



Town of Hopkinton

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HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES JUNE 4, 2013

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment meeting of Tuesday, **June 4, 2013, at 6:30 PM in the Hopkinton Town Hall**. Members present: Toni Gray, Charles Koontz, Daniel Rinden 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).

#2013-5 Amy Rothe **Special Exception** to operate a home business selling refurbished furniture and home goods at 214 Stumpfield Road in the R-4 district, Tax Map 230, Lot 10. The application was submitted in accordance with Zoning Ordinance Table of Uses 3.6.A.7.

Mrs. Rothe proposes to operate a part-time "cottage" style shop in a detached building on her property. She anticipates it being open no more than two weekends (Friday through Sunday) a month from 10 AM through 7 PM or dusk. The shop will include refurbished furniture, garden items and assorted home goods. Mrs. Rothe noted that she had operated this same business, once per month, when living in Maine.

Based on the square footage, two parking spaces will be required. According to Mrs. Rothe there is currently enough space for at least six vehicles to park. The Planning Board approved the Site Plan at their May 14th meeting with the condition that Applicant's home business complies with the maximum square footage allowed according to subsection 2.1.H.1 of the Ordinance. Mrs. Robertson noted that she and Mrs. Rothe have reviewed the square footage of both the dwelling (2,854 sq. ft.) and the outbuilding and determined that the home business will not exceed 500 square feet of area.

At this time, 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 home business is permitted in accordance with Table of Uses 3.6.A.3 by Special Exception."
- 2. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.** "The building to be used for the shop will not

Minutes subject to review and approval.

contain any hazardous chemicals or materials. Eventually, there will be electricity, but it should not pose any fire hazard.”

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.** “Parking will be located along a circular driveway and there will be two additional adjacent parking spaces. The shop building is small – 14’ 5” x 26’8”. The style of the building matches our home (cedar shakes with a metal roof). There will be no outdoor storage of any equipment or materials.”
4. **No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.** “Because Sage & Twine is open part-time, there will not be a substantial increase in the level of traffic in the vicinity. The circular driveway will aid cars/trucks from backing out onto Stumpfield Road.”
5. **No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.** “Because there will not be any water or sewer services needed for the business, no municipal services will be needed for this endeavor.”
6. **No significant increase of storm water runoff onto adjacent property or streets.** “There is no pavement located on the property. Any runoff from the roof/driveway flows directly into the ground on our property.”
7. **An appropriate location for the proposed use.** “The location of the shop for Sage & Twine is 138 feet from Stumpfield Road in a partly wooded area on our residential property. We are the second house in from Route 202/9, passing only one other home.”
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 shop for Sage & Twine is 147 feet from our neighbors to the right and 461 feet from our neighbors to the left. The land across the street from our property is wooded and unused currently. All business conducted will not adversely affect the health and safety of others in the area.”
9. **In the public interest and in the spirit of the ordinance.** “Sage & Twine is a small shop where I will be selling refurbished home items. I am extremely hopeful and positive about bringing business to our town’s businesses as well. It is setback from the road, has ample parking, signage and traffic flow. The design of the building matches our home as well. 500 square feet of gross floor space will not be exceeded.”

Mrs. Gray inquired as to whether the hours were sufficient, informing Mrs. Rothe that she would have to come back before the Board if she wished to increase the hours in the future. Mrs. Rothe agreed, stating that she only plans to be open one weekend a month;

however she included two weekends a month on the application, so that she did not have to come back before the Board in the future. The actual hours of operation will be from 10 AM to 7 PM or at dusk, whichever comes first.

Mr. Koontz inquired about chemicals, if any, used in refurbishing the furniture. In response, Mrs. Rothe noted that she doesn't usually remove or strip any of the finishes, but rather paints over it.

Mr. Koontz then asked how the business will be advertised. Mrs. Rothe noted that she is presently working with a sign company to create a small sign at the property. She also plans to advertise in the newspaper and by way of flyers.

Mr. Rinden questioned whether furniture could be brought in from outsiders for repairs. Mrs. Rothe stated that she is open to doing occasional furniture repairs; however, most of her work involves items that she purchases at yard or estate sales.

There was no one present wishing to offer public testimony.

Motion made by Mrs. Gray, seconded by Mr. Rinden, to approve Application #2013-5 as presented. With five members voting, all five voted in favor (Gray, McLeod, Koontz, Rinden and Krzyzaniak).

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

Review of the Minutes and Decision was deferred to the July 2, 2013 meeting.

III. Adjournment.

With no further business to come before the meeting, motion was made by Mr. McLeod, seconded by Mrs. Gray, to adjourn the meeting at 6:50 PM. The next regular scheduled meeting of the Board is Tuesday, July 2, 2013.

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.