

**PLANNING BOARD
15 Central Street
HILLSBOROUGH, NH
December 3, 2025**

TIME: 6:00 p.m. –6:50 p.m.

DATE APPROVED 12/17/25

CHAIRPERSON: Chairperson Susanne White

VICE CHAIRPERSON: Dana Clow,

MEMBERS: Andrew Morris, Steve Livingston, Bryant Wheeler, Kim Opperman

EX-OFFICIO: James Bailey III

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Cathy Houle,

Excused:

Public: Tim Sutherland, Alan and Brenda Hillsgrove, Ben Nardi, Myank Patel, Buvin Pi, (illegible) Patel, Michael Pelletier, David Frothingham

Pledge of Allegiance

Call to Order:

Chairperson Susanne White called the meeting to order at 6:00 PM and called the roll. All members were present.

Minutes

11/19/25-Steve Livingston made a motion to approve the minutes. Bryant Wheeler seconded the motion. The motion carried unanimously.

Reschedule Site Walk

The Board decided to reschedule the Site Walk at 109 Jones Road which was scheduled for 12:00 am that day.

Following discussion Andrew Morris made a motion to schedule the site walk for December 17, 2025 at 12:00pm. Steve Livingston seconded the motion. The motion carried unanimously.

Public Hearings

Site Plan Amendment

281 Second NH Turnpike
Mayank Patel

Robyn Payson introduced the application for a new gas station. The gas station and plans have already been approved by the state.

David Frothingham of Wilcox and Barton Inc. is the engineer on the project. He reviewed the site plan and the location of the gas station and canopy. The location of the gas station is placed in consideration of existing wells. The leach field for the septic system is on property that was taken by the state. There is no intention of moving the leach field/septic system at this time but there is space on the property if the need arises. There is no change to the grading of the site. Water discharge is directed to the RTE 9 right

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of way. They are expanding the impervious area on the site by approximately 300 square feet. The canopy is equipped with an internal drain system that discharges underground into the area where the tanks are installed. They will be infiltrating more runoff than they are generating by expanding the impervious area. The pad its self is equipped with a barrier so any drips, spills or runoff that may occur on the pad are collected in that barrier. The state requires that this pad be able to hold five gallons in case there is a spill on the pad. Those grooves can contain the spill until it's cleaned up. The system meets all of the state requirements.

The leach field is off their property, the previous owner conveyed some of the land to the State of NH and that did include where the leach field is located. The leach field was approved in 2006 for the uses on the property at that time.

Chairperson Susanne White asked if the Board had any questions.

Andrew Morris asked where they are seeking the variance?

Mr. Frothingham said the canopy and structure. It is entirely within the 50 foot setback. It is driven by setbacks from existing wells.

Dana Clow said the septic system was permitted in of 2006?

Mr. Frothingham said it existed as of 2006.

Dana Clow said there is no easement on the state land that the leach field is located on so they have no rights to do maintenance on the septic system.

Mr. Frothingham said it is a grandfathered use on that location.

There was further discussion about the septic system.

Bryant Wheeler asked what happens if the septic system fails.

Mr. Frothingham said then the owner would have to find a place on his property to locate a new one.

Bryant Wheeler asked if there was space on the property to do that.

Mr. Frothingham said there is an open area that could fit a new system.

Dana Clow said abutters to the east have raised a question about the location of the well.

Michael Pelletier said about the existing well that was there..

Mr. Frothingham said that was based on the latitude and longitude that was is provided on the state website.

Mr. Pelletier said that must be incorrect, but it is a moot point because it is closer to the old pumps.

Mr. Frothingham said we are still farther from your well than it was previously.

Dana Clow asked why it was Lat Long and not a physical survey.

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Mr. Frothingham said NH doesn't have a right of entry for land surveyors. He said he asked the surveyor (Dan Higginson) to find every well within 300 feet of the property, and he said he didn't have the right to enter property to survey them.

Dana Clow said he was having some difficulty interpreting the grading plan. He described what he was unclear of.

There was discussion about the impervious surface and that the State considers gravel as impervious surface.

Dana Clow pointed out that there was no drainage report submitted with the application.

Mr. Frothingham said they had submitted a narrative.

There was discussion about lot coverage.

Chairperson Susanne White opened the public hearing.

Mr. Pelletier asked for a review of the drainage.

Mr. Frothingham said on the existing lot, everything flows into the RTE 9 Right of Way. It flows north east and into a catch basin. There's also a swale. Everything generally goes to the north east. There was further discussion about run off.

Ben Nardi who is representing the previous owner (Bold River) and holds the mortgage on the property said the state ok'd the design. And the septic that has been on the state land has been there since 2006?

Mr. Frothingham said it's been there at least 30 years.

Mr. Nardi said we kind of own it, we have never had a problem from the state.

Mr. Frothingham said the previous owner (prior to Bold River) conveyed the land to the state.

Tim Southerland said he believed the septic was 30 to 40 years old. Do we know for sure if it's failed because he has seen stuff (it could have been runoff) coming out of the back of the corner in the spring time. If it is failed do we know what the plan would be and does it meet the off sets for the existing dug well on the property to be repatriated. He didn't want to be a case where you can't fix it. He said the lifespan of a septic system is 15 to 30 years.

Mr. Frothingham said it depends on how well it has been maintained. If the system were to be determined to be failed they would have to replace it and the state does have processes in place to allow for the replacement of a septic system

There was further discussion about the septic system.

Mr. Nardi said in 2013 they made some major upgrades to the septic system by Henniker Sewer and Drain service. If they want to contact them and talk to them about it. They have maintained it for us right along.

Dana Clow asked about the part of the parking area that is beyond the limits of the property, has the state opined on the improvements they are proposing?

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Mr. Frothingham said they were provided with plans and given the opportunity to comment. To his knowledge, they did not reply.

Robyn Payson said DOT contacted her, she sent plans but did not receive any comments from them.

Alan Hillsgrove said, talking about the septic with the state land. There was no septic on there until Butch (Bold River) took it over. They didn't have a permit to put it on state property, that is something illegal.

Mr. Frothingham said he couldn't speak to that and that in all his research there isn't a permit for a change to this property

Mr. Hillsgrove asked if they had a permit to put that septic system in?

Mr. Frothingham said it likely pre-dates the permitting process.

There was further discussion about the septic system and the snowmobile trails.

Dana Clow said it seems like it's a problem that can easily be resolved before it becomes a problem.

Mr. Nardi said they do have it checked once a year.

Mr. Hillsgrove asked where the driveways were.

Mr. Frothingham pointed out the driveways.

Mr. Hillsgrove said he has a map from the "carols?" that shows the driveways. He said everything up there grows.

Chairperson Susanne White said these are surveyed plans.

Mr. Frothingham said he could not address that comment.

Mr. Hillsgrove submitted his map for the record.

Chairperson Susanne White closed the public hearing.

She asked the Board if they had any questions.

Dana Clow said there was in the previous hearing concerns expressed by abutters about stormwater coming off the front portion of the building at what appears to be their high point about midway along the frontage of the building.

There was discussion about the drainage on the site and the new structures handling of runoff.

Mr. Nardi said they have never had any problem with drainage from the site.

Steve Livingston made a motion to approve the application for a Site Plan Amendment submitted by Myank Patel of 281 Second NH Turnpike LLC. (Map 11B Lot 212) as shown on the plan titled Kat's Country Corner 281 Second NH Turnpike, Hillsborough NH UST Facility ID 0112249 Site # 198605314

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by Wilcox & Barton Inc. 2 Home Avenue Concord NH, 03301 dated April 22, 2025 with the following conditions and in accordance with the findings of fact.

Conditions of Approval

1. The granting of a setback variance by the Zoning Board of Adjustment
2. Compliance with all local, state, and federal laws and regulations.

Findings of Fact

1. The property is located at 281 Second NH Turnpike
2. The property is located in the Commercial District.
3. The use of the property is Commercial.
4. The application was presented by David Frothingham III P.E.
5. The owner of record is 281 Second NH Turnpike LLC.

Andrew Morris seconded the motion. The motion carried with Dana Clow abstaining.

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

Meeting Adjourned 6:50 pm

Respectfully Submitted,
Robyn L. Payson, Planning Director