



# Town of Hopkinton Planning Department

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

## HOPKINTON ZONING BOARD OF ADJUSTMENT PUBLIC NOTICE – AGENDA MARCH 2, 2021

The Hopkinton Zoning Board of Adjustment will meet on Tuesday, March 2, 2021, at 5:30 PM via Zoom. The public will be able to listen and participate in this 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. If there are access problems during the meeting, please call 603-746-8243 or email [planzone@hopkinton-nh.gov](mailto:planzone@hopkinton-nh.gov).

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### I. Call to Order.

### 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.

### III. Review and accept Minutes and Notice of Decision of February 2, 2021.

### IV. Other Business.

### V. Adjournment.

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FEB 18 2021

Town of Hopkinton, New Hampshire  
Zoning Board of Adjustment  
330 Main Street, Hopkinton, NH 03229  
Tel: (603) 746-4487 · Fax (603) 746-2952  
e-mail: [planzone@hopkinton-nh.gov](mailto:planzone@hopkinton-nh.gov)

HOPKINTON  
PLANNING DEPT

HOPKINTON ZONING BOARD OF ADJUSTMENT  
APPLICATION FOR APPEAL

✓ Name of Applicant: JULIE VOISIN  
Mailing Address: 180 STUMPFIELD RD.  
Telephone (days): 603-717-1838  
✓ Name of Property Owner: 633 MAPLE, LLC ; JULIE VOISIN  
Mailing Address: (same)  
Telephone (days): \_\_\_\_\_  
Tax Map: 227 Lot: 044 Location of Property: 633 MAPLE ST.

Zoning of property in question (circle one): R-1 R-2 R-3 R-4 B-1 M-1 VR-1 VB-1 VM-1

Section of Hopkinton Zoning Ordinance under which your application was denied or you believe your proposal relates to: Section: \_\_\_\_\_ Paragraph: (Table) 3.6.F.1 Retail - M-1 district  
*A copy of your denied Building/Use Application or administrative decision must be attached*

This application is for:  Variance  Special Exception  Equitable Waiver  Administrative Appeal

The undersigned hereby requests a Variance, Special Exception, Equitable Waiver, and Administrative Appeal in order to permit the following

Special exception to permit a retail establishment in a M-1 district.

NOTE: This application is not acceptable unless all required statements have been completed. Additional information may be supplied on a separate sheet if the space provided is inadequate.

1. Hearing, Abutter, Notification Fees:

- Variance - \$100.00
- Special Exception - \$100.00
- Equitable Waiver - \$100.00
- Administrative Appeal - \$100.00
- Rehearing - \$100.00
- Notification of each Owner, Applicant, Agent, Abutter - \$5.00
- Published Notice - \$75.00

✓ 2. List of names and mailing addresses of all abutters to the property as defined by NH RSA 672:3. Supply information on separate sheet. Abutter is any person whose property adjoins or is directly across the street or stream from the land under consideration

3. Attach location map showing exact location of property in relation to at least one prominent landmark (road junction, business, town building, etc.). Include north arrow and label road names. Indicate with an X the location of the property in question.

Zoning Board of Adjustment

RECEIVED

4. **Attach site plan of property showing:** Boundaries and area of parcel; north point, scale and legend, location, size and type of all existing and proposed buildings, uses, parking, signs, roadways, screening, etc.
5. **List provisions to be made for septic disposal, fire protection, water supply, parking, noise, smoke, surface drainage, etc.** Supply information on separate sheet
6. **Letter of Authorization to allow an Agent or Attorney to represent Applicant, if applicable.**
7. **Copy of property deed of the subject property.**
8. **Any other pertinent information that you feel the Board may need to assist in their decision making process.**

You must appear at the public hearing or be presented by an authorized agent or attorney for the Board to take action on your application. The application will be terminated or tabled for failure to appear at a scheduled public hearing, without first providing written notification to the Planning Department.

You are fully responsible for researching and knowing any and all laws, which may be applicable and affect the outcome of the Board's decision on your application request. The Town of Hopkinton assumes no responsibility or liability relating to your failure to research and know all applicable laws including, but not limited to, state, federal and local laws, codes, land development regulations and comprehensive plan. The Town of Hopkinton strongly encourages all applicants to consider consulting an attorney regarding their application.

You are encouraged to review the attached Rules of Procedures used by the Board of Adjustment at the public hearing.

I/we being duly sworn, depose and say that I am/We are the owner(s)/lessee(s) of land included in the application and that the foregoing statements herein contained and attached, and information or attached exhibits thoroughly to the best of my/our ability represent the arguments on behalf of the application herewith submitted and that the statements and attached exhibits referred to are in all respect true and correct to the best of my/or knowledge and belief.

In addition, I/We understand this application must be filed with all pertinent information as it pertains to the requirements of the Town of Hopkinton Zoning Ordinance and all other information requested or required by the Zoning Board of Adjustment in order to be considered complete. I/We understand that this application will not be filed until all required information has been received, and do further understand that the Town of Hopkinton reserves the right to postpone this request until such time as the requirements are met.

Furthermore, I/We understand that I/We, our representative as stated on the application, should appear at the public hearing. If photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, said evidence will become property of the Town of Hopkinton and will remain on file for future reference.

Also, I/We recognize and understand that the public hearing before the Board of Adjustment regarding land development is considered quasi-judicial in nature. **State and local law strictly prohibits applicants and/or interested parties from participating in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is discussed at a public hearing.**

Applicant's Signature: <u>J. Miller</u>	Date: <u>02-18-21</u>
Applicant's Printed Name: <u>JULIE VOISIN</u>	Date: <u>02-18-21</u>
Owner's Signature: <u>J. Miller</u>	Date: <u>02-18-21</u>
Owner's Printed Name: <u>JULIE VOISIN</u>	Date: <u>02-18-21</u>

**SPECIAL EXCEPTION**

(Section XV)

In order to secure a variance, the Zoning Board of Adjustment must determine by law that your Special Exception request satisfies the following criteria of the Zoning Ordinance. **Please provide a written response along with any other supporting documentation for each of the following criteria.** Please note that all criteria must be satisfied and supported by the Zoning Board of Adjustment in order for a Special Exception to be granted. Should the space provided be inadequate, please attach additional pages to this application.

1. **Standards provided by this Ordinance for the particular use permitted by special exception.**

\_\_\_\_\_  
(Please see attached)  
\_\_\_\_\_  
\_\_\_\_\_

2. **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 pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of 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.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. **No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. **No significant increase of storm water runoff onto adjacent property or streets.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. **An appropriate location for the proposed use.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8. Not affect adversely 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.**

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**9. In the public interest and in the spirit of the ordinance.**

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### Special Exception Application Questions

633 Maple Street, Contoocook, NH

We are requesting a special exception to permit a retail establishment at 633 Maple Street. In this case, we would like to rent the freestanding cottage to a bicycle retail and repair shop. Tooky Wheelworks, LLC has been in business from his home in Hopkinton for approximately 20 years and is looking for a retail space that will allow him to grow his business with great exposure and a convenient location. We request permission to maintain the right to use the space as previously permitted, as business/professional offices.

1. Section 3.6.F.1 allows for a Retail Establishment in zone M-1 by Special Exception
2. There would be no hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.
3. There would be no detriment to property values in the vicinity, no change in characteristic of 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. 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. 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. There would be no change to the storm water runoff to adjacent property or streets. We are not changing exterior grades in any way.
7. 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 own 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 as well as 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 our many amazing trail systems in Hopkinton. It is central to many trail systems, road rides, Elm Brook Park, rail trails, etc.
8. 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, as well as 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. 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 establishment 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 M-1, the bike shop would not be hazardous to the public health, safety and/or welfare.

Return To:

633 Maple LLC  
180 Stumpfield Road  
Hopkinton, NH 03229

1450  
2-  
25-

(3)

Deed Number: 2018001730  
Recorded in Merrimack County, N.H.  
Public Registry Clerk's Office  
180 State St. PO Box 1234  
Hopkinton, NH 03229  
2018 SEP 12 12:48 PM  
STATE OF NEW HAMPSHIRE

MERRIMACK COUNTY RECORDS

*Kathi L. Gray* CPO, Register

6293.00 **WARRANTY DEED**

*KNOW ALL MEN BY THESE PRESENTS*, That, Lynn A. Durand and Jane A. Sullivan-Durand, married to each other, with a mailing address of 198 Hopkins Green Road, Hopkinton, NH 03229, for consideration paid grants to 633 Maple LLC, a New Hampshire Limited Liability Company, with a mailing address of 180 Stumpfield Road, Hopkinton, NH 03229, with WARRANTY COVENANTS:

A certain tract or parcel of land with the buildings thereon located on the easterly side of Maple Street, also known as Route 127, in Hopkinton, Merrimack County, New Hampshire, more particularly bounded and described as follows:

Beginning at an iron rod set on the easterly side of Maple Street; thence

1. North 21° 52' 00" east a distance of 210.00 feet to an iron pin found; thence
2. South 65° 28' 26" east a distance of 299.77 feet to an iron pin found; thence
3. South 25° 49' 52" west a distance of 238.07 feet to an granite bound found; thence
4. South 60° 08' 33" west a distance of 68.76 feet to a granite bound found on the northerly line of Dolly Road; thence
5. Along a curve with a radius of 325.00 feet a distance of 195.10 feet to a State bound found; thence
6. North 30° 06' 09" west a distance of 69.79 feet to the point of beginning.

Warranty Deed  
Lynn A. Durand and Jane A. Sullivan-Durand  
to  
633 Maple LLC  
Page 1 of 2

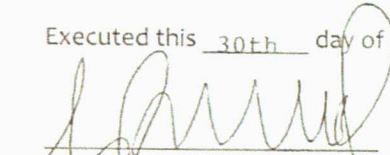
Further shown as Map 227, Lot 44 containing 1.7092 acres on a plan entitled "Subdivision of land of F.D.I.C. and Annexation to Land of Charles Crathern" dated June 15, 1992, prepared by Lamarine Technical Land Services and recorded in the Merrimack County Registry of Deeds as Plan 12447.

Subject to any and all matters including setbacks shown on Plan No. 12447 recorded in the Merrimack County Registry of Deeds.

Meaning and intending to describe and convey the same premises as conveyed to Lynn A. Durand and Jane A. Sullivan-Durand by deed dated November 12, 1992 recorded in the Merrimack County Registry of Deeds in Book 1900, Page 1032, also see deed dated August 11, 1992 recorded in said Registry of Deeds in Book 1890, Page 1648.

The grantors hereby release all rights of homestead in the above-described property.

Executed this 30th day of November, 2018.

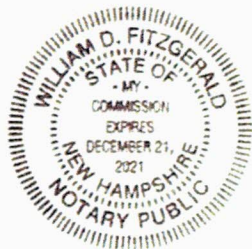
  
Witness to Both

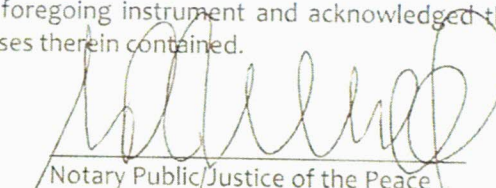
  
Lynn A. Durand

  
Jane A. Sullivan-Durand

State of New Hampshire  
County of Merrimack

Personally appeared the above named Lynn A. Durand and Jane A. Sullivan-Durand , before me this 30th day of November, 2018 known to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.



  
Notary Public, Justice of the Peace  
My Commission Expires:

Warranty Deed  
Lynn A. Durand and Jane A. Sullivan-Durand  
to  
633 Maple LLC  
Page 2 of 2

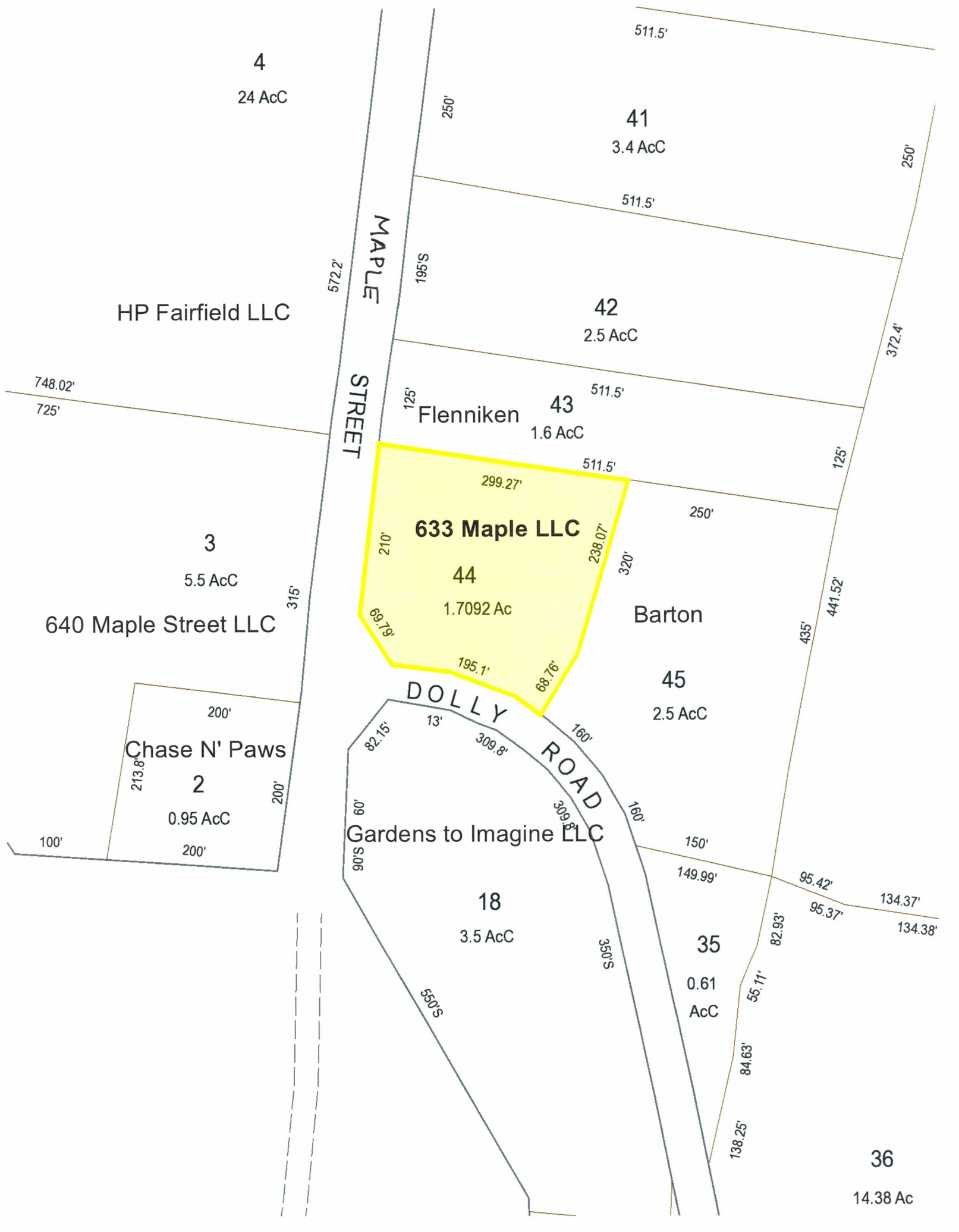




**SECTION III  
ESTABLISHMENT OF DISTRICTS AND USES**

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1	W-1
<b>E. Institutional Uses/Community Facilities</b>										
16. Town equipment garage, subject to Site Plan Review approval by the Planning Board.	S	S	S	X	X	P	X	X	X	
17. Essential Services as defined in paragraph 2.1.E.2.	P	P	P	P	P	P	P	P	P	
<b>F. Commercial Uses</b>										
1. Retail Establishment.	X	X	X	X	P	S	X	P	S	
2. Business Offices.	X	X	X	X	P	P	S	P	P	
3. Professional Offices.	X	X	X	S	P	P	S	P	P	
4. Banks and Lending Institutions.	X	X	X	X	P	X	X	P	X	
5. Restaurants.	X	X	X	X	P	S	X	P	S	
6. Drive-in Eating Establishments.	X	X	X	X	S	S	X	X	X	
7. Lounge	X	X	X	X	S	S	X	S	S	
8. Place of Entertainment, Section III, paragraph 3.7.9.	X	X	X	X	S	S	X	S	S	
9. Filling station, Service Station (with or without convenience store).	X	X	X	X	S	S	X	S	S	
10. Motor vehicle dealership, repair garage, body shop, paint shop.	X	X	X	X	S	S	X	X	S	
11. Veterinary hospital/kennel.	S	S	S	X	X	S	X	X	S	
12. Pet Grooming.	X	X	X	X	P	S	X	P	S	
13. Convenience store (without gas pumps).	X	X	X	S	P	S	X	P	S	
14. Airports, heliports, runways, control towers, administration buildings, hangers.	X	X	X	X	X	S	X	X	X	
15. Indoor motion picture establishment.	X	X	X	X	P	X	X	P	X	
16. Indoor and outdoor for profit recreation establishment or clubs.	X	X	X	X	P	S	X	S	S	
17. Funeral home or parlor.	X	X	S	S	S	X	S	S	X	
18. Commercial parking lot/structure.	X	X	X	X	P	S	X	X	X	
19. Beauty parlor, barber shop.	X	X	X	X	P	S	S	P	S	
20. Uses, Adult, Section III, paragraph 3.9.	X	X	X	X	X	X	X	S	X	
21. Self-Service Storage Facility.	X	X	X	X	P	S	X	X	S	
22. Commercial Solar Energy System, Section III.	C	C	C	C	C	C	C	C	C	
<b>G. Industrial Uses</b>										
1. Manufacturing, assembly, fabricating operations.	X	X	X	X	X	S	X	X	S	
2. Research and development corporate and business offices.	X	X	X	X	P	P	S	P	P	
3. Warehousing and wholesaling.	X	X	X	X	X	P	X	X	S	
4. Freight and trucking terminals.	X	X	X	X	X	S	X	X	X	
5. Bulk storage and distribution of goods, except fuels.	X	X	X	X	X	P	X	X	P	
6. Bulk storage of fossil fuels.	X	X	X	X	X	S	X	S	S	

Section XII Wetlands Conservation District (Overlay)



4  
24 AcC

HP Fairfield LLC

41  
3.4 AcC

42  
2.5 AcC

Flenniken 43  
1.6 AcC

**633 Maple LLC**  
44  
1.7092 Ac

Barton  
45  
2.5 AcC

3  
5.5 AcC  
640 Maple Street LLC

Chase N' Paws  
2  
0.95 AcC

Gardens to Imagine LLC  
18  
3.5 AcC

35  
0.61  
AcC

36  
14.38 Ac

MAPLE STREET

DOLLY ROAD

748.02'  
725'

572.2'

195'S

250'

511.5'

511.5'

250'

372.4'

125'

511.5'

1.6 AcC

511.5'

125'

299.27'

250'

210'

320'

238.07'

441.52'

315'

69.79'

195.1'

68.76'

435'

DOLLY ROAD

160'

200'

82.15'

13'

309.8'

160'

213.8'

200'

0.95 AcC

90'S

18

3.5 AcC

160'

150'

100'

200'

550'S

S,05C

149.99'

95.42'

134.37'

95.37'

134.38'

82.93'

55.11'

138.25'

84.63'

HP FAIRFIELD

RESIDENTIAL

8-UNIT  
RESIDENTIAL

BARTON  
INSURANCE

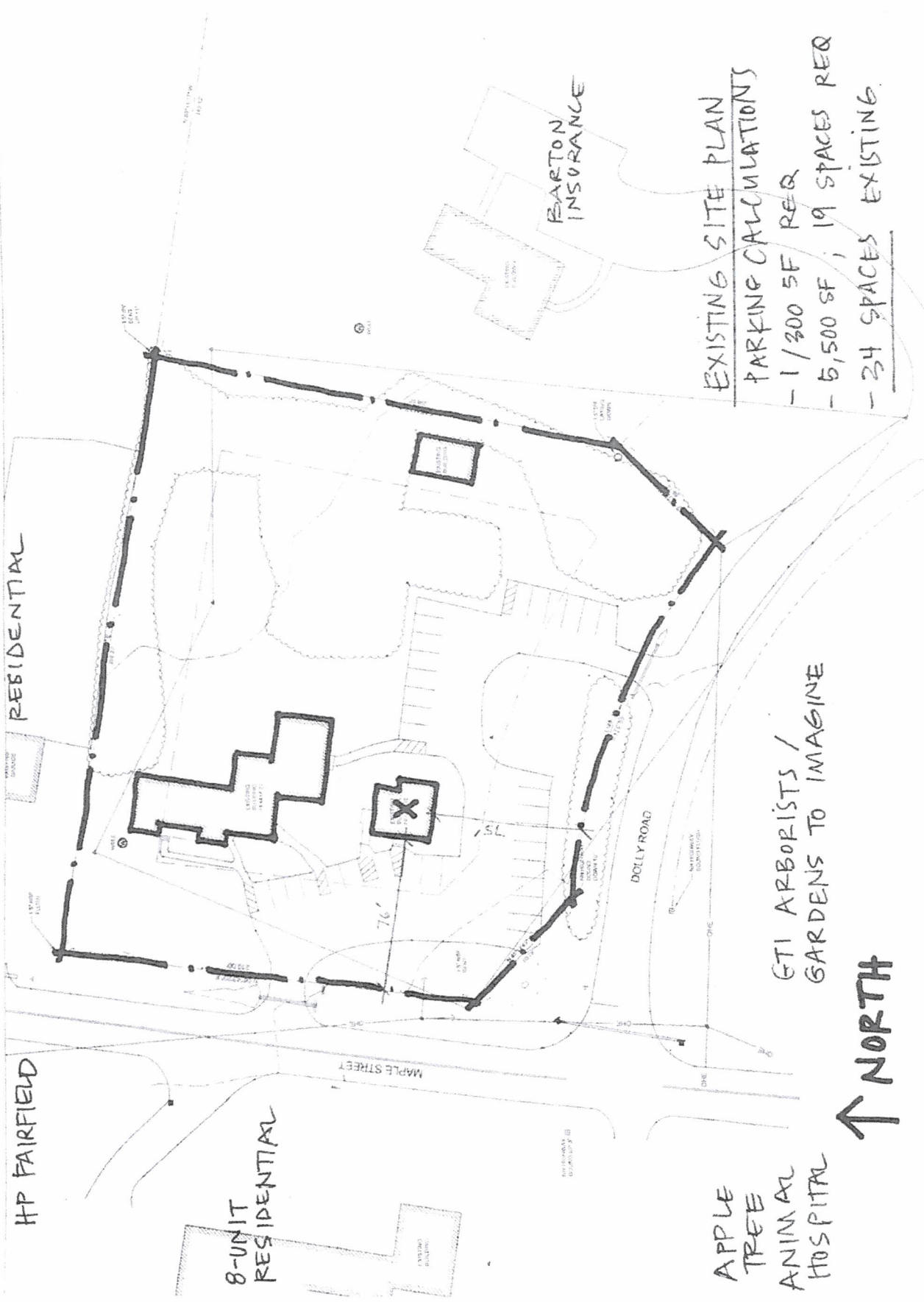
EXISTING SITE PLAN  
PARKING CALCULATIONS

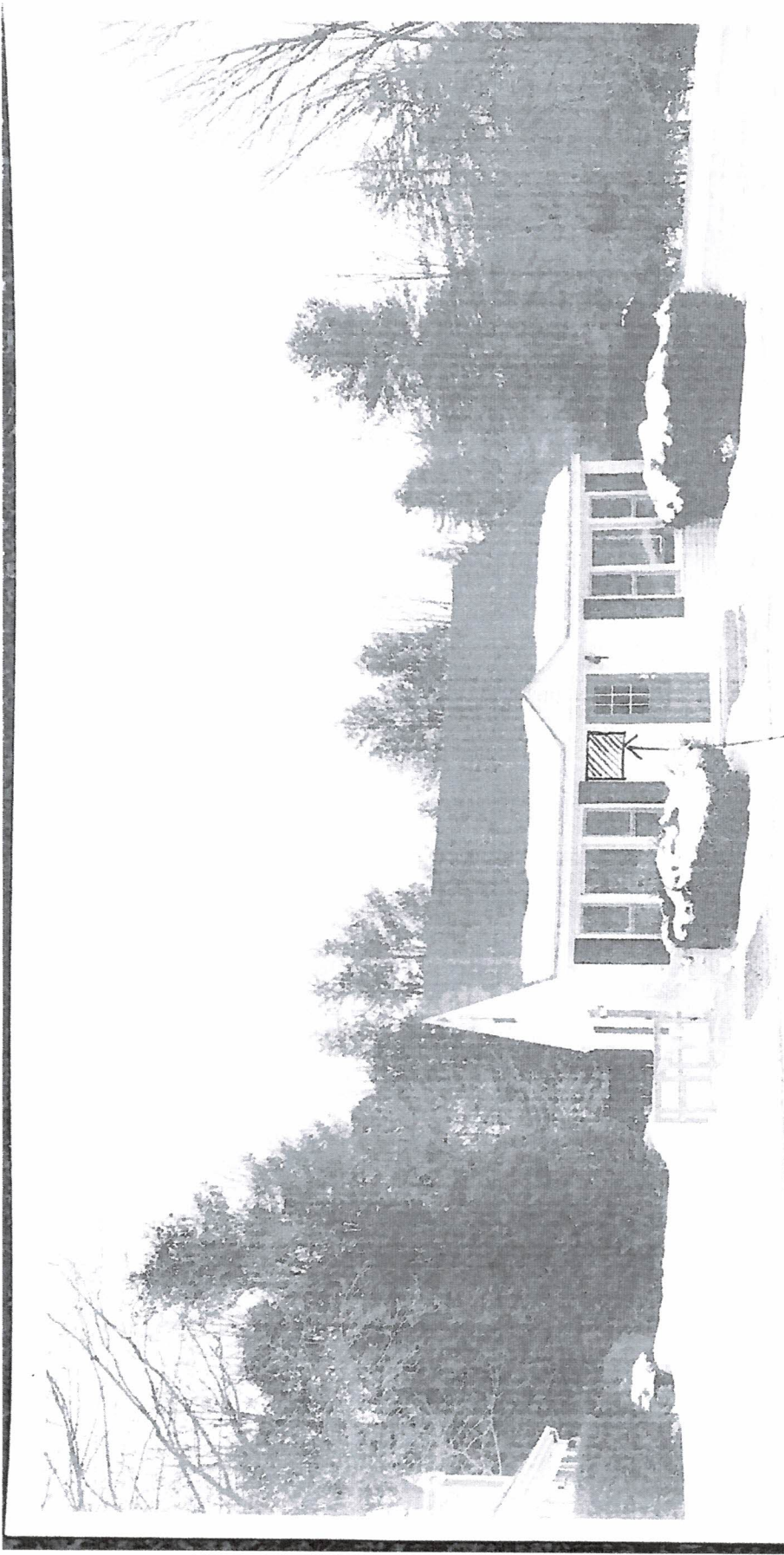
- 1 / 300 SF REQ
- 5,500 SF ; 19 SPACES REQ
- 24 SPACES EXISTING

GTI ARBORISTS /  
GARDENS TO IMAGINE

↑ NORTH

APPLE  
TREE  
ANIMAL  
HOSPITAL





TOOK-Y WHEELWORKS LLC  
2' X 3'



TOOKY WHEELWORKS LLC  
everything BICYCLES