



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, October 18, 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.

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9 **In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Shep Kroner,
10 Lauri Etela, Valerie Gamache, and Jim Maggiore, Select Board Representative; Alternate Members Rob
11 Omberg and John Sillay; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

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13 Vice Chair Monaghan called the meeting to order at 6:33pm.

14
15 **I. Old Business**

16 1. Discussion of proposed zoning ordinance amendment regarding accessory dwelling units.
17 Ms. Monaghan presented proposed zoning ordinance amendment language prepared by a
18 subcommittee of Board members including Mr. Wilson, Ms. Monaghan, and Mr. Omberg which revises
19 the existing accessory dwelling unit (ADU) section of the zoning ordinance. Some of the revised language
20 is based on comments made by Planning Board members at the previous work session. The intent of the
21 proposed revision is to ensure that an accessory dwelling unit is within or attached, not simply
22 connected, to the principal dwelling. In order to communicate this intent more clearly, the following
23 concepts were included in the proposed language revisions:

- 24 a. a common wall with a functioning door between the living spaces of the ADU and principal dwelling
25 unit,
26 b. a description of living space, and
27 c. architectural feature requirements to maintain the appearance and character of a single family home
28 when an ADU is attached to a home.

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30 Ms. Monaghan asked if any Board members had any further comment regarding the proposed ADU
31 zoning amendment. No comments were made. The proposed language is attached as Appendix A to
32 these minutes.

33
34 **Mr. Wilson moved that the Planning Board schedule a public hearing on November 15, 2022 to**
35 **consider adoption of the proposed accessory dwelling unit (ADU) zoning ordinance language. Second**
36 **by Mr. Harned. The vote was unanimous in favor of the motion (7-0).**

37
38 **II. New Business**

39 1. Discussion of proposed zoning ordinance amendment regarding workforce/inclusionary housing.
40 Ms. Rowden presented a report prepared by the State of New Hampshire Office of Strategic Initiatives
41 which detailed the most recently calculated estimates and trends in New Hampshire's housing supply.
42 The report showed that North Hampton is meeting its fair share of workforce housing needs based on
43 the latest housing estimates created in 2012.

Ms. Rowden presented a proposed zoning ordinance amendment regarding the Inclusionary Housing section of the zoning ordinance. With the intent of simplifying the calculation to determine a proposed development's fair share of workforce housing, the revised language draft proposes that the percentage of workforce housing units in a proposed subdivision shall be equal to or greater than fifty percent (50%) to qualify for review when implementing the Inclusionary Housing section of the zoning ordinance. This proposed calculation would replace the current language in which the proposed development's fair share of workforce housing is calculated as the sum of Town's Fair Share percentage plus the product of 1.5 times the difference of the Town's Fair Share percentage of workforce housing units and the Town's actual percentage of workforce housing units (owner occupied plus renter occupied). The Town's Fair Share of workforce housing units is indicated by the Rockingham Planning Commission's Regional Fair Share Analysis report which Ms. Rowden previously presented to the Board as part of this discussion.

Ms. Rowden stated that the current inclusionary zoning ordinance language states that the 'actual' number of workforce housing units should be used as part of the calculation. This actual number of workforce housing units is difficult to determine. Therefore, performing the calculation according to the current language becomes problematic.

Mr. Wilson stated that the simplification process suggested by the proposed revised zoning amendment language in some situations/proposed projects may create a deficit of workforce housing units in relation to the Town's Fair Share. This would be contrary to the intent of the zoning ordinance and the region's workforce housing goals. The current zoning ordinance language calculation ensures that any deficiency in the amount of the Town's Fair Share of workforce housing units is diminished, not increased, by any proposed development.

Ms. Gamache asked for an explanation of the figures included in the regional housing assessment report.

Ms. Rowden explained that the goal of the state law regarding workforce housing is to ensure that towns provide realistic opportunities for workforce housing. The regional housing assessment report provides an estimate of the amount of workforce housing units that a town should have and an estimate of the number of workforce housing units that may exist. However, the report does not indicate the actual number of existing workforce housing units.

Mr. Harned stated that the current calculation for determining a development's fair share of workforce housing units pushes the Town closer to satisfying its workforce housing fair share goal. However, since the regional housing needs assessment report uses estimated figures, Mr. Harned suggested that the zoning ordinance language should replace 'actual' with 'estimated' as it relates to the Town's Fair Share percentage of workforce housing units.

Ms. Gamache stated that the regulations may remove the incentive for developers to create more housing opportunities. Ms. Gamache asked what incentives are in place for developers to create workforce/affordable housing units over market rate housing units.

Ms. Rowden explained that opportunities for mixed use developments and larger allowed density of units to be built in the same area are current incentives within the inclusionary housing ordinance language that may attract housing development.

Mr. Wilson explained that the current inclusionary housing ordinance language provides a sliding scale which decreases the burden of providing a large amount of affordable housing units for each individual project/developer. Allowances in the current zoning ordinance language for less frontage, acreage, and density associated with a particular project are incentives to developers provided by the current zoning ordinance language.

The Planning Board came to a consensus without objection to re-visit the workforce/inclusionary housing matter at a later meeting after the new regional housing needs assessment report based on the 2020 census is released.

2. Discussion of housing study grant opportunities.

Ms. Rowden presented information regarding grants to help the Town fund municipal planning activities with the express goal of increasing housing opportunities in New Hampshire. Ms. Rowden suggested the following planning activities specific to the Town of North Hampton which the grants could enable to move forward:

- a. housing needs analysis and information gathering for the Master Plan Housing Chapter,
- b. zoning ordinance and regulations audit/analysis to identify ways to increase housing development opportunities,
- c. development of revised regulations language to provide processes for increased housing opportunities,
- d. hiring professional consultants, and
- e. education and public outreach activities.

Ms. Gamache stated that these grant opportunities could help the Planning Board satisfy some of the goals expressed in its recently adopted Master Plan Land Use Chapter.

Mr. Kroner stated that a housing needs analysis would only give a picture of the current situation, not future conditions. If development is approved based on the current short term needs, it could destroy residents' quality of life in the future. In his opinion, many currently existing housing units which are unavailable will become available in the future as the current population ages out of these units. This situation may not be accounted for in any housing needs analysis. An unnecessary increase in density and surplus of housing may negatively impact the future quality of life in the Town. Mr. Kroner cited the example of current regional development expanding beyond the capabilities of the current infrastructure features to safely support the development and increased population.

Mr. Maggiore stated that he does not believe that the Town's current ordinances and regulations are a barrier to development. In his opinion, the real issue is the affordability of the units in which citizens currently reside.

Mr. Wilson stated that sensible regulation and adjustment to market trends is a better planning strategy than large-scale, forced planned development as envisioned by the goals expressed in the proposed grant opportunities.

Ms. Gamache stated that the Town should be proactive and obtain data to envision a smarter way to create development opportunities.

Mr. Kroner stated that the Planning Board should explore opportunities to create need-based developments, not profit-driven developments.

Mr. Harned started that it is not necessary for the Town to receive grant funds for housing needs analysis and ordinance/regulations auditing. The Town has conducted multiple surveys and studies in past years to have a clear understanding of its needs and goals. A goal specific to the needs and desires of the residents of North Hampton should be identified before the Planning Board applies for a grant. He is not interested in funding an unfocused collection of data.

The Board and Ms. Rowden discussed using the funds currently allocated to the Rockingham Planning Commission (RPC) contract to help draft a new Master Plan Housing Chapter to fund another Master Plan chapter revision and use any available grant funds to draft the new Master Plan Housing Chapter.

Mr. Harned moved that the Planning Board authorize the Circuit Rider Planner to draft a proposal for the Planning Board's consideration to fund the revised Master Plan Housing Chapter with grant monies and use the current RPC payment to fund another Master Plan project. Second by Ms. Gamache. The vote was 5-2 in favor of the motion with Mr. Wilson and Ms. Monaghan opposed.

III. Other Business

1. Committee Updates.

No committee update reports.

Planning and Zoning Administrator – Mr. Milner informed the Board about upcoming applications.

2. Minutes.

Ms. Monaghan presented the Planning Board October 4, 2022 meeting minutes.

Mr. Wilson moved that the Planning Board accept the minutes of the October 4, 2022 Planning Board meeting as written. Second by Mr. Harned. The vote was 6-0-1 in favor of the motion with Ms. Gamache abstaining.

The meeting was adjourned at 8:12pm without objection.

Respectfully submitted,

Rick Milner
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 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 dwellings are permitted.
- 401.3** Only single-family dwellings are eligible for ADUs.
- 401.4** Only one ADU shall be permitted per single-family dwelling.
- 401.5** An ADU shall be fully contained within or attached to a single-family dwelling.
- 401.6** An 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** The Planning Board, at its sole discretion, shall determine whether a proposed ADU retains the aesthetic and architectural characteristics of a single-family dwelling.
- 401.6.B** The design of the proposed ADU at a minimum shall have part of at least one wall in common with the principal dwelling and that part shall include a fully functioning door between the two living units.
- 401.6.C** The footprint of an ADU shall not exceed 800 square feet.
- 401.6.C.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.C.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.D** Any structure that connects two otherwise detached buildings for the purpose of creating an ADU shall be habitable year-round, shall be heated, shall have code-compliant electric service, and shall be considered part of the 800-square-foot footprint permitted for the ADU unless the Planning Board finds that the connecting structure is part of the living space of the principal dwelling unit.
- 401.6.E** The applicant shall provide an approximately-to-scale sketch of the principal dwelling structure, the proposed ADU, and any proposed attaching structure between the two dwelling units. The location of the functioning door between the two units shall be clearly indicated on this sketch.
- 401.6.F** No more than two bedrooms shall be permitted in an ADU.
- 401.6.G** 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.

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

401.9 Upon written request by the applicant, the Planning Board may grant a waiver of one or more of the provisions of this Article as it deems appropriate, providing the Planning Board first shall determine the following:

401.9.A The waiver is related to unique physical conditions peculiar to the proposed ADU;

401.9.B Granting the waiver will not be contrary to the purposes and objectives of this Article; and

401.9.C Granting the waiver will not adversely affect the public good.