

**Hopkinton Planning Board**  
**Minutes**  
**December 13, 2005**

Acting Chairman Michael Wilkey opened the Hopkinton Planning Board public hearing of Tuesday, December 13, 2005, at 6:30 PM in the Town Hall. Members present: Jane Bradstreet, Celeste Hemingson, Edwin Taylor and Bethann McCarthy.

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- I. Capital Improvement Plan**—The Planning Board reviewed the Capital Improvement Plan for year ending 2006 that was prepared by the Capital Improvements Committee on behalf of the Planning Board.

The Board appreciated the revised format and additional detailed information as compared to previous years. Mr. Wilkey explained the thought process as a result of the format changes and the fact that there had been debates by the Committee as to the classification of the projects. In other words, there was question as to whether projects that were part of the administrative budget should be included in the Capital Improvement Plan. It was agreed that while there were many non-capital projects submitted those projects would be included in the plan for information purposes.

Motion made by Mrs. Hemingson, seconded by Mr. Taylor, to adopt the Capital Improvement Plan for year ending 2006.

Mrs. Bradstreet raised the issue as to whether certain items should actually be included as part of the plan. It was noted that those non-capital items were included as part of the plan in previous years and was suggested that next year the Planning Board provide more direction to the departments and Committee as to what projects actually qualify as capital items. Mr. Wilkey concurred, noting that guidance from the Planning Board would be very beneficial.

Thomas O'Donnell, Chairman of the Hopkinton Village Precinct Planning Board, addressed the Planning Board explaining that as a representative to the Precinct Planning Board he had participated in preparation of the Capital Improvement Plan. Mr. O'Donnell was satisfied with the format of the plan, agreeing that guidance from the Planning Board in preparation of future plans would be appreciated.

Following discussion, motion to adopt the Capital Improvement Plan for year ending 2006 carried unanimously (Bradstreet, Hemingson, Wilkey and Taylor).

- II. Review of the Minutes and Notice of Decision of October 11, 20 and November 8, 2005.**

Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to accept the Minutes of October 11, 2005 with omission of the last paragraph on page one. Motion carried unanimously.

Motion made by Mrs. Bradstreet, seconded by Mrs. Hemingson, to accept the Notice of Decision of October 11, 2005 as presented. Motion carried unanimously.

Motion made by Mr. Taylor, seconded by Mrs. Hemingson, to accept the Minutes of October 20, 2005 with a change to page two, paragraph two by replacing the words “may have a physical visual appearance” with the words “maybe visually obvious”. Motion carried unanimously.

Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to accept the Notice of Decision of October 20, 2005 as presented. Motion carried unanimously.

Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to accept the Minutes of November 8, 2005 as presented. Motion carried unanimously.

Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to accept the Notice of Decision of November 8, 2005 as presented. Motion carried unanimously.

### **III. Conceptual Consultations—**

Timothy Bernier representing Vincent Gamble addressed the Board concerning an 18-acre parcel that was part of a previous subdivision creating Willoughby Road. The prospective purchasers of the parcel are interested in constructing a residence on the parcel with their driveway access being from Graves Road, rather than Briar Hill Road. At the time of the original subdivision there were no conditions imposed as to the location of any future driveway for the parcel. While it is possible to construct the driveway off of Briar Hill Road the length of the driveway to the residence would be approximately 850-feet. Mr. Bernier believed that the use of the existing access road would be more feasible than having to construct a new driveway.

Mrs. Bradstreet noted that there is nothing that prevents vehicular traffic from traveling a Class VI road.

Mrs. Hemingson recalled that the Board of Selectmen had approved driveways coming out onto Class VI roads in the past, but only where driveway access to a Class V road was also available.

Mr. Wilkey questioned who would then be responsible for maintaining the Class VI road so to allow for emergency vehicle access. He questioned the liability of the use of the road whether it would be the Town's responsibility or that of the landowner. In response, Mr. Bernier explained that the status of the road as Class VI alleviates the Town from liability as the road is not being maintained. Furthermore, the Town has no obligation to improve the road; however, the Town cannot prevent someone from using the road.

Mr. Wilkey believed that both the Fire and Police departments should have input and approval of use of Class VI roads.

Following discussion, the Board suggested that Mr. Bernier discuss their proposal with the Board of Selectmen.

Timothy Bernier representing Vincent Gamble and John Boatwright addressed the Board advising of a proposed lot line adjustment in which four acres of Mr. Gamble's property would be annexed to the Boatwright property.

In reviewing the conceptual plan, Mr. Wilkey expressed concern with the potential of future subdivision of Gamble property utilizing Graves Road as access. In response, Mr. Bernier explained how there is insufficient frontage for further subdivision.

Mr. Bernier will present the plan for Planning Board approval at their January meeting.

#### **IV. Application—**

#2005-15 Andres Hogblom—In accordance with RSA 676:4-a, the Planning Board, at the request of the property owner, was to consider revocation of the Applicant's previously approved two (2) lot subdivision of property owned by H.J. Parmelee and Anders Hogblom, located off Patch Road in the R-4 (residential/agricultural) district, shown on Tax Map 260 as Lot 19. Subdivision plan recorded at the Merrimack County Registry of Deeds on August 29, 2005, plan #17531.

At the request of property owners, Andres Hogblom and Hale Parmelee, the Planning Board tabled the matter for 60-days as they are working on providing a revised plan addressing concerns of both owners.

#2005-21 Kenneth M. Desjardins Builders—Applicant requested approval 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 October 11, 2005 public hearing.

Mrs. McCarthy joined the Board for the remainder of the hearing.

Jennifer McCourt on behalf of Kenneth Desjardins addressed the Planning Board presenting a letter of response to comments made by the Town's Consultant Engineer, Vollmer Associates. In particular, items addressed included reference to the name of the owner and developer on the plans, match lines where needed, reference to the drainage pipe material to be used and the driveways to be constructed. Mrs. McCourt requested the Board waive the requirements of Section 4.4.2 (e) of the Subdivision Regulations. The waiver request is to decrease the length of the two percent grade from one hundred (100) feet to fifty (50) feet. Mrs. McCourt noted that the Town's Consultant Engineer, Vollmer Associates has suggested the change. The change would then reduce the grade of the road from ten (10) percent to eight (8) percent and increase the vertical curve length. Furthermore, for storm water treatment Mrs. McCourt requested the use of level spreaders that would discharge onto a minimum of a 75-foot vegetated buffer at stations 4+00 right, and 5+00 left and at the end of the cul-de-sac. The spreaders would be constructed out of siltsoxx material which is new product used for erosion control. The siltsoxx is a biodegradable sock that is

filled with mulch which stops sediment and at the same time provides treatment. Treatment swales were not proposed because of the increase in disturbance to the environment for what is believed to be a minimal amount of concentrated flow.

Mrs. McCourt then reviewed the general comments raised by Vollmer Associates concerning the proposed roadway with changes made as requested.

At this time, Bruce Ellsworth joined the Board for the remainder of the hearing.

The Planning Board reviewed letters received from the Town of Henniker Fire Department, Cordell Johnston, and Robert and Lisa Nevins concerning property values, aesthetics, roadway width and traffic impact. It was noted that the proposed paved roadway width for the subdivision will be 20-feet.

Mrs. McCourt provided the Board with copies of the proposed conservation deed for the open space which she believed addressed all elements of the Town's rules and regulations. The easement will be managed by all eight owners of the development who have one-eighth of an interest in the open space.

Mr. Wilkey then referred to a letter received from the Henniker Planning Board in which among many things commented on the inadequacy of water supply in the area. In response, Mrs. McCarthy questioned whether the Town should require that the Hopkinton Fire Department be consistent in requiring developments with an inadequate water supply to have sprinklers in homes. Mr. Ellsworth noted that the State Fire Marshal is an advocate of sprinklers in homes. Following brief discussion, it was suggested that consideration should be given to amending the Town's Zoning Ordinance to address this issue.

Mrs. Hemingson noted that the letter from the Henniker Planning Board indicated that the proposed hammerhead does not meet the NFPA requirements. Mr. Ellsworth suggesting that the Board focus on the requirements of Hopkinton and take Henniker's comments under advisement.

There was no public testimony.

Motion made by Mrs. Hemingson to approve Application #2005-21 with the condition that the Conservation Deed and Easement be reviewed and approved by Town counsel and the Conservation Commission. Following brief discussion, Mrs. Hemingson withdrew her motion.

Motion then made by Mrs. Bradstreet, seconded by Mr. Ellsworth, to approve Application #2005-21 with waiver from Section 4.4.2(e) of the Subdivision Regulations. Waiver is to decrease the length of the two percent grade from one hundred (100) feet to fifty (50) feet. The waiver would then reduce the grade of the road from ten (10) percent to eight (8) percent and increase the vertical curve length. Motion carried unanimously.

Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to amend approval of Application #2005-21 by requiring the Conservation Easement and

Deed to be approved by Town Counsel and the Conservation Commission.  
Motion carried unanimously.

#2005-22 Herrick Mill Work, Inc.—Applicant was 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. Review of the application was to be a continuation of the October 11, 2005 public hearing. At the request of the Applicant, Mr. Ellsworth, seconded by Mrs. Bradstreet, moved to table review of the application to the January 10, 2006 hearing. Motion carried unanimously.

#2005-27 Francis Chase—Applicant was to request approval of six (6) single-family residential lots accessed by a proposed new roadway. The property is owned by Francis & Ellen Chase, located off Irish Hill Road in the R-4 (residential/agricultural) district, shown on Tax Map 237 as Lot 36. Review of the application was to be a continuation of the November 8, 2005 public hearing. Motion made by Mr. Ellsworth, seconded by Mrs. Bradstreet, to table review of the application to the January 10, 2006 hearing so to allow the Vollmer Associates to complete their review of the plans.

#2005-28 Shadrack Wilson, Jr.—Jacque Belanger on behalf of Mr. Wilson addressed the Board to request approval of ten (10) single-family residential lots accessed by a proposed new roadway. The property is located off Clement Hill Road in the R-2 (medium density residential) district, shown on Tax Map 209 as Lot 45.1. The property presently consists of 32-acres. The proposed subdivision involves the construction of a 2,500 foot new loop road. The Applicant requested a waiver from the Subdivision Regulations limiting the roadway length to no more than 1,000 feet.

Mr. Taylor questioned who would be responsible for maintenance of the circle. In response, Mr. Belanger estimated the size of the loop (circle) at one-acre. Mark Moser, engineer for the project, stated that the intent is to leave the vegetation in the circle in its natural state with ownership of the area included as part of the road right-of-way. Mr. Taylor then questioned whether the Town would be interested in owning the land.

Mr. Moser readdressed the Board to explain that the soils on the property are classified as sandy and are well drained with grades in the property being moderate.

Motion made by Mr. Ellsworth, seconded by Mrs. Hemingson, moved to accept Application #2005-28 for consideration. Motion carried unanimously.

Mrs. Hemingson referred to a letter from the Fire Chief in which he expressed no concern with the roadway length provided sprinklers are installed in the residences. Mr. Moser noted that Mr. Wilson agreed to the sprinklers.

Mr. Ellsworth questioned the distance from the property to the Contoocook River. In response, Mr. Moser estimated 400-feet.

At this point, the Planning board discussed the requested waiver of the roadway length. Mrs. Hemingson questioned whether the limit of 1000-feet was also to prevent the Town having to maintain long dead-end roads. Mr. Wilson reiterated the fact that he has agreed to comply with the requirements of the Fire Department.

Following brief discussion, Mr. Ellsworth, seconded by Mrs. Bradstreet, moved to grant the requested waiver from the 1000-foot maximum roadway length requirement provided the Applicant complies with the Fire Department's request concerning sprinklers.

Byron Carr of the Contoocook River Advisory Committee addressed the Board stating that the distance from the river is 200-feet rather than 400-feet as estimated by Mr. Moser. Mr. Carr further stated that the slopes on the property are steep with no foliage cover. Development of the property in the area may cause a washout.

Mr. Carr believed that the 1000-foot maximum length of roadway is a benefit to the Town in keeping maintenance cost of roads to a minimum and at the same time leaving the rear acreage of properties undeveloped.

At this point in time, Mr. Moser reviewed the grades of the roadway with Mr. Carr.

Mrs. Hemingson questioned whether Mr. Carr believed that by granting a waiver of the roadway length it would permit development to be closer to the river. In response, Mr. Carr stated that further away from the river is better. He then suggested that the development could be redesigned as a conservation subdivision or with a conservation easement.

In reviewing the plans, Mr. Ellsworth believed that the existing railroad bed may act as a buffer separating the development from the river.

Mr. Carr believed that the Wilson development is very similar to the Herrick development in which the Board did not grant a waiver for the roadway length. In response, Mr. Ellsworth stated that he believed that the two developments were very different.

Mrs. Hemingson expressed concern that by accepting the acknowledgement of waiving the 1000-foot rule there may be a circumstance at some point in the review process that may force the Planning Board to change their mind and limit the roadway to no more than 1000-feet.

Following discussion, Mr. Ellsworth, seconded by Mrs. Hemingson, moved to "prepare" to waive regulations requiring a maximum length of roadway of 1000-feet. With six members voting, four voted in favor, one voted in opposition and one member abstained.

Mr. Moser reviewed the roadway cross-sections. At this point in time there was lengthy discussion about the ditch wide of the proposed right-of-way. Mr. Taylor

suggested that Vollmer Associates review the plans and in particular narrowing the ditch line to a width of 15-feet.

Mr. Taylor suggested the Applicant consider redesigning the road so that the cul-de-sac is away from the lots. Redesign of the roadway will allow for larger lots and for development to be located further away from the river.

Mrs. McCarthy questioned whether the Board should require a conservation subdivision of the property. Mr. Ellsworth believed that the Board had the authority to ask the Applicant to present a conservation design for review. In response, Mr. Moser stated that the best building area is in the rear of the property. Mrs. McCarthy believed that the conventional subdivision could be redesigned differently. Following discussion, the majority of the Board requested the Applicant to provide a conceptual conservation design subdivision plan of the property.

Darren Winslow of Brookwood Lane was in favor of requiring the conservation design plan.

Motion made by Mrs. Bradstreet, seconded by Mrs. McCarthy, to continue Application #2005-28 to the January 10, 2006 hearing, so to allow the Applicant to provide the following:

1. Applicant to provide a Phasing Plan;
2. Applicant to provide a Traffic Study;
3. Applicant to discuss with Selectmen acceptance by the Town of the one-acre area within the cul-de-sac, and
4. Applicant to present a conceptual Conservation Design Plan.

Motion carried unanimously.

## **V. Other Business.**

- Mr. Wilkey presented minor revisions to the Indicators of Growth Impact. Revisions proposed as follows:
  - ❖ To readopt Section XIII Growth Management and Innovative Land Use Control Ordinance for an additional five (5) years. Currently, according to paragraph 13.6, this Ordinance shall expire at the Annual Town Meeting in 2006 unless re-adopted.
  - ❖ To amend Section XIII, subsection 13.4 (b) Indicators of Growth Impact by clarifying that the most recently published average annual population growth for Hopkinton would be used in determining whether the population growth exceeds the same average of the combined seven abutting communities.
  - ❖ To amend Section XIII, subsection 13.4 (c) Indicators of Growth Impact by clarifying that the number of public students enrolled or projected for the coming year for the combined schools, rather than individual schools, in the Hopkinton school system would be used in determining

whether the enrollment exceeds ninety (90) percent of its stated capacity.

- ❖ To amend Section XIII, subsection 13.4 (d) Indicators of Growth Impact by clarifying that the average annual full value tax rate for Hopkinton will be compared to average annual full value rates of the combined seven abutting communities.
- ❖ To amend Section XIII, subsection 13.4 (f) Indicators of Growth Impact by specifying that the number of public students enrolled or projected for the coming year for the combined schools, rather than individual schools, in the Hopkinton school system would be used in determining whether the enrollment exceeds one hundred (100) percent of its stated capacity.

A public hearing concerning the proposed zoning amendments is scheduled for January 10, 2006.

#### **VI. Adjournment.**

Acting Chairman Michael Wilkey declared the meeting adjourned at 10:05 PM. The next regularly scheduled meeting of the Planning Board is Tuesday, January 10, 2006 at 6:30 PM in the Town Hall.

Margaret Astles

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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.