



TOWN OF HOPKINTON

OFFICE OF THE PLANNING BOARD

TOWN HALL
18 MAIN STREET
HOPKINTON, MASS. 01748
(508) 497-9755

November 1, 2006

DECISION

Application for approval of a Garden Apartment Site Plan entitled “**MASPENOCK WOODS**” filed by West Elm Street Acquisition, LLC, 20 Park Plaza, Boston, MA, for property located at 5 and 11 West Elm Street, Hopkinton Assessors Map R22, Block 9 and Assessors Map R23, Blocks 4 and 7.

The Planning Board of the Town of Hopkinton (the “Planning Board”) held a duly noticed public hearing on July 24, 2006, continued to August 28, 2006, September 25, 2006, October 16, 2006 and October 30, 2006, on the application of West Elm Street Acquisition, LLC (the “Applicant”), for approval of a 31-unit Garden Apartment Site Plan entitled “Maspenock Woods” (the “Site Plan”) submitted on June 21, 2006. The Site Plan was prepared by Guerriere & Halnon, Inc., dated June 21, 2006 and revised through October 17, 2006. The submitted Site Plan showed 30 two-bedroom attached condominium units off West Elm St. and one unit to be located within the existing single family home at 5 West Elm St.

The Site Plan was submitted pursuant to a Special Permit issued by the Planning Board dated December 20, 2005, approving the “Maspenock Woods” Garden Apartment Concept Plan under Article XIII of the Hopkinton Zoning Bylaw, Garden Apartments in Residential Districts (“GARD”).

Written comments and recommendations on the Site Plan were received from the Conservation Commission, Public Health Administrator, Fire Department, residents, and Fay, Spofford & Thorndike, LLC, the Board’s consulting engineer.

The land is zoned Residence Lake Front and Residence B. The development parcel consists of about 15 acres. The Plan would create 8.45 acres of common passive open space with a trail system and boat storage building which would be owned by the condominium association. The remaining land would contain the dwelling units, stormwater management facilities, sewage disposal system, and active recreation area. With the exception of the unit within the existing single family home, the units will be served by a roadway off West Elm St. in the vicinity of the present driveway to 11 West Elm St. The site currently contains some buildings and yard items which would be removed from the property. The site directly abuts Lake Maspenock.

Discussion at Public Hearings

At the public hearings, several issues were discussed relative to the proposed development, including the amount of clearing necessary for construction, the views from Lake Maspenock into the site, screening and buffers to abutters, roadway layout and design, traffic impacts on West Elm St. and the South St./West Elm St./West Main St. intersection, the potential impact on wetland resource areas, and design and construction standards. The development will be serviced by municipal water, and the Applicant will install a water main in West Elm St. from West Main St. to serve the development.

During the process, the Board and residents expressed concern that the area of West Elm St. in the vicinity of the proposed driveway intersection did not provide adequate lines of sight for drivers and that the existing geometry of West Elm St. causes visibility problems, compounded by the fact that vehicle speeds through the area are consistently higher than the speed limit. In response, the Applicant agreed to increase visibility by lowering the grade of West Elm St. by up to six inches and prepare an engineered plan for the Town should it decide to make further corrections to the road in the future.

The traffic studies prepared for the Applicant and submitted to the Board for review identified existing delays at the West Elm St./West Main St./South St. signalized intersection. In response, the Applicant offered to re-time the signal as mitigation, to ensure that the increase in traffic from this development does not worsen the situation.

Throughout the process, the Applicant worked with the Board, its engineer and abutters to address the issues that were raised in the approval process.

Planning Board Action

Section 210-75 A(2)(d) of the GARD bylaw requires that before the Planning Board may approve the Site Plan, it shall determine each of the following:

- a. That the plans provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, property or improvements.
- b. That the plans assure the adequacy of the methods of disposal of sewage, refuse and other wastes and the methods of drainage for surface water and seasonal flooding, if any.
- c. All of the provisions of the bylaw, including Sec. 210-72A and B, have been complied with and all necessary special permits and variances have been granted from the Board of Appeals.

If the Board does not make all of the above determinations, it shall deny the application stating its reasons for such denial. No special permits or variances were required of the Board of Appeals for this plan.

The Planning Board certifies that at a public hearing on October 30, 2006, it voted to determine that the Garden Apartment Site Plan approval criteria had been met. The Board then voted to approve the Site Plan dated June 21, 2006 and revised through October 17, 2006, drawn by Guerriere & Halnon, Inc., and architectural drawings dated May 18, 2005, received October 19,

2006, drawn by Bloodgood Sharp & Bluster, submitted by the Applicant, subject to the following conditions:

1. There shall be a maximum of 31 dwelling units on the property. The units shall be in the style depicted on the submitted Plans, with a maximum of two bedrooms each.
2. Construction shall be in accordance with the approved Site Plan and Special Permit.
3. The Applicant has committed to the following off-site improvements in order to mitigate and/or address conditions created by the development. The Applicant shall work with the Hopkinton DPW in the further design and implementation of these improvements, with approval by the DPW required prior to commencement of any of the work.
 - a. Extension of a 12" water main from West Main St. to the site, available for future use by the Town;
 - b. Re-timing of the signals at the West Main St./South St./West Elm St. intersection. The Applicant shall undertake the re-timing work and obtain the necessary supporting data and documentation when the development is 50% occupied or within two years from the start of construction, whichever comes first.
 - c. Widening of West Elm St. in the vicinity of the site entrance as indicated on the Site Plan. If the final design plan to widen West Elm St. is significantly different than what is shown on the Site Plan, the Applicant shall return to the Planning Board for review of the entrance location and design.
 - d. During construction of the sliver widening and the associated sight line improvements there which are shown on the Site Plan, the Applicant shall re-grade the portion of West Elm St. in the vicinity of the site entrance to improve driver safety. The re-grading would reduce the crest of the roadway by up to 6 inches where possible and reasonable. The scope of work does not include obtaining easements from abutting property owners or removing ledge.
 - e. Provide an engineered roadway design plan for West Elm St. which will provide all the necessary information, including the identification of required easements, to allow the Town to reconstruct the crest of the roadway to conform to appropriate design standards for vertical curves and the Town's design standards.
4. The Applicant shall provide a performance guarantee in an amount determined by the Board, prior to the commencement of dwelling unit construction in accordance with Section 210-75A(2)(e)[2] of the GARD bylaw. The amount will be determined after the Applicant's estimate is reviewed by the Town's consulting engineer. The amount shall include an additional \$10,000 to ensure any unaddressed erosion control issues that arise during construction due to the sensitive nature of the site, which is adjacent to Lake Maspenock.
5. Construction of all infrastructure shall be completed within four (4) years from the date of commencement. The Applicant shall notify the Planning Board of the intent to begin work at least 48 hours in advance.

6. If construction has not commenced within five (5) years of the date of filing of the Site Plan decision with the Town Clerk, approval shall be automatically rescinded, unless such time is extended by the Board.
7. Construction of the infrastructure shall be in accordance with the requirements and procedures in the Subdivision Rules and Regulations and the inspection process administered by the Planning Board, as specified in the GARD bylaw. The cost of the inspections shall be the responsibility of the developer.
8. Maintenance of all roads and driveways, including snow plowing and repairs, shall be the responsibility of the owners and not the Town, as required by the GARD bylaw.
9. Lighting on the site shall be directed away from adjoining property, and shall be directed downward, not up or outward.
10. Prior to the commencement of construction, the roadways shall be designated with Town approved street names, and each unit shall be given a street number. The Director of Municipal Inspections shall be consulted on the numbering system.
11. The condominium association shall be responsible for the maintenance and inspection of all stormwater management system components in accordance with an operation and maintenance plan approved by the Planning Board. Such plan shall be written in sufficient detail to allow a lay person to oversee appropriate management.
12. The GARD bylaw states that signs are subject to such limitations of size and usage as may be imposed by the Planning Board. If a temporary marketing sign during construction is desired, the Applicant shall submit the design to the Board for approval. No signs, other than the trail and traffic signs shown on the Plan, shall be erected without prior Planning Board approval.
13. All designated open space shall remain in its natural state unless indicated otherwise on the Site Plan. No designated open space may be disturbed during construction and it may not be used for storage of materials, vehicles or equipment. Designated open space may not be developed for active recreational uses.
14. Erosion and sedimentation control measures shall be implemented during construction, in accordance with the Erosion Control Plans. If they are found to be inadequate, the Applicant shall immediately correct any deficiencies. The Planning Board may stop work on the project until erosion and sedimentation issues are adequately addressed. The erosion and sedimentation control measures used on the site shall include:
 - a. The identification of a designated erosion control monitor who shall issue monthly status reports to the Planning Board during construction;
 - b. The conducting of land disturbance activities shall not occur on more than seven (7) acres of the site at any one time;
 - c. Silt sack type devices shall be used in the catch basins during construction and shall be properly maintained, unless an alternative is required by the Conservation Commission.

15. No construction of any kind shall commence until full approval of the sewage disposal system has been received from the Hopkinton Board of Health and an Order of Conditions has been received from the Conservation Commission.
16. All outstanding issues contained in the letter from Fay, Spofford & Thorndike (FST), dated October 26, 2006 and by reference to applicable items in previous letters, shall be resolved to the satisfaction of the Planning Board prior to construction. All necessary modifications to the Site Plan shall be made prior to the commencement of construction. The Applicant shall be responsible for the cost of FST review.
17. A plan shall be submitted to the Planning Board prior to construction showing the location of where earth will be stockpiled on site, if different than the area indicated on the Site Plan. No earth products shall be delivered to the site which are not for use on the property. No earth shall be stripped or excavated and removed from areas of the site unless for road, infrastructure, home or lawful accessory use construction. No earth processing operations shall occur on the site, unless earth products are to be combined and/or mixed for use on the property. All piles of stockpiled earth shall be stabilized with adequate dust and erosion controls. All piles of earth shall be removed from the site upon completion of construction of the roadways and infrastructure. Any piles remaining after that time shall be solely in conjunction with an active permit for construction of sewage disposal system, building or lawful accessory use. Any violation of this provision may result in a stop work order or Plan rescission.
18. No building permits shall be issued until the roadway serving the unit has an inspected and satisfactory compacted gravel base in the opinion of the Planning Board's inspecting engineer. The Applicant may construct one foundation on each roadway before the compacted gravel base is installed, if desired, for marketing purposes. No occupancy permits for dwellings shall be issued until the roadway serving the unit is paved with the binder course of pavement.
19. Tree stumps and building scrap materials shall not be buried on site, and must be removed from the property.

All requirements and regulations contained in the GARD bylaw and the Special Permit dated December 20, 2005 shall be adhered to whether or not repeated in this Decision.

On the motion to approve the Garden Apartment Site Plan with the foregoing conditions, the vote of the Board was as follows:

Mark Abate	No
Scott Aghababian	Yes
Sandy K. Altamura	Yes
Evan Ballantyne	No
John H. Coolidge	Yes
R. J. Dourney	Yes

Jaime Goncalves	Yes
Joseph Markey	Abstain
Claire Wright	Yes

Any person aggrieved by this decision may appeal in accordance with Mass. General Laws Chapter 40A Sec. 17 within 20 days of the filing of the decision with the Town Clerk.

Mark A. Abate
Chairman

cc: West Elm Street Acquisition, LLC
Guerriere & Halnon, Inc.
Town Clerk
Director of Municipal Inspections
Police Chief
Fire Chief
Director of Public Works
Board of Health
Conservation Commission
Fay, Spofford & Thorndike, LLC