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## HILLSBOROUGH ZONING BOARD

Meeting Minutes

January 15, 2014

Date Approved: February 26, 2014

Present:

Members: Roger Racette, Chair; James Bailey, III, Vice-Chair; Larry Baker, Richard Booth and Robert Hill

Planning Director: Robyn Payson

Public: Barbara Hill, Wesley H. Wells, Irene M. Wells, Willis Merrill, Mitch Phillips, John Segedy

### CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Roger Racette, Chairman.  
A packet of information regarding agenda items was provided to the Board.

### MINUTES

Larry Baker made a motion to approve the minutes of July 18, 2013 as presented. James Bailey seconded the motion. The Board voted all in favor.

**PUBLIC HEARING - APPLICATION FOR VARIANCE - ZONING ORDINANCE Section 229-20.1F Development Standards – Maximum Setbacks - Front: 25 feet – They want to be 101 feet - Leo Demag, Jr., 59 Henniker Street (Map 24 / Lot 93).**

Mr. Baker said since this project will be coming before the Planning Board and he is member of that Board he will be recusing himself from this hearing.

Mr. Racette asked for a motion to authorize Michael McEwen to vote in place of Mr. Baker. Mr. Booth so moved. The Board voted all in favor.

Mr. Segedy said he would like Mr. Racette to make a recommendation to the Board of Selectmen to consider him as an alternate to the ZBA.

Mr. Racette said okay.

Mr. Racette said the normal procedure is to hear from the applicant, the abutters and then the public.

Mr. Racette explained that in order to approve the variance there are five criteria and you need three positive votes on each one

Mr. Racette said let us start with the first one.

Mr. Phillips said the project is for a new 3,000 sq. ft. building at 59 Henniker Street to be occupied by a Family Dollar store.

Mr. Racette said the first criteria: Granting the proposed variance will not be contrary to the public interest.

Mr. Phillips said the area is zoned commercial and the project will bring jobs, a new source of sales tax and property tax.

A Board member asked if the variance in to move the parking to the back of the building.

Mr. Phillips said no it is to move the actual building back because there are some engineering issues for some underground detention which has to go in front part of the lot and would be easier to do under a parking lot rather than under a building.

Mr. Racette said the second criteria: Granting of the proposed variance will observe the spirit of the Hillsborough Zoning Ordinance.

Mr. Phillip said because it is a commercial zone and any commercial development would have to be set further back because of the detention and slope issues with the lot.

Mr. Racette said the third criteria: Granting the proposed variance will do substantial justice.

Mr. Phillips said it would cost a lot of money to try and engineer any kind of detention under the building. He said they have explored different options and this is the only one that works.

Mr. Racette said this plan is to have the detention under the parking lot.

Mr. Phillips said yes.

Mr. Racette asked if Mr. Phillips could elaborate on the engineering issues which are preventing you from meeting the setback requirement.

Mr. Phillips said the slope of the lot is not gradual in order to find a way to design run off. He said they tried buying a piece of property to the rear for a separate detention area that didn't work out.

Mr. Racette said there is an existing building just about where you plan to put the new building, so you would be basically building on the same foot print.

Mr. Phillips agreed.

Mr. Racette said the fourth criteria: Granting the proposed variance will not diminish the values of the surrounding properties.

Mr. Phillips thinks the project will do just the opposite. He said the project will be eliminating a rundown building.

Mr. Racette said the fifth criteria: Literal enforcement of the provision of the ordinance will result in an "unnecessary hardship".

Mr. Phillips said it can't be developed without the variance because of the lots shape, size and slope of the site.

Mr. Bailey asked what the side and rear setbacks are suppose to be.

Mr. Racette said the sides are zero and the rear is ten feet as long as fire protection can be provided.

Mr. Racette asked if any abutters present would like to speak regarding the application.

Mr. Merrill asked the building will be located on the west side of the lot and it is the central business district. He said when the central business district was created parking would not an issue.

Mr. Racette said he was referring previously to the dimensions of the parking spaces. He said the ordinance says a parking space need to be ten feet by twenty feet but we don't regulate the number of parking spaces.

Mr. Merrill said the number of necessary parking space is not regulated in the central business district.

Mr. Merrill asked where the water runoff with be flowing.

Mr. Phillips said he will have to consult with the engineers but he thinks there is a tap in and it will flow with all the other properties.

Mr. Merrill said there is a drain out where the mail boxes are that the State put in and it goes across the road towards the apartment building.

Mr. Phillips said that might be it.

Mr. Merrill asked if they needed permission to add to that drainage because the pipe isn't very big.

Mr. Racette said drainage is all part of the site plan hearing.

Mr. Merrill asked how a fire truck would get to the back of the building.

Mr. Phillips said through the shopping plaza or through the area designated for access by the delivery trucks.

Mr. Racette said they can't rely on access from the shopping plaza because if they could build closer to the lot line so access has to be available from your own lot.

Mr. Merrill asked if they were aware that the water and sewer lines for the building in the back run through the lot.

Mr. Phillips said he was sure his engineers are aware of that.

Mrs. Wells said on the plan the right of way looks like it comes onto her property and it doesn't.

Mr. Phillips said if her concern is that they would be on her property the answer is no.

Mrs. Wells said some people are under the impression that the access road is half and half and it isn't, it is totally on Mr. Demag's property. She just wants to be sure it is understood that her right of way goes all the way to the back.

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Mr. Merrill asked about curb cut.

Mr. Bailey said that is an issue for the site plan hearing.

Mr. Racette closed the public hearing at 6:25 p.m.

Mr. Racette asked the Board had anything to discuss, seeing none he said the Board was ready to vote.

Mr. Racette said on criteria A: Granting the proposed variance will not be contrary to the public interest. Mr. Hill – yes, Mr. Racette – yes, Mr. McEwen – yes, Mr. Booth – yes and Mr. Bailey - yes

Mr. Racette said on criteria B: Granting of the proposed variance will observe the spirit of the Hillsborough Zoning Ordinance. Mr. Bailey – yes, Mr. Booth – yes, Mr. McEwen – yes, Mr. Hill – yes and Mr. Racette - yes

Mr. Racette said on criteria C: Granting the proposed variance will do substantial justice. Mr. McEwen – yes, Mr. Booth – yes, Mr. Bailey – yes, Mr. Hill – yes and Mr. Racette - yes

Mr. Racette said on criteria D: Granting the proposed variance will not diminish the values of the surrounding properties. Mr. Booth – yes, Mr. Bailey– yes, Mr. McEwen – yes, Mr. Hill – yes and Mr. Racette - yes

Mr. Racette said on criteria E: Literal enforcement of the provision of the ordinance will result in an “unnecessary hardship”. Mr. Hill – yes, Mr. Racette – yes, Mr. McEwen – yes, Mr. Booth – yes and Mr. Bailey – yes

Mr. Racette announced the vote was unanimous on all five criteria.

Mr. Bailey made a motion to grant the variance as proposed. Mr. Hill seconded the motion. The Board voted all in favor.

Mr. Racette announced the variance is approved.

Mr. Booth asked about the Board’s method of notification, this time it was by computer and then we received a hard copy when we arrived here.

Mr. Racette said we are going to go back to the way it was being done before with our receiving a copy of the application by mail at least a week prior to the hearing.

## **ADJOURNMENT**

Mr. Bailey made a motion to adjourn. Mr. Hill seconded the motion. The Board voted all in favor.

Meeting adjourned at 6:30 p.m.

Respectfully Submitted:

Iris Campbell  
Recording Secretary