



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, January 20, 2015 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: 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 convened the meeting at 6:37pm.

I. Old Business

1. Hampton Rod and Gun Club – the Town Administrator forwarded a copy of a communication to the Planning Board from the Hampton Rod and Gun Club to the Select Board regarding a move of the pistol range from the wetlands to an upland portion of their property. There is no request for action by the Building Inspector; however, the Select Board felt that the Planning Board should be informed of this issue.

2. Blasting Application – Mr. Harned said that he is working with Brian Page, who was recently appointed as Director of Public Safety, on a “blasting” application that will coincide with the Blasting Regulation the Planning Board adopted in 2011. Mr. Harned will report back to the Planning Board with updates as things develop.

II. New Business

1. Board Consideration on reversing the vote taken on January 12, 2015 to place proposed zoning amendments to Article IV, Section 411 on the 2015 Town Warrant.

Mr. Harned said that initially he thought he may want to revisit the vote taken at the January 12, 2015 meeting to place the proposed amendment to Article IV, Section 411 on the 2015 Warrant, but no longer feels that way.

Mr. Maggiore questioned whether the proposed amendments regarding the vegetated buffer could be enacted by the Board and later ratified by a Board vote.

Mr. Wilson said that once the Board votes to place a proposed amendment to a zoning ordinance on the ballot it is enacted until town meeting.

Mr. Harned said that there were several issues raised at the second public hearing on the ordinance change regarding a vegetated buffer and he thought it would be best to take the time to work through the issues and do it correctly for next year.

Discussion ensued on amendments made at the Deliberative Session. Mr. Wilson said that zoning amendments cannot be changed at the Deliberative Session.

Mr. Sinnott said it would be a good idea to work on the amendment to Article IV, Section 409.3 – Wetland Map regarding the process that includes using the Normandeau Map over the next year.

Mr. Harned said the Board voted to place the amendment on the 2015 ballot and the Normandeau map is included in the ordinance to be used as a guide.

Mr. Wilson moved and Dr. Arena seconded the motion to withdraw the two proposed amendments concerning naturally vegetated buffer - Article IV, Section 409.9.A 1&2 – Buffer Zone Restrictions and its definition - proposed new zoning ordinance Article IV, Section 409.9.C – Naturally Vegetated Buffer.

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

Mr. Wilson moved and Mr. Maggiore seconded the motion to have Ms. Chase notice and post the cancellation of the January 26, 2015 Public Hearing.

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

2. RPC Member Nomination – Board consideration to nominate Phil Wilson for reappointment as a Rockingham Planning Commissioner for a 4-year term.

Mr. Wilson explained that his current term does not expire until 2016 but he is currently serving his second year as Vice Chair of the RPC and in June 2015 the Commission will elect a new slate of officers, and in keeping with the customary practice of the RPC, Mr. Wilson shall likely be nominated to serve as Chair for the next year. If he is not reappointed to the RPC when his current term expires, it could cause a problem for the Commission. He further explained that appointing him to serve in the vacant Commissioner's seat for the Town of North Hampton would circumvent this potential problem and there would still be a vacant seat left on the RPC, should another volunteer wish to serve, which he encourages.

The Planning Board nominates Commissioners to the RPC and the Select Board appoints them.

Mr. Derby moved and Dr. Arena seconded the motion to nominate Mr. Phillip Wilson for reappointment to a four-year term on the Rockingham Planning Commission (RPC).

Mr. Maggiore said that as soon as Ms. Chase forwards this Board action to the Town Administrator it will added to the Select Board Agenda to be acted on.

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

Mr. Sinnott thanked Mr. Wilson and the Board.

3. Committee Updates

a. Long Range Planning (LRP) – There were no recent LRP committee meetings; no update

b. Capital Improvement Plan (CIP) – Ms. Monaghan said the CIP Committee will resume meeting next year.

c. Rules and Regulations/Procedures – There were no recent RRP committee meetings; no update.

d. Application Review Committee (ARC) – There were no recent ARC meetings; no update.

e. Economic Development Committee – There was no report. The next scheduled EDC meeting is February 4, 2015 at 8:15am in the Town Office Conference Room.

f. Select Board – Jim Maggiore – Mr. Maggiore said that he is the Select Board Representative to NH Municipal Association and attended a meeting recently where they were discussing Senate Bill 146 which they were considering voting on to either: vote to support it, vote to not support it, or vote to take no action on it. He explained that SB 146 is a Bill before the Senate that establishes requirements for local regulation of accessory dwelling units. He convinced the NHMA members to hold off on voting until he was able to gather more information of what the Bill actually is and be able to provide that information to the Planning Board. He said they were told that in all likelihood SB 146 will pass in the Senate. He said he was able to stop action at the NHMA level, but will not be able to stop action in the Senate. Mr. Maggiore asked the Board if they wanted to send someone from the Board to argue in Committee for this, or if it does pass, does the Board give them the current town ordinance on accessory dwellings and see if it has to be changed. He referred to a section within SB 146 that reads, "The ordinance shall not prohibit accessory dwelling units in any residential zone". He said given the new amendment to duplexes by not allowing them in the R-2 zone, he wasn't sure how to proceed, but managed to stop action on it at that time.

Dr. Arena said that the proposed Bill is geared toward living accommodations for elderly parents, and asks what happens when the elderly parent pass away.

Mr. Maggiore said there were a couple of people at the hearing that were from Northern New Hampshire who said their town's will be thrilled with it because when that inevitability happens they will have apartments to rent out in the North Country, but he's not so sure that is the same feeling from the Seacoast towns.

The selling points for SB 146 are: the growing need for more diverse affordable housing for the citizens of New Hampshire; adult children who wish to care for their parents in a semi-independent living arrangement; and elderly and disabled citizens that are in need of independent living space for their caregivers.

Mr. Wilson quoted from the Bill, "Occupancy of an accessory dwelling unit shall not be restricted on the basis of familial relations or other unreasonable criteria". He said they're *selling it* as though they are doing it for elderly family members and *write it* as a change to the town's zoning ordinance that is imposed upon the Town by the State. He pointed out that accessory apartments are allowed in all zones by Special Exception through the Zoning Board of Adjustment.

Mr. Sinnott said that the proposed SB 146 is not mandatory. He thought that the Town can continue to operate under the current accessory apartment ordinance but may have to adopt the State's definition to align the ordinance with that if the new law passes.

Mr. Maggiore suggested that the Board take time to digest the information and any questions or comments can be rifled through the Chair to him and he will bring them forward to the Committee. He said that he will find out when the Hearings will take place. Mr. Maggiore said that at a minimum the Board should take a look at the zoning ordinances to see if they need to be changed.

Mr. Sinnott said that some towns don't allow accessory apartments and this may be aimed at those communities so that all towns allow them. He said that they should appeal to the idea that town's that have an accessory apartment ordinance should be allowed the flexibility to come up with their own standards.

Mr. Sinnott said that the way it is written, if a town has an accessory apartment ordinance and the definition is changed in the way a town cannot accept it, that town may withdraw the accessory apartment ordinance altogether and not allow them. The proposed is changing the definition that already exists in innovative zoning and anything listed in innovative zoning ordinance is all optional and does not have to be implemented. But if an accessory apartment ordinance exists, what is allowed, or disallowed would have to meet the State's definition. It would change the current standards in the ordinance, but wouldn't require the Town to allow accessory apartments if the Town wanted to do away with them because they consider it to be an innovative zoning technique.

Mr. Sinnott said that the RPC encourages towns to allow accessory apartments. They are a low impact way of addressing housing.

Mr. Wilson questioned whether SB 146 was only defining accessory dwellings within RSA 674:21 – Innovative Land Use Controls. He said if that is the case then he doesn't think the change would present a problem because the current zoning ordinance for accessory apartments is not under the Innovative Land Use Controls.

Mr. Sinnott said he wasn't sure; that question needs to be answered.

Mr. Wilson said that he doesn't believe that the State can reasonably Legislate a *one size fits all* provision for every community in the State of New Hampshire. The North Country, where there is a lot of skiing would want more apartments for seasonal workers and skiers and that is very different from what the Seacoast area may want.

Mr. Sinnott said that if the Town can show that they have reasonable standards for accessory apartments, and if the new law doesn't allow them to enforce certain standards, the Town may decide not to allow accessory apartments and that may be a persuasive factor.

Dr. Arena said that it would be nice to know how SB 146 came about. Mr. Maggiore said that was one of the first questions he will ask.

III. Other Business

1. ¹ Items laid on the table
 - a. Proposed Zoning Ordinance amendments/additions and/or Regulation amendments/additions Discussion. – no items laid on the table.
 - b. Minutes –
 - i. November 18, 2014 Work Session – Ms. Monaghan moved and Mr. Wilson seconded the motion to approve the November 18, 2014 Work Session Minutes as presented. The vote was unanimous in favor of the motion (6-0).
 - ii. December 2, 2014 – Mr. Wilson moved and Ms. Monaghan seconded the motion to approve the December 2, 2014 Meeting Minutes as presented. The vote was unanimous in favor of the motion (6-0).
 - iii. December 5, 2014 Site Walk – Mr. Wilson moved and Dr. Arena seconded the motion to accept the December 5, 2014 Site Walk (14 Maple Road 6-65) Minutes as presented. The vote was unanimous in favor of the motion (6-0).
 - iv. December 16, 2014 Public Hearing and Work Session – Mr. Wilson made typographical changes. Ms. Monaghan moved and Mr. Maggiore seconded the motion to approve the December 16, 2014 Work Session Minutes as amended. The vote was unanimous in favor of the motion (6-0).
 - v. January 6, 2015 – Mr. Wilson made typographical changes. Ms. Monaghan moved and Dr. Arena seconded the motion to approve the January 6, 2015 minutes as adjusted by Mr. Wilson. The vote was unanimous in favor of the motion (6-0).
 - vi. January 12, 2015 Public Hearing – Mr. Wilson moved and Dr. Arena seconded the motion to table the January 12, 2015 minutes to the February 17, 2015 meeting. The vote was unanimous in favor of the motion (6-0).

Mr. Sinnott reminded the Board about the upcoming Winnicut River Watershed Workshop scheduled for Thursday, January 29, 2015 from 7:00 to 9:00pm at the Greenland Town Hall. He said an RSVP is requested.

The meeting adjourned at 8:45pm without objection.

Respectfully submitted,

Wendy V. Chase

Recording Secretary

Approved February 17, 2015