



# Town of Hopkinton

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## HOPKINTON PLANNING BOARD NOTICE OF DECISION OCTOBER 13, 2015

Notice is hereby given that the Hopkinton Planning Board met on **Tuesday, October 13, 2015, at 7:00 PM** in the Hopkinton Town Hall, 330 Main Street, Hopkinton, and made the following decision(s):

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### 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. Application.

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.

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

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

2. **Subdivision Application #2015-08, Lewis Hoffner, located at 1222 Sugar Hill Road, Tax Map 233, Lot 10, R-4 District – Continuation of the August 11<sup>th</sup> and September 15, 2015 public hearings.** 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).

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

- a. There wasn't sufficient information concerning the existing peak storm water run-off rate.

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Adopted: 11/10/2015.

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- b. 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.

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

- 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

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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.

**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).**

#### 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.

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

#### V. 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

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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.