



Town of Hopkinton Planning Department

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HOPKINTON PLANNING BOARD

MINUTES

AUGUST 8, 2023

Members present: Chair Michael Wilkey, Vice Chair James Fredyma, Ex-Officio Thomas Lipoma, Jane Bradstreet, Clarke Kidder, and Alternates Rich Steele and Molly Hardenbergh. Members absent: Emily Bouchard and Rob Dapice. 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, NH. With the Roll Call of the Planning Board, Chair Wilkey designated Alternates Rich Steele and Molly Hardenbergh as voting members and declared a quorum present.

Chair Wilkey announced that Planning Board member Greg Sagris had recently resigned due to his limited availability. Mr. Sagris recently expanded his business and is now consulting in the Bahamas. Board members thanked Mr. Sagris for his participation on the Board.

II. **Conceptual Consultations.**

Ron Klemarczyk addressed the Board as a Hopkinton Conservation Commission and Trails Committee member to discuss plans to create a pedestrian trail from Kearsarge Avenue to the Houston Fields, Library, and Slusser Center.

Several years ago, the Town acquired land on Kearsarge Avenue across from the former St. Mary's Church. Recently, TDS Telecom donated abutting land to the Town consisting of the old railroad right-of-way, which now connects Kearsarge Avenue to Houston Fields.

Friends of the Concord-Sunapee Rail Trail obtained a grant for the construction of the trail, which will include the cost of tree removal, re-establishing ditches, resurfacing the rail bed, and creating the trail from the rail bed to the kiosks and parking lot east of the Town Library. It is anticipated that the new trail has the potential to reduce vehicular traffic, allow users of the trail easy access to businesses, and provide a safer connection between the Middle High School and Houston Fields. The Conservation Commission, Economic Development Committee, and Recreation Department support the project.

The Town will obtain a wetland permit from the New Hampshire Department of Environmental Services (NHDES) as part of the project. However, a permit under the

Approved: 09/12/2023.

Wetland Conservation Ordinance will not be necessary as the Town is exempt from its ordinances.

The Planning Board thanked Mr. Klemarczyk for his presentation, indicating that they had no comments or concerns.

III. Review of Minutes and Notice of Decision.

MOTION Clarke Kidder, seconded by Jane Bradstreet, to approve the May 9, 2023 Minutes. Motion carried in the affirmative (Fredyma, Lipoma, Bradstreet, Kidder, Steele, Hardenbergh, and Wilkey).

MOTION Jane Bradstreet, seconded by Rich Steele, to approve the May 9, 2023 Notice of Decision. Motion carried in the affirmative (Fredyma, Lipoma, Bradstreet, Kidder, Steele, Hardenbergh, and Wilkey).

MOTION Rich Steele, seconded by James Fredyma, to approve the June 13, 2023 Minutes. With seven members voting, six voted in favor (Fredyma, Bradstreet, Kidder, Steele, Hardenbergh, and Wilkey), and one voted in abstention (Lipoma)

A review of the June 13, 2023, Notice of Decision was postponed due to needed corrections.

MOTION James Fredyma, seconded by Rich Steele, to approve the July 11, 2023 Minutes. With seven members voting, four voted in favor (Fredyma, Steele, Hardenbergh, and Wilkey), and three voted in abstention (Lipoma, Kidder, and Bradstreet).

IV. Conceptuals. There were none.

V. Applications/Public Hearings.

THOMAS M. MORIN REVOCABLE TRUST, 50 Old Stagecoach Road (Tax Map 250, Lot 11), R4 District: Craig Francisco of Bedford Design Consultants addressed the Board on behalf of Mr. Morin to present plans of a proposed subdivision creating one new 13.01 acre residential lot with 300 feet of frontage along Briar Hill Road. The remaining 6.75 acre lot has 271 feet of frontage along Briar Hill Road and 858 feet along Old Stagecoach Road. The remaining acreage will contain the existing residence and accessory buildings.

A brief discussion ensued concerning the need to cross wetlands on the new lot, with Mr. Francisco explaining that the NHDES granted a Wetland Permit. A condition of approval is the requirement of a 35 foot no-cut buffer along the wetlands, shown on the plans before the Planning Board.

As a result of the Zoning Board of Adjustment not granting a Special Exception to install a culvert in the wetlands for drive access, the Applicant now intends to span the wetlands by approximately eight feet. Spanning the wetlands does not require

permitting from the State or the Town. The plan includes a note indicating that "the driveway for Lot 11.03 will span the wetlands and will not impact the wetlands unless all the necessary permits are obtained."

Mr. Steele inquired about the differences between a span and a bridge. Mr. Francisco indicated they are very similar. A span is usually much smaller and usually made of precast concrete.

MOTION Jane Bradstreet, seconded by Clarke Kidder, to accept the application for consideration and as complete. Motion carried in the affirmative, with six members voting in the affirmative (Lipoma, Bradstreet, Kidder, Steele, Hardenbergh, and Wilkey) and one voting in opposition (Fredyma).

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, Lipoma, Bradstreet, Kidder, Steele, Hardenbergh, and Wilkey).

Chair Wilkey opened public testimony.

Abutter Keith Crawley of 483 Briar Hill Road spoke in favor of the application.

Non-abutter Robert Saunders of 2370 Hopkinton Road noted that the Applicant does not have to comply with the no-cut buffer requirement of NHDES since they no longer plan to impact wetlands.

With no one wishing to provide further testimony, Chair Wilkey declared public testimony closed.

Board members questioned whether the span could support a fire truck. Mr. Lipoma noted that the span would need to support concrete trucks when the house is under construction. If the application is approved, a motion should include a condition recognizing the need to comply with fire safety standards.

MOTION James Fredyma, seconded by Jane Bradstreet, to approve the application with the condition that the span of the wetland comply with fire safety standards. Motion carried in the affirmative (Fredyma, Lipoma, Bradstreet, Kidder, Steele, Hardenbergh, and Wilkey).

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

- Lots 11 and 11.03 comply with the acreage and frontage requirement for the R4 District.
- The driveway for Lot 11.03 will span the wetlands unless all necessary permits are obtained to impact the wetlands.
- A 30-foot, no-cut, no-disturb forested buffer will be maintained along the wetlands of the tributary to Dolfe Brook. Placards will be installed, marking the area as a 'protected stream buffer – no cutting/no disturbance.'
- Based on representations made and information submitted, the application meets the requirements of the Subdivision Regulations.

Mrs. Bradstreet recused herself from reviewing the application of Robert and Kimberly Saunders since she is an abutter.

ROBERT & KIMBERLY SAUNDERS, 2370 Hopkinton Road (Tax Map 240, Lots 12.1 & 12.2), R2/R3 District: Robert Saunders presented plans of a proposed Conservation Subdivision involving the resubdivision of lots to create one new residential lot. While each lot will have frontage along Hopkinton Road, all three lots will utilize the existing private drive permitted by the NH Department of Transportation (NHDOT) to access the Saunders residence. A homeowners association will be established to maintain the driveway and the conservation areas. The documents have yet to be finalized by the Saunders' attorney.

Mr. Saunders was aware of comments by the Fire Chief and had no objections to the conditions required by the Fire Chief concerning the driveway. See the attached letter to the Planning Board from Fire Chief Jeffrey Yale indicating that he had visited the site and has no objects to the use of the existing private drive; however, he requested the following conditions:

- 1) "Trees and stumps on the left side of the shoulder are to be removed, and the road widened to be consistent from Hopkinton Road to where the two proposed driveways turn off."
- 2) "The brush on the left side of the road shall be cut and maintained to the other side of the ditch area."
- 3) "On the two new driveways off of the roadway [private drive], the entries shall be constructed in such a manner as to accommodate turning fire apparatus and also to be used as a turnaround for backing or pumping operations; a wider, flatter surface than a normal entryway to a driveway is what shall be required on both driveways or other turnarounds will be required. I would like to reserve the right to inspect such work as it is being constructed."
- 4) "The grade of the road shall be smoothed as proposed for the first 900 feet to remove humps for an easier approach to the grade."
- 5) "Also, I think it prudent to have a road grading and brush-cutting covenant as part of the HOA to maintain accessibility in the future."

During this time, the Planning Board reviewed with Mr. Saunders a "Summary Review" provided by Planning Director Karen Robertson concerning the proposal (see attached). In response, Mr. Saunders noted that the suggestion to relocate the lot line between Lots 12.1 and 12.2 so that the line is in the center of the private drive would significantly reduce the area of the drive owned by Lot 12.1. The intent of the current design is so that each lot owns an equal portion of the private drive.

Mr. Lipoma asked why the lot lines crisscrossed the existing private driveway. Mr. Saunders replied that it was designed that way at the recommendation of his attorney. Each lot owner will own an interest and, therefore, must maintain the drive.

Mr. Lipoma asked Mr. Saunders if he could redesign the subdivision to relocate the existing driveway to Lot 2.2. In response, Mr. Saunders reserved the right to configure the lots as shown on the plan.

A brief discussion ensued concerning whether the application as submitted should be accepted for consideration and as complete or whether Mr. Saunders might want to withdraw the application to allow time to redesign the proposal. In response, Mr. Saunders indicated that for the past three months, he had presented conceptual plans before the Planning Board and received no indication that a redesign would be necessary. He believed that the application as presented was complete, asking the Board to take action to either accept or not accept the application.

MOTION Rich Steele to not accept the application for consideration and as complete for the reason that many items listed in the "Summary Review" were missing from the plan or not submitted with the application. Items include the lack of a surveyor's signature and stamp on the plan, the violation of the Conservation Subdivision Ordinance by allowing the withdrawal of the open space land as referenced in Article XI, Section II of the HOA document, and the lack of submittal of the Declaration of Protective Covenants, and deed for the open space. There was no second to Mr. Steele's motion.

Board members discussed information to be shown on the plan as follows:

- 1) The building envelopes on each lot, including the existing residence, will be shown. Building envelopes cannot be located with a setback buffer and shall be separated from one another by a distance of 120 feet;
- 2) The bearings for the frontage of Lots 12.2 and 12.3;
- 3) The acreage for each lot is to be clearly indicated, excluding the open space and wetlands;
- 4) A 100-foot vegetated buffer between new structures and Hopkinton Road;
- 5) An undisturbed, vegetated buffer of at least 25' width around the wetlands should be shown on the plan and marked in the field;
- 6) The open space is to be clearly defined, showing bearings, distances, upland, wetland, and total acres;
- 7) Surveyor's stamp and signature, and
- 8) Removal of plan note indicating "preliminary subject to change."

Other information required:

- 1) Open space management plan that includes the information outlined in subsection 8.9.6.e of the Zoning Ordinance and

- 2) Documentation of the method of control of open space and the protection of buffers, including deeds, declaration of covenants, and homeowner association documents.

MOTION Thomas Lipoma, seconded by James Fredyma, to accept the application for consideration and as complete. With six members voting, three voted in favor (Kidder, Lipoma, Fredyma), two voted in opposition (Steel and Wilkey), and one voted in abstention (Hardenbergh). The motion passed.

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

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

MOTION Thomas Lipoma, seconded by Rich Steele, to table the application of Robert and Kimberly Saunders to the Tuesday, September 12, 2023, Planning Board meeting so that the Applicant can revise the plan and provide additional information. Motion carried in the affirmative (Fredyma, Lipoma, Kidder, Steele, Hardenbergh, and Wilkey).

At this time, Jane Bradstreet re-joined the Board for the remainder of the meeting.

ST. METHODIOS FAITH & HERITAGE CENTER, 329 Camp Merrimac Road (Tax Map 202, Lot 8), R2/R3 District: Michael Sintros and Gordon Bristol addressed the Board on behalf of St. Methodios Faith & Heritage Center for Site Plan Review to construct a gymnasium for indoor recreation activities associated with the existing camp program.

Mr. Bristol explained that for over twenty-five years, the Methodios camp has taken place off Camp Merrimac Road, and the mission has not changed as it is still a religious, non-profit, non-rental center. As a result of generous benefactors, they can now construct a gymnasium for use by the campers during inclement weather. Activities will include basketball, kickball, soccer, or it could also be used as a space for non-sport activities.

Mr. Bristol stated that they have received all necessary State permits and hope to begin construction immediately, with the completed facility in use by next Summer. During construction, they intend to keep the gravel road watered down to limit the dust. In addition, they will provide contact information to the abutters so that they can reach out with concerns during construction.

Board members and the Applicant's representatives discussed the proposed exterior lighting of the facility and parking area, agreeing that all lighting will be directed downward in compliance with the Town's Lighting Ordinance.

Chair Wilkey inquired about the use of the facility by the campers rather than being open for use by the general public, including the Town. Mr. Bristol and Mr. Sintros both indicated that the facility is being constructed for use by the campers.

Mr. Sintros provided the Board with the original “Statement of Use” agreement entered into when the owners were before the Zoning Board of Adjustment to construct the Retreat Center. The understanding is that the facility is to be used by religious or non-profit organizations. St. Methodios cannot collect rental fees for the facility but can recoup costs associated with the use. Following discussion, Planning Board members agreed that the owners would be held to the same standards as what was initially agreed upon when the Retreat Center was constructed.

Mr. Kidder inquired about references on the plan for a future shop and garage. Mr. Bristol explained that as part of the AoT permit, he recommended that the future shop and garage be shown on the plans. There are no immediate plans for construction.

A brief discussion ensued concerning the design and layout of the parking and their intentions to pave the parking area. Following a discussion about whether 44 parking spaces are necessary and the amount of impervious surface being created, Mr. Bristol agreed to look at alternatives to paving, such as permeable pavers with grass growing between the pavers. Mr. Sintros stated that, if necessary, they would reduce the number of parking spaces; however, with at least 200 camp kids and staff, they will utilize the parking.

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

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

Chair Wilkey opened public testimony.

Abutter Thomas Bell of 91 Robertson Road, Henniker, opposed continuing development in the area. While he appreciates Mr. Sintros's work at the property, he stated that ever since the camp has expanded, they have had continuous problems with the noise. The campers use loudspeakers, and their music is louder than normal. Mr. Bell stated that he lives two miles from the camp and can hear the music when standing outside their garage, which Mr. Bell stated is not acceptable. He stated that efforts need to be made to mitigate all noise from the property that occurs at all hours.

Lastly, Mr. Bell questioned whether live music is permitted at the property, noting that a Greek folk music festival was held. In response, Chair Wilkey stated that to have live music, Planning Board approval is required. Again, Mr. Bell stated he opposed any property expansion as what presently exists has “destroyed the peaceful nature” of the surrounding properties.

Non-abutter Katherine Mitchell of 1677 Bound Tree Road advised that she lives one mile through the woods from St. Methodios' property. She, too, can hear the loud music from her property.

Sherry Myers, representing Karen and James Harman, owners of a cottage at 176 Camp Merrimac Road, addressed the Board, explaining that the Harmans are descendants of the Cloughs, who have been in the area since 1823. The family has seen many changes to what is now St. Methodios's property, which includes partying, yelling, noise, and speeding traffic. The Harmans are concerned with the future use of the property.

Lastly, Ms. Myers inquired about the need for 44 parking spaces and the impervious surface.

In response to Ms. Myers's comments, Mr. Bristol stated, if necessary, that he is willing to come back before the Planning Board to reduce the number of parking spaces. Furthermore, he will encourage his clients to eliminate the pavement and instead install gravel or composite-type lawn squares.

Abutter Craig Bland of 554 Camp Merrimac Road stated that the activities at the property most directly impact him. To get to Mr. Bland's residence, he has to drive through St. Methodios's property. The private road (right-of-way) used by himself and St. Methodios is gravel. Mr. Bland explained how each year, he has to bring in fill to repair the damage to the road due to the activities taking place at St. Methodios. A recent example of damage to the road is when the trees were cleared from the property and dragged along the private road. St. Methodios has not made repairs to the road.

Lastly, Mr. Bland stated that there are many times when he has to wait an hour on the road because an event is taking place at St. Methodios' property that blocks the road.

Abutter Maureen Bland of 554 Camp Merrimac Road advised of an event last weekend that impacted her ability to leave her property. Mrs. Bland expressed frustration with the inability to pass through St. Methodios' property to enter and exit her property.

In response to concerns raised by the Blands, Mr. Bristol stated that he would have pre and post-construction pictures taken of the private road to ensure that the construction project does not negatively impact the road.

With no one wishing to provide further testimony, Chair Wilkey declared public testimony closed.

The Board briefly discussed the number of parking spaces and the fact that the spaces would be more utilized by people dropping off and picking up day campers. Following discussion, the Board agreed that the number of parking spaces should remain.

Mrs. Hardenbergh asked Mr. Sintros what he meant when he referred to religious and non-profit groups' use of the facilities. In other words, are the groups related to St. Methodios, and would they be sleeping at the property? The answer would help to understand the potential for traffic caused by using the gymnasium. In response, Mr. Sintros again referred to the "Statement of Use" previously agreed upon with the Zoning Board of Adjustment. The intent is to not restrict the use to our members (Greek

Orthodox Church) but rather allow any religious or non-profit organization to utilize the facility.

Following discussion as to the use of the facility, the Board agreed that, if approved, the Applicant is subject to the “Statement of Use” in effect on August 8, 2023, and any use not included would have to come back before the Planning Board for approval. Mr. Fredyma noted that the gymnasium will have one bathroom and no shower, which would limit the extent of use of the facility.

A brief discussion ensued concerning the hours for use of the gymnasium, with members recognizing that the camp is open all night and there is no restricted time for other camp events. For example, there is no time limit for playing soccer outdoors. Therefore, the Board did not believe it would make sense to restrict the time the gymnasium is used.

While the Board recognized the neighbors' concerns about the condition (maintenance) of the right-of-way, the Board understood that the issue is a private matter between the Blands and St. Methodios.

MOTION James Fredyma, seconded by Jane Bradstreet, to approve the application with the following conditions:

- 1) The Applicant maintains the private road (right-of-way) from the end of the Town road to the end of the right-of-way across St. Methodios's property;
- 2) All life/fire safety requirements of the Fire Department be satisfied;
- 3) At the time of submittal of an application for a Building Permit, the Applicant must make the Planning Department aware of any alternative surface product to be used in the parking lot;
- 4) Approval is based on the “Statement of Use” in effect on August 8, 2023, and
- 5) The Applicant is to provide a lighting plan to the Planning Director to review for compliance with the Lighting Ordinance. The Planning Director can require the Applicant to return before the Planning Board for lighting review if necessary.

Motion carried in the affirmative (Fredyma, Lipoma, Bradstreet, Kidder, Steele, Hardenbergh, and Wilkey).

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

- The “Statement of Use,” in effect on August 8, 2023, indicates that the use of the property is to be by religious and non-profit organizations only and must not include a rental fee.
- Campers at St. Methodios Faith and Heritage Center will primarily use the gymnasium.
- The Applicant must maintain the existing private road (right-of-way) from the end of the Town road to the end of the right-of-way across their property.
- Based on representations made and information submitted, the application meets the requirements of the Site Plan Review Regulations.

Thomas Lipoma left the meeting at 8:45 PM.

VI. Other Business.

- a) Zoning Amendments: The Open Space Committee and Conservation Commission received copies of amendments proposed by Economic Committee Director Anna Wells on behalf of the Economic Development Committee. Review and comments should be available for the Board's September meeting.

Planning Director Karen Robertson anticipates submitting a proposed amendment to the "front lot line" definition and a rewrite of Section XV Zoning Board of Adjustment of the Zoning Ordinance.

Proposed amendments must be submitted no later than the first business day in September.

- b) Housing Committee Update: There was no new information.

VII. Adjournment.

Chair Wilkey declared the meeting adjourned at 9:05 PM. The next scheduled meeting is at 5:30 PM on Tuesday, September 12, 2023.

Karen Robertson
Planning Director