



Town of Hopkinton

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HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES AUGUST 2, 2016

Members present: Chairman Daniel Rinden, Toni Gray, Charles Koontz, and Gregory McLeod.
Staff present: Planning Director Karen Robertson.

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.

The Applicant was given an opportunity to post-pone review of the application to the September meeting as there were only four (4) members of the Board present.

Following brief discussion, Attorney Jason Dennis, of Bianco Professional Association, advised that the Applicant wished to move forward in having the application reviewed this evening. If, during the meeting, questions arise that cannot be answered, the Applicant will request a continuance. Chairman Rinden understood, but noted that a request for continuance must occur prior to the Board voting on the application. Furthermore, it was understood that the decision to continue the application is that of the Board, not the Applicant.

I. Call to Order. Chairman Rinden called the meeting to order at 5:30 PM in the Hopkinton Town Hall.

II. Application(s).

Special Exception (#2016-08), Russell Day/Joan Day 2013 Trusts, 63 Cross Road, Tax Map 240, Lot 06, R-3 District. Applicant proposed a business change of use from landscaping to furniture making and remodeling. The application was submitted in accordance with Zoning Ordinance subsection 5.3.1.

Attorney Dennis advised of the previous uses of the property, such as a well drilling business and a landscaping business. Since the landscaping business is no longer operating from the property, the Applicant proposes to lease the building to Peter Benson, who is a sole proprietor that proposes to do woodworking and remodeling.

Mr. Benson addressed the Board, advising that there will be no remodeling associated with the business. Attorney Dennis agreed, stating that the application incorrectly indicated that the business will include remodeling.

Applicant's response to the criteria 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 proposal to change from one non-conforming use to another is referenced in the Zoning Ordinance under subsection 5.3.1.
2. **No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.** As indicated in Mr. Benson's letter to the Board, all finishes will be water based; thereby, limiting the potential for hazards to occur. There will be no VOC or obnoxious chemicals associated with the business. The business will involve the use of common woodworking tools. All dust will be collected in bags.

Attorney Dennis suggested that the risk of a hazard is no greater than there was when the landscaping business operated from 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 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 changes from when the landscaping business was at the property. Unless it is already known, no one will know that Mr. Benson's is operating from the property as there will be no advertising sign, employees or customers going to the property.
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 substantial increase in traffic. Attorney Dennis restated that Mr. Benson will have no employees or customers visiting the property. As compared to the landscaping business, which had employees and trucks, Mr. Benson's business will create less traffic.
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 additional demand on municipal services. The property is equipped with its own well. Use of police and fire services is anticipated to be no different than what one would need for a residence.
6. **No significant increase of storm water runoff onto adjacent property or streets.** There will be no increase in paved surfaces or roofs, which typically causes an increase in storm water runoff. As compared to the landscape business, the environmental impact will be much less. There will be no employees, or large commercial vehicles as there was when the landscaping business operated from the property.
7. **An appropriate location for the proposed use.** The location is appropriate the property has previously been used for commercial purposes. Furthermore, Mr. Benson is a Hopkinton resident that wishes to work close to his 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.** All work will be conducted within the building. There are no customers anticipated. The wood products will be environmentally safe. Attorney Dennis restated the fact that all products applied to the furniture or cabinets will be of water base.

- 9. In the public interest and in the spirit of the ordinance.** There should be no reason that woodworking would impact the neighbors or others in the area. Allowing Mr. Benson, a resident of Hopkinton, to earn a living without impacting others is in the public interest.

Attorney Dennis reviewed the definition in the Zoning Ordinance for the R-3 district, explaining how Mr. Benson's business is consistent with the spirit of the Ordinance.

Mrs. Gray inquired as to whether the building is equipped with a sprinkler system. Mr. Day responded no. Attorney Dennis suggested that any concerns could be addressed as a condition of approval. Mrs. Robertson noted that before occupancy, Mr. Benson would need approval from the Fire Chief and Code Enforcement Officer.

Mrs. Gray suggested that the woodworking business would decrease the non-conformity. Chairman Rinden concurred. He then recalled discussions, during a previous meeting involving the landscaping business, concerning a sign advertising the well drilling business. An abutter expressed concern that the business no longer was operating; however, the sign was still in place. Mrs. Gray noted that the sign had been removed.

There was no one in the audience to offer public testimony.

Toni Gray, seconded by Gregory McLeod, motioned to **APPROVE** the application for Special Exception (#2016-08) as presented. Motion carried unanimously in favor (Gray, McLeod, Koontz, and Rinden). The Applicant successfully addressed all conditions to be granted a Special Exception as outlined in section XV of the Zoning Ordinance.

III. Review of the Zoning Board of Adjustment Minutes and Notice of Decision of May 3, May 23 and July 5, 2016.

Toni Gray, seconded by Charles Koontz, motioned to **APPROVE** the Minutes of May 3, May 23 and July 5, 2016 as presented. Motion carried in the affirmative.

Charles Koontz, seconded by Gregory McLeod, motioned to **APPROVE** the Notices of Decisions of May 3, May 23 and July 5, 2016 as presented. Motion carried in the affirmative.

IV. Adjournment.

Toni Gray, seconded by Charles Koontz, motioned to **ADJOURN** the meeting at 6:05 PM. Motion carried in the affirmative. The next regular scheduled meeting of the Hopkinton Zoning Board of Adjustment is at 5:30 PM on Wednesday, September 7, 2016, at the Hopkinton Town Hall.

Karen Robertson
Planning Director