

**Hopkinton Planning Board**  
**Minutes**  
**September 13, 2005**

Chairman Bruce Ellsworth opened the Hopkinton Planning Board public hearing of Tuesday, September 13, 2005, at 7:00 PM in the Town Hall. Members present: Bethann McCarthy, Timothy Britain, Edwin Taylor and Cettie Connolly.

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**I. Review of the Notice of Decision and Minutes of August 9, 2005.**

Motion made by Mrs. Connolly, seconded by Mr. Taylor, to approve the Minutes of August 9, 2005 as submitted. Motion carried unanimously (McCarthy, Britain, Ellsworth, Taylor and Connolly).

Motion made by Mrs. Connolly, seconded by Mr. Taylor, to approve the Notice of Decision of July 12, 2005 as submitted. Motion carried unanimously (McCarthy, Britain, Ellsworth, Taylor and Connolly).

**II. Conceptual Consultations**

Erick Leadbeater of Gould Hill Road presented a conceptual plan of a lot line adjustment involving properties located off Gould Hill Road, shown as Lots 6 and 17, shown on Tax Map 241. The purpose of the plan is to adjust the lot line increasing the acreage of Lot 17 by .98 acres. Mr. Leadbeater reviewed the plan requirements suggesting waivers to those requirements that would not be applicable.

**III. Applications—**

#2005-18 Brenda Breault—Mrs. Breault addressed the Planning Board to request Site Plan Review approval to provide family home child care for a maximum of six (6) preschool children plus three (3) children enrolled in a full day school program (or up to 9 children). The property is located at 69 Snowshoe Trail in the R-2 (medium density residential) district, shown on Tax Map 222 as Lot 22.07.

Mrs. Breault informed the Board of the State's inspection of the property and home to be sure that she has the required space per child. Additionally, the play area was recently fenced. The Planning Board reviewed photographs of the interior of the basement where Mrs. Breault proposes to renovate as space for the children. As required by the Fire Department, the basement will be a walkout basement and will require final inspection by the Fire Inspection and State prior to occupancy. The Board reviewed photographs of the interior and exterior of the home including the driveway and play yard. The parking spaces provided include two spaces within the garage that will be used by the homeowners and two spaces in the driveway for child care drop off and pick-up.

There was brief discussion about the hours of operation and the location of existing exterior lighting of the property.

Motion made by Mrs. Connolly, seconded by Mr. Taylor, to accept Application #2005-18 for consideration. Motion carried unanimously (McCarthy, Britain, Ellsworth, Taylor and Connolly).

There was no one present wishing to provide public testimony.

Motion made by Mr. Britain, seconded by Mrs. Connolly, to approve Application #2005-18 subject to the Applicant obtaining a license from the State of New Hampshire and inspection and approval by the Hopkinton Fire Department. Motion carried unanimously (McCarthy, Britain, Ellsworth, Taylor and Connolly).

#2005-19 Tom & Karen Berry—Dick Weinenberg and Judy Hampe of Judy Hampe and Associates addressed the Planning Board on behalf of the Applicant requesting approval of a lot line adjustment involving properties owned by Thomas J. Berry Jr. and Karen F. Berry, located at 897 Gould Hill Road and 262 Penacook Road in the R-1 (high density residential) and R-2 (medium density residential) districts, shown on Tax Map 103 as Lots 20.1 and 26.

The proposed lot line adjustment involves two (2) parcels owned by Mr. and Mrs. Berry. One parcel with an existing residence fronts on Gould Hill Road with the other parcel with an existing residence fronting on Penacook Road. Mr. and Mrs. Berry propose to reduce the acreage of the parcel along Penacook Road by adjusting the lot line, joining approximately 9-acres to their property along Gould Hill Road. The remaining 5.037-acres and home along Penacook Road will be sold.

Motion made by Mr. Taylor, seconded by Mrs. Connolly, to accept Application #2005-19 for consideration. Motion carried unanimously (McCarthy, Britain, Ellsworth, Taylor and Connolly).

Harry Perkins of Penacook Road expressed concern with the proposed configuration of the Gould Hill Road lot as it will have access from not only Gould Hill Road, but a 20-foot strip of frontage from Penacook Road. Mr. Perkins suggested that the Planning Board condition that no future roadway may be constructed along the 20-foot strip of frontage. In response, Mrs. Hampe explained the Barry's intentions to retain the strip of frontage so if necessary they could use it as access to the rear of the property to tend to their farm animals.

Mr. Taylor suggested that utilizing the frontage along Penacook Road as an access way may be hazardous due to its proximity to the intersection of Little Tooky Road and the curve in Penacook Road. He suggested that there may be an issue of sight distance should a driveway be constructed along the Penacook Road frontage.

Mr. Britain questioned the type of access that may presently exist from the Gould Hill Road frontage to the rear field of the Barry property. In response, Mrs. Hampe explained that there presently is no access to the rear of the property. While it may not be impossible to construct an access way it appears to be steep in some locations if an access way were to be constructed off Gould Hill Road. It was assumed that an access way from Penacook Road would be easier and more

convenient should a veterinarian or anyone else need quick access to the rear field.

Based on the natural features of the property, Mr. Britain preferred to see a revised plan in which the stonewall dividing the Barry and Perkins property remain the boundary line for the lot along Penacook Road. This would eliminate any frontage along Penacook Road for the lot along Gould Hill Road. Mr. Britain then suggested that the property owners grant themselves an easement allowing access for limited agricultural purposes. It was believed that the Planning Board would be setting a precedent by approving the configuration of the Gould Hill Road with a limited width of frontage at a location that is dangerous. In response, Mrs. Hampe did not believe that the property owners would be amenable to the change.

Following brief discussion it was a consensus of the Planning Board that the configuration of the lot line adjustment be revised to eliminate the limited frontage along Penacook Road.

Motion made by Mr. Britain, seconded by Mrs. Connolly, to continue Application #2005-19, so to allow the Applicant an opportunity to present a revised plan of the proposed lot line adjustment. Motion carried unanimously (McCarthy, Britain, Ellsworth, Taylor and Connolly).

#2005-20 Eric C. Mitchell & Associates, Inc.—Applicant requested approval of a lot line adjustment involving properties owned by Chip Doherty, Doherty Revocable Trust of 2001, located at 707 Upper Straw Road in the R-4 (residential/agricultural) district, shown on Tax Map 258 as Lot 35 and Tax Map 264 as Lot 39.

Ronald Wareing of Eric C. Mitchell & Associates addressed the Board presenting a plan of the proposed lot line adjustment, indicating that the property wetlands were delineated by Michael Lambert, Certified Wetlands Scientist, with a determination that there are no wetlands on Lot 35.

Following review of the plan, motion made by Mr. Britain, seconded by Mr. Taylor, to accept Application #2005-20 for consideration. Motion carried unanimously (McCarthy, Britain, Ellsworth, Taylor and Connolly).

Susan Rowe Morrison questioned whether the Applicant would have to provide information relative to ground water availability in the area. In response, Chairman Ellsworth explained that for one new residential lot or for a lot line adjustment the Planning Board has not required such a study.

Thomas Manseau, abutter to Mr. Doherty's property, asked general questions concerning setback requirements. Mr. Manseau suggested that he may be interested in purchasing Lot 35 should it become for sale.

Mr. Britain questioned whether the existing horseshoe drive would be utilized in the future as an access point for both Lot 35 and Lot 39. In response, Mr. Wareing indicated that the existing driveway that crosses from Lot 35 to Lot 39 would most likely be abandoned.

Mrs. McCarthy responded to Mrs. Morrison's comments relative to ground water availability, advising that previous geotechnical engineer studies have shown that there would be no affect as a result of one (1) additional home.

Motion made by Mr. Britain, seconded by Mrs. Connolly, to approve Application #2005-20, subject to the Applicant obtaining all necessary State approvals. Motion carried unanimously (McCarthy, Britain, Ellsworth, Taylor and Connolly).

Member Celeste Hemingson joined the Board for the remainder of the hearing.

#2005-21 Kenneth M. Desjardins Builders—Jennifer McCourt of McCourt Engineering addressed the Board on behalf of the Applicant requesting approval of nine (9) single-family residential conservation (cluster) subdivision lots accessed by a proposed new roadway. The property is owned by Robert L. Drennan, located off College Hill Road in the R-4 (residential/agricultural) district, shown on Tax Map 212 as Lot 4.

Mrs. McCourt presented a conventional plan as required in the Conservation Ordinance so to prove that the property could support nine (9) conventional lots. The conventional plan included what Mrs. McCourt considered as a loop road with two (2) wetland crossings. It was noted that the Conservation Subdivision Ordinance does not allow more lots to be created than that allowed under conventional standards.

In contrast with the conventional plan, the conservation (cluster) proposal shows nine (9) lots each having a minimum of 60,000 square feet of upland with one (1) wetland crossing for a driveway. The proposed length of road is 1000 feet ending at a hammerhead turn-around. Sight distance at the intersection of the proposed roadway and College Hill Road is estimated at over 400 feet in both directions. The proposed conservation plan includes 20.65 acres of open space which is 53 percent of the original lot size. Mrs. McCourt advised that 4.8 percent of the open space is classified as wetlands.

Mrs. McCourt advised of the Conservation Commissions review of the proposed subdivision requesting that the wetlands be tagged every 50 feet and that there be a note in the individual deeds concerning the fact that no activity could occur within the wetlands. Furthermore, the Commission requested that rocks or a barrier of some sort be placed at the end of the hammerhead so to prevent traffic from entering onto the open space lot. The Commission further noted that any timbering of the open space be done using best management practices. Lastly, the Commission signed the expedited wetlands permit for submittal to the NH Wetlands Bureau.

The subdivision plans have been submitted to the NH Department of Environmental Services for subdivision approval.

Mrs. McCarthy questioned whether the development would include detention ponds. In response, Mrs. McCourt replied no, explaining that she had tried to design the road above grade with little ditching as possible. The proposed road follows the contours of land without requiring a great amount of cut and fill.

In discussing the design of the roadway, Mrs. McCourt noted that the Fire Chief had requested a 20 foot paved roadway versus the minimum 18 feet listed in the Road Design Standards. She asked that the Board allow increasing the roadway width to 20 feet with one foot gravel shoulders.

Mrs. McCourt then estimated ten (10) vehicle trips per day per home for a total of ninety (90) vehicles trips per day as a result of the development.

Motion made by Mr. Taylor, seconded by Mrs. Connolly, to accept Application #2005-21 for consideration. Motion carried unanimously (Hemingson, McCarthy, Britain, Ellsworth, Taylor and Connolly).

Byron Carr, member of the Contoocook River Advisory Committee, expressed concern with the proximity of the proposed development to the Contoocook River corridor. Mr. Carr suggested that vegetated buffers remain to preserve the water quality of the river. In response, Mr. Desjardin estimated approximately twenty-eight (28) acres of land from the proposed development to the river.

David Hayden of College Hill Road addressed the Board as an abutter suggesting that the topography of the property was not taken into consideration when designing the proposed subdivision. Furthermore, Mr. Hayden did not believe that the proposed subdivision met the objectives of the Conservation Ordinance. He suggested that the developer reduce the number of lots proposed. Lastly, Mr. Hayden presented a photograph of the property in order to show the areas that were recently logged.

Wendy Hayden of College Hill Road suggested that the Board consider the traffic impact to the area. Ms. Hayden advised of the current traffic that travels College Hill Road from Henniker to Hopkinton and from Hopkinton to Pats Peak. Ms. Hayden discussed the numerous accidents that have occurred at the sharp curve located at the Hopkinton/Henniker town line.

Margaret Nelson, resident of the Town of Henniker, addressed the Board concurring with comments made by David and Wendy Hayden. Ms. Nelson noted that there is a blind spot at the curve in the road. She also expressed concern with the additional traffic that will be created as a result of the development.

Walter England of College Hill Road discussed the character of the road and the uses along the road such as a school house, orchards, horse farms, former Fragrance Shop, and former Country Quilter. Mr. and Mrs. England expressed concern with the additional traffic as a result of the proposed development.

Robert Koch of College Hill Road expressed concern with the impact of traffic in the area. It was noted that the school buses travel College Hill Road to bring the children to Pats Peak.

Robert Nevins, resident of the Town of Henniker, stated that he was not opposed to residences being constructed, but is concerned that the additional traffic will increase the number of accidents along the road. Mr. Nevins reminded those present that the road is closed during the spring as a result of flooding by the

Army Corps of Engineers. Lastly, Mr. Nevins suggested that the Planning Board walk the road and property.

The Planning Board discussed the proximity and potential affects of the development to the Town of Henniker. Following discussion, motion was made by Mr. Britain, seconded by Mrs. McCarthy, to follow the procedures of RSA 36:57 in notifying the Town of Henniker and the Central NH Regional Planning Commission that the proposed development has a potential for regional impact. Motion carried unanimously (Hemingson, McCarthy, Britain, Ellsworth, Taylor and Connolly).

Motion made by Mr. Britain, seconded by Mrs. Connolly, to continue Application #2005-21, so to allow the Applicant and Planning Board an opportunity to address the following:

- Applicant to provide a traffic impact study of the area that is to include traffic accident records from the Towns of Henniker and Hopkinton.
- Applicant to provide a revised conventional concept plan with additional detail, e.g., setbacks, upland and wetland calculations.
- Applicant to provide a Phasing Plan in accordance with Section 2.3.9 of the Subdivision Regulations.
- Applicant to provide cross-sections of the proposed driveways to be constructed over steep slopes.
- Applicant to meet with the Road Committee to discuss the affects, if any, to College Hill Road.
- Planning Board, in accordance with RSA 36:57, to provide notification to the Town of Henniker and the Central New Hampshire Regional Planning Commission advising that the proposed development has a potential for regional impact.
- Planning Board to complete a visual assessment of the property.
- Planning Board to coordinate with the Town's Forester review of the logging of the property, in particular that portion of the property that is proposed to be dedicated as open space and that portion along College Hill Road that would be considered a buffer. The Forester is to provide a recommendation as to whether reclamation is necessary and to provide information as to the affects, if any, that the logging of the property may have had on the flow of runoff to the river. Note: Section 8.6.4 of the Zoning Ordinance provides the Planning Board with the ability to require planting of trees or other vegetation on the property that has been previously cleared.

Motion carried unanimously (Hemingson, McCarthy, Britain, Ellsworth, Taylor and Connolly).

Once the roadway is staked, Mrs. McCourt is to advise the Board so that they may schedule a site walk.

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

General Discussion concerning the following:

- Build-Out Analysis—Planning Board reviewed Town’s composite map, discussed whether they wished to move forward in contracting with the Central NH Regional Planning Commission the completion of a Build-Out Analysis. Planning Board continued discussions to their October 11, 2005 meeting.
- Road Design Standards—Planning Board was in receipt of a letter from Town Counsel confirming an opinion that the Planning Board is primary authority to determine width, surface, and other design features of new roads within the Town. Following discussion, the Planning Board agreed that while the Road Design Standards outlined in the Subdivision Regulations require a “minimum” pavement width of 18-feet an applicant may request a waiver to construct a road with an increased pavement width. At such time, the Planning Board will consider whether the request warrants a waiver from Subdivision Regulations Section 4.5.4 Road Design Standards.

#### **V. Adjournment.**

Chairman Bruce Ellsworth declared the meeting adjourned at 10:00 PM. The next regularly scheduled meeting of the Planning Board is Tuesday, October 11, 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.