



Town of Hopkinton

330 Main Street • Hopkinton, New Hampshire 03229 • www.hopkinton-nh.gov

Tel: 603 746-3170

Fax: 603 746-2952

HOPKINTON ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION JULY 7, 2015

Notice is hereby given that the Hopkinton Zoning Board of Adjustment met on **Tuesday, July 7, 2015, at 5:30 PM** in the Hopkinton Town Hall, 330 Main Street, Hopkinton, and made the following decision(s):

I. Application(s).

#2015-5 Mark Winzeler Variances to operate a retail store selling antiques, furniture and art, and to have more than one principal use (retail/residential) on property located at 53 Maple Street in the VR-1 district. The property is currently owned by Leona Lorber Trust, shown on Tax Map 102 as Lot 50. The application was submitted in accordance with Zoning Ordinance Table of Uses 3.6.F.1 and Section 4.4.3.

Toni Gray, seconded by Charles Koontz, moved to **APPROVE** the application for Variance (#2015-5) as presented with the following condition: Mondays – Thursdays and Saturdays 10 AM – 5 PM, Fridays 10 AM – 7 PM, and Sundays 12 Noon – 5 PM. Motion passed unanimously (Koontz, Gray, Rinden, Scheinman and McLeod). The Applicant successfully addressed all criteria to be granted a Variance as outlined in Section XV of the Zoning Ordinance.

Reasons for approval as follows:

1. There was no evidence that surrounding property values would diminish as a result of the retail shop or allowing two principal uses within the building. In fact, the residential unit will be owner-occupied.
2. There was no evidence that the public's interest would be impacted as a result of the commercial (retail) use or allowing two (2) principal uses (residential/retail) within the building. For more than thirty-years (30) the building had been used for various commercial uses as the property was located in the commercial district. In fact, at one point, the property was used as a retail establishment selling antiques, arts and crafts. There was no evidence that the previous or proposed commercial use would negatively impact the public's interest. The proposed residential unit is a permitted use in the district and therefore, will be consistent with other residential uses in the neighborhood.
3. Substantial Justice: The residential unit and retail shop is anticipated to have little to no impact on the public when comparing the proposal to the number of employees (15-20) that once worked at the civil engineering firm that operates from the property.

Adopted: 10/06/2015

The uses (retail/residential) of the property will not be substantially different by reason of normal operation, readily observable difference in patronage, sight, noise or similar characteristics from the existing permitted business office or other residential homes in the district. In other words, the public would realize no appreciable gain from denial of the Variance.

4. The spirit and intent of the Ordinance will not be broken by granting the Variance as the retail/residential uses on the property will not change the character of the surrounding area or the architectural design of the building.
5. Requiring the Applicant to utilize the property for one principal use is not necessary in order to give full effect to the purpose of the Zoning Ordinance. The property will be used for residential and commercial purposes which are uses that are consistent with the uses in the area.

III. Review/Approval of Minutes.

Toni Gray, seconded by Charles Koontz, moved to **APPROVE** the Minutes and Notice of Decision of June 2, 2015 as corrected. Motion passed unanimously (Gray, Koontz, McLeod, Rinden and Scheinman). Motions to approve the Minutes and Notice of Decision were corrected to reflect that Jessica Scheinman abstained from voting and that Janet Krzyzaniak was not present.

IV. Other Business.

- a) Annual appointment of Chairperson. Members unanimously agreed to **APPOINT** Dan Rinden as Chairman of the Zoning Board of Adjustment.
- b) Rotating Schedule Chairing Meetings. Mr. Rinden is scheduled to oversee the August 4, 2015 meeting of the Board.

V. Adjournment.

Toni Gray, seconded by Charles Koontz, moved to **ADJOURN** the meeting at 6:45 PM. Motion passed unanimously. The next regular scheduled meeting of the Hopkinton Zoning Board of Adjustment is at 5:30 PM on Tuesday, August 4, 2015, at the Hopkinton Town Hall.

Karen Robertson
Planning Director