

Hopkinton Planning Board
Minutes
April 14, 2009

Acting Chairman Michael Wilkey opened the Hopkinton Planning Board meeting/hearing of Tuesday, April 14, 2009, beginning at 7:00 PM in the Hopkinton Town Hall. Members present: Edwin Taylor, Celeste Hemingson, and Cettie Connolly. Members absent: Chairman Bruce Ellsworth, Vice Chairman Timothy Britain, Jane Bradstreet, James O'Brien, Bethann McCarthy, and Clarke Kidder.

I. Public Hearing – Findings of Facts and Notice of Growth Impact as part of Hopkinton's Indicators of Growth Impact in accordance with Hopkinton Zoning Ordinance Section XIII Growth Management and Innovative Land Use Control.

In accordance with Section 13.4 of the Hopkinton Zoning Ordinance, an indicator of growth impact occurs when:

- (a) The average annual percent increase in building permits for dwelling units in Hopkinton for the past five years exceeds the same average of the combined seven abutting communities.
- (b) The most recently published average annual percent population growth for Hopkinton as reported by the New Hampshire Office of Energy and Planning exceeds the same average of the combined seven abutting communities.
- (c) The number of public school students enrolled or projected for the coming year for the combined schools in the Hopkinton School System exceeds 90 percent of its stated capacity as defined by the Hopkinton School Board.
- (d) The annual full value tax rate of Hopkinton as reported by the New Hampshire Department of Revenue Administration exceeds the average annual full value tax rate of the combined seven abutting communities or Merrimack County for the reporting year. (For comparison purposes, the tax rates will be equalized to full value.)
- (e) The number of dwelling units of all projects combined, for which approval is being sought from the Planning Board, at any time of reporting, if approved could result in conditions defined by a., b., c., or d. above.
- (f) The number of public school students enrolled or projected for the coming year for the combined schools in the Hopkinton School System exceeds 100 percent of its stated capacity as defined by the Hopkinton School Board.
- (g) The annual capital expenditures including debt service and capital outlay for combined municipal and school expenditures exceeds 20 percent of the total municipal and school department expenditures combined.

FINDINGS

13.4(a) - Building Permits - The average percent increase in building permits for dwelling units in Hopkinton for the past five years exceeds the same average of the combined seven abutting communities. FINDING: The average percent increase in building permits for dwelling units in Hopkinton for the past five years EXCEEDS average of combined abutting communities.

	2004	2005	2006	2007	2008	2004-2008 % Change	2004-2008 % Change to the Average of the Seven Communities	avg for 5 years
Hopkinton	20	13	26	9	8	-47.4%	31.6%	15
Warner	19	16	12	5	3	-72.7%	-31.8%	11
Webster	26	20	16	14	9	-47.1%	32.4%	17
Concord	235	143	111	103	42	-66.9%	-17.2%	127
Bow	32	24	16	25	14	-36.9%	57.7%	22
Dunbarton	28	24	19	19	9	-54.5%	13.6%	20
Weare	95	96	54	54	25	-61.4%	-3.5%	65
Henniker	25	33	18	7	8	-56.0%	9.9%	18
Avg of Seven Communities	60	46	34	30	15	-60.0%		37

Source: Individual Towns and Websites

Mrs. Hemingson believed that the formula for the percent change and change to the average is incorrect. She suggested that the formula be reviewed. Mr. Wilkey noted that the actual wording of the question is confusing, but that he would review the formula. He further noted that the numbers for Concord growth tend to skew the numbers because Concord is such a large community as compared to the others.

13.4(b) - Population Growth - The average annual percent population growth as reported by the New Hampshire Office of State Planning exceeds the same average of the combined seven abutting communities. FINDING: NHOEP reports U.S. Census Data. Hopkinton does NOT EXCEED the average percent population of combined abutting communities.

	1990	2000	1990-2000% Increase:	2007 OEP Estimate:	Est Growth Increase from 2000/2007	% Change in Growth from the Avg % of Seven Communities		
Hopkinton	4,806	5,339	11.09%	5,590	4.7%	-26%		
Warner	2,250	2,760	22.67%	2,938	6.4%	1%		
Webster	1,405	1,579	12.38%	1,774	12.3%	93%		
Concord	36,006	40,687	13.00%	42,044	3.3%	-48%		
Bow	5,500	7,138	29.78%	7,748	8.5%	34%		
Dunbarton	1,759	2,226	26.55%	2,564	15.2%	138%		
Weare	6,193	7,776	25.56%	8,952	15.1%	137%		
Henniker	4,151	4,433	6.79%	4,922	11.0%	73%		
Avg of Seven Communities	7,759	8,992	15.90%	9,567	6.4%			

Source: NH Office of Energy & Planning

13.4 (c) & (f) - School Enrollment - The number of public students enrolled or projected for the coming year for the combined schools in the Hopkinton School System exceeds 90 (100) percent of its stated capacity as defined by the Hopkinton School Board. FINDING: 13.4 (c) Enrollment for the current year does **NOT EXCEED** 90% of the District capacity for all schools combined. Enrollment for projected year **EXCEEDS** 90% of the District capacity for all schools combined. 13.4 (f) Enrollment for the current and coming year does **NOT EXCEED** 100% of District capacity.

	Building (Design) Capacity	(District) Guideline Capacity	2008/2009 Enrollment	2008/2009 % Capacity (District)	2009/2010 Enrollment Projected	2009/2010 % Capacity (District)	2009/2010 % Capacity Projected (Design)	
Harold Martin	426	278	246	88.5%	213	76.6%	50.0%	
Maple Street	362	264	227	86.0%	242	91.7%	66.9%	
Middle/High School	729	550	502	91.3%	533	96.9%	73.1%	
Combined	1517	1092	975	89.3%	988	90.5%	65.1%	
Source: Hopkinton SAU								

Mr. Wilkey believed that the enrollment figures provided by the School District show that there is capacity available at the Hopkinton Schools. The overall enrollment has decreased from previous years.

13.4(d) - The annual full tax rate of Hopkinton as reported by the New Hampshire Department of Revenue Administration exceeds the average annual full value tax rate of the combined seven abutting communities or Merrimack County for the reporting year. FINDING: Hopkinton **EXCEEDS** the average annual full value rate of the abutting communities. Information with respect to Merrimack County was not available at the time of this report.

	2007 Tax Rate	2007 Ratio	2007 Full Value Tax Rate	2008 Tax Rate	2007 Ratio	2008 Full Value Tax Rate	
Hopkinton	\$21.05	100.0%	\$20.89	\$22.19	100.0%	22.19	
Warner	\$20.68	100.0%	\$20.55	\$23.72	100.0%	23.72	
Webster	\$17.64	93.8%	\$17.01	\$18.71	93.8%	17.55	
Concord	\$19.63	96.4%	\$18.77	\$20.49	96.4%	19.75	
Bow	\$21.02	98.8%	\$21.81	\$22.53	98.8%	22.26	
Dunbarton	\$14.56	91.2%	\$13.52	\$15.48	91.2%	14.12	
Weare	\$15.27	100.0%	\$15.10	\$15.90	100.0%	15.90	
Henniker	\$24.78	93.1%	\$22.83	\$27.16	93.1%	25.29	
Region (Avg of Seven Communities)	\$19.33	96.7%	\$18.81	\$20.77	96.7%	\$20.10	
Merrimack County Actual Tax Rate:	\$19.04			<i>Unavailable</i>			

Source: NH Department of Revenue Administration. Note: At the time of this report, 2008 Ratio and County Tax Rate was not available.

In preparing this table, the tax rates for the communities were all equalized to come up with each towns full value tax rate. Mr. Wilkey believed that the potential flaw in this table is the fact that the values in the communities may have decreased at the time of this reporting.

13.4(e) - Dwelling Units for Projects - The number of dwelling units of all projects combined, for which approval is being sought from the Planning Board, at any time of reporting, if approved could result in conditions defined by a., b., c., or d. above.							
13.4(a) Building Permits	*13.4(b) Population Growth	13.4(c) District Capacity 90%	13.4(d) Annual Full Value Rate				
0	0	89.38%	See above				
*Based on two adults and one child per household.							

Since there have not been developments, this table really isn't relevant at this time.

13.4(g) - Annual Capital Expenditures - The annual capital expenditures including debt service and capital outlay for combined municipal and school expenditures exceed 20 percent of the total municipal and school department expenditures combined. FINDING: Capital expenditures do NOT EXCEED 20% of the total municipal and school expenditures combined.							
	2008 Total Operating Expenditures	2008 Total Capital Expenditures	Total Combined Expenditures	20% Municipal School Operating Expenditures			
Municipal	\$5,370,544	\$219,384	\$5,589,928				
School ('07/'08)	\$14,404,958	\$191,630	\$14,596,588				
Combined:	\$19,775,502	\$411,014	\$20,186,516	\$3,955,100			
Source: Hopkinton Selectmen's Office, Hopkinton SAU Office							

This table is believed to be self-explanatory showing that the capital expenditures, including debt service and outlay for the town and school combined do not exceed twenty percent of the combined operating expenditures.

Based on the findings that 13.4(a), (d), and (c) have occurred, the Planning Board discussed whether to continue phasing of future developments in accordance with Section 13.6 of the Ordinance and 2.4.9 of the Regulations.

The Board also briefly discussed the number of vacant lots currently available as a result of developments not being built-out at this time. Resident Byron Carr agreed that consideration should be given to the potential impact should the vacant lots all be built-out.

Motion made by Mrs. Hemingson, seconded by Mrs. Connolly to implement phasing of future developments given the fact that the Hopkinton exceeds three (3) indicators in determining growth impact. Motion Carried unanimously.

The Board agreed that the Findings of Facts should be reviewed on a quarterly basis, rather than just annually.

II. Review of the Minutes and Notice of Decision of March 12, 2009.

Review of the Minutes and Notice of Decision was deferred to the May 12, 2009 meeting.

III. Conceptual(s).

There were no conceptual consultations.

IV. Application(s).

#2009-5 David & Jane Barkie – Mike Dalhberg addressed the Planning Board on behalf of David & Jane Barkie for a two lot subdivision of property located off Brockway Road in the R-3 district, Tax Map 256, Lot 25. The total acreage, prior to subdivision, consists of 16.52 acres. The proposal is to create one residential building lot consisting of 3.01 acres with 300.10 feet of frontage. The remaining lot will consist of 13.51 acres with 315.18 feet of frontage. The intent of the subdivision is for Mr. and Mrs. Barkie to construct a new residence on the remaining lot and to sell the newly created lot.

Mr. Dahlberg explained how they propose an easement across the smaller lot for access to the larger lot, so to avoid the need cross wetlands. The wetlands that is shown is that of a stream that runs north to south on the property.

Public testimony was opened.

Abutter Deb Libby questioned why Mr. Barkie was trying to avoid the wetlands on his property. In response, Mr. Dalhberg explained how the Wetlands Bureau encourages applicants to avoid wetland crossings whenever possible.

Mr. Gardner discussed the soil conditions in the area, the direction of water flow from the stream, noting that during the spring and fall there tends to be standing water in the wetlands area closest to the street. He then expressed concern with the potential for sediment seepage into the wetland. In response, Mr. Dalhberg noted that the contractor should follow NH Department of Environmental Services Best Management Practices when working in close proximity to wetlands.

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

Abutter Jacqueline Gayer questioned whether there was sufficient frontage on the remaining lot as there is wetlands along the entire front of the lot.

Mr. Gardner readdressed the Board asking that they consider a site visit to see the topography and wetlands. Following discussion, the Board determined that it was not necessary. Any site activities would come under the jurisdiction of the NH Department of Environmental Services or the Town's Building Inspector. Mr. Gardner noted that the Applicant has clear cut almost to the wetland and unless the area is reseeded he believed there is a possibility that silt will run into the stream during excavation and construction of the home.

Byron Carr addressed the Board advising that he had been a member of the Contoocook River Advisory Committee. He believed that it would be most appropriate to have the driveway cross over the adjacent parcel, rather than having to impact wetlands. However, he did express concern with the house being constructed on a steep slope and the potential for run-off into the wetland. Mr. Carr suggested that the Conservation Commission review the slope, clearing, wetland and brook.

Mrs. Hemingson questioned whether the proposal actual qualifies as a subdivision due to the fact that the wetland crosses along the entire frontage of one of the lots. She questioned whether they are defeating the purpose of zoning which requires 300 feet of road frontage, when in fact, the lot has no access unless Applicant obtains a Wetlands Permit. The Board briefly discussed

the possibility of the Applicant obtainin the necessary Wetlands Permit and the potential for the Applicant to apply for a conservation subdivision allowing multiple residential units on the parcel.

Motion made by Mrs. Connolly, seconded by Mrs. Hemingson to approve application #2009-5 with the recommendation that the Selectmen have the Conservation Commission review any residential building permit for the remaining parcel. Motion carried unanimously.

V. Other Business.

- a) Between Meeting Communications Policy – As a follow-up to previous discussions concerning the Planning Board adopting such a policy, Mrs. Robertson advised that she was not aware of a similar policy ever being adopted by the Board of Selectmen; however, she noted that the Zoning Board of Adjustment have adopted the Between Meeting Communications Policy as recommended by the Board's counsel. The Policy had been provided as a result of changes in the right-to-know-law and law concerning electronic communications. Following brief discussion, motion was made by Mrs. Hemingson, seconded by Mr. Taylor, to adopt the Between Meeting Communications Policy as recommended by the Board's counsel. Motion carried unanimously.

- b) Milton-Cat Lighting – As a follow-up to concerns raised by Mrs. McCarthy regarding compliance with the Lighting Ordinance. Mrs. Robertson reported that Mr. Taylor had viewed the Milton-Cat site to determine whether the lighting in the parking lot is in compliance with the Town's Lighting Ordinance. Mrs. Robertson referred to minutes of previous meetings in which representatives of Milton-Cat were made aware of the Ordinance and the need to comply with the requirement that all lighting fixtures be horizontal cut-offs. Mrs. Robertson noted that she had recently spoke with a representative from Milton-Cat, requesting that the lighting be redirected downward. The response was that it has been a number of years since the lighting was installed with no one from the Town addressing the issue. Furthermore, it was noted that it would be costly for the fixtures to be changed. Following brief discussion, members agreed that the lighting needs to be in compliance with the Lighting Ordinance which was in effect at the time of the approval of the parking lot.

VI. Adjournment.

With no other business to come before the meeting, Mr. Wilkey declared the meeting adjourned at 8:50 PM. The next regular scheduled meeting of the Planning Board is Tuesday, May 12, 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.