# Town of Hopkinton

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**HOPKINTON PLANNING BOARD**
**MINUTES**
**OCTOBER 13, 2015**

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, October 13, 2015, beginning at 7:00 PM in the Hopkinton Town Hall. Members present: Vice-Chairman Michael Wilkey, Timothy Britain, Cettie Connolly and Alternates Clarke Kidder and James Fredyma. Members absent: Celeste Hemingson, Jane Bradstreet, James O'Brien and Alternate Richard Steele. Staff present: Planning Director Karen Robertson.

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Due to the absence of regular members, Mr. Fredyma and Mr. Kidder were designated as voting members. Chairman Ellsworth declared a quorum present.

**I. Review of the Minutes and Notice of Decision of September 15, 2015.**

**Cettie Connolly, seconded by Michael Wilkey, moved to APPROVE the Minutes of September 15, 2015 as presented. Motion carried unanimously (6-0).**

**Cettie Connolly, seconded by Michael Wilkey, moved to APPROVE the Notice of Decision of September 15, 2015 as presented. Motion carried unanimously (6-0).**

**II. Conceptual Consultations.**

There were no conceptual consultations.

**III. Applications.** *(Public hearing will immediately follow if the application(s) is/are accepted as complete.)*

At the recommendation of Chairman Ellsworth, the Planning Board reviewed the applications out-of-order as the Board's authority with respect to the application for Architectural Design Review is limited and would not take as long as the application for subdivision. The Board unanimously agreed.

1. **Architectural Design/Site Plan Review #2015-11, Seth Greenblott, located at 2 Maple Street, Tax Map 101, Lot 10, VB-1 District.** The applicant, Seth Greenblott d/b/a Law Offices of Seth W. Greenblott, is relocating his law offices and is proposing a business sign. Property owners are Robert and Jessica Dunlap.

Mr. Greenblott presented his application explaining that he will be relocating his law office to 2 Maple Street. While he is permitted to have a 17 SF sign, Mr. Greenblott presented a schematic of a proposed 16 SF (8' x 2') sign that is to be affixed to the building. The proposed sign is in keeping with the character of the building. The sign will be green, black and white.

Mrs. Connolly questioned whether the sign will be lit. Mr. Greenblott replied no.

**Timothy Britain, seconded by Cettie Connolly, moved to ACCEPT application #2015-11 as complete and for consideration. Motion carried unanimously (6-0).**

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*Adopted: 11/10/2015*

The public hearing portion of the meeting was open for public comment. There was none.

**Timothy Britain, seconded by Cettie Connolly, moved to APPROVE application #2015-11 as presented. Motion carried unanimously (6-0).**

## IV. Other Business.

**Subdivision Application #2015-7, Meridian Land Services, Inc. on behalf of Frances Hart, located at 157 Kast Hill Road, Tax Map 210, Lot 4, R-3 District** – Planning Board approved the two lot subdivision on August 11, 2015 with conditions that the lot line adjustment between the Scheffey and Hart properties conform to the submitted application and documentation of the agreement be completed within two months.

Chairman Ellsworth announced receipt of correspondence from Timothy Ferwerda of Meridian Land Services indicating that, "the agreement is almost completed but will likely be another week or so to finalize it and get it recorded." Mr. Ferwerda now requests an extension to finalize the condition.

**Motion made by Timothy Britain, seconded by Michael Wilkey, to GRANT a 30-day extension (#2015-7). Motion carried unanimously (6-0).**

## V. Applications - Continuation.

1. **Subdivision Application #2015-08, Lewis Hoffner, located at 1222 Sugar Hill Road, Tax Map 233, Lot 10, R-4 District – Continuation of the August 11th and September 15, 2015 public hearing.** The owner, Lewis Hoffner, is proposing a two (2) lot subdivision. One lot will include the existing house on 5.00 acres with 485.87 feet of frontage (Sugar Hill Road) and the second lot will consist of 2.99 acres with 300.22 feet of frontage (Old Holmes Road).

The application was continued at the August 11th meeting to allow time for the Director of Public Works to review the situation, as presented by the abutters, and report back to the Planning Board. At the September 15th meeting, and at the request of the Applicant, the Planning Board continued the application to allow sufficient time for the Applicant to have a drainage plan prepared.

Surveyor Jacques Belanger, on behalf of Mr. Hoffner, provided a brief overview of the subdivision. He stated that at previous meetings abutters had expressed concern with a possibility of increase in storm water run-off from the new lot; thereby, making the condition of Old Holmes Road worse. As a result, Mr. Hoffner hired Anthony Costello, a licensed engineer of A.C. Engineering & Consulting, to "evaluate the ability of his (Mr. Hoffner's) proposed lot on Old Holmes Road to handle any potential increase in storm water run-off." Mr. Costello concluded that, "…there is more than adequate room on the proposed lot to build or construct any storm water management structure(s) that may be necessary to ensure that the post development peak run-off rate will not exceed the existing peak rate." Mr. Costello noted in his letter to the Board that his conclusion was based on "field inspection and preliminary drainage calculations using HydroCad…"

Mr. Belanger noted that the Applicant had received on Friday an email from the abutters' attorney concerning notes that they would like included on the plan and deed for the new lot. Notes were as follows:

> "Any development/disturbance of the current existing conditions on the proposed lot (insert description) shall be performed in such a manner so as to insure that no increase and/or alteration of the current rate of runoff, either in location or intensity shall occur. Any and all proposed alterations in the current run-off conditions of the

> proposed lot shall include a design allowing site run-off to be treated on site, in such a manner as have no adverse effect on the surrounding properties. Prior to the issuance of any building permit, tree cutting or the like, a stamped drainage plan shall be submitted to the Town by a New Hampshire licensed professional civil engineer evidencing same."

Mr. Belanger advised that Mr. Hoffner is opposed to the notes being added to the plan or deed. Mr. Belanger suggested that adding the language would create a "red flag" as to whether the lot is buildable; thereby, impacting any potential sale of the lot.

The public hearing portion of the meeting was opened.

Abutter Paul Preve of 406 Old Holmes Road indicated that his property is directly across from the proposed new lot. Mr. Preve reiterated concerns raised at the previous hearing concerning storm water run-off and the impact that it continues to have on Old Holmes Road. Mr. Preve presented photographs showing culverts, drainage ditches and areas in which the road had appeared to wash-out as a result of a recent rain storm. In particular, Mr. Preve referenced the location of two culverts in the front of his property and culverts in the rear with large cuts into the side of the road for drainage. At times large amounts of sand wash from uphill down onto Mr. Preve's property.

Mr. Blanchette addressed the Board explaining that due to lack of funding gravel roads are in serious disrepair. Old Holmes Road has a clay base which is why the road becomes muddy which also impact the drainage along the road. The Department of Public Works (DPW) has tried improving drainage by creating drainage ditches, especially along the corners where storm water is the worst. Mr. Blanchette noted that the lack of adequate funds has affected all roads. In the order of reconstruction or improvements, gravel roads are not the first priority as they can continue to be graded. Instead, repairing/reconstructing paved roads takes priority.

In response, Mr. Preve suggested that the DPW continues to flare the road so that it is wider making the water flow faster. He noted that there is an old concrete pipe along the logging road that is broken. He questioned what, if any, affects this might have on the drainage. Mr. Preve also questioned why the culverts were going across the road rather than in the same direction of the road. In response, Mr. Blanchette stated that the direction of the culverts is to divert the water as the road is very flat. Mr. Blanchette indicated that the traveled portion of the road is the same width as it was when he began working for the Town. It may appear to be wider due to the fact that the Town periodically cuts the vegetation back from the edge of the road. He again stated that the depth of the ditch near the curve in the road is so to keep the water in the ditch, rather than on the road.

While Chairman Ellsworth informed Mr. Preve that his comments were helpful, most of the issues that he raised were issues that should be discussed with the Selectmen and Director of Public Works. Chairman Ellsworth then asked Mr. Preve if he opposed the subdivision. Mr. Preve replied no, but expressed concern that cutting trees for a home site and constructing the driveway and home may increase the storm water run-off that is currently on the road and his property.

With no further comments, the public hearing portion of the meeting was closed.

In deliberating on the application, Chairman Ellsworth provided the Board with options which included denying the application with cause; approving the application as presented, or approving the application with conditions.

Mr. Britain expressed concern with the fact that Mr. Costello's letter did not reference the pre rate calculation for storm water. In response, Mr. Belanger stated that the post rate is unknown until the lot is developed. Mr. Britain agreed, but stated that the pre rate calculation is necessary in order to

be able to measure whether the developed lot has increased the rate of storm water run-off. Mr. Fredyma concurred, stating that he believes that the notes requested by the abutters are intended to provide a level of comfort that the subdivision will not cause an increase in storm water run-off.

Mrs. Connolly reminded the Board that Mr. Costello had indicated that, if necessary, there is adequate space on the property to address any possible issues with the storm water run-off once the property is developed. She suggested that the lot meets the requirements for a building lot and any conditions on the plan would more or less "punish" the landowner for a drainage problem that already exists. In response, Mr. Britain noted that the Board should not approve a new lot that doesn't coincide with the infrastructure on the road.

Mr. Kidder recalled a subdivision that the Planning Board had denied due to the poor condition of Branch Londonderry Turnpike. Other members recalled the decision.

Mr. Wilkey inquired with Mr. Blanchette as to whether any improvements to Old Holmes Road could be completed within a reasonable price range. Mr. Blanchette replied no, explaining that the understructure of the road would be need to be removed and possibly geo-tech fabric installed with a completely new drainage system.

Mr. Blanchette noted that he and the Road Committee had viewed the plan and site. As a result, Mr. Blanchette and the Road Committee were of the opinion that one additional house lot would not impact the drainage along Old Holmes Road, unless there is substantial tree removal.

Mr. Wilkey expressed disappointment that as a result of the two previous meetings there had not been more communication between the parties and an agreed upon solution.

**Motion made by Michael Wilkey, seconded by Timothy Britain, to DENY application #2015-08 as presented.**

Mrs. Connolly asked Mr. Britain why he seconded the motion to deny the application. In response, Mr. Britain stated that his second was to allow the motion to move forward. Furthermore, he noted that there isn't enough information to make an informed decision as there is no baseline for which to measure any future increase in storm water flow once the lot is developed.

At this time, Chairman Ellsworth asked each member for a voice vote and an explanation.

**Vote on Motion to Deny (3-3):** Wilkey – yes, Fredyma – yes, Kidder – yes, Connolly – no, Britain – no, and Ellsworth – no.

**Reasons for voting "yes" as follows:**

1. There wasn't sufficient information concerning the existing peak storm water run-off rate.
2. There wasn't information as to the type of storm water management structure that would be constructed should the post development peak run-off rate exceed the existing peak rate.

It was a tie vote and therefore the motion failed. The Applicant was informed that his application was denied.

Discussed ensured concerning application fees should the Applicant wish to reapply. The Board unanimously agreed that all application fees would be waived if the application is resubmitted within the next 60-days.

## VI. Zoning Amendments for 2016 Annual Town Meeting.

Pursuant to NH RSA 675:3, Chairman Ellsworth opened the public hearing on proposed amendments to the Hopkinton Zoning Ordinance. A full-text of proposed amendments (attached hereto) was available at Town Hall, Town Clerk's Office and Town's website.

At public hearings of November 18, 2014 and December 9, 2014, the Planning Board recommended amendments a, c, d, e, f, g and h be moved forward as written for the 2015 Annual Town Meeting. Later, due to the overall number of amendments, the Planning Board decided to limit the amendments presented to the Voters and move forward the same amendments for the 2016 Annual Meeting.

Proposed amendments as follows:

a. Amend Section III Table of Uses 3.6 inserting 3.6.F.20 Self-Service Storage Facility as a use prohibited in all residential districts and permitted by Special Exception in all commercial and industrial districts. Intent is to address inquiries of construction or change of use of structures to self-storage facilities. Currently, use is not listed and therefore not permitted.

b. Amend Section II Definitions inserting new definitions 2.1.D.4 Drive-in Eating Establishment, 2.1.R.4 Restaurant and 2.1.S.3 Self-Service Storage Facility. Amendment will require changing the numerical sequence of remaining definitions. Amendment is to provide definitions for already established uses and a new use listed in Table of Uses 3.6.

c. Amend definition 2.1.M.1 Manufactured Housing, so that the language is consistent with NH RSA 674:31.

d. Amend Section II Definitions, 2.1.S.7 Special Exception by inserting cross-reference to Section XV Board of Adjustment. Amendment is to assist readers in locating the specific for Special Exception.

e. Amend Section III Establishment of Districts and Uses, 3.6.1 by inserting clarifying language to assist readers in understanding that Table of Uses 3.6 is divided into two parts, one for principal uses and the other for accessory uses. Provide further explanation as to the letters "P", "S", "X" or for uses not specified in the Ordinance. Clarify the fact that all uses are subject to the provisions of Section XII Wetlands Conservation District. Amendment will not affect the intent or meaning of uses; nor will it change the districts in which uses are currently permitted, permitted by special exception or not permitted.

f. Amend Section III Establishment of Districts and Uses, Table of Uses 3.6 by relocating 3.6.A.7 Home Business, 3.6.A.10 Home Occupation, and 3.6.A.11 Telecommuting to Table of Uses 3.6.H. Uses will be designated as accessory uses, rather than principal uses. Amendment will not affect the intent or meaning of the uses; nor will it change the districts in which the uses are currently permitted or permitted by special exception.

g. Amend Section III Establishment of Districts and Uses, Table of Uses 3.6 by deleting the explanation in 3.6.F.1 Retail Establishment and instead, insert the explanation as new definition 2.1.R.5 Retail Establishment. Amendment will require changing the numerical sequence of remaining definitions. Amendment will not affect the intent or meaning of the use; nor will it change the districts in which the use is currently permitted, permitted by special exception or not permitted.

h. Amend Section VI Parking Requirements by deleting 6.4.6 Special Exception requiring a special exception for use of public parking facilities to supplement or reduce the required minimum

parking standards. Intent and purpose of amendment is to streamline the permitting process as similar authority has already been given to the Planning Board in 6.1 Off-Street Parking and 6.2 Location of Parking Spaces.

i. Amend Section VII Sign Ordinance, 7.6.2(c) and 7.9.3(a)(3) by deleting reference to "ten (10) feet" for the horizontal dimensions of free-standing signs and inserting in its place "five (5) feet" so that the language is consistent with the horizontal dimensions already established in 7.8.2. Intent and purpose of amendment is to correct a discrepancy in the Ordinance.

j. Amend Section VII Sign Ordinance, 7.9.3(a)(4) by deleting reference to "five (5) feet" for the distance that free-standing signs must be from any lot line and inserting in its place "ten (10) feet" so that the language is consistent with the distance already established in 7.6.2(c). Intent and purpose of amendment is to correct a discrepancy in the Ordinance.

k. Amend Section XVII Lighting Ordinance, 18.1 Title and Authority inserting 18.1.4 giving the Planning Board the authority, after testimony from the applicant, to alter specifications if it is determined that it is in the best interest of the Town and all other parties involved, and subject to any condition(s) the Planning Board deems appropriate. Intent and purpose of amendment is to streamline the permitting process.

There were no comments from the public or members of the Board.

**Motion made by James Fredyma, seconded by Timothy Britain, to RECOMMEND the amendments as written for the 2016 Annual Town Meeting. Motion PASSED (Vote 6-0).**

## VII. Master Plan Update.

- Community Facilities Questionnaire had been completed by most departments.
- Conservation Commission continues to work on updating the Conservation Chapter.
- CNHRPC will provide a cost estimate to update the statistically information in the Population and Economics Chapter.

## VIII. Adjournment.

Chairman Ellsworth declared the meeting **ADJOURNED** at 8:35 PM. The next regularly scheduled meeting of the Hopkinton Planning Board is at 7:00 PM on Tuesday, November 10, 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.