

Hopkinton Planning Board
Minutes
May 25, 2010

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, May 25, 2010, beginning at 7:00 PM in Hopkinton Town Hall. Members present: Michael Wilkey, Celeste Hemingson, Christopher Lawless and Cettie Connolly. Members absent: Timothy Britain, Jane Bradstreet, Bethann McCarthy and Edwin Taylor

I. Application(s) – Public Hearing.

#2010-3 Susan Gagnon/Julie Morris - Mrs. Gagnon and Mrs. Morris addressed the Board to request Site Plan Review approval to operate a retail business (consignment gallery) selling clothing, sporting goods, antiques, furniture, jewelry and other items. They anticipate the hours of operation to be similar to the adjacent gift shop, Pokodots, which is Wednesday through Saturday from 10 AM to 6 PM; however, on the Saturdays of the Farmer's Market they may open at 9 AM. It is there hopes to open the business at the end of June or early July. The property is owned by 103 Kearsarge LLC, located at 874 Main Street in the VB-1 district, Tax Map 101, Lot 80.

Dean Coburn, owner of the property, addressed the Board to explain the existing uses of the building which include two (2) apartments and one retail shop. The area to be utilized by the consignment gallery had once been used by the previous owner for storage and as a workshop. The space is two story, 24' x 24'. The public will access the gallery through a driveway in the front of the building or in the rear. The existing driveway has ample room for two (2) existing parking spaces in which one space will be limited to tenant (apartment) parking and the other space would be available for temporary use when dropping off or picking up items from the gallery. In addition to the front parking there are two (2) parking spaces in the rear of the building, adjacent to the public parking lot.

Mr. Wilkey expressed concern with the use of the front parking spaces by the gallery, suggesting that vehicles would have to back out onto the street. In response, Mr. Coburn agreed to limit use of the parking spaces to tenants of the apartments and possibly for dropping off/picking up items. In fact, he intends to erect a sign in the front of the building that would note that parking for the businesses is in the rear. Mrs. Gagnon concurred, stating that she and Mrs. Morris anticipate that many of their customers will be an overflow of those that go to Pokodots and the Farmer's Market.

Mrs. Hemingson, seconded by Mr. Wilkey, moved to accept the application as complete and for consideration. Motion carried unanimously.

There was no one present to provide public testimony.

The Board briefly discussed their decision granting approval to Pokodots and the issue with respect to parking. Mrs. Robertson explained that, at the time, the Board had waived the need for the total parking spaces required for the uses in the building (four for the apartments and two for the retail space), noting that there was sufficient parking in the vicinity due to the close proximity of the public parking lot. The addition of the consignment gallery will increase the required on-site parking spaces to a total of nine (9). Mrs. Robertson suggested the Board has the option of waiving the required parking spaces, similar to the decision made for Pokodots, or to require the applicant to provide the necessary on-site parking. Mr. Coburn noted that he is in the process of purchasing a small adjacent parcel from the Town for the purpose of creating additional parking. He estimated that seven (7) or eight (8) spaces would be available following the purchase.

Selectman Lawless confirmed that the purchase was approved at Town Meeting and that the Selectmen are working with the Town's attorney to complete the necessary paperwork.

Mr. Lawless questioned whether the hours given would be the maximum number of days and hours that the gallery would be open when considering the future. Mrs. Robertson noted that the days and hours could be considered part of the Board's approval and therefore any expansion of days and hours may require the Applicant to come back for the Board. Mrs. Gagnon understood, stating that the maximum hours of operation would be Monday through Sunday from 9 AM to 8 PM; however, they do not anticipate those days or hours in the near future.

Mr. Wilkey inquired about the lighting of the property, questioning whether there would be sufficient lighting during the winter months. Mr. Coburn stated that there is lighting on the front of the building and will be lighting on the rear porch, similar to that of Pokodots. Mrs. Gagnon noted that they also propose a sign, similar to Pokodots, with lighting. Chairman Ellsworth informed the Applicant that the Town has lighting and sign ordinances that restrict the size of signs and the type of lighting. Mrs. Gagnon and Mrs. Morris noted that they were familiar with the ordinances.

Chairman Ellsworth asked whether there are requirements of the Fire Department that need to be addressed. Mr. Coburn stated that the Fire Chief had requested a second means of egress from the second floor.

Mr. Wilkey suggested a time limit as to the transfer of land and the construction of the proposed parking lot. He then questioned whether the owner would have to come back to the Board for approval of the construction of the parking lot. Mrs. Robertson replied no, indicating that it was her understanding that the proposed parking lot is part of the application before the Board, since it is shown on the site plan being presented. Mr. Wilkey inquired as to the proposed surface of the parking lot. In response, Mr. Coburn stated that he had planned to use hard-pack. He then noted that the area of the proposed parking spaces was used for parking by the former owner. Now, Mr. Coburn plans to acquire the property from the Town, clean-up the area, and formalize the parking area.

The Board briefly discussed the fact that the gallery would be permitted to open prior to the construction of the parking lot and that have no intentions of making the Applicant wait.

Mr. Wilkey, seconded by Mrs. Hemingson, moved approval of application #2010-3 with the stipulation that the front parking spaces not be utilized by the retail businesses; instead they may be used by apartment tenants only.

Mr. Lawless offered an amendment to the motion that "pursuant to Section 6.1 of the Parking Ordinance the onsite parking that presently exists is sufficient in view of the fact that public parking is in close proximity".

Mrs. Hemingson suggested that there is no need for the additional language as the owner plans to construct the necessary spaces. Again, Mr. Wilkey suggested that the Board include a date certain in which the land transfer and parking lot is to be constructed. Following brief discussion, Mr. Lawless' amendment was not accepted and instead, Mr. Wilkey offered the following motion:

Mr. Wilkey, seconded by Mrs. Hemingson, moved approval of application #2010-3 with the stipulation that the front parking spaces not be utilized by the retail businesses; instead, they may continue to be used by apartment tenants only, and it is expected that no later than December 31, 2010 the transfer of land and construction of the parking lot will be

completed. With five members voting, all five voted in favor (Connolly, Hemingson, Wilkey, Lawless and Ellsworth).

II. Other Business.

Selectman Lawless advised that George Langwasser will be the Selectmen's representative to the Sign Ordinance Committee.

III. Adjournment.

With no other business to come before the Board, Chairman Ellsworth declared the meeting adjourned at 7:45 PM. The next regular scheduled meeting of the Planning Board is Tuesday, June 8, 2010, at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning Director

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.