



Town of Hopkinton

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HOPKINTON ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION MARCH 27, 2012

Notice is hereby given that the Hopkinton Zoning Board of Adjustment held a meeting on Tuesday, March 27, 2012, at 6:30 PM in the Hopkinton Town Hall. During the meeting, the Board made the following decision:

- I. **Motion for Rehearing** submitted by Attorney Stephan Nix on behalf of **Jamie & Kathleen Schoch and Richard & Jayne Schoch**, dated March 7, 2012, and received March 6, 2012, pertains to the Zoning Board of Adjustment decision of February 7, 2012, in which the Board denied the Applicant's (Case ZBA#2011-10) ADMINISTRATIVE 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. In addition to denying the Applicant's appeal, the Board clarified and/or modified its decision of October 2, 2007, permitting the actual surveyed distance from the Nelson residence to the Schoch residence of around 279'. RSA 674:33, II. See Notice of Decision of January 5 and February 7, 2012 for limitations on scope of review and decision.

David Brock, seconded by Charles Koontz, moved to deny the second Motion for Rehearing. With five members voting, all five in favor (Brock, Gray, Koontz, Rinden and Krzyzaniak). The second Motion for Rehearing was denied.

1. There was no new information from that which was presented on February 7, 2012;
2. The distance between the Schoch and Nelson buildings was not a concern or relevant when deciding the frontage variance (October 2, 2007).
3. The minutes of the non-public session (February 7, 2012) were never sealed;
4. The non-public session did not influence the Board's decision as the Board did not deliberate or review the legal memorandum while in non-public session;
5. The legal memorandum for which the Board referenced on February 7, 2012 has been released to the public.
6. The Board's decision (February 7, 2012) was based on the facts of the case, which had been thoroughly discussed and reviewed.

Karen L. Robertson
Planning/Zoning Director

History concerning this matter:

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 a 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 and clarified and/or modified their decision of October 2, 2007 (Schoch).
12. March 27, 2012, ZBA denied Motion for Rehearing (Schoch).

Notice of Decision subject to review and approval.