



Town of Hopkinton

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HOPKINTON PLANNING BOARD NOTICE OF DECISION APRIL 14, 2014

Notice is hereby given that the Hopkinton Planning Board met on **Monday, April 14, 2014, at 5:30 PM** in the Hopkinton Town Hall, 330 Main Street, Hopkinton, and made the following decision(s):

I. Application(s).

#2014-3 Larry Hilton/Darlene Isabelle Variance to manufacture precision CNC (computer numerical control) machined products at property owned by Eternal Solutions, LLC, located at 205 Pine Street in the B-1 district, shown on Tax Map 221 as Lot 10. The application was submitted in accordance with Zoning Ordinance Table of Uses 3.6.G.1. Note: April 1, 2014, Zoning Board of Adjustment granted a Special Exception to operate on that portion of the property (building area 56' x 24') that is located in the M-1 district. *Notice of the April 1, 2014 hearing did not include a request for a Variance for that portion of the property located in the B-1 district.*

Toni Gray, seconded by Charles Koontz, motion to **APPROVE** the Variance (#2014-3) as presented. With five members voting, all five voted in favor (Koontz, Gray, Rinden, McLeod and Krzyzaniak).

Reasons for approval as follows:

1. There was no evidence that any of the surrounding property values would diminish as a result of the operation of the Applicant's business. It was represented that there are no changes to the building proposed. Note: The machine shop is being relocated from 244 Burnham Intervale Road to 205 Pine Street.
2. There was no evidence that the public's interest will be impacted as a result of the operation of the business. The machine currently operates at 244 Burnham Intervale Road in a similar neighborhood setting with residential, commercial and industrial uses. Utilizing the property will be in the public's interest as there will be less of a chance for vandalism and at the same time it is anticipated that the property will be maintained on an on-going basis.
3. The substantial justice provided to the Applicant is considered as a potential gain to the general public. Manufacturing is permitted by Special Exception in a portion of the building. The use is therefore consistent with the area's present uses (commercial/industrial/residential). The use of the property for Applicant's business, rather than for a gas station or automotive repair garage can be considered as a gain to the public as there is less potential for residents to be exposed to hazardous materials and increased traffic. Finally, the public would realize no appreciable gain from denying the Variance.

4. Manufacturing is permitted by Special Exception in a portion of the facility that is located in the M-1 (industrial) district. If it weren't for the fact that the building is transected by a zoning district boundary the Applicant would need only a Special Exception. More intense uses than the Applicant's business are permitted by right or by Special Exception in that portion of the facility located in the B-1 (commercial) district. The facility already exists with a wide range of uses having previously been approved or having operated from the facility. To allow the Applicant to utilize the entire building, rather than a small portion, is believed to be consistent with the spirit of the Ordinance.
5. The restriction on a portion of the property (building) is not necessary in order to give full effect to the purpose of the Zoning Ordinance (health, safety, convenience, general welfare, property values, promote efficiency and economy), especially given the fact that the Applicant's business can already utilize a portion of the property for the proposed use. Furthermore, to utilize the property for a use that would have less of an impact on the general public would more likely be consistent with the general purpose of the Ordinance. Note: Other uses that could impact health, safety, property values include – retail, convenience stores, filling and service stations, and repair garages and body shops.

The effect of the transection of the zoning boundary through the Applicant's property (building) is a restriction that the Zoning Board of Adjustment believed would preclude reasonable use of the property (building). Note: Provisions of the Ordinance allow the owner to designate up to 40 additional feet into the B-1 district for M-1 uses.

Additionally, the Board recognized the fact that the zoning district boundary which transects the main building on the property is a "special condition" that results in an unnecessary hardship. From a practical perspective, the Board agreed that this special condition would make it difficult for the Applicant to operate its business.

#2014-3 Larry Hilton/Darlene Isabelle **Special Exception** to manufacture precision CNC (computer numerical control) machined products at property (building area 56' x 40') owned by Eternal Solutions, LLC, located at 205 Pine Street in the B-1 district, shown on Tax Map 221 as Lot 10. The application was submitted in accordance with Zoning Ordinance Table of Uses 3.6.G.1 and subsection 3.4.6. When a lot is transected by a zoning district boundary, the regulations applicable to the larger part (M-1) by area may, at the option of the owner, be deemed to govern the smaller part (B-1) only to an extent not more than forty (40) feet in depth beyond the district boundary. Note: April 1, 2014, Zoning Board of Adjustment granted a Special Exception to operate on that portion of the property (building area 56' x 24') that is located in the M-1 district. *Notice of the April 1, 2014 hearing did not include a request for a Special Exception in accordance with subsection 3.4.6 for that portion of the property located in the B-1 district.*

Gregory McLeod, seconded by Daniel Rinden, moved to **APPROVE** and waive any further discussion with respect to the application for Special Exception (#2013-3) as the use and criteria had already been presented at the April 1, 2014 hearing. With five members voting, all five voted in favor (Koontz, Gray, Rinden, McLeod and Krzyzaniak). The Applicant satisfied all requirements to be granted a Special Exception in accordance with Section 15.8.2 of the Zoning Ordinance.

#2014-3 Larry Hilton/Darlene Isabelle **Site Plan Review** to manufacture precision CNC (computer numerical control) machined products at property owned by Eternal Solutions,

LLC, located at 205 Pine Street in the M-1/B-1 districts, shown on Tax Map 221 as Lot 10.
Note: This is a continuation of the April 1, 2014 hearing.

Celeste Hemingson, seconded by Jane Bradstreet, moved to **ACCEPT** the application (#2014-3) as complete and for consideration. Motion carried unanimously.

Jane Bradstreet, seconded by Celeste Hemingson, moved to **APPROVE** the Applicant's first request to waive the parking surface requirement – use of crushed gravel instead of pavement. Motion carried unanimously.

Jane Bradstreet, seconded by Cettie Connolly, moved to **APPROVE** the Applicant's second request to waive the number of parking spaces to be constructed. Instead, require the Applicant to construct five (5) additional parking spaces than that of the total largest number of employees working per shift. Motion carried unanimously. Note: Based on the square footage of the facility forty-one (41) parking spaces are required. The site plan presented had shown the ability to have a total of forty-seven (47) spaces.

Jane Bradstreet, seconded by Cettie Connolly, moved to **APPROVE** the Site Plan (#2014-3) as presented. Motion carried unanimously (Hemingson, Connolly, Bradstreet, Langwasser and Wilkey)

II. Review of the Minutes and Notice of Decision of the April 1, 2014 joint Planning Board and Zoning Board of Adjustment meeting.

Cettie Connolly, seconded by Daniel Rinden, moved to **APPROVE** the Minutes and Notice of Decision of April 1, 2014. Motion carried unanimously.

III. Adjournment.

With no further business to come before the Boards, the meeting was **ADJOURNED** at 6:10 PM. The next scheduled meeting of the Zoning Board of Adjustment is Tuesday, May 6, 2014, at 5:30 PM in the Town Hall. The next scheduled meeting of the Planning Board is Tuesday, May 13, 2014, at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning Director

In accordance with RSA 677:15, any person(s) aggrieved by any decision of the Planning Board concerning application(s) may present to the Superior Court a petition, duly verified, setting forth that such a decision is illegal or unreasonable in whole or part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the Board's final decision regarding the application in question has been filed and becomes available for public inspection in the Planning Office.