



16 Merrill Access Road  
Thornton, NH 03285

## TOWN OF THORNTON ZONING BOARD

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### Notice of Decision

Meeting Date: September 22, 2022  
Application Date: August 26, 2022  
Map/Lot: Map 234 Lot 61  
Zone: General Residential  
Location: Apple Hill Lane and NH Route 49  
Owner(s): Charles and Kathryn Moore

At the Zoning Board meeting held on September 22, 2022, a Public Hearing was held to consider the request for an APPEAL OF ADMINISTRATIVE DECISION of the THORNTON BOARD OF SELECTMEN'S decision of August 24, 2022 denying the Moores' ZCA 2022-53, which decision directed the Moores to the ZBA and included an interpretation of "NH RSA 674:41, Erection of Buildings on Streets".

On September 22, 2022, the Zoning Board, after hearing from the Moores, abutters, and members of the public in attendance and via Zoom/teleconference, and having previously determined that the application was complete, GRANTED the Appeal by making the following motion:

**MOTION: "To grant the APPEAL OF ADMINISTRATIVE DECISION of the THORNTON BOARD OF SELECTMEN'S interpretation of "NH RSA 674:41, Erection of Buildings on Streets and authorize the issuance of a Zoning Compliance Permit."**

**Motion:** A. Rawson

**Second:** J. Marshall

**Roll Call Vote:** Jerry Sobolewski – yes, Alan Rawson – yes, Joan Marshall – yes

**Vote:** 3 – Yes, 0 – No, 0 – Abstained

**Motion Passes.**

As reflected in the minutes of the ZBA's meeting on September 22<sup>nd</sup>, the ZBA made the following findings in support of the above Motion:

1. The Property in question is located on a private right-of-way shown on a Subdivision Plan previously approved by the Town's Planning Board in 1979 and recorded at the Grafton County Registry of Deeds;
2. Other properties on said private right-of-way have been granted ZCA's or building permits in the past and structures have been built thereon;
3. The structure in question is a shed;
4. There are no Zoning Ordinance provisions that would prevent the shed from being constructed;
5. There are no Zoning Ordinance provisions that would prevent the Property from being serviced with electricity; and
6. The shed is not intended nor allowed to be used as a dwelling unit.



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As reflected in the minutes of the ZBA's meeting on September 22<sup>nd</sup>, the ZBA found the following conditions set forth by the Board of Selectmen to have been satisfied:

- 1. The Zoning Board shall review, comment, and vote to authorize the issuance of permits for the erection of buildings on said private road or portion thereof; and**

*The Zoning Board has reviewed, commented, and voted to authorize the issuance of a Zoning Compliance permit for the erection of buildings on said private road or portion thereof at a public hearing held on September 22, 2022.*

- 2. The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and**

*The Zoning Board finds that, pursuant to RSA 674:41, II, the issuance of the permit or erection of the building will not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based, and the erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality as the parcel is located on a subdivision that was approved by the Thornton Planning Board on November 15, 1979 recorded at the Grafton County Registry of Deeds as Plan #600.*

- 3. Prior to the issuance of a permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought.**

*An Agreement and Release Form has been completed, notarized, and returned to the Town for recording at the Grafton County Registry of Deed with applicable recording fees.*

For the Thornton Zoning Board,

Jerry Sobolewski, Vice-Chairman  
Thornton Zoning Board  
October 3, 2022

*Note: Any party to the action or any person directly affected has a right to appeal this decision, in a timely fashion as prescribed by the New Hampshire Revised Statutes Annotated, Chapter 677, available at the Thornton Town Office. This notice has been placed on file and made available for public inspection in the records of the Thornton Zoning Board of Adjustment. Copies of this Notice of Decision have been distributed to: The Applicant, Board of Selectmen, Town Clerk, and Planning Board. A copy of this Notice of Decision has been posted at the Thornton Town Office and on the Town of Thornton website.*