

Hopkinton Zoning Board of Adjustment
Minutes
November 1, 2005

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment public hearing of Tuesday, November 1, 2005, at 7:00 PM in the Town Hall. Members present: George Langwasser, Toni Gray, and Charles Koontz.

Chairman Krzyzaniak gave a brief outline of the Rules of Procedure that govern the hearing.

I. Application.

TH05-9S-11-1 Ronald B. Finlayson, Jr.—Ronald and Polly Finlayson owners of property located at 220 Burnham Intervale Road in the M-1 (industrial) district, shown on Tax Map 220 as Lot 25, addressed the Zoning Board of Adjustment to request a Special Exception to convert space formerly utilized for commercial purposes into a residential unit. The conversion will then classify that portion of the building as a two-family dwelling. The application was submitted in accordance with Table of Uses 3.6.A.2 of the Hopkinton Zoning Ordinance.

Currently, the building is approved for one residential unit in the rear of the building, a commercial unit in the middle section and commercial/retail use in the front portion. Mr. Finlayson explained how difficult it has been for him in trying to rent out commercial space in the building. He discussed the advertising that he had done and suggested that he would have an easier time renting the middle space as a residential unit. He would then have two residential units and plans on renovating the front portion of the building from commercial space to space that could be utilized as business or professional office space. The renovations would allow for four (4) office units.

Mr. Finlayson reviewed the requirements for Special Exception in accordance with Section 15.8.2 of the Hopkinton Zoning Ordinance.

- 1) Standards provided by this Ordinance for the particular use permitted by Special Exception.

“Table of Uses 3.6.A.2 permits two-family dwellings by Special Exception in the M-1 district.”

- 2) No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

“There will be no exterior changes to the property, including the parking area. The conversion will require the addition of interior walls, a bath and kitchenette. Additionally, the residential unit will have a hard-wired smoke detection system.”

- 3) No detriment to property values in the vicinity or change in the essential characteristics of the neighborhood on account of the location or scale of

buildings and other structure, parking areas, access ways, odor(s), smoke, gas, dust or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.

“Again, there will be no exterior changes to the property. There is plenty of parking to accommodate the additional residential unit. The property will still have business use in the front unit. We would like to increase the amount of residential units because we are having a difficult time renting the space for business use.”

- 4) No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.

“No, changing one unit from business to residential will not affect traffic or safety in the area.”

- 5) No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.

“No, the property has its own water and septic system.”

- 6) No significant increase of storm water runoff onto adjacent property or streets.

“No, the property is primarily coarse sand, making for excellent drainage. It also has a drywell in the parking area.”

- 7) An appropriate location for the proposed use.

“Yes, the building already has one residential unit in it. Because of the difficulty in renting business space we would like to change on business unit to residential.”

- 8) Not affect adversely the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties.

“No, all changes to the property for the purpose of a residential unit will be done on the inside of the unit. The changes made will not be permanent to the unit, so that when local demand for business space increases, we may convert the unit back to office/business.”

- 9) In the public interest and in the spirit of the Ordinance.

“We understand clearly the importance of having a good mix of all uses in town to encourage good growth. Hopkinton does not have a lot of business space or commercial space. We would prefer to see this space rented as business; however, we are finding it very difficult to rent any of the business space because of the lack of demand. We have made substantial effort to rent out the space. We have made improvements to the bathroom, put in a kitchenette, drop ceiling, new carpeting, tile in the entry and the entire front

area has been completely rewired to code. We have planted trees and shrubs, painted all trim, picked up large piles of debris, planted grass, cut down overgrown trees and put back up the sign in the front of the building. We have advertised extensively in the Concord Monitor, The Smart Advertiser, The Kearsarge Shopper and have sent out postcards to target local businesses who may need additional office space. We have reduced the rent, included heat and electricity in some units and have broken up the space to make smaller units that could rent for less money. We have noticed numerous business spaces for rent in Town that have better locations that do not seem to be rented. It is important that we get more space rented to support other property improvements, taxes, insurance and payments. The front unit will still have three smaller business units that should hopefully be rented because they are at competitive rates. The property will still be in a flexible state so that as demand changes we can turn residential back to business.”

There was no one present wishing to provide public testimony.

Mrs. Gray, seconded by Mr. Koontz, moved to approve Application #TH05-9S-11-1 contingent upon approval by the Fire Department concerning compliance with Life Safety Codes. With four members voting, all four (Krzyzaniak, Langwasser, Gray and Koontz) voted in favor of approving the application. The Applicant adequately addressed the criteria for a Special Exception set forth in paragraph 15.8.2 of the Zoning Ordinance.

II. Review of the Minutes and Notice of Decision of September 6, 2005.

Motion made by George Langwasser, seconded by Charles Koontz, to accept the Minutes and Notice of Decision of September 6, 2005. Motion carried unanimously (Krzyzaniak, Langwasser, Gray and Koontz).

III. Adjournment.

Chairman Krzyzaniak declared the meeting adjourned at 7:45 PM. The next scheduled meeting of the Board is Tuesday, December 6, 2005, at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning Director

Pursuant to New Hampshire RSA 677:2, any party to the action or proceedings, or any person directly affected thereby, may apply for a rehearing. Application, in writing, must be submitted to the Zoning Board of Adjustment within thirty (30) calendar days beginning the date upon which the Board voted to approve or disapprove the application. Such a request must set forth the grounds on which it is claimed the decision is unlawful or unreasonable. The Board must decide to grant or deny the rehearing within thirty (30) days.