



Town of Hopkinton

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HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES MAY 23, 2016

Members present: Chairman Dan Rinden, Toni Gray, Charles Koontz, Gregory McLeod and Jessica Scheinman. Staff present: Planning Director Karen Robertson.

Note: The Zoning Board of Adjustment's Rules of Procedure was available during the application process and additional copies were available at the meeting for the general public.

- I. **Call to Order.** Chairman Rinden called the meeting to order at 5:30 PM in the Hopkinton Town Hall.
- II. **Application(s).**

Special Exception (#2016-05), O'Rourke and Greenblott Holdings, 44 Cedar Street, Tax Map 101, Lot 11, VB1 District. Applicant proposes to use second floor of building for recreational purposes, such as a yoga studio. The application was submitted in accordance with Zoning Ordinance Table of Uses 3.6.F.16.

Attorney Seth Greenblott advised of his intentions, with his partner, to purchase the property at 44 Cedar Street. The first floor of the building will be used for one (1) or two (2) business/professional offices. The law offices of O'Rourke and Greenblott will be operating from one of the offices and the other space is anticipated to be leased out in the future. The second floor of the building is intended to be utilized as a Yohana yoga studio, which currently rents space in a building along Maple Street, near Exit 6. Yohana yoga offers three (3) or four (4) classes per day with the hopes of increasing that number over time.

Fire Chief Murray had inspected the building. He is requiring that the rear exit door to the fire escape be replaced with a fire rated door with emergency push bar hardware. Furthermore, he rated the maximum number of occupants on the second floor to no more than twenty (20), and has requested that the yoga instructor inform clients of the exits, when beginning new yoga sessions.

Attorney Greenblott's written response for a Special Exception as outlined in Section XV of the Zoning Ordinance was as follows:

1. **Standards provided by this Ordinance for the particular use permitted by Special Exception.** "Table of Uses 3.6.F.16, Indoor/Outdoor for profit recreation establishment or club."
2. **No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.** "There will be no such hazard."

Subject to review and approval.

3. **No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking areas, access ways, odor(s), smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.** “The building is to be painted and renovated. It has been vacant and deteriorating for years. Granting the Special Exception should improve property values.”
4. **No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.** “The abutting municipal parking lot is typically nearly empty during regular business hours when most classes will be held.”
5. **No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.** “None.”
6. **No significant increase of storm water runoff onto adjacent property or streets.** “None.”
7. **An appropriate location for the proposed use.** “This space is perfect for the proposed use. It has been a Boys and Girls Club and is located in the business center of Town.”
8. **Not affect adversely the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties.** “The proposed use shall be a self-contained business and will have no detrimental impact on health and safety as development – this business is in keeping with the type of businesses already in downtown Contoocook.”
9. **In the public interest and in the spirit of the ordinance.** “The building is zoned for business use and this type of business is in keeping with the types of businesses in the downtown Contoocook.”

Brief discussion ensued concerning the previous uses of the building, such as a Grange Hall, Town Clerk’s Office and a Boys and Girls Club.

While, the Planning Board had continued review of the site plan for further information, the Planning Board granted a waiver to allow use of off-site parking. Attorney Greenblott is aware that there is no designated parking within the Town parking lot.

There was discussion concerning the noise associated with the recreation use and the possible late evening classes. In response, Attorney Greenblott advised that Yohana Yoga, currently, offers one late Friday night class per month. He suggested that the studio will be a quiet activity. During daytime hours, the yoga studio will hold classes, while the business/professional offices will be operating on the first floor of the building.

Chairman Rinden inquired about the use of the third floor of the building. In response, Attorney Greenblott explained that it will be utilized for minimal storage because it is their intentions to operate a paperless office. He then suggested that Yohana Yoga may utilize some space for storage of equipment.

Attorney Greenblott discussed his original intentions in relocating the handicap ramp from the front to the side of the building; however, due to the elevation difference it would be a great

expense. At this time, the handicap ramp will remain in the front of the building. The ramp will be repaired so that it is in safe-working condition.

Attorney Greenblott further explained that the first floor of the building had been completely renovated. The current owner also rectified foundation and heating issues, which included HVAC, electrical and the installation of spray foam insulation.

Mrs. Gray inquired as to whether Flood Insurance would be required. Attorney Greenblott replied yes, and indicated that he is currently working on obtaining quotes for the cost.

Charles Koontz, seconded by Gregory McLeod, moved to **APPROVE** the application for Special Exception (#2016-05) as presented. Motion carried unanimously in favor. The Board agreed that the Applicant successfully addressed all criteria to be granted a Special Exception as outlined in Section XV of the Zoning Ordinance.

III. Adjournment.

Gregory McLeod, seconded by Toni Gray, moved to **ADJOURN** the meeting at 5:50 PM. Motion passed unanimously. The next regular scheduled meeting of the Hopkinton Zoning Board of Adjustment is at 5:30 PM on Tuesday, June 7, 2016, at the Hopkinton Town Hall.

Karen Robertson
Planning Director