

**Hopkinton Zoning Board of Adjustment
Notice of Decision
May 4, 2010**

Notice is hereby given that the Hopkinton Zoning Board of Adjustment held a hearing on Tuesday, May 4, 2010, at 7:00 PM in the Town Hall. During the hearing, the Board made the following decisions:

I. Applications.

Case #: ZO2010-03 Dudley Millikin Variance for an existing shed located within the rear and side setbacks and having less than the required setback between structures. The property is located at 2 Maple Street in the VB-1 district, Tax Map 101, Lot 10. The application was submitted in accordance with Section 4.3 and 4.4.1(a) of the Hopkinton Zoning Ordinance. This was a continuation of the Board's April 6, 2010 meeting.

Motion made by David Brock, seconded by Toni Gray, to approve the application as modified (size and doors) with the understanding that the approval of the Variance is not intended to grant a license, easement or permission for current or future owners to access the shed by way of abutting property(ies). Furthermore, the owner, current or future, cannot use the Variance to claim adverse possession. With five members voting, four voted in favor (Gray, Koontz, Rinden and Brock) and one voted in opposition (Perkins).

The Applicant adequately addressed the criteria to be granted a Variance as set forth in paragraph 15.8.3 of the Hopkinton Zoning Ordinance. In considering the alternative, open trash in a high density neighborhood, the Board believed that the benefit to be gained by the public and applicant in having the trash stored in a shed is reasonable. In considering the design of the shed, the Board determined that a reduction in the size and a change in the doors would reduce any possible impact on abutting property.

Case #: ZO2010-05 Robert Clay & Katherine Mitchell Variance to construct an 8' x 12' utility shed having less than the required front setback and less than the required setback between structures. The property is located at 1677 Bound Tree Road in the R-3 district, Tax Map 204, Lot 7. The application was submitted in accordance with Section 4.3 and 4.4.1(a) of the Hopkinton Zoning Ordinance.

Motion made by Mr. Rinden, seconded by Mr. Koontz, to approve the application as submitted. Motion carried unanimously (Gray, Koontz, Rinden, Brock and Perkins).

The Applicant adequately addressed the criteria to be granted a Variance as set forth in paragraph 15.8.3 of the Hopkinton Zoning Ordinance. The Board concluded that there would be no affects adversely on abutting properties and that the construction of the shed with less than the required front setback is similar to other sheds in the neighborhood.

Case #: ZO2010-06 Varel Freeman Variance to construct an addition having less than the required front setback. The property is located at 18 Watchtower Road in the R-2 district, Tax Map 241, Lot 3. The application was submitted in accordance with Section 4.3 of the Hopkinton Zoning Ordinance.

Motion made by Mr. Perkins, seconded by Mrs. Gray, to approve the application with the condition that the height of the new garage shall not exceed the height of the existing home. Motion carried unanimously (Gray, Koontz, Rinden, Brock and Perkins).

The Applicant adequately addressed the criteria to be granted a Variance as set forth in paragraph 15.8.3 of the Hopkinton Zoning Ordinance. The Board considered the affects, if any, the placement of the garage would have on views in the neighborhood and therefore conditioned the height of the garage to no higher than the existing residence. Furthermore, the Board concluded that there would be no adverse affects on abutting properties as the placement of the garage with less than the required front setback is similar to others in the neighborhood.

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.