

Hopkinton Planning Board
Notice of Decision
September 8, 2009

Notice is hereby given that the Hopkinton Planning Board held a public hearing on Tuesday, September 8, 2009, and made the following decision(s):

I. Minutes and Notice of Decision of July 14, 2009.

Jane Bradstreet, seconded by Ed Taylor, moved to approve the Minutes of July 14, 2009 as presented. Motion carried unanimously.

Review of the Minutes of August 11, 2009 was deferred to the October 13, 2009 meeting.

Celeste Hemingson, seconded by Jane Bradstreet, moved to approve the Notice of Decision of August 11, 2009 as presented. Motion carried unanimously.

II. Application(s).

#2008-13B Francis Chase – Requested a one-year extension of a condition imposed by the Planning Board requiring that the house on Lot 7 be removed within one-year from the date of subdivision approval. The condition was imposed on August 14, 2007, as part of the Planning Board's approval of a seven lot residential subdivision, including construction of new roadway. A one-year extension from the date of the original condition was granted on November 13, 2008. A 30-day extension from August 11, 2009 was granted with the condition that at the Board's September 8, 2009 meeting, the Applicant was to present a plan and timetable for any improvements deemed necessary by the Public Works Director in an effort to stabilize the new roadway as well as the adjacent property. In addition to the plan and timetable, the Applicant was to present a renewed Letter of Credit (current expiration is 10/17/09) to cover all costs associated with the construction of the new roadway.

The property is owned by Francis and Ellen Chase, located off Irish Hill Road in the R-4 (residential/agricultural) district, shown on Tax Map 237 as Lot 36.

Celeste Hemingson, seconded by Timothy Britain, moved to deny the Applicant's request for an extension of time to remove the home on Lot 7. With seven members voting, six voted in favor of the motion (McCarthy, Britain, Hemingson, Taylor, Ellsworth and Wilkey) and one voted in opposition (Bradstreet). The motion passed; therefore, the extension was noted granted. The Planning Board provided the Applicant sufficient opportunity to comply with the August 14, 2007 condition of approval (removal of the home on Lot 7) by granting a one year extension on November 13, 2008 and then a 30-day extension on August 11, 2009. Furthermore, the Applicant was provided sufficient time (August 11, 2009 to September 8, 2009) to provide the Board with a plan or time table for stabilizing the roadway, which he failed to do. As a result of this decision, the Applicant was informed that the subdivision was no longer valid, and of his rights to reapply to the Planning Board should he wish to do so.

Karen L. Robertson
Planning Director

In accordance with RSA 677:15, any person(s) aggrieved by any decision of the 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.