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HILLSBOROUGH ZONING BOARD

Meeting Minutes

April 14, 2014

DRAFT

Date Approved:

Present:

Members: Roger Racette, Chairman; James Bailey, III, Vice Chairman; Larry Baker, Michael McEwen and Richard Booth

Alternates:

Planning Director: Robyn Payson

Public: Raj Dudani and Samir Bhatia

CALL TO ORDER

The meeting was called to order at 7:03 p.m. by Chairman Roger Racette.

MINUTES:

Mr. Baker made a motion to approve the minutes of March 20, 2014 as written. Mr. Bailey seconded the motion. The Board voted all in favor.

PUBLIC HEARING:

CONTINUED PUBLIC HEARING FROM MARCH 20 – APPLICATION FOR SPECIAL EXCEPTION - ZONING ORDINANCE Section 229-20.1C Permitted and Prohibited Uses – (3) Uses Permitted by Special Exception – (b) Dwelling Units at Street Level – They want apartments at street level – 17-19WMAINSTREETHILLSBORONH, 1 West Main Street (Map 23 / Lot 148) Case #14-002Z.

Chairman Racette said at the previous meeting Mr. Dudani had spoken about having a parking agreement with the Bible Chapel.

Mr. Dudani said he had been misinformed but he added there is over night available in the public parking lot.

Chairman Racette said parking is an issue.

Mr. Dudani agreed and added that the parking issue is the main reason he has been unable to find any commercial renters.

Chairman Racette asked Mrs. Payson if there is any project going on to address the lack of parking downtown.

Mrs. Payson said the CNHRPC has been contracted to build out an analysis and economic development study of the central business district which will include addressing the parking problem along with other issues and come up with some actionable steps we can take. She said we are also applying for a grant through Comprehensive Economic Development Strategy through the State for matching money to address the parking issue.

Mr. Bhatia said they have a no pet policy but they can't deny service or therapeutic dogs. He said they also have a no smoking policy but it only applies to the interior of the apartment. He said they will be addressing the noise issue caused by the closeness of the buildings.

Mr. Baker asked if the property was already classified as mixed use.

Mrs. Payson answered yes.

Chairman Racette closed the public hearing at 7:35 p.m.

BOARD DISCUSSED THE APPLICATION:

Chairman Racette asked for the Board's input on a point which was brought up by John Segedy at the February 26 public hearing that the ZBA has the authority to interpret zoning ordinances. He said according to Section 229-20.1 C (1) (i) if we determine that the W. Main Street level is an upper floor than this application is unnecessary. He said the question before the Board is to consider whether the floor is an upper floor as there is a floor below it and if it isn't an upper floor than what is the rationale behind that determination.

Mr. Bailey said because of the uniqueness of the building it has two street level floors one on W. Main Street and one on School Street.

Mr. Baker said the building's main address is W. Main Street and considered the front of the building.

Chairman Racette stated then the general consciences of the Board is that this floor is a street level floor.

Chairman Racette asked if any Board member had any further comments, seeing none he declared it was time to vote.

BOARD VOTED ON THE APPLICATION:

CRITERIA:

Chairman Racette read: A. The special exception is specifically authorized in the Zoning Ordinance: Mr. Baker – yes; Mr. Bailey – yes; Mr. McEwen – yes; Mr. Booth – yes and Chairman Racette – yes.

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Chairman Racette read: B. All special conditions for the special exception have been met: Mr. McEwen – yes; Mr. Booth – yes; Chairman Racette – yes; Mr. Bailey – yes and Mr. Baker – yes.

Chairman Racette read: C. No hazardous or nuisance will be created other than what exists already: Mr. Booth – yes; Mr. McEwen – yes; Mr. Baker – no; Mr. Bailey – no and Chairman Racette – yes.

Chairman Racette read: D. The general welfare of the Town of Hillsborough will be protested: Mr. Bailey – no; Mr. Baker – no; Mr. McEwen – yes; Mr. Booth – yes and Chairman Racette – yes.

Chairman Racette read: E. The proposed special exception is in substantial agreement with the spirit and intent of the Zoning Ordinance or that a hardship exists: Mr. Baker – yes; Mr. Bailey – no; Mr. Booth – yes; Mr. McEwen – yes and Chairman Racette – yes.

Mr. Booth made a motion to approve the special exception. Mr. McEwen seconded the motion. The Board voted in the affirmative by a vote of: Mr. McEwen – yes; Mr. Booth – yes; Chairman Racette – yes; Mr. Bailey – no and Mr. Baker – no.

OTHER BUSINESS:

Chairman Racette said there is an ordinance which states that the Board needs to have a Rules of Procedure document. He said they exist but are scattered throughout the zoning chapters and Mrs. Payson will be putting something together for the Board to look at.

Mrs. Payson said she will email it to them.

Mr. Bailey asked if this is where we would address whether or not we accept conference calls.

Mrs. Payson said yes and how they would be conducted if they were allowed.

Chairman Racette said there is a sample procedure document in the State's Public Official's Handbook, Appendix A.

Mr. Booth asked about a section pertaining to applicants who don't show for a hearing without prior notice.

Mrs. Payson asked the Board to consider having a standing date for scheduling meeting and for application submissions, which could be canceled if there was no reason to meet. She said creating a procedures document may take a few meetings. She said for example in Rindge applications had to be in by the first Tuesday of the month and the last Tuesday of the month was for scheduling the hearings.

Mr. Baker suggested that any material submitted for consideration at a hearing should be received no later than a week prior to the hearing date.

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Chairman Racette said he met with the Board of Selectmen and they were okay with appointing Mr. McEwen as a member of the Board but now there was need to recruit alternates. He said the procedure is to post a notice of the vacancy in two places. He also gave the Board the names of two persons, John Segedy and Russell Galpin, who have expressed interest in being alternates.

Mrs. Payson asked if the Board could set a date for next month to meet to discuss the procedures policy. She look at the scheduling calendars on the bulletin board and saw May 19 was available at 7:00 p.m. The Board agreed to the day and time.

Chairman Racette told Mr. McEwen that new members have to attend one training session within a year and training sessions are held twice a year.

ADJOURNMENT:

Chairman Racette announced meeting was adjourned at 8:10 p.m.

Respectfully Submitted:

Iris Campbell
Recording Secretary