

**PLANNING BOARD  
27 School Street  
HILLSBOROUGH, NH  
December 16, 2015**

**DATE APPROVED:** January 6, 2016

**TIME:** 7:00 p.m. – 7:45 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:** Pamela Stohrer

**EXCUSED:**

---

**MEMBERS of the PUBLIC:** John Segedy, Kris Stewart, Lisa Stewart, Grace Stewart, Roger Racette, Thomas Jones and Deborah Jones

**CALL to ORDER:**

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

**MINUTES:**

Chairman Wiegelman entertained a motion to accept the minutes of November 18, 2015.

Mr. Solomon made a motion to approve the minutes of November 18, 2015 as presented. Mr. Sparks seconded the motion. The Board voted all in favor.

**PUBLIC HEARING:**

Chairman Wiegelman opened the public hearing regarding the Zoning Amendments being proposed for the 2016 Town Meeting.

Mrs. Payson reviewed all the proposed changes:

**ZONING AMENDMENT #1**

**Amend Article II General Provisions Technical Corrections**

**Purpose:**

A means to correct technical and typographical non substantive errors

**229-15 Technical Corrections:** The Planning Board may, by majority vote, correct technical, typographical and non substantive errors and may reorder, renumber and correct cross reference information, where needed throughout this Ordinance.

She said this ordinance was to allow the Planning Board to correct references, typographical, spelling errors, etc.

\*\*\*\*\*

**ZONING AMENDMENT #2**

**Amend Article II General Provisions 229-12-Private Sewer Systems-**

**Purpose:**

The purpose of this amendment is to delete the contents of 229-12 because the Building Inspector/Code Enforcement Officer and the Department of Environmental Services oversee and permit Septic Systems.

She said the regulating of septic systems is not a zoning issue.

\*\*\*\*\*

**ZONING AMENDMENT #3**

Delete the text of “Article XVI Interim Growth Management Ordinance for Emerald Lake Village District” and reserve the section.

**Purpose:**

This is a housekeeping article to delete the expired ordinance and reserve the section.

She said this is to delete a section which has expired.

\*\*\*\*\*

**ZONING AMENDMENT #5**

**Amend Article II, General Provisions, § 229-6. Definitions and Word Usage- “Change of Use”**

**Purpose:**

The purpose of this article is to change the definition of “Change of Use” for the purposes of clarification.

**CHANGE OF USE**

- When the permitted use of any land structure or portion thereof is changed to another permitted use.
- Change in permitted use from one category noted in Table 4 “Chart of Uses” to a different category e.g. RESIDENTIAL USES to COMMERCIAL USES
- The addition of a DWELLING UNIT
- The addition or expansion of outside display or storage
- Significant change in traffic volume or pattern
- Any development of a site which requires Site Plan Approval by the Planning Board

She said this proposal removes the existing definition and replaces it with a specific list to explain what a change of use is. She said an applicant for a change of use would meet with the Planning Board who would then decide if the change needed a site plan review or not.

\*\*\*\*\*  
**ZONING AMENDMENT #6**

**Amend ARTICLE XIII, B Home Occupations by deleting provision #4 which reads:**

(4) The maximum gross vehicle weight for a commercial vehicle stored on the premises shall be 10,000 pounds.

**Purpose:** This restriction it is more appropriate to associate this restriction with a Home Business would be more associated with a “Home Business”.

She said the reference to gross vehicle weight is being removed.

\*\*\*\*\*  
**ZONING AMENDMENT #7**

**Amend ARTICLE II General Provisions 229-6 Definitions and Word Usage Home Business**

**Purpose:**  
To allow Home Businesses by right ; subject to approval by the Planning Board instead of applying to the Zoning Board of Adjustment for a “Special Exception”.

**HOME BUSINESS--** A business operated from one's residence which is allowed by right and in accordance with Table 4 “Chart of Uses” and subject to a “Change of Use” and “Site Plan review” by the Planning Board

She said this change eliminates the need for a “special exception” if the business is allowed in Table 4 - Chart of Uses”. She did say the applicant would have to come in for a change of use to see if a site plan review would be needed.

\*\*\*\*\*  
**ZONING AMENDMENT #8**

**Amend Table 4 Chart of Uses-Residential Uses note #2 Central Business District**

**Purpose:**  
The purpose of this article is to prohibit creating street level dwelling units in the Central Business District

(2) Dwellings at street level are prohibited. Minimum floor area for any dwelling unit on the second floor or above shall be 600 square feet.

She said this would eliminate any dwelling units on the street level floor of any commercial building in the Central Business District. She said this won't affect single-family dwellings or apartment buildings.

\*\*\*\*\*

**ZONING AMENDMENT #9**

**Amend Article VIII Board of Adjustment**

**Purpose:**

The purpose of this article is to Amend 229-50 Powers and Duties to refer to RSA and establish clearer standers for Variances and Special Exceptions

**ARTICLE VIII Board of Adjustment**

**§ 229-50. Powers and Duties**

B. Variances. To authorize upon appeal in specific cases variances from the terms of this chapter. No variance shall be granted unless each of the provisions of RSA 674:33 I (b) are met. The expiration of variances shall be as stated in 674:33 I (a).

C. Special exceptions. To hear and decide special exceptions to the terms of this chapter upon which such Board is required to pass under this chapter.

1. The ZBA shall hear and decide requests for Special Exceptions that are specifically authorized in Table 4 Chart of Uses.
2. The ZBA shall grant a request for a Special Exception only where a majority of the Board votes that each of the following has been found.
  - a. The use requested is specifically authorized by Special Exception in the Ordinance;
  - b. The requested use will not create undue traffic congestion or unduly impair pedestrian safety;
  - c. The requested use will not overload any public or private water, drainage, or sewer system or any other municipal system, nor will there be any significant increase in storm water runoff onto adjacent property or streets;
  - d. The requested use will not create excessive demand for municipal police, fire protection, schools, or solid waste disposal services;
  - e. Any requirements and standards for the specific use as set forth in the Zoning Ordinance are fulfilled;
  - f. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to or out of character with the adjacent neighborhood;

- g. The requested use is consistent with the spirit and intent of this Ordinance and the Master Plan.
- 3. The applicant bears the burden of presenting evidence sufficient to allow the ZBA to make findings required to support the granting of a Special Exception.
- 4. Expiration of Special Exceptions shall be as stated in RSA 674:33 IV.

She said this article clarifies the duties of the Zoning Board of Adjustment as they pertain to variances and special exceptions.

\*\*\*\*\*

**ZONING AMENDMENT #4**

**Amend the official Town of Hillsborough Zoning Map**

**Purpose:**

The purpose of this amendment is to re-zone Map 10 Lots 43, 44, and 45, from the Rural Zone to the Commercial Zone. This article is intended to correct the discrepancy between the zoning designation and the actual use of the properties.

She said this change was due to the lots being zoned rural but being used commercially. She said they are being taxed as commercial lot therefore they should be zoned commercial.

\*\*\*\*\*

Mr. Segedy questioned the wording of the first amendment, it was too vague. He said amendment five needed clarification regarding the reference to the addition or expansion of outside display or storage. He went on to amendment seven he said the correction is for exactly what he had pointed out to the Board last year, however, what is not clear is what the affect of the exemption from site plan review process is going to be. He disagrees that amendment eight will not affect any residential building in the central business district.

Mrs. Payson said she will be proposing a change in the site plan regulations which addresses how a change of use applications will be processed. She said the applicant will meet with the Board and the Board will make a determination as to whether a site plan hearing will be necessary. She said in reference to amendment one it is illegal for the Planning Board to change the intent of any ordinance without a vote of the town. She went on to amendment eight and explained that single family homes and multi-family buildings are both permitted in the Central Business District by present zoning code.

Mr. Solomon said amendment one should be corrected to read: The Planning Board may, by majority vote, correct: technical, typographical and non substantive errors and may reorder, renumber and correct cross reference information, where needed throughout this Ordinance.

Mr. Baker said he feels the section of amendment five addressing the addition or expansion of outside display or storage needs to be clarified.

Mrs. Payson said in most cases the original site plan of a commercial business would already have the outside storage area delineated on the approved plan. She said if the property changes ownership and they wish to change the use then they have to come in and meet with the Board. She added at that time the Board would be asking about any outside storage or displays.

Mr. Sparks suggested leaving the wording of amendment five alone and see how it goes. He added if it needs to be reworded or added to then that can be proposed at a later time.

Mr. Racette said amendment eight wasn't written to target single family homes so could you clarify this by adding that it doesn't apply to single family homes or multi-family buildings.

Mrs. Payson suggested adding: this provision shall not apply to new or existing single family houses and multi-family development.

Chairman Wiegelman entertained a motion to set a date for a the second public hearing on the proposed zoning ordinance amendments.

Mr. Baker made a motion to schedule a seconded public hearing for the zoning amendments including the changes discussed tonight for January 6, 2016 at 7:00 p.m. Mr. Sparks seconded the motion. The Board voted all in favor.

#### **PUBLIC MEETING:**

Mrs. Payson distributed a proposed change to the site plan regulations and suggested scheduling a public hearing for the same time as the second hearing for the proposed zoning changes.

She explained that the change addressed how a change of use would be reviewed by the Board:

#### **§ 185-5.1. Exempt changes of use. [Added 9-17-1997] [Amended 1-18-2012]**

- B. In order to achieve exempt status, the owner of a property (or his/her agent) must apply in writing to the Planning Board for an exemption from Site Plan Review on forms to be provided by the Board. The application shall fully describe the proposed change of use and shall address the requirements set forth in Subsection A above.
- C. No request for exempt status shall be approved or disapproved by the Planning Board without affording a meeting with the Planning Board to review and determine whether to waive or require Site Plan review. Changes of Use are defined in Article II General Provisions section 229-6 Definitions CHANGE OF USE. This applies to changes or expansion of any Commercial use or Dwelling. At this meeting, the Planning Board will decide whether to waive or require Site Plan Review.

Mr. Sparks made a motion to schedule the public hearing for this proposed site plan change for January 6, 2016 at 7:00 p.m. Mr. Solomon seconded the motion. The Board voted all in favor.

**ADJOURNMENT:**

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

Meeting adjourned at 7:45 p.m.

Respectfully Submitted:

Iris Campbell  
Recording Secretary