

**Hopkinton Planning Board**  
**Notice of Decision**  
**October 13, 2009**

Notice is hereby given that the Hopkinton Planning Board held a public hearing on Tuesday, October 13, 2009, and made the following decision(s):

---

**I. Revocation Public Hearing:**

In accordance with RSA 676:4-a the Hopkinton Planning Board held a Public Hearing on Tuesday, October 13, 2009, at 7:00 PM in the Hopkinton Town Hall for the purpose of hearing all interested parties and to take testimony concerning the issue of whether the subdivision approval granted to Francis Chase on August 14, 2007, and filed with the Merrimack County Registry of Deeds on January 16, 2008, plan 18773, should or should not be revoked for the following reasons: Failure to comply with a condition of approval within the time(s) specified by the Board under RSA 676:4-a, I(c) and failure to provide for continuation of adequate security under RSA 676:4-a, I(e).

The subdivision was approved on August 14, 2007 with the condition that the house on Lot 7 be removed within one year from the date of subdivision approval. 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 then 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 to cover all costs associated with the construction of the new roadway. On September 8, 2009, the Applicant did not present the above information. As a result, the Planning Board denied the Applicant's request for an extension of time to remove the home on Lot 7. The property is owned by Francis and Ellen Chase, located off Irish Hill Road in the R-4 district, shown on Tax Map 237 as Lot 36.

**Cettie Connolly, seconded by Edwin Taylor, moved to revoke the subdivision approval granted to Francis Chase on August 14, 2008, and filed with the Merrimack County Registry of Deeds on January 16, 2008, plan #18773, based on the following reasons: Failure to comply with a condition of approval within the time(s) specified by the Board under NH RSA 676:4-a, I(c) and failure to provide for continuation of adequate security under NH RSA 676:4-a, I(e). Furthermore, the Board is to advise the Board of Selectmen to take whatever action is necessary to reconvey, to the former owners, the open space which was conveyed to the Town by deed recorded at Book 3043, Pages 0701-0707 in the Merrimack County Registry of Deeds. Motion carried unanimously (Connolly, McCarthy, Taylor, Wilkey and Ellsworth).**

**II. Application(s):**

#2009-9 Ed Bender, Sundance Solar - Request for Site Plan Review to operate a business known as Sundance Solar at property formerly utilized by Lett Manufacturing. The property is owned by William F. Lett Trust and is located in the R-4 district, Tax Map 258, Lot 18.

**Michael Wilkey, seconded by Cettie Connolly, moved to accept as complete and for consideration Application #2009-9. Motion carried unanimously (Connolly, McCarthy, Taylor, Wilkey and Ellsworth).**

**Michael Wilkey, seconded by Bethann McCarthy, moved to approve Application #2009-9 as presented. Motion carried unanimously (Connolly, McCarthy, Taylor, Wilkey and Ellsworth).**

#2009-10 Brenda & Alain Breault - Request for Site Plan Review to provide family group home child care at property located at 69 Snowshoe Trail in the R-1 district, Tax Map 222, Lot 22.7.

**Bethann McCarthy, seconded by Michael Wilkey, moved to accept as complete and for consideration Application #2009-10. Motion carried unanimously (Connolly, McCarthy, Taylor, Wilkey and Ellsworth).**

**Cettie Connolly, seconded by Michael Wilkey, moved to approve Application #2009-10 as presented. Motion carried unanimously (Connolly, McCarthy, Taylor, Wilkey and Ellsworth).**

#2009-11 Martin G. Marklin - Request for Site Plan Review to operate a retail business/coffee bar at property owned by AUS, LLC. The property is located at 28 Riverside Drive in the VB-1/VM-1 districts, Tax Map 101, Lost 23, 24 & 25.

**Michael Wilkey, seconded by Bethann McCarthy, moved to accept as complete and for consideration Application #2009-11. Motion carried unanimously (Connolly, McCarthy, Taylor, Wilkey and Ellsworth).**

**Bethann McCarthy, seconded by Michael Wilkey, moved to approve Application #2009-11 subject to further consideration should at any point in time the Planning Board determines that the Applicant is not complying with the intent of Hopkinton's Lighting Ordinance. Motion carried unanimously (Connolly, McCarthy, Taylor, Wilkey and Ellsworth).**

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.