

PLANNING BOARD
27 School Street
HILLSBOROUGH, NH
January 7, 2015

DATE APPROVED: January 21, 2015

TIME: 7:00 p.m. – 8:45 p.m.

CHAIRMAN: Herman Wiegelman

FIRST VICE CHAIRMAN: Larry Baker

SECOND VICE CHAIRMAN: Martha Caron

MEMBERS: Ann Poole, William Clohessy, Denise DeForest

EX-OFFICIO: David Fullerton

PLANNING DIRECTOR: Robyn Payson

ALTERNATES PRESENT: Donald Solomon and John Penny

ALTERNATES APPOINTED: Donald Solomon for Martha Caron

EXCUSED: Martha Caron

Members of the Public: John Segedy, Mark Murdough, Darrell Murdough and Scott Osgood.

Call to Order:

The meeting was called to order at 7:00 p.m. by Chairman Wiegelman.

Chairman Wiegelman asked Mr. Solomon to sit as a voting member for Ms. Caron.

Minutes:

Chairman Wiegelman entertained a motion to approve the minutes of December 17, 2014.

Ms. Poole made a motion to approve the minutes of December 17. Mr. Solomon seconded the motion.

Mr. Baker said Ms. Caron did not vote in favor of one of the items and he doesn't see it noted in the minutes. He thinks it was on page 3, second paragraph from the bottom, the motion regarding stipends for board members. He asked for the minutes to reflect that all members voted for it except for Ms. Caron who voted against.

Ms. Poole revised her motion to approve the minutes as amended. Mr. Solomon seconded the motion. The Board voted all in favor to approve the amended minutes. (Note: The minutes of December 17, 2014 were not amended as the original wording was confirmed by the audio tape of the meeting.)

Public Hearing:

Chairman Wiegelman opened the public hearing on the proposed zoning amendments.

Mr. Baker asked if the wording had been reviewed by the town's attorney.

Mr. Segedy questioned why the home business amendment only applied to the residential and rural zones.

Mrs. Payson said the references Mr. Segedy is making are already in the existing ordinance.

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Mr. Segedy agreed but pointed out “if you are going to fix an ordinance you should fix the entire ordinance.”

Mr. Segedy pointed out that Table 4 has not been changed to reflect the proposed changes as mentioned in the amendment. He also noted that under 229-86 it says it will be moved to Article II. General Provisions – Section 229-6 but it doesn’t tell you what is being moved. He questioned the wording of 229-86 A (2) regarding the outside storage of material related to the home business. He feels 229-86 A (6) is a duplicate of 229-86 A (5). He questioned not allowing vehicular traffic to exceed the traffic normally associated with residential use as proposed under 229-86 B (5).

Mr. Baker pointed out that the change refers to more traffic than would normally occur at a residence.

Mr. Segedy questioned the number of applications and cost in order to have a home business. He feels this discouraging people from opening home businesses.

Mr. Solomon asked if it would be better to prohibit businesses outside...

Mr. Segedy interrupted by saying no it would be better to leave people alone.

Mr. Solomon said then you have uncontrolled development.

Ms. Poole asked if he had issue with 229-86 C (5) and (6).

Mr. Segedy said he has an issue with the entire amendment and all the application one needed to file in order to open a home business. He said it has to be made clearer.

Mr. Segedy questioned the section of the accessory living unit ordinance which uses “no rent or in kind services are expected or provided” as part of its explanation. He added it then mentions nannies as an occupant but nannies could be an in kind service.

Mrs. Payson said the words “or provided” should be removed.

Mrs. Payson said in-law apartments need to be differentiated from apartments for assessing purposes.

Ms. Poole said after they are built apartments and accessory living units are physically the same.

Mr. Solomon disagreed because accessory living units require an interior access to the main dwelling and a rental unit would have an exterior entrance.

Mr. Clohessy said an apartment has its own electrical meter.

Mrs. Payson said it would also have its own address. She said the purpose of the ordinance to clarify the definitions so the units can be noted on the assessment cards correctly. She added homeowners have had trouble obtaining financing when the units have not been correctly noted on the assessment card.

Mr. Segedy questioned the requirement that the owner of record reside on the property using the example of residences which are owned by trusts.

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Mr. Segedy moved on to the recreational vehicle ordinance and removing the word “registered” from 229:13. He added that renters should be allowed to store a trailer on the property they are renting.

Discussion moved on to the amendments in the Home Occupation/Home Business Ordinance.

Ms. Poole said she thought 229:86A (5) and 229:86 A (6) said the same thing.

Mr. Solomon pointed out that 229:86 A (5) addresses the buildings and premises and 229:86 A (6) addresses the activity.

Ms. Poole made a motion to take the second sentence: “There shall be no window displays or other features not normally associated with residential use (other than the one sign allowed under C4, below).” in 229:86 A (6) and add it to 229:86 A (5) and leave the first sentence: “The activity must not change the character of the premises or surrounding neighborhood.” in 229:86 A (6). Mr. Solomon seconded the motion. The Board voted all in favor.

Ms. Poole made a motion to change the wording of 229:86 B (5) read: “The home occupation shall not generate vehicular traffic in excess of that which is normally associated with the use of the lot for residential purposes.” Mrs. DeForest seconded the motion. The Board voted all in favor.

Ms. Poole took issue with the section of 229:86 C were it states a person seeking permission for a home business must apply to the ZBA for a special exception. She feels it is not appropriate for one board to place a burden on another board.

Mr. Solomon pointed out that there are other sections of the zoning ordinance were special exceptions are required prior to Planning Board action.

Mrs. Payson said this procedure is already in the ordinances so we could eliminate this reference if the Board feels it is confusing.

Ms. Poole questioned limiting vehicle weights under 229:86 C (5). She also felt that the use of “significant changes” in 229:86 C (6) is undefined. She felt “ceases operation” should have a specific length of time so as not to affect seasonal businesses.

Ms. Poole made a motion to revise 229:86 C (6) to read: “The permit shall become void if any conditions of approval of the use are violated or when the home business discontinues operation for a period of forty-eight (48) months.”

After a short discussion Ms. Poole revised her motion to read: “The permit shall become void if any conditions of approval of the use are violated or when the home business is dissolved.” Mr. Baker seconded the motion. The Board voted all in favor.

Ms. Poole made a motion to remove the reference in 229:86 C beginning with “Person seeking permission for a home business must apply to the ZBA for a Special Exception . . .” be deleted. Mr. Baker seconded the motion. The Board voted all in favor.

The Board discussed 229:86 C (5) which addressing limiting the weight of a commercial vehicle stored on the premises.

The Board moved on to a discussion regarding the accessory living units ordinance.

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Chairman Wiegelman asked Mrs. Payson where the wording for the proposed ordinance came from.

Mrs. Payson answered from other towns and working with the assessor and building inspector trying to define how an ALU is different from an apartment.

Ms. Poole made a motion that Proposed Change #2: to add a new Accessory Living Unit Ordinance is removed from the warrant articles. No seconded was made.

Mr. Solomon made a motion to approve the proposed ordinance regarding accessory living units as submitted and recommended for passage at town meeting. Ms. Poole seconded the motion. The Board voted all in favor except for Ms. Poole who voted against and Mrs. DeForest abstained.

Ms. Poole is against the new recreational vehicle ordinance.

Mr. Baker asked what the issue is which prompted the request for this ordinance.

Mrs. Payson said we have no ordinance which states a person can't "live forever in a camper". She said the building inspector will not issue a certificate of occupancy because it's not considered a dwelling unit by the State. She said as far as being registered implies that the camper is road worthy and has passed some sort of inspection.

Mr. Baker said we are considering this ordinance because someone wants to live in a recreational vehicle year round.

Mrs. DeForest said campers are not considered a residence. She added this would affect vehicle registrations because people wouldn't be able to claim a camper as their residence.

Mr. Baker had a problem with the word "registered" as it was used in the proposed ordinance. He saw no need for it as it made no difference in the intent.

Mr. Baker made a motion under Proposed Change #3: to add a new Recreational Vehicle Ordinance that the term registered or registration be removed. Mr. Fullerton seconded the motion. The Board voted in favor except for Ms. Poole who voted against.

Ms. Poole made a motion to continue tonight's hearing until January 21 at 7:05 p.m. Mr. Baker seconded the motion. The Board voted all in favor.

Other Business:

Mr. Baker said in the draft of the letter Chairman Wiegelman will be submitting to the Board of Selectmen requesting stipends for Planning Board members it also asks for the Planning Director to be full time. He doesn't remember the Board discussing that issue since the beginning of the year.

Ms. Poole said the Board has discussed it several times.

Mr. Baker said he remembers comments being made at different times by Board members but not a discussion.

Mr. Solomon asked Mrs. Payson if there is enough work to justify a full time position.

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Mrs. Payson said she feels there is a lot going on such as two commercial applications coming in by the end of the month. She added there a regulations to look at which don't require town meeting approval but require public hearings. She said there are the ongoing projects of the master plan and Woods Woolen cleanup plus any other work the Board wants her to do.

Mr. Wiegelman said the position was established as a full time position at town meeting and it wasn't until Mrs. Payson was hired did the chair of the Select Board make an arbitrary decision that we didn't need a full time planner. He added that the Chairman said the Town Administrator could do both but later admitted he made a mistake making that suggestion.

Mr. Clohessy said he has been attending the CNHRPC meeting for over a year and they will be working on a master plan. He said at the last meeting there was a brochure containing a demographic by the State which showed a trend that younger people are leaving and older people are coming in. He added that we as a Board should not just approve plans but should be working with Mrs. Payson on planning of which the master plan is crucial.

Chairman Wiegelman asked if there was any Board member who disagreed that the Planner needed to be full time. None of the Board members disagreed except for Mr. Fullerton who abstained.

Adjournment:

Chairman Wiegelman entertained a motion to adjourn.

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

Meeting adjourned at 8:45 p.m.

Respectfully Submitted:

Iris Campbell
Recording Secretary