

**Zoning Board of Adjustment
27 School Street
HILLSBOROUGH, NH
January 13, 2025**

DATE APPROVED: 1/21/24

TIME: 6:00 p.m. – p.m. 7:00 pm

CHAIRPERSON: Larry Baker (attending remotely)

VICE CHAIRPERSON: Keith Cobbett

MEMBERS: Lucy Pivonka, John Segedy, David N. Fullerton

PLANNING DIRECTOR: Robyn Payson

ALTERNATES:

EXCUSED:

Public Present: Wade and Madelyn Libby, Patty Gregg, Dennis Roberts Jr.

CALL TO ORDER:

Larry Baker is attending remotely because he is out of town.

Chairman Larry Baker called the meeting to order.at 6:00pm

Pledge of Allegiance

Public Hearing

Special Exception

2 West Main Street (Map 23 Lot 157)

Wade and Madelyn Libby

John Segedy said, as a preliminary matter, the Board did a case a couple of years ago in the same building to convert units at street level to residential.

Keith Cobbett said this was a different owner.

John Segedy said the issue is whether or not there was a change of law, or a significant change to the application. He said he thought that the only significant changes were the parking that had been added and the fact this included only the basement. He said he wanted it on record that this is a different enough situation to allow for this to proceed.

Wade Libby presented his application for a Special Exception to allow residential uses at street level on the Bridge Street side of the building.

Mr. Libby said these units are two Commercial units and they would like to change them to

residential units. The units have walk out access on to Bridge Street sidewalk which ends at his property. There is a very steep grade there. The building is currently mixed use commercial and residential. They have made off street parking available to all tenants with ADA parking spots as well.

They have tried to get commercial business in the basement level but because of the steepness of the hill no businesses thought it would work for them. He said they thought it would be best served as two Residential units.

Larry Baker asked if the Board members had any questions before moving into the criteria.

John Segedy made a motion to take a vote that this application is different enough from the one a couple of years ago.

Keith Cobbett said it was different because it is a different owner. If we were to discuss this specific application, the portion of that application that dealt with the basement level on Bridge Street passed the Special Exception process, it failed because the owner wanted to change residential on the West Main Street, street level.

The motion died for lack of a second.

Larry Baker asked Keith Cobbett to read the criteria.

A. The ZBA shall hear and decide requests for Special Exceptions that are specifically authorized in Table 4 Chart of Uses:

Residential units at street level are allowed by Special Exception in the Table 4 Chart of Uses.

- The commercial use of the building structure will continue to exceed 50%
- The residential use of the building will be less than 50%
- Unit entrances will be at lower street level on Bridge Street.
- Residential Units will exceed 450 sq feet for a single bedroom and 570 sq feet for two-bedroom units

Larry Baker asked if the Board had any comments or questions.

John Segedy asked what the square footage of the residential use would be once these units were added.

Mr. Libby said the residential will be just above 3600 sq feet and the commercial is 3800 sq feet.

Larry Baker asked if the Board had any further questions. They did not.

B. The requested use will not create undue traffic congestion or unduly impair pedestrian safety:

Mr. Libby said there was off-street parking for vehicles, and pedestrian safety has been increased

due to renovations on Bridge Street. Having the basement level be residential will decrease pedestrian traffic on sidewalks and crosswalks

John Segedy asked if there was a way to access those two units with a stairway either in or outside the building.

Mr. Libby said there is a hallway in the building from the first level that goes down into the basement level. There is a door out to the Bridge Street side, but the elevation is approximately 20 feet.

John Segedy said you would not necessarily want a business to access the units that way.

Mr. Libby said it is really tight.

John Segedy asked if the residents would be able to (use it)

Mr. Libby said they would.

Larry Baker asked the Board if they had any further questions. They did not.

C. The requested use will not overload any public or private water, drainage, or sewer system or any other municipal system, nor will there be any significant increase in storm water runoff onto adjacent property or streets. :

Mr. Libby said the current commercial units already have one bathroom each which has been approved by the Building Department and the Water/Sewer Department. There are no changes in storm runoff to affect any other property or streets.

Larry Baker asked the Board if they had any questions. They did not.

D. The requested use will not create excessive demand for municipal police, fire protection, schools, or solid waste disposal services.

Mr. Libby said this request will not place any excessive demand on any services or schools. These apartments are small, maybe 1 child. On-site disposal is to be located at off-street private parking lot. The building has a complete monitored fire alarm sprinkler system. Two more units is not going to cause an excess of demand.

Larry Baker said his understanding with a private disposal service, and it would not use the transfer station.

Mr. Libby said that was correct.

Larry Baker asked if the Board had any questions. They did not.

E. Any requirements and standards for the specific use as set forth in the Zoning Ordinance are fulfilled;

Mr. Libby said the residential units will exceed 450sq feet and the building will remain more than 50% commercial. According to Table 4 they are allowed to have multi family.

Larry Baker asked if there were any questions from the Board. They did not.

F. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to or out of character with the adjacent neighborhood.

Mr. Libby said this would not be a detriment or out of character with the neighborhood. There are many ground floor lower level residential use entrances on Bridge Street and West Main Street.

Larry Baker asked the Board if they had any questions. They did not.

G. The requested use is consistent with the spirit and intent of this Ordinance and the Master Plan

Mr. Libby said this request will help assist increasing available housing in Hillsborough in conjunction with the Master Plan

Larry Baker asked if the Board had any questions. They did not.

Larry Baker opened the public hearing. There was no public comment.

Larry Baker closed the public hearing.

The Board members had no further discussion about the application.

John Segedy made a motion to approve the application with the following conditions.

1. Compliance with all local, state and federal laws, ordinances, and regulations.
2. Compliance with all life safety codes.

Keith Cobbett seconded the motion.

Lucy Pivonka said she didn't think the conditions were necessary and that they were implied.

There was discussion about John Segedy's motion.

Roll Call Vote: John Segedy-Yes, Lucy Pivonka-No, Dave Fullerton-Yes, Keith Cobbett-Yes, Larry Baker-Yes.

Findings of Fact

1. This application is sufficiently different from the previous application on the same property.
2. The commercial portion of the building will remain over 50% and the residential portion of the building will remain under 50%. That is what is acceptable under the Master Plan.
3. Both units will exceed the required square footage.
4. Off-street parking is provided.
5. This is in character with the surrounding neighborhood.

Variance

16 Antrim Road (Map 11K Lot 323)
Dennis Roberts Jr. Hillsborough Ford

Mr. Roberts presented his application for an addition to his body shop that is located 63 feet from the mean high-water mark of the North Branch River. The structure will be placed on existing impervious surface.

Larry Baker asked Mr. Roberts if he had received the comments from the Conservation Commission.

Mr. Roberts said he had and that there may have been some confusion about what he was planning on doing.

Larry Baker called on John Segedy as the minute taker for the Conservation Commission.

John Segedy said when he knew this project was coming to the ZBA he recused himself from all discussion with the Conservation Commission.

Larry Baker asked John Segedy if he could relate the discussion that occurred.

John Segedy said what they provided summed up what was said. He said there were some things that they weren't clear about. He said he didn't think that they knew Mr. Roberts was already using that space.

Lucy Pivonka suggested a site walk.

John Segedy and David Fullerton did not think that was necessary. Keith Cobbett and Larry Baker are in support of a site walk.

John Segedy asked if the area shown for the addition was paved.

Mr. Roberts said it was and showed the extent on the plan to him.

Following discussion Keith Cobbett made a motion to continue this meeting to a site walk at Hillsborough Ford on Monday, January 20th at 1:00 pm with the public hearing on the application following on Tuesday January 21st at 6:00pm at the Town Offices. John Segedy seconded the motion.

ZBA Minutes January 13, 2025

Roll Call Vote: John Segedy-Yes, Lucy Pivonka-Yes, Dave Fullerton-Yes, Keith Cobbett-Yes, Larry Baker-Yes.

Minutes

11/18/24 Kieth Cobbett made a motion to approve the minutes. David Fullerton seconded the motion.

Roll Call Vote: John Segedy-Yes, Lucy Pivonka-Abstained, Dave Fullerton-Yes, Keith Cobbett-Yes, Larry Baker-Yes.

12/9/24 Larry Baker made a motion to approve the minutes. Keith Cobbett seconded the motion.

Roll Call Vote: John Segedy-Abstained, Lucy Pivonka-Yes, Dave Fullerton-Yes, Keith Cobbett-Yes, Larry Baker-Yes.

There being no other business, Larry Baker made a motion to adjourn. John Segedy econded the motion.

Meeting adjourned at 7:00 pm

Respectfully Submitted,
Robyn Payson, Planning Director