

**Hopkinton Zoning Board of Adjustment**  
**Minutes**  
**September 6, 2005**

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment public hearing of Tuesday, September 6, 2005, at 7:00 PM in the Town Hall. Members present: Carolyn Hackwell and George Langwasser.

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

**I. Application.**

**TH05-8S-9-1 Matthew Fisher and Taryn Schaeneman**—Matthew Fisher and Taryn Schaeneman of 18 Beeching Avenue, Massachusetts, addressed the Board requesting a Special Exception to construct an access way (driveway) in the Wetlands Conservation District. Mr. Fisher and Ms. Schaeneman propose to construct a single-family residence located off Dustin Road in the R-3 (low density residential) district, shown on Tax Map 224 as Lot 41. The application was submitted in accordance with Section 12.7.2 of the Hopkinton Zoning Ordinance.

Mr. Fisher 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.

“Section XII, paragraph 12.7.2 (a) indicates that the proposal, a residential driveway, is a permitted use by Special Exception.”

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

“The crossing will access a three-bedroom cape-style residential home. No common hazards will be created on-site due to the use.”

- 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.

“The neighborhood is currently residential. The proposed use is consistent with other uses.”

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

“Single-family traffic will not substantially affect current traffic levels.”

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

“No Town water or sewer is available. There is no projected demand for police or fire protection. The State approved septic system design is included with the application for Special Exception.”

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

“There will be no increase of storm water runoff onto adjacent properties or streets. The wetlands crossing plan was prepared by a professional engineering and is included with the application for Special Exception.”

- 7) An appropriate location for the proposed use.

“The proposed use is residential single-family construction on a 10.9 acre lot. The property is zoned R-3, low density residential. The construction of the driveway and residence will meet all dimensional requirements.”

- 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.

“The proposed use will have no detrimental affect on the neighboring properties. The use will be consistent with the existing neighborhood which is residential.”

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

“We believe this application represents a true beneficial use of the lot for the public, attractive low impact home site, and is in the spirit of the Hopkinton Zoning Ordinance.”

Application for a low impact wetlands crossing had been submitted to the NH Wetlands Bureau for review and approval. The proposal involves the placement of a culvert that is 18-inches in diameter across the wetland so to allow access to a high spot on the property for the construction of a residence. In describing the wetland, Ms. Shaeneman stated that the wetland appears to be a dry stream bed that crosses along the front of the property.

Tim Carney of Dustin Road addressed the Board in favor of the application. Mr. Carney appreciated the fact that the Applicants propose to construct their residence back from the road keeping with the character of the neighborhood.

Dan Coen of Dustin Road expressed concern with the potential affects that the impact to the wetland stream may have in the flow of water to a wetland adjacent to his property. In response, Mr. Langwasser assumed that the flow of water would not be affected as the Applicants are not proposing to fill the wetland, but rather to locate a culvert in the wetland in order to cross over the brook.

Public testimony was closed.

Mr. Langwasser, seconded by Mrs. Hackwell, moved to vote on Application #TH05-8S-9-1 as presented. Motion carried unanimously to vote on the application. With three members voting, all three (Krzyzaniak, Langwasser, and Hackwell) voted in favor of approving the application as presented. 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 July 14, 2005.**

Motion made by George Langwasser, seconded by Carolyn Hackwell, to accept the Minutes and Notice of Decision of July 14, 2005. Motion carried unanimously (Krzyzaniak, Langwasser, and Hackwell).

**III. Adjournment.**

Chairman Krzyzaniak declared the meeting adjourned at 7:58 PM. The next scheduled meeting of the Board is Tuesday, October 4, 2005, at 7:00 PM in the Town Hall.

Karen L. Robertson  
Planning Director

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Pursuant to New Hampshire RSA 674:2, 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.