



# TOWN OF HOPKINTON

## OFFICE OF THE PLANNING BOARD

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

February 21, 2006

### CERTIFICATE OF PLANNING BOARD ACTION

Application for approval of a preliminary subdivision plan entitled “**PRELIMINARY SUBDIVISION PLAN, CHESTNUT STREET, HOPKINTON**” filed by Michael P. Umina, Trustee of Equestrian Realty Trust, 24 Chestnut Street, Hopkinton, MA, located off Chestnut Street, Hopkinton, Assessors Map U24, Block 40, Lot 0.

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The Planning Board of the Town of Hopkinton (the “Planning Board”) held a duly noticed public hearing on February 13, 2006 on the application of Michael P. Umina, Trustee of Equestrian Realty Trust (the “Applicant”) submitted on January 9, 2006 for approval of a six-lot preliminary subdivision plan entitled “Preliminary Subdivision Plan, Chestnut Street, Hopkinton”. The preliminary subdivision plan was prepared by CF Engineering, LLC, dated August 23, 2005.

The plan shows six new building lots off a loop road off Chestnut St., about 1,165 feet long. The 7.62 acre parcel is zoned Residence B and has frontage in two locations on Chestnut St. The Planning Board endorsed an approval-not-required (81-P) plan on December 12, 2005 which created Lot 7 shown on the plan. This 1.03 acre parcel has frontage on Chestnut St. and is located between the two entrance/exit points of the new roadway loop. All six subdivision lots would front on the new street. Building lots in the Residence B district are required to have a minimum of 45, 000 sq. ft. of area and 150 feet of frontage on a street and all lots shown on the plan would comply with these requirements. The Applicant did not request any waivers of provisions of the Hopkinton Subdivision Rules and Regulations. The property is mostly wooded at the present time.

Written comments on the application and plan were received from Fay, Spofford & Thorndike, LLC, the Planning Board’s consulting engineer, the Hopkinton Conservation Commission, and Board of Health.

#### *Discussion at the Public Hearing*

At the public hearing, the Board discussed with the Applicant and his engineer the proposed road layout, stormwater management, and general subdivision design issues. The Board noted that there were several areas of non-compliance with specific provisions of the Subdivision Rules and

Regulations. Abutters raised issues including the limits of lot clearing for houses and septic systems and drainage. The Applicant stated that he would consider restrictive covenants on the lots to address lot clearing and retention of some stone walls on the property.

### *Review Standards*

Submission of a preliminary subdivision plan to the Planning Board is optional on the part of an applicant. MGL c.41 sec. 81-S, Preliminary Plan, states that the Planning Board shall notify the applicant and the Town Clerk within 45 days of its submission that the plan has been approved, approved with modifications, or that the plan has been disapproved. In the case of disapproval, the Board shall state in detail its reasons therefor.

### *Planning Board Action*

The Planning Board hereby certifies that at a duly noticed public hearing held on February 13, 2006, it voted unanimously on a motion to disapprove the preliminary subdivision plan for the following reasons:

1. The plan does not comply with the traveled way width requirement of the Subdivision Rules and Regulations (8.2.3.C). A road which serves 10 or fewer homes is required to be 20 feet wide. The plan shows a road that is 24 ft. wide.
2. The plan does not comply with the sidewalk location requirements of the Subdivision Rules and Regulations (8.3.1). A loam and grass shoulder is required between the sidewalk and the traveled way, at least 3 ½ feet wide. The plan shows the sidewalk directly adjacent to the traveled way.
3. The plan does not comply with the requirement in the Subdivision Rules and Regulations that the outermost edge of stormwater basins shall be located a minimum of 25 ft. from any roadway and property lines (8.4.10). The proposed basin is located on two of the building lots, straddling the property line.
4. The plan does not comply with the requirement of the Subdivision Rules and Regulations that the stormwater basin embankment must have a 3:1 or flatter slope (8.4.10). The embankment shown appears to have a slope of about 2:1.
5. The plan shows a rectangular shaped stormwater basin. The Subdivision Rules and Regulations states “The basin(s) shall be designed for aesthetics, as well as function” (8.4.10). The proposed basin has not been designed to fit with the land or with any aesthetic consideration.
6. The approximate boundary lines of proposed lots, with approximate areas and dimensions are required to be shown on the preliminary plan (5.2.1.E). The submitted plan does not show the entirety of lot 3, which extends to Benson Road.

7. The plan is drawn at a scale of 1 inch equals 50 feet, which is not in compliance with the Subdivision Rules and Regulations (5.2).
8. The Plan Contents section of the Subdivision Rules and Regulations (5.2.1) requires that the pavement width of the adjacent street (Chestnut St.) shall be shown on the plan. The width was not indicated on the plan.
9. The Subdivision Rules and Regulations require catch basins to be installed on both sides of the roadway and at a maximum spacing of 250 ft. (8.4.5). The proposed locations shown on the plan do not comply with this Design Standard.
10. The report from Fay, Spofford & Thorndike, LLC dated February 9, 2006 indicated several areas of non-compliance with the Subdivision Rules and Regulations and items of concern which should be addressed on the definitive subdivision plan.
11. The Board stated that the plan is designed solely to maximize density and does not appear to be designed to fit with the land and/or enhance the appearance of the surrounding area. The Board recommended that the Applicant consider reducing the density to improve the appearance of the subdivision and improve the site planning so that it is designed to fit with the land.

Mark A. Abate  
Chairman

Cc: Town Clerk  
Conservation Commission  
Board of Health  
Department of Public Works  
Fay, Spofford & Thorndike, LLC  
CF Engineering, LLC