



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, August 17, 2021 at 6:30pm
Town Hall, 231 Atlantic Avenue**

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

8
9 **In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Shep Kroner,
10 Valerie Gamache and Jim Maggiore, Select Board Representative; and Jennifer Rowden, RPC Circuit
11 Rider Planner.

12
13 Vice Chair Monaghan called the meeting to order at 6:30pm.

14
15 1. Discussion of proposed zoning ordinance amendment regarding definition of a structure.
16 Ms. Rowden explained that the purpose of the proposed zoning ordinance amendment language is to
17 clarify when a leach field would be considered a structure or not based on the grade of the land before
18 and after installation of the septic system. If a leach field resulted in any type of mound because of its
19 installation, it would be considered a structure and not allowed within the structural setbacks. The
20 proposed language is attached as Appendix A to these minutes.

21
22 **Mr. Wilson moved that the Planning Board schedule a public hearing on November 16, 2021 to**
23 **consider adoption of the proposed structure definition zoning ordinance language. Second by Mr.**
24 **Harned. The vote was unanimous in favor of the motion (6-0).**

25
26 2. Discussion of proposed zoning ordinance amendments regarding Conditional Use Permits.
27 The following proposed zoning amendments language was discussed:

28 a. Clarification that Accessory Dwelling Unit Conditional Use Permits are a type of innovative land use
29 control that requires an appeal of a Planning Board decision be made with the Superior Court or the
30 Housing Appeals Board, not the Zoning Board of Adjustment. The proposed language is attached as
31 Appendix B to these minutes.

32
33 **Mr. Harned moved that the Planning Board schedule a public hearing on November 16, 2021 to**
34 **consider adoption of the proposed Accessory Dwelling Unit Conditional Use Permit zoning ordinance**
35 **language. Second by Mr. Wilson. The vote was unanimous in favor of the motion (6-0).**

36
37 b. Conditional Use Permits shall be valid only if substantially completed within two (2) years from the
38 date of final approval or two (2) years from adoption of the zoning language for pre-existing approvals.
39 The Board came to a consensus to include language which states that substantial completion of an
40 activity associated with a Conditional Use Permit be determined by the Planning Board at the Planning
41 Board's sole discretion. The proposed language is attached as Appendix C to these minutes.

42
43 **Mr. Wilson moved that the Planning Board schedule a public hearing on November 16, 2021 to**
44 **consider adoption of the proposed Conditional Use Permit zoning ordinance language. Second by Mr.**
45 **Harned. The vote was unanimous in favor of the motion (6-0).**

3. Discussion of food truck regulations.

The Board discussed hawker's license permit and zoning ordinance regulations associated with proposed food truck businesses. The Board came to a consensus without objection that no additional zoning ordinance regulation of food truck businesses is necessary at this time.

4. Discussion of alternate member request.

The Board discussed a request from Travis Billingham to be appointed as an alternate member of the Planning Board. Mr. Billingham addressed the Board and provided some background information. The Board suggested that Mr. Billingham attend the September 7 meeting to experience the Planning Board process at a meeting where applications are discussed in detail.

5. Discussion of Master Plan Land Use Chapter revisions.

Mr. Maggiore presented a draft of the proposed Master Plan Land Use Chapter revisions created by the Long Range Planning (LRP) Committee with the assistance of Ms. Rowden. The proposed chapter combines previous existing land use and future land use chapters into one chapter. The chapter presents a purpose, objectives, identifiable goals, activities to effectuate the goals, and a timeline for anticipated completion of the activities.

The Board discussed details listed in the tables of implementation strategies at the end of the land use chapter draft. The LRP Committee members stated that they will consider Board member comments regarding the Master Plan Land Use Chapter at the next LRP Committee meeting.

6. 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 will meet one more time.

e. Select Board – Mr. Maggiore reported that the first meeting of the Building Committee to discuss opportunities to improve the Town Facilities site and buildings will be held on August 24.

f. RPC Circuit Rider – Ms. Rowden reported that a proposed 78-bed assisted living facility (an addition to the existing memory care facility) at 295 Lafayette Road in the Town of Rye has been declared as a project having an impact on the surrounding region. A public information and feedback meeting will be held on September 1.

7. Minutes and other business.

Ms. Monaghan presented the Planning Board August 3, 2021 meeting minutes.

Mr. Wilson moved that the Planning Board accept the minutes of the August 3, 2021 Planning Board meeting as written. Second by Mr. Harned. The vote was unanimous in favor of the motion (6-0).

The meeting was adjourned at 9:12pm without objection.

Respectfully submitted,



Rick Milner, Recording Secretary

APPENDIX A

Section 104 Definitions

51. Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground or requires an attachment to something having a fixed location on the ground. "Structure" under this definition includes, but is not limited to leach fields that are, in whole or in part, constructed above the grade existing prior to construction; septic systems, buildings, billboards, carports, porches, swimming pools, tennis courts, and building features. For the purpose of this zoning ordinance, leach fields that are constructed entirely below the grade existing prior to construction, sidewalks, driveways, fences, and patios are not deemed to be structures. *3/12/1968, 3/10/2015

APPENDIX B

SECTION 401 ACCESSORY DWELLING UNIT *3/14/2017, 3/13/2018

401.1 Accessory Dwelling Units shall be regulated by the Planning Board in accordance with the authority granted by State of NH RSA 674:21 Innovative Land Use Controls and RSA 674:72 Accessory Dwelling Units. Therefore, Accessory Dwelling Units shall be permitted with a Conditional Use Permit, granted by the Planning Board, provided that they comply with the conditions set forth below. Any person aggrieved by a Planning Board decision on a Conditional Use Permit may appeal to the Superior Court as provided in RSA 677:15 or to the Housing Appeals Board as provided by State of NH RSA 679:5. These decisions cannot be appealed to the Zoning Board of Adjustment (RSA 676:5.III).

401.2 Accessory Dwelling Units are allowed in all zoning districts where single-family dwellings are permitted.

401.3 Only single-family principal dwellings are eligible for Accessory Dwelling Units.

401.4 Only one Accessory Dwelling Unit is allowed per single-family principal residence.

401.5 The Accessory Dwelling Unit must be contained within or attached to a single-family principal dwelling and contain at least one functioning interior door between it and the principal dwelling unit.

401.6 The owner of the principal dwelling to which an Accessory Dwelling Unit is added must occupy one of the dwelling units.

401.7 The size of the Accessory Dwelling Unit shall be no larger than 800 square feet.

401.8 No more than two bedrooms are permitted in the Accessory Dwelling Unit.

401.9 The owner shall provide evidence to the Building Inspector that water supply and septic facilities are adequate for both units according to the standards of the Town and the N.H. Department of Environmental Services (NHDES). If deemed necessary by the Building Inspector, such evidence shall be in the form of certification by a State of N.H. licensed septic system designer. The Building Inspector shall indicate his approval in writing to the Planning Board.

401.10 The Accessory Dwelling Unit shall be designed so that the appearance of the building remains that of a single-family dwelling. The new entrance shall be located on the side or rear of the building.

APPENDIX C

NEW SECTION

Section 710 **CONDITIONAL USE PERMIT**

710.1

A Conditional Use Permit is an instrument used by the Planning Board to authorize and implement specific uses associated with innovative land use controls adopted into the Town of North Hampton Zoning Ordinance for the purpose of promoting the health, safety, or general welfare of the community pursuant to State of NH RSA 674:21. A specific use associated with an innovative land use control shall be allowed upon the issuance of a Conditional Use Permit only if specific provisions for the innovative land use control are created in the Town of North Hampton Zoning Ordinance and the Planning Board has determined that the criteria for granting the Conditional Use Permit listed in the applicable zoning ordinance section have been satisfied.

710.2

Conditional Use Permits granted on or after March 8, 2022 shall be valid only if activities associated with the approved Conditional Use Permit are substantially completed within two (2) years from the date of final approval. Conditional Use Permits granted before March 8, 2022 shall be valid only if activities associated with the approved Conditional Use Permit are substantially completed within two (2) years from March 8, 2022. The threshold level of work that constitutes 'substantial completion' of an activity shall be determined by the Planning Board at the Planning Board's sole discretion.

710.3

Any Conditional Use Permit shall expire if the use is discontinued on a site for any reason for more than two (2) years. To resume the use, a new application for a Conditional Use Permit must be completed and approved.

710.4

Planning Board administration of innovative land use controls using Conditional Use Permits is authorized by State of NH RSA 674:21. In accordance with State of NH RSA 676:5.III, a Planning Board decision regarding a Conditional Use Permit made pursuant to State of NH RSA 674:21 cannot be appealed to the Zoning Board of Adjustment, but may be appealed to the Superior Court as provided by State of NH RSA 677:15 or to the Housing Appeals Board as provided by State of NH RSA 679:5.