



Town of Hopkinton Planning Department

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HOPKINTON PLANNING BOARD MINUTES MAY 10, 2022

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

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- I. **Call to Order.** Chairman Wilkey called the meeting to order at 6:00 PM in the Hopkinton Town Hall, 330 Main Street, Hopkinton. Due to the absence of a regular member, Mr. Dapice sat as a voting member.
 - II. **Roll Call.** Fredyma – present, Steele – present, Hemingson – present, Lipoma – present, Sagris – present, Bradstreet – present, Dapice – present, and Wilkey – present.
 - III. **Conceptual Consultations.** Rick MacMillian of 1584 Maple Street inquired about the required depth for a lot to be created in the R3 zoning district. In response, the Board informed Mr. MacMillian that lots in the R3 district must have a minimum of 2.75 acres, 300 feet of frontage, and 200 feet of depth. In addition to Planning Board approval, lots to be created that are less than five acres must receive NHDES Subdivision Approval. Mr. MacMillian thanked the Board for their time and explained that he might be back before the Board to subdivide, creating one new lot.
 - IV. **Applications/Public Hearings.**

#2022-03 Deborah Follansbee Site Plan Review to operate a nature-based preschool program at property owned by Patricia and Joab Owen (Owen Farm), 580 Brockway Road, Tax Map 266, Lot 26.1, R-4 district.

Mrs. Follansbee of District 5 Road, Concord, addressed the Planning Board and explained that she has experience in operating a childcare center. The childcare program proposed at the Owen Farm will be a nature-based preschool program that will operate three days a week (Tuesdays, Wednesdays, and Thursdays) between 8:00 AM – 12:30 PM for children ages 3 – 6 who are not in a full-day school program. The estimated group size is 10 – 12 children.

During inclement weather, the children will use the existing yurt where there is a composting toilet. In addition, a large water container will be available for handwashing. The State of NH will license the preschool program and require that the Health Officer and Fire Chief inspect and approve the location before issuing a license.

While anticipating an increase in traffic, possibly 10-vehicles, Mrs. Follansbee stated that the traffic should not create congestion in the area. Children will be dropped off at 8:00 AM and picked up at 12:30 PM in the circular driveway.

As part of their safety measures, Mrs. Follansbee is considering using walkie-talkies. Additionally, at the request of the Fire Chief, when not at the yurt, a sign will be posted giving them notice as to where they are on the property. Furthermore, the yurt will have smoke and carbon monoxide detectors, a fire extinguisher, and an exit sign.

At their May 3, 2022 meeting, the Zoning Board of Adjustment approved a Special Exception to operate the preschool program with a maximum of 12 preschool children plus five (5) children enrolled in a full-day school program, subject to all local, state and federal licensing requirements.

Mr. Sagris inquired whether there is a need for an owner/operator of a home daycare to reside at the property. A brief discussion ensued, with Mrs. Robertson advising that the Zoning Board of Adjustment (ZBA) discussed the issue. The ZBA's opinion is that the Applicant does not need to live at the property, noting that if residing at the property was a factor, there would be language in the Ordinance indicating so, similar to a Home Business.

Celeste Hemingson, seconded by James Fredyma, moved to **ACCEPT** Application #2022-03 as complete and for consideration. Motion carried in the affirmative (Fredyma, Hemingson, Lipoma, Sagris, Bradstreet, Daprice, and Wilkey).

Chairman Wilkey opened and closed the public hearing portion of the meeting as there were no public comments.

Greg Sagris, seconded by Jane Bradstreet, moved to **APPROVE** Application #2022-03 with waivers granted from requiring full-scale sheets of the site plan and elevation views of all buildings. Motion carried in the affirmative (Fredyma, Hemingson, Lipoma, Sagris, Bradstreet, Daprice, and Wilkey).

#2022-04 Cedar Street Holdings, LLC Site Plan Review and Architectural Design Review of restaurant and parking modifications, including a deck and patio for outdoor dining, 16 Cedar Street, Tax Map 101, Lot 18, VB-1 district.

The Planning Board did not review the application because the Applicant will need approval from the Zoning Board of Adjustment for changes to the proposed deck.

- V. Master Plan Public Hearing.** The Chairman opened the Master Plan public hearing by explaining the Board's process with the Central NH Regional Planning Commission on the comprehensive update to the Town's Master Plan.

The purpose of the hearing was to receive public comments on the following five chapters of the Master Plan. Vision, Housing, Economic Base, Transportation, Existing and Future Land Use.

Bonnie Christie asked the Board to consider including a "land acknowledgment" paragraph as part of the Master Plan. She noted that many documents include such language. Ms. Christie read the acknowledgment used by the Hopkinton Historical Society.

"We are on the land which has long served as a site of meeting and exchange among indigenous peoples for thousands of years and is the home of the Western Abenaki People. We honor, recognize and respect these peoples, especially the Abenaki, as the traditional stewards of the lands and waters on which we gather today. In that spirit, today we will begin by acknowledging that we are guests in this land. We need to respect and help protect the lands within our use."

Following a brief discussion, the Board agreed to include similar language in the Master Plan.

The Planning Board and Ms. Christie reviewed the Vision and Housing chapters making typographical corrections and wording revisions to improve language. As a result, there will be a second public hearing on Tuesday, June 14, 2022.

VI. Review of Meeting Minutes and Notice of Decision

James Fredyma, seconded by Jane Bradstreet, moved to **APPROVE** the Minutes of April 12, 2022. Motion carried in the affirmative (Fredyma, Hemingson, Lipoma, Sagris, Bradstreet, Daprice, and Wilkey).

VII. Other Business.

- a) Voluntary Merger, Tax Map 101, Lots 18 & 19 – The item was listed in anticipation of receipt of a request for the merger, which had not occurred.
- b) Rules of Procedure (Draft) – The Board agreed to review the draft revisions to the Board's Rules of Procedure at the June 14, 2022 meeting.
- c) Meeting Schedule Changes – The Board briefly discussed changes in meeting start times to accommodate members' daytime schedules. As a result, beginning in June, the Planning Board will start all meetings at 5:30 PM.
- d) Wetlands Overlay Ordinance Working Group – Mrs. Robertson and Chair Wilkey provided a brief update on the working group's meeting and the potential revisions to the Ordinance.
- e) Workforce Housing – Rob Daprice is scheduled to review with the Planning Board New Hampshire's Workforce Housing statute and discuss Hopkinton's ordinances and regulations and whether Hopkinton provides a "reasonable and realistic opportunity" for the development of affordable housing. The presentation will be at 6:00 PM on Wednesday, May 18, 2022, at the Town Hall.
- f) Class VI Road (Bound Tree Road) Comments – At the request of the Select Board, the Planning Board discussed and commented on the "desirability of granting a building permit" on Lot 10, shown on Tax Map 204. Comments were as follows:

1. Building on a Class VI road would be inconsistent with the Town's Master Plan, which references the following:
 - (a) Class VI roads are a major component of Hopkinton's rural character.
 - (b) Class VI roads are considered a strength and provide opportunities, whereas the elimination of Class VI roads is a concern of residents.
 - (c) Class VI roads can be candidates for the designation of Class A trails because they have little or no development associated with them, are scenic, and connect large areas of open space, conservation, forestry, and agricultural lands.
 - (d) Class VI roads are an important component of the Town's infrastructure because they are a part of the Town's rural character and provide considerable recreational opportunities.
 - (e) The Town should explore the use of Class VI roads as greenways, trails, and wildlife corridors.
2. Beyond the Class V portion, Bound Tree Road is narrow with steep slopes and, unless upgraded, may make it difficult for emergency vehicles to reach the property. This could create the necessity for the Town to maintain the road as an Emergency Lane;
3. Lack of improvements or maintenance to the Bound Tree Road may increase the Town's liability exposure;
4. The current or future owner(s) may decide to increase the intensity of the residential use or change the use to another use permitted by right or by Special Exception. Uses in the R-3 district include Accessory Dwelling Units, home businesses, home-based childcare facilities, bed and breakfast Inns, private schools, daycare centers, recreation facilities/activities, seasonal greenhouse, or farmstands selling goods. The traffic caused by these uses could further impact the Class VI road creating potentially an increase in the Town's need to reclassify the road to that of a Class V road;
5. A few of the Planning Board members felt the issuance of a Building Permit would be an end-run around the Voters' decision to not change the classification of Bound Tree Road to a Class V road. The Voters were aware of the request to change the road classification for the lot to be built on, and still, the article failed. The Owners purchased the lot knowing that it was non-buildable, along a Class VI road, and were made aware of the process of obtaining a permit with no guarantee.
6. Issuance of a Building Permit will set a precedent as there are no distinguishable or unique characteristics to this particular property. There should be a procedure involving the public when considering granting a Building Permit on a Class VI road or reclassifying a road. It is recommended that such a process, if adopted, include notification of abutters and, where appropriate, in the case of potential regional impact, impacted neighboring towns. It is also recommended that should the Select Board implement a policy that it includes building policies;

7. The Board is unaware of the history behind the original Class VI designation of this portion of Bound Tree Road. Concern was expressed that it may have been for the protection of the Contoocook Village drinking water source (Bear Pond).
8. It should be clear that any decision made can only relate to that "particular" portion of that "particular" Class VI road;
9. Several members raised questions, such as the location of the proposed driveway in conjunction with the end of the Class V portion of the road, that could not be answered due to the lack of information.

VIII. Adjournment. Celeste Hemingson, seconded by Greg Sagris, moved to **ADJOURN** at 8:50 PM. Motion carried in the affirmative (Fredyma, Hemingson, Lipoma, Sagris, Bradstreet, Daprice, and Wilkey). The next scheduled meeting is 5:30 PM on Tuesday, June 14, 2022.

Karen Robertson
Planning Director