

**Hopkinton Planning Board**  
**Minutes**  
**June 12, 2007**

Chairman Bruce Ellsworth opened the Hopkinton Planning Board public hearing of Tuesday, June 12, 2007, at 7:00 PM in the Hopkinton Town Hall. Members present: Vice Chairman Timothy Britain, Jane Bradstreet, Michael Wilkey, and Alternate Edwin Taylor.

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- I. Pursuant to RSA 675:6 & 7, the Planning Board held a public hearing on proposed amendments to the Hopkinton Subdivision Regulations.** The effect of the proposed amendment will be to replace the existing Section 2.2 Preliminary Consultation with a new Section 2.2. Pre-Application Conference. The purpose of the pre-application conference is to discuss the characteristics of the site and proposed plan for development in conceptual terms. The pre-application conference is further designed to acquaint the potential applicants with the formal application process and particular information that the Planning Board may request, to suggest methods for resolving possible problems in the development, design and layout, and to make the potential applicant aware of any pertinent recommendations in the Master Plan, Zoning, or Regulations to the property in question.

Planning Consultant Carolyn Russell reviewed the proposed revisions to Section 2.2 of the Subdivision Regulations including the documentation required for the Pre-Application Conference. Documents include a Site Context Map, Site Inventory Map, Sketch Plan of the Proposed Development and Conceptual Long Range Development Plan. Following review, there was no public testimony.

The Planning Board agreed to revise the draft revisions to include more specificity of the requirements for the Site Context Map and the Site Inventory Map. Additionally, the Board agreed to exclude minor subdivisions from the requirement of a Pre-Application Conference.

Following discussion and further revisions, the Planning Board agreed to hold a second public hearing on Tuesday, July 10, 2007, at 7:00 PM, Town Hall.

The next work session to review additional revisions to the Subdivision Regulations is scheduled for Tuesday, July 20, 2007, at 6:00 PM, Town Hall.

- II. Review of the Minutes and Notices of Decision of April 10, May 8, and May 21, 2007.**

Review of the Minutes and Notice of Decisions of April 10 and May 21, 2007 were deferred to the July 10, 2007 meeting.

Motion made by Mr. Wilkey, seconded by Mrs. Bradstreet, to approve the Minutes of Tuesday, May 8, 2007 with the addition of Jane Bradstreet's name as a member present. Motion carried unanimously.

- III. Conceptual Consultations—**

- Cyril Johnson of 335 Spring Street addressed the Planning Board to express concern with the affects that the construction of Snowshoe Development has had on his property. Run-off from the development is flooding Mr. Johnson's backyard and basement. He asked the Board for assistance in addressing the matter.

Chairman Ellsworth advised that the Planning Board would bring the matter to the Board of Selectmen's attention in an effort to come up with a resolution.

- Steve Sidwell of 1488 Hatfield Road addressed the Planning Board to discuss a proposed boundary line adjustment in which Mr. Sidwell proposes to sell most of his rear acreage to his abutter. The new lot line is intended to follow the existing stonewalls on the property.

Following discussion, the Board agreed that the surveyor could use existing perimeter surveys of the boundaries of the Sidwell and Gilroy property; however, the location of the new property line separating the parcels would need to be surveyed to the same detail of the perimeter surveys.

#### **IV. Applications/Public Hearing:**

#2007-7 Jeffrey & Tara Chandler—Scott Crathern on behalf of the Applicant addressed the Planning Board presented a plan of a boundary line adjustment involving properties owned by Mr. and Mrs. Chandler and Martha Jones Revocable Trust. The properties are located off Gould Hill Road in the R-2 (medium density residential) district, shown on Tax Map 240 as Lots 54 and 55.

Mr. Crathern advised that the actual location of the boundary line between the Chandler and Jones properties does not coincide with the legal description of the Chandler property. The boundary line physically runs through the shed and septic system on the Chandler property. An easement was granted by Mrs. Jones to the Chandlers so that they could close on their purchase of the property; however, as part of the agreement the Chandlers were to come before the Planning Board for approval of a boundary line adjustment.

Motion made by Mrs. Bradstreet, seconded by Mr. Wilkey, to accept Application #2007-7 as presented. Motion carried unanimously.

There was no public testimony.

Motion made by Mrs. Bradstreet, seconded by Mr. Wilkey, to approve Application #2007-7 as presented. Motion carried unanimously.

#2007-8 Vernon & Laura Miller—Vernon and Laura Miller presented a Site Plan to operate a farm stand selling products grown on their property located at 115 Pine Street in the VB-1 (village commercial) district, shown on Tax Map 101 as Lot 27.

Mrs. Miller presented photographs of her property showing the proposed location of the farm stand and the existing gardens. She believed that the public would see very little changes to the property.

There will be modifications to the existing parking to extend the drive further onto the property so that one or two additional vehicles could park. The farm stand will be open on an honor system. When vegetables or flowers were not available, the stand would not be open.

Chairman Ellsworth inquired as to whether Mr. and Mrs. Miller were aware of the requirement that at least 35 percent of the sales have to come from products grown on the property. Mrs. Miller replied yes, explaining that this will be a small farm stand that will be a project for their daughter to be involved in. There will be no evening hours and there will be no vehicles allowed to be parked along side the street.

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

The proposed farm stand will be approximately 5' x 8' in size and will be attached to the home. It will be used seasonally for organic plants. Mrs. Miller had reviewed the proposal with the Fire Department and Police Department. There were no concerns presented.

Sarah Coen expressed concern with the additional traffic that may be at the intersection of Houston Drive. She suggested that there be "no parking" signs installed along that section of Pine Street in which the farm stand will be located.

Brad Goodine of Pine Street expressed concern with the hours of operation and traffic safety. In response, Mrs. Miller explained that when there are plants or vegetables to be sold they would have a sign out; otherwise, the farm stand would be closed. There would be no early morning or late evening hours. Hours of operation will be from 10:00 AM to 7:00 PM.

Mr. Britain suggested that the driveway may need to be widened to accommodate vehicles entering and exiting the property. Mrs. Miller agreed to look into the matter, suggesting that she may have to speak with Green Horizon Landscaping who had helped design the proposed drive configuration presented to the Board.

In response to concerns with traffic safety, Mrs. Miller stated that she had spoken with Lieutenant Steve Pecora who had expressed no concerns, but requested that vehicles not park along side the street.

Mrs. McCarthy suggested directional signage requesting that those using the farm stand park in the driveway. Mrs. Miller agreed.

Motion made by Mrs. Hemingson, seconded by Mr. Wilkey, to approve Application #2007-8 with the condition of hours of operation from 9:00 AM to 7:00 PM, seven days a week.

At this time, Mr. Britain recused himself from review of Application #2007-9.

#2007-9 Provan & Lorber, Inc.—Surveyor Richard Oberman of Provan and Lorber, Inc. presented plans of a two lot subdivision of property owned by Ruth K.L. Pratt and Mary M. Leadbeater. The property is located off Putney Hill Road in the R-3 (low density residential) district, shown on Tax Map 239 as Lot 12.

The proposed subdivision would create a new 4.05 acre lot leaving 4.79 acres with the existing residence. State Subdivision Approval was granted on June 1, 2007, and no wetlands were found on the property.

Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to accept the application as presented. Motion carried unanimously.

Kathleen Belko of Putney Hill Road addressed the Board in favor of the application.

Motion made by Mrs. McCarthy, seconded by Mrs. Hemingson, to approve Application 2007-9 with the condition that the plan be stamped and signed by the wetland scientist. Motion carried unanimously.

Tim Britain joined the Board for the remainder of the hearing.

#2007-10 Public Service of New Hampshire—Arborist Dave Crane of Public Service of New Hampshire addressed the Planning Board to request permission to trim and remove trees along Beech Hill Road, Clement Hill Road and Patch Road which are designated as scenic roads. The request was submitted in accordance with the provisions of RSA 231:158. Mr. Crane had also requested permission to remove and trim trees along Brockway Road; however, Brockway Road was mistakenly omitted from the notice and therefore will be reviewed at the July 10, 2007 public hearing.

Mr. Crane explained how regular maintenance is done on a five year cycle; however, in this particular case it has been six years since maintenance has been done. He noted that there is a great deal of brush that needs trimming, advising of the distances in all directions from the power lines that trimming would occur. He noted that there are four trees (one tree on each road) that are defective or dying that will need to be removed.

Mr. Crane then advised of the process by which PSNH makes every effort to notify the property owners of the work to be done. If there are concerns, the property owners may contact Mr. Crane or one of his assistants.

Mrs. Hemingson questioned whether the four trees to be removed have been marked. Mr. Crane replied no stating that the trees will be marked prior to contacting the property owners. He then advised that two of the trees are completely dead, one tree is dead with a live limb, and the tree on Brockway Road is alive with decay. Mr. Crane offered to mark the trees prior to the next Planning Board hearing.

Motion made by Mrs. McCarthy, seconded by Mrs. Bradstreet, to accept the application for consideration. Motion carried unanimously.

Resident Beth Taylor addressed the Board stating that consent of the property owner is required by law prior to the removal of the trees. She further noted that it is not necessary to remove dead trees.

Motion made by Mrs. McCarthy, seconded by Mr. Britain, to table Application #2007-10 to the July 10, 2007 hearing. Motion carried unanimously.

#2007-11 Town of Hopkinton—Chairman Ellsworth explained that it had been brought to the Planning Board's attention at a previous meeting that there would be removal of trees along Putney Hill Road as a result of the Town reconstructing the road. Therefore, the Planning Board had initiated the hearing with respect to any cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, along Putney Hill Road which is designated as a scenic road. The hearing is being held in accordance with the provisions of RSA 231:158.

Chairman Ellsworth read a letter from the Director of Public Works Harold Blanchette, dated June 12, 2007. Mr. Blanchette advised that the reconstruction of Putney Hill Road will not involve the removal of trees. He noted that he had informed the Selectmen of the same at their meeting of May 7, 2007. Additionally, he clarified comments with respect to the previous removal of trees along Putney Hill Road, advising that on December 5, 2005 he had received permission from the Board of Selectmen to remove the dead trees in anticipation of the reconstruction project. Lastly, Mr. Blanchette assured the Planning Board that if he finds it necessary to remove trees along Putney Hill Road or any other scenic road for reasons other than safety purposes he would apply to the Planning Board for permission as has been done in the past.

Selectman Donald Lane addressed the Planning Board to confirm Mr. Blanchette's statement that there would be no additional cutting of trees or the removal of stonewalls along Putney Hill Road. The roadway width will remain 18-feet in width with the construction of two-foot shoulders on either side.

Chairman Ellsworth advised those present that at this point in time the Planning Board has no jurisdiction and therefore will not hold a public hearing.

Resident Beth Taylor disagreed, questioning how the Planning Board would address the fact that trees had previously been removed without the necessary public hearing. In response, Chairman Ellsworth, again, stated that the Planning Board has no jurisdiction as the Town has represented that there would be no trees removed. Mrs. Taylor then questioned whether she would have to bring a Cease and Desist Order against the Town. Again, Chairman Ellsworth stated that matter is closed.

#2005-28 Shadrack Wilson, Jr.—Application of Shadrack Wilson, Jr. for a four (4) month extension from the requirements of RSA 674:39, I(a), which requires active and substantial development within twelve (12) months of subdivision approval, had been withdrawn. Since filing the request Mr. Wilson had begun construction of the roadway and met all requirements for bonding of the project. 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.

#2007-12 Ellen M. & Francis Chase, The EMC Realty Trust—Surveyor Gerrit Crabbendam and Francis Chase addressed the Planning Board to request a Special Use Permit (Section 8.4.3) and Subdivision approval to create six (6) single family residential lots to be accessed by a new roadway. The property is owned by EMC Realty Trust, located off Irish Hill Road in the R-4 (residential/agricultural) district, shown on Tax Map 237 as Lot 36.

The subdivision plan presented was the same as was approved on March 21, 2006, and later revoked on May 8, 2007, as a result of the fact that active and substantial development had not occurred within twelve months after the date of approval (NH RSA 674:39).

In reviewing the Applicant's request for a Special Use Permit, Mr. Britain requested that the Applicant provide evidence that the property is ill-suited to be designed under the Conservation Design Ordinance. Mr. Wilkey disagreed, suggesting that the Applicant should not have to provide a conceptual conservation design subdivision plan. Mrs. Bradstreet and Mrs. Connolly concurred, stating that it was their understanding that the intent of the Conservation Design Ordinance was to be less cumbersome on the Applicant.

Mr. Britain suggested that at a minimum the Applicant must provide the Planning Board with the information outlined in Section 2.2 (draft revision) of the Subdivision Regulations. He believed that most of the information is already available to the Applicant as they had previously prepared a detailed subdivision plan of the property.

As the Planning Board spent a year developing the new Conservation Design Ordinance, Mr. Britain believed that the Board should make every effort to confirm that the property is ill-suited to comply with the requirements of the new ordinance. Mrs. Bradstreet disagreed, and believed that the Planning Board, when reviewing the prior subdivision proposal of this property, had requested a conventional design versus conservation design. The majority of the Board members disagreed, stating that the conventional design had been a request of the Applicant.

Motion made by Mrs. Bradstreet, seconded by Mrs. Hemingson, to accept the application for consideration. With six members voting, two voted in favor and four voted in opposition. The motion failed.

The Board discussed the requirements of Sections 8.4.5 (a) in an effort to show compliance with Section 8.4.3 of the Zoning Ordinance.

Mr. Crabbendam suggested that he had done a conceptual review of the subdivision designed using the conservation standards. He believed that the conservation design may require one less lot than the conventional design.

Following discussion, Chairman Ellsworth informed the Applicant that a majority of the Board would like to see a Site Inventory and Map of the property to determine whether the subdivision should be a conventional or conservation design.

**VI. Adjournment.**

There being no further business, Chairman Ellsworth declared the meeting adjourned at 9:45 PM. The next scheduled meeting of the Planning Board is July 10, 2007 at 7:00 PM in the Town Hall.

Karen L. Robertson  
Planning Director

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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.