

HILLSBOROUGH PLANNING BOARD

April 18, 2012

Official Meeting Minutes

Present:

Members: Martha Caron (Vice Chair), Ken Stafford, Sr., Ann Poole, Dave Fullerton, Paris Wells, Larry Baker, Fred Murphy (Alternate), Rachel Hawkinson (Alternate)

Staff: Shane O'Keefe, Planning director; John P. Segedy, Recording Secretary

Public: Richard Withington, Jr.; Gordon Scott; William Goss; Jim Bouchard; Janet Withington; Bonnie Morse

CALL TO ORDER

The meeting was called to order at 7:02 pm by Martha Caron, Acting 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

Rachel Hawkinson was designated to vote in place of Herm Wiegelman.

MINUTES

April 4, 2012

Ann Poole moved: *To approve the minutes of April 4, 2012 as presented.*

Paris Wells seconded. Motion passed 5-0-2 (Rachel Hawkinson & Ann Poole abstained).

PUBLIC INPUT/ BUSINESS

- 1. PUBLIC HEARING - GORDON SCOTT** - Site Plan Exemption/Change of Use. 284 Second NH Turnpike (Route 31) (Map 10, Lot 40). Case No. 12-005.

Martha Caron opened the Public Hearing at 7:08 pm.

Gordon Scott described his proposal to put a reconditioned Airstream trailer with a commercial kitchen in it on the lot. He is planning on using it to produce 'value added' food products with and in addition to the products sold in the retail store.

Martha Caron asked if they would be selling from the trailer.

Gordon Scott said that yes, there was a sales counter built into it.

Martha Caron asked if it would be always parked on the lot?

Gordon Scott said that it would for the most part.

There was discussion of the location on the lot.

Gordon Scott referred to the plan he had provided the Board in his application.

Dave Fullerton noted that the reference to Route 202 on the plan was in error.

Gordon Scott agreed that it should be corrected.

Ann Poole asked if the trailer could be stored elsewhere when it wasn't in use.

Gordon Scott said it could but he wasn't interested in doing so.

Rachel Hawkinson asked how old the trailer was.

Gordon Scott answered – '1985'.

Martha Caron asked how big it (the trailer) was?

Gordon Scott answered - '29 feet'.

Martha Caron said she wanted to clarify that the Board previously approved the building for retail use, and now the proposal is to serve food. She said that she wasn't necessarily opposed to the idea but was concerned about approving it without limiting the approval to this user.

Shane O'Keefe said that they couldn't do that as approvals run with the land.

Ann Poole agreed that they couldn't limit an approval to this owner.

Martha Caron said that she felt that if the Board gives the OK for serving food then that might open the door to more.

Paris Wells said that this sounds similar to Beaufort's Southern Barbeque on Henniker Street who has a trailer in the back that is effectively an external kitchen. He also asked if this lot was in a historic district.

Shane O'Keefe answered 'No'.

Martha Caron said that what she is worried about is that by allowing this the Board could be committing to any restaurant on this site in the future.

Gordon Scott asked – 'Wouldn't that be a positive thing?'

Dave Fullerton said that the Town needs to be more supportive of business. He said that this proposal seems to be making Mr. Scott's business more viable, so he thinks the Board should support it.

Ann Poole asked if a restaurant is different from retail.

Shane O'Keefe read the Town's definition of Restaurant to the Board:

RESTAURANT -

A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in no disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building, and where there is neither drive-up nor drive-through service.

Ann Poole said that although mobile restaurants aren't her personal preference as the proposal is designated as retail she didn't have a problem with it.

Martha Caron said that it was her understanding that because the application said 'for retail use' that would be what the Board would be voting on.

Ann Poole said that like Paris Wells, she also had concerns about the historical nature of the neighborhood.

Paris Wells noted that Airstream trailers are considered historic by some.

Ann Poole asked if he had and would connect water and septic to the proposed trailer.

Gordon Scott said that while the trailer has a storage tank to use when it is off site, that when on site it will discharge into the septic system. He said that he has talked to Kelly Dearborn-Luce, (Code Enforcement Officer) as well as DES (Department of Environmental Services). He understands that he needs to complete paperwork and get approval to change the use of the septic system from residential to commercial.

Acting Chair Caron invited members of the public to comment on the proposal.

Richard Withington, Jr. said that he is an abutter and that he supports the proposal. He said that the work that Mr. Scott has done to date on the property has been done well and he appreciates it.

Jim Bouchard said that he is an abutter and that this will be a benefit to the area.

Ken Stafford, Sr. said that another abutter who was unable to attend spoke to him and was in favor of the project.

Acting Chair Caron closed the Public Hearing at 7:35 pm.

Ann Poole moved: *To approve the applicant's request for exemption from site plan review related to the proposed placement and use of a mobile food trailer, all in conformance with the application materials submitted, and subject to the following conditions:*

- 1. That all conditions of the Planning Board's approval granted on August 17, 2011, under Case No. 11-007, shall remain in effect.*
- 2. That the dumpster will be screened from view on all sides.*

Rachel Hawkinson seconded. Motion passed 7-0.

Ken Stafford, Sr. asked if fencing the dumpster was in the Town Code?

Shane O'Keefe said that it was in the Design Guidelines of the Site Plan Review Regulation, but was not a Zoning Ordinance requirement.

OLD BUSINESS

- 1. ZAREMBA PROGRAM MANAGEMENT, LLC/CRAIGEN L.T. MAINE**
(Zaremba) 201 West Main Street (Map 11P, Lot 177). Case No 11-015.

Shane O'Keefe reported that although this had been put on the agenda to review the performance guarantee, the bond is not ready for review yet. He expects that it will be on the agenda for the next meeting.

Shane O'Keefe reported that another issue has come up regarding the sidewalk/crosswalk required of the project. He reported that there had been a meeting at the site which included NH Department of Transportation (NHDOT) personnel; Billy Goss, Town Highway Foreman; John Stetser, Town Administrator; and the engineer for the applicant, Zaremba. The upshot from the meeting is that DOT doesn't like the sidewalk because it impinges upon the turning radius of large vehicles entering Municipal Drive. Shane O'Keefe said that there is approximately 8 feet of available right-of-way on the west side of Municipal Drive that can be utilized to realign the road. He said that Zaremba's engineer is looking at this and whether they can fit the sidewalk while meeting NHDOT's concerns.

Ann Poole asked if they could use a 'mountable table' on the sidewalk for the trucks.

Shane O'Keefe said that couldn't safely be shared by pedestrians.

Ann Poole asked if Zaremba would be coming back to the Board with revised plans.

Shane O'Keefe said that would probably be at the second meeting in May. He said that if they are changing the plans then they need another Public Hearing.

There was discussion of straightening the intersection and perhaps the need for a traffic light in the future.

Shane O'Keefe pointed out that if there wasn't going to be a sidewalk, then there was no need for a crosswalk.

Billy Goss said that if there is going to be a sidewalk for the length of West Main Street, the NHDOT would like it on the south side of the road.

The Board discussed the possibility of having a fund for sidewalks that business could contribute to as part of the approval instead of individually building a small section.

Shane O'Keefe said that it would effectively be an impact fee.

Martha Caron suggested that this should be investigated.

Ann Poole asked Billy Goss when the crosswalks throughout town get painted.

Billy Goss answered that they usually do it after the sand sweeping is done. He said that they may hold off on some crosswalks to see about the possibility of School Street being paved this year.

NEW BUSINESS

1. Meeting Minutes

Martha Caron said that the Board of Selectmen doesn't publish its minutes on the web until they are approved. She thought that the Planning Board should do the same. She was concerned that people who view the Unofficial Minutes might not go back and view the Official ones perhaps missing any potential changes.

Shane O'Keefe said that once something is published on the Web it can be out there forever even if corrected later.

There was discussion of this.

Dave Fullerton said that the Park Board also waits.

John Segedy, said that he prepares a Draft of the minutes that is reviewed by Shane O'Keefe, and sometimes by the Chair and that they sometimes make good suggestions. He said he certainly could forward those to other Board members as long as it was to less than a quorum. After that review they then get released as the Unofficial Minutes.

John Segedy said that there are other Boards (for example the Hillsboro-Deering School Board) that publish unofficial minutes and that by law they are required to be available in 5 business days, although it is not required to put them on the Web.

John Segedy said that he knows people that read the minutes and then if something concerns them may come to the next meeting. He said he has done this himself. He said that rather than further delaying these minutes from being published he would encourage other boards to publish theirs sooner.

Ann Poole said she agrees with John that getting information out to the public is better.

There was further discussion.

After a straw poll that showed mixed opinions it was decided to table this until the next meeting.

2. Buchanan Court Case

Shane O'Keefe reported that the Town has prevailed in the appeal of the Zoning Board of Adjustment decision in this case. He expects that Mr. Buchanan may present another proposal.

3. Antrim Wind Project

Shane O'Keefe pointed out that he had enclosed in the packet from the last meeting a notice of a Public Hearing on this scheduled for April 30, 2012.

4. Emerald Lake Village District (ELVD) Planning Board

Martha Caron reported that at the ELVD annual meeting they had voted 9-7 to establish a Planning Board. She said that she had spoken in opposition to it. She thinks that it would be a good idea to meet with the District Commissioners to promote a cooperative working arrangement.

Shane O'Keefe provided a list of state laws that affect them. He said he had spoken with the Local Government Center (LGC) staff attorney. He said that if the District wants to adopt Subdivision Regulations those would be in addition to the Towns'. He said that if they want to adopt Zoning Regulations they would need the State Legislature to authorize it. Shane O'Keefe said that one thing the ELVD Planning Board has to do is create a Master Plan.

Martha Caron said she really thinks that there should be a public meeting with both groups. She said it would be important to have any discussion on record.

John Segedy said that he could record the meeting in addition to taking minutes.

Martha Caron suggested the Board send the Commissioners a letter saying they would like to meet to sort out any cross jurisdictional issues.

The consensus of the Board was in agreement.

Shane O'Keefe will prepare a letter for signature by the Board Chairman.

5. Planning Board Costs

Gordon Scott commented on the fact that this second time coming to the Board there was a lot more time and costs involved. He said he would urge the Board to not put extra burdens like this on people wanting to start businesses.

Shane O'Keefe clarified that with the changes the Board made to the Site Plan Regulations a Public Hearing (properly Noticed) is now required for Exemptions.

Martha Caron said that they had no choice.

Gordon Scott said that he would like to have the \$235.00 it cost back.

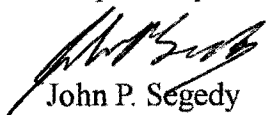
Ann Poole said that while she appreciates Mr. Scott's views, she stands by the Boards decision.

ADJOURNMENT

Rachel Hawkinson moved: *To adjourn.*

Paris Wells seconded. Motion passed 7-0 at 8:55 pm.

Respectfully Submitted:



John P. Segedy

Recording Secretary

Approved May 2, 2012