



Town of Hopkinton

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HOPKINTON PLANNING BOARD MINUTES August 9, 2011

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, August 9, 2011, beginning at 7:00 PM in Hopkinton Town Hall. Members present: Vice Chairman Timothy Britain, Celeste Hemingson and Cettie Connolly. Members absent: Bethann McCarthy, Ex-Officio George Langwasser, Michael Wilkey, Jane Bradstreet and Edwin Taylor.

I. Review of Minutes and Decision July 12, 2011.

Mrs. Hemingson, seconded by Mrs. Connolly, moved to approve the Minutes of July 12, 2011 as corrected (references to NFPA 101 were corrected to reference NFPA 1). With four members voting, all four voted in favor (Britain, Hemingson, Connolly and Ellsworth).

Mrs. Hemingson, seconded by Mrs. Connolly, moved to approve the Notice of Decision of July 12, 2011 as presented. With four members voting, all four voted in favor (Britain, Hemingson, Connolly and Ellsworth).

II. Conceptual Consultation(s).

Charles Rotondi of Cedar Street addressed advising that his family has owned property along Cedar Street since 1915. In 1986 he purchased an abutting parcel that he believed was important to the family property because, at the time, the properties were zoned for commercial use.

In 2001, the Town hired a company to review the economics of the Town. As result, the zoning district along Cedar Street was changed from B-1 (commercial), having less restrictive setbacks, to VR-1 (village high density residential). Mr. Rotondi stated that while he could still subdivide his property meeting the requirements of the VR-1 district he may need a variance to exceed the 35 ft height restriction and a variance to allow the existing building to remain on the property line.

In discussing the setback requirements, Mr. Rotondi noted that his property line is at the center line of Cedar Street; therefore, he believed that he could measure his setback line from center line of the street which would give him the necessary setback for the VR-1 district.

Mr. Rotondi then noted that the total square footage of his property is 57,000 square feet without taking into consideration that portion of his property that is located at the centerline of Cedar Street. He asked the Board for permission to consider the frontage for his property located at 54 Cedar Street (across the street from the property in question), which is approximately 33 ft, and the frontage for the property in question as being contiguous, since he owns both parcels to the centerline of the road.

Lastly, Mr. Rotondi requested that the Planning Board change the zoning district of his property to its previous designation as VB-1 (commercial), which allows retail businesses. He suggested that

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the zoning change would allow for economic growth within the community. Should the zoning change be made he would consider allowing a developer, such as CVS, Walgreens or TD Bank, utilize the property.

In response, Chairman Ellsworth provided Mr. Rotondi with various alternatives such as submitting an application for what he wants to do with the property recognizing the fact that a number of variances from the Zoning Board of Adjustment may be necessary or to initiate a request (zoning petition) to rezone the area along Cedar Street.

Lastly, Mr. Rotondi stated that a third alternative would be for him to take the Town to Court and argue that the zoning change has resulted in a “taking” and “devaluation” of his property.

III. Application(s). There were no applications.

IV. Other Business.

- (a) Driveway Regulations –The Planning Board reviewed a comparison of driveway regulations from other towns and discussed whether other towns had addressed issues involving the State Building Code, specifically the access requirements in NFPA 1.

Robert Saunders of Hopkinton Road addressed the Board indicating that due to his field of work he has had an opportunity to work with various driveway regulations of other communities. In particular, he was familiar with the driveway regulations for the Town of Webster.

There was discussion concerning whether or not Hopkinton needs to have driveway regulations given the fact that NFPA 1 provides specifications. Following brief discussion concerning the specifications of NFPA 1 in addressing emergency access as compared to the needs of public works in addressing drainage, Mrs. Connolly, seconded by Mrs. Hemingson, made a motion to leave Hopkinton’s Driveway Regulations as currently written, until such time as the Fire Chief comes before the Board with specific revisions. Motion carried unanimously (Britain, Hemingson, Connolly and Ellsworth).

- (b) Site Plan Review Regulations (Draft) – Review of a draft copy of the Site Plan Review Regulations was deferred to the October 11, 2011 meeting.

V. Adjournment.

With no other business to come before the Board, Chairman Ellsworth declared the meeting adjourned at 8:35 PM. The next regular scheduled meeting of the Planning Board is Tuesday, September 13, 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.