



# Town of Hopkinton

330 Main Street • Hopkinton, New Hampshire 03229 • [www.hopkinton-nh.gov](http://www.hopkinton-nh.gov)

Tel: 603 746-3170

Fax: 603 746-2952

## HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES APRIL 7, 2015

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment meeting of Tuesday, April 7, 2015, at 5:30 PM in the Hopkinton Town Hall. Members present: Toni Gray, Charles Koontz, Gregory McLeod and Daniel Rinden. Staff present: Planning Director Karen Robertson.

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

### I. Application(s).

**#2015-2 Jeffrey Jones Special Exception** to convert the residence at 557/559 East Penacook Road into a two family residence. The property is located in the R-3 district, shown on Tax Map 244 as Lot 9. The application was submitted in accordance with Zoning Ordinance 3.6.A.2.

Mr. Jones addressed the Zoning Board of Adjustment introducing Attorney Phil Braley of Cleveland, Waters and Bass. Attorney Braley was present as he had assisted Mr. Jones with the process of applying to the Board.

Mr. Jones began his presentation by explaining that he had purchased his home in 1989 and had spent several years after making repairs to the home. In the 1990's his business as an electrician was growing and he needed additional storage space. As a result, a permit was obtained from the Town to construct a garage with storage, office and bathroom above. However, shortly after, due to health reasons Mr. Jones converted the space above the garage into an apartment so that his mother could eventually live with him.

Mr. Jones further explained that he had a properly sized septic system installed to accommodate the three (3) bedrooms in the main house and two (2) bedrooms in the apartment; he used a licensed electrician and plumber for the conversion; he obtained a second driveway permit; he had two (2) additional parking spaces constructed; he obtained a second street address for the apartment, and has been assessed and taxed as a two-family residence for several years.

In closing, Mr. Jones apologized for not applying to the Board sooner, realizing that it should have been his first step in the process of creating of the apartment. He asked that the Zoning Board of Adjustment grant his application as he believes that he had satisfied all requirements to be granted a Special Exception. He noted that the best evidence that the use is consistent with the general purpose of the Zoning Ordinance and has not created a hazard to adjacent properties is the fact that the apartment has existed for eighteen (18) years without any complaints or concerns expressed.

At this time, Chairman Krzyzaniak inquired with the one abutter present, Priscilla Reinertsen, as to whether she had a chance to review the application provided to the Board by Mr. Jones. If so, then there would be no need for Mr. Jones to read his written response to the criteria for a Special Exception. In response, Mr. Reinertsen stated that she had seen Mr. Jones' application.

For the record, Mr. Jones' written response for a Special Exception as outlined in Section XV of the Zoning Ordinance was as follows:

1. **Standards provided by this Ordinance for the particular use permitted by Special Exception.** "The home is in an R-3 district. Table 3.6.A shows that a two-family residence is allowed a Special exception from the Zoning Board of Adjustment."
2. **No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.** "This application is for a basic residential apartment with typically standard equipment. Heat is from a standard oil-fired boiler with an indoor oil tank. There is no gas or LP. This is not a commercial use, therefore, virtually no risk."
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.** "This is a very standard apartment over a garage. If approved the existing two-family assessment will probably stay the same possibly increasing area property values. None of the fifteen items above would be a factor."
4. **No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.** "The apartment is currently my home. My mother and I each have one car parked in the garage. My mother lives in the house and rarely drives. This situation would not change unless my mother passes away."
5. **No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.** "The house is already serviced by the Community Well. The property has an accurately sized five bedroom septic system. We do our own waste disposal. We have no children in the schools. We had one ambulance call in the last five years."
6. **No significant increase of storm water runoff onto adjacent property or streets.** "The shape and pitch of the lot and property have not changed since I bought it in 1989."
7. **An appropriate location for the proposed use.** "As mentioned in number one above, this is an R-3 district. My house and garage look very similar to others in this area."
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.** "I don't think the apartment over the garage has any noticeable effect on neighbors. It does not affect usage or development by my neighbors in any way."

- 9. In the public interest and in the spirit of the ordinance.** “As I understand public interest and the spirit of the Ordinance, I believe the apartment meets both criteria, as detailed in the previous eight questions.”

Chairman Krzyzaniak asked the only member of the public present, Priscilla Reinertsen, if she wished to offer public testimony.

Mrs. Reinertsen indicated that she and her husband reside at 582 East Penacook Road, across the street from Mr. Jones’ property. Mrs. Reinertsen supported Mr. Jones’ application as the request is a continuation of a use that has taken place at the property for many years without any issues.

With no further testimony, Chairman Krzyzaniak declared public testimony closed.

In reviewing the application and presentation, and the fact that the use has existed at the property for eighteen (18) years without any harm, Mrs. Gray believed that all necessary criteria to be granted a Special Exception were successfully addressed. All members unanimously concurred.

Mrs. Gray, seconded by Mr. Rinden, moved to **APPROVE** the application for Special Exception (#2015-2) as presented. Motion carried unanimously (Gray, Koontz, McLeod, Rinden and Krzyzaniak). The Applicant satisfied all requirements to be granted a Special Exception in accordance with Section 15.8.2 of the Zoning Ordinance.

## **II. Review of the Minutes and Notice of Decision of January 6, 2015.**

Mrs. Gray, seconded by Mr. McLeod, moved to **APPROVE** the Minutes and Notice of Decision of January 6, 2015 as presented. Motion carried unanimously (Gray, Koontz, McLeod, Rinden and Krzyzaniak).

## **III. Other Business.**

Chairman Krzyzaniak informed members that her term had expired (technically serves until such time as a replacement is appointed) and that she had not requested to be re-appointed. Janet has been a member of the Board for more than thirty (30) years; joining the Board following her position as a Selectman. Members thanked Janet for her support and dedication. Janet’s role as a member of the Board and knowledge of the Zoning Ordinance will be greatly missed.

## **IV. Adjournment.**

Mr. Koontz, seconded by Mrs. Gray, moved to **ADJOURN** the meeting at 5:55 PM. Motion carried unanimously. The next regular scheduled meeting of the Hopkinton Zoning Board of Adjustment is at 5:30 PM on Tuesday, May 5, 2015, at the Hopkinton Town Hall.

Karen Robertson  
Planning Director