



# TOWN OF HOPKINTON

OFFICE OF  
**BOARD OF APPEALS**

---

TOWN HALL  
18 MAIN STREET – THIRD FLOOR  
HOPKINTON, MASSACHUSETTS 01748-3209

WAYNE R. DAVIES, Chairman  
ROBERT W. FOSTER, Vice Chairman  
TOM GARABEDIAN, Clerk

[WWW.HOPKINTON.ORG](http://WWW.HOPKINTON.ORG)  
ZBACHair @ Hopkinton.org  
ZBAClerk @ Hopkinton.org

## **Minutes of the Board of Appeals**

**Minutes: January 26, 2005**  
**Town Hall, 2nd Floor**

**Called to Order: 7:30 PM**  
**Adjourned: 9:30 PM**

**Members Present:** Wayne Davies, Chairman; Robert Foster, Vice Chairman; Thomas Garabedian, Clerk; Henry Kunicki; Vascen Bogigian; Michael DiMascio

**Members Absent:** Patricia Rackauskis

**Also Present:** Michael Shepard, Zoning Enforcement Officer

### **7:30 PM      Administrative Session of the Board of Appeals**

Mr. Bogigian was appointed as a regular member to the Board by Selectmen and Mr. Davies welcomed him.

Mr. Davies read a thank you letter from the Board of Selectmen regarding the MEPA decision for the Fruit Street property.

Mr. Davies stated he would like a meeting posted for February 16, 2005 at 7:00 PM to go over meeting minutes. Mr. Davies also stated the February 9, 2005 meeting would be cancelled.

Mr. Davies discussed different resource material he would like the Board to acquire. Mr. Kunicki made a motion to buy the Massachusetts Zoning Manual from MCLE, Inc. The motion was seconded and passed unanimously.

Mr. Foster moved to pay the January 20, 2005 bill in the amount of \$366.60 for Action Copy Plus from the 53E ½ account. The motion was seconded by Mr. Garabedian and passed by all except Mr. Bogigian who abstained.

Mr. Foster moved to pay the December 6, 2004 bill in the amount of \$1,080.00 for Laurence A. Faiman, Faiman & DeAngelis from the Stagecoach Heights 53G account. The motion was seconded by Mr. Garabedian and passed by all except Mr. Bogigian who abstained.

Mr. Foster moved to pay the January 3, 2005 bill in the amount of \$598.50 for Laurence A. Faiman, Faiman & DeAngelis from the Stagecoach Heights 53G account. The motion was seconded by Mr. Garabedian and passed by all except Mr. Bogigian who abstained.

Mr. Davies reviewed the letter from Housing & Community Development on the topic of smart growth. Mr. Bogigian will look into it and see what it is.

Regarding the February 23, 2005 agenda, Mr. Shepard will have information from DPW regarding the 53G account for 40B payment authorization.

**8:00 PM Request for Special Permit  
7 Saddle Hill Road – Tibbo**

Scott Tibbo, applicant

Members sitting: Mr. Davies, Mr. Foster, Mr. Garabedian, Mr. Bogigian, Mr. Kunicki

Mr. Tibbo stated he was looking for side set-back relief for a fence. Mr. Tibbo stated he is proposing to put in a small horse stable, to hold a maximum of 2 horses, a turnout field, and a fence. Mr. Tibbo stated he is located in the Agricultural zone and a fence may not meet the zoning by-law because of the setback. Mr. Tibbo stated he would maintain the property in a very clean manner. He is concerned the fence is considered a structure.

Mr. Davies asked Mr. Shepard if he had any problems with this. Mr. Shepard stated there were no problems with the barn which is an enclosure and the use is permitted. Mr. Shepard stated the issue is the side lot line under by-law 210-119.

Mr. Bogigian asked if a fence is allowed on the property line. Mr. Shepard stated yes but this has to do particularly with riding horses so the fence is considered a structure.

Mr. Davies asked if there were any public comments.

Mark Wilme, 9 Saddle Hill Road stated he was concerned the fence would permanently damage the tree roots and he was opposed to the project.

Kathy Wilme, 9 Saddle Hill Road stated she has no problems with the neighbors or with horses but she is opposed with the project because she is concerned about property values.

Mr. Tibbo stated he is proposing to ship the manure off site 2-3 times per week. He also stated in terms of the trees he is doing everything he can to maintain the tree line.

Mr. Davies asked Mr. Shepard if, in his opinion, the Board could use 210-119 to vary a restriction under 210-6L. Mr. Shepard stated perhaps a variance is more appropriate.

Mr. Davies asked if there were any other comments.

Jen Hamil, 4 Palamino Drive stated she was concerned about health issues and she was opposed to the project.

Mr. Davies asked Mr. Tibbo if he would like to amend his application for a variance under 210-6L. Mr. Tibbo stated that yes he would like to amend his application for a variance. Mr. Foster moved to accept



Mr. Foster moved to close the public hearing for NSTAR. The motion was seconded by Mr. Garabedian and passed unanimously.

Mr. Foster moved to close the public hearing for WCVB-TV CH 5. The motion was seconded by Mr. Garabedian and passed unanimously.

**9:15 PM Request for Special Permit**  
15 Priscilla Road – Fredette

Mary Eileen Fredette, applicant  
Joe Stevens, son-in-law

Members sitting: Mr. Davies, Mr. Foster, Mr. Garabedian, Mr. Bogigian, Mr. Kunicki.

Mr. Stevens stated they were requesting a special permit for an accessory dwelling. He indicated that the total square feet will fall under 800 SF.

Mr. Shepard stated the existing house will become the accessory dwelling unit, and the addition will become the main house.

Mr. Foster asked what the status of the way going in there on the north side. Mr. Shepard stated that is nothing, it just gives access to the lake.

Mr. Davies asked if the public had any comments.

Mary Harrington, 102 Wood Street stated she was in support of this applicant.

Mr. Foster moved to close the public hearing. The motion was seconded by Mr. Kunicki and passed unanimously.

Mr. Garabedian moved to grant a special permit for an accessory dwelling unit. The motion was seconded and passed unanimously.

Mr. Garabedian moved to grant a special permit for side set-back relief for the accessory dwelling. The motion was seconded and passed unanimously.

Mr. Garabedian moved to grant a special permit for side set-back relief for existing deck. The motion was seconded and passed unanimously.

Mr. Foster moved to adjourn the meeting. The motion was seconded by Mr. Garabedian and passed unanimously.

Meeting Adjourned: 9:30 PM

Adina Wright  
Administrative Assistant