

**Hopkinton Planning Board**  
**Minutes**  
**March 15, 2005**

Acting Chairman Michael Wilkey opened the Hopkinton Planning Board public hearing of Tuesday, March 15, 2005, at 7:00 PM in the Town Hall. Members present: Jane Bradstreet, Bethann McCarthy, Clarke Kidder, and Richard Schoch.

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- I. Other Business**—Mark Bates, Chairman of the Road Committee, Harold Blanchette, Superintendent of Public Works, and Fire Chief Rick Schaefer met with the Planning Board to discuss concerns with the road design standards adopted by the Planning Board in 2003. In particular, Mr. Bates stated that a road pavement width of less than 10-feet is too narrow and unsafe. Furthermore, the smaller the pavement causes the edge of the pavement tends to break because of traffic having to either travel close to the edge or off of the edge of the pavement.

Chief Schaefer discussed his concern with narrow roads and the affects on the Fire Department's ability to utilize the road during a fire. He discussed the widths of the fire trucks. In some cases the trucks are little over 9-feet in width. Chief Schaefer referred to Amesbury Road, stating that the 20-feet of pavement works well for the Fire Department.

Superintendent Blanchette suggested a minimum of 20-feet of pavement with 3-foot shoulders, noting that the shoulder tends to wear away to approximately 2-feet.

Mr. Wilkey discussed the process by which the Planning Board had reviewed the Road Design Standards outlined in the Subdivision Regulations. The Planning Board, in its efforts to implement the Master Plan, tried to address concerns of residents with traffic calming, pedestrian the rural character of the community, and concerns with safety.

Mrs. McCarthy explained how in writing the standards the Planning Board used AASHTO guidelines. Furthermore, the Planning Board originally proposed a 16-foot paved surface and then increased the surface to 18-feet with 2-foot shoulders to accommodate concerns of the Fire Department and Public Works Department. Mrs. McCarthy discussed the slowing of traffic with a narrower road.

Selectman Lloyd Holmes addressed the Planning Board in opposition to the 18-foot paved roadway. Mr. Holmes believed the minimum pavement width should be 20-feet.

Mr. Kidder noted that he had discussions with Mike Stark of the NH State Fire Marshal's Office concerning this issue. Mr. Stark had advised of RSA 153:5 which provided the State the authority to adopt codes. The State

has adopted codes which require an un-obstructive width of 20-feet for fire access roads.

Mrs. McCarthy then advised that she had spoken with Larry Stewart of NFPA. Mr. Stewart had indicated that the NFPA 1 Code refers to private roadways and driveways, rather than public streets.

Mr. Wilkey suggested that if it is found that the NFPA 1 Code, requiring an un-obstructive width of 20-feet, is in fact a standard for the entire State then the Planning Board cannot overrule the requirement. However, if it is found that the requirement is not a matter of law, the Planning Board then has the ability to require different standards. Mr. Wilkey suggested that the Planning Board revisit the issue, opening the discussion to the entire Board for comment. The Board members concurred. The next scheduled meeting concerning this issue will be at 6:30 PM on Tuesday, April 12, 2005.

## **II. Conceptual Consultations—**

- Resident Byron Carr addressed the Planning Board to briefly discuss the potential for development in the M-1 (industrial) district, located off Burnham Intervale Road. Mr. Carr recommended that when a commercial or industrial project is proposed in the M-1 district that the Planning Board require a design similar to that of the Conservation (Cluster) Ordinance in which the development would be concentrated in an a particular area, leaving the remaining land as open space. This would not only allow the Town to preserve open space, but also to allow for buffers. In particular, Mr. Carr discussed an area in the M-1 district that is considered a wildlife corridor that he believes should be preserved. The area in question is contiguous with the open space created as a result of the Brookwood Lane development.

Mr. Wilkey discussed the possibility of a master plan of the M-1 (industrial) district, including natural resources. It was suggested that the Planning Board invite Mr. Carr and the Board of Selectmen to a meeting to discuss this further.

Mr. Carr also discussed his concerns with the affects of storm water runoff that is created as a result of approved development. He asked that the Board, when considering a development, look at the affects of storm water runoff.

- Amy Deutsch addressed the Planning Board to discuss her interest in purchasing the home at 32 Kearsarge Avenue to operate a home chiropractic clinic. The property is located in the B-1 (commercial) district. Ms. Deutsch presented drawings of proposed parking areas and signage. In reviewing the drawings, Mr. Wilkey suggested that angle parking would be more accommodating. However, Mr. Wilkey asked Ms. Deutsch to come back before the Planning Board

with the parking design that she would prefer, requesting waivers if necessary. Ms. Deutsch agreed and will file the necessary application for the Planning Board to review.

- Andrus Hogbloom of Patch Road addressed the Board with a conceptual plan of a two lot subdivision involving property that he and his brother-in-law own jointly. Mr. Hogbloom proposes to subdivide the property creating a 50-acre lot with the existing residence, leaving the remaining acreage of 320-acres as a separate lot fronting along Patch Road. Due to the size of the lots, the Board agreed that a compass and tape survey of the proposed new lot would be sufficient and that the wetlands would not have to be delineated.

### **III. Applications—**

#2005-2 Judy E. Moran Et Al—On February 8, 2005, the Planning Board approved a five (5) lot subdivision of the Applicant's property located off Moran Road and Thain Road in the R-4 (residential/agricultural district) district, shown on Tax Map 216 as Lot 27. At the time, the subdivision was approved with the condition that the Applicant comes back before the Board with a phasing plan acceptable to the Planning Board.

Robert Carpenter of T.F. Bernier, Inc. addressed the Board on behalf of the Applicant presenting a letter outlining the Applicant's phasing plan in accordance with the Planning Board's Phasing Standards. Additionally, a notation was placed on the plan outlining the phasing schedule as three (3) permits being issued within twelve (12) months of the date of approval and two (2) permits being issued in year two and beyond.

Mrs. Bradstreet seconded by Mrs. McCarthy, moved approval of the phasing agreement as presented. With four members voting, four voted in favor (Bradstreet, McCarthy, Schoch, and Wilkey).

#2005-1 MCT Inc. d/b/a Merrimack County Telephone Co.—Mark Violette addressed the Board on behalf of the Applicant requesting approval of a three (3) lot subdivision of property located off Kearsarge Avenue in the VB-1 (village commercial district) district, shown on Tax Map 101 as Lot 39.

The proposed subdivision involves creating a .578 acre lot that may be sold for commercial purposes, a .131 acre non-conforming lot that is to be donated to the Town and used as a walking path to Houston Fields, and a remaining parcel of .907 acres with the existing residence. Section 4.6 of the Zoning Ordinance gives the Planning Board the ability to approve non-conforming lots that are donated to the Town as open space, conservation land, or recreation land.

Motion made by Mrs. Bradstreet, seconded by Mr. Schoch, to accept the application for consideration. Motion carried unanimously.

Joe McMahon of Kearsarge Avenue addressed the Board as an abutting to the proposed walking path. Mr. McMahon questioned whether there are plans for lighting and fencing along the path. In response, Selectman Donald Lane advised that the pedestrian path would be fenced.

Mr. McMahon then asked whether the location of the wetlands would pose a problem in creating the walking path. In response, Ronald Klemarczyk, member of the Conservation Commission, stated that the easiest method to cross the wetlands would be to construct an elevated board walk.

Scott Mayo of Kearsarge Avenue addressed the Board questioning whether there are plans for lighting along the path. In response, Selectman Lane stated that there is no lighting planned. The purpose of the path is to allow children to walk to from the High School and George's Park directly to Houston Park without having to walk to the intersection of Kearsarge and Pine Street and then up Pine Street.

Holly Dubriel of Keasarge Avenue questioned whether a retail store could be constructed on the new .578 acre lot. In response, Mr. Violette explained how he has someone interested in operating a professional business from the property.

Mrs. McCarthy asked Mr. Klemarczyk if there is a need for a buffer around the wetlands. Mr. Klemarczyk responded by explaining that the wetland is classified as an artificial wetland that is isolated. The wetland was actually created as a result of drainage from the abutting property. Mr. Klemarczyk believed that there is not a significant amount of wetlands and therefore a buffer would not be necessary.

Mrs. McCarthy, seconded by Mrs. Bradstreet, moved to approve Application #2005-1 as presented. Motion carried unanimously (McCarthy, Bradstreet, Schoch, and Wilkey).

#2004-24 Theodore Kupper, P.E., Provan & Lorber, Inc.—Attorney Richard Uchida of Hebert & Uchida Law Offices addressed the Board representing A & P Investments, LCC for 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. Review of the application is a continuation of the February 8, 2005 public hearing.

Attorney Uchida began by explaining that the Planning Board had previously accepted and continued the application, so to allow review of the engineering plans by Vollmer Associates, the Town's consultant engineer.

Mr. Kupper addressed the Planning Board explaining that he had an opportunity to review Vollmer's comments. Mr. Kupper then reviewed with

the Planning Board his written response to Vollmer's review of the engineering plans. See attached copy.

After reviewing Vollmer's comments and Mr. Kupper's response, Mrs. McCarthy stated that the Driveway Regulations require a 20-foot platform that is not to exceed 3-percent. In reviewing the plans Mr. Kupper stated that all driveways will be to Town standards.

Attorney Uchida then provided a photograph of signage that will be placed on the property identifying the wetlands buffer. The signage is similar to that used in the Town of Bow.

Mr. Wilkey informed the Applicant of the Board's discussion with the Fire Chief concerning roadway widths, explaining that the Board is in the process of consulting with Town Counsel to determine whether the State Fire Code requires a 20-foot width and whether the Planning Board is obligated to comply. The Applicant expressed a willingness to construct either an 18-foot or 20-foot roadway once notified by the Planning Board of their final decision.

Sue Williams of Kearsarge Avenue expressed concern as to the safety of the drinking water in the area, suggesting that the Planning Board require the Applicant to dig test wells on the property.

Following brief discussion, a motion was made by Mrs. Bradstreet, seconded by Mr. Kidder, to approve the application with the following conditions:

- 1) Compliance with request made by the Conservation Commission;
- 2) Underground utilities to be shown on the plan with their GPS locations submitted to the Town;
- 3) Boundary markers to be set at each corner in accordance with the Subdivision Regulations;
- 4) There shall be a notice on the plan and in all purchase and sale agreements for the lots concerning the testing for MTBE;
- 5) Covenants shall be reviewed and approved by Town Counsel;
- 6) Driveway aprons are to be constructed in accordance with the Town's Driveway Regulations;
- 7) Cut slopes are to be stabilized and planted with vegetation, and
- 8) Lastly, the minimum road pavement width may be adjusted to 20-feet, pending advice from Town Counsel. Confirmation of the roadway pavement width will be given to the Applicant no later than April 13, 2005.

Motion carried unanimously (McCarthy, Bradstreet, Schoch, and Wilkey).

#2005-3 Town of Hopkinton—Robert Carpenter of T.F. Bernier, Inc. addressed the Board on behalf of the Applicant requesting approval of a two (2) lot subdivision of property located at 337 Penacook Road in the R-2 and R-4 districts, shown on Tax Map 103 as Lot 16. The plan presented

shows a new 2.174 acre lot with the existing residence and a remaining parcel of 46.775 acres that will be placed in a conservation easement.

Mr. Carpenter explained that the Town purchased the property in January as part of their plans to preserve open space. The subdivision will allow the Town to retain the larger parcel for conservation purposes and to sell the residence.

Mr. Wilkey believed that the proposed subdivision is a continuation of what the residents approved when purchasing the property.

The Planning Board waived the requirement for wetlands delineation as the proposal involves an existing residence on one lot and the remaining property to be preserved as open space.

Mrs. McCarthy, seconded by Mr. Schoch, moved acceptance of the application as complete. Motion carried unanimously (McCarthy, Bradstreet, Schoch, and Wilkey).

Mrs. Bradstreet, seconded by Mr. Wilkey, moved approval of Application #2005-3 as presented. Motion carried unanimously (McCarthy, Bradstreet, Schoch, and Wilkey).

Mr. Schoch recused himself from the remainder of the meeting while Mr. Kidder re-joined the Board.

#2005-4 David & Marlo Herrick—Tim Bernier of T.F. Bernier, Inc. addressed the Board on behalf of Mr. and Mrs. Herrick requesting approval of a twenty-four (24) lot subdivision of property located off Pine Street and Clement Hill Road, shown on Tax Map 208 as Lot 99.

Mr. Bernier reviewed the proposed subdivision plans, explaining that the parcel consists of a total of 75.5 acres that is located between Pine Street and Clement Hill Road. The proposal is to subdivide the property into twenty-four (24) single-family homes and to construct two (2) new Town roads as part of the development. As part of the request to construct new roads, the Applicant has requested a waiver from Section 4.4.2 (g) of the Subdivision Regulations limiting the road length to 1000-feet. The proposal involves constructing a through road from Pine Street to Clement Hill Road and a second road that will branch off the through road that will have a temporary road length of approximately 1478-feet. It is intended that the temporary road length will provide for a future connection to a planned road over property owned by Herrick Millwork, Inc. which fronts on Burnham Intervale Road. Mr. Bernier informed the Board of his communications with the Fire Chief in which the Chief did not object to the road length provided that the three (3) homes beyond 1000-feet are constructed with sprinkler systems. Mr. Bernier believed that the 1000-foot limitation originated as a result of the length of the fire hose that is available to fight fires. Mr. Bernier then informed the Board that he had met with the Road Committee in which they had no objections. Lastly, the

Applicant is waiting for the Conservation Commission to review the proposal.

Mr. Bernier explained the fact that a majority of the property is located in the R-2 (medium density residential) district and a small portion of the property is located within M-1 (industrial) district.

Mrs. McCarthy asked about the future access road and intentions of crossing the railroad bed. In response, Mr. Bernier explained that David and Marlo Herrick and John Herrick own each side of the railroad.

The Board briefly discussed the 1000-foot road limitation with Mr. Wilkey stating that he believed that the limitation on the length of the road was not just for fire protection, but also for other reasons. Mrs. McCarthy agreed, stating that the Chairman of the Road Committee has indicated to the Planning Board that he would prefer that lengthy dead-end or cul-de-sac roads not be constructed as it isn't cost effective when maintaining the road, especially during winter months having to plow these types of roads. Mr. Bernier responded that he had met with the Road Committee and heard no objections or concerns with regards to the road length.

At this point in time, Mr. Bernier reviewed the location of the proposed through road and the different points along the road in which wetland crossings will be necessary. Mr. Bernier stated that the wetland crossings are in locations where it is believed that the impact would be minimized.

Mr. Bernier then discussed the street cross-sections provided. Mr. Bernier discussed the design width of the roadway and the fact that consideration has been given to pedestrian traffic. Additionally, there is a section of the proposed Annie Gunn Lane, which is the proposed through road, that will have a guardrail. This is primarily due to the requirements of the Wetlands Board to have a 2:1 slope with minimal impact to wetlands. Following brief discussion concerning the driveway proposed near the guardrail, Mr. Bernier indicated that he may be able to reduce the length of the guardrail from 300-feet to 200-feet. Mrs. McCarthy expressed concern with the possibility that the guardrail could cause more of a hazard for pedestrians as they will have to walk out into the roadway to get by the guardrail. Mr. Bernier advised that the height of the embankment is 16-feet at its highest point at the guardrail.

Mr. Wilkey questioned whether the Applicant had prepared a phasing plan. In response, Mr. Bernier stated that they had not actually prepared the phasing plan; however, he assumed construction of the roadway would also occur in increments of 1000-feet with each phase being approximately 1000-feet. At the end of each road phase of construction there would be temporary turn-a-rounds.

Mrs. Bradstreet asked Mr. Bernier to explain what his alternatives would be in designing the development should the Planning Board not grant the

waiver to the roadway length. In response, Mr. Bernier stated that he would reduce the proposed number of lots.

Mr. Kidder questioned what guarantee the Planning Board would have that the roadway would be extended to Burnham Intervale Road. Mr. Wilkey concurred, questioning the type of traffic that would travel along the roadway as a result of the connection to Burnham Intervale Road. In response, Mr. Bernier explained how it is the Applicant's intentions to erect a gate with a Knox box, so to prevent through traffic. The roadway would only be used in the case of an emergency.

Following brief discussion concerning the location of the proposed roadway as it intersects Pine Street, Mr. Bernier explained that in order to maximize the sight distance and to minimize the impact to wetlands the location as proposed was selected.

Mr. Wilkey expressed concern with the lack of a phasing instrument by which the Planning Board can see how the development may take place. He requested that if the Applicant proposes to construct the road in phases that the Road Committee reviews the phasing plan and provide comments.

As requested, Mr. Bernier provided information as to the upland and wetlands calculations for each proposed lot.

Ronald Klemarczyk, member of the Conservation Commission, explained that while the Commission had not had an opportunity to review the proposal, it appears that there may be major impacts on wetlands. Mr. Klemarczyk suggested that the Commission would need to view the property when the snow has dissipated.

Motion made by Mrs. Bradstreet, seconded by Mrs. McCarthy, to accept Application #2005-4 for consideration. Motion carried unanimously (McCarthy, Bradstreet, Kidder, and Wilkey).

Jane Schoch of Pine Street addressed the Board expressing concern with statements made about a "temporary" road length. Mrs. Schoch believed that the application as submitted should not be accepted as complete as the Applicant is relying on something that may or may not occur in the future. Mrs. Schoch stated that the plan for the "existing planned road" should have been submitted as part of the application. She further believed that connections to Burnham Intervale Road, an industrial district, by way of Clement Hill Road should not be permitted as it would not "represent good infrastructure planning". She stated that the connection of the two roads would create a commercial truck route through a residential neighborhood. Mrs. Schoch presented copies of tax maps for the Board to view the ownership and possible route connecting to the two roads.

Byron Carr of Burnham Intervale Road addressed the Board presenting maps of the subdivision, wetlands and steep slopes. Mr. Carr discussed the density of the proposed subdivision and relocation of the proposed roadway off Pine Street to avoid the steep slope and to lessen the impact on the wetlands. The relocation of the roadway would most likely avoid the need for guardrails. Mr. Carr then addressed the potential impact to the wetlands and Contoocook River as a result of the storm water runoff. Lastly, Mr. Carr asked the Board to consider the differences from what is allowed in the zoning district and what is reasonable for the property, noting that a redesign of the subdivision with minimal impact to wetlands and steep slopes would create approximately 15-lots, rather than the 24-lots that are being proposed.

In response to the public comments, Mr. Bernier addressed the Board to speak about the different wetland classifications and the treatment of the storm water runoff.

Mike Trojano of Clement Hill Road expressed concern with the sight distance at the proposed roadway entrance along Pine Street. Mr. Trojano then asked that a letter he had submitted as a result of the Applicant's previously proposed subdivision of the property be included as part of the record, noting that he was not opposed to the cluster development, but had asked that the houses be moved further down into the property.

A resident addressed the Board to express concern with the roadway being open to traffic entering the industrial district. The gentleman suggested that a restriction be placed on the type of traffic that may enter the residential development.

Mrs. Bradstreet suggested that the Planning Board walk the proposed roadway. Mrs. Bradstreet noted the following issues need to be addressed:

- 1) Applicant to provide a phasing plan of the proposed subdivision with review and comment by the Road Committee concerning the phases of roadway to be constructed;
- 2) Planning Board to decide whether to waive the maximum road length allowed;
- 3) Superintendent of Public Works to confirm whether there is adequate sight distance at the intersection of the proposed road and Pine Street;
- 4) Vollmer Associates, on behalf of the Planning Board, is to review all engineering, construction, erosion and drainage control data;
- 5) Report of the Police Department, Road Committee, Superintendent of Public Works, and Conservation Commission concerning the proposed subdivision; and
- 6) Applicant to provide additional detail concerning the wetlands in order to determine the overall size of the wetlands and whether any particular wetland is part of a larger wetland adjacent to the proposed development.

Lauren Valleri of Pine Street addressed the Board expressing concern with the fact that the Planning Board accepted the application as complete with no phasing plan being submitted by the Applicant. In response, Mr. Wilkey stated that there are a number of questions that still need to be answered which includes the submittal of an acceptable phasing plan.

Mr. Carr re-addressed the Planning Board asking that the Board review the Town's Master Plan with respect to the preservation of wildlife corridors.

Mrs. McCarthy questioned whether the Planning Board should ask that the proposed roadway off of Pine Street be relocated in order to minimize the affects on the wetlands and steep slopes. Following brief discussion, Mr. Wilkey suggested that the Board wait to review the report of the Road Committee before requesting that the roadway be relocated.

Motion was made by Mrs. Bradstreet, seconded by Mrs. McCarthy, to continue Application #2005-4 to the April 12, 2005 meeting, so to allow the Applicant an opportunity to provide the additional information listed above. Motion carried unanimously (McCarthy, Wilkey, Kidder, and Bradstreet).

#### **IV. Review of the Minutes of February 8, 2005.**

Review of the Minutes and Notice of Decision was deferred to the April 12, 2005 meeting.

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

Acting Chairman Wilkey declared the meeting adjourned at 11:15 PM. The next regularly scheduled meeting of the Planning Board is Tuesday, April 12, 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.