



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, November 16, 2021 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, Valerie Gamache, Lauri Etela, and Jim Maggiore, Select Board Representative; Jennifer Rowden, RPC Circuit Rider Planner; and Rick Milner, Recording Secretary.

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

I. Public Hearing

1. Town of North Hampton, NH review of amendments to zoning ordinances for inclusion on the 2022 Town Warrant.

Ms. Rowden presented proposed zoning ordinance language revision to Town of North Hampton Zoning Ordinance Section 104 Definitions. The revision to the structure definition is intended to clarify when a leach field would be considered a structure or not based on the grade of the land before and after installation of the septic system.

Ms. Monaghan opened the public hearing at 6:31pm. No comments were made. Ms. Monaghan closed the public hearing at 6:32pm.

Mr. Wilson moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 104 Definitions-Structure appear on the 2022 Town Warrant as presented. Second by Mr. Harned. The vote was unanimous in favor of the motion (7-0).

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

Mr. Milner presented proposed zoning ordinance language revisions to Town of North Hampton Zoning Ordinance Section 401 Accessory Dwelling Unit and new Section 710 Conditional Use Permit. The revisions are intended to clarify that Accessory Dwelling Unit Conditional Use Permits are a type of innovative land use control that requires an appeal of a Planning Board decision be made with the Superior Court or the Housing Appeals Board, not the Zoning Board of Adjustment and Conditional Use Permits shall be valid only if substantially completed within two (2) years from the date of final approval or two (2) years from adoption of the zoning language for pre-existing approvals.

Ms. Monaghan opened the public hearing at 6:38pm. No comments were made. Ms. Monaghan closed the public hearing at 6:39pm.

Mr. Wilson moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 401 Accessory Dwelling Unit and new Section 710 Conditional Use Permit appear

on the 2022 Town Warrant as presented. Second by Mr. Harned. The vote was unanimous in favor of the motion (7-0).

The revised language is attached as Appendices B and C to these minutes.

II. Other Business

1. Discussion of Master Plan Land Use Chapter revisions.

Mr. Maggiore presented a revised 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 revisions incorporate concepts based on feedback from Board members at previous meetings. 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 came to a consensus without objection to review the latest revision of the Master Plan Land Use Chapter at the next work session.

2. Discussion of parameters for commercial-residential mixed uses sub-committee.

Ms. Monaghan asked when the fair share of workforce housing report for the Rockingham County region would be ready for review. This report would provide useful information for the Board during its discussion of commercial-residential mixed uses.

Ms. Rowden stated that finalization of the fair share of workforce housing report by the Rockingham Planning Commission would most likely occur in the late Spring of 2022.

Ms. Monaghan distributed a list of possible parameters to guide a potential commercial-residential mixed uses ad hoc sub-committee in its consideration of commercial-residential mixed use alternatives for North Hampton.

Mr. Wilson stated that it is important to connect any mixed use proposal with North Hampton's affordable housing needs as indicated in the fair share of workforce housing report. Also, any mixed use proposal should not intrude upon wetlands and take into consideration sewer system concerns of residents.

Mr. Maggiore stated that the sub-committee should consider what mixed use would look like within the unique characteristics of North Hampton, not as it is implemented in other communities.

Mr. Harned stated that the sub-committee should focus on collecting and organizing information in a way that will facilitate discussion of the mixed use issue by the full Planning Board.

Ms. Rowden stated that the Planning Board should consider in what areas mixed use would be allowed and what design features should be established for a mixed use project.

The Board came to a consensus without objection to continue discussing the parameters for a commercial-residential mixed uses ad hoc sub-committee at the next work session.

3. Discussion of affordable housing reports.

Ms. Monaghan presented reports regarding affordable housing policies and alternatives in New Hampshire by Jason Sorens, Josiah Bartlett Center for Public Policy and Garry Rayno, InDepthNH.org.

Mr. Wilson stated that the Bartlett Center report was not an accurate representation of the causes and effects of the housing situation in North Hampton. There are legitimate natural characteristics and environmental concerns that are the basis for the establishment of the Town's zoning ordinance regulations.

Mr. Maggiore stated that the Bartlett Center report was not an accurate representation of the duties and responsibilities of a land use board.

Ms. Gamache stated that the Bartlett Center report may offer viable solutions to address the affordable housing needs of the region.

Mr. Harned stated that housing prices are a function of supply and demand, not zoning regulations.

Mr. Kroner stated that the zoning regulations reflect the residents' desire to protect their water supply and environment. Also, increased development will create large infrastructure costs for residents.

The Board came to a consensus without objection that the Planning Board is working towards satisfying its fair share of affordable housing for the Rockingham County Region.

3. Committee Updates.

a. Long Range Planning (LRP) – No report.

b. Application Review Committee (ARC) – No report.

c. Rules and Regulations/Procedures – No report.

e. RPC Commissioner – No report.

f. Select Board – Mr. Maggiore reported that the Select Board will be meeting with the Building Committee to discuss proposed plans for a new Fire/Police building and renovation of the old library building for town administration offices.

g. RPC Circuit Rider – No report.

h. Planning and Zoning Administrator – Mr. Milner presented the 2022 Planning Board meeting calendar and informed the Board about upcoming applications.

4. Minutes.

Ms. Monaghan presented the Planning Board November 2, 2021 meeting minutes.

Mr. Harned moved that the Planning Board accept the minutes of the November 2, 2021 Planning Board meeting as written. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

The meeting was adjourned at 8:29pm 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.