

PLANNING BOARD
27 School Street
HILLSBOROUGH, NH
July 21, 2021

DATE APPROVED: Approved 8/24/21

TIME: 7:00 p.m. – 7:45 p.m.

MEMBERS: Gary Sparks- Chairman, Susanne White-Vice Chair, Adam Charrette, Ed Sauer, Melinda Gehris, Nancy Egner

EX-OFFICIO: James Bailey III

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Denise Deforest, Bob Hansen

Excused: Denise Deforest, Bob Hansen

Public: Katheryn Luiz, John Hammond, Marianne Hammond, Robert Mihalko, Alan Dobrowolski, Barbara Acorn, Bryan Beebe, Cyndi Matthews, Jim Murphy, Kristen Murphy, Keith Bell, Krista Russell, Lee Davis, George Mavridis, Peter Mellen, Kenneth Matthews, Jim Soucy, Chelsea Rane(?) Richard Head, Joyce Bosse

Chairman Gary Sparks called the meeting to order at 7:00 PM.

Minutes

07/07/21

Susanne White made a motion to approve the minutes, Melinda Gehris seconded the motion. The minutes were approved; Adam Charrette abstained.

Gary Sparks reviewed the Public Hearing Ground Rules.

PUBLIC HEARING

Site Plan Review-Domino's Pizza

143 West Main Street (Map 11P Lot 187)

KAB Properties, LLC.

Susanne White recused herself from this application.

Gary Sparks said that there had been a Site Walk earlier in the evening to review the proposed developments potential location.

Stephen Mayer gave an overview of the project which is for a new 3300 sq. ft. Domino's Pizza Restaurant with a pickup window and 1000 sq. ft. of retail space. The restaurant will accommodate limited inside dining and pick up. There are 29 parking spaces proposed and all of the storm water on the site will be infiltrated up to a 50-year storm. The applicant has reached out to Water and Sewer and service is available to the site. The development is entirely within the Central Business District.

Mr. Mayer addressed the comment about lighting he received at the previous meeting. He said that the lighting design had been amended so any light spillage is less than .8 foot-candles.

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He said there was a comment during the Site Walk about having a sidewalk at the front of the site. Mr. Mayer said they were going to take another look and reach out to DOT for their comments. On the Site Walk there were questions about stone walls, and he said that any portion of the stone walls that were disturbed by the project will be restored.

Gary Sparks asked the Board members if they had any questions.

Jim Bailey asked if the project area was in the Central Business District. He said it was.

Adam Charrette asked if the 30ft gap in the stone wall would be repaired. Mr. Mayer said that the intention was to leave the current conditions on the ground as they were but they would try to with the boulders on the site.

There being no more questions from the Board, Gary Sparks opened the Public Hearing to the Public.

Abutter Kathy Luiz, 2 Dascom Road. She expressed concern about traffic on the corner. She also asked about snow removal and the possibility of blasting.

Mr. Mayer said they dug six test pits and none of them indicated that there was ledge. Ms. Luiz asked what they would do if they did find ledge and needed to blast, and would abutters be notified. Mr. Mayer said that would be handled by the blasting contractor. A blasting contractor would have to be permitted by the town and they go through a process that included notifying abutters. But they don't have any reason to believe blasting will be necessary. Ms. Luiz said that she knew there was a lot of ledge out at that site and when it was blasted her foundation was cracked and she had to pay to have it repaired.

Mr. Mayer went on to discuss traffic. The plans have been sent to DOT and they have not received any comments yet. When they receive comments, they will be addressed. A driveway permit is required from DOT on this project. As far as snow removal, a snow storage area is shown on the plan and if there is more snow than can be accommodated it will be hauled away.

Alan Dobrowolski-business owner at 3 Henniker St said he felt there should be additional architectural elements added to the building. He said he had images from the same architect as is working on the project that show columns and canopies. He said he would forward pictures to Robyn Payson.

Abutter Kathy Luiz - 2 Dascomb Road said looking at the building structure and the land layout it looks like the back piece of the property is more narrow. She wanted to know if the building would all be one size or if it would be more narrow at the rear? Mr. Mayer said the site varies and the development area will follow the lines of the property. He said behind the building they have 15 parking spaces and still have room for landscaping.

Alan Dobrowolski said this was a wonderful idea because it is in within walking distance of a lot of businesses.

Krista Russell of Center Road asked for a clarification on the “tenant” noted on the plan. She asked if the intent was to have a tenant at this facility. Mr. Mayer said it was the intent for Domino’s to take up 2/3rds of the building with a retail space on the back side. The retailer has yet to be determined.

There being no more comments from the public, Gary closed comment portion of the Public Hearing.

Gary asked the Board if they had any additional questions.

Jim Bailey said on the rendering the wall looks “pretty flat” on the Site Walk it was indicated that the wall was not going to be that flat. He said he would like to see more definition on the details and the height of the wall. He would like to see the rendering updated to reflect the plan more closely.

Gary said that the third party review from the Town Engineer has not been received but it is expected by the next Planning Board meeting.

Jim Bailey made a motion to continue the public hearing to August 4th. Ed Sauer seconded the motion. The motion carried unanimously.

Susanne White re-joined the Planning Board.

Subdivision Amendment

Beard Road (Map 11E Lot 9 and 9-1)

Lee Davis

Peter Mellen-Presenting

In 2007 the Planning Board approved a 28 lot Cluster subdivision known as Old Mill Farm. There were a couple of different conservation aspects to this cluster subdivision. Under the ordinance 50% of the area has to be under conservation easement or somehow preserved from development.

There were two pieces of land that were conveyed to the town, and they totaled about 62 acres. The larger one was 61.5 acres. There were some roads built and then Lots 9 (13 acres) and 9-1 (24.9 acres) with frontage on Shed Brook were created. And there was a 50ft easement that was deeded to the Town so they could access the conservation land in back.

On these two lots there were proposed conservation easements. There was a 5.99-acre easement on lot 9 and a 19.8-acre easement on 9-1. The plan called for those easements to be conveyed to the Town. When the easements were combined with the conservation land conveyed to the Town they came to 87.8 acres (66%) of the total land area of the subdivision.

Unfortunately, the easements on Lot 9 and 9-1 were never conveyed to the town. In February of 2020 Lot 9 was conveyed to Life Forrest LLC which is a cremation cemetery. They went through site plan review and they were approved for the cremation cemetery. The deed said that

the lot was subject to the 5.99-acre conservation easement. We are at the point where the Town and the developers have come to the conclusion that something needs to be done to rectify the situation because they can't convey the land on which there is now a cemetery. What has been agreed upon, and the Conservation Commission has reviewed and approved is a plan for Subdivision Amendment.

What will happen when this plan is approved is the conservation easements that were approved in 2007 on Lots 9 and 9-1 will be extinguished, and the entirety of Lot 9-1 (24.9 acres) will be conveyed to the Town. This is not an easement. The Town is going to own this piece of land. When this area is combined with the other pieces conveyed to the Town, the total acreage in open space will be 87 acres, or 66% of total area.

Gary Sparks asked Mr. Richard Head, Chairman of the Conservation Commission, if he had any comments. Mr. Head said that this has been discussed within the Conservation Commission and they agree with the proposal. As proposed, it creates better conservation outcomes than the original plan. The presence of the cemetery limits development anyway and as this property abuts Shed Brook on Lot 9-1 there is protection to Shed Brook and it provides an opportunity to create trails to the existing property that is owned by the Town.

Gary Sparks asked if the Board members if they had any questions.

Susanne White asked if the access easement is still in existence. Peter Mellen said that the 50' easement was deeded to the town long ago.

Gary Sparks asked if there were any public comments.

There being none, he closed the public comment session of the hearing.

Chairman Sparks asked for a motion.

Susanne White made a motion to APPROVE the application to remove the conservation easements from Map 11E Lots 9 and 9-1 in the Old Mill Farm Subdivision and transfer to the town Map 11E Lot 9-1 to be held as conservation open space as submitted by Peter Mellen on behalf of Lee Davis, Manager of Beard Brook Village LLC and in accordance with the "Plan for Subdivision Amendment" prepared on 6/30/2021 by Donald R. Mellen Surveyor LLC and submitted as a part of this application with the following conditions:

1. The recording of the Plan for Subdivision Amendment, Land of Beard Brook Village LLC 06/30/21 by Donald R. Mellen Surveyor LLC and the payment by Applicant of all necessary recording fees for the same; and

2. The successful transfer to the Town of Hillsborough the lot known as Map 11E Lot 9-1 for the purposes of conservation, the deed for which shall be prepared by the Applicant and reviewed by the Town's attorney at the applicant's expense.
3. All necessary recording fees shall be at the applicant's expense.

Jim Bailey seconded the motion. The motion passed unanimously. The Subdivision Amendment was approved.

Request for Partial Revocation of Subdivision

222 Windsor Road (Map 7 Lots 119-000-119-042)

Partner's Farm LLC

Gary Sparks said what is being done is part of the process necessary to complete this action. As of this hearing the Planning Board will have completed its part in the process.

Jim Murphy introduced the application for the Partial Revocation of the Partner's Farm Black Pond Brook subdivision.

The entire perimeter of the property is the 453 acres and they developed a 42 lot subdivision. Part of the development included deeding to the town certain infrastructure easements and conservation restrictions.

The property owners are looking to sell the property to Tim and Jason Brown who are represented by attorney Jim Soucy. They are asking to for the Planning Board to revoke the all of the subdivision while leaving the land deeded to the town for conservation intact.

They are before the Planning Board to begin the process of unraveling the infrastructure easements and conservation restrictions. The steps toward that end are for the Planning Board to approve the revocation application, then the Selectmen, under RSA 41:14-a will hold two public hearings.

If those results are favorable, they will be able to convey the land back to the owner. The next step would be to get the deeds in order. Attorney Chris Boldt will be representing the Town's interest.

After the entire process is complete Attorney Murphy will send a letter to the town to release the remainder of the \$25,000 bond that was put in place when the subdivision was originally approved. (Attorney Murphy will be receiving the \$24,789.30 remaining in the account following the 2018 authorization by Attorney Murphy to cover legal expenses resulting from an inquiry about unraveling the conservation easements on the property.)

Attorney Murphy said he had met with the Conservation Commission which, after discussion, were in favor of the revocation. This support is recorded in the minutes of the meeting of 5/18/21.

Gary Sparks recognized Richard Head, Chairman of the Conservation Commission. He said the Conservation Commission reviewed the proposal and they voted in support of the revocation 5/18/21. The only caveat is the license to allow access along the current logging road is being relinquished up to the logging road. They have asked that access to the existing logging bridge be continued so anyone who is using town property can cross the brook.

Gary Sparks thanked Richard for his input.

Attorney Murphy said they would not be submitting the Mylar to be signed until the process is complete and the deeds were cited on the plan. He asked if there was a deadline for signing the Mylar. He was told there was not.

Gary Sparks asked the Board if they had any questions.

Melinda Gehris asked the Chairman if the Board needed to hear from Attorney Soucy. Attorney Soucy declined to speak. Ms. Gehris did have a question for Richard Head. She said the Conservation Commission indicated that it wanted to be clear about the crossing of the logging bridge. That is not in the Board's motion; where in this process is that going to fall.

Attorney Murphy said the map he handed out to the Board shows the access to the logging bridge which will be added to the description in the deeds.

Gary Sparks asked if there were any other questions or comments.

Marianne Hammond of 56 Windsor Road said she is very glad it is not being developed because it's a one way in and one way out road. She said she spoke to the people who will be the new owners and they are very nice people who will be coming into town as vacationers and she is happy to see it.

Gary Sparks closed the public comment portion of the hearing.

Susanne White made a motion to APPROVE the application for Partial Revocation of the 42 lot Black Pond Brook Subdivision; Map 7 Lot 119 as recorded at the Hillsborough County Registry of Deeds Plan #37065; submitted by Partner's Farm LLC and in accordance with the "Boundary Easement & Lot Merger Plan" prepared on 7/01/2021 by Huntley Survey & Design PLLC and submitted as a part of this application with the following conditions:

1. The successful resolution of the Board of Selectmen's RSA 41:14-a process, including but not limited to the preparation of all appropriate deeds and releases by the Applicant's attorney and the review and approval of the same by the Town's attorney.
2. The recording of the Boundary, Easement & Lot Merger Plan, Land of Partners Farm LLC plan prepared 07/01/21 by Huntley Survey and Design PLLC and the payment by Applicant of all necessary recording fees for the same; and

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3. The successful closing of the Applicant's sale to the Browns, including but not limited to the recording of the above referenced deeds and releases from the Board of Selectmen and the payment by Applicant of all necessary recording fees for the same.

Melinda Gehris seconded the motion. The motion carried unanimously. The Partial Revocation application was approved.

Gary Sparks thanked Richard Head and Town Attorney Chris Boldt for all of their work.

Jim Bailey made a motion to adjourn. Ed Sauer seconded the motion.

Meeting Adjourned at 8:11 pm.

Respectfully Submitted,

Robyn Payson, Planning Director

Public Hearing Ground Rules

There will be no public comment accepted until the Planning Board opens the public hearing.

1. Those wishing to speak shall raise their hand and be recognized by the Chair before speaking.
2. Each speaker will have 5 minutes to make their comment or ask their question
3. No one shall speak a second time until everyone has had the opportunity to speak once.
4. Each speaker shall announce their name and address every time they speak.
5. There shall be no speaking out of turn or from the audience.
6. All questions and comments will be directed through the chair.
7. There will be no direct interaction between members of the Planning Board and the public.