Selectwoman Peabody abstained.**

The board agreed that they would wait until Labor Day to repost. The board agreed that the Town Administrator should check advertising costs and the board will decide the process during a later meeting.

*6:15 Clint Rand – Zoning/Planning update*

Clint Rand provided a letter from the Goose Hollow Neighbors Association regarding concerns of the activities of their neighbor, Richard Provost on Goose Hollow Road. The board reviewed the complaint letter. Mr. Rand explained that there is no process for addressing zoning enforcement issues and is looking for direction. Selectwoman Peabody stated that everything in the complaint letter is accurate as she has viewed the area. The board discussed the situation. The board was under the impression that this building was to be a garage only and is not currently serving in the capacity it was approved for. Chairman Burbank feels that Clint Rand has to enforce. Vice Chairman Sabourn suggested reviewing the minutes from an earlier Selectmen's meeting concerning Mr. Provost. The board agreed that the sign ordinance compliance needs to be enforced, and the police department may need to address the encroachment issues around the road. The board agreed that Mr. Rand will work with the police department to enforce. Todd Baldwin stated that he believes that some of the signs are on town

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property and that it is a 2 rod road, the only variable was the center line. Mr. Baldwin will give back up information relative to legal road width to Mr. Rand if he has it.

#### *Notice of Potential Violation*

Mr. Rand presented a notice that he would like to use so that the board can approve enforcement action before there is an actual non-compliance situation. The board reviewed the form and agreed they would like to use the form. Mr. Rand also informed the board that he received a building permit application for a building project that has already been started. The board discussed the permit and the fine amounts according to the ordinance. Chairman Burbank asked Mr. Rand if the board has an option as to enforcing the fine. Mr. Rand stated that he feels that the board has some discretion if the applicant comes in for a permit before the town cites them. The board agreed to have Clint Rand issue a cease and desist letter and review the property and they will address the fine situation another time.

#### **7:00 Public Hearing – White Mountain Boogie & Blues Special Event**

Chairman Burbank opened the public hearing at 7:02 p.m. and read the announcement as published. Mr. Burbank stated that everyone in the room must be respectful to each other and to address questions and statements to the selectboard, not to each other. Selectmen Benton and Vice Chairman Sabourn recused themselves due to conflicts. Chairman Burbank opened the meeting for public comment. Mike Benton read an introduction to the festival as well as the awards and national recognition of the festival.

Julie Morton, resident stated that she enjoys the boogie festival and hopes the board approves the event.

Harry Hintliand stated that he thinks that the project should be approved and encouraged for the town. He does not feel that the floodplain issues are relevant and should not be considered.

Kelly Colburn is concerned because the events are not allowed on Route 175 in Thornton since it is a residential area with exceptions and this business does not fall within the exception?

Wayne Charron, resident of Campton and is speaking on behalf of the Chamber of Commerce, stated that this festival is a huge economic development and helps with the cost of running the town. He thinks that the residents and the businesses should work together with compromises from both sides and as the chamber of commerce they support this.

Beverley Chappell, abutter, wrote a letter addressing her concerns and submitted it to the Selectmen for review. Ms. Chappell stated that everything she has heard from the past three years, from everyone that comes to support this, she understands the support for the blues festival, it is an economic issue, it is a business and it does support business, and it is a commercial enterprise and it belongs in the commercial zone.

There is a legal battle still pending and she thinks that two events too weeks apart is a lot to ask of the neighbors. She also has a concern that the events have been arranged and tickets have been sold prior to receiving any permitting which indicates that they plan to have the event even if the permit is not given. Chairman Burbank stated that the letter was well drafted and that the public may request a copy

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for a fee at the town office. Mike Benton stated that special events are allowed in all zones. Ms. Chappell stated that special event businesses are not allowed.

Chairman Burbank addressed the safety personnel to comment on the event. Fire Chief Tobine has all his comments included in the letter he submitted. In addition to her letter, Police Chief Moller stated that she met with Mike and Brad Benton regarding some of her concerns regarding emergency management and she feels better about allowing the events. If the permits are granted they will create a very detailed evacuation plan to assure the safety of the campers along the river. The board discussed the letter received from Chief Moller.

Myrtle Currier stated that the town has rarely been flooded in August. Chairman Burbank stated that the board will take this into consideration.

Jeff MacDowell, T&T Security, stated that security staff monitors the event continuously 24 hours a day all weekend long monitoring the river and noise control after quiet time.

Chairman Burbank called for any additional public input.

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

**7:01 p.m. Chairman Burbank motioned to close the white mountain boogie and blues festival public hearing. Seconded, all in favor, motion passed 3-0-2. Selectman Benton and Vice Chairman Sabourn abstained.**

### *7:30 Public Hearing- Pemi Valley Blue Grass Festival Special Event*

Chairman Burbank opened the public hearing at 7:02 p.m. and read the announcement as published. Mr. Burbank stated that everyone in the room must be respectful to each other and to address questions and statements to the selectboard, not to each other. Selectmen Benton and Vice Chairman Sabourn recused themselves due to conflicts. Chairman Burbank opened the meeting for public comment.

Sue Marsden stated that she and her husband and neighbors started the bluegrass festival in 1993 and has successfully run the festival for the past 19 years. They are hoping that they can move the event to the Benton/Steele Property. Ms. Marsden stated that they have fewer attendees than the boogie and blues festival.

Chairman Burbank called for public input.

Maureen Gates is in favor of the festival. She feels that it is extremely child and family oriented and feels Thornton should be proud of this event.

Mr. Rand, Planning Assistant, stated that the flood plain issue is a real one, and that the repercussions should an incident occur would be that the town would lose their flood insurance. He discussed the issue of a non-routine or routine event. He also stated that the event brings over 3,000 people to a general resident zone and the board should consider if this application can be considered a non-routine special event if it has occurred for the past 16-20 years. Chairman Burbank asked Mr. Rand to clarify his statement regarding the town's flood insurance. Mr. Rand stated that he is speculating and that FEMA

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thinks it is not wise for the town to allow a special event in a flood zone. He asked that the board consider what they are voting and that they consider the potential ramifications. Mr. Rand started talking about other businesses on Route 175. Selectmen Morton and Selectwoman Peabody pointed out that the discussion was getting off track to the Chairman and the discussion returned to the specifics of the special event request.

Steve Babin asked how does the Selectmen evaluate this and does the town use the state process for special events? Chairman Burbank stated that the town does use this process.

Beverly Chappell stated that she lives in the flood plain as well and is a direct abutter, if Mill Brook is under water, then the bridge in and out goes under as well. She asked how this would affect moving people in and out of the campground. She feels that the town emergency officials have to be prepared to not only assist Thornton residents if there was a flood, but the additional 3,000 attendees at the festival which will be twice the population of the town. She is also concerned that the town may jeopardize other resident's flood insurance programs.

Kelly Colburn stated that the weather lately is changing so quickly and is extreme.

Chief Moller clarified that Mr. Rand is discussing the flood insurance where if the town does not follow FEMA's flood plain rules and regulations then the town may not be able to participate in the insurance program which would impact the people financially. She stated that as far as the emergency management, most of her concerns have been addressed. She and Chief Tobine will work together to come up with a plan to address other concerns. Chief Moller mentioned the drowning in Ashland is an issue, and that the US Forestry Service has closed the Campton group camping area and some of the reasons for that closure is the same concerns that she is having with this event regarding an unpredicted weather event, or the magnitude wasn't predicted correctly, and the possibility of flooding and losing lives. She feels that a really good plan must be in place and she and Chief Tobine are working together to create a good plan. Chairman Burbank mentioned the letter received from the US Forestry regarding closing the campground due to safety concerns.

Chief Moller mentioned another concern with the bluegrass that the people are awake all night playing music, and that the abutters should not be able to hear the music, she asked for direction from the board regarding the noise. Chairman Burbank stated that this will be discussed during the checklist discussion.

Another resident (unidentified) mentioned the noise of the people and the ATVs are also a problem first thing in the morning and throughout the night. Being home during that weekend is very difficult.

Maureen Gates does not foresee the surrounding properties hearing the music since the music is not amplified. The Campton Chief stated that for all the years that the event was held, they policed it per request of Sue and Russ Marsden to make sure it was quiet. They had only 3 arrests one being a vendor, and it is a fairly mellow event.

Byron O'Donnell, Owner of Shamrock Hotel, has had picking parties at his hotel and they are very quiet.

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Chairman Burbank called for additional public comments. No further public input. Chairman Burbank closed the public hearing.

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

**7:51 p.m. Chairman Burbank motioned to close the Pemi Valley Bluegrass Festival public hearing. Seconded, all in favor, motion passed 3-0-2. Selectman Benton and Vice Chairman Sabourn abstained.**

Chairman Burbank recessed the meeting until 8:00 p.m.

*8:00 Public Hearing- Black Fly Triathlon Special Event*

Chairman Burbank opened the public hearing at 8:00 p.m.

Chief Moller explained that Waterville Valley hosts the event and that only the bicycle portion is in Thornton. Chief Tobine stated that the year before there was a concern with communication and an injury however that was handled.

Giff Kriebel asked if this is a special event since this is a reoccurring event going through a residentially zoned area as a special event. Selectman Morton stated that he believes the "special events" definition in the zoning ordinance is being incorrectly interpreted when it is said to be only a non-routine, non-recurring activity. Selectman Morton read article III definitions, K. "special events" to everyone present. He pointed out what he believes to be the correct interpretation, in that, it includes a non-routine activity, along with the other group activities listed, and also allows other group activities that are not specifically stated in the definition.

Campton Police Chief Warn asked if this is a Thornton event, since the event does not originate in Thornton. Chairman Burbank recalled legal counsel suggesting that this is a town special event since it utilizes town roads. Steve Babin stated that the closure of a road creates a special event.

Chairman Burbank stated that the road is not closed during this event and to keep consistent they require a permit.

Chappell replied that this is different because it does not create a nuisance to abutters.

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

**8:11p.m. Selectman Morton motioned to close the black fly triathlon public hearing. Selectwoman Peabody seconded motion. Roll call, all in favor, motion passed 5-0.**

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#### *2012 Boogie 'n Blues Festival procedure for License Standards and Conditions*

Chairman Burbank stated that there will be absolutely no discussion allowed from any member of the public at this point. Vice Chairman Sabourn and Selectman Benton recused themselves from Boogie and Blues and Bluegrass Festival discussion.

The checklist for Licensing Standard was reviewed and answered according to the Thornton Events Regulations beginning with item one. Selectwoman Peabody asked if the abutters were notified. Chairman Burbank confirmed they had been notified.

- a) The site is appropriate for the proposed use or structure. Selectman Morton believes that the site is totally appropriate according to the past event history and the police and fire departments agree the site is manageable. Selectwoman Peabody agrees with Selectman Morton and knows that there is a lot of discussion regarding the flood zone and restated that the Police Chief is more comfortable than she was earlier and will work with Chief Tobine regarding this issue. Selectman Morton believes the zone is appropriate because special events are allowed in all zones, and he reads nothing in the flood zone ordinance precluding this event from happening. Chairman Burbank feels that the physical site is large enough in his opinion. He does have concerns regarding that anything the board approves in the flood plain could affect the town's FEMA insurance, and this concerns him because it could affect property owners. Selectwoman Peabody asked Mr. Rand if the whole field is in Zone A or only a portion. Mr. Rand explained that everything in the Town of Thornton is in the flood area Zone A and that it goes all the way to Route 175. Selectman Morton asked if an engineer can determine the zone. Mr. Rand confirmed.
- b) The proposal is not detrimental, injurious, or offensive to the neighborhood. Chairman Burbank stated that there has been input and litigation pending regarding these events. Last year the board agreed that the majority of people are in favor and that there was no evidence that the festival was detrimental to the neighborhood. Selectwoman Peabody agrees with the statements from last year that the events are not detrimental to the neighborhood. Selectman Morton feels that this proposal is not detrimental, injurious or offensive to the neighborhood.
- c) There will not be undue nuisance or serious hazard to pedestrian or vehicular traffic. Chairman Burbank feels comfortable that these issues are being addressed by the Chief. There was one accident; the department took care of, and one complaint with driveway use. Selectwoman Peabody feels that nuisance is up to the court system.
- d) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Chairman Burbank stated that the Board of Selectmen will be the officer for health until one is appointed. At this point he has not heard anything that would make them believe this will be a problem. Selectwoman Peabody stated that the vendors do not have to have a special permit to work particular areas. Selectman Morton feels that temporary structures may be permitted and is mentioned in the checklist so the board can see what the structures are and get approval. He continued to explain that if it is a permanent structure it has its own process through a building permit and is separate from the temporary process.

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Chairman Burbank stated that he is not sure that the stage is portable and that if the stage is not there then he is not sure they can hold their event. The board discussed that the site plan approval of the permanent stage is going before the Planning Board tomorrow night and if the Selectmen's vote is to approve the special event permit and the stage site plan is not approved by the Planning Board then the applicant will need to request conditional approval of a temporary stage if they want one.

The site provides sufficient parking. Chairman Burbank stated that the event has very orderly parking, Selectwoman Peabody refers to the Chief's comments and recalled that last year there was a lighting concern. Chief Moller stated that her recommendation is to increase the lighting time in the parking lot. Chairman Burbank agreed.

Adequate sanitation/toilet facilities and water removal will be provided. Selectwoman Peabody stated that she agrees and the facilities were fine. Ms. Beaulieu reminded the board that they need to establish acceptable amounts for portable toilets and portable water in the absence of a health officer at this point. Chairman Burbank feels that if they duplicate what they did last year, he does not see an issue. Ms. Beaulieu stated that according to the minutes last year Ms. Peabody, as health officer indicated that she was satisfied with the trash and toilet facilities with a water truck for people to wash their hands. Selectwoman Peabody confirmed that trash barrels were emptied last year and that trash removal and toilet maintenance was satisfied. Selectwoman Peabody further informed the board that she has heard a concern regarding the privies in the flood zone and she contacted Water Supply and Pollution Control today is waiting for a call back regarding temporary privies. She never had an issue before but wanted to hear it from them. Chairman Burbank stated that one or two of the selectmen will handle the health officer duties until someone is appointed. Chairman Burbank confirmed that the stipulations made last year are sufficient.

All other required licenses (such as alcohol and food services licenses) have been obtained. The vendors have their own licenses. Chief Tobine stated that there will be no class B fireworks.

Neither the property owner nor the organization has failed in the past to pay any special detail fees associated with past special events. Chief Moller and Chief Tobine agree that they have not failed to pay in the past. The town administrator agreed

Chairman Burbank reviewed the concerns that have been raised and their understanding of those concerns. The board discussed that if the permanent stage is not approved then they would have to come back for temporary stage approval.

The board also discussed quiet hour times and the dates for the start and finish of the event as well as the time needed to set up and take down. Chairman Burbank referenced that the actual special event is restricted to the dates on the application. Ms. Beaulieu stated that last year there were complaints with a different event regarding the before and after activities around the special event and of people still camping at the site. Ms. Beaulieu stated that the board needs to determine in their motion the dates that will be allowed for set up and take down. Chairman Burbank asked Mike Benton for input on the time needed to set up and take down and four days before and after allows them to set up a safe event. The board discussed what the 12 days of special events allowed per year include. Selectman Peabody

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asked if the set up crew can stay at the property. Chairman Burbank confirmed that there should be no camping before or after the event dates.

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

**8:40 p.m.** Selectwoman Peabody motioned to issue the permit for the 2012 Boogie and Blues Festival along with any conditions the board feels needs to be added. Selectman Morton seconded and Selectwoman Peabody changed the motion to state conditions applicable to event license. Selectman Morton seconded. Chairman Burbank asked if a bond would be needed. Selectman Morton does not feel that it is in the regulations and that the applicant signs a payment agreement with the Town. If the board wants to change the regulations they should do so next year so that applicants know ahead of time. The board agreed to the following conditions:

- 1.) **Set up and Tear Down**– Set up and removal dates will be 4 days before and after the actual scheduled event and no one camping overnight, these dates are not to be included in the consecutive event days. Peabody agreed.
- 2.) **Condition 2** – The applicants are bound by the recommendations of the fire, police chief and health officer and if there is special detail added for some unforeseen event then that will be paid as an expense as well by the applicant.  
The applicants must have private 24 hour security for the area, and work with Emergency Management personnel to create a satisfactory evacuation plan for campers in the flood plain and a plan to remove the hazardous materials out of the flood plain if there is a need.
- 3.) The structures according to their map and plan shall not be moved unless agreed by the emergency department heads to move them to another area for public safety.
- 4.) If for any reason the stage does not receive permitting through the application process with the Planning Board, the applicant has to submit their intentions for a temporary stage or the event could be canceled.

Chairman Burbank called for a vote with respect to the White Mountain Boogie and Blues Festival all those in favor for approving the application. Roll call – Selectman Morton and Selectwoman Peabody vote yes with conditions being met as stated. Chairman Burbank voted no, due to his concern with the FEMA insurance. Motion passed 2-1-2. Vice Chairman Sabourn and Selectman Benton abstained.

Selectman Morton and Selectwoman Peabody signed the license and conditions to the license will be attached.

#### *2012 Pemi-Valley Bluegrass Festival procedure for License Standards and Conditions*

Chairman Burbank stated that there will be absolutely no discussion allowed from any member of the public at this point. Vice Chairman Sabourn and Selectman Benton recused themselves from Boogie and Blues and Bluegrass Festival discussion.

Ms. Beaulieu suggested that the property owner sign the waiver of liability for the town in addition to the applicant. The board agreed to include this as a condition. The checklist for Licensing Standard was reviewed and answered according to the Thornton Events Regulations beginning with item one Pemi-Valley Bluegrass-

The site is appropriate for the proposed use or structure.

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The board agreed that the site is appropriate. Chairman Burbank recalls that there are larger amounts of attendees than 500-1000 and more campers as well. Ms. Marsden agreed that with the bands and staff there is more than 1000 attendees, but ticket sales are around 1000. Selectman Morton feels that the interpretation of the flood plain ordinance and regulations is completely different than what was mentioned earlier this evening. Selectwoman Peabody agreed the site is appropriate.

The proposal is not detrimental, injurious, or offensive to the neighborhood. The board referenced the previous event application discussion this evening and agreed the same comments apply. Chairman Burbank believes that the noise level will be quieter in nature than the blues festival. Selectman Morton and Selectwoman Peabody agree it is not detrimental.

There will not be undue nuisance or serious hazard to pedestrian or vehicular traffic. Selectwoman Peabody stated that the nuisance level is up to the court to decide. The board agreed there is no nuisance or hazard.

Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Chairman Burbank asked if the same security of 24 hours need to be required aside from the coverage by the local police department. Chairman Burbank recommends for consistency. Chief Moller's suggested that the requirements should be fewer due to the smaller size of the crowd. If there is to be music being played all night then Chief Moller will require one officer to work special duty throughout the night. The board agreed that 24 hour security be implemented and that the use of volunteers for this is permissible.

The site provides sufficient parking. Chairman Burbank has concerns with parking for safety requirements, but he feels that the police and fire chief can work out a plan that addresses parking issues. Chief Tobine mentioned that they had suggested having the campers in rows so that emergency vehicles can access areas and they have been good at organizing. Chairman Burbank is comfortable allowing the emergency departments to handle this situation. The board agreed.

Adequate sanitation/toilet facilities and water removal will be provided. Selectman Peabody asked if there are handicapped privies. Ms. Marsden replied that there are 23 regular units as well as additional handicapped units. The board agreed that the health recommendations would need to be followed. Portable drinking water and waste removal will be provided.

All other required licenses (such as alcohol and food services licenses have been obtained. The vendors have their own licenses. Licenses have been obtained and no alcohol is being served. Food vendors come licensed already.

Neither the property owner nor the organization has failed in the past to pay any special detail fees associated with past special events. The board agreed that there is no history for the event organizer in Thornton. Chief Tobine stated that as the Chief in Campton where the event has been held in the past, there has been no issue collecting fees.

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

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**9:09 p.m. Selectman Morton motioned to issue the special event license for the 2012 Pemi-Valley Bluegrass Festival for August 2,3,4 and 5<sup>th</sup> along with conditions applicable to event license. Selectwoman Peabody seconded. The board agreed to the following conditions:**

- 1.) Set up and Tear Down– Set up and removal dates will be 4 days before and after the actual scheduled event and no one camping overnight, these dates are not to be included in the consecutive event days. The attendees for the event will be permitted to arrive on 12:01 a.m. on August 2 and must leave the site by midnight on August 5<sup>th</sup>.**
- 2.)Condition 2 – The applicants are bound by the recommendations of the fire, police chief and health department and if there is special detail added for some unforeseen event then that will be paid as an expense as well by the applicant.  
The applicants must have private 24 hour security for the area, and work with Emergency Management personnel to create a satisfactory evacuation plan for campers in the flood plain and a plan to remove the hazardous materials out of the flood plain if there is a need.**
- 3.) Applicant must provide 24 hour security for all four days and coordinate with Chief Moller.**
- 4.) All fees must be paid in a timely manner.**
- 5.) The property owners must sign an indemnification waiver of liability.**

**Selectwoman Peabody asked if the abutters have been notified, Ms. Beaulieu confirmed. Chairman Burbank called for a vote with respect to the special event license for the 2012 Pemi-Valley Bluegrass Festival all those in favor for approving the application. Roll call – Selectman Morton and Selectwoman Peabody vote yes with conditions being met as stated. Chairman Burbank voted no, due to his concern with potential loss of FEMA insurance. Motion passed 2-1-2. Vice Chairman Sabourn and Selectman Benton abstained.**

Selectman Morton and Selectwoman Peabody signed the license and conditions to the license will be attached.

Beverley Chappell asked if she understands correctly that the board just approved a 24 hour event. Chairman Burbank clarified that the time frame is measured in 24 hours but that there are quiet hours of operation addressing excessive noise.

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#### *2012 Black Fly Triathlon*

Chairman Burbank stated that there will be absolutely no discussion allowed from any member of the public at this point.

The site is appropriate for the proposed use or structure.

The board agreed there is no issue with the proposed bike route.

The proposal is not detrimental, injurious, or offensive to the neighborhood. The board agreed there is no comment.

There will not be undue nuisance or serious hazard to pedestrian or vehicular traffic. Chairman Burbank asked if the bikes create a traffic hazard. Chief Moller indicated officers are posted at main intersections and there are no major concerns. The board discussed the necessity of having this go through special event process. After discussion, the board agreed it does require special event since the police department provides special detail and agreed there is no undue nuisance.

Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Not applicable.

The site provides sufficient parking. There is no parking in Thornton except for volunteers at intersections per Chief Moller.

Adequate sanitation/toilet facilities and water removal will be provided. Not applicable.

All other required licenses (such as alcohol and food services licenses have been obtained. State permits for the use of Route 49 have been received.

Neither the property owner nor the organization has failed in the past to pay any special detail fees associated with past special events. There has been no issue collecting fees.

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

**9:22 p.m. Vice Chairman Sabourn motioned to approve the special event license for the Black Fly Triathlon. Seconded by Selectman Benton.**

**The applicants are bound by the recommendations of the fire, police chief and health department and if there is special detail added for some unforeseen event then that will be paid as an expense as well by the applicant. No additional conditions.**

**Roll call, Selectwoman Peabody-yes, Selectman Morton-yes, Selectman Benton-yes, Vice Chairman Sabourn-yes, Chairman Burbank-yes. Motion passed 5-0.**

#### **Public Forum**

##### *Beverly Chappell*

Ms. Chappell stated that it is her understanding that the board just permitted a 24 hour event in close proximity; she is shocked that the board would allow this. She further stated that some of the board members are aware that her husband has been ill for several years and that if the nuisance next door rises to any level and she has to remove him from his home to seek comfort or medical attention, and she has to stay in a hotel she will be billing the town. She thinks what the board did was in complete and

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total disregard for any of the abutters, let alone one who has a medical condition. She is very ashamed of the board. She stated that there is no reason why this has to be a 24 hour event. She informed the board that she was very mad and that if anything happens to her husband because of this she will make the current litigation look like a rose bowl.

Chairman Burbank stated that he does not believe that they approved a 24/4 event. The board agreed that there will be quiet hours. Ms. Chappell stated that she did not hear of the quiet hours and that she understood that there would be bands picking all night long. Chairman Burbank stated that there are quiet hours and if she does hear the music then she should contact the Police Department.

*Action Folder*

Tax collector warrant excavation gravel tax

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

**9:31 p.m. Vice Chairman Sabourn motioned to approve the Tax Collector warrant for Excavation Gravel Tax in the amount \$1231.23. Selectman Benton seconded. Roll call, motion passed 5-0.**

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

**9:31 p.m. Vice Chairman Sabourn motioned to approve the Timber Tax Levy warrant in the amount of \$276.69 dated April 23, 2012. Seconded by Selectman Morton, roll call, motion passed 5-0.**

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

**9:32 p.m. Selectman Benton motioned to approve an Intent to Excavate for Tom Mullen for PID 15-4-31. Selectman Morton seconded. Roll call, motion passed 5-0.**

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

**9:34 p.m. Vice Chairman Sabourn motioned to approve an Intent to Excavate for James Sanborn for PID 16-6-8. Selectman Benton seconded. Roll call, motion passed 5-0.**

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

**9:36 p.m. Vice Chairman Sabourn motioned to approve an Intent to Cut for Boris Vulikh for PID 13-10BL2 on Woodlands Drive. Seconded by Selectman Morton. Roll call, all in favor 5-0.**

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

**9:38 p.m. Selectwoman Peabody motioned to approve an Intent to Cut for PID 3-3-12 on Johnson Brook Road for Ralph Bradley. Selectman Morton seconded. Roll call, all in favor, motion passed 5-0.**

*Minutes of 4/4/2012*

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

**9:40 p.m. Selectman Benton motioned to approve the non-public Board of Selectmen meeting minutes of April 4, 2012 as submitted. Selectman Morton seconded the motion. Roll call, motion passed 5-0.**

A letter was received from Lynn and Greg Campbell on 12 Nathan Drive regarding a home occupation on a road with traffic concerns and safety issues. Chairman Burbank indicated that he would not participate

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in conversation since Lynn Campbell is a relative. The board read the letter. Selectman Morton indicated that at the site visit, planning board Tyler Phillips stated that he believes the board does not have the ability to stop the home occupation according to the ordinance. Vice chairman stated that the current wording of the ordinance can be confusing. Selectman Morton provided information regarding the condition of the road based on his observations at the site meeting with the planning board.

#### *Citizen Complaint*

A complaint was received from Beverley Chappell regarding the approval of Zoning Board minutes not being legal on the basis that they lack a quorum. Chairman Burbank read the letter. Ms. Beaulieu stated that all of the current members have appointments and she attached the backup information showing the intent of appointments. Jim Demerritt stated that there is nothing in the statute that says there has to be paperwork confirming the members were sworn in as long as the minutes show the board appointed them and that board members agrees that they were sworn in, which they have. Selectwoman stated that she remembers this conversation and it is in writing somewhere. Chairman Burbank asked if these minutes could be supplied.

#### *Request for Information Letter*

Ms. Beaulieu informed the board that a request for information was received and information has been provided however within the letter of request, the resident asks that any new information regarding the case referenced be forwarded. The board agreed that requests for information cannot be open ended and that people are welcomed to periodically call the town hall to check in to see if any new information has been received.

#### *Citizen Concern Email*

Beverly Chappell submitted a letter of concern, regarding the previous Selectmen meeting where the board referred to a letter of complaint of an employee from Selectman Benton's father, and the board entered nonpublic session. The concern was that Selectman Benton did not recuse himself. Ms. Beaulieu responded to this email. Chairman Burbank agreed that it is up to each board member to recuse themselves if there is any remote chance of conflict and reminded the board of this.

#### *Building Permit*

Ms. Beaulieu provided an old building permit that was left in a file from last year that appears to not have been completed. Selectwoman Peabody stated that those were in the building permit folder from last year. The board recommended that Clint Rand visit the site to see what the building status is.

#### *Non-public Minutes*

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

**10:00 p.m. Vice Chairman Sabourn motioned to approve the non-public Board of Selectmen meeting minutes of April 4, 2012 as presented. Selectman Benton seconded the motion. Roll call, motion passed 4-0-1. Selectwoman Peabody abstained.**

#### *2012 Exempt Status Report*

Ms. Beaulieu explained that annually the board receives applications for tax exemptions for charitable, nonprofit, etc. the board has to motion to approve exempt status for the upcoming year.

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

10:10 p.m. Vice Chairman Sabourn motioned to approve the tax exemption status for Thornton United Methodist Church PID10-5-2 pursuant to RSA 72:23-c. Selectman Benton seconded. Roll call, motion passed 5-0.

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

10:11 p.m. Vice Chairman Sabourn motioned to approve the tax exemption status for Hubbard Brook Research Foundation PID 6-5-8 pursuant to RSA 72:23-c with agreement for payment in lieu of taxes in the form of a scholarship for local student. Selectman Morton seconded. Roll call, motion passed 5-0.

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

10:12 p.m. Vice Chairman Sabourn motioned to approve the tax exemption status for West Thornton Grange #253 PID 10-3-46 pursuant to RSA 72:23-c. Selectman Peabody seconded. Roll call, motion passed 5-0.

#### **Town Administrator Presents**

Ms. Beaulieu informed the board that Gloria Kimball asked if the selectmen could change the time of their meeting on July 11 from 5:00p.m. to 10:00 a.m. due to the Historical Society needing the meeting room. The board agreed.

#### *Deputy Welfare Director*

Ms. Beaulieu informed the board that Town Counsel can attend the meeting on May 2, 2012 to discuss the deputy welfare position.

#### *Minutes*

Ms. Beaulieu referenced information provided to the board from Beverley Chappell during the last meeting regarding amendments to minutes. After research, she found that the case referenced by Ms. Chappell regarding making changes to minutes did not apply to the board's situation and that the way the board is amending the minutes is fine and does not violate laws as long as the board sends any comments to the staff and does not discuss with other board members. Discussion needs to take place at a posted meeting where board members approve the amendments and vote to approve. The board agreed.

Selectman Morton stated that as a result of this conversation, Lou Klotz, Town Clerk, suggested that only the points of actions or decisions should be included in the minutes rather than detail of discussion. Selectman Morton feels it could shorten the minutes. The board discussed and agreed that it is best to have a record that accurately reflects what was said so that it can be referenced in the future. Municipalities are held to different standards than corporate business and the minutes allow the board to defend themselves if needed. Selectman Burbank stated that town meetings and intent can be questioned and although it is work, the minutes should reflect what is said. The board agreed that they want to keep the minute process as it is currently.

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#### *Zoning Ordinance*

Ms. Beaulieu informed the board that the sub-committee designated by the Selectmen have produced final changes to the zoning ordinance according to previous town meeting votes and that Jessi Fleury has completed the changes. A revised ordinance will be available for board members approval. Selectman Morton offered to create a bulleted list to update the Planning Board as to what was amended in the zoning ordinance.

#### *Planning Board Minutes*

Ms. Fleury has sorted through all the planning board minutes on file at the town and compiled a binder with agendas and minutes organized from 1980 to current.

#### *Request for Engineering Qualifications-Millbrook Covered Bridge Project.*

Vice Chairman Sabourn reviewed his suggestions to be included in the scope for work to more accurately describe the intent for services. The board approved to allow Vice Chairman Sabourn to review the RFQ and communicate with Chief Moller.

#### **Selectmen comments**

Selectwoman Peabody – no comments.

Selectman Morton – no comments.

Selectman Benton asked what the status is on the parking lot at the historical society. Ms. Beaulieu informed the board that she received an email from Ralph Perron indicating that a representative from the historical society will be in contact and may like to come to the board meeting to discuss the parking lot. The town would be responsible for completing a request for proposals. Vice Chairman Sabourn would like to have the road agent involved with this process.

#### **Public Comment**

*Russ Gilman* – the town house. The selectmen have used the building previously. Years ago the selectmen discussed the use of the old townhouse and it appeared that the town might not own the land that the building was on. There was an article in the warrant that suggested that the building should be given to the people that owned the land. The town could not find a deed for the land, only the use of the land for town purposes. Vice Chairman Sabourn looked at the deeds recently and the question was more directed towards the garage on the property. Sabourn received a letter of opinion based on title work done and the determination was that the town did own the property. Mr. Gilman wanted to make sure there were no issues before the town installed a parking lot. Chairman Burbank stated that the town will need to deal with guard rails as well and discussed if the material from the ditching may be used if it is a suitable material.

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*Jim Demerritt*

Mr. Demerritt informed the board that the Fire Commissioner vehicle expense line is over because it is inspection time and almost every vehicle failed inspection. He is hoping that it will be offset in within the budget.

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

**10:37 p.m. Selectman Sabourn motioned to enter into non-public session pursuant to RSA 91-C: 3, II (a-personnel and c-reputation). Seconded by Selectman Morton. Roll call, Motion passed 5-0. Roll Call, Selectman Sabourn – Yes, Selectman Benton – Yes, Chairman Burbank – Yes, Selectwoman Peabody-yes. Selectman Morton – yes.**

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

**11:37 p.m. Selectman Sabourn motioned to exit nonpublic session. Seconded by Selectman Benton. Roll call, motion passed 5-0.**

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

**11:38 p.m. Selectmen Peabody motioned to adjourn. Seconded by Selectman Morton. Roll call, motion passed, all in favor 5-0.**

Respectfully submitted,

Jessi Fleury  
Board Secretary  
Draft Posted 4/24/2012