



# Town of Hopkinton

## Planning Department

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### HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES JANUARY 2, 2024

The Hopkinton Zoning Board of Adjustment held a meeting on Tuesday, January 2, 2024, at 5:30 PM in the Hopkinton Town Hall, 330 Main Street, Hopkinton. Members present: Chair Daniel Rinden, Eric Buck, Andy Locke, and Kristen Cummings. Staff present: Planning Director Karen Robertson.

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#### I. Call to Order/Roll Call.

#### II. Applications.

**#2023-12 Dakota and Ashley (Wing) Reade** Variance to construct an addition with less than the required front setback for the R-3 District, per Zoning Ordinance 4.2. The property under consideration is located at 1253 Clement Hill Road, Tax Map 207, Lot 6.

Mr. and Mrs. Reade spoke before the Board, detailing their proposal to build a garage and mudroom extension onto their current residence. The residence is positioned on the lot in a way that its front faces the side lot line instead of the street, which means the addition will be closer to the front lot line. They included photographs in their application depicting their home's placement on the lot. The images show the steep slope and wetland area on the opposite side of their home (rear yard), as well as the existing deck and porch at the rear of their home (side yard). They specifically highlighted that this area is where their septic system is located.

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

- 1) **"The proposed use would not diminish surrounding property values** because the mudroom and garage addition was designed by a licensed architect, so not only to improve functionality but also maintain the architectural beauty of the home. The addition and attached garage will increase the value of the home. The garage addition meets the setback requirements from the side property lines so it would not have an impact on the neighboring properties. We are unable to build on the other side of the home, due to the significant slope of our yard."
- 2) **"Granting the Variance would not be contrary to the public interest** because currently, this home has a known blind driveway. Changing the driveway route and putting an attached garage on the house would allow for more room for cars and delivery vehicles to safely turn around and exit the driveway. The garage and mudroom will be aesthetically pleasing and will increase the home's value. The addition and mudroom will not increase noise and will actually allow for us to have

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our cars parked inside the garage, since it will be easier to access the house by having a garage attached to the home, leaving more room in our driveway for delivery vehicles and visitors and creating a more organized visually appealing environment and landscape.”

- 3) **“By granting the Variance, substantial justice would be done** because the proposed structure would allow us to adjust our driveway so that there is more room to turn around and not have to back out of the driveway. The current garage floods and is very far away from the house (60 feet). It is challenging to park so far away from the house, so having an attached garage and mudroom will allow for better entry into the home. The mudroom and office space are needed for our growing family and we cannot build on the other side of our house due to the significant slope of our yard and wetlands beyond that.”
- 4) **“The spirit and intent of the Ordinance will not be broken by granting the Variance** because many homes on Clement Hill have houses and structures that are closer to the road than what the zoning ordinances are. We would be meeting all other zoning ordinances and the addition would not negatively impact our neighbors. It would not negatively affect the roadway and our house is turned sideways to the road, so we were unable to draft an acceptable alternative to this building design. We have tried other building design options, but due to the significant slope on the side of our home we could not successfully determine a different way to complete this addition. The garage size was scaled back to a single garage door (22’x26’) for minimize setback encroachment.”
- 5) **Literal enforcement of the Ordinance results in unnecessary hardship.** “Due to the topography of our property, the significant slope, and because our house is positioned sideways to the road, there is not an alternative way to build this mudroom and garage addition. The current garage is 60 feet away from our house, which is very challenging to navigate for our family. Entering the home can be difficult in inclement weather because the distance from the garage and driveway to the house is so far. Our current house does not have a mudroom and the current main entry into the home does not have an area for visitors or our children to sit down. The front door opens right into the main stairway of our home. There are also four large exposed steps to enter the home, which is difficult for visitors and our family to leave and enter because they are not covered from snow or ice.”
  - I. **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.** "Clement Hill is a beautiful agricultural area of Hopkinton and although the zoning ordinance requires that there be a setback of 60 feet due to the topography of our land and how our house was built sideways to the road we are unable to further develop our home to meet our family's

needs. Most of our neighbors have the ability to have an attached garage to allow for easy access into their homes, which is very important during the winter time. We will be upholding the spirit of the Hopkinton community as well as the Clement Hill community by building an addition that is both aesthetically pleasing and that allows for better use of our property without damaging the natural beauty of the environment around it.”

**ii) The proposed use is a reasonable one.** "There are other properties on Clement Hill Road that have existing structures closer than the zoning requirements and shorter setbacks than what we are proposing. The garage and mudroom addition are both reasonable in size and have been scaled back to ensure maximum distance from the roadway. The proposed garage is a single door and only 22'x26', rather than the initial desired oversized garage. Due to the topography of our property and position of our house, we cannot build on any other side of the house without significant alternations to the architecture of the home, diminishing the curb appeal to the property.”

Again, Mr. and Mrs. Reade explained why alternative locations for the addition were not viable. They emphasized that they thoroughly explored various placement options, including the front (side yard) of the house, but found it aesthetically displeasing.

Chair Rinden opened and closed the public testimony, as there were no individuals present who wished to speak.

In the course of deliberation, Chair Rinden stated that there is no alternative location feasible for the addition. Ms. Cumming concurred, affirming that all possible options had been thoroughly explored. Mr. Locke pointed out that the proposed location is the most logical, considering the lot's topography and the placement of the septic system, which limits construction elsewhere. He emphasized that situating the addition on the front (side yard) would disrupt the house's configuration, and placing it at the rear (side yard) would necessitate relocating the septic system and creating another curb cut off Clement Hill Road. Chair Rinden concurred, emphasizing that the proposed configuration allows for a driveway turnaround, eliminating the need for vehicles to back out onto the street.

**MOTION** made by Kristen Cummings, seconded by Eric Buck, to approve Application #2023-12, allowing the construction of an addition (garage and mudroom) having less than the required front setback. The motion passed unanimously (Locke, Buck, Cummings, and Rinden).

The Applicant successfully addressed all criteria to be granted a Variance as outlined in Section XV of the Zoning Ordinance. The decision is based on the following findings:

- Constructing the addition on the opposite (rear yard) side of the home would have implications involving a steep slope and wetland.
- Placing the addition on the front (side yard) of the home would interfere with the existing configuration of the house.

- Choosing the rear (side yard) of the home for the addition would require relocating the septic system and creating an additional curb cut off Clement Hill Road.
- The proposed configuration enhances driveway safety by incorporating a turnaround, eliminating the necessity for vehicles to back out onto the street.
- Other homes have front setbacks along Clement Hill Road that fall below the required standard.

## **II. Minutes and Notice of Decision of September 5, 2023.**

All board members unanimously approved the Minutes and Notice of Decision of the September 5, 2023 meeting (Locke, Buck, Cummings, and Rinden).

## **III. Other Business.**

- (a) Zoning Amendments — The Board had been provided with the complete text of zoning amendments that the Planning Board, at their meeting on December 12, 2023, had approved for submission to the voters. Notably, amendments to Section XV, Zoning Board of Adjustment, were highlighted. Ms. Robertson pointed out that these revisions aim to bring Hopkinton's Zoning Ordinance in line with New Hampshire's statute (NH RSA 674:33).
- (b) Other Business — Scott Clay of 1677 Bound Tree Road raised concerns regarding discrepancies in the statements made by Accurate Transportation when meeting with the Zoning Board of Adjustment on January 3, 2023, and the Planning Board on October 17, 2023, concerning the number of recovered vehicles to be stored on the premises (Bound Tree Road/Pine Street). Specifically, during the January 3, 2023 meeting, the Applicant stated an anticipated storage range of five to ten vehicles per week. However, at the October 17, 2023 Planning Board meeting, the same Applicant suggested that, based on the size of the impoundment yard, there is a potential for accommodating up to 40 vehicles. Again, Mr. Clay expressed concerns with the discrepancy in numbers and the potential environmental impact of these vehicles on the significant wetland area, which includes Hardy Brook, as it enters the Contoocook River.

The Board responded by affirming a clear recollection of the previous discussions regarding the impoundment yard, the number of vehicles, and the timeline for storage. Additionally, the Board emphasized that a condition had been imposed to limit the number of vehicles. The Code Enforcement Officer was identified as the individual responsible for follow-up and addressing any violations that may arise.

## **IV. Adjournment.** Chair Rinden declared the meeting adjourned at 6:15 PM. The next regular meeting is scheduled for 5:30 PM on Tuesday, February 6, 2024.

Karen Robertson  
Planning Director

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Ordinance §15.10. "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,

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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."

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