

**Hopkinton Planning Board**  
**Minutes**  
**May 10, 2005**

Chairman Bruce Ellsworth opened the Hopkinton Planning Board public hearing of Tuesday, May 10, 2005, at 7:00 PM in the Town Hall. Members present: Bethann McCarthy, Timothy Britain, Celeste Hemingson, Michael Wilkey, Edwin Taylor, and Cettie Connolly.

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**I. Conceptual Consultations—**

- ❖ Regenesis Corporation—Harry Smith of Regenesis Corporation addressed the Planning Board introducing Chris Nadeau of Nobis Engineering. Mr. Smith and Mr. Nadeau presented a conceptual site plan showing proposed improvements to the Bio Energy facility located off Maple Street in the M-1 (industrial) district. Mr. Smith explained how the proposed improvements known as Phase I Improvements are as a result of the State's Solid Waste Permit. Currently, the facility is permitted to burn whole tree chips and permit exempt chips. As result of the proposed improvements the capacity of the facility will remain the same with no new employees and no changes to truck traffic or hours of operation. However, a change would occur to the type of fuel that the facility would burn. Phase I improvements are to include a new hot load area, covering of the existing truck dump, covering of the existing grinder, construction of a new bucket elevator, a new fuel quality conditioning system that will be located inside the facility, enclosing the existing fly ash bunker, and installation of gates limiting access to the facility.

Mr. Smith provided a detail explanation as to the type and purpose of construction for each element of Phase I. In explaining the different elements, Mr. Smith had also explained the process by which the fuel would be processed through the facility.

In reviewing the site plan and photographs with the Board, Mr. Nadeau advised that the improvements proposed would not be noticeable outside the facility.

Mr. Smith briefly discussed the State permitting process to burn woodchips derived by construction activities. Phase II and III Improvements will not be included in the Site Plan Review Application at this time. Mr. Nadeau explained that there are zoning issues that need to be addressed prior to applying for Site Plan Review for the proposed silo like cylinders.

Mr. Smith advised of their intentions to submit an application for the June Planning Board meeting. Chairman Ellsworth informed Mr. Smith of the Board's intentions to require that a stenographer attend the meeting to insure that there is a clear record of the hearing. The expenses of the stenographer will be the responsibility of Regenesis. Mr. Smith concurred. Additionally, Chairman Ellsworth informed Mr. Smith of the Planning Board's intentions to acquire legal counsel, separate from that of the Board of Selectmen, in light of the legal issues between the Town and Regenesis that are currently pending before the courts. Lastly, Chairman Ellsworth informed Mr. Smith that throughout the Planning Board process any reference to the "Town" is that of

the Board of Selectmen and not the Planning Board. Mr. Smith indicated that he understood.

- ❖ Sarah Dustin presented conceptual plans of a proposed three lot subdivision of her property located off Dustin Road in the R-3 (low density residential) district. Ms. Dustin preferred a “dog leg” configuration of the lots, rather than a straight line configuration.

Following review and discussion members of the Board suggested that Ms. Dustin’s preferable configuration would be appropriate. Ms. Dustin intends to submit an application for review at the Board’s June hearing.

At this point in time, Mr. Britain recused himself from the conceptual consultation involving property owned by Joseph Ransmeier.

- ❖ Joseph Ransmeier and surveyor Webster Stout addressed the Board presenting a conceptual plan of a proposed lot line adjustment of property owned by Mr. Ransmeier located off Hopkinton Road in the R-3 (low density residential) district. In reviewing the conceptual plan, Mr. Stout explained their intentions of adjusting the lot line between two parcels so to make the smaller parcel conforming to the minimum lot size requirement for the district. Mr. Ransmeier plans on submitting an application for review at the Board’s June hearing.

## II. Applications—

#2005-6 Ronald J. Lajoie—Web Stout of F.W.S. Land Surveying addressed the Planning Board requesting approval of a lot line adjustment involving property owned by Ronald & Corinne Lajoie, located off Galloping Hill Road in the R-4 (residential/agricultural) district, shown on Tax Map 217 as Lots 11 & 12.

Mr. Lajoie advised of his intentions to increase the distance from his residence to the side lot line in anticipation of a new home that will be constructed on Lot 11. Lot 11 will be sold and a new home will be constructed towards the rear of the property. Additionally, Lot 12 will enjoy a view easement across Lot 11.

Motion made by Mr. Wilkey, seconded by Mrs. Connolly, to accept the application for consideration. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).

Gary Nielson of Galloping Hill Road questioned whether there would be any impact to the common used trail. In response, Mr. Lajoie explained that the trail is located on private property; however, the entry way is beyond the area in question.

Motion made by Mr. Wilkey, seconded by Mrs. Connolly, to approve Application #2005-6 as presented. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).

#2005-7 Amy D. Deutsch—Amy Deutsch addressed the Planning Board to request Site Plan approval to operate a chiropractic clinic home office. The

property is located at 32 Kearsarge Avenue in the VB-1 (village commercial) district, shown on Tax Map 101 as Lot 50.

Dr. Deutsch explained how she had recently purchased the residence at 32 Kearsarge Avenue with the intentions of utilizing the rooms on the first floor of the residence as a home chiropractic office. She would then utilize the second floor as her residence.

In reviewing the parking plan it was determined that one parking space is required per 400 square feet of gross floor space. The total space to be utilized by the business will be 699 square feet, requiring two parking spaces for the business and two spaces for the residential use.

Dr. Deutsch requested a waiver from the requirement of a second parking space for the residential use as she believed there is no need for the space since she will be the only person that will reside at the residence. In response, Mr. Britain explained that the Planning Board does not have the authority to waive requirements in the Zoning Ordinance.

Mrs. Hemingson expressed concerns with the steep side slope that continues from the front of the property to the garage. She questioned whether the layout of the parking as proposed would be possible due to the steepness of the slope. In response, Dr. Deutsch explained how she intends to reduce the steep slope and construct a retaining wall. Mr. Wilkey concurred with Mrs. Hemingson, questioning whether there would be sufficient room for clients to park.

Mr. Britain noted that the sizes of the proposed parking spaces may not be sufficient as the Ordinance requires parking spaces 18-feet in length, rather than 15-feet as proposed.

Dr. Deutsch then reviewed the existing lighting, explaining that additional lighting would be provided if there were to be parking in the rear.

Following discussion, the Planning Board requested that Dr. Deutsch seek professional assistance in preparing a site plan that will conform to the Site Review Regulations, taking into consideration the steep slope and potential affects of storm-water run-off as a result of the new parking spaces. It was also noted that while the Zoning Ordinance requires four parking spaces the nature of the business may require additional parking spaces as there will be an employee and patients arriving while other patients are being seen.

Motion made by Mr. Britain, seconded by Mrs. McCarthy, to accept the application for consideration. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).

Howard Buzzell addressed the Board as an abutter expressing concern with the run-off that may be created as a result of paving the proposed parking. In response, Dr. Deutsch explained how she would prefer not to pave the parking area.

Motion made by Mr. Britain, seconded by Mrs. Hemingson, to continue Application #2005-7 to the June 14, 2005 hearing in order to allow the Applicant an opportunity to present a revised parking plan. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).

#2005-4 David & Marlo Herrick—Tim Bernier of T.F. Bernier, Inc. addressed the Board as a continuation of the March 15, 2005 hearing, requesting approval of a twenty-four (24) lot subdivision of property located off Pine Street and Clement Hill Road in the R-2 (medium density residential) district, shown on Tax Map 208 as Lot 99. Mr. Bernier advised of the Zoning Board of Adjustment's approval for the wetland crossings. He then reviewed the proposed phasing plan of the subdivision road and lots, and the report of Vollmer Associates concerning their engineering review. In reviewing Vollmer's report, Mr. Bernier explained that guardrails are required based on the steep slope that will be located at the proposed roadway entrance near Pine Street. He discussed alternatives with Bill Rollins of Vollmer Associates to determine whether the guardrail could be eliminated. The outcome was that based on the slope the guardrail will be necessary. Mrs. McCarthy suggested that if the road were curved downward the steep slope may be eliminated. In response, Mr. Bernier suggested that the sight distance would decline if the road were move further down Pine Street; however, Mr. Bernier advised of their intentions to try to eliminate a section of the guardrail by placing one of the driveways at a specific location along the street. Following discussion, Mr. Bernier agreed to provide the Planning Board with a written response to the report of Vollmer Associates.

Chairman Ellsworth read a report of the Road Committee and Superintendent of Public Works (see attached copy). In response, Mr. Bernier advised of the Applicant's intentions of meeting the requirements of the Road Committee. Chairman Ellsworth believed that the caution sign requested by the Superintendent is the responsibility of the Town, rather than the Applicant.

Lastly, Chairman Ellsworth noted that he had received a note from Byron Carr, a member of the Open Space Committee, indicating that the Herrick property would be a topic of discussion at their upcoming meeting. In response, David Herrick advised of his conversations with Mr. Carr, suggesting that he continue to the work with the Open Space Committee and Conservation Commission.

Ronald Klemarczyk on behalf of the Conservation Commission informed the Board that the Commission is presently in negotiations with Mr. Herrick concerning easements and possibly the purchase of property.

Mr. Bernier reviewed the Applicant's long-term planning goal which involves a possible connector road from Clement Hill Road to Burnham Intervale Road that would be gated to prevent through traffic and would be primarily used for emergency purposes. Mr. Bernier estimated the long-term plan to be ten (10) or more years.

Mrs. McCarthy expressed concern with the proposed dead-end roadway that would exceed 1000-feet in length. Mrs. McCarthy recalled discussions with a member of the Road Committee in which they believed that it would not be feasible for the Board to approve long dead-end roads. Mrs. McCarthy

recommended that the Planning Board not waive the 1000-foot maximum roadway length for the dead-end road. In response, Mr. Bernier estimated that they would lose one (1) lot and would need to construct a cul-de-sac, rather than a hammerhead. Furthermore, he believed that the longer road would promote the potential connector road from Clement Hill Road to Burnham Intervale Road.

Chairman Ellsworth noted that if the Planning Board were to approve the subdivision that a condition may be imposed advising that no future roadway would be permitted without further review by the Board.

Mrs. Connolly questioned whether the Board should be concerned with the roadway length if the Fire Department has no concerns provided that the homes beyond the 1000-feet have sprinklers. In response, Mr. Britian believed that if the Board is to waive the requirement then it would defeat the purpose of the limitation being in the Subdivision Regulations.

Mrs. McCarthy, seconded by Mr. Taylor, moved that the Planning Board not waive the maximum length of roadway of 1000-feet. Motion carried unanimously.

Mrs. McCarthy asked that, if possible, the Applicant minimize the need for guardrails. Mr. Bernier agreed.

There was no one present wishing to provide public testimony.

Mr. Herrick granted the Planning Board a thirty (30) day extension for reviewing the application.

Motion made by Mr. Britain, seconded by Mrs. McCarthy, to continue Application #2005-4 to the June 14, 2005 hearing in order to allow the Applicant an opportunity to present a revised plan addressing comments made by the Town's consultant engineer and limiting the roadway length of the proposed dead-end road to not more than 1000-feet. Additionally, the continuance will allow further review of the subdivision by the Conservation Commission and Open Space Committee. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).

#2005-8 Ellen & Francis Chase—Applicant requested approval of a subdivision creating one (1) conventional lot and six (6) Conservation (Cluster) lots, along with the construction of a new roadway. The property is located off Irish Hill Road in the R- 4 (residential/agricultural) district, shown on Tax Map 237 as Lot 36.

Surveyor Gerrit Crabbendam presented the proposed subdivision plans advising of the proposed 860-feet of roadway. The proposed roadway will require crossing of a wetland at its narrowest point.

Chairman Ellsworth advised of the requirement that a conventional plan also be submitted in order to confirm that there are no more lots proposed for the Conservation subdivision than that allowed under a conventional plan. The conventional plan must include the delineation of wetlands as wetlands cannot be included in the minimum lots size requirement.

Mr. Britain reviewed the Subdivision Regulations requiring that lot lines being configured at right angles to street lines and that in the interest of good planning irregular shaped lots may not be permitted.

Mrs. McCarthy questioned why the design of the Conservation Subdivision shows the common open space as surrounding the development, rather than as one large contiguous area. In response, Mr. Crabbendam believed that having the open space around the development was more appropriate based on the configuration of the lot prior to subdivision.

Following review of the conventional and conservation plans, Board members did not believe that the conventional plan complied with the requirements of the Subdivision Regulations.

Motion made by Mr. Britain, seconded by Mrs. Connolly, to not accept Application #2005-8 for consideration. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).

Mr. Wilkey reminded Mr. Crabbendam of the requirement to submit a phasing plan of the proposed subdivision.

At this point in time, Mr. Crabbendam discussed with the Board possible waivers to the Subdivision Regulations. Waivers to include the scale of the plan, requirement of cross-sections, and traffic impact analysis. As there was no specific application or plans before the Planning Board, the discussion was conceptual; therefore, the Board made no decisions. Instead, the Board provided Mr. Crabbendam with guidance concerning the above issues. The Board suggested that he meet with the Superintendent of Public Works and Road Committee prior to completing a traffic impact analysis. The Board advised of the requirement to show that as a result of the subdivision there would be no increase in storm water run-off based on two (2) and ten (10) year storms.

### **III. Review of the Notice of Decision and Minutes of February 8, March 15 and April 12, 2005.**

Motion made by Mr. Britain, seconded by Mr. Wilkey, to approve the Notice of Decision and Minutes of February 8, 2005 as submitted. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).

Motion made by Mrs. Hemingson, seconded by Mr. Britain, to approve the Minutes of March 15, 2005 with a correction to page three, paragraph one, indicating that the property is located in the VB-1 (village commercial) district, rather than B-1 (commercial) district. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).

Motion made by Mr. Wilkey, seconded by Mr. Taylor, to approve the Notice of Decision of March 15, 2005 as submitted. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).

Motion made by Mrs. Hemingson, seconded by Mrs. McCarthy, to approve the Minutes of April 12, 2005 with the reference to Michael Wilkey as being in attendance. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).

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

- Merger of two (2) contiguous pre-existing owned by Leonard & Holly Charron, located off Bassett Mill Road, shown on Tax Map 235 as Lots 7 and 8. Motion made by Mr. Britain, seconded by Mrs. Hemingson, to approve the merger. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).
- MCT Inc. d/b/a Merrimack County Telephone Company—Application for a three (3) lot subdivision approved by the Planning Board on March 15, 2005. Planning Board in receipt of a letter from Carolyn & Joe McMahon requesting the Board revisit their previous approval as the newly created building lot does not have the capability of utilizing the Town's sewer as was represented on the subdivision application submitted to the Board.

The Planning Board was in receipt of the April 25, 2005 minutes of the Board of Selectmen's meeting, a letter from Marc Violette on behalf of MCT requesting the extension of the sewer line, report of the Sewer Committee recommending the denial of the extension, and an email from the Town Administrator on behalf of the Selectmen advising that the Selectmen had concurred with the Sewer Committee's recommendation.

Following brief discussion concerning the requirements that a lot be capable of supporting on-site water and sewer unless public water or sewer is available, Mr. Britain, seconded by Mrs. McCarthy, moved to begin the revocation process of subdivision Application #2005-1 in accordance with RSA 676:4-a. Motion carried unanimously (McCarthy, Britain, Ellsworth, Hemingson, Wilkey, Taylor, and Connolly).

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

Chairman Ellsworth declared the meeting adjourned at 11:55 PM. The next regularly scheduled meeting of the Planning Board is Tuesday, June 14, 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.

