



**Meeting Minutes**  
**Work Session**  
**North Hampton Planning Board**  
**Tuesday, July 16, 2019 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, Shep Kroner, Wally Kilgore, Lauri Etela, and Jim Maggiore, Select Board Representative; Alternate Member Valerie Gamache; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

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

Ms. Gamache was seated for Mr. Kroner.

**I. Old Business**

**1. Case #19:13 – Applicants: Shelly and Stacey Patrick, 388 South Road, Rye, NH 03871.** The Applicants request a Conditional Use Permit to allow construction of a driveway within the Wetlands Conservation District vegetative buffer zone. Property Owners: Shelly and Stacey Patrick, 388 South Road, Rye, NH 03871. Property Locations: Woodland Road adjacent to Rye town line, North Hampton, NH 03862; M/L: 011-012-000 and 011-011-000; Zoning Districts: R-2, Medium Density District, and Village District of Little Boar's Head.

In attendance for this application:

Michael Garrepy, applicant representative.

Ms. Monaghan presented a letter from Rockingham County Conservation District (RCCD) Wetland Scientist Michael Cuomo stating that, based on his on-site review, the flagging of the wetland boundary in the area of the existing woods road off of Woodland Road within the jurisdiction of the North Hampton Planning Board is accurate.

Ms. Monaghan asked if Planning Board members wished to conduct a site walk before further consideration of the application.

Mr. Harned and Mr. Maggiore stated that they were in favor of a site walk.

Mr. Wilson stated that he believed a site walk was not necessary based on the findings of the RCCD and the fact that the area under consideration was only 100 feet in distance.

Ms. Gamache asked for clarification regarding the distance of the existing woods road from the wetlands boundary.

Mr. Garrepy stated that the road was approximately 10 feet away from the wetlands boundary at its closest point. There are no proposed impacts on the wetlands. Mr. Garrepy stated that a site walk may be beneficial so that Board members actually see the site conditions.

**Mr. Harned moved that the Planning Board schedule a site walk at the Tax Map/Lot 011-012-000 property off of Woodland Road adjacent to the Rye town line as part of the Conditional Use Permit application review process for Case #19:13 on August 5, 2019 at 4:30pm. Second by Ms. Gamache. The vote was unanimous in favor of the motion (7-0).**

**Mr. Harned moved that the Planning Board continue Case #19:13 to the August 6, 2019 meeting date. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).**

## 2. Discussion of proposed Master Plan Agriculture Chapter.

Agricultural Commission member Joan Ganotis presented a proposed Master Plan Agriculture Chapter. Planning Board members suggested minor editorial changes to the proposed document. The proposed document as edited at this meeting is attached as Appendix A to these minutes.

**Mr. Wilson moved that the Planning Board schedule a public hearing at the August 20, 2019 Planning Board meeting to consider the adoption of the proposed Master Plan Agriculture Chapter. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (7-0).**

## 3. Discussion of proposed Subdivision Stormwater Regulations.

Ms. Rowden presented proposed revisions to the Town of North Hampton Subdivision Regulations regarding stormwater management. The proposed standards would apply to subdivision projects including, but not limited to, the construction of roads, drainage infrastructure, utilities, and other structures or development that support a subdivision project. The draft language follows the criteria stated in the Southeast Watershed Alliance stormwater management model. Adoption of these proposed regulations would help the Town of North Hampton be in compliance with the federal MS-4 permitting process and other federal requirements.

Mr. Kroner arrived at 7:11pm.

Ms. Rowden presented the changes to the document language based on the Board's comments from the last meeting. Planning Board members suggested minor editorial changes to the proposed document. The proposed document as edited at this meeting is attached as Appendix B to these minutes.

Ms. Monaghan suggested that any changes to the subdivision stormwater regulations should also be made in the similar site plan stormwater regulations. The Board came to a consensus without objection that stormwater regulations language for both site plans and subdivision plans be revised to be consistent.

## 4. Discussion of proposed 2020 Zoning Ordinance amendments.

Mr. Milner presented the following proposed 2020 Zoning Ordinance amendments to the Board:

- a. Adoption of State of NH law allowing for expiration of approved variances and special exceptions.
- b. Change Section 203.9 to prohibit construction of any structure, not just any building, on any lot that does not have the maximum frontage required by applicable sections of the zoning ordinance.

- c. Allow accessory structure to be erected on a non-conforming lot that already has an existing legal structure on the lot.
- d. Eliminate conflicting language in the zoning ordinance prohibiting and allowing animal feed lots. The revisions are intended to clearly state that animal feed lots are prohibited. A definition for animal feed lot is proposed.

Mr. Kroner was seated on the Board at 7:32pm.

Planning Board members suggested minor editorial changes to the proposed zoning ordinance amendments. The Board came to a consensus without objection to schedule a public hearing during the fall zoning amendment calendar season to adopt the proposed zoning ordinance amendments as edited at this meeting. The proposed zoning ordinance amendments as edited at this meeting are attached as Appendix C to these minutes.

## **II. 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) – Ms. Monaghan reported that the committee has finished its review of Fire, Police, School, and Public Works requests for the upcoming fiscal year.
- e. Economic Development Committee (EDC) – Mr. Wilson reported that the committee reviewed a presentation regarding the decline of traditional brick and mortar retail stores and the rise of on-line retail businesses. The committee discussed how it may need to revise its vision of a village center based on current retail trends.
- f. Select Board – Mr. Maggiore reported that the Select Board discussed proposed improvements that will aid pond health and alleviate catastrophic storm flooding in the Philbrick Pond area. The Select Board also discussed possible locations for Town building facilities and future rail trail plans.
- g. RPC Circuit Rider –
- Ms. Rowden reported on the availability of grant funds to create a mapping database and inventory of septic systems throughout the town. These water quality planning funds will help prioritize lots on which septic systems may present a greater risk to water quality and target education to property owners of these lots. Conservation Commission Chair Lisa Wilson stated that the Conservation Commission was seeking Planning Board and Select Board support to move forward with this project.

**Mr. Harned moved that the Planning Board supports a proposal to create a mapping database and inventory of septic systems throughout the Town of North Hampton. The Planning Board also authorizes the Circuit Rider Planner to move forward with drafting a scope of work associated with this proposal for review purposes by the Planning Board. Second by Mr. Etela. The vote was unanimous in favor of the motion (7-0).**

Ms. Rowden reported on the progress made with regards to the Coastal Resiliency Municipal Planning grant application to aid with the creation of a Coastal Resiliency and Hazard Adaptation Master Plan Chapter. Ms. Rowden outlined the project objectives and a scope of work. Ms. Rowden asked for input from the Board regarding what type of funding matches (i.e. cash match or volunteer time match) that the Board was willing to provide as a part of the grant application proposal.

The Board came to a consensus without objection to commit a cash match from the Planning Board's operating budget as a part of the grant application proposal.

**Mr. Wilson moved that the Planning Board allocate up to \$2,500.00 from the Planning Board operating budget to produce a Coastal Resiliency and Hazard Adaption Master Plan Chapter. If the Town of North Hampton is awarded the grant for Coastal Resiliency Municipal Planning, the \$2,500.00 will be used as the Town's portion of the grant matching funds. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (7-0).**

**Mr. Wilson moved that the Planning Board authorizes the Chair to sign a letter indicating the Planning Board's support of the Coastal Resiliency Municipal Planning grant application which will be added to the application packet. Second by Mr. Harned. The vote was unanimous in favor of the motion (7-0).**

h. Planning and Zoning Administrator – Mr. Milner informed the Board about upcoming applications.

## 2. Minutes.

Ms. Monaghan presented the minutes of the July 2, 2019 Planning Board meeting.

Mr. Milner suggested that the following sentence be added to the Planning Board motion at line 127 of the draft minutes: "The cost of the RCCD verification of the wetlands delineation shall be paid by the applicant."

**Mr. Wilson moved that the Planning Board accept the minutes of the July 2, 2019 Planning Board meeting as amended. Second by Mr. Etela. The vote was unanimous in favor of the motion (7-0).**

The meeting was adjourned at 9:05pm without objection.

Respectfully submitted,

Rick Milner

Recording Secretary



### **Agriculture Master Plan Chapter**

#### **Introduction**

Consistent with the Vision of North Hampton, the Town promotes agricultural activities and supports both current and future farming as well as protects prime farmland soil for future use.

#### **History of Agriculture in North Hampton**

Agriculture was the lifeblood of North Hampton in the 1700s and 1800s. Residents grew crops to provide food for their families and animals, and the Town developed into a center of food production.

Hay and potatoes were sold in Portsmouth. Milk was one of the premiere products produced in North Hampton. From a large dairy farm located at the site of Sagamore Golf Course, milk was shipped by train to Boston by John F. French, and Gov. Alvan T. Fuller sold milk from his Guernsey cows to local families and restaurants including the Ritz-Carlton Hotel in Boston.

Apples, cider, eggs and butter were also major products shipped to buyers outside North Hampton. Lumber was used to make ship masts, and cattle, hogs, sheep and horses were also at the center of the Town's agri-business.\*

From its earliest settlement, North Hampton's agricultural influence remains today as a valued cornerstone of the Town's heritage.

#### **The Importance of Agriculture in North Hampton**

In multiple town surveys, North Hampton residents have expressed a strong desire to preserve the rural New England seacoast character and heritage of our town - composed of forested areas, open fields, pastures and meadows as well as working farms. Despite past residential development and decreased agricultural activity, there is an increasing interest in growing food locally.

1. Rural character of the town is preserved and quality of life improved with clean air, fresh food, water storage/flood control, wildlife habitat, and the potential for recreation (nature walk on Town Forest trails) and educational opportunities (to learn how food is grown and/or livestock managed).
2. Local food requires minimal transportation, is fresher, offers better nutrition, reduces our carbon footprint, is safer, and leads to long term sustainability.
3. The sense of community is strengthened through interaction with local producers, including the school greenhouse and square foot gardens as well as the community garden. (Square foot gardening involves dividing the growing area into small square sections (12" square) to intensely plant a vegetable garden.)
4. Scenic barns and farms are a reminder of our town history and heritage and add to the rural quality of life residents desire.
5. Agricultural activity results in related businesses locating in town and contributing to a vibrant business community.
6. Agricultural uses generally generate more revenue than they require in public service expenditures, resulting in a net positive benefit because of the large, less densely populated land which would not require the same amount of fire, police, school, and road maintenance services as a small subdivision on the same land.

#### **Types of Agriculture in North Hampton**

As of December 2018, the North Hampton Agricultural Commission identified more than 30 active agricultural properties in town. North Hampton products include seasonal vegetables and fruit, honey, eggs, chicken, beef and hay as well as perennial and annual plants, trees and shrubs. Agricultural activity ranges from businesses to backyard gardens for fresh family meals. The North Hampton School uses its greenhouse to grow vegetable seedlings started in the classrooms as well as annual flowers for their plant

sale fundraiser. They have square foot gardens for the students to grow additional plants. The community garden has 52 single plots that local gardeners use to grow vegetables and flowers. Bees to pollinate vegetables and flowers and produce honey are kept at 5 locations or more in town including the community garden, Governor Dale Farm, Throwback Brewery and two Agricultural Commission members' back yards. Many residents keep a few chickens in their yards for eggs and/or meat. Horses, cows, sheep and even a few pigs are kept for companionship, meat, milk and wool.

Some of the types of agriculture in North Hampton include businesses that either sell products used in agricultural activities such as tractors, loam and mulch; provide a service for trimming, pruning or removing trees; or use products grown on the property to sell or use in food or beverages sold. There is a demand for more local produce by restaurants in town but not enough supply at this time.

### **Businesses**

1. Batchelder Sales Inc./Route One Tractor Sales, 57 Lafayette Road - farm tractors
2. Fuller Gardens, 10 Willow Ave. - perennial and rose gardens, tours of gardens, Mother's Day plant sale.
3. Knowles Tree Service, 8 Birch Road - tree removal, trimming and pruning, mow and mulch, wood chips.
4. North Hill Nursery, 206 Lafayette Road - loam, mulch, compost and plants
5. Throwback Brewery, 7 Hobbs Road - hops, fruit trees, bees/honey, donkeys, vegetables for restaurant.

There is agricultural activity in all areas of our town as shown below.

### **Residential by Street**

Atlantic Avenue - pumpkins, school greenhouse and square foot gardens, pigs, chickens, horses and sheep  
Beau Monde Drive - cows, chickens, goats, farm tours, bees/honey, maple syrup, and mushrooms  
Cedar Road - ducks, chickens, and seasonal vegetables  
Chapel Road - donkeys  
Cherry Road - horses  
Exeter Road - chickens, horses, turkeys, goats, pigs, herbs, plants, trees, shrubs, community garden, bees/honey, hay, farm stand (seasonal fruits and vegetables, Christmas trees, annual plants), and Town Forest  
Lovering Road - chickens, horses, pigs, and bees/honey  
Mill Road - horses  
Post Road - greenhouse with annual/perennial plant sales, chickens, eggs, beef cows, hay, bees/honey, and horses  
Walnut Avenue - cows, milk, chickens, geese, eggs, seasonal fruits and vegetables  
Winnicut Road - horse and donkey

### **Connections to Other Master Plan Chapters**

Agriculture is referenced in many of the Master Plan chapters including Future Land Use, Recreation, Environmental Conservation and Preservation, Water Resource Management and Protection Plan and Existing Land Use. For specific references, please see the attached Appendix. The Vision statement of the Master Plan Principle 1) Maintain and protect rural New England seacoast character, heritage and natural resources and the strategies to accomplish this principle clearly support agriculture.

### **Town Support for Agriculture**

North Hampton residents have shown support for Agricultural Resources by voting to form an Agricultural Commission in March of 2009.

"The purpose of this Section 508 Agriculture of the North Hampton Zoning Ordinance is to promote agricultural activities in Town, while ensuring that these activities are suitable for the context in which they occur."

**Ag Goal 1: Create a farm-friendly environment for evolving agricultural activities.**

- 1.1. Continue involvement with the Planning Board to facilitate agricultural activities including the adoption of Zoning Ordinances and Building Codes which are compatible with agricultural needs and interests. Continue to attend the annual meeting of the Town's five Land Use Boards.
- 1.2. Support the use of economic incentives, such as discretionary preservation easements (RSA 79-D), to encourage maintenance of historic barns and agricultural buildings. RSA 79-D is discussed with barn owners during barn surveys. Reach out to barn owners to participate in this program with the goal of adding 5 more properties by 2023.
- 1.3. Promote the converted use of historic barns and agricultural structures which are no longer used for agriculture so that they may continue to have value and be maintained and preserved. Potential options for converting use are discussed with owners during barn surveys. Provide a program, meeting or speaker to exchange ideas for re-use by 2025.
- 1.4. Encourage Best Management Practices for agricultural activities through community newsletter article and Agricultural Commission brochures. Request additional funding to send out mailings to interested residents by 2023.

**Ag Goal 2: Encourage more locally grown food production in North Hampton to increase food independence, consumption of healthier food, and long-term sustainability through reduced energy consumption.**

- 2.1. Partner with the Conservation Commission and Town to plant edible landscaping (fruit trees and bushes) on town properties and conservation land. To be completed by 2025.
- 2.2. Support agriculture related education programs and events such as the school greenhouse program. An Agricultural Commission member is currently on the school greenhouse committee. Develop farm and/or community garden tour programs by school children to show where their food comes from and how it is grown and harvested. To be completed by 2025.
- 2.3. Support the formation of a Farmers' Market in North Hampton by working with potential landowners to find a site and help develop a program and vendors. To be completed by 2025.

**Ag Goal 3: Identify productive agricultural lands and historic barns in North Hampton.**

- 3.1. Partner with the Conservation Commission to educate residents about the availability of the Current Use program and its benefits using speakers, publicity, mailings and/or a community meeting. To be completed by 2023.
- 3.2. Promote the use of the Farmland Soils map to identify prime farmland and farmland of statewide and local importance prior to development. Request Planning Board require site plan applications and/or subdivision applications must include the presence of such soil on their applications. To be completed by 2025.
- 3.3. Complete project of documenting historic barns with the goal of including 40 of the more than 100 plus privately-owned barns. Expected completion date of October 2019, but the project will remain open for future inclusions.

**Ag Goal 4: Develop a public program with the library to promote composting for soil improvement and recycling food and farm waste.**

- 4.1. Present talks/speakers, handouts and/or articles in the community newsletter to educate children and adults. To be completed by 2021.
- 4.2 Arrange school field trip to community garden to demonstrate both composting and recycling food and farm waste. To be completed by 2021.

**Ag Goal 5: Educate residents of the value of agriculture to our local economy and quality of life.**

5.1. Produce annual brochure listing benefits of agriculture and the types of agricultural products available locally. Develop better distribution to interested residents, leave copies at agriculture related town businesses and/or include in the community newsletter.

5.2. Participate in at least two Town activities by 2021.

\*Historical information taken from "The Way It Was in North Hampton," by Stillman Moulton Hobbs and Helen Davis Hobbs.

Appendices

1. maps - farmland soils (2015)

2. historical land use spreadsheet (2015)

3. Connections to Other Master Plan Chapters



Master Plan Vision Principle(s) and Strategy(ies) that support the Goal	Principal 1) Maintain and protect rural New England seacoast character, heritage, and natural resources. Strategies 1.A) Protect natural resources 1.B) Maintain and restore historic barns						
Agricultural Commission Chapter TOPIC GOAL 1	To create a farm-friendly environment for evolving agricultural activities.						
	Timeframe Measure	2025 % of residents conducting farming activities	Expected Outcome	The ability for residents to easily conduct farming activities, and maintain barns and agricultural buildings.			
			Responsible Party	Timeframe	Cost (if known)	Funding Source	Task Progress, Year: 2019
Task 1.1		Work with Planning Board to facilitate adoption of Zoning Ordinances and Building Codes compatible with agriculture.	Agricultural Commission in conjunction with Planning Board	Ongoing	None	N/A	Participated in Land Use Summit
Task 1.2		Increase number of historic barns under preservation easements by 5.	Agricultural Commission	2023	None	N/A	Explained RSA 79-D to barn owners during surveys
Task 1.3		Educate residents on re-use of barn and agricultural structures to ensure preservation.	Agricultural Commission	2025	None	N/A	Potential options for converting use are discussed with owners during barn surveys.
Task 1.4		Educate residents regarding Best Management Practices for agriculture through community newsletter and Agricultural Commission brochure.	Agricultural Commission	2023	Unknown	Increase to Agricultural Commission Budget	None to date



Master Plan Vision Principle(s) and Strategy(ies) that support the Goal	Principal 3) Strengthen sense of community Strategy 3.E) Encourage locally owned small businesses 3.G) Provide recreational features and activities for all age groups							
Agricultural Commission Chapter TOPIC GOAL 2	To encourage more locally grown food production to increase food independence, consumption of healthier food, and long-term sustainability through reduced energy consumption.							
	Timeframe Measure		2025 % of residents consuming locally grown food	Expected Outcome	Increased access to locally grown food			
				Responsible Party	Timeframe	Cost (if known)	Funding Source	Task Progress, Year: 2019
Task 2.1		Plant edible landscaping on town property and conservation land		Agricultural Commission in conjunction with Conservation Commission and Select Board	2025	Unknown	Agricultural Commission Budget	Blueberry bushes planted at Dearborn Park
Task 2.2		Support agriculture related education programs		Agricultural Commission in conjunction with Town Library and School	2025	Unknown	Agricultural Commission Budget	Agricultural Commission member sits on School Greenhouse Group. Raising Backyard Chickens Talk provided at Library
Task 2.3		Support formation of Farmers' Market		Agricultural Commission in conjunction with private land owner or Select Board for public land	2025	None	N/A	Opened talks with 1 land owner



<b>Master Plan Vision Principle(s) and Strategy(ies) that support the Goal</b>	Principal 1) Maintain and protect rural New England seacoast character, heritage, and natural resources. Strategies 1.A) Protect natural resources 1.B) Maintain and restore historic barns 1.C) Use conservation subdivisions to protect undeveloped land					
<b>Agricultural Commission Chapter TOPIC GOAL 3</b>	To identify productive agricultural lands and historic barns in North Hampton.					
	Timeframe Measure	2025 % increase in land under Current Use	Expected Outcome	Awareness and desire to protect productive agricultural land and historic barns		
			Responsible Party	Timeframe	Cost (if known)	Funding Source
Task 3.1	Educate residents about Current Use Program		Agricultural Commission in conjunction with Conservation Commission	2023	Unknown	To be determined
Task 3.2	Add prime farmland soil identification requirement to site plan applications and/or subdivision applications		Planning Board in conjunction with Agricultural Commission	2025	None	N/A
Task 3.3	Document 40 of the more than 100 privately-owned barns		Agricultural Commission	2020	Unknown (printing)	Agricultural Commission budget
						40 barns are in process of being completed.



Principal 3) Strengthen sense of community Strategy 3.A) Continue effective and broad communication	
To promote composting for soil improvement and recycling of food and farm waste.	
Widespread composting throughout the town, including the school.	
Task Progress, Year: 2019	
Composting in place at Community Garden. School has begun investigating composting (not in conjunction with Agricultural Commission)	
Not started	
Task 4.1	
Present talks/speakers, handouts and/or articles to educate children and adults	
Agricultural Commission in conjunction with School and Library	
2021	
Unknown	
Agricultural Commission budget	
Task 4.2	
Arrange school field trip to Community Garden to demonstrate composting and recycling	
Agricultural Commission in conjunction with School	
2020	
Unknown	
School to cover transportation of students	

Master Plan Vision Principle(s) and Strategy(ies) that support the Goal	Principal 1) Maintain and protect rural New England seacoast character, heritage, and natural resources. Strategies 1.A) Protect natural resources					
Agricultural Commission Chapter TOPIC GOAL 5	To educate residents of the value of agriculture to our local economy and quality of life.					
	Timeframe Measure	Ongoing % of residents aware of importance of agriculture	Expected Outcome	Widespread appreciation and participation in local agricultural activities		
			Responsible Party	Timeframe	Cost (if known)	Funding Source
Task 5.1	Produce brochure listing benefits of agriculture and products available locally		Agricultural Commission	Annual	Minimal	Agricultural Commission budget
Task 5.2	Showcase agricultural activities in at least 2 Town activities		Agricultural Commission	2021	Unknown	Agricultural Commission budget
						Task Progress, Year: 2019 Currently produced annually
						Participated in 2019 Land Use Boards Summit







## Town of North Hampton Historical Land Use (Acres)

Land Use Type	1962	1974	1998	2005	2010	2015	2010 to 2015 Change in Acreage	2010 to 2015 Percent Change
Active Agricultural	1,324	798	401	237	234	240	6	2.56%
Aux Transportation				59	59	58	-1	-1.69%
Farmsteads	19	18	5	7	12	9	-3	-25.00%
Forested	5,591	5,540	5,438	3,032	3,010	2,964	-46	-1.53%
Industrial/Commercial	83	160	252	281	282	289	7	2.48%
Mixed Urban	114	150	201	14	14	14	0	0.00%
Open Wetlands	435	433	543	2,487	2,486	2,485	-1	-0.04%
Other/Idle	506	757	465	652	646	619	-27	-4.18%
Playing Fields/Recreation				194	190	183	-7	-3.68%
Railroad				9	9	9	0	0.00%
Residential	676	865	1,388	1,582	1,612	1,666	54	3.35%
Transportation	142	161	179	240	240	257	17	7.08%
Utilities				75	75	75	0	0.00%
Water	34	42	51	56	56	56	0	0.00%
<b>Total</b>			<b>8,923</b>					

Note: Years 1962, 1974, and 1998 were compiled with a slightly different methodology than 2005, 2010, and 2015. Aux Transportation, Playing Fields and Utilities are categories only broken out in 2005, 2010, and 2015. Classification of Open Wetlands improved between 1998 and 2005 due to higher quality aerial photos. Many Open Wetlands had previously been classified as Forested. Classification of Playing Fields/Recreation improved in 2015 to ensure that those in proximity to a school were classified as Education.

## Land Use Definitions

**Active Agricultural:** This category includes fields, pastures, row crops, orchards, etc. It does not include farm buildings.

**Aux Transportation:** This category includes parking structures/lots, designated park & ride lots, margins along roadways, and medians.

**Farmsteads:** This category includes farm buildings.

**Forested:** This category includes forests.

**Industrial/Commercial:** This category includes commercial, services, government, educational, indoor cultural/public assembly, industrial, office parks, and shopping malls.

**Mixed Urban:** This category includes mixed residential-commercial, outdoor cultural/public assembly, and cemeteries.

**Open Wetlands:** This category includes all visible wetlands (recognizing that some forested wetlands will be indistinguishable).

**Other/Idle:** This category includes mining areas, vacant developed land, brush or transitional between open and forested, salt flats, beaches and river banks, sandy areas (non-beaches), bare/exposed rock, strip mine/quarry or gravel pit, and disturbed land (for example, construction).

**Playing Fields/Recreation:** This category includes outdoor recreation not associated with a school.

**Railroad:** This category includes railroad transportation.

**Residential:** This category includes multi-family, single family, mobile home parks, and group/transient quarters.

**Transportation:** This category includes air transportation, water transportation, limited and controlled highway rights-of-way, and road rights-of-way.

**Utilities:** This category includes communication, electric, gas, water, wastewater, and solid waste utilities.

**Water:** This category includes all surface water features (not including wetlands).

*For more detailed descriptions, please contact [rpruyne@rpc-nh.org](mailto:rpruyne@rpc-nh.org).*



## **Connections to Other Master Plan Chapters**

### **Vision**

1) Maintain & protect rural New England seacoast character, heritage & natural resources; The means to accomplish this principle include protecting natural resources - water, forests, pastures, wildlife and their habitats; maintaining and restoring historic public buildings, antique houses and barns & stone walls; and using conservation subdivisions to protect undeveloped land and natural resources all support agriculture-related activities.

### **Community Goals**

CG-2 "2. Open Space Planning - The Planning Board encourages the establishment of conservation areas and the protection of open space and natural resources (ponds, wetlands, woodlands, prime agricultural land and unique and fragile areas)."

### **Recreation**

pg. P-4 "Marston Farm (Town Farm) - The community garden formation is described.

### **Environmental Conservation and Preservation**

pg. ECP-8 "Farmland - "...approximately one fifth of the town contains very good agricultural soil."

"As with forest land, North Hampton is experiencing a loss in agricultural land. With only a few sites containing very good agricultural soil, and even fewer farms still active, North Hampton will continue to encourage the preservation of these areas. The North Hampton Forever Program acquired rights to approximately 200 acres of farmland and, therefore, made a significant contribution to the Town's efforts to preserve this valuable resource."

### **Water Resource Management and Protection Plan**

pg. WRM-22 - III Identification of Potential Threats to Water Resources - Table 4 Nonpoint Pollutant Sources and Remedies - Source: agricultural runoff - Remedy - Best Management Practices (BMP), e.g., concrete manure pits, no winter manure spreading, etc.

pg. WRM-42 Recommendations

"11. Encourage farms to employ BMPs as prescribed by the Soil Conservation Service.

### **Existing Land Use**

pg. ELU-3 - North Hampton Land Use Trends - chart - active agriculture acres down, farmsteads down, forested areas down, residential areas up

Land Use Trends " "...one particular trend is highly evident: the relationship of agricultural land with residential land. ...the shift of the dominant land use in North Hampton from agriculture to residential. The shift occurred during the latter half of the 1900s, but the divide continues albeit at a much slower rate. Efforts to maintain the Town's rural and agricultural character are pressured by the continuing demand for residential development."

ELU Map 1a 1962 Land Use and 1e 2010 Land Use support the figures above.

### **Future Land Use**

FLU-1 "A review of this Master Plan, the previous Master Plan, associated surveys and the Town's land-use regulations, collectively illustrate North Hampton's desire to remain a rural-residential community, which cares for and protects its natural resources."

FLU-6 "A second objective is the realistic application of concerns expressed by the citizens as to the retention of rural characteristics and community atmosphere existing in North Hampton today."

FLU-7 Recommendation - "2. The Town should encourage, and where necessary purchase, conservation and agricultural easements, in order to preserve its agricultural heritage."

**Growth Management in North Hampton (7/16/13)**

GM-1 "North Hampton is a rural community along New Hampshire's coast that has historically had a relatively stable population. However during the period from 1970 to 2000 the town experienced rapid population growth of approximately 25 percent. This lead to concerns about impacts on traffic, town services and tax rates, school enrollment, and North Hampton's ability to accommodate new residents while maintaining its rural characteristics."

**DRAFT**

Text to remain    ~~Text to be removed~~    **Text to be added**

**SECTION X - CONSTRUCTION STANDARDS AND SPECIFICATIONS**

**C. Drainage Specifications**

- ~~1. All storm drainage pipes shall be not less than twelve (12) inches, and designed for a 100-year storm by a registered professional engineer. Catch basins shall be pre-cast or solid block four (4) feet in diameter and the outlet pipe at least 3 feet above bottom of barrel section, all in accordance with the latest edition of the New Hampshire Department of Transportation Specifications for Road and Bridge Construction.~~
- ~~2. The stormwater system shall include an adequate number and sizes of catch basins and/or drop inlets such that the maximum length for a ditch to a catch basin is 400 feet, and shall be designed by a registered engineer for a 100-year storm.~~
- ~~3. No stormwater pipe, catch basin, drainage inlet, or cellar floor drain, draining surface or subsurface groundwater shall be connected to the sanitary sewer system if and when one exists. All storm water pipes shall be inspected by the Town Engineer or Road Agent before being covered. A 24-hour notice will be required before inspections.~~
- ~~4. The subdivider shall show evidence that his stormwater drainage system will not cause flooding or excessive siltation of waters upon or adjacent to the subdivision. Easements for stormwater pipes or drainage ditches will be required when they will be crossing private land. These easements shall be deeded to the Town of North Hampton.~~

**C. Post Construction Stormwater Management Standards**

**1. Applicability Standards**

**These standards apply to all projects subject to Section IV, including but not limited to construction of roads, drainage infrastructure, utilities, access ways, and other structures or development that support the subdivision. Development on a single residential lot with no more than two dwelling units shall be exempt from these provisions and standards. At the discretion of the Planning Board, qualifying applications may be required to include a post-construction stormwater management plan prepared by a NH licensed engineer.**

- a. Purpose: The purpose of post construction stormwater management standards is to provide reasonable guidance for the regulation of stormwater runoff to protect local natural resources from degradation and prevent adverse impacts to adjacent and downstream land, property, facilities and infrastructure. These standards regulate discharges from stormwater and runoff from land development projects and other construction activities in order to control and eliminate increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.**
- b. The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Town of North Hampton. This regulation seeks to meet that goal through the following objectives:**
  - i. No increase in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.**
  - ii. No increase in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.**

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- iii. The total volume of surface water runoff which flows from any specific site during and following development shall not exceed the pre-development hydrologic condition to the maximum extent practicable.
  - iv. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety or cause excessive municipal expenditures.
  - v. Protect the quality of the Town's groundwater resources, surface water bodies and wetlands.
- c. All projects under review by the Planning Board of such magnitude as to require a stormwater permit from EPA Construction General Permit (CGP) program or NH Department of Environmental Services (NHDES) Alteration of Terrain (AOT) program shall comply with the standards of EPA and/or NHDES permits and this section, whereas the stricter standards shall apply should these standards be inconsistent.
2. Minimum Thresholds for Applicability
- a. Minimum Thresholds for Applicability: These stormwater management standards apply to all projects requiring Planning Board review and approval under Section IV. For smaller projects that disturb less than 15,000 square feet an applicant may request a waiver of the full standards providing minimum protections and management are implemented. For the purpose of these standards, disturbance is defined as any alteration of the land surface or permanent removal of vegetation or trees associated with a development activity.
  - b. Waiver Option for Small Development Projects: At the request of an applicant, the Planning Board may grant a waiver to any or all stormwater standards for projects that: disturb less than 15,000 square feet; create less than 5,000 square feet of new impervious surface; and do not disturb land within 100 feet of a surface water body or wetland.
  - c. Conditions for Granting of Waivers: In order for the Planning Board to issue a waiver, the applicant must demonstrate and board must find the application meets the minimum criteria listed below and, if granted, will be considered conditions of approval.
    - i. Runoff from NEW impervious surfaces shall be directed to a filtration and/or infiltration device or properly discharged to a naturally occurring or fully replanted and vegetated area with slopes of 15 percent or less and with adequate controls to prevent soil erosion and concentrated flow.
    - ii. Impervious surfaces for parking areas and roads shall be reduced to the extent possible, not exceeding minimum parking requirements for proposed uses and minimum road widths.
    - iii. Runoff generated from NEW impervious surfaces shall be retained on the development site and property and mimic natural hydrologic processes to the maximum extent possible unless it is determined that the biological and chemical properties of the receiving waters will not be degraded by discharge of stormwater runoff from the development site.

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- iv. **Compliance with standards 2.c.i-iii above will be determined by the Planning Board on a case by case basis as site conditions and constraints will differ greatly between various redevelopment proposals.**

### **3. Best Management Practices**

- a. **Performance Specifications: All proposed stormwater practices and measures shall be installed and maintained in accordance with manufacturers' specifications and performance specifications in the *NHDES Stormwater Management Manual Volume 2* (December 2008 or current revision), a copy of which is available from the NH Department of Environmental Services.**
- b. **Water Quality Protection: All aspects of the application shall be designed to protect the quality of surface waters and groundwater of the town of North Hampton as follows:**
- i. **No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface water or groundwater so as to contaminate, pollute, harm, impair or contribute to an impairment of such waters.**
- ii. **All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet all North Hampton Zoning Ordinance requirements and regulations of the New Hampshire Department of Environmental Services (NHDES), including but not limited to those involving Underground Storage Tanks, Above Ground Storage Tanks, Hazardous Waste and Best Management Practices for Groundwater Protection (Env-Wa 401).**
- c. **Stormwater Management for New Development: All proposed stormwater management and treatment systems shall meet the following performance standards:**
- i. **Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances (as specified in the Zoning and Regulations). Stormwater and erosion and sediment control BMPs shall be undertaken in a location outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or reduce environmental impacts shall be considered whenever possible. When necessary, as determined by the Planning Board or their representative, stream and wetland crossings shall comply with state recommended design standards to reduce impacts to flow and enhance animal passage (see the University of New Hampshire Stream Crossing Guidelines, May 2009, as amended).**
- ii. **Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) in order to reduce the generation of the stormwater runoff volume for both new development and redevelopment projects (see Section X.C.4 for redevelopment standards). An applicant must document in writing why LID strategies are not appropriate if not used to manage stormwater.**
- iii. **All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions. These grasses, shrubs and/or other native plants shall be in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.**



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- iv. All areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours for mosquito control.
- v. Salt storage areas shall be covered and loading/offloading areas shall be designed and maintained in accordance with NH Department of Environmental Services published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NH Department of Environmental Services published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NH Department of Environmental Services published guidance fact sheets on road salt and water quality, and snow disposal.
- vi. Runoff shall be directed into recessed vegetated and landscape areas designed for treatment and/or filtration to the maximum extent possible to reduce Effective Impervious Cover (EIC) and reduce the need for irrigation systems.
- vii. All newly generated stormwater, whether from new development or expansion of existing development (redevelopment), shall be treated on the development site. Runoff shall not be discharged from the development site to municipal drainage systems or privately owned drainage systems whether either is enclosed or open drainage. Runoff shall not be discharged to surface water bodies or wetlands in excess of volumes discharged under existing conditions, whether developed condition or undeveloped condition.
- viii. A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns of the site. Runoff from impervious surfaces shall be treated to achieve 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the *NHDES Stormwater Manual Volumes 1 and 2*, December 2008, as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration BMPs or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from new development shall not lower water quality or contribute to existing water body impairments.
- ix. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff for the 2-year, 10-year and 25-year, 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume (GRV) according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 1.0; HSG-B: 0.75; HSG-C: 0.4; HSG-D: 0.15. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. Infiltration structures shall be in locations with the highest permeability on the site.
- x. The physical, biological and chemical integrity of the receiving waters shall not be degraded by the stormwater runoff from the development site.



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- xi. The design of the stormwater drainage system shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
- xii. The design of the stormwater management systems shall take into account upstream and up gradient runoff that flows onto, over, or through the site to be developed or re-developed, and provide for this contribution of runoff.
- xiii. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the *NHDES Stormwater Manual Volume 3* guidelines. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than fourteen (14) days for all other areas. Permanent stabilization should be in place no more than 3 days following the completion of final grading of exposed soil areas.
- xiv. All temporary control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures.
- xv. As an alternative to impervious asphalt or concrete for general and overflow parking areas, pervious parking surfaces shall be used except in cases where impervious surfaces are necessary to protect water quality. Pervious pavement shall be appropriately sited and designed for traffic and vehicle loading conditions.
- xvi. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.

**4. Applicability for Redevelopment**

**a. Redevelopment Criteria:**

- i. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. Stormwater requirements for redevelopment will vary based upon the amount of site surface area that is covered by existing impervious surfaces.
- ii. For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. The applicant must satisfactorily demonstrate that impervious area reduction, LID strategies and BMPs have been implemented on-site to the maximum extent practicable.
- iii. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
  - aa. Implement measures onsite that result in disconnection or treatment of at least 30% of the existing impervious cover as well as 50% of the additional proposed

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impervious surfaces and pavement areas through the application of filtration media; or

- bb. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least 50% of the entire site area.

**5. Rain Gardens**

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 i-iv below:
  - i. 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.
  - ii. The owner agrees to reimburse the Town for all expenses the Town incurs as a result of enforcement as provided in Section 5.i.i. above.

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iii. **Appropriate notes shall be added to the recorded Mylar to memorialize the above conditions of approval.**

iv. **Appropriate deed restrictions shall be added to the deed of the property to memorialize the above conditions of approval.**

**6. Stormwater Management Plan Approval and Recordation**

a. **Plan Approval and Review. The Planning Board shall approve the Stormwater Management Plan if it complies with the requirements of these regulations and other requirements as provided by law. At the discretion of the Planning Board, a technical review by a third party may be required of any stormwater management and erosion control plan prepared under these regulations. The technical review shall be performed by a qualified professional consultant, as determined by the Planning Board, and the expense of which shall be the full responsibility of the applicant.**

b. **Recordation of Approved Stormwater Management Plan. After final Planning Board approval, and established as a condition of such approval, the owner of record of the property shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements of and responsibilities described in the approved stormwater management plan (see RSA 477:3-a). The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478.**

**7. Operations and Maintenance Criteria**

**Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan or subdivision plan. The owner of record of the property shall record a Notice of Decision of these plans at the Registry of Deeds. The Notice of Decision shall be attached to the property deed and apply to all persons that may acquire any property subject to the approved stormwater management and sediment control plans. The Notice of Decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.**

**8. Post-Construction Stormwater Infrastructure – Inspection and Responsibility**

a. **Landowners shall be responsible for submitting an annual report to the Planning Board by September 1 each year by a qualified engineer that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If no report is filed by September 1, municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.**

i. **If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B Administrative Inspection Warrants. Expenses associated with inspections shall be the responsibility of the applicant/property owner.**

ii. **If violations or non-compliance with a condition(s) of approval are found on the site during routine inspections, the inspector shall provide a report to the Planning Board documenting these violations or non-compliance including recommend corrective actions. The Planning Board shall notify the property**

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owner in writing of these violations or non-compliance and corrective actions necessary to bring the property into full compliance. The Planning Board, at their discretion, may recommend to the Board of Selectmen to issue a stop work order if corrective actions are not completed within 10 days.

iii. If corrective actions are not completed within a period of 30 days from the Planning Board or Select Board notification, the Planning Board may exercise their jurisdiction under RSA 676:4-a Revocation of Recorded Approval.

- b. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives written approval by the Planning Board.
- c. The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if: a property is abandoned or becomes vacant; and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.



2020 ZONING ORDINANCE AMENDMENTS

1. Revise Section 710 as follows:

**SECTION 710 SPECIAL EXCEPTION**

**710.1**

A **Special** Exception is a use that would not be appropriate generally or without restriction throughout a particular zone but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a particular zone as a **Special** Exception, only if specific provisions for such **Special** Exception are made in this Zoning Ordinance, and if the **Special** Exception is approved by the Zoning Board of Adjustment. \*3/2/1976, 3/10/2020

**710.2**

Standards for the Zoning Board of Adjustment (ZBA) in Applying and Considering Applications for Special Exceptions.

A. In instances where standards for a listed Special Exception are defined in the Zoning Ordinance, the ZBA shall apply those standards.

B. In instances where specific standards are not defined for a listed Special Exception, the ZBA shall apply the following standards:

1. The Special Exception, if approved, shall not diminish the value of surrounding properties.

2. The Special Exception, if approved, shall not unreasonably adversely affect the public interests, safety, health, or welfare. The ZBA shall consider whether the proposed Special Exception may cause abutting or neighboring lots, or the I-B/R District generally, to be subjected to any form of pollution or discharge of harmful or noxious substances, noise, dust, vibration, smoke, odors, light spillage, or other unpleasant, unhealthy or hazardous by-products of the proposed business which threatens to adversely and unreasonably affect the environment, welfare of residents, or quality of life in and adjacent to the I-B/R District.

C. Notwithstanding approval by the ZBA of an application for a Special Exception, in cases where a site plan is normally required, the Planning Board shall independently review a Site Plan for the proposed use.

**710.3**

As authorized by State of NH RSA 674:33.IV, Special Exceptions granted on or after August 19, 2013 shall be valid only if exercised within two (2) years from the

## 2020 ZONING ORDINANCE AMENDMENTS

date of final approval. Special Exceptions granted before August 19, 2013 shall be valid only if exercised within two (2) years from March 11, 2021. \*3/10/2020

2. Revise Section 711 as follows:

### **SECTION 711 VARIANCE**

#### **711.1**

A variance is a relaxing of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Ordinance will result in unnecessary or undue hardship. The Zoning Board of Adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance, as will not be contrary to public interest, where owing to special conditions, a literal enforcement of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. \*3/6/1973

#### **711.2**

As authorized by State of NH RSA 674:33.I-a, variances granted on or after August 19, 2013 shall be valid only if exercised within two (2) years from the date of final approval. Variances granted before August 19, 2013 shall be valid only if exercised within two (2) years from March 11, 2021. \*3/10/2020

3. Change Section 203.9 as follows:

**203.9** No **building structure** shall be constructed on any lot that does not have the **minimum frontage that is required by applicable sections of the Town of North Hampton Zoning Ordinance** on a street that has been accepted by the Town of North Hampton. For the purpose of this paragraph, a street that is located in the Town of North Hampton and is under construction may be considered at the discretion of the Building Inspector to be accepted only for the issuance of building permits thereon. \*3/12/1985

4. New Section

**203.4.B** For existing lots of record that do not meet minimum frontage requirements per table in 203.4.A and have existing legal structures, an accessory structure may be erected with a building permit provided that the accessory structures meet requirements of applicable sections of the Town of North Hampton Zoning Ordinance.

Section **203.4** will be re-numbered as **203.4.A**.



## 2020 ZONING ORDINANCE AMENDMENTS

5. Add new definition to clarify meaning of feedlots and delete conflicting references regarding feed lots in various sections of the zoning ordinance.

### SECTION 104 DEFINITIONS

**XX. Animal Feedlot:** A commercial agricultural establishment where a concentration of animals are confined and fed. (Animal feedlots are prohibited by Section 202.8.A of the Town of North Hampton Zoning Ordinance.)

### 202.8 Prohibited Uses

Notwithstanding that each of the following uses might be deemed a specific instance of one or more Permitted Use or Special Exception listed in the tables, they are considered inconsistent with goals for development of North Hampton as expressed in the Master Plan, beyond the capacity of the Town's infrastructure, and incompatible with criteria noted in 202 and 710. They are, therefore, prohibited in all districts in North Hampton.

A. Commercial animal husbandry facilities, including but not limited to ~~feed lots~~ **Animal Feedlots**, slaughterhouses, breeding facilities, egg farms, and hog, chicken, turkey and other domestic fowl production facilities, except for production for sale at farms stands, farmers' markets, and local food stores.

### 502.3.C Conditional Uses

The following uses are presumed to be toxic or hazardous to ground water quality and will be permitted only if and to the extent that anyone proposing to engage in any such activity can demonstrate the contrary to the Planning Board. These uses, if allowed in the underlying zoning districts, are permitted only after a Conditional Use Permit is granted by the North Hampton Planning Board.

1. Junk and salvage lots;
2. Chemical and bacteriological laboratory operation;
3. Dry Cleaning;
4. Electronic circuit manufacturing;
5. Metal plating, finishing, and polishing;
6. Motor and machinery service and assembly;
7. Painting, wood preserving and furniture stripping;
8. Photographic processing;
9. Printing;
10. On-site handling, disposal, discharge, storage, processing or recycling of toxic or hazardous materials including bulk storage of toxic materials for resale or distribution (except for routine delivery of heating oil);
11. Industrial processes which discharge contact type process waters on site;
- ~~12. Commercial animal feed lots.~~

## 2020 ZONING ORDINANCE AMENDMENTS

### 503.4 Definitions

~~A. **Animal Feedlot, Permitted:** A commercial agricultural establishment where concentration of animals are confined and fed simultaneously. Animal feedlots are prohibited by Section 202.8.A of the zoning ordinance.~~