



# **Town of Hopkinton**

## **Planning Department**

330 Main Street, Hopkinton NH 03229-2627 - (603) 746-8243 - [planzone@hopkinton-nh.gov](mailto:planzone@hopkinton-nh.gov)

### **HOPKINTON ZONING BOARD OF ADJUSTMENT PUBLIC NOTICE – AGENDA AUGUST 2, 2022**

The Hopkinton Zoning Board of Adjustment will meet on Tuesday, August 2, 2022, at 5:30 PM in the Hopkinton Town Hall, 330 Main Street, Hopkinton, to review and take action on the following:

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**I. Call to Order/Roll Call.**

**II. Application(s).**

**#2022-07 Rose Beardsley Kukla** Variance from Zoning Ordinance 4.2 Table of Dimensional Requirements to construct additions with less than the required side setback, 237 Rolfe Pond Drive, Tax Map 209, Lot 15, R-2 district.

**#2022-08 Cedar Street Holdings, LLC** Variance from Zoning Ordinance 4.2 Table of Dimensional Requirements to construct a deck with less than the required side setback, 16 Cedar Street, Tax Map 101, Lot 18, VB-1 district.

**III. Review of Minutes and Notices of Decision of May 3, 2022.**

**IV. Other Business.**

- (a) Revised Rules of Procedure (Draft)
- (b) Zoning Amendments 2023
- (c) Any other business to legally come before the meeting

**V. Adjournment (Next Scheduled Meeting September 6, 2022).**

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**REQUEST for VARIANCE**

**For**

**237 Rolfe Pond Drive**

**on**

**Rolfe Pond**

**In**

**HOPKINTON, NH**

Submitted by

Rose Beardsley Kukla

8237 Hillrose St., Sunland, CA 91040

[rkukla@cpp.edu](mailto:rkukla@cpp.edu) 909.455.5829

on behalf of

Kathleen J. Gerber, Owner

Marsha Beardsley Shaw, Owner

8 Hackett St, Naugatuck, CT 06770



# Town of Hopkinton

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

Tel: 603-746-3170

Fax: 603-746-3049

## HOPKINTON ZONING BOARD OF ADJUSTMENT APPLICATION FOR APPEAL

Ten completed copies of the application with all supporting documentation must be submitted.

Name of Applicant: Rose Beardsley Kukla  
 Mailing Address: 8037 Hillrose St, Sunland, CA 91040  
 Telephone (days): 909-455-5829  
 Name of Property Owner: Kathleen J Gerber and Marsha Beardsley Shaw  
 Mailing Address: 8 Hackett St, Naugatuck, CT 06770  
 Telephone (days): 203-598-5346  
 Tax Map: 209 Lot: 15 Location of Property: 237 Rolfe Pond Dr.

Zoning of property in question (circle one): R-1 R-2 R-3 R-4 B-1 M-1 VR-1 VB-1 VM-1

Section of Hopkinton Zoning Ordinance under which your application was denied or you believe your proposal relates to: Section: IV Paragraph/Table: 4.2

*A copy of your denied Building/Use Application or administrative decision must be attached.*

This application is for: ☒ Variance ☐ Special Exception ☐ Equitable Waiver ☐ Administrative Appeal

The undersigned hereby requests a Variance, Special Exception, Equitable Waiver, and Administrative Appeal to permit the following:

The current structure is a 27' x 22 cabin + porch consisting of 594 SF. Since 1954 we have used an outhouse for bathroom facilities. We would like to add 6' x 27 SF to the West of the Cabin and 3' x 11' SF to the North of the cabin. Our intent is to install a propane toilet and 4-5 years look into a well & septic. This addition if approved results in 15' from the cabin to the property line, instead of the 20' required by the zoning ordinance.

NOTE: Additional information may be supplied on a separate sheet if the space provided is inadequate.

### 1. Hearing, Abutter, Notification Fees:

- Variance – \$100.00 ✓
- Special Exception – \$100.00
- Equitable Waiver – \$100.00
- Administrative Appeal – \$100.00
- Rehearing – \$100.00
- Notification of each Owner, Applicant, Agent, Abutter – \$5.00 ✓
- Published Notice – \$75.00 ✓

### 2. List of names and mailing addresses of all abutters to the property as defined by NH RSA 672:3. Supply information on separate sheet. Abutter is any person whose property adjoins or is directly across the street or stream from the land under consideration.

3. **Attach location map showing exact location of property in relation to at least one prominent landmark (road junction, business, town building, etc.).** Include north arrow and label road names. Indicate with an X the location of the property in question.
4. **Attach site plan of property showing:** Boundaries and area of parcel; north point, scale and legend; location, size and type of all existing and proposed buildings, uses, parking, signs, roadways, screening, etc. Map submitted to included one full-size and ten 11" x 17" or less.
5. **List provisions to be made for septic disposal, fire protection, water supply, parking, noise, smoke, surface drainage, etc.** Supply information on separate sheet.
6. **Letter of Authorization to allow an Agent or Attorney to represent Applicant, if applicable.**
7. **Copy of property deed of the subject property.**
8. **Any other pertinent information that you feel the Board may need to assist in their decision making process.**

You must appear at the public hearing or be presented by an authorized agent or attorney for the Board to take action on your application. The application will be terminated or tabled for failure to appear at a scheduled public hearing, without first providing written notification to the Planning Department.

You are fully responsible for researching and knowing any and all laws, which may be applicable and affect the outcome of the Board's decision on your application request. The Town of Hopkinton assumes no responsibility or liability relating to your failure to research and know all applicable laws including, but not limited to, state, federal and local laws, codes, land development regulations and comprehensive plan. The Town of Hopkinton strongly encourages all applicants to consider consulting an attorney regarding their application.

You are encouraged to review the attached Rules of Procedures used by the Board of Adjustment at the public hearing.

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I/we being duly sworn, depose and say that I am/We are the owner(s)/lessee(s) of land included in the application and that the foregoing statements herein contained and attached, and information or attached exhibits thoroughly to the best of my/our ability represent the arguments on behalf of the application herewith submitted and that the statements and attached exhibits referred to are in all respect true and correct to the best of my/or knowledge and belief.

In addition, I/We understand this application must be filed with all pertinent information as it pertains to the requirements of the Town of Hopkinton Zoning Ordinance and all other information requested or required by the Zoning Board of Adjustment in order to be considered complete. I/We understand that this application will not be filed until all required information has been received, and do further understand that the Town of Hopkinton reserves the right to postpone this request until such time as the requirements are met.

Furthermore, I/We understand that I/We, our representative as stated on the application, should appear at the public hearing. If photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, said evidence will become property of the Town of Hopkinton and will remain on file for future reference.

Also, I/We recognize and understand that the public hearing before the Board of Adjustment regarding land development is considered quasi-judicial in nature. **State and local law strictly prohibits applicants and/or interested parties from participating in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is discussed at a public hearing.**

Applicant's Signature: <u>Rose Beardsley Kukla</u>	Date: <u>7/11/27</u>
Applicant's Printed Name: <u>Rose Beardsley Kukla</u>	Date: <u>7/11/27</u>
Owner's Signature: <u>Kathleen J. Gerber</u>	Date: <u>7/11/27</u>
Owner's Printed Name: <u>Kathleen J. Gerber</u>	Date: <u>7/11/27</u>

July 11, 2022

Karen Robertson  
Planning Director  
Town of Hopkinton  
330 Main Street  
Hopkinton, NH

Dear Ms. Robertson,

Marsha Beardsley Shaw and I have asked our sister/cousin to prepare the documents to request a variance for our property at 237 Rolfe Pond Dr. Hopkinton, NH. We are the current owners of the property and know that Rose Beardsley Kukla will do a thorough job in preparing the paperwork required for requesting a variance.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen J. Gerber".

Kathleen J. Gerber  
8 Hackett Street  
Naugatuck, CT, 06770  
203.598.5346

## **Background Information**

A variance is being requested for the construction of an addition of 3' x 11' to the North and 6' x 27' to the West of a seasonal cottage at 237 Rolfe Pond Dr. The variance is being requested because the cottage is approximately 21' from the property line and the addition would then have the cottage at approximately 15' from the property line. However, the current distance between the two cabins is and will only be 6' less at

The property at 237 Rolfe Pond Dr (lot 15) was purchased in April 1954 by L. Benedict Beardsley and Alice N.D. Beardsley. During the summer of 1954, Ben and Alice Beardsley with the help of their two sons, Roger G. Beardsley and Earle B. Beardsley, built the current 594 SF structure. For the past 68 years this has been our family's Summer Cabin and no improvements have been made. Since 1954 we have used an outhouse for bathroom facilities and stored roll away cots that are used on the screened porch tucked within the original 594 SF cabin. The current owners, the youngest daughter of Roger Beardsley, Marsha Beardsley Shaw, and the youngest daughter of Earle Beardsley, Kathleen J. Gerber would like to add an addition that would provide space for a bathroom and storage for roll away beds (190 SF).

Kathleen Gerber (Cousin) and Marsha Shaw (Sister) have asked Rose Beardsley Kukla to act as their agent and prepare the Shoreline Approval Request and a Variance Request with the Hopkinton Planning Board. Most of the grandchildren are in or near their 70's and an inside bathroom has become a necessity. Additionally, installing a propane toilet will be better for the environment than our continuing use of an outhouse.

(Referring to the attached photos) Facing the cabin at 237 Rolfe Pond Dr., towards the left side of the photo you can see a small portion of a blue building (Photo #1). The blue building is lot 16 at 247 Rolfe Pond Dr. (Photo #2) Sometime in the late 1950's, our grandparents, Ben and Alice Beardsley, gave permission to the then owners of 247 Rolfe Pond Dr. to build a bathroom onto their cabin that would be on the property line with one corner inching over onto our lot, 237 Rolfe Pond Dr. There is just 15' from our cabin to the cabin next door.

Toward the right side of photo #1, is the space that we would like to extend the cabin 6' on the west side of the property. See photo #3. The abutters cabin can barely be seen through the vegetation. The space from the cabin to the bushes and trees is about 8' (Photo #4). This is the location for the 6' x 27' addition. No trees or greenery are impacted by the proposed addition. Photo #5 shows the north side of the cabin and the spot where a 3' x 11' extension is requested.

The primary reason for the addition is to begin the process of creating an indoor bathroom. For the past 68 years we have used an outhouse for bathroom facilities. Initially we plan to use an electric or propane toilet. Within several years of this addition, if approved, we hope to put in a well and septic. Since the cabin is quite small at 594 SF (including the screened in porch) we also need a place to store roll-away beds. Currently we dance around roll away beds when there is only 1-3 people at the cabin. Space inside is very limited so the storage is very important. Most of the roll-aways are set up on the porch for sleeping in the summer months and the added porch space will allow for more sleeping and casual living space. As the grandchildren of Ben and Alice Beardsley we were babies when the land was purchased, and the cabin built. Now, most of us are in or close to our 70's and the indoor bathroom has become almost a necessity as well as being better for the environment. The 3' extension towards the north side allows for a bathroom door that will not be blocked by a dining table.

**VARIANCE**  
**(Section XV)**

To secure a variance, the Zoning Board of Adjustment must determine by law that your variance request satisfies the following criteria of the Zoning Ordinance. **Please provide a written response along with any other supporting documentation for each of the following criteria.** Please note that all criteria must be satisfied and supported by the Zoning Board of Adjustment in order for a variance to be granted.

**1. The proposed use would not diminish the surrounding property values because:**

The proposed addition will be consistent with the existing cabin and will have minimal visual impact for the abutting properties. In fact, the closest abutters would appreciate our not having an outhouse. Sounds travel easily near the lake and our using the outhouse at night undoubtedly may disturb our favorite neighbors. The addition, if approved, would actually reduce outside activities for the nearest abutters and likely improve property values.

**2. Granting the variance would not be contrary to the public interest because:**

The proposed addition will not result in any increase of traffic or noise. Since Rolfe Pond Dr. is a private road, if the variance were approved, the addition would essentially not be seen by the public.

**3. By granting the variance substantial justice would be done because:**

There is no benefit to the public by denying the requested variance, in fact, approving the variance essentially benefits the environment and therefore the general public by no longer using an outhouse for bathroom facilities. The outhouse has been used since 1954, and adding a bathroom seems a better alternative than continued use of a latrine. The undersized 12,832.4 SF lot which was created prior to the adoption of the current Zoning Ordinance is restricted based upon the expected lot size of 80,000 SF for those in the R2 district. The setback requirements and distance from the lot line applied to a lot significantly less than 80,000 SF seems restrictive, even if not intentional.

**4. The spirit and intent of the Ordinance will not be broken by granting the variance because:**

Granting the variance will not alter the terrain or impact any trees, shrubs, or plants. The modernization of an indoor bathroom is far from novel, and in fact, continued use of an outhouse is not the best option for the land. The cabin is quite small by most standards and having a storage space for roll away beds will increase the space and enjoyment of our small cabin. The abutters on the west side of the cabin were quite pleased when we discussed the addition of a bathroom and storage. They were most pleased for us to no longer use an outhouse. While the distance from the cabin to the lot line will be reduced to 15' the distance between the cabins on Lot 15 and 14 will remain more than 40' apart. Having a setback of less than 20' for lots on Rolfe's Pond is not an unusual occurrence. This is due to smaller lot sizes than the Zoning Ordinance states and especially true for those cabins built in the 1950's and 1960's.

**5. Literal enforcement of the ordinance results in unnecessary hardship.**

**a) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:**

- I. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.**

The size of the lot is key here. Lots around Rolfe's Pond were mapped prior to the Zoning Requirement that set 80,000 SF as the minimum for an R2 lot along with the side lot

## SECTION IV DIMENSIONAL AND DENSITY REQUIREMENTS

**4.1 GENERAL REQUIREMENTS** No building or structure shall be erected, enlarged or moved nor shall any use be authorized or extended nor shall any existing lot be changed as to size except in accordance with the Table of Dimensional Requirements, Section 4.2, or in accordance with Section VIII for subdivisions of land for residential uses, as applicable, unless modified elsewhere in this Ordinance.

**4.2 TABLE OF DIMENSIONAL REQUIREMENTS** The TABLE OF DIMENSIONAL REQUIREMENTS shall apply for all lots, uses of land, and developments within the various districts, except for subdivisions of land for residential uses subject to the provisions specified in Section VIII, unless modified by other Sections of this Ordinance.

TABLE OF DIMENSIONAL REQUIREMENTS									
Districts	Minimum Lot Dimensions <sup>a</sup>			Minimum Setback Dimensions <sup>a</sup> (ft)			Max. Height of Structure	Max. % Bldg. Cvge/Lot	Min.% Open Space/Lot
	Area (SF)	Continuous Frontage <sup>g</sup>	Depth	Front	Side	Rear			
R-4 <sup>b</sup>	120,000	300	200	60	30	60	35	20	70
R-3 <sup>b</sup>	120,000	300	200	60	30	60	35	20	70
✓ R-2 <sup>b</sup>	80,000 <sup>d</sup>	250	140	40	20	40	35	30	30
R-1 <sup>b</sup>	60,000 <sup>e</sup>	160	120	30	15	40	35	30	30
R-1 (other than residential)	15,000	100	100	25	15	40	35	30	50
B-1 <sup>c k</sup>	15,000 <sup>f</sup>	80	80	30	15	40	35	40	30
M-1 <sup>c k</sup>	110,000	250	300	50	40 <sup>h</sup>	50	45	40	30
VR-1 <sup>j</sup>	15,000 <sup>i</sup>	80	80	30	15	40	35	40	30
VB-1 <sup>l</sup>	7,500 <sup>i</sup>	50	100	0	10	10	35	60	20
VM-1 <sup>j l</sup>	55,000	150	200	25	25	25	35	50	30

See Explanatory Notes in Section 4.3 for footnoted items.

**4.3 EXPLANATORY NOTES** The following explanatory notes shall provide further definitions for the footnoted items in Table 4.2.

- (a) All measurements are in feet unless otherwise noted.
- (b) These dimensions shall not apply to Conservation Subdivisions. See Section VIII, Conservation Subdivisions, for applicable dimensional requirements.
- (c) When the footnoted commercial or industrial uses abut residential uses or a residential district, the minimum front and rear setbacks shall be 100 feet from, and the side setback shall be 50 feet from a property line abutting a residential use or district.
- (d) 80,000 sq. ft. + 16,000 sq. ft. for each dwelling unit more than one on a lot.
- (e) 60,000 sq. ft. + 8,000 sq. ft. for each dwelling unit more than one on a lot.



KNOW ALL MEN BY THESE PRESENTS THAT I, ROGER G. BEARDSLEY, married, of 902 Southwest Pecan Circle, Barefoot Bay, Florida 32976, for consideration paid, grant to MARSHA SHAW of 56 Grove Street, New Milford, Connecticut 06776 my undivided one-half interest in the following-named property with WARRANTY COVENANTS,

A certain tract of land situated in Hopkinton, County of Merrimack, and State of New Hampshire, and located on the west side of Rolfe's Pond, so-called and bounded and described as follows, to wit:

Beginning at a stake driven in the ground on the southerly line of land of Harold M. Martin now or formerly and said point of beginning is the northeast corner of the premises herein conveyed; thence southerly 75 feet along shore of Rolfe's Pond to a stake driven in the ground, thence westerly 170 feet to a stake, thence northerly 75 feet to a stake and thence easterly 170 feet to point of beginning. This is to be known as Lot No. 15.

Also conveying herein the right to use the so-called "cart path" running easterly and westerly some distance north from the premises herein conveyed, together with the right of way over other land now or formerly of Harold M. Martin, from said so-called "cart path", southerly to the premises herein conveyed for the purpose of affording egress and ingress to and from said conveyed premises, provided however, the said Harold M. Martin and his heirs and assigns shall not be liable for any injury to the grantee and her heirs and assigns, or to their property while using said road; and the said Harold M. Martin and his heirs and assigns assume no obligation to maintain said road, or keep it in repair. Said rights of way are to be used in common with others.

Also granting to the grantee, her heirs and assigns the sole use of what land remains between her land and the so-called "cart path" except for what is required to make an adequate and passable road.

Meaning and intending to describe and convey my undivided one-half interest in the premises described in deed of Paul E. Milbury and Lorraine Milbury to L. Benedict Beardsley and Alice N. D. Beardsley dated April 9, 1954 and recorded at the Merrimack County Registry of Deeds in Volume 749, Page 161. The said L. Benedict Beardsley died in 1961, a resident of Monroe, Connecticut. The said Alice N. D. Beardsley died in 1977, a resident of Monroe, Connecticut. Copies of their wills are on file at the Merrimack County Registry of Probate. Alice N. D. Beardsley was survived by her only two children, namely Roger G. Beardsley, the grantor herein, and Earle B. Beardsley.

The foregoing premises do not constitute the homestead of the grantor or his wife.

This deed is a "non-contractual transfer" as defined in NHRSA 78-B:1-a III and therefore is exempt from payment of a transfer tax in accordance with NHRSA 78-B:2 IX.

Date signed: July 23, '99 Roger G Beardsley  
ROGER G. BEARDSLEY

STATE OF NEW HAMPSHIRE  
MERRIMACK, SS.

On this the 23<sup>rd</sup> day of July, 1999, before me, the undersigned officer, personally appeared Roger G. Beardsley, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

MERRIMACK COUNTY RECORDS

Kathie L. Gray, Registrar

Charles W. White  
Justice of the Peace

392110

2000 JUL -7 PM 4: 05

BK2213 PG0360

## QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT I, SHIRLEY JOHNSON, married, of 102 Midwood Avenue, Wolcott, Connecticut 06716, for consideration paid, grant to KATHLEEN J. GERBER, married, of 8 Hackett Street, Naugatuck, Connecticut 06770, my undivided one-fourth interest in the following-named property with QUITCLAIM COVENANTS:

A certain tract of land situated in Hopkinton, County of Merrimack, and State of New Hampshire, and located on the west side of Rolfe's Pond, so-called and bounded and described as follows, to wit:

Beginning at a stake driven in the ground on the southerly line of land of Harold M. Martin now or formerly and said point of beginning is the northeast corner of the premises herein conveyed; thence southerly 75 feet along shore of Rolfe's Pond to a stake driven in the ground, thence westerly 170 feet to a stake, thence northerly 75 feet to a stake and thence easterly 170 feet to point of beginning. This is to be known as Lot No. 15.

Also conveying herein the right to use the so-called "cart path" running easterly and westerly some distance north from the premises herein conveyed, together with the right of way over other land now or formerly of Harold M. Martin, from said so-called "cart path", southerly to the premises herein conveyed for the purpose of affording egress and ingress to and from said conveyed premises, provided however, the said Harold M. Martin and his heirs and assigns shall not be liable for any injury to the grantee and her heirs and assigns, or to their property while using said road; and the said Harold M. Martin and his heirs and assigns assume no obligation to maintain said road, or keep it in repair. Said rights of way are to be used in common with others.

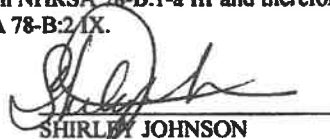
Also granting to the grantee, her heirs and assigns the sole use of what land remains between her land and the so-called "cart path" except for what is required to make an adequate and passable road.

Meaning and intending to describe and convey my undivided one-fourth interest in the premises described in deed of Paul E. Milbury and Lorraine Milbury to L. Benedict Beardsley and Alice N. D. Beardsley dated April 9, 1954 and recorded at the Merrimack County Registry of Deeds in Volume 749, Page 161. The said L. Benedict Beardsley died in 1961, a resident of Monroe, Connecticut. The said Alice N. D. Beardsley died in 1977, a resident of Monroe, Connecticut. Copies of their wills are on file at the Merrimack County Registry of Probate. Alice N. D. Beardsley was survived by her only two children, namely Roger G. Beardsley and Earle B. Beardsley. The said Earle B. Beardsley died February 16, 1998, a resident of Monroe, Connecticut. His will, a copy of which is on file at the Merrimack County Registry of Probate, specifically left the foregoing premises to his daughters, Shirley Johnson and Kathleen Gerber.

The foregoing premises do not constitute the homestead of the grantor or her husband.

This deed is a "non-contractual transfer" as defined in NHRSA 78-B:1-a III and therefore is exempt from payment of a transfer tax in accordance with NHRSA 78-B:21X.

Date signed: 7-7-00

  
SHIRLEY JOHNSON

STATE OF NEW HAMPSHIRE  
COUNTY OF MERRIMACK

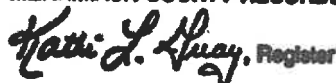
On this the 7<sup>th</sup> day of July, 2000, before me, the undersigned officer, personally appeared Shirley Johnson, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
Justice of the Peace/Notary Public

My commission expires on: 6/8/05

MERRIMACK COUNTY RECORDS

  
Kati L. Gray, Register



# Abutters List Report

Hopkinton, NH

July 27, 2021

## Subject Property:

Parcel Number: 209-015-000  
CAMA Number: 209-015-000  
Property Address: 237 ROLFE POND DR

Mailing Address: GERBER KATHLEEN J & SHAW MARSHA  
8 HACKETT ST  
NAUGATUCK, CT 06770

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## Abutters:

Parcel Number: 208-025-000  
CAMA Number: 208-025-000  
Property Address: PINE ST

Mailing Address: PATENAUE(FAMILY TR) WAYNE & S  
PATENAUE SABRINA, NICOLE & RI  
214 FOSTER HILL RD  
HENNIKER, NH 03242

Parcel Number: 209-014-000  
CAMA Number: 209-014-000  
Property Address: 229 ROLFE POND DR

Mailing Address: CARROLL ROBERT M & BARBARA D  
3253 RICHMOND DR  
THE VILLAGES, FL 32162

Parcel Number: 209-016-000  
CAMA Number: 209-016-000  
Property Address: 247 ROLFE POND DR

Mailing Address: CONSIDINE PETER F & MARION  
11 HANCOCK ST  
SOMERVILLE, MA 02143

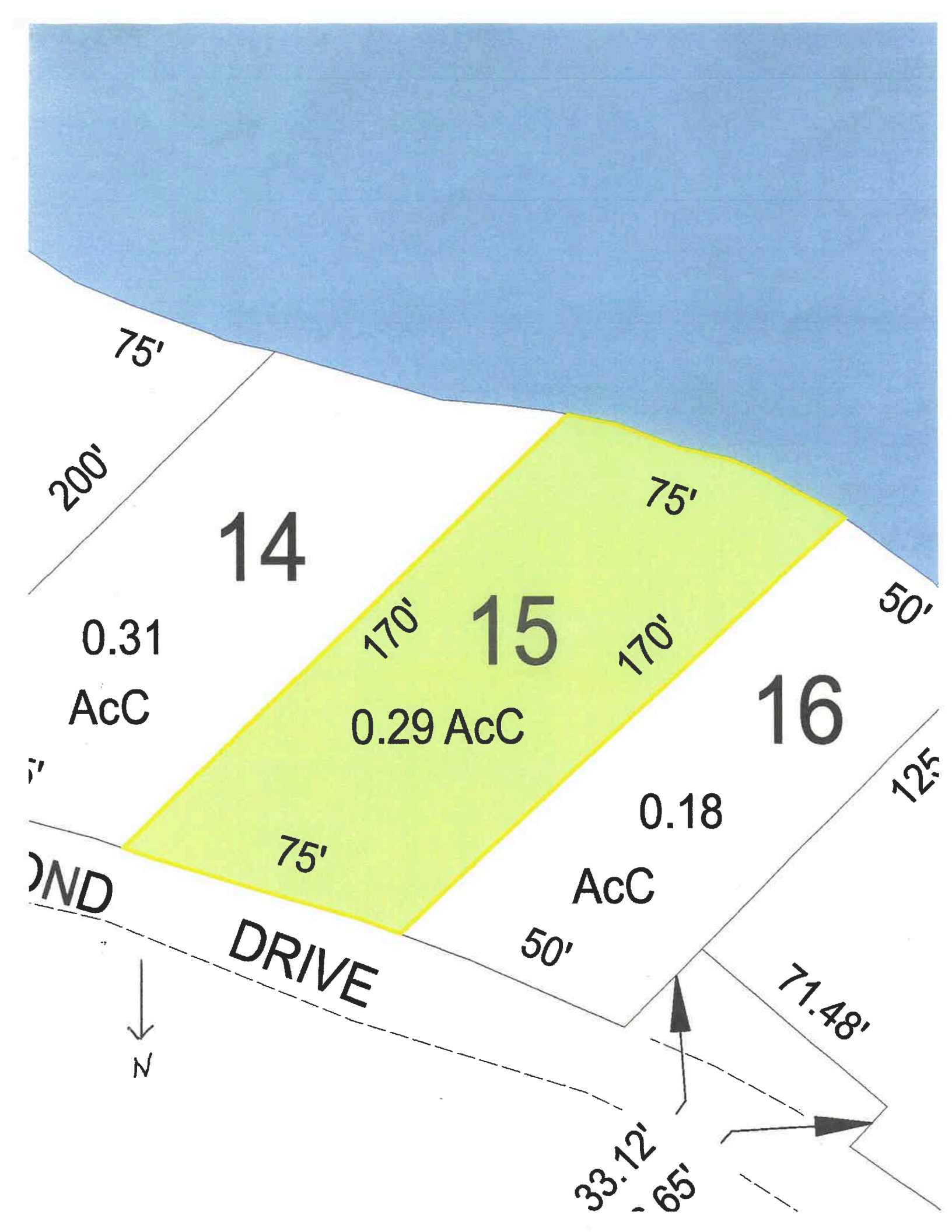


[www.cai-tech.com](http://www.cai-tech.com)

7/27/2021

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Page 1 of 1



Rolfe Pond Drive  
75'



Lot 14  
.18 AcC

Lot 15  
.29 AcC  
12,

Lot 16  
.31 AcC

88'

170'

170'

approximate location  
of neighbor  
DECK

Bathroom slightly crosses property line

approximate  
location of  
neighbor's cabin

Cabin  
19' x 22'

screened  
Porch 8' x 22'

Low  
Plants

Trees

Low  
Plants

Trees

Trees & PLANTS

36'

60'

75'

Bench

Pond

□ = 4'

□ current footprint of Cabin

--- proposed addition

— property lines 237

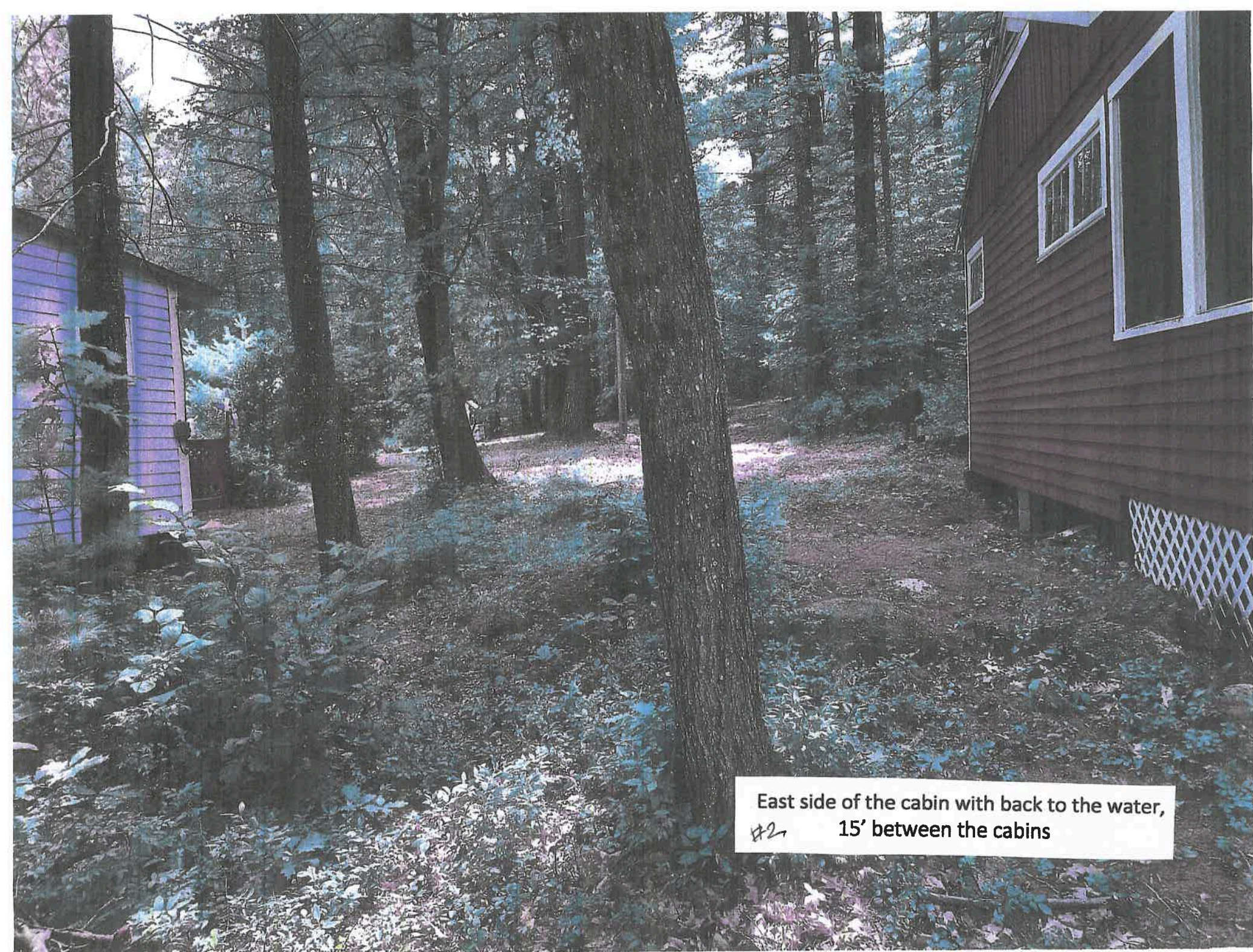
○ Trees






Front of cabin with back to the water,  
✕1 Shows both sides of cabin





#2 East side of the cabin with back to the water,  
15' between the cabins





Abutters porch and stairs  
peeking through ↙

West side of the cabin with back to the water,  
✱ shows trees and foliage, 21' to property line



A photograph showing the side of a cabin with brown horizontal siding and a white trim around a large window. A white rectangular box is superimposed on the image, pointing to a specific area on the cabin's side. The background is a dense forest of green trees and foliage. The ground in the foreground is covered with low-lying green plants and some dry leaves.

**Proposed 6' x 27 addition location**

**Close up of west side of cabin,  
#2/ 8' between cabin and foliage**





Proposed 3' x 11' addition of cabin

#3

North side of cabin with back to road



# Town of Hopkinton

330 Main Street • Hopkinton, New Hampshire 03229 • [www.hopkinton-nh.gov](http://www.hopkinton-nh.gov)  
Tel: 603-746-3170 Fax: 603-746-3049

## HOPKINTON ZONING BOARD OF ADJUSTMENT APPLICATION FOR APPEAL

Ten completed copies of the application with all supporting documentation must be submitted.

Name of Applicant: Cedar Street Holdings LLC  
Mailing Address: PO Box 637, Contoocook, NH 03229  
Telephone (days): 603-746-3140  
Name of Property Owner: Same as Applicant  
Mailing Address: \_\_\_\_\_  
Telephone (days): \_\_\_\_\_  
Tax Map: 101 Lot: 18 Location of Property: 16 Cedar Street

Zoning of property in question (circle one): R-1 R-2 R-3 R-4 B-1 M-1 VR-1 VB-1 VM-1

Section of Hopkinton Zoning Ordinance under which your application was denied or you believe your proposal relates to: Section: \_\_\_\_\_ Paragraph/Table: Please see Narrative for Variances Requested

**A copy of your denied Building/Use Application or administrative decision must be attached.**

This application is for: ☒ Variance ☐ Special Exception ☐ Equitable Waiver ☐ Administrative Appeal

The undersigned hereby requests a Variance, Special Exception, Equitable Waiver, and Administrative Appeal to permit the following:

to construct an outside deck onto the existing restaurant building without maintaining the side setback of 10 feet.

**NOTE:** Additional information may be supplied on a separate sheet if the space provided is inadequate.

### 1. Hearing, Abutter, Notification Fees:

- Variance – \$100.00
- Special Exception – \$100.00
- Equitable Waiver – \$100.00
- Administrative Appeal – \$100.00
- Rehearing – \$100.00
- Notification of each Owner, Applicant, Agent, Abutter – \$5.00
- Published Notice – \$75.00

### 2. List of names and mailing addresses of all abutters to the property as defined by NH RSA 672:3. Supply information on separate sheet. Abutter is any person whose property adjoins or is directly across the street or stream from the land under consideration.

7/15/22  
CK 684

3. **Attach location map showing exact location of property in relation to at least one prominent landmark (road junction, business, town building, etc.).** Include north arrow and label road names. Indicate with an X the location of the property in question.
4. **Attach site plan of property showing:** Boundaries and area of parcel; north point, scale and legend; location, size and type of all existing and proposed buildings, uses, parking, signs, roadways, screening, etc. Map submitted to included one full-size and ten 11" x 17" or less.
5. **List provisions to be made for septic disposal, fire protection, water supply, parking, noise, smoke, surface drainage, etc.** Supply information on separate sheet.
6. **Letter of Authorization to allow an Agent or Attorney to represent Applicant, if applicable.**
7. **Copy of property deed of the subject property.**
8. **Any other pertinent information that you feel the Board may need to assist in their decision making process.**

You must appear at the public hearing or be presented by an authorized agent or attorney for the Board to take action on your application. The application will be terminated or tabled for failure to appear at a scheduled public hearing, without first providing written notification to the Planning Department.

You are fully responsible for researching and knowing any and all laws, which may be applicable and affect the outcome of the Board's decision on your application request. The Town of Hopkinton assumes no responsibility or liability relating to your failure to research and know all applicable laws including, but not limited to, state, federal and local laws, codes, land development regulations and comprehensive plan. The Town of Hopkinton strongly encourages all applicants to consider consulting an attorney regarding their application.

You are encouraged to review the attached Rules of Procedures used by the Board of Adjustment at the public hearing.

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I/we being duly sworn, depose and say that I am/We are the owner(s)/lessee(s) of land included in the application and that the foregoing statements herein contained and attached, and information or attached exhibits thoroughly to the best of my/our ability represent the arguments on behalf of the application herewith submitted and that the statements and attached exhibits referred to are in all respect true and correct to the best of my/or knowledge and belief.

In addition, I/We understand this application must be filed with all pertinent information as it pertains to the requirements of the Town of Hopkinton Zoning Ordinance and all other information requested or required by the Zoning Board of Adjustment in order to be considered complete. I/We understand that this application will not be filed until all required information has been received, and do further understand that the Town of Hopkinton reserves the right to postpone this request until such time as the requirements are met.

Furthermore, I/We understand that I/We, our representative as stated on the application, should appear at the public hearing. If photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, said evidence will become property of the Town of Hopkinton and will remain on file for future reference.

Also, I/We recognize and understand that the public hearing before the Board of Adjustment regarding land development is considered quasi-judicial in nature. **State and local law strictly prohibits applicants and/or interested parties from participating in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is discussed at a public hearing.**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Applicant's Printed Name: Brian Cressy, Member Date: \_\_\_\_\_  
 Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Owner's Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

July 7, 2022

Zoning Board of Adjustment  
Town of Hopkinton

**RE: Tax Map 101, Lot 18; 16 Cedar Street**

Dear Members of the Zoning Board of Adjustment:

I am writing as the owner of the property known as Tax Map 101, Lot 18 located at 16 Cedar Street to provide my consent to permit Maria T. Dolder, Esquire, of the law firm of Hebert & Dolder, PLLC, to make and execute any and all zoning applications on my behalf involving this property in connection with my proposal related to the restaurant located at 16 Cedar Street.


This authorization also includes the ability to present the application before the Town of Hopkinton Zoning Board of Adjustment.

Should you have any questions or need further information, please do not hesitate to contact me.

Very Truly Yours,

Cedar Street Holdings LLC

By:



\_\_\_\_\_  
Brian Cressy, Member



**VARIANCE**  
(Section XV)

In order to secure a variance, the Zoning Board of Adjustment must determine by law that your variance request satisfies the following criteria of the Zoning Ordinance. **Please provide a written response along with any other supporting documentation for each of the following criteria.** Please note that all criteria must be satisfied and supported by the Zoning Board of Adjustment in order for a variance to be granted. Should the space provided be inadequate, please attach additional pages to this application.

1. **The proposed use would not diminish surrounding property values because:**

Please see attached narrative.

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2. **Granting the variance would not be contrary to the public interest because:**

Please see attached narrative.

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3. **By granting the variance substantial justice would be done because:**

Please see attached narrative.

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4. **The spirit and intent of the Ordinance will not be broken by granting the variance because:**

Please see attached narrative.

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5. **Literal enforcement of the ordinance results in unnecessary hardship.**

- (a) **For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:**

- (i) **No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.**

Please see attached narrative.

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- (ii) **The proposed use is a reasonable one.**

Please see attached narrative.

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- (b) **If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.**

Please see attached narrative.

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**Narrative in Support of Variance Application  
Cedar Street Holdings LLC  
16 Cedar Street**

The Proposal

The property is located within the VB-1 Zoning District. The property is a corner lot, therefore it has two frontages and one side yard. The side yard of the property abuts the Contoocook River and currently houses a restaurant, a use permitted by right in the VB-1 District. The general area around the property is commercial in nature. The Applicant is going to perform a complete renovation to the current restaurant located on the property. As part of the renovation, the Applicant is proposing to construct a new deck to provide for outdoor seasonal seating overlooking the river.

In January 2022, the Applicant submitted and received a variance from this ZBA for the proposed deck. Since that time, the Applicant obtained its approval from the NH DES for the project, however, the NH DES required certain changes to the proposed deck which has caused the Applicant to modify its design. Specifically, the Applicant is now proposing a new bump out of decking consisting of 137 square feet and is removing 185 square feet of decking that was previously proposed. The new proposal results in a reduction of the overall decking by 48 square feet. In regards to the new bump out, the Applicant shall be able to maintain a setback from the river of approximately .4 feet on the east and 5.1 feet on the west. Although the overall circumstances have not changed since obtaining the variance in January 2022, the project design has been altered and therefore, a new variance is being required. It is important to note that the Applicant has been able to reduce the overall amount of area that will impact the setback. It is of even greater importance to note that there shall be no pylons located within the setback area and the only encroachment will be the overhang of the deck.

The use itself is already established, therefore, the use will not further impact municipal services.

## Relief Requested

A Variance to Section 4.2, Table of Dimensional Requirements to construct an outdoor deck on the existing restaurant without requiring a side setback, where a 10 foot side setback is required.

The arguments that favor granting the requested variance are largely identical, but where noted, additional arguments are advanced. This narrative is being submitted with the application in order to provide the reasoning and support for the variance request.

## Facts Supporting The Variance Request

1. The proposed use would not diminish surrounding property values because: The use itself is not only permitted by right within the VB-1 Zoning District, but it is already established on the property. The property is a corner lot, therefore it has two frontages and one side yard. In the VB-1 District, there is no required front yard setback. Although the required side yard setback is 10 feet, in this specific case, the entire side of the property abuts the Contoocook River. In fact, if instead of the river, the property were abutted by an additional street, there would be no setback requirement at all. Furthermore, the general area surrounding the property is commercial in nature. Accordingly, a waiver of the side yard setback will not have any effect on any neighboring property. On the other hand, the Applicant is proposing an extensive renovation to the existing building, with the addition of outside seating, all of which will increase the value of the property and the neighboring area. Given that the relief being requested shall not have any adverse impact to the neighborhood, but instead is beneficial to the area and the community, the variance relief would not diminish surrounding property values.
2. Granting the variance would not be contrary to the public interest because: To be contrary to the public interest, the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives. To ascertain whether granting the variance would violate basic zoning objectives you must examine



whether it would alter the essential characteristics of the neighborhood or would threaten the public health, safety or welfare of the public. The Applicant's requested variance does neither. As stated above, the use itself is not only permitted by right within the VB-1 Zoning District, but it is already established on the property. The general area surrounding the property is also commercial in nature and shall not be impacted by the proposed deck. In fact, in the VB-1 District, there are no front setback requirements. Since this property is a corner lot, therefore having two frontages, it is not required to meet any setbacks on the portion of the property that is along the roadway and faces abutting properties. The only area of the property that is required to comply with a setback is the side yard, which abuts the Contoocook River. Therefore, a reduction in the required side setback will not have any impact on the area. This is further demonstrated by the fact that the NH DES has issued a permit for the project as currently proposed. Accordingly, the granting of the relief requested herein shall have no impact on public safety, health or general welfare of the public and will not be contrary to public interest. Instead, granting the variance will allow the property to be utilized in a reasonable manner, consistent with the intent of the Zoning Ordinance.

3. By granting the variance substantial justice would be done because: One of the guiding rules in evaluating substantial justice is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. Under this standard, the Applicant clearly satisfies this requirement. As stated above, the use itself is not only permitted by right within the VB-1 Zoning District, but it is already established on the property and fits in with the general commercial uses in the area. Accordingly, it will not have any adverse impact on the neighborhood. Since the portion of the property where the setback relief is requested abuts the river, which is more similar to abutting a roadway than an established property, such a reduction in the required side setback will not have any impact on the area. The addition of outside seating for restaurants has become a critical issue and important to the public welfare. By granting the variance relief, substantial justice will be done since a denial would be a tremendous loss to the Applicant without any justified gain to the public.

Substantial justice is also achieved by granting variances which do not adversely impact on nearby property owners and which allow a property to be used reasonably. As stated above, even with the requested relief, the difference between that required under the Zoning Ordinance and that being proposed is so minimal that it shall not create any adverse affect on the adjoining neighborhood. With the pandemic, outside seating has become increasingly important for restaurants and their customers. Given the configuration of the lot, the Applicant cannot reasonably accommodate outside, covered dining while maintaining the side setback. The fact that the NH DES has issued a permit for the project as currently proposed further demonstrates that the proposal shall not have any adverse impact on the area. Since the proposed use will not adversely impact on nearby property owners, but alternatively, will allow the property to be used reasonably, granting the relief requested would result in substantial justice.

4. The spirit and intent of the Ordinance will not be broken by granting the variance because: Once again, the use itself is permitted by right under the Zoning Ordinance and is already established on the property. The general area surrounding the property is commercial in nature and consistent with this use. In fact, the Zoning Ordinance itself does not require any front yard setback in the VB-1 District. Although the Zoning Ordinance does require a 10 foot side setback, in this case, the entire side yard of the property abuts the river and shall have no impact on surrounding properties. The deck will be constructed along the waterfront and shall provide critical seasonal outdoor dining. In fact, in this zoning district, the Ordinance does not require any front yard setback, which is the portion of the property that would be most visible to abutting properties. It is also of importance to note that there shall be no pylons located within the setback area and the only encroachment will be the overhang of the deck. As a result, there is no conflict with the proposal and the intent of the Zoning Ordinance. One of the general purposes of the Zoning Ordinance is to encourage the most appropriate use of land throughout the Town. In this particular case, granting the relief would be consistent with such a purpose.

5. Literal enforcement of the Ordinance results in unnecessary hardship.

(a) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general purposes of the Ordinance provision and the specific application of that provision to the property.

This property is certainly unique in several ways. First of all, as already stated a number of times, the property is located within the VB-1 District where the proposed use is permitted by right and in fact, is already established on the property. The lot is a corner lot, which has two frontages and one side, which abuts the Contoocook River. Even though the lot itself is larger in size than the .17 acres required in the Zoning Ordinance, given the existing location of the building, the required side setback unreasonably impacts the Applicant’s ability to construct the deck and provide outside dining. With the pandemic, outside seating became critical for restaurants and has remained an important feature for customers and their comfort. It is also important to once again point out that the area of the property where the setback relief is being requested directly abuts the river and shall have no impact on the neighboring area. It is of even greater importance to note that there shall be no pylons located within the setback area and the only encroachment will be the overhang of the deck. On the other hand, the proposed use will allow the Applicant to utilize the property in a reasonable manner.

As stated above, the Applicant did obtain a variance from this ZBA for a proposed deck in January 2022. Since that time, the Applicant obtained its approval from the NH DES for the project, however, the NH DES required certain changes to the proposed deck which has caused the Applicant to modify its design. Specifically, the Applicant is now proposing a new bump out of decking consisting of 137 square feet and is removing 185 square feet of decking that was previously proposed. The new proposal results in a reduction of the overall decking by 48 square feet. In the reconfiguration of the deck, the Applicant is able to provide emergency access in both locations that have doors to the rear of the building, as well as an additional egress off the new bump out deck. Since the bar area and dining room are separated by an internal wall, the walkway is designed to be a critical access point for seating on the outside deck and to allow wait staff to safely move from the inside area

to the deck. On the newly proposed bump out, the Applicant shall be able to maintain a setback from the river of approximately .4 feet on the east and 5.1 feet on the west. Although the overall circumstances have not changed since obtaining the variance in January 2022 and the Applicant has been able to reduce the overall amount of area that will impact the setback, the project design has been altered and therefore, a new variance is being required.

With that said, the relief being requested by the Applicant is the minimum relief required in order to allow the Applicant to reasonably use the property and to provide critical outside seating. It is also important to once again note that even with the proposal, the proposed use will not alter the essential characteristics of the neighborhood or the property. Accordingly, there is no fair and substantial relationship between the general purposes of the Zoning Ordinance and the specific restrictions on the property.

(ii) The proposed use is a reasonable one. As stated above, the use of the Property is permitted by right under the Zoning Ordinance and in fact, already established on the property. The addition of outdoor seating in connection with a restaurant is not only reasonable, but has also become an important feature.

(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. As stated above, this property is certainly unique in several ways. First of all, as already stated a number of times, the property is located within the VB-1 District where the proposed use is permitted by right and in fact, is already established on the property. The lot is a corner lot, which has two frontages and one side, which abuts the Contoocook River. Even though the lot itself is larger in size than the .17 acres required in the Zoning Ordinance, given the existing location of the building, the required side setback unreasonably impacts the Applicant's ability to construct the deck and provide outside dining. With the pandemic, outside seating became critical for restaurants and has remained

an important feature for customers and their comfort. It is also important to once again point out that the area of the property where the setback relief is being requested directly abuts the river and shall have no impact on the neighboring area. It is of even greater importance to note that there shall be no pylons located within the setback area and the only encroachment will be the overhang of the deck. On the other hand, the proposed use will allow the Applicant to utilize the property in a reasonable manner. With that said, the relief being requested by the Applicant is the minimum relief required in order to allow the Applicant to reasonably use the property and to provide critical outside seating. It is also important to once again note that even with the proposal, the proposed use will not alter the essential characteristics of the neighborhood or the property. Accordingly, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

MERRIMACK COUNTY RECORDS *Kathi L. Guay* CPO, Register

Return to:  
Cedar Street Holdings LLC  
16 Cedar Street  
Hopkinton, NH 03229

\$4875.00

### WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That, Mythos Properties, LLC, a New Hampshire Limited Liability Company, of 11 Autumn Run, Hooksett, NH 03106, for consideration paid grant(s) to Cedar Street Holdings LLC, a New Hampshire Limited Liability Company, of 2 Maple Street, Contoocook, NH 03229, with WARRANTY COVENANTS:

Four certain tracts of land with buildings and other improvements thereon, situated in the Village of Contoocook, Town of Hopkinton, County of Merrimack, and State of New Hampshire, more particularly bounded and described as follows:

#### TRACT I:

A certain tract of land with frame building thereon, beginning at the southwesterly corner of land deeded by Harry F. Clifford to Contoocook Fire Precinct on October 6, 1900 (recorded Merrimack County Records, Volume 339, Page 177), on the northerly side of the highway known as River Street in the Village of Contoocook; thence westerly on said road street about 4  $\frac{3}{4}$  rods to land formerly of Scott Montgomery, now or formerly of Luther Bartlett; thence northerly by land formerly of Scott Montgomery, now or formerly of Bartlett, to the Contoocook River; then down said River about 4  $\frac{3}{4}$  rods to said Precinct's land, now or formerly; then southerly by said Precinct's land, now or formerly, to the point of beginning.

#### TRACT II:

A certain tract of land on the northerly side of the highway leading from the bridge to the Silk Mill, so-called, beginning on the highway aforesaid by land now or formerly of the Contoocook Precinct; thence northerly by said Precinct land to the Contoocook River; thence easterly down said River to the highway leading to Warner; thence southerly by said highway to the corner and first-mentioned highway; thence westerly by the first highway to the place of beginning.

TRACT III:

A certain tract of land with the buildings or improvements thereon, beginning at a point on River Street 12 feet more or less from the southwesterly corner of the foundation of a building known as the Davis Block located on Tract I hereinbefore conveyed; thence westerly by the street known as River Street 100 feet more or less; thence northerly by land formerly of Grace J. Davis, now or formerly of the Town of Hopkinton, to the Contoocook River; thence easterly by said Contoocook River; thence southerly by land formerly of George and Robert Bean (Tract I hereinabove described) to the point of beginning; and containing one-fifth of an acre, more or less.

TRACT IV:

A strip of land nine feet in width runs from the street line at Fountain Square northerly to the Contoocook River and lies between Tracts I and II hereinabove conveyed.

The above premises are subject to an easement granted by Carlton E. Farley and Valkyrie R. Farley to the Contoocook Village Fire Precinct by deed dated November 15, 1983, and recorded at Merrimack County Registry of Deeds, Volume 1460, Page 188.

Meaning and intending to describe and convey the same premises conveyed to the Grantor by deed of Kostas Natsis dated March 24, 2003 and recorded at Book 2481, Page 1042.

The property is not the residence of the grantor or the grantor's spouse and is not subject to homestead rights.

Executed this 4th day of February, 2016.

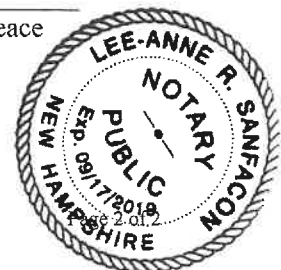
Mythos Properties, LLC,

By: Ilias Natsis, Member

State of New Hampshire  
County of Rockingham

Then personally appeared before me on this 4th day of February, 2016, Ilias Natsis, duly authorized Member of Mythos Properties, LLC, and acknowledged that he executed the same for the purposes contained therein.

Notary Public/Justice of the Peace  
Commission expiration:





# 140 foot Abutters List Report

Hopkinton, NH  
July 07, 2022

## Subject Property:

Parcel Number: 101-018-000  
CAMA Number: 101-018-000  
Property Address: 16 CEDAR ST

Mailing Address: CEDAR STREET HOLDINGS, LLC  
PO BOX 637  
CONTOOCOOK, NH 03229

## Abutters:

Parcel Number: 101-011-000  
CAMA Number: 101-011-000  
Property Address: 905 MAIN ST

Mailing Address: FREEDOM PROPERTIES, LLC  
PO BOX 22  
CONTOOCOOK, NH 03229

Parcel Number: 101-012-000  
CAMA Number: 101-012-000  
Property Address: 17 CEDAR ST

Mailing Address: BLADEZEAL PROPERTIES LLC  
PO BOX 691  
CONTOOCOOK, NH 03229

Parcel Number: 101-013-000  
CAMA Number: 101-013-000  
Property Address: 25 CEDAR ST

Mailing Address: CRATHERN SCOTT M CRATHERN  
BRETT A  
163 GOULD HILL RD  
CONTOOCOOK, NH 03229

Parcel Number: 101-017-000  
CAMA Number: 101-017-000  
Property Address: CEDAR ST

Mailing Address: HOPKINTON TOWN OF (PUBLIC PRKG  
LOT NEAR GRANGE)  
330 MAIN ST  
HOPKINTON, NH 03229

Parcel Number: 101-020-000  
CAMA Number: 101-020-000  
Property Address: 9 PINE ST

Mailing Address: HOPKINTON TOWN OF (CONTOOCOOK  
FIRE STATION)  
330 MAIN ST  
HOPKINTON, NH 03229

Parcel Number: 101-021-000  
CAMA Number: 101-021-000  
Property Address: 33 PINE ST

Mailing Address: HOPKINTON TOWN OF (LEASED TO:  
CONTOOCOOK HYDRO)  
113 BARTLETT RD  
PLAINFIELD, VT 05667

Parcel Number: 101-073-000  
CAMA Number: 101-073-000  
Property Address: MAIN ST

Mailing Address: COVERED BRIDGE APARTMENTS LLC  
PO BOX 691  
CONTOOCOOK, NH 03229

Parcel Number: 101-074-000  
CAMA Number: 101-074-000  
Property Address: 910 MAIN ST

Mailing Address: 910 MAIN ST LLC  
PO BOX 637  
CONTOOCOOK, NH 03229

Parcel Number: 101-077-000  
CAMA Number: 101-077-000  
Property Address: 916 MAIN ST

Mailing Address: COVERED BRIDGE APARTMENTS LLC  
PO BOX 691  
CONTOOCOOK, NH 03229



www.cai-tech.com

7/7/2022

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Page 1 of 1



Additions to Abutters List  
16 Cedar Street  
Tax Map 101, Lot 18

Attorney: Maria T. Dolder, Esquire  
Hebert & Dolder, PLLC  
95 North State Street  
Concord, NH 03301

Surveyor: Dan Higginson  
Higginson Land Services LLC  
76 Patterson Hill Road  
Henniker, NH 03242



The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



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**SHORELAND IMPACT PERMIT 2022-01081**

**NOTE CONDITIONS**

**PERMITTEE:** CEDAR STREET HOLDINGS LLC  
2 MAPLE ST  
HOPKINTON NH 03229

**PROJECT LOCATION** 16 CEDAR ST, HOPKINTON  
TAX MAP #101, LOT #18

**WATERBODY:** CONTOOCOOK LAKE

**APPROVAL DATE:** MAY 20, 2022

**EXPIRATION DATE:** MAY 20, 2027

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Shoreland Permit Application 2022-01081 has been found to meet or exceed the requirements of RSA 483-B as required per RSA 483-B:6, II. The New Hampshire Department of Environmental Services (NHDES) hereby issues this Shoreland Impact Permit with conditions pursuant to RSA 483-B:6, II.

**PERMIT DESCRIPTION:**

Impact 4,758 square feet of protected shoreland in order to construct a deck to the existing building, install a pervious patio, and replace the existing paved area with porous pavement.

**Impervious Surface Percentage Approved:** 57.2%

**Natural Woodland Area Required per RSA 483-B:9,V, (b):** 0 square feet

**THE FOLLOWING PROJECT-SPECIFIC CONDITIONS HAVE BEEN APPLIED TO THE PERMIT PURSUANT TO ENV-WQ 1406.15(c):**

1. All work shall be in accordance with plans by Higginson Land Services dated March 30, 2022 and received by the New Hampshire Department of Environmental Services (NHDES) on April 22, 2022 pursuant to Env-Wq 1406.15(f).
2. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1 as required pursuant to RSA 483-B:9, V(d) Erosion and Siltation, (1).
3. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater as required per RSA 483-B:6, II and Rule Env-Wq 1406.15(c) in order to ensure compliance with RSA 483-B:9, V(g).
4. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction as required pursuant to RSA 483-B:6, I(b).
5. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I, if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

**THE FOLLOWING STANDARD PROJECT CONDITIONS SHALL BE MET PURSUANT TO ENV-WQ 1406.20:**

1. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
5. For any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the approved plans; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

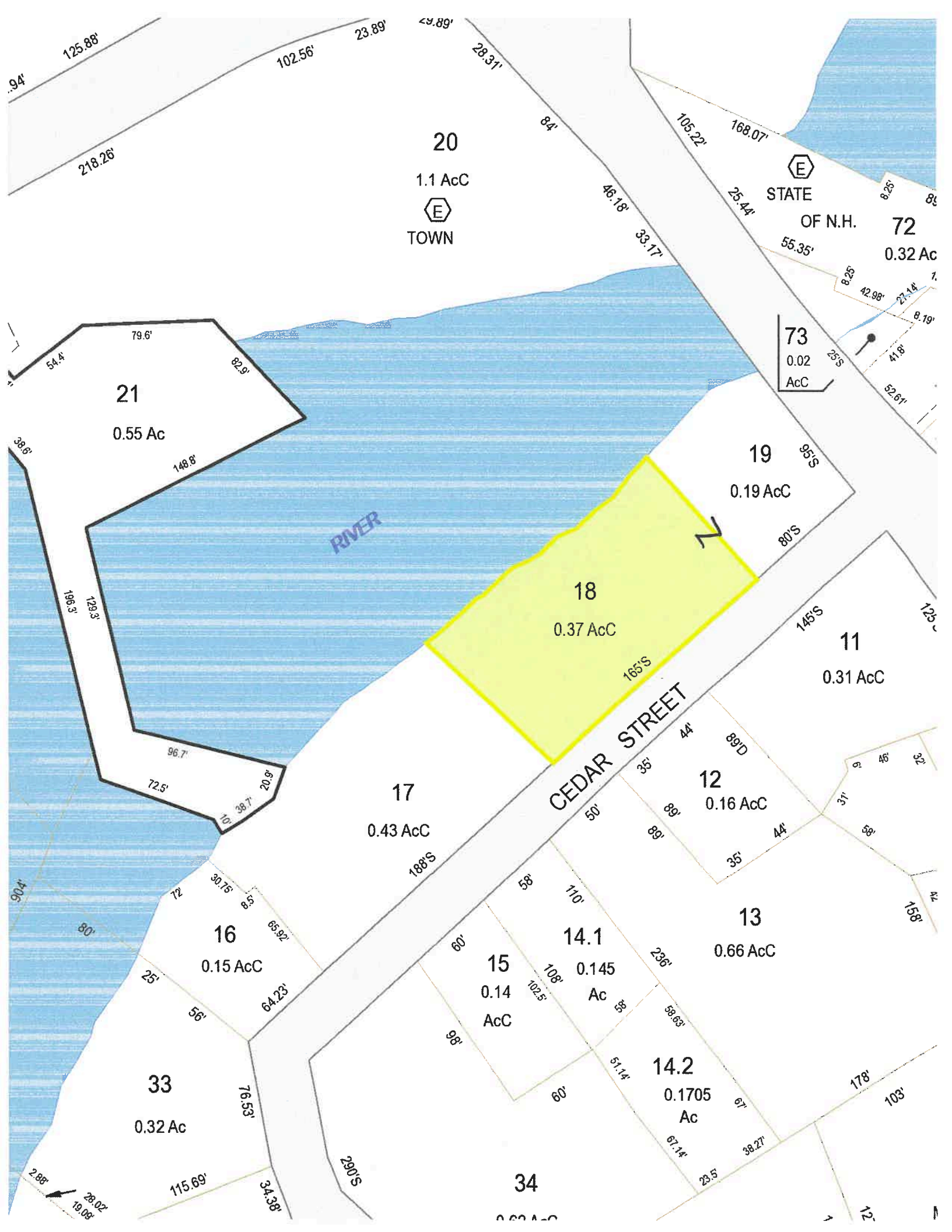
**ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:**

1. During construction, a copy of this permit should be posted on site in a prominent location visible to inspecting personnel.
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
3. Pursuant to Env-Wq 1406.21, transfer of this permit to a new owner requires notification to, and approval of, the NHDES.
4. This project has been screened for potential impact to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

APPROVED:



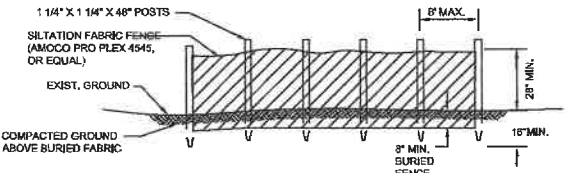
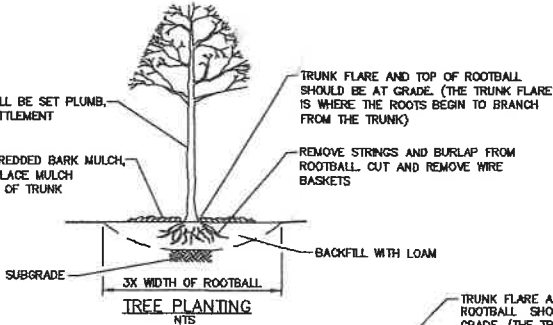
Craig W. Day  
Shoreland/Shoreline Specialist, Shoreland Program  
Wetlands Bureau, Land Resources Management  
Water Division



- NOTES:
1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED IMPROVEMENTS TO TAX MAP 101 LOT 18.
  2. THE OWNER OF RECORD OF TAX MAP 101 LOT 18 IS CEDAR STREET HOLDINGS LLC, 2 MAPLE STREET CONTOOCOOK, NH 03228 (SEE M.C.R.D. BK.3505 PG.1832).
  3. TAX MAP 101 LOT 18 LIES WITHIN THE VB-1 ZONE. MINIMUM LOT AREA IS 7,500 S.F. WITH 50.00' OF FRONTAGE. SETBACKS ARE 0' FRONT, 10' SIDE AND 10' REAR.
  4. EXTERIOR LIGHTS ARE TO BE DOWNCAST WITH CUTOFFS.
  5. A PORTION OF THE SITE LIES WITHIN THE 100 YEAR FLOOD ZONE.
  7. DRIVEWAY TO SITE IS EXISTING AND WILL NOT BE CHANGED AT THE STREET.
  8. PROPOSED BUILDING COVERAGE IS 32%.
  9. 11 PARKING 10'x20' PLACES AND ONE HANDICAPPED PARKING PLACE EXIST ON SITE AND THERE ARE 3 PARKING PLACES ON THE STREET IN FRONT OF THE BUILDING.
  10. PROPOSED ARE 6 EMPLOYEES
  11. PROPOSED HOURS OF OPERATION ARE 11:30AM TO 12:00AM 7 DAYS A WEEK
  12. TAX MAP 101 LOT 18 IS SERVICED BY MUNICIPAL WATER AND SEWER.

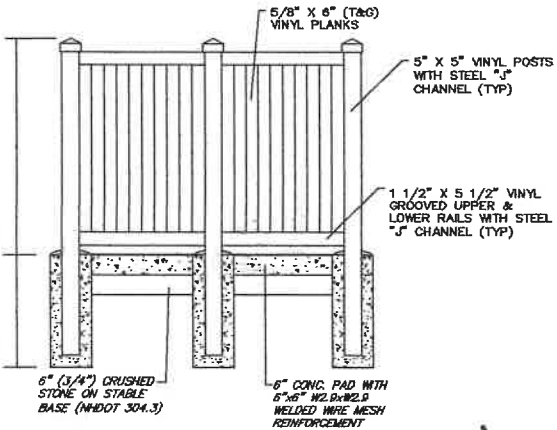
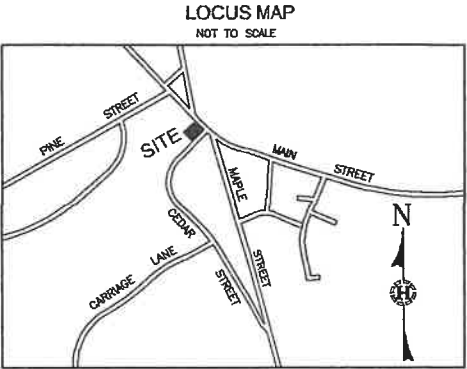
PLANTING SCHEDULE

QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
6	ACER SACCHARUM	SUGAR MAPLE	3.5-4'	CONTAINER
3	BUXUS SEMPERVIRENS 'SUFFRUTICOSA'	ENGLISH BOXWOOD	2.5-3'	CONTAINER

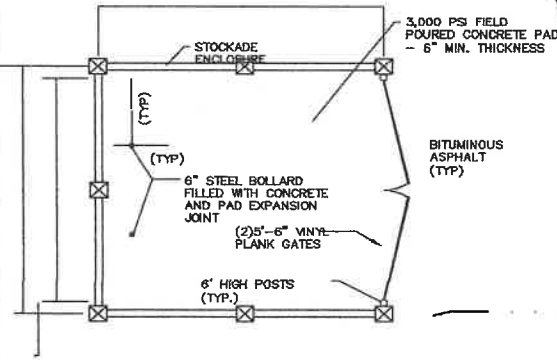


SILT FENCE DETAIL  
NOT TO SCALE

- NOTES:
1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES.
  2. FILTER FABRIC TO BE STAPLED TO FENCE POSTS AT TOP, MID AND BOTTOM.
  3. WHEN TWO SECTIONS OF FILTER FABRIC ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED BY ONE POST SECTION (8' MIN.).
  4. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.
  5. SILT FENCE TO BE REMOVED WHEN SITE IS 85% STABILIZED.



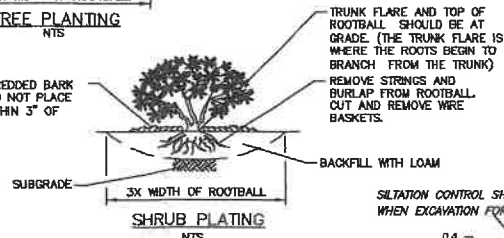
TYPICAL TRASH ENCLOSURE DETAIL  
-NOT TO SCALE-



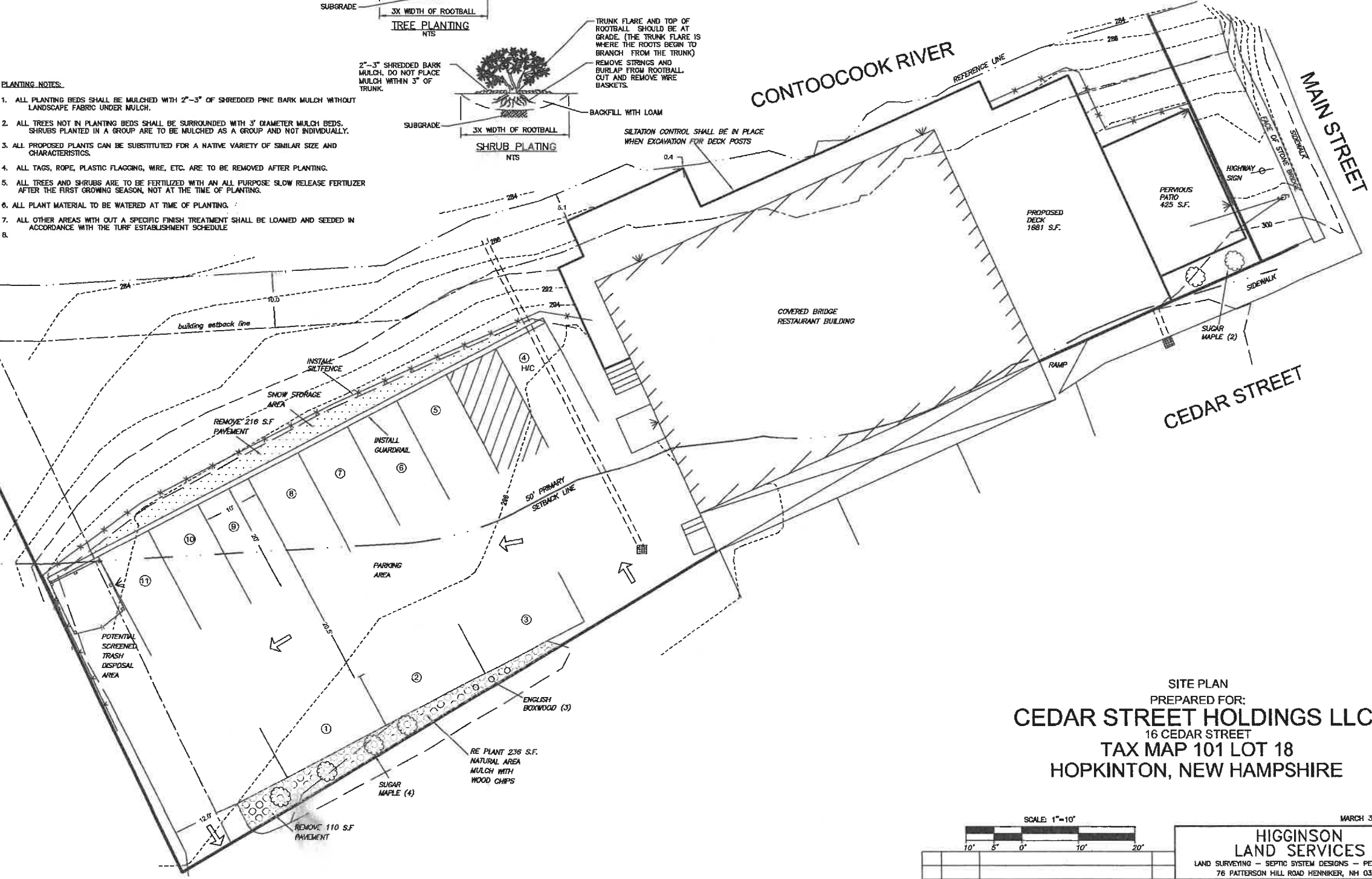
- LEGEND:
- EXISTING PAVEMENT
  - EDGE OF WATER
  - LOT LINE
  - 2' CONTOUR INTERVAL
  - 10' CONTOUR INTERVAL
  - PROPOSED CONTOUR
  - ELECTRIC UTILITY POLE AND GUY
  - UNALTERED AREA
  - PHOTO LOCATION / DIRECTION
  - AREA OF TEMPORARY DISTURBANCE

PLANTING NOTES:

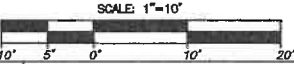
1. ALL PLANTING BEDS SHALL BE MULCHED WITH 2\"-3\" OF SHREDDED PINE BARK MULCH WITHOUT LANDSCAPE FABRIC UNDER MULCH.
2. ALL TREES NOT IN PLANTING BEDS SHALL BE SURROUNDED WITH 3' DIAMETER MULCH BEDS. SHRUBS PLANTED IN A GROUP ARE TO BE MULCHED AS A GROUP AND NOT INDIVIDUALLY.
3. ALL PROPOSED PLANTS CAN BE SUBSTITUTED FOR A NATIVE VARIETY OF SIMILAR SIZE AND CHARACTERISTICS.
4. ALL TAGS, ROPE, PLASTIC FLAGGING, WIRE, ETC. ARE TO BE REMOVED AFTER PLANTING.
5. ALL TREES AND SHRUBS ARE TO BE FERTILIZED WITH AN ALL PURPOSE SLOW RELEASE FERTILIZER AFTER THE FIRST GROWING SEASON, NOT AT THE TIME OF PLANTING.
6. ALL PLANT MATERIAL TO BE WATERED AT TIME OF PLANTING.
7. ALL OTHER AREAS WITH OUT A SPECIFIC FINISH TREATMENT SHALL BE LOAMED AND SEEDED IN ACCORDANCE WITH THE TURF ESTABLISHMENT SCHEDULE.
- 8.



SILTATION CONTROL SHALL BE IN PLACE WHEN EXCAVATION FOR DECK POSTS



SITE PLAN  
PREPARED FOR:  
**CEDAR STREET HOLDINGS LLC.**  
16 CEDAR STREET  
TAX MAP 101 LOT 18  
HOPKINTON, NEW HAMPSHIRE

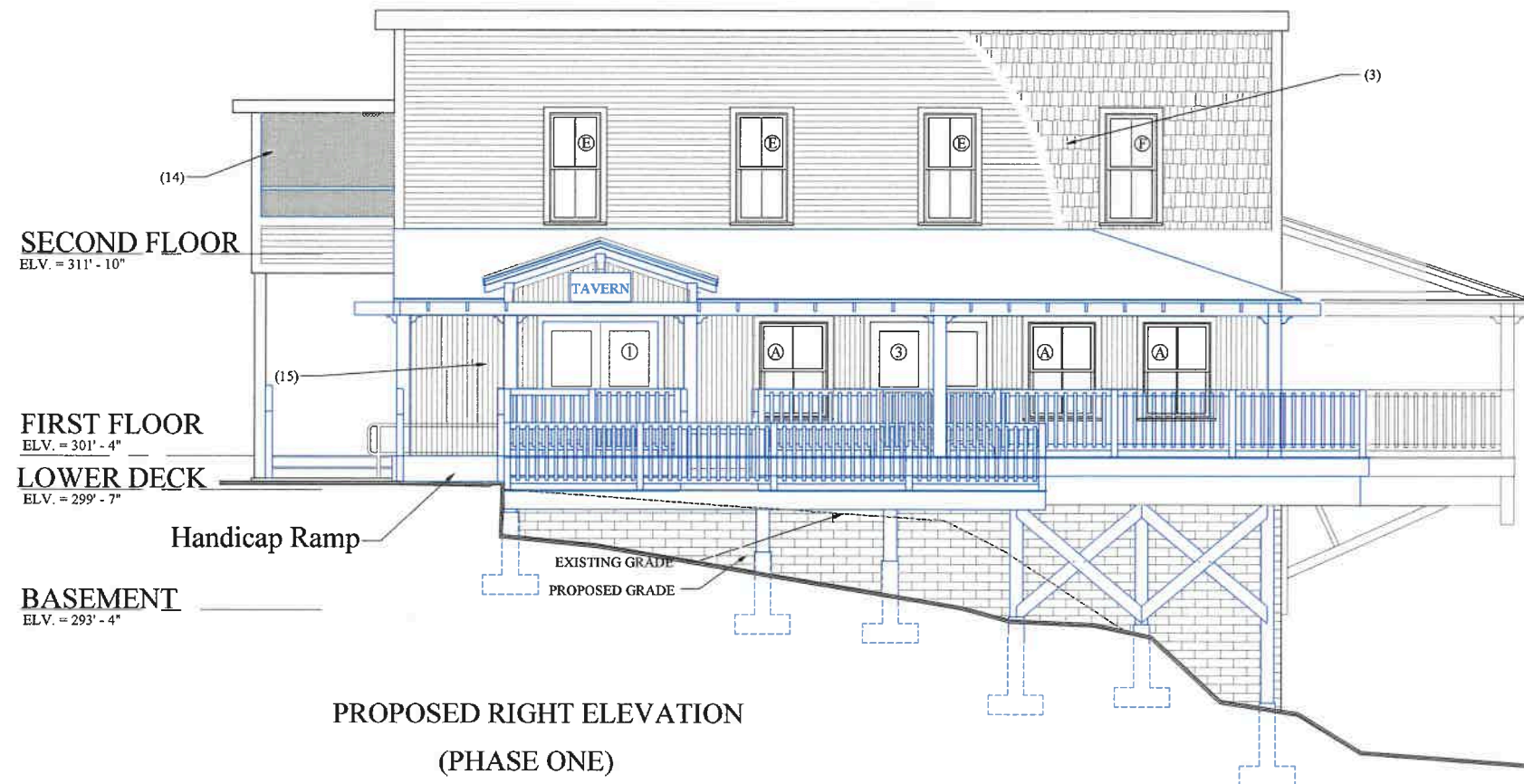
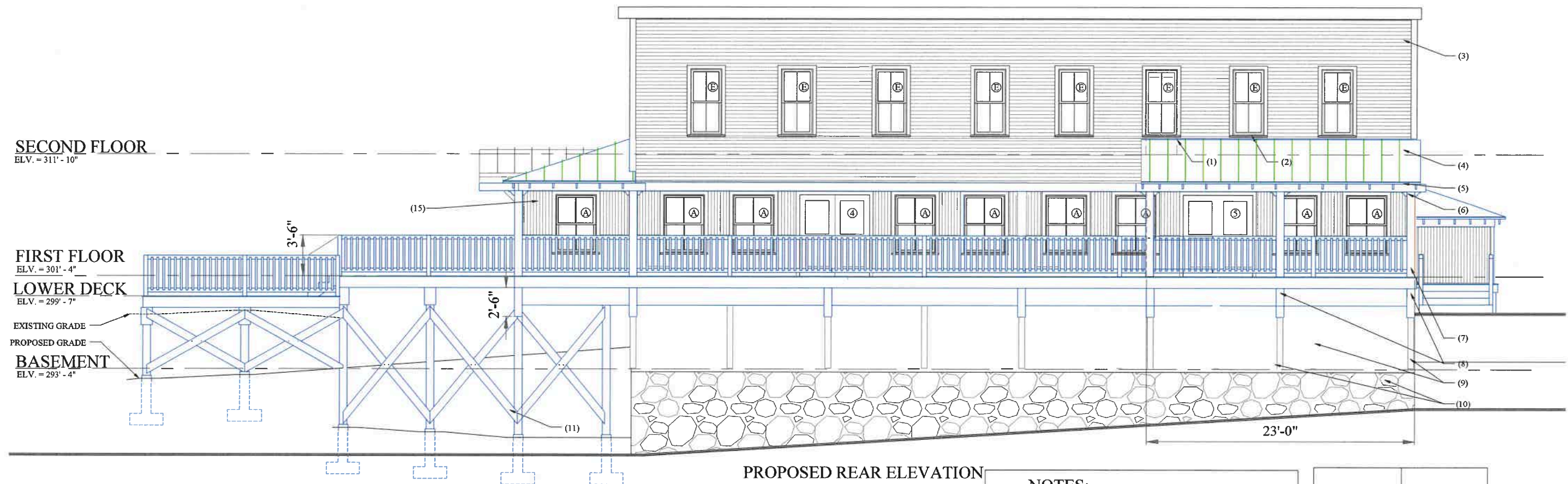


REV.	DATE	DESCRIPTION	BY

HIGGINSON  
LAND SERVICES  
LAND SURVEYING - SEPTIC SYSTEM DESIGNS - PERMITTING  
76 PATTERSON HILL ROAD HENNIKER, NH 03242  
TEL: 603-860-8412 NOTE BOOK # JOB #808

MARCH 30, 2022





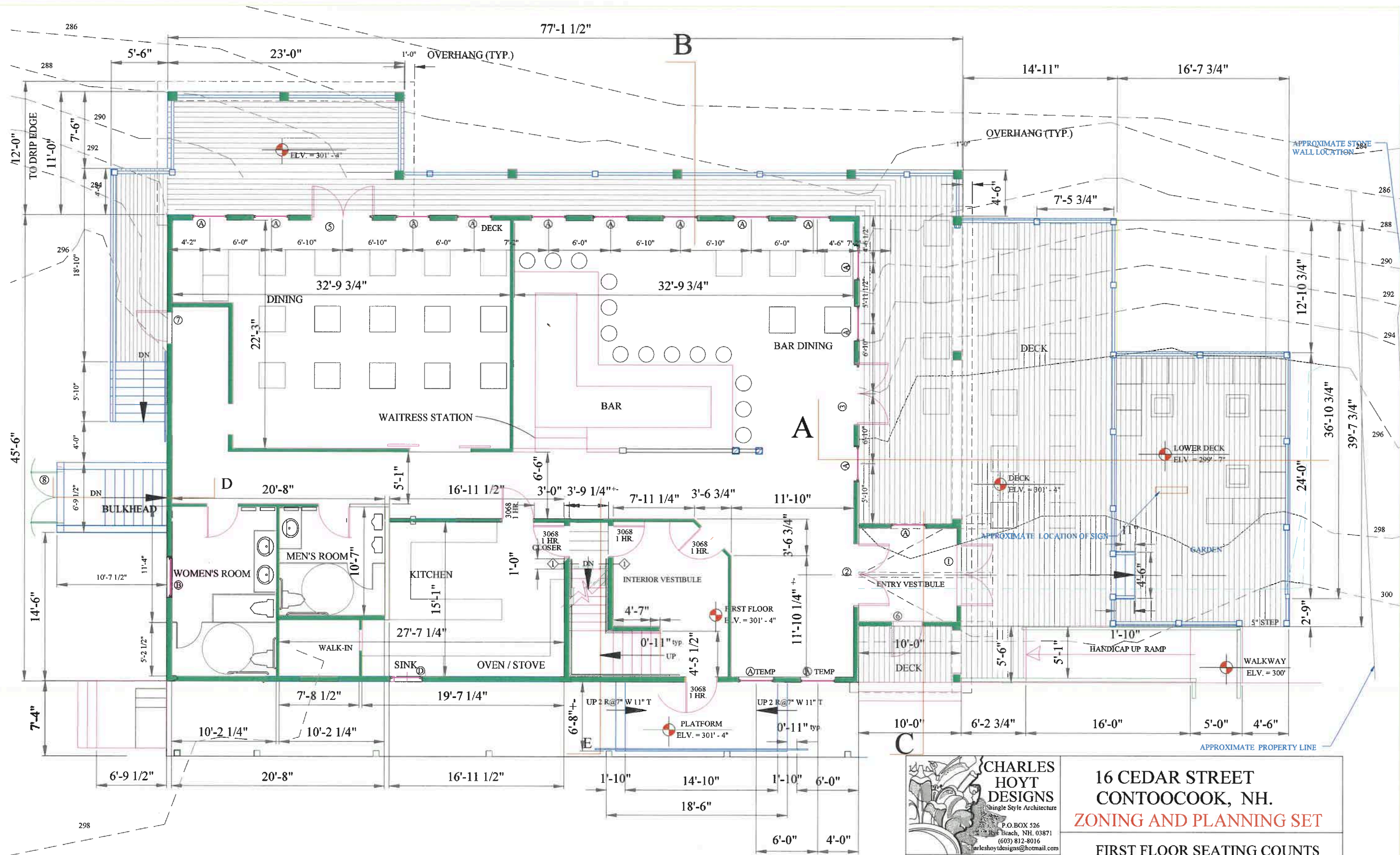
- NOTES:**
- (1) Existing door to be removed, patch and repair wall  
Rebuild Header Contractor To V.I.F.
  - (2) Existing windows to be removed and replaced w/ new Pella windows  
(see window and door schedule from Pella.) Contractor to replace  
existing head jamb and sills (see detail on sheet A-5).
  - (3) Existing vinyl siding to be removed. Contractor to determine if existing  
wood siding is salvagable. Patch and repair as needed.  
Alt. Remove existing vinyl siding. Patch and repair as needed, and install  
CertainTeed Cedar Impression siding, with CertaWrap weather resistant  
Barrier - Nantucket Gray. Trim: White Azek trim.
  - (4) New roof: Standing seam metal roof, Color, charcoal grey O/ Ice /water  
or approved underlayment O/ 5/8" x 8,10 reclaimed lumber sheathing  
O/ 3 x 8 reclaimed lumber rafters.
  - (5) Fascia: 5/4" x 3" Reclaimed wood W/ Metal drip edge over
  - (6) Decorative top piece 8" wide, (see detail on sheet A- 5.)
  - (7) Structural wood posts: 6 x 6 P.T. posts W/ 2 x 4 furring w/ 5/4" x 10  
reclaimed lumber. protect w/ sealant product stain color t.b.d.
  - (8) Decorative post extension; 6 x 6 P.T. Post wrapped in  
reclaimed lumber. Secure decorative post to beam. (typ.) (see detail on sheet A-5)
  - (9) Decorative metal bracket (typ.) (see detail sheet )
  - (10) Existing brick and stone walls to remain.
  - (14) Remove existing porch walls. New 24" knee wall with railing and screen
  - (15) Existing vinyl siding to be removed. Contractor to determine if existing  
wood sheathing is salvagable. Patch and repair as needed. Then apply  
1 x 6,8,&10 reclaimed lumber board and Batten O/ Tyvek wrap.  
Battens to be 1 x 3.

**NOT FOR CONSTRUCTION**


<p><b>16 CEDAR STREET CONTOOCOOK, NH.</b></p> <p><b>ZONING AND PLANNING SET</b></p>		<p><b>REAR &amp; RIGHT ELEVATIONS</b></p> <p>SCALE: 1/4"=1'-0" on 24" x 36"</p> <p>SCALE: 1/8"=1'-0" on 11" x 17"</p>
<p><b>CHARLES HOYT DESIGNS</b> Single Style Architecture P.O. BOX 326 Beach, NH 03871 (603) 812-8016 charleshoymtdesigns@hotmail.com</p>		<p><b>A1</b></p> <p><b>7-21-22</b></p>







NOT FOR CONSTRUCTION



**CHARLES HOYT DESIGNS**  
Shingle Style Architecture  
P.O. BOX 526  
200 West Beach, NH. 03871  
(603) 812-8016  
charleshoytdesigns@hotmail.com

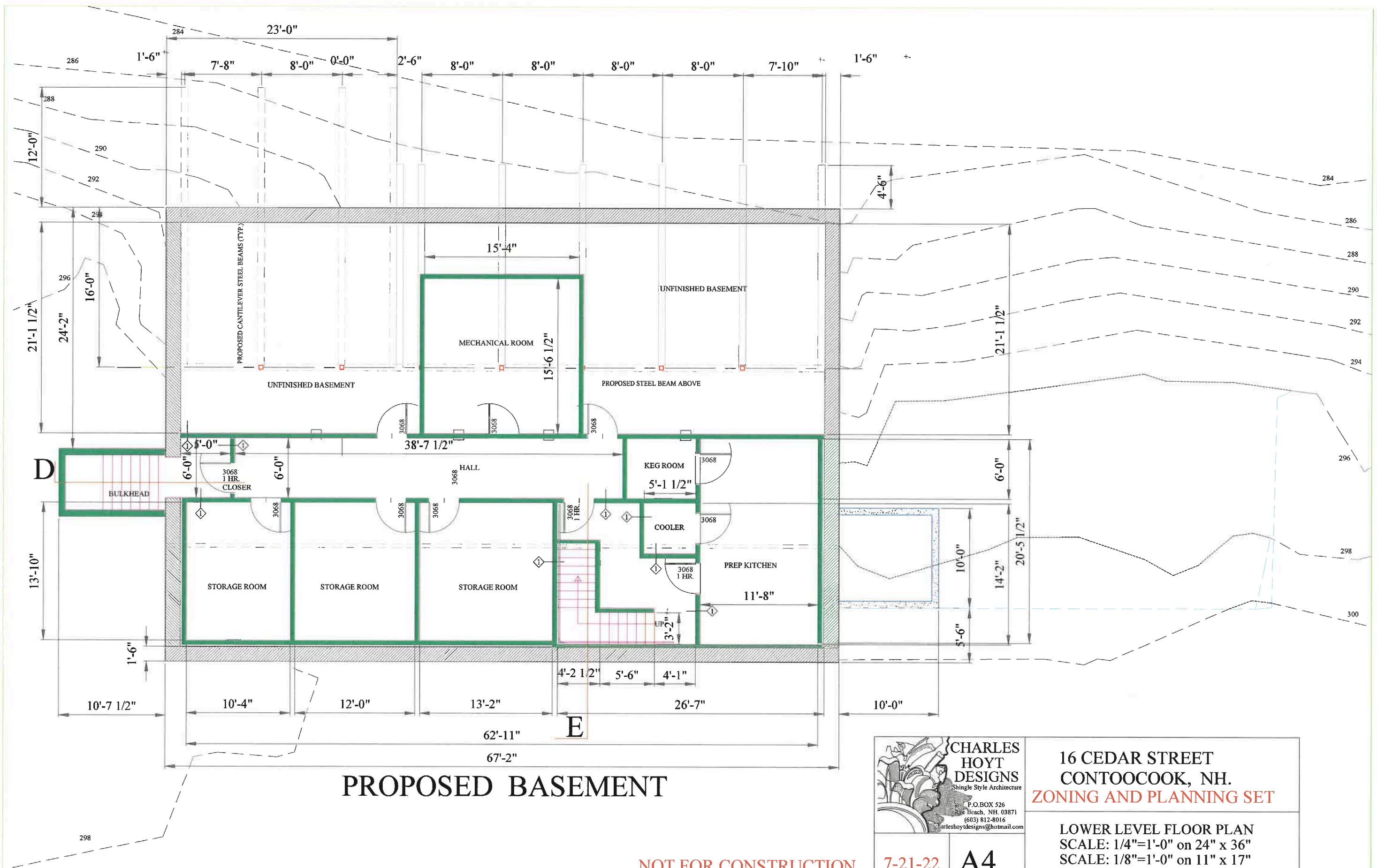
7-21-22

**A3c**

**16 CEDAR STREET  
CONTOOCOOK, NH.  
ZONING AND PLANNING SET**

**FIRST FLOOR SEATING COUNTS**  
SCALE: 1/4"=1'-0" on 24" x 36"  
SCALE: 3/32"=1'-0" on 11" x 17"





## PROPOSED BASEMENT

NOT FOR CONSTRUCTION



7-21-22

A4

16 CEDAR STREET  
CONTOOCOOK, NH.  
ZONING AND PLANNING SET

LOWER LEVEL FLOOR PLAN  
SCALE: 1/4"=1'-0" on 24" x 36"  
SCALE: 1/8"=1'-0" on 11" x 17"