

**Hopkinton Planning Board**  
**Minutes**  
**January 15, 2008**

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, January 15, 2008, at 7:00 PM in the Hopkinton Town Hall. Members present: Timothy Britain, Michael Wilkey, Clarke Kidder and Cettie Connolly. Absent: Celeste Hemingson, Jane Bradstreet, Bethann McCarthy, Scott Flood and Edwin Taylor.

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**I. Review of the Minutes November 13 and December 11, 2007 and Notice of Decision of November 13, 2007.**

Motion made by Mrs. Connolly, seconded by Mr. Wilkey, to accept the Minutes of November 13, 2007 as presented. Motion carried unanimously.

Motion made by Mr. Wilkey, seconded by Mrs. Connolly, to accept the Notice of Decision of November 13, 2007 as presented. Motion carried unanimously.

Motion made by Mr. Kidder, seconded by Mr. Wilkey, to accept the Minutes of December 11, 2007 as presented. Motion carried unanimously.

**II. Conceptual Consultations.**

Peter and Efner Holmes of Hatfield Road addressed the Planning Board advising that they have purchased the Eaton property that consists of 38 acres, located off Hatfield Road. They propose to subdivide the property annexing 27-acres to property owned by Meadowsend and retaining 11-acres with the residence. Mr. and Mrs. Holmes requested guidance as to the following:

- Method of surveying
- Wetlands delineation
- Detail of topography
- Exemption from Conservation Subdivision Ordinance per Section 8.4.2

Following discussion, the Planning Board recommended that the Holmes' consider utilizing any existing perimeter surveys of the property; however, should a survey not exist then the larger parcel may be surveyed by compass and tape. In either case, a detail survey will be necessary for the 11-acre parcel. Wetlands shall be delineated to a point that meets the minimum lot size, requirements of Section 12.7.3 of the Zoning Ordinance. The Board suggested that topographic features of the property being shown on the plan would not be necessary since the 27-acre parcel is to be annexed to a much larger parcel in which there is a conservation easement on the property. Furthermore, the 11-acre lot will contain the existing residence.

Lastly, with respect to Section 8.4.2 which outlines the terms in which a subdivision would be exempt from the Conservation Subdivision Ordinance, Mr. Britain suggested that the proposed subdivision would comply with Section 8.4.2(c). Members concurred.

Mrs. Holmes explained the time table in which they have to complete the subdivision process, noting that they intend to submit a formal application presented for the February meeting.

**III. Pursuant to RSA 675:3 & 7, Planning Board held a public hearing on proposed amendments to the Hopkinton Zoning Ordinance.** 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).

- (a) Replace Paragraph 5.4.7 Junk Vehicles with new language that clearly indicates that 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. Paragraph specifically excludes antique motor vehicles under specific conditions. Amendment to read as follows:

~~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.

The intent of the amendment is to include the requirement that vehicles be inspected. The amendment is as a result of concerns with uninspected or junk vehicles on properties within residential districts.

There was no one present wishing to provide public comment.

Members discussed the fact that vehicles have to be registered to be inspected, so there may be no need to reference vehicles being registered. Antique vehicles need to be inspected as is required by the State, so there is no need to separate antique vehicles from other vehicles. Outside storage whether screened or not is not currently allowed for more than one unregistered vehicle, so members questioned whether the proposed language should be more lenient and allow outside storage. Following discussion, the Board agreed to the following proposed amendment:

~~5.4.7 Junk Vehicles- 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.

As a result of further revisions, the Planning Board will hold a second public hearing requesting public comment on the new proposed amendment.

(b) 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;

Mrs. Robertson informed the Board that the proposed amendments are as a result of New Hampshire Office of Energy and Planning recently completing a compliance review of Hopkinton's Floodplain Ordinance. The proposed amendments are necessary in order for Hopkinton to remain compliance in the National Flood Insurance Program.

There was no one present wishing to provide public comment.

Motion made by Mr. Britain, seconded by Mr. Kidder, to recommend the adoption of the proposed amendment. Motion carried unanimously.

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

#2007-18 Cyn Environmental Services—Elizabeth Strachan representing Cyn Environmental reviewed a site plan 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. The system is to be housed in a 9' x 9' shed that will contain piping manifold, blower and controls. Estimated life expectancy of system is two years. All piping has been installed underground. At the request of NHDES and on behalf of the owner, Raymond Mock, JGI Eastern proposed the installation of the system as a Remedial Action Plan for the site.

Chairman Ellsworth informed the Board of the Zoning Board of Adjustment's review and approval of an application for a Variance. He noted as part of their review he and the Chairman of the Zoning Board of Adjustment had visited a site in Hillsboro that currently has a similar system.

Gary Lynn of NHDES addressed the Board advising that there are dozens of these systems throughout the State. The system has a blower that will operate on a 24-hour basis. The State has agreed to use noise reduction technology such as rubber vibration dampers and acoustical blankets in an effort to reduce the potential noise. Since the Board of Selectmen had expressed concern with potential noise to the Zoning Board of Adjustment, Mr. Lynn stated that he along with members of the Board had visited a similar site in Hillsboro. At the time, noise measurements were taken within the shed and outside of the shed. Measures within the shed read decibels in the 80's with readings in the 40's outside of the shed, approximately 15 to 20 feet away.

The Zoning Board of Adjustment had approved the application with the condition that should concerns with noise arise at a later date, they are to be addressed by the Applicant. If there were any concerns with noise, Mr. Lynn stated that the blower could be placed on a timer or additional buffering could be provided.

Chairman Ellsworth relayed what had observed when visiting the Hillsboro site, noting that he could not say that the noise was objectionable. Mrs. Robertson stated that a member of the Zoning Board of Adjustment had compared the noise to that of a three-phase motor or small pool pump.

Mr. Lynn discussed the air emissions as result of the vapors being extracted. He explained how the emission control system works using active carbons.

Mr. Wilkey expressed concern with the potential odors in close proximity to residences. Mr. Lynn noted that the NHDES Air Emissions Division does not believe that the air would need to be treated. Shelley Tamis of Cyn Environmental stated that there should not be any odors associated with the system. She then reminded the Board that the system will operate adjacent to a gas station in which there may be odors associated with its operation.

With respect to concerns raised at a meeting of the Zoning Board of Adjustment with regards to potential explosion, Mr. Lynn stated that there is never enough oxygen or combustible material to cause an explosion. Furthermore, the unit is intended to be explosion proof.

A motion was made by Mr. Britain, seconded by Mrs. Connolly, to accept the application as complete and for consideration. Motion carried unanimously.

There was no one present wishing to provide public testimony.

A motion was made by Mr. Britain, seconded by Mrs. Connolly, to approve the application and waivers from plan requirements outlined in the Applicant's letter, dated November 26, 2007. Motion carried unanimously.

#### **V. Adjournment.**

There being no further business, Chairman Ellsworth declared the meeting adjourned at 8:00 PM. The next regular scheduled meeting of the Planning Board is Tuesday, February 12, 2008 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.