

# **HILLSBOROUGH PLANNING BOARD**

**May 16, 2012**

## **Official Meeting Minutes**

Present:

Members: Herm Wiegelman (Chair), Ann Poole, Dave Fullerton, Larry Baker, Paris Wells, Bob Eckberg (Alternate); Rachel Hawkinson (Alternate) (Arrived 7:12)

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

Public: Russ Galpin; Jen Viarengo, Zaremba Group; Bruce Marshall, Zaremba Group, Attorney.

### **CALL TO ORDER**

The meeting was called to order at 7:00 pm by Herm Wiegelman, Chair.

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 in place of Ken Stafford, Sr.

### **MINUTES**

**May 2, 2012**

Dave Fullerton questioned the spelling of Waonda. John Segedy was asked to check on it and correct it if necessary.

**Ann Poole moved: *To approve the minutes of May 2, 2012 with the possible correction.***

**Larry Baker seconded. Motion passed 5-0-1 (Bob Eckberg abstained).**

### **PUBLIC INPUT/ BUSINESS**

Russ Galpin said he was present to talk about what he termed the Dollar General "building debacle". He said that the Planning Board's regulations require the plans to be complete and the bond in place before a building permit is issued and that apparently did not happen.

Russ Galpin said that he had spoken with Rob Buker, owner of property across Municipal Drive, who is not interested in giving up any property for the widening of the road. Russ Galpin said that he would support Rob's position.

Herm Wiegelman said that the Planning Board establishes the requirements when it approves a site plan with conditions. He said that the determination to give a building permit is made by the Selectboard's representative – The Code Enforcement Officer. Herm Wiegelman said that he was also concerned, and that without the bond in place the only recourse if everything wasn't done would be the withholding of an occupancy permit.

Shane O'Keefe said that he disagreed with the characterization of the issues with the Dollar General site as a "debacle". He said that he has been working with the parties to address competing requirements, in particular the Planning Board's requirement for a sidewalk and cross walk and the State of New Hampshire – Department of Transportation's (NHDOT) requirements for accommodation of truck turning movements on Municipal Drive.

Shane O'Keefe said that he had spoken with Rob Buker. He said that at no time has there been any discussion of taking any land. He said that the existing Court-approved stipulation from 1999 allows

for moving the fence to use the Town's easement. He said that Rob Buker was amenable to working out the issue, that he had wanted to come to this meeting but was unable to do so. Shane O'Keefe said that he will continue to try and meet with him and all the parties to work out the issues of the road.

Shane O'Keefe said that he thinks the Dollar General/Zaremba Group people have done a good job trying to work this out.

Jen Viarengo, engineer for the Dollar general project, said that they didn't need an access permit from the State as the vehicle access is on Municipal Drive. She said that the Conditional Approval that they received from the Board was to work with the Town and the State for the crosswalk, but that the Town has to be the one applying for the crosswalk.

Rachel Hawkinson arrived at 7:12 pm. Chair Wiegelman appointed her as voting in place of Martha Caron.

### **OLD BUSINESS**

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

JenViarengo passed out revised plans to Board members. She described the proposed change as that the sidewalk will be moved back from Municipal Drive and will be on Dollar General's property. Jen Viarengo said that Dollar General will give the Town of Hillsboro an easement for the sidewalk. She said that this will accomplish the crosswalk placement per NHDOT's comments. She said that the proposal still needs to go to NHDOT for final approval.

Jen Viarengo also provided copies of the previously approved plan for comparison.

Ann Poole asked if the light pole was being moved.

Jen Viarengo said that yes it would be moved a little.

Ann Poole expressed concern about the fire hydrant and where it would be moved.

Jen Viarengo said that they still need to work that out with the Fire Department.

Ann Poole asked about curbing.

Jen Viarengo pointed out areas that would be granite.

Jen Viarengo pointed out that a possible solution to the Town's existing problem of the width of Municipal Drive had been shown on the plan. It involved expanding the west side of Municipal Drive in the Town's right of way.

Dave Fullerton asked if Dollar General would maintain the sidewalk.

Jen Viarengo said she did not know.

Jen Viarengo asked if these were minor changes whether they needed to reopen a Public Hearing.

Bruce Marshall said that Dollar General got the approval with the crosswalk as a condition. He said that the crosswalk and therefore the sidewalk need to be moved to accommodate the NHDOT's concerns about the existing conditions and problems with Municipal Drive. Bruce Marshall said that Dollar General has spent considerable time and money trying to help fix what was an existing problem. He said that they are willing to provide further help with adding pavement on the west side of Municipal Drive if it can be coordinated with the paving they need to do on site.

Bruce Marshall said, regarding the sidewalk, that once the easement is given to the Town he believes it would be the Town's responsibility to maintain.

Russ Galpin said that he doesn't see a problem with the Town plowing it as it is close to the Town barn.

Shane O'Keefe said that if the change is considered minor, then he (the Planning Director) can approve it per Planning Board Regulation 185-6.1.

Ann Poole said that because it involves things off the site, she thinks it should have a hearing.

Bruce Marshall clarified that although there are things drawn on the plan regarding the west side of Municipal Drive, that they are not part of the plan for Dollar General and are not needed for it.

Ann Poole said that she thinks the revised plan is better but, because the revised plan depicts potential activities off-site, she's concerned there may be a problem in the future if a hearing is not held.

Discussion followed clarifying that the potential activities depicted on the revised plan are shown as a courtesy for the Town and are not guaranteed by the applicant. Furthermore, the activities are not agreed to or endorsed by all parties that might be affected, notably the Selectmen.

Shane O'Keefe said he would like the Board to make the decision as to the change being a minor adjustment, as he was uncomfortable determining whether this matter could be handled administratively.

**Ann Poole moved:** *That the revised plan submitted by Zaremba Group on May 16, 2012 is a minor adjustment which does not substantially modify the previously approved plan or the specific conditions attached by the Board and can be approved by the Planning Director pursuant to Code section 185-6.1 B.*

**Rachel Hawkinson seconded. Motion passed 7-0.**

Ann Poole suggested that the Planning Board make a recommendation to the Selectboard supporting the widening on the west side of Municipal Drive. Consensus of the Board was in agreement with doing so. Dave Fullerton, Selectboard representative was asked to convey the recommendation to the Selectboard.

Shane O'Keefe said that they then had the proposed Bond to consider. He reminded the Board that it had previously been tabled until the changes were brought forward.

**Ann Poole moved:** *To accept the proposed guarantee for improvements related to Site Plan Review Case No.11-015 as submitted and to authorize the Chairman to execute this and any related documents on behalf of the Board.*

**Rachel Hawkinson seconded.**

Shane O'Keefe asked about adding a completion date.

Jen Viarengo suggested November 15<sup>th</sup>.

The Board discussed the date.

**Ann Poole moved:** *To amend the Motion by adding: "and that said improvements be made by November 15, 2012" after the word "submitted" in the original motion.*

**Rachel Hawkinson seconded. Amendment passed 7-0.**

**The amended motion:** *To accept the proposed guarantee for improvements related to Site Plan Review Case No.11-015 as submitted, and that said improvements be made by November 15, 2012, and to authorize the Chairman to execute this and any related documents on behalf of the Board.* then passed 7-0.

**OLD BUSINESS**

**1. Emerald Lake Village District (ELVD)**

Herm Wiegelman noted that ELVD had replied to the Board's invitation to meet and a copy was in the meeting packet. He noted they would come to the Board's June 6, 2012 meeting. Herm Wiegelman suggested 7:15 pm.

Shane O'Keefe will let them know.

**NEW BUSINESS**

Shane O'Keefe noted that the item on the agenda was determined to not need to come to the Board.

**OTHER BUSINESS**

Dave Fullerton reported that the Selectboard had discussed the Sand Pits/Shooting Range on Contoocook Falls Road. He said it was not clear who should do what with this.

Shane O'Keefe noted that State statutes provide that the Municipality is not subject to its own Zoning laws.

He also noted that if there was to be a significant change to the use of Town Property, then a notice should be submitted to the Planning Board and the Selectboard. Either Board may then choose to hold a public hearing.

There was discussion of who should submit the notice.

**The consensus of the Board was that the Public Works Department & The Police Departments should submit the notice(s).**

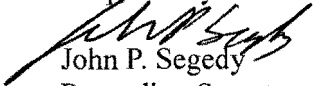
Ann Poole asked that the Board recognize the impending graduation of Rachel Hawkinson from UNH Law School. The Board agreed by consensus, and there was great applause.

**ADJOURNMENT**

**Bob Eckberg moved: *To adjourn.***

**Rachel Hawkinson seconded. Motion passed 7-0 at 7:58 pm.**

Respectfully Submitted:



John P. Segedy

Recording Secretary

Approved June 6, 2012