



# Town of Hopkinton

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## HOPKINTON PLANNING BOARD MINUTES SEPTEMBER 10, 2013

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, September 10, 2013, beginning at 6:30 PM in the Hopkinton Town Hall. Members present: Vice Chairman Timothy Britain (late arrival), Ex-Officio George Langwasser, Celeste Hemingson, Michael Wilkey, Edwin Taylor and Alternates Cettie Connolly and Rich Steele. Member(s) absent: Jane Bradstreet.

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Due to the absence of Mrs. Bradstreet and the late arrival of Mr. Britain, Mrs. Connolly and Mr. Steele began the meeting as voting members.

### I. Review of the Minutes and Notice of Decision of August 13, 2013.

**Motion made by Mr. Wilkey, seconded by Mr. Steele, to approve the Minutes of August 13, 2013 as presented. Motion carried unanimously (Connolly, Langwasser, Steele, Hemingson, Taylor, Wilkey and Ellsworth).**

**Motion made by Mrs. Connolly, seconded by Mr. Wilkey, to approve the Notice of Decision of August 13, 2013 with a correction to Mrs. Bradstreet's name. Motion carried unanimously (Connolly, Langwasser, Steele, Hemingson, Taylor, Wilkey and Ellsworth).**

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

### III. Application(s).

**#2013-12 Elaine H. Swenson Revocable Trust.** Kurt Swenson addressed the Planning Board representing Elaine H. Swenson Revocable Trust for a lot line adjustment involving properties located off Dolly Road and Putney Hill Road in the R-2 and R-3 districts. The properties are owned by Elaine H. Swenson Revocable Trust, shown on Tax Map 239 as Lot 7, and Chris and Cheryl Coliandris, shown on Tax Map 239 as Lot 5. Note: A public hearing may immediately follow if the application is accepted as complete.

The lot line adjustment will allow the Swensons to purchase 2.24 acres from Mr. and Mrs. Coliandris for protection of their view. Following the lot line adjustment, the Swenson lot will consist of 9.927 acres and the Coliandris lot will consist of 7.060 acres. The lot line in question is the rear lot line of both the Swenson and Coliandris lots.

**Motion made by Mrs. Hemingson, seconded by Mr. Taylor, to accept application #2013-12 as complete and for consideration. Motion carried unanimously (Connelly, Langwasser, Steele, Hemingson, Taylor, Wilkey and Ellsworth).**

Chairman Ellsworth immediately opened and closed the public hearing as there were no members of the audience wishing to offer public testimony.

**Motion made by Mrs. Connelly, seconded by Mrs. Hemingson, to approve application #2013-12 as presented. Motion carried unanimously (Connelly, Langwasser, Steele, Hemingson, Taylor, Wilkey and Ellsworth).**

**#2013-13 Chalk Pond Investments, LLC.** Jen McCourt of McCourt Engineering addressed the Planning Board to present plans of a two lot subdivision of property owned by Christian Hartshorn of Chalk Pond Investments, LLC, located off Pleasant Pond Road in the Towns of Hopkinton and Warner. The property consists of 97.4 acres with 1.0 acres and road frontage in Hopkinton and 96.4 acres in Warner. The proposal is to create a 2.75 acre parcel with .69 acres located in Hopkinton and 2.06 acres in Warner, and to construct 330 feet of Town road to be used as frontage for the remaining 94.16 acres in Warner. The property located in Hopkinton contains an existing residence and is in the R-3 district, shown on Tax Map 206 as Lot 21. The property located in Warner is land-only and is in the R-2 and OR-1 districts, shown on Tax Map 3 as Lot 22. Note: A public hearing may immediately follow if the application is accepted as complete.

Ms. McCourt recalled her presentation of the same application at the Planning Board's August meeting; at which time, the application was not accepted for consideration as the Board was waiting for a legal opinion with respect a zoning matter. Chairman Ellsworth noted that the Board has been advised that they should move forward in reviewing the application; however, any approval would include a condition (precedent) that would require the Applicant to pay the previously ordered zoning fine, prior to final approval.

Chairman Ellsworth read into the record memorandums received from Hopkinton's Road Committee and Superintendent of Public Works. Specifically, the Superintendent indicated that, "any plans for a subdivision on Pleasant Lake Road would be ill advised. It is a gravel road with very little base and is very narrow in spots with poor drainage and can be next to impassable in spring. All the roads that lead to Pleasant Lake Road will need improvements as well. I do not recommend the planned subdivision in this area at this time. The road network will not hold up an increase in traffic volume." The Road Committee indicated that, "after lengthy discussion, we decided that it would be in the best interest of the Town of Hopkinton to deny this application for the following reasons: (1) The road design does not match Town of Hopkinton specifications, being wider than any other road in Hopkinton, (2) This road would only serve one house in Hopkinton, which is already built straddling the town line, (3) This road would add maintenance costs for the Highway Department, unless an agreement could be reached with the Town of Warner to maintain it. They would be the only town receiving tax revenue from any new buildings, and (4) it appears this road might be a start of a future development in the Town of Warner, with all traffic entering and exiting over Hopkinton roads. These roads are not suitable for additional traffic load."

At this time, Ms. McCourt reviewed the following revisions to the subdivision plan:

1. Addition of NH DES Construction Approval number,
2. Addition of Warner buildable area for Parcel Map 2, Lot 22-1,
3. Addition of town approval blocks, and
4. Addition of spot elevations southeast of the existing house.

Ms. McCourt provided the Planning Board with a brief overview of what had transpired at the most recent Warner Planning Board meeting, explaining that the Warner Planning Board had accepted the application as complete and granted a waiver from having to provide a conceptual sketch of the use of the remaining acreage in Warner.

Ms. McCourt then reviewed the intent of the subdivision, advising that the proposed location for the new road is the most suitable location when considering the site distance along Pleasant Pond Road. Furthermore, the road is designed to meet the Town of Warner's road standards, which are stricter than the standards in Hopkinton.

Mrs. Robertson informed the Board of a conversation that she had with the acting chairperson of the Warner Planning Board in which she had been told that future subdivision of the lot would be precluded for five-years because the application was classified as a major subdivision. Ms. McCourt disagreed, stating that she believed the five-year restriction had to do with the number of lots and not whether the Applicant could re-subdivide. Mr. Wilkey suggested that the Hopkinton Planning Board will need confirmation either way.

Mr. Wilkey expressed concern with the additional traffic as a result of any future subdivision of the Warner lot. In response, Ms. McCourt stated that the remaining lot could be used, at some point in time, for one residence or for a conservation subdivision. At this time, the Applicant has no plans for the Warner lot. The intent of the subdivision is so that the Applicant can "get out from under the house". The tenants of the residence want to purchase the home, but not all of the acreage.

At the request of Mrs. Hemingson, Ms. McCourt provided clarification as to the location of the lot lines and town line. Ms. McCourt reiterated the fact that there are various State laws that address lots and roads that straddle town lines. The towns will need to decide whether Warner or Hopkinton will be responsible for maintenance of the new road. Mrs. Robertson suggested that Ms. McCourt contact the Town Administrator to coordinate a meeting with the Hopkinton Select Board.

Mr. Wilkey believed that the Applicant has not presented sufficient information in order for the Planning Board to make an "intelligent decision" concerning potential impact of the remaining (Warner) lot. He suggested that the Applicant be required to provide information concerning potential build-out so that the Planning Board can determine the volume of traffic based on housing numbers.

Discussion ensued amongst the members concerning the condition of Pleasant Pond Road and the fact that there is most likely insufficient right-of-way width to upgrade the road to current Class 5 standards. During discussion there was recollection of other developments constructed off gravel roads in which the Planning Board required off-site improvements.

In order to estimate the additional traffic that will travel Hopkinton's roads, Mrs. Hemingson agreed that the Board will need a build-out of the 94 acres located in Warner. Ms. McCourt responded by stating that the request is for one additional lot and therefore the Applicant would only be responsible for the impact that one additional home will have on the roads.

Mr. Langwasser indicated that the Town does not have the money to spend on unnecessary improvements to Pleasant Pond Road. He believed that at this point in time it is difficult for the Board to quantify what improvements will be necessary, and that it would not make sense to improve one area of the road if in six months or a year there is further subdivision of the 94 acres. In fact, a subdivision at a later date may negate any improvements that may be made at this time.

Mrs. Connelly questioned whether she was missing a "piece of the puzzle". She could not understand why the Applicant would want to pay to construct a road to nothing. Mr. Wilkey concurred, noting that the towns will have to maintain a road that does not go anywhere. Mr. Taylor questioned whether the Board could consider the maximum build-out of the 94 acres and require the Applicant to upgrade Pleasant Pond Road now to a point that the road could adequately handle additional traffic.

Again, Mr. Langwasser expressed concern with the road being constructed to one lot of which the Applicant is unable to provide information as to the future plans for the lot. He believed that the potential build-out of the 94 acres is important in determining the potential impact and improvements necessary to Pleasant Pond Road.

Chairman Ellsworth suggested that additional information may be available following the application being accepted for consideration. Mr. Wilkey concurred, noting that once the application is accepted, the Applicant runs the risk of having his application disapproved due to insufficient information. Mr. Steele agreed, suggesting that there is an undefined potential with no information being provided by the Applicant.

Following discussion, Mr. Hartshorn addressed the Board advising that he had a build-out analysis prepared for the Warner lot. Taking into consideration Warner's requirement for a conservation subdivision, the maximum number of lots that would be permitted is ten (10). In response, Mr. Langwasser inquired as to whether the plan had been prepared by a land surveyor. Mr. Hartshorn replied yes, indicating that Lavelle Associates had prepared the plan in 2005. Mr. Langwasser then suggested that Mr. Hartshorn present the Planning Board with a copy.

**Motion made by Mrs. Hemingson, seconded by Mrs. Connelly, to accept application #2013-13 as complete and for consideration. Motion carried unanimously (Connelly, Langwasser, Steele, Hemingson, Taylor, Wilkey and Ellsworth).**

Chairman Ellsworth opened the public hearing allowing public testimony.

Burt Long of 199 Pleasant Pond Road, Hopkinton, expressed concern with the potential development of the 94 acres and the proximity that the development may be to his property line. Mr. Long noted that the property in question is owned by an investment company; therefore, he believed that one could assume that the Applicant has every intentions of developing the remaining lot or at least selling the lot for development purposes.

Amber Wyman of 234 Pleasant Pond Road, Hopkinton, lives across the street from the Applicant's property. Ms. Wyman expressed concern with the condition of Pleasant Pond Road, noting that it is gravel and very narrow. At times, it is difficult for vehicles in each direction to pass one another. Ms. Wyman indicated that she likes the neighborhood and would not be in favor of improvements to Pleasant Pond Road.

Katherine Mitchell of 1677 Bound Tree Road, Hopkinton, suggested consideration be given to the experience of living in a neighborhood such as Bound Tree Road and Pleasant Pond Road. Ms. Mitchell questioned the number of potential lots if the build-out wasn't of a conservation subdivision. Ms. McCourt responded that any subdivision in Warner that creates more than three (3) lots must be a conservation subdivision.

Ms. Mitchell recalled the Town purchasing the Harris property as protective open space. She questioned whether the Chalk Pond property abuts the Harris property. Chairman Ellsworth reviewed the plans and replied no.

Mr. Hartshorn addressed the Board providing a brief history of his educational background and work experience in preserving the environment. Mr. Hartshorn stated that he has no intentions in doing something that would have a negative impact.

Ms. McCourt advised of Warner's regulations requiring homes in conservation subdivisions be clustered, leaving an open space corridor, so that the people living within the subdivision can have the same quality of life that others enjoy.

Ed Kerr of 15 Pleasant Pond Road, Hopkinton, addressed the Board questioning who would be responsible for determining the amount required for the road bond. Ms. Robertson explained how the Town's engineer would make that determination. Mr. Kerr suggested that the amount of the bond should be sufficient enough in the case that the Applicant has financial problems.

Katherine Long of 199 Pleasant Pond Road, Hopkinton, recalled Hopkinton and Warner meeting a number of years ago to review a request of the Applicant for a Variance. At the meeting, there was discussion concerning the road being in Hopkinton and a potential residence in Warner and the fact that any need for emergency services would have to be provided by Hopkinton. Mrs. Long expressed concern with Hopkinton's tax dollars being spent to service homes in the Town of Warner, while Hopkinton will not receive property taxes from these homes.

Mrs. Long believed that the Applicant purchased the property knowing that the rear portion of the lot would be landlocked. She questioned whether the property is currently listed with a realtor, suggesting that if the property were listed there may be other parties interested in purchasing the home without having to subdivide.

Jeanne Kerr of 15 Pleasant Pond Road, Hopkinton, expressed concern with the condition of Pleasant Pond Road and the impact additional traffic will have on the road and neighborhood.

At this time, Vice Chairman Britain joined the Board. Mr. Steele became a non-voting member.

Mrs. Nolan of 233 Pleasant Pond Road, Hopkinton, addressed the Board stating that she had similar concerns to those raised by the Planning Board. Mrs. Nolan briefly expressed concern with the potential for further development and traffic along Pleasant Pond Road. She enjoys the quality of life that the area brings and would be opposed to improvements being made to Pleasant Pond Road. Mrs. Nolan suggested that Mr. Hartshorn reach out to the abutters to see if they would be interested in purchasing property. She too suggested that there may be other potential buyers of the home that may be interested in purchasing the property without having to subdivide.

As there were no further public comments, Chairman Ellsworth declared the public hearing closed.

Discussed ensued concerning options and concerns in moving forward with the application. Chairman Ellsworth suggested that meeting with the Warner Planning Board would allow both Planning Boards to hear the same presentation and to confirm the information that has been provided. **With seven members voting, six voted (Langwasser, Hemingson, Britain, Taylor, Connelly and Ellsworth) in favor of meeting with the Warner Planning Board in late October and one voted (Wilkey) in opposition.** Mr. Wilkey voted in opposition as he did not believe it was necessary to meet with Warner without having sufficient information from the Applicant concerning future development potential and the impact that it would have on Hopkinton's roads. The majority of the Planning Board is not available to meet on October 21<sup>st</sup> as was offered by the Warner Planning Board; therefore, Mrs. Robertson will coordinate an alternative date.

Mr. Langwasser requested written documentation confirming the potential of the ten (10) additional lots. Mr. Hartshorn questioned whether a 2005 plan prepared by Lavelle would be sufficient. Mr. Langwasser agreed.

Mr. Steele inquired about an abutting lot that is also owned by Chalk Pond Investments, LLC and whether the lot has road frontage. While Mr. Hartshorn assumed it did not, Mrs. Robertson will confirm with the Town of Warner.

Lastly, Chairman Ellsworth suggested that the Applicant meet with his engineer to review concerns raised by the Planning Board and come back to the Planning Board in October to address those concerns.

**Motion made by Mr. Britain, seconded by Mr. Wilkey, to continue Application #2013-13 to the Planning Board's October 8, 2013 meeting, so to allow the Applicant an opportunity to provide additional information addressing concerns raised by the Board. Motion carried unanimously (Connelly, Langwasser, Britain, Hemingson, Taylor, Wilkey and Ellsworth).**

**IV. 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, October 8, 2013, at 6:30 PM in the Town Hall.

Karen L. Robertson  
Planning Director

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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.