



Town of Hopkinton

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HOPKINTON PLANNING BOARD

MINUTES JUNE 9, 2015

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, June 9, 2015, beginning at 7:00 PM in the Hopkinton Town Hall. Members present: Vice Chairman Michael Wilkey, Cettie Connolly, Celeste Hemingson, Jane Bradstreet and Alternates Rich Steele, James Fredyma and Clarke Kidder. Members absent: Ex-Officio James O'Brien and Timothy Britain. Staff present: Planning Director Karen Robertson.

Due to the absence of regular members, Mr. Steele and Mr. Fredyma were designated as voting members for the meeting.

I. Review of the Minutes of May 12, 2015.

Mrs. Connolly, seconded by Mrs. Hemingson, moved to APPROVE the Minutes of May 12, 2015 as presented. Motion carried unanimously.

II. Conceptual Consultations.

Bob Fulton of 466 Park Avenue addressed the Board to inquire as to whether the Planning Board would be favorable to him subdividing his property into two (2) lots have less than the required frontage.

Members of the Board informed Mr. Fulton that the Planning Board doesn't have the authority to approve a subdivision having less than the required frontage. He will need to apply to the Zoning Board of Adjustment for a Variance. Prior to moving forward, it was suggested that Mr. Fulton review the requirements for a Variance.

III. Other Business.

Given the popularity of solar, the Planning Board had Jack Ruderman, Director Community Solar Initiatives for ReVision Energy, who is a resident of Hopkinton and former Director of the Sustainable Energy Division at NH Public Utilities Commission, to educate the Board on the various types of solar designs and installations, such as roof and ground mounted systems. A typical 3' x 5' solar panel installed at a residence will produce between 260 – 350 kW. Mr. Ruderman then provided a brief comparison as to the solar electricity is being produced in kilowatts or watts in various States; while also comparing the amount of electricity that was once produced at the former Bio Energy facility and that is now being produced at the Eversource facility in Bow.

Chairman Ellsworth questioned whether states or communities were limiting the size (kilowatts) of residential solar due to the potential impact on the grid. In response, Mr. Ruderman only recalled that the State of Arizona had addressed the number of kilowatts that a system is permitted to produce. He noted that some people believe that individuals with solar systems are "getting a good deal" and are being "subsidized" as they are purchasing less electricity than

others that have to pay more. Others suggest that the use of solar energy helps off-set the need for power from the grid during peak times, which can be helpful.

Mr. Kidder questioned whether utility companies are placing solar panels on utility poles. Mr. Ruderman was only aware of Eversource and Unitil having a pilot program in which they utilize utility poles.

Mrs. Robertson inquired about solar glare as a result of the installation of solar panels. In response, Mr. Ruderman indicated that he was only aware of one time in which solar glare was discussed. The glare was reported by the traffic controllers at the Manchester Airport as a result of solar panels that were installed on the airport's parking garage.

The Board thanked Mr. Ruderman for his time as the discussion was very informative.

IV. Application (*Public hearing may immediately follow if the application is accepted as complete.*)

#2015-4 Global Montello Group Corp./MHF Design Consultants Inc. Project Manager Huseyin Sevincgil of MHF Design Consultants addressed the Board on behalf of Global Montello Group to present the application for Site Plan Review, Architectural Design Review, and Special Use Permit for the reconstruction of the convenience store and fuel dispenser island at 891 Main Street, VB-1 district, TM101/L6.

The property in question is a small parcel totally 12,137 SF, which includes an existing 1,810 SF convenience store, associated parking, two (2) open drives, three (3) underground fuel storage tanks and a fuel canopy/island.

The proposal includes the demolition of the convenience store, to construct a new 1802 SF store, to reconstruct the canopy, canopy columns and fuel islands and to install two (2) new double wall fiberglass underground fuel storage tanks. The proposed new building will be no closer to the side yard lines and will actually be less non-conforming as the project will involve the elimination of an existing roof overhang encroachment. As the new building will continue to be non-conforming in setbacks, the Applicant requests the Planning Board grant a Special Use Permit to reduce the building setbacks from that which is required under the Zoning Ordinance for the VB-1 district. Mr. Sevincgil stated that the redevelopment of the property will be less non-conforming and within the spirit and intent of the Hopkinton Zoning Ordinance. As part of the redevelopment, the parking will be improved as they propose accessible space with access aisles and routes to the building. The public sidewalk along Maple Street will be extended and curb openings on Maple and Main streets will be narrower with new curbed islands installed. Lastly, the new building will include interior public restrooms, replacing the portable toilets that currently exist.

In conjunction with the Applicant's application for Architectural Design Review and request for Special Use Permit, the Applicant included with the application the waiver criteria outlined in Section 15.8.3 of the Zoning Ordinance.

Lastly, in conjunction with the Applicant's application for Site Plan Review, the Applicant included with the application requests for waivers from the following:

1. Section 7.6 Building Perimeter Landscape Standards – Site constraints prevent a landscape buffer from being provided adjacent to the building.
2. Section 9.1(c) Access to Public Streets – Site constraints prevent the access points from being reconstructed in compliance with the Regulations.

3. Section 10.2 Parking Lot Design Requirements – While the parking will be compliant and will include access islands it will not be relocated to the side or rear of the building as required by the Regulations.

Mrs. Connolly, seconded by Mrs. Hemingson, moved to **ACCEPT** application #2015-4 of Global Montello Group Corp./MHF Design Consultants Inc. as complete and for consideration. Motion carried unanimously (Bradstreet, Connolly, Hemingson, Wilkey, Steele, Fredyma and Ellsworth).

Chairman Ellsworth inquired about the nature of the convenience store and whether it would change as a result of the new construction. Dan Berry of Global Montello Group responded by explaining that the overall nature of the store will not change. They will still offer deli foods; however, at a larger scale to their customers. The deli will be operated by the company's personnel. Mr. Berry did note that the name of the store will change so that it is consistent with the names of the stores owned and operated by Global Montello Group. The new name will be "All-Town". These stores already exist at other locations throughout New Hampshire and Massachusetts.

Mr. Wilkey questioned whether when redesigning the site consideration was given to alternative ways to access the property. Mr. Sevincgil replied yes, noting that given the size of the property and the other constraints with respect to the actual infrastructure they were limited to the same access/egress points. Additionally, they had to factor in the ability of fueling truck to enter/exit the property from Maple Street (Route 127).

Mr. Kidder discussed the fact that the intersection is dangerous to pedestrian traffic. He suggested that consideration should be given to extending the sidewalk down Maple Street and around the front of the property to Main Street. Discussion ensued with members of the Board suggesting that pedestrian traffic in front of the property, adjacent to the intersection of Maple and Main Street, may increase the already existing dangerous situation for pedestrians walking in the area. Furthermore, it was assumed that given the limited area for a sidewalk to be constructed in front of the property that NH DOT may not be favorable to the idea.

Mr. Sevincgil reviewed a memorandum provided to the Planning Board by Mrs. Robertson that provided a brief history of the property, listed waivers for consideration, and provided a review of the ordinances and regulations as it relates to the proposal (copy attached).

With respect to landscaping, Mr. Sevincgil reviewed the plan showing the landscaping as proposed (Spiraea, Rhododendrons, Azaleas, Syringa). He suggested that there will be adequate plantings in the islands and curbing around the islands so to prevent vehicles from parking on the islands, especially during the winter. Due to the constraints of the site, snow will need to be removed from the property.

Furthermore, Mr. Sevincgil noted that the Applicant is agreeable to install a white vinyl fence around the trash enclosure.

Drainage of the site was reviewed with Mr. Sevincgil explaining how water is "sheet flowing" towards the catch basins. The reconstruction of the site will include additional green space, reduction in the impervious surface, and sloping of the site towards the catch basins.

Mr. Sevincgil explained how they are currently working NH DOT with respect to the site changes.

Mr. Kidder requested the Applicant submit a view of the site from ground-level. Mr. Sevincgil agreed.

At this time, signage and lighting characteristics were reviewed. The proposal includes three (3) building signs for a total of 29.6 SF. Cut-sheets of the externally lighting of the signs were provided showing lighting directed to the signs. Exterior lighting of the building and canopy was addressed with lighting of the canopy to be recessed. All other lighting of the site is full cut-off lights that will be replaced with newer LED fixtures that can be directed. The height of the pole lighting will remain the same; however, the pole closest to the Porter property will be relocated further from their property. By doing so, the Applicant will need a waiver from one of the provisions of the Lighting Ordinance.

The application was open for public comment with abutters Louisa and Jack Porter expressing concern with snow storage on the property and the affects that it has had over the years to their property. So, to avoid potential problems in the future the Porters requested that a six (6) foot high vinyl fence be installed along the property line.

In response, the Applicant agreed to the installation of the fence as requested by the Porters and also noted that do to the constraints of the site that all snow will need to be removed from the property.

Mr. Porter then expressed concern with the lighting of the rear of the building and the impact that it may have on the tenants of his building. Following brief discussion, the Applicant agreed to install only one (1) light in the rear of the building over the electrical panel. The light will be only on when needed to access the panel.

Mr. and Mrs. Porter asked that during construction that noise be limited so to not disturb their tenants. Mrs. Robertson noted that the Town's Noise Ordinance exempts construction sites. The Applicant agreed to limit construction from 7 AM to 7 PM and anticipates that all work will be completed between 14 – 16 weeks.

Following closure of public testimony, the Board briefly discussed conditions and waivers should there be a motion to approve the application.

Mrs. Connolly, seconded by Mrs. Bradstreet, moved to **APPROVE** application #2015-4 of Global Montello Group Corp./MHF Design Consultants Inc. as presented with the following conditions and waivers:

1) Conditions:

- a) That the trash enclosure is to be a white (PVC) stockade fence, instead of or in conjunction with the chain link fence;
- b) That a white (PVC) stockade fence is to be installed along the property line adjacent to the Porter building, as was agreed upon between the Porters (TM101/L5) and Global;
- c) That NH DOT approval of all changes to the access/egress along Maple Street and Main Street shall be obtained prior to construction;
- d) That all lighting of the building, canopy and building signs shall comply with the Lighting Ordinance, and
- e) That all signage, except for the free-standing sign (Variance 1988), shall comply with the Sign Ordinance. This includes all externally illuminated signs, internally illuminated signs within the convenience store, and any temporary window or door advertising.

2) Waivers:

- a) SR Sections V Town Engineer (inspections);

- b) SR Section 7.6 Building Perimeter Landscape Standards;
- c) SR Section 7.12 Performance Guarantee;
- d) SR Section 9.1(c) Access to Public Streets;
- e) SR Section 10.2 Parking Lot Design Requirements;
- f) ZO Section 4-A.6.2.2(i) LED lighting of numbers on free-standing sign, and
- g) ZO Section XVIII Light poles and free-standing sign numbers.

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

V. Other Business – Continuation.

a) Master Plan Update.

The Planning Board reviewed a memorandum from Mrs. Robertson recommending the following in updating the Master Plan for 2015/2016:

1. Support the Conservation Commission's willingness to update the **Conservation, Preservation and Open Space Chapter**. The data would be updated; however, text revisions and adoption will be the responsibility of the Planning Board.
2. Reach out to Central NH Regional Planning Commission (CNHRPC) for assistance in updating the **Population and Economics Chapter**. Revisions to include:
 - ❖ Chapter introduction;
 - ❖ Key findings;
 - ❖ Population characteristics (historic and regional trends, projections, density and characteristics);
 - ❖ Employment, education, and commuting characteristics of residents (labor force, employment, and unemployment, occupations, education levels and commuting patterns);
 - ❖ Income characteristics (per capita income, median household and family income and poverty);
 - ❖ Hopkinton employers, include wage comparisons;
 - ❖ Tax characteristics;
 - ❖ Land availability and zoning;
 - ❖ Infrastructure characteristics (roads, highways, railroads, bus transit, airports, electrical power, communication, waste water treatment, water, emergency services, schools, and library);
 - ❖ Home businesses (trends and whether ordinance revisions should be considered);
 - ❖ Strategies to promote economic development goals;
 - ❖ Summary
3. Planning Board to update the **Community Facilities Chapter**.
 - ❖ Chapter introduction;
 - ❖ Key findings;
 - ❖ Population trends (assistance of CNHRPC)
 - ❖ Public Works (Highway, Wastewater, solid waste, building/grounds)
 - ❖ Sewer District
 - ❖ Water Precinct
 - ❖ Fire
 - ❖ Rescue Squad
 - ❖ Police

- ❖ Town Hall (Select Board, Administration, Assessing, Finance, Human Services, Planning)
- ❖ Library
- ❖ Bates Bldg. (Town Clerk/Tax Collector)
- ❖ Recreation
- ❖ School District
- ❖ Cemeteries

Following brief discussion, the Planning Board unanimously agreed to move forward with the recommendations. Mrs. Robertson is to provide the Board with a cost for CNHRPC to update the Population and Economics Chapter. Additionally, she will provide a Community Facilities Inventory form for the Board's review and approval, prior to forwarding the forms for completion to the various municipal departments.

b) **Zoning Amendments for Consideration 2016.**

For consideration at the 2016 Annual Meeting, the Planning Board will consider various definitions for "restaurants", such as standard and fast-food with or without walk-up, drive-in or drive-thru services. Mrs. Robertson will provide draft definitions for the Board's review.

As a follow-up to the Board's 2014 discussions to amend the definition of "Agritourism" to include occasional, daytime, non-commercial recreational events, such as walking, kayaking, sledding, snowshoeing, weddings, retreats, and reunions, the Board agreed to table discussions pending the outcome of the NH Supreme Court's review of a case involving a farm in the Town of Henniker.

VI. Adjournment.

Chairman Ellsworth declared the meeting **ADJOURNED** at 9:25 PM. The next regular scheduled meeting of the Hopkinton Planning Board is at 7:00 PM on Tuesday, July 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.