



Town of Hopkinton

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HOPKINTON ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION FEBRUARY 7, 2012

Notice is hereby given that the Hopkinton Zoning Board of Adjustment held a meeting on Tuesday, February 7, 2012, at 6:30 PM in the Hopkinton Town Hall. During the meeting, the Board made the following decisions:

I. Application(s).

#2011-10 Jamie & Kathleen Schoch and Richard & Jayne Schoch Administration Appeal of the Selectmen's decision of September 12, 2011, granting Stuart Nelson a one-year extension of a previously granted building permit to construct a residence at 46 Bass Lane, Tax Map 208, Lot 14. The appeal is associated with Zoning Ordinance subsections 15.8.3 Variances and 15.10 Representations.

(Note: January 5, 2012, the Zoning Board of Adjustment granted the Applicants a rehearing limiting the issue of whether the discrepancy between the approximately 339' or 279' distance between the Schoch structure and Nelson structure was an implied condition of approval based on Section 15.10 of the Zoning Ordinance and whether it was relevant to the granting of the Variance requested by Nelson.)

Motion made by David Brock, seconded by Charles Koontz, to deny the appeal of the Schochs for the following reasons:

“After rehearing, the Board concludes that the distance between the Schoch structure on one side of the traveled way and the Nelson structure on the other side, whether ‘approximately 339’ or 279’, is neither relevant or material to whether the Nelson frontage variance continues to satisfy the five variance criteria.

Further, to any extent that Nelson's representation, during the October 2, 2007 hearing, that the distance from the Nelson residence to the Schoch residence was approximately 339' constituted a condition of approval under Section 15.10 of the Hopkinton Zoning Ordinance, the Board now clarifies and/or modifies that condition as one permitting the actual surveyed distance of around 279'. See RSA 674:33, II.”

With five members voting, all five members voted in favor of the motion (Rinden, Koontz, Gray, Brock and Krzyzaniak). The Administrative Appeal was denied.

#2012-1 Patrick S. McNicholas Special Exception to operate a Bed and Breakfast Home at property owned by Nancy McNicholas, located at 204 Kast Hill Road in the R-3 district,

Tax Map 210, Lot 9. The application was submitted in accordance with Zoning Ordinance Table of Uses 3.6.B.2 Bed and Breakfast Home.

Motion made by Toni Gray, seconded by Charles Koontz, to approve the application contingent upon Planning Board site plan review approval. Motion carried unanimously (Rinden, Koontz, Gray, Brock and Krzyzaniak). The Applicant successfully addressed the criteria to be granted a Special Exception in accordance with the provisions of Section XV of the Zoning Ordinance.

#2012-2 Paul & Susan Bliss Equitable Waiver for a sunroom and deck in violation of the sideline setback for the R-4 district. The property is located at 294 Bassett Mill Road, Tax map 235, Lot 4. The request is associated with Table of Dimensional Requirements 4.3.

Motion made by Toni Gray, seconded by Daniel Rinden, to approve the application as presented. Motion carried unanimously (Rinden, Koontz, Gray, Brock and Krzyzaniak). The Applicant successfully addressed the criteria to be granted an Equitable Waiver in accordance with the provisions of Section XV of the Zoning Ordinance.

II. Review of the Minutes and Notice of Decision of January 5, 2012.

Motion made by Toni Gray, seconded by Daniel Rinden, to approve the Minutes and Notice of Decision as presented. Motion carried unanimously (Rinden, Koontz, Gray, Brock and Krzyzaniak).

Karen Robertson
Planning Director

History:

1. April 4, 2006, ZBA denied Variance (Nelson).
2. June 1, 2006, ZBA denied Motion for Rehearing (Nelson).
3. March 15, 2007, Merrimack County Superior Court remands to ZBA Substantial Justice Criterion.
4. June 5, 2007, ZBA approved Variance (Nelson).
5. August 15, 2007, ZBA approved Motion for Rehearing (Schoch).
6. October 2, 2007, ZBA approved Variance (Nelson).
7. September 14, 2009, BOS approved Building Permit (Nelson).
8. September 12, 2011, BOS approved one-year extension of Building Permit (Nelson).
9. November 17, 2011, ZBA denied Administrative Appeal (Schoch).
10. January 5, 2012, ZBA approved Motion for Rehearing (Schoch).
11. February 7, 2012, ZBA denied Administrative Appeal (Schoch).