



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, November 15, 2016 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, Josh Jeffrey and Jim Maggiore, Select Board Representative; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Vice Chair Monaghan called the meeting to order at 6:30 pm.

I. Public Hearing

Town of North Hampton, NH review of amendments to zoning ordinances for inclusion on the 2017 Town Warrant.

1. Town of North Hampton, NH: Section 302 Definitions - Definitions added for Dark Sky Standard, Grade Plane, and Height. Definitions revised for Home Occupation and Lot.
2. Town of North Hampton, NH: Section 507 Home Occupation - Revisions intended to clarify the purpose of the home occupation ordinance to ensure that home occupations are carried out in a manner which does not change the character of or is detrimental to the neighborhood.

Ms. Monaghan presented the proposed revisions to the Town of North Hampton Zoning Ordinance: Section 302 Definitions and Section 507 Home Occupation. Proposed revisions attached as Appendix A to these minutes.

Ms. Monaghan opened the public hearing at 6:31pm. No comments were made. Ms. Monaghan closed the public hearing at 6:32pm. Ms. Monaghan asked for comments from Board members.

Mr. Wilson suggested that creating a separate ballot question for each of the two sections of the zoning ordinance may be the best way to present the proposed revisions on the Town Warrant.

Mr. Harned suggested that it made more sense for the proposed revised definition for home occupation to be grouped with the proposed revisions for Section 507 Home Occupation.

Mr. Harned moved that the proposed amendments for Section 302 Definitions and Section 507 Home Occupation be presented as two separate items on the 2017 Town Warrant and the proposed revised definition for home occupation be included with the Section 507 Home Occupation warrant item. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (6-0).

Mr. Harned noted that the previous motion was a matter of procedure and did not approve the actual language contained within the proposed revisions. Ms. Monaghan asked for comments from Board members regarding the proposed language revisions contained within the proposed amendments.

Mr. Jeffrey and Mr. Wilson suggested grammatical corrections to the purpose statement in the revised language for Section 507 Home Occupation.

Mr. Harned asked for clarification regarding the meaning of the word 'concern' in the proposed definition revision for home occupation.

Mr. Derby explained that the word 'concern' was used as a way to describe a broader range of activities for home occupations which may not necessarily be accurately represented by the word 'business' contained within the revised definition.

Mr. Wilson stated that home occupations are commercial activities. He suggested that the words 'business or concern' be replaced by the phrase 'activity that is intended to produce income.'

Mr. Harned moved that the words 'business or concern' within the proposed revised definition for home occupation be replaced by the phrase 'activity that is intended to produce income.' Second by Mr. Wilson.

The vote for the motion was called, started, and not completed. Mr. Harned indicated that he was not done discussing the matter. The Board came to a consensus without objection to rescind the vote and continue discussion of the matter. The Board engaged in a discussion concerning:

- a. what type of activity is allowed within the home occupation classification
- b. commercial and non-commercial aspects of proposed home occupation uses.

Ms. Rowden suggested the following language be added as a second sentence to the proposed home occupation definition revision:
'Home occupation' does not include those business activities carried out fully within the dwelling unit by occupants of that dwelling.

Mr. Harned and Mr. Wilson withdrew the motion.

Mr. Harned moved that the proposed revised definition of 'Home Occupation' be presented on the 2017 Town Warrant as follows (Changes are in BOLD or Struck-out):

HOME OCCUPATION: ~~A An~~ **business or concern** ~~occupation~~ carried on in a dwelling unit which is clearly incidental and secondary to the use of the building for dwelling purposes, and which does not change the character thereof. **'Home occupation' does not include those business activities carried out fully within the dwelling unit by occupants of that dwelling.**

Second by Mr. Jeffrey. The vote was 5-1 in favor of the motion with Mr. Derby opposed.

Mr. Harned moved that the Planning Board schedule a second public hearing at the December 20, 2016 Planning Board meeting to consider the adoption of the Section 507 Home Occupation language revisions for inclusion on the 2017 Town Warrant as presented with the first paragraph amended as follows (Changes are in BOLD or Struck-out):

The purpose of this ordinance is to ensure that home occupations are carried out in a manner which does not change the character of and is not detrimental to the neighborhood. Any home occupation otherwise allowed as either a Permitted Use or Special Exception under the terms of this Ordinance shall be permitted as a special exception if it complies with ~~the~~ all requirements of this section.

Second by Mr. Wilson. The vote was unanimous in favor of the motion (6-0).

Mr. Harned moved that the Planning Board schedule a second public hearing at the December 20, 2016 Planning Board meeting to consider the adoption of the proposed revised definition of 'Home Occupation' as amended at the November 15, 2016 meeting for inclusion on the 2017 Town Warrant. Second by Mr. Wilson. The vote was unanimous in favor of the motion (6-0).

Mr. Wilson moved that the Planning Board place the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 302 Definitions on the 2017 Town Warrant as presented with the exception of the 'Home Occupation' definition. Second by Mr. Maggiore.

Discussion of the motion – Mr. Harned presented a copy of the actual International Building Code (IBC) definitions for 'Grade Plane' and 'Height, Building' indicated in the proposed definitions language revisions. Mr. Harned stated that portions of a building may exceed the 35 foot height restriction currently stated in the zoning ordinance by using average measurements for the ground level and highest roof surface.

The Board engaged in a discussion of how the IBC definitions for grade plane and building height could be applied to actual construction scenarios.

Mr. Wilson and Mr. Maggiore withdrew the motion.

Mr. Harned moved that the Planning Board schedule a second public hearing at the December 20, 2016 Planning Board meeting to consider the adoption of Section 302 Definitions revisions language for inclusion on the 2017 Town Warrant as follows:

- a. Dark Sky Standard – as presented
- b. Lot – as presented
- c. Grade Plane – remove reference to the IBC definitions and insert the actual IBC definitions language
- d. Height - remove reference to the IBC definitions; insert the actual IBC definitions language; and replace the word 'average' with the word 'maximum' within the IBC definition.

Second by Mr. Wilson. The vote was unanimous in favor of the motion (6-0).

II. New Business

1. Committee Updates

a. Long Range Planning (LRP) – No report.

b. Application Review Committee (ARC) – No report.

c. Rules and Regulations/Procedures – No report.

d. Economic Development Committee – Mr. Wilson provided a summary of a presentation given at the RPC Legislative Forum regarding economic challenges and strategies for communities similar to North Hampton. Mr. Wilson noted that one point made by the presentation was that historical data shows that commercial development does not necessarily lower the tax rate for residents of a community. A

community's economic goal should be to seek businesses that provide services to the residents, provide jobs, and reflect the character of the community.

e. Select Board – Mr. Maggiore informed the Board about the potential regional impact notice received by the Select Board and Planning Board. The notice provided details concerning a proposed 22 lot subdivision on South Road in Rye directly across from the end of Woodland Road at the North Hampton-Rye town line. Mr. Wilson stated that the RPC has received plans for the project. The RPC Regional Impact Committee will discuss the matter. Mr. Wilson suggested that the Planning Board send a representative to the regional impact meeting. Mr. Harned volunteered to attend the regional impact meeting.

f. RPC Circuit Rider – Ms. Rowden provided a summary of the discussion that occurred at the last hazard mitigation plan update meeting. The next meeting is scheduled for the second Thursday in January.

II. Other Business

1. Town of North Hampton, NH review of 2017 zoning ordinance amendment proposals.

a. Elderly Facilities – Mr. Jeffrey presented a proposed Adult and Senior Services or Facilities Ordinance for inclusion in the zoning ordinance. The proposed language provided definitions for three classifications of elderly facilities and conditional use permit regulations to follow for approval of an elderly facility use within the I-B/R zoning district. Proposed revisions attached as Appendix B to these minutes.

Ms. Rowden suggested that the definitions for the three classifications of elderly facilities be separated to stand on their own and not be grouped under one heading. She stated that senior day care facilities were similar in nature to group day care facilities which were allowed as a permitted use in the Industrial-Business/Residential (I-B/R) zoning district. She suggested that senior day care facilities be allowed as a permitted use in the I-B/R and not be required to follow the conditional use permit process.

Mr. Wilson suggested that the conditional use permit regulations outlined in the proposed language were similar to the Town's site plan requirements. He suggested that, since these types of facilities would be required to submit site plans and follow the site plan regulations, the uses could be allowed as permitted uses adequately regulated by the site plan review process. A conditional use permit process may not be necessary.

Ms. Rowden agreed with Mr. Wilson's comments and suggested that the elderly facility uses all be allowed as permitted uses within the I-B/R zoning district.

Mr. Harned moved that the Adult and Senior Facilities or Services proposed language revisions be amended as follows:

- a. All language shall be eliminated except for the three classifications of facilities definitions as presented**
- b. Eliminate conditional use permit requirement for Adult and Senior Facilities or Services**
- c. Add Adult and Senior Facilities or Services as a permitted use only within the I-B/R zoning district**

and also that the Planning Board schedule a public hearing at the December 20, 2016 Planning Board meeting to consider the adoption of the Adult and Senior Facilities or Services definitions and classification of these uses as permitted uses within the I-B/R zoning district as amended at the November 15, 2016 meeting for inclusion on the 2017 Town Warrant. Second by Mr. Wilson. The vote was unanimous in favor of the motion (6-0).

b. Solar arrays – Mr. Maggiore presented proposed amendments to the zoning ordinance as a way to address concerns regarding visual impact and proliferation of large solar arrays in residential neighborhoods. Proposed revisions attached as Appendix C to these minutes. The Board engaged in a discussion concerning the following matters:

- i. allowed size and height of a solar array structure
- ii. amount of screening required to mitigate the visual effect of the solar array on the residential character of the surrounding neighborhood
- iii. amount of power allowed to be produced by an individual solar array.

The Board came to a consensus without objection not to allow 'group net metering' in residential zoning districts. 'Group net metering' is a process where power generated in excess of the power needed for the site is sold to the power grid entity.

Mr. Wilson suggested the following guiding principles for a solar array zoning ordinance:

- i. solar array structures will be allowed in residential neighborhoods
- ii. solar array structures will be constructed in such a way that will not be offensive to neighbors
- iii. solar array structures should not be so large that the use of the structure becomes commercial in nature by generating power beyond the needs of the property and creating a source of income for the property owner.

The Board came to consensus without objection to propose the following regulations regarding solar array structures:

- i. limit the height of a solar array structure to 15 feet
- ii. a conditional use permit will be required for the construction of a ground mounted solar array.

The Board came to a consensus without objection to revise the solar array zoning ordinance document per the Board's recommendations at the November 15, 2016 meeting and present the revised document at the next work session.

Mr. Harned moved that the Planning Board will hold a work session meeting on November 29, 2016 for the purpose of discussing proposed amendments to the zoning ordinance concerning vegetative buffers and solar arrays. Second by Mr. Maggiore. The vote was 5-0-1 in favor of the motion with Mr. Wilson abstaining.

2. Town of North Hampton, NH review of 2017 Planning Board meeting schedule.

Ms. Monaghan presented the proposed 2017 Planning Board meeting schedule.

Mr. Harned moved that the Planning Board approve the 2017 Planning Board meeting schedule as presented. Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (6-0).

3. Minutes.

Ms. Monaghan presented the minutes of the November 1, 2016 Planning Board meeting.

Mr. Jeffrey moved that the Planning Board accept the minutes of the November 1, 2016 meeting as written. Second by Mr. Derby. The vote was unanimous in favor of the motion (6-0).

The meeting was adjourned at 10:17 pm without objection.

Respectfully submitted,

Rick Milner, Recording Secretary

SECTION 302 DEFINITIONS

a. New definitions – (Changes are in **BOLD** or ~~Struck-out~~)

DARK SKY STANDARD: The standard and/or best practice by which outdoor lighting is regulated to minimize the adverse effect of artificial outdoor light at night on the natural nighttime environment, while permitting reasonable uses of that light to enable safety utility, security, productivity, enjoyment and commerce. A standard includes but is not limited to provisions that reduce the impacts of glare, light trespass and sky glow.

GRADE PLANE: see International Building Code (IBC) definition - current edition

HEIGHT: see International Building Code (IBC) definition - current edition

b. Revised definitions – (Changes are in **BOLD** or ~~Struck-out~~)

HOME OCCUPATION: ~~A An business or concern occupation~~ carried on in a dwelling unit which is clearly incidental and secondary to the use of the building for dwelling purposes, and which does not change the character thereof.

~~LOT: A parcel of land intended for occupancy by a main building, together with its accessory buildings.~~ **A certain contiguous tract or parcel of land for which there is a deed recorded at the Rockingham County Registry of Deeds.**

SECTION 507 HOME OCCUPATION

(Changes are in **BOLD** or ~~Struck-out~~)

The purpose of this ordinance is ensure that home occupations are carried out in a manner which does not change the character of or detrimental to the neighborhood. Any home occupation otherwise allowed as either a Permitted Use or Special Exception under the terms of this Ordinance shall be permitted as a special exception if it complies with the requirements of this section. *3/9/1999, 3/8/2005

507.1 The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than two employees who are not part of the family residing in the dwelling. *3/08/2005

507.2 The home occupation shall be carried on wholly within the principal or accessory structures.

507.3 Exterior displays or signs other than those permitted under Section 506, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal or **accessory** structures shall not be permitted.

507.4 Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.

507.5 Articles not produced on the premises shall not be sold on the premises. *3/12/1968

507.6 The home occupation shall result in no detriment to property values in the vicinity or result in a change in the essential characteristics of any area or neighborhood on account of the location or scale of buildings, other structures, parking areas, access ways, or the storage **or operation** of **associated equipment or** vehicles. The home occupation shall not create a traffic safety hazard or result in a substantial increase in the level of traffic congestion in the vicinity. *3/08/2005

North Hampton NH – “Adult and Senior Services or Facilities” Ordinance Proposal - Draft:

Section 518 “Adult and Senior Services or Facilities”

518.1 Purpose: The purpose of this section is to define the process required to develop a lot as one or more of the three uses listed under Adult and Senior Facilities or Services defined in Section cf.302.41.

518.2: Conditional Use Permit Criteria and Requirements

518.2.a: An application to build a facility encompassing of “Adult and Senior Facilities or Services” requires approval of a conditional use permit by the planning board.

518.2.b: Criteria for approval of conditional use permit are:

518.2.b.1: A Site Plan review or Change of Use is required, as determined by the planning board

518.2.b.2: Proposals must adhere to dimensional requirements of the IBR district

518.2.b.3: The application shall not be detrimental to public health, welfare and safety

518.2.b.4: The proposed development shall be consistent with the character of the architectural standards.

518.2.b.5: The application shall not diminish neighboring property values

518.2.b.6: The requirements for parking shall be consistent with the applicable building code under Section 701 of the Zoning Ordinance.

518.2.b.7: The application must demonstrate that the soils are suitable for the proposed septic system and the applicant shall provide evidence of approval of the septic system design.

518.2.b.8: The proposed emergency services access design must be approved by the fire chief and chief of police.

518.2.b.9: The criteria listed above are minimum requirements; the Planning board can approve applications as presented or with conditions deemed necessary.

INDUSTRIAL-BUSINESS/RESIDENTIAL DISTRICT ("I-B/R")

Permitted Uses	Special Exceptions
1. Agriculture	1. Water Recreation & Storage
2. Motels	2. Municipal Buildings & Libraries
3. Eating & Drinking Establishments	3. Multiple-Family Dwelling *3/6/1973
4. Research and Testing Laboratories	4. Light Manufacturing *3/6/1973
5. Offices	5. Public & Private Recreational Facilities *3/6/1973
6. Hospitals and Clinics for Humans or Animals	6. Planned Unit Industrial & Business Projects
7. Public Utility Buildings *3/6/1973	7. Accessory Apartments *3/13/1990
8. Accredited Commercial Schools *3/9/1982	8. Family Day Care *3/13/1990
9. Essential Services *3/13/1990	9. Home Occupations
10. Retail Uses *3/6/1973	10. Motor-Vehicle Refueling Facilities *3/9/2004
11. Wholesale Uses *3/6/1973	11. Motor-Vehicle Service Facilities, including without limitation lubrication centers, repair shops, detail and washing facilities, body shops, and tire and battery shops *3/9/2004
12. Accessory Uses *3/6/1973	
13. Single Family Dwellings	
14. Group Day Care *3/13/1990	
15. Duplexes *3/10/1992	
16. Manufactured Housing on Individually Owned Lots, as defined in Section 302.28 of the Zoning Ordinance *3/8/1994	
17. Manufactured Housing Parks *3/13/1984	
18. Places of Worship *5/11/2010	

Conditional Use

1. Adult and Senior Facilities or Services

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SECTION 302 DEFINITIONS

*3/08/2005

41. Adult and Senior Facilities or Services:

a. ASSISTED LIVING FACILITY: A State licensed facility which combines apartment living (including studio apartments) with a variety of support services including meals, assistance with personal care, housekeeping, laundry, social and recreational programs, oversight of residents medication, 24 hour security, on-site staff to respond to emergencies. These facilities may also offer specialized care for persons with dementia or Alzheimer's Disease. See RSA 151-E:2.I.

b. NURSING FACILITY: A State licensed facility which is primarily engaged in providing 24-hour care for residents needing: (a) skilled nursing care, medical monitoring, and related services; (b) rehabilitation services for the rehabilitation of injured chronically disabled or sick; (c) medication administration or instruction and supervision; or (d) on a regular basis, health-related care and services (above the level of room and board) which can be made available to them only through facilities which provide 24 hour care. See RSA 151-E:2, V.

c. Senior (Elder) Day Care Facility or Senior (Elder) Day Care Center: non-residential facility that operates during day time hours which supports one or more of the following services including but not limited to: health, nutritional, part time living needs of adults 55 years of age and older; in professionally staffed group settings, and may also provide for the social needs for these adults.

Section 517 Demolition Review.....	87
Section 518 Adult and Senior Facilities or Services:.....	87

Re-number everything past #41:

41. Adult and Senior Facilities and Services -xxxxxxx

Article V – General Regulations
NEW: Section 518 - Solar Arrays

The Town of North Hampton encourages the development of Alternative Energy Systems as defined by RSA: 672:1 III-a and permitted per RSA 362-A:9. The purpose of this ordinance is to establish permitting regulation for the installation of solar panels and solar arrays within all zoning district of the Town of North Hampton.

Definitions:

ALTERNATIVE ENERGY SYSTEMS: Structures, equipment, devices or construction techniques for the production of heat or electricity or other forms of energy on-site and may be attached to or separate from the principal structure.

BUILDING-INTEGRATED PHOTOVOLTAIC SOLAR SYSTEMS: A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

FLUSH-MOUNTED SOLAR PANEL: Photovoltaic panels that are installed flush to the surface of a roof and which cannot be angled or raised.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is directly installed in the ground and is not attached or affixed to an existing building.

NET-METERING: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

GROUP NET-METERING: *Defined by NH RSA 362 – A: 9, XIV.* A customer-generator may elect to become a group host for the purpose of reducing or otherwise controlling the energy costs of a group of customers who are not customer-generators. The group of customers shall be default service customers of the same electric distribution utility as the host. The host shall provide a list of the group members to the commission and the electric distribution utility and shall certify that all members of the group have executed an agreement with the host regarding the utilization of kilowatt hours produced by the eligible facility

and that the total historic annual load of the group members together with the host exceeds the projected annual output of the host's facility. The commission shall verify that these group requirements have been met, shall review the executed agreements for compliance with this section, and shall register the group host. The commission shall establish the process for registering hosts, including periodic re-registration, and the process by which changes in membership are allowed and administered. Net metering tariffs under this section shall not be made available to a customer-generator group host until such host is registered by the commission.

PHOTOVOLTAIC SYSTEMS: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

ROOFTOP MOUNTED SOLAR PANEL: Solar panel(s) mounted on a roof as modules fixed to frames which can be tilted toward the south at an optimal angle.

SOLAR PANEL: A device for the direct conversion of solar energy into electricity.

518.1 Building Integrated Photovoltaic Solar systems are permitted in all zoning districts within the Town of North Hampton.

518.2 Rooftop Mounted Solar Panels are permitted in all zoning districts with the Town of North Hampton as long as the installation of Rooftop Panels does not result in building heights in excess of 35', as per Section 407 of these regulations.

518.3 Building Permits shall be required for the installation of Rooftop and Flush-Mounted Solar Panels as well as Building-Integrated Photovoltaic Systems.

518.4 Ground-Mounted Solar Systems are permitted as accessory structures in all zoning districts of the Town of North Hampton subject to the following conditions:

- A. The location of the Ground Mounted Solar System meets all applicable setback requirements for accessory structures in the zoning district in which it is located.
- B. The height of the solar collector and any mounts shall not exceed [20] feet when oriented at maximum tilt.
- C. The total surface area of all ground-mounted and freestanding solar collectors on the lot shall not exceed [500 square feet]*.
 - *The average home in New England uses approximately 1000 kWh of electricity per month. 1000 kWh / 30 days per month yields approximately 33 kWh per day. Each solar panel yields approximately 1kWh of energy. Each solar panel is approximately 5'x3' for a total of 15 square feet. 15 square feet x 33 solar panels is approximately 495 square feet required for installation.*
- D. Ground-Mounted Solar Systems shall be screened from the ground to at least to the maximum height of the panels through the use of architectural features or landscaping which will harmonize with the character of the property and surrounding area.

518.5 Group Net-Metering is permitted by conditional use permit only in all zoning districts.

518.6 Solar Storage

If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use and when no longer used shall be disposed of in accordance with the applicable laws and regulations.

518.6 Removal

If a solar collector ceases to perform its originally intended function for more than [12] consecutive months, the property owner shall remove the collector, mount and associated equipment after the end of the [12] month period.

SECTION 302 DEFINITIONS *3/08/2005

14. Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, but not including buildings, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare.

- a. Installation of all such services must be approved by the Planning Board, or its agent, in regards to scope, aesthetics, location, size and affect on general welfare. Approval may be conditioned upon the limiting of volume and/or units, which would affect the future welfare of the town, especially volume of natural resources, which are removed from the town by installation of essential services.
- b. No additional quantities of water in excess of the amount of water capable of being pumped presently, or scheduled to be pumped from wells installed within six months of the effective date of this amendment, shall be conveyed by any means or allowed to be piped for use outside of the Town of North Hampton except by annual permit issued by the Select Board after Planning Board review; provided however, that on a case by case basis, Selectmen may issue such permit for a period longer than one year, but not longer than twenty years, provided that the applicant shall prove to the Selectmen's reasonable satisfaction that in such case the water use will not exceed the maximum safe yield of the water source, that the water source will not be depleted and that no aquifer, wetland, or other environmental interest will be harmed. Any independent engineering consultants used to verify or confirm the applicant's proof and data will be paid by the applicant. *3/12/1991

c. Group net metering, as defined by Section 302.XX and RSA 362-A:9, XIV, shall not be considered an essential service under this definition.