

HILLSBOROUGH PLANNING BOARD

March 6, 2013

Approved Meeting Minutes

Present:

Members: Herm Wiegelman (Chair), Martha Caron (Vice Chair), Dave Fullerton, Larry Baker, Ann Poole, Bob Eckberg (Alternate)

Staff: Robyn Payson, Planning Director; John P. Segedy, Recording Secretary

Denise DeForest, Bill Clohessy, Edward Tasker, Ed Chamberlain

CALL TO ORDER

The meeting was called to order at 7:01 pm by Herm Wiegelman, Chair.

A packet of information regarding agenda items was provided to Board members by Robyn Payson, Planning Director.

Bob Eckberg was appointed to vote in place of Ken Stafford, Sr.

MINUTES

February 20, 2013

A couple of corrections were noted.

Dave Fullerton moved: *To approve the minutes of February 20, 2013 as amended.*

Martha Caron seconded. Motion passed 4-0-2 (Ann Poole and Bob Eckberg abstained).

PUBLIC HEARING

Site Plan Review – Master Site Plan

Saxon Partners – Michael Black, Antrim Road (M 11D, L 298; M 11H, L 305 & 306; M 11L, L 311 & 327)

Chair Wiegelman opened the Public Hearing at 7:04 pm. He noted that the applicant had requested to continue the hearing until the next meeting. He said that the attorneys were still working out the development agreement.

Bob Eckberg moved: *To continue the Public Hearing until March 20, 2013 at 7:00 pm.*

Larry Baker expressed concern about repeated continuances and how that affects public participation. He said that people that want to participate in the hearing have to keep coming back noting someone had just left.

Martha Caron suggested that maybe they could go to April 3, 2013 so there would be enough time to be ready.

Herm Wiegelman said he was inclined to agree with giving more time as opposed to a possible further continuance.

Martha Caron said she also wanted to make sure that the paperwork is available a week before the meeting so that board members have time to review it. She wondered if a week before April 3rd would be enough time.

Robyn Payson said she should have it for the third.

There was further discussion about the possibility of April 3rd or April 17th as the date.

Bob Eckberg revised his motion: *To continue the Public Hearing until April 17, 2013 at 7:00 pm.*
Martha Caron seconded. Motion passed 6-0.

Martha Caron asked that Robyn Payson notify the attorneys that the deadline is April 8, 2013 to get paperwork to the Board.

Larry Baker asked if perhaps they should re-notice the hearing because of the delays. The Board discussed noticing. Consensus of the Board was that although not required, they would notice the hearing continuance on April 17, 2013.

Dave Fullerton made note that before the next meeting the Selectboard may make their appointment of their representative to the Planning Board and it might not be himself.

Martha Caron said she thought it might be better to keep the same person for continuity.

Martha Caron moved: *To recommend to the Selectboard that they reappoint Dave Fullerton as their representative to the Planning Board.*

Bob Eckberg seconded. Motion passed 5-0-1 (Dave Fullerton abstained).

PLANNING DIRECTOR UPDATE

a) Safe Routes to School

Robyn Payson notified the Board that a Safe Routes to School meeting was scheduled for Monday March 11, 2013 at 10 am at the Police Station. She noted that the contractor was hoping to begin work in a week or two depending on the weather.

b) Meeting Recordings

Robyn Payson said she thought that the meeting recordings should be gotten rid of after the official minutes were approved. She said her concern was that they are a public record and if there was a lawsuit any discrepancy between the recording and the minutes could be a problem.

Larry Baker said he had been a proponent of the recordings, but that he thought that keeping them for 30 days after approval would be ok.

Martha Caron said she wanted to offer another opinion that not having them could be a legal risk if there was litigation they wouldn't have them to fill in the Boards reasoning.

Ann Poole said she agreed that once the official minutes are approved, there was no need for other records. She said the minutes should have the Boards reasoning in them.

Larry Baker said he thought that the town Boards should be consistent.

Robyn Payson said they needed to have a policy either way.

Herm Wiegelman said that he sees the purpose of the recordings is to ensure the minutes are correct so once they are approved he was inclined toward disposing of the recordings.

John Segedy said that they should consider that once the recordings are posted to the web they have to assume copies will exist and they might want to keep a copy if they are going to be out there. He also suggested that if they do decide to destroy them, they should get legal advice from the town attorney.

c) Local Government Center (LGC) Bulletin

Robyn Payson shared a copy of the recent bulletin with the Board. She noted that bills being considered by the Legislature include SB49 – regarding exhaustion of local appeals before going to court, and HB286 – regarding allowing municipalities to issue bonds for broadband infrastructure.

d) Broadband Presentation

Robyn Payson said that the May 1st meeting will be a joint meeting with the Economic Development Council at the Police Station at 7:00 pm, for the purpose of a presentation about Broadband.

Dave Fullerton said he didn't want the town to get in the middle of the dispute between TDS and Comcast.

Robyn Payson said this presentation was just providing information.

Herm Wiegelman asked if there were any areas in town that don't have DSL.

Robyn Payson said she wasn't sure but she thought all or most of the town was covered.

e) Traffic Counts

Robyn Payson informed the Board she had received information about traffic counts to be provided this year and wasn't sure how that was usually handled.

Chair Wiegelman explained that the Board usually made requests and then passed it on to the Selectboard.

After brief discussion, consensus was to put it on the agenda for the next meeting.

f) Zoning

Robyn Payson noted there had been some confusion regarding the discussion of Zoning and re-codification at the last meeting. She said if they were going to do a re-codification that would have to go to the Selectboard.

Martha Caron said she was confused as that seemed to be what was referred to discussing what had been done and proposed the year before.

Herm Wiegelman said he was concerned where this was coming from,

Consensus of the Board was to table until the next meeting when Kelly Dearborn-Luce can be present.

g) Master Plan

Herm Wiegelman said that he wanted to wait until after the elections to get started on this.

Robyn Payson said she had done some research and an amendment was adopted to the Plan adopting the Emerald Lake section a few years ago.

Martha Caron said that the issue was that the Emerald Lake Village District (ELVD) now had its own Planning Board which she understands will be doing their own Master Plan.

Ann Poole said she sees the question is of which will supersede the other.

Robyn Payson said she had asked about this issue to the LGC and she read the response:

"Dear Ms. Payson,

I would refer you to RSA 675:3, VI. A village district ordinarily does not have the power to enact a zoning ordinance. However, in certain situations the legislature has provided a village district with that power. I believe that is the case with the Emerald Lake District, but the specific act of the Legislature should be checked to be sure.

Assuming that they have the power to zone, the Planning Board for the Town does not have the authority to enact an ordinance that supersedes the district ordinance. If the Town ordinance does not apply in the district, neither would the Town's Master Plan.

A master plan is just that, a plan. It is not binding on the board when it adjudicates an application for subdivision or site review, but should guide the board in all of its adjudications. See RSA 674:1-4. It is not enacted by the voters, it is created by and for the planning board. This plan needs to address the Emerald Lake District because other town lands about the area and town services are provided all around it and perhaps into the district itself. If there is something in the district master plan that is causing difficulty with the town master plan, the two planning boards should meet to resolve the concerns and bring the two plans into agreement to the extent possible. The district master plan need not be incorporated into the town's plan any more than the master plan of a neighboring municipality need be incorporated. However, the text of the plan is important information to guide both boards to develop a better product.

HILLSBOROUGH PLANNING BOARD

Approved Minutes – March 6, 2013

*Sincerely,
Paul G. Sanderson, Esq.,
Staff Attorney
NH Municipal Association*

Herm Wiegelman said they would create a committee at the first meeting after the election and they can address the matter.

Martha Caron said she hopes the Committee will provide reports to the Planning Board to keep it informed.

Bob Eckberg informed the Board that there was a manual in the library with data accumulated by the state when doing the bypass which may prove helpful to the committee.

h) Alternates

Ann Poole said she had talked to Trim Hahn who was interested in being an alternate.
Herm Wiegelman suggested she invite her to the next meeting.

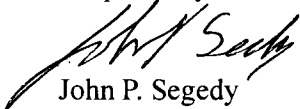
Herm Wiegelman noted that former member and alternate Fred Murphy had recently passed away.

Adjournment

Larry Baker moved: *To adjourn.*

Dave Fullerton. seconded. Motion passed 6-0 at 8:14 PM.

Respectfully Submitted:



John P. Segedy
Recording Secretary
Approved March 20, 2013