

PLANNING BOARD
27 School Street
HILLSBOROUGH, NH
December 6, 2023

TIME: 7:00 p.m. –8:40 p.m.

DATE APPROVED: 12/20/23

MEMBERS: Susanne White- Chairperson, Nancy Egner -Vice Chairperson, Ed Sauer-Second Vice Chairperson, Adam Charrette, Steve Livingston, Bryant Wheeler

EX-OFFICIO: James Bailey III

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Kim Opperman, Dana Clow, Morgan Tanafon

Excused: Ed Sauer, Kim Opperman, Morgan Tanafon

Public: Joe Kelley, Chantel Kelley, Keith Cobbett, Richard Head, Riche' Colcombe, Andrew Morris, Charles Hoegen, Laurie Jutzi

Pledge of Allegiance

Call to Order:

Chairperson Susanne White called the meeting to order at 7:00 PM and called the roll. She appointed Dana Clow to sit in place of Ed Sauer.

Minutes

11/15/23 Nancy Egner made a motion to approve the minutes. Steve Livingston seconded the motion. The motion was carried with Dana Clow and Adam Charrette abstaining.

Public Hearing

Zoning Amendments for Town Meeting 2024

Robyn Payson reviewed the warrant articles intended for Town Meeting.

Article 1

Shall the Town vote to amend the Zoning Ordinance by deleting the definition "Change of Use from Article II General Provisions section 229-6 Definition and Word Usage.

Article 2

Shall the Town vote to amend the Zoning Ordinance by amending section 229-23 in Article III Use Districts into a Change of Use Ordinance as posted on the Town website, printed in the Town Report and available at the Town Offices.

Articles 1 and 2 were addressed together.

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Robyn Payson said that the purpose of these articles is to take the language from the zoning ordinance and site plan regulations and put it all together in one place. No changes were made to the language.

Susanne White asked if the Board had any questions about the articles.

The Board did not.

Susanne White opened the public hearing.

There being no input from the public, Susanne White closed the public hearing.

Nancy Egner made a motion to recommend the approval of Articles 1 and 2 by the Town Meeting and vote to place it before the voters in its final form on the Town Meeting 2024 ballot.

Jim Bailey seconded the motion. The motion was carried unanimously.

Robyn Payson said she had received an e-mail from John Segedy stating that getting pallets of firewood would be a change of use, and while an exemption is available one should not have to pay for a hearing and appear before the Planning Board to do so.

Robyn Payson said she disagreed with his statement because changes in use primarily address changing residential to commercial or commercial to residential. Change of use does not apply to having firewood delivered.

Article 3

Shall the Town vote to amend the Zoning Ordinance by amending the definition of Frontage as shown in Article II General Provisions section 229-6 Definitions and Word Usage from:

FRONTAGE: That side of a lot abutting on a street and ordinarily regarded as the front of the lot. For a corner lot, half of the curve of the radius may be included in the frontage.

to:

FRONTAGE-That side of a lot abutting on a Class V Road, State maintained highway, or a private road ordinarily regarded as the front of the lot. In the event of a lot abutting more than one street, the longest side shall not be less than the minimum frontage requirements of the Zoning Ordinance. For a corner lot, half of the curve of the radius may be included in frontage.

Robyn Payson said this was a more detailed definition that answers some questions that people may have when subdividing, it gives a more clear definition of what frontage is.

Susanne White asked the Board if they had any questions. The Board had no comment.

Susanne White opened the public hearing. There was no input from the public, so Susanne White closed the public hearing.

Nancy Egner made a motion to recommend the approval of Article 3 by the Town Meeting and vote to place it before the voters in its final form on the Town Meeting 2024 ballot. Jim Bailey seconded the motion. The motion carried unanimously.

Article 4

Shall the Town vote to amend the Zoning Ordinance by amending the definition of Lot as shown in Article II General Provisions section 229-6 Definitions and Word Usage from:

LOT-An individually designed parcel of land.

to

LOT- A parcel of land occupied or to be occupied by only the principal building and the accessory buildings or uses customarily incidental to the principal building. A lot shall meet the criteria of Section 229-21 Dimensional Standards as well as provide such yards and other open spaces as are herein required. A lot shall have boundaries identical to those recorded at the Registry of Deeds.

Robyn Payson said this was a more complete definition that addresses principal buildings and accessory buildings. She said right now you can't put a garage on a lot without a principle building on the lot.

Susanne White asked the Board if they had any questions or comments. There being none, she opened up the public hearing.

Riche' Colcombe asked where in the zoning it said you couldn't have an accessory building without a principal building.

Robyn Payson said she and Code Enforcement Officer have discussed what an accessory building is, and it is something that has to be secondary to a primary building.

Riche' Colcombe asked if someone wants to subdivide a lot that includes a garage and does not include a primary building, would they be allowed to do that. Ms. Colcombe said it had happened before.

Robyn Payson said they could subdivide.

There was a discussion about what an accessory and a principal building are.

Riche' Colcombe said people put utilities in their garage. It would not necessarily be a dwelling. She said it seems like we are being very restrictive going forward on a lot as opposed to what is being done right now.

Dana Clow said the building code categorizes by specific requirements about what would be accessory structures.

Riche' Colcombe asked what if she wanted to put a barn up for he animals on a lot specifically for a barn with utilities.

Robyn Payson said she used a bad example with the garage. There is nothing that says you can't put a building or a principal building on a lot.

Riche Colcombe asked why the change to the definition is needed. She asked why it needed to be more specific and more restrictive.

Robyn Payson said it is more detailed. It cites the dimensional standards, it's a more detailed definition.

Riche Colcombe said it is more restrictive with what someone wants to do with their lot. She said if she buys a lot and she wants to put something on it this is going to be more restrictive.

She asked what is going to be defined as the principal building. How is it going to restrict her more than the original definition.

Robyn Payson said it wasn't going to restrict building any more than the original definition.

Riche' Colcombe said we are adding a lot of words in when there is no change.

Robyn Payson said yes, that was a point of view, and it was up to the Board as to whether or not they wanted to move forward with it.

Dana Clow said it seems like any structure on its own can be considered a principal structure. He said the structure need not be a residence. He said the improvements of the definition bring more clarity which is a good thing, and he does not limit the use. He said it's not the nature of the structure its self-it's its relationship to the lot.

Riche' Colcombe said it is her concern with adding so many more words it's leaving it up to someone's interpretation of what those words are meaning and how they are going to be interpreted for different residents and how they are going to have to come before the Planning Board because of how the current Building Inspector interprets it. She said she did not see the value in all of those extra words.

Robyn Payson said someone doesn't have to come to the Planning Board to build a building. You have to come for a subdivision or a lot line adjustment but if you want to build a building you go to the Building Department.

Susanne White said it's a clarification to the definition of a lot. She said she didn't think it was limiting, it just gives more direction to people who are planning to build something.

Dana Clow said it is always going to be subject to interpretation of the authority regardless.

There being no other questions, Susanne White closed the public hearing.

Nancy Egner made a motion to recommend the approval of Article 4 by the Town Meeting and vote to place it before the voters in its final form on the Town Meeting 2024 ballot. Jim Bailey seconded the motion. The motion carried with Steve Livingston voting no.

Article 5

Shall the Town vote to amend the Zoning Ordinance by amending the definition of Setback as shown in Article II General Provisions section 229-6 Definitions and Word Usage from:

SETBACK-The distance between a building and the nearest street line or property line.

to

SETBACK--The minimum required distance from a boundary line of the Lot to the nearest part of a building or structure.

Robyn Payson referred to the e-mail sent by John Segedy. She said he made a very good point about things like fences and mailboxes and other examples that don't currently need to meet setbacks being included in the definition. He said the definition of structure is unclear. Robyn Payson said he is right. She said currently what is required to meet setbacks are buildings. It does not include things like pools or propane tanks. It also doesn't include fences that are under 7 feet and other things that shouldn't need to meet setbacks. She said this article needs a lot

more thought. She asked the Board to vote to not move forward with this article.

Susanne White asked the Board if they had any comments. Nancy Egner said she thought it was a good idea.

Susanne White opened the public hearing.

There being no input from the public she closed the public hearing.

Nancy Egner made a motion to take Article 5 out of the list of warrant articles to be considered for Town Meeting 2024. Jim Bailey seconded the motion. The motion carried unanimously.

Article 6

Shall the Town vote to amend the Zoning Ordinance by repealing Article II General Provisions section 229-14 Accessory Dwelling Unit Ordinance and replacing it with an updated Article II General Provisions section 229-14 Accessory Dwelling Unit Ordinance that includes allowing detached Accessory Dwelling Units as posted on the Town website, printed in the Town Report and available at the Town Offices.

Robyn Payson said this re-write would allow detached accessory dwelling units.

Susanne White asked the Board for comments. There being none she opened up the public hearing.

Riche' Colcombe asked if the verbiage of this article was in the packet that was handed out.

Robyn Payson said that it was.

There being no other comments she closed the public hearing.

Nancy Egner made a motion to recommend the approval of Article 6 by the Town Meeting and vote to place it before the voters in its final form on the Town Meeting 2024 ballot. Jim Bailey seconded the motion. The motion carried unanimously.

Article 7

Shall the Town vote to amend the Zoning Ordinance by amending the Table 4 Chart of Uses, Residential Uses Note number 2, to divide note number 2 under Residential Uses in the Central Business District into two separate notes. Note number 2 for the Central Business District will state that Dwellings at street level require a Special Exception. New note number 3 for the Central Business District will reduce the minimum floor area of any dwelling unit from 600 square feet to 450 square feet for a one-bedroom dwelling unit. Units with two bedrooms or more require an additional 120 sq. ft. per additional bedroom.

Robyn Payson said this article was suggested by Kim Opperman. It gives more flexibility to allow for smaller apartments in the Central Business District.

Susanne White asked the Board if they had any comments. There being none, she opened up the public hearing.

Riche Colcombe asked if the document (the packet handed out) was available to the public prior to this evening's hearing.

Robyn Payson said it was available on the Town website.

Riche' Colcombe said it was a lot of reading to do at the public hearing and there was not accessibility to the public.

Robyn Payson said it has been on the Town website for a month.

Susanne White said it was in the meeting minutes from the previous meeting.

Riche' Colcombe asked if there was going to be another public hearing on this.

Robyn Payson said only if there were changes.

There being no other comment, Susanne White closed the public hearing.

Nancy Egner made a motion to recommend the approval of Article 7 by the Town Meeting and vote to place it before the voters in its final form on the Town Meeting 2024 ballot. Steve Livingston seconded the motion. The motion carried unanimously.

Article 8

Shall the Town vote to amend the Zoning Ordinance by repealing Article XV Historic District Ordinance and replacing it with a new updated Article XV Historic District Ordinance as printed in the Town Report, on the Town website and available at the Town Offices.

Robyn Payson said this was another repeal and replace due to the number of changes to the ordinance. Robyn Payson reviewed the changes to the ordinance. These changes give the Historic District Commission more authority and ability to do their job.

Susanne White asked if the Board had any questions. There being none she opened the public hearing. There being no comments from the public she closed the public hearing.

Nancy Egner made a motion to recommend the approval of Article 8 by the Town Meeting and vote to place it before the voters in its final form on the Town Meeting 2024 ballot. Steve Livingston seconded the motion. The motion carried unanimously.

Article 9

Shall the Town vote to amend the Zoning Ordinance by amending Article VIA Floodplain Ordinance to include changes necessary to comply with the requirements of the National Flood Insurance Program as printed in the Town Report, on the Town website and available at the Town Offices.

Robyn Payson said these changes were required by the National Flood Insurance Program.

Susanne White asked the Board for comments. There being none she opened up the public hearing.

Riche' Colcombe said she just went on the Town website to look for the notices and it's not on the front page where all of the public notices are. It's not with the minutes and agendas, it's buried deep in the Planning Board page. She said it is not easily accessible to the people of the Town. She made a recommendation that that be a warrant article for the Town that the

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information from the Planning Board and Zoning Board be more available on the front page of the website because it's not there. It's buried deep.

Robyn Payson said she wasn't sure that could be a warrant article. She said that it was on the notice that the changes are available at the Town Office.

Riche' Colcombe said that notice was also buried.

Robyn Payson said the notice was in the paper.

Susanne White said they were also addressed at the previous meeting.

Riche' Colcombe said the Board met the requirements of the law. She said this isn't readily available to the people to understand. She said this should be more readily available so they can prepare for a meeting like this. She said she would take responsibility that she didn't see it in the minutes, but it's not visible without digging.

Robyn Payson said she will talk to the people in the office to make sure it is on the front of the website.

Keith Cobbett said he went to the front page of the website which is for public notices and it's not there. He asked, why would I as a resident have to search more for a public notice except for under public notices. He said as a computer guy it would be obvious that it would be under that spot so when I click under departments, I see all the departments. If it's not under public notices, why would it be under the Planning Board section.

Riche' Colcombe said this has been discussed with the Town before and unfortunately, we are faced with a lot of defensiveness about how the website is put together. She said she gets the impression that what the people are asking for is falling on deaf ears. She said this is a clear example. She said maybe she didn't dig hard enough and should have asked more questions and she said she would own personal responsibility for this as well. She said she agreed with Keith that it should have been under public notices. She said she can see the community power meeting but there is nothing there about the zoning changes.

Robyn Payson said the Board could hold a second public hearing if they wanted.

Dana Clow asked if this was something Robyn had control over.

Robyn Payson said it wasn't, but she could ask.

Susanne White said wherever this was placed or not placed wasn't intentional. She said she didn't know if it was in the paper.

Robyn Payson said it was in the paper and it said it's available on the Town website and at the Town Office for anyone to see. So even though it wasn't readily found on the Town website it said in the notice in the paper that it is available at more than one place.

Susanne White asked if it could be requested that it be located in the public notices section of the website.

Robyn Payson said it could.

Susanne White asked for any other questions about Article 9. There being none she closed the public hearing.

Nancy Egner made a motion to recommend the approval of Article 9 by the Town Meeting and vote to place it before the voters in its final form on the Town Meeting 2024 ballot. Dana Clow seconded the motion. The motion carried unanimously.

Change of Use

8 School Street (Map 23 Lot 120)

Charles Hogen

Mr. Hoegen is requesting a Change of Use to create an apartment on the second floor of 8 School Street. She said no department heads submitted comments other than the Building Inspector who commented on construction requirements.

Mr. Hogen presented his application. He said the building is vacant right now and one way to put it to use is to put an apartment on the second floor. The Water and Sewer department has approved the change of use.

Steve Livingston made a motion to accept the application. Bryant Wheeler seconded the motion. The motion carried unanimously.

Susanne White asked the Board members if they had any comments or questions. There being none she asked for a motion to approve.

Adam Charrette made a motion to approve the Change of Use/Waiver of Site Plan Review application submitted by Charles Hoegen at 8 School Street Map 23 Lot 120 to change the use of existing commercial office space on the second floor to a residential use in accordance with the findings of fact.

1. The property is located at 8 School Street
2. 8 School Street LLC. is the owner of record of the lot.
3. Charles Hoegen presented the application.
4. The property is located in the Central Business District with a corner in the Village Residential Zone.

5. The application meets the requirements for a Change of Use/Waiver of Site Plan.
6. The change has been approved by the Water/Sewer Commission.

Steve Livingston seconded the motion. The motion carried unanimously.

Riche' Colcombe said that the public hearing had not been opened.

Susanne White opened the public hearing. There being no comment she closed the public hearing.

Amendment to Site Plan Notice of Decision/Site Plan Review

174 Henniker Street (Map 12 Lot 71)

Henniker Street (Map 12 Lot 113)

Jospeh Kelley

Robyn Payson said there were two separate actions on this application. The first was an application to amend the Notice of Decision of case number 2022-04 issued on March 18, 2022. The requested amendment was to conditions number 4 and 5 that specify the number of cars allowed on the Lot. Mr. Kelley wants to go from 15 vehicles to up to 30 vehicles. She said this application is complete and ready for consideration by the Board.

Steve Livingston made a motion to accept the application as complete. Bryant Wheeler seconded the motion. The motion carried unanimously.

First Application-Amend conditions 4 and 5 in the Notice of Decision March 18, 2022

Susanne White asked if the Board had any questions or comments.

Steve Livingston said he didn't have a problem with how this was written but he asked if there needed to be a limit of 30 cars. He asked if it could be based on however many parking spots he has. If you have space for 30 cars you park 30 cars, if you have space for 25 you park 25. He said to put a number on it doesn't make any sense.

There being no other comments from the Board, Susanne White opened the public hearing. She called on Mr. Kelley to speak about his application.

Mr. Kelley said there had been questions about how many vehicles were allowed on the lot. When he initially came before the Board he did not know how many vehicles they were going to be able to park there and sell. He said since then business has been very good and he needs the room to be able to park vehicles there for display. He said he has 30 spaces available, but the way things are going, sometimes there won't be 30 cars there. He said he knew there had been some concerns raised before about the number of vehicles. He said he was asking for the number of cars being parked there to equal the number of spaces.

He said that also on the original decision it said "no repair of vehicles on site". He said he violates that every single day because cars come in with a dead battery and you have to replace it or there is a flat tire, and you have to change the tire. He said certainly they are not changing

engines. He said he has an off-site shop that takes care of all repairs so he thinks that condition needs to be removed. He said he didn't want someone to come by and see him jump starting a car and say they are repairing vehicles.

Steve Livingston said that is not really a repair, that's just maintenance so you can move something. You can get a battery changed at Sanel's or O'Reilly's, it's not going into the shop, it's not a repair.

He said he brought it up because people complained about the number of cars on the lot that there would be complaints if someone saw him replacing a battery. He said if the Board is ok with that, that was fine.

Dana Clow said you don't have any shop facilities there.

Mr. Kelley said he did not.

Steve Livingston said he thought it goes without saying that changing tires and batteries is not "auto service".

Susanne White asked if he had room for 20 or 30 vehicles on the paved part of the lot. Mr. Kelley said he did and that the whole lot was paved.

There being no other questions from the Board, Susanne White opened the public hearing.

Being that there were no public comments Susanne White closed the public hearing.

Nancy Egner made a motion to approve the amendment of conditions number 4 and number 5 of Notice of Decision Case number 2022-04 dated March 18, 2022 to allow up to 30 vehicles to be located on the property at one time in accordance with the findings of fact.

Based on the application, testimony, and additional documentation given to the Board at the hearing the Board hereby makes the following findings of fact:

1. The property is located at 174 Henniker Street
2. Joseph Kelley Jr. and Chantel J. Kelley are the owners of record of the property.
3. Joseph Kelley Jr. presented the application.
4. The property is located in the Commercial Zone.
5. The applicant proved parking 30 vehicles on the property for sale was in the spirit and intent of the site plan regulations.

Dana Clow seconded the motion. The motion carried unanimously.

Second Application-Site Plan Approval for Map 12 Lot 113

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Robyn Payson said Mr. Kelly is asking for a waiver of an engineered site plan on this property. The Board needs to grant that waiver in order for the application to be complete. She said Mr. Head wanted to speak to the Board about this.

Susanne White recognized Richard Head, Chairman of the Conservation Commission.

Mr. Head handed out maps of the property showing that it was located in the flood plain and on an aquifer that is not in the aquifer protection zone.

Mr. Head spoke about pollutant risks to the river and the aquifer by having 100 vehicles parked on the lot.

He said when you are putting on a rotating basis a large number of vehicles immediately over the aquifer, in a flood plain there is a high risk of pollutants.

He said the Planning Board's job is to protect the environment and other properties. The Board needs to ensure the use of that property does not impact other properties. He expressed concern over leaky vehicles and washing vehicles with detergents that would also be in the floodplain over the aquifer.

Richard Head said that a site plan will allow an engineer to address those issues. He said that there are going to be pollutants released into the environment in an area where those pollutants will be easily transported either through floods or quick-moving aquifers, both of which are valuable to the Town and as ecosystems. Conservation Commission is asking that the waiver be denied for the purpose of the Board having enough information, so when you are voting you can receive assurances that as designed the project will not result in pollutants escaping that property, into the ground water and the river through floods or getting into the aquifer system. We think that is a bad idea for the objectives of the Planning Board and their ability to review this project and have the information necessary to make an informed decision.

Steve Livingston said that this was already a lot, and it has been for quite a long time. He asked Mr. Head what makes it different now?

Mr. Head said the lot does not currently have 100 vehicles parked on it.

Steve Livingston said the lot abuts his property and he has always seen vehicles parked on it.

Mr. Head said the Board is being asked to approve this plan and not prior uses. This is the Board first opportunity to decide if this lot is appropriate for this use. He said there is a difference because there have been prior uses, those uses might have resulted in pollutants being released but that doesn't mean you should let it happen because it happened before.

Steve Livingston said behind that lot, is his lot and most of those cars have been in an accident. He said Mr. Kelley isn't creating a junk yard. He is storing cars that have been driven in to sell. He said you are finding a lot of faults in areas.

Richard head said he is not finding fault; he is saying that the Board needs to make an informed decision on the application that is coming before the Board. An engineered plan will have ways of minimizing or eliminating that risk.

Mr. Kelley said he understands Mr. Head has some concerns about the environment, but he wanted to clear some things up. He said he was never intending to store RV's there. He said he thinks he meant OHRV's. He said what he was asking the Board to be allowed to do is if he gets something in trade like a four-wheeler or a snowmobile or a boat he wants to be able to sell it. He said Board members may have driven by and seen his personal boats parked there. The other issue which Mr. Livingston brought up was that this lot was used for the last 30 years for storage. He said when he bought it from the prior owners It was chain linked in and there is gravel. He said he takes exception to the statement that there will be contaminants. He said he was not aware of any contaminants from prior owners. He said he will likely never have 100 cars there. That is the maximum amount possible so he figured he would ask for the maximum so he wouldn't be before the Board to increase from a lower number. He said he understands the concerns about the river, but this is a commercial district. These are not going to be junk vehicles. Any vehicles that might be leaking fluids are not going to be parked on that lot. They are going to go to his mechanic, the auction or the junk yard. If he gets a trade that he is not going to sell that same day a wholesaler will come and get it to bring it to the junk yard or the auction so there isn't any leaking oil. He said Mr. Head talked about washing vehicles. There is not going to be any washing of vehicles. There is no water out there and there will be no washing. It is simply storage for vehicles he would buy and offer for resale. He said he thinks there should be some grandfathering there because this has been used as a lot with dump trucks, septic trucks and trailers for 20 or 30 years. He said as far as the flood plain goes; he said that land was brought up to grade 20 + years ago. He said he can tell the Board that will not be any pollution and asked that they look his business. Mr. Kelley said that when he first came to the Board no one knew him but now they see he has improved the business and keeps it clean and there are flowers planted out front. The Board knows him and how he does business. He said they will handle the overflow lot in the same condition as 174 Henniker Street, across the street. He welcomed the Board to go see the lot any time.

Adam Charrette asked Robyn Payson if the lot was approved for 100 vehicles, would that stand if someone else bought the lot.

Robyn Payson said the site plan would go with the land.

Steve Livingston said it could never be a junk yard because you would need a junk yard license.

Joe Kelley said if there were new owners of the site, they would need to get approval from the Town to get their dealer's license.

Steve Livingston said there are 1000 leaking cars going by his shop every day. He said he didn't see nice cars leaking more than the 100's and 1000's of cars going by on the road every day. He said in 1986 it flooded, in 1988 it flooded. Every contaminant from the rest of the world flowed

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through his yard and everyone's yard and kept on going. He said he just doesn't see a storage lot being a hazard.

Susanne White said she had some concerns about not having a site plan on this piece of property.

Dana Clow said for a site plan they would have to have a storm water management system and that would be quite an expense. He suggested that is not economically sensible.

Robyn Payson read the e-mail from Kim Opperman on the application.

Susanne White asked Mr. Kelley for a sketch of the property showing the layout.

Jim Bailey said he was concerned about setting a precedent by granting waivers for site plan.

Steve Livingston said it didn't make sense to spend \$25,000 for a site plan on a lot that hasn't changed.

Dana Clow said that they should be careful when using the word "precedent" because there is a waiver provision in the regulations which is there for that reason.

Steve Livingston said if we want to welcome business here this is not the way to do it.

Following discussion, Steve Livingston suggested a site walk of the property, which was scheduled for December 8, at 3:00pm.

This matter is continued until December 20, 2023

There being no further business Steve Livingston made a motion to adjourn. Nancy Egner seconded the motion.

Meeting Adjourned 8:40 pm

Respectfully Submitted,
Robyn L. Payson, Planning Director

Robyn Payson

From: John <segedy@gsinet.net>
Sent: Wednesday, December 6, 2023 3:24 PM
To: Robyn Payson
Subject: Comments regarding Zoning Amendments

As I am unable to attend please provide the below comments to the Planning Board regarding the proposed zoning amendments and have them read into the record at tonight's Public Hearing:

Regarding Article 5 - setback definition

This proposal doesn't actually solve the issue it is presumably intended to. While it does require structures to adhere to setbacks, the definition of structures seems to be unclear. The definition of structure includes "Anything constructed....on or in the ground...". It then goes on to list a couple of examples, implying that this is not an exhaustive list. As an example it includes fences over 7' but does not say anything about lower fences which would then arguably be included as an 'anything', meaning no fences near the property line (the usual location). Other 'structures' which are usually close to the property line which will now be disallowed (or require a variance at the owners expense) would be mailboxes, package boxes, newspaper boxes, signs (1st amendment issues???), structures for kids waiting for a school bus, mirrors for traffic safety just to name a few. I would urge you to withdraw this proposed amendment until such time as you more specifically define structures that should be setback and those that shouldn't.

Regarding article 2 - Change of use

The proposal appears to treat for example, getting pallets for firewood ("addition or expansion of of outside storage") as a change of use. While an exemption is available one should not have to apply to the PB and pay for a Public Hearing to do so. This whole article should not apply to home's.

Thank you for your consideration of these items.

Respectfully,

John P. Segedy

From: [Kim Opperman](#)
To: [Robyn Payson](#)
Subject: Re: Kelley Auto Comments
Date: Wednesday, December 6, 2023 11:01:29 AM

Robyn, I read Kelly's Auto File and then "Google earthed" it (174 Henniker Street). I believe it is quite a distance from the River.

Here is what I would like you to read:
I cannot attend tonight's meeting due to a previous out-of-town engagement.

Kelley Auto is essentially cleaning up a long-term lot across the street as they are growing their business.

Kelley's Auto has impeccably maintained their business and is what I believe the town should be seeking.

I disagree with the Conservation Commission's request for a New Site Plan, and a lighting plan, and believe that in this instance, they are attempting to impede responsible growth.

Thank You

On Wed, Dec 6, 2023 at 9:17 AM Robyn Payson <robyn@hillsboroughnh.net> wrote:

Hi Kim,

I know you aren't going to be at the meeting tonight, but I wanted to let you know if you wanted to submit comments about the application you can via e-mail and I will read them into the record at the meeting.

Best,

Robyn L. Payson

Planning Director

Town of Hillsborough, NH

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Cell: [\(603\)831-6135](tel:(603)831-6135)

Office Hours