

Hopkinton Planning Board
Minutes
December 12, 2006

Chairman Bruce Ellsworth opened the Hopkinton Planning Board public hearing of Tuesday, December 12, 2006, at 7:00 PM in the Town Hall. Members present: Vice Chairman Timothy Britian, Celeste Hemingson, Jane Bradstreet, Clarke Kidder, Michael Wilkey, Alternates Edwin Taylor and Cettie Connolly. Members absent: Bethann McCarthy

I. Conceptual Consultations—There were no conceptual plans presented.

II. Applications—

#2006-16 Da-Mont Investments, Inc.—Surveyor Joseph Wichert addressed the Planning Board introducing Engineer Jeff Lewis and Attorney Sullivan. Mr. Wichert provided a brief overview of the subdivision process to date explaining that they had originally proposed six (6) lots. After further review they had reduced the lots to the proposed five (5) lots accessed by a proposed new roadway. The property is located off Branch Londonderry Turnpike in the R-3 (low density residential) district, shown on Tax Map 266 as Lot 62. This is a continuation of the November 14, 2006 hearing in which the Planning Board had continued the application so to provide the Applicant an opportunity to consult with counsel.

Mr. Wichert advised of a recent on-site meeting he and Mr. Lewis had with the Town's Consultant Engineer, Public Works Director and Road Committee Chairman in an effort to discuss possible solutions to the drainage along Branch Londonderry Turnpike. As a follow-up to the meeting, Mr. Lewis had performed a preliminary study of the watershed area of the brook which includes the water shed of Whittier Pond, estimating the total area of the watershed to be approximately 2,278 acres. Mr. Wichert stated that they are now of the opinion that a box culvert or bridge is needed to rectify the situation. The work would require the raising of the road along with the dredging of the brook. The cost of such improvements would likely be hundreds of thousands of dollars. With Bill Rollins, the Town's Consultant Engineer, concurring with Mr. Lewis' findings and estimating the cost of the installation of a box culvert as between \$250,000 and \$300,000.

Mr. Wichert went on to explain that he was unable to confirm the number of times that the road had been closed due to flooding over the past five years. However, the Town's Public Works Director Harold Blanchette had stated at a previous hearing that the road has been closed three (3) times this year. Mr. Wichert stated that his clients are requesting the same services that are currently provided to the existing residences along Branch Londonderry Turnpike. He noted that in speaking with the Concord Fire Department that the Upton residence is on an automatic mutual aid response, which does not include emergency medical services. Mr. Wichert calculated the most direct route to the

Upton property, should Branch Londonderry Turnpike in Hopkinton be closed, as approximately 2.5 additional miles.

Mrs. Connolly questioned whether there are residences along the street that currently have school age children. Mr. Upton replied yes. Mr. Wichert responded that the Troy residence has children.

Mr. Britain expressed concern with the fact that the subdivision, if approved, would double the number of homes along Branch Londonderry Turnpike. Mr. Wichert noted that the change would be from five (5) to nine (9) homes.

Chairman Ellsworth asked Mr. Wichert if he was indicating that improvements to Branch Londonderry Turnpike are not necessary. In response, Mr. Wichert expressed concern with the "share" of the cost of improvements. He stated that the project may not be viable if the cost of off-site improvements is extensive.

Public Works Director Harold Blanchette addressed the Board explaining how next year he intends to rebuild a culvert along Branch Londonderry Turnpike at an estimated cost of \$50,000; however, he did not believe that the improvement would alleviate the flooding. The replacement of the culvert is necessary so that people do not end up getting stuck in the road as the existing culvert has deteriorated over time. Mr. Blanchette estimated a cost of \$500,000 to bring the road up to a standard to allow for continued passage.

Mr. Britain questioned where the road would be classified on a ten (10) year improvement schedule. Mr. Blanchette responded that the road would not be included on the ten (10) year as there are other roads that are more heavily traveled that would be of a higher priority than Branch Londonderry Turnpike for improvement.

Mr. Kidder suggested that the proposed subdivision meets the Town's Zoning Ordinance and Subdivision Regulations. Mr. Britain then suggested that the subdivision may be considered scattered and premature as the main road is not safe for additional traffic.

Mrs. Bradstreet stated that the homes that currently exist along Branch Londonderry Turnpike have existed for a number of years. Should the road be closed due to flooding, the residents travel through Bow and Concord. Mrs. Connolly concurred, stating that the road should never have been built through the wetland. She, too, believed that the Applicant had addressed the Town's requirements for subdivision.

Mr. Blanchette reiterated the fact that the road had been closed three (3) times this year and can be closed as many as five (5) days at a time. Any time that there is at least two (2) inches of rain the road is usually closed.

Fire Chief Rick Schaefer addressed the Board explaining how mutual aid is automatic for all house fires in Hopkinton, not just the Upton residence. Chief

Schaefer noted that due to the fact that the property is located at the outer section of Hopkinton he has requested that the Applicant construct a dry hydrant or install residential sprinklers in all of the new homes. Mr. Wichert noted that the plan has been revised to note the requirement of the Fire Chief. Chief Schaefer stated that the dry hydrant or sprinklers will be helpful should there be a house fire; however, it will not address the need to get to the residents for emergency medical services.

Attorney Sullivan on behalf of the Applicant addressed the Board stating that the services to be provided to the proposed additional four (4) homes will be the same as is provided to the current residences along the street. Currently, if the road is closed residents travel through Bow and Concord to access their property. Additionally, if the road is closed and there is a need for emergency services mutual aid would be used.

Mr. Wichert was then asked the amount of money that his client would be willing to contribute towards road improvements. Mr. Wichert responded one-third of the \$50,000 may be contributed by the developer. Both Mrs. Hemingson and Mr. Britain questioned whether the Applicant would be willing to provide funds in addition to the \$50,000. In response, Mr. Wichert stated that at some point it may be necessary to complete a traffic count in order to calculate the affects that the proposed subdivision will have on the existing road, noting that the Applicant's share would be minimal as the road is currently heavily traveled as a through road from Hopkinton to Bow. He did not believe that the subdivision could be classified as scattered and premature with an alternative access through Bow available.

Mrs. Hemingson questioned whether the residents of the new lots would primarily require services of Hopkinton if the only point of access to their lots was through the Town of Bow. In other words, if the lots had no frontage in Hopkinton, but rather had frontage in the Town of Bow, would the Planning Board be contemplating the need for improvements to Branch Londonderry Turnpike? Chief Schaefer noted that this particular location of Town has one of the furthest response times.

Mr. Kidder suggested that the residents that occupy the four (4) new homes may have different demands than the residents of the five (5) homes that already exist. Mr. Britain agreed, stating that the five (5) homes have existed for generations. Mrs. Hemingson stated that she understood the position of the applicant in that it is not their responsibility to pay for the cost to upgrade the road; however, she believed that the additional homes will create an additional expense to the Town.

Mrs. Connolly believed that that Upton's should have the right to subdivide their property if they meet the requirements of the Subdivision Regulations. Mr. Britain responded that not every property is equally developable. He suggested that the Applicant should be required to contribute to the cost of improvements to the road. Mrs. Connolly agreed that if the number of lots proposed was much

larger than the Applicant should contribute towards improvements. Mrs. Robertson questioned the number of lots that would be approvable without requiring off-site improvements. Mrs. Bradstreet was unsure, stating that the Upton's are not proposing many lots. She believed that the existing road is safe with an alternative access to the lots existing through the Town of Bow.

Mr. Wichert questioned the time frame in which the Applicant would be returned his share of the cost of improvements should the Town's share not be approved at Town Meeting. Mr. Britain referred Mr. Wichert to the NH Statutes which addresses the matter of imposing exaction fees.

Mrs. Hemingson then questioned whether Hopkinton would be obligated to provide emergency services by using the most direct route to a property. Chief Schaefer responded that the most direct route, if accessible, is used.

Chairman Ellsworth advised of the Board's options to approve the application as proposed, approve the application with conditions or reject the application with reasons.

Attorney Sullivan readdressed the Board advising that the project meets the requirements of the Subdivision Regulations. He believed that the issue of emergency services is the response time to residences, rather than the number of trips. No further subdivision of the properties in the area would be permitted due to the dimensions of the existing lots.

Mr. Taylor suggested that the Applicant may want to consider including a covenant as part of the sale of the lots that would put the owners on notice that the road is substandard and that there may not be direct access to the properties from the Town of Hopkinton. Attorney Sullivan agreed to provide such a notation on the plans, if requested.

Following discussion, motion was made by Mrs. Hemingson, amended by Mr. Britain and seconded by Mr. Kidder, to approve Application #2006-16 with the condition that the Applicant bears one-third of the cost of improvement to Branch Londonderry Turnpike Road as outlined in a letter dated, December 6, 2006, from Northpoint Engineering. Town's two-thirds share of cost of improvements is subject to approval at the Annual Town Meeting.

With seven members voting, six (Britain, Hemingson, Kidder, Taylor, Wilkey, Ellsworth) voted in favor and one (Bradstreet) voted in opposition.

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

- Voluntary Merger (RSA 674:39-a)—Request of Robert and Linda Witham to merge two (2) contiguous lots for taxation purposes. The lots are located off Blue Bird Lane shown on Tax Map 225 as Lots 86 and 87.

Motion made by Mrs. Hemingson, seconded by Mr. Kidder, to approve the merger as presented. Motion carried unanimously.

- Voluntary Merger (RSA 674:39-a)—Request of Douglas and Karen Kimball to merge two (2) contiguous lots for zoning and taxation purposes. The lots are located off Irish Hill Road shown on Tax Map 237 as Lots 34 and 35.

Motion made by Mrs. Hemingson, seconded by Mr. Kidder, to approve the merger as presented. Motion carried unanimously.

- Byron Carr of Burnham Intervale Road addressed the Board presenting an overview of the Burnham Intervale Road properties, asking the Board to keep apprised of a proposal by the Selectmen to convert the properties in the Burnham Intervale, M-1 district, into a Tax Increment Financing District, which would at some point include the addition of a new on and off ramp at Pine Street and Bound Tree Road. Mr. Carr expressed concern with the preservation of the wildlife habitat, wetlands and required thirty (30) percent of open space. He suggested that as the Burnham Intervale properties are developed that the Planning Board considers the impact to conservation land, wildlife habitat and wetlands. Following brief discussion, Chairman Ellsworth asked Mr. Taylor if he would be willing to act as the Board's liaison in attending meeting concerning this matter. Mr. Taylor agreed and will periodically provide the Board with updates.
- Capital Improvements Plan—Mrs. Robertson reported revisions to the draft that included bond payments for the proposed Community Center and addition to the Contoocook Fire Station. Mrs. Robertson also reported that she will be receiving the capital projects from the School District. Following brief discussion, the Planning Board agreed to post-pone review of the Capital Improvements Plan until such time as the Board receives the projects from the School District.

IV. Review of the Minutes and Notice of Decision of August 8, September 27, and October 10, 2006.

Mrs. Hemingson, seconded by Mrs. Bradstreet, moved approval of the Minutes of August 8, 2006, as presented. Motion carried unanimously.

Mrs. Hemingson, seconded by Mrs. Bradstreet, moved approval of the Notice of Decision of August 8, 2006, as presented. Motion carried unanimously.

Mrs. Bradstreet, seconded by Mr. Kidder, moved approval of the Minutes of September 27, 2006, as presented. Motion carried unanimously.

Mrs. Bradstreet, seconded by Mr. Wilkey, moved approval of the Notice of Decision of September 27, 2006, as presented. Motion carried unanimously.

Mrs. Hemingson, seconded by Mrs. Bradstreet, moved approval of the Minutes of October 10, 2006, as presented. Motion carried unanimously.

Mrs. Hemingson, seconded by Mr. Wilkey, moved approval of the Notice of Decision of October 10, 2006, as presented. Motion carried unanimously.

Mr. Kidder, seconded by Mrs. Bradstreet, moved approval of the Minutes of November 14, 2006, as presented. With seven members voting, six voted in favor (Bradstreet, Kidder, Wilkey, Hemingson, Britain, and Ellsworth) and one member abstained (Taylor) as he was not present at the November 14 meeting.

Mrs. Hemingson, seconded by Mr. Kidder, moved approval of the Notice of Decision of November 14, 2006, as presented. With seven members voting, six voted in favor (Bradstreet, Kidder, Wilkey, Hemingson, Britain, and Ellsworth) and one member abstained (Taylor) as he was not present at the November 14 meeting.

V. Adjournment

There being no further business, Chairman Ellsworth declared the meeting adjourned at 9:10 PM. The next scheduled work session (Conservation Design Ordinance/Regulations) of the Planning Board is Wednesday, December 20, 2006, at 7:00 PM in the Town Hall. The next regular scheduled meeting of the Planning Board is Tuesday, January 9, 2006, at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning Director

In accordance with RSA 677:15, any person(s) aggrieved by any decision of the Board concerning the application(s) may present to the Superior Court a petition, duly verified, setting forth that such a decision is illegal or unreasonable in whole or part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the Board's final decision regarding the application in question has been filed and becomes available for public inspection in the Planning Office.