



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, September 19, 2017 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, and Jim Maggiore, Select Board Representative; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

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

I. New Business

1. 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 (CIP) Committee – Ms. Monaghan reported that the CIP Committee has finished its report. The final edits should be complete by the October 1 deadline.

e. Economic Development Committee (EDC) – Mr. Wilson reported that the EDC held a visioning workshop on September 11.

f. Select Board – Mr. Maggiore reported that the New Hampshire Municipal Association Board discussed HB 654 regarding short term rentals. Town operating budget workshops are scheduled for October.

g. RPC Circuit Rider – Ms. Rowden reported about the MS-4 stormwater permit process and possible grants available to help complete the process.

II. Other Business

1. Review of proposed 2018 zoning ordinance amendments - Temporary Structures.

Mr. Milner presented proposed revisions to Section 505 - Temporary Structures of the zoning ordinance.

Mr. Harned suggested language to be added to the definition of a temporary structure to ensure that personal camping tents are not considered temporary structures that require a permit.

Mr. Harned expressed concerns that the language classifying some vehicles as temporary structures could be applied to a wide variety of vehicles, not just the vehicles originally intended to be regulated by the ordinance provision.

Mr. Wilson suggested language to clarify that vehicles placed and used in a manner other than their customary use may be considered temporary structures, not vehicles used for their customary purpose. A draft version of the proposed revisions as amended is attached as Appendix A to these minutes.

2. Review of proposed 2018 zoning ordinance amendments – Tower Removal.

Mr. Milner presented proposed revisions to Section 415 – Wireless Communications Facilities and Section 516 – Small Wind Energy Systems of the zoning ordinance pertaining to cell tower and small wind tower removal.

Mr. Wilson suggested language to clarify the process for tower removals. A draft version of the proposed revisions as amended is attached as Appendix B to these minutes.

Mr. Wilson moved that the Planning Board schedule a public hearing at the October 17, 2017 Planning Board meeting to consider the adoption of Section 415 – Wireless Communications Facilities and Section 516 – Small Wind Energy Systems revisions language for inclusion on the 2018 Town Warrant. Second by Mr. Harned. The vote was unanimous in favor of the motion (4-0).

3. Review of proposed 2018 zoning ordinance amendments – Lot Coverage.

Ms. Rowden presented information regarding lot coverage to give the Board a framework from which to begin a discussion regarding the possible adoption of lot coverage requirements within the zoning ordinance. Ms. Rowden noted that there is currently no language concerning lot coverage in the zoning ordinance. Lot coverage requirements would provide parameters for allowable intensity of development upon a lot.

The Board discussed the following items:

- a. what terms would need to be defined within a lot coverage ordinance,
- b. what percentage of a lot would be allowed to be developed within rural and commercial settings, and
- c. how the lot coverage figure would be determined.

The Board discussed that the rationale for including lot coverage requirements in the zoning ordinance would be:

- a. to preserve the rural character and open space desires expressed by the Town's Master Plan and
- b. to prevent the creation of more impervious surface than nature can sustain as it relates to stormwater and flooding issues.

The Board requested that Ms. Rowden provide additional data regarding how surrounding towns calculate percentage of impervious surface within commercial and residential zones and actual allowable impervious surface percentage figures.

4. 2017 Town Survey review.

Mr. Maggiore presented his executive summary for Questions 1-6 from the 2017 Town Survey to the Board. Mr. Maggiore stated that he intended to present his summary to the Select Board.

Mr. Harned and Mr. Wilson suggested that a statement be included at the beginning of Mr. Maggiore's executive summary indicating that the 2017 Town Survey was not scientifically conducted and not a statistically valid survey.

The Board came to a consensus without objection to add the statement concerning the non-scientific and statistically invalid nature of the 2017 Town Survey to Mr. Maggiore's executive summary.

92 5. Minutes.

93 Ms. Monaghan presented the minutes of the September 5, 2017 Planning Board meeting.

94 **Mr. Harned moved that the Planning Board accept the minutes of the September 5, 2017 Planning**
95 **Board meeting as written. Second by Mr. Maggiore. The vote was unanimous in favor of the motion**
96 **(4-0).**

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98 The meeting was adjourned at 8:35pm without objection.

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100 Respectfully submitted,

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104 Rick Milner
105 Recording Secretary
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APPENDIX A

CHANGES IN RED OR STRUCK-OUT

SECTION 302 DEFINITIONS

47. Temporary Structure: Any structure not on a permanent foundation nor permanently attached to a fixed location in any manner. Said structure to be used for a specified period of time. A ground-mounted tent intended for personal use, and no greater than 150 square feet in size, shall not be considered a temporary structure. *3/10/1981, 3/13/2018

SECTION 505 TEMPORARY STRUCTURES *3/12/1968, 3/8/1977, 3/10/1981, 3/11/1997, 3/9/1999, 3/13/2018

505.1 Purpose

The purpose of this ordinance is to regulate the placement of temporary structures on lots within the Town of North Hampton. As defined in Section 302.47, a temporary structure is any structure not on a permanent foundation nor permanently attached to a fixed location in any manner. Said structure to be used for a specified period of time. A ground-mounted tent intended for personal use, and no greater than 150 square feet in size, shall not be considered a temporary structure.

~~505.1 Temporary structures shall only be allowed by permit and in conjunction with construction work and only during the period that the work is in progress. The permit allowing the construction shall note approval of any temporary structure.~~

505.2 Requirements

A. Permits shall be required for all temporary structures. Prior to the placement or construction of a temporary structure, the Building Inspector shall certify to the safety of the structure.

B. Only one temporary structure is allowed per lot.

C. All temporary structures shall meet all setback requirements of permanent primary buildings within the applicable zoning district.

D. ~~505.2~~ Any vehicle placed and used in a manner other than the purpose for which it is customarily intended, whether or not powered and whether or not licensed inspected, shall be considered to be a temporary structure. ~~Such vehicle shall be allowed only under the provision of Site Plan Review Regulations or as follows: *3/11/1997~~

~~**A.** In an Industrial Business Zone, each lot may have one vehicle as described in Section 505.2 for periods not to exceed a total of 90 days annually. A permit shall be required for each use. The permit will be issued by the Building Inspector's office only if it feels such use of a vehicle would not be detrimental to the area. *3/11/1997, 3/9/1999~~

~~**B.** A permit for more than one temporary structure used for storage only and meeting all other ordinances will require Planning Board approval. *3/11/1997~~

E. Lighting associated with all temporary structures shall comply with the provisions of Section 515 Outdoor Lighting.

F. Signage associated with all temporary structures shall comply with the provisions of Section 506 Signs.

G. All temporary structures must be completely removed upon expiration of their permits.

505.3 Residing in any temporary structure, or a basement or foundation before completion of a permanent structure, shall not be permitted.

505.4 No part of Section 505 shall apply to Manufactured Housing or to Recreational Vehicles as defined in Section 302 and regulated in Sections 503 and 504. *3/8/1977

505.5 All proposed temporary structures that do not fully comply with this ordinance shall require the issuance of a Conditional Use Permit by the Planning Board as authorized in RSA 674:21.

~~**505.5** Temporary structures, including but not limited to tents, may be placed in the Industrial Business Zone for display purposes for resale, or as a display model for the sale of similar structures for a period not to exceed one year by Said structures may be heated and have telephone and electricity but shall not have water or sewerage disposal or holding facilities. They shall meet all the setback requirements of permanent primary buildings, but may not be used for any purpose except display. Prior to placing of said structures, a permit for each structure shall be obtained from the Building Inspector. The Building Inspector shall certify to the safety of the structure before the public is admitted. Permits may be renewed yearly for a maximum of four years after which the temporary structure must be completely removed. The annual renewal fee shall be as set by the Select Board. *3/9/1982, 3/11/1997, 3/9/1999~~

B. 505.6 Temporary structures ~~included but not limited to tents constructed of expendable materials~~ may be placed in the I-B/R District for short special sales or promotions, not to exceed ~~one week~~ **two weeks**, by permit issued by the Building Inspector. Not more than three ~~(3)~~ such special permits ~~may~~ **shall** be issued for the same property during any calendar year; and ~~the weeks shall not be consecutive~~ **permits shall not be issued for consecutive two week periods.** ~~A permit shall be required for each structure. The Building Inspector shall certify to the safety of the structure before the structure may be occupied.~~ *3/11/1997, 3/9/1999

****Paragraphs A and B in original version flip-flopped and re-numbered as 505.6 and 505.7.**

~~**A. 505.7** Temporary structures constructed of expendable materials without foundations may be placed in the Industrial Business Zone I-B/R District for sales purposes all permitted non-residential uses for a period not to exceed one year by permit Conditional Use Permit issued by the Planning Board. Said structures may be heated and have installed utilities but not sewerage disposal. They shall meet all setback requirements of permanent primary buildings. Prior to placing of said structures, a permit for each structure shall be obtained from the Building Inspector. The Building Inspector shall certify to the safety of the structure before the public is admitted structure may be occupied. Permits may be renewed yearly at the discretion of the Building Inspector for a maximum of four years after which the temporary structure must be completely removed or approved by the Planning Board by formal Site Plan Review. The annual renewal fee shall be as set by the Select Board. *3/11/1997, 3/9/1999~~

505.8 If a temporary structure becomes unsafe or obnoxious and the public health, welfare or safety is endangered, the Building Inspector shall immediately revoke the permit. The unsafe structure will then be removed from the site or the unsafe conditions eliminated and/or repaired. A new permit will then be issued but only after all provisions of Section 505.5 have been complied with. *3/10/1981, 3/11/1997

~~**505.7** If a temporary structure becomes unsafe and the public safety is endangered, the Building Inspector shall immediately revoke the permit. The unsafe structure will then be removed from the site or the unsafe conditions eliminated and/or repaired. A new permit will then be issued but only after all provisions of Section 505.5 have been complied with. *3/10/1981~~

Tower Removal Proposed Ordinance Amendments

CHANGES in RED or STRUCK-OUT

1. Section 415.8 **Bonding, Security and Insurance** (page 35)

A. “Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, ~~the Planning Board shall require the applicant to post a security for the removal of abandoned or unmonitored towers consistent with Town policies.~~ The Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable ~~and~~ **or** unwilling to remove the tower in accordance with Section 415.9.”

B. “Upon construction of the tower, the Planning Board shall also require a certificate of appropriate insurance covering the constructed facilities, with ten-day notice of any changes in coverage.”

2. Section 415.9 **Removal of Abandoned Antennas and Towers** (page 35)

“If the abandoned tower is not removed within 90 days, the Town may ~~execute the security and~~ have the tower removed. **“The tower owner shall be responsible for payment of the costs associated with the tower removal.”**

3. Section 516.5.D & E **Abandonment** (page 91 & 92)

“D. If the owner fails to respond to the Notice of Abandonment or if, after review by the Building Inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner’s sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the Building Inspector may ~~pursue legal action to~~ have the small wind energy system removed at the owner’s expense.”

“E. ~~The Building Inspector, with the approval of the Planning Board,~~ **The Planning Board shall** ~~may~~ require the applicant to provide a form **and amount** of ~~surety~~ **security acceptable to the Planning Board** (i.e., ~~post a bond, letter of credit or establish an escrow account or other~~) **at the time of construction prior to the issuance of building permits** to cover costs of the removal in the event the town must remove the facility. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism to accommodate the rate of inflation over 15 years.”