

**PLANNING BOARD  
27 School Street  
HILLSBOROUGH, NH  
June 15, 2022**

**DATE APPROVED:** 07/20/22

**TIME:** 7:00 p.m. – 8:05 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:** Kim Opperman, Dana Clow

**Excused:** Susanne White, Ed Sauer, Kim Opperman,  
Jim Bailey, Adam Charrette

**Public:** Riche' Colcombe

**Call to Order:**

Vice Chairperson Melinda Gehris called the meeting to order at 7:01 PM.

Melinda Gehris called the roll and appointed Dana Clow to sit in place of Susanne White.

**Minutes:** 06/01/22 Dana Clow made a motion to the minutes with the amendment to the following paragraph:

“Dana Clow said he disagreed with the contention that the Subdivision regulations could not be stricter than the Zoning ordinance.”

With the amendment the paragraph will now read:

“Dana Clow said he disagreed with the contention that the Subdivision regulations could not be stricter than the Zoning ordinance. [Amendment 6/15/22] He said that the Planning Board is indeed authorized to adopt and enforce more stringent regulations than the minimum standard put in place by some other authority.”

Nancy Egner seconded the motion. The motion carried unanimously.

**PUBLIC HEARING**

**Amendment to Site Plan Regulations and Site Plan and Subdivision Applications**

Melinda Gehris convened the Public Hearing, read the Rules for Public Hearings, and the Hearing Notice. Ms. Gehris reviewed highlights of the changes to the Site Plan regulations which include is requiring site plans that are drafted either by a surveyor or by an engineer, pencil drawings will no longer be acceptable. All site plans will need to show setbacks, natural features, hardscape, and lighting levels. They are to indicate current and future potential easements, and the Board is asking for architectural drawings of any proposed building on the site. The other major change is that all decisions will be recorded at the Registry of Deeds.

Changes to the Subdivision and Site Plan applications include fees for recoding all decisions at the Registry of Deeds and a fee to send a certified Notice of Decision to the applicant.

Melinda Gehris asked the Board if they had any comments or questions. The Board had none, so she opened the Public Hearing.

There were no questions from the public, so Ms. Gehris asked for a motion to close the Public Hearing. Nancy Egner made a motion to close the Public Hearing. Dana Clow seconded the motion. The motion carried unanimously.

Melinda Gehris called for a motion on the Site Plan regulations and amended Subdivision and Site Plan applications.

Nancy Egner made a motion to approve the amended Site Plan regulations and amended Subdivision and Site Plan applications. Steve Livingston seconded the motion.

Dana Clow said the waiver option was available to any applicant. He said that was appropriate on a case-by-case basis.

The motion carried unanimously.

## **WORK MEETING**

### **Gateway Zone(s)-Matt Taylor CNHRPC**

Matt Taylor of Central NH Regional Planning Commission was present to discuss the proposed Gateway Zone. Mr. Taylor was the first Planning Director in Hillsborough.

Mr. Taylor reviewed the packet that was distributed to the Board which showed case studies of different town's Gateway Districts. (See attached).

There was discussion about Tax Increment Financing Districts (TIF) and how they could benefit a Gateway Zone.

Melinda Gehris asked Matt Taylor what the major hurdles were in establishing a Gateway Zone. Matt said the major hurdles were getting buy in from the property owners and making utilities available.

Matt Taylor said the Planning Board needs to decide what they want to see built, how it gets built and buffers around uses that are not compatible.

There was discussion about the locations of the proposed Gateway Zones and the Board decided that they would like to focus on the Route 202/Antrim Road area first.

Matt Taylor said the next steps would be finalizing the maps and deciding what the Board wants to see for specific standards of design. The Regional Planning Commission could help draft an

ordinance. The intention is to bring the Gateway Zone to Town Meeting 2023. Matt said the Planning Board needs to think about what they want the built environment to look like in the Gateway.

Melinda Gehris said she would like to see examples of what might be built in that area.

Matt Taylor said he would put some examples together for the Board to review.

### **Rules of Procedure**

The Board reviewed the latest draft of the Rules of Procedure. Robyn asked the Board to approve the draft so she could send it to Town Counsel for Review.

Robyn Payson asked the Board if they wanted to update the method in which the Rules of Procedure would be approved. Currently, the Board needs to wait for two meetings to pass before they can adopt changes. She also asked if the Board would want to require the changes be adopted after a Public Hearing.

Following discussion, the consensus of the Board was to approve future amendments to the Rules of Procedure after one Planning Board meeting and a Public Hearing.

Robyn also mentioned that she had added signature lines for all of the Planning Board members to the document.

Melinda Gehris said she had raised issues with the “Disqualification” section of the Rules of Procedure. She said that the statute was discussed at the last meeting, and the language in the statute was incomplete. She said she asked Robyn to check with Town Counsel on the issue.

Melinda pointed to the new proposed section which includes definitions and the specific list of questions to be asked when determining if someone needs to recuse themselves. She said to her, this is much clearer than what is currently there. She said they still have to abide by the statute, but this gives the Board a guideline. She said it will make the recusal process much more transparent. She said she was very comfortable with the new language.

Robyn distributed a letter from Conservation Commission Chairman Richard Head to the Board. Melinda Gehris said the Conservation Commission met the previous night, and the letter from Richard Head to the Planning Board is the result of that discussion. (See attached). Melinda said there is a statute that says a Planning Board member can also serve on the Conservation Commission. So, she could serve on both and it is not a conflict. The Conservation Commission, in light of that has written a letter that says, given that Melinda could serve on both the Planning Board and Conservation Commission, the fact that her husband is serving on the Conservation Commission and appears before the Planning Board does not appear to be a conflict of interest, and does not require her recusal every time the Conservation Commission appears before the Planning Board.

Robyn will submit the updated Rules of Procedure to Town Counsel for review. The hope is to

have the updated Rules of Procedure ready to be approved in August.

**Vote for Second Vice Chair**

Steve Livingston nominated Nancy Egner for the position of Second Vice Chairperson. Dana Clow seconded the motion. The motion carried with Nancy Egner abstaining.

**Meeting on July 6, 2022**

There was discussion about cancelling the meeting scheduled for July 6<sup>th</sup>. Dana Clow made a motion to cancel the Planning Board meeting of July 6<sup>th</sup>. Nancy Egner seconded the motion. The motion carried unanimously.

**Dark Skies**

Melinda Gehris said that the next work meeting where the Dark Skies ordinance will be discussed will likely be in August. She also said she discussed the Dark Skies ordinance with the Historic District Commission, and they were very positive about it and would like to have Adam speak to them. It was suggested that Adam bring a Dark Skies compliant lighting fixture with him when he speaks. Melinda will reach out to Adam to discuss this.

There being no further business, Nancy Egner made a motion to adjourn. Dana Clow seconded the motion.

**Meeting Adjourned 8:05 pm**

Respectfully Submitted,  
Robyn L. Payson, Planning Director

Good evening Robyn

At tonight's Conservation Commission meeting, we discussed the Planning Board's draft recusal policy and its potential impact on my ability to participate in Conservation Commission discussions and deliberations regarding matters that are before the Planning Board or are likely to come before the Planning Board. Although the recusal policy applies to Melinda in her role as a member of the Planning Board, to the extent it were to apply because Melinda and I are married, I would recuse myself from any participation in order to avoid the need for Melinda to recuse herself.

The first issue, however, is whether the draft recusal policy results prevents from me from participating in matters before the Planning Board while Melinda is on the Board. As is discussed in more detail below, when the issue is solely the fact that I am appearing before the Planning Board to represent the Conservation Commission, the consensus of the Conservation Commission is that there is no need for me to recuse myself and refrain from participating in matters involving the Planning Board.

The language of the draft recusal policy itself does not suggest that there is an inherent conflict that requires recusal simply because of my relationship with Melinda. In reaching this conclusion, the Conservation Commission reads Paragraph 2 of the questions to a potential juror to refer to the applicant or the applicant's agent, but not those who are commenting as part of a public hearing, including the Conservation Commission. It is possible it could refer to an abutter or other interested party, but it is not entirely clear as written. Even if this paragraph is intended to be read to include relationships with anyone appearing before the Planning Board, as is discussed in the next paragraph, the Conservation Commission has a unique statutory provision that would render a broader reading of paragraph 2 inapplicable.

RSA 673:7 allows one member of the Planning Board to also sit as a member of the Conservation Commission. Specifically, the statute reads as follows:

673:7 Planning Board Members Serving on Other Local Boards. –

I. Any 2 appointed or elected members of the planning board in a city or town may also serve together on any other municipal board or commission, except that no more than one appointed or elected member of the planning board shall serve on the conservation commission, the local governing body, or a local land use board as defined in RSA 672:7.

II. In counties in which there are located unincorporated towns or unorganized places, the county commissioners shall determine which members of the planning board for those towns and places, if any, may serve on other municipal boards or commissions.

Under this provision, Melinda could sit on both the Conservation Commission and Planning Board without having to recuse herself, even if the Conservation Commission is presenting its recommendation on a particular matter. Since no member of the Planning Board is currently also a member of the Conservation Commission, my appearance before the Planning Board on behalf of the Conservation Commission cannot reasonably be considered as a basis for Melinda to have to recuse herself when she herself could be a member of both bodies.

Based on tonight's discussion with the Conservation Commission and the consensus of the Commission that the policy does not apply, it is my intent to continue representing the position of the Conservation Commission before the Planning Board. If, however, as the Planning Board works through its policy, the Planning Board decides differently and believes that a recusal is required, please let me know. In that case I will recuse myself from any further involvement on matters that involve the Planning Board.

Richard