

**PLANNING BOARD
27 School Street
HILLSBOROUGH, NH
October 20, 2021**

DATE APPROVED: 11/03/21

TIME: 7:00 p.m. – 8:00 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: Steve Livingston

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

Meeting Minutes 10/06/21 Susanne White made a motion to approve the minutes. Nancy Egner seconded the motion. The motion carried unanimously.

Reconsideration of Decision-Livingston

136 Henniker Street (Map 12 Lot 75)

VIOTECH LLC

Gary Sparks announced that the Planning Board needed to make corrections to conditions 1 and 3 of the Viotech approval. Robyn sent the Board a memo with the changes shown. (see attached) Gary asked the Board if they had seen the changes and asked the Board if they would accept the corrections.

Jim Bailey said wanted to talk about the surety that was part of the decision. He thought it was excessive for what is being done. He said the applicant has most of the materials on site.

Gary said they needed to address conditions 1 and 3 first.

Nancy Egner made a motion to accept the corrections. Melinda Gehris seconded the motion. The motion carried unanimously.

Gary Sparks said to Jim Bailey, the appropriate place to discuss a guarantee would be when we have the meeting with the engineer.

Jim said that the Board did not have to go with the amount recommended by the engineer.

Gary said that the engineer recommended a far larger number at first and that was cut down to that number and the Board voted unanimously on it.

Jim said the Board wasn't aware they didn't have to accept with the proposed amount.

Gary said that the Board never has to do anything, and the guarantee is a good thing. It doesn't hurt in the

long run. He said that he didn't think this night was the appropriate time to discuss this topic. When the Board has the engineer at a meeting, that will be the time to discuss the general topic. He said that he would be the first to admit they are all a little vague when it comes to the guarantee, but in the long run its there for the Town' protection. He said that in all of the time he has been on the Planning Board he does not remember any problem with a guarantee. He said the Board should by all means discuss it when the engineer is present.

Robyn asked when the Board wanted to meet with Town Engineer Scott Bourcier to talk about how fees were set. It was decided that the first meeting in December would be a good time.

2022 Zoning Changes

Robyn presented some additional zoning changes for Town Meeting 2022. One addressed Outdoor Sales. The changes would limit outdoor sales to three times a year and any sales that extend beyond that be classified as a Home Occupation.

There was a discussion about how that change could affect people and small events. The Board asked if there was a large problem with outdoor sales or could they be addressed individually by Code Enforcement. Jim Bailey said this was brought up at a Selectmen's meeting. There are a few outdoor sales in town that have become an issue.

Following discussion, the consensus of the Board was that this change was too strict and that we should look to other towns to see how they address outdoor sales.

The second change proposed addressed Electric Vehicle Charging Stations. Robyn proposed as a first step they be defined in the Zoning Ordinance by referring to state RSA's 236:132-134 and permitted in the Commercial and Central Business districts by right and by Special Exception in the Village Residential district.

Robyn said this was a good first step toward including Electric Vehicle Charging Stations in the zoning ordinance and site plan regulations.

The Board agreed this would be a good addition to zoning.

Application Fees

The Planning Board reviewed the application fees of Bow, Antrim, Hopkinton, Henniker, and Warner and compared them to the fees charged by Hillsborough.

Melinda Gehris presented the spreadsheet she put together for comparison.

Following discussion, the consensus of the Board was that Hillsborough's fees did not need to be raised.

Nancy Egner brought up school Impact Fee. There was a school impact fee but it was revoked via petition.

Gary Sparks said that if there are a lot of subdivisions it might be a good idea to look into going through the process to establish Impact Fees

Other Business

Recording Decisions

Robyn said to the Board that she would like to require all Planning Board decisions be recorded at the Registry of Deeds. This way, all decisions are available through the Registry of Deeds and there is no danger of decisions being lost if files are lost.

The consensus of the Board was that it was a good idea.

Robyn said that during the subdivision and site plan regulation update this will be added to the application.

Central NH Regional Planning Commission

Susanne White reported on a presentation about the housing shortage in NH. She will send the materials to Robyn and she will distribute it to the Board.

They also discussed the Ride Share program.

There was information from DOT about a delay to the repairs of the bridge-on-Bridge St.

Melinda asked about the plan for a blended roundabout on route 9. Susy White said they did not discuss that at the meeting.

Gary Sparks said anyone can go to the meetings but there are two delegates from the Planning Board. He said it was a good way to see how other towns did things.

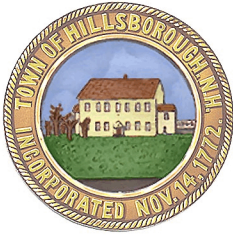
Cell Tower Application

Robyn distributed the application for the upcoming Cell Tower hearing. The town will be represented by Town Attorney Michael Courtney. There are many Federal and State laws that govern cell towers, and the Board needs counsel to navigate the process. A “non-meeting” which is not subject to RSA 91-A needs to be scheduled with Michael Courtney to discuss the hearing. Following discussion, the Board chose Thursday October 28th at 6:00pm.

Susie White made a motion to adjourn. Jim Bailey seconded the motion.
Meeting Adjourned 8:25

Respectfully Submitted,

Robyn L. Payson, Planning Director



TOWN OF HILLSBOROUGH

Planning Department

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MEMORANDUM

TO: Planning Board

DATE: 10/18/21

FROM: Robyn Payson, Planning Director

RE: Reconsideration of Conditions of Approval of Map 12 Lot 75 Viotech

As you know, the Viotech application was approved October 6, 2021. Since then, a couple of facts have come to light that affect that decision.

1. Peter Mellen let me know that Mark Moser of Meridian said the disturbance area shown on his drainage, grading and erosion control plan falls below the threshold for requiring an EPA NOI permit. So the part of Condition #1 that requires submission of DES permits no longer applies and should be removed from the decision.
2. The recommended condition #3 was given to us in error by the Town Engineer, and I failed to recognize that error when I was putting the draft motion together. Condition #3 reads:

“Submission of annual stormwater inspection reports that identify the third-party inspector (including name of company, contact information and name of inspector) date of the inspection, results of the inspection, corrective measures performed (include date of the completion). “

Per Scott Bourcier, Town Engineer re: Condition No.3:

“This condition is primarily used by communities within the EPA’s MS4 program geographic area; mostly the Seacoast, but I believe Windham, Hampstead and Derry are now part of the program.”

He recommended replacing it with the condition we imposed on the “Storage Barn” and Domino’s regarding drainage which is:

“Inspection by an independent third party, of all drainage structures one year after installation to ensure they are functioning as designed -to be paid for by the applicant”

The Planning Board has the right to “reconsider” a decision within 30 days of approval. This does not require a public hearing. I will let the applicant know about the action and copy them on the amended decision.

I apologize for the mix up, it is fortunately simple to correct. If you have any questions, please let me know.



**NOTICE OF DECISION
October 6, 2021**

Case No. 2021-11

On October 6, 2021, at a duly noticed Public Hearing, the Hillsborough Planning Board voted to APPROVE the application to construct a 60'x80' commercial building for the sale of outdoor powersports equipment and parts. The project is submitted by Peter Mellen, LLS of Donald R. Mellen Surveyor LLC on behalf of property owner Viotech, LLC. and in accordance with the "Site Plan" revised on 10/05/2021 by Mark Moser of Moser Engineering and submitted as a part of this application with the following conditions:

1. Submission of all Federal and State Approvals (~~Including but not limited to, NHDES- Environmental Permits, EPA Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), SWPPP Field Reports, etc.~~).
2. A pre-construction meeting with the applicant, the Applicant's Contractor, the Hillsborough Town Engineer, Building Inspector and Planning Director to be completed prior to the commencement of construction.
3. ~~Submission of annual stormwater inspection reports that identify the third party inspector (including name of company, contact information and name of inspector) date of the inspection, results of the inspection, corrective measures performed (include date of the completion).~~
Inspection by an independent third party, of all drainage structures one year after installation to ensure they are functioning as designed -to be paid for by the applicant
4. The Developer provide the Town an erosion control surety (cash or letter of credit, not bond) for \$30,000. (See attached)
5. Submission of certification that all Town engineering review fees have been paid in full prior to the signing of the site plan by the Planning Board Chair.