

HILLSBOROUGH PLANNING BOARD

February 1, 2012
Official Meeting Minutes

Present:

Members: Herm Wiegelman (Chair), Ken Stafford, Sr., Russ Galpin, Ann Poole, Bob Eckberg (Alternate)

Shane O'Keefe, Planning Director
John P. Segedy, Recording Secretary

John & Marianne Hammond, Michelle Dagesse, Mike Black, Wayne Morrill, Kevin McCauley, Peter Mellen

CALL TO ORDER

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

Shane O'Keefe, Planning Director had provided a staff memo to the Board regarding the meeting's agenda items as part of a packet of information to the Board..

DESIGNATION OF ALTERNATE MEMBERS

Bob Eckberg was designated to vote for Martha Caron.

MINUTES

January 18, 2012

Russ Galpin moved: *To approve the minutes of January 18, 2012 as presented.*

Bob Eckberg seconded. Motion passed 3-0-2 (Ann Poole and Ken Stafford, Sr. abstained).

NEW BUSINESS

1. PETER COLBATH – Consider request for Exemption from Site Plan Review. 174 Henniker Street (Map 12, Lot 71). Case No 12-002.

Peter Colbath explained his proposal to sell used automobiles from his property. He said that he now planned to close off the second entrance (west) to the property.

Shane O'Keefe pointed out that Billy Goss, Town Highway Foreman had requested that a swale be added by the closed entrance.

There was discussion of the swale directing water to a ditch and a culvert that is under the east entrance.

Peter Colbath said that he understood that Billy Goss wanted the swale if he was not closing off the entrance but that he had decided to close it.

After further discussion consensus of the Board was that the swale was intended in addition to closing the entrance.

Ann Poole asked about the number of spaces for cars and questioned whether the requested 26 could fit. She said that it was hard to tell because the sketch wasn't to scale.

There was discussion of the spaces.

Bob Eckberg moved: *To approve the applicant's request for exemption from site plan review related to the proposed change of use to a vehicle sales establishment, all in conformance with the application materials submitted, and subject to the following conditions:*

- 1. That a revised sketch plan shall be submitted to the Board within 12 days that is sufficient to determine compliance with stated criteria and conditions.*
- 2. That a new swale on the westerly frontage of the property shall be installed to the satisfaction of the Town Highway Department prior to use of the property for its intended use.*
- 3. That display vehicles shall not be located on undesignated areas, or located on elevated display ramps.*
- 4. That outdoor storage of materials other than display vehicles is not permitted.*
- 5. That no new outdoor lighting is authorized under this approval.*
- 6. That this change of use shall become null and void if all conditions and site improvements approved herein are not completed by May 1, 2012 to the satisfaction of the Hillsborough Building/Code/Health Official.*

Ken Stafford, Sr. seconded.

Ann Poole said that she was still concerned about fitting 20 cars for display on the lot.

Herm Wiegelman said that the market will control the number of vehicles but that it probably wouldn't be as many as the applicant had asked for. He said he thought the Board should let the market control the number.

Ann Poole said that this approval will run with the property so it isn't just what the applicant will do.

Herm Wiegelman said he is fine with the proposal.

Ken Stafford, Sr. said that he agreed with allowing it. He said he did think the drainage should be dealt with.

Motion passed 5-0.

Shane O'Keefe said that the revised sketch plan was due within 12 days so he will present it to the Board at it's next meeting.

2. MICHELLE DAGESSE/ANTHONY MONTEIRO & KATHERINE BIGWOOD – Consider request for Exemption from Site Plan Review. 500 West Main Street (Map 11F, Lot 228). Case No 12-003.

There was a brief discussion of where the building was located. O'Keefe distributed an aerial photo of the site.

Shane O'Keefe said that for this property it was in his opinion appropriate to approve it for any retail sales or office use.

Ann Poole moved: *To approve the applicant's request for exemption from site plan review related to the proposed change of use to retail store, and further to allow any combination of office and retail uses within the existing building, all in conformance with the application materials submitted, and subject to the following conditions:*

- 1. That no new outdoor lighting is authorized under this approval.*
- 2. That outdoor storage of materials is not permitted.*

Ken Stafford, Sr. seconded. Motion passed 5-0

PUBLIC INPUT/ BUSINESS**1. PUBLIC HEARING - PETER MELLEN/KEVIN McCAULEY – Lot Line Adjustment and minor subdivision. 31, 53 & 55 Carr Road (Map 1, Lots 21 & 27). Case No. 12-001.**

Chair Wiegelman opened the Public Hearing at 7:30 pm.

Herm Wiegelman noted that the Board needed to rule on the requested waivers before they dealt with the application. He asked Peter Mellon to explain his waiver requests.

Peter Mellen referred to his letter describing the requested waivers and said the first one was waiver of two-foot contours for Lot 27. He said that it would be easier to understand the waiver requests if he described the project first.

Peter Mellen described the project as a combined lot line adjustment and subdivision creating two additional lots. He pointed out on the submitted plans where the lots were and the acreage of each. Peter Mellen pointed out Carr Road on the plans and explained that it would be a private road, referring to an agreement for its maintenance that was included in the application.

Kevin McCauley said he had been to the Board before and since then has done a lot of work on the road and bridges to alleviate concerns that the Board had expressed at that time. He explained that the bridges had been engineered and he rebuilt them.

Peter Mellen provided photographs of the property which he described for the Board.

Peter Mellen said that turning back to the waiver requests, the third sheet in the plans shows the topographic delineation and contours for the subdivided lots. He said the waiver request(s) (1&2) were for the large (100+ acre) lot that is undeveloped.

Bob Eckberg asked if the contours had been provided for the other lots.

Peter Mellen answered yes.

Peter Mellen described the third waiver as being for the scale of the first sheet of the plan to be 1:200 instead of 1:100, the fourth waiver for the road length and the last to waive the pavement requirement.

Bob Eckberg asked what the width of the road was.

Kevin McCauley said the bridges were 22 feet wide and the rest of the road about 30 feet in width.

Peter Mellen referred to the last three paragraphs (a-c) as the reasons for not requiring the road be paved.

Bob Eckberg asked what sized truck could go on the bridges.

Kevin McCauley said it was an H-20-rated bridge.

Ken Stafford, Sr. said that would allow tractor trailers to cross it with no problems.

Herm Wiegelman asked if the Fire Department had any comments.

Shane O'Keefe said they had indicated no issues with the project.

Herm Wiegelman noted that the Board had granted waivers for roads up to 1,500 feet long. He said he had no problem granting the waivers.

Ann Poole said she was alright with the road waivers but thought that the topographic contours should be provided.

Bob Eckberg said he didn't think they needed the contours on the lot that wasn't being developed. There was discussion of possibly conditioning future development of the lot on providing the contours, and how that could be done.

Shane O'Keefe provided a letter from Attorney Scott Hogan for abutter Ben Granatek that had been submitted. The Board members reviewed the letter.

There was a brief discussion of the concerns.

Herm Wiegelman said he didn't see anything in the letter that changes his view on the waivers.

Ann Poole she also saw nothing changing her view that the contours should be required because if the subdivision is approved it runs with the land.

John Segedy speaking as a neighbor said that the objecting abutter was someone who seems to complain about everything and his objections should be recognized in that light. He said that he supports the waivers as well as the subdivision. He said that requiring the contours on the large lot would accomplish nothing as it is obvious that there are numerous suitable building possibilities for such a large lot and that even if one location was surveyed for the purpose of satisfying this regulation, there was nothing mandating that any eventual building had to take place in that spot anyway.

Ann Poole moved: *To grant waivers from the following provisions of the Subdivision Regulations as strict conformity would pose an unnecessary hardship to the applicant and such waivers would not be contrary to the spirit and intent of these regulations:*

- 1. *For Lot 27 only - 201-5, C. Submission Requirement (Sheet size) -- The plat shall be prepared at a scale no smaller than 100 feet per inch, unless otherwise permitted by the Board. Page one is permitted to be shown at a scale of 200 feet per inch.***
- 2. *For entire application - 201-6, D. Street Design Standard (1) and Appendix A, Section II.D -- Paving requirement for Carr Road, a private road.***
- 3. *201-6, D. Street Design Standard (8) Permanent cul-de-sac streets shall not exceed 1,000 feet in length.***

Ken Stafford, Sr. seconded. Motion passed 4-0-1 (Russ Galpin abstained).

Ann Poole moved: *To accept the application as submitted to be complete.*

Ken Stafford, Sr. seconded. Motion passed 5-0.

Shane O'Keefe noted that the Board had accepted the application without having approved two of the waivers.

Ann Poole moved: *To accept the application as complete subject to submission of information in waiver requests 1 & 2.*

No second.

John Segedy as a point of order said that if the Board rescinded its acceptance then they could provide the applicant with a vote on his other waiver requests which he hadn't yet received.

Shane O'Keefe said that the applicant requested and deserves a vote on his requests.

Herm Wiegelman moved: *To rescind the Boards acceptance of the application as complete.*
Ken Stafford, Sr. seconded. Motion passed 4-0-1 (Ann Poole abstained).

Ken Stafford, Sr. moved: *To grant waivers from the following provisions of the Subdivision Regulations as strict conformity would pose an unnecessary hardship to the applicant and such waivers would not be contrary to the spirit and intent of these regulations:*

For Lot 27 only

1. 201-5, B. Submission Requirement (23) -- Topographic survey, with a minimum contour interval of two feet, showing the buildable area in accordance with § 201-3B, together with a fifty-foot wide access route from the building site to an existing Class V or better highway.

2. 201-5, B. Submission Requirement (26) -- Topographic survey, with a minimum contour interval of 20 feet.

Bob Eckberg seconded. Motion passed 4-1 (Ann Poole voted no.)

Ken Stafford, Sr. moved: *To accept the application as submitted to be complete.*
Ann Poole seconded. Motion passed 5-0.

Chair Wiegelman opened the Public Hearing at 8:18 pm.

Peter Mellen said he had already pretty much described the proposal but if the Board had any further questions he would be glad to answer them.

Shane O'Keefe asked if one of the units was a duplex.

Kevin McCauley answered that two of the houses were duplexes and one was a single family.

Herm Wiegelman asked if they each had approved septic systems.

Peter answered yes. He noted that one was pending final operational approval. He noted a letter from DES to Chair Wiegelman that they were awaiting for the subdivision approval before issuing the final approval.

Chair Wiegelman asked if any members of the public wanted to speak.

John Segedy speaking as a neighbor spoke in favor of the proposal. He said that the proposal was a very reasonable one. John Segedy said that Kevin McCauley has done a lot of work upgrading the road and bridges at considerable expense and has jumped through numerous hoops for the Board. He also said that Kevin McCauley was a good neighbor allowing the neighborhood residents access to a swimming hole in the summer. He urged the Board to approve the proposal.

Herm Wiegelman noted that the road was greatly improved.

Shane O'Keefe said that he hadn't had a chance to research the issue of the private road and whether any formal dedication was necessary. He recommended that they should get advice from the Town's attorney and should continue the hearing to do so.

Ann Poole moved: *To authorize the Planning Director to obtain a legal recommendation regarding the road at the applicant's expense in advance, and to continue the Public Hearing until February 15, 2012 at 7:15 pm.*

Bob Eckberg seconded. Motion passed 4-1 (Ken Stafford, Sr. voted no).

NEW BUSINESS

1. Discuss conceptual master plan process with developer of Weatherstone Crossing.

Mike Black addressed the Board saying that he wanted to seek a Master approval for the site. He said that he has an option on the property.

Mike Black's engineer, Wayne Morrill, explained that the proposal would be similar to a procedure they used for a project in Epping, NH. He said they would be looking for Master Site Plan approval with a maximum square footage for the buildings. There would also be a number of waivers that they might need to seek which would be included on the Master Plan. Wayne Morrill said that in the Epping property, once they had the Master Plan approval, they got Market Basket on board and were able to come back to the Planning Board with plans and get the rest of the approvals. He said that like the Epping project, this project will need one large tenant in order to move forward, and they believe that having the Master Plan approval will make that easier.

Mike Black said that they had done some traffic work and had discussions with DOT already.

Shane O'Keefe asked if there would be any off-site traffic-related improvements.

Mike Black said that there would be a traffic light on Rt. 202 and some road widening. He said their bottom line limitation on traffic would be the maximum that the bridge could handle.

Bob Eckberg said that this was a good location for development.

There was discussion of the area and development.

Herm Wiegelman asked what the form would be for the Master Site Plan.

Wayne Morrill answered that it would specify a maximum square footage and an area for the development without specifying particular buildings and sizes within that space.

Herm Wiegelman asked if there was a residential part of the project still planned.

Mike Black answered yes; they still planned to have a senior housing project as part of the plan.

The Board discussed elderly housing.

Mike Black said that he had a number of possible ideas for that but nothing definite yet.

Shane O'Keefe asked if the traffic from the residential portion of the project would be included.

Mike Black answered yes, but that until he had specific tenants the traffic work won't be final.

Ann Poole said that she had concerns about traffic from a new light stacking up near the entrances to the Ford dealership and to the center with the Lake Sunapee Bank.

Mike Black said that they might consider rerouting some of that traffic to the light, but that would be in the future.

John Segedy speaking as a member of the public said that he was very much in favor of the proposal but pointed out that the Board had passed a new 18-month expiration for conditional site plan approvals last month. He noted that he had pointed out that this may conflict with this Master Site Plan idea when the changes were proposed. He also noted that the opinion that the Board had from its attorney saying that the Master Plan process would be allowed under the town's regulations was made before the changes to the regulations were made and should probably be updated.

Herm Wiegelman said that they could extend the approval.

John Segedy said that if you are just going to do that, then why have the regulation?

Ann Poole said that she also had concerns about lighting because of the sight being up on the hill. She felt that the lights and lit signs on the store will be visible from a long way including residential areas such as Bible Hill.

Wayne Morrill said that the lighting would be 'Dark Sky' compliant.

Ann Poole asked if the community building on the preliminary drawings was for the public or just for the residents of the development.

Mike Black answered that it would just be for the residents.

There was discussion of elderly housing.

Chair Wiegelman asked if Mike Black or Wayne Morrill had any questions for the Board.

Wayne Morrill responded that they just wanted to know what the Board wanted.

Shane O'Keefe asked what had Epping required.

Wayne Morrill said they had provided a retail square footage, parking, open space, impervious surface area, lighting and signage. He said that any waivers requested would be listed.

Herm Wiegelman asked when they would have plans ready for the Board.

Wayne Morrill said that would probably be in the beginning of March.

2. Application Forms

Shane O'Keefe noted that because of the 1/18/2012 amendments to the Site Plan Review Regulation, and the new requirement for a public hearing for exemptions from site plan review, it is necessary to change application Form A (Application Cover Sheet) to reflect that Form N (Certified Notification List) is now required.

Ann Poole moved: *To approve the changes to the Planning Board's Application Forms as presented.*

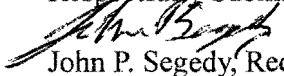
Ken Stafford, Sr. Seconded. Motion passed 5-0

ADJOURNMENT

Bob Eckberg moved: *To adjourn.*

Chair Wiegelman adjourned the meeting at 9:12 pm.

Respectfully Submitted:


John P. Segedy, Recording Secretary
Approved February 15, 2012