

**Hopkinton Planning Board**  
**Minutes**  
**February 8, 2005**

Chairman Bruce Ellsworth opened the Hopkinton Planning Board public hearing of Tuesday, February 8, 2005, at 7:00 PM in the Town Hall. Members present: Jane Bradstreet, Bethann McCarthy, Michael Wilkey, Timothy Britain and Edwin Taylor.

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**I. Review of the Minutes of January 11, 2005.**

Mrs. McCarthy, seconded by Mrs. Bradstreet, moved to accept the minutes of January 11, 2005 as amended. Motion carried in the affirmative.

**II. Conceptual Consultations—**There were no conceptual consultations.

**III. Applications—**

#2004-23 Theodore Kupper, P.E., Provan & Lorber, Inc.—Attorney Richard Uchida of Herbert and Uchida Law Offices addressed the Planning Board representing A & P Investments, LLC for approval of a six (6) lot residential subdivision to be known as Granite Valley. The property is located on the east side of Kearsarge Avenue (Warner Town Line) in the R-4 (residential/agricultural) district, shown on Tax Map 223 as Lot 2. Review of the application is a continuation of the January 11, 2005 public hearing.

The following is a list of issues that the Planning Board had requested that the Applicant address at the Board's February meeting:

- 1) Review of the engineering plans by Vollmer Associates on behalf of the Planning Board;
- 2) Hyrdo-Geologic evaluation of the potential impact of the availability of groundwater in the area;
- 3) Further information with respect to MTBE;
- 4) Specific information with respect to fire protection;
- 5) Written reports from the Road Committee, Fire Department, Conservation Commission, and Cemetery Trustees;
- 6) Written statement from NHDES as to the impact additional wells on the existing wells as it relates to the MTBE contaminate;
- 7) Applicant to notify NHDES of their intentions to install private wells;
- 8) Traffic study to include seasonal and peak traffic as a result of the Hopkinton Fair.
- 9) Written confirmation as to the Contoocook Precinct's willingness to allow the water line to be extended, including the confirmation of the water capacity available to serve the development. It is understood that the extension of the water line would be contingent upon approval at the Precinct's annual meeting.

- 10) Written report as to the advantages and disadvantages of connecting to the Town water system;
- 11) Consideration of providing the Town with an easement in the rear of the development that may be used as some point in the future, if necessary, to connect the subdivision to Route 103.
- 12) Consideration of creating a cluster development, rather than conventional subdivision.
- 13) Applicant to obtain well test results for properties from Gate G of the Hopkinton Fairgrounds to the development. Test results are then to be provided to the Planning Board.

Attorney Uchida began by explaining that items 2, 3, 6, 7 and 13 are related as they deal with the issue of MTBE and bedrock water supply. Attorney Uchida introduced Tom Bobowski of Nobis Engineering to address these particular issues. Mr. Bobowski addressed the Board presenting a report that he had completed outlining his evaluation of the MTBE contaminant. See attached copy of the written portion of the evaluation. For a complete copy of the evaluation, please refer to the subdivision file.

Mr. Bobowski began by providing the Board with a little background as to his credentials in working with ground water contaminants in New Hampshire. Mr. Bobowski explained that as part of his evaluation he had reviewed the NHDES files involving the properties within the area and the potential source of contamination. He discussed the speculations that he has heard relative to the possibility of the NHDOT shed located off Kearsarge Avenue as being the source and stated that during Nobis' evaluation they did not find a definitive source for the MtBE contamination in the wells to the south of the proposed developments. Furthermore, Mr. Bobowski stated that it is their opinion that the identified State site in Warner, north of the proposed developments, is not likely the source of contamination. Additionally, Mr. Bobowski did not believe that the fairgrounds are likely a source of contamination due to its location.

In reviewing the potential affects of 21 new private wells, Mr. Bobowski stated that it is not likely that the additional wells would have an adverse impact on the existing wells in the area; furthermore, there is no reason to believe that the additional wells would draw the MTBE into the bedrock.

Mr. Wilkey recalled at the previous meeting that there were other property owners in the area that had indicated that their water was also contaminated with MTBE. Mr. Wilkey questioned that Mr. Bobowski's report only addresses a limited number of reporting of MTBE contamination in the area. In response, Mr. Bobowski explained that his report included all of the wells in which the State has information of MTBE contamination. Mr. Bobowski then discussed MTBE contaminates level for the Adams residence that continuously is monitored by the State and has shown to have gone down in the level of contamination. Mr. Bobowski mentioned that the State monitors MTBE contamination at 13 parts per billion or higher. The well at the Adams property continues to decrease in

the level of MTBE contamination; therefore, it is general policy of the State to, at some point in time, not continue monitoring or providing drinking water to a residence that is below 13 parts per billion. Mr. Bobowski assumed that discontinuance of testing would occur in the near future.

In discussing the direction in which the wells are most contaminated, Mr. Bobowski mentioned that the Wirta property which is adjacent to one of the proposed developments has been measured at .7 parts per billion for MTBE contamination. Again, the further south that you go the higher levels of contamination has been reported. He then discussed the water supply at the farm house, which is part of the development property, in which the level of MTBE contamination is less than .5 parts per billion. Mr. Bobowski noted that the testing of the water for the farm house was completed at two (2) separate laboratories.

Chairman Ellsworth asked Mr. Bobowski to explain about the potential that drawing water to the developments may have on the level of MTBE in the area. In response, Mr. Bobowski stated that the additional wells are not going to draw more MTBE into the bedrock aquifer. Mr. Bobowski went on to explain how MTBE gets into the water supply, stating that the contaminant could come from a small amount of gas used for a lawnmower. Mr. Bobowski then stated that he had completed an Environmental Site Assessment of the property at the owners' request. The study was to address whether the affects of MTBE in the area would affect the sale ability of the lots.

Mr. Taylor questioned whether the demolition derby could have been a source of contamination. Mr. Bobowski believed that it would be unlikely because of the direction of the flow of water.

Chairman Ellsworth questioned whether in any given summer there may be gasoline released into lakes, ponds, and rivers from boats that are being used. Mr. Bobowski replied yes, explaining that the State has MTBE mapping for this reason.

Attorney Uchida readdressed the Board to discuss the Fire Chief's request for the extension of the water line to the development. To address items 4, 5, 9 and 10 of the list of issues outlined by the Planning Board, Attorney Uchida referred to engineer Ted Kupper of Provan and Lorber, Inc.

Mr. Kupper addressed the Board explaining that at the previous meeting, the Planning Board requested information concerning fire protection for the proposed subdivision. Fire Chief Schaefer had requested the extension of the Contoocook Precinct water line to the subdivision for fire protection. In speaking with the Precinct Commissioners, Mr. Kupper was informed that the Contoocook Precinct water system can accommodate an additional 40 new homes. Mr. Kupper estimated the cost of the water line extensions to be between \$300,000 and \$500,000. As a result, the owner would like to explore alternatives to extending the water line. Mr. Kupper discussed the purpose of the R-4 district as outlined in the Zoning

Ordinance, which is to allow low density residential development not normally serviced by municipal water or sewer.

Mr. Kupper then discussed his research in determining the amount of water used to fight a residential fire. In trying to determine this amount the Fire Chief had indicated that there are many variables with each fire, so that it would be difficult to determine the exact number of gallons necessary. Mr. Kupper then explained how his office reviewed the different equipment available to the Fire Department to fight fires. Mr. Kupper gave a brief overview of the specific trucks and tankers available and the process by which each equipment responds to a fire. For example, a tanker arrives with 1760 gallons of water. It then takes about 5 to 10 minutes to fill a truck from a pond; while, using a fire hydrant would take seconds.

Lastly, Mr. Kupper researched the issue of providing water during fires for calls along rural roads or developments within Hopkinton that do not have municipal water systems. For example, for calls along Hatfield Road, Rollins Road, Pine Street, and Clement Hill Road the Fire Department would draw water from nearby ponds.

Chairman Ellsworth asked whether the owners of the development would be willing to financial contribute to the extension of the water line should the residents along Kearsarge Avenue and Fletcher Lane become interested in the extension and also willing to contribute to the cost. In response, Mr. Kupper stated that the developer is reluctant to contribute because of the unknown expenses that can increase the cost, such as ledge.

Attorney Uchida believed that the developer would consider other alternatives to extending the water line that would be more cost effective.

Tim Golde of Stephen G. Pernaw & Company addressed the Board to review a traffic assement that had been completed to assess the traffic impacts of the proposed subdivisions. In researching the available traffic information at the NHDOT, it was determined that in 2003 the annual average daily traffic volume was 931 vehicles per day. The NHDOT also completed traffic counts during the Hopkinton Fair and the Highland Games. Daily traffic volumes during the Fair ranged from 916 to 3255 vehicles per day, depending upon whether it was a week day or the Saturday of the event. During the Highland Games, the traffic volume was 2024 vehicles on the Saturday of the games.

Mr. Golde discussed the type of trips that are typically generated from residential development and the method used in determining trips. He discussed the close proximity to I-89 and their anticipation that approximately 50 percent of the traffic will go in each direction, which is north and south on Kearsarge Avenue. It is estimated that as a result of both subdivisions the additional traffic will be approximately 100 vehicle trips one-way per day. Hopkinton Woods generating 77 vehicles and

Granite Valley 24 vehicles. Mr. Golde then gave a brief comparison of the traffic generated by the Fair in which there is approximately an additional 1,500 trips per day during the weekdays.

Mr. Golde then discussed his analysis of the roadway width, explaining that according to AASHTO guidelines an 18-foot width road is adequate for up to 400 vehicles per day. Lastly, Mr. Golde discussed the sight distance at the intersection of the proposed road and Kearsarge Avenue, recommending that trees and other vegetation within the road right-of-way be cleared to provide 400 feet of sight distance.

Chairman Ellsworth noted that both the Road Committee and Superintendent of Public Works would prefer a 20-foot roadway width, rather than the 18-feet as shown on the plan. Mr. Kupper stated that the developer is amenable to a 20-foot width.

Mr. Britain questioned why the post traffic volumes are higher. In response, Mr. Golde referred to the traffic report and the estimated vehicles trips per day traveling north and south.

Mr. McCarthy asked Mr. Golde whether he believed an 18-foot or 20-foot wide roadway would be safer when considering traffic speeds. In response, Mr. Golde stated that based on recent evaluations concerning traffic calming an 18-foot wide road would be safer. The intent is to keep the road laterally restricted so as to slow traffic.

Attorney Uchida readdressed the Board providing a copy of a letter than had been written to the NHDES notifying the State of their intentions to construct wells in the area. With regards to comments received from the Conservation Commission, Attorney Uchida agreed to amend the covenants to address the Commission's comments concerning wetland buffers. Additionally, the boundaries of the buffers will be physically marked on the property with signage. Mr. Kupper concurred and agreed to revise the subdivision plan to reference the requested buffers.

Attorney Uchida reviewed a memorandum from the Cemetery Trustees and agreed to discuss with the Trustees their request for placement of a fence around the cemetery.

With regards to previous comments concerning an interconnection easement from the Granite Valley subdivision to property within the Town of Warner, Attorney Uchida stated that the developer is not interested in providing such easement as the property within the Town of Warner is zoned commercial.

With respect to the memorandums received from Mark Bates, Chairman of the Road Committee and Vollmer Associates, Mr. Kupper advised of the Applicant's willingness to comply with the comments raised by Vollmer Associates. In response to some of the comments and questions, Mr. Kupper stated that they intend to locate the utilities underground;

however, he is waiting for review and comments from the utility companies. In response to Mr. Bates request that the drive pipes be plastic (HDPE), rather than concrete (RCP), Mr. Kupper noted that the Subdivision Regulations require RCP pipes; however, Mr. Kupper requested a waiver from the requirement and agreed to use plastic.

Mr. Kupper further stated that he would also address on the plans the design of the island as requested by Mr. Bates.

Mr. Taylor questioned whether there would be signage for the development. In response, Mr. Kupper stated that his clients would like to reserve the right to come back before the Board concerning the matter provided any proposed signage would not obscure sight distances.

Mr. Taylor then questioned whether there will be sufficient room to plow and store snow around the hammerhead. In response, Mr. Kupper advised that there is sufficient room for plowing and storage of snow within the right-of-way.

Carol Breault of Kearsarge Avenue questioned the accuracy of the traffic report, suggesting that there is more traffic as a result of the use of the fairgrounds than that reported. Mrs. Breault suggested that at least half of the traffic as a result of the fair events be diverted to Route 103, rather than Kearsarge Avenue. She then suggested that the Town prevent through trucking along Kearsarge Avenue. In response, Chairman Ellsworth suggested that Mrs. Breault's concerns be directed to the Board of Selectmen as the traffic flow and truck traffic issues do not relate to the proposed development.

Raymond Mock of Kearsarge Avenue addressed the Board expressing concern with the traffic created by the non-fair events noting that the non-fair events were not discussed during the presentation concerning traffic impact.

Sue Williams of Kearsarge Avenue presented a portion of a NHDES newsletter addressing the issue of MTBE.

Byron Carr of Burnham Intervale Road questioned whether monumentation would be set marking the locations of the property lines. In response, Mr. Kupper stated that a licensed land surveyor and field surveyor will set monumentation along the roadway once construction is completed. They do not normally set property boundaries or at least the property owner has not requested that Provan & Lorber set the property markers.

Steve Adams of Kearsarge Avenue addressed the Board to discuss what he believed is an arbitrary number that is the 13 parts per billion that the State has determined is not safe. Mr. Adams stated that his well has continuously been tested since 1998 and over time the MTBE level has gone up and down. Mr. Adams noted that within the last ten months the

contaminate level has decreased. Mr. Adams expressed concern that wells within the development may eventually become contaminated with MTBE. Mr. Adams suggested that the developer consider down sizing their proposal. Lastly, Mr. Adams requested that a letter submitted to the Planning Board, dated January 11, 2005, be included as part of the minutes of this meeting. See attached copy of letter from residents.

Renee Adams of Kearsarge Avenue believed that it is a false assumption that there is a healthy level of MTBE. Mrs. Adams expressed concern with the density of the development, noting that there are no street lights or sidewalks in the area.

Bryce Fletcher of Fletcher Lane also expressed concern with the neighborhood increasing from twenty homes to forty homes.

Discussion ensued concerning fire protection with Chairman Ellsworth reminding the Board that there are other developments that the Board has not required the same level of fire protection. Chairman Ellsworth questioned at what point in providing water to the development a desire or a necessity. Mrs. Bradstreet noted that she was convinced by Mr. Kupper's statements relative to fire protection. Mr. Taylor concurred, noting that the Developer has expressed a willingness to look at alternatives to extending the water line.

The Planning Board then discussed the phasing of the development with two permits available in year 2005 and three permits available in year 2006.

Discussion then ensued regarding the roadway width and whether it should be 18-feet or 20-feet. Mr. Britain suggested that the width remain at 18-feet as required in the Subdivision Regulations. Chairman Ellsworth disagreed, stating that he believes that a 20-foot roadway is more appropriate. Following discussion, the majority of the Board agreed that the paved roadway width shall be 18-feet with one-foot shoulders.

The Board discussed whether it is necessary to require the Developer to pay for any Point of Entry (POE) System should contamination occur in the development. Following discussion, it was understood that State funding is available for treatment of water systems that are above 13 parts per billion. Furthermore, the Developer has agreed to advise potential buyers of the water testing in the area for MTBE.

Motion made by Mr. Taylor, seconded by Mrs. Bradstreet, to approve Application #2004-23 with the following conditions:

1. Compliance with requests made by the Cemetery Trustees, Vollmer Associates, Conservation Commission and Road Committee, with the exception of the paved roadway width;

2. Compliance with the written Phasing plan with two (2) permits available in the year 2005 and three (3) permits available in the year 2006;
3. Underground utilities to be shown on the plan with their GPS locations submitted to the Town;
4. Boundary markers to be set at each corner in according with the Subdivision Regulations;
5. There shall be a notice on the plan and in all purchase and sale agreements for the lots concerning the testing for MTBE, and
6. Lastly, Covenants shall be reviewed and approved by Town Counsel.

With six members voting, all six voted in favor (Bradstreet, McCarthy, Wilkey, Britain, Taylor, and Ellsworth) of approving the application with the above conditions.

#2004-24 Theodore Kupper, P.E., Provan & Lorber, Inc.—Applicant requests approval of a sixteen (16) lot residential subdivision to be known as Hopkinton Woods. The property owned by A & P Investments, LLC, located on the west side of Kearsarge Avenue (Warner Town Line) in the R-4 (residential/agricultural) district, shown on Tax Map 223 as Lot 1.

Attorney Uchida asked that all previous testimony of Mr. Golde, Mr. Kupper, and Mr. Bobowski be incorporated as part of the Hopkinton Woods subdivision review.

Mr. Kupper re-addressed the Board explaining the topography of the property and the property owners' intention to construct 2600 LF of roadway that will be 18-feet wide. All surface drainage will be treated along side the roadway and will be transferred to the rear of the property. There are culvert crossings of the wetlands proposed at the entrances of the development along with two locations within the development. The total impact to the wetlands is estimated at 5000 square feet. The lots proposed in the subdivision will range in size from 2.7 to 7 acres. All lots will be for single-family homes having on-site wells and septic systems.

Mr. Kupper advised that they are in the process of applying to the NHDES for a Site Specific Permit as is the same case for the Granite Valley subdivision.

Following brief discussion concerning the driveway setback requirement of five-feet from a property line, Mr. Kupper noted that he would review the plan and make any necessary adjustments.

Mrs. McCarthy questioned whether the property had previously been timbered. In response, property owner Joe Persechino advised that within the past two years the property had been timbered.

Mr. Kupper advised of an existing fire pond on the property that is approximately ...square feet in size. Mr. Kupper reiterated his previous response concerning fire protection for the development.

Mr. Kupper requested the same waivers as with the previous application. He then asked whether the Board was satisfied with the professional studies that had previously been submitted or whether there were further questions. Following brief discussion, the Board indicated that they were satisfied.

Steve Adams of Keasarge Avenue addressed the Board stating that his previous comments and those of his neighbors would apply to this development.

Mr. Britain, seconded by Mr. Wilkey, moved to accept the application for consideration and to continue review of the application to the March 15, 2005 hearing, so to allow review of the engineering plans by Vollmer Associates. Motion carried unanimously.

#2005-2 Judy E. Moran Et Al—Robert Carpenter of T.F. Bernier, Inc. addressed the Board on behalf of the Applicant requesting approval of a five (5) lot subdivision of property located off Moran Road and Thain Road in the R-4 (residential/agricultural district) district, shown on Tax Map 216 as Lot 27. The proposed lot sizes range from 5 acres to 6.9 acres and are for residential purposes. There is an existing barn on what is proposed as Lot 6.3. The plan presented references the wetlands with no impact proposed.

Mrs. Bradstreet, seconded by Mr. Taylor, moved acceptance of the application as presented. Motion carried unanimously.

Mr. Taylor questioned whether the Applicant was aware of the Planning Board's phasing requirements. In response, Mr. Carpenter stated that he was aware of the phasing standards. Chairman Ellsworth suggested that based on the Phasing Standards, phasing could occur over two years with two permits being issued in year 2005 and three permits in 2006.

Mr. Wilkey discussed the need for phasing based on the indicators of growth impact as outlined in the Town's Growth Management Ordinance. Mr. Wilkey stated that the small subdivisions also impact the roads, schools, etc. as do the larger subdivisions. He noted that the Planning Board had required phasing of the previous application for subdivision creating five new lots. Mrs. Bradstreet concurred, stating that the Planning Board seems to receive a number of subdivisions that create three to five lots, which over time have an impact on the Town. She believed that the small subdivisions need to be phased.

The Board briefly discussed with Mr. Carpenter the phasing requirements with the understanding that phasing does not affect the sale or transfer of ownership of the lots, but rather the time period in which permits would be issued.

Mr. Carpenter stated that he had not discussed phasing with his client and therefore, is unaware of what their intentions are concerning the lots.

Mrs. Bradstreet then questioned whether dividing ownership of the property would be different from other subdivisions. In response, Mrs. McCarthy stated that the Moran subdivision would have the same impact as other subdivisions before the Planning Board.

Mr. Carpenter suggested that the Planning Board grant conditional approval of the subdivision allowing him time to consult with his clients concerning the method by which the lots would be phased.

Mrs. Bradstreet seconded by Mr. Taylor, moved approval of the application with the condition that the Applicant presents a phasing plan acceptable to the Planning Board. With six members voting, five voted in favor (Bradstreet, McCarthy, Britain, Taylor and Ellsworth) and one voted in opposition (Wilkey). Mr. Wilkey would have rather tabled the application until such time as the Applicant presents the phasing plan, rather than granting conditional approval.

#### **V. Other Business—**

- **Amendment to the Subdivision Regulations** – The Planning Board scheduled a public hearing for Wednesday, February 23, 2005, at 7 PM to receive public comments and to take action concerning a proposed amendment to the Subdivision Regulations. The amendment replacing the current language in Section 2.3.9 Phasing with new requirements for phasing developments that clearly outlines the Planning Board’s authority to phase in accordance with RSA 674:21 and Section 13.6 of the Hopkinton Zoning Ordinance. Additionally, the language specifically addresses the time table, procedure and effect of phasing developments.

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

Chairman Ellsworth declared the meeting adjourned at 11:45 PM. The next regularly scheduled meeting of the Planning Board is Tuesday, March 15, 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.