

THORNTON ZONING ORDINANCE



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Amended: March 08, 2022
Amended: March 14, 2023

THORNTON ZONING ORDINANCE

ARTICLE I: PREAMBLE AND PURPOSE

Pursuant to the authority conferred by Chapter 674:16, NH Revised Statutes Annotated, for the purpose of promoting the health, safety, and the general welfare of the Town of Thornton, the following ordinance is hereby enacted by the voters of the Town of Thornton, New Hampshire. This amended version supersedes all previous versions of Thornton's Zoning Ordinance and is effective as of March 14, 2023.

The purpose of this ordinance shall be:

- A. To lessen congestion in the streets;
- B. To secure safety from fires, panic and other dangers;
- C. To promote health and general welfare;
- D. To provide adequate light and air;
- E. To prevent the overcrowding of land;
- F. To avoid undue concentration of population;
- G. To facilitate the adequate provision of transportation, solid waste facilities, schools, parks, child daycare;
- H. To assure proper use of natural resources and other public requirements as set forth in RSA 674:17; and
- I. To protect property values.

ARTICLE II: DEFINITIONS

1. 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.

Accessory Dwelling Unit 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.

Building means any structure designed or intended for the support, enclosure, shelter or protection of persons, domestic animals, chattels or property. For purpose of determining exterior measurements or footprint in order to locate the setback line, building shall include all attached structures, such as open or closed porches, carports, garages, balconies, stairways and other similar structures. (Amended 3/13/2012)

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.

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.

Dwelling means any building used and intended for human habitation.

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

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.

Frontage means the distance along the lot line dividing a lot from either (a) a public Highway, excepting limited access highways as defined in RSA 230:44 and Class VI Highways; or (b) a road shown on and part of an approved and recorded subdivision plan.

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. Home Occupation* for additional information.

Municipality or Municipal means the Town of Thornton.

Planning Board means the members of the Town of Thornton Planning Board.

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.

Selectmen mean the Board of Selectmen of the Town of Thornton.

Setback means the horizontal distance in feet of any portion of a building or structure including but not limited to dwelling, barns, garages, sheds, porches, decks and playhouses to the lot line, right of way and shoreline. This applies to roof lines (eaves) and any other appendage. (Amended 3/13/2012)

Short-Term Residential Rental means any transient occupancy of a dwelling unit or any portion thereof under a written or unwritten lease, license or agreement for a term of thirty (30) days or less. (Amended 3/14/2020)

Small Wind Energy Systems means a wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronic, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption. (Amended 3/13/2012)

Special Events means a group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, or non-routine activity, within the community that will bring together a large number of people and requires additional planning and preparedness, and is in accordance with RSA Chapter 286 and the Town of Thornton Special Events Regulations to operate such activities. (Amended 03/09/2010)

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.

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

ARTICLE III: ESTABLISHMENT OF ZONING DISTRICTS

A. Zoning Map and Zoning District

The Thornton Zoning Map shows the location of the six zoning districts in the Town. For a written description of the boundaries, refer to B. District Boundaries.

B. District Boundaries

For the purpose of this ordinance, the Town of Thornton is divided into the following zones as shown on a zoning map to be filed with the Town Clerk and the Grafton County Registry of Deeds upon the adoption of this ordinance.

1. Rural Residence (RR) Zone

The Rural Residence Zone includes all land, roads and water areas, excluding the White Mountain National Forest, outside those areas defined as General Residence Zone, Commercial Zone, Industrial Zones, and Recreational Zone West.

2. General Residence (GR) Zone

Beginning at the center line of highway Route 175 within the Town of Thornton at the Thornton-Woodstock town boundary; thence southwesterly along the Thornton-Woodstock town boundary; to the center of the Pemigewasset River; thence southerly following the center of the river to the Thornton-Campton boundary; thence easterly along the Thornton-Campton boundary to the Thornton-Sandwich boundary; thence northerly along the Thornton-Sandwich boundary to the Thornton-Waterville Valley boundary; westerly and northerly along the Thornton-Waterville Valley boundary to a point one mile north of the upper Mad River Road and the existing Six Mile Bridge so-called; thence south-westerly to a point one mile due north of the Thornton-Campton boundary and one-half mile east of the center line of Highway Route 175; thence northerly parallel with and one-half mile east of the center of Route 175 to the Thornton-Woodstock boundary; thence south-westerly along the Thornton-Woodstock boundary to the point of beginning, and excluding that portion of land described as the Recreational Zone West. (Amended 3/12/13)

3. Recreational Zone West (RW)

Recreational Zone West shall include all land bounded by Route 175 on the east; land now or formerly of T.A.M.E. (Tax Parcel 16-1-4) and land now or formerly of Mountain River Development L.L.C. (Tax Parcel 16-1-2) on the north; by Pemigewasset River and Interstate Route 93 on the west; and by the Thornton/Campton Sanitary Landfill and Transfer Station. (Amended 03/12/05)
(Amended 3/12/13 Rec Zone East reverted to General Residence Zone)

4. Commercial (C) Zone

Beginning at the center line of Highway Route 3, within the Town of Thornton, at the Thornton-Woodstock boundary; thence northeasterly along the Thornton-Woodstock boundary to the center of the Pemigewasset River; thence southerly along the center of the river to the Thornton-Campton boundary then westerly and northwesterly to the Thornton-Ellsworth boundary; thence northerly along the Thornton-Ellsworth boundary; thence southerly and easterly along the Thornton-Woodstock boundary to the point of beginning.

5. Industrial Zones

1. Industrial Zone (I-1)

Beginning at the point where Route 3 and I-93 intersect; thence northeasterly following Route 3 to the Railroad; thence northerly along the Railroad to a point adjacent to the Peaked Hill Pond access road; thence westerly following said road to I-93; thence southerly along I-93 to the point of beginning.

2. Industrial Zone (I-2)

Beginning at the point where Merrill Access Road and I-93 intersect; thence easterly following Merrill Access Road and Cross Road to the Railroad; thence northerly along the Railroad to the point where it intersects the old town road by Hubbard Brook Depot Road; thence northwesterly along said road and Mirror Lake Road to the Thornton-Woodstock town line; thence southerly along the Thornton-Woodstock town line and I-93 from said line to the point of beginning. (Amended 3/11/03)

ARTICLE IV: TABLE OF USES

Table of Uses

P= Permitted - = Not permitted E= Allowed by Special Exception

USE	Zoning District					
	Rural Residence	General Residence	Recreation Zone West	Commercial	Industrial I	Industrial II
Aircraft Landing Strip	P	P	P	P	P	P
Animal Care & Grooming Facility	E	E	E	E	E	E
Art and Craft Studio	E	E	E	E	E	E
Auto Parking Facility	-	-	-	P	P	P
Auto Repair	-	-	-	P	P	P
Auto Sales	-	-	-	P	P	P
Auto Service Station	-	-	-	P	P	P
Barber/Beauty Salon	-	-	-	P	P	P
Boarding House	P	P	P	P	P	P
Business Office	E ₃	E ₃	P	P	P	P
Campground	P ₄	P ₄	P ₄	P ₄	P ₄	P ₄
Cemetery	P	P	P	P	P	P
Church	-	P	P	P	P	P
Clubhouse	E ₃	E ₃	P	P	P	P
Cluster Development	P	P	P	P	P	P
College	-	P	P	P	P	P
Commercial Excavation	-	-	-	P	P	P
Commercial Rec. Facility	E ₃	E ₃	P	P	P	P

Footnote Explanations:

1. Multi-family housing shall contain not more than 10 individual units per structure.
2. Not eligible for Cluster Development.
3. If recreational in nature.
4. Shall meet the Thornton Campground Regulations
5. Shall be State licensed, provide non-residential services, and serve no more than 16 individuals at any one time.
6. Uses are permitted except for those involving the manufacture or wholesale distribution of creosote, disinfectant, insecticide, poisons, cement, lime, gypsum, or plaster of Paris, blast furnace, gasoline, petroleum, kerosene, paint, varnish, shellac or other hazardous material. Storage or disposal of nuclear waste is prohibited.

Table of Uses

P= Permitted - = Not permitted E= Allowed by Special Exception

USE	Zoning District					
	Rural Residence	General Residence	Recreation Zone West	Commercial	Industrial I	Industrial II
Day Care Facility	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅
Distribution and Transportation	-	-	-	-	P ₆	P ₆
Drug Store	-	-	-	P	P	P
Dwelling, Multi-family	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁
Dwelling, Single family	P	P	P	P	P	P
Golf Course	P	P	P	P	P	P
Greenhouse	P	P	P	P	P	P
Grocery Store	-	-	-	P	P	P
Health and Fitness Center	E	E	E	E	E	E
Home Occupation	P	P	P	P	P	P
Hospital	-	P	P	P	P	P
Hotel	E ₃	E ₃	P	P	P	P
Lodges	E ₃	E ₃	P	P	P	P
Manufactured Housing (per RSA 674:31)	P ₂	P ₂	P ₂	P ₂	P ₂	P ₂
Manufacturing, Processing, Treatment	-	-	-	-	P ₆	P ₆
Meeting Room, Shop, Office with other approved bldgs.	E ₃	E ₃	P	P	P	P
Nursery	P	P	P	P	P	P

Footnote Explanations:

1. Multi-family housing shall contain not more than 10 individual units per structure.
2. Not eligible for Cluster Development.
3. If recreational in nature.
4. Shall meet the Thornton Campground Regulations
5. Shall be State licensed, provide non-residential services, and serve no more than 16 individuals at any one time.
6. Uses are permitted except for those involving the manufacture or wholesale distribution of creosote, disinfectant, insecticide, poisons, cement, lime, gypsum, or plaster of Paris, blast furnace, gasoline, petroleum, kerosene, paint, varnish, shellac or other hazardous material. Storage or disposal of nuclear waste is prohibited.

Table of Uses

P= Permitted - = Not permitted E= Allowed by Special Exception

USE	Zoning District					
	Rural Residence	General Residence	Recreation Zone West	Commercial	Industrial I	Industrial II
Personal Care Salons	E	E	E	E	E	E
Production and sale of locally produced crafts and goods	E	E	E	E	E	E
Research Laboratory	-	-	-	-	P	P
Restaurant	E ₃	E ₃	P	P	P	P
Retail Shop	E ₃	E ₃	P	P	P	P
Sanitarium	-	P	P	P	P	P
School non-profit	-	P	P	P	P	P
Short-Term Rentals	P	P	P	P	P	P
Small Wind Energy System	P	P	P	P	P	P
Special Event	P	P	P	P	P	P
Warehousing and storage	-	-	-	-	P ₆	P ₆

Footnote Explanations:

1. Multi-family housing shall contain not more than 10 individual units per structure.
2. Not eligible for Cluster Development.
3. If recreational in nature.
4. Shall meet the Thornton Campground Regulations
5. Shall be State licensed, provide non-residential services, and serve no more than 16 individuals at any one time.
6. Uses are permitted except for those involving the manufacture or wholesale distribution of creosote, disinfectant, insecticide, poisons, cement, lime, gypsum, or plaster of Paris, blast furnace, gasoline, petroleum, kerosene, paint, varnish, shellac or other hazardous material. Storage or disposal of nuclear waste is prohibited.
7. Subject to applicable Short-Term Rental Regulations as adopted and as amended. (Amended 3/10/2020)

ARTICLE V: PERMITTED USES IN VARIOUS ZONES

The following are uses, which are considered reasonable in the various zones for the Town of Thornton. They are in no way peculiar to zoning in general; rather, they represent a selection of those uses, which seem fit for small communities of generally rural character. Agriculture activities are permitted in all zones.

Regulated commercial excavation operations in accordance with RSA 155: E and Thornton Excavation Regulations are permitted in the Commercial and Industrial Zones. (Amended: 03/09/04)

The Planning Board shall have the authority to adopt regulations relative to Short-Term Residential Rental of dwellings. (Amended 3/10/2020)

A. Rural Residence Zone

In the Rural Residence Zone, land, buildings and structures may be used and buildings and structures may be erected or altered only for the following uses:

1. Single family dwellings or multi-family housing containing not more than ten apartment units, housing one family per unit.
2. Greenhouses and nurseries.
3. Home occupations as defined in *General Provisions: D. Home Occupation* of this Ordinance.
4. Roadside stands when accessory to the premises on which they stand and clearly incidental to the use of the premises for residential purposes.
5. Golf Courses.
6. Aircraft landing fields and landing strips.
7. Cemeteries.
8. Manufactured housing per RSA 674:31. Clustered development of manufactured housing is not permitted. (Amended 3/13/2012, 3/12/13)
9. Non-commercial uses accessory to the above uses.
10. Public Parks.
11. Renting of rooms and furnishing of board in; private, owner occupied, family dwellings, to resident guests on a long-term or short-term basis. (Amended 3/10/2020)
12. Cluster Development.
13. State Licensed Day Care Facilities serving non-residential persons less than 16 individuals shall be allowed in every zone. (Amended 3/13/01)
14. The Planning Board shall have the authority to adopt regulations and approve a campground so long as it meets all state requirements in the area in which it is proposed.
15. Small Wind Energy Systems. (Amended 3/10/09)
16. Special Events. (Amended 03/09/2010)

B. General Residence Zone

In a General Residence Zone, land, building and structures may be used and buildings and structures may be erected or altered only for the following uses:

1. Any use allowed in the Rural Residence Zone.
2. Churches, non-profit schools, colleges, including dormitories, hospitals and sanitariums.
3. Recreational buildings designed and proposed to be part of a residential subdivision development shall be individually considered for approval by the Planning Board. Such structures shall be approved if the Planning Board finds that they will be for convenience of the development's residents only.
4. Non-commercial uses accessory to the above uses.

C. Recreational Zone West

In the Recreational Zone West, the following applies:

1. Any use allowed in the Rural Residential Zone or General Residential Zone is allowed.
2. The Planning Board shall have the authority, pursuant to RSA 674:21, to adopt regulations and grant approvals in appropriate cases for the following uses:
 - a. Lodges
 - b. Clubhouses
 - c. Hotels
 - d. Restaurants
 - e. Recreational Buildings
 - f. Meeting rooms, shops and offices contained within approved buildings
 - g. Residential Developments

- h. Commercial indoor and 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.
- 3. The Board in granting permits for such uses shall give due consideration to
 - a. the recreational nature of the district;
 - b. the provision of adequate and appropriate facilities,
 - c. preservation of natural features and maximizing available open space;
 - d. the provision of suitable landscaping, buffers and parking;
 - e. preserving the aesthetic character of the property and surrounding area;
 - f. ensuring adequate access;
 - g. preventing overcrowding of the land; and
 - h. ensuring that the proposed use is compatible with surrounding uses.
- 4. The above facilities may be open to the public for a fee.

D. Commercial Zone

In the Commercial Zone, land, buildings and structures may be used and buildings and structures may be erected only for the following uses:

- 1. Any use allowed in the Rural Zone, General Residence Zone and Recreational Zone West.
- 2. Grocery and drug stores, outdoor theaters, meat and fruit markets, restaurants, automobile service stations, auto sales and repair shops, auto parking lots, barber and beauty shops, business and professional offices, hotels, motels, trailer parks, manufactured housing parks, RV parks and any retail business or other business which provides financial or personal services for the convenience of the general public. Off-street parking facilities must be provided.

E. Industrial Zones I & II

In an Industrial Zone, land, buildings, and structures may be used and buildings and structures may be erected only for the following:

- 1. Any use allowed in the Rural Zone, General Residence Zone, Commercial Zone and Recreational Zone West.
- 2. Manufacturing, processing, and treatment.
- 3. Warehousing and storage.
- 4. Distribution and transportation.
- 5. Research laboratories.
- 6. Retail facilities and services accessory to principal permitted uses.
- 7. Accessory buildings and uses.
- 8. The above uses are permitted, except for those involving the manufacture or wholesale distribution of creosote, disinfectant, insecticide, poisons, cement, lime, gypsum, plaster of Paris, blast furnace, gasoline, petroleum, kerosene, paint, varnish, or shellac. Storage or disposal of nuclear waste is prohibited.

ARTICLE VI: DIMENSIONAL REQUIREMENTS

In all zones building shall be constructed in accordance with most current International Building Codes.

(Amended: 03/11/03, 03/13/07, 03/11/08)

A. Conventional Development

1. Lot Size:

Single family and multiple family dwellings shall be required to have not less than one acre of land for each family unit or dwelling. The lot shall have not less than 100 feet of frontage on the highway or street.

Wetlands, floodplains and slopes over 35% shall not be used for minimum lot size calculations.

(Amended 3-17-12)

2. Location of Structures:

Any building or additions shall be setback at least 25 feet from any state, local or private highway/road right-of-way. A set back of 15 feet is required from any other boundary line, except that a 15-foot set-back is required from the edge of any public or private non highway or non-road right-of-way. (Amended 3/11/2008)

No less than 70 feet of open space shall be provided between multiple family dwellings or additions thereto and multiple family dwellings shall be set back at least 35 feet from any boundary line. Not less than 30 feet of open space shall be provided between single family homes. There shall be a minimum of a 10 ft. set back from the edge of a driveway to any boundary line. (Amended 3/11/2008)

3. Height of Structures:

In all zones, except as hereinafter provided, no building, structure, sign or billboard shall exceed the maximum height of 35 feet above adjacent average grade. An appurtenant structure attached to a building, but not used for human occupancy, such as a church spire, belfry, television antenna, chimney, or similar service feature shall not be subject to the height restriction of this ordinance.

4. Dwellings per Lot:

Unless otherwise allowed by this Ordinance, no more than one building used and intended for human habitation shall be erected, placed, or converted to use as such on a single parcel in any Zoning District. (Amended 03/08/2022)

B. Cluster Development

In general Cluster Development shall be considered only on parcels of land exceeding (5) acres, however, the Planning Board shall have the authority, pursuant to RSA 674:21 to adopt regulations and grant waivers in appropriate cases for Cluster Development. In general, the following apply: (Amended: 3/11/08)

1. Lot Size:

The basic requirements of one acre per dwelling remains and "qualifying" acreage must be contiguous, but not necessarily to each lot within the development. Lot sizes for individual building lots within a cluster development shall be generally less than 1 acre in size. The overall qualifying acreage shall average a minimum of 1 acre per dwelling with the open space or undeveloped land "dedicated" as such on the relative deeds and drawings. (Amended 3/11/2008) Wetlands, floodplains and slopes over 35% shall not be used for minimum lot size calculations. (Amended 3/13/2012)

2. Location of Structures:

Any building or additions shall be setback at least 25 feet from any state, local or private highway/road right-of-way. A set-back of 15 feet is required from any other boundary line, except that a 15-foot setback is required from the edge of any public or private non-highway or non-road right-of-way. (Amended 3/11/2008)

At least 50 feet of open space shall be provided between multiple family dwellings. Final road locations, driveway locations, dwelling location etc. will be reviewed by the Planning Board under the category of innovative land use per RSA 674:21. (Amended 03/11/2008)

3. Height of Structures:

In all zones, except as hereinafter provided, no building, structure, sign or billboard shall exceed the maximum height of 35 feet above the adjacent average grade. An appurtenant structure attached to a building, but not used for human occupancy, such as a church spire, belfry, television antenna, chimney, or similar service feature shall not be subject to the height restriction of this ordinance.

C. Recreational Zone West Development

Residential development permitted in the Recreational Zone West by Article V: C. is governed by the following:

1. Lot Size & Density:

The basic density of 1 acre per dwelling shall apply and the maximum number of dwellings, either single-family, multiple family or a mix shall be computed on that basis. Approved development may be planned and built in phases after subdivision review and approval for each phase to confirm adherence. Individual lot sizes within development projects and tracts may be smaller than 1 acre but overall density utilizing "dedicated" land shall remain at 1 acre per dwelling. The dedicated land may be part of a Golf Course or other recreational facility and/or owned by parties other than the developer but deeds and recorded documents shall demonstrate that the dedicated land is officially recorded as such and cannot be considered for future housing development in a manner inconsistent with the provisions of the approval(s) issued by the Planning Board under RSA 674:21.

All the land with the exception of the footprint of non-residential or commercial structures in the Recreational Zone West shall be included in calculations for allowable density in that zone, excepting only lots developed in conventional manner which have not been included and dedicated for density purposes under the innovative land use procedures.

2. Location of Structures:

Any building or additions shall be setback at least 25 feet from any state, local or private highway/road right-of-way. A set-back of 15 feet is required from any other boundary line, except that a 15-foot setback is required from the edge of any public or private non-highway or non-road right-of-way.

No less than 50 feet of open space shall be provided between multiple family dwellings. Final road locations, driveway locations, dwelling locations, relief from strict conformity from setback requirements etc. are subject to approval by the Planning Board under the category of innovative land use per RSA 674:21 during the site review process. (Amended: 03/11/08)

3. Height of Structures:

In all zones, except as hereinafter provided, no building, structure, sign or billboard shall exceed the maximum height of 35 feet above the adjacent average grade. An appurtenant structure attached to a building, but not used for human occupancy, such as a church spire, belfry, television antenna, chimney, or similar service feature shall not be subject to the height restriction of this ordinance.

4. Miscellaneous Provisions & Requirements:

Any golf course in the Recreational Zone West may be separately owned and, if not open to the public, at least 5% of daily starting times each mid-week day shall be available for Thornton Residents who shall be entitled to reserve time on a first come, first served basis, upon payment of regular fees and charges for such use.

The principal developer of any golf course shall be required to design and construct, at its expense, a suitable fire pond and dry hydrant system according to Thornton's Fire Pond and Hydrant Regulations.

D. Commercial & Industrial Zone Development

Commercial & Industrial development in these zones is exempt from specific the minimum lot size requirements but is subject to site plan review to ensure compliance with accepted standards involving safety, vehicular access & parking, setbacks, utilities easements, septic disposal etc. Housing development in these zones require one acre per dwelling or unit. The Planning Board shall have the authority to adopt regulations, which determine minimum lot sizes for proposed commercial and/or industrial development.

ARTICLE VII: TABLE OF DIMENSIONAL REQUIREMENTS

NS= Not Specified

Table of Dimensional Requirements

	Rural Residence	General Residence	Recreation Zone West	Commercial	Industrial I	Industrial II
CONVENTIONAL DEVELOPMENT						
Minimum Lot Size ₁	1 acre			NS ₄	NS ₄	NS ₄
Density Requirement	1 acre/dwelling unit			NS ₄	NS ₄	NS ₄
Frontage on highway or street	100 ft.	100 ft.	NS ₅	NS ₅	NS ₅	NS ₅
Setback from structure to:						
state, local, private highway/road, right of way	25 ft.	25 ft.	25 ft. ₆	NS ₅	NS ₅	NS ₅
other non-highway/non-road right of way	15 ft.	15 ft.	15 ft. ₆	NS ₅	NS ₅	NS ₅
other property boundary lines ₂	15 ft.	15 ft.	15 ft. ₆	NS ₅	NS ₅	NS ₅
Setback from driveway to property line	10 ft.	10 ft.	NS ₆	NS ₅	NS ₅	NS ₅
Minimum open space distance between single family dwellings	30 ft.	30 ft.	NS ₆	NS ₅	NS ₅	NS ₅
Minimum open space distance between multi-family dwellings	70 ft.	70 ft.	50 ft.	NS ₅	NS ₅	NS ₅
Maximum height of structures	35 ft. ₃	35 ft. ₃	35 ft. ₃	NS ₆	NS ₆	NS ₆
CLUSTER DEVELOPMENT						
Minimum Lot Size	5 or more acres					
Density Requirement ₁	1 acre/dwelling unit ₆			1 acre/dwelling unit ₅		
Frontage on highway or street	NS	NS	NS	NS ₅	NS ₅	NS ₅
Setback from structure to:						
state, local, private highway/road, right of way	25 ft.	25 ft.	25 ft.	NS ₅	NS ₅	NS ₅
other non-highway/non-road right of way	15 ft.	15 ft.	15 ft.	NS ₅	NS ₅	NS ₅
other property boundary lines	15 ft.	15 ft.	15 ft.	NS ₅	NS ₅	NS ₅
Setback from driveway to property line	10 ft.	10 ft.	NS	NS ₅	NS ₅	NS ₅
Minimum open space distance between single family dwelling structures	NS	NS	NS ₆	NS ₅	NS ₅	NS ₅
Minimum open space distance between multi-family dwellings	50 ft.	50 ft.	50 ft.	NS ₅	NS ₅	NS ₅
Maximum height of structures	35ft ₃	35ft ₃	35ft ₃	NS ₅	NS ₅	NS ₅

Footnote Explanations:

1. Land areas containing wetlands, floodplains, and slopes steeper than 35% shall not be used in determining minimum lot sizes.
2. Multi-family dwellings shall be set back 35 ft. from boundary lines.
3. As measured from adjacent average grade. Appurtenant structures attached to buildings, which are not used for human occupancy, such as a church spire, belfry, television antenna, chimney or similar service feature shall not be subject to the height restriction.
4. Residential development in Industrial Zone I & Industrial Zone II shall require one acre per dwelling unit. Commercial and Industrial Development subject to Site Plan Review to ensure compliance with accepted standards involving safety, vehicular access and parking, setbacks, utility easements, septic disposal, etc.
5. Commercial or Industrial uses are not specified and subject to Site Plan review. See Conventional Development or Cluster Development for Residential uses.
6. Innovative land use regulations per RSA 674:21 may allow for modifications to the requirements in determining final road locations, driveway locations, dwelling locations and strict conformity to setback requirements.

ARTICLE VIII: GENERAL PROVISIONS

A. Accessory Dwelling Unit (“ADU”)

I. Authority This section is enacted in accordance with the provisions of RSA 674:71-72.

II. Purpose

The purposes of the accessory dwelling unit ordinance are to:

- (a) Increase the supply of affordable housing without the need for more infrastructure or further land development, without significantly altering the rural character of the community.
- (b) Provide flexible housing options for residents and their families.
- (c) Integrate affordable housing into the community with minimal negative impact.
- (d) Provide elder citizens with the opportunity to retain their homes and age in place.

III. Definition

An “accessory dwelling unit” means a residential living unit that is within or attached to a single-family dwelling and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

IV. Applications Required

The Select Board is authorized to accept and consider applications to allow for an accessory dwelling unit in accordance with the restrictions and requirements of this section. In addition, a Zoning Compliance Application (ZCA) must also be filed whenever construction of an accessory dwelling unit is proposed.

V. Criteria for Approval

All of the following criteria must be met in order for the select board to approve the construction of an accessory dwelling unit:

- (a) A maximum of one (1) accessory dwelling unit may be permitted on property located in zoning districts that allow single-family dwellings and must be located within or attached to the principal single-family dwelling unit.
- (b) An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit. The accessory dwelling shall have an independent means of ingress and egress. If any entrances or exits must be added to accommodate an accessory dwelling unit, they shall be located to the side or rear of the building.
- (c) All municipal regulations applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to, lot and building dimensional requirements. Adequate off-street parking, based on the number of bedrooms in both Dwelling Units, shall be provided.
- (d) The applicant for an accessory dwelling unit shall demonstrate adequate provisions for water supply and sewage disposal for the accessory and primary dwelling units in accordance with **RSA 485-A:38**. Water and wastewater systems for the principal and accessory dwelling units may be combined or separate.
- (e) Either the principal dwelling unit or the accessory dwelling unit must be owner occupied. The owner must demonstrate that one of the units is their principal place of residence and legal domicile. Both the primary dwelling unit and the accessory dwelling unit must remain in common ownership.
- (f) Accessory dwelling units shall maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling.
- (g) An accessory dwelling unit shall have an area not more than 35% of the primary dwelling but may not exceed 750 square feet of living space.

- (h) An accessory dwelling unit shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size and density.
- (i) The accessory dwelling unit shall have no more than 2 bedrooms.
- (j) Detached accessory dwelling units are **not** permitted.

B. Conventional Development *(See Table of Dimensional Requirements)*

1. Lot Size:

Single family and multiple family dwellings shall be required to have not less than one acre of land for each family unit or dwelling. The lot shall have not less than 100 feet of frontage on the highway or street. Wetlands, floodplains and slopes over 35% shall not be used for minimum lot size calculations. (Amended 3-17-12)

2. Location of Structures:

Any building or additions shall be setback at least 25 feet from any state, local or private highway/road right-of-way. A set back of 15 feet is required from any other boundary line, except that a 15-foot setback is required from the edge of any public or private non highway or non road right-of-way. (Amended 3/11/2008)

No less than 70 feet of open space shall be provided between multiple family dwellings or additions thereto and multiple family dwellings shall be set back at least 35 feet from any boundary line. Not less than 30 feet of open space shall be provided between single family homes. There shall be a minimum of a 10 foot set back from the edge of a driveway to any boundary line. (Amended 3/11/2008)

3. Height of Structures:

In all zones, except as hereinafter provided, no building, structure, sign or billboard shall exceed the maximum height of 35 feet above adjacent average grade. An appurtenant structure attached to a building, but not used for human occupancy, such as a church spire, belfry, television antenna, chimney, or similar service feature shall not be subject to the height restriction of this ordinance.

C. Cluster Development *(See Table of Dimensional Requirements)*

Cluster development is intended to provide flexibility in arranging the layout of lots and buildings on the land so as to minimize the impact on natural features and to reduce potential cost to the Town. In addition, a cluster development provides for open space or common land for the benefit of residents of the development and the Town as a whole. Cluster Development shall be considered only on parcels of land exceeding (5) acres. However, the Planning Board shall have the authority, pursuant to RSA 674:21 to adopt regulations and grant waivers in appropriate cases for Cluster Development.

In general, the following apply: (Amended: 3/11/08)

1. Lot Size:

The total number of dwelling units of the lot cannot exceed those allowed on the Qualifying Acreage. Lot sizes for individual building lots within a cluster development maybe less than 1 acre in size. The overall Qualifying acreage shall average a minimum of 1 acre per dwelling with the open space or undeveloped land “dedicated” as such on the relative deeds and drawings.

2. Location of Structures:

Any building or additions shall be setback at least 25 feet from any state, local or private highway/road right-of-way. A set-back of 15 feet is required from any other boundary line, except that a 15-foot setback is required from the edge of any public or private non-highway or non-road right-of-way. (Amended 3/11/2008).

At least 50 feet of open space shall be provided between multiple family dwellings. Final road locations, driveway locations, dwelling location etc. will be reviewed by the Planning Board under the category of innovative land use per RSA 674:21. (Amended 03/11/2008)

3. Height of Structures:

In all zones, except as hereinafter provided, no building, structure, sign or billboard shall exceed the maximum height of 35 feet above the adjacent average grade. An appurtenant structure attached to a building, but not used for human occupancy, such as a church spire, belfry, television antenna, chimney, or similar service feature shall not be subject to the height restriction of this ordinance.

4. Use of Common Land:

Such common land shall be restricted to open space recreational uses such as parks, swimming pools, tennis courts, playgrounds, play fields, golf courses, nature trails, agricultural and forestry uses, passive recreation, conservation lands.

5. Protection of Common Land:

Open space, common areas, common facilities, private roadways, and other features within the open space development shall be protected by permanent covenants running with the land or a conservation easement and shall be conveyed by the property owners to a homeowner association, or, if mutually agreed upon, may be deeded to the Town.

The open space agreement shall provide for the following:

- a. The continued use of land for the intended purposes.
- b. Continuity of proper maintenance for those portions of the development requiring maintenance.
- c. The availability of funds required for such maintenance.
- d. Recovery for loss sustained as a result of casualty, condemnation, or otherwise.
- e. Membership and obligations of residents of the open space development are outlined in covenants adopted by the homeowners association, tenancy-in-common, or similar form of ownership and shall include lien provisions and shall be subject to approval by the Attorney General's Office. Such documents shall also be subject to review and approval by the Planning Board.
- f. The developer and/or owner shall also provide for adequate maintenance of such area set aside for travel, conservation, park, or recreation. Such developer and/or owner shall provide for the insertion in all deeds, in an approved form (which may be approved by the Planning Board with the advice of Town Counsel), any and all safeguards and conditions suitable to carry out the purposes of these regulations.
- g. Protective covenants required by this ordinance shall be enforceable by the Town of Thornton in accordance with New Hampshire RSA 674:21a.

6. Approval of Water and Septic System:

Community water and sewage disposal systems are not required. However, if they are used, they shall meet the appropriate standards of the NHDES and shall meet the following standards:

- a. **Water Supply:**
Water shall be provided with a minimum pressure of 40 pounds per square inch at all times, with a sustained yield of at least three gallons per minute per dwelling unit. Adequate water for fire suppression purposes shall be available. The source of water may be on or off site and the amount available shall meet the standards required by the Planning Board and the fire department.
- b. **Sewage Disposal:**
Plans must be prepared by a licensed professional engineer or licensed septic designer and have been approved by the N.H. Department of Environmental Services.

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:

- a. The use shall be subordinate to the principal residential use of the dwelling;
- b. The use shall be limited to and carried out entirely within the detached single-family dwelling or accessory structures;
- c. The use shall not utilize outdoor storage or display of materials or products;
- d. The use shall not change the residential character of the dwelling, the property on which the dwelling is situated, or the neighborhood in which the property is located;
- e. The use shall not become the source of undue nuisance to the neighbors by reason of hours of operation, noise, dust, glare, vibration, traffic or other disruptive influences;
- f. In addition to the residents, the use shall not employ more than two persons;
- g. The operator of the home occupation shall be a person who is in continuous residence in the dwelling within which the home occupation is conducted;
- h. Parking shall be provided, off-street.
- i. An auto repair facility is not considered a home occupation.

E. Nonconforming Uses and Structures

1. A non-conforming use exists when lot size, structure placement or construction and/or use does not comply with the current zoning ordinance. Nonconforming uses may continue indefinitely unless either abandoned or discontinued. (Amended 3/13/2012)
2. Non-conforming lots to be recognized must have been duly recorded in the Grafton County Registry of Deeds as of January 10, 1970. In order for new construction to take place upon a non-conforming lot that lot must have 50 ft. frontage and be capable of supporting a well and septic system, designed in accordance with State standards, without benefit of a waiver.
3. Non-conforming structures may be altered and/or expanded only so long as the changes do not increase the non-conformity.
4. When any non-conforming structure is more than 50 percent destroyed by fire or other casualty, and not rebuilt within one year from the date of such fire or casualty, the land and buildings shall thereafter be used in conformity with this ordinance.
5. Non-conforming use may be continued indefinitely so long as it was legally in existence at the date of adoption of this ordinance. However, one non-conforming use shall not be changed to another non-conforming use. If the non-conforming use has been discontinued for a period longer than one year it may not be re-established and any further use must comply with the requirements of this ordinance.

F. Junk Yards

No junkyards or place for the storage of discarded machinery, vehicles, or other scrap materials as defined in RSA 236:112 shall be permitted within the Town of Thornton.

G. Earth Excavation

The removal of topsoil from the town is prohibited except, that excess topsoil resulting from permitted site work may be removed with the approval of the Board of Selectmen. If the amount is to exceed 30 cubic yards a public hearing shall be required.

Regulated Commercial Excavations operations in accordance with RSA 155: E and the Thornton Excavation Regulations are permitted in the Commercial Zone and the Industrial Zones. No owner shall permit any excavation on his property without first obtaining a permit from the Planning Board in accordance with RSA 155: E and the Thornton Excavation Regulations.

H. Water and Sewer

The Town of Thornton does not maintain a municipal water or sewer system for the inhabitants and no obligation to establish one shall be imposed upon the Town by reason of development unless approved by the voters of the Town at an annual or special Town Meeting. Private wells or other private water systems shall be constructed and maintained in accordance with the requirements of drinking water standards of the United States Public Health Service. Private septic tank systems for sewage disposal systems shall be constructed and maintained in accordance with the requirements of the New Hampshire Water Supply and Pollution Commission.

I. Time Sharing

Timesharing or fractional ownership involves a commercial contract between the developer/seller and the buyer. It is incumbent of the developer/seller to provide the Planning Board with documents pertaining to owners association, restrictive covenants, owners co-operatives etc., to clearly demonstrate that the town can assess and collect property taxes in a normal manner; i.e. one tax bill per tax parcel

J. Signs

The Planning Board shall have authority to adopt regulations for the erection and maintenance of signs.

ARTICLE IX: BOARD OF ADJUSTMENT

The Zoning Board of Adjustment shall consist of five members appointed by the Board of Selectmen with a term of three years. Terms shall begin in March. The Board of Selectmen shall also appoint up to five alternates. Alternates shall serve in the absence of a regular member.

The Zoning Board of Adjustment shall have the following powers:

1. Administrative appeals:

Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.

In exercising these powers, the Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.

The concurring vote of three members of the Board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

2. Variances:

Authorize upon appeal in specific cases such variance from the terms of the zoning ordinance as provided for in RSA 674:33, I(b).

3. Special Exceptions:

Authorize special exceptions to the terms of the ordinance for uses specifically identified in the Table of Uses. The Board may grant such special exceptions in appropriate cases and subject to appropriate conditions so as to be in harmony with the general purpose and intent of the Zoning Ordinance.

In granting a special exception, the Board shall apply the following standards:

- a. No detriment to property values in the vicinity of the proposed development will result on account of the location or scale of buildings, structures, parking areas, or other access points; the emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or the unsightly outdoor storage of equipment, vehicles, or other materials.
- b. No hazard will be caused to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.
- c. No creation of a traffic safety hazard or substantial traffic congestion in the vicinity of the proposed Special Exception.
- d. No excessive demand on municipal services and facilities, including but not limited to waste disposal, police and fire protection, and schools.
- e. The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site which would result in the loss of significant habitat or flood control protection.
- f. Adequate and appropriate facilities will be provided for the intended use.

4. Waivers of Dimensional Requirements:

Authorize upon appeal in specific cases equitable waivers of dimensional requirements as provided for in RSA 674:33-a.

5. Variances for Persons with Disabilities:

The Zoning Board of Adjustment may grant a variance from the terms of the Zoning Ordinance pursuant to RSA 674:33, V, without finding a hardship arising from the condition of the property subject to the ordinance, when reasonable accommodations are necessary to allow a person with a recognized physical disability to reside in or regularly use the premises. In granting a variance pursuant to RSA 674:33, V, the Zoning Board may provide that the variance shall survive only so long as the particular person has a continuing need to use the premises.

ARTICLE X: ENFORCEMENT

It shall be the duty of the Selectmen and they are hereby empowered to administer and enforce the provisions of this ordinance.

ARTICLE XI: NOTICE OF INTENT TO BUILD

- A. The owner of any real estate who plans to construct a new building or an addition to an existing building, before commencing such construction must file a form prescribed by the Selectmen defining the nature of the proposed construction. (Amended 3/11/08) Septic system plans approved by New Hampshire Water Supply and Pollution Commission and Building Plans, as required, shall be submitted for all new construction.
- B. Nothing in this article shall be so construed as to authorize the Selectmen to forbid any construction for any reason other than violation of rule or law.
- C. Any person constructing any building without obtaining approval of a Zoning Compliance Application shall be subject to a fine of \$275.00 a day.
- D. If there is any question whether the setbacks as defined in this Zoning Ordinance will not be met, the owner is advised to verify that setbacks will be met by using the services of a licensed land surveyor. Failure to do so will waive the owner's right to claim hardship in requesting an area variance. Failure to meet the setback requirements could result in an order to remove any encroachment. (Amended 3/13/2012)

ARTICLE XII: VALIDITY

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudicated invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of these regulations shall be deemed valid and effective.

ARTICLE XIII: PENALTY

Any person, firm or corporation upon being found in violation of any of the provisions of this ordinance shall, be fined not more than \$275.00 for each day such violation may exist. Fines collected hereunder shall be paid to the use of the town.

ARTICLE XIV: ADOPTION DATE

This ordinance may be amended in the manner provided in New Hampshire Revised Statues Annotated, Chapter 675, as amended. Adoption of this ordinance is March 2000.

(The original zoning ordinance was adopted 1/10/70. The comprehensive revision was adopted 3/14/2000.)

ARTICLE XV: FLOOD PLAIN

Town of Thornton Floodplain Development Ordinance

Adopted March 13, 1990 New Hampshire Model Floodplain Development Ordinance for Communities with Special Flood Hazard areas meets the minimum requirements of Section 60.3 (B) of the National Insurance Flood Insurance Program Regulations.

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Thornton Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Thornton Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or their ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling. The following "Items" are taken from the New Hampshire Model Floodplain Development Ordinance. (Amended 2007)

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SECTION I: PURPOSE

Certain areas of the Town of Thornton New Hampshire are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of Thornton New Hampshire has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance.

This Ordinance establishes a permit system and review procedure for development activities in the designated flood hazard areas of the Town of Thornton New Hampshire.

SECTION II: ESTABLISHMENT

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Thornton Floodplain Management Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Thornton Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for Grafton County, NH" dated February 20, 2008 as amended, together with associated flood insurance rate maps dated February 20, 2008, or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

SECTION III: PERMITS

All proposed development in any special flood hazard area shall require a permit.

SECTION IV: CONSTRUCTION REQUIREMENTS

The compliance officer shall review all zoning compliance applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

- a. be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- b. be constructed with materials resistant to flood damage,
- c. be constructed by methods and practices that minimize flood damages,
- d. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION V: WATER AND SEWER SYSTEMS

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the compliance officer with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

SECTION VI: CERTIFICATION

For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the compliance officer:

1. The as-built elevation (in relation to Mean Sea Level) of the lowest floor (including basement) and include whether or not such structures contain a basement.

- a. if the structure has been flood proofed, the as-built elevation (in relation to Mean Sea Level) to which the structure was flood proofed.
- b. any certification of flood proofing.

The compliance officer shall maintain the aforementioned information for public inspection, and shall furnish such information upon request.

SECTION VII: OTHER PERMITS

The compliance officer shall not grant a zoning compliance application until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

SECTION VIII: WATERCOURSES

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the compliance officer, in addition to the copies required by the RSA 482-A: 3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the compliance officer, including notice of all scheduled hearings before the Wetlands Bureau.
2. The applicant shall submit to the compliance officer certification provided by a registered professional engineer assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. The compliance officer shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

"No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

SECTION IX: SPECIAL FLOOD HAZARD AREAS

In Zone A the compliance officer shall obtain, review, and reasonably utilize any Base Flood Elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site plan approvals). Where a Base Flood Elevation is not available or not known, the Base Flood Elevation shall be determined to be at least two (2) feet above the highest adjacent grade. (Amended 3/14/2023)

The compliance officer's Base Flood Elevation determination will be used as criteria for requiring in Zone A that:

1. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the Base Flood Elevation.
2. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the Base Flood Elevation; or together with attendant utility and sanitary facilities, shall:
 - a. be flood proofed so that below the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy;

- c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
3. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the Base Flood Elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 4. All recreational vehicles placed on sites within Zone A shall either:
 - a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use; or,
 - c. meet all standards of Section III of this ordinance and the elevation and anchoring requirements for "manufactured homes" in Section IX (2) (c) of this ordinance.
 5. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
 6. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
 - a. the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
 - b. the area is not a basement; and
 - c. shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two flood openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

SECTION X: VARIANCES AND APPEALS

1. Any order, requirement, decision or determination of the compliance officer made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I, the applicant shall have the burden of showing in addition to the usual variance standards under state law that:
 - a. the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
 - b. if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and
 - c. the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. The Zoning Board of Adjustment shall notify the applicant in writing that:
 - a. the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - b. such construction below the base flood level increases risks to life and property.
 - c. such notification shall be maintained with a record of all variance actions.

4. The community shall:
 - a. maintain a record of all variance actions, including their justification for their issuance; and
 - b. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

SECTION XI: DEFINITIONS

The following definitions shall apply only to this Floodplain Management Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Thornton.

"Area of Special Flood Hazard" is the land in the floodplain within the Town of Thornton subject to a one-percent or greater possibility of flooding in any given year. The area is designated as Zone(s) A, A0, AH, AI-30, AE on the FIRM.

"Base Flood" means the flood having a one-percent possibility of being equaled or exceeded in any given year.

"Base Flood Elevation" (BFE) means the elevation of surface water resulting from the base flood.

"Basement" means any area of a building having its floor subgrade on all sides.

"Building" - see "structure".

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operation or storage of equipment or materials.

"FEMA " means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters, or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special flood hazards have been designated as Zone A.

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study" (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

"Flood Opening" means an opening in a foundation of enclosure walls that allows automatic entry and exit of floodwaters. See FEMA "Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures."

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source.

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

"Floodway" - see "Regulatory Floodway".

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- a. by an approved state program as determined by the Secretary of the Interior, or
- b. directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

"New construction" means, for the purposes of determining insurance rates, structures for which the start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"100-year flood" - see "base flood"

"Recreational Vehicle" is defined as:

- built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- designed to be self-propelled or permanently towable by a light duty truck; and

- designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Special flood hazard area" - see "Area of Special Flood Hazard"

"Start of Construction" includes substantial improvements, and means the date the zoning compliance application was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

"Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under Section VI or Section IX(2)(b) of this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains.

SEVERABILITY SECTION

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

GREATER RESTRICTER SECTION

If any provision of this ordinance differs or appears in conflict with any other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

ENFORCEMENT SECTION

It shall be the duty of the Board of Selectmen (or their designee) to enforce and administer the provisions of this Ordinance in accordance with RSA 676.

Approved by:

Nancy Deitz
Planning Board Chairman

5.18.23
Date

Don McO'Dell
Planning Board Vice Chairman

5/25/23
Date

Arita C. Ross
Received by Town Clerk

5/25/2023
Date

Amended March 2014:

Changed Definitions:

Dwelling Family Home Occupation Variance Qualifying Acreage Structure

New Definitions:

Abutter Accessory Apartment Cluster Development Commercial Recreational Facility
Dwelling Unit Dwelling, Single-Family Dwelling, Two-Family Dwelling, Multi-Family

Revised/New Sections:

Article VIII: A. Accessory Apartments Article VIII: C. Cluster Development

Article VIII: D. Home Occupation Article IX: Board of Adjustment

No proposed amendment necessary to restate in table form the existing regulations of the 2013 Zoning Ordinance.

Added Table of Uses Added Table of Dimensional Requirements

Amended March 2015:

Added "4. Dwellings per Lot:" under ARTICLE VI: DIMENSIONAL REQUIREMENTS A. Conventional Development

Amended March 2019:

ARTICLE II: DEFINITIONS:

Change "Accessory Apartment" to "Accessory Dwelling Unit"

ARTICLE VIII: GENERAL PROVISIONS A. Accessory Apartment

Revise Article VIII (A) regarding Accessory Apartment to rename Accessory Apartment to Accessory Dwelling Unit ("ADU"), add statutory references, clarify the purposes of the provision, define ADU's and allow ADU's that are not only within a single-family home but also those that are attached to a single-family home, provided there is an interior door connecting the ADU and the single-family home.

ARTICLE XIV FLOOD PLAIN – SECTION IV: CONSTRUCTION REQUIREMENTS

Change "Building Permit" to "Zoning Compliance Application"

ARTICLE XIV FLOOD PLAIN – SECTION VII: OTHER PERMITS

Change "Building Permit" to "Zoning Compliance Application"

Amended March 2020:

ARTICLE II: DEFINITIONS

Added "Short-Term Residential Rental means any transient occupancy of a dwelling unit or any portion thereof under a written or unwritten lease, license or agreement for a term of thirty (30) days or less."

ARTICLE IV: TABLE OF USES

Added "Short Term Rentals" as Permitted (P) in all zones.

Footnote Explanations: ADDED "7. Subject to applicable Short-Term Rental Regulations as adopted and as amended."

ARTICLE V: PERMITTED USES IN VARIOUS ZONES

Added "The Planning Board shall have the authority to adopt regulations relative to Short-Term Residential Rental of dwellings. "

A. 11. REVISED to read: "Renting of rooms and furnishing of board in; private, owner occupied, family dwellings, to resident guests on a long-term or short-term basis."

ARTICLE XV: FLOOD PLAIN SECTION IX: SPECIAL FLOOD HAZARD AREAS

Added "Where a 100-year flood elevation is not available or not known, the 100-year flood elevation shall be determined to be at least two (2) feet above the highest adjacent grade."

Amended March 2022:

Changed ARTICLE VI: DIMENSIONAL REQUIREMENTS: 4. Dwellings per Lot to read: "Unless otherwise allowed by this Ordinance, no more than one building used and intended for human habitation shall be erected, placed, or converted to use as such on a single parcel in any Zoning District."

Amended March 2023:

ARTICLE XV: FLOOD PLAIN

Section II: Establishment

AMEND second paragraph to read: The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for Grafton County, NH" dated February 20, 2008 as amended, together with associated flood insurance rate maps dated February 20, 2008, or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

Section VI: Certification

AMEND Paragraph 1. to read: 1. The as-built elevation (in relation to Mean Sea Level) of the lowest floor (including basement) and include whether or not such structures contain a basement.

AMEND Paragraph 1.a. to read: a. If the structure has been flood-proofed, the as-built elevation (in relation to Mean Sea Level) to which the structure was flood-proofed.

Section IX. Special Flood Hazard Areas

DELETE all references to 100-year flood elevation and replace it with Base Flood Elevation.

AMEND Section IX. Special Flood Hazard Areas, Paragraph 6.c., third sentence, to read: A minimum of two flood openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

Section X: Variances and Appeals

AMEND Paragraph 2 to change the reference from RSA 674:33, I(b) to RSA 674:33, I.

Section XI: Definitions

ADD "Base Flood Elevation" (BFE) means the elevation of surface water resulting from the base flood.

ADD "Flood Opening" means an opening in a foundation of enclosure walls that allows automatic entry and exit of floodwaters.

See FEMA "Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures."

DELETE "Functionally Dependent Use".

DELETE the existing definition of "Substantial Improvement" and insert: "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

DELETE "Additional Sections Required"