

09/19/15

HILLSBOROUGH PLANNING BOARD
AND
ZONING BOARD
Meeting Minutes
September 19, 2015

Date Approved: October 7, 2015

Present:

Planning Board Members: Chairman Herman Wiegelman, Larry Baker, Denise DeForest, John Penny Gary Sparks and James Bailey III

ZBA Members: Chairman Roger Racette and John Segedy

Planning Director: Robyn Payson

Chairman Wiegelman called the meeting to order at 9:10 a.m.

PUBLIC MEETING:

Chairman Racette began with Section 229:12 which has to do with septic designs. He said septic designs are already regulated by the State so this section is not even needed.

Mr. Segedy explained that the ordinance was designed to help alleviate the issue of three-bedroom homes being built with two-bedroom septic systems. He said that burden should fall on the home owner and their contractor.

The Planning Board agreed this section needs to be removed.

Chairman Wiegelman went on to Section 229:49 D regarding the officers of the ZBA.

Chairman Racette said right now the concern is with Section 3 which refers to the annual election of officers: chairman, vice chairman and secretary. He said the ordinance now conflicts with their new adopted Rules of Procedure. He said the secretary has been replaced with a clerk appointed by the Board of Selectmen who will maintain the minutes of all meetings, transactions, decisions and any other duties required by the Board. He said the Board was asking for any reference to a secretary is stricken from the ordinance.

Mrs. Payson suggested removing all wording in the ordinance which references to procedural duties. She said the zoning ordinances are for land use issues. She suggested updating the Rules and Procedure and waiting until next year to remove them from the zoning ordinances.

Chairman Wiegelman moved on to Section 229:50 B removing the criteria for granting a variances and replacing it with a reference to the provisions of RSA 674:33I (b) and subparagraph (A).

Mr. Segedy suggested hyper linking the RSA reference to the State's web site.

09/19/15

After a short discussion both Boards agreed to the change.

Mrs. Payson said that Section 229:50 C needs to be added as specific criteria for the granting of a special exception.

Chairman Racette explained the procedure the Board went through to come up with these suggested criteria.

The Planning Board agreed to this addition after a short discussion.

The Boards moved on to a discussion regarding Article VI A which pertains to Floodplain Development.

Chairman Racette said our ordinance is out of date based on the newest regulations from the Federal Emergency Management Agency (FEMA) for towns who participate in the national flood insurance program. He said the Office of Energy and Planning has created some sample ordinance.

Mrs. Payson suggested adopting the FEMA code as we previously did with the International Building Codes.

Chairman Racette said FEMA requires us to have an ordinance.

Mrs. Payson will find out which sample ordinance the town will need to adopt and insert it.

The next discussion was regarding home occupation and home business.

Mr. Sparks said a home business would probably have people coming and going, where as a home occupation would not.

Chairman Racette suggested changing home business from permitted use to conditional use in Table 4 – Chart of Uses.

Mrs. Payson said a change to section 229-86 B under Home Occupations has been made to remove (4) which referenced the storage of a vehicle based on its gross weight. She has also changed section 229-86 C under Home Business to now requiring a conditional use permit and inserted a list of conditions for obtaining a permit.

Mr. Segedy suggested having conditional use criteria for new uses going forward which would otherwise need special exception. He said we could do a few uses every year and eventually change all the uses needing a special exception to conditional approvals. He said by doing this an applicant could appeal a decision to the ZBA where as an appeal of a special exception goes to Superior Court. He said another reason is that the Planning Board is the one who gives permission for the use and should be able to issue a conditional use permit.

Mrs. Payson did not agree that all Special Exceptions should be converted to Conditional Use Permits.

09/19/15

Mrs. Payson said the first change the Planning Board had decided to work on was the change in the definition of “Change of Use” and include when the “Change of Use Permit” would expire.

Chairman Racette suggested adding the wording “or any portion thereof” to the first line of the definition after the words “land, building or structure”.

Mrs. Payson said in Section 229-14 M needs to go as it is a typo and N is changed to M.

Mrs. Payson said in Section 229-86 A - in the new explanation of conditional Use Permit and in C – end the sentence after “welfare of the neighborhood”.

Mrs. Payson has reworded Section 229-90 I (2) regarding the definition of open space as it pertains to a cluster development and renumbered all the provisions which follow.

Chairman Wiegelman suggested adding “drainage” in front of “ponds” in line six (6).

Mrs. Payson removed Article XVI Interim Growth Management for Emerald Lake Village District as it expired in 2012.

Chairman Racette asked about residential use of street level floors of building in the Central Business District.

Mrs. Payson said she would like to have that changed from a permitted use with a special exception to a prohibited use. She said in Table 4 – Chart of Uses under Central Business District removing the (2) after all the “P”s or changing the definition of (2) to say no residential dwelling units will be allowed in street-level areas.

The Board decided changing the definition would be the best way to go.

Mrs. Payson will look into the definition of street level.

Mrs. Payson asked Chairman Racette if the ZBA would like other departments or Boards to submit input on applications made to the ZBA. She said for example would the opinion of the Planning Board be helpful to the ZBA because sometimes applicants present their ideas to the Planning Board before being referred to the ZBA.

Chairman Racette said that would be a good way for the Planning Board to submit their opinion on the proposed use outlined in an application.

Chairman Wiegelman suggested also getting the opinion of the Water and Sewer Department.

Mr. Segedy said the Fire, Police and Highway Departments should also be allowed to submit opinions.

ADJOURNMENT:

Mr. Penny made a motion to adjourn. Mrs. DeForest seconded the motion. The Board voted all in favor.

09/19/15

Chairman Wiegelman announced the meeting adjourned at 11:00 a.m.

Respectfully Submitted:

Iris Campbell
Land Use Administrator