



**Town of Hopkinton
Planning Department**
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**Hopkinton Planning Board
Minutes
August 12, 2008**

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, August 12, 2008, at 7:00 PM in the Hopkinton Town Hall. Members present: Vice Chairman Timothy Britain, Celeste Hemingson, Michael Wilkey, Edwin Taylor, and Cettie Connoly.

I. Review of the Minutes and Notice of Decision of July 8, 2008.

Motion made by Mr. Wilkey, seconded by Mrs. Connolly, to approve the Minutes and Notice of Decision as presented. Motion carried unanimously.

II. Application(s).

#2008-3 Michael Briggs—Michael Briggs of 769 South Road addressed the Planning Board requesting SITE PLAN REVIEW approval to operate a training and consulting business as a Home Business specializing in firearm safety and proficiency. It was noted that the application does not include any request or contemplation of firing of any firearms or the use of a loaded firearm at Mr. Briggs's property. The property is owned by the Lorenca Rosal Trust, located at 769 South Road in the R-4 (residential/agricultural) district, shown on Tax Map 253 as Lot 21.

The Zoning Board of Adjustment approved the operation of the Home Business at their meeting of June 3, 2008. Approval of the application included a stipulation as agreed upon and the clarification of intent of the home business. Stipulation and clarification was as follows:

1. There will be no on-street parking on South Road, either by clients or visitors to any home business approved at 769 South Road, or by residents or tenants of 769 South Road that may be displaced by such customers or clients;
2. There will be no signage for the home business visible from any portion of the public right of way on South Road;
3. There will be no discharge of live rounds, blanks, or any other ammunition at 769 South Road by any clients or customers of any home business approved at 769 South Road. This provision is specifically intended to prevent any audible effect of the home business on the neighborhood, and to limit risk to neighbors and others who use South Road for recreational purposes;
4. This request to operate the home business does not include a request or contemplate the firing of any firearm or the use of a loaded firearm.

Mr. Briggs briefly reviewed the stipulations agreed upon, advising that he does not have a firearm license and therefore would not be selling firearms from his property. All training would be done off-site at a facility in Dunbarton.

Mrs. Hemingson inquired as to the purpose of clients coming to the home. In response, Mr. Briggs stated that clients would be shown various self-defense products. In addition, clients may schedule training programs which, again, will take place off-site. Mrs. Hemingson then inquired as to whether products will be sold from the home business. Mr. Briggs replied yes, stating that holsters, pepper spray and other products may be sold. It was estimated that a maximum of two clients may be at the property at any given time with a total of three to five clients during a week.

Motion was made by Mr. Wilkey, seconded by Mrs. Hemingson, to accept the application as complete and for consideration. Motion carried unanimously.

Chairman Ellsworth questioned whether there would be employees associated with the home business. Mr. Briggs replied no, stating that it will be a sole proprietorship.

Motion was made by Mr. Wilkey, seconded by Mrs. Connolly, to approve the application as presented. Motion carried unanimously.

#2008-4 Hillary Gabbett—Request SITE PLAN REVIEW approval to operate a business painting and refinishing furniture at property currently owned by Rosanne Vinci, located at 116 Pine Street in the VB-1 (village commercial) district, shown on Tax Map 221 as Lot 88.

Ms. Gabbett addressed the Board explaining the various refinishing techniques that she may apply to furniture. In some cases she may have furniture or other wood products in which a customer would like personalized. Other techniques include marbling or faux finishing. Ms. Gabbett plans to utilize the existing garage as her work studio. At this time, the business will operate by appointment only.

Chairman Ellsworth questioned whether there would be any sales of furniture from the property. Mrs. Gabbett replied no, indicating that there would not be enough room. However, there will be a display area for those that wish to see the various techniques of refinishing.

Mrs. Connolly questioned whether the exterior lighting presently exists. Mrs. Gabbett replied yes, explaining that even the sign that was in the front of the property had lit.

Mrs. Hemingson questioned whether there would be any changes proposed to the parking configuration. Mrs. Gabbett replied no, explaining that there have been no changes to the exterior of the property from when it was formerly the Hob Nob Shop. There are currently six parking spaces available.

Mr. Wilkey questioned the method by which hazardous waste will be disposed. Mrs. Gabbett suggested that she would consult with the Fire Department who would recommend the method by which she would handle disposal of mineral spirits and oil based paints. Most paints are eco-friendly; however, there are times when oil based paints will be used. She anticipates that the material will have to be kept in a sealed container and disposed at a location that accepts hazardous material.

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

There was no one present wishing to give public testimony.

Mrs. Hemingson, seconded by Mrs. Connolly, moved approval of the application with the condition that all necessary permits for the storage and disposal of hazardous materials be obtained. Motion carried unanimously. Ms. Gabbett was asked to consult with the Fire Department and the Department of Environmental Services (DES).

Chairman Ellsworth advised Ms. Gabbett that confirmation should be provided to Karen Robertson with respect to any requirements imposed by DES or the Fire Department.

#2008-5 Split Rock Management Co., LLC.—Peter Russell addressed the Board requesting SITE PLAN REVIEW approval of a proposed buffer redesign on property located at 228 Bound Tree Road in the B-1 (commercial) district, shown on Tax Map 221 as Lot 72. Review is in accordance to the Planning Board's decision of May 8, 2007.

Mr. Russell explained his meeting with abutters Jeanne and Joe Eaton with respect to the buffer, noting that he had improved the appearance of approximately 180-feet of the berm by cleaning it up and hydro-seeding the area. He has agreed to discuss any future plans, prior to the cutting the designated buffer area. Additionally, he has agreed to complete any changes to those areas within 30 days.

Chairman Ellsworth reviewed the May 7, 2007 decision of the Board in which Mr. Russell's application for use of his property was approved with a condition that Mr. Russell comes back before the Board for approval of a buffer redesign.

Attorney Mike Ramsdell on behalf of Jeanne and Joe Eaton noted that the Mr. Russell had done a nice job with improving the berm.

Mrs. Hemingson questioned the reference in the material submitted to an existing buffer and that of a proposed buffer. Mr. Russell stated that the existing buffer was perpendicular, located between the Bockius and Russell property. The barrier referenced in the July 26, 2008, letter is a work in progress that is approximately 180-feet long. Mr. Russell stated that it is a work in progress as there may be future requests for additions to the building that will require an extension of the berm.

Motion made by Mr. Britain, seconded by Mrs. Hemingson, to approve the buffer redesign as presented. Motion carried unanimously.

#2008-6 Alain & Brenda Breault—Alain Breault SITE PLAN REVIEW approval to operate a group child day care center caring for a maximum of 60 children in a portion of the building formerly used by Venture Golf, located at 205 Pine Street in the B-1 (commercial) district, shown on Tax Map 221 as Lot 10. The property is currently owned by Three Z New Hampshire, LLC.

Mr. and Mrs. Breault currently operate a day care within their home at 69 Snowshoe Trail. They propose to relocate the business to the property at 205 Pine Street. The proposal is to care for 60 children meeting the requirement of 35 square feet per child. Mr. Breault advised of potential changes to the NH Childcare Regulations in which the square footage requirement per child may ultimately reduce the number of children to approximately 54. The day care will include preschoolers and after school children.

Mr. Breault estimated that there would be seven employees caring for the 60 children. The programs at the day care facility would include preschool along with before and after school care.

Mr. Wilkey questioned the potential traffic to and from the facility, estimating 65 trips which would include the employees. Mr. Breault estimated 25 trips with multiple children coming in one car and the school bus picking children up before and after school.

Chairman Ellsworth questioned the safety measures that are proposed to protect the children from the other activities that will be taking place at the property. Mr. Breault stated that there will be a dividing wall separating the fitness facility from the day care. There will be a fenced in playground that will incorporate use of the existing fencing along Pine Street.

Mrs. Hemingson questioned how the children will enter the building, including the point of drop-off. Mr. Breault reviewed the plan indicating the point of entrance and egress.

The Board members reviewed the site plan in detail in an attempt to understand how the children will get from the vehicles into the building. Mrs. Hemingson expressed concern with the safety of the children, noting that the people coming to the gym early in the morning will be parking at the same time that the children will be dropped off. She assumed that, for safety purposes, the State will need to review and approve the site plan.

Mr. Britain inquires as to the hours that the children will be picked up and dropped off. Mr. Breault responded between 6:30 AM to 5:30 PM. Mr. Britain questioned whether there could be a restriction that would limit the time in which the parking spaces adjacent to the day care may be utilized by those people attending the gym. The use may be restricted for safety reasons during the times of drop off and pick up.

Mr. Wilkey assumed that the State would require a fire lane adjacent to the day care, suggesting that the parking spaces adjacent to the building may ultimately be dedicated as a fire lane, rather than for parking.

Mrs. Hemingson believed that additional detail with regards to traffic and parking is necessary prior to the Board accepting the application for consideration and as complete. She suggested that review of the proposal by the State and Fire Department is necessary prior to the Planning Board taking any action. In response, Mr. Breault noted that the Town Fire Inspector did not indicate that a fire lane would be required. Chairman Ellsworth understood, but stated that the Board should have something from the Inspector indicating that he has no concerns with fire safety.

Mr. Taylor expressed concern with the fact that the day care may not meet the fire safety requirements, such as having a second means of egress. He then noted that one cannot utilize space through another room as a second means of egress. In addition, Mr. Taylor questioned whether there is a need to meet the requirements of American Disabilities Act. He suggested that Mr. Breault seek advice from an architect or someone qualified to address the necessary codes.

Mr. Britain believed that it is hard to come to some final conclusions on the exterior when there is uncertainty as to how the interior of the day care will be organized. Mr. Breault believed that the issue of fire safety has been addressed by the Fire Inspector.

Mr. Britain suggested that more of a final design be completed before presenting an application to the Board.

Abutter Jake Nunn expressed concern with the proximity of the playground to Pine Street when considering that tractor trailer trucks traveling up and down Pine Street. He suggested that the playground should be located further back from the road. Mr. Taylor concurred, suggesting that a playground may not be an acceptable use within a building setback. Mr. Britain thought that it was dependent upon types of structures within the playground.

Chairman Ellsworth suggested that Mr. Breault take Mr. Nunn's concerns into consideration when preparing the final design of the facility.

III. Schedule for review of the Capital Improvements Plan for years 2009 – 2018.

Schedule of review of the Capital Improvements Plan was deferred to the September 10, 2008 meeting.

IV. Adjournment.

With no other business to come before the meeting, Chairman Ellsworth declared the meeting adjourned at 8:30 PM. The next regular scheduled meeting of the Planning Board is Tuesday, September 10, 2008, 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.