



Town of Hopkinton

330 Main Street • Hopkinton, New Hampshire 03229 • www.hopkinton-nh.gov

Tel: 603 746-3170

Fax: 603 746-2952

HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES APRIL 3, 2012

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment meeting of Tuesday, April 3, 2012, at 6:30 PM in the Hopkinton Town Hall. Members present: Toni Gray, Harold Perkins and Jessica Scheinman.

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.

Chairman Krzyzaniak began the meeting by giving the Applicant an opportunity to post-pone review of her application until such time as a five member Board is present. With only four members present the Applicant was advised that should there be a tie vote of the Board that would mean that her application is denied.

Following brief discussion, Ms. Puza agreed to move forward and have the four members review her application.

I. Application(s).

#2012-4 R. Theresa Puza/Gardens to Imagine, LLC Special Exception to change the non-conforming use of property located at 63 Cross Road from Digger Day's Artesian Well to Gardens to Imagine. The property owned by Russell Day, located at in the R-3 district, Tax Map 240, Lot 6. The application was submitted in accordance with Zoning Ordinance subsection 5.3.1.

Ms. Puza of 384 East Washington Road in Hillsboro addressed the Board advising that her business address is currently in Henniker.

Ms. Puza explained the type of equipment that will be at the site, noting that she owns one bucket truck, a chip truck, dump truck and a pick-up truck. There are bins at the site for the purpose of storing organic compost. There will be no hazardous chemicals or burning of brush associated with the business. Hours of operation will be from 7 AM – 4 PM with approximately five to seven employees coming to the site in the morning and leaving to go to job sites.

Due to the fact that there was no one present, other than the property owners and the applicant, the Board unanimously agreed to waive the reading of the criteria and explanation for Special Exception.

Mrs. Gray inquired about signage for the business. In response, Ms. Puza stated that she plans to re-use the existing sign, located at the corner of Route 103 and Cross Road.

Other than repairs and repainting of the sign to advertise the new business, Ms. Puza plans to change the lighting from florescent to solar.

Ms. Sheinman inquired as to when Digger Days Artisan Well Company stopped operating from the site. In response, Mrs. Day stated that the business officially ceased in 2009. That being said, Ms. Sheinman questioned whether the original Variance had been extinguished since the business has not operated for more than one-year.

Mrs. Gray noted that if the well business had been abandoned for more than one-year, the Applicant would need a Variance rather than a Special Exception. At this time, the Board briefly reviewed subsections 5.3.1 and 5.3.5 which address non-conforming uses.

Chairman Krzyzaniak advised the Applicant to go back before the Selectmen to inform them that the well business had been discontinued for more than one-year. The Selectmen would then review the Zoning Ordinance and determine whether a Variance is required. Mrs. Robertson concurred, explaining that the Selectmen had assumed that the well business had been operated up until recently. This was the reason for the denial requiring a Special Exception to change from one non-conforming use to another.

Should the Applicant be required to obtain a Variance, Mr. Perkins recommended that the Applicant obtain the services of an Attorney since the criteria for a Variance is difficult to address.

At this time, the Board recommended that Ms. Puza withdraw her application, meet with the Selectmen and then come back before the Board at their May meeting. Ms. Puza agreed, and formally withdrew the application.

Motion made by Mr. Perkins, seconded by Mrs. Gray, to accept the Applicant's withdrawal. Motion carried unanimously (Gray, Perkins, Scheinman and Krzyzaniak).

II. Review of the Minutes and Notice of Decisions of March 6, 2012.

Mr. Perkins, seconded by Mrs. Gray, moved approval of the Minutes and Notice of Decision of March 6, 2012 as presented. With four members voting, three voted in favor (Gray, Scheinman and Krzyzaniak) and one voted in abstention (Perkins).

III. Adjournment.

Mr. Perkins, seconded by Mrs. Gray, moved to adjourn the meeting at 7:05 PM. Motion carried unanimously.

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 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.