

Hopkinton Planning Board
Minutes
April 11, 2006

Chairman Bruce Ellsworth opened the Hopkinton Planning Board public hearing of Tuesday, April 11, 2006, at 6:30 PM in the Town Hall. Members present: Timothy Britain, Bethann McCarthy, Celeste Hemingson, Michael Wilkey, Edwin Taylor, Cettie Connolly and Jane Bradstreet. Members absent: Clarke Kidder.

- I. Residential Sprinkler Systems**—Hopkinton Fire Chief Richard Schaefer and State Fire Marshal William Degnan met with the Planning Board to discuss the installation of residential sprinkler systems as a method of preserving life safety and property.

Currently, the 2003 NFPA 1 and NFPA 101 Codes adopted by the State do not include a requirement for the installation of residential sprinklers; however, the 2006 editions include an International Residential Building Code that requires the installation of residential sprinklers. While the Code review cycle is next year, Marshal Degnan explained how his office hopes to gain support for the adoption of the 2006 editions by increasing the knowledge of consumers and leaders.

Marshal Degnan discussed the response times in fighting fires with sprinklers versus the use of fire apparatus, and the differences in the need for water supply for residential sprinklers versus that required for fire apparatus.

Questions were asked about the design of residential sprinklers and the use of sprinklers in the case of a power outage. In response, Marshal Degnan explained how the residential sprinklers are located sideways to the walls. The sprinklers are intended to cool down a room so to avoid a flashover. Additionally, if the residence is located in an area where there tends to be power outages a pressurized sprinkler system is installed.

When asked about the requirements for residential sprinklers in developments, Marshal Degnan discussed the need to provide adequate water supply that could be accomplished by way of installing a cistern, fire pond or residential sprinklers.

Following brief discussion, the Board thanked Marshal Degnan and Chief Schaefer for the presentation and information.

- II. Joint Hearing of Hopkinton Planning Board and Hopkinton Village Precinct Planning Board**—Members of the Hopkinton Village Precinct Planning Board present: Chairman Tom O'Donnell, Hunt Breed, Craig Dunning and Ted Hardenbergh.

Review of Application (#2006-5) of Robert and Martha McKeel for an annexation and subdivision creating one (1) new single family residential lot. The properties are located at 73 and 111 Main Street in the R-4 (residential/agricultural) district and the General Residential District (District 1), shown on Tax Map 106 as Lot 1 and 251 as Lot 8.

Mr. Britain noted that approximately ninety-five (95) percent of the property is located in the Hopkinton Village Precinct.

A representative from Bristol, Sweet & Associates addressed the Planning Boards to explain the purpose of the annexation and subdivision is to create a new residential building lot. All three (3) lots will have 200-feet of frontage and adequate acreage to comply with the dimensional requirements for the Hopkinton Village Precinct.

Chairman O'Donnell questioned where the proposed new residence would be located on the new lot. In response, it was noted that Mr. and Mrs. MeKeel do not intend to build the home, but rather plans to sell the lot. Mr. and Mrs. MeKeel's representative referred to the plan advising of the most optimal location for a residence.

Chairman O'Donnell then expressed concern with the potential for someone planting a lawn around the residence, up to the Lake. He suggested that there be a vegetated buffer along that portion of the Lake. In response, Mr. Sweet discussed his inability to find boundary markers along the "Gore Lot", between the Town property and the MeKeel property. The actual ownership of the Gore Lot is unknown, but it is assumed that at one point in time it was owned by the Town or was part of the MeKeel property and that as a result of a surveying error the lot description was inadvertently excluded from one of the adjacent property descriptions.

Mrs. Bradstreet discussed the Shoreland Protection Act limitations of setback from a lake, river or other water body. Additionally, the Act restricts the removal of trees and other vegetation within a certain distance from a lake.

Mr. Dunning noted that the Hopkinton Village Precinct Zoning Ordinance requires a minimum setback of 75-feet from a water body.

At this point in time, Mr. Sweet discussed the non-jurisdictional wetlands that exist on the property and the locations of the proposed driveway and septic system for the new lot.

Motion made by Mrs. Hemingson, seconded by Mr. Taylor to accept Application #2006-5 for consideration. Motion carried unanimously.

Motion then made by Mr. Hardenbergh, seconded by Mr. Dunning, to accept Application #2006-5 for consideration. Motion carried unanimously.

Michael Gocłowski of New Cemetery Road addressed the Planning Boards as an abutter to the MeKeel property. Mr. Gocłowski expressed concern with a residence being constructed that would interfere with the southern exposure of his residence. Mr. MeKeel acknowledged Mr. Gocłowski's concerns, and indicated the optimal location for construction to be closer to the cemetery.

Byron Carr suggested requiring a buffer along the top of the steep slope and requiring Site Plan Review, prior to the issuance of a building permit, so to avoid the potential for runoff into the Lake.

Chairman Ellsworth asked the Planning Board to take any necessary action concerning the proposed subdivision. In response, Mr. Britain did not believe that the Planning Board is required to take any action as the subdivision/annexation is entirely located within the Hopkinton Village Precinct. Chairman O'Donnell stated his preference that a joint decision of both Planning Boards be made. Following brief discussion, the Planning Board agreed that decision concerning the application is to be made by the Hopkinton Village Precinct Planning Board.

Following brief discussion concerning the affects, if any, that the proposed new residence and landscaping may have on Kimball Lake, a motion was made by Mr. Dunning, seconded by Mr. Breed, to approve the application with the condition that at the time a building permit is applied for a more extensive drainage plan of the disturbed area be submitted. Motion carried unanimously (Dunning, Breed, Hardenbergh and O'Donnell).

Lastly, Mr. Dunning suggested that the issuance of a building permit on the new lot will require a greater level of oversight, e.g. silt fencing around wetlands.

There being no further discussion, the joint public hearing was adjourned.

III. Conceptual Consultations—There were no conceptual consultants.

IV. Review of the Minutes and Notice of Decision of March 21, 2006.

Motion made by Mrs. Hemingson, seconded by Mr. Taylor, to accept the Minutes and Notice of Decision as submitted. Motion carried unanimously.

V. Applications—

#2005-28 Shadrack Wilson, Jr.—Applicant was to request 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 to be a continuation of the February 14, 2006 public hearing.

Motion made by Mr. Britain, seconded by Mrs. Heminson, to table review of the application to the May 9, 2006 hearing, so to allow the Town's Consultant Engineer an opportunity to review the traffic study and engineering plans. Motion carried unanimously (Britain, Wilkey, McCarthy, Hemingson, Bradstreet, Taylor, Connolly and Ellsworth).

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

#2006-6 Scott & Lindsay Westover—Scott and Lindsay Westover addressed the Planning Board requesting Site Plan Review approval to board six (6) horses as an

agriculture, farm and farming use. As part of the use, the Applicant will construct a 30' x 50' addition to their existing barn. The property is located at 310 Stumpfield Road in the R-4 (residential/agricultural) district, shown on Tax Map 230 as Lot 8.

Mr. Westover presented photographs of the property showing the existing residence, barn and driveway. It was noted that the property had been used in the past for horses. The proposal involves the construction of an addition to the rear of the existing barn. The barn will have a total of six (6) stalls.

Mrs. Westover advised of her experience working with horses, explaining that manure management will be in accordance with the UNH Cooperative Extension's management practices. The intent is to have an agent from the Extension come to the property to determine the best location for the manure composting.

Mrs. Connolly noted that the Westover property is located across the street from Phoenix Stable, so that the use of the property for equines will be consistent with the use across the street.

Mrs. Hemingson inquired as to whether riding of the horses will be limited to the boarders or open to the general public. In response, Mrs. Westover stated that there will be no riding lessons at the property and that use of the horses will be limited to those that board their horses.

Motion made by Mr. Taylor, seconded by Mr. Wilkey, to accept the application for consideration. Motion carried unanimously.

Mrs. Bradstreet reviewed the definition of Agriculture, Farm and Farming in the Town's Zoning Ordinance to confirm that the use requested is consistent with the definition.

Chairman Ellsworth inquired about additional traffic that may be created as a result of boarding horses. Mrs. Westover responded that she plans to board up to four (4) horses as she currently has two (2) horses of her own. She noted that the two (2) stalls in the existing barn would not be used for boarding, but rather for storage.

Mrs. Bradstreet expressed concern with the location of the manure storage area not shown on the plan. She suggested that any approval of the application require conformance with the UNH Cooperative Extension's Best Management Practices on manure handling. Mr. and Mrs. Westover concurred, again noting that a representative from the Extension will be visiting the property.

Briefly, the Planning Board discussed the existing flowage easement along the property and suggested that manure storage be located at least 50-feet from the easement boundary.

Mr. Taylor recalled reviewing an application from the previous owner for yoga lessons at the property. At the time, the previous owner had proposed overflow parking in the adjacent field. Mrs. Westover concurred, noting that she had

reviewed the records and plans to offer the same. The surface of the parking area will be crushed gravel.

Mrs. McCarthy, seconded by Mrs. Bradstreet, moved to approve Application #2006-6 with the following conditions:

1. Conformance with UNH Cooperative Extension's Best Management Practices on manure handling.
2. Manure compost pile is to be located no closer than 50-feet from the flowage easement boundary.

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

#2006-7 Herrick Millwork, Inc.—John Herrick and William Donoghue addressed the Planning Board to request Site Plan Review approval to construct a 9,000 square foot addition to their existing building and to change the use of the building from millwork to warehousing distribution. Mr. Herrick intends to lease the entire facility to McLane Distribution North-East for storage of candy. Meanwhile, Mr. Herrick will consolidate his two (2) businesses, Herrick Millwork and Excalibur, under one building. The property is located at 290 Burnham Intervale Road in the M-1 (industrial) district, shown on Tax Map 220, Lot 23.2.

Mr. Donoghue presented photographs of a similar size and style steel building to the addition which is proposed.

Mr. Taylor noted that the Fire Chief's letter only addressed the addition, suggesting that separators may be required between the old and new portions of the building. In response, Mr. Herrick informed the Board of the cost differences in fire insurance for the operation of the mill versus the storage of candy. He further noted that he had discussed with the Fire Chief the likelihood that, at some point in the future, sprinklers will be installed in the new section of the building should McLane decide to renew the lease.

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

Byron Carr of Burnham Intervale Road questioned the hours of operation and the number of anticipated truck trips to and from the facility. In response, Mr. Herrick estimated approximately ten (10) incoming trucks and four (4) to six (6) outgoing trucks per day. Hours of operation will be seasonal from 6 AM to 1 PM. Mrs. McCarthy noted that based on the number of incoming and outgoing trucks there will be a total of 32 truck trips. Mr. Herrick agreed, estimating that the truck trips would be similar to when McLane had utilized the Prototek building for storage of candy. Mrs. McCarthy then asked about the truck size. In response, Mr. Herrick stated that the trailers will be 48 foot boxes.

Mr. Wilkey expressed concern with the affects of the truck traffic in the Village as a whole. He believed that there is a real safety issue that needs to be addressed.

Chairman Ellsworth concurred, noting that Mr. Herrick and McLane will be part of an on-going solution.

Mr. Carr then expressed concern with the potential for private carriers traveling to the facility late at night. In response, Mr. Herrick stated that he had been told that McLane will advise the carriers to not enter Burnham Intervale Road before 6 AM.

Mrs. McCarthy suggested limiting the hours of operation during school hours, so to avoid the potential of additional truck traffic in the Village. In response, Mr. Herrick suggested that limiting the hours may be difficult for the incoming trucks, rather than the outgoing truck trips.

Mrs. McCarthy again suggested that truck traffic be restricted from 7:30 AM – 8:00 AM and from 2:45 – 3:00 PM, Monday through Friday. Mr. Wilkey concurred, but questioned who would police the time limitation. Mrs. Hemingson agreed with the concept, but believed that the limitation would lead to trucks idling along side the road.

Mrs. Hemingson, seconded by Mrs. Connolly, moved to approve Application #2006-7 as presented.

Mrs. Hemingson moved to amend the motion to restrict the hours of truck traffic from 7:30 AM – 8:00 AM and from 2:45 – 3:00 PM, Monday through Friday. Motion seconded by Mr. Wilkey and failed.

Mr. Donoghue offered to express to McLane the concerns with truck traffic during the specified times. Again, Mr. Herrick stated that McLane could probably control the afternoon (outgoing) traffic, but would have a difficult time with the morning truck traffic.

Following brief discussion, six members (Wilkey, Hemingson, Bradstreet, Taylor and Connolly, Ellsworth) voted in favor and one member (McCarthy) voted in opposition. The application was approved as presented.

VI. Adjournment

There being no further business, Chairman Ellsworth declared the meeting adjourned at 9:15 PM. The next scheduled meeting of the Planning Board is Tuesday, May 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.