



**Meeting Minutes  
Work Session  
North Hampton Planning Board  
Tuesday, March 20, 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 Dan Derby and Jim Maggiore, Select Board Representative (by phone); Alternate Member Shep Kroner; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Vice Chair Monaghan called the meeting to order at 6:30pm.  
Mr. Kroner was seated for Mr. Wilson.

Ms. Monaghan asked that the Board authorize Mr. Maggiore to participate in the meeting by phone.

**Mr. Harned moved that the Planning Board authorizes Mr. Maggiore to participate in the meeting by phone. Second by Mr. Derby. The vote was unanimous in favor of the motion (4-0).**

Mr. Maggiore joined the meeting by phone.

**I. Organizational Meeting of the Planning Board**

**1. Recitation of the Code of Ethics Preamble.**

Vice Chair Nancy Monaghan recited the preamble section of the Town of North Hampton Code of Ethics and noted that the Code of Ethics will be distributed to all Planning Board members.

**2. Election of Chair and Vice Chair.**

Mr. Derby nominated Tim Harned to serve as Chair of the Planning Board for a one year term. Mr. Harned accepted the nomination. No other nominations were made.

**Mr. Derby moved that Tim Harned be named the Planning Board Chair for a one year term. Second by Mr. Kroner. The vote was unanimous in favor of the motion (5-0).**

Mr. Derby nominated Nancy Monaghan to serve as Vice Chair of the Planning Board for a one year term. Ms. Monaghan accepted the nomination. No other nominations were made.

**Mr. Derby moved that Nancy Monaghan be named the Planning Board Vice Chair for a one year term. Second by Mr. Kroner. The vote was unanimous in favor of the motion (5-0).**

**3. Appointment of Committee members.**

a. Long Range Planning Committee - Dan Derby, Jim Maggiore, and Shep Kroner agreed to serve on the Long Range Planning Committee.

**Mr. Harned moved that the Planning Board appoint Dan Derby, Jim Maggiore, and Shep Kroner as members of the Long Range Planning Committee. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (5-0).**

b. Application Review Committee - Tim Harned, Nancy Monaghan, and Phil Wilson have agreed to serve on the Application Review Committee.

**Mr. Harned moved that the Planning Board appoint Tim Harned, Nancy Monaghan, and Phil Wilson as members of the Application Review Committee. Second by Mr. Derby. The vote was unanimous in favor of the motion (5-0).**

c. Rules and Procedures Committee - Tim Harned, Phil Wilson, and Jim Maggiore have agreed to serve on the Rules and Procedures Committee.

**Mr. Kroner moved that the Planning Board appoint Tim Harned, Phil Wilson, and Jim Maggiore as members of the Rules and Procedures Committee. Second by Mr. Harned. The vote was unanimous in favor of the motion (5-0).**

d. Capital Improvement Plan Committee Representative - Nancy Monaghan agreed to serve as the Planning Board representative on the Capital Improvement Plan Committee.

**Mr. Harned moved that the Planning Board appoint Nancy Monaghan as the Planning Board representative on the Capital Improvement Plan Committee. Second by Mr. Kroner. The vote was unanimous in favor of the motion (5-0).**

e. Heritage Commission Representative - Nancy Monaghan agreed to serve as the Planning Board representative on the Heritage Commission.

**Mr. Harned moved that the Planning Board recommend to the Select Board that Nancy Monaghan be appointed as a member of the Heritage Commission. Second by Mr. Kroner. The vote was unanimous in favor of the motion (5-0).**

f. Economic Development Committee Representative - Phil Wilson has agreed to serve as the Planning Board representative on the Economic Development Committee. Dan Derby agreed to serve as the Planning Board representative alternate on the Economic Development Committee.

**Mr. Harned moved that the Planning Board recommend to the Select Board that Phil Wilson be appointed as a member of the Economic Development Committee and Dan Derby be appointed as the Planning Board representative alternate on the Economic Development Committee. Second by Mr. Kroner. The vote was unanimous in favor of the motion (5-0).**

g. Town of North Hampton Ethics Committee - Tim Harned agreed to serve as the Planning Board representative on the Ethics Committee. Phil Wilson has agreed to serve as the Planning Board representative alternate on the Ethics Committee.

**Mr. Kroner moved that the Planning Board appoint Tim Harned as the Planning Board representative on the Ethics Committee and Phil Wilson as the Planning Board representative alternate on the Ethics Committee. Second by Mr. Derby. The vote was unanimous in favor of the motion (5-0).**

4. Alternate member appointments.

Ms. Monaghan presented letters from residents Lauri Etela and Josh Jeffrey requesting to be appointed as alternate members to the Planning Board.

Mr. Harned moved that the Planning Board appoint Lauri Etela as an alternate member of the Planning Board for a three year term. Second by Mr. Derby. The vote was unanimous in favor of the motion (5-0).

Mr. Harned moved that the Planning Board appoint Josh Jeffrey as an alternate member of the Planning Board for a three year term. Second by Mr. Derby. The vote was unanimous in favor of the motion (5-0).

## II. Public Hearing

**1. Case #17:20 – Applicant: Ryan Hayes, 249 Canaan Back Road, Barrington, NH 03825.** The Applicant requests a hearing to determine if the Applicant has complied with the conditions of approval associated with the Planning Board's December 5, 2017 decision to allow an auto repair business at 68 Lafayette Road site. Property Owner: ZJBV Properties, LLC, 300 Gay Street, Manchester, NH 03103; Property Location: 68 Lafayette Road; M/L: 007-122-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:  
Ryan Hayes, applicant.

Mr. Hayes addressed the Board. Mr. Hayes stated that the site plan associated with Case #17:20 has received Planning Board and Zoning Board of Adjustment (ZBA) approvals. Mr. Hayes presented letters from the Building and Fire Departments indicating that applicable code requirements have been satisfied for the building from which he intends to operate his car repair business. However, one condition from the Planning Board's conditional approval, receipt of a New Hampshire Department of Transportation (NHDOT) driveway permit, is still outstanding. The NHDOT driveway permit application has been submitted. The driveway permit approval process may take a significant amount of time to complete. Mr. Hayes was requesting that the Planning Board allow him to occupy the building and begin business operations on a temporary basis while awaiting the NHDOT driveway approval.

Mr. Hayes explained that his justification for the temporary occupancy request was that the current driveway has existed for many years and been used for similar businesses in the past. The driveway is currently being used for a small car dealership located on the site. The NHDOT requires only minor modifications to the driveway. His specialty car repair business will have a low traffic volume impact on the site and roadway.

Ms. Monaghan asked for an estimate of when the NHDOT driveway permit process will be completed and a length of time for the proposed temporary occupancy permission.

Mr. Hayes responded that the NHDOT process will take a minimum of two to three weeks to complete and requested a 60 day time limit for the temporary occupancy permission.

Mr. Harned asked if any similar type of temporary occupancy request had ever been granted by the Planning Board. Mr. Kroner and Mr. Milner responded that there has been no similar type of permission granted in the past to their knowledge.

Mr. Harned stated his concern that this type of action may expose the Town of North Hampton to unwarranted liabilities. Also, if the driveway is not approved within the specified temporary occupancy

time period, the applicant may not be able to leave the site due to ongoing business activities. This may place the Town in a difficult position.

Mr. Hayes stated that it would be in the best interest of the Town of North Hampton both from a safety and economic view to turn a vacant building into a viable business unit.

Mr. Maggiore stated that there are unique conditions associated with the 68 Lafayette Road site that may allow for the granting of a temporary occupancy. However, he expressed a concern of what the next step would be if the NHDOT approval did not occur within the 60 day time frame discussed.

Ms. Monaghan opened the public hearing at 7:15pm. No comments were made. Ms. Monaghan closed the public hearing at 7:16pm.

Mr. Derby stated that the risks for the Town of North Hampton, if the temporary occupancy is granted, are concerning. However, there is also a risk that the property will deteriorate and create a drag on the Town's economic environment if the temporary occupancy request is denied.

**Mr. Kroner moved that the applicant may be issued a temporary occupancy permit as an exception to the December 5, 2017 conditional approval requiring an NHDOT driveway permit and adding the NHDOT permit to a recordable mylar. The NHDOT driveway permit and recordable mylar shall be required to be submitted and recorded within 60 days. Failure to do so shall revoke the occupancy permit. Second by Mr. Derby.**

Discussion of the motion – Mr. Harned stated that he was opposed to the motion for the following reasons:

- a. Approximately 105 days have passed since the conditional approval was granted. In addition, the NHDOT permit application was not submitted until approximately two months after the conditional approval was granted.
- b. Granting of the temporary occupancy prior to NHDOT approval could open the Town of North Hampton up to liabilities which an unapproved access point could create.
- c. A State of NH agency approval is a significant item that should not be stepped around to allow temporary occupancy of a business or site.

**The vote was 3-2 in favor of the motion with Mr. Harned and Ms. Monaghan opposed.**

**2. Town of North Hampton, NH** public hearing to consider the adoption of revisions to the Town of North Hampton Site Plan Regulations – Rain Gardens.

Ms. Rowden presented proposed site plan review procedures language for applications that propose the use of rain gardens as a stormwater management technique. Ms. Rowden explained that, due to the extensive management, maintenance, and inspection programs that must occur in perpetuity to ensure that rain gardens work effectively, specialized provisions for regulating rain gardens have been developed. The proposed language is attached as Appendix A to these minutes.

The rain garden definition and regulations outline the following concepts:

- a. vegetative characteristics of rain gardens,
- b. the detailed maintenance process for rain gardens,
- c. appropriate inspection process to ensure fully functional rain gardens, and
- d. the importance of having licensed inspectors, who are independent from the licensed designers, certifying that maintenance and operating standards are being met.

Ms. Monaghan opened the public hearing at 7:35pm. No comments were made. Ms. Monaghan closed the public hearing at 7:36pm.

The Board discussed the aspects of rain gardens that make them a unique stormwater management technique and the need for consistent maintenance and monitoring processes.

**Mr. Harned moved that the Planning Board adopt the proposed language revisions to the Site Plan Regulations – Rain Gardens as presented at the March 20, 2018 Planning Board meeting. Second by Mr. Derby. The vote was unanimous in favor of the motion (5-0).**

**3. Town of North Hampton, NH** public hearing to consider the adoption of revisions to the Town of North Hampton Site Plan and Subdivision Regulations - Application Procedures.

Mr. Milner presented proposed site plan review and subdivision application procedures language. Mr. Milner explained that it was necessary to update the language to comply with current state law. The Board has been following the correct processes when it considers, acts on, and administers applications. However, the old written regulations do not, in some instances, reflect the proper processes. The proposed language is attached as Appendix B to these minutes.

Ms. Monaghan opened the public hearing at 7:44pm. No comments were made. Ms. Monaghan closed the public hearing at 7:45pm.

**Mr. Harned moved that the Planning Board adopt the proposed language revisions to the Site Plan Regulations – Application Procedures as presented at the March 20, 2018 Planning Board meeting. Second by Mr. Kroner. The vote was unanimous in favor of the motion (5-0).**

### **III. Other Business**

#### **1. Workforce Housing Declaration.**

Ms. Rowden stated that, per the requirements of the Town of North Hampton Zoning Ordinance Section 418 Inclusionary Housing Ordinance, the Planning Board must determine if the Town of North Hampton is meeting its fair share proportion of the region's workforce housing needs no later than April 15 of each year.

Ms. Rowden presented a December 2017 report prepared by the State of New Hampshire Office of Strategic Initiatives which detailed current estimates and trends in New Hampshire's housing supply. The report showed that North Hampton is meeting its fair share of workforce housing needs based on the latest housing estimates.

**Mr. Harned moved that the Planning Board declares that the Town of North Hampton is in compliance with State of NH RSA's regarding Workforce Housing by meeting its fair share of the region's workforce housing needs. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (5-0).**

#### **2. Committee Updates.**

a. Long Range Planning (LRP) – Mr. Derby reported that the LRP group is working to draft a Master Plan Vision Statement that is more succinct and includes more measurable goals. Mr. Derby also presented a compilation of Town Survey responses from 1988 to 2017.



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

c. Rules and Regulations/Procedures – No report.

d. Capital Improvement Plan Committee (CIP) – Ms. Monaghan reported that the CIP group will begin meeting in June and July to discuss items for the new fiscal calendar.

e. Economic Development Committee (EDC) – Ms. Monaghan reported that surveys have been sent out. Survey responses are due in April.

f. Select Board – Mr. Maggiore stated that he is willing to be the Planning Board ex-officio again for the upcoming year. Mr. Maggiore introduced the new Town Administrator Bryan Kaenrath, present in the audience, to the Board.

g. RPC Circuit Rider – Ms. Rowden reported that she is continuing MS4 compliance work with Town officials.

### 3. Minutes.

Ms. Monaghan presented the minutes of the March 6, 2018 Planning Board meeting.

**Mr. Harned moved that the Planning Board accept the minutes of the March 6, 2018 Planning Board meeting as written. Second by Mr. Maggiore. The vote was 4-0-1 in favor of the motion with Mr. Kroner abstaining.**

The meeting was adjourned at 8:18pm without objection.

Respectfully submitted,

Rick Milner  
Recording Secretary

Proposed Principles for Developing Site Plan Review Provisions for Rain Gardens

**"Rain Garden" definition**

A rain garden is a shallow, vegetated basin in the landscape that collects stormwater runoff from a roof, driveway, street or other site locations and allows it to soak into the ground. More complex rain gardens with drainage systems and amended soils are often referred to as bioretention, or bioinfiltration, cells. This practice mimics natural hydrology by infiltrating, and evaporating and transpiring, stormwater.

**Site Plan Review Regulations**

**X.F.5 Specific Provisions Applicable to Rain Gardens**

**[NEW PARAGRAPH; RENUMBER SUBSEQUENT PARAGRAPHS OF X.F.]**

Because of their on-going inspection, maintenance, and reporting burden and consequent expense to the landowner and the Town, Rain Gardens are not encouraged for stormwater management. They may be permitted, however, if all following conditions are met:

- a. A professional who has appropriate certifications or licenses to provide Rain-Garden designs has prepared the plan for the proposed Rain Garden.
- b. The proposed design meets requirements properly to handle a 100-years storm event and to treat any special run-off characteristics required by activities on the site.
- c. The actual installation of the Rain Garden meets or exceeds all design specifications for the proposed Rain Garden, as certified by a qualified independent professional who is not the designer and not the installer and who is the Town Engineer or whom the Town Engineer has approved.
- d. With the design for the Rain Garden the designer shall submit a management plan for routinely inspecting, maintaining, and at least annually reporting to the Town the condition of the Rain Garden.
- e. The management plan in (d) above shall comply with best management practices for maintaining Rain Gardens provided in the most current revision of the University of New Hampshire ("UNH") document titled "Regular Inspection and Maintenance Guidance for Bioretention Systems / Tree Filters," and all inspections shall use the "Checklist for Inspection of Bioretention Systems / Tree Filters" included in this UNH document.
- f. All inspections specified in the management plan shall be conducted by a qualified independent professional who was not the designer and not the installer and who is the Town Engineer or whom the Town Engineer has approved.
- g. The landowner agrees to comply with and implement the management plan in (d) above so long as the Rain Garden remains a component of the stormwater management system on the property.
- h. The landowner shall pay all compliance expenses – including, but not limited to, those for inspecting, maintaining and reporting -- so long as the Rain

Garden remains a functional component of the stormwater management system on the property.

- i. All applications for installation of one or more Rain Gardens as a stormwater management system or as a component of a stormwater management system shall comply with Paragraphs 1-4 below.
  1. The owner of the property agrees to grant the Town the right to take remedial action at the expense of the owner, if the Rain Garden is found not to function as designed and has not been restored to full functionality by the owner within 90 days of notice from the Code Enforcement Officer.
  2. The owner agrees to reimburse the Town for all expenses the Town incurs as a result of enforcement as provided in Paragraph 1 above.
  3. Appropriate notes shall be added to the recorded Mylar to memorialize the above conditions of approval.
  4. Appropriate deed restrictions shall be added to the deed of the property to memorialize the above conditions of approval.



## SITE PLAN REGULATIONS (Pages 6-9)

### B. Formal Application

1. Application for approval of the final site plan should be filed with the Board by the applicant or his agent in writing on forms provided by the Town in accordance with the application and information submittal deadline schedule adopted by the Planning Board, which ensures that there is adequate time to legally notice the application in accordance with the requirements of RSA 676:4. ~~Submitted material shall be complete and include material described in Section VIII. Should an application be found incomplete, the Board shall notify the applicant, requesting that the necessary documentation be submitted and informing the applicants that no further consideration of the application can be made until the application is complete.~~
2. ~~A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee in accordance with the application and information submittal deadline schedule adopted by the Planning Board.~~
2. The Board shall within 30 days following the delivery of the application, in accordance with the requirements of RSA 676:4, determine if a submitted application is complete according to the Board's regulations, as outlined in Site Plan Regulations Section VIII, and shall vote upon its acceptance. Upon determination by the Board that a submitted application is incomplete according to the Board's regulations, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete.
3. A completed application will be submitted to and accepted for consideration by the Planning Board only at a Public Meeting for which notice has been given to the applicant, abutters and the general public.
4. ~~Applications shall be disapproved by the Board~~ The Board may not consider or may deny applications without public hearing on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations.

### C. Board Action on Completed Application

1. ~~The Board shall begin consideration of the Completed Application within thirty (30) days of its submission.~~
1. ~~The Board shall act to approve, conditionally approve, or disapprove the Completed Application within ninety (90) days of submission.~~ Upon determination by the Board that a submitted application is complete according to the Board's regulations, the Board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver.
2. The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.
3. Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Planning Board to act on the application within thirty (30) days per RSA 676:4, I, (c)(1). If the Board does not

act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Selectmen shall certify on the applicant's site plan review application that the plat is approved, unless within those forty (40) days the Selectmen have identified in writing a specific provision of the Site Plan Review Regulations, Subdivision Regulations, Zoning Ordinance, or other applicable regulation or by-law with which the application does not comply. Such certification by the Selectmen of the foregoing shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

4. If any submitted plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant **within 5 business days of such vote.**

#### **Section VIII - Completed Application Requirements**

5. Approvals: Applicants shall submit evidence of prior and current approval by ~~Little Boar's Head Village District Planning Board, Little Boar's Head Village District Zoning Board of Adjustment and/or~~ the North Hampton Zoning Board of Adjustment if requisite.



Move **D. Public Notices** in front of **C. Board Action on Completed Application** and renumber.

~~F. Expiration of Approved Site Plans~~

~~All site plans that are approved and signed by the Planning Board shall expire two years from the date the plan is signed. All previously approved plans shall expire two years from the effective date of this regulation (adopted 12/3/90). An extension, not to exceed two years each, may be granted by vote of the Board so long as it is applied for at least thirty days prior to the expiration date.~~

F. Final Approval of Site Plans

Site plans shall be deemed to have received final approval if, and only if, all of the following items have been met:

1. all conditions of approval have been met,
2. the site plan has been signed by the Planning Board, and
3. the site plan has been recorded at the Rockingham County Registry of Deeds.

G. Validity of Approved Site Plans

In accordance with RSA 674:39, all site plans that are approved and signed by the Planning Board and recorded shall be exempt from all subsequent changes in site plan review regulations and zoning ordinances except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 5 years after the date of approval provided that:

1. active and substantial development or building in accordance with the approved site plan has begun on the site within 24 months after the date of approval,
2. development remains in full compliance with the public health regulations and ordinances, and
3. at the time of approval and recording, the site plan conforms to the site plan review regulations and zoning ordinances then in effect at the location of such site plan.

H. Revocation of Approved Site Plans

All site plans that are approved and signed by the Planning Board and recorded may be revoked per the conditions and circumstances stated in RSA 676:4-a.

I. Developments of Regional Impact

In accordance with RSA 36:54-58, the Board shall review all site plans to determine if they have regional impact and shall follow the notification procedures required in RSA 36:57.

## SUBDIVISION REGULATIONS (Pages 6 & 7)

### B. Formal Application

1. Application for approval of the final subdivision plan should be filed with the Board by the applicant or his agent in writing on forms provided by the Town in accordance with the application and information submittal deadline schedule adopted by the Planning Board, which ensures that there is adequate time to legally notice the application in accordance with the requirements of RSA 676:4. ~~Submitted material shall be complete and include material described in Section VIII. Should an application be found incomplete, the Board shall notify the applicant, requesting that the necessary documentation be submitted and informing the applicants that no further consideration of the application can be made until the application is complete.~~
2. ~~A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee in accordance with the application and information submittal deadline schedule adopted by the Planning Board.~~
2. The Board shall within 30 days following the delivery of the application, in accordance with the requirements of RSA 676:4, determine if a submitted application is complete according to the Board's regulations, as outlined in Subdivision Regulations Section VIII, and shall vote upon its acceptance. Upon determination by the Board that a submitted application is incomplete according to the Board's regulations, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete.
3. A completed application will be submitted to and accepted for consideration by the Planning Board only at a Public Meeting for which notice has been given to the applicant, abutters and the general public.
4. ~~Applications shall be disapproved by the Board~~ The Board may not consider or may deny applications without public hearing on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations.

### C. Board Action on Completed Application

1. ~~The Board shall begin consideration of the Completed Application within thirty (30) days of its submission.~~
1. ~~The Board shall act to approve, conditionally approve, or disapprove the Completed Application within ninety (90) days of submission.~~ Upon determination by the Board that a submitted application is complete according to the Board's regulations, the Board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver.
2. The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.
3. Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Planning



Board to act on the application within thirty (30) days per RSA 676:4, I, (c)(1). If the Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Selectmen shall certify on the applicant's subdivision application that the plat is approved, unless within those forty (40) days the Selectmen have identified in writing a specific provision of the Subdivision Regulations, Zoning Ordinance, or other applicable regulation or by-law with which the application does not comply. Such certification by the Selectmen of the foregoing shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

4. If any submitted plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant **within 5 business days of such vote.**
5. The Board shall have the right, before final approval on a subdivision is granted, to determine what constitutes active and substantial development in relation to the application under review. By doing so, on a case by case basis, the Board establishes the threshold of development necessary to vest the applicant under the provisions of RSA 674:39, **Five-Year Exemption**. In the event the Board does not make a **specific** determination regarding "active and substantial development" at the time of approval, ~~construction of the road to the point of the completion of the crushed gravel grade and compaction~~ **infrastructure of the approved subdivision** shall constitute "active and substantial development."

#### **SECTION VIII - COMPLETED APPLICATION REQUIREMENTS (Page 10)**

5. Approvals: Applicants shall submit evidence of prior and current approval by ~~Little Bear's Head Village District Planning Board, Little Bear's Head Village District Zoning Board of Adjustment and/or~~ the North Hampton Zoning Board of Adjustment if requisite.

#### **SECTION IV JURISDICTION (Page 2)**

The provisions of these regulations shall apply to all land within the boundaries of the Town of North Hampton **except land within the boundaries of the Village District of Little Bear's Head.**

## SUBDIVISION REGULATIONS (Pages 6-9)

Move **D. Public Notices** in front of **C. Board Action on Completed Application** and renumber.

### F. Final Approval of Subdivision Plats

Subdivision plats shall be deemed to have received final approval if, and only if, all of the following items have been met:

1. all conditions of approval have been met,
2. the subdivision plat has been signed by the Planning Board, and
3. the subdivision plat has been recorded at the Rockingham County Registry of Deeds.

### G. Validity of Approved Subdivision Plats

In accordance with RSA 674:39, all subdivision plats that are approved and signed by the Planning Board and recorded shall be exempt from all subsequent changes in site plan review regulations and zoning ordinances except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 5 years after the date of approval provided that:

1. active and substantial development or building in accordance with the approved site plan has begun on the site within 24 months after the date of approval,
2. development remains in full compliance with the public health regulations and ordinances, and
3. at the time of approval and recording, the site plan conforms to the site plan review regulations and zoning ordinances then in effect at the location of such site plan.

### H. Revocation of Approved Subdivision Plats

All subdivision plats that are approved and signed by the Planning Board and recorded may be revoked per the conditions and circumstances stated in RSA 676:4-a.

Following sections renumbered accordingly.