



**Meeting Minutes**  
**North Hampton Planning Board**  
**Monday, January 12, 2015 at 6:30pm**  
**Mary Herbert Conference Room**  
**233 Atlantic Avenue, North Hampton**

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

**Members present:** Tim Harned, Vice Chair, Dr. Joseph Arena, Dan Derby, Phil Wilson, Nancy Monaghan and Jim Maggiore, Select Board Representative.

**Members absent:** Shep Kroner

**Alternates present:** None

**Others present:** Cliff Sinnott, RPC Circuit Rider, and Wendy Chase, Recording Secretary

Mr. Harned called the meeting to order at 6:30pm.

**1. The Second Public Hearing on proposed amendments to Article III, Section 302.39 – Definition of “Structure”, to include septic tanks, swimming pools, and tennis courts and leach fields that are constructed entirely below grade are not deemed to be structures.**

Mr. Wilson read the new definition into the record as follows and explained that the point of this amendment is to eliminate ambiguity of what is actually a structure and what is not.

**Article III, Section 302.39**

*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. Structures under this definition include, but are not limited to, buildings, billboards, carports, porches, swimming pools, tennis courts, building features, septic systems and leach fields that are, in whole or in part, constructed above grade. For the purposes of this zoning ordinance, sidewalks, driveways, fences patios and leach fields that are constructed entirely below grade are not deemed to be structures.*

Dieter Ebert, 12 Cedar Road – said he is concerned about classifying septic systems as a structure because it would significantly increase the setback requirements. He said the State requires 10-foot setback from the side property line and the town’s proposal would increase that to 30 or 35 feet depending on the zone. The slope off a septic field may not be aesthetically pleasing but can be properly installed (3 to 1 side slopes) to alleviate the steep side slopes.

Mr. Harned closed the Public Hearing at 6:39pm.

47 Mr. Wilson said that the amendment doesn't include a septic system below grade so the side slope issue  
48 is moot. He said he thought the Board made the appropriate changes at the last public hearing and  
49 suggested to move forward with the proposed amendment.

50

51 **Dr. Arena moved and Ms. Monaghan seconded the motion to place the proposed amendment to**  
52 **Article III, Section 302.39 – Definition of "Structure", as presented this evening, on the 2015 Town**  
53 **Warrant.**

54 **The vote was unanimous in favor of the motion (5-0).**

55

56 **2. The Second Public Hearing on proposed amendments to Article IV, Section 411 – Wetlands**  
57 **Minimum Lot Area. The intent of the proposed amendment is to add the requirement "there shall be**  
58 **at least one building envelope of ¼ acre or more for the site of a house".**

59

60 Ms. Monaghan explained that the intent of the proposed amendment is to further define the minimum  
61 lot area.

62 *Wetlands, but not a "Body of Water" or "Bodies of Water", may be used to satisfy minimum lot area and*  
63 *setback requirements provided that, that portion which is wetland does not exceed fifty (50) percent of the*  
64 *minimum required lot area and provided that the remaining lot area is sufficient in size and configuration*  
65 *to adequately accommodate all required utilities. \*3/13/79 \*5/8/2012 For construction of a dwelling unit*  
66 *on lots of two acres or more, there shall be one contiguous acre of non-wetland soils, and at least one*  
67 *building envelope of one quarter (1/4) acre or more for the site of a house. \*3/12/91 5/10/2015*

68 Mr. Harned opened the Public Hearing at 6:48pm.

69

70 Dieter Ebert, 12 Cedar Road – asked for scientific data to support the change. There was no scientific  
71 data, but he understands the Board can make changes if they felt it was for the good of the Town. He  
72 said that this change to the ordinance would make his building lot no longer buildable and that is a  
73 "taking" under constitutional law. "Constitutional law – there is a taking of property when government  
74 action directly interferes with or substantially disturbs the owner's use and enjoyment of the property".  
75 He said that seeking relief from the ZBA is costly and is not a guarantee; the request could be denied and  
76 that could entail more fees if appealed to Superior Court.

77

78 Mr. Wilson wasn't sure that if it is a lot or record whether it would be "grandfathered" going forward or  
79 whether the amendment would only apply to subdivisions going forward.

80

81 Mr. Sinnott opined that if the amended ordinance causes a lot to be unbuildable or unusable, it would  
82 be a "taking". He said "zoning" is not a vested right and changing the zoning doesn't necessarily  
83 constitute a "taking". A "taking" is if the town establishes a zoning rule or law that renders a property  
84 unusable that would take the economical value from the lot.

85

86 Mr. Harned closed the Public Hearing at 6:59pm.

87

88 Mr. Wilson said that the Board went through this and opted choosing a way that was simple. He thought  
89 the Board may want to consider adding it to the subdivision regulations rather than amending the  
90 ordinance, which would give the Board the flexibility to waive the regulation in peculiar cases and would  
91 affect current lots of record.

92 Ms. Chase handed out the legal opinion from Attorney Matt Serge for each of the proposed  
93 amendments. He stated in his comments that the proposed changes appear satisfactory. Pertaining to  
94 the amendment to Article IV, Section 409.12 – Conditional Use Permit, Attorney Serge suggested adding  
95 language to make it clear that decisions made by the Planning Board under this section cannot be  
96 appealed to the Zoning Board of Adjustment, but rather is appealable directly to the Superior Court  
97 pursuant to RSA 676:5, III and RSA 677:15.

98  
99 Mr. Wilson said that the Board wanted a chunk of land to be buildable or landowners would be doomed  
100 to go to the ZBA for everything. There was a lot of discussion on figuring out what is a reasonable  
101 amount of acreage and they came up with the ¼ acre. He said it also solves the duplex issue.

102  
103 Mr. Harned reopened the Public Hearing at 7:12pm.  
104  
105 Mr. Ebert agreed that instead of a zoning ordinance it should be added to the subdivision regulations. It  
106 is more realistic and alleviates the issues for those owning existing lots of record. He opined that the  
107 change does not support the current conservation subdivision ordinance; it is contradictory to it because  
108 the conservation subdivision ordinance allows buildings on smaller lots.

109  
110 Mr. Wilson said that the conservation subdivision ordinance wouldn't fall under this because it allows  
111 for a lot of regulation relief.

112  
113 Mr. Harned closed the Public Hearing at 7:14pm.

114  
115 **Ms. Monaghan moved and Mr. Derby seconded the motion to move this proposed amendment to**  
116 **Article IV, Section 411 to the 2015 Town Warrant as discussed.**  
117 **The vote was unanimous in favor of the motion (5-0).**

118  
119 Mr. Wilson said that if the Board finds that it presents problems they can decide to include it in the  
120 subdivision regulations, it may do more good there than in the ordinance.

121  
122 Mr. Harned said that he is not looking at changing the wording of the proposed amendment, but would  
123 like time to do a little "homework" on it. He would like to find out what the options were to either keep  
124 it in the Zoning Ordinance or put it in the subdivision regulations.

125  
126 Mr. Harned said that the vote taken on proposed zoning amendments happen after the public hearing is  
127 closed; and questioned whether or not the Board can vote to either keep it on the Warrant or remove it  
128 at their next Work Session, which is a public meeting, but not a public hearing.

129  
130 Mr. Sinnott read from RSA 675:3.III, and agreed that the Board could vote to keep it, or remove it from  
131 the 2015 Warrant at their January 20, 2015 Work Session. Ms. Chase was directed to add it to the  
132 January 20, 2015 Work Session Agenda.

133  
134 **3. The Second Public Hearing on proposed amendment to Article IV, Section 409.2 – Definition of**  
135 **District. The intent is to add Section D. "All buffers and setbacks as described below (section 409.9)**  
136 **around all such wetlands as described in this section (Section 409.2)".**

137  
  
Disclaimer – these minutes are prepared by the Recording Secretary within five (5) business days as required by NH  
RSA 91A:2,II. They will not be finalized until approved by majority vote of the Planning Board.

138 Mr. Harned explained that there is a discrepancy in the ordinances in regards to the setback  
139 requirements for septic systems. There is a 75-foot setback, and the conservations district already had a  
140 75-foot setback requirement, so a slight change was made to the definition for clarification purposes  
141 only.

142

143 Mr. Harned opened the Public Hearing at 7:32pm.

144 Mr. Harned closed the Public Hearing at 7:32:05pm without public comment.

145

146 **Mr. Wilson moved and Dr. Arena seconded the motion to move the proposed amendment to Article**  
147 **IV, Section 409.2 to the 2015 Town Warrant as presented this evening.**

148 **The vote was unanimous in favor of the motion (5-0).**

149

150 **4. The Second Public Hearing on proposed amendment to Article IV, Sections 409.9.A 1 & 2 to include**  
151 **a 25-foot vegetated buffer closest to the wetland boundary included in the 100-foot wetland setback**  
152 **requirement.**

153

154 Mr. Harned explained that the proposed change would affect undeveloped lots of record; it will not  
155 affect existing developed lots of record. The objective of the change would make existing wetland  
156 setbacks more effective by having a 25-foot vegetated buffer making it more functional to protect the  
157 wetlands.

158

159 Mr. Harned opened the Public Hearing at 7:36pm.

160

161 Dieter Ebert, 12 Cedar Road – said that he is not in favor of this proposed change, but does agree that a  
162 25-foot vegetated buffer is important to the wetlands. He said vegetated buffers and naturally  
163 vegetated buffers are two different things. He said removing dead dying and diseased trees,  
164 encompassing all wetlands will come with enforcement issues, a large percentage of the Town will be  
165 affected and it will be difficult for the Code Enforcement Officer to enforce this ordinance. He said some  
166 towns require placards to be placed on trees at the edge of the wetlands.

167

168 Mr. Harned closed the Public Hearing at 7:42pm.

169

170 Mr. Harned said that the proposed amendment should read “naturally vegetated buffer” and it does  
171 not. It was determined that the proposed change was not posted properly and would have to be  
172 continued to the final Public Hearing on January 26, 2015.

173

174 The Board discussed invasive species and whether poison ivy would be considered an invasive species  
175 and, if it is, would removing it be allowed under the ordinances?

176

177 **Mr. Derby moved and Ms. Monaghan seconded the motion to take the corrected proposed**  
178 **amendment to Article IV, Section 409.A.1 & 2, to a final Public Hearing on January 26, 2016.**

179 **The vote was unanimous in favor of the motion (5-0).**

180

181 **409.9 Buffer Zone Restrictions:** The buffer zone setback requirement from Tidal Lands and Wetlands is  
182 100'. For the purposes of this section 409.9 “inland wetlands” shall not include a vegetated swale,  
183 roadside ditch, or other drainage way; a sedimentation/detention basin or an agricultural/irrigation pond.  
184 **\*3/11/2003, 3/08/2005**

- 185           **A. Undeveloped lots of record**
- 186                 **1. Undeveloped lots of record existing as of March 2003 or any lot created subsequently:**
- 187                 No structure or impermeable surface shall be permitted within 100' of Tidal Lands or within
- 188                 100' of Wetlands on any lot of record existing as of March 2003 or on any lot created
- 189                 subsequently. **Within the wetlands buffer zone, the 25' closest to the wetland boundary shall**
- 190                 **be a Naturally Vegetated Buffer.**
- 191                 **2. Undeveloped lots of record existing prior to March 2003:** If the imposition of 100' tidal
- 192                 and/or freshwater wetland buffer setbacks causes the buildable upland acreage (this is, land
- 193                 that is not in the wetlands buffer zone) to be less than 16,000 square feet, the prior wetlands
- 194                 buffer zone setback requirements of 50' for Wetlands and 75' for Tidal Wetlands shall apply.
- 195                 **Within the wetlands buffer zone, the 25' closest to the wetland boundary shall be a Naturally**
- 196                 **Vegetated Buffer.**
- 197           **B. Developed lots of record:** No structure or impermeable surface shall be permitted within 100'
- 198           of Tidal Wetlands or within 100' of Wetlands on any developed lot of record existing as of March
- 199           2003. **\*3/08/2005**
- 200                 **1.** Developed residential lots of record existing prior to March 2003: If the imposition of 100'
- 201                 Tidal Lands and/or inland wetland buffer setbacks causes the buildable upland acreage (that
- 202                 is, land that is not in the buffer zone) to be less than 16,000 square feet, the prior buffer zone
- 203                 setback requirements of 50' for Wetlands and 75' for Tidal Lands shall apply. **\*3/08/2005**
- 204                 **2.** Notwithstanding other provisions of this section 409.9 of the Zoning Ordinance, the
- 205                 construction of additions to and/or extensions of existing buildings or structures shall be
- 206                 permitted within the 100' wetlands buffer zone provided that:
- 207                         **a.** The dwelling or structure to be expanded existed lawfully prior to the effective date of
- 208                         this section 409.9 of the Zoning Ordinance (March 2003) or was constructed subject to a
- 209                         validly issued building permit.
- 210                                 **i.** The proposed construction conforms to all other applicable ordinances and
- 211                                 regulations of the Town of North Hampton.
- 212                                 **ii.** The footprint of any proposed new construction within the buffer does not
- 213                                 exceed the greater of 1200 square feet or 25% of the area of the footprint of the
- 214                                 existing heated structure within the buffer which existed prior to the effective date
- 215                                 of this Ordinance.
- 216                                 **iii.** Any proposed new construction of an addition or extension shall not intrude
- 217                                 further into the wetland buffer setback than the current principal heated structure
- 218                                 of which it is a part.
- 219           **5. The Second Public Hearing on proposed addition to the Zoning Ordinance. Add Section 409.9.C.**
- 220           **Naturally Vegetated Buffer under Article IV. The intent of the new Zoning Ordinance is to improve the**
- 221           **protection of wetlands without increasing wetland setbacks.**

222           Mr. Harned explained that the Agriculture Commission was invited to review the proposed amendment

223           and offer any changes or suggestions to it to be considered by the Planning Board.

224           The proposed amendment with suggested changes by the Agricultural Commission:

225

226                         409.9.C. *Naturally Vegetated Buffer*

227

228 A Naturally Vegetated Buffer strip shall be maintained from the boundary line of each wetland to  
229 25ft upland from the wetland boundary line for all wetlands meeting the requirements of Section  
230 409.2 of the Wetland Conservation Area (WCA).

231  
232 Within the buffer strip, naturally occurring vegetation shall be maintained and encouraged. The  
233 preservation of natural vegetation within the buffer is intended to stabilize banks to prevent erosion,  
234 maintain wildlife habitats, minimize pollution of the water and preserve the scenic quality of shoreline  
235 properties. No soil disturbance shall occur within the Naturally Vegetated Buffer. Existing lawns within the  
236 Naturally Vegetative Buffer may remain but are encouraged to be allowed to reestablish as naturally  
237 occurring vegetation. No new lawn, garden, or landscape areas shall be created within the buffer strip.  
238

239 Within the buffer, the following standards shall apply:  
240

241 1. Selective cutting of trees and other vegetation greater than 3 ft in height shall be permitted provided  
242 that a healthy, well distributed stand of trees and other vegetation is maintained. ~~No trees over 6 inches~~  
243 ~~in diameter (19 inches in circumference, measured 4.5 ft above ground) shall be cut within the natural~~  
244 ~~vegetative buffer. Not more than 50 percent of the total number of saplings shall be removed in any 20~~  
245 ~~year period. A healthy, well distributed stand of trees, saplings, shrubs and ground covers and their~~  
246 ~~living undamaged root systems shall be left in place. Selective cutting of trees over 6 inches in~~  
247 ~~diameter (19 inches in circumference, measured 4.5 ft above ground) shall be permitted,~~  
248 ~~provided that such selective cutting is limited to 30% of their total pre-harvest basal area of trees,~~  
249 ~~nor more than fifty (50) percent of the total number of saplings shall be removed in any twenty~~  
250 ~~(20) year period. A healthy, well distributed stand of trees, saplings, shrubs and ground covers and~~  
251 ~~their living undamaged root systems shall be left in place.~~  
252

253 2. Existing vegetation under 3 feet in height including ground cover shall not be removed except to provide  
254 for a single point of access to the shoreline and in case of disease as provided for in Section 5 below.  
255

256 4. Stumps and their root systems which are located within Naturally Vegetated Buffer shall be left intact.  
257 The removal of stumps and roots in conjunction with beaches or docks may be permitted with the approval  
258 of the Conservation Commission based upon a determination that the removal in combination with  
259 mitigation activities will not increase the potential for erosion.  
260

261 5. Dead, diseased, or damaged vegetation- including, but not limiting to, trees, saplings, or ground covers  
262 -may be removed with prior approval of the Conservation Commission, in consultation with the Tree  
263 Warden. The stumps and root  
264 systems of the removed trees shall not be disturbed and shall remain in place. If such removal results in the  
265 creation of cleared openings, these openings shall be replanted with native species unless existing new  
266 growth is present.  
267

268 6. Invasive species may be removed but must be replaced with another species that will meet and  
269 perform the intended function of the vegetative buffer.  
270

271 7. The application of fertilizers, pesticides, or herbicides within the buffer strip shall be prohibited except  
272 in conjunction with allowed agricultural activities or as permitted by the New Hampshire Department of  
273 Environmental Services.  
274

275 8. All agricultural and forestry activities allowed under Section 508 (Agriculture) are permitted in  
276 the "Naturally Vegetated Buffer" provided they comply with the most current and relevant New

277 [Hampshire Best Management Practice recognized by the New Hampshire Department of](#)  
278 [Agriculture and Food & Markets or New Hampshire Department of Resources and Economic](#)  
279 [Development.](#)

280  
281  
282 Mr. Ebert explained that he is a member of the Agricultural Commission and regarding the suggested  
283 changes the Commission took the definition from the current definition for wetland area and listed it  
284 under #1.

285  
286 Mr. Harned referred to Section 409.6.B and referred to the section involving consultation of the  
287 Rockingham County Forester and the approval of the Planning Board and asked if that section was  
288 overlooked when considering the suggested change.

289  
290 Mr. Sinnott said that one thing to consider is the new agricultural and forest activities, allowing tilling up  
291 to the edge of the wetlands (Section 508).

292  
293 Mr. Harned questioned the time period for the selective cutting of 30% of trees.

294  
295 Mr. Ebert said 20-years.

296  
297 The Board decided to change the wording and place the sentence "in a twenty (20) year period" at the  
298 beginning of the sentence:

299  
300 [In any twenty \(20\) year period selective cutting of trees over 6 inches in diameter \(19 inches in](#)  
301 [circumference, measured 4.5 ft above ground\) shall be permitted, provided that such selective](#)  
302 [cutting is limited to 30% of their total pre-harvest basal area of trees, nor more than fifty \(50\)](#)  
303 [percent of the total number of saplings shall be removed. A healthy, well distributed stand of](#)  
304 [trees, saplings, shrubs and ground covers and their living undamaged root systems shall be left in](#)  
305 [place.](#)

306  
307 Mr. Harned opened the Public Hearing at 8:34pm.

308  
309 [Dieter Ebert, 12 Cedar Road](#) – said the origin of the ordinance amendment came from Durham, NH.  
310 They have 6 or 8 defined wetland areas so the enforcement is easier and more defined. The Town of  
311 Durham also has the placard on trees system, identifying the edge of the wetlands. He said he can  
312 understand recommending this approach for specialized wetland areas, but does not agree it should be  
313 implemented on all wetland areas.

314  
315 Mr. Harned closed the Public Hearing at 8:37pm.

316 Mr. Wilson said that it is not easy to pick out important wetlands in North Hampton; they are all  
317 important.

318  
319 Mr. Harned said that the majority of people in North Hampton would be honest with their markers, but  
320 some people will move them.

321

322 Mr. Wilson said that they may be better off putting the requirement to put in markers in the subdivision  
323 regulations.

324

325 **Mr. Wilson moved and Dr. Arena seconded the motion to take the proposed amendment to a final**  
326 **Public Hearing on January 26, 2015.**

327 **The vote was unanimous in favor of the motion (5-0).**

328

329 **6. The First Public Hearing on proposed amendment to Article IV, Section 409.12 – Conditional Use**  
330 **Permits by the Planning Board. The intent of the proposed amendment is to add criteria regarding**  
331 **unnecessary hardship and diminution of property value in the neighborhood that will have to be**  
332 **satisfied to seek approval by the Planning Board under this Ordinance.**

333

334 Ms. Monaghan explained that two conditions were added to the Conditional Use Permit that have to be  
335 met in order for the Planning Board to issue one.

336

337 Ms. Monaghan read it into the record:

338

339 Upon application to the Planning Board, a Conditional Use Permit may be granted to permit the erection  
340 of a new structure or the expansion of an existing structure located within the Wetlands Conservation  
341 District, or any buffer zones, provided that all of the following conditions are found to exist.

342 A. The new structure or expansion is not otherwise prohibited under the zoning ordinance.

343 B. *The new structure or expansion will cause no diminution of property values in the*  
344 *neighborhood.*

345 C. The use for which the Conditional Use Permit is sought cannot feasibly be carried out on  
346 a portion or portions of the lot which are outside the Wetlands Conservation District or  
347 the buffer zone.

348 D. Due to the provisions of the Wetlands Conservation District, no reasonable and  
349 economically viable use of the lot can be made without the Conditional Use Permit.

350 E. The design and construction of the proposed use will, to the extent practicable, be  
351 undertaken in such a manner as to be consistent with the purposes and spirit of this  
352 ordinance and shall not diminish the natural resource values of affected wetlands in any  
353 appreciable way. March 10, 2009

354 F. *Literal enforcement of the provisions of the wetlands ordinances would result in an*  
355 *unnecessary hardship, meaning special conditions of the property distinguish it from*  
356 *other properties in the area.*

357

358 Mr. Harned opened the Public Hearing at 8:57pm.

359

360 Dieter Ebert, 12 Cedar Road – said that relief sought by an Applicant concerning wetland setbacks would  
361 be considered by the Planning Board and not the Zoning Board of Adjustment. The Board confirmed that  
362 to be correct.

363

364 Ms. Monaghan said that if the Planning Board denies the relief under the Conditional Use Permit  
365 process it would be appealed to the Superior Court.

366



367 Mr. Wilson said that the current zoning ordinance is ambiguous and the proposed lots created after a  
368 certain date had to go to the Planning Board and beyond that date they would have to go to the Zoning  
369 Board, this proposed change will make anyone seeking relief from the wetlands setbacks to apply to the  
370 Planning Board. He said that the Planning Board determines the suitability of land to develop so relief  
371 sought to expand in the wetlands conservation district should be under the jurisdiction of the Planning  
372 Board.

373  
374 Mr. Ebert agreed.

375  
376 **Mr. Harned closed the Public Hearing at 9:05pm.**

377  
378 Mr. Wilson said that if the Board took the suggestion made by Town Counsel to add a sentence that  
379 reminds applicants that an appeal of a Planning Board decision on a Conditional Use Permit would be  
380 appealed to the Superior Court, it would have to go to a final public hearing because it would be a  
381 substantive change.

382  
383 The Board agreed that it was spelled out enough in the ordinance that a Conditional Use Permit by the  
384 Planning Board is appealed to the Superior Court; not the Zoning Board.

385  
386 Mr. Sinnott said that if the Board added "pursuant to RSA 676:5" at the end of it; that would not be a  
387 substantive change.

388  
389 Ms. Monaghan said it can be taken care of administratively; it can be added to the Decision Letter. The  
390 Board agreed.

391  
392 **Mr. Wilson moved and Ms. Monaghan seconded the motion to place the proposed amendment to**  
393 **Article IV, Section 409.12 on the 2015 Town Warrant as presented.**  
394 **The vote was unanimous in favor of the motion (5-0).**

395  
396 **7. The First Public Hearing on proposed amendments to Article V, Section 514 – Floodplain**  
397 **Development Ordinance based on recommendations made by NH Office of Energy and Planning**  
398 **(OEP). The intent of the proposed amendments is to come into full compliance with the National**  
399 **Flood Insurance Program (NFIP) regulations.**

400  
401 It was noted for the record that if the recommend changes were not enacted the North Hampton  
402 residents would not be able to purchase flood insurance.

403  
404 Mr. Harned opened the Public Hearing at 9:14pm.  
405 Mr. Harned closed the Public Hearing at 9:14:05pm without public comment.

406  
407 **Mr. Derby moved and Mr. Wilson seconded the motion to accept the ordinance as amended and to**  
408 **place it on the 2015 Town Warrant.**  
409 **The vote was unanimous in favor of the motion (5-0).**

410  
411 **8. The First Public Hearing on proposed amendments to Article IV, Section 409.3 – Wetlands Map. The**  
412 **intent is to update and clarify the current process an aggrieved party would take in the event that a**  
413 **wetland area is alleged to be incorrectly designated.**

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Mr. Harned said that the proposed amendment is to clarify the current process. He read the proposed amendment into the record:

**409.3 Wetlands Map:** The Wetlands map of North Hampton prepared by Normandeau Associates in 1986 as part of the New Hampshire Coastal Wetlands Mapping Program shall be used as a baseline and initial delineation of jurisdictional wetlands under this ordinance. The boundaries of the Wetlands Conservation District shall be identified by this North Hampton Wetlands Map and applicable buffer zones as revised from time to time.

**A.** In the event that a wetland area is alleged to be incorrectly designated on the Wetlands Map, the person aggrieved by such designation may request a field inspection by the building inspector and a wetland scientist approved by the Planning Board. If a determination is made by a field inspection that the Wetland delineation may be incorrect, the wetland scientist shall report this in writing to the Planning Board. The Planning Board will review the report and if appropriate, will arrange to update the Wetlands map accordingly. All fees and expenses incurred by the field inspection shall be paid by the party requesting the field inspection.

**B.** If, after the field inspection, the Wetlands delineation is determined to be correct, the person aggrieved by such designation may, by written petition, appeal the designation to the Planning Board for the Board’s review.

**C.** Any resident of North Hampton may, by written petition, propose to the Planning Board that additional areas be included within the Wetlands Conservation District. After informing the owners of the property proposed for inclusion in the Wetlands Conservation District and the owners of abutting property, the Planning Board shall place the proposal on the agenda of its next regularly scheduled public hearing. Before additional areas can be included within the Wetlands Conservation District, the North Hampton resident proposing such inclusion shall provide evidence, satisfactory to the Planning Board, that the subject land meets the mandatory technical criteria for Wetlands delineation identified in Section 302, paragraphs 19, 42 and 43 herein.

**D.** Any wetland delineations on Subdivision or Site Plans approved by the Planning Board, after March 2015, will constitute an update to the wetlands map.

Mr. Wilson suggested adding “excluded areas”.

Mr. Sinnott said that the Normandeau map was meant to be used as a guide.

Mr. Harned opened the Public Hearing at 9:40pm.

Dieter Ebert, 12 Cedar Road – suggested the entire ordinance be removed as a whole.

Mr. Harned closed the Public Hearing at 9:42pm.

Mr. Harned said that Dr. Lord, RCCD reached out to Mr. Kroner and suggested ways to help the Town with the review process in regards to wetland delineation. Mr. Kroner will be able to explain it at the next meeting.

458 **Mr. Wilson moved and Ms. Monaghan seconded the motion to place the amendment to Article IV,**  
459 **Section 409.3 on the 2015 Town Warrant as written.**  
460 **The vote passed in favor of the motion (3 in favor, 1 opposed and 1 abstention). Dr. Arena opposed**  
461 **and Mr. Harned abstained.**

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463 The meeting adjourned at 10:00pm without objection.

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465 Respectfully submitted,

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467 Wendy V. Chase  
468 Recording Secretary

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470 Approved February 17, 2015

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