

Hopkinton Planning Board
Minutes
April 12, 2005

Chairman Bruce Ellsworth opened the Hopkinton Planning Board public hearing of Tuesday, April 12, 2005, at 7:00 PM in the Town Hall. Members present: Jane Bradstreet, Bethann McCarthy, Timothy Britain, Celeste Hemingson, and Edwin Taylor.

- I. Discussion Re: Road Design Standards**—Chairman Ellsworth began the discussions explaining the dilemma concerning the road design standard of 18-feet versus that in which the Fire Chief has indicated is required in the State Fire Code, which is 20-feet. Chairman Ellsworth then briefly explained the lengthy process of developing the Town’s Master Plan at which time there was a strong consensus of the residents narrow roads should be constructed for both aesthetic and safety reasons.

At the Planning Board’s request, Town Counsel Russell Hilliard was present to assist the Board with the legal and jurisdictional issues surrounding the matter. Attorney Hilliard stated that the portions of the State Fire Code that he had been given to review were very unclear. RSA 154:2-II gives the Fire Chief the authority to enforce the State Fire Code enacted pursuant to RSA 153:5 and RSA 153:5 grants the authority to the State Fire Marshal to adopt rules known as the State Fire Code.

Mike Stark of the State Fire Marshal’s Office addressed the Board to assist in understanding the State Fire Code. Mr. Stark advised of the State Fire Marshal’s adoption of the State Fire Code known as NFPA 1. The State Fire Code requires an un-obstructive fire access road of 20-feet, which in the opinion of the local Fire Chief the 20-feet cannot include gravel shoulders. Mr. Stark discussed how the State Fire Code allows the Authority Having Jurisdiction which is the Fire Chief to make that determination for life safety reasons. Mr. Stark then discussed the fact that a model had been developed involving a design of a gravel road that is assumed to be acceptable; however, the model had not been tested.

Mrs. Hemingson recalled discussions amongst the Road Committee and Planning Board when the Board was reviewing the Town’s road design standards. In particular, Mrs. Hemingson recalled a recommendation that a certain type of gravel be used for shoulders that would support the weight of vehicles and therefore last longer. Mrs. McCarthy agreed, noting that the Board was advised that “crushed gravel for shoulder leveling” was the type of material that should be used. In fact, the Board was told that the same material was used by the State of NH for the shoulders along the highways.

Selectman Donald Lane questioned whether the State Fire Code would apply to existing roadways that would be upgraded or repaired. Mr. Stark replied no, explaining that the State Fire Code applies to new construction.

Mrs. Bradstreet discussed the Planning Board's intentions to allow for narrower roadways not only to slow traffic, but also as an effort to preserve the rural character of the community.

Selectman Lloyd Holmes expressed concern with the road design standards as they presently exist recommending that roadways have a minimum pavement of 22-feet.

Selectman Peter Russell believed that that an 18-foot paved roadway with minimal shoulder would require more maintenance in the long run as the edge of the pavement and shoulder may deteriorate sooner.

Chairman Ellsworth reminded those present of the lengthy process by which the Planning Board and residents developed the Town's Master Plan. During the process, residents were strongly in favor of preserving the rural character of the community which included the construction of gravel roads off of existing gravel roads and minimizing roadway widths. He suggested at this point in time that the Planning Board wait for a legal opinion from Attorney Hilliard concerning the inconsistency of the authority of the State Fire Marshal's Office, Fire Chief, and that of the Planning Board. In the interim, if the Board of Selectmen or Fire Chief wishes that the Planning Board revisit the standards for road designs, the parties may petition the Planning Board. Following receipt of a petition, the Planning Board will hold a public hearing giving the public an opportunity to provide input. Meanwhile, the Planning Board will contact the New Hampshire Municipal Association and Central New Hampshire Regional Planning Commission as to their experience, if any, concerning this matter.

II. Conceptual Consultations—

- Shad Wilson of Clement Hill Road presented a conceptual plan of an 11-lot subdivision and the construction of a new road off Clement Hill Road. Mr. Wilson noted that the length of the new roadway will exceed the 1000-foot length allowed in the Subdivision Regulations. Mr. Wilson questioned whether the Board would permit a longer road if he were to sprinkler the residences beyond 1000-feet. Following review of the design, Chairman Ellsworth suggested that Mr. Wilson include his request for waiver as part of his application for subdivision. Mr. Wilson agreed, advising that he will meet with the Town's Conservation Commission, Road Committee, and Fire Department to review his proposal.

III. Applications—

#2005-4 David & Marlo Herrick—Applicant requests 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. This was to be a continuation of the March 15, 2005 public hearing; however, the Applicant

had requested that review of the application be postponed to the May 10, 2005 hearing, so to allow them an opportunity to attend the Conservation Commission meeting on this same night. The Planning Board agreed.

#2005-5 Ronald B. Finlayson, Jr.—Mr. Finlayson addressed the Planning Board to request Site Plan Review approval to operate a landscape business, including the storage of construction and maintenance equipment as it relates to the business. The property is presently owned by Kelly Dearborn-Luce, located at 220 Burnham Intervale Road in the M-1 (industrial) district, shown on Tax Map 220 as Lot 25.

The Board reviewed the accessory storage of equipment and materials, asking questions concerning the types of materials to be stored at the premises. In response, Mr. Finlayson advised that the materials are those that are generally associated with a landscaping business such as bark mulch and loam. Storage of fuel used for the lawn mowers and other equipment will be in a 2-gallon or 5-gallon container that will be stored in a concrete well tile with a bottom or in a transfer tank on the vehicles.

The proposed driveway to access the rear of the property will be a gravel surface. The Superintendent of Public Works approved the new driveway.

Lastly, the Zoning Board of Adjustment granted a Special Exception for the accessory storage of construction and maintenance equipment. Approval was subject to the following:

1. Applicant providing a revised plan with corrections to the setbacks.
2. Hours of operation are limited to 6 AM to 6 PM with the understanding that on occasion the hours may be later, depending upon the winter season. During the summer months the hours of operation may include weekends, but at a much lower level.
3. Fuel shall be stored in a concrete well time with a bottom or in a transfer tank in a truck.

Mr. Finlayson noted that the revised plan had been submitted to the Zoning Board of Adjustment and is before the Planning Board this evening.

Mr. Britain, seconded by Mrs. Hemingson, moved to accept the application for consideration. Motion carried unanimously.

There was no one present wishing to provide public testimony.

Mrs. Hemingson questioned whether herbicides or insecticides would be stored at the property. Mr. Finlayson replied no, explaining that he is not licensed to use chemical products.

Mrs. Hemingson, seconded by Mr. Wilkey, moved to approve Application #2005-5 with the condition that the Applicant receives approval, if necessary, from the Fire Department and State of New Hampshire for

storage of materials. Motion carried unanimously (Bradstreet, Hemingson, Taylor, Britain, McCarthy, and Ellsworth).

IV. Review of the Notice of Decision and Minutes of February 8 and March 15, 2005.

Review of the Minutes was deferred to the May 10, 2005 meeting.

V. Other Business—

- Merger of two (2) contiguous pre-existing located owned by Edith Allison, located off Amesbury Road, shown on Tax Map 225 as Lots 35 and 36. Motion made by Mr. Britain, seconded by Mrs. Bradstreet, to approve the merger. Motion carried unanimously (Bradstreet, Hemingson, Taylor, Britain, McCarthy, and Ellsworth).
- Merger of two (2) contiguous pre-existing located owned by David Johnson and Kathleen Sternenberg, located off Bassett Mill Road, shown on Tax Map 235 as Lots 11 and 12. Motion made by Mr. Britain, seconded by Mrs. Bradstreet, to approve the merger. Motion carried unanimously (Bradstreet, Hemingson, Taylor, Britain, McCarthy, and Ellsworth).
- Hopkinton Woods and Granite Valley Subdivisions—No later than April 13, the Planning Board is to provide confirmation of the required roadway pavement width for these developments. At this point in time, due to the uncertainty as to authority having jurisdiction concerning the Town's road design standards, the Planning Board has agreed to allow a 20-foot paved roadway with 1-foot shoulders for both the Hopkinton Woods and Granite Valley Subdivisions.

VI. Adjournment.

Chairman Ellsworth declared the meeting adjourned at 11:30 PM. The next regularly scheduled meeting of the Planning Board is Tuesday, May 10, 2005 at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning Director

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.