

Hopkinton Planning Board
Minutes
January 10, 2006

Chairman Bruce Ellsworth opened the Hopkinton Planning Board public hearing of Tuesday, January 10, 2006, at 6:35 PM in the Town Hall. Members present: Clarke Kidder, Timothy Britain, Jane Bradstreet, Celeste Hemingson, and Cettie Connolly. Members absent: Michael Wilkey, Bethann McCarthy, Edwin Taylor, and Richard Schoch.

I. Public Hearing concerning the following proposed amendments to the Hopkinton Zoning Ordinance:

Chairman Ellsworth opened the public hearing concerning proposed zoning amendments referring to Section XIII of the Hopkinton Zoning Ordinance which outlines Hopkinton's Growth Management and Innovative Land Use Controls. Based on the Planning Board's evaluation of the Growth Indicators, including the potential impact to the schools, the Planning Board had initiated phasing of developments that involve four (4) or more lots. While the Planning Board will continue to monitor growth, the Board has suggested the following amendments which are believed to be non-substantive in nature. Chairman Ellsworth reviewed Section 13.4 Indicators of Growth Impact, specifying the location of the proposed amendment in each indicator, asking for public comment.

Amendment 1: To readopt Section XIII Growth Management and Innovative Land Use Control Ordinance for an additional five (5) years. Currently, according to paragraph 13.6, this Ordinance shall expire at the Annual Town Meeting in 2006 unless re-adopted.

It was again noted that based on the Board's recent review of the Growth Indicators, the Planning Board requires phasing of developments. Furthermore, the extension of the expiration date for five (5) years is consistent time frame since the adoption of the Growth Management and Innovative Land Use Control Ordinance in 1988.

There was no public comment.

Chairman Ellsworth then noted that clarification to the Indicators of Growth Impact is consistent with what the Planning Board is currently reviewing and is non-substantive.

Amendment 2: To amend Section XIII, subsection 13.4 (b) Indicators of Growth Impact by clarifying that the most recently published average annual population growth for Hopkinton would be used in determining whether the population growth exceeds the same average of the combined seven abutting communities.

Mr. Kidder requested that reference to the NH Office of State Planning in paragraph (b) be corrected to reflect the NH Office of Energy and Planning. The Board agreed that this is a non-substantive change.

There was no public comment.

Amendment 3: To amend Section XIII, subsection 13.4 (c) Indicators of Growth Impact by clarifying that the number of public students enrolled or projected for the coming year for the combined schools, rather than individual schools, in the Hopkinton school system would be used in determining whether the enrollment exceeds ninety (90) percent of its stated capacity.

There was no public comment.

Amendment 4: To amend Section XIII, subsection 13.4 (d) Indicators of Growth Impact by clarifying that the average annual full value tax rate for Hopkinton will be compared to average annual full value rates of the combined seven abutting communities.

There was no public comment.

- To amend Section XIII, subsection 13.4 (f) Indicators of Growth Impact by specifying that the number of public students enrolled or projected for the coming year for the combined schools, rather than individual schools, in the Hopkinton school system would be used in determining whether the enrollment exceeds one hundred (100) percent of its stated capacity.

There was no public comment.

Below is a full-text of Section 13.4 Indicators of Growth Impact with proposed amendments as publicly noticed for the hearing. Additions underlined and a strike through omissions.

13.4 Indicators of Growth Impact

The Town hereby determines that the presence of the following conditions constitutes an indicator of growth impact. An indicator of growth impact occurs when:

- The average annual percent increase in building permits for dwelling units in Hopkinton for the past five years exceeds the same average of the combined seven abutting communities.
- The **most recently published** average annual percent population growth **for Hopkinton** as reported by the New Hampshire Office of State Planning exceeds the same average of the combined seven abutting communities.
- The number of public students enrolled or projected for the coming year for ~~each school~~ **the combined schools** in the Hopkinton School System exceeds 90 percent of its stated capacity as defined by the Hopkinton School Board.
- The annual full value tax rate of Hopkinton as reported by the New Hampshire Department of Revenue Administration exceeds the average **annual full value tax** rate of the combined seven abutting communities

or Merrimack County for the reporting year. **(For comparison purposes, the tax rates will be equalized to full value.)**

- (e) The number of dwelling units of all projects combined, for which approval is being sought from the Planning Board, at any time of reporting, if approved could result in conditions defined by a., b., c., or d. above.
- (f) The number of public students enrolled or projected for the coming year for ~~each school~~ **the combined schools** in the Hopkinton School System exceeds 100 percent of its stated capacity as defined by the Hopkinton School Board.
- (g) The annual capital expenditures including debt service and capital outlay for combined municipal and school expenditures exceeds 20 percent of the total municipal and school department expenditures combined.

13.9 Sunset

This Ordinance shall expire at the Annual Town Meeting in ~~2006~~ **2011** unless re-adopted at that meeting. The Planning Board shall make recommendations as to the necessity and desirability of re-adopting this Ordinance prior to said Annual Town Meeting.

Mrs. Robertson relayed a suggestion from Board member Ed Taylor which includes the word “school” in all locations where reference is made to “public students”. The proposed amendment will amend the words to reflect “public school students”. Following brief discussion, the Board unanimously agreed, suggesting that the addition of the word “school” would not change the intent of the growth indicators and therefore is a non-substantive change. For a final version of the full-text of Section 13.4, including the additional proposed amendments as recommended by Mr. Kidder and Mr. Taylor, please refer to the attached.

Motion made by Mrs. Bradstreet, seconded by Mrs. Hemingson, to recommend the proposed amendments for adoption at the Annual Town Meeting. Motion carried unanimously.

II. Review of the Minutes and Notice of Decision of December 13, 2005.

Mrs. Hemingson referred to page two, paragraph nine, requesting that the paragraph be reworded for clarification purposes.

In the absence of Mr. Taylor, Mrs. Robertson brought to the Board’s attention revisions suggested by Mr. Taylor. Revisions included correctly reflecting the time in which the Acting Chairman had opened the December 13 public hearing, typographical errors, and comments or questions concerning particular issues that were discussed and how they were referenced in the minutes. Following discussion, the Planning Board tabled further review, so as to allow Mr. Taylor to be present to discuss his comments.

Mrs. Bradstreet expressed concern with the accuracy of the minutes in general, suggesting that Planning Board hearings and meetings be recorded, whereby; the tapes would be available for transcription purposes, should questions arise.

Motion made by Mrs. Bradstreet, seconded by Mrs. Hemingson, to approve the Notice of Decision of December 13, 2005, as presented. Board members voting unanimously agreed. Mr. Kidder, Mr. Britain, and Mrs. Connolly abstained as they were not present on December 13.

III. Conceptual Consultations—There were no conceptual consultations.

IV. Applications—

#2005-22 Herrick Mill Work, Inc.—Applicant was to request Site Plan Review approval to construct a new 50,000 square foot warehousing and distribution facility. The property is located at 290 Burnham Intervale Road in the M-1 (industrial) district, shown on Tax Map 220 as Lot 23.2. Chairman Ellsworth informed those present that the application of Herrick Mill Work had been removed from the Board's agenda due to the fact that Mr. Herrick had requested that the application be withdrawn. Written notification of the withdrawal will be provided to the Board.

#2005-27 Francis Chase—Applicant requested approval of six (6) single-family residential lots accessed by a proposed new roadway. The property is owned by Francis & Ellen Chase, located off Irish Hill Road in the R-4 (residential/agricultural) district, shown on Tax Map 237 as Lot 36. This was a continuation of the November 8, 2005 public hearing.

Francis Chase and Gerrit Crabbendam addressed the Board with Mr. Crabbendam informing the Board of his filing with the NH Wetlands Board for a wetlands permit and to the NH Department of Environmental Service for subdivision approval. Mr. Crabbendam noted his receipt of a report from the Vollmer Associates, the Town's Consultant Engineer, outlining comments based on Vollmer's review of the Chase Subdivision plans for conformance with the Town's Subdivision Regulations. Vollmer's comments included, but were not limited to, the need for slope easements, drainage easements, installation of under-drain, and additional information in order to clarify the design intent. Additionally, Vollmer reviewed the Traffic Impact Study, requesting additional information such as a site location map, trip generation and distribution figures, traffic networks showing turning and movements for peak periods, build and no-build conditions, along with a sight line analysis. In response to Vollmer's report, Mr. Crabbendam noted that revisions have been made to the subdivision plans; however, he questioned the need for such detail as it relates to the Traffic Impact Study. Chairman Ellsworth suggested that Mr. Crabbendam and Mr. Chase meet with Bill Rollins of Vollmer Associates to review the requested information.

Mr. Crabbendam believed that the Traffic Impact Study submitted was sufficient and that there is no need to require additional study of the turning movement of vehicles from the development as all vehicles will be turning left onto Irish Hill Road since Irish Hill Road is a dead-end road.

Mr. Britain believed that the Planning Board should be consistent in requiring information. In the case of the Traffic Impact Analysis, the information being requested by Vollmer is consistent with what the Board has required from other applicants.

Mrs. Hemingson did not believe that the results of the Traffic Impact Study were clear and according to the Town's Consultant Engineer information is missing.

Mrs. Connolly suggested that Mr. Chase and Mr. Crabbendam meet with Mr. Rollins to discuss whether there is an alternate way that would be less expensive in providing the information.

There was no one present wishing to provide public testimony.

Motion made by Mr. Britain, seconded by Mr. Kidder, to table Application #2005-27 so to allow the Applicant an opportunity to provide additional information. Motion carried unanimously.

#2005-28 Shadrack Wilson, Jr.— Jacques Belanger representing Shad Wilson addressed the Planning Board requesting approval of ten (10) single-family residential lots accessed by a proposed new roadway. The property is located off Clement Hill Road in the R-2 (medium density residential) district, shown on Tax Map 209 as Lot 45.1. This was a continuation of the December 13, 2005 public hearing.

Mr. Belanger began by explaining that the total acreage of the property is 32-acres, located off Clement Hill Road, abutting the old railroad bed and the designated open space for the Brookwood Lane subdivision.

Mr. Belanger explained that at the previous meeting, the Planning Board granted a waiver of the maximum roadway length of 1,000 feet, requiring sprinklers in homes beyond 1,000 feet. The waiver was granted following review of the adjacent subdivision roadway for Brookwood Lane which exceeded 1,000 feet in length. The proposed roadway will be approximately 2,300 feet in length with a cul-de-sac at the end. The cul-de-sac will consist of 1.62 acres that will be deeded as part of the common open space to the owners of the individual lots. The subdivision will require one-wetland crossing that is needed to replace an existing culvert. Concerns raised at the previous meeting involved not only the ownership of the property located within the cul-de-sac, but also the steep slope in the rear of the property. To address the concern of construction along the steep slope the plans were revised to show a no-cut buffer along the old railroad bed to the steep slope.

Additionally, at the previous meeting, the Planning Board had requested submittal of a conceptual conservation subdivision design of the property. Mr. Belanger submitted the concept plan showing reduced lot sizes and a reduced roadway length of 1,400 feet to the center of the cul-de-sac. While the roadway length and size of the cul-de-sac had been reduced, the roadway alignment remained the same. The conservation subdivision would include 10.3-acres of open space land that would abut the open space land for the Brookwood Lane subdivision. In discussing the conservation design, Mr. Wilson stated that his

preference would be for the conventional subdivision having larger lots and a longer road. He believed the larger lots would be more saleable.

Mr. Britain questioned whether the Conservation Commission had an opportunity to review the conservation design. Mr. Belanger replied no, explaining that this is the first time the plan had been reviewed.

Mark Moser, who had completed the engineering for the proposed road design, addressed the Board questioning the criteria used in determining whether a traffic impact study would be necessary. In response, Mr. Kidder stated that a traffic impact study is generally required for subdivisions involving the construction of new roads. Mr. Britain noted that for consistency purposes the Planning Board has required traffic impact studies for subdivisions of this size.

In reviewing the conservation design, Mr. Belanger apologized explaining that he had just realized that the Town had revised the open space requirements from 25 percent to 50 percent of the total acreage. Therefore, the concept design would not comply with the Town's current open space requirements.

Byron Carr of the Contoocook River Way Management Committee addressed the Planning Board expressing concern with the size of the proposed buffer, suggesting that it should be much larger in order to protect the river. Mr. Carr presented an alternative subdivision design that he believed would better suit the property. Mr. Carr's design reduced possible impacts to wetlands by reducing the number of lots proposed and provided open space land abutting that owned by the residents off Brookwood Lane.

Mr. Britain expressed concern with affects on the wetlands, suggesting that the subdivision lots be reduced to ten from eleven.

Mrs. Connolly questioned the designation of the wetlands on the property. In response, Mr. Belanger explained that the soils are considered poorly drained, which generally means that the wetlands do not have standing water. Mr. Belanger believed that based on the subdivision design that he meets the requirements for State subdivision approval, which includes the lot sizes, setbacks, and adequate space available for septic systems. Following discussion, Mr. Belanger agreed to include a table on the plan indicating the acreage of wetlands and uplands for the individual lots.

Mrs. Hemingson questioned why the subdivision could not be redesigned so that the lots are located closer to the front of the property, away from the steep slope and river. In response, Mr. Belanger estimated a distance of approximately 100-feet from the steep slope to a home, should a home be constructed in the rear of the lots, rather than closer to the proposed roadway. He further explained that the proposed buffer would be vegetated with the actual buffer being marked in the field. Mr. Belanger suggested that he could readjust the lot lines of the lots having the most wetlands and provide an additional buffer along the wetlands to address concerns with possible building encroachment.

Motion made by Mr. Britain, seconded by Mrs. Connolly, to table Application #2005-28 so to allow the Applicant an opportunity to submit revised plans

addressing concerns with impact to the wetlands and steep slope. Motion carried unanimously.

At this point in time, Mr. Britain recused himself from reviewing Vincent Gamble's application.

#2005-29 Vincent Gamble— Timothy Bernier representing Vincent Gamble addressed the Board requesting approval of a subdivision and annexation involving properties located off Willoughby Road in the R-4 (residential/agricultural) district, shown on Tax Map 250 as Lots 15 and 15.1.

Mr. Bernier reviewed the subdivision/annexation plan explaining that the lots in question were originally part of Mr. Gamble's previous subdivision in which he had constructed Willoughby Road. The intent of the subdivision/annexation plan is to annex approximately four (4) acres from Lot 15, owned by Mr. Gamble, to Lot 15.1, owned by John and Barbara Boatwright. As a result of the subdivision/annexation, Lot 15 will consist of 15.97 acres and Lot 15.1 will consist of 11.64 acres.

Mr. Bernier stated that there are no plans for future subdivision of the Gamble or Boatwright property.

Motion made by Mr. Kidder, seconded by Mrs. Hemingson, to accept Application #2005-29 for consideration. Motion carried unanimously.

There was no one present wishing to provide public testimony.

Chairman Ellsworth inquired as to the reason for the subdivision/annexation. In response, Mr. Boatwright stated that his intentions are to use that portion of property as a walking path.

Motion made by Mrs. Hemingson, seconded by Mrs. Connolly, to approve Application #2005-29 as presented. Motion carried unanimously.

Mr. Britain re-joined the Board for the remainder of the hearing.

#2005-30 Larry Ehlinger—Mr. Ehlinger and Susan Levesque addressed the Planning Board requesting Site Plan Review approval to operate an agricultural use boarding, breeding and training equines. As part of the agricultural use, the Applicant will construct a new arena and barn. The property is located at 100 Chase Farm Road in the R-4 (residential/agricultural) district, shown on Tax Map 243 as Lot 20.

Mr. Ehlinger began by explaining that he and his wife purchased property located at 100 Chase Farm Road, consisting of approximately 56-acres. They propose to breed and train Arabian horses that are show horses. In order to have the horses at the property, Mr. Ehlinger advised of the need to construct a barn of approximately 15,552 square feet. The barn includes horse stalls and an indoor riding arena. In considering the location to construct the proposed barn, Mr. Ehlinger explained the need to be able to access the horses during an emergency. Additionally, he believed that the location is appropriate for easy access for

maintenance purposes. There are no changes proposed to the property as a result of the horse farm, with the exception of the new barn. Mr. Ehlinger explained how the property had previously been used for live stock and recently for agricultural purposes in which the fields had been hayed.

Ms. Levesque addressed the Board explaining that she has clientele that board their show horses at her property in Londonderry. She proposes to continue the boarding, breeding and training of the horses at the Chase Farm Road property. In addition, Ms. Levesque will continue to instruct in lessons in preparation for attending horse shows.

When asked whether there would be horse shows at the Chase Farm Road property, Ms. Levesque replied no. She explained how the riding instruction and training is generally done in the indoor riding arena.

At this point in time, Chairman Ellsworth questioned why the use is before the Planning Board. In response, Mr. Britain believed that the proposal is an expansion or change in use. Mrs. Robertson concurred, stating that the use is changing from residential to residential/agricultural. Based on the fact that Mr. Ehlinger proposes clientele coming to the property, Mrs. Robertson believed that the use would require Site Plan Review by the Planning Board. The majority of the Board members concurred.

Mr. Britain noted that there is a conflict in the Ordinance in that the definition of Agriculture, Farm and Farming, which is a permitted use within the district, includes the breeding, boarding, raising, training, riding instruction, and selling of equines. However, the Table of Uses within the Ordinance indicates that as an Outdoor/Recreational Use commercial riding stables and riding trails requires a Special Exception from the Zoning Board of Adjustment. In response, Ms. Levesque stated that from her experience a commercial riding stable involves “rental” horses where someone can come to the property and rent a horse, which is not what is being proposed. Mr. Ehlinger further explained that the horses that are at their property are valuable show horses that are not rented to the general public. The intended use of the property includes the use of trails during the summer months with the snowmobiles being able to use the same trails during the winter.

Abutter Mark Jalbert briefly addressed the Planning Board to express concerns with the classification of the proposed use as an agricultural use, rather than a commercial use. It was noted that Mr. Jalbert had earlier forwarded his concerns in writing to the Planning Board. While the Board was in receipt of Mr. Jalbert’s letter, the Board took a 10-minute recess to review his letter. See attached addendum.

At this point in time, Mr. Britain recused himself for the remainder of the hearing.

In response to Mr. Jalbert’s concerns outlined in his letter to the Board, Mr. Ehlinger addressed the Planning Board presenting an aerial photograph of his farm located in Londonderry explaining the distance his barn or farm operations are from residences with there being no complaints. Mr. Ehlinger went on to

explain that at any point in time that a person walks into his barn they find that it is spotless. Any concerns regarding manure should be alleviated as the barn and fields are cleaned and the manure or compost mixture is periodically removed from the property by landscapers. Mr. Ehlinger stated that he has a fly system in his current barn and plans to have the same in the new barn. There are no additional roads to be constructed as a result of the proposed barn. There will be an additional ten (10) parking spaces constructed adjacent to the stone wall that could be surfaced with asphalt to avoid concerns with dust.

Mr. Ehlinger explained that the fields will be fenced in for the horses and managed so that the horses will be rotated from field to field to allow the grass to continue to grow. With regards to concerns with run-off, Mr. Ehlinger indicated that run-off from the property will run through two (2) 4-inch pipes to a tree line where he proposes to construct a fire pond. All runoff will disperse into the fire pond, rather than going towards the river as is currently the case. Again, Mr. Ehlinger stated that he has no intentions of changing the property and affecting the environment.

Mrs. Bradstreet suggested the Applicant provide detail with regards to the location, type and size of the parking area.

Mr. Ehlinger stated that the area around the arena and barn will have 15-inches of crushed stone with loam located approximately 10-feet back to avoid dust. The proposed barn would be seen by the Jalberts, abutters to the property; however, Mr. Ehlinger offered to plant trees along side the building in order to break-up the view of the structure.

The Board reviewed the parking requirements in Ordinance and determined that there is no specific parking requirement for the horse farm.

In reviewing Mr. Ehlinger's proposed sign size, the Board noted that the size proposed would not be acceptable as it would not comply with the size limitation for the district. In response, Mr. Ehlinger agreed to revise the size of the proposed sign to no more than four square feet.

Chairman Ellsworth asked the Board to determine whether the use meets the definition of agriculture, farm and farming or should be classified as a commercial riding stable. Following discussion, Mrs. Bradstreet, seconded by Mrs. Connolly, moved to classify the proposed use as an agricultural farm in accordance with the definition of agriculture, farm and farming. Motion carried unanimously.

Motion made by Mrs. Connolly, seconded by Mrs. Hemingson, to accept Application #2005-30 for consideration. Motion carried unanimously.

Mark Jalbert of 86 Chase Farm Road addressed the Board as an abutter that believed that the Board's classification of the proposed use as a farm was incorrect. Mr. Jalbert stated that the proposed use is a re-establishment of an agricultural use that requires a Special Exception in accordance with State law. He believed that the Bohanan farm is actually a farm as there is no contact with the public or hours of operation. In response, Chairman Ellsworth noted that the

Planning Board had already made a decision relative to classification of the proposed use; however, Mr. Jalbert has an opportunity to appeal that decision.

Mr. Jalbert then stated that he believed that the issues raised in his letter to the Board -had not been addressed. Mr. Jalbert recalled when he had lived at the property that there was limited water available. He also questioned the impact that the proposed use will have on the leachfield. He further stated that he did not believe that providing adequate parking was an option. In response, Chairman Ellsworth advised that in reviewing the parking requirements, the Board found no requirements for parking in order to operate an agricultural use. Again, Mr. Jalbert stated that the use should not be classified as agricultural, but rather a business.

Mr. Jalbert discussed his concerns with the dust and odor that may be created as a result of the use. He believed that the intent of the Ordinance is to protect property values. The placement of the barn in the location proposed would adversely affect his property values, noting that Mr. Ehlinger has 56-acres available for the placement of the barn.

Brenda Payne addressed the Board as an abutter expressing concern with the additional traffic that may be created as a result of the proposed use. In response, Mr. Ehlinger stated that deliveries would be made in pick-up trucks.

Ms. Payne stated that she shows German Sheppard Dogs and in doing so the classification of commercial is determined based on the number of pups that is produced a year. Ms. Payne suggested that the Board inquire as to the number of foals born each year in considering whether the use is a commercial business. Ms. Levesque noted that she is lucky to have one foal a year, noting that this year she had none.

Bruce Lyons of East Penacook Road concurred with Mr. Jalbert's comments and concerns outlined in his letter to the Board. Mr. Lyons asked the Board to consider the condition of Chase Farm Road and the affects that additional traffic may have on the neighborhood. Mr. Lyons questioned how Mr. Ehlinger plans to move the horses to and from horse shows, whether he would be using horse trailers or semi-tractor trailers. Additionally, Mr. Lyons expressed concern with the water runoff as a result of the farm and the impact that the proposed use may have on the environment.

Bobby Murphy of East Penacook Road questioned the number of horses that would be at the property at one time. In response, Ms. Levesque stated that there would be a maximum of 24 horses. Currently, they have 16 horses.

Ms. Murphy then asked about the disposal of the urine from the horses. In response, Mr. Ehlinger stated that the urine is absorbed into the sawdust and taken away.

Ms. Murphy then discussed the wildlife in the area and asked Mr. Ehlinger if he had concerns about the bears and whether they would impact the horses. Mr. Ehlinger replied no.

Donna Beth Murphy of 86 Chase Farm Road addressed the Board questioning whether Nobis Engineering had been contacted concerning the proposed use and affects on the aquifer in the area. She questioned whether the proposed use would cause water to be drawn from under the landfill.

Byron Carr of Burnham Intervale Road discussed the intermittent stream and steep slope suggesting that the runoff from the property would enter the river. Mr. Carr discussed rules with regards to the caring and storage of manure and the proximity of storage to the river.

Ms. Levesque addressed the Board explaining that the manure is mixed with the sawdust in a compost pile. They plan to have a cement compost containment area as recommended by the State using best management practices. With regards to concerns with the odor and dust, Ms. Levesque noted that she could not control the direction of the wind. She then noted that there were no comments concerning the possibility of noise associated with the proposed use. Since everything is done within the confines of the barn, Ms. Levesque did not anticipate additional noise with the exception of the noise that may be created as a result of a horse grazing in the field. Ms. Levesque then addressed concerns with regards to traffic, explaining that they will receive approximately one tractor trailer load of hay a year. With regards to the trailers used for transporting the horses, Ms. Levesque explained that they use their own personal horse trailer as do their clients that board their horses. Lastly, Ms. Levesque stated that horses grazing on fields do not destroy fields, but rather it is the management practices for the fields that generally destroy fields. In this particular case, they propose to rotate the horses from field to field while using best management practices in maintaining the fields.

Mr. Ehlinger noted that the barn proposed is approximately 15,552 square feet while Mr. Jalbert's letter incorrectly refers to the construction of a 20,000 square foot barn. Ms. Levesque believed that it would be unlikely that the proposed use would adversely affect property values.

Mr. Jalbert readdressed the Board stating that the wells on the hill side of the property are seasonal. He expressed concern in receiving 12 days prior to the hearing formal notification of the Planning Board hearing. He suggested additional time is needed to review environmental concerns and the affects that the proposal will have on the neighborhood.

Teresa Perry, a client of Ms. Levesque and Mr. Ehlinger, addressed the Board explaining that the barn is very clean and the facility is operated in a professional manner. Ms. Perry expressed her love for horses and nature stating that she believed that Ms. Levesque and Mr. Ehlinger would be very respectful of the neighborhood.

Dr. Solkovich addressed the Planning Board explaining that he has been Ms. Levesque's and Mr. Ehlinger's veterinarian for a number of years and works with horses that are valued from \$200 to \$200,000. Dr. Solkovich stated that regardless of the time of day and year the barn is spotless. He believed that horse farms increase the value of properties and would be a benefit to the neighborhood.

Farrier Paul Samard addressed the Board explaining that he has been working for the Applicant for a number of years and explained that he has limited his clientele to just show horses because of the great demand.

Judy Pouraire, a client of Ms. Levesque and Mr. Ehlinger, spoke about the cleanliness of the horses and barn at the Londonderry property. Ms. Pouraire believed that the property in question is beautiful and that the horse farm would be a great benefit to everyone.

Mr. Ehlinger noted his inability to control dust on the property. He explained that there would be dust created as a result of the construction of the barn. With regards to concerns with the availability of water, Mr. Ehlinger explained that there is no need to draw water down the hill because there is an existing artisan well in the front of the home that is approximately 400-feet in depth that could be used. Mr. Ehlinger believed that he cannot control the storm water runoff, but can capture the water in a fire pond.

Mrs. Hemingson questioned whether the intake of water by horses is more than that used by humans. Dr. Solkovich stated that the water intake by horses is significantly more than that used by humans. However, the use of water for bathing purposes tends to be less than humans as the horses are generally bathed in preparation of horse shows or during warm weather. During the winter months the horses are dry bathed using brushes and vacuums.

Mrs. Hemingson questioned whether the use of best management practices would include the maintenance of the fields. Ms. Levesque replied yes, again explaining how they plan to rotate the horses from field to field.

Mrs. Hemingson noted that she would like to be assured that future owners of the property will comply with best management practices. She suggested, if the application were approved, that the Board impose a condition requiring the operation of the farm using best management practices.

Mrs. Bradstreet requested that the Applicant provide the Board with a detail drawing of the area around the barn showing the individual parking spaces including the type of surface and proposed lighting.

Following discussion concerning the need for additional information, the Board requested that the Applicant provide a revised plan showing all items listed on the Site Plan Review checklist or that the Applicant requests waivers should he believe that the information is not applicable or necessary.

Mrs. Bradstreet also requested that the location of the proposed fire pond and cement compost area be shown on the plan.

Ms. Levesque questioned the need for the information and whether the Board required the same of other agricultural facilities. In response, Chairman Ellsworth stated that the Planning Board is not requesting anything that is outside of the Board's authority to do so, noting that even though the proposal

involves an agricultural use the Planning Board can require the same information that would be required of a commercial use.

Mrs. Bradstreet asked that the Applicant also provide the Board with information concerning the hours of operation and runoff. She asked that the Applicant discuss the proposal with the Fire Chief, Police Chief and Conservation Commission.

Mr. Kidder asked for a narrative concerning the wells on the property, including information relating to runoff, parking, traffic, ingress and egress, use of water, composting procedures, and concerns outlined in Mr. Jalbert's letter.

Mr. Ehlinger noted that the new owners of property in Londonderry will begin demolition this week and therefore, he needs to begin immediately on construction of the barn. He suggested that the Board grant conditional approval of the application. In response, Chairman Ellsworth explained that there is a number of items or issues that the Board has requested be addressed, which most likely means that review of the application will be tabled to the next scheduled meeting of the Board.

Mrs. Bradstreet believed that the proposed agricultural use fits within the Master Plan of the Town, which is to create rural agricultural activities.

Chairman Ellsworth requested that the Board contact Nobis Engineering for their opinion as to whether the water usage at the horse farm will cause a greater draw from the water that is under the landfill and further contaminate the wells that are currently being monitored. Additionally, Chairman Ellsworth asked that the Applicant review the proposal with the Road Agent so that he may determine whether there may be an impact to Chase Farm Road.

Chairman Ellsworth questioned whether there are future plans for expansion of the facility. In response, Mr. Ehlinger explained that at some point in the future he will need to construct an addition to the barn for grain and hay storage and for a tack room. Due to the size of the proposed barn, the feed storage and tack area will be temporary located in space that would be utilized by the horses.

Mrs. Bradstreet requested that Board hold a meeting on Thursday, January 26 to further review Mr. Ehlinger's proposal. Following discussion, the Board unanimously agreed to meet on January 26 at 7 PM in the Town Hall.

V. Any other business to legally come before the meeting.

- ❖ Conceptual Consultation—Surveyor Web Stout addressed the Board representing Joseph Ransmeier. Mr. Stout presented a conceptual plan of a proposed annexation and subdivision involving properties owned by Mr. Ransmeier and the Hopkinton Village Precinct. The proposal involves the annexation of an existing small parcel owned by the Precinct to that of Mr. Ransmeier's property and then the subdivision of Mr. Ransmeier's property to create a new lot to be given to the Precinct. The property to be owned by the Precinct will at some point in the future be used by the Precinct Water Department.

Mr. Stout questioned whether the size of the proposed new lot would have to be in conformance with the Town's dimensional requirements since it is to be used for governmental purposes. Following discussion, the Chairman Ellsworth asked that every effort be made to comply with the dimensional requirements. Mrs. Robertson noted previous conversations with the Precinct and Town Counsel concerning the proposed annexation and subdivision. She recalled advising the Precinct that if they were to take the position that they are exempt from the Town's Ordinance and Regulations, then they must at a minimum notify the Planning Board of their position and provide a plan for recording at the Registry of Deed. Mrs. Robertson will review her notes and get back to Mr. Stout concerning the matter of exemption.

V. Adjournment.

Chairman Bruce Ellsworth declared the meeting adjourned at 11:07 PM. The next regularly scheduled meeting of the Planning Board is Tuesday, February 14, 2006 at 6:30 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.

13.4 INDICATORS OF GROWTH IMPACT

The Town hereby determines that the presence of the following conditions constitutes an indicator of growth impact. An indicator of growth impact occurs when:

- (a) The average annual percent increase in building permits for dwelling units in Hopkinton for the past five years exceeds the same average of the combined seven abutting communities.
- (b) The **most recently published** average annual percent population growth **for Hopkinton** as reported by the New Hampshire Office of **State Energy and** Planning exceeds the same average of the combined seven abutting communities.
- (c) The number of public **school** students enrolled or projected for the coming year for ~~each school~~ **the combined schools** in the Hopkinton School System exceeds 90 percent of its stated capacity as defined by the Hopkinton School Board.
- (d) The annual full value tax rate of Hopkinton as reported by the New Hampshire Department of Revenue Administration exceeds the average **annual full value tax** rate of the combined seven abutting communities or Merrimack County for the reporting year. **(For comparison purposes, the tax rates will be equalized to full value.)**
- (e) The number of dwelling units of all projects combined, for which approval is being sought from the Planning Board, at any time of reporting, if approved could result in conditions defined by a., b., c., or d. above.
- (f) The number of public **school** students enrolled or projected for the coming year for ~~each school~~ **the combined schools** in the Hopkinton School System exceeds 100 percent of its stated capacity as defined by the Hopkinton School Board.
- (g) The annual capital expenditures including debt service and capital outlay for combined municipal and school expenditures exceeds 20 percent of the total municipal and school department expenditures combined.

13.9 SUNSET

This Ordinance shall expire at the Annual Town Meeting in ~~2006~~**2011** unless re-adopted at that meeting. The Planning Board shall make recommendations as to the necessity and desirability of re-adopting this Ordinance prior to said Annual Town Meeting.