

ZONING ADVISORY COMMITTEE  
Of the Hopkinton Planning Board

Tuesday, November 6, 2007 7:00 PM  
Middle School Library

MINUTES

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PRESENT: Ken Weismantel, Chairman, R. J. Dourney, Vice Chairman, Sandy Altamura, David Auslander, Don Bartlett, Richard DeMont, Peter Ficarri, Gary Haroian, Richard Oldach, Ron Roux, Joseph Strazzulla, Dave Teitelman

Elaine Lazarus, Planning Director

**1. Open Space Mixed Use Development Overlay District**

Mr. Weismantel stated the Committee is scheduled to review each of the uses proposed in the Open Space Mixed Use Development Overlay District (OSMUD) and decide whether they should be allowed by right, by special permit, or prohibited in each of the three subdistricts. It was noted the 3 subdistricts are Residential, Commercial, and Village Center. He stated that for each use, the Committee should think about: 1) whether the use is appropriate for the OSMUD; 2) should it be by right or by special permit; and 3) in which area of the site (i.e. subdistrict) it should be located. He noted a blank table has been distributed listing each use for members to use for this purpose. He stated that Boulder Capital has prepared and submitted a draft bylaw, followed by a revision last week, but from now on it will be a Zoning Advisory Committee draft that Ms. Lazarus will have custody of. Mr. Weismantel opened the floor to comments and recommendations from the public on the uses in the draft OSMUD, all of which Boulder Capital proposes be allowed by right in all subdistricts. There were no public comments.

Mr. DeMont asked if the Committee was considering the proposed zoning for Boulder Capital's property or for other property too. Mr. Weismantel noted it is proposed for Legacy Farms only. Mr. DeMont noted that it will affect abutting property and this should be kept in mind.

Marilyn Sticklor, Goulston & Storrs, noted the blank table to be filled out by the Committee showing OSMUD uses by subdistrict shouldn't list Open Space as a subdistrict, because the open space is a component of each development project within the property. She added that as drafted, uses would be permitted as a matter of right in any of the subdistricts, so one could have a convenience store in a residential subdistrict, for example. She noted that the master plan for the property would further define the location of specific uses. Mr. Weismantel stated the Committee understands that is how it was drafted.

Mr. Bartlett stated his concern is whether the Town would want the proposal as Boulder Capital has drafted it, with a detailed master plan approved by town meeting, or whether uses in certain subdistricts should be restricted. He stated that until resolved, he is not sure how discussion on a line by line basis would proceed. Mr. Weismantel stated that the Planning Board is not supportive of having a master plan approved by Town Meeting. Mr. Dourney stated the

Planning Board takes its obligation to prepare master plans seriously, and traditionally town meeting has not approved or accepted the master plan. He asked for clarification as to how this has gone from an OSMUD proposed by Boulder Capital to the more defined version suggested by Mr. Weismantel. Mr. Roux asked about the Planning Board's recent discussion of the issues. Mr. Weismantel stated the Planning Board discussed it at the last meeting and said it feels strongly that the Planning Board should be the approval entity for the master plan for the site. He stated that the Planning Board will need ZAC to review the proposed zoning, and the uses allowed in each subdistrict will be important to the Board. Mr. Roux stated he and others are having trouble separating the master plan and the OSMUD.

Mr. Haroian asked why Boulder Capital didn't want specific uses restricted in OSMUD subdistricts.

Ms. Sticklor stated the concept is a mixed use zone, and there will be a master plan that shows development pods. She stated they didn't want to have to go back to town meeting if they wanted a nursing home component in a residential district, for example. She stated they want to keep flexibility. Roy MacDowell, Boulder Capital, described the difference between the OSMUD zoning district plan and the preliminary master plan shown at the meeting. He noted that the master plan is much more detailed with respect to what will be happening on the site.

Ms. Altamura arrived at this time.

The Committee discussed the distinction between the master plan and the OSMUD district. Mr. Weismantel stated he has a problem with Town Meeting being able to read and digest the master plan before or at Town Meeting, given that Boulder Capital has stated that it will consist of a very large volume of documents. Mr. Haroian stated Town Meeting may need both together so it knows what the zoning will do, noting that the master plan is the graphic representation of the outcome of the OSMUD. Mr. Dourney stated the people at town meeting should hear the Planning Board support it, say that they have approved it, and that the OSMUD is in concert with it.

Wayne Davies, 3 Stoney Brook Rd., stated the master plan is more of a short term development goal of the developer, but the zoning adopted will last for decades. He stated that while they work in concert, it is the zoning that is more important because uses will change over time. He stated the uses on the property will be fluid and the Town needs to make sure those uses are appropriate there.

Ms. Altamura stated it seems like the OSMUD is drafted to make the Planning Board take a back seat and only review site plans. She noted that site plan review has little teeth and a site plan can't be denied unless it is extremely ghastly. She stated there needs to be a master plan for this parcel, but there will be a long buildout. She stated she wouldn't want a master plan set in stone with only Planning Board site plan review where the Board can't say no, or where changes to respond to real estate markets can't happen. She stated a master plan for town meeting approval would be a disaster.

Mr. Strazzulla noted that there should be a mix of uses, and there is nothing wrong with letting people live where business is. Mr. Weismantel stated he wouldn't want to see the land designated for commercial uses be developed for houses instead, noting that the Town is counting on additional commercial revenue. Mr. Bartlett stated the Committee needs to have the discussion based on the history of various uses in Town, and go through this process for each use. Mr. Roux stated he is confused, noting that current overlay districts like the Garden Apartment and OSLPD districts includes Planning Board review to determine whether the use is appropriate for a site. He stated they aren't site specific, as that decision is made by the Planning Board. He stated that with Legacy Farms it is different, where the master plan is approved and then the Planning Board can then review the layout and design of each section. He questioned what benefit requiring a special permit for a specific use would do. Ms. Lazarus noted that the Town expressed during the East Hopkinton Master Plan process that it wanted some control over development, and this process is about seeking the right level of control. She stated the Planning Board will not want to see every use in the OSMUD allowed by right, adding that the Town may want some uses to have an additional level of scrutiny before they are sited on the property. The issues were discussed further. Representatives of Boulder Capital indicated that the master plan would be approved by the Planning Board at some point, possibly before town meeting.

Doug Resnick, 63 South Mill St., stated that Town Meeting needs to see what the development will look like.

Mr. Davies referred to home occupation uses, noting that the Board of Appeals when reviewing these proposals always has concerned abutters present. He stated that home occupations and bed & breakfast uses should be by right. He noted that not all uses are inherently incompatible, and that a special permit process allows conditions to be imposed that mitigate the incompatibility.

Ms. Sticklor stated there needs to be a basic level of certainty that some uses can go forward, for financing purposes.

Robert Falcione, 93 Downey St., stated the uses allowed in the OSMUD should be the same uses allowed there now.

Ms. Sticklor stated they have tried to be consistent with the recommendations of the East Hopkinton Master Plan.

The Committee went through each use proposed by Boulder Capital and decided whether each would be appropriate in the Residential Subdistrict, and if so, whether it should be by right or by special permit. The consensus of the Committee on each was as follows:

- Uses allowed by right:
  - 1) single family dwellings,
  - 2) multi-family residences,
  - 3) garden apartments,
  - 4) age-restricted housing,
  - 5) home occupations,
  - 6) licensed home day care provider,

- 7) renting of rooms and/or the furnishing of table board in a dwelling occupied as a private residence,
  - 8) health club (for association only, non-commercial),
  - 9) group homes,
  - 10) religious uses,
  - 11) child care center,
  - 12) municipal uses,
  - 13) public and private educational uses including schools, public libraries, museums,
  - 14) utilities facilities, including water supply and sewerage treatment,
  - 15) agricultural and horticultural uses,
  - 16) farms,
  - 17) farm stands,
  - 18) signs.
- Uses allowed by right, with Boulder Capital to provide further definition and clarification at the next meeting:
    - 1) commercial recreational uses of buildings, structures or land,
    - 2) membership clubs, lodges, social recreational and community center buildings and grounds for games and sports,
    - 3) telecom and telephony facilities
  - Uses allowed by special permit:
    - 1) bed and breakfast establishments,
    - 2) saddle horses or riding stables,
    - 3) adult day care,
    - 4) continuing care retirement community, assisted living facilities or similar institutions,
    - 5) hospital, long term acute care, nursing home, extended care facilities, rehabilitation facilities,
    - 6) cemetery,
    - 7) funeral homes and mortuaries,
    - 8) public or semipublic institutions of a philanthropic or charitable character,
    - 9) alternate power and co-generation,
    - 10) landscaping business and storage/staging facility.
  - To be determined after provision of more information from Boulder Capital at the next meeting:
    - 2) live commercial entertainment and places of assembly,
    - 3) parking facilities,
    - 4) public and private recreational uses (indoor),
    - 5) public transportation facilities such as bus stop,
    - 6) equestrian facilities,
    - 7) accessory uses to any permitted use whether on the same lot or on a lot within 300 ft. of the principal use.
  - Prohibited uses:
    - 1) business or professional offices and banks,

- 2) conference center,
- 3) drive-in, drive-through or drive up windows including an open-air ATM but exclusive of dispensing of food and drink,
- 4) gasoline service stations,
- 5) hotel, motel, apartment hotel and inns,
- 6) light manufacturing and/or assembly with associated offices,
- 7) research center and laboratories, including genetic, biological and chemical research centers and laboratories and manufacturing and processing plants,
- 8) restaurants,
- 9) retail business (retail service or public utility uses involving manufacturing accessory to a retail use on the premises),
- 10) retail stores and retail service shops including take-out food exclusive of drive-up take out food,
- 11) theaters, halls and clubs,
- 12) storage facility,
- 13) medical center,
- 14) medical offices,
- 15) veterinary clinic,
- 16) mixed use buildings comprised of commercial or retail space on the 1<sup>st</sup> floor and different use on upper floors.

Mr. Haroian noted that clarification from the Planning Board at a future meeting about the master plan process would be helpful, and the Committee agreed.

## **2. Administrative Business**

The Committee voted 11 in favor with one abstention (Teitelman) to approve the Minutes of October 23, 2007.

Mr. Weismantel recommended inviting the Open Space Preservation Commission to the meeting when the open space portion of the OSMUD will be discussed, and the Committee agreed.

Mr. Weismantel referred to the recent report of the Town's financial group and distributed copies, noting that some of its recommendations are for zoning changes that ZAC will need to work on, and it also recommends support of Legacy Farms.

Adjourned: 9:15 PM

Approved: November 13, 2007