



# Town of Hopkinton

330 Main Street • Hopkinton, New Hampshire 03229 • [www.hopkinton-nh.gov](http://www.hopkinton-nh.gov)

Tel: 603-746-3170

Fax: 603-746-3049

## HOPKINTON ZONING BOARD OF ADJUSTMENT PUBLIC NOTICE – AGENDA AUGUST 7, 2018

Notice is hereby given that the Hopkinton Zoning Board of Adjustment will meet on Tuesday, August 7, 2018, at 5:30 PM in the Hopkinton Town Hall, 330 Main Street, Hopkinton, NH, to review and take action on the following.

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I. **Call to Order** (Determine quorum, review attendance of Regular Members and seating of Alternate Members, if necessary).

II. **Applications.**

**#2018-7 Elizabeth J. Nolin, Esq.** Variance to permit the construction of an addition to the residence at 86 Maple Street, owned by Loren and Holly Clement, in the VR-1 district, Tax Map 102 Lot 42. The application is submitted in accordance with Zoning Ordinance Table 4.2 and Section 5.1.2 (a).

III. **Other Business.**

IV. **Adjournment.**

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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 ZONING BOARD OF ADJUSTMENT  
APPLICATION FOR APPEAL

Name of Applicant: Elizabeth J. Nolin, Esq.  
Mailing Address: 4 Park Street, Suite 300, Concord NH 03301  
Telephone (days): (603) 227-6286  
Name of Property Owner: Loren Clement  
Mailing Address: 86 Maple Street, Hopkinton NH 03229  
Telephone (days): (603) 325-8700  
Tax Map: 102 Lot: 42 Location of Property: 86 Maple Street

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: 5.1.2 (a) Paragraph/Table: 4.2 (Table of Dimensional Requirements)

*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:

The undersigned requests a Variance from Section 5.1.2 (expansion of non-conforming use) and minimum lot dimensional requirements articulated under Section 4.2 to permit the construction of an addition to the residence located at 86 Maple Street, such addition consisting of additional living space, two bedrooms, one bathroom, and a garage.

**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.

- 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
- 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.**
- 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.
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.



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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></u>	Date: <u>7/23/2018</u>
Applicant's Printed Name: <u>Elizabeth J. Nollin, Esq.</u>	Date: <u>7/23/2018</u>
Owner's Signature: <u></u>	Date: <u>7/20/18</u>
Owner's Printed Name: <u>Loren D. Clement</u>	Date: <u>7/20/18</u>

**Town of Hopkinton, NH  
List of Abutters**

Map	Lot(s)	Property Owner(s) Name	Mailing Address	Office Use Only	
102	41	Marc and Anne Lajeunesse	108 Maple Street, Contoocook NH 03229		
102	43	Shawn McCluskey	76 Maple Street, Contoocook NH 03229		
102	13	Robert T. Blank	116 Cedar Street, Contoocook NH 03229		
102	12	Thomas and Karla Heck	134 Cedar Street, Contoocook NH 03229		
102	79	Harold and Mary Ekstrom	73 Maple Street, Contoocook NH 03229		
102	80	Michael and Mary Barwell	91 Maple Street, Contoocook NH 03229		
102	81	Timothy and Jessica Durkis	99 Maple Street, Contoocook NH 03229		
		Dan Higginson, Higginson Land Serv.	76 Patterson Hill Road, Henniker NH 03242		
		Elizabeth J. Nolin, Esq.	4 Park Street, Suite 300, Concord NH 03301		
		Loren Clement	86 Maple Street, Contoocook NH 03229		

1. List names and mailing addresses of applicant(s), property owner(s), and abutters.
2. List names and mailing addresses of all professionals whose seal appears on any plan.
3. For condominium associations and property owner association, the officers of the association are the abutters to be notified.
4. List names and mailing addresses of any holder of conservation, preservation or agricultural preservation easements or restrictions on any parcels included in the proposed project or subdivision.

**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.

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

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

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

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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.

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(ii) **The proposed use is a reasonable one.**  
Please see attached.

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(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.**

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**1.) The proposed use would not diminish surrounding property values because:**

A Variance from Section 4.2 would not diminish surrounding property values. The existing square footage of the lot is 14,960 square feet, and the requirement under the table is 15,000 square feet. A residence already exists on the lot; and many lots in this area are non-conforming because of their age and less than the required dimensions. For this reason, the Variance to this section would not diminish surrounding property values.

A Variance from Section 5.1.2(a) for the proposed addition would not diminish property values because the use would remain residential, as required by the district; the property owner has hired experts and taken great measures to ensure that the addition will be in keeping with the aesthetic of the existing residence and the surrounding neighborhood, a task similarly undertaken when the applicant upgraded the existing residence; and the addition will bring the residence into closer conformity with surrounding properties in terms of square footage. Additionally, the proposed addition will increase the value and desirability of the subject property.

**2.) Granting the variance would not be contrary to the public interest because:**

Granting a Variance from Section 4.2 would not be contrary to the public interest because it would be consistent with the essential character of the district (since the deficit is only 40 square feet and barely discernable from complying lots) and would in no way threaten the public health, safety, or welfare.

Granting a Variance from Section 5.1.2(a) for the proposed addition would not be contrary to the public interest because it would be consistent with the essential character of the district and would not in any way threaten the public health, safety, or welfare. The proposed use shall be entirely residential, and therefore will be in keeping with the residential nature of the district. Visually, the addition will be in keeping with the character of the district; the property owner has experience renovating the existing residence in keeping with the character and aesthetic of the district, and the same attention-- as shown on the proposed plans—has and will be given to the addition to ensure consistency with the visual character of the district. Additionally, there is no risk that the proposed variance would have any risk to the public health, safety, and welfare as it shall be a residential addition with no increase in the number of residents, and minimal increase to public resources to accommodate the single bath in the addition. The fact that the proposed variance will not be contrary to the public interest is highlighted by the fact that both immediate abutters and many of the surrounding abutters are in favor of the application and have lent their support to the property owner in this application.

**3.) By granting the variance, substantial justice would be done because:**

Granting a variance to Section 4.2 would serve substantial justice because the property owner would realize significant gain from being able to develop on the subject lot; the difference between the actual square footage and requisite square footage is only 40 square feet; and the

general public would realize no appreciable gain from denying the variance as a structure is already on the lot and the deficiency in terms of square footage on the lot is barely discernable.

Substantial justice would be done by granting the Variance to Section 5.1.2 because the property owner would achieve tremendous gain by being able to expand his residence and thereby use and enjoy his property more fully, while the public would realize no loss. The proposed addition poses no threat or burden to the surrounding property or community, is appropriate for the area in terms of use, size, and appearance, and does not harm the abutters; therefore, the general public would realize no appreciable gain from denying the variance.

**4.) The spirit and intent of the Ordinance will not be broken by granting the variance because:**

The spirit of the Ordinance is to, among other objectives, promote the health, safety, convenience, and general welfare of inhabitants.

The Variance request to Section 4.2 would not break the spirit and intent of the Ordinance because the deficiency of the subject lot is only 40 square feet, and there is already a residence on the subject lot.

The Variance request to Section 5.1.2 shall not be contrary to the spirit and intent of the Ordinance because the request does not threaten the health, safety, convenience, or general welfare of the inhabitants; nor does it propose an incompatible use on the subject location; nor does it threaten the values of surrounding properties. Because the proposal in no way is contrary to the public interest or proposes an inconsistent use for the district, the spirit and intent of the Ordinance will not be broken.

**5.) Literal enforcement of the Ordinance results in unnecessary hardship.**

**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.**

With regards to the Variance from Section 4.2, no fair and substantial relationship exists between the general purposes of Section 4.2 and the specific application to the property. The public purpose of Section 4.2 is to regulate development and ensure that property is not overdeveloped and affecting abutting properties. In this case, the deficiency of the subject lot is 40 square feet; and a residence is already on the site. The proposed addition would be within the requisite building envelope, and therefore there is no risk of overdevelopment on the subject lot or interference with abutters by granting the Variance to Section 4.2.

We request a variance from Section 5.1.2, providing that non-conforming residences may be expanded by up to 50% in square footage from the square footage existing at the date of nonconformity provided the addition does not further encroach upon non-conforming setbacks.

The purpose of Section 5.1.2 is to prevent over-development on lots with non-conforming residences, to provide that building on such lots does not interfere with the aesthetic of the district, and to keep districts and neighborhoods substantially uniform.

In this case, no fair and substantial relationship exists between these general public purposes and the specific application to this property. The proposed expansion would be more than 50% of the square footage of the existing building but would be entirely within building envelopes and in conformity with setback requirements of VR-1 properties as articulated under Section 4.2. The applicant has hired professionals to design and plan the addition to ensure the addition would be consistent with the aesthetic of the existing property and surrounding properties in the district, particularly taking into account the historic element of the neighborhood. Additionally, the applicant's addition will be partly screened by surrounding vegetation, and immediate abutters have given their support to the project.

The proposed addition shall consist partly of additional living space and partly of a garage. The proposed addition is consistent with other properties in the neighborhood because most properties have an additional or supplemental building that is a garage or barn. In fact, the subject property as it currently exists is one of the only properties in the vicinity that does not have a garage or barn. The proposed addition is in keeping with the style and structures in the neighborhood. For these reasons, there is no fair and substantial relationship between the general public purposes of Section 5.1.2 and the specific application of that provision to this property.

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

With regards to the Variance from Section 4.2, the proposed use of permitting the construction of an addition on a 14,960 square foot lot as opposed to 15,000 is reasonable because the deficiency is barely measurable and does not impact abutters with regards to overdevelopment of the lot or placement of a structure too close to lot lines.

With regards to the Variance from Section 5.1.2, the proposed use is a reasonable one because it seeks to expand a residence to reasonably accommodate the family that currently lives there and families who would look to purchase in the area. The existing structure is a non-conforming structure built in 1850, before there were zoning or planning ordinances in effect in Hopkinton. The existing residence consists of 1288 square feet. As shown on the preliminary plans, the proposed addition would seek to add extra living space, a garage, two bedrooms, and one full bath, all within the required building envelope for a VR-1 district. The addition would be entirely for residential use, in keeping with the district.

The applicant is married with four children, and understandably in need of additional space to raise his family. The existing residence is one of the smallest residences in terms of square footage in the immediate vicinity, with surrounding properties ranging from about 1650 to 3000 square feet; therefore, the total square footage of the proposed and the existing residence would be within the range of other properties in the neighborhood. As Hopkinton is an extremely family-oriented community, the addition to the existing property would also likely be appealing



to potential purchasers looking for a family home in the area. As the proposed addition would keep the existing residence and addition within the required building envelope while achieving these objectives, the proposed use is a reasonable one.

In addition to the above-described reasons as to why literal enforcement results in unnecessary hardship, an additional reason remains. The applicant would likely be able to demolish the existing residence and construct an entirely new residence within the building envelope that could result in a building larger than the existing residence and proposed addition. Literal enforcement of the Ordinance would result in unnecessary hardship on the applicant to level and erect a larger, new structure.

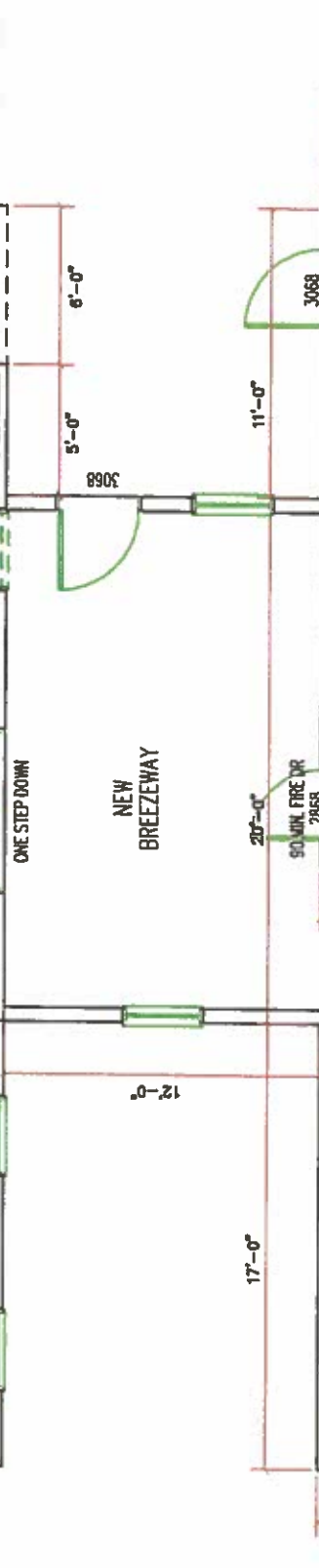
### Abutters List

- Marc and Anne Lajeunesse  
108 Maple Street, Contoocook NH 03229  
Map 102, Lot 41
- Shawn McCluskey  
76 Maple Street, Contoocook NH 03229  
Map 102, Lot 43
- Robert T. Blank  
116 Cedar Street, Contoocook NH 03229  
Map 1102, Lot 13
- Thomas and Karla Heck  
134 Cedar Street, Contoocook NH 03229  
Map 102, Lot 12
- Harold and Mary Ekstrom  
73 Maple Street, Contoocook NH 03229  
Map 102, Lot 79
- Michael and Mary Barwell  
91 Maple Street, Contoocook NH 03229  
Map 102, Lot 80
- Timothy and Jessica Durkis  
99 Maple Street, Contoocook NH 03229  
Map 102, Lot 81
- Dan Higginson, Higginson Land Services  
76 Patterson Hill Road, Henniker NH 03242  
Surveyor on Plans
- Elizabeth J. Nolin, Esq.  
Alfano Law Office  
4 Park Street, Suite 300, Concord NH 03301  
Applicant/ Attorney
- Loren Clement  
86 Maple Street, Contoocook NH 03229  
Applicant





THE GENERAL CONTRACTOR AND ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF THE EXISTING UTILITIES AND STRUCTURES OF THE PROJECT. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF THE EXISTING UTILITIES AND STRUCTURES OF THE PROJECT. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF THE EXISTING UTILITIES AND STRUCTURES OF THE PROJECT.



DATE: \_\_\_\_\_

REVISIONS: \_\_\_\_\_

**Hankey Designs**  
 PO Box 93, N. Salem, NH 03073  
 (603) 490-0258

**HD**

1/4" SCALE  
 ALL DIMENSIONS TO BE FIELD VERIFIED AND CHANGES MADE ACCORDINGLY.

CLEMENT

DATE: \_\_\_\_\_

1ST FLOOR LAYOUT

DRAFT

DRAFT

CROSS SECTION OPTION 2

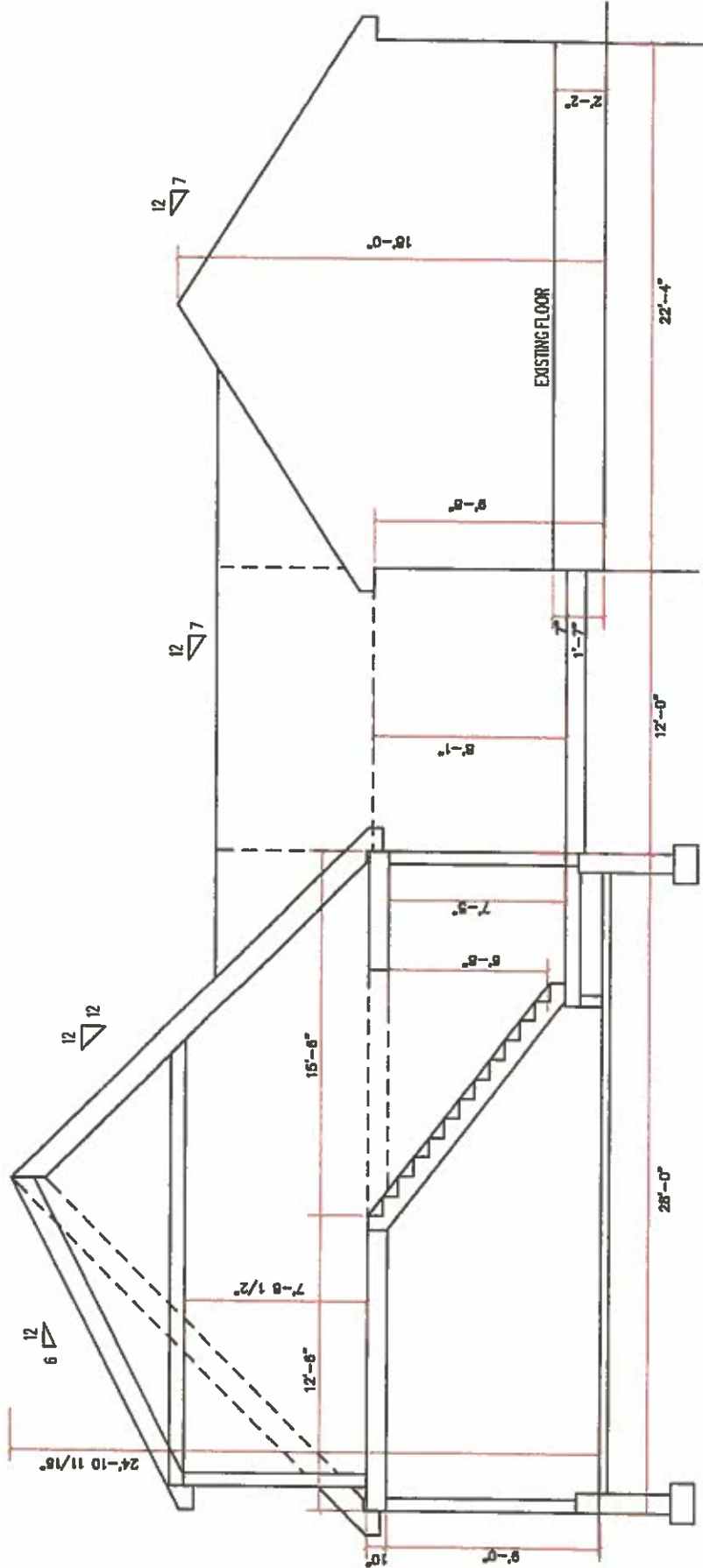
DATE:

CLEMENT

1/4" SCALE  
ALL DIMENSIONS  
TO BE FIELD VERIFIED  
AND CHANGES MADE  
ACCORDINGLY

Hankey  
Designs  
PO Box 93, N. Salem, NH 03073  
(603) 490-0258

REVISIONS	DATE



THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE USE OF THIS PLAN OR ANY PART THEREOF. THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SEE TO IT THAT THE WORK IS CONSTRUCTED ACCORDING TO THE GENERAL CONTRACTOR'S RESPONSIBILITY. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE USE OF THIS PLAN OR ANY PART THEREOF. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE USE OF THIS PLAN OR ANY PART THEREOF. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE USE OF THIS PLAN OR ANY PART THEREOF.

## **Provisions to Be Made**

With regards to the proposed addition, several provisions have been anticipated to be made to accommodate the additional use and square footage.

The proposed addition shall install one (1) additional bathroom, which shall be serviced by municipal septic disposal. As there shall be no increase in residents at the proposed location, and it shall merely be an increase of residential space, this shall not increase the burden in any significant manner on municipal septic. Similarly, water supply, fire protection, noise, and smoke shall not be substantially changed such that the public interest would be invoked.

The proposed addition shall consist partly of a garage, and for that reason there shall be no increase in parking in municipal areas or areas surrounding the subject property. Again, as there will not be an increase in the number of residents, there is no increase in the number of vehicles at the location anticipated at this time.

The property owner has hired contractors and other construction specialists in order to address matters of surface drainage caused by the addition. The proposed builder, Andy Raleigh, has addressed catch basins already in preliminary plans and shall continue to address such issues throughout the process. The addition shall be residential with a maximum square footage of about 1,300 square feet; and surface drainage shall not be an issue under the proposed plans.

Loren Clement  
86 Maple Street  
Contoocook, NH 03229

July 23, 2018

Town of Hopkinton  
Zoning Board of Adjustment  
330 Main Street  
Hopkinton, NH 03229

**RE: Authorization of Agent Representation  
Variance Application, 86 Maple Street**

Dear Board Members:

This letter is an authorization for my attorney, Liz Nolin of the Alfano Law Office, PLLC, located at 4 Park Street, Concord NH 03301, and any other attorney from that office as may be necessary, to represent me as my attorney/agent in all matters regarding the above-described variance matter for my property located at 86 Maple Street, Contoocook.

This authorization shall be in effect for the duration of the above-described variance interactions with the Town, unless specifically revoked by me in writing to this Board.

If you have any questions, please let me know.

Sincerely,



Loren Clement



After Recording Return To:

G. D. [unclear]

[Space Above This Line For Recording Data]

1441  
2-3

1499.00 QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That Bank of New York as Trustee for the Certificate Holders of BVMS 2004-1, a corporation, with a mailing address of 101 Barclay Street, 8-W, New York, NY 10286 for consideration paid grants to Loren D. Clement and Holly E. Clement, husband and wife, with a mailing address of 99 Center Road, Weare, NH 03281 as Joint Tenants with Rights of Survivorship, and with Quitclaim Covenants:

A certain tract or parcel of land with any buildings or improvements thereon, situate in Hopkinton, County of Merrimack, State of New Hampshire, on the west side of Maple Street in the Village of Contoocook, bounded and described as follows:

Beginning at a stone bound on the west side of Maple Street, the same being the northeast corner of land formerly owned by the late Arthur C. Huntoon, now owned by Gerhard Fuglestad; thence westerly by land formerly of said Huntoon, formerly Fuglestad, to the end of a fence on Cedar Street; thence northerly by said Cedar Street ninety (90) feet to an iron pin and land of Arthur C. Call, now owned by Ervin French; thence easterly by land formerly of said Call, now French, to an iron pin and Maple Street; thence southerly by said Maple Street ninety-four (94) feet to the point of beginning.

This is not homestead property of the Grantor.

Meaning and intending to describe and convey the same premises conveyed to Bank of New York as Trustee for the Certificate Holders of BVMS 2004-1 by deed dated April 10, 2008 and recorded in Volume 3058, Page 1217, of the Merrimack County Registry of Deeds.

LT1-2-708285-1

LT2-3064-55-2

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION REAL ESTATE TRANSFER TAX

1 THOUSAND 4 HUNDRED AND 99 DOLLARS

850686 \$ 1,499

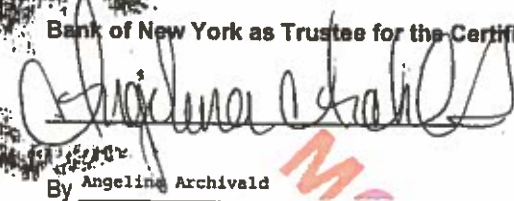
05/06/2008

VOID IF ALTERED

The undersigned Trustee as Trustee under said Trust has full and absolute power under said Declaration of Trust to convey any interest in real estate and improvements thereon held in said Trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee for a conveyance thereof. The Trustee's authority to convey real estate held in said Trust has been authorized by the beneficiaries of said Trust, is still in effect and has not been revoked or amended.

Executed this 1 day of May, 2008.

Bank of New York as Trustee for the Certificate Holders of BVMS 2004-1



By Angelina Archivald

As Asst. Secretary

State of TEXAS  
County of COLLIN

**MERRIMACK COUNTY RECORDS**

Then personally appeared the above-named Angelina Archivald  
As Asst. Secretary before me this 1 day of May, 2008,  
duly authorized on behalf of Bank of New York as Trustee for the Certificate Holders  
of BVMS 2004-1, and acknowledged that he/she executed the same for the purposes  
contained therein in his/her aforesaid capacity.

  
Notary Public/Justice of the Peace  
Commission Expiration:



MERRIMACK COUNTY RECORDS  
 CPO, Registrar



Elizabeth J. Nolin, Esq.

Direct Dial: 603.227-6286  
[liz@alfanolawoffice.com](mailto:liz@alfanolawoffice.com)

Town of Hopkinton  
Zoning Board of Adjustment  
330 Main Street  
Hopkinton, NH 03229

July 23, 2018

**RE: Determination of Requirement for Variances for Proposal  
86 Maple Street, Contoocook**

Dear Members of the ZBA:

My office represents Loren Clement, the property owner of 86 Maple Street, Contoocook NH 03229. My office and I regularly engage in land use matters and appeals of zoning ordinances to local boards, including matters of Variances.

In the course of my representation of Mr. Clement, I have examined in great detail the Hopkinton Zoning Ordinance together with Mr. Clement's proposed plans to erect an addition to his residence at the above-described location, such addition being shown on the plans enclosed in the Variance Application filed with this board on July 23, 2018.

In my legal opinion, based on my knowledge and examination, Mr. Clement will require two (2) variances to the Hopkinton Ordinance to get a building permit and other town approvals for the requested addition: the first, to Section 4.2 (Table of Dimensional Requirements), which requires all properties in a VR-1 district have a minimum lot area of 15,000 square feet; and the second, to Section 5.1.2 (a), which permits non-conforming residences to expand up to 50% of the existing non-conforming residence.

The lot at 86 Maple Street has undergone two (2) lot-line adjustments with neighbors in recent months, the second adjustment currently being before the Planning Board. The proposed area of the adjusted lot should the second adjustment be approved by the Planning Board shall be 14,960 square feet, which is 40 feet deficient of the 15,000 square foot requirement. As the 14,960 square feet does not comply with Variance Section 4.2, Mr. Clement shall need a Variance from that section.

Secondly, the proposed addition to the existing non-conforming residence is proposed to be 1,344 square feet; the existing residence consists of 1,288 square feet according to town assessment records. As the proposed addition is greater than 50% of the square footage of the existing residence, a Variance shall be required from Section 5.1.2(a) to permit the addition.

In sum, the totality of my research and analysis concludes that Mr. Clement shall require Variances from Sections 4.2 and 5.1.2(a) in order to properly construct the proposed addition and receive all town approvals necessary for such lawful construction.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Liz Nolin', with a stylized, cursive flourish at the end.

Liz Nolin



Elizabeth J. Nolin, Esq.

Direct Dial: 603.227-6286  
[liz@alfanolawoffice.com](mailto:liz@alfanolawoffice.com)

Town of Hopkinton  
Zoning Board of Adjustment  
330 Main Street  
Hopkinton, NH 03229

July 23, 2018

**RE: Lot Size and Lot Line Adjustments, Final and Pending  
86 Maple Street, Contoocook**

Dear Members of the ZBA:

My office represents Loren Clement, the property owner of 86 Maple Street, Contoocook NH 03229 with regards to the enclosed Variance application. In addition to the required application information, I would like to take the opportunity to discuss and explain the lot size and lot line adjustments, both final and pending, of the subject property.

In the course of exploring the possibility of constructing an addition to his existing residence, Mr. Clement approached his immediate abutters for the purposes of entering into lot line adjustment agreements in order to get more area for his lot to reasonably accommodate the proposed addition and ensure the proposed addition complies with Ordinance setback and building envelope requirements. Mr. Clement purchased property from each of his abutters and had surveys created for the lot line adjustments and has presented both lot line adjustments to the Planning Board.

The first lot line adjustment was to adjust the boundary line between my client and his neighbors, Mark and Anne Lajeunesse located at Map 102, Lot 41, and placed on the Planning Board agenda for June 12, 2018. The lot line adjustment was subsequently approved by the board.

The second lot line adjustment proposes the adjustment of the boundary line between my client and his neighbor, Shawn McCluskey located at Map 102, Lot 43. That lot line adjustment was submitted to the Planning Board on July 12, 2018. That adjustment has not yet been approved by the Planning Board.

The enclosed Variance application presupposes and is phrased as though the proposed lot line adjustment between my client and the property at Map 102, Lot 43 is approved by the Planning Board. The result of the approval of both lot line adjustments increases the area of 86 Maple Street from 0.27 acres to 14,960 square feet, or .35 acres.

We request that this Board proceed with the application and consider the lot size to be the 14,960 square feet that shall result from the approval of the pending lot line adjustment application. Should it please the board, the applicant would be agreeable to making this Variance approval contingent on the approval of the lot line adjustment pending before the Planning Board.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Liz Nolin', with a stylized, cursive script.

Liz Nolin