

**Hopkinton Planning Board**  
**Minutes**  
**July 14, 2009**

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

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**I. Minutes and Notice of Decision of June 9, 2009.**

**Mr. Taylor, seconded by Mrs. Connolly, moved approval of the Minutes as presented. Motion carried unanimously (Bradstreet, Wilkey, Taylor, Connolly and Ellsworth).**

**Mrs. Connolly, seconded by Mr. Taylor, moved approval of the Notice of Decision as presented. Motion carried unanimously (Bradstreet, Wilkey, Taylor, Connolly and Ellsworth).**

**II. Application(s).**

**#2009-07 Lisa Garside**— Steve Garside of 100 Chase Farm Road addressed the Board representing his wife for **Site Plan Review** approval to operate a yoga center as a home business at property owned by Susan Levesque and Lawrence Ehlinger, located at 100 Chase Farm Road in the R-4 district, tax map 243, lot 20.

Mrs. Garside is a certified yoga teacher who previously had a studio in Florida. At this time, she intends to offer classes four evenings a week from 6:30 PM – 8:00 PM and every Saturday morning from 9 AM to 12 Noon. The Zoning Board of Adjustment, at their meeting of July 7, 2009, approved a Special Exception to operate the yoga studio as a home business. The house at 100 Chase Farm Road is located at the end of the road. There are no changes to the house or property proposed.

Mrs. McCarthy and Mr. Britain joined the meeting; however, Mr. Britain recused himself from reviewing Mrs. Garside's application.

In reviewing the site plan, Mrs. Bradstreet stated that there are sufficient parking spaces available. The Ordinance requires two parking spaces for the residence and one space for the home business. The property in question is located at the dead-end of Chase Farm Road, so there didn't appear to be an issue with respect to screening.

**Mr. Wilkey, seconded by Mrs. Bradstreet, moved to accept Application #2009-07 as complete and for consideration. Motion carried unanimously (Bradstreet, Wilkey, Taylor, Connolly, McCarthy and Ellsworth).**

Donna Beth Murphy of 86 Chase Farm Road addressed the Board as an abutter. Ms. Murphy stated that she believed that the proposed use is an acceptable quiet use. However, she expressed concern with the fact that there is a steep curve in the road that may be dangerous for those people driving the road that aren't familiar with the road. She suggested that the Board consider having signs placed along the road notifying drivers of the curve.

Mr. Taylor discussed the need to have the Code Enforcement Officer review the proposal to determine whether the American Disabilities Act accessibility requirements would be applicable. In response, Mr. Garside noted that there is direct access to the outside, at ground level, to the yoga room.

Mrs. McCarthy suggested that for ease of parking the Garside's consider head-in or parallel parking, instead of angle parking. Mr. Garside noted that all of the parking as shown presently exists on the property.

**Mr. Wilkey, seconded by Mrs. Bradstreet, moved to approve Application #2009-7 subject to the condition that the Applicant makes a formal request to the appropriate Town official concerning street signage. Motion carried unanimously (Bradstreet, Wilkey, McCarthy, Connolly, Taylor and Ellsworth).**

Mr. Britain joined the Board for the remainder of the meeting.

**#2009-08 McLane Company, Inc.**—John Scott of Rist-Frost-Shumway Engineering addressed the Board, on behalf of McLane, requesting **Site Plan Review** approval to construct site security improvements, located at 932 Maple Street in the M-1 district, tax map 228, lot 34.

Mr. Scott advised that as a result of a corporate directive to all of its distribution facilities, McLane Eastern proposes site security to include the construction of a site perimeter fencing around the trucking operations area on the east and north sides of the main building; an operable entry and exit gate at the main trucking access drive, including the placement of a guard house, and the installation of a manual double leaf gate at the secondary access drive on the east side of the site, along with removal of concrete barriers.

The guard house will be manned around the clock. The operator will control entry and exit of all vehicles into the trucking area. Due to the fact that the guard house is an accessory structure, the structure and operable gates will be placed slightly beyond the 50-foot front setback limit required for the district. The guard house will have a small light mounted on the exterior. Mr. Scott referred members of the Board to a sheet in their packet that provided data on a typical guard house. It is intended to have the guard house color be white to match the color of the main building.

The perimeter fencing will be an 8-foot chain link fence. The fence along the front of the property will be located behind the established landscaping screen and will be visible only at and adjacent to the entry areas.

Mr. Wilkey inquired as to whether a tractor trailer truck would be able to park in the drive, at the guard house, without having any portion of the truck in the road. Mr. Scott replied yes, noting that the guard house is at least 50 feet from the road.

Mr. Britain questioned whether the jersey barriers at the east entrance would remain. Mr. Scott replied yes, stating that the barriers will help to further restrict entrance to the facility.

At this time, there was an inquiry about the use of the truck entrance to the facility. Mr. Scott explained how the original proposal included use of the truck entrance as part of the wash facility; however, because of the distance from the loading operations the guard would have better control if all trucks were to use the main entrance. It was noted that the east truck entrance had been approved by the NH Department of Transportation and that McLane Eastern was not abandoning use of the entrance.

**Mr. Britain, seconded by Mr. Taylor, moved to accept Application #2009-08 as complete and for consideration and as complete. Motion carried unanimously (Britain, Bradstreet, Wilkey, McCarthy, Connolly, Taylor and Ellsworth).**

There was no public testimony.

Brief discussion ensued concerning the color of the proposed fencing with the Board unanimously agreeing that along the front of the property the fence shall be black and the color should continue to be the same along the first 100 feet along the sides of the property.

Mrs. McCarthy noted that the light at the guard house must be fully shielded in accordance with the Town's Lighting Ordinance. Mr. Scott concurred.

**Mrs. Bradstreet, seconded by Mr. Britain, moved to approve Application #2009-9 subject to the condition that the proposed chain link perimeter fence located along the front of the property and along 100-feet of the sides of the property be camouflaged the color black. Motion carried unanimously (Bradstreet, Wilkey, McCarthy, Connolly, Taylor, Britain and Ellsworth).**

**#2009-03 Boys & Girls Club of Concord**—Chris Emond, Executive Director of the Boys & Girls Club addressed the Board to request a **Two (2) month extension** of a condition imposed by the Planning Board requiring the installation of a privacy fence at their facility located at 915 Park Avenue, tax map 225, lot 2.

Mr. Emond advised of the fact that the Boys & Girls Club is relying on volunteers to donate their time. They have successfully found someone to donate the fence; however, weather conditions have delayed the volunteer's ability to install the fence. Mr. Emond suggested that the fence would most likely be installed mid to late August.

Chairman Ellsworth expressed concern with the current conditions of the property and the visual impact that it is having to the neighbors. Mr. Emond agreed, noting that there have been delays in their efforts to work at the property; however, he anticipates that work will begin soon and the Boys & Girls Club will be open at the beginning of school.

Al Wait of 177 Park Avenue addressed the Board as an abutter to the project. Mr. Wait expressed concern with the lack of work that has taken place at the property within the past six months. He noted that the installation of the fence was a condition of approval and is to be completed prior to opening.

Dick Drescher, member of the Hopkinton Boys & Girls Club, addressed the Board advising that they have acquired the services of a local landscaping company to install the fence. The company had indicated that they most likely would be able to install the fence by the original August 10<sup>th</sup> deadline; however, they would not guarantee it.

Mr. Britain was disinclined to granting the extension any later than August 31<sup>st</sup>. Mrs. Connolly concurred.

**Mr. Britain, seconded by Mrs. Connolly, moved to grant an extension of no later than August 31, 2009, for the installation of the privacy fence as was originally approved by the**

**Planning Board on February 10, 2009. Motion carried unanimously (Bradstreet, Wilkey, McCarthy, Connolly, Taylor, Britain and Ellsworth).**

**III. Other Business.**

- a) Safe Routes to School—Mrs. Connolly reported that as a representative of the Economic Development Committee (EDC) she is now attending the Safe Routes to School meetings. The EDC's interest is retaining parking in the downtown.
- b) McLane Eastern, Inc.—Mrs. McCarthy asked that Mrs. Robertson check the files to determine whether McLane's use of the Burnham Intervale Road property was approved as a temporary or permanent use.
- c) Sign Ordinance—Mrs. Robertson is to schedule work sessions with Mr. Britain agreed to be the Planning Board representative. Other representatives include Glen Ohlund of the EDC, George Langwasser of the BOS, and a business representative to be determined.
- d) Site Plan Review Regulations—Work session to be scheduled.
- e) Capital Improvements Plan—Mrs. Robertson will reach out to the various departments, including the school district, for information on proposed capital projects.
- f) Zoning Amendments, if any—Amendments, if any, will be briefly discussed at the Board's September 8<sup>th</sup> meeting.
- g) Implementing Innovative Land Use Controls Grant—Board members are to review the information provided by Central NH Regional Planning Commission and inform Mrs. Robertson of any recommendations.

**IV. Adjournment.**

Motion made by Mr. Britain, seconded by Mr. Kidder, to adjourn the meeting at 8:30 PM. The next regular scheduled meeting of the Planning Board is Tuesday, August 11, 2009, at 7:00 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.