



Town of Hopkinton

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HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES April 2, 2013

Acting Chairman Daniel Rinden opened the Hopkinton Zoning Board of Adjustment meeting of Tuesday, **April 2, 2013, at 6:30 PM in the Hopkinton Town Hall**. Members present: Toni Gray, Jessica Scheinman and Gregory McLeod.

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).

#2013-3 John D. McGregor, III **Special Exception** to convert space utilized by home business into a one-bedroom apartment. The property is owned by John D. McGregor, III and Beverly McGregor, located at 461 Kearsarge Avenue in the R-2 district, Tax Map 222, Lot 41. The application was submitted in accordance with Zoning Ordinance Table of Uses 3.6.A.3.

The Zoning Board of Adjustment accepted and waived the reading of the criteria for a Special Exception as the criteria was included with the written application. For the record, the Applicant's response to the criterion for a Special Exception as outlined in Section XV of the Zoning Ordinance is as follows:

- 1. Standards provided by this Ordinance for the particular use permitted by Special Exception.** "The conversion of the residence into a multi-family dwelling (3-units) is permitted in accordance with Table of Uses 3.6.A.3 of the Zoning Ordinance."
- 2. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.** "There will be no hazards on account of the residential unit. The unit will be in space that was formerly utilized by a basket making home business. It will consist of a one bedroom, bathroom, and open kitchen/living room."
- 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.** "There will be no detriment to property values as there will be no exterior changes to the building or property. The renovations necessary will be interior only."

Adopted: 5/21/2013

4. **No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.** “There will be no creation of a traffic safety hazard or increase in the level of traffic congestion. In fact, less traffic is anticipated as the space was formerly used as a home business with customers coming and going from the property.”
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 excessive demand on municipal services. We will be moving from the main house to the new apartment. At this time, the main house will continue to be occupied by my grandson.”
6. **No significant increase of storm water runoff onto adjacent property or streets.** “There will be no changes to the storm water runoff as there are no changes to the property being proposed.”
7. **An appropriate location for the proposed use.** “Yes, the property is zoned R-2 which allows residential units. We are simply moving from one part of our home to another.”
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 effect on the health and safety of the residents as there will be no exterior changes to the property.”
9. **In the public interest and in the spirit of the ordinance.** “The apartment will allow us to downsize. Apartments are allowed in the R-2 district.”

Mr. McGregor noted that the apartment is for him and his wife during the summer months. Mr. McGregor anticipates that his grandson's family will move into the main house. While the change will classify the residence as a three-family dwelling, Mr. McGregor disagreed. Instead, he believed that because the apartment and main house will be utilized by family it should not change the classification of the home.

Mrs. Robertson advised that the McGregors currently have an apartment over the garage and this apartment will be located in space that was formerly utilized for the McGregors' basket company.

Mrs. Gray questioned whether the septic system is adequate for the additional unit. Mr. McGregor responded yes, noting that the system was originally constructed larger than what was needed for the main residence.

Ms. Scheinman questioned the number of additional people that would reside at the property. In response, Mr. McGregor noted that he currently has tenants in the apartment over the garage, so that will not change. Mr. and Mrs. McGregors' grandson, who has lived with them in the past, will reside in the main residence, and the new apartment will be utilized by Mr. and Mrs. McGregor.

There was no one present wishing to offer public testimony.

Motion made by Mr. McLeod, seconded by Mrs. Gray, to approve the application as presented. With five members voting, all five voted in favor.

II. Review of the Minutes and Notice of Decision of January 2, 2013.

Review of the Minutes and Decision was deferred to the May 7, 2012 meeting.

III. Adjournment.

With no further business to come before the meeting, motion was made by Mrs. Gray, seconded by Mr. McLeod, to adjourn the meeting at 6:55 PM. The next regular scheduled meeting of the Board is Tuesday, May 7, 2012.

Karen L. Robertson
Planning 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.