

**PLANNING BOARD
27 School Street
HILLSBOROUGH, NH
March 16, 2022**

DATE APPROVED: 4/06/22

TIME: 7:00 p.m. – 8:10 p.m.

MEMBERS: Susanne White- Chairperson, Melinda Gehris -Vice Chair, Adam Charrette, Ed Sauer, Steve Livingston, Nancy Egner

EX-OFFICIO: James Bailey III

PLANNING DIRECTOR: Robyn Payson

ALTERNATES:

Excused: Nancy Egner

Public: George Mavridis, Carolee Miller, Steven Miller, Joyce Bosse, Fred Sprague, Cheryl Sprague, Chantal, Joe and Evan Kelley, Josh Boyd, Meleny Nagy, Richard Head, Ralph Kenney, Kim Opperman

Chairman Susanne White called the meeting to order at 7: 00 PM.

Election of Officers

Melinda Gehris made a motion to appoint Susanne White Chairperson. Jim Bailey seconded the motion. The motion carried unanimously.

Susanne White made a motion to appoint Melinda Gehris Vice Chairperson. Ed Sauer seconded the motion. The motion carried with Melinda Gehris-AB.

Appointment of Alternate

Melinda Gehris made a motion to appoint Kim Opperman as an Alternate. Ed Sauer seconded the motion. The motion carried unanimously.

Minutes 03/02/22

Adam Charrette made a motion to approve the minutes. Ed Sauer seconded the motion. The motion carried unanimously.

Applications

Exemption from Site Plan

226 West Main St.

The Other Ark

Steven and Carollee Miller

Steven and Carollee Miller were present to describe their intention to rent their jacuzzi as a therapy spa. The jacuzzi is located on their deck. No changes to the site are requested. Planning Director Robyn Payson said that the Millers needed to have the deck and jacuzzi and deck inspected by the Building Inspector.

Following a brief discussion, Steve Livingston made a motion to grant the Waiver of Site Plan Review. Jim Bailey seconded the motion. The motion carried unanimously.

Site Plan Amendment/Change of Use Public Hearing

125 West Main Street (Map11P Lot 196)

Hillsborough House of Pizza

Ioakim Mavridis

Ed Sauer made a motion to accept the application as complete. Steve Livingston seconded the motion. The motion carried unanimously.

George Mavridis presented the application to allow live music on their existing patio.

Ed Sauer asked how many people can site on the patio. Mr. Mavridis said 80 people.

There was discussion about days and times being requested. Mr. Mavridis said he was interested in having music from approximately 6:00pm-9:00pm a few times a month. The performances would be primarily Thursday – Sunday. He said he would not be wanting to have it every week. Performances would be acoustic music and a little rock music. He said he didn't want anything too- loud in consideration of the neighbors. The musicians would be performing on the south side of the building.

Susanne White opened the Public Hearing.

Fred Sprague of 15 Dascomb Street said he was concerned about the volume of a rock band. He is the closest neighbor to the business and was concerned about the music in the summer when they would have their windows open. He said he was not necessarily opposed to it but he does have reservations. He asked if there would be any restrictions on decibel level.

Robyn Payson said there was no noise ordinance in town so the Board would not be able to limit decibel levels.

George Mavridis said he would like to restrict decibel levels. He said he wanted the music to be enjoyed and not cause any problems. He said he is not looking for anything in the 105-110 decibel range, he is looking for 80-85 decibels.

Mr. Sprague said that when there was construction going on at the patio a person was playing their radio that could be heard on their property. He said it was not obnoxious; but it depends on how long, and when the music will be played.

Cheryl Sprague said she was glad to see the restaurant still around during these years with COVID. She said her concern was the hours and frequency of the music and she felt more comfortable now.

Ralph Kenney of 6 Bear Hill Road asked what the framework was for Tooky Mills because they have outdoor music.

Jim Bailey read the conditions from the Tooky Mills approval:

1. Memorial Day- Columbus Day
2. No more than two days a week Thursday- Sunday
3. Performances shall be no longer than 6 hours
4. All live music shall end no later than 9:00pm

Jim Bailey said the only other stipulation was that all lighting would be downcast and fully shielded.

Mr. Mavridis said there will be no additional lighting installed and that condition was already included in the building's approval.

Ed Sauer asked if there was sufficient parking for the use. Mr. Mavridis said there was a parking lot to the rear that was always empty.

Susanne White closed the public hearing.

Jim Bailey made a motion to approve the application for a Change of Use/Site Plan Amendment submitted by submitted by Ioakim Mavridis to allow a live music on the patio of the Hillsborough House of Pizza at 125 West Main Street (Map 11P Lot 196) with the following conditions:

1. Compliance with all local, state, and federal laws and regulations.
2. Live Music is permitted on the patio:
 - a. Memorial Day through Columbus Day
 - b. No more than two days a week Thursday-Sunday
 - c. Performances shall last no more than four hours
 - d. All live music shall end no later than nine p.m.

Melinda Gehris seconded the motion. The motion passed unanimously.

Site Plan Review – Public Hearing

174 Henniker Street (Map 12 Lot 71)

Joseph F. Kelley Jr.

Steve Livingston made a motion to accept the application as complete. Melinda Gehris seconded the motion. The motion carried unanimously.

Joe Kelley presented his application to establish a used car business at 174 Henniker Street.

He reported that the drainage improvements have been completed. The exterior improvements to the building are almost complete and the interior improvements have been completed. He went on to compliment Ernie Butler, Road Agent for all his help through the process of completing the drainage improvements. His next step was landscaping.

Melinda Gehris asked Mr. Kelley if he had any response to the Conservation Commission's comment that he needed to get a permit from DES to replace the culvert.

Mr. Kelley said there have never been any concerns raised about getting a permit. The work was done under the supervision of the town and working with the Highway Superintendent and at no time was he told he needed to get a permit.

Adam Charrette said that the lighting on the site needed to be fully shielded and down facing. He said the lighting on the sign was directed up. The lighting would need to be fully shielded and directed downward to be in compliance with the current regulations.

Susanne White opened the public hearing and recognized Richard Head, Chairman of the Conservation Commission.

Richard Head said the Conservation Commission does not oppose this project. Mr. Head said the state wetland regulations require a "Permit by Notification" for a culvert replacement. He said he did not see any reference to that, and it appeared that there wasn't one.

He suggested a condition be added to the approval that Mr. Kelley coordinate with DES to obtain any permits or permissions that are required. He said he was not sure if it would apply after the fact but normally it is a very straightforward process. He said there is a lot of water at the rear of the property, but it does not appear that the use will impact it.

The drainage is not clear on the plan but because there was a mention of the culvert and the lack of notification to DES gave them concern. He said he would give Mr. Kelley his phone number and he would be happy to coordinate with him.

Melinda Gehris said she was not comfortable with the lighting situation and if it conforms to the current regulations. Adam Charrette said he was concerned as this is a new site plan review and that lighting needed to be brought up to code even though it is already existing. He said his understanding was that with a new site plan review, it needs to conform to the current standard.

Ed Sauer asked about snow removal and landscaping.

Mr. Kelley discussed where he is storing snow. The bushes are not near the snow storage area.

There was a brief discussion about hours of operation.

There being no further discussion Susanne White closed the Public Hearing.

Melinda Gehris made a motion to approve the Site Plan application to allow a Used Car Lot at 174 Henniker Street (Map 12 Lot 71). The project was submitted by Joseph F. Kelley Jr., and in accordance with the sketch plan submitted as a part of this application with the following conditions.

1. Compliance with all local, state, and federal laws and regulations.
2. All vehicles offered for sale must be displayed in a neat and orderly condition.

3. Lighting shall adhere to the Site Plan Regulations chapter 185-6 “Requirements for Site Plan Approval” letter H and all of its sub-parts.
4. No more than 15 unregistered vehicles shall be on the property at any time.
5. There shall be no increase in the number of cars for sale (15) on the property without prior Planning Board approval.
6. Vehicles shall only be parked on impervious surface (gravel or pavement).
7. No service or repair of any vehicles is to be performed at this site.
8. Performance Bond of \$5000.00 or \$5000.00 in cash shall be kept in escrow for two years to ensure timely and proper completion of improvements, and survival of all plantings. Compliance shall be determined by the Code Enforcement Officer.
9. The surety shall be received by the Town prior to the Certificate of Occupancy being issued.
10. The owner will coordinate with the New Hampshire Department of Environmental Services and obtain the appropriate permits or conditions required.
11. Hours of operation shall be Monday thru Sunday 9:00 am to 5:00 pm.

Jim Bailey seconded the motion. The motion carried unanimously.

Other Business

Dark Skies

Adam has been in contact with International Dark Skies Association (IDA), and they want to set up a ZOOM meeting to get everyone on the same page. There is a \$250.00 application fee that will need to be paid to start the process. Adam will set up the ZOOM meeting. Robyn said the meeting will have to be posted and the Board will have to meet in public.

Gateway Project

Robyn asked if the Board would agree to hold the kickoff meeting on April 20th. The Board of Selectmen and EDC will be invited, and the meeting will be posted to include those boards. She will also get letters out to the property owners in the proposed district.

Site Plan/Subdivision Application Update

Robyn is waiting to receive a response from Town Counsel on the first round of updates to the Regulations. She also said the current Site Plan and subdivision applications needed to be updated to show the requirement to send decisions to the Registry of Deeds to be recorded.

Susanne White said the Planning Board should take a look at the Master Plan to review what the Planning Board's goals are. She also said that the Planning Board will have responsibilities in the Hazard Mitigation Plan that is going to FEMA for approval.

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Jim Bailey brought up a mixed-use development that may be coming to town. It is a workforce housing development with a commercial component. They met with the Board of Selectmen and reviewed their plan. They will need to go to the Board of Adjustment for two variances in order to move forward. No applications have been received yet.

Adjournment

Meeting Adjourned 8:35 pm

Respectfully Submitted,

Robyn L. Payson, Planning Director