



# Town of Hopkinton Planning Department

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

## HOPKINTON PLANNING BOARD

### MINUTES

**MAY 9, 2023**

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

- 
- 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 Planning Board member Celeste Hemingson decided not to accept reappointment. It was noted that Mrs. Hemingson had been a member of the Board for many years, beginning as the ex-officio when she was a member of the Select Board. All members thanked Mrs. Hemingson for her service, appreciating her contributions to the Board.

Rob Dapice agreed to move from alternate to a regular member of the Planning Board beginning in June.

**II. Approval of Minutes and Notice of Decision.**

**MOTION** James Fredyma, seconded by Rich Steele, to approve the April 11, 2023 Minutes. With seven members voting, six voted in favor (Lipoma, Fredyma, Sagris, Kidder, Dapice, and Wilkey), and one voted in abstention (Bradstreet).

**MOTION** James Fredyma, seconded by Rich Steele, to approve the April 11, 2023 Notice of Decision. With seven members voting, six voted in favor (Lipoma, Fredyma, Sagris, Kidder, Dapice, and Wilkey), and one voted in abstention (Bradstreet).

**III. Conceptual Consultations.**

Robert Saunders of 2370 Hopkinton Road presented conceptual plans of a proposed resubdivision, creating one new residential lot. The property had originally been purchased from Jane Bradstreet in 2008. The initial three-lot subdivision included one with the former Woodbury residence, a vacant lot between the Woodbury residence and the Dearborn residence, and the lot where the Saunders residence is located. The property consists of approximately 20 acres. As part of the resubdivision, Mr. Saunders is considering constructing a new town road utilizing the existing driveway or having all lots front on Hopkinton Road, with all lots sharing ownership of a common drive.

Mrs. Bradstreet recused herself from the Board since she is an abutter.

---

*Approved: 08/08/2023.*

A brief discussion ensued concerning the existing lot adjacent to the Dearborn residence and whether the NH Department of Transportation would grant driveway access from Hopkinton Road (Route 103), given that the number of curb cuts is limited.

A wetland crossing for the proposed new lot will be necessary as part of the subdivision. Mr. Saunders wasn't sure if he would span the wetland or request permission to go through the wetland by installing a culvert.

Also discussed was the steepness of the existing driveway, with the Town's road standards limiting slopes to 10%. Points along the existing driveway were estimated at 10.4 or 10.5%. The road length would be approximately 850 feet.

The Board thanked Mr. Saunders, recommending that he work with the Fire and Public Works departments. Mr. Saunders welcomed the Planning Board to drive up his driveway, noting that it is gravel, 18 feet wide.

Mrs. Bradstreet rejoined the Board.

#### **IV. Applications/Public Hearings.**

**CONTOOCCOOK HOLDINGS, LLC, 14 Park Ave (Tax Map 101, Lot 71), VB1 District:**

Amend Site Plan Review approval to host live entertainment (music) as an accessory use to the permitted restaurant (Riverside Pizza) at property owned by MMK, LLC.

Note: On April 11, 2023, the Planning Board granted Site Plan Review with conditions restricting the number of musicians, total weekly hours, and time of day. 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 Planning Board has the authority to revisit any decision within 30 days, which is the case with the application of Contoocook Holdings, LLC.

Planning Board member Greg Sagris recused himself from reviewing the application. Rich Steele became a voting member.

Steve Lux, Contoocook Holdings, LLC member, asked the Planning Board to reconsider its April 11, 2023 conditions. In response, Mr. Dapice explained that at the April 11, 2023 meeting, he had proposed approval of the application with the above conditions. Following action on the application, the Planning Board reviewed the next scheduled application for the same request. During the review, the Board talked through the noise restrictions in the Noise Ordinance and agreed that the Ordinance provided sufficient control. Logically the vote on the second application should apply to this application. As a result, the Applicant is back before the Board.

Rich Steele concurred with Mr. Dapice that the same conclusion for the second application reviewed on April 11 should apply to Mr. Lux's application. Noise issues can be addressed by the Police when it comes to nuisance and the Town by way of the Noise Ordinance.

James Fredyma also concurred, stating that the decisions for both applications should be the same.

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

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

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

There was a brief discussion about the Summer Concert Series with Mrs. Robertson explaining that the Select Board authorizes activities on town property.

**MOTION** Rich Steele, seconded by James Fredyma, to approve the application as presented with the understanding that entertainment shall not occur more than fifty (50) percent of the time when the restaurant is open. Motion carried in the affirmative (Lipoma, Fredyma, Kidder, Steele, Bradstreet, Dapice, and Wilkey).

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

- Entertainment is an accessory activity referenced in Section II and permitted in Table of Uses 3.6.H.11 of the Zoning Ordinance.
- Entertainment as an accessory activity shall not occur more than fifty (50) percent of the time when the restaurant is open.
- The application meets the Site Plan Review Regulations based on the information submitted and representations made at the April 11, 2023 meeting.

Regular member Greg Sagris rejoined the Board replacing Alternate Rich Steele.

**TF BERNIER, INC. Gould Hill Road / Briar Hill Road (Tax Map 240, Lot 51), R2 / R4 District:** Two (2) lot subdivision, with one new lot to be created, of property owned by Brayshaw Asset Management, LLC. 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.

Mr. Bernier presented plans of the proposed subdivision creating one (1) new 20-acre residential lot fronting off Gould Hill Road. The remaining 121 acres will have frontage along Briar Hill Road. Both lots exceed the 300-foot frontage requirement. The wetlands were mapped, and a significant amount of uplands are available on both lots. The existing Briar Hill Road drive was a logging path used during forestry activities. Mr. Bernier will return to the NH Department of Environmental Services for permission to upgrade the driveway for use by a single-family home in areas that cross wetlands. The driveway needs to be widened to comply with the NFPA requirements.

A brief discussion ensued concerning the steep slope at the crest of Gould Hill Road with Mr. Bernier explaining that the slope is 25%, a 250-foot vertical drop.

**MOTION** Jim Fredyma, seconded by Greg Sagris, to accept the application for consideration and as complete. Motion carried in the affirmative (Lipoma, Fredyma, Kidder, Sagris, Dapice, Bradstreet, and Wilkey).

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

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

Abutter David White of Briar Hill Road inquired about the potential for development to occur in the wetlands behind his home. Mrs. Robertson and Mr. Bernier explained that current local and State regulations prohibit development in wetlands.

Mr. White then inquired about the driveway impacting the wetland. In response, Mr. Bernier explained that an existing driveway crossing through the wetlands has been in place for many years. The proposal is to utilize the same path as a driveway to a new single-family residence. If approved by NHDES, the wetland crossing will be improved by the installation of culverts.

Resident Bonnie Christie of 302 Smithfield Road questioned why the owner had timbered almost all of the 121 acres. Mr. Bernier assumed that the owner wanted to create fields.

Abutter Doreen Casey of 905 Briar Hill Road spoke of the noise caused by the cutting and the length of time that the cutting occurred.

Abutter Cathy Leaver of 905 Briar Hill Road inquired about the extent of the subdivision as she believed the mapping of wetlands had taken place behind her home, located further down the road. In response, Chair Wilkey noted that the proposal before the Board is for a two (2) lot subdivision.

**MOTION** Jim Fredyma, seconded by Greg Sagris, to approve the application as presented. Motion carried in the affirmative (Lipoma, Fredyma, Kidder, Sagris, Bradstreet, Dapice, and Wilkey).

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

- The lot before the subdivision consisted of 141 acres with frontage on Gould Hill Road and Briar Hill Road.
- The new residential lot in the R2 District contains 20 acres with over 300 feet of contiguous frontage along Gould Hill Road.
- The remaining 121 acres with over 300 feet of contiguous frontage along Briar Hill Road is for residential purposes.

- The application meets the requirements of the Subdivision Regulations based on the information submitted and representations made.

## **V. Public Hearings – Subdivision Regulations.**

Pursuant to RSA 675:6 & 7, the Planning Board held a public hearing to amend Section I General Provisions by omitting subsection 1.3, Jurisdiction, from the Hopkinton Subdivision Regulations. Subsection 1.3 comprises an older version of the Planning Board's Rules of Procedure. Note: On February 14, 2023, the Planning Board adopted new Rules of Procedure, which will remain a stand-alone document on the Town's website and at the Office of Planning & Building.

Chair Wilkey opened and closed the public hearing portion of the meeting as no one was present wishing to give public testimony.

**MOTION** Jane Bradstreet, seconded by Greg Sagris, to amend the Subdivision Regulations by omitting subsection 1.3, Jurisdiction. Motion carried in the affirmative (Lipoma, Fredyma, Kidder, Sagris, Bradstreet, Dapice, and Wilkey).

## **VI. Other Business.**

- a) Economic Development Committee (EDC) to present recommended zoning amendments for 2024: Economic Development Director Anna Wells, Economic Development Committee Chair Stephen Whitley, and Committee members Louise Carr, Greg Sagris, and Jim Fredyma thanked the Planning Board for their continued dialog.

Both the Planning Board and Economic Development Committee discussed broadening the housing base and offering more variability and flexibility in the type of housing stock. In particular, the EDC recommends expanding the Commerce and Community Overlay District (CCOD) to several other locations, such as Exit 6, Hart's Corner, and Burnham Intervale. Ms. Wells reviewed what she believed to be beneficial changes.

Resident Bonnie Christie addressed the Board, clearly stating that while she is a member of the Conservation Commission, she is not speaking for the Commission. Ms. Christie expressed concern with Lots 8 and 9 at the end of Burnham Intervale Road. Ms. Christie discussed the recent completion of the Natural Resource Inventory, which shows these lots within the floodplain and as prime farmland with soils to support agriculture. These lots are currently being used for agricultural purposes. In addition, the lots are ranked highest for wildlife habitat in the State. She suggested that the CCOD not include these properties and recommended that the Planning Board wait until the Housing Committee completes their charge before making zoning changes.

Following discussions, Chair Wilkey explained the Planning Board's efforts to bring everyone together when reviewing proposed zoning amendments. The Planning Board will discuss developing a formal procedure for reviewing zoning

amendments, including a timetable and comments period by boards and committees. Chair Wilkey thanked everyone present, noting that the proposed amendments will be sent to boards and committees for comments before the Planning Board schedules a public hearing.

b) Election of Chair and Vice Chair.

**MOTION** Clarke Kidder, seconded by Jane Bradstreet, to nominate Michael Wilkey as Chair of the Planning Board. Motion carried in the affirmative (Lipoma, Fredyma, Kidder, Sagris, Bradstreet, Dapice, and Wilkey).

**MOTION** Jane Bradstreet, seconded by Clarke Kidder, to nominate Jim Fredyma as Vice Chair of the Planning Board. Motion carried in the affirmative (Lipoma, Fredyma, Kidder, Sagris, Bradstreet, Dapice, and Wilkey).

**VII. Adjournment.** Chair Wilkey declared the meeting adjourned at 8:40 PM. The next scheduled meeting is at 5:30 PM on Tuesday, June 13, 2023.

Karen Robertson  
Planning Director