



**Meeting Minutes  
Work Session  
North Hampton Planning Board  
Tuesday, November 20, 2018 at 6:30pm  
Town Hall, 231 Atlantic Avenue**

7 These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a  
8 transcription.

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10 **In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson (by phone), Dan  
11 Derby, Wally Kilgore, and Jim Maggiore, Select Board Representative; Alternate Member Lauri Etela;  
12 Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

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14 **Also in attendance:** Shep Kroner, Long Range Planning Committee Member; Cindy Jenkins, Agricultural  
15 Commission Member.

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

18 Ms. Monaghan appointed Mr. Etela to stand in for Mr. Belluche.

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

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22 **Mr. Harned moved that the Planning Board authorizes Mr. Wilson to participate in the meeting by**  
23 **phone. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (6-0).**

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25 Mr. Wilson joined the meeting by phone.

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27 **I. Old Business**

28 1. Review of proposed 2018-19 Zoning Ordinance amendments – Accessory Structures.

29 Mr. Harned presented proposed language for a new Accessory Structures section of the zoning  
30 ordinance and revisions to the Agriculture Accessory Structures section of the zoning ordinance. The  
31 intent of the proposed language is to create a definition for accessory structures and establish  
32 permitting regulations for the construction of accessory structures within all zoning districts of the Town  
33 of North Hampton.

34  
35 The proposed language, revised per Board comments at the October 16 work session, included:

- 36 a. various setback distances based on the size of the proposed accessory structure and the size of the lot  
37 b. clarification that smaller structures of similar size have the same setback distance from the lot line  
38 regardless of the size of the lot  
39 c. clarification that any size accessory structure is allowed in the Industrial-Business/Residential District  
40 d. a conditional use permit process for proposed accessory structures that do not meet the zoning  
41 ordinance standards.

The Board discussed whether to limit the location of an accessory structure to the rear of the property and how to define the rear of the property. The Board came to a consensus without objection to revise proposed Section 408.a as follows:

"All Accessory Structures shall be sited no closer to a public road than the principal structure on that lot."

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. Derby moved that the Planning Board schedule a public hearing at the December 18, 2018 Planning Board meeting to consider the adoption of New Section - Accessory Structures zoning ordinance revisions language as edited at the November 20, 2018 Planning Board meeting for inclusion on the 2019 Town Warrant. Second by Mr. Kilgore. The roll call vote was unanimous in favor of the motion (7-0).**

Ms. Jenkins addressed the Board. Ms. Jenkins stated the following:

- a. Larger setback requirements may not be necessary. Agriculture-friendly policies should allow for smaller setbacks.
- b. Current conforming structures may become non-conforming if the proposed language is adopted.
- c. The conditional use permit process to authorize proposals not in conformance with the proposed language is a big deal.

2. Review of proposed 2018-19 Zoning Ordinance amendments – Lot Coverage.

Ms. Rowden presented existing parcel data for actual lots in North Hampton (not including lots in the Little Boar's Head District) which indicated the percent of impervious surface currently existing on the total land area of the lots. Based on this data, Ms. Rowden proposed maximum lot coverage of 25% in the R-1 and R-2 zoning districts on lots of two acres or more, 35% in the R-1 and R-2 zoning districts on lots less than two acres and 75% in the I-B/R zoning district. Ms. Rowden also presented detailed data indicating the number of parcels which currently have an amount of impervious surface within their total land areas which exceeds the proposed maximum lot coverage amounts.

Ms. Rowden noted the following goals of the proposed language:

- a. maintain rural character and open space goals indicated in the Master Plan
- b. allow for better infiltration of precipitation into the ground
- c. mitigate potential flooding issues
- d. maintain better water quality by mitigating potential contamination sources for stormwater run-off.

Ms. Rowden presented the following proposed definition for lot coverage:

"Areas of a lot that include buildings, parking areas, vehicular drives, pavement, and any other man-made structures and surfaces that are impervious to water. All surfaces deemed to be impervious surface under Definition XX shall be used when calculating lot coverage area."

Ms. Rowden presented the following proposed definition for impervious surface:

"A modified surface, that cannot effectively absorb or infiltrate water, including structures, roofs, decks, patios, paved gravel or crushed stone driveways, parking areas, and walkways, unless designed to absorb or infiltrate water."

The Board discussed impervious characteristics of different materials listed in the impervious surface definition. The Board also discussed comments submitted by Alternate Member Josh Jeffrey to amend the impervious surface definition to include other types of impervious surface. The Board came to a consensus without objection to add "but not limited to" after "including" and add "paved asphalt, concrete driveways," after "patios."

The version of the proposed lot coverage zoning ordinance amendment as revised by the Board at this meeting is attached as Appendix B to these minutes.

**Mr. Harned moved that the Planning Board schedule a public hearing at the December 18, 2018 Planning Board meeting to consider the adoption of lot coverage definitions and dimensional requirements zoning ordinance revisions language as edited at the November 20, 2018 Planning Board meeting for inclusion on the 2019 Town Warrant. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (7-0).**

## **II. New Business**

1. Planning Board consideration of Economic Development Committee (EDC) request for services of Rockingham Planning Commission (RPC) Circuit Rider Planner regarding Village Center proposal. Ms. Monaghan stated that the EDC wished to seek the advice of the Circuit Rider Planner regarding action points and procedures to effectively accomplish the goals expressed by its vision statement. Since the EDC does not have budgeted funds for this purpose, the EDC is asking to use some of the Planning Board's budgeted Circuit Rider Planner hours.

Ms. Rowden stated that the scope of work would be limited to two to four hours to research and prepare a memo for the EDC.

**Mr. Derby moved that the Planning Board authorize the use of the Planning Board's Circuit Rider Planner budgeted hours by the EDC not to exceed five hours. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (7-0).**

2. Long Range Planning Committee (LRP) Master Plan presentation.

Mr. Derby, Mr. Maggiore, Mr. Etela, and Mr. Kroner of the Long Range Planning Committee, along with Ms. Rowden, presented the framework for proposed revisions to the Town of North Hampton Master Plan. The LRP members outlined the following items:

a. Per State of New Hampshire law, it is the duty of the Planning Board to adopt and amend from time to time a Master Plan.

b. The two required chapters of a Master Plan are the Vision and Land Use chapters.

c. The principles expressed by the townspeople on multiple survey questions from 1988 to 2018 have remained consistent throughout this time period.

d. The three consistent principles expressed in the current Master Plan Vision Chapter are:

- i. Maintain and protect rural New England seacoast character, heritage, and natural resources
- ii. Manage operating expenses and capital investments but provide expected levels of service
- iii. Strengthen sense of community.

e. The principles and strategies of the current Master Plan are not known well by the townspeople, town staff, and town boards.

f. The LRP has created a one page summary version of the Vision Chapter with the goal of having a foundational document that will better acquaint different segments of the community with the Master

Plan and produce one direction/focus for all of these various segments to more effectively accomplish the goals of the Vision Chapter.

g. The proposed one page Vision Chapter consolidated multiple existing strategies into an additional principle titled:

- i. Create a vibrant and accessible Business District focused on Route 1.

Mr. Kroner presented information regarding rail trails and other pedestrian-friendly venues for the Board's consideration of adding to the Master Plan.

Mr. Etela presented information regarding how the town could become a Certified Local Government within the Federal Historic Preservation Program for the Board's consideration of adding to the Master Plan.

Ms. Jenkins presented information regarding how rural New England character should be defined to include working farms and forests for the Board's consideration of adding to the Master Plan.

### III. Other 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. Capital Improvement Plan Committee (CIP) – No report.

e. Economic Development Committee (EDC) – Mr. Wilson reported that some members of the committee attended a round table discussion regarding effective strategies and available resources for business retention and engagement.

f. Select Board – Mr. Maggiore reported updates regarding the rails to trails current status, NHMA Conference discussions about short term rentals, and strategies to resolve flooding issues in the Philbrick Pond area.

g. RPC Circuit Rider – No report.

h. Planning and Zoning Administrator – Mr. Milner informed the Board about upcoming applications scheduled to be considered at December meetings.

#### 2. Minutes.

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

Mr. Harned suggested the following changes (~~struck out~~ and **bold**) to the sentence in lines 108-109: "The Board must ensure that ~~it~~ **the Board** is adhering to the ordinances ~~voted on~~ **adopted** by the townspeople to the best of its ability when considering an application."

**Mr. Harned moved that the Planning Board accept the minutes of the November 6, 2018 Planning Board meeting as amended. Second by Mr. Kilgore. The roll call vote was 5-0-2 in favor of the motion with Mr. Wilson and Mr. Derby abstaining.**

The meeting was adjourned at 8:45pm without objection.

Respectfully submitted,

Rick Milner

Recording Secretary

## SECTION 302 DEFINITIONS

### **Accessory Structure:**

Any structure on a lot, that is detached or not from the principal structure on that lot and is or its use is incidental and subordinate to that principal structure. Garages for motor vehicles, with a footprint no greater than 1,008 square feet, attached or not to the principle structure, are not considered Accessory Structures as long as that garage is the first instance of a garage on a Lot of Record.

## SECTION 408 ACCESSORY STRUCTURES

408.a All Accessory Structures shall be sited no closer to a public road than the principal structure on that lot.

408.b Accessory Structures are permitted in the I-B/R District regardless of footprint size and shall meet all zoning and planning requirements.

408.c For all R-1 and R-2 lots, Accessory Structures with a footprint no greater than 1,008 square feet are permitted in the R-1 and R-2 Districts. These Accessory Structures shall meet all zoning and planning requirements. These Accessory Structures shall require side and rear minimum setback depths of 15 feet in the R-1 District, 15 feet in the R-2 District and shall meet all other zoning and planning requirements.

408.d In addition, for R-1 and R-2 lots of at least two (2) but less than four (4) acres, Accessory Structures with a footprint greater than 1,008 but no greater than 1,440 square feet are permitted in the R-1 and R-2 Districts. These Accessory Structures shall require side and rear minimum setback depths of 25 feet in the R-1 District, 30 feet in the R-2 District and shall meet all other zoning and planning requirements.

408.e In addition, for R-1 and R-2 lots of four (4) acres or greater, Accessory Structures with a footprint greater than 1,440 but no greater than 4,000 square feet are permitted in the R-1 and R-2 Districts. The Accessory Structures with a footprint no greater than 2,500 square feet shall require side and rear minimum setback depths of 35 feet in both the R-1 and R-2 Districts and shall meet all other zoning and planning requirements. The Accessory Structures with a footprint greater than 2,500 square feet but no greater than 4,000 square feet shall require side and rear minimum setback depths of 50 feet in the R-1 and R-2 Districts and shall meet all other zoning and planning requirements.

408.f Conditional Use Permit Required. A Conditional Use Permit is required for any Accessory Structure that does not meet the previous requirements of this Section (408.a-e). The Conditional Use Permit ("CUP") review process provides abutters and other affected parties an opportunity to comment on proposed projects and also allows the Planning Board to consider reasons an applicant offers to justify a project that does not fully conform to applicable provisions of the Zoning Ordinance.

408.g Conditional Use Permit Review. The following process shall be used by the Planning Board in considering applications for a Conditional Use Permit under this Section:

- (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 approximate-to-scale rendering with accurate structure size and location measurements of proposed structure and operations 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 unreasonable 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.

## **SECTION 508 AGRICULTURE**

**508.3.F. Accessory Structure for Agriculture:** “Accessory Structure for Agriculture” is used only for agriculture purposes and shall have the same definition as “Accessory Structure” and meet the same setback and other requirements.

### **508.5.C.3.f Accessory Structures for Agriculture**

**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 shall be limited to the fee for certified, return-receipt-requested notifications to abutters in the Site Plan Review process.



## APPENDIX B

### SECTION 302 DEFINITIONS

**XX. Impervious Surface:** A modified surface, that cannot effectively absorb or infiltrate water, including, but not limited to, structures, roofs, decks, patios, paved asphalt, concrete driveways, paved gravel or crushed stone driveways, parking areas, and walkways, unless designed to absorb or infiltrate water.

**XX. Lot, Coverage:** Areas of a lot that include buildings, parking areas, vehicular drives, pavement and any other man-made structures and surfaces that are impervious to water. All surfaces deemed to be impervious surface under Definition XX shall be used when calculating lot coverage area.

#### 406.1 Where Structures Are Permitted

District	R-1	R-2	I-B/R
Maximum Lot Coverage for Lots less than two (2) acres	35%	35%	75%
Maximum Lot Coverage for Lots greater than or equal to two (2) acres	25%	25%	75%