

**HOPKINTON ZONING BOARD OF ADJUSTMENT**  
**MINUTES**  
**MAY 3, 2011**

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment meeting of Tuesday, May 3, 2011, at 7:00 PM in the Hopkinton Town Hall. Members present: Toni Gray, Charles Koontz, Harry Perkins and Daniel Rinden.

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*Note: The Zoning Board of Adjustment's Rules of Procedure was provided during the application process and additional copies were available at the meeting for the general public.*

**I. Application(s).**

ZBA#2011-5 Robert J. Saunders and Kimberly A. R. Saunders Special Exception to impact approximately 15,000 square feet of wetland for the purpose of constructing a residential driveway. The property is located at 2398 Hopkinton Road in the R-3 district, shown on Tax Map 240 as Lot 12. The application was submitted in accordance with Table of Uses 12.7.2 (a) of the Hopkinton Zoning Ordinance.

Mr. Saunders noted that the notice of the meeting incorrectly listed the impact at 15,000 square feet; when in fact, it is 1,500 square feet. Chairman Krzyzaniak questioned why the Wetland Permit had listed 1,600 square feet, and Mrs. Robertson noted that the plan presented lists 1,300 square feet. In response, Mr. Saunders explained that originally he had anticipated 1,300 square feet and later determined that the permanent impact will be 1,500 square feet with a temporary impact of approximately 500 square feet. This is the reason for the 1,600 square feet listed on the Wetland Permit.

In reviewing the proposal, Mr. Saunders explained his intentions of subdividing his property into three lots with one lot consisting of the existing residence and the other two lots to be used, at some point in the future, for residential purposes. The new driveway will service the two new lots.

Mrs. Krzyzaniak inquired as to the length of the new driveway. In response, Mr. Saunders estimated that the driveway will be commonly used for a distance of approximately 500 feet; at which point, the driveway will branch off and extend at least another 500 feet to a residence. Mrs. Robertson noted that it is common practice for the Fire Chief to require residences with driveways that exceed 1,000 feet in length to have a sprinkler system installed. This is due to the fact that the length of fire hose does not exceed 1,000 feet. Furthermore, the trucks that are equipped with the hose cannot carry more than 1,000 feet. The requirement for sprinklers will be a determination made by the Chief at the time of his review of the building permit application.

Mr. Saunders reviewed the criteria for a Special Exception as outlined in Section XV of the Zoning Ordinance.

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

“12.7.2 Special Exception (a): Streets, roads and other access and utility right-of-way easements, if essential to the productive use of the land not so zoned and if so located and constructed as to minimize impact of such uses upon the wetlands.”

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

"No increase in hazard potential (to the public or adjacent property) will result from the proposed use."

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.

"No detriment to property values in the vicinity will result from this access way."

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

"The proposed use will support a shared residential driveway servicing Lots 12-1 and 12-2. NH Department of Transportation prefers this access location for entering traffic to Route 103 when compared to others discussed with their official, Scott Looney."

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

"The Special Exception will not result in an excessive demand on municipal services. The proposed location for the access will offer the least steep access to Lots 12-1 and 12-2 thereby making improving access for emergency services, if ever needed."

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

"The proposed driveway and associated wetland impact will not increase storm water run-off to adjacent property or streets."

7. An appropriate location for the proposed use.

"The location was selected due to the relative narrowness and correspondingly reduced impact area of the wetland at this location; the desire to not bisect the wet meadow with the proposed drive, and the fact that NH Department of Transportation prefers this access location for entering traffic to Route 103 when compared to others discussed with their official, Scott Looney."

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 not adversely affect the health and safety of the residents and others in the area nor will it be detrimental to the development of adjacent properties."

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

"The public interest is served by locating this driveway in the safest location plausible. The ordinance specifically allows this use through special exception."

There was no one present wishing to provide public testimony.

Mrs. Gray believed that the Applicant successfully addressed the criteria for a Special Exception.

*Motion made by Mrs. Gray, seconded by Mr. Perkins, to approve the application as presented. Motion carried unanimously (Gray, Koontz, Perkins, Rinden and Krzyzaniak). The applicant successfully addressed the standards to be granted a Special Exception as set forth in subsection 15.8.2 of the Hopkinton Zoning Ordinance.*

ZBA#2011-6 Garrett Facteau Special Exception to establish a paddle sports shop as a home business that will focus on stand-up paddling and the sale of associated gear. The property is located at 512 Maple Street in the R-2 district, shown on Tax Map 227 as Lot 6. The application was submitted in accordance with Table of Uses 3.6.A.7 of the Hopkinton Zoning Ordinance.

Mr. Facteau submitted a brochure showing the type of merchandise associated with the paddle sport, such as the board, paddles, helmets and life jackets. At some point in the future, he may include the sale of white water kayaks.

Mr. Facteau reviewed the criteria for a Special Exception as outlined in Section XV of the Zoning Ordinance.

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

“The Home Business is permitted by Special Exception in accordance to Table of Uses 3.6 and 3.7.3 of the Ordinance. The business will be set up and operated within these guidelines. The partition will be constructed in the garage in order separate the 500 square foot area from the remaining area that will continue to be used for personal use.”

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

“All good will be nonvolatile and stable. There will be no releasing of toxins or risk of fire associated with the retail business.”

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 property will be largely unchanged from its current state, other than any screening or fencing that may be deemed necessary. As the business is retail and not manufacturing, pollutants, gas, noise, dust, etc. will not be an issue.”

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

“Traffic safety should not be a concern. The driveway and parking area is easily accessible and even in peak season I do not expect large surges of traffic. There will definitely be less of a traffic issue than the large trucks and heavy equipment that come and go at my abutter’s property (Milton-Cat).”

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

"The resources in question should be completed unaffected. The property does not utilize Town water or sewer. Waste will be limited and subjected to the pay by bag program. Police and Fire should have no additional work load associated with the business, and schools will not be affected by the change."

Mrs. Krzyzaniak suggested that Mr. Facteau contact the Town concerning waste disposal as businesses are not required to use the green bags.

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

"Runoff will remain unchanged as there are no changes to the property being proposed."

Mrs. Robertson noted that Mr. Facteau had submitted an application for Site Plan Review that will be reviewed by the Planning Board at their upcoming meeting.

7. An appropriate location for the proposed use.

"The location is easily accessible to the highway, and three of the abutters are very removed, either by setbacks or screening. The closest abutter to the area to be used is a manufacturing facility that should see little to no change in either the property or traffic patterns."

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 will be no adverse health or safety concerns. The property will not change or affect any development of neighboring properties."

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

"I believe the business is and will remain in the spirit of the Ordinance, allowing a small home business to start and operate within the set guidelines and not affect neighboring properties or home values. If the business were ever to grow to appoint where it would no longer qualify as a home business I would move to a retail environment. I also understand that I may be subject to conditions and am open to discussion on these conditions."

There was no one present wishing to provide public testimony.

Mr. Perkins inquired about outside storage. In response, Mr. Facteau understood that outside storage that is visible from the street would not be permitted; however, he will have paddle boards on a trailer that he will tow to lakes and rivers.

Mr. Perkins inquired about signage advertising the business. Mr. Facteau indicated that he anticipates having a 2' x 2' sign at the entrance to the property.

Following brief discussion concerning the hours of operation, Mr. Facteau stated the hours on weekdays to be from 12 Noon to 8 PM and on weekends from 9 AM to 8 PM.

*Motion made by Mr. Koontz, seconded by Mr. Rinden, to approve the application as presented. Motion carried unanimously (Gray, Koontz, Perkins, Rinden and Krzyzaniak). The applicant successfully addressed the standards to be granted a Special Exception as set forth in subsection 15.8.2 of the Hopkinton Zoning Ordinance.*

**II. Review of the Minutes and Notice of Decision of April 5, 2011 hearing.**

*Motion made by Mr. Perkins, seconded by Mrs. Gray, to accept the Minutes and Notice of Decision of April 5, 2011 as presented. Motion carried unanimously (Gray, Koontz, Perkins, Rinden and Krzyzaniak).*

**III. Adjournment.**

*Mrs. Gray, seconded by Mr. Perkins, moved to adjourned at 7:45 PM. Motion carried unanimously.*

Karen L. Robertson  
Planning/Zoning Director

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Pursuant to New Hampshire RSA 677:2, any party to the action or proceedings, or any person directly affected thereby, may apply to the Zoning Board of Adjustment 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.