

Hopkinton Zoning Board of Adjustment
Minutes
March 4, 2008

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment meeting of Tuesday, March 4, 2008, at 7:20 PM in the Town Hall. Members present: Harold Perkins, Toni Gray, Charles Koontz and Daniel Rinden.

I. Applications.

#ZO2008-00002 Jeffrey W. & Patricia J. Shorter: Patricia Shorter of 15 Lee Road, Woburn, Massachusetts addressed the Board requesting approval an AREA VARIANCE for the purpose of constructing a new single-family residence with less than the required front and rear setback for the R-4 (residential/agricultural) district. The property is located at 47 Dustin Road, shown as Map/Lot: 224/18.

Mrs. Shorter began by explaining that the mobile home that currently sits on the property would be removed prior to construction of the residence. The front and rear setback requirement is 60-feet. The proposed residence will encroach into the front setback by approximately 6-feet and into the rear setback by approximately 4'-3".

Mrs. Shorter reviewed the standards for Variance in accordance with Section 15.8.3 of the Hopkinton Zoning Ordinance.

1. The proposed use would not diminish surrounding property values because:

"We plan to remove an old mobile home and building a professionally landscaped home on the same lot."

2. Granting the variance would not be contrary to the public interest because:

"The proposal is in the public interest as this new home will sit across from one of the Town cemeteries and will generate a much higher property tax than what presently exists on the property."

3. By granting the variance substantial justice would be done because:

"The proposal is to remove the mobile home which is presently non-conforming and to construct a new residence."

4. The spirit and intent of the Ordinance will not be broken by granting the variance because:

"The spirit and intent of the Ordinance will not be broken because the setback is off by 27-inches in the rear."

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.

- (a) An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property.

"The lot consists of .7 acres which leaves little room to construct a small home."

- (b) The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.

"We have looked at many home designs in considering a design that would best fit on the lot and have tried to keep the design to a modest 2,100 square feet."

At this point in time, the Board reviewed in detail the plans presented questioning the actual distance from the proposed residence to the front and rear property lines. Following discussion, Mrs. Gray and Chairman Krzyzaniak expressed concern with the lack of detail information. In response, Mrs. Shorter advised that her husband had been involved in the application process; however, he was unable to attend the meeting. Chairman Krzyzaniak suggested Mrs. Shorter post-pone review of her application if she feels that she is not prepared. Mrs. Shorter agreed, and formally requested that review of her application be post-poned. The Board unanimously agreed.

Mrs. Gray suggested that when the Applicant comes back before the Board that she provide a detailed map given precise measurements of the proposed residence to the property lines.

II. Review of the Minutes and Notice of Decision of February 4, 2008.

Mr. Koontz, seconded by Mr. Perkins, moved approval of the February 4, 2008, Minutes and Notice of Decision as presented. Motion carried unanimously.

III. Other Business.

- The Board will hold a joint meeting with the Town of Warner Zoning Board of Adjustment on Wednesday, March 19, 2008, at 7:00 PM in the Warner Town Hall for the purpose of reviewing Application #ZO2008-00003 of Christian Hartshorn d/b/a Chalk Pond Investments. Applicant requests an AREA VARIANCE for the purpose of subdividing property with less than the required frontage in Hopkinton's R-3 (low density residential) district. The property is owned by Chalk Pond Investments, located at 285 Pleasant Pond Road in the Town's of Hopkinton and Warner, shown on Hopkinton Tax Map 206 as Lot 21 and Warner Tax Map 3 as Lot 22. The application was submitted to the Town of Hopkinton in accordance with Section 4.3 of the Hopkinton Zoning Ordinance and New Hampshire RSA 674:53.

IV. Adjournment.

Motion made by Mrs. Gray, seconded by Mr. Koontz, to adjourn at 8:15 PM.
Motion carried unanimously. The next regular scheduled meeting of the Board is Tuesday, April 1, 2008, at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning/Zoning 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.