



Town of Hopkinton

Planning Department

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HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES AUGUST 3, 2021

The Hopkinton Zoning Board of Adjustment meeting of Tuesday, August 3, 2021, was called to order at 5:30 PM in the Hopkinton Town Hall. Members: Chairman Daniel Rinden, Andrew Locke, Kristen Cummings, and Dulcie Madden Lipoma. Staff: Planning Director Karen Robertson.

I. Call to Order. Chairman Rinden called the meeting to order at 5:30 PM.

II. Applications.

#2021-8 T. F. Bernier, Inc. Special Exception to permit a driveway through the Wetland Conservation Overlay District. The property is owned by John H. Lynch Trust, located off Gould Hill Road and Briar Hill Road, Tax Map 240, Lot 51, R-2 district, per Zoning Ordinance 12.7.2.

Tim Bernier of T. F. Bernier, Inc. reviewed plans showing the existing driveway, old woods road, constructed crossing a wetland, along with the remnants of an old stone box culvert. The proposal is to leave the remnants of the culvert and install a new 32 linear foot, 18-inch HDPE (high-density poly ethylene) culvert with mortar and rubble headwalls. The overall impact will be 510 SF which includes all extensions.

The Applicants' response to the criteria for a Special Exception as outlined in Section XV of the Zoning Ordinance:

- 1) Standards provided by this Ordinance for the particular use permitted by Special Exception. "The request is being made in accordance with 12.7.2 Special."
- 2) No hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials. "The proposed driveway will not produce or cause to be released any toxic materials, and presents no risk of fire or explosion."
- 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 equipment, vehicles or other material. "The proposal is to construct a new driveway over the historically used access. The crossing of the Wetlands Conservation Overlay District (WCOD) will occur at the location of the current crossing."

Subject to review and approval.

- 4) No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. "The driveway location was selected to provide safe sight distance. The construction of the driveway in the WCOD will not result in any traffic congestion."
- 5) No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools. "The driveway is on private property and will be maintained by the landowner. The driveway impact to the WCOD will not result in any requirement for municipal services of any kind."
- 6) No significant increase of stormwater runoff onto adjacent property or streets. "The crossings will be made with properly engineered culverts, designed to pass stormwater at its naturally occurring rate and will not either increase or decrease runoff from the property."
- 7) An appropriate location for the proposed use. "The driveway location was selected for safety first and then to minimize impact to the WCOD. This is consistent with state law and best environmental practices."
- 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 crossing will have no affect on residents or others in the area."
- 9) In the public interest and the spirit of the Ordinance. "The crossing provides safe and appropriate access to the upland, non-conservation areas of their property, all uses of this non-conservation area will be consistent with all local and state ordinances and or regulations."

The lot in question consists of 147 acres which exceeds all zoning requirements. Mr. Bernier stated that replacing the culvert will improve the Wetlands Conservation Overlay District as the existing culvert has failed and no longer supports the crossing. However, unless required by the NH Wetland Bureau, the old culvert will remain as it creates a habitat for wildlife

At this time, Mr. Bernier requested conditional approval subject to the Conservation Commission's review. Mr. Bernier is scheduled to meet with the Commission on August 17, 2021. If the Commission expresses concerns with specific aspects of the proposal, Mr. Bernier has agreed to come back before the Zoning Board of Adjustment.

Mrs. Lipoma inquired about the two additional lots shown on the plans. In response, Mr. Bernier explained that the lots are of a proposed subdivision in which two of the lots will utilize a common driveway to avoid further impact to wetlands. The driveway shown is believed to be the most appropriate location when considering the sight distance.

Mrs. Lipoma questioned whether the proposed driveway would extend to Sibley Brook. Mr. Bernier replied no, stating that there is a drop in elevation of over 200-

feet before the brook. Again, he noted that the driveway would not be located near Sibley Brook.

Mrs. Lipoma asked Mr. Bernier whether the installation of the new culvert would impact the flow of water in the area. Mr. Bernier replied no, reiterating that water flow should remain the same based on the size of the proposed culvert.

Mrs. Cummings agreed that if the application were approved, it should be subject to recommendations of the Conservation Commission.

Chairman Rinden opened the public hearing portion of the meeting.

Conservation Commission member Bonnie Christy inquired about the procedural review of the application, questioning whether the Conservation Commission usually reviews these types of applications before the Zoning Board of Adjustment. Chairman Rinden replied yes, reiterating that if the Board were to approve the request, it would be subject to comments by the Commission. Mr. Bernier agreed to come back before the Board if the Conservation Commission does not support a specific aspect of the proposal.

With no further testimony, Chairman Rinden declared the public portion of the hearing closed.

Andrew Locke, seconded by Dulcie Madden Lipoma, moved to **APPROVE** Application #2021-8 subject to input, if any, from the Conservation Commission and Planning Board. If the Conservation Commission or Planning Board expresses concerns, then the Zoning Board of Adjustment will meet to review those specific concerns. Motion passed unanimously (Cummings – in favor, Lipoma – in favor, Locke – in favor, and Rinden – in favor). All criteria for a Special Exception outlined in Section XV of the Zoning Ordinance were satisfied.

#2021-9 Baystone Properties, LLC Special Exception to permit one building with twelve (12) dwelling units at 71 Cedar Street, Tax Map 102 as Lot 35, VR-1 district, per Zoning Ordinance 3.6.A.3 and 4.4.7. Note: At the Applicant's request, the Zoning Board of Adjustment deferred review of the application to the September 7, 2021, meeting.

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

A review of the Minutes and Notices of Decisions was deferred to September 7, 2021.

IV. Other Business. Mr. Locke agreed to chair the ZBA meetings for the next six months as Chairman Rinden will be unavailable.

V. Adjournment. Chairman Rinden adjourned the meeting at 7:00 PM. The next scheduled meeting of the Board is at 5:30 PM on Tuesday, September 7, 2021.

Karen Robertson
Planning Director

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."

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