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**HILLSBOROUGH ZONING BOARD**  
Meeting Minutes  
September 14, 2015

Date Approved: October 19/2015

Present:

Members: Chairman Roger Racette, Russell Galpin, Michael McEwen, John Segedy and Nancy Torres

Alternates: Larry Baker

Planning Director: Robyn Payson

Absent: Nancy Torres, Larry Baker and Robyn Payson

Members from the Public:

Chairman Racette called the meeting to order at 7:10 pm.

**MINUTES:**

Chairman Racette tabled for approval of the minutes for July 13, 2015 due to members not having brought their copies.

Chairman Racette said the meeting scheduled for October 12 has been cancelled due to the Columbus Day holiday.

Mr. Segedy suggested the following changes to the August 10, 2015 meeting minutes:

Page 3, paragraphs 3, 5 and 7: replace “hearing” with “input portion of the public hearing”

Page 4, paragraph 9: replace “that” with “allowing”

Page 5, paragraph 5: replace “flood plan” with “floodplain”

He also said that the comments made by Brett Cherrington had not been included in the minutes.

Mr. Segedy made a motion that the minutes be changed to include the changes previously discussed and the comments made by Brett Cherrington. Chairman Racette seconded the motion. The Board voted all in favor.

**PUBLIC MEETING:**

Mr. Segedy said the Board needs to appoint a vice chairman and secretary according to Chapter 229:49.

Chairman Racette said a board member who is trying to take minutes during a meeting could be distracted from the business at hand. He added that the five members of the Board need to be focused.

Chairman Racette suggested tabling this until there is a full Board present.

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Mr. Segedy made a motion to table this issue until there is a full Board present. Mr. Galpin seconded the motion. The Board voted all in favor.

### **ZONING ORDINANCE REVIEW:**

Mr. Segedy agrees that special exceptions should be changed to conditional approvals. He said this would allow the ZBA to be an appeals board.

Chairman Racette said ultimately this would move all the special exceptions to conditional approvals issued by the Planning Board.

Mr. Segedy said any exception going forward could be categorized as a conditional approval and then in future years the existing special exceptions could be categorized as conditional approvals.

Chairman Racette asked how this would affect the special exception criteria this board is considering asking the Planning Board to implement. He would like more research done on this matter.

The Board went on to discuss the zoning section on Sexual Oriented Businesses.

The Board went back to discussing Section 229:49 through 54 regarding the rules and procedures of the Board of Adjustment.

Chairman Racette said the Board needs to discuss the criteria for special exceptions under Section 229: 50 c. He referenced the examples of special exception criteria taken from a book written by Peter Laughlin:

### **Granting of Special Exceptions:**

1. The ZBA shall hear and decide requests for Special Exceptions that are specifically authorized in the Ordinance.
2. The ZBA shall grant a request for a Special Exception only where it confirms in writing each of the following findings:
  - a. The use requested is specifically authorized in the Ordinance.
  - b. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
  - c. The requested use will not overload any public 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.
  - d. The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.
  - e. Any requirements and standards for the use as set forth in Article 7, Supplementary Regulations and Standards for Specific Uses, of the Ordinance are fulfilled.
  - f. The requested use will not create hazards to the health, safety or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood.
  - g. The proposed location is appropriate for the requested use.



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Mr. Segedy said he would like to see them changed to five (5) years.

The other Board members thought five years was too long.

Mr. Segedy suggested changing the wording in Paragraph #5 from “shall be deemed to have expired” to “could be revoked” and in Paragraph #6 from “to have expired” to “could be revoked”.

Mr. Galpin said this shifts the burden from the applicant to the Town. He said the Town already has a difficult time policing ordinance violations. He thinks it is up to the applicant to know that in two years Special Exception expires, just like any other contract with an expiration date.

Chairman Racette agreed and is in favor of leaving it the way it is.

Chairman Racette moved on to the Floodplain Development Ordinance. He said FEMA and the State have floodplain management regulations. He said our ordinance was modeled after these regulations but is out of date because of changes made over the years. He has spoken to Mrs. Payson about this and would like to mention it to the Planning Board at Saturday’s joint meeting.

After a discussion regarding the position of secretary as defined in Section 229:49 D (3), Mr. Galpin made a motion to recommend that the secretary position be eliminated from the ordinance.

Chairman Racette began making a list of the ordinance changes the Board wished to discuss with the Planning Board at their joint meeting on Saturday. He added the secretary item to that list.

Chairman Racette said another recommendation was to change “special exception” to “conditional use” for future uses and if the conditional use is not granted then it becomes a special exception.

Chairman Racette will also mention that sexually oriented businesses are not listed in the “Chart of Uses”.

Chairman Racette said for the Special Exception criteria the Board was recommending rewriting Paragraph #2-e, eliminating Paragraph #2-g and adopt the remainder.

Chairman Racette will also recommend bringing the Floodplain Ordinance up to current standards as found in the State’s RSA or replacing it with FEMA’s model language.

#### **OTHER BUSINESS:**

Chairman Racette said he has recent a letter of interest from a gentleman who would like to serve as an alternate. He said Mrs. Payson will invite him to the next meeting.

#### **ADJOURNMENT:**

Chairman Racette made a motion to adjourn. Mr. Segedy seconded the motion. The Board voted all in favor.

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Chairman Racette announced the meeting adjourned at 8:55 p.m.

Respectfully Submitted:

Iris Campbell  
Land Use Administrator