

1 16 Merrill Access Road  
2 Thornton, NH 03285  
3 Tel: 603-726-8168  
4 Fax: 603-726-2078

**TOWN OF THORNTON  
PLANNING BOARD**

**Planning Board Meeting Minutes  
Thursday, January 18, 2024**

Approved on: 2/15/24  
PB Initials: AW  
Rec'd by Town Clerk on: 2/20/24  
Town Clerk Initials: AKM

**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; Frank Freeman; Steven Babin, Ex-Officio; Cynthia Schofield; Myrtle Lewis, Alternate; David Levin; Kerrin Randall, Board Assistant

**Members Absent:** Jack Gaites

**Others present via call-in (partial names are as they appeared via Zoom):** Andrew, Matt Peltier

**Others present at Town Hall:** Shawn Magoon, Steve Keach, Peter Sullo, Edgar Willey, Philip Hastings, Al Poulin, Brenton Cole

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

**APPROVAL OF MINUTES:**

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

**Motion:** D. O'Donnell

**Second:** D. Levin

**Discussion:** Mr. Babin stated that he feels the minutes of December 21, 2023 are incomplete and, as ex-officio, he has an objection to some things that occurred.

Mr. Freeman asked Mr. Babin how he could have an objection to something that occurred in a meeting he was not present for. Mr. Babin stated there were things discussed in a public hearing in November that were then approved without further discussion at the December meeting. He stated there was a notice of decision issued with no reasoning as to why the decision was made.

Mr. Babin commented that it seems that there was some deliberation on granting a construction extension for Vertex Tower Assets, LLC between November and December that is not reflected in the minutes, and he is curious as to how that deliberation occurred, and the minutes appear to be deficient.

Ms. Randall clarified that the request from Vertex Tower Assets, LLC was received as a piece of correspondence and the discussion was not noticed or held as a public hearing.

Mr. Levin questioned what Mr. Babin found deficient in the minutes, as lines 61-81 indicate that legal counsel provided a response to questions the Board had regarding the request, and the Board was able to render a decision based on those responses.

Mr. Babin stated that the discussion with counsel should have been made public and lengthy discussion continued.

Mr. Babin stated he would like the correspondence from legal counsel added to the December 21, 2023 minutes, and Ms. O'Donnell stated she will amend her motion to reflect the addition of the language from legal counsel and Mr. Levin seconded the amended motion.

**Motion passes: 5 – YES; 0 – NO; 2 – ABSTAIN**

#### **COMMUNICATIONS:**

##### **Concerned Citizen Submission to BOS – Copied to Planning Board**

Ms. Decoteau reviewed that the communication was copied to the Planning Board and that no actions need to be taken.

#### **HEARINGS:**

##### **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 asked the applicants if they had reviewed the letter of January 10, 2024 from Mr. Keach and Attorney Hastings stated yes.

Ms. Decoteau opened the public hearing at 6:22 p.m.

Attorney Hastings reviewed that after a good discussion in November, the comments from the Board and Mr. Keach were taken and updated on the most recent plan set. He reviewed that possible floor plans of the domes were also submitted as well as a plan that breaks the construction into phases, and briefly reviewed the five (5) phases being proposed.

Ms. Decoteau asked when the business would be operational, and Attorney Hastings stated as soon as phase one (1) is completed, the domes constructed will be able to be occupied. Ms. Decoteau reviewed a letter from Fire Chief Defosses regarding the phases and installation of fire suppression and Mr. Cole shared a recent email exchange with Chief Defosses that clarified that installation of the cistern for fire suppression needs to be installed once more than 10 domes are constructed.

Mr. Cole reviewed the cistern is listed in phase three (3) and Chief Defosses indicated that he has no issue with the phases; Mr. Cole stated that the email exchange has been submitted for the file. Discussion regarding the color of the domes and cistern details occurred.

Mr. Freeman asked what color the domes would be, as there was previous concern regarding light reflection and potential distraction caused by the potential colors. Mr. Becker reviewed that the color would be an off-white color.

Ms. Decoteau asked about the floorplans that were submitted, as the plans note that features and layout may change. She stated this was being brought up due to the lengthy discussions that have been had in the past regarding hotel unit amenities.

Attorney Hastings reviewed the proposed layout and noted that there is a fridge, sink, bathroom, and that there will likely be a microwave or small cooktop available. Mr. Becker, via Zoom, reviewed that there will also be laundry units in each dome, as that is often an ask when people are on vacation. Further discussion on the amenities in the domes and that they are to be for transient use occurred.

The Board reviewed the suggested conditions of approval, and Mr. Keach comment that notes on the plans can be expanded to stated that the units are limited to transient use. Mr. Keach reviewed the bonding language as well as the process to determine the surety amount.

Ms. Lewis stated there were comments regarding lighting at the last public hearing, and Mr. Cole reviewed the lighting plan that shows all down pointed lights as well as the night sky lighting specifications.

Ms. Lewis asked if there were receptacles for recycling as well as trash. Mr. Cole stated there has not been any research on trash removal, and he would defer to the property manager on how and where the trash is sent when it is removed from the facility. Ms. Lewis stated that there are NHDES regulations that require recycling to be done and discussion continued.

Ms. Decoteau asked if management would be on site while construction occurred and Attorney Hastings stated no, and that management would be off site at this time; the property manager is in Woodstock.

Discussion of the timeline for each phase, the amenities of the commercial building, and the septic design occurred.

Ms. Decoteau asked for public comments and as there were none, the public hearing was closed at 7:03 p.m.

**MOTION: "To approve the site plan for Franconia Subsidiaries; 2635 US Route 3 [Map 237, Lot 59] to construct 15 geodesic domes and a commercial building with the following conditions:**

1. Receipt of valid state agency permits required for full project constructing including: (a) NHDOT Driveway Permit; (b) NHDES Alteration of Terrain Permit; (c) NHDES Construction Approval for each of two subsurface wastewater disposal systems; and (d) NHDES Water Supply Engineering Bureau approval for public water supply system.
2. Expansion of Note 1, Page 1 to include 'limited for short term transient use'.
3. Receipt of correspondence from Keach-Nordstrom Associates, Inc. (KNA) acknowledging all comments and recommendations, offered in correspondence dated January 10, 2024, were satisfactorily resolved.
4. Receipt and execution of an instrument (easement or license), of a form and content acceptable to town counsel, at the expense of the applicant, and the Campton-Thornton Fire Department, affording the fire department rights to access the subject property for the purpose of performing periodic fire cistern inspection and testing functions.
5. The applicant shall establish and maintain surety, in an amount and form acceptable to the Town of Thornton, to serve as a performance guarantee for site restoration in the event of abandonment and installation and maintenance of suitable erosion and sedimentation control practices throughout the duration of construction to be reviewed by Planning Board legal counsel at the applicant's expense.
6. Planning Board Assistant's acknowledgment of receipt of requisite number of copies of final site plan drawings and related documents, if any.
7. Confirmation by Planning Board Assistant that all application fees, recording fees, and third-party professional fees, are paid in full."

**Motion:** D. Levin

**Second:** F. Freeman

**Discussion:** None

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

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

Mr. Sullo asked that the application be continued to February.

**MOTION: "To continue the public hearing to February 15, 2024."**

164 **Motion:** F. Freeman  
165 **Second:** C. Schofield  
166 **Discussion:** None  
167 **Motion passes:** 7 – YES; 0 – NO; 0 – ABSTAIN  
168

169 PUBLIC HEARING – Scenic Road Work; Edgar Willey, 324 Thornton Gore Road [Map 202, Lot 027]  
170 Removal of trees to run utility services to house.

171 Ms. Decoteau reviewed the application submitted by Mr. Willey for the removal of trees on a scenic  
172 road to run utility services to his property and opened the public hearing at 7:10 p.m.  
173

174 The Board reviewed the application submitted and Mr. Willey explained that there is currently a house  
175 on the property that had its utilities removed several years ago. He stated that he is renovating the  
176 house and requires utilities to be reinstalled.  
177

178 Ms. Decoteau closed the public hearing at 7:13 p.m.

179 **MOTION: “To approve the scenic road application for the cutting of trees at 324 Thornton Gore**  
180 **Road [Map 202, Lot 027] for the Removal of trees to run utility services to house.”**

181 **Motion:** D. O'Donnell  
182 **Second:** D. Levin  
183 **Discussion:** None  
184 **Motion passes:** 7 – YES; 0 – NO; 0 – ABSTAIN  
185

#### 186 **OTHER BUSINESS:**

187 Preliminary Discussion: Subdivision for Al Poulin

188 Ms. Decoteau reviewed that this was a preliminary discussion, and nothing said or discussed is binding.  
189 Mr. Poulin thanked the Board and reviewed that he would like to subdivide his property into two (2)  
190 parcels; one would contain a house that is currently on the property with the remainder being land.  
191

192 Mr. Babin asked if the subdivision was being proposed in order to sell one of the parcels. Mr. Poulin  
193 stated that the parcel with the house may be sold at some point, but he is not looking to sell at this time.  
194 Mr. Babin asked Mr. Poulin if he was looking to build another house on the proposed parcel that does  
195 not contain one and Mr. Poulin stated he is not planning on building a second house.  
196

197 Mr. Babin stated that Mr. Poulin wanted to build a second house on his property without subdividing, a  
198 waiver can be asked for. He stated that Mr. Poulin should not be instructed to subdivide if a waiver can  
199 be obtained to achieve the building of a second house, and discussion occurred.  
200

201 Mr. Poulin thanked the Board for their time.  
202

#### 203 **OLD BUSINESS:**

204 Ms. Decoteau gave an update on legal services and reviewed that all legal inquiries will be sent to  
205 Attorney Boldt at Donahue, Tucker, and Ciandella and, depending on conflicts, he will disburse  
206 inquiries to an attorney in the firm. Ms. Decoteau stated that Attorney Serge will remain as conflict  
207 counsel should his services be required.  
208

#### 209 **NEW BUSINESS:**

210 Mr. Peltier, via Zoom, stated that he is resigning as alternate to avoid potential conflict, as he has been  
211 appointed as an interim selectman until March. The Board thanked Mr. Peltier for his time on the  
212 Board.  
213

214 Ms. Decoteau stated that she is resigning from the Board as of January 19, 2024 as she will not be  
215 available for meetings in the coming months and does not feel that it would be fair to the Board or  
216 residents if she is not present. The Board thanked Ms. Decoteau for her years of service.  
217

The Board agreed that Vice Chair O'Donnell will act as Chair until March, when Board elections are held.

**MOTION: "To appoint Ms. Lewis as a voting member until March elections.**

**Motion:** D. O'Donnell

**Seconded:** F. Freeman

**Discussion:** None

**Motion Passes: 6 – Yes, 0 – No, 1 – Abstained**

**Declaration for Candidacy Filing Period**

• Available Positions

Ms. Decoteau reviewed that the following positions will be available on the Planning Board for Town Elections:

- |                   |                 |
|-------------------|-----------------|
| ○ Three Year Term | Three Positions |
| ○ Two Year Term   | One Position    |

Ms. Decoteau reviewed that candidates wishing to file for an elected position must do so during the filing period of January 24 – February 2, 2024 and that declaration forms will be accepted only during these dates.

**Notice of Decision Concern of Ex-Officio**

Mr. Babin stated that he thinks the notice of decision given to Vertex Tower Assets, LLC for a construction extension was problematic. He stated he was going to file an appeal, but he is not going to pursue it. Mr. Babin stated he thinks that granting the extension is a bad move of the board, as the applicant stated that they missed the submission deadline and would reapply if needed.

Mr. Babin went on to say that legal counsel disregarded the deadline and advised approving an extension on an application that was not active. Mr. Levin stated that the applicant was advised that the extension would be granted until March 7, 2024 and should another extension be needed, evidence will need to be provided as to why another extension is needed. He stated that legal counsel provided an opinion that the Board agreed with.

Ms. Lewis asked what the applicant would need to do if the project is not completed by the extension date, and Mr. Levin stated that they would need to reapply all over again. Mr. Babin stated that he feels that the Board is being inconsistent, as other applicants have been made to reapply when a deadline was missed.

**ADJOURNMENT**

**MOTION: "To adjourn the meeting at 7:42 p.m.**

**Motion:** D. O'Donnell

**Seconded:** F. Freeman

**Discussion:** None

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

Respectfully Submitted,  
Kerrin Randall  
Board Assistant