



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, December 19, 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: Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Dan Derby, Terry Belluche, 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 6:30pm.

I. New Business

1. Committee Updates.

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

b. Rules and Regulations/Procedures – No report.

c. Capital Improvement Plan (CIP) Committee – No report.

d. Economic Development Committee (EDC) – Mr. Wilson reported that an EDC subcommittee is working to edit Town Survey document presented by the UNH Survey Center. Many questions are similar to questions in prior surveys. Mr. Wilson also reported that another EDC subcommittee identified undeveloped lots in the Industrial-Business/Residential (I-B/R) zoning district and estimated the potential tax revenue and impacts on the tax rate if the I-B/R district is fully developed. The conclusion of the study was that building out the I-B/R zoning district was not a solution to resolve rising tax rates. The goal of the Town should be to identify what type of services that it wants as a focus for business development, not tax rate impacts.

e. Select Board – Mr. Milner reported on information submitted by Mr. Maggiore regarding work in the State of NH Legislature which may create a land use and housing appeals board. The purpose for this board would be to help alleviate costs and workload in the court system associated with land use or building appeals.

f. Long Range Planning (LRP) – Mr. Derby reported that the LRP is examining revisions to the Master Plan Vision Statement to include more explicit planning goals. The first step in this process will be to identify major areas of similar interest expressed by the townspeople in all past town surveys. A lot of consistencies have been found in the surveys dating back to the late 1990's. The LRP will circulate a list of the consistent themes to the entire Board for comment.

g. RPC Circuit Rider – No report.

II. Other Business

1. Review of proposed 2018 zoning ordinance amendments – Accessory Dwelling Unit.

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

45 zoning districts, ~~and the property must conform to the dimensional requirements of a single-family lot~~
46 **where single-family dwellings are permitted."**

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

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52 **Mr. Harned moved that the Planning Board schedule a public hearing at the January 2, 2018 Planning**
53 **Board meeting to consider the adoption of Section 513 - Accessory Dwelling Unit zoning ordinance**
54 **revisions language for inclusion on the 2018 Town Warrant. Second by Mr. Wilson. The vote was**
55 **unanimous in favor of the motion (5-0).**

56
57 2. Review of proposed 2018 zoning ordinance amendments – Accessory Structures.

58 Mr. Harned presented proposed amendments to the zoning ordinance as a way to address concerns
59 regarding large accessory buildings. The purpose of the proposed revisions is to create a definition for
60 accessory structures and establish permitting regulation for the construction of accessory structures. As
61 part of the permitting process, the Planning Board needs to determine what size accessory structure
62 should trigger a conditional use permit process to allow the construction of the larger accessory
63 structure. Mr. Harned suggested the following three size categories:

- 64 a. Accessory structures below the size limit permitted by right,
65 b. Accessory structures of a non-agricultural nature greater than 720 square feet in area requiring a
66 conditional use permit issued by the Planning Board, and
67 c. Accessory structures of an agricultural nature greater than 1,600 square feet in area requiring a
68 conditional use permit issued by the Planning Board.

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70 Mr. Maggiore arrived at 7:18pm.

71
72 Mr. Harned stated that the justification for the proposed non-agricultural building size limit is that 720
73 square feet is the same size as stated in the zoning ordinance for a dwelling unit living minimum area.

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75 The Board discussed whether the conditional use permit requirement for larger accessory structures
76 was allowed by State of NH law. The Board came to a consensus without objection to revise the
77 proposed amendment by allowing construction of a larger accessory structure after the granting of a
78 special exception by the Zoning Board of Adjustment.

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80 Mr. Belluche stated that he was not in favor of any size limits or land use board oversight of accessory
81 structure construction.

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83 Ms. Monaghan stated that the suggested size limit seemed reasonable and has justification based in the
84 zoning ordinance.

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86 Mr. Derby stated that the size limits are only a trigger for board review. They are not a prohibition
87 stopping construction of larger accessory structures.

88
89 Mr. Maggiore stated that board review of larger accessory structures is necessary as a way to ensure
90 that the rural character objectives of the Master Plan are being met.

The Board discussed ways to justify a size limit for accessory structures of an agricultural nature. The available data showed that 75% of existing accessory structures had an area of 2,000 square feet or less. The Board came to a consensus to revise the proposed amendment to indicate that board review would be required for agricultural accessory structures greater than 2,000 square feet in area. Mr. Belluche stated his general philosophical objection to the permitting process being considered.

Mr. Wilson stated that the amount of lot area covered by an accessory structure may need to be considered for smaller sized lots. Building size limits may not solve issues for all lot scenarios.

The Board discussed the definition of an accessory structure as it relates to how a structure is connected to a primary structure and what type of connection methods classify the structure as an accessory structure or simply a part of the primary structure. The version of the proposed accessory structures zoning ordinance amendment as revised by the Board at this meeting is attached as Appendix A to these minutes.

Mr. Wilson moved that the Planning Board schedule a public hearing at the January 2, 2018 Planning Board meeting to consider the adoption of New Section - Accessory Structures zoning ordinance revisions language as edited at the December 19, 2017 Planning Board meeting for inclusion on the 2018 Town Warrant. Second by Mr. Derby. The vote was unanimous in favor of the motion (6-0).

Ms. Monaghan suggested that the discussion regarding rain garden site plan regulations be moved to a future Planning Board work session. The Board came to a consensus without objection to postpone the rain garden discussion.

3. Minutes.

Ms. Monaghan presented the minutes of the December 5, 2017 Planning Board meeting.

Mr. Wilson moved that the Planning Board accept the minutes of the December 5, 2017 Planning Board meeting as written. Second by Mr. Harned. The vote was 5-0-1 in favor of the motion with Mr. Belluche abstaining.

The meeting was adjourned at 8:32pm without objection.

Respectfully submitted,



Rick Milner
Recording Secretary

Accessory Structures – for 2018 Town Warrant.

Draft – tjh3: 20-Dec-2017 for Public Hearing on 2-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 XXX Accessory Structures

XXX.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.

XXX.2 Special Exception Required. A Special Exception is required for any Residential Non Agriculture Accessory Structure with floor space equal to or greater than 720 square feet.

XXX.3 Special Exception Review. The following process shall be used by the Zoning Board of Adjustment in considering applications for a Special Exceptions under this Section:

- (a) An application shall be submitted to the Zoning Board of Adjustment. 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 of proposed building and operations shall be acceptable for the application.
- (b) The Zoning Board of Adjustment 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 Special Exception, if approved, shall not diminish the value of surrounding properties.
- (d) The Special Exception, if approved, shall not unreasonable adversely affect the public interests, safety, health, or welfare.
- (e) The Zoning Board of Adjustment 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 building size and location measurements** 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.