



Town of Hopkinton

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HOPKINTON ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION APRIL 5, 2016

Notice is hereby given that the Hopkinton Zoning Board of Adjustment met on **Tuesday, April 5, 2016, at 5:30 PM** in the Hopkinton Town Hall, 330 Main Street, Hopkinton, and made the following decision(s):

I. Application(s).

Variance (#2016-02), Andrew J. & Melissa L. Davis, 64 Watchtower Road, Tax Map 240, Lot 44, R-2 District. Applicant proposed to construct a barn with less than the front and sideline setbacks. The application was submitted in accordance with Zoning Ordinance Section IV.

Toni Gray, seconded by Seth Greenblott, moved to **APPROVE** the application for Variance (#2016-2). With five members voting, four voted in favor (Gray, McLeod, Greenblott and Rinden) and one voted in opposition (Scheinman). The majority of the Board agreed that 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 garage with less than the required setbacks. The architectural design of the proposed garage is consistent with that of the residence. Placement of the garage was not only because of the topography of the property, but also so not to interfere with the neighbors' view. According to the Applicant, the proposal had been reviewed by the neighbors, and adjustments to the location and design had been made as a result. There were no abutters present at the meeting.
2. There was no evidence that the public's interest would be impacted as a result of the garage having less than the required setbacks. Certified notice was provided to the abutters. Public notice of the proceedings was published in the Concord Monitor. Subsequently, there was no member of the public present at the meeting.
3. Substantial Justice: It is anticipated that due to the location of the property along Watchtower Road, and the fact that there was no objection from the abutters, the location of the garage will have little to no impact on the public. 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 location of the garage will not change the character of the surrounding area.

Adopted: 05/03/2016

Requiring the Applicant to reduce the size of the garage and/or to meet the setbacks is not necessary in order to give full effect to the purpose of the Zoning Ordinance. The accessory garage will be constructed so that it is architecturally consistent with the design of the residence. Furthermore, the property will continue to be used for residential purposes, which is consistent with the uses in the area.

5. Literal enforcement of the Ordinance will result in an unnecessary hardship. The setback requirements are intended to ensure that there is an appropriate buffer/open space maintained between lots and structures. In this case, there will be a vegetative buffer between the garage and the abutting residences. The garage will be approximately 100 feet from the abutter to the north, and approximately 75 feet from the abutter across the street. According to the Applicant, both locations are well screened.

In taking into consideration the size of the lot, the location of the existing residence and septic system, the steep sloping topography, and the views of the abutters, the location proposed is reasonable.

II. Review of the Zoning Board of Adjustment Minutes and Notice of Decision of February 4, 2016 was deferred to the May 3, 2016 meeting.

III. Adjournment.

Gregory McLeod, seconded by Toni Gray, moved to **ADJOURN** the meeting at 6:25 PM. Motion passed unanimously. The next regular scheduled meeting of the Hopkinton Zoning Board of Adjustment is at 5:30 PM on Tuesday, May 3, 2016, at the Hopkinton Town Hall.

Karen Robertson
Planning Director