

**PLANNING BOARD
27 School Street
HILLSBOROUGH, NH
November 4, 2015**

DATE APPROVED: November 18, 2015

TIME: 7:01 p.m. – 7:55 p.m.

CHAIRMAN: Herman Wiegelman

FIRST VICE CHAIRMAN: Donald Solomon

SECOND VICE CHAIRMAN: Denise DeForest

MEMBERS: Gary Sparks, John Penny and Larry Baker

EX-OFFICIO: James C. Bailey, III

PLANNING DIRECTOR: Robyn Payson

ALTERNATES PRESENT:

EXCUSED:

MEMBERS of the PUBLIC: John Segedy, Ann Poole, Steven Faber and Benjamin Nardi

CALL to ORDER:

Chairman Wiegelman called the meeting to order at 7:01 p.m.

MINUTES:

Chairman Wiegelman entertained a motion to accept the minutes of October 21, 2015.

Mr. Sparks asked that on page 2, after paragraph 9 wording be added to indicate that the Board had looked at some historic pictures of the central square and talked about how it use to look.

Mr. Sparks made a motion to approve the minutes of October 21, 2015 as amended. Mr. Solomon seconded the motion. The Board voted all in favor.

PUBLIC MEETING:

Steven Faber from Hillsborough Plaza - Re: Family Dollar:

Mrs. Payson explained that she went to Family Dollar with Engineer Bill Rollins, Mr. Solomon, Mr. Bailey and Mr. Penny to inspect the improvements intended to direct storm water runoff to the catch basin located at the front of the Family Dollar property.

Upon inspection, it was determined that the latest improvements were not installed correctly, and the runoff was still not directed to the appropriate catch basin. Bill Rollins will follow up this visit with a letter listing the deficiencies discovered, and what steps need to be taken to correct the problems.

Mr. Nardi and Mr. Faber spoke to the Board about their outstanding issues with the project. These included water trespass, property line encroachment and an unapproved access between the properties that has become a safety hazard. Mrs. Payson explained the Town's jurisdiction only extended to Site Plan issues (installing a guard rail to block the unapproved access between the two properties and ensure drainage is working according to the approved plan.) Mrs. Payson said she would be meeting

Meeting Minutes November 4, 2015

with the Code Enforcement Officer to discuss what additional steps may need to be taken to help resolve the problems in the most expedition way.

Chairman Wiegelman asked if she had any specifics as to what they need to do.

Mrs. Payson said they need to install the approved drainage plan correctly. She said there are drainage pipes with no pitch, pipes are not connected to down spouts and water is not being diverted to the catch basins.

Mrs. DeForest said that at an earlier meeting it was reported that the drainage had been done correctly.

Mrs. Payson said the design had been approved by Mr. Rollins however they didn't install the drainage as it was designed and if they had it would be working correctly.

Mr. Nardi, who is Mr. Faber's real estate consultant and advisor, said they had sent a letter to the Board on June 27 regarding their grave concerns with this project and the drainage issue. He added that Mr. Faber has had to place jersey bearers to stop patrons from crossing his parking lot to enter their parking lot. He said Family Dollar has also encroached upon Mr. Faber's property by six feet in some areas and produced a map showing the areas of encroachment. He also presented the Board with pictures which he would like added to the record.

Chairman Wiegelman said the only thing the Town can do is to insure the construction was done in accordance with the plan approved by the Planning Board.

Mrs. Payson said encroachment is a civil matter between the two parties.

Mr. Nardi continued explaining all the problems Mr. Faber's had with his property as a result of the water drainage from the Family Dollar Store and their reluctance to address the issues.

Mr. Nardi thanked the Board for their time.

Mr. Faber thanked also Mrs. Payson for always taking the time to meet with him over the past several months. He said he has had several conferences calls with representatives of Family Dollar and they don't seem to care.

Mr. Sparks asked if the plans had been reviewed by our engineer prior to approval by the Board.

Mrs. Payson answered the plans had been sent to the engineer but; the engineer's approval came after the application was approved. She said it was a struggle to get them to agree to do things that needed to be done. She does have letters from them agreeing to fix and to do the things we asked of them.

Mrs. DeForest asked what the Board could do if they don't comply with our request.

Chairman Wiegelman said the Board could retract their "Site Plan Approval" and "Certificate of Operation."

Mrs. Payson will be speaking to the Code Enforcer on this matter and discussing with him what can be done.

Meeting Minutes November 4, 2015

Chairman Wiegelman asked if there was anything the Board could do tonight.

Mrs. Payson suggested a motion to recommend the suspension their Certificate of Operation.

Mr. Sparks made a motion to recommend the suspension of Family Dollars permit of operation. Mrs. DeForest seconded the motion. The Board voted all in favor.

Foreclosure - for Map 7, Lots 35, 37 and 37-1 located on Stowe Mountain Road:

Mrs. Payson said the bank holding the mortgage was never informed that the property had been subdivided. She said that the recorded foreclosure deed contains the description of the property prior to the approved subdivision. She has been speaking to town council and the only thing we can do is to revoke the subdivision but the problem with that is it would do much more harm than good at this point. She said the back lot would revert back to the owner of the front lot; the problem is there is an attachment on the back lot which would now become the responsibility of the new owner. She said the only recommendation right now is to sit back and wait to see what develops.

Warrant Article:

Mrs. Payson distributed the second draft of the proposed warrant articles. She went over all the changes which have been done during this review process.

ADJOURNMENT:

Chairman Wiegelman entertained a motion to adjourn.

Mr. Sparks made a motion to adjourn. Mr. Penny seconded the motion. The Board voted all in favor.

Meeting adjourned at 7:55 p.m.

Respectfully Submitted:

Iris Campbell
Recording Secretary