

Hopkinton Planning Board
Minutes
December 9, 2008

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting/hearing of Tuesday, December 9, 2008, beginning at 7:00 PM in the Hopkinton Town Hall. Members present: Jane Bradstreet, Bethann McCarthy, Celeste Hemingson and Cettie Connolly. Absent: Vice Chairman Timothy Britain, Michael Wilkey, Edwin Taylor, Clarke Kidder and James O'Brien,

I. Review of the Minutes and Decision of November 13, 2008.

Motion made by Mrs. Connolly, seconded by Mrs. Hemingson, to approve the minutes as written. Motion carried unanimously.

Motion made by Mrs. Hemingson, seconded by Mrs. Connolly, to approve the Notice of Decision as written. Motion carried unanimously.

II. Conceptual(s).

There were no conceptual consultations.

III. Work Session – Zoning Amendments.

Board members reviewed the proposed amendments as follows:

1. Amend Section II, 2.1.J.2 Junk Yard by correcting referenced NH RSA.
2. Omit Section IV, 4.4.8 Additions due to the fact that it conflicts with Section V, 5.1.2 Expansion of a Non-conforming use.
3. Amend section III, Table of Uses 3.6.G.7 Earth Products Removal correcting referenced section of Zoning Ordinance. The table incorrectly references Section X Recreational Camping Parks/Residential Tenting and Camping Vehicles. The table should reference Section XI Local Regulation of Excavation.
4. Section III Establishment of Districts and Uses, add new Table of Uses 3.6.H.16 Small Wind Energy Systems in accordance with Section III, subsection 3.11. The use is proposed to be listed as permitted in all zoning districts.
5. Add new section III, 3.11 Small Wind Energy Systems. New subsection to include authority, purpose, definitions, procedure for review, standards, abandonment, violation and penalties. Subsection as a result of NH Revised Statutes Annotated 674:62-66.

Brief discussion ensued concerning the Zoning Ordinance and a resident's ability to install a small wind energy system. The legislature in 2008 passed a bill that allows towns to regulate small wind energy systems; however, towns cannot impose unreasonable limitations. Chairman Ellsworth noted that the purpose of addressing the issue is because of the potential for the new law to "invalidate some provisions of municipal zoning ordinance..." as indicated in the material provided by the Local Government Center concerning land use legislation. The new law takes effect July 11, 2009.

Mrs. Hemingson, seconded by Mrs. McCarthy moved to go forward and hold the necessary public hearing concerning the amendments listed above. Motion carried unanimously.

Mrs. Robertson presented proposed amendments to the Sign Ordinance as requested by the Board of Selectmen. See attached copy. Amendments include a new subsection 7.2.2 Signs Allowed and Exempted from Permit Requirements, 7.2.6 Temporary Free Standing Signs, and revisions to 7.4.2 Temporary Real Estate Signs.

In reviewing the proposed revisions to the Sign Ordinance a few members expressed concern with the language proposed and suggested that the Planning Board, Selectmen, Economic Development Committee and local businesses meet to discuss the matter prior to placing the proposal before the voters.

Motion made by Mrs. Hemingson, seconded by Mrs. Connolly, to post-pone action on the Selectmen's amendment until such time as the Planning Board has had an opportunity to discuss the proposal with the Selectmen and Economic Development Committee. With five members voting, four voted in favor and one (Bradstreet) voted in opposition to the motion.

Chairman Ellsworth agreed to follow-up with the Board of Selectmen concerning the Planning Board's action.

IV. Other Business.

- Voluntary Merger of Pre-Existing Lots—Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to approve the request of Linda Stevens as Power of Attorney for Genevieve (Jean) Jakubowski to merge Lots 26, 27, 28, shown on Tax Map 209. Motion carried unanimously.

V. Adjournment.

With no other business to come before the meeting, Chairman Ellsworth declared the meeting adjourned at 7:55 PM. The next regular scheduled meeting of the Planning Board is Tuesday, January 13, 2009, at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning Director

Upon finding that an application meets the submission requirements, the Planning Board will vote to accept the application as complete and a public hearing on the merits of the proposal will follow immediately. Should a decision not be reached at the public hearing, the application will remain on the Planning Board agenda until such time as it is either approved or disapproved.

The Planning Board reserves the right to adjourn the public hearing at 11:00 PM. All remaining applications that have not been reviewed will be rescheduled for review at the Planning Board's next scheduled public hearing.

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.