

ZONING ADVISORY COMMITTEE
Of the Hopkinton Planning Board

Tuesday, December 18, 2007 7:00 PM
Fire Station Meeting Room

MINUTES

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

Elaine Lazarus, Planning Director

1. Proposed Zone Change – Hayward St. – Kenneth Weber

Edith Netter, attorney, Kevin Weber, owner, and David Feist, engineer, appeared before the Committee. Ms. Netter described the proposal to change the zoning of the 2.4 acre parcel on Hayward St. from Residence Lake Front to Rural Business. She noted it would be an extension of the Rural Business zone on the adjacent property, and it is surrounded by land in the Industrial and Residence Lake Front districts. She stated the land is near the Rt. 495 interchange and is suited for commercial use. She reviewed the Rural Business district dimensional requirements, and noted they would be anticipating office and retail uses, and a new building would require site plan review. She stated that the site design would be consistent with the adjacent property with the restaurant, bank and Dunkin Donuts. She noted that the two story building would have 19,500 sq. ft. and would be 35 ft. tall or less. She stated they anticipate first floor retail and second floor office space, and 78 parking spaces. She stated the building would have 9 to 5 type uses, and the idea is to complement the adjacent uses with respect to the uses and traffic patterns. She stated there would be a connection between the 25 Hayward St. property and this property. She stated that municipal water and sewer are available for the development.

Ms. Altamura asked what is on the property now. Ms. Netter stated there is one house and the rest of the land is vacant. Mr. Weismantel stated he visited the area there and are no residences across the street or abutting the property, and there is a natural break between it and the residences nearby. He stated there are industrial buildings on the other side of the property. Mr. Weber stated the site has been designed so the proposed development is away from the residential area.

Mr. Feist stated there is a wetland area to the east, and the site has been designed with this in mind. He stated there are 6 parcels comprising this area now, plus half of the discontinued Old Town Road. He noted that the Old Town Rd. portion is about 0.3 acres.

Ms. Altamura stated there is no retail on South St. She stated that if this parcel was going to be all office, it could be screened and subtle, but she doesn't want to impact the homeowners. She noted that the fact that there is a good break between the site and abutters and office use might be ok with mitigation, but she doesn't like the retail component for traffic reasons. Ms. Netter stated it makes more sense to have pedestrian activity on the first floor of the building than office

space. Ms. Altamura stated she would rather see retail uses elsewhere, and would like to hear from the Lake Maspenock Preservation Association (LMPA).

Mr. Bartlett asked what kind of retail is being considered, and Mr. Weber stated a dry cleaner was interested in the 25 Hayward St. building but there wasn't room, so something like that and smaller convenience type stores could be there.

Tina MacConnell, 6 Downey St., LMPA, stated they are very opposed to anything at this location. She stated it is too busy there already.

Mr. Roux stated the Town is trying to expand its commercial base, and the land is abutted by business and industrial uses. He stated he thinks a retail component in this area is a good idea, and there is less traffic than other places, noting that most of the traffic is local residents. Mr. Brown asked if a restaurant could be located there, and Mr. Weber stated he was not considering that.

Ms. Lazarus noted that the Committee may wish to discuss whether the land is best suited for residential or non-residential uses. Mr. Auslander stated from a location standpoint, it is a good spot for commercial uses. Mr. Weismantel noted that when he visited the area, he saw the natural break where the commercial zone creep ends, and there is an industrial building directly behind the parcel. Mr. DeMont stated that the O'Toole's building has been fixed up and is nicely done. He stated that someone wouldn't want to build a house on this land, given the location. Mr. Bartlett stated he agrees that it wouldn't necessarily be a likely place for residential development, but he is concerned about traffic on Hayward St. He suggested it is more of a planning issue. He stated he thinks the best use of the land is something that produces income, as long as the traffic can be mitigated. Mr. Brown asked if there is a potential for only one curb cut on Hayward St. instead of two. Mr. Feist stated he didn't think that would be a problem.

Robert Falcione, 93 Downey St., asked about the proposed access to 25 Hayward St. shown on the plan. Mr. Weismantel noted that site plan review would come later, if the land is rezoned. Mr. Falcione asked if the site is surrounded by residential uses, and Mr. Weismantel noted it is adjacent to commercial and industrial uses. Mr. Falcione stated he thinks the proposed change is spot zoning. Ms. Netter disagreed, noting it is an extension of an existing zone and consistent with the Master Plan.

Ms. Altamura stated it could be considered industrial/commercial creep into a residential area. She stated it makes some sense, but she would go along with whatever the LMPA thinks.

Russ Ellsworth, 6 Curtis Rd., stated he grew up on South St. when it was residential, and would agree that access to the parcel should be from South St. if possible. He stated that if this was the case, then that could sell it to town meeting.

Mr. Roux noted that the proposal is do-able, and the access points are important. He stated the concern will be traffic that will impact people.

Mr. Roux moved to recommend the change to the Planning Board. The motion was seconded. Mr. Brown stated he thinks it is poor planning.

A man in attendance stated he lived in the existing house there for years, and it is a nice spot and he loved the neighborhood, but now there is a lot of traffic and is not a great place for a house because of the abutting restaurant and EMC Corp. He stated it doesn't make much sense as a residential location.

The vote on the motion was 6 in favor with 2 opposed (Altamura, O'Leary).

2. Open Space Mixed Use Development District (OSMUD)

Marilyn Sticklor, attorney, Richard Hollworth, engineer, and Roy MacDowell, Boulder Capital, appeared before the Committee. The Committee addressed the outstanding items in the Dimensional Requirements section of the OSMUD discussed at the last meeting. It was noted that two locations where 4 story buildings would be allowed were to be shown on the OSMUD map adopted by Town Meeting. The setback requirements within the OSMUD in the Commercial and Residential subdistricts were discussed. Mr. MacDowell stated they would increase the setback between buildings in the Residential and Commercial subdistricts from 10 ft. to 50 ft. Ms. Altamura responded positively and stated it would allow for more screening.

The Committee discussed whether rights of way widths should be included in buffer or setback requirement measurements, as indicated in the OSMUD. Mr. MacDowell distributed a handout which showed the proposed screening to be based on the height of a building. Ms. Altamura stated it is more usual to start measuring at a district boundary, not across the street from it. Ms. Sticklor stated that the zoning line is in the middle of the street. Mr. Weismantel noted that the sentence in item B of the OSMUD regarding this issue does not make sense, and there are conflicting numbers in different tables. The table of setback requirements in section B was discussed, as well as whether there should be a 100 ft. buffer to land outside the OSMUD.

Chris Barry, 17 Clinton St., questioned what the setback requirement would be adjacent to the Commercial Subdistrict on East Main St. Committee members noted the bylaw is unclear.

Ms. Altamura noted she has concerns about lots only being 4,000 sq. ft. in area, and whether it was legal to do so. Ms. Sticklor stated it is legal, and the intent is to create an ownership option for units with zero lot lines. Ms. Altamura stated she is concerned that people will want to do this elsewhere. Mr. Bartlett questioned the meaning of the provision stating that there can be multiple buildings on a lot, and whether it would apply to single family homes. Mr. MacDowell stated they would not do that for single family homes. It was suggested that this provision be deleted or moved elsewhere in the bylaw.

The consensus on changes was:

1. The OSMUD zoning map will show the two areas where the maximum height will be 4 stories/48 feet.
2. The setback between buildings in the Commercial and Residential subdistricts within the OSMUD will be 50 feet instead of 10 feet.

3. Boulder Capital will provide clarified language with respect to dealing with the measuring of setback requirements and rights of way.
4. A buffer of 50 to 100 feet should be required, and screening required if reduced.
5. Boulder Capital will think about whether a provision allowing multiple buildings on a lot should be retained, reworded or deleted.

The Committee discussed the Parking section and reviewed information provided by Boulder Capital as requested at the last meeting. It was noted that parking requirements for new uses had been provided. The Committee asked that the requirement for conference center be revised to base the parking on more than just the residential component, and the requirement for funeral homes not be based on “occupants”. The Committee stated that it did not see a need for a requirement for the telecom & telephony use. Ms. Altamura stated the Town should be able to increase the parking requirement if it thinks it is necessary, using a hotel as an example where that might occur. Mr. MacDowell stated if there isn’t enough parking, then the owner will add it or it won’t function well. He stated that most developers want to do more, not less parking.

The Committee stated that requirements for continuing care retirement communities and museums are still required.

Ms. O’Leary asked if a requirement was needed for a public transportation facility. The issue was discussed, and the consensus was that it is not necessary to have a requirement.

Ms. Lazarus suggested that for uses that the Town already allows, the requirements should be put in 210-124 of the zoning bylaw so they would apply townwide.

A brief discussion of the master plan process was held. Ms. Sticklor stated that the Planning Board has said it will review the master plan before town meeting. It was decided to review the master plan section in depth at the next meeting, but that a master plan would be approved by special permit from the Planning Board. The Committee discussed site plan review, and it was stated that site plan review would be required for the development projects.

Mr. Weismantel asked if the Design Guidelines would be part of the OSMUD or adopted separately by the Planning Board. He stated the north-south issue of when the OSMUD special permit takes effect regarding the master plan also needs to be discussed. He noted that people like the master plan as a whole package, not separate pieces that could be segmented.

It was decided to meet next on Jan. 8 and discuss the proposed zoning change for the Terry property on Lumber St. and the OSMUD. The Committee decided to meet on Jan. 15 as well.

Mr. Weismantel stated that during the first week of January, he and Ms. Lazarus should meet with Boulder Capital to go over the consolidated OSMUD with all of the changes made to date. Mr. Brown stated it would be beneficial to have a citizen’s guide to the OSMUD and a summary, when it is all done.

The Committee voted unanimously to amend the Minutes of October 9, 2007 to remove the name and address of the resident of Fruit St. who appeared to discuss stormwater management problems on her lot, at her request.

Mr. Ellsworth complemented the Committee on its job in reviewing the OSMUD.

Adjourned: 9:10 PM

Approved: January 15, 2008