

OFFICIAL
HILLSBOROUGH PLANNING BOARD
MINUTES – OCTOBER 21, 2009

The meeting was called to order at 7:03 p.m. by Herman Wiegelman, Chairman.

Members present: Arlene Johns, Fred Murphy and Ann Poole. Robert Eckberg was designated as Alternate member, voting in place of Gary Sparks. Patricia Cote was designated as Alternate member, voting in place of Elisabeth Olson.

Shane O’Keefe, Planning Director, was present.

Present from the public: Melissa Dargie, Todd Wood and Edward Timpson

Member Elisabeth Olson came in to the meeting at 7:05 p.m. and Alternate Patricia Cote relinquished her right to vote.

MINUTES:

Arlene Johns MOVED and Betsy Olson SECONDED to approve the Minutes of October 7, 2009, as amended.

VOTED - YES: Arlene Johns
Fred Murphy
Betsy Olson

VOTED -NO:

ABSTAINED: Bob Eckberg and Ann Poole (due to their absence at the subject meeting).

MOTION passed

PUBLIC INPUT/DISCUSSION:

**TODD WOOD, TENANT/EDWARD TIMPSON, OWNER –
(CONTINUED) – APPLICATION FOR EXEMPTION FROM SITE PLAN REVIEW –
282 HENNIKER STREET (MAP 12, LOT 84)**

Allow an existing business in a location that was previously used as an automotive repair facility for a school bus company).

Herm Wiegelman reported that a site visit was made this day at 5:00 p.m.

Present at the site visit: Betsy Olson, Ann Poole, Herm Wiegelman, Shane O’Keefe, Todd Wood and Edward Timpson

Mr. Wood stated that member Arlene Johns had already made a site review earlier today.

Mr. Wood said he has two lifts in the garage, and showed the outside space that he uses, and the cars that he is working on.

Mr. Wood had a person do a traffic study which showed that his business does not have an impact on the traffic.

When asked about the rest of the property, Mr. Timpson said that he occupies the other side of the garage; there are two offices on site and a night caretaker upstairs.

Mr. Wood mentioned that the Board members made a site visit to his business earlier today; and stated that he is “squared away” with his business on his side of the property.

Arlene Johns told Mr. Timpson that she has issues with the log yard.

It was noted that this is an enforcement matter and the Code Enforcement Officer is not present this evening.

Betsy Olson spoke of having to look at the whole site and have a way for Mr. Wood to continue his business.

Arlene Johns agreed with Betsy Olson but said the site is not in compliance; we don’t want to penalize the tenant.

Herm Wiegelman suggested having the Code Enforcement Officer work on this matter.

Mr. Timpson talked about the fence on his side of the property; he stated that all his cars are behind the fence.

Mr. Timpson was asked about the vehicles that are showing in front the fence and he replied that 90% of the cars are behind the fence; some of the cars in front of the fence belong to drivers and the drivers would be told to get their cars out.

Fred Murphy spoke about Mr. Timpson being in non-conformance with his approved site plan.

Mr. Timpson stated that he was never given a time or date to make improvements to his property to conform with the site plan.

Arlene Johns said these problems go back to June 15, 2005.

Fred Murphy talked of the Board's concerns that go back a long time; we now have a Code Enforcement Officer, and we will be working with other businesses in town.

Fred Murphy told Mr. Timpson that he has no right to be selling cars; if there are more than three unregistered cars on the site he has to be licensed for a junk yard.

Fred Murphy said he would not mind extending the car repair business to January 1, 2010.

Mr. Wood asked about what would happen to him and his three employees if his business is shut down.

Herm Wiegelman answered that the Board would try not to negatively affect his auto repair business.

Arlene Johns spoke of everything being out of compliance having to do with the owner; the owner has been given more than enough time to comply with the site plan.

Shane O'Keefe talked about a letter to Mr. Timpson dated November 1, 2005, from Matt Taylor, the former Community Planner, stating that Mr. Timpson had not dealt with the conditions per his approval.

Ann Poole said the Board is not under any obligation to approve the exemption application.

Herm Wiegelman remarked that this is only an exemption from a site plan review.

Herm Wiegelman said there are separate issues, and spoke of having the Code Enforcement Officer at our next meeting regarding the violations.

Shane O'Keefe talked of this case as being a matter of land use review for a proposed use and not an enforcement action.

Mr. Timpson said he would start tomorrow to clean the site and bring it into compliance with his site plan and permits.

Ann Poole was not convinced this should not be an Application for Site Plan Review.

Mr. Timpson questioned what would be gained by an Application for Site Plan Review.

Herm Wiegelman answered that it would include Mr. Wood's business.

Mr. Wood stated that he can't take back what his father did in December, 2008; he is asking to have his auto repair business on this site.

Ann Pooles, referring to Chapter 185-5(b), said she is concerned about the water run-off; she would like to see the original plan.

Herm Wiegelman thought we would probably come up with the same questions.

Shane O'Keefe said the Board could specify the date when issues were to be taken care of.

Shane O'Keefe was in receipt of the original plans which were not signed; the final plans were never submitted it appears.

Mr. Timpson explained parts of the property (on plan) and said the run-off seen today is a natural swale that is twenty-years old.

Mr. Timpson admitted that it is his fault cars are visible.

Bob Eckberg asked if we have two problems or one problem (from the original site plan); the bus company had five mechanics; there are two lifts; there might be contamination; this difference was not in the original application.

Ann Poole noted that the log yard is the primary business and the bus repairs were secondary.

Fred Murphy MOVED to deny Application for Exemption From Site Plan Review.

Betsy Olson SECONDED the MOTION.

Fred Murphy said he would like to see Mr. Wood continue with his business, and talked about setting a date for Mr. Timpson's conformance.

VOTED - YES:

VOTED - NO: Arlene Johns

Fred Murphy

Betsy Olson

Ann Poole

Herm Wiegelman

Bob Eckberg

ABSTAINED:

MOTION did not pass

Fred Murphy questioned what the Board could legally do.

Arlene Johns asked about limiting the size of Mr. Wood's business.

Shane O'Keefe spoke about the need to obtain a sketch plan for consideration with the application.

Arlene Johns talked about having Mr. Timpson fencing off both sides of the businesses.

Herm Wiegelman read the original fence requirement from the previous site plan approval.

Shane O'Keefe recommended that the Board obtain a sketch of proposed fence from the applicant.

Arlene Johns said she would like to see a fence, and that business should be limited to two bays (20' x 50').

Arlene Johns was of the opinion that the renter is going to suffer because the owner hasn't shown good faith.

Herm Wiegelman suggested that the Application for Exemption From Site Plan Review be approved, and then consider the owner.

"Arlene Johns MOVED to continue Mr. Wood's Application for Exemption From Site Plan Review to the November 4, 2009 Board meeting, with the understanding that Mr. Timpson (owner) will come to the Board meeting with an accurate sketch plan and that all stored vehicles on site will have been removed by then."

Betsy Olson SECONDED the MOTION.

VOTED - YES: Arlene Johns
Fred Murphy
Betsy Olson
Ann Poole
Bob Eckberg

VOTED - NO:

ABSTAINED:

MOTION unanimously passed

OTHER BUSINESS:

- 1. KEMP PARK PROPERTY, RIVER STREET (MAP 24, LOT 49)**

Shane O'Keefe reported that a meeting took place this week regarding the gifting of the Kemp property to the Town. At the 2009 Town Meeting, under Article 28, the voters authorized the Selectmen to accept a portion of the property.

It was Shane O'Keefe's understanding that the Kemp Estate now wishes to convey the entirety of the property to the Town.

Shane O'Keefe quoted RSA 41:14-a which provides, in part, that **–The selectmen shall have the authority to acquire ... land, buildings, or both; provided ... they ... first submit any such proposed acquisition ... to the planning board and to the conservation commission for review and recommendation ... after recommendations they shall hold two public hearings.**

Shane O'Keefe talked of the possibility of contamination on the property.

Fred Murphy questioned the purpose of acquiring the property.

Fred Murphy said he would like to see the property.

Arlene Johns thought this looks as though it might be good for the Town; she would like to see the land as she can't recommend anything that has only been seen on paper.

Herm Wiegelman noted that this small piece of land is contiguous to other Town land.

Further discussion was held.

Arlene Johns MOVED and Ann Poole SECONDED to hold a site walk on November 4, 2009, at 4:00 p.m.

VOTED - YES: Arlene Johns
Fred Murphy
Betsy Olson
Ann Poole
Bob Eckberg

VOTED - NO:

ABSTAINED:

MOTION unanimously passed

2. SAFE ROUTES TO SCHOOLS PLAN

Shane O'Keefe submitted a memo which gave notice to the Board on the latest effort in the Safe Routes to School; the Board may wish to endorse the plan and even recommend its approval to the Selectboard.

Shane O’Keefe said the Task Force, working with the Central New Hampshire Regional Planning Commission, prepared a “Travel Plan” addressing the need for safe access to schools along local roadways, and to promote and encourage walking to school as the preferred option when possible.

A public hearing is scheduled for October 27, 2009 at the Selectboard meeting.

The grants involved in this case were discussed.

Recommended action steps of the Travel Plan include:

- a. Sidewalk replacement on Brown, Church and Walnut Streets;
- b. A comprehensive engineering study for improvements to School Street from Hillcat Drive to West Main Street; and,
- c. Traffic calming improvements, such as crosswalks and signage, to augment infrastructural efforts not fully funded through the Round 3 grant.

A discussion was held.

Fred Murphy MOVED to support and recommend the “Safe Routes to Schools Plan.”

Arlene Johns SECONDED the MOTION.

VOTED - YES: Arlene Johns
Fred Murphy
Betsy Olson
Ann Poole
Bob Eckberg

VOTED – NO:

ABSTAINED:

MOTION unanimously passed

3. BEARD BROOK SUBDIVISION.

Shane O’Keefe noted that the developer has not marked the boundaries of the conservation land; the Conservation Commission is to include in its next year’s budget the cost of having the boundaries marked.

Arlene Johns said in the future the Planning Board should take care of matters such as this type.

A discussion was held.

4. SHANE GOODWIN, 158 WEST MAIN STREET (MAP 11P, LOT 342)
(Sale of stoves)

Members were in receipt of copies of a letter from the Code Enforcement Officer to Mr. Goodwin regarding a sign violation.

Arlene Johns spoke of additional signage on the property.

Shane O'Keefe remarked that according to the Code Enforcement Officer, Mr. Goodwin wants to sell Christmas trees and that he may soon approach the Board for a request for Exemption From Site Plan Review.

A discussion was held.

5. RECORDING OF PLATS

Members were in receipt of copies of the NH RSA 479:1-a (new recording of plats) and a summary brochure regarding the Plat Law from the County Registrar's Office.

6. FARMSTEAD OF NEW ENGLAND, INC. - ROSEWALD FARM
(MAP NO. 9, LOT 47)

Members were in receipt of a copy of a letter from the Department of Environmental Services (DES) to the Hillsborough Town Clerk relative to an Alteration of Terrain Permit. Application is for a permit to disturb approximately 139,600 square feet of earth to complete the project which will provide twenty-four housing units, in six buildings, to developmentally challenged adults.

The applicant is required to provide a copy of the application, including plans, to the municipality.

All comments (due by November 4, 2009) should be directed to the Alteration of Terrain Program.

Under current State law and regulations the program is not authorized to consider local planning and zoning issues, which must be considered at the local level.

Herm Wiegelman stated that this business is funded by the State for expansion.

Ann Poole said their status has changed; it is now a medical facility and may be exempt from local zoning regulations.

Fred Murphy thought the Board should conduct a site review.

A discussion was held.

O'Keefe was asked to contact the applicant for a copy of the plans and for the Board to review them at the next Board meeting. O'Keefe was also asked to contact the NHDES and ask for an extension of time to respond because the comment due date is that date of the next Board meeting.

**7. APPLICATION FOR SITE PLAN REVIEW
PHILIP BOUCHARD (PHIL'S OLD FASHIONED BBQ)
ADAMAC, LLC (OWNER OF EXPRESS TIRE)
288 WEST MAIN STREET (MAP 11K, LOT 322)**

Members briefly reviewed the application.

Shane O'Keefe noted that a letter was been sent to applicant relative to omissions.

The public hearing and review has been scheduled for November 4, 2009.

8:22 p.m. Fred Murphy MOVED and Betsy Olson SECONDED to adjourn.

VOTED - YES: Arlene Johns
Fred Murphy
Betsy Olson
Ann Poole
Bob Eckberg

VOTED - NO:

ABSTAINED:

MOTION unanimously passed

Respectfully submitted,

Patricia M. Cote
Recording Secretary