

TOWN OF THORNTON  
PLANNING BOARD

PLANNING BOARD MEETING MINUTES  
January 7, 2014  
Public Hearing to consider Zoning Amendments

**CALL TO ORDER:**

T. Phillips called the meeting to order at 6:02 pm and led the pledge of allegiance.

**ROLL CALL:**

The following members/alternates were present:

T. Phillips, Chairman                      S. Babin, Vice Chairman                      G. Kimball, Member  
M. Peabody, Ex-officio                      F. Freeman, Member                      C. Piantedosi, Member  
R. Gilman, Alternate

G. Coogan was also present.

The Board had three documents with comments regarding the proposed zoning amendments from the following:

1. G. Coogan 2<sup>nd</sup> Draft (01/03/14) Explanation of proposed changes to the Zoning Ordinance (TZO).
2. Attorney M. Serge comments via email
3. Zoning Board of Adjustment Vice Chairman, D. Gravel suggestions via a phone call.

The Board determined to review the 2<sup>nd</sup> Draft (01/03/14) Explanation of proposed changes to the Zoning Ordinance with G. Coogan present.

Under the section of New definitions G. Coogan stated he agrees with M. Serge that the definition of abutter should be changed to the following:

*Abutter means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.*

G. Coogan explained that the above definition is contained in NH RSA 672:3.  
The Board agreed to use the definition listed above.

G. Coogan pointed out that there is a typo in the posted definition for Dwelling Unit and that the words "unit is" should be added in the second sentence after the word "The" so that the definition reads as follows:

*Dwelling Unit means an independent housekeeping unit used for residential occupancy by one family. The unit is physically separated from any other residential space and contains its own independent sleeping, cooking and sanitary facilities.*

The Board agreed to use the suggested definition.

G. Coogan stated under the heading Changed Definitions that after conferring with M. Serge they agree that the definition should read as follows:

*Home occupation means the operation of a business, office or shop for: the in-house manufacture and/or sale of products such as jewelry, pottery or similarly small objects; use by an attorney, doctor, realtor or other professional or service provider; or use by an electrician, plumber or similar tradesman. See Article VIII D for additional information.*

The Board agreed to use the suggested definition.

G. Coogan suggested changing the definition of Variance to the following:

*Variance means a relaxation of the terms of the Thornton Zoning Ordinance subject to the requirements of NH RSA 674:33 I (b).*

The Board agreed to use the definition as linking it to the statute will keep the definition current.

G. Coogan stated that in the Section for Home Occupation a typo needs to be corrected by changing the word "indication" to "indicating" so that portion of the section reads as follows:

**Article VIII D: Home Occupation:**

*"A home occupation shall be permitted in all zoning districts. Home occupation means the operation of a business, office or shop for: the in-house manufacture and/or sale of products such as jewelry, pottery or similarly small objects; use by an attorney, doctor, realtor or other professional or service provider; or use by an electrician, plumber or similar tradesman provided that the applicant first meets with the Planning Board and presents a letter indicating how all of the following qualifications are observed" The home occupation is subordinate to the primary single family use, is carried out within the home, does not permit outdoor storage, does not change the residential character of the home or area, no undue nuisance, no more than two persons employed and the operator of the home occupation resides in the home. An auto repair facility is not considered to be a home occupation.*

The Board agreed to the change.

The Board reviewed the comments from M. Serge.

T. Phillips stated the first item relates to the definition of abutter which has been dealt with.

T. Phillips stated the second comment refers to changing part of the definition of Cluster Development to include a reference to Article VI C, instead of Article VI B.

The Board agreed the correction should be made.

T. Phillips stated the third concern deals with the typo in the definition of Dwelling Unit which has already been corrected.

T. Phillips stated the fourth concern relates to the definition of Home Occupation which has already been corrected.

T. Phillips stated the fifth concern relates to revising the definition of Variance and that the issue has already been addressed.

T. Phillips stated the final concern relates to renumbering Article VIX (Board of Adjustment) to Article IX. The Board agreed to the correction.

The Board continued by reviewing comments submitted by Zoning Board of Adjustment Vice-Chairman, D. Gravel.

T. Phillips stated the first suggestion is to remove the words "to be occupied" from the definition of Dwelling so that it reads:

*Dwelling means any building used and intended for human habitation.*

The Board agreed to the change.

T. Phillips stated the next suggestion is to provide a clear definition of "adequate" parking as referenced in the section on Accessory Apartments.

The Board determined not to make any change regarding the word "adequate" at this time, as even site plan review does not specify a number of parking spaces.

T. Phillips suggested that once the Board looks into parking requirements for commercial and multi-family uses it may be better prepared to further specify and take input on what should constitute adequate parking for an accessory apartment.

T. Phillips stated the next suggestion is to replace the word "any" with "the" as it refers to "determination made by an administrative official in the enforcement of any zoning ordinance".

The Board determined to leave the word "any".

T. Phillips stated the next suggestion is to define the term "unsightly" as it is used in the section dealing with the Board of Adjustment and Special Exceptions.

The Board determined to not make a change to the wording as the context in which the word is used requires those with concerns about a proposed use to demonstrate property value impacts due to unsightly outdoor storage and by including the word "unsightly" it may require both parties to satisfy such property concerns by adding screening or otherwise making the storage no longer visible to those with such concerns.

T. Phillips stated the next suggestion is to change the word "development" to "Special Exception" so that Article IX: Board of Adjustment 3. Special Exceptions: c. reads:

*"No creation of a traffic safety hazard or substantial traffic congestion in the vicinity of the proposed Special Exception."*

The Board agreed to the change.

G. Kimball stated that the terms "Special Events" and "Small Wind Energy Systems" should be removed from the General Residence Zone, Recreational Zone West, Commercial Zone and Industrial Zones I and II because it is redundant.

The Board agreed.

G. Kimball pointed out a typo on page 14 of the proposed Zoning Ordinance under *Article III: B. Conventional Development 2. Location of Structures* in the last sentence the term "10 feet" needs to be changed to "10 ft."

The Board agreed.

The Board discussed at length the pros and cons of presenting multiple articles or one sweeping article to the voters.

The Board determined to have a total of 17 articles as follows:

- 6 Articles for changed definitions:

Dwelling	Family	Home Occupation
Qualifying Acreage	Structure	Acreage
- 8 articles for new definitions:

Abutter	Cluster Development	Accessory Apartment
Dwelling-Single Family	Dwelling-Two Family	Dwelling-Multi Family
Dwelling Unit	Commercial Recreational Facility	
- 3 Articles for new sections:
  - Accessory Apartments
  - Home Occupation
  - Board of Adjustment

The Board determined that G. Coogan will work with M. Serge in presenting the wording for the articles with special attention given to the 3 Articles on the new sections: Accessory Apartments, Home Occupation and Board of Adjustment.

C. Piantedosi presented a letter dated January 2, 2014 regarding the fact that she will not seek to be re-elected to the Planning Board as her term expires this year.

The Board members thanked C. Piantedosi for her many years of service.

**Adjournment:**

At 9:00pm the following motion was made:

**MOTION: "To adjourn."**

Motion: G. Kimball

Second: F. Freeman

Discussion: None

Motion Passes: 6-Yes, 0-No

Respectfully Submitted,

Nancy Decoteau  
Planning Board Assistant

# TOWN OF THORNTON PLANNING BOARD

## AGENDA

**6:00PM Tuesday, January 7, 2014**

A. Call to Order – Salute of Flag:

B. Roll Call:

**C. PUBLIC HEARING 6:15pm: Proposed Zoning Amendments**

The Planning Board will hold a Public Hearing to discuss the reorganization of and changes proposed to update the Zoning Ordinance of the Town of Thornton. Many changes relate to renumbering/reorganizing the existing regulations to present the information in a manner that is more user friendly.

Proposed changes to the existing regulations include the following:

- Changing the existing definition of Dwelling, Family, Home Occupation, Qualifying Acreage, Structure, and Variance
- Adding a definition for Abutter, Cluster Development, Accessory Apartment, Dwelling-Single-Family, Dwelling-Two-Family, Dwelling- Multi-Family and Dwelling Unit
- Adding a Table of Uses
- Adding a Table of Dimensional Requirements
- Adding a section on Accessory Apartments
- Adding a section on Home Occupation
- Rewriting the section on the Board of Adjustment

D. Adjournment:

Planning Board  
January 7, 2014  
SIGN IN SHEET (Please Print)

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