



**Meeting Minutes  
Work Session  
North Hampton Planning Board  
Tuesday, October 15, 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:** Nancy Monaghan, Vice Chair; Members Phil Wilson (by phone), Lauri Etela, Shep Kroner 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. Harned.

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

**Mr. Etela moved that the Planning Board authorizes Mr. Wilson to participate in the meeting by phone. Second by Mr. Maggiore. The roll call vote was unanimous in favor of the motion (5-0).**

Mr. Wilson joined the meeting by phone.

**I. Public Hearing**

**1. Town of North Hampton, NH** review of amendments to zoning ordinances for inclusion on the 2020 Town Warrant.

a. Ms. Monaghan presented revisions to Section 710 Special Exception and Section 711 Variance intended to adopt NH RSA statutes to establish expiration dates for special exceptions and variances. Ms. Monaghan opened the public hearing at 6:32pm. No comments were made. Ms. Monaghan closed the public hearing at 6:33pm.

**Mr. Kroner moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 710 Special Exception and Section 711 Variance adopting NH RSA statutes to establish expiration dates for special exceptions and variances appears on the 2020 Town Warrant as presented. Second by Mr. Wilson. The roll call vote was unanimous in favor of the motion (6-0).**

b. Ms. Monaghan presented revisions to Section 203.9 intended to clarify that no structure shall be constructed on any lot that does not have minimum frontage on a town street. Ms. Monaghan opened the public hearing at 6:34pm. No comments were made. Ms. Monaghan closed the public hearing at 6:35pm.

**Mr. Kroner moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 203.9 clarifying that no structure shall be constructed on any lot that does not have**

**minimum frontage on a town street appears on the 2020 Town Warrant as presented. Second by Ms. Gamache. The roll call vote was unanimous in favor of the motion (6-0).**

c. Ms. Monaghan presented revisions creating a new subsection in Section 203 intended to allow an accessory structure on a lot which does not meet minimum frontage requirements, but has an existing legal structure. Ms. Monaghan opened the public hearing at 6:36pm. No comments were made. Ms. Monaghan closed the public hearing at 6:37pm.

**Mr. Kroner moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 203 allowing an accessory structure on a lot which does not meet minimum frontage requirements, but has an existing legal structure appears on the 2020 Town Warrant as presented. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (6-0).**

d. Ms. Monaghan presented revisions to Section 104 Definitions, Section 202.8 Prohibited Uses, Section 502 Water Resources, and Section 503 Aquifer Protection District intended to clarify throughout all sections of the Zoning Ordinance that animal feedlots are prohibited. Ms. Monaghan opened the public hearing at 6:38pm. No comments were made. Ms. Monaghan closed the public hearing at 6:39pm.

**Mr. Kroner moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 104 Definitions, Section 202.8 Prohibited Uses, Section 502 Water Resources, and Section 503 Aquifer Protection District clarifying throughout all sections of the Zoning Ordinance that animal feedlots are prohibited appears on the 2020 Town Warrant as presented. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (6-0).**

The adopted language is attached as Appendix A to these minutes.

## **II. Old Business**

### **1. Discussion of proposed 2020 Zoning Ordinance amendments - Duplex criteria.**

Mr. Kroner presented proposed zoning ordinance amendment language with the intent of clarifying that a duplex is a vehicle to maintain our town's fair share of workforce housing and, as such, each duplex must allow one unit to meet the defined affordability threshold. Mr. Kroner explained that the original intent of duplex units was to offer more cost effective living options. In reality, there has been a rise in the number of premium priced duplex units. Current duplex development trends are not compatible with the existing residential character of the surrounding neighborhoods. The current draft included language from the Inclusionary Housing Ordinance as suggested by the Board at the last meeting.

Ms. Rowden suggested that the proposed language may be revised in a way to reference applicable Inclusionary Housing Ordinance requirements without copying over large amounts of duplicate language and still maintain consistency with affordable housing criteria in the Inclusionary Housing Ordinance section of the zoning ordinance.

Mr. Wilson suggested that the required amount of frontage for a residential duplex use in the Industrial-Business/Residential Zoning District (I-B/R) could be reduced to 175 feet in order to help a duplex unit be more financially feasible in the I-B/R Zoning District. However, duplex projects should not be allowed to receive the same density bonuses as other types of workforce housing.

The Board discussed various aspects of workforce housing regulations as they relate to tax implications and meeting the Town's fair share of affordable housing. The Board came to a consensus without objection to retain the current 250 foot frontage requirement for lots in the I-B/R Zoning District.

## 2. Discussion of proposed 2020 Zoning Ordinance amendments - Wetlands Conservation and Conservation Land Overlay Districts.

Ms. Rowden presented zoning ordinance amendment language with the intent of clarifying that lots within the Wetlands Conservation District or the Conservation Land District are still subject to the requirements of the underlying R-1 High Density, R-2 Medium Density, or Industrial-Business/Residential (I-B/R) Zoning Districts. Lots may need to conform to additional requirements or restrictions imposed by the Wetlands Conservation District or the Conservation Land District while still conforming to the requirements of the underlying zoning district. The proposed amendments would also remove representations of the Wetlands Conservation District and the Conservation Land District from the official zoning map. The Wetlands Conservation District and the Conservation Land District would be represented on their own individual maps.

Ms. Rowden also presented data, as requested by the Board at a previous meeting, which indicated that the proposed revisions would not prohibit the Town from satisfying the State of NH RSA 674:59 requirement that workforce housing be allowed in a majority of the land area that is zoned to permit residential uses.

Mr. Kroner stated that he was in favor of removing depictions of the Wetlands Conservation District and Conservation Land District from the Town Zoning Map. It is more practical not to have these districts shown on the zoning map since the boundaries of these districts may change due to environmental or contractual circumstances, not a town vote. The zoning map would also be less cluttered.

Mr. Wilson suggested that language indicating that allowed and prohibited uses in the Conservation Land District must conform to any conservation easement restrictions and contractual agreements on a parcel be revised. The Planning Board may not have the authority to enforce easement restrictions or contractual agreements.

The Board came to a consensus without objection that Ms. Rowden move forward with creating a final draft of the proposed Wetlands Conservation District and Conservation Land District zoning amendment language for the Board's consideration.

## 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) – Ms. Monaghan reported that the CIP Plan has been submitted to the Select Board. The Committee's work is done for the current year.

e. Economic Development Committee (EDC) – Mr. Wilson reported that data gathering public input sessions have begun. Turnout at the initial sessions has been low. More sessions are scheduled.

f. Select Board – Mr. Maggiore reported that the Select Board will be reviewing the stormwater run-off impact of the proposed library building renovation on the historical town clerk building. Mr. Maggiore

also reported that he and Ms. Monaghan will be attending a meeting of regional representatives to discuss the newly created state housing appeals board.

g. RPC Circuit Rider – Ms. Rowden reported that she met with Conservation Commission members to discuss creating a natural resources inventory and a natural resources Master Plan chapter. Ms. Rowden also reported that there are informational sessions regarding protecting drinking water scheduled near the end of October at multiple locations in the region.

h. Planning and Zoning Administrator – Mr. Milner informed the Board about upcoming applications and a Superior Court appeal of a recent Planning Board conditional use permit approval.

2. Minutes.

Ms. Monaghan presented the Planning Board October 1, 2019 meeting minutes.

**Ms. Gamache moved that the Planning Board accept the minutes of the October 1, 2019 Planning Board meeting as written. Second by Mr. Wilson. The roll call vote was unanimous in favor of the motion (6-0).**

The meeting was adjourned at 8:20pm without objection.

Respectfully submitted,



Rick Milner  
Recording Secretary

Changes in **RED** or **STRUCK-OUT**

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

Changes in **RED** or **STRUCK OUT**

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.**

Changes in **RED** or **STRUCK OUT**

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 groundwater 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. to the satisfaction of the Planning Board that the proposed activity will not be harmful to groundwater quality.~~ 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);

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11. Industrial processes which discharge contact type process waters on site;

~~12. Commercial animal feed lots.~~

#### **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.~~