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**TOWN OF THORNTON
PLANNING BOARD**

**Planning Board Meeting Minutes
Thursday, December 21, 2023**

Approved on: 2/15/24
PB Initials: [Signature]
Rec'd by Town Clerk on: 2/20/24
Town Clerk Initials: [Signature]

CALL TO ORDER – PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Members Present at Town Hall: Nancy Decoteau, Chairman; Donna O'Donnell, Vice
Chairman; Cynthia Schofield; Jack Gaites; Myrtle Lewis, Alternate; David Levin; Kerrin Randall,
Board Assistant

Members Absent: Frank Freeman; Steven Babin, Ex-Officio; Matt Peltier, Alternate

Others present via call-in (*partial names are as they appeared via Zoom*): Bob Gallagher,
Kevin McKenna, Francis Parisi

Others present at Town Hall: Amber Blagojevic, Leigh Johnston, Doug Johnston, Ross
Johnston, Jessica Peznola

Ms. Decoteau sat Ms. Lewis as a voting member in place of Mr. Freeman.

APPROVAL OF MINUTES:

**MOTION: "To accept and approve the Minutes of the Thursday, November 16, 2023 public
meeting as amended."**

Motion: D. Levin

Second: C. Schofield

Discussion: None

Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN

COMMUNICATIONS:

Home Occupation Request – Home Salon

Amber Blagojevic, 10 Stonington Road [PID 228-056]

Ms. Blagojevic stated that she would like to open a salon in her home. She reviewed that her house is
a split level with a separate entrance and driveway that would be used exclusively for the business.
The Board reviewed her submitted letter that addressed the conditions for Home Occupation.

Ms. Decoteau asked what the hours of operation would be, and Ms. Blagojevic stated the salon would
be open two (2) to three (3) days a week between the hours of 8:00 a.m. and 4:30 p.m.

Ms. O'Donnell asked how many clients would be seen per day, and Ms. Blagojevic stated maybe three
(3) to four (4) clients would be seen per day, and they would all be by appointment.

Ms. Decoteau asked if there would be a sign advertising the salon, and Ms. Blagojevic stated yes, as
the cosmetology board requires one. Ms. Decoteau stated that a sign permit would need to be
obtained, and Ms. Randall stated she will follow up with Ms. Blagojevic on the permitting process.

MOTION: "To approve the request for home occupation for a salon for Amber Blagojevic."

Motion: D. O'Donnell

Second: D. Levin

Discussion: None

Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN

56
57 Office of Right to Know Ombudsman re: Steven Babin vs. Thornton Zoning Board Violation of 91-A

58 Ms. Decoteau shared that the materials are informational only, as the Planning Board was copied on
59 correspondence and no action needed to be taken.
60

61 **OLD BUSINESS:**

62 Continued from November 16, 2023: Site Plan Review Conditional Approval Extension Request: Vertex
63 Tower Assets – Francis Parisi
64

65 Ms. Decoteau asked Attorney Parisi if he had anything to say regarding the request and Attorney Parisi
66 stated that the remaining State permits should be approved by December 29, 2023 and he anticipates
67 a Zoning Compliance Application (ZCA) to be submitted to the Town in January.
68

69 Ms. Decoteau noted that as of this meeting, the Town has not received anything addressing the
70 conditions of approval and Attorney Parisi stated that the materials will be submitted to the Town prior
71 to applying for a ZCA.
72

73 Ms. O'Donnell reviewed that legal counsel has clarified:

74 *'The relevant site plan section is confusing and seems to be missing one or more words. Since*
75 *the language does not require that the decision to extend be made within the initial 2-year time*
76 *period, I think the Planning Board can consider Attorney Parisi's request. Any extension,*
77 *however, would run from the end of the initial 2-year period. If the final sentence of the*
78 *regulation was clearer, then the result may be different.'*
79

80 Ms. Decoteau reviewed that the regulations indicate that the Board can grant an extension for up to six
81 (6) months; this would be from the initial date of expiration.
82

83 Ms. Decoteau stated that the extension, should it be granted, would expire on March 7, 2024 and any
84 request for additional extension would need to be made prior to March 7, 2024 and will require
85 documentation on what is still outstanding with reasoning as to why it has not been able to be
86 completed.

87 **MOTION: "To grant a six (6) month extension on the conditional site plan approval to expire on**
88 **March 7, 2024. Any further extension would need to be made prior to March 7, 2024 and will**
89 **require documentation on what is still outstanding with reasoning as to why it has not been able**
90 **to be completed."**

91 **Motion:** D. O'Donnell

92 **Second:** D. Levin

93 **Discussion:** Ms. Lewis asked how long the applicant would have to construct the tower, and
94 Ms. Decoteau stated that a ZCA is good for two (2) years.

95 **Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN**
96

97 Attorney Parisi thanked the Board.
98

99 **HEARINGS:**

100 PUBLIC HEARING – Excavation Permit Application; L.E. Johnston Construction; US Route 3 [Map
101 240-144]. Renewal of Excavation Permit.
102

103 Ms. Decoteau opened the public hearing at 6:25 p.m. and asked the applicants if they had reviewed the
104 letter from Mr. Keach. Mr. D. Johnston stated yes and reviewed that the plan submitted is the same as
105 the one that was submitted for the last renewal in 2019. Discussion continued on what was missing on
106 the plan based on Mr. Keach's report; there was confusion on additional items being recommended
107 from Mr. Keach that were not submitted for the previous renewal.
108

109 Ms. Decoteau stated an itemized list of recommendations will be obtained from Mr. Keach and provided
110 to the applicant. She reviewed that there are other avenues the Board can take to approve the

renewal, including a temporary permit that can be granted while additional information is obtained to satisfy Mr. Keach's recommendations.

Mr. D. Johnston stated that he is not opposed to a temporary permit. Ms. Decoteau asked for public comment and as there was none, closed the public hearing at 6:38 p.m.

MOTION: "To approve an excavation permit for 120 days, while additional information is obtained; once satisfactory information is obtained the permit will be renewed until December 31, 2028 without an additional public hearing."

Motion: C. Schofield

Second: D. O'Donnell

Discussion: None

Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN

DETERMINATION OF COMPLETENESS – Site Plan Review; Joe Peznola as agent for Tree Brothers Farm, Peter Sullo; 52 Jansen Farm Road [Map 239, Lot 001-001]

The Board reviewed the submitted plan and the notes from Mr. Keach.

Ms. Peznola, as representative, stated that the applicant does not need any additional structures as they will use existing buildings.

MOTION: "To accept the application as complete and schedule a public hearing for January 18, 2024."

Motion: D. O'Donnell

Second: D. Levin

Discussion: None

Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN

Continued PUBLIC HEARING – Site Plan Review; Phil Hastings as agent for Franconia Subsidiaries; 2635 US Route 3 [Map 237, Lot 59]. Construct 15 geodesic domes and a commercial building.

Ms. Decoteau opened the public hearing at 6:45 p.m. and reviewed that the applicant has requested that the hearing be continued to January 18, 2024 and that the applicant agrees to extend the Planning Board's 65-day deadline for action to that date.

MOTION: "To continue the public hearing to January 18, 2024 as requested by the applicant."

Motion: D. O'Donnell

Second: D. Levin

Discussion: None

Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN

Continued PUBLIC HEARING – Town of Thornton Draft Master Plan Review

Ms. Decoteau opened the public hearing at 6:49 p.m. and reviewed that this public hearing is continued from the October 19, 2023 meeting.

Ms. O'Donnell stated that the Master Plan has been reviewed on numerous occasions by both the Committee and the Board.

Mr. Levin reviewed that some items of concern at the last meeting involved previously included reports that were not in this edition. Ms. Lewis reviewed that the decision not to include some reports was made due to the duplication of the same information in other places, i.e., the Natural Resources Inventory and Hazard Mitigation Plan. She stated that these reports are being updated by the Conservation Commission and Emergency Management and will be posted on the Town website and revised on their own schedule.

Ms. O'Donnell commented that topics like rezoning would need to go before the Town for a vote and could not be made by the Planning Board alone. She stated the idea was to hold workshops, perhaps annually, to discuss how to address topics in the Master Plan, and how to implement them.

Mr. McKenna asked if the document was going to be reviewed annually, and Ms. Scofield stated no. She reviewed that a topic that generated lots of discussion or is of great concern to the residents will be discussed each year; this will allow for focused discussion and actions that may be taken to achieve the goal. Ms. Schofield stated that the Master Plan is to be updated and revised over time and will be a living document.

MOTION: "To approve the 2024 Master Plan as submitted on October 19, 2023."

Motion: C. Scofield

Second: D. Levin

Discussion: None

Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN

PUBLIC HEARING – Amendment to Site Plan and Subdivision Regulations. Amendments to include the Required Language Related to the National Flood Insurance Program (NFIP).

Ms. Decoteau opened the public hearing at 7:00 p.m. and reviewed that the required language related to the National Flood Insurance Program (NFIP) was updated in the Zoning Ordinance and approved at Town Meeting last year but was not amended in the Site Plan and Subdivision regulations.

The Board reviewed the proposed language:

Subdivision Regulations Amendments

VIII GENERAL REQUIREMENTS FOR FLOOD HAZARD AREAS

All subdivision proposals governed by these regulations having lands identified as special flood hazard areas on as Flood Hazard Boundary FEMA's Flood Insurance Rate Maps for the Town of Thornton dated May 25, 1977, shall meet the following requirements.

Item A remains the same.

Item B: Subdivision proposals and other proposed new developments greater than five (5) acres shall include one-hundred-year (100) base flood elevation data.

Items C through E remain the same

ADD Section:

F. All necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

Site Plan Review Regulations Amendments

ADD Section:

GENERAL REQUIREMENTS FOR FLOOD HAZARD AREAS

All site plan proposals governed by these regulations having lands identified as special flood hazard areas on FEMA's Flood Insurance Rate Maps for the Town of Thornton shall meet the following requirements.

A. Site plan proposals and other proposals for other developments shall be located and designed to assure that all public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize/eliminate flood damage and adequate drainage is provided to reduce exposure flood hazard.

B. Subdivision proposals and other proposed new developments greater than five (5) acres shall include base flood elevation data.

- C. All necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

Ms. Decoteau asked for public comment, and Mr. Gallagher stated that he is happy to see the language from FEMA included in the Site Plan and Subdivision Regulations. He stated he feels it is important that the Town enforce what FEMA is saying, as the storm over the weekend showed how quickly the river can rise and flood.

Ms. Decoteau thanked Mr. Gallagher for his comments and asked for additional public comments. There were no additional comments, and the public hearing was closed at 7:08 p.m.

MOTION: "To approve the Amendments to Subdivision and Site Plan regulations to include the Required Language Related to the National Flood Insurance Program (NFIP) as presented."

Motion: D. Levin

Second: J. Gaites

Discussion: None

Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN

NEW BUSINESS:

NH DMV Request from Smitty's Heavy Duty Diesel Repair

Ms. Randall stated that the NH DMV is requesting information from the Planning Board in order for Smitty's Heavy Duty Diesel Repair to be a state inspection station. The Board reviewed the form requested from NH DMV.

MOTION: "To authorize Ms. Randall to complete and submit the form from NH DMV on behalf of the Board."

Motion: D. O'Donnell

Second: N. Decoteau

Discussion: None

Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN

OTHER BUSINESS:

Applications for January Meeting – Deadline changed to Thursday, December 28, 2023 at 12 p.m.

Ms. Decoteau stated that the application deadline for the January 18, 2024 meeting has been changed to Thursday, December 28, 2023.

Update on Legal Services

Ms. Decoteau reviewed that an inquiry to new legal counsel was not able to be answered, as there was a conflict with another attorney in the firm regarding the topic of discussion. Ms. Decoteau stated that it has been advised that a conflict counsel be obtained in the instance that another conflict arises. She stated that she reached out to Attorney Serge, and he has agreed to serve as the Planning Board's conflict counsel.

MOTION: "To retain Attorney Matthew Serge as the Planning Board's conflict legal counsel."

Motion: C. Schofield

Second: N. Decoteau

Discussion: None

Motion passes: 6 – YES; 0 – NO; 0 – ABSTAIN

Zoning Amendments

Ms. Decoteau asked if there were any thoughts on possible Zoning Amendments for 2024, as the deadline for holding public hearings is approaching.

Ms. Lewis asked if anything on short term rentals (STR) was going to be addressed and Ms. O'Donnell stated that the Board previously discussed addressing STR, and the Board of Selectmen has advised that the current ordinances and procedures in place to address concerns are adequate.

276 Ms. O'Donnell reviewed that the State has made some decisions regarding STR, and Thornton allows
277 STR in all zones.

278
279 Mr. Levin asked how the topic and definition of a dwelling unit came about, and Ms. O'Donnell reviewed
280 that dwelling units were brought up due to a hotel being built at Owl's Nest, and there was discussion
281 on how the units would be deducted from the LDA; either as hotel rooms or dwelling units.

282
283 Mr. Magoon asked if the Planning Board had given any thought to increasing the minimum acreage
284 requirement, and Ms. O'Donnell stated that there were a couple of comments in the Master Plan
285 survey, but nothing has been brought to the Board to discuss.

286
287 D. Levin asked how much undeveloped land is left in Thornton, and Ms. Decoteau commented that the
288 acreage may be able to be obtained from the assessing department.

289
290 **ADJOURNMENT**

291 **MOTION: "To adjourn the meeting at 7:29 p.m.**

292 **Motion:** N. Decoteau

293 **Seconded:** J. Gaites

294 **Discussion:** None

295 **Motion Passes: 6 – Yes, 0 – No, 0 – Abstained**

296
297 Respectfully Submitted,
298 Kerrin Randall, Board Assistant