

**Hopkinton Planning Board**  
**Minutes**  
**August 11, 2009**

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, August 11, 2009, beginning at 7:00 PM in the Hopkinton Town Hall. Members present: Timothy Britain, Celeste Hemingson, Michael Wilkey, Bethann McCarthy, Edwin Taylor and Cettie Connolly. Members absent: James O'Brien, Jane Bradstreet, and Clarke Kidder.

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I. Minutes and Notice of Decision of July 14, 2009.

**Review of Minutes was deferred to the September 8, 2009 meeting.**

II. Application(s).

#2008-13B Francis Chase – Mr. Chase addressed the Planning Board advising that due to economic conditions he is requesting a one-year extension of a condition imposed by the Board requiring that the house on Lot 7 be removed within one-year from the date of subdivision approval. The condition was imposed on August 14, 2007, as part of the Planning Board's approval of a seven lot residential subdivision, including construction of new roadway. A one-year extension from the date of the original condition was previously granted on November 13, 2008. The property is owned by Francis and Ellen Chase, located off Irish Hill Road in the R-4 (residential/agricultural) district, shown on Tax Map 237 as Lot 36.

At this time, Mr. Chase has no plans to re-start construction of his development; at least not until the economy improves.

At the request of Chairman Ellsworth, Mr. Chase provided the Board with a brief update as to the construction that has occurred to date at the property. Mr. Chase advised that all drainage has been completed and the base of the road is completed. He stated that the road is almost ready to be paved.

Mrs. McCarthy joined the Board for the remainder of the meeting.

Doug Kimball of 302 Irish Hill Road addressed the Board as an abutter that he believed to be most affected by the proposed development. Mr. Kimball expressed concern with the present condition of the property, noting that there has been no work at the property at least a year. He questioned the process should Mr. Chase not comply with the conditions imposed by the Planning Board. In response, Vice Chairman Britain explained how the Town has the ability to call on Mr. Chase's letter of credit for the purpose of completing the road should the Town wish to do so. At this point, other members discussed the possibility of using the money to restore, to the extent possible, that portion of the property that has been disturbed.

Mr. Chase then questioned why someone would start a development knowing that they have no money to complete it.

Chairman Ellsworth recognized the fact that these are slow economic times, and suggested that there would be no harm to the Board considering whether or not to grant Mr. Chase an extension. However, the removal of the existing home was a condition of Planning Board approval due to the fact that it does not comply with the 150-foot setback requirement.

Mr. Chase stated that if he is required to remove the home he will do so; however, removal of the home will be a financial hardship.

Mr. Britain inquired as to the time table for expiration of the letter of credit. In response, Mrs. Robertson stated that she believed that it expires in October.

Mr. Wilkey recalled the same request and explanation provided to the Board in November of 2008 in which Mr. Chase had requested and was granted an extension.

Chairman Ellsworth inquired as to what Mr. Chase's plans for the project were for the next six months. Mr. Chase had no response.

Mr. Britain questioned why Mr. Chase has not completed construction of the roadway. In response, Mr. Chase stated that before he begins any further construction of the project he needs to see improvements in the economy.

Mrs. Hemingson expressed more concern with the stability of the base of the roadway than the removal of the home. She is concerned with what has happened to the property over the past year and a half. Mr. Britain agreed, stating that calling on the letter of credit would be a worst consequence than stabilizing the roadway.

Mrs. Hemingson wanted the Superintendent of Public Works to review the current condition of the roadway in order to determine what immediately needs to be done to stabilize the drainage and the roadway. Mr. Taylor concurred, but noted that the Applicant has an obligation to maintain all drainage and erosion control measures for the project.

Brief discussion ensued concerning the fact that Mr. Chase was not willing or unable to provide the Board with definite answers concerning a time table for construction or at least stabilization of the roadway.

**Michael Wilkey, seconded by Cettie Connolly, moved to approve a 30-day extension from August 11, 2009, with the conditions that at the Board's September 8, 2009 meeting, the Applicant is to present a plan and timetable for any improvements deemed necessary by the Public Works Director in an effort to stabilize the new roadway as well as the adjacent property. In addition to the plan and timetable, the Applicant shall present a renewed Letter of Credit (current expiration is 10/17/09) to cover all costs associated with the construction of the new roadway. Motion carried unanimously (Wilkey, Taylor, Hemingson, Britain, McCarthy, Connolly and Ellsworth).**

### III. Adjournment.

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