



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, January 2, 2018 at 6:30pm**  
**Town Hall, 231 Atlantic Avenue**

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

**In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Dan Derby, and Jim Maggiore, Select Board Representative; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:35pm.

**I. Public Hearing**

Town of North Hampton, NH review of amendments to zoning ordinances for inclusion on the 2018 Town Warrant.

1. New Section Accessory Structures - Revisions intended to create a definition for accessory structures and establish permitting regulation for the construction of accessory structures within all zoning districts of the Town of North Hampton.

Mr. Harned presented a new definition for accessory structures and new zoning ordinance language intended to establish permitting regulation for the construction of accessory structures. Details of the proposed permitting process are as follows:

- a. Accessory structures less than 720 square feet are permitted by right.
- b. Accessory structures of a non-agricultural nature equal to or greater than 720 square feet in area require a special exception granted by the Zoning Board of Adjustment (ZBA).
- c. Accessory structures of an agricultural nature greater than 2,000 square feet in area require a special exception granted by the ZBA.

Mr. Harned also noted some minor language changes to Section 508 Agriculture to conform to the new accessory structure language.

Mr. Harned opened the public hearing at 6:43pm. Resident Dieter Ebert addressed the Board. Mr. Ebert stated that Board oversight of the construction of agricultural buildings is cumbersome to agricultural property owners. The size limits which trigger Board oversight in the current accessory structure zoning proposal are more restrictive than in previous zoning proposals. The conditional use permit and special exception processes are complex. The only recourse for a denial of an accessory structure application is to file a case with superior court. This process places a severe burden on a property owner.

Mr. Ebert further stated that the possible proliferation of large accessory structures in North Hampton is not a foreseeable problem. Creating a process to regulate a problem that does not exist or will probably not exist in the future is not necessary at this time. Mr. Ebert suggested that the Agricultural

Commission be consulted regarding the implications on agricultural interests created by the proposed zoning ordinance.

Mr. Harned closed the public hearing at 6:52pm.

Mr. Wilson stated that he disagrees with Mr. Ebert. The proposed process is not designed to deny accessory structure proposals. The goals of the proposed zoning ordinance are:

- a. to give the public and abutters the opportunity to present their insight regarding a particular proposal or site and
- b. create a process to modify features of applications that may be onerous to the public welfare.

Mr. Harned stated that the possibility of proposed larger accessory structures in the future exists. The purpose of the zoning ordinance is not to create obstacles for a property owner to build a larger accessory structure. The goal is to assess the impact of the proposed construction on the entire neighborhood and create an environment where everyone, property owners and abutters, are treated fairly.

At the request of the Chair, Mr. Milner explained that, based on a legal opinion presented to the Planning office, the Planning Board has the authority to require a conditional use permit or special exception process be used to allow the construction of a larger accessory structure.

Ms. Monaghan suggested the following:

- a. A final vote on the proposed accessory structure zoning ordinance be delayed to give the Agricultural Commission time to review the proposed ordinance.
- b. The special exception process proposed to allow the construction of a larger accessory structure be changed to a conditional use permit process to maintain consistency with the process used in the agriculture section of the zoning ordinance.

Mr. Harned suggested that "with accurate structure size and location measurements" be added after "approximate-to-scale rendering" in the new section Accessory Structures zoning ordinance language and the Agriculture section. The Board came to consensus without objection to add this language.

**Ms. Monaghan moved that the Planning Board change the special exception process proposed to allow the construction of a larger accessory structure to a conditional use permit process in the proposed Accessory Structures zoning ordinance language and schedule a second public hearing at the January 16, 2018 Planning Board meeting to consider the adoption of New Section - Accessory Structures zoning ordinance revisions language as edited at the January 2, 2018 Planning Board meeting for inclusion on the 2018 Town Warrant. Second by Mr. Wilson. The vote was unanimous in favor of the motion (5-0).**

A draft version of the proposed revisions as amended is attached as Appendix A to these minutes.

2. Town of North Hampton, NH: Section 513 Accessory Dwelling Unit - Revisions intended to comply with State of New Hampshire law and clarify how an accessory dwelling unit may conform to the dimensional requirements of the zoning ordinance.

Ms. Rowden presented the following proposed revision to Section 513 - Accessory Dwelling Unit of the zoning ordinance (changes in **BOLD** or ~~struck out~~): "513.1 Accessory Dwelling Units are allowed in all zoning districts, ~~and the property must conform to the dimensional requirements of a single-family lot~~ **where single-family dwellings are permitted.**"

Ms. Rowden stated that the proposed revision will enable the zoning ordinance to better conform to the state law and avoid confusion that the current language may create regarding the ability of an applicant to obtain a variance from dimensional requirements of the zoning ordinance.

Mr. Harned opened the public hearing at 7:11pm. No comments were made. Mr. Harned closed the public hearing at 7:12pm.

**Mr. Wilson moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance 513 Accessory Dwelling Unit appears on the 2018 Town Warrant as presented. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (5-0).**

## **II. New Business**

**1. Case #18:01 – Applicant, Ernest DelleDonne, 106 Lafayette Road, North Hampton, NH 03862.** The Applicant requests a change of use from the previous office space use to a residential use on commercial property allowed by variance granted by Zoning Board of Adjustment. Property Owner: 106 Lafayette Road, LLC, 106 Lafayette Road, North Hampton, NH 03862. Property Location: 104 Lafayette Road, North Hampton, NH 03862; M/L: 013-026-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:  
Ernest DelleDonne, applicant.

Mr. DelleDonne explained to the Board that the existing split level building on the property at 104 Lafayette Road which was formerly used for a barber shop on the first floor and an office on the second floor would now be used for a skin care salon by a licensed esthetician on the first floor and a residence for the salon business owner on the second floor. The salon business has been approved by the Planning Board and the residential use has been granted a variance by the Zoning Board of Adjustment (ZBA). Mr. DelleDonne is seeking Planning Board approval of the change of use from office space to residential space to finalize the Board permitting process.

Mr. DelleDonne presented layouts of the existing and proposed floor plans for the second floor of the building. The scope of work will include the addition of a kitchen, a shower/tub, and the opening of two walls to allow doorways from one room to another. There are no proposed changes to the site plan outside of the building.

Ms. Rowden asked for a clarification regarding which parking spaces would be used for the business and which for the residence.

Mr. DelleDonne responded that there were nine parking spaces available for the building. There was no designation for which spaces would be used for the business or the residence. There will be only one business client at a time on the site.

Ms. Monaghan asked if the building had ever been used as a residence in the past.

Mr. DelleDonne responded that the building has always been used for commercial purposes only.

Mr. Harned opened the public hearing at 7:22pm.

David Choate, real estate agent for the property, stated that he supports the application. Finding potential renters for commercial uses has been difficult. In his opinion, having someone living and working on the property would be beneficial for the Town and the property owner in that a level of security on the site would be maintained.

Ms. Rowden suggested that an affidavit be prepared and recorded at the County Registry indicating the change of use for the building formerly used as a barber shop and office to a skin care salon and residential use. The affidavit would be attached to the original 2004 site plan and would be pulled up along with the original site plan during search requests for the site plan.

Mr. Harned suggested that the ZBA conditions of approval be added to the affidavit.

**Mr. Wilson moved that the Planning Board approve the Change of Use application to change the former barbershop/office building at 104 Lafayette Road Road from the previous barber shop and office use to a licensed esthetician and residential use on commercial property allowed by variance granted by Zoning Board of Adjustment subject to the following conditions:**

**1. The property owner shall submit evidence of receipt of all required federal, state, and local permits in order for residents to safely and legally occupy the building.**

**2. An affidavit shall be attached to the approved site plan #D-32300 and recorded at the County Registry. The affidavit shall memorialize the action of the Planning Board and its conditions of approval.**

**3. The business and tenant detailed in the application is the only business/tenant to be allowed on the first floor of the mixed use building at this location. In the event that there is a change of business/tenant, the property owner is required to apply to the Zoning Board of Adjustment for relief from the provisions of the Town of North Hampton Zoning Ordinance.**

**Second by Mr. Derby.**

Discussion of the motion – Ms. Monaghan stated that she supports the creation of a new business in North Hampton. However, she cannot support the addition of a residential use in the building. In her opinion, the ordinance section which prohibits changing a business use to a residential use on a lot in the I-B/R zoning district is a cornerstone of the zoning ordinance. This type of variance could open up a large stream of similar applications.

**The vote was 4-0-1 in favor of the motion with Ms. Monaghan abstaining.**

### **III. Other Business**

#### **1. Minutes.**

Mr. Harned presented the minutes of the December 19, 2017 Planning Board meeting.

**Mr. Wilson moved that the Planning Board accept the minutes of the December 19, 2017 Planning Board meeting as written. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (5-0).**

188 The meeting was adjourned at 7:38pm without objection.

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190 Respectfully submitted,

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194 Rick Milner

195 Recording Secretary



**Accessory Structures – for 2018 Town Warrant.**

Draft – tjh4: 2-Jan-2018 for Public Hearing on 14-Jan-2018

New ordinance sections are in BLUE.

Changes to existing ordinances are in RED.

***Add the following to definitions:***

**Accessory Structure.** Any structure on a lot, that is detached from the principal structure on that lot and is incidental and subordinate to that principal structure. Any structure that does not share a common interior wall with the principal structure on that lot shall be considered an accessory structure.

***(Actual numbering of section below TBD)***

Section 408 Accessory Structures

408.1 Accessory Structures less than 720 square feet of floor space are permitted in all districts. These Accessory Structures shall meet all relevant zoning and planning requirements.

408.2 Conditional Use Permit Required. A Conditional Use Permit is required for any Residential Non Agriculture Accessory Structure with floor space equal to or greater than 720 square feet.

408.3 Conditional Use Permit Review. The following process shall be used by the Planning Board in considering applications for a Conditional Use Permit under this Section:

- (a) An application shall be submitted to the Planning Board. The application shall contain details of the type and extent of the structure proposed for the property, including the proposed use of the structure. A hand-drawn approximate-to-scale rendering with accurate structure size and location measurements of proposed structure and operations shall be acceptable for the application.
- (b) The Planning Board shall conduct a public hearing for which proper notice has been given to abutters and the public. Notice standards shall be the same as those that apply to Site Plan Review Applications.
- (c) The Conditional Use Permit, if approved, shall not diminish the value of surrounding properties.
- (d) The Conditional Use Permit, if approved, shall not unreasonable adversely affect the public interests, safety, health, or welfare.
- (e) The Planning Board shall have authority to impose reasonable conditions of approval that the Board deems appropriate under the specific circumstances presented in the application process and shall provide a written notice of decision to the applicant within five (5) business days of the date of the decision.

**508.3.**

**F. Accessory Structure for Agriculture:** “Accessory Structure for Agriculture” means a building or structure, **used solely for agriculture purposes**, detached from but located on the same lot, which is incidental and subordinate to the principal building. **For this definition, any portion of a structure used for agriculture connected to a non-agriculture principal structure shall be considered an Accessory Structure for Agriculture.**

**508.5**

**C. Accessory Structures for Agriculture**

**1.** All structures erected to be used in the pursuit of agricultural activities and raising of animals and poultry shall be sited in the rear of the property.

**2.** A Conditional Use Permit is required to allow:

- a.** Siting **an Accessory Structures for Agriculture** in an alternate location. \*3/8/2016
- b.** **Accessory Structures for Agriculture with a footprint great than 2000 square feet.**

**3.** Conditional Use Permit Review. The following process shall be used by the Planning Board in considering applications for Conditional Use Permits under the previous paragraph (Section 508.C.2):

**a.** An application shall be submitted to the Planning Board. The application shall contain details of the type and extent of the structure proposed for the property, including the proposed use of the structure. A hand-drawn approximately-to-scale rendering **with accurate structure size and location measurements** of the **Structure for Agriculture** shall be acceptable for the application.

**b.** The Planning Board shall conduct a public hearing for which proper notice has been given to abutters and the public. Notice standards shall be the same as those that apply to Site Plan Review Applications.

**c.** The Conditional Use Permit, if approved, shall not diminish the value of surrounding properties.

**d.** The Conditional Use Permit, if approved, shall not unreasonably adversely affect the public interests, safety, health, or welfare.

**e.** The Planning Board shall have authority to impose reasonable conditions of approval that the Board deems appropriate under the specific circumstances presented in the application process and shall provide a written notice of decision to the applicant within five (5) business days of the date of the decision.

**f.** Fees. In order to encourage agricultural activities and reduce the financial burden on applicants, application fees for a conditional use permit for the Accessory **Structure for Agriculture** location **or size** shall be limited to the fee for certified, return-receipt-requested notifications to abutters in the Site Plan Review process.