



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, August 16, 2022 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, Lauri Etela, Shep
10 Kroner, Valerie Gamache, and Jim Maggiore, Select Board Representative.

11
12 Vice Chair Monaghan called the meeting to order at 6:30pm.

13
14 **I. Old Business**

- 15 **1. Case #22:18 – Applicants: Philip and Anna Spalding, 70 Winnicut Road, North Hampton, NH 03862.**
16 ReVision Energy, 7A Commercial Drive, Brentwood, NH 03833. The Applicants request a Conditional
17 Use Permit to allow construction of a ground-mounted solar array. Property Owners: Philip and
18 Anna Spalding, 70 Winnicut Road, North Hampton, NH 03862; Property Location: 70 Winnicut Road;
19 M/L: 023-018-000; Zoning District: R-2, Medium Density District. Case continued from August 2,
20 2022 meeting date

21
22 In attendance for this application:
23 Philip Spalding, property owner.

24
25 Mr. Spalding addressed the Board. Mr. Spalding presented the following revised application information:
26 a. renderings of the solar array in its proposed location behind the garage on the property from the rear
27 looking north and the side looking west and
28 b. renderings of proposed screening options for the solar array including existing tree line vegetation
29 and fencing options.

30
31 Mr. Spalding stated that the array will stick out approximately six inches out on either side of the garage.
32 He suggested that a trellis could be installed to block the view of the solar array from the roadway and
33 the abutting property to the east. In this way, the proposed solar array installation would comply with
34 the zoning ordinance requirement that the solar array be essentially invisible.

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36 Mr. Spalding suggested another option would be to consider the neighbor's existing tree line as
37 screening with a recorded condition of approval stating that, if the tree line no longer existed, then the
38 solar array owner would install screening that would comply with the zoning ordinance essentially
39 invisible requirement.

40
41 The Board discussed potential sight lines for the proposed solar array and screening options with Mr.
42 Spalding. The Board came to a consensus without objection that the installation of a trellis extending
43 two feet out from both the west and east sides of the garage with the trellis then continuing down along
44 the easterly side of the solar array in order to provide screening if the trees on the easterly neighbor's
45 property no longer exist at some point in the future would satisfy the zoning ordinance requirement

46 that the proposed solar array be essentially invisible. Mr. Spalding agreed to the installation of a trellis
47 as suggested by the Board. Mr. Spalding stated that he would install the type of trellis shown in the
48 revised application information.
49

50 Ms. Monaghan opened the public hearing at 6:51pm. No comments were made. Ms. Monaghan closed
51 the public hearing at 6:52pm.
52

53 **Mr. Harned moved that the Planning Board approve the Case #22:18 Conditional Use Permit**
54 **application to allow construction of a ground-mounted solar array at 70 Winnicut Road as represented**
55 **in the plan and application materials presented to the Board subject to the following conditions:**

56 **a. A two foot long trellis shall be installed on the west side of the garage to provide screening from the**
57 **street.**

58 **b. A two foot long trellis shall be installed on the east side of the garage to provide screening from the**
59 **street.**

60 **c. An additional trellis shall be installed at a ninety degree angle from the end of the easterly two foot**
61 **trellis section and continue along the easterly side of the proposed solar array for whatever height**
62 **and distance necessary to provide screening of the proposed solar array from the abutting property to**
63 **the east. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (6-0).**
64

65 **II. New Business**

66 1. Discussion of proposed zoning ordinance amendment regarding accessory dwelling units.

67 Mr. Wilson presented proposed zoning ordinance amendment language prepared by a subcommittee of
68 Board members including Ms. Monaghan, Mr. Omberg, and himself which revises the existing accessory
69 dwelling unit (ADU) section of the zoning ordinance. The intent of the proposed revision is to ensure
70 that an accessory dwelling unit is within or attached, not simply connected, to the principal dwelling. In
71 order to communicate this intent more clearly, the following concepts were included in the proposed
72 language revisions:

73 a. a common wall with a functioning door between the living spaces of the ADU and principal dwelling
74 unit,

75 b. a definition of living space and listing of items not considered living space, and

76 c. architectural feature requirements to maintain the appearance and character of a single family home
77 when an ADU is attached to a home.
78

79 Mr. Kroner arrived at 7:11pm. The Board discussed various aspects of the proposed language and
80 different hypothetical ADU-principal dwelling layouts. The proposed zoning ordinance language is
81 attached as Appendix A to these minutes.
82

83 2. Discussion of State of NH Laws regarding municipal land use board statutes and procedures.

84 Ms. Monaghan presented information regarding laws recently adopted by the State of NH associated
85 with municipal land use board statutes and procedures. The new laws included the following:

86 a. language requiring local land use boards to provide specific written findings of fact that support an
87 approval or disapproval,

88 b. clarification regarding timelines associated with land use board consideration of an application, and

89 c. limits placed on the regulation or restriction of land used primarily for religious purposes.
90

91 Ms. Monaghan suggested that the Board should consider amending its rules and procedures to comply
92 with the state law if necessary. The Board discussed possible procedural changes and ways to create

93 decision letter/motion language to communicate the Board's findings of fact for a case. Mr. Wilson left
94 the meeting at 8:32pm.

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96 **III. Other Business**

97 **1. Committee Updates.**

98 No reports.

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100 **2. Minutes.**

101 Ms. Monaghan presented the Planning Board August 2, 2022 meeting minutes.

102 **Mr. Maggiore moved that the Planning Board accept the minutes of the August 2, 2022 Planning**
103 **Board meeting as written. Second by Mr. Etela. The vote was unanimous in favor of the motion (6-0).**
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105 The meeting was adjourned at 8:52pm without objection.

106
107 Respectfully submitted,

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110

111 Rick Milner

112 Recording Secretary

APPENDIX A

SECTION 401 ACCESSORY DWELLING UNITS *3/14/2017, 3/13/2018, 3/8/2022

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 all conditions set forth below. Any person aggrieved by a Planning Board decision on a Conditional Use Permit application 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 Planning Board decisions cannot be appealed to the Zoning Board of Adjustment (RSA 676:5.III).

401.2 Accessory Dwelling Units (“ADUs”) are allowed with a Conditional Use Permit in all zoning districts where single-family dwelling are permitted.

401.3 Only single-family principal dwellings are eligible for ADUs.

401.4 Only one ADU shall be permitted per single-family principal dwelling.

401.5 An ADU must be fully contained within or attached to a single-family principal dwelling.

401.5.A “Attached” shall mean that the principal dwelling and ADU share at least part of a wall in common between their respective primary living spaces.

401.5.B “Living space” for the purpose of this ordinance shall mean space that is habitable year-round and permanently provided with electric and heating services that conform to all applicable building codes for residential structures.

401.5.B.i “Primary” living spaces shall include, but not be limited to, living rooms, dining rooms, family rooms, kitchens, bedrooms, studies or libraries, exercise rooms, or home theaters.

401.5.B.ii “Primary” living spaces shall not include closets, bath rooms, hallways, mudrooms, pantries, storage rooms, breeze ways, green houses, garages, barns, sheds, utility rooms, laundry rooms, and similar auxiliary spaces.

401.5.C The shared wall in common between the primary living spaces shall include a functioning door that provides direct and unimpeded access between the respective living spaces and presents no barriers to access by physically disabled persons.

401.5.D The applicant shall provide an approximately-to-scale sketch of the floor plan of the proposed ADU, principal dwelling structure and any proposed attaching structure. The location of the functioning door providing direct and unimpeded access described in 401.5.C shall be clearly indicated.

401.6 An Accessory Dwelling Unit (“ADU”) shall be designed to ensure that the appearance of the building, including the ADU, remains that of a single-family dwelling.

401.6.A It shall be at the sole discretion of the Planning Board to determine whether the design of a proposed ADU retains the aesthetic and architectural characteristics of the principal dwelling as a single-family dwelling.

401.6.B The footprint of an ADU shall not exceed 800 square feet.

401.6.B.i "Footprint" means "the surface area based on the exterior dimensions of the walls of the ADU, including walls exposed to the outside of the structure and walls shared with the principal dwelling."

401.6.B.ii If an ADU includes more than one floor, the sum of the footprints of all floors and access ways between them shall be included within this 800 square feet limitation.

401.6.C Any structure that connects two otherwise detached buildings for the purpose of creating an ADU must meet all requirements for "living space" (as defined in 401.5.B above) and shall be considered part of the 800 square feet footprint allowed for the ADU.

401.6.D No more than two bedrooms shall be permitted in an ADU.

401.6.E Any new entrance to the building for the exclusive use of the ADU shall be located on the side or rear of the building

401.7 The owner of the principal dwelling that includes an ADU shall occupy either the principal residence or the ADU.

401.8 The owner shall provide evidence to the Building Inspector that water supply and septic facilities are adequate for the principal dwelling and the ADU 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 provide his/her approval in writing to the Planning Board.