

Hopkinton Zoning Board of Adjustment
Minutes
April 7, 2009

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment meeting of Tuesday, April 7, 2009, at 7:00 PM in the Town Hall. Members present: Toni Gray, Harold Perkins, John Boatwright and Daniel Rinden.

I. Applications.

Case #: ZO2009-2: Lance Whitehead Request for a **Special Exception** to construct an addition to an existing non-conforming residence. The property is located at 1642 Hatfield Road in the R-4 district, Tax Map 217, Lot 34. The application was submitted in accordance with Section 4.4.8 of the Hopkinton Zoning Ordinance.

Mr. Whitehead reviewed elevation views of the proposed addition, noting that the second floor addition will provide for additional living space. The proposal will require the removal of the existing roof and reinforcement of the existing home prior to the second floor addition.

Since purchasing the home, Mr. Whitehead has made numerous improvements to the property, including the installation of a new three bedroom septic system.

1. Standards provided by this Ordinance for the particular use permitted by special exception.

"Additions which fail to meet the dimensional and density regulations contained in Table 4.2 (Zoning Ordinance) to an existing, non-conforming structure may be permitted by special exception provided that the setback of the addition is no less than the setback of the existing structure (section 4.4.8)."

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

"The renovation/addition will not create a hazard of any kind."

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 structure to be renovated currently exists in the center of the lot, far from any abutter's homes. The characteristics of the dwelling will be improved, therefore contributing to the aesthetic of the existing neighborhood."

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

"The addition/renovation will not change traffic. The existing driveway shall remain unaltered."

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

"No municipal services are utilized by the home. The waste system is an on-site septic system which was replaced last year and upgraded to a three bedroom design. This was approved for construction and then operation by the NH DES. Note: the current plan includes only two bedrooms."

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

"The addition/renovation does not change existing storm water run-off, as it is within the existing building footprint."

7. An appropriate location for the proposed use.

"This is a renovation/addition to an existing house in an existing residential neighborhood, and is therefore appropriately located."

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 structure to be renovated currently exists in the center of the lot, far from any abutter's home. The addition/renovation includes no health and safety issues for the residents or others and is not detrimental to development of any adjacent properties."

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

"The home to be renovated will be improved by this addition, therefore becoming more of an asset to our neighborhood. This home has historically been the lowest value property in the neighborhood. My wife and I are interested in improving it and have received many compliments by our neighbors. It is therefore in the neighborhood's and the public's interest to complete this project in the manner proposed. The renovation/addition we are proposing stays within the existing footprint to not worsen any setback violated by the existing dwelling. It does not negatively impact anybody."

There was no one present wishing to provide public testimony.

Mrs. Gray believed that Mr. Whitehead satisfied the criteria for a special exception. Mr. Perkins concurred.

Motion was made by Mr. Boatwright, seconded by Mr. Rinden, to vote on the application as presented. Motion carried unanimously. With five members voting, all five voted in favor (Gray, Perkins, Boatwright, Rinden and Krzyzaniak). The Applicant adequately addressed the standards set forth in paragraph 15.8.2 of the Zoning Ordinance.

II. Review of the Minutes and Notice of Decision of January 6, 2009.

Mrs. Gray, seconded by Mr. Perkins, moved approval of the January 6, 2009 Minutes and Notice of Decision as presented. Motion carried unanimously.

III. Other Business.

Mrs. Gray, seconded by Mr. Perkins, nominated Janet Krzyzaniak as Chairman of the Zoning Board of Adjustment. Motion carried unanimously.

IV. Adjournment.

With no other business to come before the meeting, motion was made by Mr. Perkins, seconded by Mr. Rinden, to adjourn at 7:33 PM. Motion carried unanimously. The next regular scheduled meeting of the Board is Tuesday, May 5, 2009, 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.