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**TOWN OF THORNTON
PLANNING BOARD**

**Planning Board Meeting Minutes
Thursday, February 15, 2024**

Approved on: 3/21/24
PB Initials: [Signature]
Rec'd by Town Clerk on: 3/26/24
Town Clerk Initials: [Signature]

CALL TO ORDER – PLEDGE OF ALLEGIANCE:

Chairman O'Donnell called the meeting to order at 6:00 p.m.

ROLL CALL:

Members Present at Town Hall: Chairman Donna O'Donnell; Frank Freeman; Steven Babin, Ex-Officio; Cynthia Schofield; Jack Gaites; David Levin; Myrtle Lewis; Kerrin Randall, Land Use Administrator

Members Absent: None

Others present via call-in (*partial names are as they appeared via Zoom*): Scott

Others present at Town Hall: Francis Parisi, Jessica Peznola, Amber Blagojevic, Peter Sullo, Phil Hastings, Anthony Sullo, Nicholi Sullo, Taylor Thayer, Brian Lash, Geoff Thayer

APPROVAL OF MINUTES:

MOTION: "To accept and approve the Minutes of the Thursday, December 21, 2023 public meeting as amended."

Motion: D. Levin

Second: C. Schofield

Discussion: Ms. O'Donnell reviewed that the following language was updated beginning at Line 73:

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

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

Motion passes: 6 – YES; 0 – NO; 1 – ABSTAIN

MOTION: "To accept and approve the Minutes of the Thursday, January 18, 2024 public meeting as amended."

Motion: D. Levin

Second: C. Schofield

Discussion: Mr. Freeman asked that discussion on the color of the proposed domes for the Blake Mountain project be added, and Ms. Randall added the language.

Motion passes: 6 – YES; 0 – NO; 1 – ABSTAIN

COMMUNICATIONS:

Sign Permit Request: Amber Blagojevic

The Board reviewed the sign permit application.

MOTION: "To recognize that the application meets Thornton's Sign Regulations, and to approve the sign permit as requested by Amber Blagojevic for 'The Rose Clip Salon'."

Motion: F. Freeman

Second: D. Levin

56 **Discussion:** The Board acknowledged that Ms. Blagojevic was approved for a home
57 occupation at a previous meeting.

58 **Motion passes: 7 – YES; 0 – NO; 0 – ABSTAIN**
59

60 *Request for Additional Extension – Vertex Tower Assets, LLC*

61 Ms. O'Donnell reviewed that correspondence was received on February 13, 2024 from Attorney Parisi
62 regarding an additional extension to the construction timeline. Ms. O'Donnell stated that a request for
63 an additional extension needed to be received prior to March 7, 2024 to be reviewed at the March 21,
64 2024 meeting.

65
66 Ms. O'Donnell recognized Attorney Parisi, who was present, and he stated that several permits have
67 been submitted to the Planning Department, and by March 21, 2024 the remaining permits should be
68 submitted.

69
70 Ms. Lewis asked what the anticipated construction timeline is, and Attorney Parisi stated that the
71 process could take as little as six (6) weeks, and hopes that it will be complete before the end of Spring.
72 Mr. Freeman asked that reasoning be provided for any outstanding permits for the March 21, 2024
73 meeting.

74
75 Ms. O'Donnell asked the Board for their thoughts on the additional extension request being heard at the
76 next meeting.

77
78 Mr. Babin stated that he thinks that the Board failed to apply chapter 12-K, Deployment of Personal
79 Wireless Service Facilities of the NH Land Use Regulations when considering this application. He
80 stated that the statute references carriers installing towers, and not third parties that are building
81 infrastructure for wireless services. Mr. Babin commented that the statute is in place so that towns are
82 not holding their breath due to delays and waiting for a facility to be built and discussion continued.

83
84 Ms. Lewis commented that she thought there were going to be multiple carriers on the tower and
85 Attorney Parisi stated that there is a lease agreement in hand for Verizon Wireless, and others will be
86 added once the tower is built; the carriers cannot commit until they know when the tower is going to be
87 completed.

88
89 The general consensus of the Board was to allow the request for additional extension to be discussed
90 at the March 21, 2024 meeting.

91
92 **HEARINGS:**

93 *PUBLIC HEARING – Site Plan Review*; Jess Peznola as agent for Tree Brothers Farm, Peter Sullo; 52
94 Jansen Farm Road [Map 239, Lot 001-001] *Establishment of a tree farm for retail sales.*

95 Ms. O'Donnell reviewed that the application was deemed complete at the December 21, 2023 meeting,
96 and the applicant asked that the public hearing be continued to February 15, 2024.

97
98 Ms. O'Donnell opened the public hearing at 6:23 p.m.

99
100 Ms. Peznola reviewed the application and highlighted that the existing buildings and fields will be
101 utilized for the tree farm, and no additional structures would be built at this time. She reviewed that the
102 plan is to establish a retail business that would sell various shrubs, trees, and other landscaping plants.

103
104 Mr. Keach reviewed his recommendations, which are relevant to notes and formatting on the plan set.
105 He reviewed the proposed conditions of approval, and the applicant stated they have no concerns with
106 anything recommended.

107
108 Ms. O'Donnell asked the applicants if they understood that Planning Board approval must be obtained
109 prior to the installation of additional improvements or any future expansion or changes of use as

indicated in condition #1 of the approval, and the applicants acknowledged that they understood they would need to come back to the Board should any changes be made to the plan in question.

Ms. O'Donnell asked for additional questions, and as there were none, the public hearing was closed at 6:28 p.m.

MOTION: "To approve the Site Plan Review for Tree Brothers Farm, Peter Sullo; 52 Jansen Farm Road [Map 239, Lot 001-001] for the establishment of a retail tree farm with the following conditions:

1. The addition of the following note to the final site plan: "Site plan approval, granted by the Thornton Planning Board on January 18, 2024, is intended to permit uses and the installation of improvements depicted on this drawing. Planning Board approval must be obtained prior to the installation of additional improvements or any future expansion or change of use."
2. Receipt of correspondence from Keach-Nordstrom Associates, Inc. (KNA) acknowledging all comments and recommendations, offered in correspondence dated January 10, 2024, have been resolved to their satisfaction.
3. Planning Board Assistant's acknowledgement of receipt of requisite number of copies of final site plan drawings and related documents, if any.
4. Confirmation of Planning Board Assistant that all application fees, recording fees, and third-party review/legal fees, if any, are paid in full."

Motion: F. Freeman

Second: S. Babin

Discussion: None

Motion passes: 7 – YES; 0 – NO; 0 – ABSTAIN

NEW BUSINESS:

Preliminary Discussion: 7th Amendment to Land Dedication Agreement with Owl's Nest

Attorney Hastings reviewed that he has submitted a 7th Amendment to the Land Dedication Agreement for review and preliminary discussion, as was discussed at previous meetings. He stated that the idea of 'key swapping' between Campton and Thornton within the Owl's Nest Resort to acquire more units in Thornton.

Attorney Hastings noted that RSA 674:53 allows for this, as it gives the opportunity for the applicant to use land in one town designated for development to satisfy building in a neighboring town. He reviewed that Owl's Nest is being viewed as a whole resort that straddles the town line of Campton and Thornton. There are contiguous parcels in Campton that will not be developed, and the proposed amendment would allow land to be annexed out of Campton's LDA and added to Thornton's to allow more 'keys' on the Thornton side.

Attorney Hastings reviewed two (2) plans that showed the land in both towns under the current LDA, as well as the potential changes that would be made should the amendment be approved. He stated that the amendment has not been presented to Campton at this time, but there are stipulations noted in the amendment that will require Campton to agree before it takes effect.

Ms. Randall reminded the Board and applicant that this is a preliminary discussion, and that nothing is binding. All discussion has to be of a general nature and no specifics are to be addressed at this time.

Mr. Freeman asked if the Town of Campton would be notified of the public hearing once the application is submitted to this Board, and Attorney Hastings stated they can be added to the abutters list; Mr. Keach clarified that when a land use application involves another municipality, that other municipality needs to be notified.

Attorney Hastings stated he does not want to give the impression that the applicant is trying to circumvent Campton in this process and that it is a two-step process where Thornton is being approached first, and Campton second.

The board reviewed the proposed plans and agreed to schedule a public hearing on March 21, 2024.

OTHER BUSINESS:

Discussion: Amended Site Plan, Owl's Nest – Sports Nest

Geoffrey Thayer, General Contractor for the Sports Nest, stated that they are proposing an 11-foot by 8-foot addition to the existing Sports Nest.

Ms. Randall provided background information regarding this, as the determination of whether the addition requires an amended site plan or is ancillary to the existing building is being requested.

She reviewed that on January 18, 2024, while on a site visit for another project, the Zoning Review Officer (ZRO) observed new construction at the Sports Nest that did not have a Zoning Compliance Permit. As the building was approved via site plan, the ZRO asked staff if the new construction was approved via the Board, and staff confirmed that the new construction observed was not on an approved site plan.

The Board reviewed the plans for the proposed addition. Mr. Babin questioned why the applicant was being required to come before this Board as the ZRO observed building without a permit and Ms. Randall clarified that permits are not issued for projects that do not have site plan approval, as they are commercial buildings; the Planning Department and Zoning Review Office work in tandem to ensure that all approvals are in place prior to issuing permits.

Ms. Randall stated that the applicant was advised to come before this Board to determine if an amended site plan would be needed, and discussion on the changes that are being proposed occurred.

MOTION: "To deem the proposed addition to the Sports Nest as ancillary to the structure and authorize the Chair to sign the amended plan; no amended site plan is required."

Motion: S. Babin

Seconded: F. Freeman

Discussion: None

Motion Passes: 5 – Yes, 0 – No, 2 – Abstained

OLD BUSINESS:

Legal Counsel Discussion

Ms. O'Donnell reviewed that the BOS has retained Donahue, Tucker, and Ciandella, PLLC (DTC) for legal representation, and the same law firm represents all three (3) boards, with each Board retaining their own attorney within the firm. The Planning Board approved this at the November 16, 2023 meeting.

Ms. O'Donnell stated that since that time, the Board has submitted items to DTC that have been returned due to conflicts within the firm, and Attorney Serge has acted as conflict counsel. Ms. Randall commented that conflicts have come up with applicants and abutters for multiple applications, and Ms. O'Donnell stated that she would like the Board's thoughts on retaining Attorney Serge as the Planning Board's legal representation moving forward.

After brief discussion, the Board agreed that retaining Attorney Serge as the Planning Board's legal counsel would be in the Board's best interest, as conflicts have arisen with DTC on multiple applications.

MOTION: "To retain Attorney Serge at Drummond-Woodsum as Planning Board Counsel."

Motion: F. Freeman

220 **Seconded:** C. Schofield
221 **Discussion:** None
222 **Motion Passes:** 6 – Yes, 1 – No, 0 – Abstained
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224

225 **ADJOURNMENT**

226 **MOTION:** “To adjourn the meeting at 7:14 p.m.

227 **Motion:** F. Freeman

228 **Seconded:** C. Schofield

229 **Discussion:** None

230 **Motion Passes:** 7 – Yes, 0 – No, 0 – Abstained
231

232 Respectfully Submitted,

233 Kerrin Randall

234 Board Assistant