

Hopkinton Zoning Board of Adjustment
Notice of Decision
June 1, 2010

Notice is hereby given that the Hopkinton Zoning Board of Adjustment held a meeting on Tuesday, June 1, 2010, at 7:00 PM in the Town Hall. During the hearing, the Board made the following decisions:

I. Applications.

Case #2010-07 Matt Traffie/Arlen Company LLC Administrative Appeal of the Code Enforcement Officer's decision regarding the administration and enforcement of the NH State Building Code, more specifically the International Residential Building Code (2006), section R311.5.2. The Administrative Appeal involves property owned by Robert and Eleanor Parker, located at 544 North Shore Drive in the R-2 district, Tax Map 202, Lot 29.

Motion made by Mr. Brock, seconded by Mr. McLeod, to uphold the decision of the Building Inspector, which would deny the Administrative Appeal. With four members voting, all four (Rinden, Brock, McLeod and Gray) voted in favor of the motion. The Administrative Appeal was denied.

The Board agreed that the International Residential Code (IRC) that outlines the dimensional requirements for stairways (headroom) had not been satisfied. The Board considered section R104.10 Modifications which states, "Whenever there are practical difficulties involved in carrying out the provisions of this code..." Following review, the Board unanimously agreed that the stairway could have been or could be reconfigured or a dormer could be constructed satisfying the requirements in the IRC, R311.5.2.

Case # 2010-08 Sheri Jones Special Exception to provide home based child care (child care, family group home) for a maximum of twelve preschool children plus five children enrolled in a full day school program. The property is owned by Sheri and Rick Jones, located at 48 Pine Street in the VB-1 district, Tax Map 101, Lot 33. The application was submitted in accordance with Table of Uses 3.6.H.14 of the Hopkinton Zoning Ordinance.

Mr. Rinden, seconded by Mrs. Gray, moved to approve the application as presented. Motion carried unanimously (Brock, Rinden, McLeod, Gray and Krzyzaniak).

The Applicant adequately addressed the criteria to be granted a Special Exception as set forth in paragraph 15.8.2 of the Hopkinton Zoning Ordinance.

Case #2010-09 Steven and Laura Flynn Special Exception to convert the single family dwelling located at 166 Pleasant Pond Road into a two-family dwelling. The second living unit is proposed above a proposed attached garage. The property is located in the R-3 district shown on Tax Map 206, Lot 7. The application was submitted in accordance with Table of Uses 3.6.A.2 of the Hopkinton Zoning Ordinance.

Mr. Brock, seconded by Mr. McLeod, moved approval of the application with the condition that the Board receives a letter from United Construction (Hardy Springs) indicating that they understand the Flynn's proposal, which is to construct an attached addition to their single family residence for use as an in-law apartment. Furthermore, United Construction (Hardy Springs) agrees that the proposed addition and use as an in-law apartment will not change the status as a single-family residence. In addition to the letter from United Construction

(Hardy Springs), the Board shall receive signed statements from all other property owners within the subdivision indicating that they, too, have no objections to the proposed attached addition for the purpose of an in-law apartment and that it is their understanding that the addition and use as in-law apartment will not change the status as a single-family residence. With five members voting, four (Brock, McLeod, Rinden and Gray) voted in favor and one (Krzyzaniak) vote in abstention.

The Applicant adequately addressed the criteria to be granted a Special Exception as set forth in paragraph 15.8.2 of the Hopkinton Zoning Ordinance.

II. Review of the Minutes and Decision of May 4, 2010 hearing.

Motion made by Mrs. Gray, seconded by Mr. Rinden, to approve the Minutes and Decision of May 4, 2010 as submitted. Motion carried unanimously.

III. Adjournment.

With no other business to come before the meeting, motion was made by Mrs. Gray, seconded by Mr. McLeod, to adjourn at 9:15 PM. Motion carried unanimously. The next scheduled meeting of the Board is Wednesday, July 6, 2010, at 7:00 PM in the Town Hall.

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.