



Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, January 21, 2014 at 6:30pm
Town Hall, 231 Atlantic Avenue

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10 These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a
11 transcription.

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13 **Members present:** Shep Kroner, Chair; Laurel Pohl, Vice Chair, Joseph Arena, Tim Harned, Dan Derby
14 and Phil Wilson, Select Board Representative.

15

16 **Members absent:** Mike Hornsby

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18 **Alternates present:** None

19

20 **Others present:** Jennifer Rowden, RPC Circuit Rider, and Wendy Chase, Recording Secretary

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22 The January 21, 2013 Work Session will immediately follow the scheduled 6:30 p.m. Public Hearing.

23

23 Mr. Kroner convened the Public Hearing at 6:35 p.m.

24 **I. The Planning Board will hold a Public Hearing on January 21, 2014 at the North Hampton**
25 **Town Hall, 231 Atlantic Avenue, North Hampton, to consider the approval of the proposed**
26 **amendments to the following Zoning Ordinances for placement on the March 2014 Town**
27 **Warrant:**

28

29 **1. The Second and Final Public Hearing on adoption of the Demolition Review Ordinance**
30 **(previously referred to as the Demolition Delay Ordinance). The purpose is to establish time**
31 **limits for the demolition permitting process, with participation in the process being voluntary**
32 **on the part of any property owner seeking a demolition permit.**

33

34 Mr. Kroner opened the Public Hearing at 6:37 p.m. He commented that this was the final Public
35 Hearing for the proposed ordinance to be considered for the 2014 Warrant. He also said that
36 there were three (3) members of the Heritage Commission present and they held three (3)
37 public hearings on the Demolition Review Ordinance.

38

39 Mr. Kroner acknowledged the Heritage Commission members that were present who wrote the
40 original draft of the proposed ordinance.

41

42 Mr. Kroner closed the Public Hearing at 6:38 p.m. without public comment.

43

44 **Ms. Pohl moved and Dr. Arena seconded motion to place the proposed Demolition Review**
45 **Ordinance on the 2014 Warrant as presented tonight.**
46 **The vote was unanimous in favor of the motion (6-0).**
47

48 **2. The Second and Final Public Hearing on proposed amendments to Article III, Section 302.10**
49 **– Definition of “Duplex”- the intent of the proposed amendment to the definition of “Duplex”**
50 **is to remove vagueness from the current definition.**
51

52 Mr. Kroner read the proposed definition into the record.
53

54 ***302.10 Duplex:*** *A building designed and/or used exclusively for residential purposes and containing*
55 *two principal dwelling units separated by a common party wall. The common party wall shall be within*
56 *interior residential space, including garage space, and shall separate this interior residential space of*
57 *the two principal dwelling units.*
58

59 Mr. Harned said that his intention, when drafting the proposed amendments to the definition, was
60 that at least some portion of the wall would have residence on both sides of it. He may have regretted
61 taking out the word “entirely”.
62

63 Dr. Arena suggested using the word “conjoined”; one section must be connected at one section.
64

65 Mr. Kroner said that it was the end of the sentence of the definition (otherwise structurally attached)
66 that they were trying to “fix”.
67

68 Mr. Derby said that the crux to this is to ensure the Code Enforcement Officer interprets the intent.
69

70 Mr. Wilson said that the change may be editorial if substituting one word from another phrase to
71 clarify the intent. Ms. Rowden disagreed and opined that any changes to the definition would be a
72 substantive change.
73

74 Mr. Kroner commented that since the Board is discussing possible changes to the definition at the last
75 minute, it is not ready for this year’s Warrant.
76

77 Mr. Wilson said that the Board may be better off putting it on the Warrant “as is” and working on a
78 change to it for next year.
79

80 Ms. Rowden commented that the proposed definition is better than the current definition.
81

82 Mr. Kroner opened the Public Hearing at 6:58 p.m.
83
84

85 **Dieter Ebert, 12 Cedar Road** – said that the current Building Inspector said at a recent Planning Board
86 meeting that he would not issue a building permit for a duplex that is connected by a retaining wall so
87 felt the urgency to place the amendment to the definition was not great. He said the current definition
88 is very similar to how other area towns define duplex. He suggested adding a definition of “party wall”
89 to the definitions and striking out the phrase “otherwise structurally attached”.

90

91 Mr. Kroner closed the Public Hearing at 7:01 p.m.

92

93 **Mr. Wilson moved and Ms. Pohl seconded the motion to take the proposed amendment to the**
94 **definition of “duplex” under consideration for next year’s Warrant.**

95

96 Dr. Arena asked what would happen if someone were to build duplexes over the next year.

97

98 Mr. Derby said that it is not the definition of the word, but rather the interpretation of it and opined
99 that there will be protection over the coming year.

100

101 Ms. Pohl commented that the prior Building Inspector carried out the letter of the ordinance; not the
102 spirit, and thought he was obliged to carry out both. Other members of the Board agreed.

103

104 **The vote was 3 in favor, 3 opposed and no abstentions. The motion failed.**

105

106 **Mr. Wilson moved and Ms. Pohl seconded the motion to put the proposed amendment to the**
107 **definition of duplex on the 2014 Warrant as presented.**

108 **The vote passed in favor of the motion (5 in favor, 1 opposed and 0 abstention). Mr. Kroner voted**
109 **against.**

110

111 **3. The First and Final Public Hearing on proposed amendment to Article IV, Section 406.4.1 –**
112 **Duplex Requirements, to include the word “contiguous” in front of “non-wetland area” and to**
113 **make an administrative change to replace “N.H. Water Supply and Pollution Control Division” with**
114 **“N.H. Department of Environmental Services (NH DES)”.**

115

116 Mr. Kroner opened the Public Hearing at 7:15 p.m.

117 Mr. Kroner closed the Public Hearing at 7:16 p.m. without public comment.

118

119 **Mr. Wilson moved and Dr. Arena seconded the motion to put the proposed amendment to Article**
120 **IV, Section 406.4.1 – Duplex Requirements on the 2014 Warrant.**

121 **The vote was unanimous in favor of the motion (6-0).**

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123 The Board reviewed the Town Warrant language regarding the proposed zoning amendments and
124 made minor editorial changes.

125 **Planning Board Work Session**

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Ms. Pohl assumed the Chair.

I. Old Business

1. None

II. New Business

1. Discussion of proposed amendments to Article IV, Sections 409.8 and 410 drafted by Member Dan Derby.

Mr. Derby commented that the proposed changes to Sections 409.8 and 410 are not intended to be included in this year's town Warrant. He went over his proposed changes:

- Section 410 1. c – Added *but not limited to*, because rather than having a precise description this would allow other ways to accomplish the same thing.
- 410. 1. d – referring to “four feet” – if the requirement is referencing NH DES regulation numbers, those numbers should be referenced in the Ordinance. Ms. Rowden said that in this particular section, the town regulation is more restrictive than NH DES. She further explained that the NH DES rules trump the local rules when the local rules are less stringent. Ms. Pohl suggested changing it to three (3) to four (4) feet.
- 410 1. g – added “such as but not limited to an aerobic pretreatment system” to give an opportunity for another proven system, instead of limiting it to an aerobic pretreatment system.
- 410 1. i – was proposed by the Conservation Commission that would require that septic systems having a design flow of greater than 2,500 gpd would report the condition of the leaching field at least every three years by a licensed septic system designer. Ms. Rowden said that a septic system with a design flow of greater than 2,500 gpd is for a very large house and typically the general recommendation for a single family dwelling would be to have the septic system inspected and/or pumped every two to three years. She said that there are not many communities that require any kind of reporting of septic systems, but it has been tried in some towns for properties that have a close proximity to a water supply.

The Board agreed that the proposed ordinance needs some work. Ms. Rowden offered to provide the Board with copies of examples of what other towns have done. She said that there is a town that recently passed an ordinance very similar to the one they were discussing.

2. Clarification on the term “Riding Stables” permitted only by Special Exception in the R-1 and R-2 Zoning Districts.

The Agriculture Ordinance allows and promotes agriculture and agricultural operations. Riding Stables are listed under permitted use by Special Exception through the Zoning Board of Adjustment.

Ms. Rowden explained the issue: if an arena or riding facility were to come before the Board, would they be required to seek approval of a Special Exception from the Zoning Board. She said that *riding arenas*,

171 under the agriculture ordinance, are a permitted use, but there is a contradiction in the zoning that
172 *riding stables* require a Special Exception and the more stringent would apply.

173

174 Mr. Wilson commented that a “riding arena” and a “riding stable” are two different things.

175

176 Mr. Kroner said that the ordinance does not have a definition of “riding stable” but the dictionary
177 defines it as a place where horses are kept for people to ride.

178

179 Mr. Wilson said that it is up to the Code Enforcement Officer to interpret the Zoning Ordinance. Mr.
180 Wilson said that it is the role of the Zoning Board to interpret the zoning ordinances not the Planning
181 Board and if the Planning Board cannot come to a consensus on how to act on it then the Planning
182 Board should send it to the ZBA.

183

184 Ms. Rowden said that there was not a clear enough distance between a “riding arena” and a “riding
185 stable” and feels it would be prudent to send an applicant to the Zoning Board for calcification. She
186 added that she did not see why a Special Exception would not be granted for a “riding arena” in Town.

187

188 It was a general consensus of the board that a “riding arena” and a “riding stable” are two different
189 things.

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191 Mr. Wilson said that he understands why a “riding stable” would require a Special Exception, because in
192 his opinion, a “riding stable” is for a commercial operation where horses are housed, bred and where
193 people are invited to come in for pay to ride the horses that are housed there, and if you put this type of
194 commercial operation in a residential zone then it makes sense to require a Special Exception.

195

196 Discussion ensued on the definition of “riding stable”. Mr. Wilson said that if the Board could not come
197 to a consensus then an Applicant should be directed to go to the Zoning Board for an interpretation of
198 the ordinance.

199

200 The Board came to a general consensus to let the Code Enforcement Officer make the decision of
201 whether or not to send an Applicant to the Zoning Board; that is the proper chain of command.

202

203 **3. Discussion of RSA 676:3.III. Decision letters or conditions of approval shall be added to**
204 **the Recordable Mylar on Site and Subdivision plans.**

205

206 Ms. Chase informed the Board that pursuant to RSA 676:3.III all conditions of approval made by the
207 Board on subdivision and site plans shall be added to the final Mylar before recording. The Board agreed
208 that that would be a good idea, especially in cases that deal with conditions that will remain in
209 perpetuity, such as “rain gardens” and the maintenance of them.

210

211 **4. Committee Updates**

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213 a. Long Range Planning (LRP) – There was no Committee update.

214 b. Capital Improvement Plan (CIP) – Ms. Pohl said that she would reach out to the Town
215 Administrator and ask for an update and report back to the Board.

216

217 c. Rules and Regulations/Procedures –There was no Committee update.

218
219 d. Application Review Committee (ARC) –There were no meetings of the ARC for the
220 month.

221
222 e. Economic Development Committee – Mr. Wilson reported that the Committee has
223 been discussing extending the natural gas line along Atlantic Avenue to the School from
224 Lafayette Road, and because of the School’s replacement schedule of their heating
225 system, it did not make sense to build the gas line down Atlantic Avenue immediately.
226 The Select Board agreed that if the complex goes through they will provide for
227 attachment to the gas line.

228
229 The Committee is proceeding with discussions on whether it makes sense to re-zone 50
230 +/- acres by the Stratham, NH Industrial Park to expand it, which would increase the
231 town’s tax base and not town services, and would not impact the School. Ms. Rowden
232 and the Rockingham Planning Commission is working on doing an inventory of
233 undeveloped land in Town and determine what parcels may be suitable for commercial
234 development that would not impinge upon residents and property taxes.

235
236 f. Large Assembly Ordinance Committee – Mr. Wilson said that the Large Assembly
237 Ordinance is complete and is going on the 2014 Warrant. Ms. Monaghan did most of the
238 writing of the amended document and it shifts the burden to the Chief of Police and
239 establishes a more straight forward process. The Board agreed to remove “item f” large
240 assembly ordinance update from the agenda.

241

242 III. Other Business

243 1. Minutes

- 244 a. November 19, 2013
- 245 b. December 3, 2013
- 246 c. December 17, 2013
- 247 d. January 7, 2014

248

249 **Mr. Kroner moved and Dr. Arena seconded the motion to accept the minutes of November 19, 2013,**
250 **December 3, 2013, December 17, 2013 and January 7, 2014 as written.**

251 **The vote was unanimous in favor of the motion (6-0).**

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253 2. ¹ Items laid on the table

254 a. Master Plan update – Natural Resource Chapter, consideration of adoption of the
255 Chapter as part of the Master Plan.

256

257 Mr. Kroner said that the Natural Resource Chapter needs to be redone and suggested taking it off of the
258 Agenda under “items laid on the table”.

259

260 **Mr. Kroner moved and Mr. Harned seconded the motion to remove the Natural Resource Chapter**
261 **from the Agenda under “Items laid on the table”.**

262 **The vote was unanimous in favor of the motion (6-0).**

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3. Any other business to come before the Board.

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The meeting was adjourned at 8:45 p.m. without objection.

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Respectfully submitted,

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Wendy V. Chase

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Recording Secretary

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Minutes approved March 18 2014.