



Town of Hopkinton

Planning Department

330 Main Street, Hopkinton NH 03229-2627 - (603) 746-8243 – planzone@hopkinton-nh.gov

HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES OCTOBER 4, 2022

The Hopkinton Zoning Board of Adjustment held a meeting on Tuesday, October 4, 2022, at 5:30 PM in the Hopkinton Town Hall, 330 Main Street, Hopkinton. Members present: Chairman Daniel Rinden, Andrew Locke, Jessica Scheinman, and Eric Buck. Staff present: Planning Director Karen Robertson.

I. Roll Call. Buck, Scheinman, Locke, and Chair Rinden.

II. Applications.

With less than five board members present, Attorney Maria Dolder emailed the Board on behalf of Granite Roots Construction, LLC postponing review of their application to the November meeting. Ms. Meridien and Mr. Maloney elected to move forward.

#2022-09 Pauline Meridien/James Maloney Special Exception from Zoning Ordinance 3.6.B.1 Bed and Breakfast Inn, 334 College Hill Road, Tax Map 212, Lot 2, R-4 district.

Ms. Meridien explained her proposal to convert the residence to a bed and breakfast inn having a one-bedroom bathroom unit on the first floor and two-bedroom one-bathroom units on the second and third floors. The residence sits approximately 500 feet from College Hill Road and has parking for at least six vehicles adjacent to the residence, including the use of a four-bay garage. If needed, additional space for parking space is available throughout the property. The Fire Chief has inspected the residence requesting minor changes, which are in the process of being completed.

Mr. Maloney noted that he is a professional chef that will provide breakfast to their clients. Ms. Meridien noted that her son lives at the property and that she is currently finishing out a short-term lease in Vermont, helping her daughter. A brief discussion ensued concerning property ownership, with Ms. Meridien and Mr. Maloney stating that the property is in a trust in which both are trustees.

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

Subject to review and approval.

- 1) **Standards provided by this Ordinance for the particular use permitted by Special Exception.** "A Bed and Breakfast Inn is permitted by Special Exception per Section III, 3.7.2 and 3.7.5 of the Zoning Ordinance."
- 2) **No hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.** "There will be no toxic materials utilized in this use."
- 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 residence is not visible from College Hill Road. There are no proposed exterior changes to the property except for enhancing the landscaping."
- 4) **No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.** "There is no substantial increase in traffic anticipated. Furthermore, there will be no on-street parking. All parking will be adjacent to the residence or within the existing garage."
- 5) **No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.** "There would be no demand on municipal services as there are onsite water and waste disposal systems."
- 6) **No significant increase of stormwater runoff onto adjacent property or streets.** "There are no changes to the property being proposed; therefore, there would be no change in stormwater runoff."
- 7) **An appropriate location for the proposed use.** "The location is appropriate as the residence is set back from College Hill Road by approximately 500 feet. The location is quiet for guests."
- 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.** "Again, the residence is not visible from the street. It is located in a quiet setting on 23 acres."
- 9) **In the public interest and the spirit of the Ordinance.** "The spirit of the Ordinance is to encourage tourists to come to Hopkinton and utilize local businesses for meals and shopping. Special Exception permits the use."

Ms. Scheinman asked Ms. Meridien if the residence meets the minimum square foot requirement outlined in Section III, 3.7.5 of the Ordinance. Ms. Meridien replied yes.

There was a brief discussion concerning the total number of bedrooms (seven) and the adequacy of the two existing septic systems, with Ms. Meridien and Mr. Maloney explaining the purpose, size, and time frame in which the systems were installed.

Mr. Buck inquired about the serving of breakfast. In response, Mr. Maloney stated that their license with the state would allow the use of the existing kitchen only for the preparation of breakfast. Mr. Maloney hopes to operate an organic farm, providing "farm to table" breakfast.

Chair Rinden opened and closed public testimony as there was no one present to speak.

There was a brief discussion concerning a prior approval of an outdoor camp at Ms. Meridien's property. Approval was for one year. After which, the Applicant was to come back before the Board. Ms. Meridien agreed, noting that there had not been overnight camping at the property. Since the program owner works closely with BITS (Back In The Saddle Equine Therapy Center), she anticipates that the camp program will follow them wherever they go.

Ms. Scheinman and other members agreed that Mr. Maloney qualified as an owner if named in the property trust. The Board further noted that the definition in the Zoning Ordinance of "owner" is very broad.

Andy Locke moved to **APPROVE** Application #2022-09 as presented. Jessica Scheinman seconded the motion. The motion passed unanimously (Locke, Buck, Scheinman, and Rinden). The Applicant successfully addressed all criteria to be granted a Special Exception as outlined in Section XV of the Zoning Ordinance. The Board's decision was based on the following findings:

- There was no evidence that granting the Special Exception would be contrary to the public interest and convenience or would diminish the values of surrounding properties.
- The use is specified in Section III, 3.6.B.1, and 3.7.5 of the Hopkinton Zoning Ordinance as permitted by Special Exception.
- The property will continue to be used for residential purposes; therefore, there will be no change in the essential characteristics of the residential neighborhood.
- The residence consists of seven bedrooms with two septic systems. The Bed and Breakfast Inn will have up to three units. Two units with two bedrooms and one bathroom, and one unit with one bedroom and one bathroom.
- The residence is approximately 500 feet from College Hill Road, with more than ample parking for at least six vehicles adjacent to the residence, including the four garage bays. If needed, additional parking is available on the 23-acre parcel.
- The continued use of the property for residential purposes, in this case as an owner-occupied Bed and Breakfast Inn, will not be hazardous to the public or

adjacent property. Nor will it create a traffic safety hazard or substantially increase traffic congestion.

- The location is appropriate due to the size of the lot and the proximity to routes 202/9, Pat's Peak ski area, and New England College.
- Changing the use from a single-family residence to a Bed and Breakfast Inn with no additional increase in the number of bedrooms or changes to the exterior of the property will not adversely affect the health and safety of residents or be detrimental to the use or development of adjacent or neighboring properties.

#2022-10 Granite Roots Construction, LLC Variance from Zoning Ordinance 4.2 Table of Dimensional Requirements to construct office buildings and storage units with less than the required front setback, Bound Tree Road, Tax Map 221, Lot 75.1, B-1 district. At the Applicant's request, the review was postponed to the November meeting, when all five members of the Board will be present.

III. Minutes and Notice of Decision of August 2, 2022.

Andy Locke, seconded by Eric Buck, moved to approve the Minutes and Notice of Decision of August 2, 2022. With four members voting, three voted in favor (Locke, Buck, and Rinden), and one voted in abstention (Scheinman).

IV. Other Business.

- (a) Revised Rules of Procedure (Draft) – Review deferred to a later date.
- (b) Zoning Amendments 2023 – Mrs. Robertson provided a brief update of amendments to be reviewed with the Planning Board. Board members briefly discussed their interest in having the Planning Board review the definition and Table of Uses concerning Recreation Facilities. In particular, the commercial nature of the uses and potential impact on residential neighborhoods.

V. Adjournment. Chair Daniel Rinden moved to adjourn the meeting at 6:18 PM. Jessica Scheinman seconded the motion. The motion passed unanimously.

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."