



Town of Hopkinton Planning Department

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

HOPKINTON ZONING BOARD OF ADJUSTMENT PUBLIC NOTICE – AGENDA JANUARY 3, 2023

The **Hopkinton Zoning Board of Adjustment** will meet on Tuesday, January 3, 2023, at 5:30 PM in the Hopkinton Town Hall, 330 Main Street, Hopkinton, to review and take action on the following:

I. Call to Order/Roll Call.

II. Application(s).

#2023-01 Accurate Transportation LLC Variance from Zoning Ordinance 3.6.1(d) Use Regulations to operate a towing and recovery business that will include the construction of a commercial garage to house its business office and equipment. In addition, permission to temporarily store vehicles that it recovers. The property is on the corner of Bound Tree Road and Pine Street, shown on Tax Map 221, Lot 75.2, R-2/B-1 district.

III. Review of Minutes and Notice of Decision of October 4, 2022.

IV. Other Business.

- (a) Schedule review of revised Rules of Procedures.
- (b) Zoning Amendments 2023 Public Hearings.
- (c) 2023 Meeting Schedule.
- (d) Any other business to legally come before the meeting.

V. Adjournment (Next Scheduled Meeting February 7, 2023).

December 9, 2022

HAND DELIVERED

Attn: Karen Robertson
Town of Hopkinton Zoning Board of Adjustment
330 Main Street
Hopkinton, NH 03229

RE: Accurate Transportation LLC; Variance
~~X~~ Bound Tree Lane

Dear Members of the Town of Hopkinton Zoning Board of Adjustment:

I am writing on behalf of my client, Accurate Transportation LLC, in connection with a Variance application for property located at ~~X~~ Bound Tree Lane.

Enclosed please find ten (10) copies of the following: Variance Application with Attached Narrative, the abutters list, the deed for the property, the tax map depicting the property location, an authorization letter from my client and a check for the filing fee. Please be advised that Dan Higginson of Higginson Land Services LLC will drop off the large site plan and reduced copies of the plan.

Please let me know if you have any questions or should you need any further information from me. Otherwise, please be so kind as to place this matter on the agenda for the ZBA hearing on January 3rd.

Thank you very much.

Sincerely,

Maria Dolder, Esquire

Maria T. Dolder, Esquire
mdolder@hebertanddolder.com

Enclosures

Cc: Michael Plante, Member

12/9/22
CK 3786 \$225.

November 4, 2022

Zoning Board of Adjustment
Town of Hopkinton

RE: Tax Map 221, Lot 75-2; 2 Bound Tree Road

Dear Members of the Zoning Board of Adjustment:

We are writing as the owners of the property known as Tax Map 221, Lot 75-2 located at 2 Bound Tree Road to provide our consent to permit Maria T. Dolder, Esquire, of the law firm of Hebert & Dolder, PLLC, to make and execute any and all zoning applications on our behalf involving this property in connection with the proposal to establish a commercial building on the property.

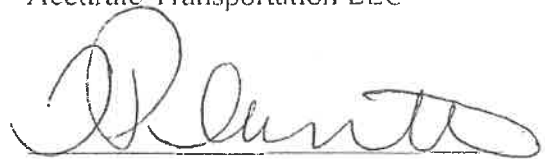
This authorization also includes the ability to present the application before the Town of Hopkinton Zoning Board of Adjustment.

Should you have any questions or need further information, please do not hesitate to contact us.

Very Truly Yours.

Accurate Transportation LLC

By:



Tabitha Plante, Manager

By:



Michael F. Plante, Member



Town of Hopkinton

330 Main Street • Hopkinton, New Hampshire 03229 • www.hopkinton-nh.gov
Tel: 603-746-3170 Fax: 603-746-3049

HOPKINTON ZONING BOARD OF ADJUSTMENT APPLICATION FOR APPEAL

Ten completed copies of the application with all supporting documentation must be submitted.

Name of Applicant: Accurate Transportation LLC
Mailing Address: PO Box 246, Weare, NH 03281
Telephone (days): 603-715-6325
Name of Property Owner: Same as Applicant
Mailing Address: _____
Telephone (days): _____
Tax Map: 221 Lot: 75-2 Location of Property: 2 Bound Tree Road

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: 3.6 Paragraph/Table: Table of Uses

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 to permit the following:
to establish a 4 bay commercial garage on the property to house its business office and equipment and for outside storage of vehicles where such a use is prohibited within the zoning district.

NOTE: 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.
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. Map submitted to included one full-size and ten 11" x 17" or less.
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 all applicable laws that 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:  Date: 11-13-2022

Applicant's Printed Name: Tabitha Plante, Manager Date: 11-13-2022

Owner's Signature: _____ Date: _____

Owner's Printed Name: _____

VARIANCE
(Section XV)

In order to secure a variance, the Zoning Board of Adjustment must determine by law that your variance 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 variance to be granted. Should the space provided be inadequate, please attach additional pages to this application.

1. **The proposed use would not diminish surrounding property values because:**
Please see attached narrative.

2. **Granting the variance would not be contrary to the public interest because:**
Please see attached narrative.

3. **By granting the variance substantial justice would be done because:**
Please see attached narrative.

4. **The spirit and intent of the Ordinance will not be broken by granting the variance because:**
Please see attached narrative.

5. **Literal enforcement of the ordinance results in unnecessary hardship.**

- (a) **For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:**

- (i) **No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.**

Please see attached narrative.

- (ii) **The proposed use is a reasonable one.**

Please see attached narrative.

- (b) **If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.**

Please see attached narrative.

Narrative in Support of Variance Application
Accurate Transportation LLC
2 Bound Tree Road

The Proposal

The property is located within the R-2 Zoning District, with a small portion of the property located within the B-1 Zoning District. The property abuts a line of commercial properties, as well as a few residential properties, most of which are still undeveloped. In addition, the property abuts NH Interstate 89 along the entire rear of the property. Given its close proximity to the highway and the fact that it directly abuts a commercial property to the northwest, the property is not the best suited location for a residential use. The Applicant runs a towing and recovery business. As such, the Applicant is proposing to establish a four (4) bay garage on the property to house its business office and equipment. As part of its business, it also temporarily stores vehicles that it has recovered. The Applicant estimates that it would average about five to ten cars per week being stored at this location from accidents or arrests in the Hopkinton and I-89 area. The area that will be used to store vehicles is located in the portion of the property that abuts the highway and will provide privacy fencing which will buffer the use from residential properties. The property will be served with well water and a septic system and therefore will not impact such services.

Relief Requested

A Variance to Section 3.6, Table of Uses to establish a four (4) bay garage on the property to house a business office and equipment where such a use is prohibited within the zoning district.

A Variance to Section 3.6, Table of Uses to allow for limited outside storage of vehicles where such a use is prohibited within the zoning district.

The arguments that favor granting the requested variance are largely identical, but where noted, additional arguments are advanced. This narrative is being submitted with the application in order to provide the reasoning and support for the variance request.

Facts Supporting The Variance Request

1. The proposed use would not diminish surrounding property values because: The use itself is a use that will be similar to and consistent with uses permitted within the abutting B-1 Zoning District, being a low impact commercial use. Although commercial in nature, the building being proposed is a four (4) bay garage and will be utilized for a business office and the storage of equipment. The use is not a retail commercial use and therefore, there shall not be any routine customer traffic in or out of the property. Most of the residential lots located within the direct area are not currently developed, while those properties that are residential in nature are located across the intersection of Pine Street. On the other hand, one of the nearby lots which is also located in the residential district houses the American Legion. Accordingly, these properties shall not be impacted by the establishment of a limited commercial use. In fact, in designing the development, the Applicant has made a concerted effort to reduce any impact to the surrounding property values by providing for privacy fencing around the proposed outside storage area. The property will be developed in an aesthetic manner and will allow the property to be used in a similar manner as the abutting commercial properties. Accordingly, the proposal shall not have any adverse impact to the neighborhood, but such a limited commercial use shall be a benefit to the area. The use will be a low impact commercial use which will be contained entirely on site.
2. Granting the variance would not be contrary to the public interest because: To be contrary to the public interest, the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives. To ascertain whether granting the variance would violate basic zoning objectives you must examine whether it would alter the essential characteristics of the neighborhood or would threaten the public health, safety or welfare of the public. The Applicant's requested variances do neither. As stated above, although the property itself is located within a residential district, it directly abuts a commercial district and I-89. The proposed use will be a low impact commercial use which will not create any adverse impact to the neighborhood. In fact, the

direct neighborhood itself is already characterized as a commercial area, as most of the residential lots located within the direct area are currently undeveloped and one of the nearby lots, which is also located in the residential district, houses the American Legion. Furthermore, the use being proposed is not retail in nature and shall not have customers visiting the site. Accordingly, the granting of the relief requested herein shall have no impact on public safety, health or general welfare of the public and will not be contrary to public interest. Instead, granting the variance will allow the property to be utilized in a reasonable manner, consistent with the unique setting of the property along Route 89 and the abutting B-1 district.

3. By granting the variance substantial justice would be done because: One of the guiding rules in evaluating substantial justice is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. Under this standard, the Applicant clearly satisfies this requirement. As stated above, the use itself is a low impact commercial use which will not have any adverse impact on the neighborhood. Since one of the residential lots that is located directly across the street from the Applicant's property is not developed, and the other residential lots are located across the intersection of Pine Street, there is no justified gain to the public by restricting this property to residential uses. In fact, the location of the property abutting Route 89 along the entire rear of the site, combined with its direct proximity to the commercial district, makes a residential use of this property unreasonable. Such a result is not in the public interest nor does it provide any benefit to the abutting residential lot. Instead, the Applicant has made a concerted effort to provide buffering for the abutting lot while proposing a reasonable use of the lot given its unique location. By granting the variance, substantial justice will be done since a denial would be a tremendous loss to the Applicant without any justified gain to the public.

Substantial justice is also achieved by granting variances which do not adversely impact on nearby property owners and which allow a property to be used reasonably. As stated above, the location of the property abutting Route 89 along the entire rear of the site, as well as it abutting the B-1 zoning district makes a residential use of this property unreasonable. Even with the requested relief, the use being proposed is so minimal that it

shall not create any adverse affect on the adjoining neighborhood. The use being proposed is for a four bay garage building and limited outside storage of vehicles, a low impact commercial use. Given this, the proposed use will not adversely impact on nearby property owners, but alternatively, will allow the property to be used reasonably, therefore resulting in substantial justice.

4. The spirit and intent of the Ordinance will not be broken by granting the variance because: Once again, the property is located within the R-2 zoning district, with a small portion located within the B-1 commercial district, which it directly abuts. The stated purpose of the R-2 District is to provide for medium density residential development and permits the establishment of uses such as two family dwellings, along with limited commercial uses. The property itself directly abuts a commercial zoning district, as well as NH Route 89. In fact, the purpose of the abutting B-1 zoning district is to provide limited commercial, institutional, professional and personal services along with residential uses. Accordingly, the Zoning Ordinance anticipated that certain commercial uses could co-exist with residential uses. The use being proposed by the Applicant is such a use. And, given the property's proximity to I-89, it is more feasible to utilize this parcel for light commercial uses as opposed to residential. Furthermore, in this case, the lot directly across the street from the Applicant's property on Bound Tree Road is not yet developed and remains primarily wooded. The residential uses within the area are located across the intersection of Pine Street. As a result, there are no residential uses abutting this property that would be adversely impacted by such a limited commercial use. As stated above, the Applicant also made an effort to consider the residential uses by proposing both a privacy fence, along with additional landscaping. In addition, one of the general purposes of the Zoning Ordinance is to encourage the most appropriate use of land throughout the Town. In this particular case, granting the variances would be consistent with such a purpose.
5. Literal enforcement of the Ordinance results in unnecessary hardship.
 - (a) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general purposes of the Ordinance provision and the specific application of that provision to the property. This property is certainly unique in several ways. First of all, as already stated a number of times, the property is located within the R-2 District, but a small portion is located within the B-1 District, which directly abuts the property. The lot itself is also abutted by NH Route 89 along the entire rear of the property. Although this property is located within the residential district, it is not only unique in its location, but also unique in the fact that the zoning district line cuts through a small portion of the lot. The lot directly across the street from the Applicant's property on Bound Tree Road is currently undeveloped and wooded in nature. The residential uses within the area are located across the intersection of Pine Street. As a result, there are no residential uses abutting this property that would be adversely impacted by such a limited commercial use. On the other hand, the proposed use will allow the Applicant to balance its location in the residential district along with its location abutting NH Route 89 and its close proximity to commercial properties. The relief being requested by the Applicant is the minimum relief required in order to allow the Applicant to reasonably use the property. It is also important to once again note that even with the proposal, the proposed use will not alter the essential characteristics of the neighborhood or the property. In fact, even with the requested relief, the use being proposed will be consistent with the area. Accordingly, there is no fair and substantial relationship between the general purposes of the Zoning Ordinance and the specific restrictions on the property.

(ii) The proposed use is a reasonable one. As stated above, the proposed use of the Property is for low impact, light commercial purposes, which will be consistent with the general area and other properties within the abutting commercial district.

(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. As stated above, this property is certainly unique in several ways. First

of all, as already stated a number of times, the property is located within the R-2 District, but a small portion is located within the B-1 District, which directly abuts the property. The lot itself is also abutted by NH Route 89 along the entire rear of the property. Although this property is located within the residential district, it is not only unique in its location, but also unique in the fact that the zoning district line cuts through a small portion of the lot. The lot directly across the street from the Applicant's property on Bound Tree Road is currently undeveloped and wooded in nature. The residential uses within the area are located across the intersection of Pine Street. As a result, there are no residential uses abutting this property that would be adversely impacted by such a limited commercial use. On the other hand, the proposed use will allow the Applicant to balance its location in the residential district along with its location abutting NH Route 89 and its close proximity to commercial properties. The relief being requested by the Applicant is the minimum relief required in order to allow the Applicant to reasonably use the property. It is also important to once again note that even with the proposal, the proposed use will not alter the essential characteristics of the neighborhood or the property. In fact, even with the requested relief, the use being proposed will be consistent with the area. Accordingly, there is no fair and substantial relationship between the general purposes of the Zoning Ordinance and the specific restrictions on the property. Accordingly, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.



200 feet Abutters List Report

Hopkinton, NH
December 08, 2022

Subject Property:

Parcel Number: 221-075-002
CAMA Number: 221-075-002
Property Address: BOUND TREE RD

Mailing Address: ACCURATE TRANSPORTATION LLC
PO BOX 246
WEARE, NH 03281

Abutters:

Parcel Number: 221-011-000
CAMA Number: 221-011-000
Property Address: 241 PINE ST

Mailing Address: FROST(REV TR) CAROL J FROST (TR)
CAROL J
241 PINE ST
CONTOOCOOK, NH 03229

Parcel Number: 221-012-000
CAMA Number: 221-012-000
Property Address: 315 PINE ST

Mailing Address: CARTER KRISTINE ANN
315 PINE ST
HOPKINTON, NH 03229

Parcel Number: 221-023-000
CAMA Number: 221-023-000
Property Address: 331 PINE ST(&335)

Mailing Address: SMITH DONALD K
PO BOX 99
CONTOOCOOK, NH 03229

Parcel Number: 221-050-000
CAMA Number: 221-050-000
Property Address: BOUND TREE RD

Mailing Address: PINE ONE LLC
PO BOX 496
CONTOOCOOK, NH 03229

Parcel Number: 221-075-001
CAMA Number: 221-075-001
Property Address: BOUND TREE RD

Mailing Address: GRANITE ROOTS CONSTRUCTION LLC
PO BOX 311
NEWBURY, NH 03255

Parcel Number: 221-076-000
CAMA Number: 221-076-000
Property Address: 256 PINE ST

Mailing Address: HOPF ANNA JOAN
256 PINE ST
CONTOOCOOK, NH 03229

Parcel Number: 221-077-000
CAMA Number: 221-077-000
Property Address: 242 PINE ST

Mailing Address: ROSE VIEW PROPERTIES LLC
100 CHASE FARM RD
HOPKINTON, NH 03229



www.cai-tech.com

Additions to Abutters List
2 Bound Tree Road
Tax Map 221, Lot 75-2

Attorney: Maria T. Dolder, Esquire
Hebert & Dolder, PLLC
95 North State Street
Concord, NH 03301

Surveyor: Dan Higginson
Higginson Land Services LLC
76 Patterson Hill Road
Henniker, NH 03242

Return to:
Accurate Transportation LLC
233 North Stark Highway
Weare, NH 03281

T.S. \$1,950.00

QUITCLAIM DEED

THAT, 2 Bound Tree Road, LLC, of 938 Clement Hill Road, Hopkinton NH 03229, for consideration paid GRANTS TO Accurate Transportation LLC, a New Hampshire Limited Liability Company, of 233 N. Stark Highway, Weare, NH 03281

With QUITCLAIM COVENANTS


A certain tract of land, with the buildings and improvements thereon, if any, situated on Bund Tree Road, in Hopkinton, County of Merrimack and State of New Hampshire, shown on a plan entitled "Subdivision Plan Land of The Estate of Barbara F. Walls, Assessor's Map 221 Lots 50 & 75, Bound Tree Road/Pine Street, Contoocook Village, Hopkinton, NH" which plan is dated January 2021 and revised February 19, 2021 and recorded with the Merrimack County Registry of Deeds as Plan # 202100007687 bounded and described as follows:

A certain tract or parcel of land situate on the northerly side of Bound Tree Road being "New Map 221 Lot 75-2" on the above referenced plan.

For Grantor's Title, see deed dated 10/26/2021 and recorded with the Merrimack Registry of Deeds at Book 3766, Page 506.

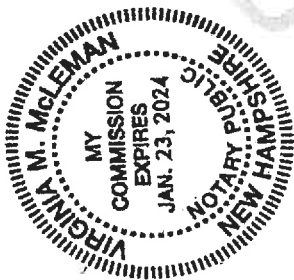
Executed as a sealed instrument this 14th day of October, 2022.


2 Bound Tree Road, LLC


BY: Brian Cressy, Manager

State of New Hampshire
County of Hillsborough

Then personally appeared before me on this 14th day of October, 2022 the said Brian Cressy, Manager of 2 Bound Tree Road, LLC, a New Hampshire Limited Liability Company and acknowledged the foregoing to be his voluntary act and deed.




Notary Public/Justice of the Peace
Commission expiration: 1/23/24

**SECTION III
ESTABLISHMENT OF DISTRICTS AND USES**

3.1 ESTABLISHMENT OF DISTRICTS For the purpose of this Ordinance, the Town of Hopkinton is hereby divided into the following districts:

District Name and Abbreviation	
Residential/Agricultural	R-4
Low Density Residential	R-3
Medium Density Residential	R-2
High Density Residential	R-1
Commercial	B-1
Industrial	M-1
Wetlands Conservation (overlay)	W-1
Village High Density Residential	VR-1
Village Commercial	VB-1
Village Industrial	VM-1

3.2 LOCATION The location and boundaries of the Zoning Districts are hereby established as shown on a map titled "Zoning Map of the Town of Hopkinton, New Hampshire" dated 11/8/88 which accompanies and is hereby declared to be a part of this Ordinance. The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk, and the imprinted seal of the Town under the following words: "This is to certify that this is the Zoning Map of the Town of Hopkinton, New Hampshire, referred to in the Zoning Ordinance of the Town of Hopkinton, New Hampshire, which was approved by the Town on 11/8/88." It may be reissued by the Planning Board to incorporate such amendments as may be made by the Town Meeting and be re-certified by the Town Clerk in the method stated above. The official Zoning Map shall be the final authority as to the current zoning status of land in the Town.

3.3 MAP SCALE The Zoning Map shall be drawn to scale with ink on stable material and shall be located in the Town Hall. Copies are on file and may be obtained in the Town Hall. Photographic reductions of this large-scale map may serve as copies of the Zoning Map.

* **3.4 INTERPRETATION OF DISTRICT BOUNDS** Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules apply.

3.4.1 Where a boundary is shown as following a street or utility, the boundary shall be the centerline thereof unless otherwise indicated.

3.4.2 Where a boundary is shown outside of a street or utility and is approximately parallel thereto, it shall be deemed parallel to the nearest line thereof and the figure placed on the Zoning Map between the boundary and such line shall be the distance in feet between them, as measured at a right angle from such line unless otherwise indicated.

3.4.3 Where a dimensioned boundary coincides within ten (10) feet or less with a lot line, the boundary shall be construed to be the lot line.

3.4.4 Where a boundary apparently follows a property line, it shall be interpreted as such. Such property line shall be interpreted as the one existing at the time of enactment of this Ordinance.

12/19/22 KRobertson

SECTION III
ESTABLISHMENT OF DISTRICTS AND USES

3.4.5 Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, it shall be construed to intersect at right angles to said centerline, or in the case of a curved centerline, at right angles to the tangent to the curve at the point of intersection.

3.4.6 When a lot is transected by a zoning district boundary, the regulations of this Zoning Ordinance applicable to the larger part by area of such lot may at the option of the owner be deemed to govern in the smaller part beyond such district boundary but only to an extent not more than forty (40) linear feet in depth beyond such district boundary.

3.4.7 In case of uncertainty, the Planning Board shall determine the exact location of the boundary.

3.5 DISTRICT PURPOSES The following purposes are hereby established for each of the districts:

3.5.1 Residential/Agricultural (R-4): The intent of this district is to provide for open space conservation, agricultural use, and predominantly very low-density residential development on individual lots or in conservation subdivisions, which can be accommodated on the land without major disruptions of the natural terrain, vegetation, watercourses or surface drainage and which would not customarily have Precinct water and sewer systems.

3.5.2 Low Density Residential (R-3): The intent of this district is to provide for open space conservation, some agricultural use, and predominantly very low-density residential development on individual lots or in conservation subdivisions which can be accommodated on the land without major disruptions of the natural terrain, vegetation, watercourses or surface drainage and which would not customarily have Precinct water and sewer systems.

3.5.3 Medium Density Residential (R-2): The intent of this district is to provide for open space conservation and predominantly medium density residential development on individual lots or in conservation subdivisions which can, because of the natural terrain, vegetation, watercourses or surface drainage, be permitted to occur at more intense levels of development and which may or may not have Precinct water and sewer service.

3.5.4 High Density Residential (R-1): The intent of this district is to provide for open space conservation and predominantly high density residential development on individual lots or in conservation subdivisions which can, because of the natural terrain, vegetation, watercourse or surface drainage or because of the availability of Precinct water and sewer service, be permitted to occur at more intense levels of development and which may have or be planned to have Precinct water and sewer service.

3.5.5 Commercial (B-1): The intent of this district is to provide limited commercial, institutional, professional and personal service uses along with residential uses.

3.5.6 Industrial (M-1): The intent of this district is to provide areas for research and development, manufacturing, processing, assembly, wholesaling, and transportation-oriented activities and related services as trucking and warehousing provided that such uses are determined not to be injurious or hazardous to the public health, safety, and/or welfare.

SECTION III
ESTABLISHMENT OF DISTRICTS AND USES

3.5.7 Wetlands Conservation (overlay) (W-1): The intent of this overlay district is to provide protection for, and appropriate use of lands as delineated in Section XII of this Ordinance.

3.5.8 Village High Density Residential (VR-1): The intent of this district is to provide for open space conservation and predominantly high density residential development on individual lots or in conservation subdivisions which can, because of the natural terrain, vegetation, watercourse or surface drainage or because of the availability of Precinct water and sewer service, be permitted to occur at more intense levels of development providing that such uses are determined not to be injurious or hazardous to the public health, safety, and/or welfare, and they reside within the village center as shown on the zoning maps. Specifically, this district was created to be consistent with the goal that the village be resident and pedestrian friendly while allowing the historic character of the area to be preserved.

3.5.9 Village Commercial (VB-1): The intent of this district is to provide limited commercial, institutional, professional and personal service uses along with residential uses, and they reside within the village center as shown on the zoning maps. Specifically, this district was created to be consistent with the goal that the Village be resident and pedestrian friendly while allowing the historic character of the area to be preserved.

3.5.10 Village Industrial (VM-1): The intent of this district is to provide areas for research and development, manufacturing, processing, assembly, wholesaling, and transportation-orientated activities and related services as trucking and warehousing providing that such uses are determined not to be injurious or hazardous to the public health, safety, and/or welfare, and they reside within the village center as shown on the zoning maps. Specifically, this district was created to be consistent with the goal that the village be resident and pedestrian friendly while allowing the historic character of the area to be preserved.

3.6 USE REGULATIONS All uses illustrated in the Table of Uses shall be subject to the limitations in other Sections of this Ordinance, including but not limited to Section II Definitions. In case of conflict, the more restrictive interpretation shall apply.

* **3.6.1** The Table of Uses, Section 3.6, is divided into two parts, one for principal uses and the other for accessory uses, specifying the uses that are permitted by right, are permitted by special exception, are permitted by Conditional Use Permit, or are not permitted.

(a) **Uses Permitted by Right** Uses denoted by the letter "P" in the Table of Uses are permitted by right in the Districts so indicated, subject to all other applicable sections of this Ordinance and other local, state and federal laws, rules and regulations.

(b) **Uses Permitted by Special Exception** Uses which require the granting of a Special Exception by the Zoning Board of Adjustment are denoted by the letter "S" in the Table of Uses in the District so indicated. The Zoning Board of Adjustment may grant Special Exceptions in accordance with the procedures and conditions as specified in Section XV, Board of Adjustment, of this Ordinance, subject to all other applicable sections of this Ordinance and other local, state and federal laws, rules and regulations.

(c) **Uses Permitted by Conditional Use Permit** Uses denoted by the letter "C" in the Table of Uses shall obtain a Conditional Use Permit from the Planning Board, subject to applicable sections of this Ordinance and other local, state and federal laws, rules and regulations. A Conditional Use Permit may not establish a use specifically prohibited by this Ordinance.

SECTION III
ESTABLISHMENT OF DISTRICTS AND USES

- (d) Uses Not Permitted and Uses Not Specified Uses denoted by the letter "X" in the Table of Uses are not permitted in the district so indicated.

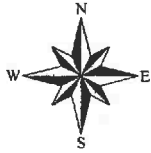
Any use not specifically listed in the Table of Uses as a permitted use shall not be allowed unless the Board of Adjustment determines it is substantially similar to a use listed as a permitted use in the applicable zone by virtue of an Administrative Appeal to the Board. A use shall not be deemed substantially similar to a permitted use unless it is substantially similar in all aspects to a permitted use; otherwise, the use shall be deemed to be not permitted. For purposes of this section, a substantially similar use shall include a use by reason of its normal operation, would not cause observable difference in patronage, service, sight, noise, traffic, employment or similar characteristics, including its impacts to abutting properties. Any use deemed by the Board to be a prohibited use, and any use explicitly prohibited by this Ordinance, shall only be allowed in the event that the Board of Adjustment grants a Variance allowing the use.

- (e) All Uses subject to Wetlands Conservation District All uses are subject to the provisions of Section XII, Wetlands Conservation District (Overlay).

3.6.2 All uses illustrated in Section 3.6, Table of Uses, shall be subject to the limitations delineated in other Sections of this Ordinance. In case of conflict, the more restrictive interpretation shall apply.

3.6.3 All buildings or structures hereafter erected, reconstructed, altered, enlarged, or moved, or all future uses of premises in the Town of Hopkinton shall be in conformity with the provisions of this Ordinance. Any building, structure, or land shall not be used for any manner other than is permitted in the district in which it is located.

3.6.4 A permit for the construction, alteration, enlargement, moving, or demolition or use of a building or structure shall not be issued by the Building Inspector unless it complies with this Ordinance and/or has been granted a variance or special exception by the Board of Adjustment.



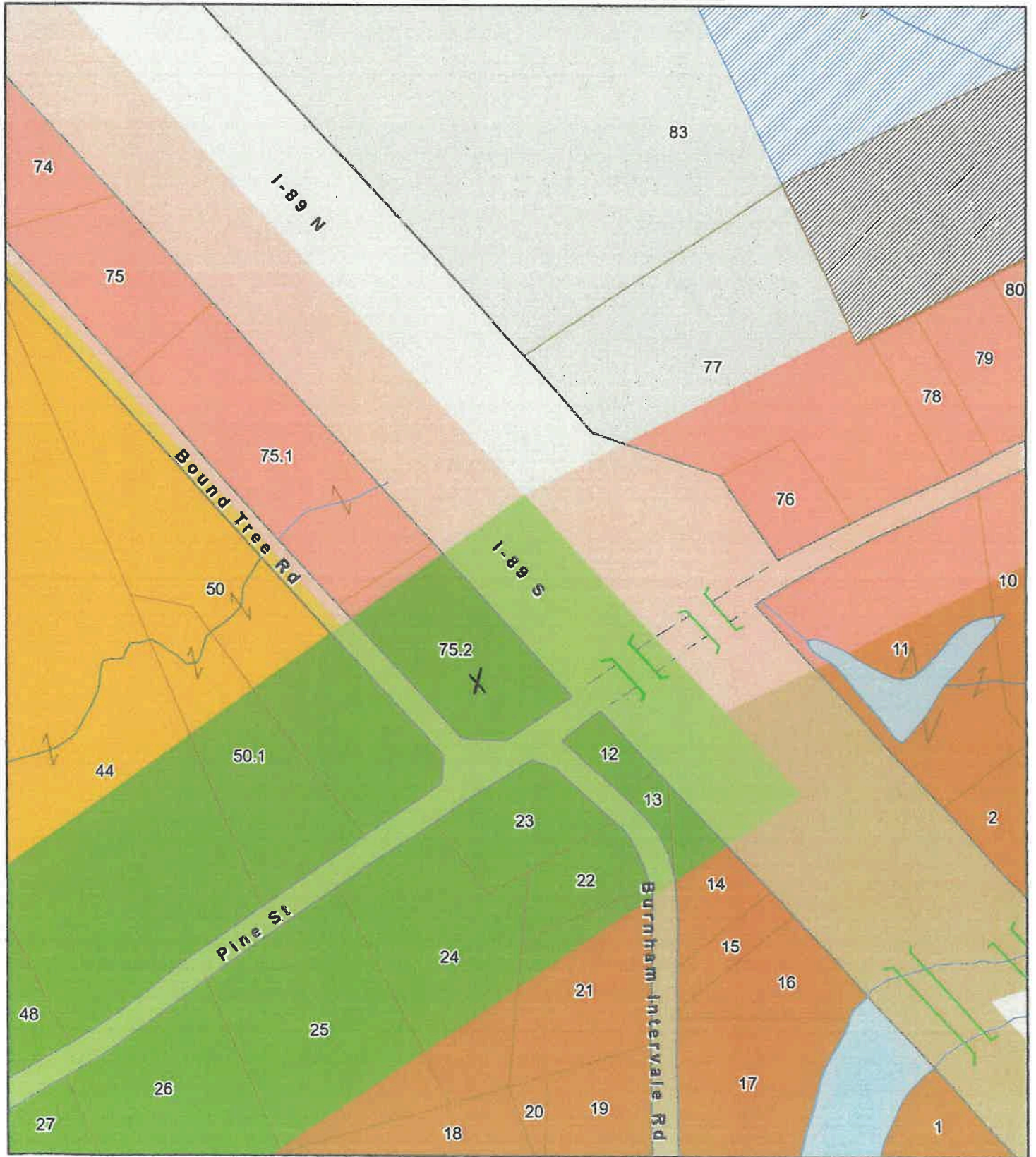
Town of Hopkinton, NH

1 inch = 376 Feet



www.cai-tech.com

November 15, 2022

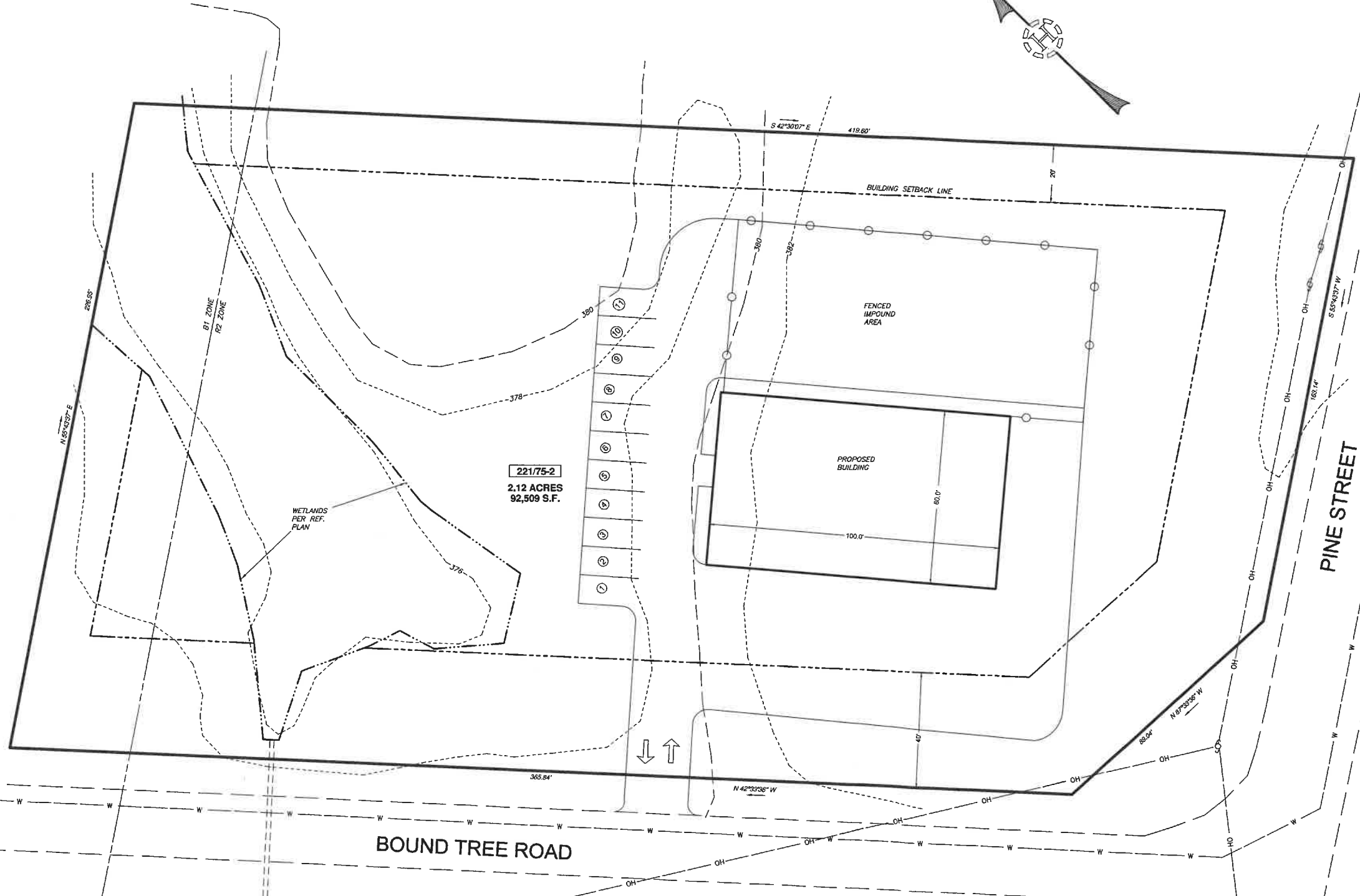
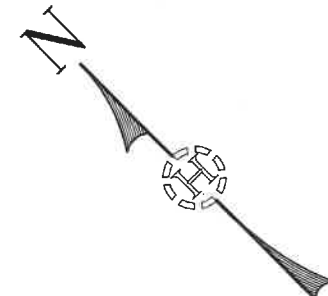
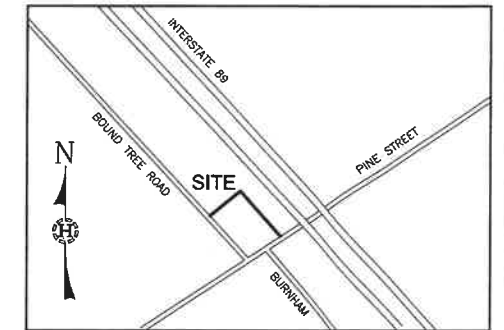


Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

REFERENCE PLAN:

1. "SUBDIVISION PLAN - LAND OF - THE ESTATE OF - BARBARA F. WALLS - AESSOR'S MAP 221 LOTS 50 & 75 - BOUND TREE ROAD / PINE STREET - CONTOOCOOK VILLAGE - HOPKINTON, NH" SCALE: 1"=60' DATED JANUARY 2021 (M.C.R.D. PLAN #202100007687).

LOCUS MAP
NOT TO SCALE



- NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED LOCATION OF A 600 S.F. BUILDING AND THE ASSOCIATED IMPROVEMENTS TO SUPPORT A VEHICLE TOWING FACILITY WITH 5 EMPLOYEES.
 2. THE OWNER OF RECORD OF TAX MAP 221 LOT 75-2 IS ACCURATE TRANSPORTATION LLC, 233 N. STARK HIGHWAY WEARE, NH 03281 (SEE M.C.R.D. BK.3808 PG.2598 DATED 10/14/22).
 3. BOUNDARY INFORMATION DEPICTED HEREON IS PER THE REFERENCE PLAN CITED, THIS IS EXHIBIT IS NOT TO BE CONSIDERED A PRECISE BOUNDARY SURVEY BY THIS OFFICE.
 4. WETLANDS DEPICTED HEREON ARE PER THE REFERENCE PLAN CITED.
 5. HOURS OF OPERATION ARE TO BE 8:00 AM TO 5:00PM MONDAY THROUGH FRIDAY. WITH THE EXCEPTION OF EMERGENCY SITUATIONS SUCH AS BUT NOT LIMITED TO THE NEED FOR GATHERING TOOLS AND EQUIPMENT FOR ROAD SIDE ASSISTANCE AND RETURNING TO THE SITE WITH VEHICLES IN TOW FROM SUCH SITUATIONS.

- LEGEND:**
- EXISTING PAVEMENT
 - - - EXISTING GRAVEL
 - EDGE OF WETLANDS
 - LOT LINE
 - - - BUILDING SETBACK LINE
 - - - 2' CONTOUR INTERVAL
 - - - 10' CONTOUR INTERVAL
 - - - CULVERT
 - ⊙ ELECTRIC UTILITY POLE

PROPOSED IMPROVEMENTS EXHIBIT
PREPARED FOR:
ACCURATE TRANSPORTATION LLC
BOUND TREE ROAD
TAX MAP 221 LOT 75-2
HOPKINTON, NEW HAMPSHIRE

NOVEMBER 22, 2022
HIGGINSON LAND SERVICES
LAND SURVEYING - SEPTIC SYSTEM DESIGNS - PERMITTING
76 PATTERSON HILL ROAD HENNIKER, NH 03242
TEL: 603-660-6412 NOTE BOOK # JOB #1234

SCALE: 1"=20'

REV.	DATE	DESCRIPTION	BY