

ZONING ADVISORY COMMITTEE
Of the Hopkinton Planning Board

Tuesday, October 23, 2007 7:00 PM
Fire Station Meeting Room

MINUTES

PRESENT: Ken Weismantel, Chairman, David Auslander, Don Bartlett, Alex Brown, Richard DeMont, Peter Ficarri, Gary Haroian, Richard Oldach, Mavis O'Leary, Ron Roux, Joseph Strazzulla

Elaine Lazarus, Planning Director

1. Open Space Mixed Use Overlay District

Steven Zieff, Boulder Capital, Marilyn Sticklor, Goulston & Storrs, and Richard Hollworth, VHB, appeared before the Committee. Mr. Zieff stated that the proposed Open Space Mixed Use Overlay District (OSMUD) for Legacy Farms is the skeletal structure of their body of work. He described the purpose of the OSMUD as preserving 500 acres of open space, restoring the open space, stewardship of land, adding trails and recreation fields, getting the Alprilla Farm well on line, traffic mitigation, and preserving Weston Nurseries as a business. He stated the fiscal benefit to the Town is \$3 million in net annual revenue plus permitting fees. He stated they want to provide the Town with significant control. He stated they will prepare a detailed master plan for the 728 acres, so the OSMUD is more than a traditional zone. He stated that the Planning Board will conduct site plan review of specific development areas after the Master Plan is approved by Town Meeting. He noted they have tried to correspond with Hopkinton's existing zoning.

Mr. Zieff reviewed the master plan that was shown to the Town in June, 2007 at the time of the town meeting vote. He showed conceptual plans for a village center in the area of the existing Weston Nurseries Garden Center, with about 123,000 sq. ft. of commercial space. He noted there would be two additional commercial nodes, one on East Main St. and the other near Wilson St., and the three together would have no more than 450,000 sq. ft. He noted that the master plan and OSMUD also provides for 940 dwelling units. He added that a reconfiguring of Frankland Rd. from East Main St. beyond the existing Phipps Rd. is proposed, which would reduce the grade of the road and fit it with the land. He noted that on the south side of East Main St., four story buildings are proposed to reduce overall building footprint and to provide affordable housing.

Roy MacDowell, Boulder Capital, stated they have walked the site with the Conservation Commission, which has almost completed the wetland delineation.

Mr. Bartlett asked for clarification of the location of proposed village center buildings as it relates to the existing garden center, and the current location of Frankland Rd. Mr. MacDowell described the area and proposed changes. Mr. Haroian asked if the 123,000 sq. ft. includes the

Weston Nursery business, and Mr. MacDowell stated it does. He noted that the new main building for Weston Nurseries would have 12,000 sq. ft., 8,000 sq. ft. on the first floor and 4,000 on the second floor. He noted there would also be greenhouses, and they would count 40% of the greenhouse square footage as retail space. Mr. Haroian asked about the maximum square footage that would be allowed for individual retail uses. Mr. MacDowell stated they propose a maximum square footage per building instead of per business. He stated they also want the area along East Main St. at the Village Center to be a landscape showcase, about 50 ft. deep.

Mr. Haroian asked why they do not propose the use of special permits in the district. Ms. Sticklor stated the alternatives are as-of-right uses with site plan review or a zone with special permit level of detail but adopted by town meeting instead. She stated they are uncomfortable with the timing of special permits, noting that the process would start after town meeting and could take some time. She stated it also doesn't have the predictability they need with respect to financing. She stated they want to move forward without legal challenge or appeals, so not having special permits would reduce that probability. Mr. MacDowell stated they are willing to provide very detailed plans for each neighborhood development in the master plan. Ms. Sticklor stated they are front loading the process.

Mr. Auslander asked what flexibility there is if unforeseen things happen and they want to change something that has been approved by town meeting. Ms. Sticklor stated that once the master plan is adopted, it could be amended by town meeting vote or by special permit from the Planning Board.

Mr. Strazzulla referred to the 4 story buildings as something that isn't allowed in this area now, and asked about other areas that deviate from the existing zoning. Ms. Sticklor stated that new uses are proposed that the Town does not currently allow, in addition to other new things. Mr. Zieff stated that most of the dimensional changes proposed are internal to the site. He noted that the OSMUD does include a 100 ft. buffer. He added that the district includes low impact development techniques, which is a change.

Mr. Brown asked about transportation. Mr. MacDowell stated that a traffic study is ongoing. Mr. Strazzulla asked how much traffic will not be going through downtown that goes through there now, after the new road network is completed. Mr. Hollworth stated they are still studying the traffic, and they will use models to predict where traffic will go. He stated that the Town's consulting engineer will review the background data first, and then they will move forward on the analysis.

Mr. DeMont asked about the mechanism with respect to relocating Frankland Rd. Mr. MacDowell stated they would deed the land for the right of way to the Town.

Mr. Roux asked if the underlying zoning will be extinguished when the new zoning is approved at town meeting. Ms. Sticklor replied it would not, because it is an overlay district. She stated that as soon as they get a building permit on the north side, then the underlying zoning is extinguished, and the same for the south side. Mr. Auslander asked which area would be developed first, and Mr. MacDowell stated the southerly spine road and the southerly area could be first, because it is located nearest the water and sewer infrastructure.

Mr. Weismantel stated he thinks the Committee needs to ask the Planning Board whether the master plan should be approved by the Planning Board or town meeting, and the Design Guidelines would be like the Subdivision Rules and Regulations. He stated he would like to know whether the Planning Board wants the Committee to handle these issues in addition to the actual bylaw language. He stated he wants to ask the Planning Board if they want the Committee's opinion on the master plan approval process and the Design Guidelines. Mr. Roux stated that review of the whole thing would be consistent with the purpose of the Committee, but there isn't a lot of time. Mr. Weismantel stated he is not sure he agrees that town meeting should approve the master plan. He stated he isn't sure town meeting is a good body to absorb and approve something this complex. He stated there will be thick and detailed documents to review, and questioned how those coming to town meeting would be able to read and absorb all that. Mr. MacDowell stated the detail will be provided to the Planning Board and others, and they are looking for their support at town meeting. He stated they need the master plan approved at town meeting so they can get financing. Mr. Auslander asked what would happen if the master plan doesn't pass. Mr. MacDowell stated it would be linked to the OSMUD. Mr. Strazzulla stated that town meeting can get hung up on details. He stated it needs to be presented so that the master plan scope doesn't change the environment where it is placed. Mr. Oldach asked if the proponents have experience with something like this elsewhere, and Ms. Stikler stated she does, for Pine Hills in Plymouth.

Mr. Roux noted that the size and scope of this is different than anything before in Hopkinton, and the difference between this and other special permit overlay type zoning the Town already has is that everyone knows where this one will be and what it will look like. Mr. Brown stated it seems like there's an element of bypass of the process in the proposed approval of a master plan by town meeting. Mr. Bartlett asked what would the site plans show, with respect to what areas. Ms. Sticklor stated they would show the development pods. In response to a question, Mr. MacDowell stated there would be 3 to 4 pods on the south side of East Main St. and about 8 total.

Mr. Roux stated the Planning Board needs to start looking at this too. Mr. Haroian agreed, noting that it should especially look at the level of detail of the master plan.

Mr. Strazzulla asked about the timeframe for buildout. Mr. MacDowell stated they estimate it could be 10 to 12 years.

Mr. Weismantel suggested that going forward; the Committee break down the OSMUD into sections for discussion as follows:

1. Permitted Uses (116.4)
2. Intensity of uses (116.5), affordable housing (116.6) and open space (116.9)
3. Dimensional requirements (116.7) and parking (116.8)
4. Master plan criteria (116.10), design guidelines (116.11), and site plan review (116.12)
5. Related amendments/wrap up/fiscal impact/summary.

The Committee agreed on this method of review. The Committee voted unanimously to meet every Tuesday in November for this purpose and that the meetings on November 6 and 20 would

be devoted solely to discussion of the OSMUD, with topic #1, permitted uses, scheduled for Nov. 6.

Mr. Brown asked if copies of the plans shown this evening would be available to the Committee and the public. Mr. MacDowell stated they would make copies of the Committee for the next meeting. It was noted that the materials were also provided electronically to Ms. Lazarus.

Robert Falcione, 93 Downey St., asked if the ZAC will hold a public hearing on the OSMUD. Mr. Weismantel noted that the Planning Board will hold a public hearing.

Jane Moran, 70 East Main St., noted that there are only 4 lines in the OSMUD devoted to traffic, and asked if there will be a traffic report available before town meeting. Mr. MacDowell stated they anticipate the traffic report will be ready in about 30 days. Mr. Zieff stated that the documents submitted to the Town will be posted on their website.

The Committee asked Ms. Lazarus to prepare a comparison of uses currently permitted with those proposed in the OSMUD.

2. Driveways

The Committee reviewed information on the turning radius of an SU-30 vehicle and reviewed draft bylaw language. Mr. Bartlett stated that as long as it doesn't mean that the fire truck needs a wide turnaround at the end, it seems ok. Mr. Roux noted that radii for a driveway to accommodate an SU-30 vehicle off the street would mean very wide driveway openings that would be more like streets and out of character. This issue was discussed.

Mike Shepard, 11 Hill St., asked if the proposed language would mean there will be a lot of nonconforming driveways, who will enforce the bylaw, and asked how many homes have burned down because the Fire Dept. couldn't get to a house. He noted the Town should be trying to minimize curb cuts and wide curbs, etc. and this will be a hard sell at town meeting.

It was noted that new requirements for driveway curve radii would only apply to new driveways that need a permit from the DPW.

The Committee questioned how the turning template is applied, and whether the vehicle has to be contained wholly in the road travel lane or can it include the whole width of the roadway when turning into a driveway.

Wayne Davies, 3 Stoney Brook Rd., asked what would happen if someone wanted to add onto their house and the driveway didn't comply. It was noted that it would only apply to new driveways.

Mr. Ficarri noted that the result might be too much regulation by the Town. Mr. Oldach noted that a builder should have a standard to build to, because it ends up costing the homeowner in the long run if there is a problem. Mr. Ficarri noted it might mean more liability for the Town. Mr. Weismantel suggested putting the language back in the proposal that said that the curve radius

only was required 100 ft. or more from the street. Mr. Roux, Mr. Brown, Mr. Ficarri and Mr. Haroian stated they would prefer not proposing a change to the current regulations.

The Committee asked Ms. Lazarus to ask Ken Clark, Fire Dept., about whether the 100 ft. language or no change would be preferred. The Committee noted it would discuss it again when there is feedback from Mr. Clark.

3. Parking

The Committee reviewed draft language as discussed at the previous meeting. The Committee discussed whether shared parking easements/agreements between abutters could be extinguished. Mr. Davies stated that if there is a change of use on one of the properties, it has consequences to the abutter who has granted the easement. Mr. Roux stated that business owners might want to have an arrangement, but he is concerned about the future of them.

After discussion, the Committee voted unanimously to approve the language drafted and recommend that the Planning Board consider placing the item on a town meeting warrant.

4. Minutes

The Minutes of October 9, 2007 were approved by unanimous vote.

Adjourned: 9:25 PM

Approved: November 6, 2007