

**Hopkinton Planning Board**  
**Minutes**  
**October 11, 2005**

Vice Chairman Timothy Britain opened the Hopkinton Planning Board public hearing of Tuesday, October 11, 2005, at 7:00 PM in the Town Hall. Members present: Clarke Kidder, Michael Wilkey, Celeste Hemingson, Edwin Taylor and Cettie Connolly.

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**I. Review of the Minutes and Notice of Decision of September 13, 2005.**

Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to approve the Minutes of September 11, 2005 as amended. Amend page four, inserting a sentence advising that Celeste Hemingson joined the meeting. Further amendments include the addition of Mrs. Hemingson's name in each sentence that outlines the vote of the Board. With six members voting, four voted in favor (Britain, Hemingson, Taylor, and Connolly) and two abstained (Kidder and Wilkey).

Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to approve the Minutes of September 11, 2005 as amended. Amendments to include the addition of Mrs. Hemingson's name in each sentence that outlines the vote of the Board. With six members voting, four voted in favor (Britain, Hemingson, Taylor, and Connolly) and two abstained (Kidder and Wilkey).

**II. Applications—**

#2005-19 Tom & Karen Berry—Attorney Maria Dolder representing Tom and Karen Berry addressed the Board presenting a revised plan of a proposed lot line adjustment involving properties owned by Thomas J. Berry Jr. and Karen F. Berry, located at 897 Gould Hill Road and 262 Penacook Road in the R-1 (high density residential) and R-2 (medium density residential) districts, shown on Tax Map 103 as Lots 20.1 and 26. This is a continuation of the September 13, 2005 public hearing.

Attorney Dolder believed that the revised plan addressed concerns previously raised by the Board and abutter as the proposed configuration of the Gould Hill Road lot no longer includes a 20-foot strip of frontage off Penacook Road.

Abutter Harry Perkins reviewed the revised plan indicating that he was not opposed to the proposal.

Motion made by Mr. Kidder, seconded by Mrs. Connolly, to approve Application #2005-19 as amended. Motion carried unanimously (Britain, Hemingson, Taylor, Connolly, Kidder, and Wilkey).

Jane Bradstreet joined the Board for the remainder of the meeting as a regular voting member with Mrs. Connolly participating as a non-voting member.

Motion made by Mrs. Bradstreet, seconded by Mr. Kidder, to approve Application #2005-19 as submitted. Motion carried unanimously.

#2005-21 Kenneth M. Desjardins Builders—Jen McCourt of McCourt Engineering addressed the Board presenting revised plans of nine (9) single-family residential conservation (cluster) subdivision lots accessed by a proposed new roadway. The property is owned by Robert L. Drennan, located off College Hill Road in the R-4 (residential/agricultural) district, shown on Tax Map 212 as Lot 4. This is a continuation of the September 13, 2005 public hearing.

After taking into consideration the concerns of the Board and public, Mrs. McCourt revised the subdivision design by reducing the number of lots to eight (8) rather than the original nine (9) proposed lots. The elimination of the one (1) lot also eliminated a wetland impact. While the proposed conservation subdivision reflects eight (8) lots the conventional concept plan still shows nine (9) lots. Additionally, the concept plan shows setback lines, and upland and wetland calculations as was requested by the Board.

Mrs. McCourt then reviewed driveway cross-sections for proposed Lots 4.3 and 4.9 as was also requested by the Board. One driveway is shown with a 10 percent slope and the other with a 12 percent slope. It was assumed that the driveway with the 12 percent slope would have a walk-out basement.

Mrs. Bradstreet questioned why the Applicant proposed a conservation subdivision rather than conventional. In response, Mrs. McCourt stated that she had presented conceptual plans at a previous meeting in which the Conservation Commission was present discussing both conventional and conservation subdivision designs, she believed that the conservation design was the preferred choice. Furthermore, she believed that the conservation design would be the best approach in preserving open space.

Mr. Britain noted that the Board was in receipt of a letter from the Town of Henniker indicating that their Planning Board had reviewed the proposed development and is interested in receiving a copy of the traffic study. Mr. Britain noted that the Planning Board has yet to receive additional comments from Henniker, noting that based on the date of their letter they may need additional time.

Mr. Britain then referenced a letter the Planning Board received from the Central NH Regional Planning Commission suggesting issues for the Board might want to consider. Following brief discussion, the Planning Board believed that most of the issues raised had already been addressed or will be addressed this evening.

The Planning Board was in receipt of a letter from Mark Bates, Chairman of the Hopkinton Road Committee, concerning review of the proposed road construction plans and an on-site visit. The letter addressed items such as the width of pavement, installation of drive pipe, installation of a grass treatment swale due to the steepness of the proposed roadway, a grass treatment swale to move runoff away from the proposed hammerhead, and matting or stone in the ditches where necessary. In response, Mrs. McCourt noted that she had submitted a written request to allow a pavement width of 20-feet, rather than the minimum of 18-feet.

Mrs. McCourt reviewed the traffic study completed by Stephen Pernaw & Company on behalf of Mr. Desjardin. The existing conditions of the area involve a two lane collector road that has approximately 20-feet of pavement width with varying shoulders. The speed limit along College Hill Road from Henniker to Hopkinton is 30 mph, while there is no speed limit sign in Hopkinton. Mrs. McCourt noted that the internet refers to the use of College Hill Road as a route to Pats Peak and John Stark School.

Based on records from the Hopkinton Police Department there were no accidents along College Hill Road in 2005. There was one accident in 2003 and one accident in 2004. Based on records from the Henniker Police Department it was reported that there was one accident in 2004. Mrs. McCourt noted that the Hopkinton Police Chief had informed her that one of the accidents was related to bad weather and the other was as a result of speed.

Mr. Wilkey questioned whether the weather conditions were factored into the study. In response, Mrs. McCourt indicated that Mr. Pernaw's report included traffic patterns at three intersections in order to obtain a seasonal adjustment factor. Mrs. McCourt then reviewed the trips generated during peak morning and afternoon hours. She believed that the traffic currently generated along College Hill Road is as a result of through traffic. Based on Mr. Pernaw's traffic study, the proposed development would create an additional six vehicle trips to the east and west during peak hours.

The Board then briefly reviewed the letter from the Town Forester in which he reviewed the previous cutting of the property. He had suggested that the Board let the forest grow naturally rather than requiring the re-planting of trees.

With regards to phasing, Mrs. McCourt noted that it is the intent of the developer to construct the road at one time, rather than phasing construction as part of the phasing of building permits. Furthermore, the developer has agreed to adopt all recommendations of the Conservation Commission. Recommendations are referenced on the plan.

Mrs. McCourt reviewed a letter and map the Board had received from Byron Carr, representative to the Rivers Management Committee. Mrs. McCourt noted that the chloride readings referenced by Mr. Carr were taken from the Merrimack River in Lowell Massachusetts. She didn't believe it was appropriate to include the information when considering the impact, if any, from the proposed development. Mrs. McCourt noted that chloride is derived from salting roads which is a practice of most municipalities. Lot 4.4 of the proposed subdivision is in excess of 200-feet from the closest wetland, then additional 600-feet to the pool elevation of the Contoocook River. In response, Mr. Carr noted that the percentage of chloride referenced was taken from a USGS study. He believes increases in chloride is as a result of small developments and large shopping malls being constructed. Mrs. McCourt and Mr. Carr briefly discussed the buffers surrounding the property and how the flow of run-off may or may not be affected.

Bob Koch of College Hill Road questioned specifically where the traffic data was collected. Mr. Koch discussed numerous accidents that occur along the road

that are not reported. He then questioned whether the road closing during spring flooding was taken into consideration when preparing the traffic study. He believed that the development will have a major traffic impact to the seven (7) homes along College Hill Road. In response, Mrs. McCourt discussed the method by which the information was received for the traffic study.

Mr. Kidder on behalf of the Selectmen voiced concern relative to the project that the Developer had worked on off Peaked Hill Road. In particular, the Board of Selectmen expressed concern that the detention pond was not constructed as indicated on the approved plan. In response, Mr. Desjardin stated that the Peaked Hill project was completed as approved. However, some of the residents are unhappy with the location of detention pond and have asked that fencing be placed around the area. Mr. Desjardin had indicated his willingness to fence the area at the expense of the residents; however, the residents believe that he should be required to pay the expense. Mrs. Robertson believed that the detention pond had been constructed as required. She had spoken with residents of Peaked Hill with regards to the pond and their interest in the placement of a fence. She had informed them that the expense would have to be paid by the residents, not the Town.

Following review of the conventional plan, the Planning Board agreed that the property could support the eight conventional lots. It was noted that the traffic impact analysis and cross-sections of the proposed steep drives would be reviewed by the Vollmer Associates, the Town's Consultant Engineers. Additionally, regional notification was provided to the Town of Henniker and the Central NH Regional Planning Commission with comments received. The Planning Board noted that most of the items referenced in the letter from the Central NH Regional Planning Commission are or will be addressed. Lastly, it was noted that a visual assessment of the property was completed by members of the Board.

Mr. Britain suggested that Vollmer Associates review the Road Committee's recommendations and provide comments concerning as it relates to the Committee and Applicant's differing recommendations. Additionally, Mr. Britain suggested that any covenants and restrictions be reviewed by Town Counsel. It was noted that language would need to be included in the deeds or covenants with regards to phasing.

Mrs. McCourt addressed the Board offering to provide sight distance profiles for Vollmer Associates to review. The Board concurred.

Motion made by Mr. Kidder, seconded by Mrs. Hemingson, to continue Application #2005-21, so to allow the Town's Consultant Engineer an opportunity to review the following:

- Traffic Impact Analysis;
- Cross-sections of the proposed driveways to be constructed over steep slopes;
- Road Committee's recommendations; and
- Engineering plans of proposed roadway and drainage analysis.

Motion carried unanimously (Britain, Hemingson, Taylor, Bradstreet, Kidder and Wilkey).

Chairman Bruce Ellsworth joined the Planning Board for the remainder of the meeting.

#2005-22 Herrick Mill Work, Inc.—Tim Bernier of T.F. Bernier, Inc. and John Herrick addressed the Planning Board to request Site Plan Review approval to construct a new 50,000 square foot warehousing and distribution facility. The property is located at 290 Burnham Intervale Road in the M-1 (industrial) district, shown on Tax Map 220 as Lot 23.2.

Mr. Bernier began by explaining that the proposed warehouse/distribution facility is intended to be leased to McLane Corporation as supplemental space for their facility located off Maple Street. McLane will operate their candy business from the facility. Mr. Bernier reviewed the site plan, providing an elevation view of the building along with a photograph of the proposed light fixtures. Access to the facility will be by way of an existing drive that currently serves Herrick Millwork and Excalibur. Loading docks will be located on the west side of the building while the septic system will be located on the east side. A waiver was requested for the number of parking spaces required. Based on the size of the proposed structure 50-parking spaces would be required. Mr. Herrick indicated that he will need approximately 26-spaces based on the number of employees that will work at the facility. He proposes to immediately construct 26-spaces and to construct the other 24-spaces as needed.

Mr. Britain questioned the type of traffic associated with the new facility. In response, Mr. Herrick explained how McLane had previously utilized space in the former Excalibur building. The new facility will mean the relocation of that portion of the McLane business and should not create additional truck traffic. Mr. Herrick estimated between nine and ten truck trips in and out bound per day. It is anticipated that the candy distribution portion of the business will operate during the day hours. Operation to begin as early as 5 AM, five days a week with no evening hours.

Mr. Bernier presented cut sheets from a lighting manufacturer that would supply the exterior lights. The lights would be located every 100-feet along the building. Mr. Taylor did not believe that the lighting proposed would meet the requirements in the Lighting Ordinance. In particular, the proposed lights will not have full horizontal cut-offs.

In reviewing the Architectural Design Ordinance, Mr. Kidder questioned whether the proposed facility will look similar to other buildings in the area. Mrs. McCarthy noted that other buildings would include residential structures. She believed that the proposed flat roof line would not be in conformance with the Ordinance. In response, Mr. Herrick stated that the building will be sided with steel and will be compatible with adjacent buildings. Additionally, the proposed facility will be located approximately 1600-feet from Burnham Intervale Road. Lastly, he noted that the other buildings in the area that are similar have flat roofs.

Mrs. McCarthy questioned the distance the proposed facility would be from the Contoocook River. In response, Mr. Herrick estimated 2000-feet to river bank.

Mr. Taylor pointed out the fact that the architectural drawings and site plan differ as to the location of the entrances to the facility. The Board then discussed the proposed building façade as it related to the Architectural Design Ordinance criteria.

Mr. Taylor questioned the water control method that may be used in managing the water that runs-off the facility. He suggested that the plans presented show shedding of water over loading docks and questioned whether that would be feasible. In response, Mr. Herrick stated that there is a manhole proposed that would support the drainage from the roof system.

Motion made by Mrs. Bradstreet, seconded by Mrs. Hemingson, to accept Application #2005-22 for consideration. Motion carried unanimously (Ellsworth, Britain, Hemingson, Taylor, Bradstreet, Kidder and Wilkey).

Byron Carr of Burnham Intervale Road asked that the property line between his property and Mr. Herrick's be identified in the field so that the employees at the facility will understand the limits of the property. Mr. Carr then questioned whether the driveway and parking area will be paved and the diversion of the run-off once it enters the manhole. In response, Mr. Herrick explained that the parking area and loading docks are to be paved. In addition to the manhole, the intent is for some of the water drainage to enter a drywell and then filter into the adjacent field. Mr. Britain suggested that the Applicant provide the Board with a detail plan showing the proposed drainage system.

Dawn Baron of Burnham Intervale Road discussed her concerns with the impact that the truck traffic has on Maple Street, Pine Street and Burnham Intervale Road. Mrs. Baron questioned whether the Town had been working on an alternative access to the industrial district off Burnham Intervale Road. In response, Chairman Ellsworth explained how the Economic Development Committee and Selectmen have discussed alternative access ways; however, the expense of constructing a bridge over the river would be great. Chairman Ellsworth suggested that Mrs. Baron discuss her concerns with the Board of Selectmen.

Mrs. Connolly discussed the growth of the industrial district and suggested because the properties are zoned industrial that the Board should not preclude a property owner from utilizing their property for a permitted use. In response, Mr. Britian believed that it is the Planning Board's responsibility to consider the affects of the industrial traffic on the entire Town and not just the industrial district. He suggested that any further development of the Burnham Intervale industrial district would be premature.

Following brief discussion with Mr. Herrick concerning his time frame for construction, Mr. Britain, seconded by Mr. Wilkey, moved to table Application #2005-22 to the November 8, 2005 hearing so to allow the Applicant to provide revised plans to reflect a more accurate proposal, including lighting, a color rendition of the facility and drainage control. Additionally, the Applicant is to

review the Town's Architectural Design Ordinance for compliance. Motion carried unanimously (Ellsworth, Britain, Hemingson, Taylor, Bradstreet, Kidder and Wilkey).

#2005-23 Julie A. Rimm—Mrs. Rimm addressed the Planning Board requesting Site Plan Review approval to operate a floral and gift shop in space formerly utilized by a business office (Barton's Insurance). The property is owned by Robert Clay, located at 905 Main Street in the VB-1 (village commercial) district, shown on Tax Map 101 as Lot 11.

Mrs. Rimm proposed to relocate her business from the Town of Warner to Hopkinton. The business includes fresh flowers and home décor with walk-ins, pick-ups and deliveries. The hours of operation would be from 9 AM to 6 PM, Monday through Saturday; however, during the holiday season the hours may vary.

The Parking Ordinance requires two (2) parking spaces for the business, which was the same requirement for Barton's Insurance. Public parking is located in front and adjacent to the building along Main Street and Cedar Street. The proposed advertising sign is the same as was used in Warner and will be hung on the front of the building. The sign size is approximately nine square feet.

Following brief discussion, the Planning Board agreed to waive the following:

- Sketch of site showing natural features. There are no trees or other vegetation on the property. The property is surrounded by pavement and two (2) streets, Cedar Street and Main Street.
- Plan views of the building and their use, size, location and floor elevation. There is no new construction proposed.
- Elevation view of the building. Again, there is no new construction proposed.
- Size and proposed location of water mains and sanitary facilities. The building is currently connected to Town water and sewer.
- Size and location of all public service connections. Service connections exist with no changes proposed.
- Type and location, elevation and layout of catch basins and other surface drainage. The method of drainage control exists with no changes proposed.
- Existing and proposed contours, finish grade elevations, location of existing and proposed landscaping. There are no physical changes proposed with the exception of the placement of a new sign on the front of the building.
- Location and type of outdoor lighting. Lighting currently exists on the building with exterior lighting outside the door of the business.
- Surveyed property lines. There are no physical changes to the property proposed.
- Building on adjacent properties within 200-feet. Again, Applicant indicated that there are no physical changes proposed.

Motion made by Mr. Kidder, seconded by Mr. Britain, to accept Application #2005-23 for consideration. Motion carried unanimously (Ellsworth, Britain, Hemingson, Taylor, Connolly, Kidder and Wilkey).

Scott Clay, owner of the property, addressed the Planning Board stating that he believes that the shop would be an asset to the building.

Chairman Ellsworth asked Mrs. Rimm whether her business is subject to any State approvals. Mrs. Rimm replied no.

Motion made by Mr. Britain, seconded by Mrs. Bradstreet, to approve Application #2005-23 as submitted. Motion carried unanimously (Ellsworth, Britain, Hemingson, Taylor, Connolly, Kidder and Wilkey).

#2005-24 Erick Leadbeater—Mr. Leadbeater addressed the Board requesting approval of a lot line adjustment involving properties located off Gould Hill Road in the R-2 (medium density residential) and R-3 (low density residential) districts, shown on Tax Map 241 as Lots 6 and 17. One of the parcels in question is owned by Sue Leadbeater and the other parcel owned by Mr. Leadbeater. The intent of the lot line adjustment is to increase the size of Lot 6 by .94 acres.

In reviewing the plan, the Planning Board granted waivers from showing the following:

- Wetland or Soil Scientist delineation of wetlands;
- Natural and topographic features of the property;
- Contours of the property;
- Location, elevation and layout of surface drainage;
- Location and size of utilities serving the property;
- Soils location and types.

Motion made by Mr. Britain, seconded by Mr. Kidder, to accept Application #2005-24 for consideration. Motion carried unanimously (Ellsworth, Britain, Hemingson, Taylor, Connolly, Kidder and Wilkey).

There was no one present wishing to provide public testimony.

Motion made by Mr. Britain, seconded by Mr. Kidder, to approve Application #2005-24 as submitted. Motion carried unanimously (Ellsworth, Britain, Hemingson, Taylor, Bradstreet, Kidder and Wilkey).

### **III. Any other business to come before the meeting.**

General Discussion concerning the following:

- Build-Out Analysis—Following discussion, motion made by Mrs. Bradstreet, seconded by Mrs. Hemingson, to assist the Board of Selectmen should they decide to move forward in completing a Build-Out Analysis.
- Impact Fees—The Board briefly discussed the implementation of impact fees. Mrs. Connolly suggested that the Board contact Bruce Mayberry, who had assisted the Town of Raymond in completing an impact fee schedule.

**V. Adjournment.**

Chairman Bruce Ellsworth declared the meeting adjourned at 10:00 PM. The next regularly scheduled meeting of the Planning Board is Tuesday, November 8, 2005 at 7:00 PM in the Town Hall.

Karen L. Robertson  
Planning Director

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In accordance with RSA 677:15, any person(s) aggrieved by any decision of the Board concerning the application(s) may present to the Superior Court a petition, duly verified, setting forth that such a decision is illegal or unreasonable in whole or part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the Board's final decision regarding the application in question has been filed and becomes available for public inspection in the Planning Office.