HOPKINTON PLANNING BOARD
MINUTES
June 14, 2011

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting/hearing of Tuesday, June 14, 2011, beginning at 7:00 PM in Hopkinton Town Hall. Members present: Ex-Officio George Langwasser, Michael Wilkey, Celeste Hemingson, Jane Bradstreet, Edwin Taylor and Cettie Connolly. Members absent: Vice Chairman Timothy Britain and Bethann McCarthy.

I. Review of Minutes and Decision of May 10, 2011.

Mrs. Hemingson, seconded by Mr. Wilkey, moved to approve the Minutes of May 10, 2011 as presented. With six members voting, five voted in favor (Taylor, Hemingson, Wilkey, Langwasser and Ellsworth) and one voted in abstention (Bradstreet).

Mr. Wilkey, seconded by Mrs. Hemingson, moved to approve the Notice of Decision of May 10, 2011 as presented. With six members voting, five voted in favor (Taylor, Hemingson, Wilkey, Langwasser and Ellsworth) and one voted in abstention (Bradstreet).

II. Conceptual Consultation(s). There were no conceptual consultations.

III. Driveway Regulations Fire Chief Richard Schaefer met with the Planning Board to discuss driveway design standards. In particular, Chief Schaefer expressed safety concerns with the length and steep slopes of driveways and the affects that these driveways have on the Fire Department's ability to provide emergency services. Currently, there are no Town guidelines to address the grade and the condition of driveways.

Chief Schaefer discussed the Fire Department's experience in trying to access property off Clement Hill Road. The driveway was so steep that the Department had to park its vehicles at the bottom and walk the equipment up to the home. He suggested that the Town require driveways to be paved when they are constructed with steep grades.

Following brief discussion, Chairman Ellsworth suggested that Chief Schaefer and Mrs. Robertson work together in researching other communities that have addressed this issue. The Board unanimously agreed.

IV. Application(s).

At this time, Mrs. Bradstreet recused herself from reviewing the application of Robert & Kimberly Saunders.

#2011-4 Robert J. & Kimberly A.R. Saunders Mr. Robert Saunders addressed the Board presenting plans of a three (3) lot subdivision of property located at 2398 Hopkinton Road in the R-3 district, shown on Tax Map 240 as Lot 12. The new Lot 12 will consist of 2.77 acres and contain an existing residence, private well and septic system. A Variance was granted to allow .22 acres of wetlands to be included in the minimum lot size. The purpose of the Variance was to allow the rear boundary to be established along an existing stonewall. Lot 12.1 will consist of 9.79 acres and Lot 12.2 will consist of 11.52 acres. Both, Lots 12.1 and 12.2 will be accessed by way of a shared driveway. All lots will be serviced by private wells and septic systems. Lot 12 will require NH Department of

Environmental Services (NHDES) subdivision approval due to the fact that it is less than five (5) acres.

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

Fire Chief Schaefer questioned whether there is a need for a shared driveway. In response, Mr. Saunders advised of NH Department of Transportation's (NHDOT) allowance of no more than three (3) driveways for lots. In order to have a separate driveway for Lot 12.2, Mr. Saunders would need to seek a waiver from NHDOT. Any lot with 500 feet of frontage during 1974 was only allowed three (3) driveway accesses. Mr. Dearborn's driveway, the driveway that accesses the existing residence on Lot 12 and the driveway being proposed are the three (3) driveways.

Mr. Schaefer questioned whether the shared driveway would have a deeded right-of-way. Mr. Saunders replied yes, stating that the northerly lot will have an easement for access.

Mr. Schaefer stated that the address system is based on the number of feet along a street, so if the driveway is shared by more than one residence the street addresses must be marked clearly.

Mr. Wilkey expressed concern with the steepness of the proposed driveway. Mr. Saunders stated that he had discussed the design of the driveway with the Fire Chief and has agreed to sprinkler the residence.

During discussions concerning the design of the proposed driveway, Chairman Ellsworth suggested that the Planning Board not deny an application for subdivision due to the length of a proposed driveway. Mr. Langwasser agreed; however, if there is an alternative to the driveway being proposed that is more suitable for emergency vehicles then that should be pursued. Mr. Langwasser then questioned who would be responsible for maintenance and plowing of the driveway. In response, Mr. Saunders stated that he had previously lived on a private road in which the owners and association were responsible for maintenance and plowing. He explained how he would station off the locations of the driveway that each owners' responsible for and have a legal mechanism in the place outlining each owners responsibility. With respect to the alternative location for the driveway, Mr. Saunders stated that while the driveway length would be less than 1000 feet the driveway would be very steep.

Abutter Jane Bradstreet addressed the Board stating that the driveway proposed is the most appropriate location as it follows the contours of the land; therefore, having the least impact to wetlands and other natural features.

Mr. Wilkey questioned whether Mr. Saunders would be doubling the length of the driveway to Lot 12.1 to facilitate his own access to the property. After considering alternatives, Mr. Saunders believed the location of the proposed driveway is the best access.

Mrs. Connolly expressed concern with the steepness of the proposed driveway and the fact that Lots 12.1 and 12.2 would have a shared driveway in which there may be potential conflict over the use and maintenance. In response, Mrs. Hemingson questioned whether the potential for conflict over the use of a shared driveway is relevant. Chairman Ellsworth agreed, but suggested that the Board could require an alternative location for the driveway as it may be a better design in addressing safety concerns.

Mr. Schaefer questioned the grade of the proposed driveway. In response, Chairman Ellsworth noted that the driveway elevation will be from 540 feet to 700 feet, depending upon how the driveway contours around the property. Mr. Saunders discussed the location of the wet areas and young sugar maple trees on the property that he wishes to avoid.

Mr. Langwasser asked the composition of the 1600 foot driveway that will access Lot 12.2. In response, Mr. Saunders stated that eventually he plans to pave the driveway; however, for sometime it will remain gravel, noting that he wants to bury the power lines and needs time for the ground to settle. Mr. Langwasser believed that if the driveway is not paved it will affect emergency vehicles from being able to access the residence. Mr. Schaefer concurred.

Chairman Ellsworth questioned whether the Board's main concern is the matter of the shared driveway. In response, a majority of the members were not overly concerned with the fact that the driveway would be shared, but rather the fact that the driveway would be very steep.

Mr. Wilkey believed the best route would be to access the property from the southwest corner. He thought that the area is the least steep. Mr. Saunders stated that the steepness of the proposed drive averages at about ten (10%) percent, noting that in one area it is fifteen (15%) percent. He then discussed the actual contour and physical characteristics of the property that would affect the driveway being constructed in the location suggested.

Chairman Ellsworth asked Mr. Saunders about his preferred timeline for moving forward with the project. Mr. Saunders stated sooner rather than later. He had expressed concerns with the Town's building permit process, but indicated that a one month delay would not affect the project.

Chairman Ellsworth asked Mr. Saunders how he would design the driveway for Lot 12.2 if the Board asked that the driveway be designed within the boundaries of the lot. In response, Mr. Saunders stated that he had an idea of how he would design it; however, he did not believe it to be the best alternative. The driveway would be approximately the same length as that being proposed. He discussed the intermittent streams that would be affected while the preferred route does not have any impact. If the driveway were to run along side the stream it would not be as steep; however, it would mean that the driveway would not enter the new residence in the preferred location.

Mrs. Hemingson, seconded by Mrs. Connolly, moved to approve the application with the requirement that the driveway be paved within three (3) years and that a bond be secured to be sure that paving is completed. Additionally, the approval is subject to NHDES approval of the subdivision.

Mr. Saunders questioned whether requiring paving of the driveway within a three (3) year period is within the Board's purview. Mrs. Hemingson said that she could require that the driveway be paved immediately, prior to the issuance of the Certificate of Occupancy for the residence. Chairman Ellsworth agreed that the paving of the driveway would be within the Board jurisdiction.

Mr. Saunders then stated that he is unsure if he will build his home within three (3) years. In response, Chairman Ellsworth stated the motion could require paving within three (3) years of occupancy. This would give the gravel road a chance to settle.

Mr. Langwasser stated that if the alternative access proved to be unworkable, and the NHDOT permit was denied, he would be comfortable with the proposed driveway location because the alternatives were thoroughly considered. However, he noted that he would have concerns with the suitability of the driveway as proposed for a year-round residence. The liability of not being able to provide emergency services is a great concern.

Chairman Ellsworth recommended the Board vote down the motion and instead, tables the application so that the Board would have an opportunity to view the property.

With five members voting, one voted in favor (Hemingson) and four voted in opposition (Taylor, Wilkey, Langwasser and Ellsworth). The motion failed.

Mrs. Connolly, seconded by Mr. Langwasser, moved to table the application until such time as a site visit is completed. Motion carried unanimously.

Mr. Saunders asked the Board their opinion concerning the configuration of Lot 12, so that he may move forward and apply for subdivision approval from NHDES. In response, Chairman Ellsworth indicated that members of the Board have not expressed general concern about the configuration of the three (3) lot subdivision.

Following discussions, the Board unanimously agreed to schedule a site walk for Wednesday, June 22, 2011, at 6:30 PM. It was noted that Mr. Saunders should be present to explain the proposal. In addition to viewing the route that has been proposed, the Board will view other alternatives as discussed.

#2011-5 Dan Kilrain & Abigail Dixon Mr. Kilrain addressed the Board to present his application for Site Plan Review to establish a farm-stand selling produce and flowers grown at their farm located off Beech Hill Road in the R-4 district, shown on Tax Map 259 as Lot 23.2. The existing barn has been sectioned off for use as a farm stand with a section being devoted to customers participating in the Community Support Agriculture (CSA) program. Those customers will pick-up their produce every Wednesday between 3 PM and 7 PM.

In addition to the farm stand and CSA program, Mr. Kilrain stated that he hopes to allow customers to pick their own crops.

Chairman Ellsworth inquired about signage and whether all signage will comply with the new Sign Ordinance. Ms. Dixon replied yes, noting that they had received a permit for their sign.

Mr. Kilrain noted that he had reviewed the driveway entrance and exit with the Public Works Director. The Director had no concerns.

The Zoning Board of Adjustment approved the Special Exception for the farm stand with hours not to exceed 9 AM to 9 PM; however, Mr. Kilrain and Ms. Dixon stated that they do not anticipate being open later than day light hours as there is no lighting at the property.

Mrs. Hemingson, seconded by Mrs. Bradstreet, moved to accept the application as complete and for consideration. Motion carried unanimously (Taylor, Hemingson, Wilkey, Langwasser, Ellsworth and Bradstreet).

There was no one wishing to offer public testimony.

Mr. Wilkey, seconded by Mrs. Connolly, moved to approve the application as presented. Motion carried unanimously (Taylor, Hemingson, Wilkey, Langwasser, Ellsworth and Bradstreet).

V. Other Business.

- Site Plan Review Regulations (Draft) – The Planning Board was in receipt of a draft copy of the Site Plan Review Regulations for review and comment at the Board's July 12, 2011 meeting.

VI. Adjournment.

With no other business to come before the Board, Chairman Ellsworth declared the meeting adjourned at 8:25 PM. The next regular scheduled meeting of the Planning Board is Tuesday, July 12, 2011, 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 Planning 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.