

# TOWN OF THORNTON PLANNING BOARD

Approved on: 12/19/13  
PB Initials: TJSR  
Rec'd by Town Clerk on: 31 Dec 13  
Town Clerk Initials: R

## Planning Board Meeting Minutes Public Hearing on Proposed Zoning Amendments Tuesday, December 3, 2013

G. Kimball called the meeting to order and led the pledge of allegiance at 6:14pm.

The following Planning Board members/alternates were present:

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

G. Kimball opened the Public Hearing at 6:15pm.

### 6:15PM PUBLIC HEARING: Proposed Amendments to the Zoning Ordinance

The Planning Board will hold a Public Hearing to discuss the following proposed amendments to the Thornton Zoning Ordinance.

T. Phillips, Chairman arrived at 6:17pm

#### Definitions to be Changed:

The Board determined to read the existing definition, followed by the proposed definition and then discuss each proposed amendment.

#### 1. DWELLING

##### Existing Definition:

A dwelling means a building or portion of a building containing any number of rooms designed for use by one family or group as a single housekeeping unit. A dwelling is any building lived in continuously for six or more months where "continuous" is defined, as a time not interrupted by more than one month.

##### New Definition Proposed:

Dwelling means any building used and occupied for human habitation.

After discussion the Planning Board changed the definition to the following:

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

#### 2. FAMILY

##### Existing Definition:

Family means one or more person who live as a single housekeeping unit in a dwelling.

##### New Definition Proposed:

Family means one or more persons occupying a single Dwelling Unit, provided that unless all members are legally related, no such Family shall contain over five persons.

After discussion the Planning Board agreed to stay with the definition as proposed as follows:

**Family means one or more persons occupying a single Dwelling Unit, provided that unless all members are legally related, no such Family shall contain over five persons.**

### **3. HOME OCCUPATION**

#### Existing Definition:

Home Occupation means that use of a dwelling or an accessory building which is incidental to the use of the premises as a dwelling and is subordinate to the residential use of the property by a person living in the dwelling. Home occupations will not be permitted if they:

- 1) Change the outside appearance of the dwelling
- 2) Generate traffic, parking, more than twice that of nearby properties;
- 3) Create a hazard due to traffic or other features of the occupation;
- 4) Create a nuisance by generating noise, odor or liquid discharge;
- 5) Require outside storage; and
- 6) Employ two or more personnel who do not reside in the dwelling

#### New Definition Proposed:

Home Occupation means that use of a dwelling or an accessory building which is incidental to the use of the premises as a dwelling and is subordinate to the residential use of the property by a person living in the dwelling.

The Board discussed the fact that criteria for Home Occupations would be listed elsewhere in the Zoning Ordinance.

After discussion the Planning Board agreed to stay with the definition as proposed as follows:

**Home Occupation means that use of a dwelling or an accessory building which is incidental to the use of the premises as a dwelling and is subordinate to the residential use of the property by a person living in the dwelling.**

### **4. QUALIFYING ACREAGE**

#### Existing definition:

Qualifying Acreage is the land use in Cluster Developments to satisfy the requirements of one acre per dwelling. Such acreage must be contiguous, but not necessarily with each lot within the development.

#### New Definition Proposed:

Qualifying Acreage means the land area used to satisfy the density requirements (one acre per dwelling), but said land area shall not include wetlands, floodplains and slopes over 35%. In a cluster development, the Qualifying Acreage shall be contiguous, but not necessarily with each lot within the development.

The Board discussed the issue of land used as qualifying acreage not being allowed to continue to be taxed under current use.

The Board determined that RSA 79-A:7, V, (b) provides an avenue to assure land used for qualifying acreage will not be taxed under the category of being in current use.

After discussion the Planning Board agreed to stay with the definition as proposed as follows:

**Qualifying Acreage means the land area used to satisfy the density requirements (one acre per dwelling), but said land area shall not include wetlands, floodplains and slopes over 35%. In a cluster development, the Qualifying Acreage shall be contiguous, but not necessarily with each lot within the development.**

### **5. STRUCTURE:**

#### Existing Definition:

That which is built or constructed with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include but are not limited to a building, swimming pool, billboard, pier, and deck. It shall not include a minor installation as a fence under six feet high, a mailbox or a flagpole.

New Definition Proposed:

Structure means that which is built, constructed or placed with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include but are not limited to a building, swimming pool, billboard, pier, and deck. It shall not include a minor installation such as a fence under six feet high, a mailbox, a flagpole a dog house, bird house, underground propane tank, enclosed wood rack and the like.

After discussion the Planning Board agreed to change the definition as follows: .

**Structure means that which is built, constructed or placed with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include but are not limited to a building, swimming pool, billboard, pier, and deck. It shall not include minor installations including but not limited to, a fence under six feet high, a mailbox, a flagpole, a dog house, and a bird house.**

## 6. VARIANCE

Existing Definition:

Variance means such departure from the terms of this ordinance as the Board of Adjustment, upon appeal in specific uses, is empowered to authorize under the terms of this ordinance and RSA 674:33

New Definition Proposed:

Variance means a relaxation of the terms of the Zoning Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. The Board of Adjustment, upon appeal in specific uses, is empowered to authorize a relaxation of the terms of this ordinance, pursuant to the terms of this ordinance and RSA 674:33.

After discussion the Planning Board agreed to stay with the definition as proposed as follows:

**Variance means a relaxation of the terms of the Zoning Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. The Board of Adjustment, upon appeal in specific uses, is empowered to authorize a relaxation of the terms of this ordinance, pursuant to the terms of this ordinance and RSA 674:33.**

Before moving to the next section of proposed definitions to be added to the Zoning Ordinance, the Board discussed at length whether or not to proceed with adding a definition for *Recreational Campground* and adding a definition for *Camping Park*.

T. Phillips reviewed the rationale behind his suggestion to add the definitions to the Zoning Ordinance: specifically, that since the town approved campground regulations and allowed campgrounds in all zones there have been changes in the campground industry that voters may or may not still feel comfortable allowing in all zones and these new definitions would make them Thornton's definition of a campground and eliminate any confusion by applicants over what is allowed in Thornton.

S. Babin communicated his opinion that the State regulations, as interpreted by the Planning Board are in tune with what he believes the voters in Thornton would define as a campground.

C. Piantedosi stated her opinion that the two definitions should not be included in the proposed zoning amendments this year.

S. Babin stated that the definitions for recreational campground and camping park should not be included in the proposed zoning amendments.

T. Phillips stated his intention was to allow the voters of the town to address/accommodate the changes that have occurred in the camping industry since the time in 2000 when the voters approved campgrounds in all zones and determine where such differing types of campgrounds should be allowed.

C. Piantedosi suggested taking a straw poll to determine the general consensus of the Board on the issue.

The following members indicated they did not want to add either the definition for Recreational Campground or Camping Park to the zoning amendments: C. Piantedosi, G. Kimball, S. Babin, M. Peabody and S. MacIntosh. R. Gilman and T. Phillips agreed that the Board needs to look ahead and be prepared for the changes that are happening in the camping industry and agreed that the definitions for *Recreational Campground* and *Camping Park* should be included in the zoning amendments. F. Freeman stated his opinion that the definition for Recreational Campground should be included in the zoning amendments and that the definition of Camping Park should not be included in the zoning amendments.

The Board agreed that the general consensus of the Board was to NOT include the definitions for *Recreational Campground* and *Camping Park* as proposed zoning amendments.

#### **Definitions to be Added:**

##### **1. CAMPING PARK**

###### New Definition Proposed:

Camping Park means a parcel of land on which 2 or more campsites are occupied by recreational vehicles or park model trailers for more than 180 consecutive days, are used for temporary recreational dwelling/occupancy by individuals over the age of 55 during the campground's defined camping season or by any age group during the summer (June 1-August 31) portion of the campground's defined camping season, and not for permanent year-round residency, excluding recreation camps as defined in RSA 485-A:23.

The Board agreed to remove the definition for Camping Park from the list of zoning amendments.

##### **2. ABUTTER**

###### New Definition Proposed:

Abutter means any person whose property adjoins, is directly across the street or stream, or is within 200 feet of the land under consideration by the Planning Board or Zoning Board of Adjustment including any person whose property meets these criteria and is located in a neighboring municipality. For the purposes of receiving testimony only and not for the purpose 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.

After discussion the Planning Board agreed to stay with the definition as proposed as follows:

**Abutter means any person whose property adjoins, is directly across the street or stream, or is within 200 feet of the land under consideration by the Planning Board or Zoning Board of Adjustment including any person whose property meets these criteria and is located in a neighboring municipality. For the purposes of receiving testimony only and not for the purpose 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.**

##### **3. CLUSTER DEVELOPMENT**

###### New Definition Proposed:

Cluster Development means an innovative residential subdivision for single and two family residential dwellings which permits the housing units to be clustered on a portion of the entire parcel with reduced dimensions on the condition that the remaining land in the tract is dedicated for open space or common land, the future development or subdivision of which is prohibited. The number of permitted units is determined by the density permitted in the underlying Zone District.

After discussion the Planning Board agreed to change the definition as follows:

**Cluster Development** means an innovative residential subdivision for single and two family residential dwellings which permits the housing units to be clustered on a portion of the entire parcel with reduced dimensions on the condition that the remaining land in the tract is dedicated for open space or common land, the future development or subdivision of which is prohibited. The number of permitted units is determined by the density permitted in the underlying Zoning District subject to qualifying acreage requirements.

#### **4. DWELLING, ACCESSORY**

New Definition Proposed:

Dwelling, Accessory means an attached dwelling unit located on an owner-occupied lot which is secondary, subordinate and attached to the principal dwelling and has a maximum floor area of 750 SF and which has its own private entrance providing access to the apartment directly from the exterior or from a common entry area.

After discussion the Planning Board agreed to change the definition as follows:

**Accessory Apartment** means a single attached residential unit located on an owner-occupied lot which is secondary, subordinate and attached to the principal dwelling and has a maximum floor area of 750 SF and which has its own private entrance providing access to the apartment directly from the exterior or from a common entry area.

#### **5. DWELLING, SINGLE-FAMILY**

New Definition Proposed:

Dwelling, Single-Family means a dwelling occupied by one family.

After discussion the Planning Board agreed to stay with the definition as proposed as follows:

**Dwelling, Single-Family** means a dwelling occupied by one family.

#### **6. DWELLING, TWO-FAMILY**

New Definition Proposed:

Dwelling, Two-Family means a dwelling occupied by two families, living independently of each other in individual dwelling units.

After discussion the Planning Board agreed to stay with the definition as proposed as follows:

**Dwelling, Two-Family** means a dwelling occupied by two families, living independently of each other in individual dwelling units.

#### **7. DWELLING, MULTI-FAMILY**

New Definition Proposed:

Dwelling, Multi-Family means a structure occupied by three but not more than ten families, living independently of each other in individual dwelling units.

After discussion the Planning Board agreed to change the definition as follows:

**Dwelling, Multi-Family** means a dwelling occupied by three, but not more than ten, families living independently of each other in individual dwelling units.

#### **8. DWELLING UNIT**

New Definition Proposed:

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

After discussion the Planning Board agreed to change the definition 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.

## **9. RECREATIONAL CAMPGROUND**

### New Definition Proposed

**Recreational campground** means a parcel of land on which 2 or more campsites are temporarily occupied by recreational vehicles, tents, and trailers for not more than 180 days and must be consecutive, are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency, excluding recreation camps as defined in RSA 485-A:23.

The Board agreed to remove the definition for Camping Park from the list of zoning amendments.

In accordance with RSA 675:3 III the following motion was made to determine the final form of the amendments as follows:

**MOTION:** "To remove the proposed definitions for *Recreational Campground* and *Camping Park* from the list of proposed zoning amendments and to include the following changed and new definitions as proposed zoning amendments as follows:

1. **Dwelling** means any building used and intended to be occupied for human habitation.
2. **Family** means one or more persons occupying a single Dwelling Unit, provided that unless all members are legally related, no such Family shall contain over five persons.
3. **Home Occupation** means that use of a dwelling or an accessory building which is incidental to the use of the premises as a dwelling and is subordinate to the residential use of the property by a person living in the dwelling.
4. **Qualifying Acreage** means the land area used to satisfy the density requirements (one acre per dwelling), but said land area shall not include wetlands, floodplains and slopes over 35%. In a cluster development, the Qualifying Acreage shall be contiguous, but not necessarily with each lot within the development.
5. **Structure** means that which is built, constructed or placed with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include but are not limited to a building, swimming pool, billboard, pier, and deck. It shall not include minor installations including but not limited to, a fence under six feet high, a mailbox, a flagpole, a dog house, and a bird house.
6. **Variance** means a relaxation of the terms of the Zoning Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. The Board of Adjustment, upon appeal in specific uses, is empowered to authorize a relaxation of the terms of this ordinance, pursuant to the terms of this ordinance and RSA 674:33.
7. **Abutter** means any person whose property adjoins, is directly across the street or stream, or is within 200 feet of the land under consideration by the Planning Board or Zoning Board of Adjustment including any person whose property meets these criteria and is located in a neighboring municipality. For the purposes of receiving testimony only and not for the purpose 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.
8. **Cluster Development** means an innovative residential subdivision for single and two family residential dwellings which permits the housing units to be clustered on a portion of the entire parcel with reduced dimensions on the condition that the remaining land in the tract is dedicated for open space or common land, the future development or subdivision of which is prohibited. The number of permitted units is determined by the density permitted in the underlying Zoning District subject to qualifying acreage requirements.
9. **Accessory Apartment** means a single attached residential unit located on an owner-occupied lot which is secondary, subordinate and attached to the principal dwelling and has a maximum floor area of 750 SF and

which has its own private entrance providing access to the apartment directly from the exterior or from a common entry area.

10. **Dwelling, Single-Family** means a dwelling occupied by one family.
11. **Dwelling, Two-Family** means a dwelling occupied by two families, living independently of each other in individual dwelling units.
12. **Dwelling, Multi-Family** means a dwelling occupied by three, but not more than ten, families living independently of each other in individual dwelling units.
13. **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.

Motion: G. Kimball

Seconded: F. Freeman

Discussion: None

Motion Passes: 7 – Yes, 0 – No

At 9:05 in accordance with RSA 91-A:3 I(b) the following motion was made:

**MOTION: “To enter non-public session in accordance with RSA 91-A:3 II(e).”**

Motion: C. Piantedosi

Seconded: F. Freeman

Discussion: None

Roll Call Vote:

T. Phillips - Yes

S. Babin- Yes

M. Peabody- Yes

S. Macintosh- Yes

G. Kimball- Yes F.

Freeman- Yes

C. Piantedosi- Yes

R. Gilman- Yes

The Board returned from non-public session at 9:45pm.

The Board reviewed briefly the last update sent by G. Coogan and determined additional workshops will be needed to complete the project of updating the zoning ordinance.

The Board determined to hold a workshop session on Tuesday, December 10, 2013 beginning at 6:00pm.

At 9:55pm the following motion was made:

**MOTION: “To adjourn.”**

Motion: S. Babin

Seconded: C. Piantedosi

Discussion: None

Motion Passes: 7 – Yes, 0 - No

Respectfully submitted,

Nancy Decoteau, Planning Board Assistant

# TOWN OF THORNTON PLANNING BOARD

## TOWN OF THORNTON PLANNING BOARD NOTICE OF PUBLIC HEARING Proposed Amendments to the Zoning Ordinance Tuesday, December 3, 2013

### Agenda

A. Call to Order – Salute of Flag:

B. Roll Call:

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

C. **6:15PM PUBLIC HEARING: Proposed Amendments to the Zoning Ordinance**

The Planning Board will hold a Public Hearing to discuss the following proposed amendments to the Thornton Zoning Ordinance.

1. **Changing the existing definition of the following terms:**

- a. Dwelling
- b. Family
- c. Home Occupation
- d. Qualifying Acreage
- e. Structure
- f. Variance

2. **Adding the definition for the following terms:**

- a. Abutter
- b. Camping Park
- c. Cluster Development
- d. Dwelling, Accessory
- e. Dwelling, Single-Family
- f. Dwelling, Two-Family
- g. Dwelling, Multi-Family
- h. Dwelling Unit
- i. Recreational Campground

D. Adjournment