



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, August 7, 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, Wally Kilgore, and Jim Maggiore, Select Board Representative; Alternate Member Lauri Etela; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:35pm.  
Mr. Harned appointed Mr. Etela to stand in for Mr. Belluche.

**I. New Business**

- 1. Case #18:11 – Applicant, Richard Luff – Sagamore Golf, Inc., 101 North Road, North Hampton, NH 03862.** The Applicant requests a preliminary consultation regarding approval process for accessory structures and material placement on site. Property Owner: Sagamore Golf, Inc., 101 North Road, North Hampton, NH 03862. Property Location: 22 North Road, North Hampton, NH 03862; M/L: 017-108-000; Zoning District: I-B/R, Industrial-Business/Residential and R-1, High Density District.

In attendance for this application:

Richard Luff, applicant.

Mr. Luff addressed the Board. Mr. Luff stated that he sought permission from the Building Inspector to replace an existing shed which housed the electrical system for water pumping apparatus at the golf center and place a new shed for equipment storage by a golf organization which used the golf center facilities. The Building Inspector referred Mr. Luff to the Planning Board for any necessary Board approvals. As part of the Planning Board application process, the Planning Administrator suggested adding location of other items not on the approved site plan (a metal storage container, storage for loam and mulch piles, and dumpster) to the applicant's request. Mr. Luff asked the Board for guidance regarding the Planning Board approval process for placement of these items on the site.

Ms. Rowden stated that the existing shed was not on the original approved site plan. The placement of the requested items on the site is an enlargement of an existing non-residential use which requires the approval of an amended site plan by the Planning Board. However, the site plan regulations do give the Planning Board the ability to use its own discretion to decide what action needs to be taken.

Ms. Monaghan stated that the pond next to the indicated location for the new sheds is labelled as a wetland. The location of the sheds would be within the indicated wetland setback. Ms. Monaghan asked if there were other possible locations for the equipment storage shed.

Mr. Luff stated that the proposed location for the storage shed was the most convenient and aesthetically pleasing spot. Other locations may be available.

Ms. Rowden stated that the pond is not a wetland in her opinion. It is a man-made irrigation pond. She suggested that any amended site plan indicate the correct designation for the pond and the surrounding area.

The Board discussed procedures for site plan amendments as they related to the golf center site.

Mr. Wilson asked if the location for the dumpster and loam and mulch piles were temporary or permanent.

Mr. Luff stated that the locations for the dumpster and loam and mulch piles were more permanent in nature. Materials from the piles were used on the golf center grounds on a daily basis.

Mr. Harned stated that, in his non-binding opinion, that it was reasonable for the Board to consider an amended site plan with waiver requests as a means to permit the applicant's request.

Mr. Derby stated that any amended site plan would have to resolve the wetlands issue associated with the irrigation pond. A letter from a licensed wetlands scientist and appropriate notes on the amended site plan regarding the classification of the pond and the surrounding area should be included in any potential amended site plan application.

Mr. Luff expressed his disappointment that he would have to file another application and wait an extended period of time before he could complete a minor task such as placing a shed on the site.

Mr. Kilgore stated that he agreed with Mr. Luff that the process seems overly burdensome for such a small change in his opinion.

Mr. Wilson stated that the Board must remain consistent and fair in how it applies its regulations. No matter how minor a change may seem, the Board must follow its regulations which do not allow for a minor site plan change process.

Mr. Maggiore stated that the approved original site plan indicates a location for a proposed storage shed which has never been built. He suggested that the equipment storage shed be placed in that location as a way to be consistent with the original site plan and resolve one of the site plan issues before the Board.

Mr. Wilson suggested that an amended site plan may not be necessary. Per the site plan regulations, the Planning Board has the authority to require and approve an as-built plan as an addendum to an existing approved site plan. This may be a less burdensome way to achieve the purpose intended by the regulations of recording a change to the site. The applicant could place the sheds on the site and submit an as-built plan to the Board after the placement. He suggested that the as-built plan would indicate the following:

- a. location of new equipment storage shed where proposed storage shed is located on the approved site plan,
- b. location of new shed for electrical panels in same location as existing shed,

- 95 c. removal of wetlands indicators around irrigation pond shown on approved site plan,  
96 d. location of second pond not indicated on the site plan constructed near pond indicated on the  
97 approved site plan, and  
98 e. location of all structures on the site including, but not limited, to the metal storage container, storage  
99 area for loam and mulch piles, dumpster, and other sheds.

100  
101 Mr. Milner reminded the applicant that the opinions expressed during the meeting were non-binding.

102  
103 **II. Other Business**

104 **1. Review of proposed 2018-19 Zoning Ordinance amendments – Public Utility Buildings.**

105 Ms. Rowden presented proposed language changes previously discussed by the Board. Public utility  
106 buildings are allowed in the R-1 and R-2 residential zoning districts only by special exception granted by  
107 the Zoning Board of Adjustment (ZBA). Essential services, with the exception of buildings, are a  
108 permitted use in the R-1 and R-2 districts. Since buildings or structures associated with essential services  
109 may be considered public utility buildings, there may be a potential conflict with the process for  
110 authorizing public utility buildings in the R-1 and R-2 districts. The proposed revisions remove public  
111 utility buildings from the R-1 and R-2 permitted uses and special exceptions listings in the zoning  
112 ordinance. This would bring consistency to the process by requiring a variance be granted by the ZBA to  
113 authorize both public utility and essential services buildings in the R-1 and R-2 districts. Proposed  
114 language attached as Appendix A to these minutes.

115  
116 **Ms. Monaghan moved that the Planning Board schedule a public hearing at the September 18, 2018**  
117 **Planning Board meeting to consider the adoption of Section 405.3.2 revisions language regarding**  
118 **Public Utility Buildings for inclusion on the 2018 Town Warrant. Second by Mr. Wilson. The vote was**  
119 **unanimous in favor of the motion (7-0).**

120  
121 **2. Review of proposed 2018-19 Zoning Ordinance amendments – Outdoor Lighting.**

122 Ms. Monaghan presented proposed language changes to the Outdoor Lighting section of the zoning  
123 ordinance previously discussed by the Board. The proposed revisions included allowing non-conforming  
124 lighting uses through the issuance of a Conditional Use Permit issued by the Planning Board, rather than  
125 a variance granted by the Zoning Board of Adjustment. The proposed revisions also included updates to  
126 reflect changes in modern technology and national and international health and safety standards.  
127 Proposed language attached as Appendix B to these minutes.

128  
129 **Mr. Wilson moved that the Planning Board schedule a public hearing at the September 18, 2018**  
130 **Planning Board meeting to consider the adoption of Section 515 – Outdoor Lighting revisions language**  
131 **for inclusion on the 2018 Town Warrant. Second by Mr. Kilgore. The vote was unanimous in favor of**  
132 **the motion (7-0).**

133  
134 **3. Review of proposed 2018-19 Zoning Ordinance amendments – Wetlands Buildable Area.**

135 Mr. Harned presented proposed language changes to the Wetlands Conservation District section of the  
136 zoning ordinance previously discussed by the Board to clarify the meaning of buildable area as it relates  
137 to construction on properties within the Wetlands Conservation District. The proposed revisions  
138 included a definition for 'Buildable Area or Building Envelope.' Proposed language attached as Appendix  
139 C to these minutes.

**Ms. Monaghan moved that the Planning Board schedule a public hearing at the September 18, 2018 Planning Board meeting to consider the adoption of Section 515 – Outdoor Lighting revisions language for inclusion on the 2018 Town Warrant. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).**

4. Heritage Commission historic designation project report.

Ms. Monaghan reported that the Heritage Commission is in the early stages of seeking historic district designation for the two historic buildings at the town complex. This is an initial step in a process for North Hampton to achieve classification as a certified local government. The classification as a certified local government would allow North Hampton to apply for historic preservation funding from National Park Service and State of New Hampshire Historic Preservation Office sponsored sources.

Ms. Rowden suggested that any future historic zoning district approved by the Planning Board could be an overlay district such as the wetlands conservation and aquifer districts.

5. Minutes.

Mr. Harned presented the minutes of the July 17, 2018 Planning Board meeting.

**Mr. Wilson moved that the Planning Board accept the minutes of the July 17, 2018 Planning Board meeting as written. Second by Ms. Monaghan. The vote was 6-0-1 in favor of the motion with Mr. Derby abstaining.**

The meeting was adjourned at 8:00pm without objection.

Respectfully submitted,

Rick Milner  
Recording Secretary

## APPENDIX A

### 405.3.2 Permitted Uses and Special Exceptions

#### R-1 HIGH DENSITY DISTRICT

Permitted Uses	Special Exceptions
1. Agriculture	1. Cemeteries
2. Single-Family Dwellings	2. Home Occupations
3. Public and Parochial Schools	3. Non-Profit-Recreational Uses
4. Public Parks and Playgrounds	4. Nursery Schools
5. Places of Worship *5/11/2010	<del>5. Public Utility Buildings</del>
6. Essential Services	6. Water Recreation & Water Storage
7. Duplexes *3/10/1992	7. Municipal Buildings & Libraries
8. Manufactured Housing on Individually Owned Lots, as defined in Section 302.32 of the Zoning Ordinance *3/8/1994	8. Hospitals and Clinics for Humans or Animals
9. Accessory Dwelling Units *3/14/2017	9. Commercial Equestrian Stables *3/8/2016
	10. Private Clubs
	11. Family Day Care *3/13/1990

#### R-2 MEDIUM DENSITY DISTRICT

Permitted Uses	Special Exceptions
1. Agriculture	1. Cemeteries
2. Single-Family Dwellings	2. Home Occupations
3. Public and Parochial Schools	3. Non-Profit-Recreational Uses
4. Public Parks and Playgrounds	4. Nursery Schools
5. Places of Worship *5/11/2010	<del>5. Public Utility Buildings</del>
6. Essential Services	6. Water Recreation & Water Storage
7. Manufactured Housing on Individually Owned Lots, as defined in Section 302.28 of the Zoning Ordinance *3/8/1994	7. Municipal Buildings & Libraries
8. Accessory Dwelling Units *3/14/2017	8. Hospitals and Clinics for Humans or Animals
	9. Commercial Equestrian Stables *3/8/2016
	10. Private Clubs
	11. Family Day Care *3/13/1990

## APPENDIX B

### SECTION 515 OUTDOOR LIGHTING \*3/10/2009

#### Lighting Requirements

All ~~public and private~~ outdoor lighting installed in the Town of North Hampton, **except that which is installed by a government agency**, shall comply with the requirements specified below.

#### 515.1 Purpose

The intent of this ordinance is to maintain the rural character of the Town of North Hampton, in part by preserving the visibility of night-time skies, and to minimize the impact of artificial lighting on nocturnal wildlife. This ordinance recognizes the importance of lighting for safety and security while encouraging energy efficiency, and promotes good neighborly relations by preventing glare from outdoor lights from intruding on nearby properties or posing a hazard to pedestrians or drivers.

#### 515.2 Authority

**A.** This Article is an innovative land use control provision adopted under the authority of RSA 674:21, and is intended as an "Environmental characteristics zoning" provision as defined in RSA 674:21(I)(j).

**B.** The Planning Board may adopt regulations, in addition to or instead of existing Site Plan Review and Subdivision Regulations, needed to implement this Article, including but not limited to regulations that ensure that such lighting approved under this Article remains in compliance with applicable provisions of this Article.

#### 515.3 Definitions

**A. Direct Light:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**B. Fixture:** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

**C. Lamp:** The component of a luminaire that produces the actual light.

**D. Luminaire:** A complete lighting assembly that includes the fixture and its lamp or lamps.

**E. Flood or Spotlight:** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**F. Glare:** Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.

**G. Height of Luminaire:** The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

**H. IESNA:** Illuminating Engineering Society of North America.

**I. Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces.

**J. LED:** A light-emitting diode that uses solid-state technology to convert electricity into light.

**K. Light Trespass:** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**L. Lumen:** A unit of luminous flux. One foot candle is one lumen per square foot. For the purposes of this ordinance, the lumen-output values shall be the initial lumen output rating of a lamp.

**M. Outdoor Lighting:** The night-time illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

**N. Temporary Outdoor Lighting:** The specific illumination of an outside area or object by any manmade device located outdoors that produces light by any means for a period of less than seven days with at least 180 days passing before being used again.

#### **515.4 Outdoor Lighting Design**

**A.** Any luminaire emitting more than 1800 lumens (with 1,700 lumens being the typical output of a 100-watt incandescent bulb) shall be fully shielded so as to produce no light above a horizontal plane through the lowest direct light-emitting part of the luminaire. (Such fixtures usually are labeled Dark Sky Certified or Compliant.)

**B.** Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot lights with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$  where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed 20 feet.

**C.** Any luminaire with a lamp or lamps rated at 1800 lumens or less, and all flood or spot lights with a lamp or lamps rated at 900 lumens or less, may be used without restriction to light distribution or mounting height, except that, to prevent light trespass, if any flood or spot light is aimed, directed or focused so as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to pedestrians or persons operating motor vehicles on public ways, the luminaire shall be redirected, or its light output reduced or shielded, as necessary to eliminate such conditions. [Note: This exempts most residential front-door lights, but not so-called yard-blaster wide-area flood lighting.]

**D.** Any luminaire used to illuminate a public area such as a street or walkway shall utilize an energy efficient lamp ~~such as a low pressure sodium lamp, high pressure sodium lamp or metal halide lamp~~. Mercury vapor lamps shall not be used due to their inefficiency and high operating costs and toxic mercury content. New installation of mercury vapor lighting shall not be permitted after the effective date of this ordinance, and the public shall be encouraged to remove and safely dispose of existing mercury vapor bulbs as soon as practicable.

**E.** Luminaires used in public areas such as roadway lighting, parking lots and for exterior building illumination shall be designed to provide the minimum illumination recommended by the IESNA in the most current edition of the IESNA Lighting Handbook.

**F.** If LEDs are the source of illuminance, a Correlated Color Temperature of 3000 Kelvin (3000k) or less must be used.

**G.** To protect light-sensitive wildlife habitats such as ~~Pine-Barrens, wetlands, salt marshes and conservation land~~, artificial lighting in or on the periphery of areas identified as such by the NH Fish and Game Department shall be minimized and fully shielded to prevent any emission above a horizontal plane through the lowest light-emitting part of a luminaire.

**H.** ~~Whenever practicable, outdoor lighting installations shall include~~ The use of timers, dimmers, and/or motion-sensors to reduce overall energy consumption and eliminate unneeded lighting, particularly after

11 p.m., shall be encouraged.

**I.** Moving, fluttering, blinking, or flashing lights or signs shall not be permitted, except as temporary seasonal holiday decorations. Neon signs are not permitted. Signs may be illuminated only by continuous direct white light with illumination confined to the area of the sign and directed downward. This requirement for direct white light prohibits internally-lit signs, which are inherently impossible to shield.

**J.** Because of the requirement for direct white light and because of the requirement of a dark sky standard, internally-lit signs are prohibited because they cannot be shielded.

**K.** Luminaires mounted on a gas station canopy shall be recessed in the ceiling of the canopy so that the lens cover is recessed or mounted flush with the ceiling of the canopy and fully shielded. Luminaires shall not be mounted on the sides or top of the canopy, and the sides or fascia of the canopy shall not be illuminated.

### **515.5 Exemptions**

**A.** Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.

**B.** All temporary emergency lighting needed by the police, fire or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this ordinance.

**C.** All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this article, except that all such luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.

**D.** Luminaires used primarily for signal illumination may be mounted at any height required to ensure roadway safety, regardless of lumen rating.

**E.** Seasonal holiday lighting and illumination of the American and state flags shall be exempt from the requirements of this ordinance, providing that such lighting does not produce glare on roadways and neighboring residential properties.

**F.** Installations existing prior to the enactment of this ordinance are exempt from its requirements. However, any changes to an existing lighting system, fixture replacements, or any grandfathered lighting system that is moved, must meet these standards.

### **515.6 Temporary Lighting**

**A.** Any temporary outdoor lighting for construction or other purposes that conforms to the requirements of this article shall be allowed. Non-conforming temporary outdoor lighting may be permitted by the Planning Board after considering:

1. The public and/or private benefits that will result from the temporary lighting.
2. Any annoyance or safety problems that may result from the use of the temporary lighting.
3. The duration of the temporary non-conforming lighting.

### **515.7 — Public Area and Roadway Lighting**

~~**A.** Installation of any new public area or roadway lighting fixtures other than for traffic control shall be permitted only by decision of the Planning Board, following a duly noticed public hearing.~~

#### **515.7 Conditional Use Permit, Waivers and Appeals**

**A.** Any proposed outdoor lighting that does not fully comply with this ordinance shall require the issuance of a Conditional Use Permit by the Planning Board as authorized in RSA 674:21.

**1.** As part of the conditional use permitting process, applicants shall submit waiver requests for noncompliant outdoor lighting they believe are necessary to satisfy their needs.

**2.** No waiver shall be approved unless a majority of Planning Board members present and voting shall find that all of the following apply:

**a.** It will not be detrimental to the public safety, health or welfare or injurious to other property nor contrary to the public interest.

**b.** Approving the waiver will substantially secure the objectives, standards and requirements of this ordinance.

**c.** A particular and identifiable hardship exists with respect to the applicant's premises or property that indicates the waiver should be approved.

**3.** The Planning Board reserves the right to approve applications for waivers as presented or with conditions the Board deems necessary.

**B.** Any person aggrieved by a Planning Board decision on a Conditional Use Permit may appeal to the Superior Court as provided in RSA 677:15. These decisions cannot be appealed to the Zoning Board of Adjustment (RSA 676:5.III).

## APPENDIX C

### 1. Add to Section 302 Definitions –

**“XX. Buildable Area or Building Envelope:** That area of the contiguous uplands on a lot which is outside any setback or buffer area.”

### 2. Amend Section 302 Definitions as follows –

**“25. Isolated Non-bordering Wetlands:** Those areas of 3,000 square feet or less which satisfy the definition ~~above~~ of “Wetlands” but which are not within 100 feet of any other wetlands and do not abut a marsh, pond, bog, lake, river, natural intermittent or perennial stream. \*3/10/1992, 3/10/1998, 3/08/2005

### 3. Amend Section 409.6 as follows –

#### **409.6 Buffer Zone Requirements**

The Wetlands Conservation District also includes a buffer zone of upland area adjacent to the wetlands. The buffer zone requirement from Tidal Lands, Wetlands and Isolated, Non-Bordering Wetlands is 100 feet. Additionally, contained within the buffer zone is a 25-foot vegetative buffer located closest to the wetland boundary. For the purposes of this section 409.6, Isolated, Non-Bordering Wetlands shall not include a vegetated swale, roadside ditch, or other drainage way; a sedimentation/detention basin or an agricultural/irrigation pond. \*3/11/2003, 3/08/2005, 3/14/2017

#### **A. Vegetative Buffer Requirements \*3/14/2017**

1. Purpose: The purpose of the vegetative buffer requirement is to provide additional protection to the integrity and functionality of wetlands and surface waters for purposes such as water quality protection, wildlife habitat, and flood storage capacity.

2. Definition: A vegetative buffer is defined as an area of upland that is measured perpendicularly from the outermost boundary of Tidal Lands, Wetlands, and Isolated, Non-Bordering Wetlands (as defined in Section 302) and surface waters, retained in its natural state (no disturbance to land surface or vegetation) or replanted with native non-invasive vegetation.

3. The Vegetative Buffer is required for all undeveloped lots of record existing as of March 14, 2017 and for any lot created subsequently.

4. Owners of developed lots of record existing prior to March 14, 2017 are encouraged to maintain or establish Vegetative Buffers, but are not required to do so except as provided in 409.6.C.3.e.

#### **B. Undeveloped lots of record**

1. No structure or impermeable surface shall be permitted within 100 feet of Tidal Lands, Wetlands and Isolated, Non-Bordering Wetlands on any lot of record existing as of March 11, 2003 or on any lot created subsequently. \*3/11/2003, 3/08/2005, 3/14/2017

2. Undeveloped lots of record existing prior to March 11, 2003: If the imposition of 100 foot Tidal Lands, Wetlands and Isolated, Non-Bordering Wetlands buffer setbacks causes the ~~Buildable upland acreage Area (this is, land that is not in the Wetlands Conservation Areas)~~ to be less than 16,000 square feet, the prior wetlands buffer zone setback requirements of 50 feet for Wetlands and Isolated, Non-Bordering Wetlands and 75 feet for Tidal Wetlands shall apply. A 25-foot vegetative buffer is required. \*3/11/2003, 3/08/2005, 3/14/2107

**C. Developed lots of record**

1. No structure or impermeable surface shall be permitted within 100 feet of Tidal Lands or within 100 feet of Wetlands on any developed lot of record existing as of March 11, 2003 or on any lot created subsequently. \*3/08/2005

2. Developed residential lots of record existing prior to March 11, 2003: If the imposition of 100 foot Tidal Lands and/or inland wetland buffer setbacks causes the Buildable ~~upland-acreage Area (that is, land that is not in the buffer zone)~~ to be less than 16,000 square feet, the prior buffer zone setback requirements of 50 feet for Wetlands and Isolated, Non-Bordering Wetlands and 75 feet for Tidal Lands shall apply.

\*3/11/2003, 3/08/2005, 3/14/2017