

Hopkinton Zoning Board of Adjustment
Notice of Decision
July 7, 2009

Notice is hereby given that the Hopkinton Zoning Board of Adjustment held a meeting on Tuesday, July 7, 2009, at 7:00 PM in the Hopkinton Town Hall. During the hearing, the Hopkinton Zoning Board of Adjustment made the following decisions:

Case #: ZO2009-5: Roger D. Smith Request for a **Variance** to construct a single-family residence with less than the rear setback requirement. The property is located off Briar Hill Road in the R-4 district, Tax Map 241, Lot 52. The application was submitted in accordance with section 4.3 and 15.12 of the Hopkinton Zoning Ordinance.

Motion made by Charles Koontz, seconded by Harold Perkins, to vote on application #ZO2009-5 as presented. All in favor of voting (Boatwright, Perkins, Koontz, Gray and Krzyzaniak). With five members voting, all five voted in favor of approving the application. The Applicant adequately addressed the criteria for a Variance set forth in paragraph 15.8.3 of the Zoning Ordinance. Given the fact that the property is narrow and steep, the placement of the home is limited.

Case #: ZO2009-6 James O'Brien Request for a **Special Exception** to raise poultry at property located at 17 Prospect Street in the VR-1 district, Tax Map 102, Lot 51. The application was submitted in accordance with Table of Uses 3.6.D.2 of the Hopkinton Zoning Ordinance.

Motion made by Harold Perkins, seconded by John Boatwright, to vote on application #ZO2009-06 with the condition that the Applicant be limited to no more than eight (8) laying hens that are to be housed in a fenced-in area. All in favor of voting (Boatwright, Perkins, Koontz, Gray and Krzyzaniak). With five members voting, all five voted in favor of approving the application with the condition as indicated. The Applicant adequately addressed the criteria for a Special Exception set forth in paragraph 15.8.2 of the Zoning Ordinance.

Case #: ZO2009-7 Lisa Garside Request for a **Special Exception** to operate a yoga center as a home business at property owned by Susan Levesque and Lawrence Ehlinger, located at 100 Chase Farm Road in the R-4 district, Tax Map 243, Lot 20. The application was submitted in accordance with Table of Uses 3.6.A.7 of the Hopkinton Zoning Ordinance.

Motion made by Charles Koontz, seconded by Harold Perkins, to vote on application #ZO2009-07 as presented. All in favor of voting (Boatwright, Perkins, Koontz, Gray and Krzyzaniak). With five members voting, all five voted in favor of approving the application. Note: Hours of operation are to be as represented to the Board. The Applicant adequately addressed the standards set forth in paragraph 3.7.3, including the criteria for a Special Exception set forth in paragraph 15.8.2 of the Zoning Ordinance.

Case #: ZO2009-8 Collette Labrecque Request for a **Variance** to allow a roof over a dog pen to remain in a location that is less than the side setback requirement. The property is located at 346 Spring Street in the R-1 district, Tax Map 221, Lot 107. The application was submitted in accordance with section 4.4.1 of the Hopkinton Zoning Ordinance.

Motion made by Harold Perkins, seconded by John Boatwright, to vote on application #ZO2009-08 as presented. All in favor of voting (Boatwright, Perkins, Koontz, Gray and Krzyzaniak). With five members voting, all five voted in favor of approving the application. The Applicant adequately addressed the criteria for a Variance set forth in paragraph 15.8.3 of the Zoning

Ordinance. The location for placement of the dog pen is limited due to seasonal flooding of a majority of the property.

Case #: ZO2009-9 Christopher Clorite Request for a **Variance** to temporarily allow two principal residences to exist at property located at 1078 Bound Tree Road in the R-3 district, Tax Map 206, Lot 5. The application was submitted in accordance with section 4.4.3 of the Hopkinton Zoning Ordinance.

Motion made by John Boatwright, seconded by Toni Gray, to vote on application #ZO2009-09 with the condition that within one-year of November 1, 2009, construction of the new residence shall be completed and within 30-days of issuance of the Certificate of Occupancy the mobile home is to be removed from the property. All in favor of voting (Boatwright, Perkins, Koontz, Gray and Krzyzaniak). With five members voting, all five voted in favor of approving the application. The Applicant adequately addressed the criteria for a Variance set forth in paragraph 15.8.3 of the Zoning Ordinance. The replacement of the mobile home with a new residence will eliminate the grandfathered non-conformity on the property.

Karen L. Robertson
Planning/Zoning Director

Pursuant to New Hampshire RSA 677:2, any party to the action or proceedings, or any person directly affected thereby, may apply for a rehearing. Application, in writing, must be submitted to the Zoning Board of Adjustment within thirty (30) calendar days beginning the date upon which the Board voted to approve or disapprove the application. Such a request must set forth the grounds on which it is claimed the decision is unlawful or unreasonable. The Board must decide to grant or deny the rehearing within thirty (30) days.