

**PLANNING BOARD  
27 School Street  
HILLSBOROUGH, NH  
September 15, 2021**

**DATE APPROVED:** 10/06/21

**TIME:** 7:00 p.m. – 9:00 p.m.

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

**EX-OFFICIO:** James Bailey III

**PLANNING DIRECTOR:** Robyn Payson

**ALTERNATES:** Bob Hansen

**Excused:** Bob Hansen

**Public:** Stephen Mayer, Kathy Luiz, Richard Head, Joyce Bosse, Peter Mellen, Steve Livingston

Chairman Gary Sparks called the meeting to order at 7:00 PM.

**Minutes-09/01/2021** Nancy Egner made a motion to approve the minutes. Melinda Gehris seconded the motion. The motion carried unanimously.

**Minutes 09/08/2021** Nancy Egner made a motion to approve the minutes. Melinda Gehris seconded the motion. The motion carried unanimously.

Gary Sparks spoke about the 250<sup>th</sup> commemorative License Plates that are available for \$20.00 and can be used in place of the front license plate for the commemorative year.

**Public Hearing**

**Site Plan Review-Domino's Pizza**

143 West Main Street (Map 11P Lot 187)

KAB Properties, LLC.

Susanne White recused herself from this application.

Stephen Mayer of Allen and Major Associates Inc. appeared on behalf of the applicant. The sidewalk issue was resolved at the September 9<sup>th</sup> meeting between the Board of Selectmen and the Planning Board.

Adam Charrette wanted to discuss the lighting plan and requested that the lighting at the property lines be reduced from .8-foot candles to .2-foot candles as recommended by the Town Engineer. Mr. Mayer said he would be amenable to that condition.

Gary Sparks asked if there were further comments from the Board or members of the public. Kathy Luiz asked when construction was going to start. Mr. Mayer said the intention is to break ground this year. He said it would be his expectation that construction would take about a year.

Melinda Gehris asked about the hours of operation. Mr. Mayer said Sunday – Thursday they would be open 10:00 am-12:00 am and Friday and Saturday 10:00 am -1:00 am. Melinda remarked that was later than any other restaurant in the area, but it was consistent with other Domino’s restaurants in New Hampshire.

Gary Sparks asked for a motion.

Adam Charrette made the following motion:

I make a motion to approve the application to construct a new Domino’s restaurant with pickup window and a separate retail space. The building will be approximately 3,300 square feet and the project will construct 29 parking spaces, 2 being handicap accessible. The project is submitted by Keith Bell of KAB Properties LLC on behalf of property owner John Gater of Boynton & Gater Enterprises, and in accordance with the “Site Development Plans for Domino’s Restaurant” revised on 8/19/2021 by Stephen Mayer of Allen & Major Associates Inc. and submitted as a part of this application with the following conditions:

1. Hours of operation shall be Sunday thru Thursday 10:00 am-12:00 am and Friday and Saturday 10:00 am-1:00 am.
2. The Owner’s signature, and all professional Stamps/signatures (not limited to Land Surveyor, Wetland Scientist, Soil Scientist and Engineer) be included on the final plans.
3. Submission of all Federal and State Approvals (Including but not limited to, NHDES Environmental Permits, EPA Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), SWPPP Field Reports, etc.).
4. No uses listed in section 229-107 Conditional Uses in Article XVI Groundwater Protection Ordinance shall be permitted.
5. A pre-construction meeting with the applicant, the Applicant’s Contractor, the Hillsborough Town Engineer, Building Inspector and Planning Director to be completed prior to the commencement of construction.
6. The Developer provide the Town an erosion control surety (cash or letter of credit, not bond) for \$80,000. (See attached)
7. Submission of certification that all Town engineering review fees have been paid in full prior to the signing of the site plan by the Planning Board Chair.
8. Update the lighting to reflect industry standard of .2 foot candles at the property lines as recommended by the Town Engineer.

Jim Bailey seconded the motion. The motion carried unanimously.

**Site Plan Review-Livingston**

136 Henniker Street (Map12 Lot 75)

VIOTECH LLC

Peter Mellen-Donald Mellen Surveyor, LLC

Earlier in the evening the Planning Board visited the site.

Melinda Gehris asked for a copy of the Drainage Report from the applicant. Robyn said she would send it out to the Planning Board tomorrow. We have not received any report from the Town Engineer.

Mr. Livingston asked how long the review would likely take. Robyn estimated around a week.

Gary Sparks recognized Richard Head, Chairman of the Conservation Commission.

Mr. Head said the concern the Conservation Commission has relates to the stormwater flow into the detention basin and discharging into the wetland.

He said as near as he could tell the construction of the basin and the discharge pipe are located in such a way they are just outside the wetland. So, there is not going to be wetlands reviewed (by DES) in this application. There is no dredge and fill within the jurisdictional wetlands and we do not currently have a wetlands ordinance.

As Conservation Commission Chairman, he is asking the board specifically ask the engineer to look at the design, because he suspected the design meets the minimum impacts. The Conservation Commission is asking that the engineer also look at to what the impacts are to bringing sheet flow into a detention basin and discharging it out of a point source then directly into the wetland.

At that point you are collecting sediment and contaminants associated with that sediment, the salt, winter sand and nutrients caught up in the sand. All of that is going to be channeled into that detention basin.

Detention basins have a function. They treat, but they are not perfect, they don't eliminate everything. He said he has seen multiple instances where detention basins in a heavy storm are discharging cloudy water. Cloudy water comes with contaminants and sediments that are impacting the wetland's water quality.

He is asking that this not only meet the minimum for storm water flow requirements, but that the engineer be specifically asked to look at it. That is the last stop in terms of the water quality.

Does that design provide the benefit and protection to water quality that protects the functions and values of that wetland? Wetlands collect stuff, they prevent storm water flow they filter but if you keep putting stuff into them instead of using the entire course of the wetland you put it out in a single pipe and discharge it into a single location What kind of damage are you causing at that point to water quality and to the functions of that wetland? So we ask that not only does it

meet the minimum requirement but is it designed over all in a way that protects the functions and values of the wetland. The Conservation Commission is in no way opposed to the project we are asking to make sure that the project is designed in a way that results in the least impacts to the water quality and the wetlands and we ask that be specifically addressed and asked of the engineer during the engineer's review.

He said he has seen the applicant's engineer's stormwater flow analysis and essentially half of the property gets channeled into the basin. The other half flows toward the wetland and towards the right of way. What is the collective impact to the water quality? Also, there is a certain velocity of water coming out of that pipe. What is the ultimate impact on the wetlands?

Gary thanked Richard for his input and asked Peter Mellen if he had any comments. He did not.

Melinda Gehris asked that that the Board make sure that question be asked.

Susanne White made a motion to continue the hearing to October 6, 2021. Melinda Gehris seconded the motion. The motion carried unanimously.

## **WORK MEETING**

### **Phasing Ordinance for Major Subdivisions**

Robyn brought a draft of a Phasing ordinance. The Board discussed it and will consider it in the future. The discussion moved forward into work force and multifamily housing.

Melinda Gehris said the Conservation Commission was working on a wetland's ordinance. They do not intend to bring it forward for Town Meeting 2022 but are going to take a year to educate the public as to why it is necessary and hopefully bring it forward for Town Meeting 2023.

Susie White brought up amending the Site Plan regulations. Robyn said she would send out the draft changes she started on. Changes to the Site Plan regulations require Public Hearings and don't have to go to Town Meeting.

Jim Bailey said the Peer Review fees need to be reviewed for small projects. Melinda Gehris suggested contacting applicants from the last 18 months or so to get a grasp on the fees.

Jim Bailey said the Sign ordinance should be reviewed because of a problem with a sign with obscene language. There was discussion about how that situation could be handled.

There was discussion about including the requirement for Sidewalks in the Site Plan regulations. Robyn said she spoke with DOT and they were willing to come sit down with the Board to talk about DOT's position on sidewalks.

There being no other business

Susie White made a motion to adjourn. Jim Bailey seconded the motion.

September 15, 2021 - Planning Board Meeting Minutes

Meeting Adjourned 7:54

Respectfully Submitted,

Robyn L. Payson, Planning Director



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Project: Hillsborough, NH - Tax Map 011P / Lot 187

Calculated By: SMB Date: 07/29/21

Checked By: BDS Date: 07/30/21

**NOTE:** In providing opinions of probable construction costs, the Client understands that Gale Associates, Inc. has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's methods of pricing, and that our Opinion of Probable Construction Costs are made on the basis of our professional judgment and experience. Gale Associates, Inc. makes no warranty, expressed or implied, that the bids or the negotiated costs of the Work will not vary from the Opinion of Probable Construction Cost provided herein.

**OPINION OF PROBABLE CONSTRUCTION COST**

UNIT NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE*	AMOUNT
203.1	Common Excavation	CY	1,000	\$10.00	\$ 10,000.00
203.6	Embankment-in-Place	CY	500	\$15.00	\$ 7,500.00
641	Loam	CY	500	\$27.00	\$ 13,500.00
643.11	Fertilizer for Initial Application	LBS	806	\$2.00	\$ 1,612.00
644.15	Park Seed Type 15	LBS	120	\$5.00	\$ 600.00
645.119	Mulch with Tackifiers	SY	40,300	\$0.50	\$ 20,150.00
645.531	Silt Fence	LF	880	\$2.50	\$ 2,200.00
692	Mobilization	U	1	\$8,000.00	\$ 8,000.00
Sub-Total					\$ 63,562.00
25% Contingency					\$ 15,890.50
Sub-Total					\$ 79,452.50

**ESTIMATE**

**\$**

**80,000.00**