Town of Hopkinton Planning Department

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

HOPKINTON ZONING BOARD OF ADJUSTMENT PUBLIC NOTICE – AGENDA JUNE 6, 2023

The **Hopkinton Zoning Board of Adjustment** will meet on Tuesday, June 6, 2023, at 5:30 PM in the Hopkinton Town Hall, 330 Main Street, Hopkinton, to review and take action on the following:

- I. Call to Order/Roll Call.
- II. Application(s).

#2023-05 Stuart Bronson and Beth Bissonnette Variance from Zoning Ordinance 4.2 and 4.4.1 to replace a non-conforming structure, barn, having less than the required front setback for the R2 zoning district with a new accessory structure that will be less non-conforming. Located at 2597 Hopkinton Road, shown on Tax Map 104, Lot 1.

- III. Review of Minutes and Notice of Decision of March 8 and May 9, 2023.
- IV. Other Business.
 - (a) Draft Rules of Procedures.
 - (b) July Meeting Schedule.
 - (c) Any other business to legally come before the meeting.
- V. Adjournment.



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: STVART BROWSON BETH TSISSONWETTE
Mailing Address: 2597 HOPKINTON RD CONTOO COOK NH 03229
Telephone (days): 603 491 0107
Name of Property Owner: 54m2
Mailing Address: SAME
Telephone (days):
Tax Map: 104 Lot: 1 Location of Property: 2597 HOPKIN TON ROAD
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: V Paragraph/Table: 4.2 and 4.4.1
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:
DEMOLITION OF EXISTING BARN WHICH IS NOW COMPUANT WITH
FRONT SETBACK AND REPLACING IT WITH A BOAT HOUSE
WHICH WILL IZE LESS NON-CONFORMING THAN THE EXISTING
BARN.
NOTE: Additional information may be supplied on a separate sheet if the space provided is inadequate.
NOTE. Additional information may be supplied on a separate sheet if the space provided is madequate.
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

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.

Published Notice - \$75.00

- 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, legend, and 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 act 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.

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 <u>quasi-judicial in nature</u>. State and local law strictly prohibits applicants and/or interested parties from taking part 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:

Owner's Signature(s):

Date: 5/2/2023

Date: 5 / 2 / 2023

Stuart J. Bronson 2597 Hopkinton Road Hopkinton, NH 03229



QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT, I, Stuart J. Bronson, an unmarried person, of 2597 Hopkinton Road, City of Hopkinton, County of Merrimack, State of New Hampshire

FOR CONSIDERATION PAID, GRANTS TO, Stuart J. Bronson and Beth Bissonnette, of 2597 Hopkinton Road, City of Hopkinton, County of Merrimack, State of New Hampshire

With QUITCLAIM COVENANTS, as joint tenants with rights of survivorship

A certain tract or parcel of land with the buildings thereon, situated in the Town of Hopkinton, County of Merrimack, State of New Hampshire, on the highway leading from Hopkinton Village to Contoocook Village, bounded and described as follows, to wit:

Beginning on the above mentioned highway and at land now or formerly of William Rollins at a stone wall; thence southwesterly along said wall and land of Rollins to another stone wall and land now or formerly of John S. Wheeler and Ernestine M Wheeler, thence northwesterly by stone wall and land of said Wheelers to another stone wall and land of said Wheelers; thence northeasterly by stone wall and land of said Wheelers four hundred thirty-two (432) feet, more or less, to a pipe driven in the ground at the above mentioned highway; thence southeasterly by said highway four hundred (400) feet, more or less, to the point of beginning.

Subject to the following recorded in the Merrimack County Registry of Deeds:

Reserving the right to well situated across the road from the building; also right to enter upon said land, repair pipes and make other repairs as needed, as recorded at Volume 531, Page 029.

Meaning and intending to convey the same premises conveyed to the within Grantor by Deed of Jeanette M. Conner, f/k/a Jeanette M. Connor-Bronson, dated October 13. 1998, as recorded in the Merrimack County Registry of Deeds at Volume 2123, Page 1559.



IN WITNESS WHEREOF, I have hereunto set my hand this 12 February, 2002.

STATE OF NEW HAMPSHIRE COUNTY OF HILLSBOROUGH

On this, the _day of February, 2002, personally appeared Stuart J. Bronson, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained as his free act and deed.

Before me,

CATHY E. McCOUBRY, Justice of the Peace My Commission Expires May 28, 2002

MERRIMACK COUNTY RECORDS

Hathi L. Shay, CPO, Register



Town of Hopkinton Planning Department

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

BUILDING PERMIT DENIAL

Date of Decision: December 22, 2022

Application for Building Permit: 2022-000, Dated: 12/20/2022

Applicant: Stuart Bronson

Owner: Stuart Bronson/Beth Bissonnette

Address: 2597 Hopkinton Road

Map/Lot: Map 104, Lot 1

District: R-2 (Medium Density Residential) **Description:** Construct a 24' x 40' boathouse.

Building permit application <u>denied</u> due to non-compliance with Hopkinton Zoning Ordinance Section IV, 4.2 and 4.4.1 Detached Accessory Building minimum front setback required for R-2 district is 40 feet (4.2 Table of Dimensional Requirements).

The Applicant has the opportunity to appeal the decision to the Hopkinton Zoning Board of Adjustment as an application for Administrative appeal or Variance. Please note that Administrative appeals must be filed within forty-five (45) days of this decision, as indicated in the Zoning Board of Adjustment Rules of Procedure.

Karen Robertson Planning Director

Date: 12/22/2022

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. See Explanatory Notes in Section 4.3 for footnoted items.

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

Residential/Agricultural (R-4), Low-Density Residential (R-3), Medium-Density Residential (R-2), High-Density Residential (R-1), Commercial (B-1), Industrial (M-1), Village High-Density Residential (VR-1), Village Commercial (VB-1), Village Industrial (VM-1)

- **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 applicant must demonstrate compliance with the requirements of subsection 4.7, Buffer Standards for Nonresidential Uses.
- (d) 80,000 sq. ft. + 16,000 sq. ft. for each dwelling unit more than one on a lot.

SECTION IV DIMENSIONAL AND DENSITY REQUIREMENTS

- (e) 60,000 sq. ft. + 8,000 sq. ft. for each dwelling unit more than one on a lot.
- (f) 15,000 sq. ft. + 2,000 sq. ft. for each dwelling unit more than one on a lot.
- (g) 7,500 sq. ft. + 2,000 sq. ft. each dwelling unit more than one on a lot.
- (h) The minimum lot width at the front yard setback line shall not be less than 85 percent of the minimum lot frontage required for the District. The frontage on a road at a cul-de-sac may be less than specified if the lot width at the depth of the front yard setback line meets the minimum lot frontage requirements, but in no event less than 30 feet.
- (i) For residential use only in the M-1 district the sideline setback shall be 30 feet.
- (j) In the B-1 and M-1 districts, the maximum gross floor area of commercial retail stores and restaurants shall not exceed <u>40,000</u> square feet.
- (k) In the VB-1 and VM-1 districts, the maximum gross floor area of commercial retail stores and restaurants shall not exceed 20,000 square feet.
- **4.4 SPECIAL DIMENSIONAL AND DENSITY CONDITIONS** The following special conditions shall apply as appropriate to this Section of this Ordinance.
- <u>4.4.1 Detached Accessory Building</u>: In all districts, a detached accessory building shall conform to the following provisions:
- (a) It shall not be less than the front setback for the district or less than 10 feet from any other lot line or from any principal or accessory building.
- (b) It shall not exceed 20 feet in height unless the accessory is placed to comply with principal building setback, in which case it will conform to the height restriction of the district.
- <u>4.4.2 Attached Accessory Building</u>: In all districts, an accessory building attached to the principal building shall be considered as an integral part therefore and shall be subject to front, side, and rear yard requirements applicable to the principal building.
- <u>4.4.3 Principal Structure</u>: Except for municipal facilities and public utilities, only one principal structure/principal use shall be permitted on a lot, except as noted in Section VIII Conservation Subdivisions, Section XIX Commerce and Community Overlay District, and in this Section.

In the B-1 and M-1 districts, there may be multiple principal nonresidential structures and/or uses within structures so long as each use is listed as a permitted (P) use or use permitted by special exception (S) in 3.6 TABLE OF USES. In the VB-1 and VM-1 zones, there may be multiple principal structures and uses within structures so long as each use is listed as a permitted (P) use or use permitted by special exception (S) in 3.6 TABLE OF USES. Nothing herein shall be construed to preclude compliance with the requirements set forth in Section 15.8.2, Special Exceptions, of this Ordinance.

<u>4.4.4 Corner Lot</u>: A corner lot shall have minimum street yards and depths, which shall be the same as the required front yard depths for the adjoining lots.



Subject Property:

Parcel Number: CAMA Number: 104-001-000

104-001-000

Property Address: 2597 HOPKINTON RD

Mailing Address:

BRONSON STUART J BISSONNETTE

BETH

2597 HOPKINTON RD CONTOOCOOK, NH 03229

Abutters:

Parcel Number: CAMA Number: 104-002-000

104-002-000

104-097-000

104-097-000

Mailing Address:

KIMIN INC

2688 HOPKINTON ROAD CONTOOCOOK, NH 03229

Property Address: MAIN ST

Mailing Address:

KIMIN INC

2688 HOPKINTON ROAD CONTOOCOOK, NH 03229

Parcel Number:

Parcel Number:

CAMA Number:

240-008-001

240-008-001

Property Address: HOPKINTON RD

CAMA Number:

Property Address: 2563 HOPKINTON RD

Mailing Address:

BROWN ROBERT C & STEPHANIE L

2563 HOPKINTON RD HOPKINTON, NH 03229

Parcel Number:

240-009-000

CAMA Number:

240-009-000 Property Address: HOPKINTON RD Mailing Address:

KIMIN INC

2688 HOPKINTON ROAD CONTOOCOOK, NH 03229

Parcel Number:

CAMA Number:

241-001-000 241-001-000

Property Address: HOPKINTON RD

Mailing Address:

KIMIN INC

2688 HOPKINTON ROAD CONTOOCOOK, NH 03229

Additional information

My property resides along Rt 103 between Contoocook and Hopkinton Villages on the downhill flank of Gould Hill. The house was built in 1804 and is very close to the road. The existing barn that I wish to replace is a poorly constructed building of unknown age. It is 10' from the edge of Rt 103, which is the State Route right of way -10'. The face of the building along Rt 103 represents the property boundary as per land surveyor Jacques Belanger. The building sits atop wooden piles which are perched atop flat rocks in the soil. It is entirely unsuitable and unsafe to store a 28' boat.

My desire is to raze the building and replace it with a drive-thru boathouse so that I can safely exit and enter Rt 103. The property does not have enough flat terrain to either push the proposed boathouse 40 feet back or to allow for any sort of turnaround with the boat in tow. The proposed boathouse would be 20 feet from the edge of Rt 103 – double the existing structure – more conforming but not compliant.

I have attached pictures of the site to give you a feel for the challenges involved.

As you are probably aware, there are many structures along Rt 103 between Hopkinton and Contoocook Villages that are sited very close to the street. As such, I don't believe that we are asking for or setting any sort of setback precedent with this Waiver Application.

Thank you for your consideration.

Stuart Bronson and Beth Bissonnette

Town of Hopkinton ZBA Variance Application

Variance Section XV

- The proposed use would not diminish surrounding property values because:
 The proposed structure's setback will be more compliant than the existing structure.

 Additionally, replacing an old and aging, poorly made structure with a new and code compliant structure which will also be more attractive is likely to enhance property values.
- Granting the variance would not be contrary to the public interest because:
 We are increasing the front setback by ten feet thereby making the proposed structure more compliant than current structure. This will increase the safety margin along Route 103 by affording more room for state snowplows and emergency vehicle pull off room.
- 3. By granting the variance substantial justice would be done because:
 The proposed structure will enable me to shield, store and protect my boat and equipment.
 Additionally, there is no other possible alternative location that exists on the property due to the layout of the land situated on the flank of Gould Hill.
- 4. The spirit and intent of the Ordinance will not be broken by granting the variance because: We are improving the setback of the existing structure making it more compliant with the Ordinance to the full extent that we are able given the physical site limitations. The structure would be as compliant as possible. This house was built in 1804 well before both State Route 103 and the Ordinance existed.
- 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 provisions and the specific application of that provision to the property: The property is sited on the flank of Gould Hill and is on a substantial slope excepting those areas that were made flat with retaining walls and concrete buttresses. This geography limits building site options to this single plot; we do not have options.
- (ii) The proposed use is a reasonable one.
 It is reasonable to house and protect my boat on a property situated right on the edge of a very busy Route 103. We are Improving the setback, aesthetics, and safety by moving this building back as far as possible.
 - 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.

True. The nature of the property situated on a hillside limits siting options to this one spot. The ability to safely tow a large boat off/on Rt. 103 and into/out of the boat house within the confines of this parcel further limits the siting of the structure. It is further reasonable to desire to build a structure on your land in order to house and protect your property.

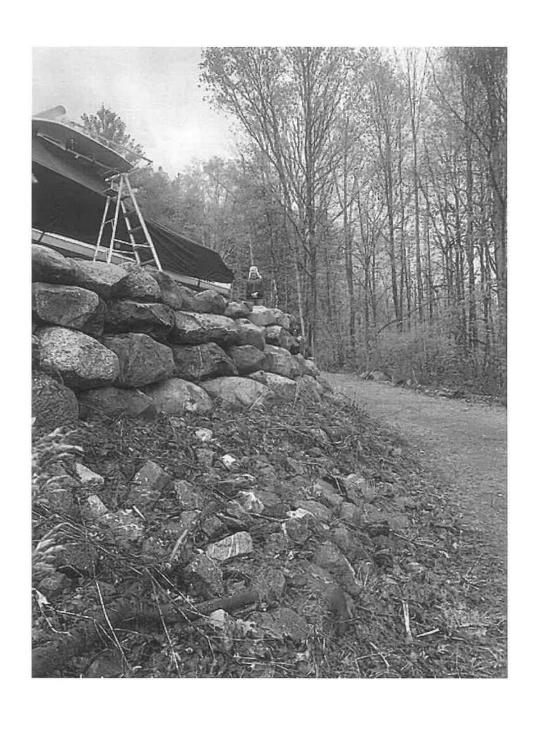


EXISTING STRUCTURE

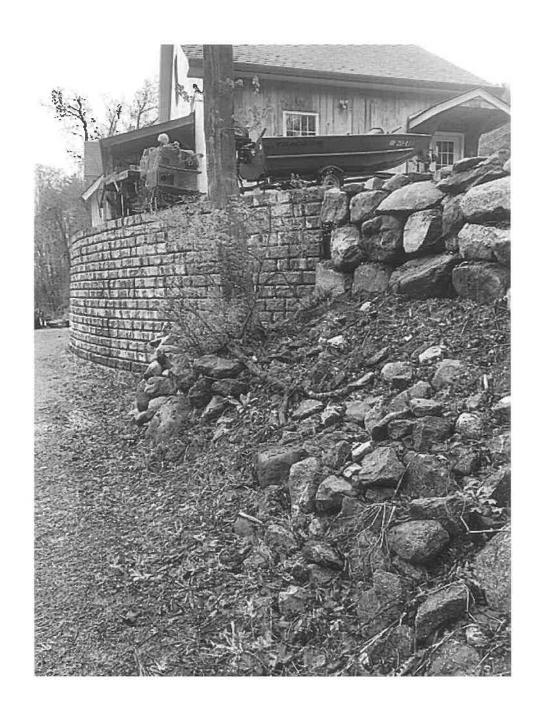
LEFT FACE OF BUILDING IS

10' FROM STREET - EXACTLY

ON THE PROPERTY BOWNAMY -
A O' FRONT SET BACK



BACKSINE OF RETAINING WALL TO CREATE FLAT SPOT FOR PROPOSED STRUCTURE



RETAINING WALL IS

12' HIGH; THE GROUND

SLOPES AWAY FROM THE

PATH

