

ZONING ADVISORY COMMITTEE  
Of the Hopkinton Planning Board

Tuesday, January 15, 2008 6:30 PM  
Fire Station Meeting Room

MINUTES

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PRESENT: Ken Weismantel, Chairman, RJ Dourney, Vice Chairman, Sandy Altamura, David Auslander, Don Bartlett, Alex Brown, Richard DeMont, Peter Ficarri, Mavis O'Leary, Ron Roux, Joe Strazzulla

Elaine Lazarus, Planning Director

**1. Administrative Business**

The Committee voted unanimously to approve the Minutes of December 11, 2007. The Committee voted unanimously to approve the Minutes of December 18, 2007.

Mr. Brown arrived at this time.

**2. Open Space Mixed Use Development (OSMUD) District**

Marilyn Sticklor, attorney, Roy MacDowell, Boulder Capital, and Richard Hollworth, VHB, appeared before the Committee. Ms. Lazarus described the changes to the OSMUD draft since the last meeting, some of which were the result of a meeting with Mr. Weismantel, Ms. Lazarus and Boulder Capital representatives on Jan. 4.

Mr. Bartlett addressed § 210-172.B and questioned the activities that could occur before the Notice is filed with the Town, and whether they would be activities allowed in the underlying district only. Ms. Lazarus noted they would have to be activities allowed by the underlying zoning, and would only be undertaken if the appropriate permits/approvals had been received in the same manner as is required today. Mr. Bartlett asked about the timing issue. Ms. Lazarus noted that when the Notice is filed, the whole area covered by the Master Plan Special Permit will be covered by the OSMUD District, an overlay. Mr. Weismantel suggested adding to (e) of that section, "connections to existing infrastructure. Mr. Brown asked why all the infrastructure wouldn't just be shown on the plan instead. Ms. Lazarus noted that at point it will likely not be fully engineered, and the final engineering will be shown on the site plans. It was agreed to make the change suggested by Mr. Weismantel.

Referring to why they proposed that items C and D should be deleted, Ms. Sticklor stated the language is not necessary.

Mr. Bartlett asked for a clarification of the phasing schedule, and why the documentation submitted with the master plan application would be open ended. Mr. MacDowell stated it will be their best estimate at the time, but they could have a developer who wanted to build a component earlier, or market forces could change. Mr. Bartlett asked how it will be

administered, and how changes get noticed by the Town and get addressed. Ms. Sticklor stated it is crucial that all phases are approved but the development isn't tied to a specific order. Mr. Dourney stated the timing is important to the Town. Mr. Roux stated it will be important to notify the Town if there is a change in the phasing schedule. Ms. Lazarus noted that if a phase is tied to some specific mitigation, it is important for the Town to know about a change. Mr. Brown stated that timing is important to the Town with respect to infrastructure, resources, etc. and are tied together. He stated that alternate scenarios could be considered if certain market forces occur, but it is not reasonable to expect to be able to build anything at any time. Ms. Sticklor stated that it is likely that specific phases would be tied to specific mitigation. Mr. MacDowell stated they can't build it all at once, and would need the wastewater treatment facility, water supply and new roads first.

The Committee reviewed the master plan special permit criteria. Ms. Lazarus noted that the draft shows her proposed language, which Boulder proposes to replace with the alternate language noted. Ms. Sticklor stated they looked at Hopkinton's existing bylaws, and tried to mimic that. She stated that Ms. Lazarus, proposed language is too detailed and is not appropriate for a master plan level of review. Ms. Altamura stated she likes Ms. Lazarus proposed language for traffic and energy efficiency/low impact development. Mr. Dourney asked what the issue is with the proposed criterion with respect to projected economic benefit to the Town. Ms. Sticklor stated they think it is part of the whole purpose of the OSMUD and doesn't need to be in this section. Mr. Dourney stated that the type of language that talks about economic benefit is good for the Town and for selling this to the Town, and they should consider keeping it in. Ms. Sticklor stated it will be hard for the Planning Board to make that finding. Mr. Strazzulla noted that the language as drafted may be too specific. Mr. Dourney noted that the approval criteria is important to the Planning Board, and is embedded in their review process. He stated that the approval criteria should be a reminder to the Planning Board as to what it needs to do.

The Committee discussed the alternate language proposed for the traffic related approval criteria. Ms. Altamura stated she likes aspects of both proposed criteria. Mr. Weismantel stated he is ok with Boulder Capital's proposed criteria.

Nancy Peters, 258 Wood St., stated that Boulder's language states that the Board can only consider adjacent streets, not those beyond.

After discussion and a poll of members on the traffic issue, the Committee decided to combine the first sentence of Ms. Lazarus's proposed language regarding traffic with Boulder Capital's proposed language minus the word "adjacent", to add "outside the OSMUD District" onto the end of that sentence, to modify the language of the 1<sup>st</sup> sentence of the financial benefit criteria, and to add language to the Purpose section referencing an economic benefit to the Town.

The Committee discussed the method by which the master plan special permit could be amended. Mr. Bartlett questioned what is meant by significant versus insignificant changes, as noted in the bylaw.

Chris Barry, 17 Clinton St., stated that all changes to the master plan should require a public hearing.

Mr. Dourney stated he would prefer to rely on the experts when the Board makes the determination as to whether a public hearing is necessary or not. Mr. Strazzulla suggested leaving it in the hands of the Planning Board. It was decided to leave the proposed language unchanged.

The Committee discussed the Site Plan Review section, including whether building modifications would require additional site plan review. It was noted that as drafted, modifications to residential buildings would not require additional review, but that commercial buildings would. It was noted that if a change in the number of units in a development project of more than 7% would require site plan review.

The decision criteria were discussed. Mr. Bartlett noted that one of the criteria refers to waivers, and asked who would grant them. It was noted that the Planning Board would be able to grant waivers. He asked for a definition of “extraordinary” relating to adverse impacts in one of the criteria. Ms. Sticklor stated it would be some adverse impact, and suggested changing it to “substantial”.

The Design Guidelines section was discussed. Ms. O’Leary stated that the Design Guidelines should include consideration as to how the project fits with existing neighborhoods.

Ms. Altamura stated that a visual corridor should be maintained, noting that people come to Hopkinton and enjoy the rural feeling which consists of views from the street, old houses, stone walls, etc. She stated that something regarding this visual corridor should be in the bylaw. She stated she doesn’t want to substantially change the character of the Town. Ms. Sticklor stated the appropriate place for that is the Design Guidelines. Mr. MacDowell stated that when the Town gets to the master plan approval process it will evolve into that, and dealing with those issues is their strong suit. He noted that the intent is to restore the antique house on Clinton St. and others as well. Mr. Brown stated that preserving the historic character is not expressed in the bylaw.

It was decided to include a new design principle stating that the design should be respectful of existing neighborhood settings, and to add to design principle #1 a reference to consideration of the historic character of the Town where applicable.

Section 210-175, Miscellaneous, was discussed. Ms. Sticklor explained the reason for each the provisions. Mr. Brown stated he has concerns about the open space use and character. He noted that the Landowners Association has a crucial role because they own and maintain the open space. He stated there could be a range of Associations of different compositions within the site, and owners will change over time. Mr. MacDowell stated that they will be entities unto themselves with specific obligations. Mr. Brown noted that each pod will have its own open space and Association, and he has concerns. Mr. Sticklor stated the principles are included in the bylaw, sections 210-170 G and H. Mr. Brown stated there should be town involvement in the Landowners Association decision making. Mr. MacDowell stated the Town should review and approve the documents establishing the associations, but does not need to be involved in their decisions. Ms. Sticklor stated they will provide information about the associations, which will need to meet the provisions in the bylaw. Mr. Strazzulla noted that between the master deeds

and individual deeds, it will be very clear to the Association what its responsibilities are. It was decided to combine items D and E of this section.

The Committee then discussed the Purpose section, noting that language regarding economic benefit to the Town would be added. Mr. Brown noted that this will be a planned community, different than the rest of the Town. Mr. Auslander asked how much different it would look from Rt. 135, noting that he had once lived in Reston, VA, one of the first planned communities, and good design makes a difference. Mr. MacDowell stated one will not see much on the north side, because of the features of the land and because Roger Mezitt retains ownership of a large parcel along Rt. 135. He stated that on the south side of Rt. 135, the existing buffer of single family homes along Rt. 135 will largely block views of the interior. He stated that they met with the Curtis Rd. neighborhood recently, and are looking at the number of single family homes they would build on the extension of Curtis Rd. He stated they will be meeting with multiple neighborhoods, and until they have met with them all, they will not be making any decisions about specific changes in those areas.

The Committee discussed the changes to the Dimensional Requirements section made since the last meeting. Mr. Barry asked about a buffer requirement, and the issue was discussed.

The Committee then commented on other provisions of the bylaw. Mr. Weismantel asked if Boulder Capital had made a decision as to whether 44 Wilson St. would be inside or outside the OSMUD. Mr. MacDowell stated that since the use could continue, they have decided to keep it in the OSMUD but change the area to a Residential Subdistrict from a Commercial Subdistrict.

Ms. Altamura asked whether allowing hotels on this site would make people want them in other districts. She stated it might be ok to have small high end hotels, but a Super 8 or something like that would not be. Mr. Auslander noted that there are no other sites like this one, because of its size, former use, and location. Mr. MacDowell stated they don't plan on a hotel now, but someone might want to build one here.

Russ Ellsworth, 6 Curtis Rd., questioned the decision to allow to have 4 stories for the affordable housing, noting that residents are opposed to it because of visual impacts. He asked if some could be moved to the north parcel where an existing neighborhood wouldn't be affected. Mr. MacDowell stated they want to meet with a lot of neighborhoods before responding to questions like this, because the change could affect another neighborhood.

Mary Pratt, 102 Fruit St., stated that she thought that 4 stories were only allowed on South St. It was noted that the proposed bylaw includes two areas where 4 story buildings could be constructed.

Bob Falcione, 93 Downey St., stated the Committee shouldn't bring the Gateway District to town meeting if it wants the OSMUD to pass.

Ms. Altamura stated she doesn't want 4 stories in the affordable housing area. Mr. Weismantel suggested to Boulder Capital that they prepare studies to look at viewsheds, etc. so people will know what will be seen. Mr. Dourney noted the Town wants 500 acres of open space, so things

need to be squeezed together to do that. He stated the site plan review process will help. He noted that the project needs to be economically viable and what the Town wants. Ms. Altamura stated that Boulder will need to do visibility studies and talk about lighting impacts, etc. on nearby residential neighborhoods. Mr. Brown suggested doing a simulated view on the computer. Mr. Roux noted the Committee discussed this extensively before, and came to a consensus/comfort level at that time. Mr. MacDowell stated the reality is that they need a 2/3 vote, so they will look at everything.

Ms. Peters stated the traffic criterion is not extensive enough. Mr. Hollworth stated that the Town's consultant is reviewing traffic, and it will be an comprehensive study that extends beyond the project boundaries. He stated they hope for comments back this week.

Mr. Strazzulla moved to recommend the bylaw as revised at this meeting to the Planning Board. The motion was seconded by Ms. Altamura, and the Committee voted unanimously in favor.

Mr. MacDowell requested that the Committee not propose a rezoning for the Terry property, as it may jeopardize the chances of the OSMUD District from passing at Town Meeting.

## **2. Terry Property, Lumber St.**

Mr. Dourney suggested that the proposed change be postponed until the next special or annual town meeting. Mr. Roux noted that the initiative to do this came from the Planning Board, but was originally requested by the Industrial Commission a few years ago. He stated there is an Industrial district at the end of Lumber St., and this change would be a major upgrade to the area. He stated he would rather see a campus office park than the kinds of uses on the west side of Lumber St. in the Industrial district now. He stated he is ok with postponing action on this item until the next town meeting. Ms. Altamura stated there isn't a reason to rush the proposal. Mr. DeMont stated that Bill Terry has never come in to a meeting or met with anyone. He stated that Mr. Terry has zero interest in this and was solicited by others.

It was moved and seconded to defer this item to a future town meeting.

Mr. Falcione stated that the name "Gateway" is not appropriate for this district.

The Committee voted unanimously in favor of the motion.

## **3. Stormwater Management Bylaw**

Mr. Weismantel stated that while the Town is participating in a grant project with the Metropolitan Area Planning Council (MAPC) to develop a stormwater bylaw, it may need to adopt a short bylaw in order to be in compliance with EPA requirements. Ms. Lazarus noted that MAPC had discussed the issue with EPA, but it still appears uncertain what penalty, if any, the Town may face if it does not adopt a bylaw this spring if it is involved in this grant project.

Mr. Roux noted that the last draft reviewed by the Committee worked, as it minimized the impact on homeowners. He stated that Dover also has a good bylaw that could be used as a model. It was decided to discuss this at the next meeting, and review the previous ZAC bylaw and the Dover bylaw.

The Committee decided to meet next on February 12, 2008.

Adjourned: 9:15 PM

Approved: February 19, 2008

Elaine C. Lazarus, Planning Director