



# Town of Hopkinton

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## HOPKINTON PLANNING BOARD

### MINUTES

OCTOBER 10, 2017

Members present: Chairman Bruce Ellsworth, Vice Chairman Michael Wilkey, Ex-Officio Jim O'Brien, Celeste Hemingson, Jane Bradstreet, Cettie Connolly, Rich Steele and Alternate Clarke Kidder. Absent: Alternates Jim Fredyma and Timothy Britain. Staff present: Planning Director Karen Robertson.

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**I. Call to Order.** Chairman Ellsworth called the meeting to order at 6:25 PM in the Hopkinton Town Hall.

**II. Review of the Minutes and Notice of Decision of September 12, 2017.**

Michael Wilkey, seconded by Jane Bradstreet, moved to **APPROVE** the Minutes of September 12, 2017, as presented. Motion carried unanimously in favor (Wilkey, O'Brien, Hemingson, Bradstreet, Connolly, Steele and Ellsworth). Vote: 7-0-0

Michael Wilkey, seconded by Cettie Connolly, moved to **APPROVE** the Notice of Decision of September 12, 2017, as presented. Motion carried unanimously in favor (Wilkey, O'Brien, Hemingson, Bradstreet, Connolly, Steele and Ellsworth). Vote: 7-0-0

**III. Conceptual Consultations.** Ron Klemarczyk, member of the Conservation Commission and Open Space Committee, addressed the Planning Board on behalf of the Open Space Committee to discuss the Town potentially purchasing a conservation easement on a portion of a dairy farm that is located in Contoocook Village.

The property in question will include a two-lot subdivision, creating a single-family residential lot for a family member. However, to not lose any of the prime agricultural land by having to include that land in the new residential lot, Mr. Klemarczyk questioned whether the Planning Board would permit a Conservation Subdivision of the property. The lot created will meet the Conservation Subdivision requirements for the district and the remaining 50 plus acres will be open space.

When asked about the order of events, Mr. Klemarczyk stated that if the Planning Board were agreeable that the property would qualify for a Conservation Subdivision, the property would be surveyed for the conservation easement and the exclusion area for the new residential lot. If the easement were approved at Town Meeting, then the owner would come before the Planning Board for subdivision approval.

Board members inquired about the topography of the farm land with Mr. Klemarczyk explaining that it is open fields with a portion of the property located in the floodway and floodplain.

Following discussion concerning the farmers interest that all prime agriculture land be part of the easement, rather than included in the new residential lot, members of the Board estimated the area of less than 10,000 SF. Board members questioned the real concern as

the area in question would be relatively small. In response, Mr. Klemarczyk explained the farmer's concern in dealing with new property owners each time the lot is sold.

Mr. O'Brien questioned whether there would be public access to the conservation easement land. Mr. Klemarczyk replied yes, stating that the access is off Park Avenue, adjacent to the Colonial Village Market.

Mrs. Bradstreet expressed concern with the Planning Board being asked to use the conservation easement land twice. In another word, the Town is purchasing the easement area, if agreed upon at Town Meeting, and the Planning Board is being told that in exchange for allowing a smaller lot to be created the owner has agreed to place the same land in conservation easement. She noted that the Town would be purchasing the easement, rather than receiving it in exchange for allowing a smaller lot. She was unsure of the added benefit by allowing the building lot to be less than the standard size requirement. Mr. Wilkey and other members concurred and expressed concern that allowing the proposal would set a precedent for others that may wish to sell the Town conservation land/easement and at the same time create lots having less than the standard area. As a result, Mr. Klemarczyk was asked to provide the Board with a legal opinion as to how the conservation easement area could be considered twice, one by Town meeting for a fee and then by the Planning Board for a smaller lot size.

#### **IV. Applications.**

**Lot Line Adjustments/Annexations (#2017-10)**, Application of Michael and Lucas Martin for property located at 103 Emerson Hill Road and Maple Street (Route 127), Tax Map 219, Lot 17 (3 tracts), R-3 District.

Mr. Martin presented a plan showing the three-tracts as they now exist and how the tracts will exist after the lot line adjustments/annexations. It was noted that the three-tracts were purchased by the previous owner at three separate times with the lot containing the residence that fronts on Emerson Hill Road being purchased in the 1930's and the other two tracts purchased at separate times in the 1950's. In addition to the tract containing the residence there is a middle tract that contains less than the required acreage with no frontage, and a larger tract that complies with the minimum acreage and frontage requirement for the R-3 district. The larger tract fronts along Maple Street (Route 127).

Jane Bradstreet, seconded by Rich Steele, moved to **ACCEPT** Application #2017-10 as complete and for consideration. Motion carried unanimously in favor (Wilkey, O'Brien, Hemingson, Bradstreet, Connolly, Steele and Ellsworth). Vote: 7-0-0

Chairman Ellsworth opened and closed the public hearing portion of the meeting as there were no public comments.

Board members reviewed the subdivision plan to determine whether the lot line adjustments/annexations would cause the tracts to be more non-conforming. As a result, a determination was made that the adjustments would make each tract more conforming.

Mrs. Bradstreet suggested that the readjustment of the lot lines would improve the overall value of the lots, which would benefit the property owner and Town.

Jane Bradstreet, seconded by Cettie Connolly, moved to **APPROVE** Application #2017-10 as presented. Motion carried unanimously in favor (Wilkey, O'Brien, Hemingson, Bradstreet, Connolly, Steele and Ellsworth). Vote: 7-0-0

**V. Other Business.**

Brief discussion concerning proposed zoning amendments with the Planning Board deciding not to present zoning amendments for consideration at the 2018 Annual Town Meeting.

**VI. Adjournment.**

Chairman Ellsworth declared the meeting adjourned at 7:20 PM. The next regular scheduled meeting of the Hopkinton Planning Board is at 6:30 PM on Tuesday, November 14, 2017, at the Hopkinton Town Hall.

Karen Robertson  
Planning Director