



Town of Hopkinton

330 Main Street • Hopkinton, New Hampshire 03229 • www.hopkinton-nh.gov

Tel: 603 746-3170

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HOPKINTON PLANNING BOARD PUBLIC NOTICE - AGENDA JULY 8, 2014

Notice is hereby given that the Hopkinton Planning Board will meet on **Tuesday, July 8, 2014**, beginning at **7:00 PM** in the Hopkinton Town Hall, 330 Main Street Hopkinton to review and take action on the following:

- I. **Review and adopt the Minutes and Notice of Decision of June 10, 2014.**
- II. **Conceptual Consultations, if any.**
- III. **Public Hearing – Subdivision Regulations.** Pursuant to NH RSA 675:6 & 7, the Planning Board will hold a public hearing on proposed amendments to the Hopkinton Subdivision Regulations. Amendments proposed as follows:
 - 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 a proposed new street.
 - 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.

A full-text of proposed amendments is available at Town Hall, Town Clerk's Office and Town's website.

- IV. **Subdivision Regulations Work Session.** The Planning Board will review the following proposed amendments:
 - a. **Amend Section I, 1.3.1** Rules of Procedure by inserting language with respect to the duties and responsibilities of the Planning Board, including the procedures by which the Board receives and acts upon applications and communications.

V. **Other Business.**

VI. **Adjournment.**

Bruce Ellsworth
Chairman



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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.

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.



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HOPKINTON PLANNING BOARD NOTICE OF DECISION JUNE 10, 2014

Notice is hereby given that the Hopkinton Planning Board met on **Tuesday, June 10, 2014, at 7:00 PM** in the Hopkinton Town Hall, 330 Main Street, Hopkinton, and made the following decision(s):

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

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

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

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

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

II. **Applications.**

#2014-4 Jennifer & John Balkus Site Plan Review to convert the existing residence located at 11 Hopkins Green Road into a Bed and Breakfast Inn with a maximum of six bedrooms. The property is located in the R-4 district, shown on Tax Map 251 as Lot 14.

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

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

#2014-5 Lloyd A. Holmes 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.

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

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

III. 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.

Jane Bradstreet, seconded by Cettie 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.

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

IV. 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.

- (2) Consideration should be given in the layout of the subdivision to provide each dwelling unit with access and/or views onto the Designated Open Space.
- (3) At the discretion of the Planning Board, groupings of buildings in the R-2, R-3 and R-4 zones may be limited to no more than four (4) buildings (containing single or multiple dwelling units) together in a “pod” formation (on individual lots or on a common lot) with a vegetated buffer of 100-300 feet separating the groupings. Larger buffers (200-300 feet) may be required depending on the size of the proposed structures, the nature of the existing vegetation, and the elevation change in the area of concern.

4.4.2 Streets **The construction of a new street shall only be permitted for a subdivision creating a minimum of four (4) lots total. The total lots may include any lot containing an existing residence.**

- (a) **Relation to Adjoining Street System** Insofar as the Master Plan or Official Map does not indicate the size, location, direction and extent of a street, and subject to the regulations hereinafter specified regarding definite minimum widths, the arrangements of streets in a subdivision shall provide for the continuation of the principal street existing in the adjoining subdivisions, or of their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing streets but no less than fifty (50) foot right-of-way. Where, in the opinion of the Board, topographical conditions make such continuance or conformity impractical, the Board may approve the subdivider’s plat, without the provision of a right-of-way to an adjoining property.

In the interest of providing comprehensive transportation within the community, especially when in the interest of providing comprehensive transportation within the community, especially when new sub-division roads do not provide direct access to adjacent or nearby neighborhoods, the Board may require the construction of walking or biking trails to interconnect new streets with existing neighborhoods or existing streets.

Where the plat submitted covers only a part of the subdivider’s tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of the adjustments and connections with the street system of the part not submitted.

Where a tract is subdivided into lots of an acre or more, the Board may require an arrangement of lots and streets such as to permit a later resubdivision in conformity with the street requirements specified in these Regulations.

- (b) **Street Rights-of-Way** The minimum right-of-way for streets shall be as shown on the typical cross sections, Section 4.5.4.
- (c) **Street Width** The width of the street shall be as shown on the typical cross sections, Section 4.5.4.
- (d) **Access** There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the Town under conditions approved by the Board. The subdividing of the land shall be such as to provide each lot, by means of

- (b) Warranty deeds conveying to the Town streets, rights-of-way, and any sites for public use in fee simple, free from all encumbrances, unless waived by the Planning Board.
- (c) Calculations specifying the quantity of stormwater run-off and a statement from the applicant's engineer certifying the adequacy of the proposed drainage facilities to handle such run-off.
- (d) Calculations on the type and quantity of sanitary waste generated and a statement from the engineer or licensed designer certifying that the proposed facilities will adequately handle the projected effluent.
- (e) Traffic Impact Analysis: All proposed subdivisions shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety. To facilitate this review, the Planning Board may require the developer to provide the Planning Board with a traffic impact analysis when deemed necessary by the Board due to the size, location or traffic generating characteristics of the development. Traffic impact analysis shall address each of the following:
 - (1) Traffic circulation and access, including adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended traffic signalization.
 - (2) Pedestrian safety and access.
 - (3) Off-street parking and loading, where appropriate.
 - (4) Emergency vehicle access.
 - (5) Off-site improvements necessitated by and to be constructed by the developer.
- (f) Any other specific studies, requested by the Planning Board, reasonably required to evaluate the applicant's proposal including fiscal impact analysis, school impact analysis, environmental impact analysis, and community services impact assessment.

The Planning Board may retain the services of a qualified consultant(s) to prepare and review any of the above specific studies, including the traffic analysis, and to ensure that adequate provisions are made in the development plan to reduce or eliminate any adverse impacts. The Board may further require, pursuant to RSA 676:4(g), that the developer reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

- (g) Necessary State and local permits.
- (h) **Restoration Plan: The Planning Board shall require that a restoration plan be included whenever an application for a major subdivision requires an Alteration of Terrain Permit, or for a proposed new street. The purpose of the plan is to ensure that disturbed areas are permanently stabilized if one or more of the following occurs:**
 - (1) **Construction, excavation, alteration, or development ceases for more than one (1) year,**

- (2) Erosion and sedimentation controls are not maintained in accordance with the approved plan,**
- (3) An area outside of the area or phase approved has been disturbed, or**
- (4) The Town determines that the site has been abandoned.**

The plan shall specify the methods and standards proposed to permanently reclaim disturbed areas. The plan shall be accompanied by an independent cost estimate to implement the restoration plan. The cost estimate shall be subject to Planning Board approval. An approved performance security sufficient to implement the restoration plan shall be submitted prior to the Chair of the Planning Board signing the final subdivision plat.

**SECTION I
GENERAL PROVISIONS**

1.1 AUTHORITY These Regulations are adopted in accordance with the applicable provisions of RSA 672 through 677 inclusive of the Revised Statutes Annotated and originally authorized by the March 1969 Town Meeting.

1.2 TITLE The Regulations shall be known and may be cited as the “Subdivision Regulations, Town of Hopkinton, New Hampshire.”

1.3 JURISDICTION The provisions of these Regulations shall apply to all land within the boundaries of the Town of Hopkinton.

1.3.1 Rules of Procedure These Rules of Procedure are adopted under the authority of New Hampshire RSA 676:1.

~~I. General~~

- (a) These Rules govern the procedures by which the Planning Board receives and acts upon communications or applications.
- (b) Generally, these Rules have the same definitions as contained in the Subdivision Regulations of the Town of Hopkinton.

1.3.1.1 Members and Alternates

- (a) The Hopkinton Planning Board shall consist of no more than ten (10) members, including alternate members. The Selectmen shall designate one selectman as an ex-officio member with power to vote.
- (b) Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
- (c) Up to three (3) alternate members shall be appointed as provided by the local legislative body and as authorized by RSA 673:6. Alternate members should attend all meetings to familiarize themselves with the workings of the board to stand ready to serve whenever a regular member of the board is unable to fulfill his/her responsibilities.
- (d) At Planning Board meetings, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy may participate with the board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, and actively participate and interact with other board members, the applicant, abutters and the public. However, they shall not be allowed to make or second motions and shall not participate in any way during the deliberations by the board. During work sessions alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the chair shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL GENERAL PROVISIONS

- (e) Members must reside in the community and are expected to attend each meeting of the board to exercise their duties and responsibilities. Members, including the chairman and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.
- (g) Each newly elected or appointed (including re-elected or re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1.

II.1.3.1.2 Officers (a) Annually, the Planning Board will elect officers at a duly noticed regular meeting after the Annual Town Meeting but no later than April 30th. (b) The officers of the Board shall include a Chair and a Vice Chair. The officers serve until they resign, they are no longer members of the Board, or until their successors have been duly elected. (c) ~~The duties and responsibilities of the officers are as follows: The officers of the Board are as follows:~~

- (a) The Chair presides over all meetings and hearings of the Board. The Chair will be the spokesman for the Board and shall be responsible for receiving and sending communications relative to the Board's business perform other duties customary to the office.
- (b) The Vice Chair exercises the duties of the Chair in the absence or unavailability of the Chair or when the Chair specifically requests. presides in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board in the absence of the Chair or when the chair specifically requests.
- (c) In absence of the Chair and Vice Chair the Board may appoint another member to temporarily assume these duties.

The Planning Department shall keep a full and accurate record of the proceedings of each meeting; issue notices of all meetings; record the names of the members present; notify applicants and abutters of hearings; and prepare such correspondence and fulfill such duties as the Chairman may specify. In the absence of the Planning Director, the Chairman shall appoint a pro tem to keep records of the meeting.

III. Communications

(a) ~~All written communications to the Board shall be directed to:~~

~~— Chairman of the Hopkinton Planning Board
— 330 Main Street
— Hopkinton, New Hampshire 03229~~

(b) ~~Between meetings, parties may contact the Planning/Zoning Director at the Town Hall for information and assistance.~~

IV.1.3.1.3 Meetings

- (a) All meetings and work sessions of the Board are open to the public except when the Board shall vote pursuant to RSA 91-A:3 to adjourn to a nonpublic Session.

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL GENERAL PROVISIONS

The Board may hold all or a portion of a meeting in a nonvoting non-public session upon a majority roll-call vote in favor of a motion to that effect. Minutes of the nonpublic session shall be kept in conformance with RSA 91-A.

- (b) All full-time and alternate members of the Board are expected to attend all meetings. Whenever a regular member is absent or whenever a regular member disqualifies himself, the Chairman shall designate an alternate, if one is present, to act in the absent member's place.
- (c) A quorum of the Board is a total of four (4) full-time members and/or alternates designated to vote by the Chair. Any action of the Board may be adopted by a majority vote of those present and voting. In the case of a tie vote the Applicant shall prevail. The maximum number of members allowed to vote on an application shall be seven (7).
- (d) **If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, s/he shall notify the Chair as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chair or the member before the discussion or the public hearing on the application begins. The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter.**
If uncertainty arises as to whether a Board member should disqualify him/herself, on the request of that member or the request of another member of the Board, the Board shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than board members.
- (e) Unless otherwise designated in the public notices, all meetings of the Board will be held at the Hopkinton Town Hall.
- (f) Representatives of the media and general public will be allowed to observe, record, file and/or videotape Board meetings so long as they are not disruptive and do not interfere with the conduct of the Board's business.

V1.3.1.4 Public Hearings **The conduct of a public hearing shall be governed by the following:**

- (a) The Chair will preside over all hearings, except as mentioned in Section II above.
- (b) Speakers shall address the Board, rather than each other. All speakers must state their names and addresses. **Any party who desires to ask a question of another party must go through the Chair.**
- (c) The applicant or his/her agent will be given the first opportunity to present the proposal and briefly explain it.

SECTION II
PROCEDURES FOR SUBDIVISION APPROVAL GENERAL PROVISIONS

- (d) The Board will then decide if the application shall be accepted for consideration.
- (e) Abutters, persons with a direct interest in the application, and Town Officials or their agents, may testify in person at the hearing, or in writing at or before the hearing. Town residents and others not described above will be permitted to testify at the discretion of the Chair.
- (f) The Chair shall have the discretion to set a time limit on each speaker in a uniform manner. The speaker will be selected at random and may be limited to two (2) opportunities to address the Board at one hearing. Those who wish to testify are encouraged to submit their comments in writing in advance of a hearing to assure that their comments will be conveyed to the Board even if time prevents them from fully expressing their views at the hearing. The Board may set a time limit on the hearing and/or continue the hearing if necessary.
- (g) The Chair shall close the public hearing after all parties have been heard and the Board shall proceed to consider action on the application.
- (h) The vote of each Board member shall be recorded as favoring, opposing, or abstaining.
- (i) All files, plans, records, and minutes shall be considered public information, unless voted otherwise by the Board. If so voted, the reasons therefore shall be a matter of public record.
- (j) The Board shall record all of the proceedings. Official tape recordings of the proceedings shall be retained until the Board approves the minutes of that proceeding and thereafter only so long as there is a specific reason to do so. ~~Specific reasons for retention of tape recordings of a proceeding include (a) application to the Zoning Board of Adjustment or court for an appeal of a matter discussed or decided at the taped proceeding, (b) the request by an applicant or by any member of the public for a copy of tape recording of proceedings before Planning Board.~~

VI.1.3.1.5 Joint Meetings and Hearings The Planning Board may hold joint meetings and hearings with other “land use boards” including the zoning board of adjustment, the Historic District Commission, the Building Code Board of Appeals, and the Building Inspector. Each board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2).

- (a) Joint business meetings with another local land use board may be held at any time when called jointly by the chairmen of the two boards.
- (b) A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.
- (c) The Planning Board Chairman shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.

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- (d) The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:
 - (1) Call to order by Chair;
 - (2) Introduction of members of both boards by Chair;
 - (3) Explanation of reason for joint meeting/hearing by Chairman;
 - (4) In the case of a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present his/her proposal;
 - (5) Adjournment.
- (e) Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

1.3.1.6 Miscellaneous Amendment and Waiver

- (a) These rules may be amended by a majority vote of its members. The Board shall hold a public hearing prior to adoption of new rules or amendments of existing rules. Notice of the time and place of the hearing shall be as provided in RSA 676:7. ~~at any regular meeting of the Board for which proper notice of amendment was given.~~
- (b) For good cause and in order to prevent unnecessary hardship, the Board may grant waivers from strict compliance with these Rules upon the motion of any member of the Board.
- ~~(c) Field inspections by members of the Board in whole or part may be required prior to making a decision. The Applicant and other interested parties may be given the opportunity to accompany the Board members on these inspections.~~

1.3.2 Subdivision ~~No land shall be subdivided or lots conveyed or sold within the corporate limits of the municipality until:~~

- ~~(a) The Planning Board has given final approval of the subdivision plan after a public hearing and after the Chairperson of the Board has affixed his/her signature on the approved plan.~~
- ~~(b) The applicant has complied with all of these Regulations including the posting of appropriate performance guarantee.~~
- ~~(c) The approved plan is filed with the Merrimack County Registry of Deeds.~~

1.3.3 Permits ~~No building or other permit shall be issued for any parcel or plat until an approved subdivision plan is presented to the Building Inspector by the applicant.~~

1.4 PURPOSES These Regulations are adopted for the following purposes:

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- (a) To protect and provide for the public health, safety, and general welfare of the municipality.
- (b) To guide the future growth and development of the municipality, in accordance with the Master Plan.
- (c) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land.
- (e) To provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (f) To provide for suitably located streets and/or access ways of sufficient width to accommodate existing and prospective traffic; to afford access for firefighting equipment to buildings; and to be coordinated so as to compose a convenient and safe circulation system.
- (g) To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- (h) To insure that public facilities are available and will have a sufficient capacity to serve proposed subdivisions.
- (i) To prevent the pollution of the environment of Hopkinton; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (j) To provide for open spaces through the efficient design and layout of the land, while preserving the density of land as established in the Zoning Ordinance of the municipality.