

**PLANNING BOARD**  
**27 School Street**  
**HILLSBOROUGH, NH**  
**September 1, 2021**

**DATE APPROVED:** 9/15/21

**TIME:** 7:00 p.m. – 9:00 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:** Bob Hansen

**Excused:** Bob Hansen,

**Public:** Leigh Bosse, Audrey Lauson, Tom Hambleton, Brett and Tammy Davison, Keith Bell, Stephen Mayer, Tom Carr, Bruce Egner, Steve Livingston, Peter Mellen

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

**Minutes-08/04/2021** -Susanne White made a motion to approve the minutes. Melinda Gehris seconded the motion. The motion carried unanimously.

**Informal Review**

**Subdivision**

160 Bible Hill Rd (Map 11I Lot 50)

Brett M. Davison

Tom Carr-Meridian Land Services Inc.

Tom Carr of Meridian Land Services Inc. made an informal presentation of an 8 lot Subdivision on Bible Hill Road. No formal application has been submitted.

The property is in the Residential Zone. The wetlands have been delineated and the property has been soil tested to ensure septic systems can be installed.

Mr. Carr said Moore Road is only partially a Class V Road. He asked if the entire frontage of the lot needed to be on the Class V portion. Robyn said it did.

Mr. Carr said they may need to ask for a variance.

Melinda Gehris asked if any of the house locations would require crossing wetlands. Mr. Carr said they would not.

Following further discussion Mr. Carr thanked the Board for their time.

**Public Hearing**

**Site Plan Review-Domino's Pizza**

143 West Main Street (Map 11P Lot 187)

KAB Properties, LLC.

Susanne White has recused herself from this application.

Stephen Mayer of Allan and Major spoke for the applicant. He highlighted the change to the plan which was a "Do Not Enter" sign being added to indicate the driveway was "one way". Otherwise, he said they feel they have addressed the Town Engineer's comments and received their DOT driveway permit.

Mr. Mayer showed the Planning Board a rendering of the building that includes some of the landscaping.

Ed Sauer asked what was going to happen with the Sidewalk.

Robyn Payson said DOT responded to the request and laid out several reasons why installing a sidewalk would be problematic. (See Attached)

There was extensive discussion about the sidewalk and DOT's concerns.

Jim Bailey said he would like to see a sidewalk on that side of the road, and proposed for future planning a bond of approximately \$27,000.00 be given to the town for a sidewalk in the future.

Mr. Bell said that was 25% of the cost of the land itself and it was a burden. He asked if the town would be willing to pay for part of the sidewalk.

Melinda Gehris asked about the amount of parking. Mr. Mayer said that after conferring with the owner, the parking was sufficient. Ms. Gehris asked how they know it would be adequate when they don't know what type of retail would be there.

Mr. Bell said in his experience with other locations traffic will be "coming and going" because people order ahead of time and are just picking up. The 29 spaces that include parking for employees should be sufficient.

Ms. Gehris asked about the exfiltration rates noted by the Town Engineer. She said her understanding was that the response from Mr. Mayer was that their results were "fine" and that they don't have overflow problems. She asked Mr. Mayer how he knows the exfiltration rates are "fine".

Mr. Mayer said that the exfiltration rate is determined using NRCS reporting, which is a national service that provides soil information. From there they cut that in half. He said it's an accepted practice used by DES for Alteration of Terrain permitting for large scale projects in the state. The Town Engineer said in his letter that it was an accepted practice.

Melinda Gehris said that the Town Engineer also said he was concerned about it. While it is an accepted practice, we need to be looking at this and raising some concerns. She asked Mr. Mayer if he understood what the Town Engineer's concerns were even though you are following an accepted practice. Mr. Mayer said he did. He said the Town Engineer is concerned perhaps that the infiltration rate would be lower than what they modeled.

Mr. Mayer said the systems have all been designed to infiltrate all storm water from a 50-year event. They are going to infiltrate all the storm water for 8 inches of rain and if the exfiltration rate is off, they will still infiltrate all the storm water for a significant storm. Ms. Gehris asked Mr. Mayer, what if he is wrong? He said they have several different systems. If theoretically they all failed, you could have water running off the site and down the road.

There was additional discussion about the possibility of a sidewalk along the front of the property. Robyn reviewed DOT's letter and pointed out that requiring sidewalks was not in the Site Plan regulations.

Jim Bailey said that this was about planning for the future development on West Main Street.

Ed Sauer said he wondered if DOT's standards if in five years we want a sidewalk if it will be even worse. He suggested forgetting the sidewalk until it can really happen. He said it didn't make sense to put out money for something that may never exist.

Mr. Bell said that was a lot of money to put out for something that may or may not be built.

Robyn asked if the Board would like to take a vote to decide if they were going to continue with the sidewalk issue. The vote would have nothing to do with approval or disapproval.

Jim said they can take a vote, but he was not sure that they had enough information on what exactly they want to do.

Melinda said she did not have enough information from Mr. Mayer and was not ready to vote at this meeting.

Nancy asked if there was room for negotiation. If Mr. Bell did 50% could to town do 50%? Robyn said she did not believe the town could do that.

Jim said there was already a fund set up for sidewalks. It was not something new to work something out.

Nancy said it made sense that there be a sidewalk in front of Domino's if there is a sidewalk across the street.

Robyn suggested the Board vote on moving forward and decide if they want to pursue the sidewalk outside any other approval because if they were moving forward with the sidewalk there is a lot more work that would need to be done with DOT.

Ed Sauer made a motion that because there is a lot of doubt around what the state is going to do, that the Planning Board not require Domino's to provide a sidewalk and put a bond up at this time. The motion died without a second.

Following further discussion Jim Bailey made a motion to continue the hearing to October 6, 2021 to obtain within a reasonable time frame information from DOT regarding the sidewalk. Nancy Egner seconded the motion. Nancy Egner-Y, Jim Bailey-Y, Melinda Gehris-Y, Ed Sauer-N, Adam Charrette-No, Gary Sparks-AB. Motion carried 3-2 with one abstention.

### **Site Plan Review-Livingston**

136 Henniker Street (Map12 Lot 75)

VIOTECH LLC

Peter Mellen-Donald Mellen Surveyor, LLC

Gary Sparks asked Robyn Payson if the application was complete. She said it was.

Susanne White made a motion to accept the application as complete. Jim Bailey seconded the motion. The motion carried unanimously.

Peter Mellen, representing the applicant made a brief presentation of the application to construct a new 60x80 Commercial building. The building will be on Town water and sewer. Mr. Mellen distributed pictures of the new sign and the building design.

Melinda Gehris asked Mr. Mellen if he had seen the Conservation Commission's revised comments. Mr. Mellen said he had but he was not qualified to respond to them. He said between the Town's engineer and the applicant's engineer the concerns will be addressed.

Melinda Gehris made a motion to hold a Site Walk on Wednesday September 15, at 6:15pm. Susanne White seconded the motion. The motion carried unanimously.

Susanne White made a motion to continue the hearing to the Planning Board hearing to Wednesday September 15. Melinda Gehris seconded the motion. The motion carried unanimously.

Melinda Gehris made a motion that the Town Engineer do a peer review of the Viotech LLC. Plans. Jim Bailey seconded the motion. The motion carried unanimously.

### **WORK MEETING**

Zoning Amendments for TM 2022

Planning Director Robyn Payson presented a proposal for a warrant article to include the "Commercial" zone in the "229-21 Dimensional Standards" in the Zoning Ordinance which exempts parcels in existence prior to March 8, 1977 from Tables 1&2. The other part of this

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article would grandfather qualifying undersized lots that are created as a result of being merged.

There was a brief discussion by the board. Following discussion, the consensus of the board was to move forward with this article.

Robyn asked if the Board had any other provisions of the Zoning ordinance that the Board would like to address. She said that the Board has a lot of work to do updating the Site Plan and Subdivision regulations.

Jim Bailey suggested a phasing ordinance to limit the number of houses per year that can be built in a major subdivision.

Melinda Gehris said that there needs to be a Wetland's ordinance in town and suggested working with the Conservation Commission. She said that she thought the Planning Board should look to what other towns have done like they did with the Solar and Large Wind ordinances.

There being no other business Jim Bailey made a motion to adjourn. Sussanne White seconded the motion.

Meeting Adjourned 9:00

Respectfully Submitted,

Robyn L. Payson, Planning Director

**Sidewalk Letter from DOT**

Robyn,

I would like to start off with some clarification. I do have some concerns about the proposed sidewalk, but I told Stephen Mayer that NHDOT was not opposed to a sidewalk. Also, the lack of a sidewalk across the street was not one of my concerns. I did ask for some reasoning/justification for the sidewalk from the town to address some of my concerns, which I will list.

- There is currently nothing to connect the sidewalk to. I did notice that the adjacent property to the west has a sidewalk, but it also goes nowhere.
- The next concern is that there is not an appropriate or approved crossing location to connect this new sidewalk to the new sidewalk on the south side of the road.
- Additionally, the town chose to place the sidewalk on the south side closer to the road, rather than use the existing right of way to move it further back as requested. Therefore, I am concerned that a sidewalk on the north side will narrow the roadway and further complicate maintenance.
- We are not allowing new sidewalks without a Sidewalk Maintenance Agreement with the town. This reduces any confusion in the future about who is responsible for the sidewalk and NHDOT does not own or maintain sidewalks.
- If the town has a plan to install or require installation of sidewalks that is not necessarily a problem, but along state roads we should be notified. Additionally, a ownership/maintenance agreement needs to be signed and all crossing approved by NHDOT Bureau of Traffic.

If you have any more questions please let me know.

Sincerely,

Frank Linnenbringer  
Access & Utilities Supervisor  
NHDOT District 4  
19 Base Hill Road  
Swanzey, NH 03446  
(603)-352-2302