

**PLANNING BOARD  
27 School St.  
HILLSBOROUGH, NH  
November 6, 2013**

**DATE** November 6, 2013

**DATE APPROVED** 11/20/13

**TIME:** 7:00-8:45

**VICE CHAIR:** Martha Caron

**MEMBERS:** Dave Fullerton, Larry Baker, Denise Deforest

**EX-OFFICIO:** David Fullerton

**PLANNING DIRECTOR:** Absent

**ALTERNATES PRESENT:** Bill Clohessy, John Penny

**ALTERNATES APPOINTED:** John Penny for Herm Weigleman and Bill Clohessy, for Ann Poole

**EXCUSED:** Alan Urquhart is excused from attending due to medical issues

Ann Poole is excused

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**Members of the Public:** John Segedy, Leigh Bosse, Sean Burt

**CALL TO ORDER**

The meeting was called to order at 7:00 pm by Martha Caron, Chair.

Packets of information were provided to Board members by Planning Director Robyn Payson. Robyn was absent because she was attending the New Hampshire Municipal Conference.

**Appointment of Alternate(s)**

John Penny for Herm Weigleman and Bill Clohessy, for Ann Poole

**OLD BUSINESS**

**Approval of Minutes**

Meeting of October 16, 2013

The Planning Board was given two versions of the minutes of the October 16<sup>th</sup> meeting. One version was written by John Segedy and the other by Planning Director Robyn Payson to demonstrate the new format for the minutes she was proposing.

Following discussion, Denise Deforest made a motion to approve the minutes submitted by Planning Director Robyn Payson and adopt the new format. Larry Baker seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**Public Hearing**

**Zoning Amendment Proposals for Town Meeting 2014**

**Quoting RSA**

Martha Caron asked that the Planning Board reconsider its decision to include the entire text of the RSA's (Revised Statutes Annotated) in the Zoning Ordinance. She had two major concerns.

1. There would have to be a considerable amount of staff time devoted to tracking changes to

RSA's and making sure all changes were captured and no errors were made capturing them.

2. Every change in text to the RSA's would have to go before the voters every year at town meeting.

Larry Baker said he was fully in support of citing the RSA in the Zoning Ordinance.

John Segedy said citing RSA's would allow the State Legislature to make changes to the Zoning Ordinance without town vote.

Martha Caron explained "Preemption" which is when state law is in conflict with local ordinance, state law takes precedence.

Dave Fullerton said the intent of including the text was to assist the public in understanding the RSA's.

Martha said she felt there were other ways the Planning Board and the Planning Department could help the public

Bill Clohessy asked if it would be necessary to note in the Zoning Ordinance that the most current RSA's would be referenced.

Martha Caron said whenever the RSA is referred to it would have to be the current version of the RSA.

Martha Caron made the following motion:

Instead of quoting the RSA's in the proposed Zoning Ordinance, to go back to what was done previously ensuring that the reference to an RSA is a reference to an RSA that is intended to be current and consistent with state law.

Larry Baker seconded the motion. The motion carried 5-1 with David Fullerton voting No.

## **Use Definitions**

### **Savings Clause**

Martha presented the "Savings Clause" which is intended to address any concerns about similar uses being excluded.

" Any use not specifically enumerated herein, which is substantially similar to a described use, and which is not inconsistent with the purpose statement of the zoning district in which it is proposed to be located, may be approved for an existing classification by Planning."

Larry Baker said he liked the "Savings Clause" because it solves an issue that has been debated.

John Segedy asked for classification of the term "Planning" in the "Savings Clause"

Planning Director to first vet the application and use sound discretion but if reasonable minds could differ on whether the use is allowed, a proposed use not specifically enumerated could be referred to the Board for decision.

Bill Clohessey made a motion to approve the "Savings Clause" and include it in the Zoning Ordinance.

Larry Baker seconded the motion. The motion carried unanimously.

### **Definition of Commercial Use**

**COMMERCIAL USE--** A commercial use is one which is undertaken for a business purpose, rather than hobby, recreational, educational, or other purposes. Such uses are usually attributed to a for-profit entity, rather than an individual, university or other educational institutions, or non-profit organizations (such as public libraries, charities, and other organizations created for the promotion of social welfare).

Larry made a motion to add the definition of “Commercial Use” to the Zoning Ordinance. Bill Clohessy seconded the motion. The motion carried unanimously.

**Definitions of Uses on Chart--**Robyn was asked to make sure all of the uses on the charts were defined. They were.

**The word “chattel”** The word “chattel” from the definition of “Building”

### **Fireworks Factory**

Denise Deforest asked about zoning Fireworks factories or explosives.

Larry Baker said this was a much larger discussion

### **Presentation of Zoning Changes**

Martha described the “Rescind and Replace” method of amending the Zoning.

### **Education**

The Planning Board discussed methods of educating the public about the proposed Zoning Changes for the upcoming Town Meeting in 2014. Martha made the following recommendations.

1. A one page mailing
2. At least two educational meetings
3. Posters and banners making information available

Larry Baker thought that those were great ideas.

The Board endorsed methods of public education and dissemination for the proposed zoning ordinance prior to Town meeting, including a one page mailer, at least two one hour public presentations, articles in the local papers, and consideration of posters or banners. Dave Fullerton also suggested a 15 minute version introduction as a tag-on to town wide upcoming events when a larger turnout may be expected.

### **WORK MEETING**

#### **Budget**

The idea of the budget was discussed. There is confusion about what budgets are now combined and under control of the Planning Director, with perhaps the idea that there could be a combined allocation for consultation and forward planning.

There was also discussion about the Planning Director position. Leigh Bosse strongly endorsed the fulltime position request which the Board wants. Dave Fullerton indicated the Selectmen were not prepared to do that. There was discussion about the fact that enforcement protocols remain unclear and

an added burden. It was requested that Dave Fullerton bring to the next meeting a clarification of who is responsible for handling compliance and enforcement issues and how a complaint is to be handled.

It was discussed and endorsed that Robyn is directed to prepare as comprehensive a report as possible about the planning activities undertaken in 2013 and the anticipated activities and responsibilities for 2014 to accompany a budget recommendation from the Planning Board requesting a fulltime position. It is anticipated that perhaps the business community may want to weigh in on such a request before the Selectmen.

## **Staff**

### **Alternates**

Denise DeForest made a motion to defer appointment of the last alternate position until reconsideration of the need for a fifth alternate and to have alternate positions posted in future. John Penney seconded the motion. The motion carried with which carried with 4 in favor, Larry Baker voting No and Dave Fullerton abstaining.

Larry Baker voting against because he felt we owed John Segedy an up and down vote on his request to be appointed. John Segedy commented that he felt this action was personal.

The Board requested that Robyn provide by the next meeting, a current census of board members and alternates with terms and expiration dates. The Board was uncertain whether Rachel was still an alternate and/or just how many alternate positions may also be vacant as of next year. It was also felt that with posting there should be better communication on what is expected of alternates and perhaps a written policy with respect to alternates, and no more ad hoc appointment as in the past nor automatic appointment of anyone making a request to become an alternate.

## **OTHER BUSINESS**

### **Forward Planning and Business Development**

There was general consensus (indeed enthusiasm) that the Board should engage in forward planning with an emphasis on a small defined segment (nucleus) of the downtown district along Main Street. I made a general presentation on the need for visioning and defining particulars beyond the general scope of the Master Plan Committee. Everyone agreed that the economy was improving, Tooky's reports a 20% increase this year, and the feeling was that Hillsborough needs to step up now and be proactive about business development. There are scattered community groups now purportedly engaged in business development such as the EDC, Hillsborough Pride, etc but it was generally thought that the Planning Board should lead an affirmative effort to combine resources and get something implemented in 2014, as if we had a targeted redevelopment area, including fact finding. Lack of a cohesive parking alternative for that area is critical to many business owners according to public comment. In addition, we need to do something to get foot traffic in that area and keep empty and underutilized storefronts attractive and if possible, in use.

The Board requested that with the proposed zoning ordinance in hand, we should devote at least one full planning meeting, over and above any applicant processing that might be on the agenda, to full discussion of the Board's responsibilities and commitment to accomplishing something concrete in the downtown business district in 2014.

**Tooky Mills Owner**

Sean Burt owner of Tooky Mills Pub at 9 Depot St. was present to express concern about the new Pub that will be occupying 5 Depot St. He was told that this is not a change of use so the Planning Board did not have any review of the new business, and Mr. Burt was referred to the Town Administrator for enforcement issues.

**Adjournment**

**Denise Deforest made a motion: *To adjourn.***

**John Penny seconded. Motion passed 7-0.**

**Meeting Adjourned 8:50pm**

Respectfully Submitted:

Robyn L. Payson  
Planning Director

Martha Caron  
Planning Board Vice Chair

*Dear Herm,*

*I write to formally express my interest in being appointed as an alternate member of the Hillsborough Planning Board. As you know I obviously am well aware of the duties being a Board member entails, and look forward to applying my experiences and knowledge to helping the Board in it's important work for the town and it's residents.*

*Respectfully, John P. Segedy*