



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, November 15, 2022 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; Members Phil Wilson, Lauri Etela, Valerie Gamache, and Jim Maggiore, Select Board Representative; Alternate Member Rob Omberg; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:30pm.
Mr. Omberg seated for Ms. Monaghan.

I. Public Hearing

1. Town of North Hampton, NH review of amendments to zoning ordinances for inclusion on the 2023 Town Warrant.

Town of North Hampton, NH: Section 401 Accessory Dwelling Unit. The intent of the proposed revision is to ensure that an accessory dwelling unit (ADU) is within or attached, not simply connected, to the principal dwelling. In order to communicate this intent more clearly, the following concepts have been included in the proposed language revision:

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

Mr. Harned presented the proposed zoning ordinance amendment language prepared by a subcommittee of Board members including Mr. Wilson, Ms. Monaghan, and Mr. Omberg which revises the existing accessory dwelling unit (ADU) section of the zoning ordinance. Some of the revised language is based on comments made by Planning Board members at previous work sessions.

Mr. Harned opened the public hearing at 6:32pm. No comments were made. Mr. Harned closed the public hearing at 6:33pm.

Mr. Wilson moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 401 Accessory Dwelling Unit appear on the 2023 Town Warrant as presented. Second by Ms. Gamache. The vote was unanimous in favor of the motion (6-0).

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

II. New Business

1. Discussion of proposed zoning ordinance amendments.

Mr. Harned presented the following proposed zoning ordinance amendment language concepts to the Board:

a. Clarification regarding the interpretation of "...the first instance of a garage..." as it relates to allowed accessory structures.

The Board discussed several scenarios involving garages and other types of accessory structures. The Board came to a consensus without objection not to change the zoning ordinance language regarding accessory structures at this time.

b. Clarification regarding the front yard lot line setback for accessory structures used for agriculture.

The Board discussed how accessory structures for agricultural use did not have the same setback requirements as accessory structures for other uses. The Board came to a consensus without objection to revise Town of North Hampton Zoning Ordinance Section 602.5.C.1 as follows in order to be consistent with Sections 203.1 and 301 (new language in **BOLD**):

C. Accessory Structures for Agriculture

1. All structures erected to be used in the pursuit of agricultural activities and raising of animals and poultry 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 **or unless the accessory structure can be sited at least 150 feet from the public road.**

Mr. Wilson moved that the Planning Board schedule a public hearing on December 20, 2022 to consider adoption of the proposed Accessory Structures for Agriculture zoning ordinance language revision. Second by Mr. Etela. The vote was unanimous in favor of the motion (6-0).

c. Clarification regarding the interpretation of some concepts within Section 603 Conservation Subdivision Design.

The Board discussed several zoning ordinance concepts as they relate to conservation subdivisions. The Board came to a consensus on the following concepts:

- i. allow duplexes within a conservation subdivision only if allowed within the underlying zoning district,
- ii. establish minimum lot sizes of 10,000 square feet for single family homes and 15,000 square feet for duplexes within a conservation subdivision, and
- iii. remove the term 'dwelling unit' from the Section 603 language and use the term 'house lot' throughout the zoning ordinance language to clarify the allowed maximum density in a conservation subdivision.

The Board came to a consensus to have Mr. Harned create revised zoning ordinance language based on the Board's discussion regarding conservation subdivisions.

d. As a means to help the Town of North Hampton meet its legal obligation to provide reasonable and realistic opportunities for the development of workforce housing, should the Board adopt zoning ordinance language requiring that one unit of all duplex construction qualify as affordable workforce housing as defined in the State of NH RSA 674:58-61?

Ms. Rowden presented preliminary regional housing estimates based on the 2020 federal census which indicated that North Hampton will be significantly short of meeting the estimated amount of its fair share of the region's workforce housing units in the year 2025 and beyond.

The Board discussed the differences between instituting central planning objectives over an entire region and enabling local boards to create planning objectives to satisfy the needs and desires of their residents and meet workforce housing goals to the best of their ability. The Board came to a consensus to explore adopting zoning ordinance language requiring that one unit of all duplex construction qualify

as affordable workforce housing. However, due to the anticipated complexity of the issue and the lack of time left in the current town meeting calendar to create and adopt suitable language for the 2023 Town Warrant, the Board came to a consensus to table the issue at this time.

Mr. Milner discussed with the Board a potential revision to the zoning ordinance language that would clarify the lot line setback distance for a sign structure such as a pole sign and a monument sign. There is a possible conflict between the lot line setbacks indicated in the yard and lot requirements section of the zoning ordinance and the sign section of the ordinance. Mr. Milner suggested that signs should be allowed closer to the lot line setback than other structures in order to accomplish their intended purpose of presenting an easily visible identification of the business on the property. In the past, the Planning Board has approved site plans with sign structures closer to the lot line setback than allowed for other structures.

Mr. Wilson suggested that language be added to the sign section of the zoning ordinance which states that, for the purpose of determining setbacks, monument signs and pole signs will not be considered structures. Ms. Rowden suggested that similar language be added to the definition of 'structure' in the definitions section of the zoning ordinance. Mr. Milner suggested that the setback requirement indicated for monument signs be added to the requirements for pole signs. The Board came to a consensus without objection to revise Town of North Hampton Zoning Ordinance as follows (new language in **BOLD**):

Section 104 Definitions

49. 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. **For the purpose of determining required setback distance only, monument signs and pole signs will not be considered structures.**

303.2 Definitions

A. Sign: An object, including a structure, movable object, wall or image displaying any message visible to the public. Letters individually painted on or attached to a face of a building that identify only the address of the occupant are not considered a Sign. **For the purpose of determining required setback distance only, monument signs and pole signs will not be considered structures.**

303.6

F. One Ground Sign per lot which may be either:

1. A Pole or a Pylon Sign, not to exceed 32 square feet, which shall be no greater than 12 feet nor less than six feet in height as measured from the top of the Sign **and shall be located at least 10 feet back from the property line**, or

Mr. Wilson moved that the Planning Board schedule a public hearing on December 20, 2022 to consider adoption of the proposed sign setback zoning ordinance language revision. Second by Ms. Gamache. The vote was unanimous in favor of the motion (6-0).

III. Other Business

1. Committee Updates.

a. RPC Commissioner – Ms. Gamache reported that planning workshops seeking public input regarding the proposed rail trail were held recently. Potential trail head locations for accessing the trail were indicated on the presentation materials.

b. Select Board – Mr. Maggiore reported on progress being made with the Fiscal Year 2024 operating budget and the new town facility building construction project.

c. RPC – Ms. Rowden asked the Board for guidance regarding applying for InvestNH Housing Opportunity Planning (HOP) Grant Program/Community Housing Navigator Grant Program. In her opinion, the grant monies could be used to fund more detailed data research and provide more accurate analysis regarding housing opportunities in the community.

Mr. Wilson stated his concern that the stated purpose of the grant program is to help increase housing development opportunities by eliminating barriers to this proposed development. In his opinion, the Town's local zoning regulations are not unnecessary barriers to housing development. The regulations have a legitimate purpose to help the Town evaluate its housing situation as it relates to the law and provide local solutions that conform to the residents' vision of their neighborhoods.

Ms. Gamache stated that the grant funds can help a small town perform its duty to formulate a Master Plan and create additional data to support a housing chapter and housing strategies within that Master Plan. She is in favor of applying for the grant.

Mr. Harned, Mr. Etela, and Mr. Omberg stated their concern with unknown obligations that do not conform with the Town's vision which may result from accepting the grant funds. Mr. Maggiore stated that the Town has not created any burdens to development.

Conservation Commission Chair Lisa Wilson addressed the Board. Ms. Wilson stated her concern that changes to the Town's zoning ordinance regulations may result in over development with only a small portion of the increased development being designated to affordable housing. Acceptance of the goals expressed in the grant proposal documents could lead to a loss of local control over significant Master Plan concepts regarding affordable housing, lot sizes, and sewer system installation.

The Board came to a consensus not to apply for the InvestNH Housing Opportunity Planning (HOP) Grant Program/Community Housing Navigator Grant Program.

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

2. Minutes.

Mr. Harned presented the Planning Board November 1, 2022 meeting minutes.

Mr. Wilson moved that the Planning Board accept the minutes of the November 1, 2022 Planning Board meeting as written. Second by Mr. Etela. The vote was unanimous in favor of the motion (6-0).

The meeting was adjourned at 8:50pm 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.