

**Hopkinton Planning Board**  
**Minutes**  
**June 13, 2006**

Vice Chairman Timothy Britain opened the Hopkinton Planning Board public hearing of Tuesday, June 13, 2006, at 7:00 PM in the Town Hall. Members present: Bethann McCarthy, Celeste Hemingson, Clarke Kidder, Edwin Taylor, Cettie Connolly and Jane Bradstreet. Members absent: Chairman Bruce Ellsworth and Michael Wilkey.

---

- I. Conceptual Consultations** – Surveyor Joe Wicker presented a conceptual plan of a proposed *subdivision creating six (6) residential lots accessed by a proposed new roadway*. The property is located off Branch Londonderry Turnpike at the Bow/Hopkinton Town Line, owned by Barry Upton, shown on Tax Map 266 as Lot 62. The property consists of twenty-four (24) acres with an existing residence that may be removed. In reviewing the uplands and wetlands it was determined that there is sufficient uplands for the six (6) lots; however, due to the location of the wetlands the configuration of the lot towards the rear of the subdivision is not conventional.

Mr. Wicker asked for input from the Board as to any necessary off-site improvements that may be required; input concerning the required roadway width, and whether a traffic study would be required or would the Planning Board based the anticipated traffic on ten (10) trips per household as is the standard estimate per household. In response, Vice Chairman Britain advised that the Board would wait to hear input from the Town's Road Committee before making a determination as to off-site improvements. With regards to the roadway width, the determination would be made based on the average daily traffic calculations outlined in the Subdivision Regulations. Finally, with regards to whether there will be a need for a traffic study, the Board agreed that a subdivision of this size would not necessary require a study and that the typical ten (10) trips per household should be used in anticipating the traffic impact.

Mrs. Bradstreet noted that the perimeter configuration of the lot is odd which makes it difficult to create interior rectangular shaped lots. Mr. Kidder concurred, noting that Section 4.4. of the Subdivision Regulations references lot layouts and allows the Board to deny irregularly shaped lots in the interesting of good planning.

Mrs. McCarthy inquired as to whether a Conservation Subdivision design had been considered, rather than conventional. In response, Mr. Wicker indicating that the Conservation design would be possible; however, the existing residence would continue to front on the main road which is not permitted. Additionally, the Conservation design would require impacting wetlands; whereas, there is no proposed impact to wetlands using the conventional design. Following brief discussion, Mr. Wicker agreed to reconsider the Conservation design for six (6) residential lots, noting that the existing residence would have to be removed from the property.

David Price Jr. presented a conceptual plan of a *lot line adjustment* involving properties owned separately by himself and his parents. The properties are located off Flintlock Road, shown on Tax Map 246 as Lots 4 and 5. The proposal involves relocating the lot line between the two properties by 20-feet, so to increase the size of Lot 4. Following review of the conceptual plan, the Board had requested that the distance of the existing shed to the proposed property line be shown.

Mark Moser addressed the Board representing the Greek Orthodox Church, advising of proposed renovations and construction of a *new retreat facility* at their property located off Camp Merrimac Road. Currently, the facility is utilized by members of the Church. Renovations to the facility have taken place and will continue, such as renovations to the existing cabins. The proposed construction of the retreat center will be used as lodging for adults and families. Mr. Moser asked the Planning Board for an interpretation as to whether the proposed retreat center would be considered an ancillary religious facility or a non-profit lodge as referenced in the Table of Uses in the Zoning Ordinance.

Mrs. Hemingson recalled lengthy discussions in the past and a determination by the courts as to the taxable status of the structures at the property. She suggested that it would be helpful to review the documents in determining the appropriate category of the existing structures and proposed retreat center.

Following brief discussion, Mrs. Hemingson suggested that the retreat facility would come under "non-profit overnight and day camps and cottage colonies" as a temporary residential use referenced in the Ordinance. Board members concurred. It was further noted that categorizing the retreat center as a non-profit overnight...would require a special exception from the Zoning Board of Adjustment and Site Plan Review by the Planning Board.

Erick Leadbeater addressed the Board requesting that his request for *voluntary merger* be review prior to the agenda applications as he believed review of the merger would be brief. While Vice Chairman Britain did not oppose taking Mr. Leadbeater's request prior to the scheduled applications, he did ask the Applicants whether they opposed. In response, Carol Leonard requested that her application be reviewed as scheduled. Vice Chairman Britain agreed, advising Mr. Leadbeater that his request would be reviewed following review of the scheduled applications.

## II. Applications –

#2005-28 Shadrack Wilson, Jr. – Engineer Mark Moser addressed the Planning Board representing Mr. Wilson presenting revised plans of a subdivision creating 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 May 9, 2006 public hearing.

It was noted that the Planning Board had received letters, dated May 3 and May 31, 2006, from Vollmer Associates outlining their review of the Wilson subdivision plans for conformance with the Town's Ordinances and Regulations. Additionally, the Board was in receipt of a copy of a letter from Moser Engineering on behalf of the Applicant, dated May 17, 2006 in response to the comments raised by Vollmer Associates. *Refer to attached copies for further information.*

Mr. Moser addressed the Planning Board presenting revised plans, advising that he believed that the comments raised by Vollmer Associates have been addressed. In particular, the sight distance profile was completed using AASHTO standards. In response, Bill Rollins of Vollmer Associates noted that AASHTO requires 3.5 feet for an object and eye height; however, the sight distance profile was completed utilizing a height of 3.75 feet which decreases the intersection sight distance. Mr. Moser stated that the .25 feet should not have a significant affect. Mr. Rollins concurred, suggesting that the removal of the stonewall in front of the development would most likely address the sight distance requirement under both DOT and AASHTO standards. If the stonewall were not removed a vehicle would only have a sight distance of 70-feet when looking down hill. At this time, the Applicant agreed to the removal of the remaining portion of the stonewall.

The second item to be addressed was the lack of an under-drain detail on the subdivision plan. Mr. Rollins noted that the Applicant does not feel under-drain is necessary as the proposed cuts are in sandy material. Mr. Rollins believed it is important to provide the detail so that if during construction a situation arises that warrants the use of under-drain the contractor could refer to the plan in determining where the under-drain should be installed. Following brief discussion, Mr. Moser noted that the plans have been revised. Mr. Rollins reviewed the plans and concurred.

Mr. Taylor questioned whether the placement of under-drain would require the vegetation within the cul-de-sac to be removed. Mr. Moser replied no, stating that the vegetation will remain.

The third issue raised involved the trench detail for the polyethylene pipe and the type and size of stone required for pipe bedding. Mr. Moser noted that three quarter inch crushed stone would be used. Mr. Rollins noted that the three quarter inch is the typical standard.

The fourth issue involved the waiver of the requirement that cross-sections be created at a scale of 1"=10' at both horizontally and vertically. Mr. Rollins stated that the cross-sections at different horizontal and vertical scales have little use to the contractor during construction of the roadway. Discussion ensued as to whether the Planning Board had waived the requirement at one of their previous hearings. Mrs. Connolly had referred to her notes of the previous hearing, stating that she believed that the Board had granted the waiver. Mrs. McCarthy and others could not recall discussions. Following

discussion, the Planning Board agreed to require the Applicant to provide revised cross-sections at a scale of 1"=10' both horizontally and vertically.

The last item to be addressed involved the fact that there was no means of storm water detention proposed for some of the sub-catchments. The Applicant proposes to re-route the increased run-off to a wetland that appears to be able to handle the additional run-off. Mr. Rollins expressed concern with the possible adverse affects that the increase in storm water run-off may have on the adjacent properties, noting that it will increase the flow of water in the direction of Brookwood Lane. Mr. Rollins suggested that the post development flows be less than or equal to pre-development conditions. Mr. Moser responded by stating that adjustments have been made to the flow so that it is now very close to pre-development conditions. He believed that there would be little to no impact on the abutting properties. Based on the calculations provided, it appears that there will be approximately two-tenths of an increase in run-off. Again, Mr. Rollins stated that the standard used in the industry is that there is no post-development increase. However, he noted that the Town's Regulations have no specific requirement as it relates to storm water.

At this point in time, the Board briefly discussed the issue with Mrs. McCarthy inquiring about reducing the run-off to zero increase. In response, Mr. Moser didn't believe that the increase would be significant enough to affect the two (2) abutting residential properties.

Byron Carr of the Contoocook River Advisory Committee addressed the Board in support of the issue of storm water run-off being addressed. Mr. Carr suggested that the matter be discussed and reviewed more often when developments are being presented to the Planning Board.

Mrs. McCarthy noted that the Department of Environmental Services may require zero increase when reviewing the application for a Site Specific Permit.

Motion made by Mrs. Connolly, amended by Mrs. Hemingson and seconded by Mrs. Kidder, to approve Application #2005-28 with the following conditions:

1. That cross-sections be provided at a scale of 1"=10' both horizontally and vertically,
2. That the Applicant obtain all necessary permits from the NH Department of Environmental Services, specifically State Subdivision approval, a Site Specific Permit and Wetlands Permit, and
3. That all homes beyond 1,000-feet have residential sprinklers.

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

It was noted that while the town and State do not currently mandate residential sprinklers in all homes, the Applicant should be aware that subdivision approval does not exempt them from having to comply with any future requirements.

#2006-9 Carol Leonard – Applicant requested Site Plan Review approval to provide Esthetician services as a Home Business. The property is located at 585 Hopkinton Road in the R-4 (residential/agricultural) district, shown on Tax Map 264 as Lot 27.

Ms. Leonard presented a site plan showing the existing conditions of the property including the parking areas. She noted that the area she proposes to use was previously used as a birth center. The area has been inspected by the Fire Inspector and complies with all necessary fire codes.

Ms. Leonard noted that she had received Zoning Board of Adjustment approval and has agreed to hours of operation from 8:30 AM to 4:30 PM, Monday through Friday. The skin care treatments will be available on an hourly basis, noting that she anticipates there being less traffic than she had at the birth center.

There was no one present wishing to give public testimony.

Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to accept and approve Application #2006-9 as presented. Motion carried unanimously (Hemingson, Bradstreet, Britain, Taylor, Connolly, Kidder, and McCarthy).

### **III. Review of the Minutes and Notice of Decision of April 11 and May 9, 2006.**

Motion made by Mrs. Hemingson, seconded by Mrs. Connolly, to approve the Minutes and Notice of Decision of April 11, 2006 as submitted. Motion carried unanimously.

Review of the Minutes and Notice of Decision of May 9, 2006 were deferred.

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

- Hopkinton Cemetery Trustee Sara McNeil addressed the Board requesting the Planning Board's support in the purchase of approximately 1.4 acres of the Mitchell property that is adjacent to the Hopkinton Village Cemetery. The property would be purchased utilizing funds from the Cemetery Trust Fund. The intent of the purchase is to allow for future expansion of the Hopkinton Village Cemetery. Following brief discussion, the Board noted that the property in question is located within the Hopkinton Village Precinct; therefore, requiring support from the Hopkinton Village Planning Board.

At this time, Mrs. Bradstreet, seconded by Mrs. Connolly, moved that the Hopkinton Planning Board support the purchase of the property for the expansion of the Cemetery. Motion carried unanimously.

- Voluntary Merger (RSA 674:39-a) – Request of Erick Leadbeater to merge two contiguous lots for zoning purposes. The lots are located off Watchtower Road shown on Tax Map 241 as Lots 5 and 6, and on Plan No. 17930 entitled Boundary Survey for Erick Leadbeater, Tax map 241 Lot 5 and Town of Hopkinton.

Mr. Kidder recused himself from review of Mr. Leadbeater's request.

Mr. Leadbeater along with his Attorney Paul Semple addressed the Planning Board presenting a survey plan of what is known as Lot 5 and 6, shown on Tax Map 241. Mr. Leadbeater explained how he purchased the property by Quitclaim deed from Mrs. Phil Dunlap. In purchasing the property and having it surveyed it was determined that the property in question may also include what is known as Watchtower North Road, which was originally deeded to the Town by Mr. Dunlap. Mr. Leadbeater believed that Mr. Dunlap knew that he owned Lot 5, but was aware of that it included that portion of Watchtower Road.

At this point, Vice Chairman Britain provided the Board with history surrounding the subdivision creating the lots off Watchtower Road and the transfer of ownership of the road to the Town.

Abutter Brian Lavoie addressed the Board to speak in favor of the merger. When asked whether Mr. Lavoie was aware of the discrepancy in acreage noted on the boundary survey, Mr. Lavoie noted that he is aware of the change in his acreage and concurs with the boundary survey.

Vice Chairman Britain believed that the Planning Board may only grant permission to merge the entire parcel (Lot 5 as described on Plan No. 17930 from L5 to L9) to Lot 6. Attorney Semple noted that Mr. Leadbeater intends to provide the Town with a Quitclaim deed for that portion of Lot 5 shown as Watchtower Road and wishes to merge the remaining acreage of Lot 5 to Lot 6. Again, Vice Chairman Britain reiterated the fact that Mr. Leadbeater's deed concerning Lot 5 also includes the description of that portion of Watchtower Road; therefore, the Planning Board can only grant permission to merge Lot 5 as described. If, after speaking with Town Counsel, it is agreed that the transfer of ownership of Watchtower Road from L5 to L9 can be done in accordance with RSA 674:54 then there will be no need for Mr. Leadbeater to come back before the Board for subdivision approval. At this point, Mr. Leadbeater agreed to move forward with the merger of the two lots and will work with the Selectmen on the transfer of ownership of that portion of Watchtower Road.

Motion made by Mrs. Bradstreet, seconded by Mrs. Hemingson, to approve the merger as presented (Lot 5 as described on Plan No. 17930 from L5 to L9 and Lot 6 as shown on Tax Map 241). With six members voting, four voted in favor (Hemingson,

Bradstreet, Britain, and Taylor) and two voted in opposition (McCarthy and Connolly). The Voluntary Merger was approved.

**V. Adjournment**

There being no further business, Vice Chairman Britain declared the meeting adjourned at 9:00 PM. The next scheduled meeting of the Planning Board is Tuesday, July 11, 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.