



Town of Hopkinton

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HOPKINTON PLANNING BOARD

MINUTES

September 13, 2011

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, September 13, 2011, beginning at 7:00 PM in Hopkinton Town Hall. Members present: Michael Wilkey, Ex-Officio George Langwasser, Edwin Taylor and Cettie Connolly. Members absent: Bethann McCarthy, Jane Bradstreet, Vice Chairman Timothy Britain and Celeste Hemingson.

I. Review of Minutes of August 9, 2011.

Mrs. Connolly, seconded by Mr. Wilkey, moved to approve the Minutes of August 9, 2011 as presented. With five members voting, all five voted in favor (Wilkey, Langwasser, Taylor, Connolly and Ellsworth).

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

III. Application(s).

Site Plan Review – Unoccupied Utility Structure. **Merrimack County Telephone Company #2011-5**. Greg Spangenberg of Weyers Consulting addressed the Board on behalf of the Applicant requesting Site Plan Review to erect an 8' x 10' unoccupied utility structure to accommodate the upgrade and extension of new fiber optic cable along South Road in the area of land owned by Craig and Rachael Burrell, 804 South Road, Tax Map 253, Lot 2.01, R-4 district. The request is associated with subsection 3.7.8, Unoccupied Utility Structure, which requires demonstration that such structures and site do not adversely affect the character of the area, create a hazard to the public or interfere with the surrounding area.

The route from near the Harold Martin Elementary School to Route 202, west to the intersection of Route 103 and South Road, then South Road is a route that has been selected for an upgrade to new fiber optic cable. The upgrade and extension of internet services will require a "remote subscriber terminal" or "booster" placed in the area. According to Mr. Spangenberg, the terminals are used to "boost" the broadband internet signal from residential and business modems. The cabinet designed for the Burrell site is approximately 54 inches by 38 inches by 34 inches, placed on an 8' x 10' concrete pad. The equipment is too heavy to hang on a utility pole. A utility pole guy wire exists and the buried cables from the terminal will follow the guy wire route to the power pole.

In reviewing the site plan, Mr. Spangenberg advised that the rock wall and tree coverage will remain acting as a buffer from the cabinet to the street.

Lastly, Mr. Spangenberg explained that there may be a need for a transfer cabinet that provides a temporary connection for residents and businesses while the change over is occurring. Once completed, all telephone, television and internet service will transfer to the new equipment.

Mr. Wilkey, seconded by Mr. Langwasser, moved to accept application #2011-5 as complete and for consideration. Motion carried unanimously (Wilkey, Langwasser, Taylor, Connolly and Ellsworth).

There was no one present to provide public testimony.

Chairman Ellsworth inquired about the affects, if any, of not upgrading to fiber optic cable. In response, Mr. Spangenberg stated that the current system has been maximized. By not upgrading and expanding the service the current dial-up system would remain with no additional customers allowed.

Mr. Wilkey, seconded by Mrs. Connolly, moved to approve application #2011-5 as presented. Motion carried unanimously (Wilkey, Langwasser, Taylor, Connolly and Ellsworth).

IV. Other Business.

(a) Zoning Amendments – Revisions for discussion.

- i. Readopt Section XIII **Growth Management and Innovative Land Use Control**.
The Board unanimously agreed to revise subsection 13.3 Findings, to include the most recent census data. In some cases, the time period will be from 1970 to 2010 and from 2000 to 2010. Mrs. Robertson will work on the revisions and present the information to the Planning Board for review, prior to public hearing.
- ii. Revise Table of Uses 3.6.A.7, **Home Business**, Table of Uses 3.6.A.10, **Home Occupation**, and Table of Uses 3.6.A.11, **Telecommuting**, so that the uses are listed accessory uses rather than principal uses. The Board unanimously agreed to the revisions proposed.
- iii. Revise Table of Uses 3.6.F.6, **Drive-in Eating Establishments**, so that the use is not permitted in the B-1 (commercial district) – Pine Street (Houston Drive to I-89 over pass) and Bound Tree Road (Pine Street to intersection of former Spring Street). Following brief discussion, the Board decided not to move forward with revisions involving Table of Uses 3.6.F.6. It was noted that, in addition to the Bound Tree Road B-1 district, there are other locations in Town (Burnham Intervale Rd B-1) that permit drive-in eating establishments.
- iv. Replace subsection 2.1.A.4, **Agriculture, Farm, Farming**, definition with a revised subsection 2.1.A.4 based on revised NH RSA 21:34-a. The Board unanimously agreed to the revisions.
- v. Replace Section XI, **Local Regulation of Excavation**, based on revised NH RSA 155-E. The Board agreed that, where possible, reference NH RSA 155-E; otherwise, include in detail the requirements of NH RSA 155-E.

- (b) Site Plan Review Regulations (Draft) – Review of a draft copy of the Site Plan Review Regulations will take place at the October 11, 2011 meeting.
- (c) Sign Ordinance – Mr. Langwasser informed the Planning Board that the Board of Selectmen was recently notified of numerous violations of the Sign Ordinance. At this time, the Planning Board briefly discussed the enforcement mechanisms available to the Board of Selectmen, including Zoning Ordinance Section XX Violations and Penalties, subsection 7.16 Removal of Certain Signs from a Public Right-of-Way or Public Property, and NH RSA 676:17 and 676:17-a which allows for a \$275 penalty for the first offense and \$550 penalty for subsequent offenses, for each day that the violation is found to continue after the date on which there is written notice of the offense. Mrs. Robertson will review Section XX Violations and Penalties, along with the statutory provisions to determine if amendments to the Ordinance would assist the Board of Selectmen with enforcement.

V. Adjournment.

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