

**PLANNING BOARD**  
**27 School Street**  
**HILLSBOROUGH, NH**  
**April 2, 2025**

**TIME:** 6:00 p.m. –7:10 p.m.

**DATE APPROVED:** 05/07/25

**CHAIRPERSON:** Susanne White

**VICE CHAIRPERSON:** Nancy Egner,

**MEMBERS:** Andrew Morris, Dana Clow, Steve Livingston, Bryant Wheeler

**EX-OFFICIO:** James Bailey III

**PLANNING DIRECTOR:** Robyn Payson

**ALTERNATES:** Kim Opperman,

**Excused:** Bryant Wheeler

**Public:** Joe Kopp, Keith McGuire, Brian Clarey, Mary Blye

**Pledge of Allegiance**

**Call to Order:**

Chairperson Susanne White called the meeting to order at 6:00 PM and called the roll. Kim Opperman was seated in place of Bryant Wheeler.

**Minutes**

**3/19/25-** Nancy Egner made a motion to approve the minutes. Andrew Morris seconded the motion. The motion carried unanimously.

**Representative to the Historic District Commission**

Andrew Morris volunteered to be the Planning Board Representative on the Historic District Commission. Chairperson Susanne White made a motion to appoint Andrew Morris to be the Planning Board Representative on the Historic District Commission. Steve Livingston seconded the motion. The motion carried unanimously.

**Public Hearing**

**Change of Use**

29 Church Street (Map 23 Lot 109)

Samuel Joseph Kopp

Robyn Payson introduced the application for the conversion of a single-family home into a 3-family dwelling. The applicant has already received approval on the Special Exception this use. The application is complete and ready for Planning Board review. The main concern expressed by Saint Mary's Catholic church is the amount of parking being sufficient for the number of tenants. Robyn Payson sent out the letter of concern previously sent to the ZBA. She also read a letter of support from Jon Daley. Representatives of Saint Mary's Catholic Church are concerned that parking will overflow to their lot. She pointed out that Hillsborough has no

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parking ordinance, so they have no say over the number of parking spaces on a property. There is a size requirement which the applicant has shown on their diagram.

Chairperson Susanne White asked Mr. Kopp if he had anything to add. He said Robyn Payson had explained it all well. He said he was trying to create extra housing for people using the space creatively.

Chairperson Susanne White asked the Board if they had any questions or comments.

Kim Opperman asked how many bedrooms there would be.

Mr. Kopp said there would be two bedrooms each.

Dana Clow asked Mr. Kopp to review the sketch plan submitted with the application. He had difficulty determining details from what was submitted.

There was discussion about the characteristics of the property.

Dana Clow asked how far it was from the property line to the edge of the pavement.

Mr. Kopp said it was about 15 feet from the edge of the house to the edge of the pavement and another four feet to the edge of the grass.

Susanne White asked if there was room for cars to use the parking spaces shown on the sketch plan.

Mr. Kopp said they would have to park tandem.

Dana Clow said the point is that they can't. He said what was presented was something that was only potentially or partially useful for any number of your tenants.

Mr. Kopp said there is also potential additional parking available on the lot.

Dana Clow said you need an amount of yard space to accommodate a couple of your tenants. But you have yard space available.

Mr. Kopp said there is also overnight parking available in the town lots which are nearby.

Jim Bailey asked to see where this lot is located and if it was next to the church's parking lot.

Saint Mary's church is across the street and diagonal from 29 Church Street

Andrew Morris asked how the parking spaces shown on the sketch plan have access to the street. He said if we say the parking has to be confined to this property he really doesn't have to delineate where those parking spaces are.

There was further discussion about parking.

Susanne White opened the public hearing.

Keith McGuire said he was there with concern for the church. He submitted a picture of the applicant's yard for the record. He said the only reason they are here is because there has been vandalism at the church. He said the applicant's parking area isn't sufficient. He said the closest parking lot is the church parking lot. He said he heard someone say that if someone is parking in the church parking lot they should call the police. He said there is nobody at the church when the church is not active. It is now a part-time church. He said they are probably going to have to take the initiative to keep people from parking there. He also said he would like the applicant to do a site survey (site walk) so the Board could see exactly what is going on there.

Brian Clarey of Saint Mary's church said they have no objection to the use. They want to have good relations with their neighbors. But when the Town fails to require certain things to be done that puts the onus on us as property owners and care takers (The diocese owns the church) to make sure we are not overexposed to liability. We have to keep our neighbors from using the property improperly.

He described some of the problems they have had with their neighbors.

Mr. Clarey said failure to provide requirements that make good neighbors and good relations has an impact. He said if another curb cut is put on the lot there will be no grass, and kids will play in the church parking lot. Now they will be exposed to liability. You have no recourse because you don't have adequate regulations. He said please recognize that you are here to protect the values and the peace in this area. Without adequate regulations your hands are tied. That's putting the onus on us. We have to ruin our relations with our neighbors because you're not putting forward regulations that protect us. We're going to have to put up a fence, put up signs and call the police every time somebody parks on our lot. That's not good neighborhood. He said we would love three families to move in, they might become parishioners, but we've also got to protect our property. There is nothing you can do tonight but go home and search your souls and see if your regulations that govern this town are doing more harm or doing more good.

Mary Blye said she represents the Kopps as a real estate agent and she wants to bring to the attention of the Board that there are no requirements for parking. She would also like to bring to the attention of the Board and the public that this is a very caring and Christian man. He has given a lot of thought to this property. He has sought the advice of the Building Department; he has had many conversations here in this building and everyone was very gracious in giving him information. With that said, there are four parking spaces. Never mind that it is not dictated how many parking spaces because not only in this town but in many towns there are properties that exist without parking. With all that said, I don't think it's fair to impose on him that he needs to get a curb cut. She said she doesn't think it's fair that someone submits a photograph that indicates a building side and a snowbank. She said Mr. Kopp spent a lot of time doing measurements on that driveway to go and see what they could go ahead and do for parking. You have 22 feet at the end of that driveway and then where it bumps back out towards the road it is 14 feet. The requirement is 10'x18'. He is being very purposeful with his thought and laying

this out and he understands the neighborly way. He is not an abutter he is a man who lives according to a certain standard and he is well aware of the people around him. He is asking for your support as a body if things need to be changed this is neither the time nor the place to do that.

Kim Opperman said a lot of these things are out of our control but there is one thing you could do voluntarily. You could put in the leases with your tenants that they are not allowed to park in the church parking lot.

Ms. Blye said not only that, in my position in helping people, it makes sense in taking tenants we have to be careful of discriminating. When you are determining people, you need to know how many cars are in their family. That is being a responsible owner.

Mr. McGuire said no one is saying Mr. Kopp is a bad person and the picture he submitted is to suggest to the Board that maybe they should do a site visit. All they are trying to do is keep things from happening to the church parking lot.

Kim Opperman asked if they had cameras or video. He said he has a property where everybody uses his dumpster, he puts locks on it and he uses cameras. He said he couldn't come to the town and ask them to enforce his dumpster.

Mr. Cleary said if it turns out that nothing can be done we will.

Dana Clow asked if there was any potential for the church to rent some parking space.

Mr. Cleary said they had kicked that around but he thinks the answer is that the Catholic church belongs to the diocese, so they have to follow their rules and regulations and once you put at risk the potential tax protection to put in spaces and rent them they are no longer a church organization because we are taking money from the public.

Kim Opperman said it wouldn't be payment it would be a donation.

Mr. Cleary said the easiest thing to do would be to put a chain across when church isn't in session but they don't want to do that because they want to be good neighbors.

There was further discussion about the church parking lot.

Dana Clow said he wanted to point out that Ms. Blye had pointed out that there were four parking spaces, but it is disingenuous to ignore the next sentence that says "the parking space must have direct access to a street, ally or approved right of way. So you don't have four parking spaces because you don't have direct access.

There was further discussion about the parking spaces.

Mr. Kopp said he has been thinking about working with the neighbor on the grass patch as a parking area.

Dana Clow said given the limitation of the bylaw the condition that all of the parking will be contained on the parcel is going to have to suffice.

Susanne White closed the public hearing and asked the Board if they had any further comments.

Andrew Morris said he thought the condition stating “all parking should be contained within the parcel” should be removed because the rules clearly state that he doesn’t have to provide parking. If I was him, I wouldn’t even put the parking spaces in there to begin with, it’s not required. Secondly, there are already plenty of regulations with all of the concerns that the church has, it’s not the Planning Board’s responsibility. That is for the police department, maybe the code enforcement officer. If someone is dumping wastewater there is already plenty of regulations, you are just not addressing the right board. We have illegal parking; that’s against the law it’s not for the Planning Board to uphold that law, it’s the police department. If my neighbor is dumping sewer on to my land, it’s not the Planning Board’s responsibility to uphold that rule. So the rules are already in place but it’s not our place to enforce their rules. It’s already illegal to park there, what else are you going to do?

Dana Clow said you just can’t put your head in the sand about this.

Kim Opperman said not every place can have 5 parking spaces.

Jim Bailey said we don’t have the regulations, and that is something we will have to address at a future date. We see there is going to be a potential problem we don’t have regulations to curtail it right now. That is something we will have to do. He said he understands the concerns the church has but it’s the same thing as the church downtown. They have had the same issue since we closed the Page lot. The church has a sign that says, “Church Parking Only” and that’s how they enforce it. That’s all you can do. He said, I know you want to be a good neighbor, but we can’t police that, that’s your property. We can’t tell you how to police your property.

Dana Clow said we can’t consider that a reason for impeding the gentleman’s project. It is something that we should be talking about in the future. He said with this condition of approval proposed he would suggest it be incorporated.

There was further discussion about proposed condition 1.

Following discussion Andrew Morris made a motion to remove condition 1 which states “All tenants and visitor parking will be contained within the parcel.”. Nancy Egner seconded the motion. The motion carried with Dana Clow voting No.

Steve Livingston made a motion to approve the application for a Change of Use /Waiver of Site Plan Review application submitted by Samuel Joseph Kopp of the Kopp Family Revocable Trust and David and Lorilee Wood at 29 Church Street (Map 23 Lot 109) to change the use of the property from a Single Family Dwelling to a Multi Family Dwelling with three units as stated in the application with the following conditions and in accordance with the findings of fact.

### **Condition of Approval**

1. Compliance with all federal, state and local laws ordinances and regulations.

### **Findings of Fact**

1. The property is located at 29 Church Street.
2. The property is located in the Village Residential District.
3. The application was presented by Samuel Joseph Kopp on behalf of the Kopp Family Revocable Trust and David and Lorilee Wood.
4. The owner of record is Kopp Family Revocable Trust and David and Lorilee Wood.
5. The application is to convert a Single-Family Dwelling into a Multi-Family Dwelling with three units.
6. The Town of Hillsborough does not regulate the number of parking spaces by use or lot size
7. The Town of Hillsborough does require parking spaces be at least 10 feet wide by 18 feet long (not including access driveway areas). A parking space must have direct access to a street, alley or approved right-of-way.
8. The applicant proved that this application conforms with section 185-5.1, A, 1 and 2 of the Site Plan Regulations.:

A. A change of use which does not expand the floor area of a building by more than 200 square feet or involve construction on the site of a building with a floor area greater than 200 square feet is exempt from Site Plan Review, provided that: [Amended 10-2-2002]

(1) No adverse impacts beyond site boundaries will occur, due to:

- (a) Increased traffic.
- (b) Groundwater and drainage.
- (c) Sanitary and solid waste disposal.
- (d) Lighting/glare.
- (e) Noise.
- (f) Fumes, odors or air pollutants.

(2) Municipal services, facilities and utilities will not be overburdened or adversely impacted.

Jim Bailey seconded the motion. The motion carried unanimously.

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Robyn Payson said it would be a good idea to look at a parking ordinance this year. She said she would be looking at different towns to see how they handle it.

There being no other business, Susanne White made a motion to adjourn. Steve Livingston seconded the motion.

Meeting Adjourned 7:10 pm

Respectfully Submitted,  
Robyn L. Payson, Planning Director