



**Town of Troy  
Planning Board Meeting Minutes  
Wednesday December 4, 2024**

**Members Present:**

**Kyle Smith (Chairman), Henry Underwood (Vice Chairman), Jack Gettens (Secretary), Curtis Hopkins (Select Board Representative), Mike Leclerc, Matthew Meacham, Kim Cassidy (Alternate), Erin George (Alternate).**

**Planning Board Consultant:**

**Carol Ogilvie (Zoom)**

**Planning Board Clerk:**

**Elizabeth Watson**

**Public Present:**

**Herb Drugg, Ben Drugg, Courtney Davis, Lisa Bagster, Richard HKS Thackston**

**1 Call to Order**

2 Chairman Smith opened the public Hearing at 7:03 p.m.

3 Chairman Smith read the public hearing notice.

4 Notice is hereby given in accordance with RSA 675:7 that the Planning Board will hold a  
5 public hearing on proposed amendments to the Zoning Ordinance on Wednesday,  
6 December 4, 2024 at its regular meeting beginning at 7:00 P.M. at the Troy Town Hall, as  
7 follows:

8 Amendment #1: Amend Article XXI by deleting the following redundant definitions that  
9 are included in Definition #49, and renumbering Article XXI accordingly: #4 – Accessory  
10 Solar Energy System, #16 – Community Solar Energy System, and #17 – Commercial-  
11 Scale Solar Energy System.

12 Amendment #2: Amend the Town of Troy Floodplain Development Ordinance by  
13 updating several definitions and clarifying the permitting process, in order to be  
14 compliant with federal requirements.

15 The Board discussed the amendments. Amendment #1 is a technical correction to delete  
16 redundant definitions. Amendment #2 revises the ordinance to be compliant with updates to  
17 federal regulations and facilitates residents' ability to purchase flood insurance.

18 There were no public comments. Chairman Smith closed the public hearing at 7:17.

19 **MOTION** to approve proposed amendments #1 and #2 as presented for March voting by Mr.  
20 Underwood. **SECOND** by Mr. Meacham. Motion passed 6-0-0.

21 **New Business**

22 Ms. Bagster and Mr. Davis asked about home occupations and whether the Picket Fence  
23 Children’s Resale Clothing business meets the conditions for a home occupation. The Board  
24 discussed the Home Occupation zoning ordinance definition, Article XXI.30, noting that the  
25 definition indicates that sale of goods or services is considered a home occupation and that retail  
26 sales establishments are not considered home occupations. The Board discussed the apparent  
27 inconsistency in the definition and how to differentiate between the sale of goods or services and  
28 retail sales establishments. To resolve the inconsistency, The Board reviewed the conditions for  
29 Home Occupations as described in Article XII.B. Ms. Bagster presented information on her  
30 business relative to the specified conditions. The Board determined that her business, as  
31 presented, is consistent with the conditions specified for a Home Occupation.

32 **MOTION** by Mr. Gettens that Ms. Baxter’s clothing business, as presented by her and as  
33 interpreted by the Board, meets the conditions specified for a Home Occupation. **SECOND** by  
34 Mr. Leclerc. Motion passed 6-0-0.

35 The Board reviewed the draft December 4th Meeting Minutes.

36 **MOTION** to amend and approve the November 20th meeting minutes by inserting Keith Spano  
37 as a member of the public, by changing all instances of RSA 647 to RSA 674, and by inserting  
38 the following ‘Mr. Drugg commented via Zoom that the rent in the upper park is \$400 and the  
39 rent in the lower park is \$415. The state average is \$450.’ on line 63. **SECOND** by Mr. Leclerc.  
40 Motion Passed 6-0-0.

41 **Correspondence**

42 Mr. Underwood reviewed the letter received from the Southwest Regional Planning Commission  
43 (SWRPC). The SWRPC has been hosting meetings and inviting Planning Board members and  
44 staff to meetings to discuss issues that are of concern to them.

45 **Old Business**

46 The Planning Board reviewed the three draft Zoning Amendments prepared by Carol Ogilvie

47 Chairman Smith read the first amendment to Article XII.F, Solar Energy Systems

48 (1) Add the word “Authorization” following “F. Solar Energy Systems.”

49 (2) Amend 4. b. General Standards as follows:

50 b. Every facility shall have only one entry point from an approved Class V or  
51 better right-of-way, *unless prior approval for access has been granted by the*  
52 *Select Board.*

53 (3) Amend F.6. Waivers, as follows:

54 6. Waivers. Any portion of these regulations may be waived or modified when, in  
55 the opinion of the Board, ~~strict conformity would pose an unnecessary hardship to~~

56 ~~the applicant and such waiver~~ would not be contrary to the spirit and intent of  
57 these regulations. ***When deciding on a waiver, the Board shall take into***  
58 ***consideration whether such waiver(s) will substantially secure the objectives,***  
59 ***standards, and requirements of these regulations.***

60 ***The purpose of this amendment is to improve the process of reviewing solar system***  
61 ***applications and provide the Planning Board and applicants with clearer standards.***

62 The Board discussed the amendment. Ms. Ogilvie indicated that she is revising the F.6  
63 amendment to the following:

64 6. Waivers. The Board may waive or modify any part of these regulations or  
65 impose reasonable conditions if it believes that the specific circumstances of the  
66 proposal justify such action and that the waiver aligns with the spirit and intent of  
67 these regulations.

68 Mr. Gettens commented that the Solar Ordinance includes criteria for the waivers; however, it  
69 does not include specific criteria for decisions on the conditional use. Mr. Gettens indicated that  
70 the Rochester ordinance includes criteria for both waivers and conditional use. Mr. Gettens and  
71 Ms. Ogilvie will review the Rochester ordinance to assess if the approach may be applicable to  
72 the Troy ordinance.

73 Mr. Thackston commented on conditional use permits in comparison to special exceptions,  
74 described a variety of land use options that the Board could consider for the future, and  
75 suggested that the Board involve the Town in determining what people want.

76 Chairman Smith indicated that further discussion of the first amendment would be tabled until  
77 the next meeting.

78 The Board discussed the second amendment (see text below). Mr. Smith reported that he asked  
79 the Town Lawyer for an opinion on how the newly amended NH Manufactured Housing law,  
80 RSA 674:32 impacts Troy ordinances, and that he has not yet received the opinion.

81 The Board discussed RSA 674:32. It requires that municipalities ‘shall afford reasonable and  
82 realistic opportunities for siting of manufactured housing.’ Towns may meet the requirement by  
83 allowing manufactured housing on most land areas and lots in districts zoned to permit  
84 residential uses or in manufactured housing parks and in subdivisions created for the placement  
85 of manufactured housing on most land areas and lots in districts zoned to permit residential uses.  
86 Municipalities may also meet the requirement by allowing manufactured housing in all three  
87 types of locations. The law also requires that municipalities ‘shall allow reasonable and realistic  
88 opportunities for the expansion of manufactured housing parks existing as of July 1, 2024.’

89 The second amendment is the following:

90           **Amendment #\_\_**: Amend Section VI of the Manufactured Housing Ordinance

91           **Option 1** - Delete Paragraph B. in its entirety, that prohibits the expansion of legally  
92 existing manufactured housing parks.

93           ~~A. In addition, legally existing manufactured housing parks established prior to the~~  
94 ~~adoption of these regulations shall not be enlarged or expanded, nor shall the number of~~  
95 ~~manufactured homes located in any such park be increased.~~

96           **Option 2** – Allow expansion by Conditional Use Permit of the Planning Board, subject to  
97 demonstrated compliance with the most recent HUD standards for Manufactured  
98 Housing.

99           A. In addition, *enlargement or expansion, or any increase in the number of*  
100 *manufactured homes located in* legally existing manufactured housing parks established  
101 prior to the adoption of these regulations shall ~~not be enlarged or expanded, nor shall the~~  
102 ~~number of manufactured homes located in any such park be increased.~~ *shall be subject to*  
103 *a Conditional Use Permit from the Planning Board and demonstrate that the new*  
104 *homes meet the current HUD Federal Manufactured Home Construction and Safety*  
105 *Standards.*

106           *The purpose of this amendment is to comply with recent state legislation that requires*  
107 *“reasonable and realistic opportunities” for expansion of existing manufactured home*  
108 *parks. [Went into effect in July of 2024]*

109           Mr. Ben Drugg commented that the Master Plan included information on the number of parcels  
110 by zoning district and acres by zoning districts (Master Plan, page B-20) and that this  
111 information is relevant to the Board’s assessment of the RSA 674:32 requirement that  
112 manufactured housing be allowed in ‘most, but not necessary all, land areas and lots in districts  
113 zoned to permit residential uses with the municipality.’

114           The Board decided that Ms. Ogilvie would make the following changes to the second  
115 amendment: (a) include a provision for Manufactured Homes or subdivisions for manufactured  
116 housing in the rural district, (b) include a provision for manufactures housing on individual lots,  
117 (c) remove the conditional use option, and (d) require that all manufactured homes meet the  
118 current U.S. Department of Urban Development’s mobile home standards. These revisions will  
119 provide a set of options to Troy voters in March that if passed will bring the zoning ordinance  
120 into compliance with the requirements of RSA 674:32.

121           The Board discussed the third amendment. The amendment revises the Water Resources  
122 Protection District ordinance to add conditional use criteria for uses other than the construction  
123 of roads and forestry and tree farming. The amendment is the following:

124           Amendment to the Water Resources Protection District

125 **Amendment # \_\_**: Amend Section VI of the Water Resources Protection District as  
126 follows:

127 **B. Conditional Uses**

128 A Conditional Use Permit may be granted by the Planning Board, according to the  
129 procedure outlined in Section VIII below, for activities including but not limited to:

- 130 1) Construction of roads and other access ways not associated with agriculture,  
131 pipelines, powerlines, and other transmission lines.
- 132 2) Forestry and tree farming, including the construction of access roads for said  
133 purpose.
- 134 3) Other uses that are permitted in the underlying zoning district.
- 135 4) **All proposed uses are** subject to the following conditions:
  - 136 a) The proposed construction is essential to the productive use of land not  
137 within the Water Resources Protection District.
  - 138 b) Design, construction, and maintenance methods will be such as to  
139 minimize detrimental impact upon the wetland and will include restoration  
140 of the site as nearly as possible to its original grade and condition.
  - 141 c) No reasonable alternative exists which would avoid wetlands alteration  
142 or lessen the impacts.
  - 143 d) The design and construction of the proposed use will, to the extent  
144 possible, be consistent with the purpose and intent of this ordinance.
  - 145 e) The proposed use will not create a hazard to individual or public health,  
146 safety or welfare and will not diminish the wetlands values identified in  
147 this ordinance.

148 ***The purpose of this amendment is to provide additional guidance to the Planning***  
149 ***Board for applications that impact the Water Resources Protection District.***

150 Based on the Board’s discussion, Ms. Ogilvie will revise the third amendment to indicate that  
151 criteria a) through f) are applicable to construction of roads and forestry and tree farming, and  
152 that criteria b) through f) are applicable to other uses.

153 Planning Board will hold a public hearing on the three proposed amendments to the Zoning  
154 Ordinance, as revised, on Wednesday, December 18, 2024 at its regular meeting beginning at  
155 7:00 P.M. at the Troy Town Hall

156 **Next Meeting and Agenda: December 18, 2024**

157 **Adjournment**

158 Chairman Smith adjourned the meeting at 9:58 p.m.

Respectfully Submitted by  
Jack Gettens  
Planning Board Secretary