



Town of Hopkinton

Planning Department

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HOPKINTON PLANNING BOARD

MINUTES

JANUARY 12, 2021

Members present: Chairman Bruce Ellsworth, Vice Chairman Michael Wilkey, Ex-Officio Anna Wells, James Fredyma, Jane Bradstreet, Celeste Hemingson, and Alternates Clarke Kidder and Greg Sagris. Members absent: Rich Steele and Timothy Britain. Staff present: Planning Director Karen Robertson.

- I. Call to Order.** Chairman Ellsworth called the meeting to order at 6:00 PM. He explained that due to the COVID-19/Coronavirus crisis and per Governor Sununu's Emergency Order #12, Under Executive Order 2020-04, the Planning Board is authorized to meet electronically.

A roll call was taken with all but one member (Wells) announcing that there was no one in the room with them at the time.

II. Review of the Minutes and Notice of Decision of December 8, 15, and 29, 2020.

Celeste Hemingson, seconded by Clarke Kidder, moved to ACCEPT the Minutes of December 8, 2020. Motion carried unanimously by Roll Call: Wilkey – yes, Wells – yes, Fredyma – yes, Hemingson – yes, Kidder – yes, and Sagris – yes.

Celeste Hemingson, seconded by James Fredyma, moved to ACCEPT the Notice of Decision of December 8, 2020. Motion carried unanimously by Roll Call: Wilkey – yes, Wells – yes, Fredyma – yes, Bradstreet – yes, Hemingson – yes, Kidder – yes, and Sagris – yes.

At this point, Member Jane Bradstreet joined the Board.

Celeste Hemingson, seconded by Clarke Kidder, moved to ACCEPT the Minutes of December 15, 2020, as amended (Attendance to reflect that Mrs. Wells was present). Motion carried unanimously by Roll Call: Wilkey – yes, Wells – yes, Fredyma – yes, Bradstreet – yes, Hemingson – yes, Kidder – yes, and Sagris – yes.

Celeste Hemingson, seconded by Clarke Kidder, moved to ACCEPT the Minutes of December 29, 2020. Vote by Roll Call: Wilkey – yes, Wells – abstain, Fredyma – yes, Bradstreet – abstain, Hemingson – yes, Kidder – yes, and Sagris – yes.

- III. Master Plan Update.** Mrs. Robertson reported that representatives from the Central NH Regional Planning Commission would be present at the Board's February meeting to review draft revisions to the Economic Development Chapter.

IV. Conceptual Consultations. Mary Goddard addressed the Board, asking if it would be possible to rezone property so that it cannot be developed. Mrs. Robertson advised that the Town cannot spot zone property. Options to rezone property include submitting a petition; however, the deadline for submittals has passed or ask the Planning Board to move forward with an amendment at this meeting.

Lastly, Mrs. Wells advised that another way to preserve the property is by a conservation easement.

V. Applications/Public Hearings. There were no applications or associated public hearings.

VI. Public Hearing (Proposed Zoning Amendments - 2021). Chairman Ellsworth opened the public hearing to consider the following amendments to the Hopkinton Zoning Ordinance. A complete text (see attached) of the proposed amendments was available at Town Hall, the Hopkinton Town Library, and on the Town's website www.hopkinton-nh.gov. Summary of amendments as follows:

- a) Amend Section II, Definitions to define terms in the Ordinance that were previously undefined, omit, and combine definitions where possible, modernize definitions so that they are consistent with current uses, and centralize definitions.
- b) Amend Section III, 3.6 Table of Uses by increasing the maximum number of residential units per building, adding and reclassifying uses and where the uses are allowed, and omitting uses regulated elsewhere or believed to be no longer applicable.
- c) Amend Section III, 3.6 Use Regulations by relocating and rewording paragraph 3.6.2 to the beginning of the Use Regulations, making it is clear to the reader that the uses illustrated in the Table of Uses are subject to other provisions of the Ordinance.
- d) Amend Section XV, Board of Adjustment by rewording paragraph 15.6.1 so that the method of mailing public hearing notices is consistent with RSA 21:53.

There were no members of the public wishing to comment.

Mr. Fredyma noted that the Phasing Standards should be amended to not apply to multi-family units as phasing the construction of a multi-family building would not make sense. Mrs. Robertson agreed, noted that the Phasing Standards are in the Subdivision Regulations. If the proposed amendment concerning the number of multi-family units passes, the Planning Board should consider amending the Subdivision Regulations. The Board unanimously agreed.

Mr. Kidder asked to reconsider the proposed definition of "Recreational Facilities (Indoor or Outdoor)" and listing "Commercial Recreational Facilities subject to the limitations in other Sections of this Ordinance, including but not limited to definitions, lighting, and noise" as an accessory use. Mr. Kidder suggested that the definition is broad when considering the uses listed as recreational. He questioned whether the uses, such as a go-cart track, are at odds with what the residents would like in Town as an accessory use.

In response, Mrs. Hemingson, Mrs. Wells, and Mr. Sagris suggested that requiring a special exception in all districts provides an overview that allows the Zoning Board of Adjustment to approve/deny uses. Mrs. Bradstreet concurred. Mrs. Robertson noted that an Accessory Use could not exceed fifty (50) percent of the area a structure and/or lot on which the use is to be located.

Following discussions, members of the Board unanimously agreed that the proposed definition of "Recreational Facilities (Indoor or Outdoor)" and associated accessory uses remains as posted.

At this time, Mrs. Robertson offered six (6) additional amendments to omit reference to subsection Section II of the Ordinance. Amendments as follows:

- Amend 4-A.9.5 omitting reference to 2.1.D.10 so that it reads "Shall have the same meaning as in Section II of the Hopkinton Zoning Ordinance."
- Amend 3.7.3(a) omitting the words "paragraph 2.1.H.1" and adding the words "in the definition" so that it reads, "The use shall be carried out entirely within the dwelling or an accessory building located on the same premises as the dwelling, subject to the area limitations set forth in the definition of Home Business set forth in Section II."
- Amend 3.7.5 omitting the words "paragraph 2.1.T.1" and "as defined in Section II, paragraph 2.1.H.2" so that it reads, "In order for Telecommuting or a Home Occupation as defined in Section II to be conducted as a permitted use, the following conditions must be met."
- Amend 3.7.5(c) omitting the words "residential telephone lines" and adding the words "telecommunication services" so that it reads, "No outside structures not typically associated with telecommunication services shall be allowed unless such structures are otherwise permitted under this Ordinance."
- Amend 3.7.5(e) omitting the words "paragraph 2.1.H.1" so that it reads, "The use shall not constitute a Home Business, as defined in Section II."

Furthermore, as previously agreed, the uses listed in the Table of Uses 3.6 will be alphabetized and therefore renumbered.

Lastly, Chairman Ellsworth asked that Mrs. Robertson, with Mr. Sagris and Mrs. Wells' assistance, develop an executive summary of the proposed amendments for residents. Board members agreed, noting that the proposed amendments are intended to simplify and make the Ordinance user friendly.

VII. Adjournment. Clarke Kidder, seconded by Jane Bradstreet, moved to adjourn the public hearing at 6:48 PM. Vote by Roll Call: Wilkey – yes, Wells – abstain, Fredyma – yes, Bradstreet – abstain, Hemingson – yes, Kidder – yes, and Sagris – yes.

The Planning Board will hold a final hearing on Tuesday, January 26, 2021, at 6:00 PM via Zoom to receive public comments and vote on whether to move the proposed amendments forward to the voters in March.

Karen Robertson
Planning Director

Note: Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12, pursuant to Executive Order 202-04, the Planning Board was authorized to meet electronically. There was no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. In accordance with the Emergency Order, public access to the meeting by video and telephone was provided. All members of the Board had the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public had access to listen contemporaneously and, if interested, participate in the meeting through the website <https://zoom.us/j/94648647110> or by dialing the following phone # 1-929-205-6099 and using Meeting ID: 946 4864 7110. A mechanism for the public to alert the Board during the meeting if there were problems with access was provided.