

Hopkinton Zoning Board of Adjustment
Minutes
August 1, 2006

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment meeting of August 1, 2006, at 7:00 PM in the Town Hall. Members present: Charles Koontz, Toni Gray, and John Boatwright.

Chairman Krzyzaniak gave a brief outline of the Rules of Procedure that govern the hearing. Then, with only four members present and the possibility of a tie vote which would mean that the requests would be denied, Chairman Krzyzaniak gave the applicants an opportunity to either move forward or post-poner review. In response, Michael Sintros representing the Saint Methodios Faith and Heritage Center agreed to move forward and Attorney Mark Puffer representing Stuart Nelson asked that review of Mr. Nelson's application be postponed until such time as a five member board is present. Chairman Krzyzaniak concurred, noting that she would make every effort to have five members of the Board present at the September meeting (September 5, 2006).

I. Applications.

TH06-4S-8-1 Moser Engineering—Michael Sintros, Director of the Boston Diocese Camp and Retreat Center, located at 329 Camp Merrimac Road, addressed the Board requesting a Special Exception to construct a retreat house for lodging and meetings at property owned by Saint Methodios Faith and Heritage Center, LLC. The property is located in the R-2 (medium density residential) district, shown on Tax Map 202 as Lot 8. The application was submitted in accordance with Table of Uses 3.6.B.1 of the Hopkinton Zoning Ordinance.

Mr. Sintros explained how the retreat center will have individual rooms, bathrooms and meeting rooms. The intent of the retreat center is to maintain the extension of the current ministry, inviting parents, children and priests to come to the center. Currently, the property hosts summer and winter camps and a number of retreats and special programs throughout the year. It is anticipated that the families that are not interested in staying in the existing cabins due to the lack of privacy will more likely stay in the retreat house.

Mr. Sintros 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 III, 3.6 Use Regulations, Temporary Residential Use, non-profit overnight and day camp and cottage colonies permitted by Special Exception in the R-2 zone."

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

"The proposed building is to be used for residential and meeting purposes only." Mr. Sintros reiterated the fact that the building will be an extension of the housing currently available; noting that the dormitory style housing will provide privacy to families that would otherwise not feel comfortable staying in one of the cabins. The cabins have twenty or so beds in one big room with very little privacy.

3. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, 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 proximity to property lines is sufficient to provide an adequate buffer to adjoining properties." Mr. Sintros noted that a member of the NH Shoreland Protection Bureau had visited the property. The buffer that presently exists between the proposed building and the pond will remain as the Shoreland Protection Act only allows a percent of cutting within a period of time along the shorelines of lakes and ponds. The percent of cutting that was permitted had already occurred within the last five years.

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

"No substantial increase in traffic will be experienced due to the construction of this building. Many that currently come to the facility will be anticipated to stay at the retreat center, rather than in the cabins."

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

"Private utilities will serve the proposed building. The septic fields were replaced between 1999 and 2001 and were designed to handle the additional capacity. Building fire codes will be adhered to. Police and Fire services will be utilized as needed."

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

"Storm water will be controlled on the property using ground infiltration as shown on the plans."

7. An appropriate location for the proposed use.

"The use of the facility already exists."

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.

"There are no health or safety issues presented by this proposal which could affect neighboring properties."

9. In the public interest and in the spirit of the ordinance.

"The proposed building will increase the municipal tax base. The use already exists at the Center."

Mr. Koontz questioned the number of people that may stay at the retreat house. Mr. Sintros advised that the building will hold a maximum of 80 people sleeping in the building as there will be 40 double bedrooms. He then stated that there will be two (2) additional bedrooms that will be designed as handicapped accessible. Currently, there are approximately 214 total beds in all the cabins combined. The goal is to continue the programs year-round by providing a place for families to stay. Mr. Sintros submitted an architectural rendition of the proposed retreat house, noting that it will be constructed of wood with rooms on the first floor and second floor. Additionally, there will be a small kitchenette for serving continental breakfast. The actual kitchen and dining area will be located in the existing dining hall.

Mr. Boatwright inquired as to the use of the facility year-round. In response, Mr. Sintros stated approximately 600 in attendance during the summer months. In addition to the summer there are two weekends during the winter months in which camp takes place. He estimated use during the two weekends, plus an additional 50 people during the winter months attending retreats, etc.

Chairman Krzyzaniak inquired as to the number of people that may be present at a given time. In response, Mr. Sintros estimated, depending on the type of event, anywhere from 68 to 196 people. Again, Mr. Sintros explained how they propose to finish one floor at a time and as needed finish the remaining floors.

Chairman Krzyzaniak inquired about rental of the facility to outside groups. In response, Mr. Sintros advised that they do offer use of the facility to the community, non-profit groups, the high school, and Town departments. Chairman Krzyzaniak expressed concern with rental of the facility for concerts. In response, Mr. Sintros stated that would only occur if the high school wanted to use the facility.

Chairman Krzyzaniak questioned the distance of the proposed facility from Clement Pond. Mr. Sintros estimated approximately 96 feet.

Abutter Tom Bell of the Town of Henniker addressed the Board expressing concern that the nature of the property had been altered over the years. Mr. Bell is a member of a snowmobile association that was freely allowed to utilize the property over the years. Mr. Bell expressed concern with the relocation of the snowmobile trails. Additionally, Mr. Bell expressed concern with the noise and the potential for an increase in the noise level with additional activities taking place at the property.

Chairman Krzyzaniak asked Mr. Bell if he had ever complained to the Church or the Town about the noise. Mr. Bell replied no.

Ruth White of Josylvia Way addressed the Board as a non-abutter opposed to the proposal. Mrs. White expressed concern with the potential for 80 plus people staying at the property with an additional number of people utilizing the facility at the same time for meetings, etc. Mrs. Robertson advised that the Applicant would need to receive a Place of Assembly Permit from the Fire Department which would outline the total number of people allowed at the facility at one time.

Mrs. White expressed concern with the tax impact as the Church may be exempt from having to pay taxes on the building. In response, Mrs. Robertson advised that the Church currently pays forty percent of the taxes for the property as was agreed upon by the Board of Selectmen and the owner of the property. She assumed that the Town would review the use of the building and determine whether the building would be exempt or would be included as part of the forty percent.

Carol Duston of Clough Lane addressed the Board as a non-abutter opposed to the application. Ms. Duston could not imagine that there would not be an increase in traffic as a result of the new building.

Sylvia Willoughby addressed the Board as a non-abutter opposed. Ms. Willoughby expressed concern with the Church periodically closing the road or preventing access by the residents. She would like consideration to be given to the residents that own homes beyond the camp.

Richard McIntire addressed the Board as a non-abutter stating that he had viewed the property and noticed that the area in question was heavily wooded. Mr. McIntire cautioned in the removal of trees and any impact that the construction may have on the lake.

Mr. Sintros readdressed the Board presenting photographs of trees (buffer) in the area of the proposed building. Mrs. Robertson again referenced the Shoreland Protection Act that limits the percent of cutting within a certain distance of ponds and lakes. Mrs. Gray suggested that the trees may provide a buffer between the lake and the proposed building. Again, Mr. Sintros explained that years ago they had logged the property and removed the twenty percent allowed.

Mr. Sintros referred to the rendition of the proposed building, explaining that the rendition has since changed as a result of learning about the Shoreland Protection Act.

Jason Gilligan addressed the Board as a non-abutter concerned with the late night noise that is heard from the property. Mr. Gilligan questioned the distance from the existing cabins to the water and the affects of the lighting of the proposed building will have on the homes across the pond.

With regards to concerns raised, Mr. Sintros explained that he had worked with the Contoocook Snowmads in relocating the snowmobile trail, so to avoid having the trail enter through the camp. Hunting and fishing on the property is permitted with permission only. With regards to payment of property taxes, Mr. Sintros stated that attorneys had worked out an agreement with the Town as to the payment of taxes. Mr. Sintros went on to explain that staff has stopped traffic at the beach in directing the traffic to the

appropriate places on the grounds. As a result there have been delays in traffic. He was unaware that residents were being prevented to access their homes. He apologized and agreed to speak with the staff concerning the matter.

Concerns raised about noise had previously been brought to Mr. Sintros' attention. He advised that he had contacted the Police Department and the Town with regards to any noise ordinance or rules and regulations. He was told that whatever is reasonable is an appropriate time. Therefore, the campers were informed that 9 PM is the deadline for radios to be turned off. Members of the public advised that music can be heard coming from the camp late at night. Mr. Sintros agreed to follow-up concerning the matter.

Lastly, with regards to lighting of the proposed building, Mr. Sintros explained that all lighting of the proposed parking lot and the building will be shielded. Mrs. Robertson advised of the application for Site Plan Review that will be heard by the Planning Board on August 8, 2006. Additionally, she informed those present that the Town had adopted a Lighting Ordinance which the Applicant will need to adhere to.

Chairman Krzyzaniak suggested that Mr. Sintros make every effort to make the traffic go more smoothly when directing people that are entering the grounds. Mr. Sintros agreed, and again stated that he would discuss the matter with the staff. Chairman Krzyzaniak then asked that everyone work together to resolve current problems with noise and traffic. Mr. Sintros again concurred, stating that he would be more than happy to meet with the residents. He stated that he had tried going door to door to review the proposal with neighbors, but some were not home as some camps are seasonal. Mr. Sintros indicated that he did meet with the Lake Josylvia Association to review the proposal.

Mrs. White readdressed the Board with concern about the Church leasing or renting the facility to private parties. In response, Mr. Sintros advised that the property had been used by the Snowmobile Club for a dinner, Bishop Brady, Fire Department, and a resident off Ridge Lane who had a 50th wedding anniversary.

Chairman Krzyzaniak stated that, if approved, she would hope that the Church would develop an agreement as to the uses that would be allowed. Mr. Sintros agreed, stating that the retreat house will not have a full kitchen or dining room. Again, all dining activity will take place at the dining hall which is approximately 400 feet from the lake. The main intent of the retreat house is to provide a place for families to stay.

Mr. Boatwright believed that Mr. Sintros did an outstanding job in his presentation to the Board.

Motion made by Mrs. Gray, seconded by Mr. Koontz, to approve the application as presented. Motion carried unanimously (Gray, Koontz, Boatwright, and Krzyzaniak). The Board agreed that the Applicant successfully addressed the requirements to be granted a Special Exception in accordance with Section 15.8.2 of the Zoning Ordinance. Again, it was noted that there will be a buffer of trees between the retreat house and the lake. In addition, the existing dining hall is a great distance from the lake. The use of the retreat house was determined to be more of a residential versus commercial use.

TH06-4V-8-2 Stuart F. Nelson— Applicant's request for a Variance from Section 5.2.1 of the Hopkinton Zoning Ordinance which requires non-conforming lots to have 50-feet of frontage was tabled to the September 5, 2006 meeting at the request of Attorney Mark Puffer representing Mr. Nelson. The property in question is located off Clement Hill Road in the R-2 (medium density residential) district, shown on Tax Map 208 as Lot 14.

II. Review of the Minutes and Notice of Decision of June 1 and June 6, 2006.

Motion made by Mr. Koontz, seconded by Mrs. Gray, to approve the Minutes and Notices of Decision of June 1 and June 6, 2006. Motion carried unanimously.

III. Adjournment.

Chairman Krzyzaniak declared the meeting adjourned at 8:30 PM. The next regular scheduled meeting of the Board is Tuesday, September 5, 2006, at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning/Zoning Director

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.