



**Meeting Minutes  
Work Session  
North Hampton Planning Board  
Tuesday, December 18, 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.

9  
10 **In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Dan Derby,  
11 Wally Kilgore, and Jim Maggiore, Select Board Representative; Jennifer Rowden, RPC Circuit Rider; and  
12 Rick Milner, Recording Secretary.

13  
14 **Also in attendance:** Dieter Ebert, Agricultural Commission Chair; Cindy Jenkins, Agricultural Commission  
15 Member; and Valerie Gamache.

16  
17 Vice Chair Monaghan called the meeting to order at 6:30pm.

18  
19 **I. Public Hearings**

20 1. Review of proposed 2018-19 Zoning Ordinance amendments – Accessory Structures.  
21 Mr. Harned presented proposed language for a new Accessory Structures section of the zoning  
22 ordinance and revisions to the Agriculture Accessory Structures section of the zoning ordinance. The  
23 intent of the proposed language is to create a definition for accessory structures and establish  
24 permitting regulations for the construction of accessory structures within all zoning districts of the Town  
25 of North Hampton.

26  
27 The proposed language, revised per Board comments at the November 20 work session, included:

- 28 a. a definition for accessory structures,  
29 b. allowed sizes for accessory structures based on the size of the lot,  
30 c. required setback distances based on the size of the proposed accessory structure ,  
31 d. clarification that any size accessory structure is allowed in the Industrial-Business/Residential District,  
32 and  
33 e. a conditional use permit process for proposed accessory structures that do not meet the zoning  
34 ordinance standards.

35  
36 Mr. Harned noted that, after review by himself and the Planning staff, the format of the proposed  
37 language was re-structured to make the language easier to follow. However, the essential content of the  
38 proposed language was not changed.

39  
40 Ms. Monaghan opened the public hearing at 6:38pm.

41  
42 Mr. Ebert addressed the Board. Mr. Ebert stated the following concerns:

- 43 a. The proposed ordinance may be over-regulating a situation which used to be open and flexible. The  
44 current system has been working fine for many years except for one notable case.

- b. Many current conforming structures will become non-conforming.
- c. There appears to be a conflict with the new accessory structures language which allows accessory structures to be sited no closer to a public road than the principal structure and the accessory structures for agriculture language which mandates that accessory structures for agriculture be sited in the rear of the property.
- d. It is currently a common circumstance in North Hampton for accessory structures to be sited in the front yard of larger properties where the home is set far back. There are many currently existing accessory structures which do not meet the proposed new standards and blend well into the surrounding neighborhood. They do not adversely affect the character of the neighborhood.
- e. The need for a conditional use permit to allow a proposed non-conforming accessory structure is overbearing.

Ms. Jenkins asked how the conflicts between different setback and siting standards for accessory structures would be resolved.

Ms. Rowden stated that the stricter applicable standard would be used.

Ms. Jenkins stated that the conditions for satisfying a conditional use permit, especially the requirement that surrounding property values are not diminished, are inconsistent with the zoning ordinance purpose of protecting the public's health, safety, and welfare.

Ms. Gamache noted a critical consideration for the siting of a greenhouse is sun exposure, which may not be at the rear of the property.

Mr. Wilson stated that the purpose of the conditional use permit process is to balance competing values by giving people who may have competing values or a difference of opinion the opportunity to be heard. The condition of approval for conditional use permits regarding diminished property values is consistent with the zoning ordinance purpose of protecting the public's general welfare. The public's general welfare is affected in part by the public's property values. It is not unreasonable to establish limits for activities which may adversely affect neighbors' general welfare.

Mr. Harned noted that the proposed language does not impose any new stricter regulations for agricultural accessory structures. However, bringing consistency to the regulations has been considered by the Board during the proposed accessory structures ordinance discussions. Mr. Harned suggested that the language for siting of accessory structures for agriculture be changed to be similar to language for other types of accessory structures. Mr. Harned also suggested, based on some public and Board member feedback, that the Board consider allowing accessory structures attached to the principal structure by a common interior wall to be sited closer to the road than the principal structure.

Mr. Ebert suggested that the allowed size of a garage be increased from the proposed 1,008 square feet to 1,200 square feet.

Ms. Monaghan closed the public hearing at 7:11pm.

**Mr. Harned moved that the language of proposed Accessory Structures Section 408.a be changed to the following:**

91 **"408.a All Accessory Structures shall be sited no closer to a public road than the principal structure on**  
92 **that lot unless attached to the principal structure by a common interior wall."**  
93 **Second by Mr. Wilson. The vote was unanimous in favor of the motion (6-0).**  
94

95 **Mr. Harned moved that the language of Accessory Structures for Agriculture Section 508.5.C.1 be**  
96 **changed to the following:**

97 **"1. All structures erected to be used in the pursuit of agricultural activities and raising of animals and**  
98 **poultry shall be sited no closer to a public road than the principal structure on that lot unless attached**  
99 **to the principal structure by a common interior wall."**

100 **Second by Mr. Kilgore. The vote was unanimous in favor of the motion (6-0).**  
101

102 **Mr. Harned moved that the Planning Board accept the re-structured format of the proposed Accessory**  
103 **Structures language as presented at the December 18, 2018 Planning Board meeting. Second by Mr.**  
104 **Maggiore. The vote was unanimous in favor of the motion (6-0).**  
105

106 The Board considered Mr. Ebert's suggestion of increasing the allowed size of a garage from the  
107 proposed 1,008 square feet to 1,200 square feet. Mr. Kilgore stated that 1,008 square feet seemed  
108 reasonable based on the example of a typical three car garage presented at a previous Board meeting.  
109 The Board came to a consensus without objection to keep the allowed size of a garage and accessory  
110 structures on a lot of less than two acres at the proposed 1,008 square feet.  
111

112 **Mr. Maggiore moved that the Planning Board schedule a second public hearing at the January 8, 2019**  
113 **Planning Board meeting to consider the adoption of New Section - Accessory Structures zoning**  
114 **ordinance revisions language as edited at the December 18, 2018 Planning Board meeting for**  
115 **inclusion on the 2019 Town Warrant. Second by Mr. Derby. The vote was unanimous in favor of the**  
116 **motion (6-0).**  
117

118 The version of the proposed accessory structures zoning ordinance amendment as revised by the Board  
119 at this meeting is attached as Appendix A to these minutes.  
120

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

122 Ms. Rowden presented proposed language which included definitions for lot coverage and impervious  
123 surface. The language also proposed maximum lot coverage of 25% in the R-1 and R-2 zoning districts on  
124 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  
125 the I-B/R zoning district.  
126

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

- 128 a. maintain rural character and open space goals indicated in the Master Plan
  - 129 b. allow for better infiltration of precipitation into the ground
  - 130 c. mitigate potential flooding issues
  - 131 d. maintain better water quality by mitigating potential contamination sources for stormwater run-off.
- 132

133 Ms. Rowden also noted that the Town of North Hampton is the only town in the surrounding seacoast  
134 area that does not currently have any lot coverage regulations.  
135

136 Ms. Monaghan opened the public hearing at 7:28pm.  
137

Mr. Ebert stated that the proposed language was clear and concise. However, he suggested that a conditional use permit process, not a variance process, be used to address situations that do not conform to the proposed zoning ordinance. The Planning Board, not the Zoning Board of Adjustment, is the group best suited to evaluate lot coverage issues. A process similar to that detailed in the proposed accessory structures ordinance should be used.

Ms. Rowden stated that, since non-conformity with the proposed lot coverage ordinance would be a dimensional issue, a variance process is proposed in order to be consistent with the process used for other dimensional non-conformities.

Ms. Monaghan closed the public hearing at 7:35pm.

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

**Mr. Wilson moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 302 Definitions and Section 406 Yard and Lot Requirements creating definitions for lot coverage and impervious surface and establishing maximum percentage of a lot that may be covered by structures and surfaces that are impervious within all zoning districts of the Town of North Hampton appears on the 2019 Town Warrant as presented. Second by Mr. Harned. The vote was unanimous in favor of the motion (6-0).**

### **III. Other Business**

#### **1. Planning Board alternate member appointment.**

Ms. Monaghan presented a letter from Valerie Gamache indicating interest in becoming an alternate member of the Planning Board.

Ms. Gamache addressed the Board. Ms. Gamache stated that she would like to be more involved in the community. The opportunity to be on the Planning Board seems like a satisfying endeavor.

**Mr. Wilson moved that the Planning Board appoint Valerie Gamache as an alternate member of the Planning Board for a three year term beginning January 3, 2019. Second by Mr. Derby. The vote was unanimous in favor of the motion (6-0).**

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

a. Long Range Planning (LRP) – Mr. Derby reported that the LRP will be working on sections of the proposed Master Plan short form to present to the full Planning Board for review.

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 the EDC was in the last stages of preparing a report to the Select Board which includes a Vision Statement for the EDC if the Select Board chooses to move forward with the committee's activities.

f. Select Board – No report.

g. RPC Circuit Rider – No report.

h. Planning and Zoning Administrator – Mr. Milner informed the Board about upcoming applications scheduled to be considered at January 8 meeting.

185  
186 2. Minutes.  
187 Ms. Monaghan presented the minutes of the November 20, 2018 Planning Board meeting.  
188  
189 Mr. Derby suggested that the language in lines 137-139 be changed as follows:  
190 "g. The proposed one page Vision Chapter consolidated multiple existing strategies into an additional  
191 principle titled:  
192 i. Create a vibrant and accessible Business District focused on Route 1."  
193  
194 **Mr. Derby moved that the Planning Board accept the minutes of the November 20, 2018 Planning**  
195 **Board meeting as amended. Second by Mr. Wilson. The vote was unanimous in favor of the motion**  
196 **(6-0).**  
197  
198 Ms. Monaghan presented the minutes of the December 4, 2018 Planning Board meeting.  
199 **Mr. Harned moved that the Planning Board accept the minutes of the December 4, 2018 Planning**  
200 **Board meeting as written. Second by Mr. Wilson. The vote was unanimous in favor of the motion**  
201 **(6-0).**  
202  
203 The meeting was adjourned at 8:02pm without objection.  
204  
205 Respectfully submitted,  
206  
207  
208  
209 Rick Milner  
210 Recording Secretary

## APPENDIX A

2019 ZONING ORDINANCE WARRANT ARTICLE #5

NOT YET OFFICIALLY ADOPTED

SECOND PUBLIC HEARING 1/8/19

### SECTION 302 DEFINITIONS (New Language)

#### **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 principal 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 (New Language)

408.a All Accessory Structures shall be sited no closer to a public road than the principal structure on that lot unless attached to the principal structure by a common interior wall.

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 lots less than two (2) acres in the R-1 and R-2 Districts, Accessory Structures with a footprint no greater than 1,008 square feet are permitted.

408.d For lots of at least two (2) but less than four (4) acres in the R-1 and R-2 Districts, Accessory Structures with a footprint no greater than 1,440 square feet are permitted.

408.e For lots of four (4) acres or greater in the R-1 and R-2 Districts, Accessory Structures with a footprint no greater than 4,000 square feet are permitted.

408.f Accessory Structures with a footprint no greater than 1,008 square feet 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.g Accessory Structures with a footprint greater than 1,008 but no greater than 1,440 square feet 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.h Accessory Structures with a footprint greater than 1,440 but 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.

408.i 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.j 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. 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.k 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 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.

408.l A Conditional Use Permit may be granted to allow an Accessory Structure on a lot provided that the following conditions are found to exist:

- (a) The Accessory Structure shall not diminish the value of surrounding properties.
- (b) The Accessory Structure shall not unreasonably adversely affect the public interests, safety, health, or welfare.

## **SECTION 508 AGRICULTURE** (Changes in RED or ~~Struck-out~~)

### **508.3.F Accessory Structure for Agriculture**

~~**F. Accessory Structure for Agriculture:** "Accessory Structure for Agriculture" means a building or structure, detached from but located on the same lot, which is incidental and subordinate to the principal building. \*3/8/2016~~

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

### **508.5.C.1 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~~, no closer to a public road than the principal structure on that lot unless attached to the principal structure by a common interior wall.

### **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 ~~Acessory Building~~ **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

### 2019 ZONING ORDINANCE WARRANT ARTICLE #4

#### SECTION 302 DEFINITIONS (New Language)

**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 shall be used when calculating lot coverage area.

#### SECTION 406 YARD AND LOT REQUIREMENTS (New Language)

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%