

# 2014 TOWN OF THORNTON TOWN MEETING MINUTES 2014

## TUESDAY, MARCH 11, 2014 & SATURDAY, MARCH 15, 2014

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To the inhabitants of the Town of Thornton in the County of Grafton in said state, qualified to vote in the town affairs:

You are hereby notified to meet at the Thornton Municipal Building in said Thornton on Tuesday, the 11<sup>th</sup> of March 2014 at 8:00 AM of the clock to act upon the following subjects: The polls not to close earlier than 7:00 PM. Absentee ballots to be cast at 1:00 PM.

### Article 1: To choose all necessary officers for the terms stated:

The following were elected on March 11, 2014.

Selectman (2)	Three Year Term	- Brad R. Benton - Roy Sabourn
Cemetery Trustee	Three Year Term	- Geraldine A. Benton
Supervisor of the Checklist	Six Year Term	- Gloria Kimball
Library Trustee	Three Year Term	- Carolyn Piantedosi
Trustee of Trust Funds	Three Year Term	- <i>Vacant</i>
Planning Board Member (2)	Three Year Term	- Brian Regan - Gloria Kimball
Overseer of Public Welfare	One Year Term	- Marianne Peabody
Town Moderator	Two Year Term	- <i>write-in declined</i>
Town Clerk	Three Year Term	- Timothy J. Tyler

**Article 2: Zoning Amendments**

**Zoning Amendment # 1:**

Are you in favor of the adoption of zoning amendment # 1 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which provides a new definition for the term Abutter as follows?

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.

The above definition is contained in NH RSA 672:3.

*Recommended by the Planning Board.*

YES 311

NO 60

**Zoning Amendment # 2:**

Are you in favor of the adoption of zoning amendment # 2 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which provides a new definition for the term Accessory Apartment?

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.

See proposed section *Article VIII A. Accessory Apartment.*

*Recommended by the Planning Board.*

YES 296w

NO 73

**Zoning Amendment # 3:**

Are you in favor of the adoption of zoning amendment # 3 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which provides a new definition for the term Cluster Development?

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 subject to qualifying acreage requirements.

The current Thornton Zoning Ordinance in *Article VI: B.* contains provisions for Cluster Development, but did not contain a definition.

*Recommended by the Planning Board.*

YES 284

NO 76

**Zoning Amendment # 4:**

Are you in favor of the adoption of zoning amendment # 4 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which provides a new definition for the term Commercial Recreational Facility?

Commercial Recreational Facility means a structure or area used for commercial indoor or outdoor recreational activities and related facilities and improvements to serve the same; such activities may include but not be limited to golf, tennis, swimming, cross country skiing, horseback riding, snowmobiling, hiking and bicycling.

The uses listed above are allowed uses but the current Thornton Zoning Ordinance lacked a defined term to collectively describe these uses.

*Recommended by the Planning Board.*

YES 291

NO 76

**Zoning Amendment # 5:**

Are you in favor of the adoption of zoning amendment # 6 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which makes a change to the definition of Dwelling?

Dwelling means any building used and intended for human habitation.

*Recommended by the Planning Board.*

YES 301

NO 57

**Zoning Amendment # 6:**

Are you in favor of the adoption of zoning amendment # 5 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which provides new definitions for the terms: Dwelling, Single-Family; Dwelling, Two-Family; Dwelling Unit; and Dwelling, Multi-Family?

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

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

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.

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

The current definition of "dwelling" does not allow for two family or multi-family dwellings.

*Recommended by the Planning Board.*

YES 297

NO 67

**Zoning Amendment # 7:**

Are you in favor of the adoption of zoning amendment # 7 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which makes a change to the definition of Family for the purposes of the Thornton Zoning Ordinance?

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.

*Recommended by the Planning Board.*

YES 268

NO 94

**Zoning Amendment # 8:**

Are you in favor of the adoption of zoning amendment # 8 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which makes a change to the definition of Home Occupation?

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 proposed Article VIII D. for additional information.

The proposed new section *Article VIII D. Home Occupation* establishes criteria for what is allowed in a Home Occupation.

*Recommended by the Planning Board.*

YES 280

NO 76

**Zoning Amendment # 9:**

Are you in favor of the adoption of zoning amendment # 9 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which makes a change to the definition of Variance?

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

Since this definition refers to the state statute, it will remain current.

*Recommended by the Planning Board.*

YES 292

NO 56

**Zoning Amendment # 10:**

Are you in favor of the adoption of zoning amendment # 10 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which makes a change to the definition of Qualifying Acreage?

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.

This definition clarifies the land (i.e. wetlands, floodplains and slopes over 35%) which is not included as Qualifying Acreage when determining density for a Conventional Development or a Cluster Development.

*Recommended by the Planning Board.*

YES 277

NO 70

**Zoning Amendment # 11:**

Are you in favor of the adoption of zoning amendment # 11 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which makes a change to the definition of Structure?

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.

This definition includes additional examples (dog house and bird house) of activities not intended to be a structure. Since minor installations are not structures, they do not require a Zoning Compliance Application approval from the town.

*Recommended by the Planning Board.*

YES 275

NO 85

**Zoning Amendment # 12:**

Are you in favor of the adoption of zoning amendment # 12 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which provides a new section A. *Accessory Apartments* as part of Article VIII?

This proposed *Article VIII: A. Accessory Apartments* section establishes new criteria and standards for an accessory apartment. This new section is entitled Accessory apartments (aka "in-law" apartments). At present, the Thornton Zoning Ordinance does not allow accessory apartments.

This proposed *Article VIII: A. Accessory Apartments* section includes criteria such as no exterior physical change to the building's appearance as a single family home, up to 750 SF for living space, no more than two bedrooms, property owner must reside in the primary residence, adequate sewage disposal capacity and adequate off street parking.

*Recommended by the Planning Board.*

YES 277

NO 77

**Zoning Amendment # 13:**

Are you in favor of the adoption of zoning amendment # 13 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which expands the provisions for section C. *Cluster Development* as part of Article VIII?

This expanded *Article VIII C. Cluster Development* section establishes additional standards for a Cluster Development such as use of common land, protection of common land, and approval for water and sewer systems. The proposal expands the Article to include a description of the use and protection of common areas through the use of open space agreements.

*Recommended by the Planning Board.*

YES 278

NO 74

**Zoning Amendment # 14:**

Are you in favor of the adoption of zoning amendment # 14 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which expands the provisions for Home Occupation as part of *Article VIII D. Home Occupation*?

This expanded *Article VIII D. Home Occupation* section states: "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".

This expanded *Article VIII D. Home Occupation* section establishes additional standards for a Home Occupation. 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.

*Recommended by the Planning Board*

YES 254

NO 85

**Zoning Amendment # 15:**

Are you in favor of the adoption of zoning amendment # 15 as proposed by the Thornton Planning Board for the Thornton Zoning Ordinance which establishes a new *Article IX Board of Adjustment*?

This new *Article IX Board of Adjustment* describes the duties of the Board of Adjustment, which are to hear and decide administrative appeals and to hear and grant variances, special exceptions, waivers of dimensional requirements and variances for persons with a disability when appropriate and is consistent with state statutes.

*Recommended by the Planning Board*

YES 279

NO 58

**The following articles will be taken up during the business meeting beginning at 10:00 AM on Saturday the 15th day of March 2014 at the Thornton Central School.**

Moderator Robert Gannett called the meeting to order at 10:03 AM. Those seated at the head table were introduced and included Tim Tyler, Town Clerk, Tammie Beaulieu, Town Administrator, and members of the Select Board, Brad Benton, Chairman, Roy Sabourn, Steve Morton, Marianne Peabody, and John Paul-Hilliard.

The Moderator asked permission for non-residents to speak.

**MOTION PASSED BY VOICE VOTE WITH NO DISCUSSION**

A motion to dispense with the reading of the entire warrant was moved, seconded and passed by voice vote.

**MOTION PASSED BY VOICE VOTE WITH NO DISCUSSION**

**Article 3:** To see if the Town will vote to raise and appropriate the sum of five hundred twenty-five thousand dollars (\$525,000.00) for the renovation and addition to the Thornton Town Hall, and to authorize the issuance of not more than five hundred twenty-five thousand dollars (\$525,000) of bonds or notes in accordance with the provision of the Municipal Finance Act (RSA Chapter 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest and thereon for this purpose and further, to raise and appropriate an additional sum of **forty-five thousand one hundred ninety-six dollars (\$45,196.00)** for the first years payment on the bond. The Board of Selectmen recommends this article (2/3 ballot vote required).

MOVED: By Voter

SECONDED: By Voter

**AMENDMENT**

*Amendment motioned to adjust the requested amount from \$525,000 to \$479,000 with the following breakdown:*

- *\$375,000 issuance of bonds or notes in accordance with the provision of the Municipal Finance Act.*

- *\$104,000 withdrawn from the Municipal Building Capital Reserve Account.*
- *To further raise \$45,196.00 for the first year's payment on the bond.*

MOVED: By Voter

SECONDED: BY Voter

DISCUSSION:

*Selectman Roy Sabourn gave an overview of the proposed project. He opened this discussion with the clarification that a new roof, on the Municipal Building, was scheduled to be done during the coming year at a slated cost of \$23,000 with those funds to be taken from the Municipal Building Capital Reserve Account whether Article 3 passed or not.*

*Selectman Sabourn reviewed the bid process that came in well over the cost expected and gave an overview of the work completed on the Police Department (Phase I) and finances related to that project.*

*Selectman Sabourn outlined the needs identified that would be addressed with this proposed renovation and addition on the remainder of the Thornton Town Hall. (Phase II)*

*Included were:*

- *Current lack of sufficient meeting room space including election requirements.*
- *Additional office space based on confidentiality needs.*
- *Upgrades to meet requirements as an Emergency Shelter.*
- *ADA compliant bathrooms*
- *Replacement of the current septic system.*
- *Additional storage space.*

*Selectman Morton reviewed the challenges that were faced in completing the full building addition and renovation as proposed at the Town Meeting in March of 2013 and the process that was followed to complete the Police Department (Phase I) portion of the renovation with the funds that were available.*

Page 10 of 13

*He expressed his opposition to this portion (Phase II) of the project based on what he saw as not a necessary need at this time, because of further incurred budget operating costs, with added maintenance and operational expenses based on a larger facility in future operating budgets.*

*Each additional board member was asked to state their position on Article 3. Brad Benton, sees Roy's point that it won't get cheaper and Steve's point that it is not an immediate need at this time. He feels the people should decide, Roy Sabourn - yes, Steve Morton - no, Marianne Peabody - no, John Paul-Hilliard, I am in favor of the article and I am voting on the Article.*

*Additional public comment included:*

- *Concern that the Select Board was split on this proposal.*
- *Concern about lack of insulation in some of the exterior walls.*
- *Concern of correct heating and cooling of the building.*

**Article 3, as amended, to read:**

To see if the Town will vote to raise and appropriate the sum of **four hundred seventy-nine thousand dollars (\$479,000.00)** for the renovation and addition to the Thornton Town Hall, and to authorize the issuance of not more than **three hundred seventy-five thousand dollars (\$375,000)** of bonds or notes in accordance with the provision of the Municipal Finance Act (RSA Chapter 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest and thereon for this purpose and to withdraw **one hundred four thousand dollars (\$104,000.00)** from the Municipal Capital Reserve Account and further, to raise and appropriate an additional sum of **forty-five thousand one hundred ninety-six dollars (\$45,196.00)** for the first years payment on the bond. (2/3-ballot vote required).

*Polls were open from 11:23 AM to 12:23 PM for ballot voting.*

**ARTICLE 3, AS AMENDED, FAILED BY SECRET BALLOT**

**43 votes NO 20 votes YES**  
**(To pass 43 YES VOTES were needed.)**

**Article 4:** To see if the Town will vote to raise and appropriate the sum of **six thousand dollars (\$6,000)** to be added to the existing Road Paving, Construction and Repairs Capital Reserve Fund. The Board of Selectmen recommends this article. (Majority vote required).

MOVED: By Voter

SECONDED: By Voter

*He expressed his opposition to this portion (Phase II) of the project based on what he saw as not a necessary need at this time, because of further incurred budget operating costs, with added maintenance and operational expenses based on a larger facility in future operating budgets.*

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MOVED: By Voter

SECONDED: By Voter

**AMENDMENT**

- *Amendment was made to adjust the amount in Article 4 to \$51,196.*
- *The additional amount of \$45,196 comes from Article 3.*

MOVED: By Voter

SECONDED: By Voter

***Article 4, as amended, to read:***

To see if the Town will vote to raise and appropriate the sum of **fifty-one thousand one hundred ninety-six dollars (\$51,196)** to be added to the existing Road Paving, Construction and Repairs Capital Reserve Fund. The Board of Selectman recommends this article. (Majority vote required).

**ARTICLE 4, AS AMENDED, PASSED BY VOICE VOTE**

**Article 5:** To see if the Town will vote to raise and appropriate the sum of **one hundred fourteen thousand dollars (\$114,000)** to be added to the existing Fire Truck/Rescue Vehicle/Equipment and Major Maintenance Capital Reserve Fund. The Board of Selectmen recommends this article. (Majority vote required).

MOVED: By voter

SECONDED: By Voter

**MOTION PASSED BY VOICE VOTE WITH NO DISCUSSION**

**Article 6:** To see if the Town will vote to raise and appropriate the sum of **twenty-five thousand dollars (\$25,000)** to be added to the existing Police Cruiser and Cruiser Equipment Capital Reserve Fund. The Board of Selectmen recommends this article. (Majority vote required).

MOVED: By Voter

SECONDED: By Voter

**MOTION PASSED BY VOICE VOTE WITH NO DISCUSSION**

**Article 7:** To see if the Town will vote to raise and appropriate the sum of **fifty-eight thousand dollars (\$58,000)** to be added to the existing Assessing Capital Reserve Fund. The Board of Selectmen recommends this article. (Majority vote required).

MOVED: By Voter

SECONDED: By Voter

**MOTION PASSED BY VOICE VOTE WITH NO DISCUSSION**

**Article 8:** To see if the Town will vote to raise and appropriate the sum of **two million five hundred seven thousand four hundred twenty-eight dollars (\$2,507,428.00)** to support town operations for the 2014-year. Said sum does not include special or individual articles. (Majority vote required)

MOVED: By Voter

SECONDED: By Voter

**MOTION PASSED BY VOICE VOTE WITH NO DISCUSSION**

To transact any other business, which may legally come before this meeting.

*Brad Benton, Board Chair, asked for a moment of silence for Lester Bradley, New Hampshire State Representative.*

*Brad Benton, Board Chair, recognized Bob Gannet, Moderator, for the past 35 years of service by presenting him with a wooden gavel.*

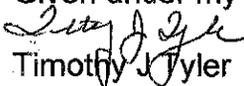
Motion to adjourn the meeting was made.

MOVED: By Voter

SECONDED: By Voter

**MOTION PASSED BY VOICE VOTE WITH NO DISCUSSION AT 12:38 PM.**

Given under my hand and seal this 15<sup>th</sup> day of March 2014



Timothy J. Tyler  
Town Clerk  
Town of Thornton, NH