



Town of Hopkinton

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HOPKINTON PLANNING BOARD

MINUTES

OCTOBER 9, 2018

Members present: Chairman Bruce Ellsworth, Vice Chairman Michael Wilkey, Ex-Officio Sabrina Dunlap (6:33 PM), James Fredyma Jane Bradstreet, Rich Steele, and Alternate Clarke Kidder. Absent: Celeste Hemingson and Alternate Timothy Britain. Staff present: Planning Director Karen Robertson.

I. **Call to Order.** Chairman Ellsworth called the meeting to order at 6:28 PM in the Hopkinton Town Hall.

II. **Review of the Minutes and Notice of Decision of September 11, 2018.**

Mr. Fredyma, seconded by Mrs. Bradstreet, motioned to **APPROVE** the Minutes of September 11, 2018, as presented. Motion carried unanimously in the affirmative (Wilkey, Fredyma, Bradstreet, Steele, and Ellsworth).

Mr. Fredyma, seconded by Mrs. Bradstreet, motioned to **APPROVE** the Notice of Decision of September 11, 2018, as presented. Motion carried unanimously in the affirmative (Wilkey, Fredyma, Bradstreet, Steele, and Ellsworth).

III. **Applications.**

#2018-8 Dave Barkie requesting Site Plan Review for retail, closed storage and associated outside storage on property owned by Lisa Thorne, located off Maple Street in the M-1 district, Tax Map 227 Lot 40.

The Board passed by review of the application as there was no one present to speak to the Application.

#2018-10 Joseph Grogan. Mr. Grogan addressed the Planning Board requesting Site Plan Review for a residential electrical business as a Home Business at 351 Park Avenue, on property owned by 351 Park Ave, LLC, in the R-1 district, shown on Tax Map 222 as Lot 70.

The property consists of approximately one (1) acre, includes a detached barn and existing residence. Mr. Grogan plans on constructing an addition to the residence in which he and his family will live in and he will operate his business out of the barn. The barn will be used for storage and an office. All work is done off-premises. The business employs one (1) employee.

Mrs. Robertson noted that the Zoning Board of Adjustment had to reschedule the meeting in which Mr. Grogan's application for Special Exception was to be reviewed.

Mr. Grogan did not expect changes in the traffic or neighborhood on account of the business. He noted that, other than his personal vehicles, there will be a work vehicle and employee vehicle at the property. Hours of operation were estimated between 7 AM – 5 PM.

In response to Chairman Ellsworth's questions concerning signage and added lighting, Mr. Grogan stated that there would be no signage or additional lighting proposed.

Mrs. Bradstreet reviewed the Zoning Ordinance with respect to the size of the accessory structure versus the principal residence. Mrs. Robertson explained how the house is grandfathered, and that the applicable provisions of the Zoning Ordinance involve that section that addresses home businesses. The definition of a home business limits the size of the area to be utilized to no more than twenty-five percent (25%) of the gross floor area of the home as the calculating factor, even if utilizing a detached structure, or 500 SF, whichever is less. In this case, Mr. Grogan is permitted to utilize 375 SF; however, plans to utilize 174 SF of the detached barn.

Mr. Kidder asked if the building permit for the addition is not approved then would it negate the operation of the home business. Mrs. Robertson replied yes but noted that Mr. Grogan could apply to operate the business based on the size of the existing residence.

Mr. Wilkey, seconded by Mr. Steele, motioned to **ACCEPT** Application #2018-10 as complete and for consideration. Motion carried unanimously in the affirmative (Wilkey, Fredyma, Bradstreet, Steele, Dunlap, and Ellsworth).

Chairman Ellsworth opened and closed the public hearing portion of the meeting, due to the fact that there was no public testimony.

Mrs. Bradstreet, seconded by Mr. Steele, motioned to **APPROVE** Application #2018-10, subject to Zoning Board of Adjustment approval. Motion carried unanimously in the affirmative (Wilkey, Fredyma, Bradstreet, Steele, Dunlap, and Ellsworth).

#2018-11 Keith & Tara Rutherford/Peter & Julie Smith. Keith Rutherford addressed the Board, on behalf of the Applicants, requesting a Lot Line Adjustment involving properties located off Dustin Road, at the Hopkinton/Webster Town Line, in Hopkinton's R-4 district, shown on Hopkinton's Tax Map 224 as Lot 33 and Webster's Tax Map 7 as Lots 7-54-3 & 7-54-4. Mr. and Mrs. Rutherford and Mr. and Mrs. Smith purchased the properties, jointly.

Mrs. Robertson noted that the minutes of the Town of Webster's Planning Board meeting was included in the material provided.

The sole purpose of lot line adjustment is to evenly divide the land for the purpose of constructing two (2) homes. Currently, a new home is in the process of being constructed on the Webster side of the lot.

Mr. Rutherford tried to adjust lot line so that both lots are equal in terms of land area and water frontage. The road frontage is all in the Town of Webster.

Mr. Fredyma, seconded by Mr. Wilkey, motioned to **ACCEPT** Application #2018-11 as complete and for consideration. Motion carried unanimously in the affirmative (Wilkey, Fredyma, Bradstreet, Steele, Dunlap, and Ellsworth).

Chairman Ellsworth opened the public hearing portion of the meeting.

Abutter Theresa Finnemore of 22 Dustin Road, Warner, spoke in favor of the proposal.

With there being no further testimony, Chairman Ellsworth declared the public hearing portion of the meeting closed.

Mr. Fredyma, seconded by Mr. Wilkey, motioned to **APPROVE** Application #2018-11 as presented. Motion carried unanimously in the affirmative (Wilkey, Fredyma, Bradstreet, Steele, Dunlap, and Ellsworth).

IV. Other Business.

- a) Solar System Ordinance – The Planning Board reviewed a draft ordinance addressing solar energy systems. In preparing the draft, Mrs. Robertson had conversations with employees from Revision Energy, reviewed the NH Sustainable Energy Association's model ordinance, and ordinances and amendments under consideration in the City of Concord and the Town of Durham.

Planning Board discussion included the following:

- Wattage (KW/MW) and the overall area of land that is needed to support a system (ex. 1 MW = 4 Acres);
- The 17 MW system that may be constructed on capped landfill property;
- Omitting a rated capacity and/or area for all solar uses as defined, such as primary agriculture solar, commercial/industrial solar, and shared solar;
- Requiring principal solar systems, as defined, to obtain from the Planning Board a Conditional Use Permit and Site Plan Review approval;
- Ordinances of other municipalities prohibiting commercial/industrial systems in residential districts;
- Accessory residential systems permitted by right, but requiring building and electrical permits, as is presently required;
- Accessory commercial/industrial systems obtaining a Conditional Use Permit and Site Plan Review approval, no matter the rated capacity or area to be utilized;
- Solar lot coverage and impervious surface area will not include panels;

- Roof/building mount systems is not to be further restricted in height or footprint than that of any other structure within the zoning district;
- Shared solar systems situated on individually owned land or common land within a development;
- Utility solar to be a commercial/industrial use;
- Primary agriculture, commercial/industrial systems, accessory commercial/industrial systems, including substantial modifications thereto will require a Conditional Use Permit and Site Plan Review;
- Solar system criteria and other factors to be considered such as, setbacks, height, lighting, glare, signs, code compliance, screening, lot coverage, landscaping, noise, and stormwater management.

The Board considered various scenarios where an individual could place solar on their property that would benefit owners of other properties, such as a housing development. The draft ordinance addresses this possibility as “shared solar”.

There was brief discussion as to whether requiring a Conditional Use Permit for primary agriculture solar should be based on a rated capacity or acreage. Following discussion, the Board agreed, at this time, to base the requirement on the purpose of the solar system, rather than the rated capacity or acreage.

Mr. Kidder believed that a complaint concerning solar systems will most likely be based on the visual impact, if any, that the system will have on adjacent areas.

The Planning Board will review a revised draft at their next scheduled meeting before moving the ordinance forward to public hearing.

- b) Accessory Dwelling Units (ADU) – Currently, Hopkinton allows an ADU as an attached unit with limitations and requirements concerning size, bedrooms, utilities ownership, and aesthetics. The units are intended as an option to homeowners to offer separate and independent living space for their extended families, or to offer small dwelling units as rentals. The small rental units may be a form of workforce housing and, at the same time, offset the expenses of the homeowner.

Mrs. Robertson noted the following proposed revisions that would allow an ADU to be in a detached structure:

- An ADU shall be located within or attached to the principal single-family dwelling with common walls, unless the lot meets or exceeds the minimum required lot size for the respective zoning district. If the lot meets or exceed the minimum required lot size, the ADU may be located in a separate detached structure, such as a garage or barn, provided the existing structure conforms with required setbacks for the zoning district. An ADU may also be in a new structure;
- An ADU must remain in common ownership. Transfer of either dwelling unit to condominium ownership is not permitted;
- Prior to the issuance of a zoning/building permit, the owner shall record in the Merrimack County Registry of Deeds acknowledgement of the ADU and the

owner/occupancy requirement. Acknowledgement is to be in a form that is satisfactory to the Town, in order to put prospective buyers on notice of the prohibition against renting out both units;

- No home business will be permitted in the ADU;
- As an alternative, if allowed within the zoning district, a property owner can seek permission to convert the attached ADU to either a standard two-family or a multi-family dwelling.

- V. **Adjournment.** Chairman Ellsworth declared the meeting **ADJOURNED** at 8:15 PM. The next regular scheduled meeting of the Hopkinton Planning Board is at 6:30 PM on Tuesday, November 13, 2018 at the Hopkinton Town Hall.

Karen Robertson
Planning Director