

**Hopkinton Planning Board**  
**Minutes**  
**December 11, 2007**

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, December 11, 2007, at 7:00 PM in the Hopkinton Town Hall. Members present: Jane Bradstreet, Celeste Hemingson, Bethann McCarthy and Alternates Edwin Taylor and Clarke Kidder. Absent: Timothy Britain, Michael Wilkey, Scott Flood and Alternates Clarke Kidder and Cettie Connolly.

---

**I. Pursuant to RSA 675:6 & 7, Planning Board held a public hearing on proposed amendments to the Hopkinton Subdivision Regulations.**

Revisions proposed to Section IV: General Principles and Design and Construction Standards for Subdivisions. In particular, replacement of existing sections 4.4.1 and 4.4.11 of the Subdivision Regulations. A full-text of proposed amendments was available at Town Hall, Town Clerk's Office and on the Town's website [www.hopkinton-nh.gov](http://www.hopkinton-nh.gov).

Amendments include changes to all references to "Water Supply and Pollution Control Commission" will be updated to the "New Hampshire Department of Environmental Services". Additionally, Section 4.4.1 will be replaced with new language that will outline the design standards for lot configuration and design. The intent of the standards is to improve the character of development and to minimize impacts on natural and cultural features. Amendments include the replacement of the existing 4.4.11 with detailed language as to the requirements for Designated Open Space.

There was no one present wishing to provide public testimony.

Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to approve amendments to the Hopkinton Subdivision Regulations. Motion carried unanimously.

**II. Review of the Minutes and Notices of Decision of November 13, 2007.**

Review of the Minutes and Notice of Decision was deferred to the January 8, 2007 meeting.

**III. Conceptual Consultations.**

There were no conceptual consultations.

**IV. Applications/Public Hearing:**

#2007-18 Cyn Environmental Services—Review of application for Site Plan Review for the installation of a soil vapor extraction system at the Contoocook Auto Clinic, located at 861 Main Street, shown on Tax Map 101 as Lot 3, was post-poned to January 8, 2008 meeting pending action on application to the Zoning Board of Adjustment for a Variance.

At this time, Mrs. McCarthy joined the Board and Mrs. Bradstreet was excused.

**V. Review proposed amendments to the Hopkinton Zoning Ordinance.**

Amendments to Section 5.4.1 Junk Vehicles and Section XVII Floodplain Development Ordinance.

Members discussed proposed amendments proposing revisions as follows:

- Replace Section 5.4.7 Junk Vehicles with the following:

~~5.4.7 Junk Vehicles- Unregistered and Uninspected Vehicles: Two or more junk, unregistered, or inoperable automobiles or other vehicles originally designed for public or private transportation purposes or the parts to said vehicles shall not remain within any residential districts unless such vehicles and/or its parts are enclosed within a building.~~ No more than one unregistered and uninspected motor vehicle may remain within any residential district unless the vehicle and its parts are enclosed within a building. This paragraph does not include antique motor vehicles, if:

- (a) Such vehicles kept on the premises are owned by the property owner; and
- (b) Such vehicles and parts of motor vehicles are kept out of view of the public and abutters by storing them inside a permanent structure, or by suitable fencing or shrubbery sufficient to block visual access year-round, and
- (c) Such vehicles are in compliance with the rules and regulations of the NH Department of Motor Vehicle.

Motion made by Mrs. Hemingson, seconded by Mrs. McCarthy, to present the proposed amendment for public hearing. Motion carried unanimously.

- Amend Section XVII Floodplain Development Ordinance as necessary to comply with requirements of the National Flood Insurance Program.
1. The following definitions need to be removed so that they include the following underlined text:

**Area of Special Flood Hazard** is the land in the flood plain within the Town of Hopkinton subject to a 1 percent or greater change of flooding in any given year. The area is designated as Zone(s) A and AE on the Flood Insurance Rate Map.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

2. The following definitions need to be added to the Ordinance as stated below:

**New Construction** means, for the purposes of determining insurance rates, structure for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For

floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR § 60.3(b)(5), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as the documentation is provided.

3. The following definition(s) are to be deleted since they are not applicable to Hopkinton:

**Area of Shallow Flooding** means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Breakaway Wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

**Flood Boundary and Floodway Map (FLOODWAY)** is an official map of the community, on which the Federal Emergency Management Agency has delineated the "Regulatory Floodway". This map should not be used to determine the correct flood hazard zone or base flood elevation, the Flood Insurance Rate Map (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.

4. Other definition changes:

**Special Flood Hazard Area:** Delete reference to FHBM and all zones except A and AE.

To read as follows: **Special Flood Hazard Area** means an area having special flood mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on a FIRM a Zone A or AE. (See Area of Special Flood Hazard)

**Regulatory Floodway:** Change reference to Flood Boundary and Floodway maps to Flood Insurance Rate Maps.

To read as follows: **Regulatory Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. These areas are designated as floodways on the Flood Insurance Rate Maps.

5. Changes to the following paragraphs in Item VIII:

- Paragraph 1a. Delete all zones except AE.
- Paragraph 1b. Delete the word "unnumbered".
- Paragraph 1c. Delete in its entirety as Hopkinton does not have any AO zones.
- Paragraph 2. Delete reference to AH, AO and A1-30 zones.
- Paragraph 2d. Delete reference to A1-30 and AH. Add reference to Zone A.

Paragraphs to read as follows:

1. In special flood hazard areas the Building Inspector shall determine the 100 year flood elevation in the following order of precedence according to the data available.
  - a. In Zone AE refer to the elevation provided in the communities Flood Insurance Study and accompanying FIRM or FHBM.
  - b. In A zones the Building Inspector shall obtain, review, and reasonably utilize any 100 year flood elevation data available from Federal, State, development proposals submitted to the community (example subdivisions, site approvals, etc.) or other source.
2. The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in Zones AE and A that:
  - d. recreation vehicles placed on sites within Zones AE and A shall be either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the Elevation and Anchoring Requirements for "Manufactured Homes" in paragraph (c) of Section 60.3;

Motion made by Mrs. Hemingson, seconded by Mrs. McCarthy, to present the proposed amendment for public hearing. Motion carried unanimously.

Planning Board public hearings scheduled for Tuesday, January 8, 2008, at 7:00 PM in Hopkinton Town Hall.

## **VI. Adjournment.**

There being no further business, Chairman Ellsworth declared the meeting adjourned at 7:38 PM. The next scheduled meeting of the Planning Board is Tuesday, December 11, 2007 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 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.