

Minutes

PLANNING BOARD AND BOARD OF COMMISSIONERS

Joint public hearing

Oct. 17, 2024 at 7 p.m.

Town Hall Annex Board Meeting Room, 105 E. Corbin St.



Present

Town Board: Mayor Mark Bell and commissioners Meaghun Darub, Robb English, and Kathleen Ferguson

Planning Board: Chair Frank Casadonte, Vice Chair Hooper Schultz, and members Jeanette Benjey, John Giglia and Saru Salvi

Absent: Board of Commissioners: Evelyn Lloyd and Matt Hughes; Planning Board: Sherra Lawrence, Christian Schmidt, Robert Iglesias and Tiffney Marley

Staff: Planner II Molly Boyle and Town Attorney Lydia Lavelle

1. Call to order and confirmation of quorum

Mayor Mark Bell called the meeting to order at 7 p.m. He noted the Board of Commissioners would adjourn after item 5c. He cautioned the Planning Board regarding item 7, stating the proposed 10-year deed restriction for the affordable housing units diverges from the town's Comprehensive Sustainability Plan. Thus, town board members have concerns.

2. Agenda changes and approval

The agenda stood as presented.

Motion: Commissioner Kathleen Ferguson moved to approve the agenda as presented. Planning Board Vice Chair Hooper Schultz seconded.

Vote: 8-0. Motion passed.

3. Approval of minutes

A. Draft Planning Board meeting minutes for September 19, 2024

Planner II Molly Boyle relayed that Planning Board member Christian Schmidt had requested a revision to the minutes, which she had forwarded to the other Planning Board members in advance of the meeting. She said she had listened to the audio from the meeting again, and Schmidt's proposed revision was slightly different than what he had said. She proposed the following revision, saying it more accurately reflected the discussion at the meeting and hopefully still provided the additional detail Schmidt was looking for in the minutes:

On page 2, last paragraph, line 3, replace "varying AMIs" with "people not just at the median but at lower incomes. He suggested perhaps decreasing the percentage of affordable units to 25%, but with 10% of those units at 50% AMI or 45% AMI."

Only Planning Board members voted on this item.

Motion: Schultz moved to approve the Planning Board meeting minutes for Sept. 19, 2024, with this revision. Member Saru Salvi seconded.
 Vote: 5-0. Motion passed.

4. Open the public hearing

Motion: Ferguson moved to open the public hearing. Planning Board member John Giglia seconded.
 Vote: 8-0. Motion passed.

5. Public hearing items

A. Annexation and rezoning requests for 3013 Rippy Lane (applicant-initiated)

Boyle stated that the applicant, Michelle Hamilton of Schupp and Hamilton, PLLC, had previously presented an Annexation Interest Letter to the Town Board. The Town Board expressed interest in the annexation and permitted her to proceed with formal annexation and rezoning applications.

The applicant is requesting to rezone the property to the Economic Development (ED) district. Staff found the annexation petition compliant with the general statutes, and the proposed Economic Development zoning in alignment with the Unified Development Ordinance and Future Land Use Plan. Utilities said the existing dwelling could tie on to existing water and sewer lines near the property. Staff recommended approval based on compliance and consistency with town-adopted ordinances and plans.

The applicant addressed the board and offered to answer any questions. No one had any questions, and no residents signed up to speak on the proposal.

No action was taken.

B. Text amendment to UDO Sec. 6.18.10 *Billboards* (staff-initiated)

Boyle reviewed the proposed amendment on behalf of Senior Planner Tom King. Off-premises signs are prohibited under one sub-section of the UDO, and billboards are a type of off-premises sign. Another UDO sub-section includes specific regulations on billboards, which could be construed as billboards being permissible despite being off premises. The proposed text amendment deletes this additional UDO language regarding billboards for clarity. Boyle then showed the text amendment on the screen at Giglia's request. Boyle explained to Giglia that currently billboards are not allowed, and the proposed amendment clarifies this.

No action was taken.

C. Text amendment to UDO Sec. 3.8.11 *Notice of Evidentiary Hearing* (staff-initiated)

Boyle described the proposed text amendment regarding notices for Special Use Permits (SUPs) for quasi-judicial hearings.

Ferguson suggested that eliminating newspaper ads could negatively impact a portion of the population, specifically those who continue to rely on the newspaper for news and notices. Boyle, speaking for King, said the current newspaper ads reach a larger audience, including people who may not have standing to participate in the quasi-judicial hearing. She noted that the advertising fee is also passed on to the applicant via the application fee. Ferguson suggested using alternative wording in newspaper ads so that they notify the public of the hearing but do not invite public comment. Salvi and Planning Board member Jeanette Benjey agreed with Ferguson.

Town Attorney Lydia Lavelle clarified that people with substantial evidence can testify in the quasi-judicial hearings even if they do not have standing. Darub asked if all property owners within 500 ft. have standing or if only abutting property owners have standing. Lavelle said the issue of standing is nuanced. Owning property adjacent to or near the subject property does not guarantee standing.

Ferguson reiterated the need to inform the public of quasi-judicial hearings for the sake of transparency. Schultz asked how much of the application fee could be attributed to the newspaper ad expense. Boyle said she would get that information and report back to the board.

Boyle said she would confer with King about the proposed text amendment. She noted he likely would not want to move forward with the text amendment if it was not the will of the board. If King does wish to move forward with the amendment, staff will revise the amendment to address board concerns before moving forward.

No action was taken.

6. Close the public hearing

Motion: Schultz moved to close the public hearing. Giglia seconded.
Vote: 8-0. Motion passed.

The Board of Commissioners left at 7:19 p.m. and the Planning Board took a break. Commissioner Lloyd arrived at 7:22 p.m., saying she had been delayed because her ride did not pick her up. She asked that staff reflect this in the minutes. The Planning Board reconvened at 7:25 p.m.

7. Planning Board recommendations

A. Paliouras Tract Master Plan (applicant-initiated)

Boyle reviewed the application. She stated the applicant and town staff had negotiated and agreed to the conditions listed in the agenda packet. Boyle noted that, in lieu of the study mentioned in the previous list of conditions, the applicant agreed to pay a \$100,000 contribution to the town's utility system. Salvi inquired if the proposed payment was enough. Boyle said that according to Utilities staff, it was. She also noted that the sewer system for the Paliouras Tract is private, and the contribution is mostly to off-set downstream impacts.

Schultz asked about the proposed 10-year deed restriction for the affordable units. He asked about Waterstone South's deed restriction for comparison. Boyle stated the affordable housing deed restriction for Waterstone South was 99 years.

The board discussed the proposed 10-year deed restriction. Schultz expressed preference for a 99-year deed restriction, which he said aligned with town goals and inclusionary studies. Salvi agreed. Giglia debated between 99 years and something in the middle (*e.g.*, 50 years); he noted that the apartment building may not even exist in 99 years. Salvi added that more low-income and moderate-income housing would be a welcome addition to Hillsborough and that she would like to see the affordable units integrated with the market-rate ones.

Giglia asked if there were any open spaces or public spaces included in the proposal. Boyle explained the UDO includes open space requirements, and the applicant will have to address those when submitting the site plan.

Benjey said she thought 99 years seemed excessive and concurred with Giglia about considering a 50-year restriction instead. Schultz doubted the Board of Commissioners would pass the amendment with anything less than a 99-year restriction.

Motion: Schultz moved to recommend approval with a revision: that the 10-year deed restriction be changed back to 99 years. Giglia seconded.
Vote: 4-1. Motion passed. (Casadonte dissenting.)

8. Updates

Schultz reported on the Parks and Recreation Board, stating the Ridgewalk alternate route has been approved and the project is progressing.

Boyle reported that the Board of Commissioners had denied the General Commercial text amendment, tabled its decision on ADUs/private streets text amendment, and approved the site plan review text amendment. Lastly, Boyle introduced the new town Planning Technician, Seth Brown.

It was Planning Board member Salvi's last meeting, as she was resigning at the end of her term on October 31, 2024. Casadonte recognized Salvi's service on the Planning Board over the last three years.

9. Adjournment

Motion: Schultz motioned to adjourn. Giglia seconded.
Vote: 5-0

Adjourned at 7:45 p.m.

Respectfully submitted,



Molly Boyle, Planner II
Staff support to the Planning Board

Approved: Month X, 202X