

**PLANNING BOARD  
27 School Street  
HILLSBOROUGH, NH  
July 19, 2017**

**DATE APPROVED:** August 2, 2017

**TIME:** 7:00 p.m. – 8:20 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, Terry Cutter, Susanne White

**EXCUSED:** John Penny and Michael Reopel

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**MEMBERS of the PUBLIC:** Richard Miller, Judith Miller, William Lucas from Bohler Engineering, Jessica Leger from McDonalds,

**CALL to ORDER:**

Vice Chairman Solomon opened the meeting at 7:00 p.m.

Vice Chairman Solomon appointed Susanne White in place of Jon Penny

**Candidate for Planning Board Alternate-Charles Denton**

Mr. Dentin introduced himself and expressed his interest in becoming an alternate of the Planning Board. Mrs. DeForest made a motion to accept Mr. Denton as an alternate to the Hillsborough Planning Board. Mr. Sparks seconded the motion. The motion carried unanimously.

**APPROVAL of MINUTES:**

Susanne White made a motion to approve the minutes of July 5, 2017 as presented. Selectman James Bailey seconded the motion. The minutes were approved unanimously.

**PUBLIC HEARINGS**

**Site Plan Review/Amendment**

303 West Main Street -Map 11K Lot 087

McDonald's USA LLC

William Lucas of Bohler Engineering said that MacDonald's heard the Planning Board's opinion of the first design loud and clear. Mrs. Deforest said a "prison" Mr. Lucas said since the

previous meeting he along with the Planning Director and a representative of the McDonald's corporation have discussed another design for the building. The building presented showed changes to the texture and color of the building that they believe the Board was looking for.

The Planning Board agreed that this version was far more attractive than the previous version

Vice Chairman Solomon asked about any changes in the landscape plan on the property. Mr. Lucas said that the existing patio will remain so there would not be an opportunity to add any landscaping to the patio area but there are opportunities for additional plantings. After discussing the matter with the Planning Director, they decided to triple the amount of landscaping on the site.

Mrs. DeForest wanted to confirm that the "patio" would remain. Mr. Lucas said it would stay but updates will need to be made to bring it (and the entire location) up to the ADA (Americans with Disabilities Act).

Mr. Sparks said he wasn't crazy about the building but it is a definite improvement from the previous version.

Mr. Sparks asked Mr. Lucas to expand on the landscaping plan. Following a discussion, the Planning Board was referred to the landscaping plan for details on the specific plantings.

Mr. Miller asked for more specifics about the renovations. Mr. Lucas said that aside from the building design and plantings it was important to address upgrades made necessary to comply with the Americans with Disabilities Act.

Vice Chairman Solomon asked how long McDonald's would be shut down for this renovation to be complete. Ms. Leger said it would only be a couple of weeks.

Mr. Sparks asked if the parking lot lights would be changed. Mr. Lucas said that one pole was being moved but the lighting its self would not be changed.

Vice Chairman Solomon closed the Public Hearing after asking the public for any input.

Selectman Bailey made a motion to approve the application with the following condition.

1. No up-lighting on the building.

Denise Deforest seconded the motion. The motion carried unanimously.

### **Site Plan Review-Continuation**

174 Henniker Street-Map 12 Lot 071  
Peter Colbath/Vincent Daloia

Neither Mr. Colbath nor Mr. Daloia was present at the hearing.

## July 19, 2017 - Planning Board Meeting Minutes

Planning Director Robyn Payson said she thought she knew that they needed to attend. She said her suggestion to the Board is to correct the procedural error, and accept the application and open the Public Hearing; it is up to the Board to open the hearing or not without the applicant present. The meeting was legally noticed and there is no requirement that she knew of that prohibits the Planning Board moving forward without the applicant present.

Selectman Bailey said that due to the fact there were two versions of the plan circulated at the previous meeting the application was not acceptable because it was not filled out right. If it was possible he would like to make a motion to not accept the application.

Mrs. Payson pointed out that the plan received this evening incorporated changes requested by the Planning Board at the previous meeting and what they were looking at was the most up to date version of the plan.

Mr. Sparks said he agreed with Selectman Bailey and went on to say all his years on the Hillsborough Planning Board this application as submitted is probably the worst he had ever seen. He said he felt it was possible some of the Board members felt the same way. He went on to say that we all want business to come to town but this business situated where it would be situated and near a couple of established businesses that maintain their property provide a nice service and provide employment is not going to benefit the area. He said it was a bad application for a bad idea. Mr. Sparks said he would make a motion at the appropriate time that the application not be accepted. What was received as a "landscape plan" was unacceptable. If we are going to hold McDonald's feet to the fire this business should be held to the same standard.

Mrs. Payson explained first, someone on the Planning Board needed to make a motion to reconsider the vote to approve the application precipitously. (The application had never been accepted as complete by vote). This would allow the Board to accept the application as complete because of the waivers (granted individually at the previous meeting) and because the requested landscaping plan was technically sufficient. The Board could then officially accept the application as complete, open the Public Hearing and then following testimony from the public vote to approve or deny.

Ms. White called for a motion to reconsider the Site Plan approval erroneously granted at the last meeting. Selectman Bailey seconded the motion. The motion carried unanimously.

Vice Chairman Solomon opened the discussion on the application.

Selectman Bailey said the Board had been more than fair in regards to this application. The Planning Board asked for reasonable plans and he felt they (the applicant) had failed to do so. It was unacceptable. The plan is not to scale and you don't need an architect to do that. He said he agreed with Mr. Sparks with the exception that it (car sales) is a good idea for the location.

Mrs. Payson said the Board needed to accept the application for the hearing to proceed. Approval or Denial cannot occur until the application is accepted and the public hearing opened. What makes this application complete for acceptance are the waivers from requirements and the

submission of the landscaping plan even if it is unacceptable. It is technically complete for acceptance.

Vice Chairman Solomon called for a motion

Selectman Bailey made a motion to accept the plan as technically complete for the purposes of holding a public hearing. Mrs. DeForest seconded the motion. The motion carried unanimously.

Vice Chairman Solomon opened the public hearing.

Mr. Miller, an abutter, said first of all if this goes through you can put in the second driveway on my property because there are so many businesses going in and out of there you are going to need an extra road. I've yet to see in 28 years anything stay there any real length of time except "Hippie Video" everything else has been a revolving door. Do we need another car dealer on the Henniker Street "Auto Mile"?

Selectman Bailey said that it is an allowed use and you can't deny anyone a reasonable use of their property.

Mrs. Miller said all I know is that there have been a lot of things going in and out of there. All I know is, I don't want to see what's going on over there I want something other than the wire fence that is currently there. I want something there because I don't want to see what's going on. I don't think that's an unfair thing to ask. I've seen some nice fences that could be put up there.

Mr. Miller said the bottom line is that we have seen so much go in and out of there, it's just getting old. The yard isn't kept up for a business. Vice Chairman Solomon said that the current condition of the property is not relevant to the use being proposed.

Mrs. Miller said they haven't even talked to us about it, I think that's only fair. We haven't heard from them and neither has Kim Walker.

Ms. White said in reference to where the business is to be located at a gateway to town. She is a member of "Hillsborough Reborn" beautification committee it's starting to make the town look like somebody cares about it. I think we have to start like we did with Mc Donald's. In my opinion, what they have submitted as landscaping doesn't look like they care.

Vice Chairman Solomon closed the Public Hearing and asked if there were any other questions or comments from the Board members, Hearing none

Mr. Sparks made a motion to deny the application

1. The proposal did not meet Site Plan Regulations 185-5.2. Design and Landscaping Standards 185-5.2 C Landscaping Criteria and 185-2 "Purpose" 185-2 G, this could have an adverse affect on the Character of Development in that part of town.
2. The applicant failed to provide information required by the Board

3. The applicant failed to adequately address the legitimate concerns raised at the public hearing

Selectman Bailey seconded the motion. The motion carried unanimously.

Mrs. Payson then explained the process of informing the applicant and providing them with information about appealing the Board's decision.

**Other item**

Vice Chairman Solomon brought up an issue he wishes to discuss at the next Planning Board meeting. It pertains to the Water and Sewer Commission and planning for future development.

**ADJOURNMENT:**

Ms. White made a motion to adjourn. Selectman Bailey seconded the motion. The Board voted all in favor.

Meeting adjourned at 8:20 p.m.

Respectfully Submitted:

Robyn Payson  
Planning Director