

Meeting Minutes Work Session North Hampton Planning Board Tuesday, May 20, 2014 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.

Members present: Shep Kroner, Chair; Joseph Arena, Mike Hornsby, Dan Derby, Barry Donohoe and Jim Maggiore, Select Board Representative.

Members absent: Tim Harned, Vice Chair

Alternates present: Nancy Monaghan

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

Chair Kroner convened the meeting at 6:30 p.m., and noted for the record that there was a quorum.

Chair Kroner seated Ms. Monaghan for Mr. Harned.

Chair Kroner commented on a letter he received from Attorney Peter Loughlin regarding the Building Permit issued by the Building Inspector for a PWSF on the Lamprey Energy property at 63 Atlantic Avenue. In his letter he urged the Planning Board to consider the proposal at a "Special Meeting" before the 30-day appeal period ended. He stated in his letter that either the Planning Board or the Select Board could appeal the issuance of the Building Permit. Attorney Loughlin contends that the proposal is not a "modification" which would allow the new cell tower to be installed with a Building Permit and without Board approval.

Ms. Chase informed the Board that there were two abutters to the Lamprey Energy property that have submitted an Administrative Appeal to the Building Inspector's issuance of a building permit for a proposed cell tower.

Chair Kroner said that as a general rule he didn't think it would be appropriate for the Planning Board to get involved with appeals of administrative rulings. He received advice from Counsel that the Planning Board should not appeal the Building Permit.

Dr. Arena disagreed and said that the Planning Board has a duty to protect the townspeople.

Chair Kroner commented that if the Planning Board were to get involved, they would not be able to go to Superior Court.

Chair Kroner commented on the new law passed in 2013, Chapter 12-K, Section 12-K:1 - Deployment of Personal Wireless Service Facilities. He said that there are ambiguities within the law, for instance the definition of "modification"; it's not easy to interpret.

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Ms. Rowden explained the new law. She said it goes back to the Federal Communications Act and is designed to make an easier path to install cell towers for economical development. The NH law takes most local Land Use Board decisions out of the equation, with the exception of erecting a new cell tower of a certain height. If the applicant is collocating, or replacing in kind, they are allowed to do so with limited restrictions, and with only a Building Permit. The new tower is allowed an increased height of 10% or 20-feet, whichever is greater, and that does not include an added antenna of up to 20-feet.

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Dr. Arena commented that the State says nothing about the "fall zone" of towers, and that is when the Town needs to get involved, for the safety and welfare of the Town. The "fall zone" is usually required to be 125% of the total height of the cell tower.

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Ms. Rowden said she would be happy to send the reference material to the Board; it's written in a way that easily explains the State and Federal law. She said that the Board may need to update the Town's Wireless Telecommunication Ordinance because of the new legislation.

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Chair Kroner will forward it to Ms. Chase for Board distribution.

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The CIP Committee met and reorganized the Committee; there was nothing other than that to report.

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There were no other Committee reports because there have been no new meetings since the last Work Session.

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I. Old Business

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1. There is no unfinished business.

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II. New Business

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Chair Kroner reminded the Board that he had asked each member to list any items regarding zoning ordinances or regulations they thought the Planning Board should work on over the next year. He and Mr. Harned came up with items they would like the Board to address. Chair Kroner suggested the Board establish and prioritize the work the Board wants to do this year.

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1. Prioritize Planning Board Work

- a. Future Land Use Master Plan Chapter 84 85
 - b. Duplex Regulations/Ordinance

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c. Jenn Rowden - Development Potential Assessment Maps

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d. Solar Array Ordinance development

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e. Regulations/standards for shared driveways f. Discuss application submission requirements and digital access/application process for lot line adjustments and amended site plan

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g. Discuss implementing a maximum percentage of lot coverage in each zoning district.

Mr. Harned informed the Chair that he would volunteer to work on the Duplex Regulation/Ordinance, the Solar Array Ordinance and the implementation of maximum lot coverage.

Ms. Rowden said that she is working on the Future Land Use Chapter and can now incorporate the economic studies that are now completed.

Chair Kroner said that duplexes have become the primary building in Town. He said that the Board may want to consider changing the setback and/or frontage requirements for duplexes, because the current setbacks are fairly small. He mentioned that building multiple duplexes in a neighborhood can change the characteristics of a neighborhood. He said that he would like to examine if there are better standards for duplexes from what the Town currently has.

Chair Kroner said that some communities have established a maximum percentage of building coverage ordinance/regulation. He referred to the subdivision the Board recently approved at 14 Maple Road where there is very limited building space, and owners would have to seek variances to build onto what is currently allowed. He said that the Town of Rye has a maximum percentage coverage regulation.

Ms. Rowden presented a list of town's along the coast detailing different lot dimensions and zoning requirements, and most towns have regulations on maximum impervious surface coverage.

Ms. Rowden said that a duplex is two single-family homes on one lot.

Dr. Arena volunteered to review what Mr. Harned comes up with on duplex regulations.

Ms. Rowden presented the development potential assessment maps to the Members. The assessment was done with funds authorized by the Planning Board from the "special studies" budget line item. She said that she already presented the maps, in draft form, to the Economic Development Committee.

Ms. Rowden said their charge was to do a "build out" analysis of the Town and to look at what was currently in the I-B/R district as well as a small section on Route 111 near the Industrial Park in Stratham. They looked at what was already developed, and what parcels had potential of development, to see how much potential additional development could occur in those areas under current conditions, i.e. no sewer and no changes to zoning. ¹The Analysis is attached to these meeting minutes.

Ms. Rowden said that she would be happy to communicate to the Economic Development Committee any feedback from the Planning Board regarding the Analysis, and vise versa.

Mrs. Jenkins spoke from the audience. She said that she lives on Exeter Road (Route 111) and the possibility of expanding the Industrial Zone at the end of Exeter Road, at the Stratham town line, will impact her and her neighbors, as well as, Goss Road residents. She said the "development" the Economic Development Committee is talking about will not help the Town of North Hampton's tax problems.

- 136 Chair Kroner agreed that it won't help the Town's tax problems. He said it needs to be studied more.
- Mr. Donohoe agreed with Mrs. Jenkins, and said that they need to look at how it will impact the

138 residents in that area.

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Chair Kroner said that the Economic Development Committee will report back to the Planning Board with their recommendations, and then the Planning Board decides how to proceed. If the Board agrees to a proposed zoning change it would have to be voted on by the townspeople.

Ms. Rowden said that the recommendations in the analysis are solid, but it is just a draft.

Chair Kroner thanked her for the work that she did on it; it is great quantified data for the Planning Board to use. Dr. Arena agreed, and said the Board owes those who participated in the study a lot of gratitude.

Chair Kroner commented that the Board recently approved an application for a solar array on Lovering Road. He said that the Town adopted a wind mill ordinance, but lacks any standards, except for screening, for solar arrays. Mr. Harned is looking into performance standards. Ms. Rowden said that she has researched other New Hampshire towns and found that none of them have an Ordinance or regulations for solar arrays. She said North Hampton could be a model town. She said that there are some samples of regulations out there that could be used regulate them without restricting them.

Mr. Derby said that regarding the solar array application on Lovering Road, the Board did a great job asking the right questions, and addressed the concerns without adding a bunch of rules on the solar array application.

Ms. Monaghan mentioned that that application was unique because the Applicant owned all three lots that are directly affected by the solar array.

Chair Kroner took a moment to talk of Mr. Ted Turchan's passing. He was a member of the Planning Board and Zoning Board for many years and a valuable resource to talk to about the Zoning Book and the way it was drafted. He encouraged all who knew him to attend his Wake in Hampton on Thursday, May 22nd from 4:00 p.m. to 7:00 p.m.

Mr. Donohoe commented that a lot of good people did a lot of good things before us (the Board), and Ted was one of them.

Chair Kroner said that it was brought to the Board's attention that the application process is cumbersome. The Board discussed the requirement of large scale plans and requiring digital copies.

Ms. Rowden said that many towns have minor site and subdivision plan applications, and the process has reduced fees and reduced copies; these types of applications usually do not require engineering reviews. She said that some towns distinguish the minor plans with the amount of impervious surface coverage, but usually the criteria is size based, or change of use based.

Dr. Arena said that he does not like to receive a ton of information submitted at the meeting; the Board has no time to review it, and absorb it. The Board agreed. Inquiry about that was made to the Legal Staff from NHMA, and there was a lot of ambiguity in the response they gave. The Board may want to consider adding an "information/evidence cut-off date" to their Rules of Procedure that the Board could waive at their discretion.

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Ms. Rowden had distributed examples of minor site plan and subdivision plan applications to the Board.
 She will resubmit them to Ms. Chase and the Board can discuss it at the next Work Session meeting.

It was suggested that the Board could require a pdf of the final approved plan and they could add that requirement to the Board's Rules of Procedures. Changes to the Board's Rules of Procedure have to take place at a Public Hearing and noticed accordingly.

Mr. Derby moved and Dr. Arena Seconded the motion to discuss administrative changes to the Board's Rules of Procedure at the next Work Session.

Chair Kroner said that the actual proposed changes needed to be reflected in the motion.

Ms. Rowden said that the notice just has to state, that it be required to have a digital copy submission of the entire final approved plans.

Dr. Arena withdrew his second and Mr. Derby withdrew his motion.

Chair Kroner commented that he Fire Department is not fond of "shared driveways" in Town that are allowed, and the idea of how "shared driveways" are used right now. He explained that they are typically allowed to minimize curb cuts along the roads. Ms. Rowden said she would look into it; she said that standards for "shared driveways" can be improved for safety purposes.

Mr. Maggoire said that the Fire Department could not get down his driveway. He said he spoke to Chief Cote about the importance in considering driveway widths relative to the emergency equipment the town is purchasing. He said the equipment is getting bigger and the driveway widths are not.

Ms. Rowden said that it is worth looking into, but any new regulation/ordinance would only apply to new development, not to existing driveways.

Chair Kroner mentioned that there are a lot of landlocked properties in town and it could become an issue.

III. Other Business

The Board was in receipt of a request for a reimbursement for a Site Plan Review Application submitted by Dieter Ebert. Mr. Ebert was seeking a refund of \$300.00 because the Site Plan Application fee is partially based on \$50.00 per 1,000 sq. ft., and the solar array covers an area of 7,000 square-feet. Mr. Ebert contended that the foundation of the project is less than 1,000 sq. ft; therefore that portion of the fee should only be \$50.00 instead of \$350.00.

Ms. Monaghan said that they should treat like things alike. Every Applicant before the Board for a Site Plan Review Application has been charged the same fees all along. She said the solar array application shouldn't be treated different from other applications; the square-footage approach is universal.

230	Mr. Ebert said that the solar panels cover an area of 7,000 square-feet, but the foundation of 1,000
231	square-feet is the only impact. He said "green energy" is a positive thing and the Town should be
232	encouraging it.

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Mr. Derby said that the fees must have been developed on square footage of buildings to cover overhead and staff, and the different departments that have to review the plans. He said that "green energy" is something he wants to encourage and deserves positive consideration.

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Mr. Derby moved and Mr. Maggiore seconded the motion to approve the waiver request to reimburse Mr. Ebert \$300.00 for his Site Plan Review Application, Case #14:04.

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Dr. Arena said that if 7,000 square-feet are being utilized, then the fee should be based on 7,000 square-feet.

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Chair Kroner said the review process for this Case, versus Rite Aid, differs drastically.

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Mr. Donohoe said that the Town doesn't make any money off of applications. He said the Board would be setting a standard on how they approve the requested waiver tonight.

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Ms. Rowden said that granting the waiver would not set a precedent. Some of the members did not agree.

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Mr. Maggiore said that it needs to be studied, but he's still inclined to grant the waiver because this is going to be a larger issue.

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The vote was 2 in favor, 4 opposed and 1 abstention. The motion failed. Chair Kroner abstained. Mr. Maggiore and Mr. Derby were in favor of the motion.

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1. 1 Items laid on the table

Minutes

a. Master Plan update – Natural Resource Chapter for the Master Plan

<u>a. March 18, 2014</u> – Ms. Monaghan moved and Dr. Arena seconded the motion to approve the March 18, 2014 minutes as written. The vote passed in favor of the motion (6-0). Mr. Maggiore did not vote because he was not present at the March 18, 2014 meeting.

b. April 1, 2014 – Ms. Monaghan moved and Mr. Donohoe seconded the motion to approve the April 1, 2014 meeting minutes as written. The vote passed in favor of the motion (5-0-1). Dr. Arena abstained, and Mr. Maggiore did not vote because he was not present at the April 1, 2014 meeting.
 c. May 6, 2014 – Ms. Monaghan moved and Mr. Hornsby seconded the motion to approve the May 6, 2014 meeting minutes with a minor correction made by Dr. Arena to replace the word "pervious" with "impervious" under the Throwback Brewery Case.

The vote passed in favor of the motion (6-0). Mr. Maggiore did not vote because he was not present at the May 6, 2014 meeting.

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The meeting adjourned at 9:30 p.m. without objection.

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Respectfully submitted,

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Planning Board Work Session

May 20, 2014

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Wendy V. Chase Recording Secretary

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¹See attached Economic Development Analysis below:

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Approved July 15, 2014

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North Hampton Economic Development Analysis Lafayette Road Corridor (Route 1) and Portions of Exeter Road (Route 111)

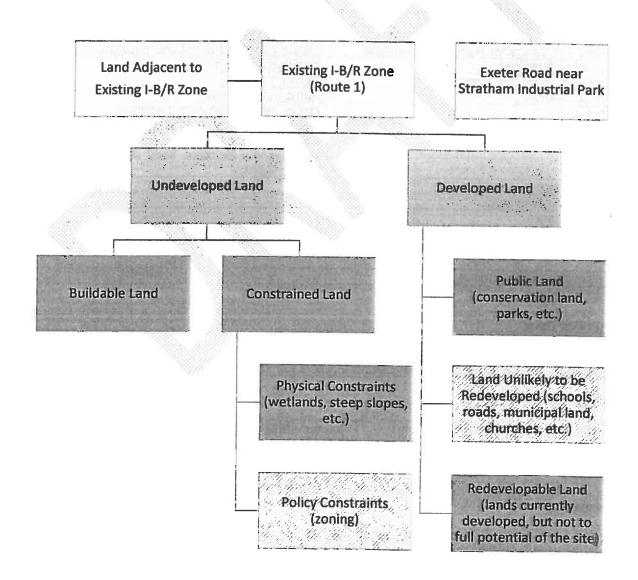
Prepared by Rockingham Planning Commission May 2014

In the fall of 2013, North Hampton's Planning Board and Economic Development Committee contracted with Rockingham Planning Commission to analyze select areas of the town for potential development or redevelopment of parcels for industrial or commercial uses. This analysis included evaluating individual parcels based on the amount of existing development, current zoning, areas not able to be developed based on physical or legal constraints, and the type of existing development on the site. The purpose of this analysis was to evaluate areas of North Hampton for potential development or redevelopment with the intention of fostering low-impact economic development in those areas to help offset or reduce the cost of municipal services through a diversified tax base. The areas included as part of this analysis were:

- 1. The existing Industrial-Business/Residential (I-B/R) Zone concentrated around Lafayette Road (Route 1).
- 2. Parcels partially within the I-B/R Zone, parcels immediately adjacent to the I-B/R Zone, and parcels within 0.25 miles of the I-B/R Zone that are not currently residential lots.
- 3. Parcels at the western end of Exeter Road (Route 111) near the Stratham Industrial Park, including only parcels north of Exeter Road and west of the town forest.

Analysis and Findings

Add more detail...



Additional Development/ Redevelopment Potential

	Undeveloped Lands (# of potential units)	Re-developable Lands (# of potential new units)
Existing I-B/R District	17	45
Parcels Adjacent I-B/R District	84	19
or Split Parcel I-B/R and R1 or R2 Zone		
Exeter Road Area	20	0
TOTAL	121	64

Current Industrial/Business Zoning

North Hampton is divided into three zoning areas: high-density residential (R1), low-density residential (R2) and an industrial-business/residential zone (I-B/R). This analysis did not include evaluation as to the type of potential nonresidential development possible on a given parcel or the potential impact on local taxes. The following uses are permitted in North Hampton's I-B/R Zone or may be permitted through the issuance of a special exemption from the Zoning Board of Adjustment:

Permitted Uses	Special Exemption
Agriculture	Water Recreation and Storage
Motels	Municipal Buildings and Libraries
Eating and Drinking Establishments	Multiple-Family Dwelling
Research and Testing Laboratories	Light Manufacturing
Offices	Public and Private Recreational Facilities
Hospitals and Clinics for Humans or Animals	Planned Unit Industrial and Business Projects
Public Utility Buildings	Accessory Apartments
Accredited Commercial Schools	Family Day Care
Essential Services	Home Occupations
Retail Uses	Motor-Vehicle Refueling Facilities
Wholesale Uses	Motor-Vehicle Service Facilities, including without limitation, lubrication centers, repair shop, detail and washing facilities, body shops, and tire and batter shops.
Accessory Uses	
Single Family Dwellings	
Group Day Care	
Duplexes	
Manufactured Housing on Individually-owned	
Lots Paylor Paylor	
Manufactured Housing Parks	
Places of Worship	

Prohibited Uses
Commercial animal husbandry facilities
Large scale distribution and logistics facilities
Storage of raw materials for processing and the process of raw material for distribution or retail sale.

General I-B/R Zone Requirements

Minimum Lot	Minimum	Minimum	Minimum Side and	Accessory	Building
Area	Frontage	Front Setback	Rear Setback	Structure Setback	Height Limit
87,120 sq. feet	250 feet*	50 feet	35 feet	35 feet	35 feet
(2 acres)*					

^{*} Lots of record existing prior to March 1975 are allowed to be built on with reduced lot area and frontage requirements.

Lots in the I-B/R Zone used for a business purpose may not also be used for a residential purposes. Undeveloped lots may be used for either residential or business purposes, but not both.

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Existing I-B/R District	17	45
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or		
Split Parcel I-B/R and R1 or R2 Zone		·
Exeter Road Area	20	0
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^{*} Lots of record existing prior to March 1975 are allowed to be built on with reduced lot area and frontage requirements.

 Lots in the I-B/R Zone used for a business purpose may not also be used for a residential purposes. Undeveloped lots may be used for either residential or business purposes, but not both.

- Lots existing prior to 1992 that are larger than 5 acres and have at least 215 feet of frontage may be subdivided to allow for one back lot, requiring only 40 feet of frontage.
- Within the Aquifer Protection Overlay District, located in parts of the northern section of Lafayette Road, a maximum 20% impervious surface (roads, rooftops, parking lots, etc.) is allowed on a parcel.
- Lots within the I-B/R Zone that are considered non-conforming due to lot size and/or frontage requirements
 that have existing structures are allowed to expand those structures as long as the structures meet all other
 current zoning requirements (setbacks, uses, etc.).

Recommendations

1. Align zoning districts with parcel boundaries.

Currently within the I/B-R Zone there are 56 properties that are also within either the R-1 or R-2 Zone. Aligning zoning districts to parcel boundaries may increase the acreage available for industrial or commercial development and/or prevent industrial and commercial uses from negatively affecting residential parcels. Determining which zone a parcel should be placed should be done on an individual parcel basis, with established criteria and parcel owner consultation.

2. Any proposed zoning changes to parcels on the western area of Exeter Road should be limited to the following parcels: Lots 10-3, 10-4, 10-5 and 10-6.

Lots 10-3, 10-5 and 10-6 are all owned by the same entity and lot 10-4 is owned by the town of North Hampton. These four lots immediately adjacent to the Stratham Industrial Park and would have potential to be developed with adequate road frontage (from either Exeter Road and/or Marin Way) and acreage (lot 10-4 and 10-5 would need to merged with another lot to meet acreage requirements). Limiting commercial or industrial develop to these lots would help to diversify the town's tax base, minimize impacts to surrounding residential properties and conservation land, and minimize wetland impacts by limiting potential access points.

If lots on Exeter Road are proposed to be zoned to allow commercial or industrial uses, the zoning requirements should consistent with that of the existing I-B/R Zone.

- 3. Any proposed zoning changes within the I-B/R Zone or adjacent parcels, or Exeter Road take potential increases in traffic and future transportation infrastructure changes into consideration. For Exeter Road, any expansion of the Stratham Industrial Park or new industrial or commercial facilities being located it that vicinity will likely increase traffic. Currently, Stratham and North Hampton work cooperatively to place a police officer at that location to direct traffic during the morning and evening commutes due to the heavy traffic. Increases in traffic may necessitate altering the road configuration to better handle the traffic or the installation of a traffic light.
- 4. Continue evaluating impacts of building sewer infrastructure along Lafayette Road.
 Historically, residents of North Hampton have continued to express disinterest in bringing sewer to the town, and specifically along Lafayette Road. The opposition is due to a desire to keep the town's rural character and the high costs associated with constructing a wastewater system or connecting into a neighboring system. Both concerns are valid arguments to maintain North Hampton's reliance on onsite wastewater treatment (septic systems). However, not having sewer infrastructure along Lafayette Road, does limit the amount and type of potential industrial and commercial development due to lot size requirements needed to treat wastewater onsite.
- 5. Evaluate the impacts changing zoning to have minimum lot size be based on soil type. North Hampton's current zoning requires a minimum of two acres (one acre must be non-wetland) in order to build commercial, industrial or residential buildings. (Building on smaller lots is allowed under certain circumstances if the lot was a lot of record prior to March 1974.) The need for large lot sizes is driven in part by the need for lots to be able to accommodate treating of wastewater onsite with septic systems. However, some soil types are better suited to allow for the treatment and dispersal of wastewater than other soil types. In some locations, the soil type(s) found on the lot may allow for proper treatment of wastewater on a smaller size lot than two acres. In a few locations, the lot size may need to be bigger than two acres due to the soil type. Lots sized based on soil type could range from 35,500 square feet (approximately 1/3 acre) o 100,000 square feet (over two acres).

By potentially changing zoning have lot

-size be soil-based, North Hampton may increase the ability for lots to be subdivided and developed for residential, commercial and industrial purposes. This may also decrease the need to establish sewer infrastructure within the town or areas of the town while. If soil-based lot sizing is considered, other factors for having the current two-acre lot sizing must be included any evaluation. These other factors include, but are not limited to, density changes, change in town characteristics, traffic impacts, and impacts to natural resources.