

Hopkinton Planning Board
Minutes
June 14, 2005

Chairman Bruce Ellsworth opened the Hopkinton Planning Board public hearing of Tuesday, June 14, 2005, at 7:00 PM in the Town Hall. Members present: Bethann McCarthy, Celeste Hemingson, Michael Wilkey, Edwin Taylor, Timothy Britain and Cetti Connelly.

- I. **Administrative Business**—The Hopkinton Conservation Commission including Ron Klemarczyk, Derek Owen, Erick Leadbeater, Leland Wilder and Melinda Payson, met with the Planning Board to discuss the concept of Conservation Design subdivisions. Ron Klemarczyk of the Conservation Commission noted that over the last several years, large subdivisions have been approved in town. Although the Master Plan strongly recommends cluster subdivisions, he noted that in speaking with developers, they have the feeling that the Planning Board is not receptive to these types of subdivisions. The Conservation Commission encourages the open space concept and would like to work with the Planning Board in making subdivision decisions in the future.

Conservation Commission member Mr. Leadbeater asked if the Planning Board was looking for some guidance or input from the Conservation Commission in regard to major subdivisions. He also asked if the Planning Board felt that the Conservation Commission had dropped the ball in regards to their involvement. Mr. Leadbeater then asked for clarification as to how far the Conservation Commission should get involved. Chairman Ellsworth replied that there is uncertainty as to what the Town wants in regards to development. The more the Conservation Commission works with the Planning Board the better it will be. There has been inconsistency in the way the Planning Board and the Conservation Commission have treated subdivisions in the past. Chairman Ellsworth stated that recently there has been Planning Board discussion of opening up a series of meetings on this very issue and bringing in other knowledgeable people to speak with the Board about open space. While the Master Plan does encourage cluster development very often neighbors are against this type of subdivision as they do not understand the concept. Mr. Klemarczyk agreed with Chairman Ellsworth.

Chairman Ellsworth believed that it is the Planning Board's responsibility to assist the townspeople in understanding the open space concept and how open space will benefit them. We propose to schedule meetings for people to give their views on the subject. It won't change anything in terms of the current ordinance but it might present changes for the future.

Mr. Wilder felt that much of the ordinance is subject to interpretation.

He agreed that if residents had a better understanding of the value of open space it would be helpful.

Mr. Klemarczyk stated that over the years changes have been made and some of the flexibility has been lost in the ordinance. Mrs. Hemingson agreed and stated that the reason the Planning Board plans on having public meetings is to improve the ordinance as our present ordinance seems to not be working well.

Chairman Ellsworth asked for suggestions to help re-write the cluster development open space concept.

Mr. Owen noted that it is a good idea to get suggestions and opinions from outsiders on this matter. Having a panel that would provide everyone with the pros and cons would give everyone ideas to choose from. Chairman Ellsworth agreed that a panel is what is needed and stated that cluster would allow acceptable growth.

The Planning Board agreed that input from the Conservation Commission is valuable and very much needed and that everyone needs to work together on this project.

Mr. Leadbeater questioned what the Conservation Commission would need to do assist with application reviews. Chairman Ellsworth replied that the Commission should review the Planning Board agendas each month and offer input if they feel it is needed.

Mrs. McCarthy noted that crossing wetlands is problematic when the Planning Board already approves the application before Wetland Board is approached. In response, Mr. Klemarczyk stated that when wetlands are involved a more thorough review would be helpful. Chairman Ellsworth felt that having an environmentalist sign off on the plan would be helpful.

II. Conceptual Consultation:

Sarah Dustin addressed the Planning Board to withdraw Application #2005-13 and to present a new conceptual plan of a proposed subdivision of her property located off Dustin Road. Ms. Dustin recently was informed that her sister, Roberta Nichols, is willing to sell her a small portion of property that Ms. Dustin would annex to her property at the time of subdivision. By doing this, it would allow Ms. Dustin to sell one lot and leave the remaining lots (acreage) in current use. She intends to present a new application in July.

Ms. Dustin presented conceptual plans to the Board showing three different scenarios. The Planning Board suggested that Ms. Dustin change one of the plans to make one of the lots shown more triangular shaped in order to gain more road frontage.

Jennifer McCourt of McCourt Engineering Associates presented a conceptual plan for a subdivision involving 38.5-acres located off College Hill Road at the Hopkinton- Henniker town line. In reviewing the conceptual plan, Ms. McCourt explained that a more popular and environmentally safe system known as Enviroseptics will be utilized in the development.

Ms. McCourt then presented a plan of a cluster subdivision and a conventional subdivision, both subdivisions consisting of 9 lots.

Ms. McCourt stated that her client prefers to do the cluster development. She noted that she is an advocate of cluster developments as well and in keeping open space. She pointed out the wetland configuration shown on the plan.

Following discussion, the Planning Board members liked the cluster development plan. It was suggested that access be provided to the open space. Ms. McCourt agreed.

Mrs. McCarthy noted that the through road is longer than 1000' and explained that Ms. McCourt would have to obtain a variance for the loop road configuration. The Board gave Ms. McCourt some guidance in how to interpret the Zoning Ordinance to accomplish this.

Roger and Josephine French of Clement Hill Road presented a conceptual plan to construct a single family residence with a pond on the top embankment of an existing gravel pit. Mr. and Mrs. French had already been advised by Planning Director Karen Robertson and Mary Pinkham-Langer of the NH Dept. of Revenue Administration that they would need to file an application with the Planning Board (Regulator) for reclamation of the pit. Mr. and Mrs. French would like to discuss the extent of the reclamation that the Planning Board may require and request waivers.

Mr. Taylor noted that the basic concept for the proposed reclamation needs to be met as well and how this proposal would be accomplished. The Planning Board felt that a plan for reclaiming the closed gravel pit would be a condition that went with the building permit. The French's were told to develop a plan showing how the building of the house will fit into the reclamation plan. The French's asked how to do that. Mr. Taylor suggested that a civil engineer would be needed to accomplish this so that the slopes are met, the foundation would be on firm footing and to designate where the pond might be located.

Gerrit Crabbendam of Crabbendam Engineering accompanied by Francis Chase presented a conceptual plan for a subdivision and new road construction on Irish Hill Road. The plan presented consisted of a

six lot cluster subdivision. Mr. Crabbendam noted that he and Mr. Chase liked the idea of the conventional plan and would probably be presenting it to the Board. There was then discussion regarding the amount of frontage shown for lot 3. Mr. Crabbendam thought he had followed the rules of the Zoning Ordinance where it states that the frontage can be as little as 85% of the minimum of 300 feet at the set back line on a turn around. Mr. Britain then read the second line in that paragraph which states that you need the 300 feet at the set back line. Mr. Crabbendam noted that there is 255' which is over the 85%. Mrs. Hemingson further explained that the 85% rule does not apply along a cul-de-sac. There was some discussion about widening the cul-de-sac which would probably give the applicant 300 feet.

The Board discussed issue of roadway width and the potential authority that the State may have granted to Fire Chief's concerning this issue. The Fire Chief may have the authority to deny a building permit unless the road is built to his specifications.

Mrs. McCarthy asked Mr. Crabbendam why he decided not to do the conservation subdivision. Mr. Crabbendam replied that the wetland crossing and location of the detention pond and swale affected his decision.

IV. Applications.

#2005-11 Joseph S. Ransmier—Surveyor Web Stout addressed the Board presenting a plan of a lot line adjustment involving two lots owned by Joseph Ransmeier, located off Hopkinton Road in the R-2 zone (medium density residential) district, shown on Tap Map 239 as Lots 34 and 38.

Mrs. Hemingson, seconded by Mrs. Connolly, moved to accept Application #2005-11 for consideration. The Planning Board unanimously agreed.

Mrs. Hemingson, seconded by Mrs. Connolly, moved to approve Application #2005-11 for consideration. The Planning Board unanimously agreed.

#2005-1 MCT Inc. d/b/a Merrimack County Telephone Co.—Mark Violette of MCT presented plans of a two lot subdivision of property located off Kearsarge Avenue in the VB-1 (village commercial) district, shown on Tax Map 101 as Lot 39. The intent of the subdivision is to donate .709 acre parcel to the Town in accordance with Section 4.6 of the Hopkinton Zoning Ordinance.

Mr. Violette stated that after the Planning Board's previous approval of a subdivision involving the same property, it was determined that town

sewer was not available to service the lot. As a result, Mr. Violette now wished to withdraw his previous application, Application #2005-1, and instead have the Planning Board review and approve a two (2) lot subdivision of the same property with no new building lot being created.

Mr. Britain, seconded by Mrs. Hemingson, moved to revoke the Planning Board's approval involving Application #2005-1. The Board unanimously agreed.

Mr. Wilkey, seconded by Mrs. McCarthy, moved to accept Application #2005-9 for consideration. The Board unanimously agreed.

Conservation Commission member Ron Klemarczyk and Selectman Don Lane encouraged the Planning Board to approve the subdivision.

Mr. Britain, seconded by Mrs. Connolly, moved to approve #2005-9 as presented with the condition that Lot 39.1 is a non-buildable lot that is to be donated to the Town of Hopkinton. The Board unanimously agreed.

#2005-7 Amy Deutsch—Ms. Deutsch presented a plan for site plan approval to operate a chiropractic clinic/ home office, with an amendment to include counseling services at the premises. The property is located at 32 Kearsarge Avenue in the VB-1 (village commercial district), shown on Tax Map 101 as Lot 50. Ms. Deutsch noted how well the chiropractic and counseling services were connected. She explained that she currently works with a person who would like to use an office within the confines of the building for counseling. The original square footage to be used for the business was 699 sq. ft and the revision would increase to 1134 sq. ft. She is currently working with Provan and Lorber in preparing plans showing eight spaces.

Following discussion and review of the Zoning Ordinance, the Board recommended that Ms. Deutsch revise her application to include counseling services, but also to clarify the fact that the business is not a home business. Specifically, in the VB-1 district Ms. Deutsch proposes a commercial and residential use.

Mr. Wilkey suggested that separate entrances may be required by the State if the building is sharing residential and commercial uses.

The Planning Board decided that it is a building with two uses which is permitted in a VB-1 zone. Ms. Deutsch stated that all abutters will be notified again about the addition of a counseling service to the proposal.

Ms. Deutsch agreed to a 30-day extension of the requirement for Planning Board action on the application.

Mr. Britain, seconded by Mrs. Hemingson, moved to waive additional application fees. The Board unanimously agreed. The Board further advised Ms. Deutsch to discuss her proposal with the Fire Department.

Mr. Britain, seconded by Mrs. Hemingson, moved to continue Application #2005-7 to allow notification of the abutters as to the Applicant's change in proposed use to include chiropractic and counseling services. Furthermore, to allow the Applicant additional time to present professional plans of the parking design. The Board unanimously agreed.

Mr. Kidder joined the Board for the remainder of the meeting.

#2005-4 David and Marlo Herrick—Surveyor Tim Bernier presented the application for a twenty four lot subdivision of property located off Pine Street and Clement Hill Road in the R-2 (medium density residential) district, shown on Tap Map 208 as Lot 99. This was a continuation of the May 10, 2005 public hearing.

Mr. Bernier reviewed the plans showing conservation easements that are intended to protect sensitive wetlands. In response, Mrs. Hemingson questioned the nature of the easements. Mr. Klemarczyk stated that the conservation easements are designed to protect the stream corridors. He noted that the Conservation Commission believes that Mr. Bernier has preserved a large wetland area that had bog characteristics. It also shows a stream coming into it and flowing out of it, which makes the easements important in preserving the aquatic animals in the area. The lower easement will connect with the Brookwood Development open space and will be used to protect wildlife. The lot owners would own the property but would be very limited as to what they can do within the easement area.

Mr. Bernier noted that he had tried to maintain a natural bottom in culverts to help wildlife. The wetlands crossing are relatively small. An alternative is an oversized arched culvert that is wider creating a flat bottom 24" culvert that is big enough to handle the flow.

Mr. Bernier stated that one of his tasks as requested by the Planning Board was to decrease the amount of guardrails as much as possible. He noted that he had redesigned it so that the guardrails will most likely not be seen from Pine Street or Clement Hill Road. Chairman Ellsworth asked Mr. Bernier if it is his contention that he has addressed the issues raised by Vollmer Associates. Mr. Bernier replied yes, and Mr. Klemarczyk noted that he was happy with the results.

Mr. Bernier then presented a phasing plan to the Board which consisted of five phases of development.

The Board discussed different scenarios that would and would not be allowed due to the phasing plan. Mr. Bernier was happy with the phasing plan and Mr. Bernier noted we could always come back before the Board if they needed to amend the phasing.

Mr. Kidder asked about the conservation easement deed, along with monuments delineating the easement. Mr. Bernier asked if the Board would accept a deed and noted that monuments will be placed on all corners of the easements.

Byron Carr noted that he was concerned over the impact of th subdivision to the wetland areas. In response, Mr. Bernier stated that he had walked the property with the Conservation Commission and looked at the sensitive wetland areas. He had worked hard at accommodating the requests of the Conservation Commission.

Following discussion, Mr. Britain, seconded by Mrs. Hemingson, moved to approve Application #2005-4 subject to the following conditions:

1. That all necessary State Wetland and Site Specific permits be obtained;
2. That the conservation easements, as shown on the plan, be conveyed to the Town's Conservation Commission and that there be monuments delineating the easement locations, and
3. That Lot 22, as shown on the plan, be conveyed to the Town of Hopkinton.

The motion unanimously passed.

#2005-10 Andrew Gonzalez—Andrew Gonzalez requested Site Plan approval to operate a home computer business on property owned by Lynch Realty Trust, located at 618 Park Avenue in the R-2 (medium density residential) district, shown on Tax Map 223 as lot 22. Mr. Gonzalez explained the exterior changes to the property which include a garage that was constructed and the driveway being extended. There will be a second set of stairs accessing the second floor of the garage that will be utilized as living space with the first floor being used as a garage and for the home business.

Chairman Ellsworth wanted to be sure that Mr. Gonzalez knew the required number of parking spaces that are needed for his business. Mr. Gonzalez replied that it may be one parking space per day that is needed and explained that it is a business where people drop off and pick up. There are just two employees and both are living there. Chairman Ellsworth asked Mr. Gonzalez if he received a special exception for the

home business. Mr. Gonzalez replied yes, further explaining that the business would operate from 9:00 am -5:00 pm with no evening hours or business traffic. There will be a large flood light and he hoped for a small sign. Mr. Gonzalez understood that there are sign requirements that must be adhered to and in his zone he is allowed a sign no larger than 2' x 2'.

Mrs. Hemingson, seconded by Mr. Kidder, moved to accept Application #2005-10 for consideration. The Board unanimously agreed.

No public testimony was offered.

Mrs. McCarthy reminded Mr. Gonzalez of the lighting ordinance as well and that it must be adhered to. Mr. Gonzalez noted that he intended to utilize a motion light that will be directed downward.

Mrs. Hemingson, seconded by Mr. Kidder, moved to approve Application #2005-10 with the condition that the Applicant strictly adheres to the Town's lighting and sign ordinances. The Board unanimously agreed.

#2005-12-Shadrack and Jeanette Wilson—Shad Wilson presented a plan for a lot line adjustment and annexation involving properties located off Clement Hill Road in the R-2 (medium density residential) district, show on Tax Map 209 as Lots 45.1 and 46.

Mr. Kidder, seconded by Mr. Wilkey, moved to accept Application #2005-12 for consideration. The Board unanimously agreed.

There was no public testimony offered.

Mr. Wilkey, seconded by Mr. Britain, moved to approve Application #2005-12 as presented. The Board unanimously approved.

IV. Other Business:

The Board briefly discussed the concept of cluster developments. Chairman Ellsworth noted that the Planning Board will invite Jeff Taylor to speak to the Board about the cluster concept. The Board will also begin the process of developing a panel to analyze and discuss the pros and cons of the cluster concept. The dates for these discussions were deferred to the Board's July meeting.

V. Adjournment:

Mr. Britain, seconded by Mrs. McCarthy, moved to adjourn the meeting at 9:43 PM. The next scheduled meeting of the Board is Tuesday, July 12, 2005, at 7:00 PM in the Town Hall.

Respectfully submitted,

M. Margie Astles