



Town of Hopkinton Planning Department

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HOPKINTON PLANNING BOARD

MINUTES

JUNE 13, 2023

Members present: Chair Michael Wilkey, Vice Chair James Fredyma, Rob Dapice, Jane Bradstreet, Clarke Kidder, and Alternates Rich Steele and Emily Bouchard. Members absent: Ex-Officio Thomas Lipoma, and Greg Sagris. Staff present: Planning Director Karen Robertson.

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- I. Call to Order/Roll Call.** Chair Wilkey called the meeting to order at 5:30 PM in the Hopkinton Town Hall, 330 Main Street, Hopkinton.

With the Roll Call of the Planning Board, Chair Wilkey announced that Rich Steele and Emily Bouchard would participate as voting members.

II. Approval of Minutes and Notice of Decision.

Review of the Minutes and Notice of Decision was deferred to the July 11, 2023 meeting.

III. Conceptual Consultations.

T. F. BERNIER, INC., Briar Hill Road (Tax Map 240, Lot 51, R4 District): Review and comment on wetland crossing for a single-family residential driveway. The location for the driveway and wetland crossings are to be in the same location as an old woods road.

Tim Bernier of T.F. Bernier, Inc., 50 Pleasant Street, Concord, addressed the Board on behalf of Brayshaw Asset Management, LLC, to present plans of a proposed wetland crossing for driveway access to a future single-family residence off Briar Hill Road. Application has been made to the Zoning Board of Adjustment for the same in accordance with Section 12.7.2 (a) of the Zoning Ordinance. Before the Zoning Board of Adjustment reviews the application, the Planning Board and Conservation Commission must have an opportunity to review and comment on the proposal.

The Brayshaws own 121 acres that fronts along Briar Hill Road. An existing accessway has been used as a woods road since at least the 1920s. The proposal is to design a new driveway over the existing woods road. While other options were considered, it is believed that what is being proposed is the best location to minimize further impact on wetlands. There are two wetland crossings, with the first impacted area being 1,275 square feet and the second 4,630 square feet. Both areas are considered forested wetlands that tend to be dry in summer. Application to NHDES has been submitted for a Wetland Permit.

Approved: 08/08/2023I.

After discussion, the Planning Board thanked Mr. Bernier for his presentation, indicating they had no comments on the proposal.

IV. Applications/Public Hearings.

KATHLEEN JACOBS/DAVID MILLER, 289 Maple Street (Tax Map 102, Lot 94 & Tax Map 227, Lots 28 & 29), R1 District: Site Plan Review approval to host a summer evening agritourism event at Grounding Stone Farm. The event is to include a musician, a food vendor, and the opportunity to pick blueberries. Note: If determined that the application meets the submission requirements, the Planning Board will immediately hold a public hearing on the merits of the proposal.

David Miller of Grounding Stone Farm addressed the Board, explaining that he and his wife would like to expose the community to their organic blueberry farm. To accomplish this they propose a summer evening event tentatively on July 13 from 6:00 AM to 8:00 PM. People can listen to music, pick blueberries, or eat from a food vendor. There will be no alcohol.

There was a brief discussion concerning the local music artist traditionally playing Celtic music, using a food vendor/truck offering food during the event, and parking on the property with overflow parking available at HMC Corporation across the street. HMC Corporation has approved the use of its parking lot during the event. Road signage and volunteers will inform attendees where parking is located.

Lastly, Mr. Miller stated that neighbors adjacent to the farm have been spoken to and have approved the event. They have been made aware that the music will conclude by 8:00 PM. All adjacent neighbors have been invited to attend at no cost.

In response to a question concerning the possibility of rain, Mr. Miller noted that they had not decided whether to have a rain date or move the events inside the garage. If there is a rain date, he anticipates it to be July 16.

Denise Rico of the Northeast Organic Farming Association of New Hampshire addressed the Board, explaining how the association works with farms to help develop and operate agritourism opportunities to support the success of farming. Association members will be present for this particular event, assisting in any way possible. It is anticipated that there may be 30 vehicles with between 50 – 100 attendees. The association will reach out to the NHDOT and the Police Chief to ensure that they are involved.

MOTION Jim Fredyma, seconded by Rich Steele, to accept the application for consideration and as complete. Motion carried in the affirmative (Fredyma, Dapice, Bradstreet, Kidder, Steele, Bouchard, and Wilkey).

Chair Wilkey opened and closed the public hearing portion of the meeting as there was no public comment.

MOTION Jane Bradstreet, seconded by Clarke Kidder, to determine that the application is not a Development of Regional Impact. Motion carried in the affirmative (Fredyma, Dapice, Bradstreet, Kidder, Steele, Bouchard, and Wilkey).

MOTION James Fredyma, seconded by Jane Bradstreet, to approve the application with representations made being conditions of approval. Motion carried in the affirmative (Fredyma, Dapice, Bradstreet, Kidder, Steele, Bouchard, and Wilkey).

The Board's decision was based on the following findings:

- The pick-your-own blueberry farm, known now as Grounding Stone Farm, has existed for many years.
- Agriculture, Farm, Farming, as defined in the Zoning Ordinance, includes agritourism, which allows visitors to attend events and activities at the farm.
- Representations made concerning hours, parking, noise, and safety are conditions of approval.
- The Applicant will reapply for future events as approval is for a one-time event, as represented by the Applicant.
- Based on representations made and information submitted, the application meets the Zoning Ordinance and Site Plan Review Regulations requirements.

THOMAS M. MORIN REVOCABLE TRUST, 321 Briar Hill Road and Old Stagecoach Road (Tax Map 250, Lots 6 & 10), R4 District: Lot Line Adjustment involving properties owned by Thomas M. Morin Revocable Trust (Lot 10) and the Hopkinton Village Precinct (Lot 6). Note: If determined that the application meets the submission requirements, the Planning Board will immediately hold a public hearing on the merits of the proposal.

Chair Wilkey noted that the lot line adjustment was approved at the annual Hopkinton Village Precinct (HVP) meeting. HVP Commissioner Nick Casolaro confirmed.

Craig Francisco of Bedford Design Consultants, 592 Harvey Road, Manchester, addressed the Board to present the application. Mr. Francisco explained that the lot line adjustment aims to enlarge the depth of the Morin lot since it is currently an "L" shape. The area to be added to the HVP property is a watershed, a forested area that will be protected once owned by the HVP.

A brief discussion ensued concerning drinking water wells for the HVP and the 250-foot protected radius around both wells.

MOTION Clarke Kidder, seconded by Jane Bradstreet, to accept the application for consideration and as complete. Motion carried in the affirmative (Fredyma, Dapice, Bradstreet, Kidder, Steele, Bouchard, and Wilkey).

MOTION Jane Bradstreet, seconded by Jim Fredyma, to determine that the application is not a Development of Regional Impact. Motion carried in the affirmative (Fredyma, Dapice, Bradstreet, Kidder, Steele, Bouchard, and Wilkey).

Chair Wilkey opened the public hearing portion of the meeting for public comment.

Abutter Frank Lorenzo of 13 Old Stagecoach Road stated that when he purchased his property, he had been told that Lot 10 would not be built on. In response, Mr. Dapice appreciated the abutter's comments, noting that what one is told at the time of purchase is not something that the Planning Board has the authority to consider. Chair Wilkey concurred, recommending that Mr. Lorenzo speak of his concerns with the future buyers of Lot 10.

With no further public comment, Chair Wilkey closed public testimony.

MOTION James Fredyma, seconded by Jane Bradstreet, to approve the application as presented. Motion carried in the affirmative (Fredyma, Dapice, Bradstreet, Kidder, Steele, Bouchard, and Wilkey).

The Board's decision was based on the following findings:

- Adding land to Lot 6 will protect the HVP drinking water wells and watershed.
- Lot 10 complies with the acreage and frontage requirement for the R4 District.
- Based on representations made and information submitted, the application meets the requirements of the Subdivision Regulations.

THOMAS M. MORIN REVOCABLE TRUST, 50 Old Stagecoach Road (Tax Map 250, Lot 11), R4 District: Subdivision creating one new residential lot with frontage along Briar Hill Road. Note: If determined that the application meets the submission requirements, the Planning Board will immediately hold a public hearing on the merits of the proposal.

Craig Francisco of Bedford Design Consultants, 592 Harvey Road, Manchester, addressed the Board to present the application. Mr. Francisco explained a prior three (3) lot subdivision that was approved with the condition that a NHDES Wetland Permit be obtained for the driveway off of Briar Hill Road. The Applicant then applied to the NHDES for the Wetland Permit. During a review of the application, NHDES requested that the subdivision be redesigned, providing access to the Briar Hill Road lot alongside what was a new lot to the north, along Old Stagecoach Road. As a result, at the request of the Applicant, the three (3) lot subdivision was withdrawn.

Following the withdrawal, Mr. Francisco submitted a new application for a two (2) lot subdivision, which was approved. It included the same new lot to the north in the previous subdivision but did not include the Briar Hill Road lot. Since then, the lot to the north has been sold.

The owner proposes creating a 16.649-acre lot fronting Briar Hill Road as part of this subdivision. Again, NHDES approval of a Wetland Permit and Zoning Board of Adjustment approval of a Special Exception is required to cross a wetland to access the lot. Members of the Planning Board noted receipt of Zoning Board of Adjustment

(ZBA) approval is required before coming before the Planning Board. Mr. Francisco noted that the Planning Board.

During this time, a discussion ensued concerning the need for NHDES and ZBA approvals and whether the Planning Board could conditionally approve the subdivision.

Mr. Steele believed there to be a distinction between the Brayshaw wetland crossing and that of the Applicants, noting that the Brayshaw crossing will be along a woods road that has existed since the 1920s. The Applicant's proposal is a new impact on the wetland.

MOTION Jane Bradstreet, seconded by Jim Fredyma, to accept the application for consideration and as complete. With seven members voting, three voted in favor (Fredyma, Bradstreet, and Kidder), and four voted in opposition (Dapice, Steele, Bouchard, and Wilkey). Motion failed 3-4. ZBA approval is required before coming before the Planning Board.

Mrs. Bradstreet then recused herself from the review of the Saunders application.

ROBERT & KIMBERLY SAUNDERS, 2370 Hopkinton Road (Tax Map 240, Lots 12.1 & 12.2), R2/R3 District: Preliminary Review of a proposed Conservation Subdivision involving the resubdivision of lots to create one new residential lot.

Mr. Saunders addressed the Board, explaining that he had previously subdivided the property into three (3) lots, which included the former Woodbury residence, a vacant parcel adjacent to the Dearborn residence, and the lot where his residence is located. Mr. Saunders proposes to re-subdivide two of the lots creating one new lot.

In reviewing the preliminary plans, Mr. Saunders noted that while each lot will have frontage along Hopkinton Road, he intends to have each lot utilize the existing private drive he currently uses to access his residence.

The Planning Board asked Mr. Saunders to demonstrate that he could develop three (3) conventional lots to determine whether the same number of lots would be permitted in a conservation subdivision. In response, Mr. Saunders noted that he had prepared a yield plan but did not bring it to the meeting. He then stated that as part of the original three (3) lot subdivision, the Board agreed that, if need be, he could have a common drive to access his current home and the lot adjacent to the Dearborn property. Recently, he applied to the NHDOT for a driveway permit to access the vacant lot directly from Hopkinton Road but was denied because the State allows a limited number of curb cuts. Now, Mr. Saunders intends to access the lot from the existing private drive.

After a brief discussion concerning the number of lots and use of the common driveway, Mr. Saunders agreed to come back before the Board with a yield plan.

V. Other Business.

- a) Procedure for Zoning Amendments – A timetable for submitting proposed amendments, holding public hearings, and providing the final amendments to the Town Clerk was discussed. The Board agreed to take action to amend the Board's Rules of Procedure to include a procedure to amend zoning amendments.
- b) Update on Housing Committee – Rich Steele, Planning Board representative to the Housing Committee, provided a brief overview of the process undertaken to date.

VI. Adjournment. Chair Wilkey declared the meeting adjourned at 8:50 PM. The next scheduled meeting is at 5:30 PM on Tuesday, July 11, 2023.

Karen Robertson
Planning Director