



Town of Hopkinton

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

Tel: 603 746-3170

Fax: 603 746-2952

HOPKINTON PLANNING BOARD MINUTES MARCH 17, 2015

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, March 17, 2015, beginning at 7:00 PM in the Hopkinton Town Hall. Members present: Cettie Connolly, Celeste Hemington, Jane Bradstreet, Michael Wilkey, Clarke Kidder and James Fredyma. Members absent: Vice Chairman Timothy Britain, Ex-Officio James O'Brien and Alternate Rich Steele. Staff present: Planning Director Karen Robertson.

I. Review and adopt the Minutes and Notice of Decision of February 10, 2015.

Cettie Connolly, seconded by Jane Bradstreet, moved to **APPROVE** the Minutes of February 10, 2015 as presented. Motion carried unanimously.

Cettie Connolly, seconded by Jane Bradstreet, moved to **APPROVE** the Notice of Decision of February 10, 2015 as presented. Motion carried unanimously.

II. Conceptual Consultations. There were no conceptual consultations.

III. Applications (*Public hearing may immediately follow if an application is accepted as complete.*)

#2015-3 Sean Bohanan Site Plan Review and Architectural Design Review to set-up one (1) mobile food cart with associated signage on property owned by the Contoocook Riverway Association, located at 896 Main Street, VB-1 district, TM101/L76.

Mr. Bohanan addressed the Planning Board to explain his proposal to sell steamed hot dogs, chips and drinks from a mobile food cart that he will set-up on the edge of the grass on property owned by the Contoocook Riverway Association. Signage for the business will be a portable, A-Frame sign that will be removed, along with the mobile food cart, at the end of business hours.

Customers will have the ability to park in a spot alongside the road or in the four (4) parking spaces in front of the Train Depot. Additionally, if needed, the municipal parking lot behind TD Bank is easily accessible as it abuts the Depot property. Mr. Bohanan agreed to encourage his customers to use the designated parking spaces in order to reduce any potential for parking or traffic related issues.

Lastly, Mr. Bohanan explained how the sale of steamed hot dogs will be an alternative for those that may want to grab a quick bite to eat as there is no other venue in Town that sells steamed hot dogs. The business will be open Monday – Friday from 10 AM to 3 PM with set-up and take-down one half hour before and after.

Chairman Ellsworth inquired as to whether the agreement with the Contoocook Riverway Association for use of their property included use of their parking. Mr. Bohanan replied yes.

Mr. Wilkey questioned the wording on the application indicating that the cart is a “mobile food cart”. He questioned whether other types of foods would be served. In response, Mr. Bohanan explained how his Food Service License from NH Department of Health and Human Services only permits the sale of hot dogs. Other foods must be sold from an enclosed structure/vehicle, similar to those seen during the Hopkinton Fair.

Mr. Bohanan advised that he had received the necessary Hawker & Peddler Licenses from the State and Town, and was in the process of obtaining a Food Service License.

Brief discussion ensued concerning the limited days and hours of operation being requested by Mr. Bohanan. As a result, Mr. Bohanan amended the days and hours of operation to Monday – Sunday from 8 AM – 8 PM, consistent with the time period permitted under the Town’s Ordinance for a Hawker & Peddler’s License.

Mr. Wilkey, seconded by Mrs. Hemingson, moved to **ACCEPT** application #2015-3 of Sean Bohanan as complete and for consideration. Motion carried unanimously (Connolly, Hemingson, Bradstreet, Wilkey, Kidder, Fredyma and Ellsworth).

There being no one present wishing to provide public testimony, Chairman Ellsworth closed the public hearing portion of the meeting.

Mrs. Hemingson, seconded by Mr. Kidder, moved to **APPROVE** application #2015-3 of Sean Bohanan as presented with the following conditions:

- a) The mobile food cart operation shall not take place in any drive aisles, parking spaces or within the public right-of-way; nor shall it impede on the circulation of motor vehicles;
- b) Hours of operation are limited to: Monday – Sunday from 8 AM – 8 PM;
- c) Applicant shall obtain the necessary Transient Sales (Hawkers and Peddlers) license, which includes providing insurance coverage holding the Town harmless from any liability caused by the operation;
- d) Applicant shall obtain the necessary Food Service License from NH Department of Health and Human Services;
- e) No outdoor seating is allowed;
- f) The A-Frame advertising sign shall only be displayed during hours of operation and placed within the vicinity of the food cart;
- g) Use of propane or other heating method is subject to approval of the Fire Department; and
- h) All waste and trash must be removed at the end of the day in order to maintain the health and safety of the public.

Chairman Ellsworth asked Mr. Bohanan if he was amenable to the conditions being imposed. In response, Mr. Bohanan replied yes.

Motion carried unanimously (Connolly, Hemingson, Bradstreet, Wilkey, Kidder, Fredyma and Ellsworth).

IV. Other Business.

a) Annual appointment of Chair and Vice Chair.

Mrs. Bradstreet, seconded by Mr. Kidder, moved to **RE-APPOINT** Bruce Ellsworth as Chair of the Hopkinton Planning Board. Motion carried unanimously (Connolly, Hemingson, Bradstreet, Wilkey, Kidder and Fredyma).

Mrs. Connolly, seconded by Mr. Kidder, moved to re-appoint Timothy Britain as Vice Chair of the Hopkinton Planning Board.

Brief discussion ensued concerning whether the appointment would be accepted by Mr. Britain as he has been unavailable due to a work related commitment. As a result, Mr. Connolly and Mr. Kidder withdrew their motion.

Mrs. Bradstreet, seconded by Mrs. Connolly, moved to **APPOINT** Michael Wilkey as Vice Chair of the Hopkinton Planning Board. Motion carried unanimously (Connolly, Hemingson, Bradstreet, Kidder, Fredyma and Ellsworth).

b) Capital Improvements Program.

Chairman Ellsworth advised that the process by which the Capital Improvements Program is prepared or amended is no longer the responsibility of the Planning Board. He noted that NH RSA 674:5 permits the local legislative body (Town Meeting) to authorize the Planning Board to prepare and amend the program or as an alternative, the governing body (Selectmen) to appoint a capital improvement committee to prepare and amend the program. At the March 14th Annual Town Meeting, the residents authorized the Selectmen to appoint a Capital Improvements Program Committee. Members of the Planning Board unanimously agreed that the role of preparing and amending the Capital Improvements Program is better suited for the Selectmen.

Lastly, the Board briefly discussed the fact that NH RSA 674:5-8 no longer requires that the Capital Improvements Program be adopted by the Planning Board.

c) Master Plan Update.

The Planning Board briefly discussed the process of updating the Master Plan. While the Board believed that the overall goals and objectives of the Town have not changed, it was suggested, at a minimum, that the narratives and statistical data be updated.

Mrs. Robertson will provide the Board with an outline of the status of the goals and objectives of each Master Plan chapter for discussion at the Board's next meeting.

d) Zoning Amendments – Ballot 2015.

There were nine (9) zoning amendments on the ballot for action by the voters. All nine (9) amendments passed; however, it was noted that there were many questions and explanations given on voting day.

(Note: There were zoning amendments that were recommended by the Planning Board that were not included on the ballot. Due to the overall number of amendments, the Planning Board decided to limit the number of amendments presented to the Voters in 2015. Those amendments that were excluded from the ballot will, again, be reviewed by the Planning Board for the 2016 ballot.)

e) Zoning Amendments for Consideration 2016.

Large Commercial Wind and Solar Energy Systems – Members of the Board expressed concern with the lack of ordinance/design standards for the installation of large, commercial wind turbines and solar energy systems. Mrs. Robertson will provide the Board with ordinances of other communities for discussion.

V. Adjournment.

Chairman Ellsworth declared the meeting **ADJOURNED** at 7:50 PM. The next regular scheduled meeting of the Hopkinton Planning Board is at 7:00 PM on Tuesday, April 14, 2015, at the Hopkinton Town Hall.

Karen 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.