

**PLANNING BOARD**  
**27 School Street**  
**HILLSBOROUGH, NH**  
**November 2, 2022**

**TIME:** 7:00 p.m. – 8:40 p.m.

**DATE APPROVED:** 11/16/22

**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:** Kim Opperman

**Public:** Anthony Lentini, Crystal Tocci, Chantel Kelley

**Call to Order:**

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

Susanne White called the roll.

**Minutes:** 10/19/22 Nancy Egner made a motion to approve the minutes. Melinda Gehris seconded the motion. Dana Clow asked that the spelling of his name be corrected in the minutes of 10/19. The motion to approve the minutes with that correction carried with Ed Sauer and Adam Charrette abstaining.

**Application**

**Change of Use/Site Plan Review**

206 Henniker Street

Anthony Lentini, Lentini Motors LLC.

Planning Director Robyn Payson introduced the application. She said she had been working with the applicant to develop an abbreviated site plan and that the applicant was asking that it be accepted. She said the application was sufficiently complete to begin the hearing process. She said the Board needed to consider doing a site walk.

Melinda Gehris made a motion to accept the application as sufficiently complete to begin review. Ed Sauer seconded the motion. The motion carried with Ed Sauer abstaining.

Susanne White asked Mr. Lentini to present his application.

Mr. Lentini said he was looking to have a small family-owned used car lot with 15-20 cars for sale. He said he has been in car sales for the past 15 years.

Susanne White asked the Board if they had any questions.

Dana Clow asked if the applicant was intending to pave the site.

Mr. Lentini said they were going to put in “millings” which is compound asphalt. He said they

are also going to landscape the site.

Susanne White asked if there was going to be auto service on site.

Mr. Lentini said no, and that the site would be retail only.

Ed Sauer asked what the maximum number of cars that would be on the site.

Mr. Lentini said there would be 20 cars at most.

Melinda Gehris asked Mr. Lentini if he was aware that in the zoning ordinance parking spaces are required to be 10'x18'.

Mr. Lentini said he was not.

Melinda Gehris said it would be helpful to know whether he had gone out and figured out that there would be enough room to park 20 cars.

Mr. Lentini said he definitely had enough room for 15 cars. He said there was space where he was planning on for snow removal that could be used. He said if the Board wanted him to have 15 cars, he would go with that.

Melinda Gehris said that the Board wanted to know how many cars he wanted to have parked there and if they will fit into what the zoning requires.

Dana Clow said it is common in car dealerships for them to not have to comply with standard parking space standards. He said they can put a car in at 7 or 8 feet. He said it gives them the ability to optimize the area available to them. The zoning does not address this specifically but having cars as inventory is not the same as having cars parked in a parking lot. He suggested that the dimensional requirement does not apply.

Melinda Gehris said that makes sense. She said her concern is if the Board agrees to 20 cars and there isn't room, the Board would be agreeing to something that isn't possible.

Dana Clow said it would be unfortunate if the Board said 15 cars were allowed when he could have 18 or 20.

Melinda Gehris said she did not want to do that. She wanted to know how many cars could be on the site so when they make a motion and hopefully approve it, they have done it in an appropriate way so the Board is not looking at this again.

Susanne White said there were 17 spaces for cars and 4 spaces allotted or customers shown on the plan. She asked Mr. Lentini if he was comfortable with 17 cars.

Mr. Lentini said he was.

Nancy Egner said it would be a good idea to do a site walk.

Dana Clow asked if the Mobile Home Park was part of Mr. Lentini's lease area.

Mr. Lentini described his lease area.

Ed Sauer asked about lighting and signage.

Mr. Lentini said he would be installing some lighting that would be downward facing and full cutoff.

Susanne White opened the Public Hearing.

Richard Head, Chairman of the Conservation Commission said they didn't have any comments on the plan, but they would be interested in attending a site visit. He said they were unsure if there was going to be any car storage or paving behind the building because there might be wetlands.

The Board decided to walk the site on Saturday, November 5<sup>th</sup> at 8:00am.

Melinda Gehris made a motion to continue the application to the meeting of November 16<sup>th</sup>. Nany Egner seconded the motion. The motion carried unanimously.

Susanne White closed the public hearing.

## **WORK MEETING**

### **Zoning Amendments**

Robyn Payson reviewed the proposed Zoning Amendments (See attached) She said that when reviewing the proposed new uses, the Board should consider whether or not they should be allowed in the Gateway Zone.

The Board discussed the proposed changes.

Proposed definitions now include "Commercial Hydroponics Facility" to be allowed in the Central Business District.

Robyn Payson discussed proposed change number 4 which is to section **229-21 Dimensional Standards**. Robyn Payson said this is a provision that she and Code Enforcement Officer Mike Borden had been interpreting incorrectly. Their interpretation was that only the construction of a single-family home was grandfathered on a lot that was created before March 8, 1977. That was not correct. A duplex could be constructed, and if an individual wanted to put any other size dwelling that required a Special Exception, Lot Area and Frontage could not be taken into consideration. However, Setbacks and the Lot Coverage percentage would apply. She asked the Board if they would be interested in amending the section to state that only a Single-Family home would be grandfathered.

Following discussion, the Board decided to not move forward with that change.

Adam Charrette wanted to discuss proposed change number 2 which deals with the reduction of the minimum square footage requirement for apartments in the Central Business District. He said the note as it is written only addresses apartments at street level.

Robyn Payson said she would separate the current Note number 2 and create a new Note number 3 to separate the proposed square footage reduction for apartments from the Special Exception requirement for residential dwellings at street level in the Central Business District.

There was a brief discussion about amending the definition of Light Industry.

Robyn Payson discussed proposed change number 7 is to decrease the number of years a building permit was active from two years to one year. State building code allows building permits to be active for 1 year. State Building Code preempts Town Code so regardless of what the zoning ordinance states, building permits are only good for 1 year. This change is a housekeeping article that clears up the discrepancy in the zoning.

Robyn Payson discussed the article that would add Conditional Use permit requirements as a standalone section in the Zoning. This would give the Planning Board the ability to change some of the uses that require Special Exceptions to Conditional Use Permits. The Board would then be able to approve/deny some uses rather than sending applicants for an additional hearing with the ZBA.

Following discussion, Dana Clow will work on the conditions with Robyn Payson.

There was discussion about the Town Meeting public hearing timeline.

Dark Skies will be on the ballot for Town Meeting 2023.

### **Gateway Zone**

There was discussion about the uses that could be or are allowed in the Gateway Zone. Uses that were added by Conditional Use Permit were Bed and Breakfast, Cluster Development, Two Family Dwellings, Industry, Agriculture, Animal Shelter, and Boarding Kennel. Additional uses from those to be proposed at the upcoming Town Meeting were Entertainment Establishment, Entertainment-Live, Event Venue, Manufacturing, Pet Grooming, and Commercial Hydroponics Facility.

There was discussion about the Floor Area Ratio and Kim Opperman would be gathering information about other options.

Robyn Payson suggested a Special Meeting on November 30, to meet with the owners of property in the proposed Gateway Zone and the Conservation Commission, The North Branch River Association, Economic Development Commission, Water/Sewer Commission, and Board of Selectmen.

There was discussion about whether to move forward with the Gateway Zone this year. There was concern about doing anything that would take the focus away from Dark Skies.

Robyn said she had spoken with Matt Taylor and if the Board was not comfortable moving forward this year, it could be postponed until next year when a TIF can also be proposed.

Following discussion, the Board decided to hold an extra meeting on the Gateway Zone on November 30, 2022 at 7:00pm at the Hillsborough Deering High School.

There being no other business Nany Egner made a motion to adjourn. Jim Bailey seconded the motion.

### **Meeting Adjourned 8:40 pm**

Respectfully Submitted,  
Robyn L. Payson, Planning Director

## **Proposed Zoning Amendments 2023**

### **1. Definitions and Permissions to be Added to the Zoning Ordinance**

**Construction Services:** Any of the activities commonly referred to as construction and shall include without limiting thereby, building, plumbing, heating, roofing, interior remodeling, excavating.

Permitted in Commercial Zone, by Special Exception in Rural

**Contractor's Storage Yard:** An area of outdoor open storage for materials used for construction and for construction equipment. The materials and equipment are typically employed in the course of the contractor's business or may be available for sale or rent.

Permitted in Commercial Zone, by Special Exception in Rural

**Entertainment Establishment-**Any establishment (indoors or outdoors) where entertainment, either passive or active, is provided for the pleasure of the patrons, either independent or in conjunction with any other use. Such entertainment includes but is not limited to vocal and instrumental music, dancing, karaoke, comedy, and acting. This does not include any of the uses defined in Article XI Sexually Oriented Businesses.

Permitted in Commercial Zone and in Central Business District

**Entertainment-Live-**A musical, theatrical, dance, cabaret, or comedy act performed by one or more persons. Live Entertainment does not include any of the uses defined in Article XI Sexually Oriented Businesses.

Permitted in Commercial Zone and in Central Business District

**Event Venue:** A commercial site that accommodates the gathering of groups and/or individuals to host recurrent events such as wedding(s), business meeting(s), or any other commercial events. Such events are allowed to be conducted indoors or outdoors with accessory buildings or structures that are ancillary uses.

Permitted in the Commercial Zone, Central Business District, by Special Exception in the Rural Zone

**Manufacturing-**The commercial, mechanical, or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, and resins.

Permitted in Commercial Zone

**Pet Grooming** The grooming of a domestic animal, including bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming but shall exclude veterinary services, breeding, boarding, and overnight accommodation.

Permitted in Commercial Zone, Central Business District, Rural, by Special Exception in Residential.

**Commercial Hydroponics Facility-**A commercial facility that houses the cultivation of plants by placing the roots in liquid nutrient solutions rather than in soil. This definition will not limit the use of hydroponics conducted on a farm or agricultural operation as defined in RSA 21:34-a II

Permitted in Commercial

**2. Amend Table 4 Chart of Uses, Residential Uses Notes #2**

(2) Dwellings at street level require a Special Exception. Minimum floor area of any dwelling unit shall be ~~600 square feet~~ **300 square feet for a one-bedroom dwelling unit. Units two bedrooms or more require an additional 120 sq ft per bedroom.**

**3. Amendments to Solar Ordinance**

Add “Residential Solar Energy Systems” (Permitted in all zones) and Commercial Solar Collection Systems (Commercial, Rural) to Table 4 Chart of Uses

**4. Amend Dimensional Standards**

**§229-21 Dimensional Standards**

Tables 1, 2 and 3 shall govern lot area, frontage, setbacks, coverage and building height in the Town of Hillsborough. Setbacks shall be measured from the edge of the public or private right of way. Lots in existence prior to March 8, 1977, and newer lots created by the voluntary merger (pursuant to RSA 674:39-a) of lots, all of which were in existence prior to March 8, 1977, shall be exempt from the provisions of Tables 1 and 2 **for single family dwelling use only.**

**5. Amend the definition of Light Industry**

**LIGHT INDUSTRY--** An activity primarily concerned with the enclosed manufacturing, processing or warehousing of goods that ~~employs no more than 30 persons,~~ **uses clean, quiet processes** and that causes no traffic congestion, undue noise, vibration, odor or other nuisance **outside the enclosed building,** and poses no hazard to public health or safety.

**6. Conditional Use Permits**

**229-23 Conditional Use Permits** - Pursuant to RSA 674:21, the Planning Board is authorized to issue Conditional Use Permits for certain uses specifically set forth in the Zoning Ordinance Table 4 Chart of Uses identified as uses allowed as a Conditional Use (C). In reviewing such applications, the Planning Board shall ensure that the following criteria are met:

1. The purpose and intent of the Zoning Ordinance will be upheld.
2. The proposed development will be consistent with the goals, policies, and recommendations of the Hillsborough Master Plan.
3. The proposed development will not have an unreasonable adverse impact upon adjacent property, the character of the neighborhood, traffic conditions, or utility facilities.
4. The proposed development will not create public health or safety hazards.
5. The proposed development will not cause an unreasonable diminution in area property values.

6. The proposed development complies with all provisions of the Hillsborough Zoning Ordinance, Subdivision and Site Plan Regulations.

**7. Amendment to Article IX Administration and Enforcement 229-59 Building Permits, H**

- H. A building permit for a building, structure, alteration, or proposed land use or otherwise shall become void if the work is not substantially started and completed with all reasonable due diligence within ~~2 years~~ **1 year**. For new buildings, the commencement of work shall be considered to be the completion of the foundation.

State Building code states building permits are only valid for one year. State Building Code preempts local zoning, so this change is to clear up the discrepancy.