



Town of Hopkinton

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HOPKINTON PLANNING BOARD NOTICE OF DECISION NOVEMBER 18, 2014

Notice is hereby given that the Hopkinton Planning Board met on **Tuesday, November 18, 2014, at 7:00 PM** in the Hopkinton Town Hall, 330 Main Street, Hopkinton, and made the following decision(s):

I. Review and adopt the Minutes of October 14, 2014.

Review of the Minutes was deferred to the December 9, 2014 meeting.

II. Application.

#2014-7 FirstLight Fiber Site Plan Review to erect an unoccupied public utility structure to accommodate the extension of fiber optic cable in the area of land owned by Wayne and Sally Patenaude Family Trust, 87 Garrison Lane, Tax Map 251, Lot 50, R-4 district. The request is associated with Zoning Ordinance section 3.7.8 Unoccupied Utility Structure.

Celeste Hemingson, seconded by Michael Wilkey, moved to ACCEPT application #2014-7 of FirstLight Fiber as complete and for consideration. Motion carried unanimously (7-0).

Celeste Hemingson, seconded by Michael Wilkey, moved to APPROVE application #2014-7 of FirstLight Fiber as presented. Motion carried unanimously (7-0).

#2014-8 Jessica Dunlap Site Plan Review to change use of property located at 2 Maple Street from two residential units to one residential unit and one commercial unit offering spa type services. The property is owned by Robert and Jessica Dunlap and is shown on Tax Map 101 as Lot 10, VB-1 district. The request is associated with Zoning Ordinance Section VI Parking Requirements.

Michael Wilkey, seconded by Celeste Hemingson, moved to ACCEPT application #2014-8 of Jessica Dunlap as complete and for consideration. Motion carried unanimously (7-0).

Michael Wilkey, seconded by Cettie Connolly, moved to APPROVE application #2014-8 of Jessica Dunlap as presented with the use of public parking. Motion carried unanimously (7-0).

III. Public Hearing – Zoning Amendments for 2015 Annual Town Meeting. A full-text of proposed amendments was available at Town Hall, Town Clerk's Office and Town's website.

- a) Amend definition 2.1.A.4 Agriculture, Agritourism, Farm, Farmers' Market, Farming inserting language that recognizes the fact that working farms may on occasion host,

Adopted: 12/09/2014

non-commercial, recreational activities and events, such as weddings, retreats, and reunions.

Celeste Hemingson, seconded by Cettie Connolly, moved to further consider amending the definition of “Agritourism” for the 2015 Annual Town Meeting. With seven members voting, one (Connolly) voted in favor and six (Hemingson, Bradstreet, Wilkey, Kidder, Fredyma and Britain) in opposition to the motion. Motion FAILED (Vote 1-6).

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

Clarke Kidder, seconded by Cettie Connolly, moved recommend the ADOPTION of the amendment as written for the 2015 Annual Town Meeting. Motion PASSED (Vote 7-0).

- c) Amend Section II Definitions deleting definition 2.1.T.2 Travel Trailer and inserting new definition 2.1.R.2 Residential Tenting/Recreational Camping Vehicles. Amendment will require changing the numerical sequence of remaining definitions. Intent and purpose of amendment is to change the definition so that it coincides with provisions of Section 10.4 Residential Tenting/Recreational Camping Vehicles, and clarifies the various types of vehicles used for recreational camping, travel or seasonal use.

Planning Board agreed to **RE-POST** the proposed amendment to allow tents or camping vehicles in conjunction with a residence to remain for no more than sixty (60) days per year.

- d) Amend Section II Definitions inserting new definitions 2.1.R.4 Restaurant, 2.1.R.5 Retail Establishment, and 2.1.S.3 Self-Service Storage Facility. Amendment will require changing the numerical sequence of remaining definitions. Intent and purpose of amendment is to provide definitions for already established uses and a proposed new use in Table of Uses 3.6.

Cettie Connolly, seconded by Celeste Hemingson, moved to recommend the ADOPTION of proposed definition 2.1.S.3 Self-Service Storage Facility for the 2015 Annual Town Meeting. Motion PASSED (Vote 7-0).

- e) Amend definition 2.1.S.7 Special Exception inserting cross-reference to Section XV Board of Adjustment. Intent and purpose of amendment is to assist readers in locating the specific provisions for Special Exception.

Celeste Hemingson, seconded by Cettie Connolly, moved to recommend the ADOPTION of the amendment as written for the 2015 Annual Town Meeting. Motion PASSED (Vote 7-0).

- f) Amend 3.6.1 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. Lastly, clarify the fact that all uses are subject to the provisions of Section XII Wetlands Conservation District. This 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.

Celeste Hemingson, seconded by Jane Bradstreet, moved to recommend the ADOPTION of the amendment as written for the 2015 Annual Town Meeting. Motion PASSED (Vote 7-0).

- g) Amend Table of Uses 3.6 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, so that the uses are designated as accessory uses, rather than principal uses. This 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.

Celeste Hemingson, seconded by Clarke Kidder, moved to recommend the ADOPTION of the amendment as written for the 2015 Annual Town Meeting. Motion PASSED (Vote 7-0).

- h) Amend Table of Uses 3.6 inserting cross-references for uses in which there are other relevant provisions of the Ordinance. Cross-reference Section IX Manufactured Housing with 3.6.A.6 Manufactured Housing Subdivision, Section XVI Affording Housing Innovative Land Use Control with 3.6.A.9 Affordable Housing Option, Section X Recreational Camping Parks/Residential Tenting and Recreational Camping Vehicles with 3.6.H.4 Residential Tenting and Recreational Camping Vehicles of a Visitor, and Section XII Wetlands Conservation District (Overlay) with 3.6.H.9 Filling of Water or Wet Area. This amendment will not affect the intent or meaning of the uses; nor will it change the districts in which the uses are currently permitted, permitted by special exception or not permitted.

Planning Board agreed to **RE-POST** the proposed amendment as additional revisions are being proposed to Section X Recreational Camping Parks/Residential Tenting and Recreational Camping Vehicles with 3.6.H.4 Residential Tenting and Recreational Camping Vehicles of a Visitor. Refer to item c. for further information.

- i) Amend Table of Uses 3.6 deleting the explanation in 3.6.F.1 Retail Establishment and instead, insert the explanation as new definition 2.1.R.5 Retail Establishment. This 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.

Celeste Hemingson, seconded by Jane Bradstreet, moved to recommend the ADOPTION of the amendment as written for the 2015 Annual Town Meeting. Motion PASSED (7-0)

- j) Amend Table of Uses 3.6 inserting the words “without entertainment” in 3.6.F.5 Restaurant, and insert new use 3.6.F.6 Restaurants with Entertainment with the new use being permitted by Special Exception in the commercial and industrial districts and prohibited in all residential districts. Intent and purpose of amendments are to divide “restaurant” into two categories with no change to the use or districts in which “Restaurant without Entertainment” is permitted, permitted by special exception or not permitted. Permitting by special exception “Restaurants with Entertainment” will require abutting property owners to be legally notified so that they may participate in discussions concerning any such proposal.

Planning Board agreed to **POST-PONE** any action on the amendment and instead create a subcommittee in an effort to develop new language addressing the issue of

entertainment. Recommended new language will be provided in time for posting the proposed amendment for the December 9, 2014 public hearing.

- k) Amend Table of Uses 3.6 deleting the location and time limitation provided in 3.6.H.4 Residential Tenting and Recreational Camping Vehicles of a Visitor. Location and time limitations already established in 10.4 Residential Tenting/Recreational Camping Vehicles require occupancy of either tents or recreational vehicles on a lot in conjunction with a residence not exceed a total of four weeks per year and to be located as inconspicuously as possible. This amendment will not affect the intent or meaning of the use; nor will it change the districts in which the use is currently permitted or permitted by special exception.

Refer to item c. where it was agreed to **RE-POST** the proposed amendment to allow for no more than sixty (60) days per year.

- l) Amend 3.9 Use, Adult inserting other uses and locations in which an adult use shall be a minimum of 1,000 feet from property lines. Furthermore, inserting language prohibiting adult uses within 500 feet of a residential zoning district. Amended sentence as follows: “No adult use shall be located within 1,000 feet of the property line of **a place of religious worship, church, cemetery, school, day care center, youth center, public park, public sports or recreation field or similar publicly-owned facility**, or within 500 feet of a property line of any residence ~~or residential zoning district boundary.~~” This amendment will revise conditions by which applicants must demonstrate compliance.

Planning Board agreed to **RE-POST** the proposed amendment with the addition of the words shown above in red and omitting the words in blue.

- m) Amend 4.3 Principal Structure inserting reference to the Village Commercial (VB-1) and Village Industrial (VM-1) districts in the second sentence and at the same time delete a sentence having similar wording. Amended sentence as follows: “In the **VB-1, B-1, VM-1** and M-1 zones, there may be multiple principal nonresidential structures and uses within structures so long as each use is listed as a permitted (P) use or use permitted by special exception (S) in 3.6 Table of Uses.” In the B-1 and M-1 zones, the maximum gross floor area of commercial retail stores and restaurants shall not exceed 40,000 square feet. In the VB-1 and VM-1 zones, the maximum gross floor area of commercial retail stores and restaurants shall not exceed 20,000 square feet. ~~In the VB-1 and VM-1 zones, there may be multiple principle structures and uses within structures so long as each use is listed as a permitted (P) use or use permitted by special exception (S) in 3.6 TABLE OF USES.~~ Nothing herein shall be construed to preclude compliance with the requirements set forth in Article 15.8.2 of this Ordinance. This amendment will not change the districts in which uses are currently permitted, permitted by special exception or not permitted.

Michael Wilkey, seconded by Cettie Connelly, moved to recommend the ADOPTION of the amendment as written for the 2015 Annual Town Meeting. Motion PASSED (7-0)

- n) Amend Section VI Parking Requirements deleting 6.4.6 Special Exception which requires a special exception for use of public parking facilities to supplement or reduce the required minimum parking standards. Intent and purpose of this 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.

Cettie Connolly, seconded by Timothy Britain, moved to recommend the ADOPTION of the amendments as written for the 2015 Annual Town Meeting. Motion PASSED (7-0).

Michael Wilkey, seconded by Cettie Connelly, moved to CONTINUE the PUBLIC HEARING to December 9, 2014 at 7:00 PM in the Town Hall.

V. Adjournment.

Vice Chairman Timothy Britain declared the meeting **ADJOURNED** at 10:00 PM. The next regular scheduled meeting of the Hopkinton Planning Board is at 7:00 PM on Tuesday, December 9, 2014, 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.