



Town of Hopkinton

Planning Department

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HOPKINTON PLANNING BOARD MINUTES NOVEMBER 15, 2022

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

I. **Call to Order.** Chairman Wilkey called the work session to order at 5:30 PM in the Hopkinton Town Hall, 330 Main Street, Hopkinton.

II. **Zoning Amendments 2023 Work Session.**

The Board members discussed the draft amendments to the Zoning Ordinance with Mrs. Robertson explaining the proposed changes and answering Board members' questions.

A) **Amend Table of Contents**, adding reference to new subsection 4.7 Buffer Standards for Nonresidential Uses.

SECTION IV DIMENSIONAL AND DENSITY REQUIREMENTS

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4.7	Buffer Standards for Nonresidential Uses.....	xx

Mrs. Robertson noted that in addition to subsection 4.7, subsection 22.2, entitled Modifications, would be referenced in the Table of Contents should the Board agree to recommend the addition of the new subsection.

The Board agreed to move forward to a public hearing, the amendments to the Table of Contents.

B) **Amend Section II Definitions (Recreational Facilities (Indoor or Outdoor))**, omitting reference to "commercial" and a "go cart track." Add language prohibiting the use of motorized vehicles, except for the use of golf carts which would be incidental to the recreation activities.

Recreational Facilities (Indoor or Outdoor): A parcel of land with or without buildings used for indoor and/or outdoor ~~commercial~~ recreation activities, ~~except for motorized sports~~, in which patrons are active participants rather than spectators. Such events include a single or a series of events. Facilities may be open to the public or operated as private membership clubs, such as hunting, fishing, tennis, sports, country, golf, or the like. Recreation facilities, including but are not limited to, gymnasium; roller- or ice-skating rink; dance floor; swimming pool; archery range; batting cage; athletic field; golf course; golf driving range; miniature golf; ~~go-cart track~~; indoor or outdoor movie theater; open-air court; open-air event facilities; playgrounds, or hiking areas. Open-air event facilities may include weddings, receptions, and other similar events in a building or structure regardless of whether all or part of the activity occurs within that building or structure. If permitted, the use may be considered a principal or accessory use.

The amendment aims to prohibit motorized activities, such as race tracks, due to the possible impact that traffic, noise, etc., will have on residential areas. While some members expressed an interest in the amendment, there were concerns about unintended consequences, such as whether the language would negatively impact snowmobile or ATV clubs. Following a lengthy discussion, Board members agreed not to recommend an amendment for March 2023 but rather take time to thoroughly review the definition, along with the districts that the use would be permitted for the vote in March 2024.

C) Amend Section III Table of Uses 3.6 as follows:

- (1) Table of Uses 3.6.E.22 (Recreation Facilities...), changing the principal use from permitted by special exception to prohibited in the Residential/Agricultural (R4), Low-Density Residential (R3), Medium-Density Residential (R2), and High-Density Residential (R1) districts.
- (2) Table of Uses 3.6.H.1 (Commercial Recreational Facilities...), omitting the word "commercial."

Again, in early 2023, the Board will review the definition of Recreation Facilities and where permitted. Any recommended revisions will be presented to the Voters in March 2024.

D) Amend Section XIX Commerce and Community Overlay District as follows:

19.1 DISTRICT CREATED AND AUTHORITY There is hereby created an overlay zoning district, which shall be known as the "Commerce and Community Overlay District" (CCOD). The CCOD was created by the Town of Hopkinton on March 10, 2020, and amended on March 18, 2023, under the authority of the provisions of NH RSAs 674:16 and 674:21, Innovative Land Use Controls.

19.2 PURPOSE AND INTENT The purpose of the Commerce and Community Overlay District is to provide an opportunity for a range of residential housing choices and small-scale neighborhood retail and services in a planned development that incorporates open space.

19.3 OBJECTIVES The objectives of the Commerce and Community Overlay District are:

19.4 DISTRICT BOUNDARY ~~The property contained in the CCOD is located along Route 127 and Routes 202/9. The location and boundaries of the Commerce and Community Overlay District are hereby established as delineated and shown on a map titled "Zoning Map of Town of Hopkinton, New Hampshire 2022, and as afterward amended." The district includes lots identified as follows:~~

- (a) Tax Map 210, Lots 3, 18, 18.01, 19, 19.01, 20, 21, 24, 25.1, 25.2, and 26.
- (b) Tax Map 211, Lots 7, 8, 9, and 9.01.
- (c) **Tax Map 221, Lots 7, 8, 10, 11, 76, 77, 78, 79, 80, 81, 82 (Pine St. B1) Proposed**
- (d) **Tax Map 221, Lots 70, 71, 72, 73, 74, 75, 71.1, 75.2 (Bound Tree Rd. B1, Pine St. R2) Proposed**

19.5 PERMITTED USES All uses permitted in the CCOD shall be those uses permitted ~~by right or by special exception~~ in the underlying district as specified in Section 3.6, Use Regulations (Table of Uses).

In addition to the underlying permitted uses, the following uses may also be permitted.

- (a) Multi-family dwellings with a maximum of twenty-four (24) dwelling units per building.
- (b) Two-family dwelling units with no more than two (2) bedrooms per dwelling unit as part of a planned unit development.
- (c) Buildings containing between eight (8) and twenty-four (24) attached dwelling units shall not be required to provide direct access to the ground or have some living area at ground level.
- ~~(d) Uses that are permitted by right or by special exception in the Table of Uses under Commercial Uses for the underlying zoning district.~~

19.6 DIMENSIONAL AND DENSITY The underlying dimensional and density requirements outlined in Table 4.2 shall not apply to the development parcels located within the boundaries of the CCOD. ~~Dimensional and density requirements shall instead be regulated by the following:~~

The Planning Board, at its sole discretion, may permit residential, commercial, or industrial uses, or any combination thereof, on a single parcel or parcels upon issuance of a project-specific Conditional Use Permit according to the terms and conditions of this Ordinance.

- (a) Development Parcel Definition. A parcel within the Commerce and Community District upon which a development proposal may be proposed and developed in accordance with this Section.
- (b) Minimum Development Parcel Size. The minimum development parcel gross area shall be ~~3 acres (130,680 square feet) for residential use; 1 acre (43,560 square feet) for non-residential uses.~~

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- ~~(d) Overall Size. The development parcel shall be of a minimum size to accommodate a minimum of nine (9) dwellings units subject to (d) and (e) below. The purpose of this restriction is to provide enough dwellings in a development to lend support to accompanying small-scale retail and to allow the Town to better plan for and provide the increase in local services that accompanies population growth within a town, and to make a development financially feasible to undertake and construct by private developers.~~
- (c) Base Figure. The base figure to determine the number of dwelling units permitted on a development parcel shall be based on a density of ~~three (3)~~ **six (6)** dwelling units per developable acre.
- ~~(d)~~ Development Parcel Lot Coverage. The entire density permitted for a single development parcel within the CCOD must be located in seventy (70%) percent or less of the entire parcel available for development **unless waived by the Planning Board**. The density may vary depending on soil conditions, suitability of on-site locations for septic systems and community water systems, wetlands, topography, and other features of the land. In no case shall the average density be lower than that of a conventional subdivision.
- (e) Buildings may be located on individual lots or on common lots with more than one building on a lot, or a combination thereof. If more than one dwelling unit will be located on a lot, the ownership and management arrangements for that lot and the units thereon shall be detailed as part of the application, and those arrangements shall be submitted for approval by the Planning Board.
- (1) Lots and/or building envelopes shall be shown on the subdivision plan and shall be submitted for Planning Board approval.
- (2) Building height shall not exceed 50 feet, **unless waived by the Planning Board**.
- (3) Applicants are encouraged to vary lot sizes, lot dimensions, and the location of building envelopes and structures from the access road and from lot to lot within the development to retain natural vegetation; provide increased privacy for residents, and to increase the visual variety provided by the arrangement of buildings within the development.
- (4) Lots may be irregular in shape, provided they conform to the natural topography and features of the parcel (e.g., the lot lines follow an existing stone wall, stream, or other natural dividing feature).
- (f) **The Planning Board shall have the authority to waive or vary dimensional and density requirements, including but not limited to minimum lot area, width and frontage dimensions, minimum yard and setback dimensions, maximum building height limitations, and maximum development density and lot coverage limitations through the issuance of a project-specific Conditional Use Permit.**
- ~~(f)~~ Incentives for Density Bonuses. Applicants under this Section who provide the Town with certain amenities, such as but not limited to, trails and trail connections, ballfields, playgrounds, fitness centers, meeting rooms and social spaces, and active or passive recreation areas, in the proposed development, may receive a density bonus beyond what is permitted by the base figure calculation. The Planning Board will consider permitting a density bonus based
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on suitable site conditions. A density bonus may be permitted as indicated below:

- (1) Where the development parcel incorporates, senior housing established and maintained in compliance with HUD/NHHFA guidelines up to a 25% increase in unit count.
- (2) Where the development parcel incorporates affordable housing in compliance with HUD/NHHFA up to a 25% increase in unit count.
- (3) Where 40% or more of the development parcel is set aside for Designated Open Space up to a 15% increase in unit count.
- (4) Where the proposed development includes a combination of senior or affordable dwelling units and a minimum of 40% Designated Open Space (area of parcel permanently protected from future development), up to a 30% increase in unit count.

Mrs. Robertson noted that the amendments to the Commerce and Community Overlay District (CCOD) Ordinance would include the date the Ordinance is amended, identification of the properties in the CCOD, and clarification that the uses permitted by right and by special exception in the Commercial (B1), underlying, district are permitted. In addition, language was added to allow the Planning Board to waive or vary dimensional and density standards. Furthermore, the Minimum Development Parcel Size and Base Figure were corrected to determine the number of dwelling units. Initially, the density figures were based on the property being in the Industrial (M1) rather than Commercial (B1) district. Lastly, the Overall Size of a development required was omitted.

Mrs. Robertson also advised of a recommendation of the Economic Development Director to overlay the CCOD in the remaining Commercial (B1) districts, such as Pine Street and Bound Tree Road. In addition, include what is known as Lot 75.2 on the corner of Bound Tree and Pine Street. The lot abuts the Commercial (B1) district, adjacent to the I-89 overpass, but is zoned Medium-Density Residential (R2).

Chairman Wilkey explained that he and Mrs. Robertson had met with the Economic Development Director, Anna Wells, to relay the Board's concerns about changing zoning districts without a long-range plan. Revisions recommended by Mrs. Wells include changing Lot 75.2 from R2 to B1. In addition to overlaying the CCOD over the remaining B1 districts and the Industrial (M1) district off Maple Street/Route 127. Chairman Wilkey noted that in the new year, the Planning Board and Economic Development Committee would meet to discuss the Committee's short and long-range plan outlining reasons for the recommended changes and the benefits to the Town.

In reviewing the proposed amendments to the CCOD, Board members requested a change to the proposed language in 19.5 Permitted Uses to make it clear that the

uses in the underlying district, permitted by right or by special exception, are permitted in the CCOD singularly or in combination with one or more. It was also requested that the paragraph outlining the Planning Board's authority to waive or vary dimensional and density requirements be moved to the beginning of 19.6 Dimensional and Density.

Following the changes requested, the Board agreed to move forward to public hearing amendments to Section XIX Commerce and Community Overlay District.

E) Amend Section XXII Validity and Effect by adding a "housekeeping" provision.

22.1 SEPARABILITY If any section, clause, provision or portion of this Ordinance or boundary shown on the Zoning Map shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of this Ordinance or the Zoning Map.

22.2 MODIFICATIONS The Planning Board may assign or modify the numbering of sections within this Ordinance, provided that such assignment or modification has no substantive effect upon any provision herein.

22.23 DATE OF EFFECT This Ordinance, and amendments, shall take effect immediately upon passage.

Mrs. Robertson reported that the amendment allows the Planning Board to number and renumber sections without a town meeting vote, so long as there is no substantive effect on the Ordinance or its meaning.

The Board agreed to move forward to a public hearing, the addition of 22.2 Modifications.

III. Adjournment. With no further discussion, Chairman Wilkey declared the work session adjourned at 7:10 PM. The first public hearing on proposed zoning amendments will be held on Tuesday, December 13, 2022, at 5:45 PM, in the Town Hall.

Karen Robertson
Planning Director