

ZONING ADVISORY COMMITTEE
Of the Hopkinton Planning Board

Tuesday, November 13, 2007 7:00 PM
Hopkinton Town Hall

MINUTES

PRESENT: Ken Weismantel, Chairman, R. J. Dourney, Vice Chairman, Sandy Altamura, David Auslander, Alex Brown, Mavis O'Leary, Ron Roux, Joseph Strazzulla

Elaine Lazarus, Planning Director

1. Driveways

Mr. Weismantel reviewed the discussion of this item held at previous meetings. Ken Clark, Deputy Fire Chief, stated the issue came up recently when it was learned that neither an ambulance nor a fire truck could get up a new driveway on Lumber St., so they have been working with the owner of the home on the driveway regulation proposal. He stated that any distance that they can't get a vehicle in means delay, which could be critical. He referred to the suggestion that the regulation only apply on portions of driveways more than 100 ft. from the street, and noted that if the problem is within the first 100 ft. and the driveway is 400 ft. long, that doesn't help them. He stated that not being able to access any part of a driveway could have a negative impact on people. He referred to the width of curb cut issue, noting that they can get apparatus into curb cuts that aren't very large. He noted that the SU-30 turning radius is usually applied to commercial developments and condominiums where they typically have problems backing up etc. once in there and moving around the site once in there. He stated the Fire Dept. wants positive service delivery, and time is crucial in that delivery.

Ms. Altamura reviewed the alternative language A in the memo prepared by Ms. Lazarus. Mr. Clark stated that language would cover their concerns.

Mr. Roux noted that the Committee wants there to be access, but discussion has revolved around how to accomplish the access and how it will be administered. He stated that the engineering standards result in a 25 ft. radius, which equals a 60 ft. wide opening on a street for a driveway. He stated this is too wide for a driveway, especially when some town roads are only 14 to 16 ft. wide. He stated there should be a balance between providing what is needed with something that is broad enough to be flexible. He stated he likes alternative D in the memo. He noted that if the Fire Dept. conducted an inspection and used this language, it could help, but there would still be some subjectivity involved which might be a problem.

Ed Johnson, 130 Lumber St., stated that J.T. Gaucher, DPW Director, has told him that the average width of town roads is 22 to 26 ft.

Mr. Weismantel stated that if a vehicle could get within 100 ft. of a structure, that should be ok. Mr. Clark noted that time is the issue there. Mr. Strazzulla stated that he is leaning toward

alternative D. He stated that after it is adopted, one could see how it works, noting that it is a matter of getting a sign-off at building permit issuance.

Mr. Roux suggested that he, Mr. Clark and Ms. Lazarus could work on this further and bring something back to the Committee.

Mr. Weismantel stated he thinks that driveways greater than 100 ft. long should provide the curve radii over its whole length.

Mrs. Pratt cautioned the Committee not to propose language that would expose the Town to lawsuits.

Bob Falcione, 93 Downey St., stated the builder of the house on Lumber St. has agreed to fix that situation.

Mr. Brown stated it seems to be the consensus of the Committee that it wants there to be safe access. It was agreed that Mr. Roux, Ms. Lazarus and Ms. Clark would try and work out some language for discussion at a future meeting.

2. Open Space Mixed Use Development District (OSMUD) – Legacy Farms

Roy MacDowell and Steven Zieff, Boulder Capital, and Marilyn Sticklor, Goulston & Storrs, appeared before the Committee.

Ms. Altamura stated she has a concern about use of the term “commercial” when referring to the Commercial Subdistrict, noting that people may confuse this with existing commercial districts in Town. Mr. Strazzulla noted that Boulder Capital should try and use the same terms already used in the bylaw wherever possible.

The Committee reviewed the list of uses and discussed each one relative to whether it should be allowed in the OSMUD Commercial Subdistrict, plus the items identified for future discussion at the last meeting in the Residential Subdistrict. The Committee generally discussed what the nature of the Commercial Subdistrict would be with respect to a mixed use district. Mr. Roux noted that village bylaws typically just mix uses together in the same structure that are allowed separately elsewhere, on a pedestrian scale.

The Committee went through the uses proposed by Boulder Capital and decided whether each would be appropriate in the Commercial 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) Home occupation
 - 2) Licensed home day care provider
 - 3) Renting of rooms and/or the furnishing of table board in a dwelling occupied as a private residence
 - 4) Bed and breakfast establishments (12 room maximum)
 - 5) Bed and breakfast establishments (more than 12 rooms)

- 6) Business or professional offices and banks
 - 7) Community center
 - 8) Conference center, with or without a residential dormitory
 - 9) Drive-in, drive-thru or drive-up use limited to open air-ATM
 - 10) Drive-in, drive-thru or drive-up uses including an open air ATM but not food and drink
 - 11) Health and fitness club
 - 12) Light manufacturing and/or assembly with associated professional, administrative and/or clerical offices
 - 13) Research center and laboratories not involving noxious or hazardous substances and processes
 - 14) Restaurants
 - 15) Neighborhood Restaurants
 - 16) Retail business: retail service involving manufacturing, clearly incidental and accessory to a retail use on the same premises
 - 17) Retail neighborhood store
 - 18) Retail stores and retail service shops, including take-out food but not drive-in, drive-up or drive-thru take out food
 - 19) Cultural uses (excluding cinema, concert hall, theater, auditorium)
 - 20) Adult day care
 - 21) Continuing care retirement community, assisted living facilities, or similar institutions
 - 22) Group homes
 - 23) Medical offices
 - 24) Places of worship and other religious uses
 - 25) Funeral homes and mortuaries
 - 26) Public or semipublic institutions of a philanthropic or charitable character
 - 27) Child care center
 - 28) Municipal uses
 - 29) Public and private educational uses, public libraries
 - 30) Telecom and telephony facilities
 - 31) Public transportation facilities, limited to shuttle bus stop facilities and park & ride parking facilities intended for occupants of the OSMUD
 - 32) Utilities facilities, including water supply and sewerage treatment
- Uses allowed by special permit:
 - 1) Single family dwellings
 - 2) Multi-family dwellings
 - 3) Attached dwellings including garden apartments
 - 4) Senior housing
 - 5) Gasoline service stations
 - 6) Hotel, motel, extended stay hotel and inns
 - 7) Research center and laboratories with a biosafety Level of Level 1 or Level 2
 - 8) Cinema, concert hall, theater, auditorium
 - 9) Medical center
 - 10) Veterinary clinic
 - 11) Alternate power and co-generation utility facilities

- To be determined after provision of more information from Boulder Capital at the next meeting:
 - 2) Hospital – either re-define as some kind of specialty hospital facility or delete the use
 - 3) Long term acute care, nursing home, extended care facilities, or rehabilitation facilities
- Prohibited uses:
 - 1) Storage facility
 - 2) Cemetery

The Committee reviewed the following uses either remaining to be discussed or that have changed since the last meeting in the Residential Subdistrict, and decided to recommend the following:

- Uses allowed by right:
 - 1) Community center
 - 2) Public transportation facilities, limited to shuttle bus stop facilities and park & ride parking facilities intended for occupants of the OSMUD
- Uses allowed by special permit:
 - 1) Bed and breakfast establishments, 12 room maximum
 - 2) Health and fitness club
 - 3) Neighborhood Restaurants
 - 4) Retail neighborhood store
 - 5) Adult day care
- Prohibited uses:
 - 1) Drive-in, drive-through or drive-up use limited to an open-air ATM
 - 2) Research center and laboratories not involving noxious or hazardous substances and processes
 - 3) Research center and laboratories with a biosafety level of Level 1 or Level 2
 - 4) Cultural uses
 - 5) Cinema, concert hall, theater, auditorium

Mr. Brown noted that the large wish list of uses presented by Boulder Capital could be a problem. Mr. MacDowell stated they may never have some of these, but would like the option to. Ms. Sticklor stated it is too early in the project to identify the specific uses that will be on the site. Mr. Brown noted that there are transportation implications that result from the list of uses.

3. Administrative Business

The Committee voted unanimously to approve the Minutes of the November 6, 2007 meeting.

Adjourned: 9:05 PM

Approved: November 21, 2007