



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

MINUTES

MAY 10, 2018

Members present: Chairman Daniel Rinden, Jessica Scheinman, Toni Gray, Charles Koontz, and Jonathan Eck. Staff present: Planning Director Karen Robertson.

I. **Call to Order.** Chairman Rinden called the meeting to order at 6:30 PM in the Hopkinton Town Hall.

II. **Applications.**

Summit Holdings, LLC (#2018-06) Special Exceptions for retail, closed storage and associated outside storage on property owned by Lisa Thorne on Maple Street in the M-1 (Industrial) district, TM/L 227-040-001. The application was submitted in accordance with Zoning Ordinance Table of Uses 3.6.F.1, 3.6.G.11 and 3.6.H.6.

Anthony Costello, managing member of Summit Holdings, LLC, of 43 Bear Hill Road, Washington, New Hampshire, addressed the Board introducing his partner, David Barkie.

The proposal is to construct a commercial building near Exit 6, I-89, in the new Industrial district. The building will consist of five commercial units that will be available for rent. One unit will be occupied by Mr. Barkie's landscape business.

The site plan presented had shown the building to be located towards the front of the property; however, they are now considering moving the building to the rear of the property. Relocating the building towards the rear of the property is subject to their ability to receive permits from the State to fill and/or cross wetlands.

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

- Standards provided by this Ordinance for the particular use permitted by Special Exception.** "3.6.F.1 – Retail Establishment, 3.6.F.2 – Business Offices, 3.6.G.11 – Closed Storage of Raw Materials, Finished Goods or Construction Equipment, 3.6.H.6 – Accessory Building for Storage or Outside Storage Necessary for the Operation and Construct of a Permitted Principal Wholesale, Transportation, Industrial and/or Commercial Use."
- No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.** "The proposed use will not create a hazard to the public or adjacent property on account of fire, explosion or release of toxic materials. No toxic materials will be stored on-site. The nearest dwelling is over 100 feet away. We will add fire suppression if required by the Board."

Subject to review and approval.

Fire suppression will be added if required by the Planning Board during the Site Plan Review process.

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.** “The proposed use, building, parking, etc. is consistent with other uses permitted in the Industrial zone. The proposed building will be used to house/rent to service type businesses. There will not be any manufacturing or processing of goods.”
4. **No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.** “The proposed use will not generate a substantial increase in traffic.”
5. **No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.** “The proposed building will be serviced by on-site septic and well. There will not be any excessive demands on the police or fire departments and there will be no demands on the schools.”
6. **No significant increase of storm water runoff onto adjacent property or streets.** “Storm water runoff will be controlled on-site to prevent increases to adjacent property or streets.”
7. **An appropriate location for the proposed use.** “The property is located away from the center of Contoocook and near Interstate 89 Exit 6 near commercial and industrial properties. The zoning in this area was recently changed to allow these uses.”
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.** “The proposed use will not adversely affect the health and safety of the residents nor will it be detrimental to the use or development of adjacent properties.”
9. **In the public interest and in the spirit of the ordinance.** “This property was recently rezoned to an Industrial zone. This use is consistent with the spirit of the zoning ordinance and public interest.”

The Applicant’s response to item two was that there would be no toxic materials. Ms. Scheinman questioned whether there would be storage of fertilizers in connection with the landscape business. Mr. Barkie replied no, indicating that there will be loam, stone, sand and bark mulch stored on the premises. Storage will be behind the building, towards the rear of the property, in block bins that are 10’ x 10’ or 10’ x 12’. He anticipated that the storage piles will be less than 6-feet in height.

Mr. Eck inquired about the current location of Mr. Barkie’s landscape business. In response, Mr. Barkie stated that he partially works from the site in question and from 590 Sugar Hill Road, where the storage bins are located.

At this time, Mr. Costello reviewed the site plan with the Board showing the location of an existing storage trailers and sheds that he anticipates may be removed from the site depending upon discussion with the Planning Board.

The Applicant's response to item three was that the building will be used for service businesses. Mr. Eck inquired about the type of business that would qualify as a service business. In response, Mr. Barkie suggested that it would include plumbers and electricians.

In considering whether there will be any unsightly outdoor storage of equipment, Mr. Barkie explained that a loader and bulldozer will be on-site for use in the removal of the landscape material. Mr. Costello agreed, noting that the equipment will be stored behind the building. In addition, they plan to landscape both sides of the property with fencing and shrubs, so to shield the abutting residences. Mr. Costello reviewed the plan showing the natural vegetation that exists on the property, such as brush, trees, and a grassy field.

Mrs. Gray questioned when the building location will be finalized. In response, Mr. Costello suggested that it will be made following the outcome of the meeting with the Board and when they go before the Planning Board. It depends upon whether the State will grant permission to fill wetland or to cross the wetland that is in the middle of the property.

Ms. Scheinman asked about the location of the proposed closed storage. Mr. Costello pointed out that the rear of the building will include large bays that can be used for storage of equipment. She then confirmed that all outside storage of equipment and materials will be located behind the building. Mr. Barkie replied yes.

Mr. Eck asked the Applicant to further address item six concerning storm water management. In response, Mr. Costello noted the areas that they have set aside for water detention. Whether those areas will be necessary depends upon the results of the calculations for pre and post runoff.

Chairman Rinden questioned whether there is standing water on the property. Mr. Costello replied no, explaining the location of a forested wetland, a wetland based on soil types, and a vegetated wetland.

Mr. Eck asked the Applicant to explain more about the other properties in the vicinity. Mr. Costello and Mr. Barkie noted the locations of veterinary hospital, the former Southworth-Milton building, the existing office building, and landscape/tree cutting business on the corner of Maple Street and Dolly Road.

Board members inquired about the possibility of odors or dusts that may be generated as a result of the storage of materials or businesses being operated. In response, Mr. Barkie noted that as the landscape material is used it will be replenished. He reiterated that the storage bins will consist of a blocked area where the material will be stored. The material should not dry out.

Mr. Koontz inquired about the anticipated total number of employees should all establishments be rented. Mr. Barkie and Mr. Costello suggested approximately 16 employees.

Chairman Rinden opened the public hearing portion of the meeting for public comment.

Abutter Woody Roberts addressed the Board as a co-owner of property at 575 Maple Street. Mr. Roberts spoke in favor of the proposal and noted that he had discussed with the Applicant the need for screening as the lower limbs on the existing spruce trees have died. In addition to screening, the only request made by Mr. Roberts was that all lighting be directed in a manner so that it will not shine onto his property.

Chairman Rinden declared public testimony closed; at which time, the Board began deliberations.

Ms. Scheinman suggested that the Applicant had satisfied the requirements to be granted the Special Exception.

Brief discussion ensued concerning the various uses requested, such as retail, business offices, closed storage, and outside storage. It was noted that the only use not needing a Special Exception was the business offices.

At this time, Board members reviewed the Applicant's responses to the criteria for Special Exception to determine whether they had satisfied all requirements.

- 1) Business offices is a permitted use and all other requested uses are permitted by Special Exception.
- 2) The Applicant has indicated that there will be no toxic materials, and that the landscape material will not include fertilizers. Members agreed to include as a condition of approval that there be no hazardous materials.
- 3) While the location of the building could change to the rear of the property, the plan showing the building at the front of the property is the worst-case scenario. Additionally, the Applicant had said that they planned to screen each side of the property.

Members agreed to condition that all storage of equipment vehicles and materials be located behind the building, out of view from the street. It is in the interest of the Applicant and Town to be sure that the area remains attractive and desirable for others that may want to develop in the area.

- 4) Chairman Rinden discussed the nature of the landscape business with early morning traffic from vehicles leaving the site. Ms. Scheinman noted that there will be an increase in traffic and that it is necessary for development to occur. She did not believe that it will be a concern based on the size and location of the proposed facility.
- 5) There will be onsite water and sewer, and no need for use of the school system.
- 6) During the presentation, the Applicant discussed the potential locations for a retention pond, if it is found that it is needed, to address storm water run-off.
- 7) The location is appropriate as there is sufficient acreage for the proposed use. The property is in close proximity to the highway and was recently rezoned for industrial uses.
- 8) Chairman Rinden noted that the proposed uses will not include manufacturing, and that

the Board can condition no on-site storage of hazardous materials.

- 9) The Board agreed that the proposed uses will be in the spirit of the Ordinance; again, noting that the area was recently rezoned to an industrial district.

It was noted that the Applicant will need to come back before the Board for a Special Exception should there be a request for a manufacturing use.

Toni Gray, seconded by Jessica Scheinman, motion to **APPROVE** Application #2018-06 with the following conditions:

- 1) There must be adequate screening of the structure from adjacent properties;
- 2) All storage of equipment vehicles and material be located behind the building, out of view from the street, and
- 3) There shall be no hazardous materials on the property.

Motion carried in the affirmative (Eck, Gray, Scheinman, Koontz, and Rinden). With the conditions imposed, and the fact that representations made at the public hearing by the Applicant are conditions of approval, all criteria to be granted a Special Exception as outlined in Section XV of the Zoning Ordinance were satisfied.

III. Any other business that may legally come before the Board.

- 1) Rhapsody Farm – The hearing on the merits in this case is scheduled for Monday, May 21, 2018 at 9:00 a.m. at the Merrimack County Courthouse in Concord.
- 2) Representations – The Board briefly discussed the fact that representations made at the public hearing by an applicant are conditions of approval. It was agreed that a statement will be included in the Board's Notice of Decision indicating the same. Applicable Zoning Ordinance provision:

“15.10 Representations. 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.”

IV. Adjournment. Charles Koontz, seconded by Jessica Scheinman, moved to **ADJOURN** the meeting at 7:22 PM. Motion carried in the affirmative. The next regular scheduled meeting of the Hopkinton Zoning Board of Adjustment is at 5:30 PM on Tuesday, June 5, 2018, at the Hopkinton Town Hall.

Karen Robertson
Planning Director