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**HILLSBOROUGH ZONING BOARD**  
Meeting Minutes  
July 13, 2015

Date Approved: October 19, 2015

Present:

Members: Chairman Roger Racette, Russell Galpin and Larry Baker

Alternates: John Segedy and Nancy Torres

Planning Director: Robyn Payson

Absent: Michael McEwen and Richard Booth

Members from the Public:

Chairman Racette called the meeting to order at 7:03 pm.

Chairman Racette said Mr. Booth may be leaving the Board soon as his house is under contract.

Mr. Baker announced that he will be tending a letter of resignation to the Board of Selectmen along with a request to be appointed as an alternate and endorsing Mr. Segedy as his replacement.

Chairman Racette appointed Mr. Segedy to vote in place of Mr. McEwen and Mrs. Torres to vote in place of Mr. Booth.

**MINUTES:**

**May 11, 2015:**

Mr. Segedy made a motion to approve the minutes of May 11, 2015 as submitted. Mr. Galpin seconded the motion. The Board voted all in favor.

**June 8, 2015:**

Mr. Segedy made a motion to approve the minutes of June 8, 2015 as submitted.

Chairman Racette asked that on page 2, paragraph 9 the reference should be made to commercial buildings in the Central Business District and the Board's recommendation to review the change of use policy.

Mrs. Torres seconded the motion. The Board voted all in favor except for Mr. Segedy who abstained.

**PUBLIC MEETING:**

**Special Exception Criteria:**

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Mr. Segedy said if the Planning Board could create and issue conditional approvals rather than special exceptions then aggrieved parties could appeal to the ZBA.

Chairman Racette said the Town has approximately 50 special exceptions do we want to become more or less specific.

Mr. Segedy said he liked the way the Town of Wilton has addressed exceptions regarding certain zoning issues.

Chairman Racette and Mr. Baker both said the criteria which have to be met for a special exception need to be very clear with no gray areas.

Chairman Racette said presently the five criteria which govern special exceptions need to be reviewed.

Chairman Racette read criteria number one: "The Special Exception is specifically authorized by provision of this chapter". He said this one is clear.

Chairman Racette read criteria number two: "All special conditions required of the Special Exception have been met". He said there are no conditions and there should be.

Chairman Racette read criteria number three: "No hazard or nuisance will be created". He felt this one was very subjective.

Chairman Racette read criteria number four: "The general welfare of the Town of Hillsborough would be protected". Mrs. Payson said this one is very vague.

Chairman Racette read criteria number five: "The proposed Special Exception is in substantial agreement with the spirit and intent of this chapter or that a hardship exists". He said in order to obtain a Variance you need to show hardship but not for a Special Exception so this should be removed.

The Board continued to discuss this issue along with the availability of parking in the downtown area.

Chairman Racette suggested having specific conditions for obtaining a special exception based on which zoning district the property is in.

### **Zoning Ordinance Review:**

Mrs. Payson said Article IV is Overlay District and is completely just reserved space.

Mrs. Payson said Article V is Planned Developments which right now deals only with Mobile Home Parks and Mobile Home Subdivisions. She added that the conditions for approving a special exception are already sited.

The Board discussed the article.

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Mrs. Payson said Article VI is Special Regulations which include Signs, Waterfront Development and Pits and Loam Removal Area. She said the Planning Board is reviewing the sign ordinances.

The Board discussed the article.

Mrs. Payson said Article VIA is Floodplain Development which is regulated by FEMA.

The Board determined this entire article is governed by FEMA.

Mrs. Payson said Article VII is Nonconforming Uses which deals with the ability to continue to use an approved building which is now nonconforming because of newly adopted zoning changes.

Mr. Segedy said we should reinstate Section 229-44 which stated that lots of record existing prior to 1976 would be exempt from the lot size and setback requirements.

Mrs. Payson said it would be more realistic to reduce the rear setback in the rural zone.

Mr. Segedy said the setbacks could be based on a percentage of the lot size.

Mrs. Payson said the Board needs to concentrate on the criteria for special exemptions.

Chairman Racette said for the next meeting the Board will look at each zoning district and come up with conditions for approving a special exemption for that district.

Mr. Segedy said they should also review the chart of uses.

Chairman Racette said yes, in the hopes of reducing the number of uses which need a special exception.

**ADJOURNMENT:**

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

Chairman Racette announced the meeting adjourned at 8:45 p.m.

Respectfully Submitted:

Iris Campbell  
Land Use Administrator