



# Town of Hopkinton

## Planning Department

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### HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES MARCH 2, 2021

Members present: Chairman Daniel Rinden, Jessica Scheinman, Andrew Locke, and Alternate Kristen Cummings. Staff present: Planning Director Karen Robertson.

- I. **Call to Order.** Chairman Rinden called the meeting to order at 5:30 PM. Due to the COVID-19/Coronavirus crisis and per Governor Sununu's Emergency Order #12, under Executive Order 2020-04, the Zoning Board of Adjustment was authorized to meet electronically.

Roll Call: Kristen Cummings – present and alone, Jessica Scheinman – present and alone, Andrew Locke – present and alone, and Dan Rinden – present and alone.

#### II. Applications.

**#2021-2 Julie Voisin** Special Exception to permit a retail establishment at 633 Maple Street, M-1 district, per Zoning Ordinance Table of Uses 3.6.F.1. The property is owned by 633 Maple, LLC and shown on Tax Map 227as Lot 44.

Ms. Voisin provided a brief history of the property's uses, beginning when the property was used for residential purposes. Commercial uses include construction and real estate offices, medical offices, an attorney's office, yoga studio, etc. Currently, there are eleven (11) tenants utilizing the property. The property consists of the main building with an addition and a separate cottage. The proposal is for Brian Rossignol, owner of Tooky Wheel Works, a bicycle shop, to utilize the cottage.

Ms. Voisin's response to the criteria for a Special Exception as outlined in Section XV of the Zoning Ordinance was as follows:

- 1) Standards provided by this Ordinance for the particular use permitted by Special Exception. "Section 3.6.F.1 allows for a Retail Establishment in the zone M-1 by Special Exception."
- 2) No hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials. "There would be no hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials."
- 3) No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking areas, access ways, odor(s), smoke, gas, dust, or other pollutants, noise, glare, heat, vibration, or unsightly outdoor storage of

Subject to review and approval.

equipment, vehicles or other material. "There would be no detriment to property values in the vicinity, no change in the characteristics of the neighborhood. A retail tenant would require no change to the exterior structure/scale of the building, site circulation, or parking, access ways. Interior construction would be minor. The bike shop would produce no odor, smoke, gas, dust. There would be no noise, glare, heat, vibration, or unsightly outdoor storage or equipment, vehicles or other materials."

- 4) No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. "There will be no change in traffic circulation on the property and no substantial increase in traffic congestion. A retail tenant would have similar traffic patterns to other business/professional office tenants at the property, who have customers/clients/patients come and go periodically throughout the day."
- 5) No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools. "There will be no demand on municipal services. We are on a well and septic. We maintain our own garbage and recycling service. The bike shop would cause no excessive demand on police and fire protection or schools."
- 6) No significant increase of stormwater runoff onto adjacent property or streets. "There would be no change to the stormwater runoff to adjacent property or streets. We are not changing exterior grades in any way."
- 7) An appropriate location for the proposed use. "This is an appropriate location for a retail establishment. The property is conveniently located just off Highway 89, with more than ample parking. The retail services will benefit our community along with adjacent towns, with easy access to highway 89. The cottage is a freestanding building, so as a bike shop, it would allow customers close parking and easy access in and out of the site. A bike shop would be a beneficial addition to our town, promoting a healthy, active, environmentally-friendly lifestyle and quick access to Hopkinton's many amazing trail systems. It is central to many trail systems, road rides, Elm Brook Park, rail trails, etc."
- 8) Not adversely affect the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties. "The bike shop would not negatively affect neighboring residents or neighborhoods. It would bring a welcoming vibrance to the property at the gateway to Contoocook Village and provide a service to our town. It would be a wonderful addition to our considerate, tidy, and professional roster of tenants at 633 Maple Street."
- 9) In the public interest and the spirit of the Ordinance. "Having a retail establishment at 633 Maple Street, specifically a bike shop is in the public interest and is in the spirit of the Ordinance. The Ordinance allows retail establishments in the M-1 district by Special Exception. The purpose of M-1 zoning (per 3.5.6) includes 'assembly, ...and transportation-oriented activities.' The bike shop would assemble bikes, and they are an alternate means of transportation. As required in the M-1,

the bike shop would not be hazardous to public health, safety, or welfare. Furthermore, there will be no outside storage of equipment as it is a condition imposed in the lease agreements."

Chairman Rinden opened public testimony with abutter Chris Gentchos, owner of the property at 640 Maple Street, stating that he had no concerns with the proposal and noting that the use is a good addition to the property.

There was no additional public testimony. Chairman Rinden declared testimony closed, at which time the Board began its deliberations.

Chairman Rinden, Mrs. Cumming, and Mr. Locke agreed that the Applicant had satisfied all criteria for a Special Exception.

Ms. Scheinman noted that the proposal is in the spirit and intent of the Ordinance and that the location is well suited. In reviewing the uses listed in the Zoning Ordinance that are permitted by Special Exception, it is clear that retail uses were contemplated when the Ordinance was enacted. All members concurred.

Ms. Scheinman appreciated the fact that Ms. Voisin's lease agreement with her tenants addresses outside storage of equipment in an effort to continue the neat appearance of the property.

Jessica Scheinman, seconded by Andrew Locke, moved to **APPROVE** Application #2021-2 as presented. Motion passed in the affirmative (Cummings – in favor, Scheinman – in favor, Locke – in favor, and Rinden – in favor). Reasons for approval as follows:

1. The retail establishment will not adversely affect the residents' health, safety and welfare, and not be detrimental to the use or development of adjacent or neighboring properties.
2. All criteria for a Special Exception outlined in Section XV of the Zoning Ordinance were satisfied.

### III. Approval of Meeting Minutes and Notice of Decision for February 2, 2021.

Andrew Locke, seconded by Jessica Scheinman, moved to **APPROVE** the Minutes of February 2, 2021, as presented. Motion carried in the affirmative (Cummings – abstain, Scheinman – in favor, Locke – in favor, and Rinden – in favor).

Andrew Locke, seconded by Jessica Scheinman, moved to **APPROVE** the Notice of Decision of February 2, 2021, as presented. Motion carried in the affirmative (Cummings – abstain, Scheinman – in favor, Locke – in favor, and Rinden – in favor).

**IV. Adjournment.** Jessica Scheinman, seconded by Andrew Locke, moved to **ADJOURN** the meeting. Motion carried in the affirmative (Cummings – in favor, Scheinman – in favor, Locke – in favor, and Rinden – in favor). The meeting adjourned at 6:17 PM.

Karen Robertson  
Planning Director

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Ordinance §15.10: "Representations made at the public hearing or material submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking, or uses which are subject to regulations pursuant to subsection 15.8.2 or 15.8.3 shall be deemed conditions upon such special exception or variance."

*Note: Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Ordinance #12, pursuant to Executive Order 2020-04, the Board was authorized to meet electronically. There was no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. In accordance with the Emergency Order, public access to the meeting by video and telephone was provided. All members of the Board had the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public had access to listen contemporaneously and, if interested, participate in the meeting through the website: <https://zoom.us/j/96464555703> or by dialing the following phone #: 1-929-205-6099 and using Meeting ID: 964 6455 5703. A mechanism for the public to alert the Board during the meeting if there were problems with access was provided.*