



**Meeting Minutes  
North Hampton Planning Board  
Tuesday, January 5, 2016 at 6:30pm  
Town Hall, 231 Atlantic Avenue**

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8 These minutes were prepared as a reasonable summary of the essential content of this meeting, not as  
9 a transcription.

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11 **Members present:** Tim Harned, Vice Chair; Dan Derby, Nancy Monaghan, and Josh Jeffrey; Jim  
12 Maggiore, Select Board Representative

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14 **Members absent:** Shep Kroner, Chair

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16 **Alternates present:** None

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18 **Others present:** Jennifer Rowden, RPC Circuit Rider, and Tami Gilmartin “acting as” Recording Secretary

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20 The meeting was called to order at 6:30 pm.

21  
22 Vice Chair Tim Harned announced that the Board would first be holding a public hearing for proposed  
23 zoning amendments and then would be holding its regular public hearing for applications. However, all  
24 cases slated for the January 5, 2016 agenda had requested continuances to the February 2, 2016 or  
25 March 2 meetings.

26  
27 Vice Chair Harned began the public hearing for zoning amendment changes with discussion regarding  
28 the proposed changed to the non-conforming use and lot definitions and changes to the non-  
29 conforming use. The proposal is as follows:

30  
31 (Secretary’s Note - Proposed language for language to be added is in **bold** and proposed language to be  
32 removed is ~~struck out~~.)

33 Article III, Section 302 – Definitions

34 **Non-Conforming Lot: A lot which was lawfully created, but which does not meet the minimum**  
35 **dimensional requirements for frontage and/or lot size within the zoning district in which the lot is**  
36 **located.**

37 *Non-Conforming Use: Non-conforming use is any use ~~or arrangement of structures or land~~ legally*  
38 *existing at the time of enactment of this ordinance or any of its amendments, which does not conform to*  
39 *the provisions of this ordinance.*

40 Article V, Section 501 – Non-Conforming Use

41 501.2 A non-conforming use may be continued but may not be extended ~~or expanded, or changed~~ unless  
42 to a conforming use, except as permitted by the Board of Adjustment in accordance with the provisions  
43 of this Ordinance.

44 501.5 Structures on a **non-conforming lot** ~~that is non-conforming because it does not meet the existing~~  
45 ~~dimensional requirements for frontage and/or lot size~~ can be expanded if the expansion meets current  
46 zoning.

47 Mr. Harned opened and closed the public hearing with no comments being offered from the public.

48

49 **Jim Maggiore moved and Josh Jeffrey seconded the motion to move the proposed changes regarding**  
50 **non-conforming uses as proposed to the March 2016 town vote.**

51 **The motion was approved 5-0-0.**

52 Mr. Harned then moved to the proposal to add definitions for commercial equestrian stables and  
53 equestrian stables, and amending the table of uses requiring a special exemption in the R-1 and R-2  
54 Districts. The proposal is as follows:

55 Article III, Section 302 – Definitions

56 **Commercial Equestrian Stable: Any equestrian stable where the onsite animals are housed in one or**  
57 **more buildings for the purpose other than personal and/or onsite agricultural use of where more than**  
58 **four (4) animals total on the property are boarded for a fee or other considerations.**

59 **Equestrian Stable: Structure(s) and/or ground(s) whose principle use or purpose is for, but not limited**  
60 **to, the housing, shelter, feeding, care or exercise of equine animals.**

61 Article III, Section 305 – Permitted Uses, Special Exception, and Non-Permitted Uses

<i>R-1 High Density District</i>	
<i>Permitted Uses</i>	<i>Special Exception</i>
	<i>Greenhouses</i>
	<i>Riding Stables</i>
	<b><i>Commercial Equestrian Stable</i></b>

62

<i>R-2 Medium Density District</i>	
<i>Permitted Uses</i>	<i>Special Exception</i>
	<i>Greenhouses</i>

	<i>Riding Stables</i>
	<b>Commercial Equestrian Stable</b>

63

64 Ms. Rowden commented that in the public posting of the proposed changes for the table of uses, the  
65 terms being added were listed as “Commercial Riding Stables”, but recommended the term be replaced  
66 with “Commercial Equestrian Stable” to be compatible with the definition being proposed.

67 Mr. Maggiore asked if the proposal would have impact on someone who had multiple horses,  
68 specifically more than four, which were kept for personal use would be considered a commercial  
69 equestrian stable. Ms. Rowden stated that they would not be considered commercial. However, there is  
70 still the restriction of twenty horses within the town zoning.

71 Mr. Harned opened and closed the public hearing with no comments being offered from the public.

72

73 **Jim Maggiore moved and Josh Jeffrey seconded the motion to move the proposed changes regarding**  
74 **non-conforming uses as proposed to the March 2016 town vote.**

75 **The motion was approved 5-0-0.**

76 Mr. Harned moved on to the third proposed zoning amendment regarding changes to the Agricultural  
77 Ordinance. The proposal is as follows:

78 Article V, Section 508 –

79 Article V, Section 508.3. F. Accessory Structure **for Agriculture**. “Accessory Structure **for Agriculture**”  
80 means a building or structure, detached from but located on the same lot, which is incidental and  
81 subordinate to the principal building.

82

83 Article, Section 508.5.B.2.b(4) – Conditional Use Permit Review The following process shall be used by  
84 the Planning Board in considering applications for Conditional Use Permits under ~~this paragraph~~ **the**  
85 **preceding paragraph (Section: 508.5.B.2.b.3):**

86 Article V, Section 508.5.B.2.b (4, a) Application. An application shall be submitted to the Planning Board.  
87 The application shall contain details of the type and extent of the Animal Husbandry Operations  
88 proposed for the property, including the quantity and type of animals and/or poultry, location of pens or  
89 shelters, location of manure storage and plan for manure disposal. A hand-drawn ~~not~~ **approximately**-to-  
90 scale rendering of proposed operations shall be acceptable for the application.

91 Article V, Section 508.5.C. Accessory Structures for Agriculture:

- 92 1. All structures erected to be used in the pursuit of agricultural activities and raising of animals  
93 and poultry shall be sited in the rear of the property.  
94 2. **A Conditional Use Permit is required to allow siting in an alternate location.**

- 95       **3. Conditional Use Permit Review. The following process shall be used by the Planning Board in**  
96       **considering applications for Conditional Use Permits under the previous paragraph (Section**  
97       **508.C.2):**  
98  
99       **a. An application shall be submitted to the Planning Board. The application shall contain**  
100       **details of the type and extent of the structure proposed for the property, including the**  
101       **proposed use of the structure. A hand-drawn approximately-to-scale rendering of the building**  
102       **shall be acceptable for the application.**  
103       **b. The Planning Board shall conduct a public hearing for which proper notice has been given to**  
104       **abutters and the public. Notice standards shall be the same as those that apply to Site Plan**  
105       **Review Applications.**  
106       **c. The Conditional Use Permit, if approved, shall not diminish the value of surrounding**  
107       **properties.**  
108       **d. The Conditional Use Permit, if approved, shall not unreasonably adversely affect the public**  
109       **interests, safety, health, or welfare.**  
110       **e. The Planning Board shall have authority to impose reasonable conditions of approval that**  
111       **the Board deems appropriate under the specific circumstances presented in the application**  
112       **process and shall provide a written notice of decision to the applicant within five (5) business**  
113       **days of the date of the decision.**  
114       **f. Fees. In order to encourage agricultural activities and reduce the financial burden on**  
115       **applicants, application fees for a conditional use permit for the Accessory Building Location**  
116       **shall be limited to the fee for certified, return-receipt-requested notifications to abutters in**  
117       **the Site Plan Review process.**  
118

119 Mr. Harned opened the public hearing.

120  
121 Dieter Ebert, 12 Cedar Road, offered comments regarding keeping the language in the ordinance that  
122 accessory agricultural structures must be sited at the rear of the property. He stated that it was unclear  
123 what was meant by the rear of the property.

124 Ms. Rowden stated that it was unclear in the ordinance as to what "rear" meant, but she interpreted it  
125 to mean the rear of the buildable area on the lot. The Board discussed the merits of having a more  
126 precise definition, but agreed that having it be vague allowed for having latitude on a case-by-case basis.  
127 If an accessory structure is not at the rear then the application is required to get a Conditional Use  
128 Permit anyway.

129 Mr. Ebert also raised concerns about whether a farm stand is considered an accessory agricultural  
130 structure that would need to be sited on the rear of the property. Mr. Harned explained that farm  
131 stands are governed by a separate part of the ordinance and it would not make sense to make them be  
132 sited at the rear of a property.

133 **Jim Maggiore moved and Dan Derby seconded the motion to move the proposed changes regarding**  
134 **non-conforming uses as proposed to the March 2016 town vote.**

135 **The motion was approved 5-0-0.**

136 Mr. Harned announced that was the end of the public hearing for proposed zoning amendments and  
137 that the Board would move into its regular public hearing for applications.

138  
139 **1. Case #15:13 – Applicant RE Davis Automobile Sales for property located at 172 Lafayette Road,**  
140 **North Hampton, NH, submits a Site Plan Review Application to expand the auto display area 8,000**  
141 **square feet with porous asphalt. The Applicant requests the following waiver from the Site Plan**  
142 **Review Regulations: X.C.2 – 100-year Stormwater System Design. Property owners: E. Dean Stevens**  
143 **& Cora A. Stevens 1994 Rev Trust; Property location: 172 Lafayette Road, North Hampton, NH; M/L**  
144 **017-084-001; Zoning District: I-B/R Industrial Business Residential. The Waiver request to X.C.2 and**  
145 **the Application is continued from the November 3, 2015 meeting.**  
146

147 Mr. Harned explained that the applicant has requested a continuance to the February 2, 2016 meeting.  
148 Ms. Rowden stated that this was the third request for continuance made by the applicant with no  
149 additional information being supplied since the original submittal. She recommended the Board  
150 consider denying the application for incompleteness. Mr. Harned agreed, but suggested allowing one  
151 more continuance but that the applicant be informed that the necessary information be supplied or the  
152 application would be denied.

153  
154 **Jim Maggiore moved and Nancy Monaghan seconded to have the Board contact the application to**  
155 **inform them that they must supply necessary additional information or the Board may move to deny**  
156 **the application at the February 2, 2016 meeting.**

157  
158 **The motion was approved 5-0-0.**

159 **2. Case # 15:14 – Applicants John Normand and Colleen Lawson, 75 South Road, North Hampton,**  
160 **NH, propose a Site Plan Review Application under Essential Services to install a solar array garden in**  
161 **the rear of their property. The applicants request the following waivers from the Site Plan Review**  
162 **Regulations: Property owners: John Normand and Colleen Lawson; property location: 75 South**  
163 **Road, North Hampton, NH; M/L: 008-109-000; Zoning District: R-1 High Density Residential District.**  
164 **The Board denied the Waiver Request to Section IV.E.2.a and voted to take jurisdiction of the plan on**  
165 **October 6, 2015. The Case is continued from the November 3, 2015 meeting.**  
166

167 Ms. Rowden explained that at the December 1, 2015 meeting the Board had granted the application a  
168 90 day extension in order to allow him time to gather information related to the landscaping and  
169 screening, receive the feedback from the Public Utility Commission that may impact the scope of the  
170 project, and to work on getting a plan submittal that would be recordable. She continued that the 90  
171 extension was intended to get him to the March meeting; it actually would only get him to the February  
172 meeting.

173  
174 **Jim Maggiore moved and Nancy Monaghan seconded to have the Board contact the application to**  
175 **inform them that they must supply necessary additional information for the February meeting or he**  
176 **may request an extension of a few days to be on the March 2, 2016 meeting agenda.**

177  
178 **The motion was approved 5-0-0.**

179

180 **3. Case #16-01 – Applicant Paul J. Marston, V.P. & Treasurer, Bercom, Inc., 38B South Road, North**  
181 **Hampton, NH for property located at 219 Lafayette Road, North Hampton, NH submits a Site Plan**  
182 **Review Application to demolish an existing vacant restaurant building and construct a 3-story self-**  
183 **storage facility with associated site improvements. The use will be for a self-storage facility.**  
184 **Property owner: Same as Applicant. Property Location: 219 Lafayette Road, North Hampton, NH**  
185 **03862; M/L 21/2. Zoning District: 1-B/R Industrial Business Residential.**

186  
187 Mr. Harned stated that the applicant had requested the case be moved to the February 2, 2016 agenda.  
188

189 Ms. Rowden stated that the Application Review Committee (ARC) met with the applicant in December  
190 and they will likely be changing the architectural aspects of the plan. The applicant has requested to  
191 meet with the ARC again in January.

192  
193 **4. Case #08:15 “Rocky Ledge” Conservation Subdivision – Conditional Approval. Applicant Richard**  
194 **Skowronski & Leila Hanna, 142 Mill Road, North Hampton, NH request an extension to the Conditional**  
195 **Approval granted on 1/6/15 for a one year extension to 3/5/16.**

196  
197 Mr. Harned stated that the applicant had requested the case be moved to the February 2, 2016 agenda.

198 **Josh Jeffrey moved and Jim Maggiore seconded to continue case 16:01 and Case 08:15 the application**  
199 **to the February 2, 2016 meeting.**

200  
201 **The motion was approved 5-0-0.**

202 Ms. Rowden brought up under other business that the Long Range Planning Committee would like to  
203 have members of the Board take a look at the draft community survey and to send it to one person to  
204 “test” the survey and provide feedback. Ms. Rowden will be sending an e-mail for Board members to  
205 forward with explanation as to the purpose of the survey and what feedback is being sought.

206  
207 **Nancy Monaghan made a motion and Jim Maggiore seconded to approve the December 15, 2015**  
208 **meeting minutes.**

209  
210 **The meeting was adjourned at 7:24pm without objection.**

211  
212 Respectfully submitted,  
213 Jennifer Rowden

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