

“Stagecoach Heights”  
Hopkinton, Massachusetts

Waivers Requested

05 September 2003  
Rev.: 06 February 2004

**Zoning, Chapter 210, Town of Hopkinton (December 2002)**

**Article XIII, Garden Apartments in Residential Districts**

- **210-74.B.(15) Suitability of land area.** *Natural watercourses and ponds may not be altered, filled, drained or relocated. Any pond that has been in existence for over 25 years shall be deemed to be a natural pond. Floodplain or marshes may be included as part of a lot, but may not be altered, filled, drained or relocated and may not be used for building sites, sewage disposal areas or ways.*

A waiver from this regulation is being requested to alter 795 square feet of Isolated Wetlands in order to provide access to the site. The plan has been revised to eliminate the 4120 square feet of Bordering Vegetated Wetlands previously proposed. The applicant believes they will receive a Superseding Order of Conditions based on the revised plans.

- **210-74.B.(17) Road construction.** *Roads are to be constructed in accordance with the standards of the Subdivision Rules and Regulations of the Town of Hopkinton with the exception of the width, which shall be determined by the Planning Board. Inspection of the roads during construction shall be in accordance with the procedures contained in the Subdivision Rules and Regulations and the inspection process shall be administered by the Planning Board. Such procedure shall include the payment of any fees or deposits for the inspections as required by the Subdivision Rules and Regulations at the time of site plan submittal.*

A waiver from this regulation is being requested to construct roads and common driveways not in compliance with the Subdivision Rules and Regulations. In particular, Patriots Boulevard is not in accordance with the typical street cross section because a portion of the road is designed as a boulevard with two 17-foot paved lanes and a 6-foot island. Waivers from specific requirements of the Subdivision Rules and Regulations are listed below.

In addition, a waiver from this regulation is being requested so that the proposed common driveways do not have to be constructed as Minor Streets as recommended

by Fay, Spofford and Thorndike. Requiring the common drives to be designed as Minor Streets would substantially increase excessive cuts/fills and land disturbance.

## **Article XVIII, Supplementary Regulations**

- **210-119.2 Highway Buffer.** *On all lots which abut Interstate Routes 495 and/or 90, in every zoning district with the exception of the Rural Business and Industrial Districts, there shall be a buffer adjacent to Interstate Routes 495 and 90 a minimum of 50 feet wide, measured from the edge of the highway right-of-way/property line. Buffer areas shall remain wooded, and no clearing of trees or other vegetation or the alteration of other landscaping features shall be permitted. No, buildings, sewage disposal systems, paved areas, athletic fields, active recreation areas or any other use which requires the clearing of trees or other vegetation or the alteration of landscaping features, with the exception of wireless communication facilities, will be permitted within the buffer area.*

A waiver from this regulation is being requested to alter the 50-foot buffer along Route 495. Approximately 8400 square feet of buffer (total buffer is 105,700 S.F.) is proposed to be altered, resulting from the construction of Patriots Boulevard. To mitigate this loss of buffer, approximately 90 Jack Pines planted on a 3-foot high berm are proposed to screen the development from the Route 495.

## **Rules and Regulations relating to the Subdivision of Land (May 8, 2000)**

### **Section 8 Design Standards**

- **8.2.4.C** *Where the grade of any street at the approach to an intersection exceeds 5%, a leveling area shall be provided and have no greater than 3% grades for a distance of 75 feet measured from the nearest right-of-way line or edge of traveled way, whichever is greater, from the intersecting street.*

A waiver from this regulation is being requested to allow the grade of Patriots Boulevard at the intersection with Kings Way (approx. Sta. 4+00) to exceed 5% without leveling areas. A turn around and island have been added at this intersection to improve safety by reducing vehicle speeds along Patriots Boulevard.

- **8.2.5.A. Dead Ends.** *Dead end streets shall not be approved except where exceptional circumstances exist in the opinion of the Board. Exceptional circumstances may be: severe environmental conditions which render a through road*

*detrimental to the environmental, when such a through road complies with all other local and state regulations, including wetlands regulations; Open Space and Landscaping Preservation Development.*

A waiver from this regulation is being requested to construct 400 feet of dead end street. As a result of severe environmental conditions rendering a through road detrimental to the environmental, Road “A” was eliminated.

- **8.2.6 Sideslopes.** *Sideslopes, outside the limits of the roadway right-of-way and necessitated to transition from proposed roadway grades to existing ground elevations, shall not exceed a ratio of three horizontal to one vertical. Cut slopes greater than fifteen feet in height shall be benched and approved by the Board.*

A waiver from this regulation is being requested to construct sideslopes at a grade less than 3 to 1 at the following locations:

Sta. 5+80 to 10+50, Patriots Boulevard, Construct a 1.5 to 1 fill sideslope. Grading the sideslope at 3 to 1 in this location would alter another 4500 square feet of the 50-foot buffer zone along Route 495.

Sta. 0+75 to 3+80, Patriots Boulevard Construct a 2 to 1 cut sideslope. Grading the sideslope at 3 to 1 in this location would alter another 2000 square feet of the area within 100 feet of a vernal pool and another 700 square feet of land within 50 feet of Bordering Vegetated Wetlands.

- **8.2.7.A. Disturbance to Natural Topography** *No roadway construction shall require the cut or fill of an area in excess of 8 feet in depth. The cut or depth shall be measured from the pre-construction natural grade to the centerline elevation of the proposed road.*

A waiver from this regulation is being requested to construct roadways that require cuts and fills in excess of eight feet. The following locations require this waiver:

Sta. 0+45 Patriots Boulevard (cut of approximately 8.5 feet)  
Sta. 1+65 to 2+75 Patriots Boulevard (cut of approximately 16.5 feet)  
Sta. 7+30 to 8+80 Patriots Boulevard (fill of approximately 16.5 feet)  
Sta. 12+25 to 12+75 Patriots Boulevard (fill of approximately 10 feet)

It is our opinion that it is improbable to avoid excessive cuts and fills on this site due to the undulating topography and limited access. The last several redesigns of the project have balanced the overall cuts and fills. The elimination of Road “A” has eliminated the largest excessive cut, approximately 17 feet of cut along 180 feet of road “A”.

- **8.2.7.B. Disturbance to Natural Topography** *No construction of roads, stormwater management systems, driveways, pipes, or other infrastructure construction shown on a subdivision plan shall be proposed on a land area which slopes at a grade of 25% or more.*

A waiver from this regulation is being requested to construct infrastructure (roadways and stormwater management system) on land which slopes at a grade of 25% or more. The area to be disturbed on land which slopes at 25% or more is approximately 36,000 square feet out of a total of 131,500 square feet on the site.

- **Typical Roadway Cross Section.**

A waiver from this regulation is being requested to construct roadways not in compliance with the Typical Roadway Section. The proposed roadway section differs from the Typical Roadway Section because a portion of Patriots Boulevard is proposed as a boulevard with two 17-foot wide paved lanes and a 6-foot island (40 feet wide total).

**Chapter 96, Earth Removal, General By-Laws of the Town of Hopkinton  
Chapter 210-122, Earth Removal**

A waiver from the Earth Removal By-law is being requested for the project.

**Chapter 206, Wetlands Protection & Regulations**

- **Section 10.1 (3) *Work within 100 feet of a vernal pool***

A waiver from this regulation is being requested to work within 100 feet of a vernal pool. Work within 100 feet of a vernal pool is necessary to construct Patriots Boulevard and the outlet to Detention Basin A. The area to be altered that is within 100 feet of a vernal pool is approximately 14,500 square feet out of a total of 143,000 square feet on the site.

- **Section 10.1 (3) *Work within 50 feet of Bordering Vegetated Wetlands***

A waiver from this regulation is being requested to work within 50 feet of Bordering Vegetated Wetlands. Work within 50 feet of Bordering Vegetated Wetlands is necessary to construct Patriots Boulevard and the outlet to Detention Basin A. The area to be altered within 50 feet of BVW is approximately 6,000 square feet out of a total of 77,000 square feet on the site.

## **Construction Standards and Rules and Regulations for Public Water Mains and Services, Town of Hopkinton Water Department**

- **Section 13 Water Main Extension Policy** *There will be no extensions allowed to the Hopkinton Water System as ruled by the DPW Director under Mass. General Law C041 – Sec 69B.*

A waiver from this regulation is being requested to allow the project to connect to the municipal water supply for domestic and fire suppression service.

### **Open Space and Recreation Plan**

A waiver from the Open Space and Recreation Plan is being requested. Since the parcels addition to the Plan, we are unaware of any attempt of the Town of Hopkinton to purchase the parcel for Open Space.

### **Fees**

- A waiver is requested to allow a 25% reduction from all fees for the project.

The applicant reserves the right to add, delete, and/or modify any and all waiver requests.