



TOWN OF HOPKINTON

OFFICE OF THE PLANNING BOARD

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

November 28, 2007

DECISION

Application for approval of a Senior Housing Development Site Plan entitled “**ROCKWOOD MEADOWS**” filed by LLD Land Development Corporation, 31 Whitewood Rd., Milford, MA, located on School Street in Hopkinton and East Street in Upton, Hopkinton Assessors Map R32, Block 1 Lot 0.

The Planning Board of the Town of Hopkinton (the “Planning Board”) held a duly noticed public hearing on October 29, 2007, continued to November 19, 2007, on the application of LLD Land Development Corp. (the “Applicant”), for approval of a 62-unit Senior Housing Development Site Plan entitled “Rockwood Meadows” (the “Site Plan”) submitted on September 26, 2007. The Site Plan was prepared by Allen Engineering, LLC, dated March 19, 2007 and revised through September 12, 2007. The Site Plan showed 62 attached and detached condominium units off School Street on land in Hopkinton and Upton. All dwelling units would be located in the Town of Upton.

The Site Plan was submitted pursuant to a Special Permit issued by the Planning Board dated August 24, 2007, approving the “Rockwood Meadows” Senior Housing Development Concept Plan under Article XVIA of the Hopkinton Zoning Bylaw, Senior Housing Development (“SHD”).

Written comments and recommendations on the Site Plan were received from the Hopkinton Conservation Commission, Fire Department, and Fay, Spofford & Thorndike, Inc., the Board’s consulting engineer.

The land is zoned Agricultural. The development parcel consists of 78.8 acres of which 23.16 is located in Hopkinton. The water supply well for the development and a portion of the roadway and open space would be located in Hopkinton. The plan would create 61.5 acres of permanent common passive open space, 22.74 acres of which would be in Hopkinton. The open space would be owned by a homeowners association, with conservation restrictions conveyed to the Conservation Commission in each community.

Discussion at Public Hearings

At the public hearings, several issues were discussed relative to the proposed development, including water supply, traffic impacts, roadway layout and design, and common open space. The development will not be served by municipal water or sewer services. The drinking water well located in Hopkinton will serve all of the units. Concerns were expressed relative to the proposed modifications to Peppercorn Village, an approved development on abutting property in Hopkinton, with respect to sewage disposal systems on that property. The Applicant stated that there no impact on the Rockwood Meadows water supply is anticipated.

The impact of additional traffic trips on the West Main St./School St. intersection was discussed. The traffic impact assessment submitted by the Applicant concluded that the traffic trips from the new development would result in an additional 5 seconds of delay during the evening peak hour. The West Main St. eastbound approach would continue to operate at an “A” level of service during both AM and PM commuting peak hours. The westbound approach would continue to have an “A” level of service during the morning and “B” during the evening peak hours, the northbound approach would continue to suffer an “F” level of service during the morning and “E” during the evening peak hours, and the southbound approach would continue to experience an “F” level of service during both peak hours. The assessment also noted that delay and levels of service would improve markedly at the intersection if traffic control signals were installed at the intersection.

Maguire Group, hired by the Town of Hopkinton, prepared a Project Justification Report in 2005 for the West Main St./School St. intersection. The report detailed four options for the intersection, all involving installation of a traffic control signal. The report noted that the construction cost would range from \$120,000 to \$510,000 depending on the option selected. Maguire Group recommended an option that included addition of a westbound left turn lane, for an estimated cost of \$490,000. These costs do not include design or land acquisition. According to Fay, Spofford & Thorndike, the Planning Board’s consulting engineer, design costs are likely to be about \$50,000.

During its review of the Rockwood Meadows development plan, the Planning Board discussed with the Applicant the Town’s desire for mitigation with respect to the intersection. At the conclusion of the hearings, the Planning Board and Applicant agreed that the Applicant would donate \$25,000 to the Town to be used for this project. The Planning Board appreciated the willingness of the Applicant to work with the Town in this respect, as new development on School St. both contributes to and benefits from the intersection improvements.

Planning Board Action

Section 210-105.4 (2) (d) of the SHD 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. 210-105.1 A 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.

The Planning Board certifies that at a public meeting on November 19, 2007, it voted to determine that the Senior Housing Development Site Plan approval criteria had been met. On the Motion to determine that the Approval Criteria in Zoning Bylaw Section 210-105.4 (2) (d) were met, the vote of the Board was as follows:

Sandy K. Altamura	Yes
John Coolidge	Yes
Carol DeVeuve	Yes
Joseph Markey	Yes
Kenneth Weismantel	Yes
Claire Wright	Yes
RJ Dourney	Abstain
Evan Ballantyne	Abstain

At the public meeting on November 19, 2007, the Board voted to approve the Site Plan entitled “Definitive Site Plan for Rockwood Meadows” dated March 19, 2007 and revised through September 12, 2007, drawn by Allen Engineering, LLC submitted by the Applicant, subject to the following conditions:

1. The Applicant has stated they are willing to financially assist the Town with the installation of a traffic control signal at the West Main St./School St. intersection, as mitigation of the impact of new traffic generated by this development. It is estimated that the cost of installation of a traffic control signal and westbound turn lane is around \$490,000, which does not include property acquisition costs. Therefore, the Applicant shall donate not less than \$25,000.00 which shall be used by the Town for this purpose. The funds shall be transmitted to the Town prior to the issuance of the first occupancy permit in the development, and shall be held in an account to be used specifically for this purpose.
2. If the Site Plan is proposed to be amended or rescinded by the Upton Planning Board, the Hopkinton Planning Board shall be notified by the Applicant.
3. The portion of the roadway in Hopkinton is only a small part of the entire roadway network in the development, the majority of which is in Upton. If acceptable to the Town of Upton, inspection of the entire roadway shall be supervised by the agents/officials of the Town of Upton only. If the Town of Upton would prefer that inspection of the portion in Hopkinton be the responsibility of Hopkinton, then the Applicant shall be subject to the inspection procedures contained in the Hopkinton Subdivision Rules and Regulations and the Planning

Board will endeavor to contract with the same consultant utilized by the Town of Upton for its inspections, if any.

4. A Erosion and Sedimentation Control Plan which addresses and provides additional detail on soil erosion and sedimentation control measures to be utilized on site, construction phasing, and areas of disturbance, shall be submitted prior to the commencement of construction.
5. The roadway shall be designated with a Town approved street name, which shall be the same in both Towns. The Applicant shall be responsible for coordinating this process.
6. There shall be no dwelling units constructed on the portion of the property within the Town of Hopkinton.
7. The Applicant shall provide a performance guarantee in an amount determined by the Board, prior to the issuance of the first building permit, in accordance with Section 210-105.4 A(2)(e)[2] of the bylaw. The amount will be determined after review of the Applicant's estimate by the Town's engineer.
8. Construction of all infrastructure within Hopkinton shall be completed within 2 years from the date of commencement. Such date may be extended by the Planning Board for good cause shown by the Applicant. The Applicant shall notify the Planning Board of the intent to begin work at least 24 hours in advance.
9. Maintenance of all roads and driveways, including snow plowing and repairs, shall be the responsibility of the owners and not the Town of Hopkinton.
10. Lighting shall be directed away from adjoining property, and shall be directed downward, not up or outward.
11. The condominium association shall be responsible for the maintenance and inspection of the stormwater management system.
12. The Applicant shall submit a plan of all signs proposed for the portion of the development in Hopkinton, with the exception of traffic signs, for Board approval. The plan shall show proposed locations, size, materials and illumination and shall be submitted and reviewed prior to issuance of the first building permit. No signs in Hopkinton shall be erected without prior Planning Board approval.
13. No designated open space may be disturbed during construction and it may not be used for storage of materials, vehicles or equipment, with the exception of any activity necessary for installation of the water supply wells.
14. Erosion and sedimentation control measures shall be implemented during construction. 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.

On the Motion to determine that the Approval Criteria in Zoning Bylaw Section 210-105.4 (2) (d) were met, the vote of the Board was as follows:

Sandy K. Altamura	Yes
John Coolidge	Yes
Carol DeVeuve	Yes
Joseph Markey	Yes
Kenneth Weismantel	Yes
Claire Wright	Yes
RJ Dourney	Abstain
Evan Ballantyne	Abstain

All requirements and regulations contained in the SHD bylaw and the Special Permit shall be adhered to whether or not repeated in this Decision.

Mark A. Abate
Chairman

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

cc: LLD Land Development Corp.
Allen Engineering, LLC
Upton Planning Board
Fay, Spofford & Thorndike, LLC
Town Clerk
Director of Municipal Inspections
Police Chief
Fire Chief
Director of Public Works
Board of Health
Conservation Commission
Director of Municipal Inspections