

**PLANNING BOARD**  
**27 School Street**  
**HILLSBOROUGH, NH**  
**January 20, 2021**

**DATE APPROVED:** 2/3/21

**TIME:** 7:00 p.m. – 9:00 p.m.

**MEMBERS:** Gary Sparks- Chairman, Susanne White-Vice Chair, Bob Hansen, Adam Charrette, Ed Sauer, Melinda Gehris

**EX-OFFICIO:** James Bailey III

**PLANNING DIRECTOR:** Robyn Payson

**ALTERNATES:** Denise Deforest

**Excused:** Denise Deforest, Bob Hansen

**Others Present:**

Consultant: Glenn Sheppard GWTS LLC

Public: Rich Hellings, Laura Cooper, John Cooper, Matt Cooper

Chairman Sparks called the meeting to order at 7:00 PM and read the “Right to Know Meeting Check list” (at end of document).

Chairman Sparks called the roll:

Susanne White-Present; no one in the room.

James Bailey- Present; no one in the room.

Melinda Gehris- Present; no one in the room.

Ed Sauer- Present; no one in the room.

Gary Sparks- Present; no one in the room.

Bob Hansen- Present; no one in the room.

Gary Sparks said, if anyone wanted copies of the minutes or recording to contact Planning Director Robyn Payson.

**Minutes**

**1/6/20** Ed Sauer made a motion to table the minutes. Jim Bailey seconded the motion.

**Roll Call Vote-**Jim Bailey-Y, Susanne White-Y, Gary Sparks-Y, Melinda Gehris-Y, Ed Sauer-Y, Adam Charrette- Y. The minutes were tabled.

**Waiver of Site Plan/Change of Use**

Map 23 Lot 143  
27 West Main Street  
Rich Hellings

Mr. Hellings came to the Board to request permission to convert an existing business (former Tropical Shades Nail Salon) to a Breakfast and Lunch restaurant. The use is allowed in the Zoning Ordinance, and there are no exterior changes to the site.

Mr. Hellings said he was looking to open a Breakfast/Lunch restaurant with a “commissary kitchen” to supply food for his “Mammas on the Run” food truck. Mr. Hellings has applied to the Water/Sewer Commission for permission for the change of use and it has been granted with their requirements.

Ed Sauer asked if the sign for the business would be lit. Mr. Hellings said it would not. He said that the hours of the restaurant would be 7:00 am to 2:00 pm Tuesday thru Sunday, so there would be no need for the sign to be lit. If it became necessary to be open at night, he would come back to the Planning Board.

Ed Sauer asked about parking, the number of spaces and if there was sufficient space to turn around. The concern was the lot being so small that people would be backing out on to West Main Street.

Mr. Hellings said the parking was not changing from what the previous business had. There are eight spaces for customers and four for the residential tenants. He also said he had been able to turn around in the parking lot.

Gary Sparks said that he had been in and out of that parking lot over the years and has never had a problem.

Ed Sauer asked if any new bathrooms would be ADA compliant. Mr. Hellings said the existing one was and the new one would be. He said he had spoken to Mike Borden and Chief Kenny Stafford and the restaurant would be approved for between 35 and 40 people, so a new ADA accessible bathroom would be built.

Ed Sauer asked about wheelchair access to the entrance doors. Mr. Hellings said both doors are at pavement level so there should be no problems with access.

Jim Bailey asked if the food truck would be stored in the parking lot. Mr. Hellings said the food truck is stored up on Bible Hill Road and the truck works out of the Tire Warehouse parking lot.

The food truck would only be at the restaurant to be filled up.

Ed Sauer asked about the number of patrons. Mr. Hellings said that the Fire Chief told him that with the total area of 1200sq feet he would have no more than 40 patrons.

Ed Sauer asked Mr. Hellings if he would be complying with the COVID guidelines. He said they would. The proposed opening date is somewhere in April. They would comply with whatever state guidelines are in place at that time.

Gary Sparks asked if there were any other questions. There being none, Jim Bailey made a motion to approve the application for Change of Use/Waiver of Site Plan Review. Susanne White seconded the motion.

**Roll Call Vote**-Jim Bailey-Y, Susanne White-Y, Gary Sparks-Y, Melinda Gehris-Y, Ed Sauer-Y, Adam Charrette- Y. The application was approved.

Gary Sparks apologized to the Board said that there needed to be a condition added to the approval stating the approval is subject to any and all local and state applicable conditions that apply.

Susanne White made a motion to accept the condition:

The approval is subject to any and all local and state applicable conditions that apply.

Jim Bailey seconded the motion.

**Roll Call Vote**-Jim Bailey-Y, Susanne White-Y, Gary Sparks-Y, Melinda Gehris-Y, Ed Sauer-Y, Adam Charrette- Y. The condition was approved and will be added to the decision.

### **Informal Review**

#### **Site Plan Application**

Map 11L Lot 319  
LJM Construction  
Matt Cooper

Laura, John, and Matt Cooper have been invited to meet with the Planning Board informally regarding their recently submitted Site Plan Application. Planning Director Robyn Payson wanted to Board to review the submission and decide if the plans were sufficient as submitted.

John Cooper said that they were looking to locate the construction company on the site. The company does excavation and has worked with companies like Eversource and New Hampshire Co-op. They want to use the property as a location for their office, storage yard and to store vehicles and some materials on the site. This will also be the headquarters of their company.

They are looking to phase development of the site over time. They are not presenting the building at this time, but it will be a new approximately 6000sq ft. building constructed on the site. Right now they are designing a lay out for the site. They are working determining the cost and financing with the hope of coming back to the Board with a building plan later in the year.

Right now they are looking to do more site work on the property. The area is approximately 40,000sq feet and what would be done is excavating some dirt, leveling and filling and terracing the hill. There will be a flat spot with a driveway on one side and two or three additional flat spots for storing stones, sand, gravel, and screened loam. It would be approximately 50-100 yards or between three and six dump truck loads of a certain thing and its strictly for company use, not retail.

Mr. Cooper said he provided on the plan the approximate layout of the building which would be no more than 6000sq ft., but they are in the early stages of planning right now.

Mr. Cooper said that they had started some of the work because they thought from the previous meeting a couple of years ago that they were “good to go”, but he said that he probably overstepped that.

What they have done now is constructed a new driveway with a permit from NHDOT, they are abandoning the old driveway which will remain blocked off.

He said he was planning on coming back to the Planning Board with the final office and storage garage design. Laura Cooper said it would all be determined by the “cost of the dream.”

Ed Sauer asked if there were wetlands on the property.

Mr. Cooper said there were some flagged but there are none on the state wetlands map. It is basically a natural drainage area.

Ed Sauer asked if any of that would be changed by the terracing.

Mr. Cooper said he would be staying away from that.

Ed Sauer asked if they were in a flood zone.

Mr. Cooper said they were not according to the flood zone map.

There was discussion about the contours and elevation property and if they would be affected.

Laura Cooper said that there is no intention of changing any contours or drainage on the property. Everything will remain the way it is. There is not going to be any redirecting of surface water. The whole idea is to keep the surface water on site to recharge ground water and not to overwhelm anything. The plan is to keep things consistent and make the land more usable. The area they intend to use is where the old barn was and behind it which is going up that hill, which if they don't terrace it, it would be unusable and then they would be forced to come down on more of the flat land which they would prefer not to have to do. They want to keep as much of it open as they can.

Gary Sparks said based on what he heard so far and from what he observed looking at the application, is what the Board needs is a plan of the current lay of the land. A survey of the land with all of the information on paper.

Gary Sparks said he could tell some of the materials that were submitted say different things about the drainage and so forth. He said that when the project is set up for a hearing the Board is going to find that the Conservation Commission will be interested because of its proximity to the river. That doesn't mean there are going to be any problems. Also, the conservation group that is authorized to act on behalf of the Contoocook River will be interested. For our purposes the Planning Board and the records really needs to have an up to date plan of the property showing the contours, showing the possible wetlands etc. as stated in the Site Plan Regulations.

Jim Bailey said his understanding that everything that has been done is informal and they have never done a formal site plan review. He then said there is a lot of work being done without a formal site plan. He said he was not against the project but there needs to be a formal review so the abutters can have input before all of this work gets done. He said he doesn't want to see problems down the road when we do have a formal review or hearing and when these questions come up and for some strange reason something that you have already done isn't accepted. He doesn't want that to happen. He said this was his only concern.

Gary said it was his concern too.

Robyn Payson said that a formal application has been submitted and is currently scheduled for February 3<sup>rd</sup>. The reason this came to the Planning Board informally was for the board to take a look at the submission materials and determine if they were sufficient.

Jim said there's a lot of work being done prior.

Gary said that is a concern. He said when the Planning Board looks at a project, they need to know what's going on. The Board has the abutters to listen to while following the regulations. He said the Board needs to have things properly documented.

Gary said he noticed on the plan that he did not see contour lines or wetlands, or the possibility of wetlands on the plan he was being referred to.

He said he didn't see possible locations for a garage. He said the driveway that is going to be abandoned should be noted on the drawing so the Board has an idea of what's going on. When the Planning Board does a Site Walk, the plan that is used ought to match what they are going to see. Gary said that they could send the Mellen survey back and add the pertinent information.

Mr. Cooper said the site plan is not on the Mellen survey. There is another plan in the submission. The Mellen plan is a survey and shows the contours of the land. The Planning Board was given the Site Plan.

Robyn Payson confirmed that the Site Plan was included in the Planning Board's information.

Mr. Cooper said that the building is plotted on the plan as is the terracing and features of the existing plan. The farmhouse, septic system and new driveway are plotted. He said the old driveway is not shown because it is blocked off.

Jim Bailey said he understood that but we don't have a formal hearing, and a lot of work is being done without any of the abutters or anybody else having any input. He said he had all of the plans and they look good. The Board has not given approval for the work to go on.

Matt Cooper said that all of the work has stopped. At the meeting a couple of years ago they thought they were in compliance to move forward.

Jim Bailey said that was an informal hearing and what you said you were going to do, the Board had no concerns about it. The Board gave no approvals. He said he didn't want to see anything become a problem for them.

Robyn said that the notifications and advertising were ready to go out for the hearing on February 3<sup>rd</sup> if the Board is ok with the submission as it is.

Mr. Cooper said he thought the purpose of this meeting was to determine whether what they submitted was acceptable to start with. If there is going to be more required for the hearing in February, he wanted to know and maybe the February meeting could be delayed.

The Planning Board engaged in an extensive discussion about what was needed on the Site Plan.

Matt Cooper summarized what he heard the Planning Board ask for.

The Board wants a current conditions plan, a detailed, scaled plan showing what they are going to do based on the current conditions, and the maximum impact. He said they were going to begin building a new plan and come back to the Planning Board when it is ready.

Gary asked the Planning Board if there was anything else for the meeting.

Melinda Gehris asked Robyn if the McCauley's would be prepared to come back February third and if the Board would have all of the information from the Town's engineer By January 31<sup>st</sup>.

Robyn said the engineers were working but they may not have all of the engineering reviews done by January 31<sup>st</sup>. Robyn suggested that the McCauley's come to the February 3<sup>rd</sup> meeting with an update the Board on their progress.

There being no other business, Jim Bailey made a motion to adjourn. Ed Sauer seconded the motion.

Meeting adjourned 8:33 pm.

Respectfully Submitted,

Robyn Payson, Planning Director

Town of Hillsborough  
Right-to-Know Law Meeting Checklist  
**Meeting 01/20/2021**

As Chair of the Hillsborough Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

We are utilizing the GoToMeeting platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the GoToMeeting platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following:

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/809310317>

**You can also dial in using your phone.**

Phone: [1 \(646\) 749-3122](tel:16467493122)

**Access Code:** 809-310-317

We previously gave notice to the public of how to access the meeting using GoToMeeting and instructions are provided on the Town of Hillsborough's website at: [www.town.hillsborough.nh.us](http://www.town.hillsborough.nh.us).

If anybody has a problem, please call Planning Director, Robyn Payson at **603-464-7971** or email at: **[robyn@hillsboroughnh.net](mailto:robyn@hillsboroughnh.net)**

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.