



# Town of Hopkinton

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## HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES July 6, 2011

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment meeting of Wednesday, July 6, 2011, at 7:00 PM in the Hopkinton Town Hall. Members present: Charles Koontz, Gregory McLeod and David Brock.

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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#2011-9 Richard MacMillan, Jr. Special Exception to permit a second residential unit within the existing structure (residence) located at 1584 Maple Street in the R-3 (low density residential) district, shown on Tax Map 218 as Lot 4. The application was submitted in accordance with Table of Uses 3.6.A.2 of the Hopkinton Zoning Ordinance.

Mr. MacMillan addressed the Board explaining that he had purchased the residence from his parents, who had owned the property since 1973. The second residential unit has been in existence for a number of years and at times had been used as an office or an apartment.

The Fire Chief has inspected the apartment and requested changes so that the unit will comply with life safety codes. Changes included the installation of a fire rated door, updated hard-wired alarms and a change in the height of a stairway. The improvements have been made and are awaiting inspection.

Mr. MacMillan 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.

“Section III, Table of uses 3.6.A.2 two-family dwelling in the R-3 district.”

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

“There is no hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials. The property has had a number of inspections over the years by the Fire Department due to the large barn that is on the property.”

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

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*Minutes are subject to review and approval.*

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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.

“There will be no detriment to property values. There will be no exterior changes to the property. Changes to the interior of the structure were as a result of an inspection by the Fire Chief and Code Enforcement Officer. The property consists of six acre with ample parking and direct road access to Route 127, which is a state road.”

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

“There is no creation of a traffic safety hazard. The space will have the same uses as in the past, since 1973, when it was used as an office and as a place for me to reside.”

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

“There will be no changes to the property and no excessive demand on municipal services. The demand will actually be less than last year when three of our six kids were staying at the property and when the space was being used as an office for three to five employees.”

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

“There would be no increased storm water runoff as there will be no changes to the property.”

7. An appropriate location for the proposed use.

“This is a very rural section of Town. The property is surrounded by hundreds of acres of farm land. The apartment is already an existing space and has been used over the years as an office and for me to live in while assisting my parents.”

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 health and safety of the residents in the area will in no way be affected by the approval of the existing apartment that is located in the attached carriage house.”

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

“I believe this to be in the public interest and in the spirit of the ordinance as a single apartment is not unusual and will create a residence in a rural area with no physical changes.”

There was no one present wishing to offer public testimony.

*Motion made by Mr. McLeod, seconded by Mr. Koontz, to approve the application as presented. Motion carried unanimously (McLeod, Koontz, Brock 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 June 7, 2011 meeting.**

*Review of the minutes and notice of decision was tabled to the August 2, 2011.*

**III. Adjournment.**

*Mr. Koontz, seconded by Mr. McLeod, moved to adjourned at 7:23 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.