



Town of Hopkinton

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HOPKINTON PLANNING BOARD

MINUTES JULY 9, 2013

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, July 9, 2013, beginning at 6:30 PM in the Hopkinton Town Hall. Members present: Ex-Officio George Langwasser, Jane Bradstreet, Michael Wilkey, Cettie Connolly and Rich Steele. Members absent: Vice Chairman Tim Britain, Celeste Hemingson and Edwin Taylor.

I. Review of the Minutes and Notice of Decision of June 11, 2013.

Motion made by Mrs. Connolly, seconded by Mrs. Bradstreet, to approve the Minutes of June 11, 2013 as presented. Motion carried unanimously (Bradstreet, Wilkey, Connolly, Steele and Ellsworth).

Motion made by Mr. Steele, seconded by Mr. Wilkey, to approve the Notice of Decision of June 11, 2013 as presented. Motion carried unanimously (Bradstreet, Wilkey, Connolly, Steele and Ellsworth).

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

III. Application(s).

#2013-9 Donald Hebert/Holly Fazzino. Donald Hebert addressed the Board presenting a plan of his proposed two lot subdivision. The property is located at 70 Lower Straw Road in the R-3 district, shown on Tax Map 265 as Lot 31. The property consists of a total 9.47 acres. The proposal is to create a 3.67 acre parcel, leaving the remaining 5.80 acres with the existing residence. The wetlands were delineated by Wetland Scientist Peter Schauer and shown on the plan.

Chairman Ellsworth questioned whether the “building envelope” shown represents the area in which a residence could be constructed. Mr. Hebert responded yes, noting that most likely a residence would be constructed on the west side of the wetland, towards the road.

Mr. Steele inquired about the descriptions on the plan; in particular, the areas designated as wetlands and as the “building envelope”. He suggested that the acreage referenced in the “building envelope” is less the 1.24 acres shown. Following brief discussion, Chairman Ellsworth noted that the 1.24 acres, while listed within the area designation as “building envelope,” is in fact the total acreage of upland west of the wetland, towards Lower Straw Road.

Motion made by Mr. Wilkey, seconded by Mrs. Bradstreet, to accept Application #2013-9 as complete and for consideration. Motion carried unanimously (Bradstreet, Wilkey, Connolly, Steele and Ellsworth).

Abutters Dan and Terry Dinan of 115 Lower Straw Road asked to view the subdivision plan. Following review of the plan, the Dinan's did not mention any concerns.

Public testimony was closed.

Mr. Wilkey inquired about the plans for development of the new lot. Mr. Hebert noted that at one time there was someone interested in building on the lot; however, at this time there is no potential buyer.

Chairman Ellsworth questioned at what point along the frontage the driveway would be anticipated. Mr. Hebert was unsure; however, noted that there is an existing opening in the stone wall in which he assumes would be the most likely location.

Motion made by Mr. Wilkey, seconded by Mrs. Bradstreet, to approve Application #2013-9 as presented. Motion carried unanimously (Bradstreet, Wilkey, Connolly, Steele and Ellsworth).

#2013-10 Town of Hopkinton. Public hearing in accordance with NH RSA 231:158 for the purpose of removing trees along the east side of Hatfield Road, a designated scenic road, beginning at Moran Road and extending approximately 1,500 feet towards College Hill Road, as part of efforts to recreate a ditch line along Hatfield Road.

Hopkinton Highway Superintendent John Thayer addressed the Planning Board explaining that the Highway Department would like permission to remove approximately 70 trees ranging in circumference of 3 to 33 inches or in diameter of 12 to 15 inches. While most of the trees are marked, Mr. Thayer noted that there may be some trees that are less than 15 inches in circumference that have not been marked. The reason for the removal of the trees is to create room alongside that portion of Hatfield Road to create an adequate ditch and shoulder. According to Mr. Thayer, that portion of Hatfield Road is in the poorest condition with reconstruction of the road, including drainage, needed. For example, he noted that a culvert at that location has so many trees growing alongside it that his department cannot improve the drainage in that area.

Chairman Ellsworth questioned whether any of the trees to be cut are on private property. Mr. Thayer replied no, indicating that they are on the roadside of the stone wall.

Chairman Ellsworth inquired as to the process by which the residents along Hatfield Road were notified of the proposed tree removal. Mr. Thayer noted that the Planning Office had notified the residents as part of the hearing process. Mrs. Robertson concurred, noting that property owners along Hatfield Road were sent certified notices of the hearing.

Mrs. Bradstreet inquired whether stone walls will be removed. Mr. Thayer replied no.

Motion made by Mr. Steele, seconded by Mrs. Connolly, to accept Application #2013-10 as complete and for consideration. Motion carried unanimously (Bradstreet, Wilkey, Connolly, Steele and Ellsworth).

Robert Wells of 1109 Hatfield Road addressed the Planning Board in opposition to the cutting of any trees along Hatfield Road, noting that he did not believe it is necessary. Mr. Wells explained about a microburst that had occurred along Hatfield Road in which he lost approximately 1,000 trees. The loss of more trees along the road would change the scenic character of the road.

Mr. Wells went on to indicate that allowing ditching along the road will create an additional burden on the scenic character. He noted that the ditching that had been done on the west side of the road has not improved drainage as the water still pools.

Furthermore, Mr. Wells noted that he is opposed to any improvements to the road as it will cause additional speeding. According to Mr. Wells the ones speeding along Hatfield Road are the residents of Weare that use Hatfield Road to travel to and from work.

William Kerin of 1481 Hatfield Road addressed the Board in opposition to the proposal. Mr. Kerin also noted the affects that the microburst had on the trees in the neighborhood. He believed that the condition of the road is a deterrent for people speeding.

Anya Kattef of 344 Moran Road (corner of Moran and Hatfield) addressed the Board speaking in favor of improvements to the road. Mrs. Kattef noted that Mr. Wells and Mr. Kerin do not live along that section of road that is in very poor condition. She has to travel the road daily and at times, such as during the spring, is fearful as to whether she will be able to get through that portion of the road. Mrs. Kattef stated that the issue of people speeding and the condition of the road are not the same issue and therefore should be addressed separately.

Eric Thompson of 1002 Hatfield Road addressed the Board in favor of the proposal. Mr. Thompson stated that he also lives along the poorest section of Hatfield Road. According to Mr. Thompson, the ditch work that had been completed on the west side of the road has significantly improved the drainage. However, the drainage issue remains on the east side and therefore has caused the black top to deteriorate and has in places created sink holes. Lastly, Mr. Thompson noted that most residents that have spoken are not directly affected by the condition of the road.

Shamael Afzaal of 1516 Hatfield Road addressed the Board stating that the work is not necessary and therefore he is in opposition to the proposal. Mr. Afzaal believed that there may be a minor drainage problem, but that it does not warrant the widening of the road or changing the character of the area.

Mr. Thayer indicated his respect for the views of those that do not want improvements to the road; however, he noted that as the Highway Superintendent it is his responsibility to make sure that the road is safe. Furthermore, he noted that the current condition of that portion of the road creates serious wear and tear on his plow trucks which can ultimately cost the Town more money for repairs.

Diana Kerin of 1481 Hatfield Road responded to Mr. Thayer by stating that “Pete Holmes never had a problem plowing the road.”

Mr. Kerin questioned the cost of the proposal. In response, Mr. Thayer estimated about \$75,000, which will include the maintenance shim that will be placed on the rest of Hatfield Road.

Michael Pelillo of 1043 Hatfield Road inquired whether plans to realign that section of the road could be accomplished without removal of the large trees that Mr. Thayer has indicated will not be removed. In response, Mr. Thayer explained how he hopes to realign the road with a slight curve around that section of trees. He suggested that the realignment of the road one to two feet will most likely be unnoticeable.

Based on the conversation, Mr. Wilkey questioned whether that section of Hatfield Road is safe for the school bus or emergency vehicles. Mr. Thayer noted that the posted speed limit is 30 mph and that during the spring he did not believe it is safe to travel the speed limit.

George Langwasser spoke on behalf of the Board of Selectmen, noting that the responses from residents are typical for work being proposed on a scenic road. He believed that residents along the road need to understand that the road is traveled by all residents and not just those living along the road, and yes, typically when a road is repaired speeding can occur. This is something that cannot be avoided, but can be policed. The continued maintenance and improvements of Hopkinton’s roads need to occur and should be done correctly, which in this case includes the removal of trees that have impacted the drainage along the road. He suggested that the Town will try to minimize the impact considering the fact that the road is a designated scenic road.

Mr. Steele asked Mr. Thayer how long he anticipates the improvements to that section of Hatfield Road to last. Mr. Thayer explained how the base course will be done this year; however, the final course would not be done for a couple of years as is typical. Once the final course is put on the road he anticipates that it will not need another course of pavement for 10 to 15 years. He further noted that once the ditch line is established the Town can continue to maintain the area so to avoid the current problem with growth occurring and affecting drainage.

Mr. Wilkey questioned whether the ditch line was created at the time of construction of the road. Mr. Thayer was unsure, but suggested that it was either at the time of construction or at the time of installation of the culverts. The ditch line was there, but was never maintained. Mr. Thayer suggested that over the years many towns have misinterpreted the scenic road law by assuming that nothing could be cut along a scenic road which has resulted in similar situations in which the ditch line was never maintained.

Mrs. Bradstreet asked Mr. Thayer what the minimum distance for removal of the trees would be necessary to complete the project. Mr. Thayer suggested that it may be difficult, but that he may be able to complete the project by cutting trees within 6-feet of the edge of the road, which is the distance to the edge of the existing culvert.

Chairman Ellsworth inquired as to what will happen with the wood once cut down. Mr. Thayer stated that he will leave the wood if the property owner wants it; otherwise, the wood will be chipped or brought to the wood bank.

In rebuttal, Mr. Wells stated that in the forty years that he has lived along Hatfield Road he has never seen an accident along his section of the road. Furthermore, while there is a lot of traffic that travels the lower section of the road in an effort to get to Pat's Peak, he hasn't observed a lot of traffic traveling that section which he lives on.

Motion made by Mr. Wilkey, seconded by Mrs. Connolly, to approve Application #2013-10 as presented.

Mrs. Bradstreet requested that the motion be amended to limit cutting to 6-feet from the edge of pavement. Mr. Wilkey and Mrs. Connolly did not accept the amendment.

With five members voting, four voted in favor (Wilkey, Connolly, Steele and Ellsworth) and one voted in opposition (Bradstreet) to approving Application #2013-10 as presented.

IV. Adjournment. With no other business to come before the Board, Chairman Ellsworth declared the meeting adjourned at 7:35 PM. The next regular scheduled meeting of the Planning Board is Tuesday, August 13, 2013, at 6:30 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.