

**PLANNING BOARD
27 School Street
HILLSBOROUGH, NH
April 5, 2017**

DATE APPROVED: April 19, 2017

TIME: 7:00 p.m. – 8:30 p.m.

CHAIRMAN: Herman Wiegelman

FIRST VICE CHAIRMAN: Donald Solomon

SECOND VICE CHAIRMAN: Gary Sparks

MEMBERS: Michael Reopel, John Penny and Denise DeForest

EX-OFFICIO: James Bailey III

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Larry Baker

EXCUSED: John Penny and Michael Reopel

MEMBERS of the PUBLIC: Marian Baker, Paula Gee, Roger Shamel, Susan Shamel, Thomas McClure, Peter Mellen, Donald Perrin, Christopher Dellacioppa, Heather Anderson, Benjamin Anderson, Attorney Mark Kanakis and Attorney Christopher Boldt

CALL to ORDER:

Chairman Wiegelman called the meeting to order at 7:00 p.m.

Chairman Wiegelman asked Mr. Baker to sit as a voting member of the Board in place of Mr. Penny.

Election of Officers:

Mr. Sparks nominated Mr. Wiegelman for chairman. Mr. Baker seconded the nomination. The Board voted all in favor.

Mr. Bailey nominated Mr. Solomon for First Vice Chairman. Mrs. DeForest seconded the nomination. The Board voted all in favor.

Mrs. DeForest nominated Mr. Sparks for Second Vice Chairman. Mr. Solomon seconded the nomination. The Board voted all in favor.

APPROVAL of MINUTES:

Chairman Wiegelman entertained a motion to accept the minutes of March 15, 2017.

Mr. Sparks made a motion to accept the minutes of March 15, 2017 as presented. Mr. Bailey seconded the motion. The Board voted all in favor.

PUBLIC HEARING:

**Partial Revocation of Subdivision
Map 7, Lots 37 and 37-1
Stowe Mountain Road
People's United Bank**

Chairman Wiegelman opened the public hearing.

Mrs. Payson said the application is complete and ready for a public hearing.

Mr. Sparks made a motion to accept the application. Mrs. DeForest seconded the motion. The Board voted all in favor.

Attorney Kanakis, who represented Peoples United Bank, explained the history behind the request. It is based on the issuance of a mortgage to Michael and Dawn Anderson on land they owned on Stowe Mountain Road which was later subdivided and notifying the bank was not needed. The revocation would create a new lot 35-1 from lot 37.

Attorney Boldt, the Town's attorney, suggested several conditions to approving the revocation. The Board needs to require a mylar copy of the plan to sign and record and if it can't be recorded then a CAD copy would be required. Also the town would be in charge of the recording and coordinate with Attorney Kanakis when that would be done at the registry. Attorney Boldt would prepare a "Declaration" of the partial revocation pursuant to RSA 74:4 (a) for the chairman to sign. He also suggested that the filing fees for the plan and the declaration be paid for by the bank. He said upon the signing of the mylar and the declaration the lawsuit be dismissed with prejudice.

Mr. Baker made a motion to approve the application as presented with the following conditions:

1. The bank provide a mylar copy of the plan to be signed
2. The Planning Board chair will sign the Declaration of Partial Revocation required by RSA 74:4 (a)
3. The town will record the plan and the Declaration of Partial Revocation at the banks expense
4. This is conditional upon the registry accepting the mylar for recording, if the mylar is rejected by the registry then the bank will provide a CAD copy of the plan
5. Once all paperwork is recorded the lawsuit will be dismissed.

Mr. Sparks seconded the motion. The Board voted all in favor.

Lot Line Adjustment

Map 5, Lots 25, 29-1, 31 and 32

411 East Washington Road

Thomas D. & Tamara L. McClure Revocable Family Trust

Matthew J. & Jill McClure

Word Day Peake III 2015 Trust

Chairman Wiegelman asked if Mr. Mellen would be presenting the application and was told yes.

Mrs. Payson said the application is complete along with a letter requesting several waivers.

Mr. Mellen said this application involves three separate annexations with four separate properties involved. He went on to explain what is being proposed.

Mr. Mellen said the waivers are for test pits, topographic surveys and other requirements which apply to subdivisions but not lot line adjustments.

Mr. Sparks made a motion to approve the waivers. Mr. Bailey seconded the motion. The Board voted all in favor.

Mr. Sparks made a motion to accept the application as complete. Mrs. DeForest seconded the motion. The Board voted all in favor.

Mr. Shamel spoke for the land owners who have rights to pass over Jahado Trail regarding their disapproval of this application. (See attached testimony which was submitted to the Board)

Mr. Solomon said the lot line adjustments being requested tonight do not affect the deeded right-of-way into their property and whether that right-of-way includes parking or not is a civil matter.

Mr. Shamel asked that a note be added to the plan indicating the right of the other land owners to an easement by prescription to park at the beginning of Jahado Trail.

Mr. Baker made a motion to continue the hearing until the Board's next regularly scheduled meeting in order to consult with town council. Mr. Bailey seconded the motion.

Mrs. Payson said the Planning Board only addresses issues up to the property line. She needs to know specifically what the Board wants her to ask town council.

Chairman Wiegelman said tonight the Board is only dealing with the application as presented.

Mr. Baker withdrew his motion and Mr. Bailey agreed as he had seconded the motion.

Mr. Solomon made a motion to approve the lot lines as presented on the two separate maps. Mr. Bailey seconded the motion. The Board voted all in favor except for Mr. Baker who abstained.

OTHER BUSINESS:

April 5, 2017 - Planning Board Meeting Minutes

Mrs. Payson said she is looking to review the subdivision and site plan regulations this year. She added due to the waivers which were requested tonight application the lot line adjustment criteria needs to be address. She also noted that some of the approved plantings listed as acceptable in the site plan regulations are evasive and the list needs to be updated.

Mr. Dellacioppa spoke to the Board about opening up an online business at 118 West Main Street.

Mrs. Payson said it is an allowed use in that zone. She said he would have to speak to the building inspector about a certificate of occupancy and the water and sewer department because of the change in occupant.

ADJOURNMENT:

Chairman Wiegelman entertained a motion to adjourn.

Mr. Solomon made a motion to adjourn. Mr. Baker seconded the motion. The Board voted all in favor.

Meeting adjourned at 8:30 p.m.

Respectfully Submitted:

Iris Campbell
Recording Secretary