

ZONING ADVISORY COMMITTEE
Of the Hopkinton Planning Board

Tuesday, November 27, 2007 7:00 PM
Room 211, Town Hall

MINUTES

PRESENT: Ken Weismantel, Chairman, Sandy Altamura, David Auslander, Donald Bartlett, Alex Brown, Richard DeMont, Mavis O'Leary, Ron Roux, Joseph Strazzulla, David Teitelman

Elaine Lazarus, Planning Director

1. Open Space Mixed Use Development District (OSMUD)

Steven Zieff, Boulder Capital, Marilyn Sticklor, Goulston & Storrs, and Richard Hollworth, VHB, were in attendance representing Boulder Capital, LLC.

The Committee continued its discussion of the Intensity of Uses section of the OSMUD. It was noted that the language had been modified since the last meeting to indicate that no more than 50 single family houses would be constructed in the district.

Chris Barry, 17 Clinton St., questioned why 940 is the maximum limit and not some other number, noting that 940 may not be right for this area. It was stated that Boulder Capital promised the Town earlier this year that there would be no more than 940 units on the parcel.

Ms. O'Leary asked that the language regarding the residential uses be further clarified to indicate that some units could be located in mixed-use buildings. Ms. Sticklor stated they would make that change.

Mr. Brown asked if there is a plan basis for the 940 units. Mr. Zieff stated they started out at a higher number and that was the compromise and what works best for the site. Mr. Barry stated that before a number can be established, it needs to be determined what the infrastructure can carry with respect to traffic, etc.

Ms. Lazarus noted that the six existing single family homes that won't be counted in the 940 should be counted in the future if they are demolished and rebuilt, or if additional units are added on those parcels. Mr. Weismantel questioned the size of those lots, and Mr. Zieff stated the idea is to sell them off as single family homes. He noted they plan to cap the entire OSMUD with respect to the number of new units constructed. He stated the intent is to put these houses on lots that conform to zoning.

Mr. Roux arrived at this time.

Ms. Sticklor noted they could sell them with a deed restriction. Mr. DeMont suggested that the zoning state that any new units built there would count, but the one unit existing now or

reconstructed in the future would continue not to count. The Committee and Boulder Capital representatives agreed that this change would be acceptable.

The Committee discussed the commercial Intensity of Use section. Ms. Sticklor stated that the existing units at 97 East Main St., 83 East Main St. and 44 Wilson St. would not count in the maximum 450,000 sq. ft. of commercial space in the OSMUD.

Mr. Barry stated that 450,000 sq. ft. is too much, noting that Judi Barrett said that 150,000 sq. ft. was all that could be expected. Mr. Roux noted the 450,000 sq. ft. was discussed in all of the previous analyses and estimates. He noted that at one point, it was noted that 800,000 sq. ft. would be a potential for this site. He stated that the question is how much of the potential can happen here. Mr. Barry stated that the vote of the Town was whether the Town would spend money to purchase the property, not on the correct amount of development on this site. He stated the proposed amount is too much. Mr. Brown stated that the language as drafted does not adequately define the specific uses.

Mr. Weismantel noted that in a later section of the OSMUD, it states that there would be a maximum of 123,000 sq. ft. in the Village Center subdistrict, and the rest would be in the other 3 subdistricts. He noted that to put into perspective, the development recently approved by the Planning Board on 8 acres at the corner of South St. and West Main St. comprised 100,000 sq. ft.

Mr. Zieff stated that the commercial subdistrict on East Main St. would be about 12 acres and the one on the northerly part of Wilson St. would be about 25 acres. He stated they have received unsolicited inquiries for possible commercial uses on the property, and they think it's viable. He stated the comments they have received is that there isn't enough commercial space there. He stated they will begin the process of having the traffic study reviewed soon. He stated the Planning Board will review the master plan and there could also be a development agreement that would spell out certain details.

Ms. Altamura noted that box stores and chain stores haven't been discussed yet, and that is an area of concern for some. Mr. Weismantel noted that the Dimensional Requirements section, to be discussed later, contains those details. Mr. Roux noted that the maximum size of store space should be discussed.

The Committee discussed the Affordable Housing section of the OSMUD.

Mr. Weismantel noted that the 240 rental units discussed in the spring appealed to him, as it would help the Town to get closer to the 10% affordable housing goal. He stated the OSMUD shouldn't allow any affordable ownership units, only rental units. Mr. Bartlett noted that might be ok, but he would want more teeth in the bylaw so that the rental units actually happen.

Mr. Zieff stated that when drafting the bylaw, they thought that zoning is usually about use, not ownership. He stated they know the rental option works for the Town and for them, but some bad things could happen in the future. He referred to potential market changes and possible changes to MGL c.40B, noting that they want options. He stated they would be happy to put into a development agreement that they will pursue the rental option first, before ownership units.

Lily Holden, Housing Committee, stated they want the 240 rental units. She stated no one can judge the future market, and they don't like the word "if" when referring to the affordable housing units being constructed.

The rental and ownership unit options were discussed. It was noted that if rental units are constructed, all of the units (25% affordable and 75% market rate) in the development count toward the 10% goal, and in an ownership unit development, only the 25% affordable units count. Mr. Strazzulla asked why not just require the rental and take out the ownership alternative. Mr. Zieff stated they see a potential problem is there is an effort to repeal 40B, and the fear is that 40B goes away and then they have a problem in fulfilling this requirement. Ms. Sticklor stated they know the Town prefers the rental units, but are concerned about the market or rule changes that would then cause the OSMUD to need to be amended.

Mr. Roux noted that if 240 rental units are constructed, this means 60 rental units, and if ownership units are constructed, there would be 94. He stated there is a financial incentive to the developer to build the rental units. Ms. Sticklor proposed that the OSMUD say that the 240 rental units are required, but that the Planning Board could issue a special permit to change to the ownership option.

Ms. Lazarus asked if there is any interest in requiring the developer to bring the Town up to the 10% goal, with units built at Legacy Farms and possibly elsewhere. Mr. Weismantel noted that if ownership units are provided, it should be more than 10% of the OSMUD total. Mr. Zieff stated it takes away from the economics of the deal. Mr. Weismantel noted that if a number other than 240 units counting toward the 10% is going to be proposed, then it opens up this discussion.

Brian Herr, 31 Elizabeth Rd., stated there needs to be consistency in the approach, noting that 940 was the number and if the Town starts negotiating this, it opens up everything else too. He stated we need to stick to what Town Meeting heard and voted.

Mr. Auslander suggested that the OSMUD just have the rental option, as having the other just raises doubts and questions. Mr. Zieff stated they want to confer with Mr. MacDowell before giving an answer.

Mr. Weismantel addressed the proposed timing of when the units would be built that is in the OSMUD, noting that it probably shouldn't be here, but in a development agreement instead. Mr. Strazzulla agreed.

Muriel Kramer, 39 North St., stated the phasing affects the fiscal impacts to the Town, and people should keep that in mind.

Mr. Zieff stated they would agree to move the phasing to a development agreement, adding that they had recently done some preliminary planning on a phasing schedule and would discuss it at the end of the meeting if there is time.

Mr. Bartlett asked if the number of bedrooms would be addressed. Mr. Weismantel noted the OSMUD says that the bedroom composition of the affordable units would be the same as in the development project in which it is located.

Mr. Barry stated that the Westwood Station development agreement addresses a maximum number of school students, bedrooms, etc.

Mr. Zieff stated they will discuss phasing later, but they think the affordable units would be built sooner than the 650 noted in the OSMUD.

It was decided to delete the phasing language with respect to the construction of the affordable housing units from the bylaw.

The Committee discussed the Open Space section of the OSMUD.

Ms. Lazarus asked where the “North Parcel Greenway” mentioned in the language would be located. It was noted that it is not shown on maps yet, but would generally be in the area around the NSTAR facility.

Mr. Weismantel stated the description of the proposed uses of the open space should be in this section instead of the definitions section. He read the definition aloud.

Mr. Strazzulla stated the bylaw needs to say something that addresses access to the open space for the public, including specific access and parking areas.

Mary Pratt, 102 Fruit St., stated that the Hopkinton Area Land Trust typically makes sure that a portion of its land can be used for parking at trailheads.

Ms. Sticklor stated that there will be both public and private open space and there will be a trail system, some open to the public and some restricted to residents only. She stated it will be shown on an open space plan that will be part of a development agreement. She stated that the land will be owned by a landowners association which will maintain open space covenants to the Town instead of a conservation restriction. She stated that would allow flexibility when boundaries need to change. Mr. Zieff stated that all areas of the OSMUD will be covered by site plan review, not just certain developed areas. It was noted that the 77 acres to be leased to Weston Nurseries would be within the Open Space.

Ms. Altamura asked how much open space there will be and if it will be more than 50%. Mr. Zieff stated it would be more than 50%.

Mr. Bartlett stated he needs to see the minimum 500 acres written in the bylaw, with a minimum area open to the public stated as well. He stated it should also say what accessibility there will be to the public. He also stated that the open space shouldn't be fragmented in its design.

Joe Markey, 39 Ash St., stated that people will expect that trails will connect to the developed areas of the site too. He asked about the difference between an open space covenant and a conservation restriction.

Ms. Sticklor stated that a conservation restriction (CR) is referenced in a section of the Mass. General Laws, requires approval of the State and is limited to certain uses, and some uses listed in the OSMUD wouldn't be allowed. She noted that changes to the CR need to be approved by the State. She stated an open space covenant is under a different section of the General Laws, is easier to change and no State approval is required.

Ms. Pratt stated she wants to make sure that an athletic field is allowed there.

Ms. O'Leary asked about a conservation restriction on the public portion of the open space and a covenant on the private portion. Ms. Sticklor stated they want flexibility during buildout. She stated that some uses, such as athletic fields, aren't allowed in CR's. Mr. Bartlett suggested not referencing a specific section of the General Laws in the bylaw at this time, noting that more people, including Town Counsel, will be looking at this. Ms. Sticklor stated they want to make sure that the CR isn't required. She stated they can say that the open space will be restricted in perpetuity by a legally binding instrument.

Mr. Markey stated the review by ZAC should be as restrictive as possible, as one can't be assured that a comprehensive review will happen elsewhere. He stated he thought the open space would be more restricted than proposed, based on what he heard at Town Meeting.

John Coolidge, Open Space Preservation Commission, stated some of the uses proposed in the open space are not considered conservation uses, such as cemeteries, detention ponds and active recreation fields. He stated that land left in its natural state was described by Boulder Capital in the past, including creating a grassland habitat. He stated a cemetery is cleared, graded and cut. He suggested defining the open space better, possibly as open land instead.

Nancy Peters, Open Space Preservation Commission, asked who defined the open space. Ms. Sticklor stated it is modeled on the Town's Open Space and Landscape Preservation Development bylaw, plus some things they added.

Robert Falcione, 93 Downey St., stated the Town has enough land that is restricted already.

Ms. Peters asked where Weston Nurseries facilities would be located in the open space, noting that it could include the structures that are there now. Mr. Bartlett asked about greenhouses. Ms. Kramer stated the perception of open space in Hopkinton doesn't match the definition in the OSMUD, and it will need to appeal to the voter.

Mr. Strazzulla noted there is a unique circumstance and opportunity here, and the composition of the open space should be different. Mr. Auslander stated it seems to be an issue of open space versus conservation. He noted there needs to be useable open space. Ms. Altamura stated she thinks that the definition of open space here can be broader than the Town has had in the past, but some of the uses, such as utility plant buildings, restrooms, sales, etc. are of concern to her.

She stated the 77 acres for Weston Nurseries shouldn't be included as that is a commercial use and there would be a business using the open space.

Mr. Zieff stated they will define/answer the questions raised at the next meeting. He stated there could be different levels of protection for different areas. He stated that people use the land now for active uses, such as hunting and riding.

Mr. Roux stated that agriculture is a typical use of open space, and the Committee needs to focus here on people using the open space as a recreational amenity. Ms. O'Leary asked who would pay the taxes on the 77 acres, and Mr. Zieff stated the land would be owned by a landowners association which would pay the taxes.

It was noted that at the next meeting the Committee would discuss the tabled items from this meeting, plus Dimensional Requirements, Parking and Design Guidelines.

Ms. Lazarus noted that the Metropolitan Area Planning Council (MAPC) had received a grant to assist several towns in preparing and adopting stormwater bylaws, and Hopkinton is one of them. She noted that it would pick up where the Committee left off in this regard.

Mr. Weismantel asked that in thinking about a possible rezoning of the Terry property, the Committee consider adding retirement community to the mix. Mr. Roux suggested some appropriate retail as well. Ms. Altamura noted that with Legacy Farms and a few other developments proposed or approved, it could be too much for Hopkinton, and people should be careful about how much land they devote to commercial uses.

Mr. Zieff distributed and described a draft phasing plan for Legacy Farms.

Adjourned: 9:00 PM

Approved: December 4, 2007