

OFFICIAL
HILLSBOROUGH PLANNING BOARD
MINUTES – JANUARY 20, 2010

The meeting was called to order at 7:00 p.m. by Herman Wiegelman, Chairman.

Members present: Arlene Johns, Fred Murphy, Elisabeth Olson, Ann Poole and Gary Sparks
Shane O’Keefe, Planning Director, was present.

MINUTES:

Gary Sparks MOVED and Arlene Johns SECONDED to approve the Minutes of the meeting of January 6, 2010, as amended.

VOTED - YES: Arlene Johns
Fred Murphy
Betsy Olson
Gary Sparks

VOTED - NO: N/A

ABSTAINED: Ann Poole (due to her absence at the subject meeting)

MOTION passed.

PUBLIC INPUT/DISCUSSION:

**1. PARTNERS FARM, LLC, BLACK POND BROOK
222 Windsor Road (Map No. 7, Lot 119) – Subdivision – Case No. 07-003**

O’Keefe passed out copies of letters from James Murphy (applicant) to him, the Planning Board and Attorney Michael Donovan.

The letter to the Planning Board included a copy of the Board’s Notice of Decision of approval, subject to ten conditions, and a copy of the applicant’s proposed Surety Covenant.

Mr. Murphy requested that the board take the following actions:

1) Final approval of the subdivision and signature of the mylar. This would allow them to record the mylar and proceed immediately to conveyance of the open space, River Corridor Conservation Easements, Access Easements, as well as the Drainage and Slope Easements to the Town.

2) That in lieu of a cash bond or a letter of credit as surety on the road and associated costs, the Board allow the applicant to record a Surety Covenant on the land records prohibiting the sale of any lots, except the farm house lot, until the applicant either posts a cash bond as surety, or a letter of credit as surety. They requested that this Surety Covenant be applicable to all lots except the farm house on Lot 13 because the farm house already has full and functional road frontage on Windsor Road.

3) That the Board allow the applicant to post the surety on a phase-by-phase sequential basis (approximately \$300,000 per phase), rather than to post the entire amount for construction of all of the roads and other improvements (approximately \$1,300,000).

4) That the Board formalize its prior Conditional Approval of the subdivision in five phases as illustrated on a new second sheet of the mylar.

5) That the Board permit the applicant to review the road, fire cistern and drainage facility construction costs with the town engineer that the time the road construction is due to begin, and the bond is to be posted. This approach will ensure that cost estimates reflect then-current pricing.

Mr. Murphy stated in the letter that the Planning Board has discretion to allow the posting of a Surety Covenant at the time of approval and delay the posting of a cash bond or letter of credit until the time of actual development or road construction.

O'Keefe said that Attorney Donovan is reviewing this case, and that the applicant will almost certainly be submitting a revised request based on Donovan's suggestions and that the matter will likely come before the Board at the late February meeting.

Phases were discussed.

Members are to review the documents.

2. BUDGET - members reviewed the final Planning Board budget figures for 2009, and discussed the proposed budget for 2010.

A discussion was held relative to earnings for the Board members.

Arlene Johns MOVED and Gary Sparks SECONDED that the Planning Board Budget for 2010 include compensation in the amount of \$2,000 for each member elected to the Planning Board.

VOTED - YES: Arlene Johns
Fred Murphy
Betsy Olson

Ann Poole
Gary Sparks

VOTED - NO: N/A

ABSTAINED: N/A

MOTION passed unanimously.

The Town's accounting method was discussed.

Old Business

1. DISCUSSION: Enforcement of Board Conditions of Approval

A discussion was held relative to enforcement procedures which included the matter of the Code Enforcement Officer sending first and second notices to violators.

At the Board's request O'Keefe is to ask Kelly Dearborn-Luce for copies of the second violation notices she has on file since she became the Code Enforcement Officer.

2. DISCUSSION: Wind Energy Ordinances:

In response to a request from the Board last month, O'Keefe reported on his research of large wind ordinances from around the country:

- Massachusetts has a model ordinance.
- Some communities regulate base on varying levels of size.
- Energy systems are permissible in some states, with large systems given special attention.
- North Carolina considers small systems as not being larger than 20 kilowatts.
- Michigan considers medium systems to be 250 kilowatts and small systems to be 30 kilowatts.

O'Keefe stated that in New Hampshire once a certain size is reached (greater than 30 megawatts) the State pre-empts the Town ordinance.

O'Keefe spoke about special uses in certain areas; there is only one possible area in Hillsborough that might be able to support a large wind energy system.

Murphy was of the opinion that we should have an ordinance permitting 20 kilowatts to 30 megawatts.

A discussion was held, and it was agreed to continue this discussion at the next meeting.

Old Business

1. Expiration of terms.

Olson's and Sparks' Planning Board membership terms are expiring in March; they both agreed to seek re-election as Board members.

Other Business

1. Discussion - Central New Hampshire Regional Planning Commission (CNHRPC). Assistance of the CNHRPC in developing the Emerald Lake Village District's Master Plan.

Johns stated that she would like to see the draft documents that CNHRPC is to present to the committee, prior to its submission to said committee.

O'Keefe noted that the committee should look at any new information.

Wiegelman said that last September we were promised that the CNHRPC would have the work completed in a couple of months.

Johns explained some of the issues to O'Keefe.

A discussion was held.

O'Keefe is to contact the CNHRPC about their overdue submission.

2. Master Plan

Murphy spoke about working on the up-date of the Town Master Plan.

A discussion was held relative to using the CNHRPC or another entity to assist with the update of the Town Master Plan.

Johns talked about needing the 2010 census figures, and Poole noted that the census figures would not be available until 2011.

Poole spoke of writing a scope of services.

A discussion was held.

3. Capital Improvement Plan

Murphy asked about the work being done on the Capital Improvement Plan (CIP). Specifically, whether it was included in the 2010 Planning Board budget.

Murphy asked if the CIP was computer programmed and Wiegelman answered "No."

A discussion was held.

4. Regional Planning Commissions

Johns was of the opinion that the Southwest Region Planning Commission might be better able to help us rather than the CNHRPC.

Sparks thought there might be a good number of reasons to change commissions.

A discussion was held.

Wiegelman is to look into this matter.

Wiegelman asked if there was any other business to come before the Board this evening.

8:05 p.m. Fred Murphy MOVED and Gary Sparks SECONDED to adjourn.

VOTED - YES: *Arlene Johns*
Fred Murphy
Betsy Olson
Ann Poole
Gary Sparks

VOTED - NO: N/A

ABSTAINED: N/A

MOTION unanimously passed.

Respectfully submitted,

Patricia M. Cote
Recording Secretary