



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, October 17, 2017 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: 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.

Vice Chair Monaghan 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. Town of North Hampton, NH: Section 415 Wireless Communications Facilities and Section 516 Small Wind Energy Systems. Revisions intended to clarify the performance security process to ensure the removal of abandoned cell or wind towers.

Ms. Monaghan presented the proposed revisions to the Town of North Hampton Zoning Ordinance Section 415 Wireless Communications Facilities and Section 516 Small Wind Energy Systems. Proposed revisions attached as Appendix A to these minutes.

Ms. Monaghan opened the public hearing at 6:40pm. No comments were made. Ms. Monaghan closed the public hearing at 6:41pm.

Mr. Wilson moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 415 Wireless Communications Facilities and Section 516 Small Wind Energy Systems appears on the 2018 Town Warrant as presented. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (4-0).

2. Town of North Hampton, NH: Section 409 Wetlands Conservation District. Revision intended to require the issuance of a Conditional Use Permit by the Planning Board to authorize any non-compliance with the ordinance.

Ms. Monaghan presented the proposed revisions to the Town of North Hampton Zoning Ordinance Section 409 Wetlands Conservation District. Proposed revisions attached as Appendix B to these minutes.

Ms. Rowden stated that the current wetlands ordinance language provided relief for non-compliance by the issuance of a Planning Board Conditional Use Permit in some areas. Other areas of non-compliance in the wetlands ordinance would require the granting of a variance by the Zoning Board of Adjustment

(ZBA). The intention of the proposed revision was to bring consistency to the ordinance language by requiring a Conditional Use Permit only to allow wetlands ordinance non-compliance issues.

Mr. Wilson noted that the proposed revision clarifies what he believes was the original intent when the wetlands ordinance was created.

Ms. Monaghan opened the public hearing at 6:44pm. No comments were made. Ms. Monaghan closed the public hearing at 6:45pm.

Mr. Wilson moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 409 Wetlands Conservation District appears on the 2018 Town Warrant as presented. Second by Mr. Derby. The vote was unanimous in favor of the motion (4-0).

3. Town of North Hampton, NH: Section 510 Dumping and Disposing of Garbage. Revision intended to bring the Town of North Hampton Zoning Ordinance into conformance with State of New Hampshire laws and State of New Hampshire Department of Environmental Services solid waste management rules.

Ms. Monaghan presented the proposed revisions to the Town of North Hampton Zoning Ordinance Section 510 Dumping and Disposing of Garbage. Proposed revisions attached as Appendix B to these minutes.

Ms. Monaghan opened the public hearing at 6:47pm. No comments were made. Ms. Monaghan closed the public hearing at 6:48pm.

Mr. Wilson moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 510 Dumping and Disposing of Garbage appears on the 2018 Town Warrant as presented. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (4-0).

II. New Business

1. Committee Updates.

a. Long Range Planning (LRP) – Mr. Derby reported that the committee members planned to review the current 2017 Town Survey and past surveys to compile information regarding commonalities and differences in the results obtained.

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

c. Rules and Regulations/Procedures – No report.

d. Capital Improvement Plan (CIP) Committee – Ms. Monaghan reported that the CIP Committee has finished its work for the year. The Committee's report has been presented to the Select Board.

e. Economic Development Committee (EDC) – Mr. Wilson reported that a representative from the UNH Survey Center gave a presentation to the EDC on how to create a process to develop a scientific survey to reliably determine what residents want with respect to economic development in North Hampton.

Ms. Monaghan asked the Planning Board to consider a proposal to commit Planning Board operating budget funds to cover the costs of a possible EDC scientific survey.

Mr. Maggiore explained the operating budget process and available funds within the entire Town of North Hampton operating budget.

Mr. Wilson stated that an EDC scientific survey would be beneficial to the Planning Board in its work to update the Town Master Plan. The survey could be used as background information for development of an economic development chapter in the Master Plan. Mr. Wilson is in favor of using funds in the Special Studies line of the Planning Board operating budget if no other funding source is available.

Mr. Derby stated that he is not comfortable with moving funds out of the Planning Board operating budget. He believes that more members should be present to make such a decision.

Mr. Maggiore stated that there may be funding sources, other than Planning Board line items, within the Town operating budget which may be used for the proposed survey costs.

The Board came to a consensus without objection that Mr. Maggiore may provide feedback to the Select Board that the Planning Board would like to retain Planning Board operating budget funds. However, if no other funding option was available, use of Planning Board Special Studies operating budget line item funds for EDC scientific survey expenses is acceptable.

f. Select Board – Mr. Maggiore explained the hiring process for the open Town Administrator position. Mr. Maggiore stated that the Select Board has invited the Planning Board to place a member on the oral interview board for Town Administrator candidates.

Ms. Monaghan suggested that Planning Board Chair Tim Harned would be a good candidate for the oral interview board position. Mr. Wilson agreed with Ms. Monaghan.

Mr. Wilson moved that the Planning Board appoint Chair Tim Harned to be a member of the oral interview board which meets with Town Administrator candidates. Second by Mr. Derby. The vote was unanimous in favor of the motion (4-0).

g. RPC Circuit Rider – Ms. Rowden reported that a draft of the Hazard Mitigation Plan has been sent to State of NH Homeland Security for review. The plan will be presented to the Select Board in November.

III. Other Business

1. Review of proposed 2018 zoning ordinance amendments - Temporary Structures.

Mr. Milner presented proposed revisions to Section 505 - Temporary Structures of the zoning ordinance.

Mr. Derby asked what prompted the introduction of the original zoning ordinance language regarding classification of vehicles which are used in a manner other than the purpose for which they are customarily intended as temporary structures.

Mr. Wilson stated that the proliferation of the use of large trailers/trucks as signage or storage on properties was a factor in the introduction of the original zoning ordinance language.

Mr. Derby suggested that these unwanted uses should somehow be detailed in the revised zoning ordinance language.

Mr. Wilson suggested revised language for Section 505.2.D in the proposed zoning ordinance amendment to clarify the intent of the language.

Mr. Maggiore asked for clarification regarding how many temporary structure permits per year would be allowed for each property. The proposed language seems to allow more than the intended limit of three permits per year.

Mr. Wilson suggested revised language to clarify the number of temporary structure permits allowed for each property per year. Proposed revisions to Section 505 - Temporary Structures as amended attached as Appendix C to these minutes.

Mr. Wilson moved that the Planning Board schedule a public hearing at the November 21, 2017 Planning Board meeting to consider the adoption of Section 505 - Temporary Structures revisions language for inclusion on the 2018 Town Warrant. Second by Mr. Derby. The vote was unanimous in favor of the motion (4-0).

2. Review of proposed 2018 zoning ordinance amendments – Lot Coverage.

Ms. Rowden presented information regarding lot coverage to give the Board a framework from which to begin a discussion regarding the possible adoption of lot coverage requirements within the zoning ordinance. Ms. Rowden noted that there is currently no language concerning lot coverage in the zoning ordinance. Lot coverage requirements would provide parameters for allowable intensity of development upon a lot.

Ms. Rowden stated that approximately 15.3% of land in North Hampton is currently covered with impervious surface. Impervious surface is an area where rain, stormwater run-off, and/or snow melt cannot penetrate into the ground. Ms. Rowden presented a map which indicated the percentage of impervious surface for each lot in North Hampton.

Ms. Rowden provided additional data regarding how surrounding towns calculate percentage of impervious surface within commercial and residential zones and actual allowable impervious surface percentage figures. The chart presented to the Board indicated a maximum of 30% impervious surface for residential areas in surrounding towns. Commercial properties in surrounding towns averaged 50-70% impervious surface.

The Board discussed that the rationale for including lot coverage requirements in the zoning ordinance would be:

- a. to preserve the rural character and open space desires expressed by the Town's Master Plan,
- b. to prevent the creation of more impervious surface than nature can sustain as it relates to stormwater and flooding issues, and
- c. to provide a mechanism to control development density.

3. Review of proposed Site Plan Regulations amendments – Rain Gardens.

Mr. Wilson presented proposed principles for developing site plan review procedures for applications that propose the use of rain gardens as a stormwater management technique. Mr. Wilson explained that, due to the extensive management and maintenance programs that must occur in perpetuity to ensure that rain gardens work effectively, specialized provisions for regulating rain gardens are necessary.

Mr. Derby suggested that a purpose statement indicating the extensive management and maintenance required for rain gardens be added to the beginning of any proposed regulation language.

The Board discussed the following aspects of proposed rain garden regulations:

- a. vegetative characteristics of rain gardens,
- b. the detailed maintenance process for rain gardens, and
- c. appropriate inspection process to ensure fully functional rain gardens.

4. Minutes.

Ms. Monaghan presented the minutes of the October 3, 2017 Planning Board meeting.

Mr. Wilson moved that the Planning Board accept the minutes of the October 3, 2017 Planning Board meeting as written. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (4-0).

The meeting was adjourned at 9:10pm without objection.

Respectfully submitted,



Rick Milner
Recording Secretary

Tower Removal Proposed Ordinance Amendments

CHANGES in RED or STRUCK OUT

1. Section 415.8 **Bonding, Security and Insurance** (page 35)

A. “Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall require the applicant to post security for the removal of abandoned or unmonitored towers consistent with Town policies. The Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable and or unwilling to remove the tower in accordance with Section 415.9.”

B. “Upon construction of the tower, the Planning Board shall also require a certificate of appropriate insurance covering the constructed facilities, with ten-day notice of any changes in coverage.”

2. Section 415.9 **Removal of Abandoned Antennas and Towers** (page 35)

“If the abandoned tower is not removed within 90 days, the Town may execute the security and have the tower removed. “The tower owner shall be responsible for payment of the costs associated with the tower removal.”

3. Section 516.5.D & E **Abandonment** (page 91 & 92)

“D. If the owner fails to respond to the Notice of Abandonment or if, after review by the Building Inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner’s sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the Building Inspector may pursue legal action to have the small wind energy system removed at the owner’s expense.”

“E. ~~The Building Inspector, with the approval of the Planning Board,~~ The Planning Board shall may require the applicant to provide a form and amount of surety security acceptable to the Planning Board (i.e., post a bond, letter of credit or establish an escrow account or other) at the time of construction prior to the issuance of building permits to cover costs of the removal in the event the town must remove the facility. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism to accommodate the rate of inflation over 15 years.”

PROPOSED 2018 ZONING ORDINANCE CHANGES

A. ITEMS THAT REQUIRE TOWN BALLOT APPROVAL (Changes in RED or STRUCK-OUT)

1. Section 409 Wetlands Conservation District (page 13) – Add new subsection.

409.2 Authority

Any non-compliance with this ordinance shall require the issuance of a Conditional Use Permit by the Planning Board as authorized in RSA 674:21. 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 Planning Board decisions cannot be appealed to the Zoning Board of Adjustment (RSA 676:5.III).

2. Section 510 Dumping (page 75) – “Dumping or disposing of garbage or refuse or glass without burying or covering the same is prohibited except in a municipal dump duly regulated. in accordance with the provisions of NH RSA 149-M and New Hampshire Department of Environmental Services solid waste management rules.”

CHANGES IN RED OR STRUCK OUT

SECTION 302 DEFINITIONS

47. Temporary Structure: Any structure not on a permanent foundation nor permanently attached to a fixed location in any manner. Said structure to be used for a specified period of time. A ground-mounted tent intended for personal use, and no greater than 150 square feet in size, shall not be considered a temporary structure. *3/10/1981, 3/13/2018

SECTION 505 TEMPORARY STRUCTURES *3/12/1968, 3/8/1977, 3/10/1981, 3/11/1997, 3/9/1999, 3/13/2018

505.1 Purpose

The purpose of this ordinance is to regulate the placement of temporary structures on lots within the Town of North Hampton. As defined in Section 302.47, a temporary structure is any structure not on a permanent foundation nor permanently attached to a fixed location in any manner. Said structure to be used for a specified period of time. A ground-mounted tent intended for personal use, and no greater than 150 square feet in size, shall not be considered a temporary structure.

~~505.1 Temporary structures shall only be allowed by permit and in conjunction with construction work and only during the period that the work is in progress. The permit allowing the construction shall note approval of any temporary structure.~~

505.2 Requirements

A. Permits shall be required for all temporary structures. Prior to the placement or construction of a temporary structure, the Building Inspector shall certify to the safety of the structure.

B. Only one temporary structure is allowed per lot.

C. All temporary structures shall meet all setback requirements of permanent primary buildings within the applicable zoning district.

D. 505.2 Any vehicle placed on a lot and used in a manner other than the purpose for which it is customarily intended, whether or not powered and whether or not licensed inspected, shall be considered to be a temporary structure. ~~Such vehicle shall be allowed only under the provision of Site Plan Review Regulations or as follows: *3/11/1997~~ Vehicles prohibited by this provision include, but are not limited to, those used primarily for advertising or warehousing purposes.

~~A. In an Industrial Business Zone, each lot may have one vehicle as described in Section 505.2 for periods not to exceed a total of 90 days annually. A permit shall be required for each use. The permit will be issued by the Building Inspector's office only if it feels such use of a vehicle would not be detrimental to the area. *3/11/1997, 3/9/1999~~

~~B. A permit for more than one temporary structure used for storage only and meeting all other ordinances will require Planning Board approval. *3/11/1997~~

E. Lighting associated with all temporary structures shall comply with the provisions of Section 515 Outdoor Lighting.

F. Signage associated with all temporary structures shall comply with the provisions of Section 506 Signs.

G. All temporary structures must be completely removed upon expiration of their permits.

505.3 Residing in any temporary structure, or a basement or foundation before completion of a permanent structure, shall not be permitted.

505.4 No part of Section 505 shall apply to Manufactured Housing or to Recreational Vehicles as defined in Section 302 and regulated in Sections 503 and 504. *3/8/1977

505.5 All proposed temporary structures that do 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.

~~**505.5** Temporary structures, including but not limited to tents, may be placed in the Industrial Business Zone for display purposes for resale, or as a display model for the sale of similar structures for a period not to exceed one year by Said structures may be heated and have telephone and electricity but shall not have water or sewerage disposal or holding facilities. They shall meet all the setback requirements of permanent primary buildings, but may not be used for any purpose except display. Prior to placing of said structures, a permit for each structure shall be obtained from the Building Inspector. The Building Inspector shall certify to the safety of the structure before the public is admitted. Permits may be renewed yearly for a maximum of four years after which the temporary structure must be completely removed. The annual renewal fee shall be as set by the Select Board. *3/9/1982, 3/11/1997, 3/9/1999~~

B. 505.6 Temporary structures included but not limited to tents constructed of expendable materials may be placed in the I-B/R District for short special sales or promotions, not to exceed ~~one week~~ **two weeks**, by permit issued by the Building Inspector. ~~Not more than three (3) such special permits may be issued for the same property during any calendar year~~ **For one property during any single calendar year, the limit on such special permits shall be three; and the weeks shall not be consecutive** permits shall not be issued for consecutive two week periods. ~~A permit shall be required for each structure. The Building Inspector shall certify to the safety of the structure before the structure may be occupied.~~ *3/11/1997, 3/9/1999

****Paragraphs A and B in original version flip-flopped and re-numbered as 505.6 and 505.7.**

~~**A. 505.7** Temporary structures constructed of expendable materials without foundations may be placed in the Industrial Business Zone I-B/R District for sales purposes all permitted non-residential uses for a period not to exceed one year by permit Conditional Use Permit issued by the Planning Board. Said structures may be heated and have installed utilities but not sewerage disposal. They shall meet all setback requirements of permanent primary buildings. Prior to placing of said structures, a permit for each structure shall be obtained from the Building Inspector. The Building Inspector shall certify to the safety of the structure before the public is admitted structure may be occupied. Permits may be renewed yearly at the discretion of the Building Inspector for a maximum of four years after which the temporary structure must be completely removed or approved by the Planning Board by formal Site Plan Review. The annual renewal fee shall be as set by the Select Board. *3/11/1997, 3/9/1999~~

505.8 If a temporary structure becomes unsafe or obnoxious and the public health, welfare or safety is endangered, the Building Inspector shall immediately revoke the permit. The unsafe structure will then be removed from the site or the unsafe conditions eliminated and/or repaired. A new permit will then be issued but only after all provisions of Section 505.5 have been complied with. *3/10/1981, 3/11/1997

~~**505.7** If a temporary structure becomes unsafe and the public safety is endangered, the Building Inspector shall immediately revoke the permit. The unsafe structure will then be removed from the site or the unsafe conditions eliminated and/or repaired. A new permit will then be issued but only after all provisions of Section 505.5 have been complied with. *3/10/1981~~