



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, October 20, 2020 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, 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. Monaghan and Mr. Milner were present at the Town Hall location.

Mr. Harned, Mr. Wilson, Mr. Kroner, Mr. Etela, Mr. Maggiore, Ms. Gamache, and Ms. Rowden participated by electronic means as authorized by State of NH Executive Orders associated with the current public health crisis.

Ms. Gamache was seated for Mr. Kilgore.

I. Old Business

1. Case #20:13 – Applicant: Erin Van Dalinda, 9 Hampshire Road, North Hampton, NH 03862. The Applicant requests a Conditional Use Permit to allow placement of a shed within the Wetlands Conservation District and within the accessory structure setbacks. Property Owner: Van Dalinda Family Trust, Erin Van Dalinda, Trustee, 33 Sandybrook Drive, Raymond, NH 03077. Property Location: 9 Hampshire Road; M/L: 007-136-000; Zoning District: R-1, High Density District.

No one present for the application.

Mr. Milner informed the Board that the applicant withdrew the application from consideration by the Board the day after the September 1 meeting.

2. Discussion of proposed 2021 Zoning Ordinance amendments – Aquifer Protection District.

Mr. Harned presented proposed zoning ordinance language revisions to Section 503 Aquifer Protection District. Mr. Harned explained the following objectives of the proposed revisions to the Board:

a. Revise the Aquifer Protection District ordinance to be similar to the Wetland Conservation District ordinance regarding any activities that do not comply with the ordinance. A Conditional Use Permit shall be required for an activity that does not comply with the requirements of the ordinance.

b. Provide definitions for community water system, public water system, and wellhead protection area and include these areas within the Aquifer Protection District; thereby providing increased protection against contamination for these areas.

c. Change the Aquifer Protection District boundaries. The Aquifer Protection District would be enlarged to include all aquifer areas defined by US Geological Survey (USGS) Water Resources Investigations Report for Lower Merrimack and Coastal River Basins, Southeastern New Hampshire.

d. Change the Aquifer Protection District boundaries to also include Public Water Supply Wellhead Protection areas. The New Hampshire Department of Environmental Services defines a well head protection area as the area under which groundwater flows to a producing well. Mr. Harned presented a map which showed public water supply wells in North Hampton and their corresponding wellhead protection areas.

e. The need for a hydrogeologic study for cases involving properties within the Aquifer Protection District will be determined on a case-by-case basis.

The Board discussed the following concepts:

a. Distinctions between a public water system and a community water system. According to the Environmental Protection Agency, a public water system provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year. A public water system may be publicly or privately owned. A community water system is a public water system that supplies water to the same population year-round. Other types of public water systems provide water to either the same or transient populations for different time periods.

b. The differences between the definition of a structure in the Aquifer Protection District section and the general definitions section of the zoning ordinance.

c. Processes for appeals to Aquifer Protection District boundaries. Mr. Harned presented USGS data used to delineate Aquifer Protection District boundaries.

d. The enlargement of the Aquifer Protection District to include areas with transmissivity rates less than 1000 feet squared per day may create a greater impact on the Industrial-Business/Residential (I-B/R) District by making more properties subject to the aquifer regulations. The Board came to a consensus without objection that the benefits of expanding protections to more water supply areas outweighs possible regulation impacts on property owners in the I/B-R District.

e. The enlargement of the Aquifer Protection District to include wellhead protection areas is consistent with the desire of North Hampton residents to protect water supply areas, as expressed in multiple surveys and the Town's Master Plan. The Board came to a consensus without objection to include wellhead protection areas within the proposed new boundaries of the Aquifer Protection District.

The Board came to a consensus without objection to have Mr. Harned continue working on creating a final draft of the Aquifer Protection District zoning ordinance language revisions

3. Discussion of proposed 2021 Zoning Ordinance amendments – Short Term Rentals.

Mr. Maggiore presented research detailing the history of recent State of NH legislative proposals to provide guidance for local regulation of short term rental uses. Due to the complicated nature of defining, regulating, and enforcing codes regarding short term rental uses at the state level, Mr.

Maggiore offered his opinion that the Planning Board should not proceed with trying to create zoning ordinance regulations regarding short term rental uses at this time. It would be in the best interest of the Town to wait for guidance from the State before considering zoning revisions.

The Board came to a consensus without objection not to move forward with short term rental uses zoning regulations at this time.

4. Discussion of proposed 2021 Zoning Ordinance amendments – Accessory Structures setbacks and relief from regulations process.

Mr. Milner presented proposed zoning ordinance language revisions which:

- a. add required front setback distance for accessory structures to Section 304 Accessory Structures and
- b. clarify in Section 203.1 Yard and Lot Requirements that relief from size and setback requirements for accessory structures is granted through the issuance of a Conditional Use Permit from the Planning Board, not a variance from the Zoning Board of Adjustment.

Mr. Milner stated that the zoning revisions were ready to be presented at a public hearing.

Ms. Gamache moved that the Planning Board schedule a public hearing on November 17, 2020 to consider the adoption of the proposed Accessory Structures setbacks and relief zoning ordinance language. Second by Mr. Wilson. The roll call vote was unanimous in favor of the motion (7-0).
The proposed language is attached as Appendix A to these minutes.

5. Discussion of Master Plan updates.

Mr. Maggiore stated that the Long Range Planning Committee intends to focus primarily on updating the Land Use chapter of the Master Plan. The Land Use chapter currently has outdated data and statistics supporting its conclusions. An update of the statistical data in the Land Use chapter is needed to reflect the current land use environment in the Town.

Mr. Kroner stated that the basic principles of various Land Use chapters created over the years have not significantly changed and are still relevant today. If the Planning Board feels that these basic principles need revision, then the Board should solicit input from a broad variety of sources to support a revision of the Land Use chapter conclusions. However, two recent town-wide surveys have indicated that there is no appetite among the residents to make significant changes to the land use objectives stated in the Master Plan.

The Board came to a consensus without objection to recommend that the Long Range Planning Committee move forward with Master Plan Land Use Chapter updates.

Ms. Rowden noted that she is working with the Coastal Adaptation Master Plan Steering Committee to create a Master Plan chapter which establishes a strategy to mitigate coastal hazards in the future. Ms. Rowden is also working with the Conservation Commission to create a Natural Resources chapter for the Master Plan.

II. Other Business

1. Committee Updates.

- a. Long Range Planning (LRP) – Mr. Kroner reported that the committee determined that moving forward with zoning ordinance revisions regarding self-storage facilities is not feasible at this time due to

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the difficulty with defining the wide variety of storage uses and the existence of many properties up and down the Route 1 corridor which are currently being used for different types of storage. After discussion, the Board came to a consensus without objection to recommend that the LRP Committee consider the following:

- i. developing definition for self-storage facility use
 - ii. amending the permitted uses table in the zoning ordinance
 - iii. possibility of capping the number of allowed self-storage facility units or restricting this use to a particular section of the I-B/R District.
- 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 Select Board accepted the full CIP report.
- e. Economic Development Committee (EDC) – Mr. Wilson reported that the committee met with a development professional who discussed proposals for mixed use (commercial-residential) projects. The committee also met with a realtor who discussed future retail use possibilities. Mr. Wilson also explained how the current proposal for a village center district will require a complete revision of the zoning ordinance. Current dimensional standards will need to be changed. However, residents have expressed in multiple surveys that they prefer to maintain current density standards which protect the rural characteristics of North Hampton.
- f. Select Board – Mr. Maggiore reported that:
- i. The Planning Board operating budget will remain unchanged for FY2021-2022.
 - ii. A charge (statement of purpose) has been developed for the Rail Trail Committee.
 - iii. The Select Board is moving forward with Requests for Proposal (RFP) to choose a firm that will be tasked with evaluating options for future municipal complex improvements.
- g. RPC Circuit Rider – No report.
- h. Planning and Zoning Administrator – Mr. Milner informed the Board about upcoming applications.

2. Minutes.

Ms. Monaghan presented the Planning Board September 1, 2020 meeting minutes.

Mr. Maggiore moved that the Planning Board accept the minutes of the September 1, 2020 Planning Board meeting as written. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (7-0).

The meeting was adjourned at 8:50pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary

SECTION 203 DISTRICT REQUIREMENTS

203.1 Yard and Lot Requirements *3/12/2019

		R-1	R-2	I-B/R
Minimum Lot Area in Square Feet		87,120	87,120	87,120
Minimum Frontage in Feet		175	175	250
Maximum Lot Coverage	Lots < 2 acres	35%	35%	75%
	Lots ≥ 2 acres	25%	25%	75%
Minimum Depth in Feet, Front Yard, Principal Structures		30	35	50
Minimum Depth in Feet, Side Yard & Rear Yard, Principal Structures		25	30	35
Minimum Depth in Feet, Front Yard, Accessory Structures¹		30	35	50
Minimum Depth in Feet, Side Yard & Rear Yard, Accessory Structures¹ with footprint size no greater than 1,008 square feet.	Lots < 2 acres	15	15	35
	Lots ≥ 2 and < 4 acres	15	15	35
	Lots ≥ 4 acres	15	15	35
Minimum Depth in Feet, Side Yard & Rear Yard, Accessory Structures¹ with footprint size greater than 1,008 square feet but no greater than 1,440 square feet.	Lots < 2 acres	NA ²	NA ²	35
	Lots ≥ 2 and < 4 acres	25	30	35
	Lots ≥ 4 acres	25	30	35
Minimum Depth in Feet, Side Yard & Rear Yard, Accessory Structures¹ with footprint size greater than 1,440 square feet but no greater than 2,500 square feet.	Lots < 2 acres	NA ²	NA ²	35
	Lots ≥ 2 and < 4 acres	NA ²	NA ²	35
	Lots ≥ 4 acres	35	35	35
Minimum Depth in Feet, Side Yard & Rear Yard, Accessory Structures¹ with footprint size greater than 2,500 square feet but no greater than 4,000 square feet.	Lots < 2 acres	NA ²	NA ²	35
	Lots ≥ 2 and < 4 acres	NA ²	NA ²	35
	Lots ≥ 4 acres	50	50	35
Minimum Depth in Feet, Side Yard & Rear Yard, Accessory Structures¹ with footprint size greater than 4,000 square feet.	Lots < 2 acres	NA ²	NA ²	35
	Lots ≥ 2 and < 4 acres	NA ²	NA ²	35
	Lots ≥ 4 acres	NA ²	NA ²	35

¹ In addition to setback requirements, accessory structures, unless attached to the principal structure by a common interior wall, shall be sited no closer to a public road than the principal structure on that lot, whichever distance is greater. Accessory structures erected for agricultural uses shall also meet the requirements of Section 602. *3/12/2019

Size and setback requirements for accessory structures are established in Section 301. As stated in Section 301, relief from size and setback requirements for accessory structures shall be accomplished through the issuance of a Conditional Use Permit by the Planning Board, not a variance granted by the Zoning Board of Adjustment. *3/9/2021

² NA – Not Allowed

ACCESSORY STRUCTURES PROPOSED REVISIONS

301.1 Accessory Structures, regardless of structure size or lot size, shall require front minimum setback depths of 30 feet in the R-1 District, 35 feet in the R-2 District, and 50 feet I-B/R District. In addition, 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. ~~The provision of this Section 301.1 which imposes the greater front setback depth shall govern.~~

301.6 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.~~

301.7 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.~~

301.8 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.~~

301.9 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.~~