



Town of Hopkinton

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HOPKINTON PLANNING BOARD

MINUTES

JUNE 10, 2014

Vice Chairman Timothy Britain opened the Hopkinton Planning Board meeting of Tuesday, June 10, 2014, beginning at 7:00 PM in the Hopkinton Town Hall. Members present: Ex-Officio George Langwasser, Cettie Connolly, Jane Bradstreet, Michael Wilkey and Alternates Rich Steele, James Fredyma and Clarke Kidder. Member absent: Vice Chairman Timothy Britain and Celeste Hemingson

Due to the absence of Mr. Britain and Mrs. Hemingson, Mr. Steele and Mr. Fredyma were designated as voting members.

I. Review and adopt the Minutes of May 13 and Notices of Decisions of February 11, March 18, April 14 and May 13, 2014.

Mr. Wilkey, seconded by Mr. Steele, moved to **APPROVE** the Minutes and Notice of Decision of May 13, 2014 as presented. Motion carried unanimously.

Mrs. Connolly, seconded by Mrs. Bradstreet, moved to **APPROVE** the Notice of Decision of February 11, 2014 as presented. Motion carried unanimously.

Mrs. Connolly, seconded by Mr. Langwasser, moved to **APPROVE** the Notice of Decision of March 18, 2014 as presented. Motion carried unanimously.

Mr. Wilkey, seconded by Mrs. Bradstreet, moved to **APPROVE** the Notice of Decision of April 14, 2014 as presented. Motion carried unanimously.

II. Conceptual Consultations. There were no conceptual consultations.

III. Applications.

#2014-4 Jennifer & John Balkus Site Plan Review to convert the existing six (6) bedroom residence located at 11 Hopkins Green Road into a Bed and Breakfast Inn. The property is located in the R-4 district, shown on Tax Map 251 as Lot 14. The property includes an existing swimming pool and bathhouse.

Timothy Bernier of T.F. Bernier, Inc. presented the Applicants site plan, indicating that there are no changes proposed to the exterior of the building and no new buildings proposed. Furthermore, there are no significant changes in grading or landscaping proposed.

Minutes subject to review and approval.

Mr. Bernier then indicated that changing the use from residential to a Bed and Breakfast Inn actually reduces the impact on the septic system. The Applicant has received approval from NH DES for a newly designed septic system, subject to the recording of a well radius easement. Since the existing system is in working condition, the Applicants will not be required to install the new system; instead, the approval from NH DES will remain in place should the Applicants' system fail and a new system could then be immediately installed.

The Applicants were granted a Special Exception and Variance on March 4, 2014. The Special Exception was for the use of the property as a Bed and Breakfast Inn, and the Variance was to allow the Applicants to reside at the property (13 Hopkins Green) abutting the Bed and Breakfast Inn.

Mr. Bernier explained that as part of the application the Applicants have requested a waiver to Section IV(f)19 of the Site Plan Review Regulations, which requires that a Landscaping Plan be included with the application. While there is already a great deal of landscaping on the property, the Applicants do need to care for it as it is currently heavily overgrown. The Bed and Breakfast Inn is already buffered from surrounding roads and abutting houses by existing wooded areas.

Finally, the Applicants are proposing to erect two (2) advertising signs on the property. One sign is to be located near the intersection of Hopkins Green Road and that of the driveway to the property. The second sign is to be located so that it faces exit 4. It is anticipated that the signs will be light. At this time, Chairman Ellsworth questioned whether the Applicants were aware of the Town's Sign and Lighting Ordinances. Both, Mr. and Mrs. Balkus indicated yes.

Mr. Wilkey, seconded by Mrs. Connolly, moved to **ACCEPT** application #2014-4 as complete and for consideration. Motion carried unanimously (Langwasser, Connolly, Bradstreet, Steele, Wilkey, Fredyma and Ellsworth).

Chairman Ellsworth questioned whether the re-grading for the new septic system would impact the landscaping in the direction of the road (I-89/202 & 9 interchange). Mr. Bernier responded that there will be a minimal number of trees removed. He noted that the property is at a considerably higher elevation than the road so that any removal of vegetation will most likely be unnoticeable.

Chairman Ellsworth inquired about the security measures for the property. In response, Mr. and Mrs. Balkus explained how being located in the adjacent home provides an even greater view of the property than if they were physically in the Inn. In fact, they have the ability to view the pool from their adjacent residence, but would not be able to do so from the Inn. Furthermore, should they need to be reached from the Inn there are telephones within the Inn for that purpose.

Lastly, Mrs. Balkus noted that as a condition of approval a non-transfer document was prepared and recorded at the Registry. The document is to ensure that if either property is no longer own by the Balkus' the Variance would expire.

Mr. Wilkey questioned whether there will be changes in the lighting of the property. Mr. Bernier replied no, indicating that the existing lighting is shown on the plan presented. Mr. and Mrs. Balkus did indicate that the pool is lit and fenced, but will not be open after sunset.

Mr. Wilkey, seconded by Mr. Steele, moved to **WAIVE** the requirement of a landscape plan. Motion carried unanimously (Langwasser, Connolly, Bradstreet, Steele, Wilkey, Fredyma and Ellsworth).

There was no one present wishing to provide public testimony.

Mr. Wilkey, seconded by Mr. Steele, moved to **APPROVE** application #2014-4 as presented. Motion carried unanimously (Langwasser, Connolly, Bradstreet, Steele, Wilkey, Fredyma and Ellsworth).

At this time, Chairman Ellsworth read into the record correspondence received from Kimberlee Burgess on behalf of Hopkins Green Association. It was noted that the reference on the site plan to the flood maps incorrectly referenced the Town of Bow. Furthermore, from a “marketing standpoint” Ms. Burgess suggested that landscaping the entrance of Hopkins Green, on the Balkus property would be attractive and inviting. In response, Mrs. Balkus indicated that they may consider landscaping in the area of the sign. Lastly, Ms. Burgess suggested that should the Balkus’ consider paving their driveway that they would work with the Town to ensure that drainage issues be addressed so that run-off would not affect Hopkinton Road or Hopkins Green Road. In response, Mr. Balkus noted that the first one hundred feet (100’) of the driveway is currently paved and that the property slopes downhill so that all run-off from Hopkins Green Road currently drains onto this property.

Lastly, Chairman Ellsworth read into the record correspondence from the Hopkinton Road Committee in which they had no concerns and believed there would be no significant impact to Hopkins Green Road. However, it was noted that should the Balkus’ decide to upgrade or alter their driveway entrance they would need to apply for a driveway permit to do so. In response, Mr. Balkus stated that they have no plans to change the driveway entrance.

#2014-5 Lloyd A. Holmes Robert Carpenter representing Mr. Holmes presented a plan for a two lot subdivision of property located at 15 Little Tooky Road into two (2) lots. The property is located in the R-2 district, shown on Tax Map 103 as Lot 8. The proposal is to create a new lot consisting of 1.943 acres with 298.84 feet of road frontage, along with the existing residence and outbuildings. The remaining parcel is wooded and will consist of 12.067 acres with 1081.22 feet of road frontage. The majority of the property lies within the Contoocook Village Precinct with the existing residence being served by Town water and an on-site septic system. State subdivision approval was granted on June 2, 2014.

Chairman Ellsworth questioned the purpose of the subdivision. In response, Mr. Carpenter stated that Mr. Holmes would like to sell his residence, but retain the majority of the acreage. At this time, there are no plans for future development of the remaining acreage.

Mr. Steele, seconded by Mr. Wilkey, moved to **ACCEPT** application #2014-5 as complete and for consideration. Motion carried unanimously (Langwasser, Connolly, Bradstreet, Steele, Wilkey, Fredyma and Ellsworth).

There was no one present wishing to provide public testimony.

The Planning Board was in receipt of an email from the chairman of the Road Committee informing the Board of the Road Committee's concerns. In particular, it was noted that Little Tooky Road is in poor condition and cannot handle additional traffic. While they believe the addition of one lot will not greatly impact the road, the Committee recommends that in order for any future development to occur the entrance to Little Tooky Road would need to be widened and drainage would need to be installed in the area. In response, Mrs. Bradstreet suggested that if the road is in poor condition then the Town should be making the necessary improvements. Mr. Carpenter stated that Little Tooky Road in front of the Applicant's property is at the flattest and widest point when considering the entire length of the road. In fact, he believed that the condition of the road in front of the Applicant's property is better than the remaining road, and since the property is located at the beginning of Little Tooky Road any future development would not need to travel down Little Tooky Road.

Chairman Ellsworth noted that while the concerns of the Road Committee are important to considering any future development, the application before the Board is currently for a two lot subdivision. Should the Applicant come back before the Board for a future subdivision, the Board should consider the comments of the Road Committee. The Board unanimously agreed.

Mrs. Bradstreet, seconded by Mrs. Connolly, moved to **APPROVE** application #2014-5 as presented. Motion carried unanimously (Langwasser, Connolly, Bradstreet, Steele, Wilkey, Fredyma and Ellsworth).

IV. Subdivision Regulations Work Session.

- a. Amend Section III, 3.3.4** Other Required Exhibits by inserting as (h) language requiring a restoration plan to accompany an application for a subdivision that requires an Alteration and Terrain Permit, or for a proposed new street.

In reviewing the recommended amendment to the Subdivision Regulations, the Planning Board made grammatical changes to proposed wording. Additionally, the words "construction, excavation, alteration, or development" were included as indicators that a project has ceased for more than one (1) year. It was noted that these words will be more particularly defined when considering amendments to Section I, 1.5 Definitions. The intent of the amendment to provide the Town with a mechanism to ensure that disturbed areas can be stabilized if construction, excavation, alteration, or development ceases for more than one (1) year; erosion and sedimentation controls are not maintained; areas outside of the area or phased approval have been disturbed, or the site has been abandoned.

Mrs. Bradstreet, seconded by Mrs. Connolly, moved to **ACCEPT** the proposed amendment for public hearing. Motion carried unanimously (Langwasser, Connolly, Bradstreet, Steele, Wilkey, Fredyma and Ellsworth).

- b. Amend Section IV, 4.4.2** Streets by inserting language permitting the construction of a new street only for a subdivision creating a minimum of four (4) lots total. The total may include any lot containing an existing residence.

Again, in reviewing the recommended amendment, the Planning Board made grammatical changes to the proposed wording without changing the intent which is to limit an individual's ability to construct a Town road for anything less than four (4) lots; thereby, limiting the Town's responsibility to maintain a road that services less than four (4) homes.

Mr. Wilkey, seconded by Mrs. Connolly, moved to **ACCEPT** the proposed amendment for public hearing. Motion carried unanimously (Langwasser, Connolly, Bradstreet, Steele, Wilkey, Fredyma and Ellsworth).

V. Adjournment.

Vice Chairman Britain declared the meeting **ADJOURNED** at 8:15 PM. The next regular scheduled meeting of the Hopkinton Planning Board is at 7:00 PM on Tuesday, July 8, 2014, at the Hopkinton 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.