

**Hopkinton Planning Board**  
**Minutes**  
**February 10, 2009**

Acting Chairman Michael Wilkey opened the Hopkinton Planning Board meeting/hearing of Tuesday, February 10, 2009, beginning at 7:00 PM in the Hopkinton Town Hall. Members present: Edwin Taylor, Jane Bradstreet, Bethann McCarthy, Cettie Connolly. Members absent: Chairman Bruce Ellsworth, Vice Chairman Timothy Britain, James O'Brien, Celeste Hemingson, and Clarke Kidder.

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**I. Review of the Minutes of December 9, 2008 and January 13, 2009.**

**Motion made by Mrs. Connolly, seconded by Mrs. Bradstreet, to approve the minutes of December 9, 2008 as written. Motion carried unanimously.**

**Motion made by Mrs. Bradstreet, seconded by Mr. Taylor, to approve the minutes of January 13, 2009 as written. Motion carried unanimously.**

**II. Conceptual(s).**

There were no conceptual consultations.

**III. Application(s).**

#2009-2 Duval Survey, Inc.—Bob Kilmer of Duval Survey, Inc. addressed the Board representing the Vira E. Moss Revocable Trust (Barbara Fales/Carol Shelton) for a two lot subdivision of property located at 31 Moss Road, R-4 district, Tax Map 257, Lot 7.

The plans presented showed a total of 12-acres being subdivided into two-lots. One lot will consist of 5.66 acres with an existing residence and the second lot will consist of 6.3 acres fronting on Jewett Road and Moss Road. The newly created lot is to have access from Jewett Road along an existing woods road (driveway) that currently exists. Each lot meets the minimum acreage requirement of upland with at least one-acre of the upland on each lot being contiguous. Wetlands certification and high intensity soil mapping were completed by Peter Schauer, Certified Wetland Scientist of Schauer Environmental Consultants.

At this time, Mrs. McCarthy joined the Board.

**Mrs. Connolly, seconded by Mrs. Bradstreet, moved acceptance of application #2009-2 as complete and for consideration. With five members voting, all five voted in favor of the motion (Wilkey, Taylor, McCarthy, Connolly and Bradstreet).**

There was no one present wishing to offer public testimony.

Mr. Taylor inquired as to whether Jewett Road is classified as a State road. Mr. Kilmer replied yes.

**Mrs. Bradstreet, seconded by Mr. Taylor, moved to approve application #2009-2 as presented. With five members voting, all five voted in favor (Wilkey, Taylor, McCarthy, Connolly and Bradstreet).**

#2009-3 Boys & Girls Club of Hopkinton—David Dufault representing the Boys & Girls Club of Hopkinton addressed the Planning Board presenting a request for Site Plan Review approval to operate the programs of the Boys and Girls Club of Hopkinton from property located at 195 Park Avenue, R-1 district, Tax Map 225, Lot 2. The property was formerly used by the Cuttings for their Hallmark business. However, the property has since been foreclosed on and is now owned by U.S. Bank, NA. Should the Planning Board approve their application, the Concord Boys & Girls Club will actually be purchasing the property as the Boys & Girls Club of Hopkinton is sponsored by the Concord club.

The plan presented showed a layout of eight parking spaces in the rear of the building, which meets the parking requirements in the Ordinance. The entrance to the property will be adjacent to George's Park as it is currently; however, the drive is proposed to be one way traveling around the building and exiting onto Park Avenue near the Wait property. A State Driveway Permit has been approved by the NH Department of Transportation.

Mr. Dufault advised of the fact that John Pianka, Code Enforcement Officer for the Town, inspected the building requesting a direct egress from the basement to the outside since the plans include use of the basement. Additionally, there is a proposed handicapped ramp off of the rear deck. Based on Mr. Pianka's inspection of the building he had determined that an occupancy load of no more than 36 people would be permitted.

Mr. Dufault then requested waivers from the plan view and elevation requirement and instead, presented photographs of the exterior and interior of the building.

At this point, discussion ensued concerning the interior renovations proposed and the fact that a certificate of occupancy will be required prior to occupancy of the building.

When discussing the time period for accomplishing the renovations and constructing the exterior egress from the basement, Mr. Dufault advised that without the means of egress from the basement an occupancy of 18 people would be permitted. Following discussion as to the Board's options of approving the application with an occupancy limit of 18 people without the egress or 36 people with the basement egress, Mr. Dufault stated that he had misspoken in that the occupancy limit of 18 without the egress was a calculation that he had made, rather than a decision of Mr. Pianka.

David Collier of Richard Bartlett & Associates representing the Boys & Girls Club of Hopkinton suggested that the Planning Board consider conditioning approval of the basement egress. In response, Mr. Taylor suggested that it might be appropriate as the proposed bulkhead would not be acceptable as a means of egress in compliance with the State Building Code. Conditionally approval would allow the authority having jurisdiction to review and approve the means of egress.

Mr. Dufault then noted that they are requesting a waiver from paving the parking area and instead allow for gravel parking. In response, Mrs. Bradstreet believed that the request is consistent with the Planning Board's philosophy that "less pavement is better".

Mr. Dufault presented the actual sign proposed to be erected on the premises. The sign proposed is white with blue lettering identifying the Boys & Girls Club of Hopkinton. Mrs. McCarthy advised that any lighting of the sign would need to be from the top directed downward. Mr. Dufault agreed.

**Mrs. McCarthy, seconded by Mrs. Connolly, moved acceptance of application #2009-3 as complete and for consideration. With five members voting, all five voted in favor of the motion (Wilkey, Taylor, McCarthy, Connolly and Bradstreet).**

At this time, Mr. Wilkey opened public comment by first reading letters submitted by abutter Al Wait, Police Chief David Wheeler, and resident Melissa Smart. See attached copies.

Mrs. Bradstreet inquired as to whether additional lighting of the property is proposed. Mr. Dufault did not believe so, noting that there is enough lighting from the existing lights and that from George's Park. In response, Mr. Wilkey suggested that the Board view the property independent of the use of George's Park. The site in question should be viewed for security and safety purposes for those children that will be utilizing the property. Additionally, the Board should be sensitive to the impact, if any, on the neighbors.

Mr. Collier suggested that the issue of lighting be a condition of approval. Mr. Taylor noted that the Town has a Lighting Ordinance that must be adhered to. This includes all existing lighting on the premises; since this is a change in use the existing lighting is not grandfathered. Board briefly discussed with the Applicant the existing light that is located on a telephone pole on the property. It was suggested that the light pole be reduced and the light fixture be changed so as to insure that the lighting is directed downward in compliance with the Town's Ordinance.

Mr. Wilkey inquired as to whether there is a proposed use of the barn that is on the property. In response, Mr. Dufault stated that the use would be dependent upon the interest in the children that come to the Boys & Girls Club. Chris Emond, Director of the Concord Boys & Girls Club suggested the barn would be ideal for storage. Mr. Wilkey believed that any use of the barn where children would be in the building would require compliance with the State Building Codes which include the Life Safety Code. He requested that the barn be locked for security purposes. Mr. Emond agreed.

Brief discussion ensued concerning the Applicant's proposal to remove large pine trees on the property for safety reasons. The Applicant noted that similar large pines are located over the property line on Town property (George's Park) that also would need to be removed. Mr. Dufault further noted that the Town should remove the existing barbed wire fence that runs along the property. He believed the fence to be dangerous to the children. In response, Board members advised that the removal of the trees and fencing along Town property would be a decision of the Board of Selectmen, not the Planning Board. Mr. Dufault agreed, noting that he will also be approaching the Selectmen for permission to access George's Park.

Abutter Al Wait of 177 Park Avenue addressed the Board with respect to his letter and his request that a fence be required as a condition of approval of the application. He noted that the fence would serve in lieu of plantings or other types of screening, and should be a six foot high white vinyl private fence that is 200 feet long. Furthermore, the Boys & Girls Club

should be responsible for maintaining the fence. In response, Mr. Dufault indicated that the Boys & Girls Club had agreed to the installation of a fence as requested by Mr. Wait. Mr. Wait wanted assurance that the fence is to be installed prior to the Boys & Girls Club utilizing the property.

With respect to the removal of the trees, Mr. Wait indicated that he had given permission to the Boys & Girls Club to allow the trees to drop whole on his property, rather than they having to pay the expense of having the trees cut in pieces. Mr. Wait noted that the permission is given provided that he knows the person that is removing the trees.

Mr. Wait inquired as to the number of staff members that will be at the property. In response, Mr. Emond stated that they would most likely need more than one staff member, noting that the children must always be in the line of site of the staff.

Mr. Taylor noted that the occupancy load only applies to the number of people within the building and not on the property. Mr. Emond agreed.

Mr. Wait inquired as to whether there are plans to have outside speakers. Mr. Emond replied no.

Lisa Nelson, whose son attends programs at the Boys & Girls Club, addressed the Board in favor of the proposal. Mrs. Nelson believed the location is appropriate as it is in walking distance to the middle/high school.

Public testimony was closed.

**Motion made by Mrs. Bradstreet, seconded by Mrs. McCarthy, to allow a waiver from paved parking and instead allow for gravel parking. Motion carried unanimously.**

**Motion made by Mrs. Bradstreet, seconded by Mrs. Connolly, to allow a waiver from the plan view and elevation view requirement. Motion carried unanimously.**

**Motion made by Mrs. Bradstreet, seconded by Mrs. Connolly, to allow a waiver of the application fee with the understanding that the Applicant is to pay the abutter notification fees. Motion carried unanimously.**

**Following discussion, motion was made by Mrs. Bradstreet, seconded by Mr. Taylor, to approve Application #2009-3 with the following conditions:**

- 1) That all proposed and existing lighting comply with the Hopkinton Lighting Ordinance;**
- 2) That a visual privacy fence be installed along the southern property line abutting Lot 1, beginning at the iron bound on Park Avenue and extending no less than 170-feet along the property line. The fence is to be 6-feet in height and to be installed and maintained by the Applicant. Installation is to occur within 6-months of the date of Planning Board approval; and**
- 3) That compliance with Building Codes is subject to authorities having jurisdiction.**

**With five members voting, four voted in favor (Wilkey, Taylor, Connolly and Bradstreet) and one voted in opposition (McCarthy). The application was approved with conditions.**

#### **IV. Other Business.**

- a) Email and Other Between Meeting Communications Policy – The Board, at their previous meeting, asked that the policy be reviewed by the Board of Selectmen for their recommendation. If the Selectmen have already adopted such a policy, for consistency purposes, the Planning Board believes that they should adopt the same. Mrs. Robertson will follow-up and get back to the Board.
- b) Planning Board Monitoring of Indicators of Growth Impact (section 13.4) – Planning Board reviewed Findings of Facts which indicated that the rate of growth of Hopkinton as compared to abutting communities is slow. A public hearing concerning the same will be held on Tuesday, March 17, at Town Hall. Representatives of the School Board and Board of Selectmen will be invited to attend.
- c) Municipal Law Update – Planning Board was in receipt of a municipal law update prepared by Attorney Bernier Waugh. Attorney Waugh offered to do a presentation to the Planning Board and any other interested official concerning the updates. Presentation tentatively scheduled for Tuesday, March 17, at 6:30 PM, Town Hall.
- d) Energy Efficient Development— Mrs. McCarthy asked the Board to consider updating the Town's Master Plan to address energy efficiency. If the issue is addressed in the Town's Master Plan the Town would have the ability to adopt regulations, ordinances or building codes that would promote energy efficient measures. Following discussion, Mr. Wilkey suggested that the Mrs. Robertson provided the Planning Board with a list of chapters within the Master Plan with an indication as to what needs to be updated.

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

With no other business to come before the meeting, Chairman Ellsworth declared the meeting adjourned at 9:15 PM. The next regular scheduled meeting of the Planning Board is Tuesday, March 17, 2009, at 6:30 PM in the Town Hall.

Karen L. Robertson  
Planning Director

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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.