



TOWN OF HOPKINTON

OFFICE OF THE PLANNING BOARD

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

December 13, 2006

CERTIFICATE OF PLANNING BOARD ACTION

Application for approval of a definitive subdivision plan entitled “**DEFINITIVE SUBDIVISION**” filed by Wayne and Melissa Comeau, 24 Cedar St., Hopkinton, MA, located off Benson Road, Hopkinton Assessors Map R31, Block 24 Lot 1A.

The Planning Board of the Town of Hopkinton (the “Planning Board”) held a duly noticed public hearing on December 11, 2006 on the application of Wayne and Melissa Comeau (the “Applicants”) submitted on November 7, 2006, for approval of a 2-lot definitive subdivision plan entitled “Definitive Subdivision” (the “Subdivision Plan”). The land is owned by Wayne and Melissa Comeau. The Subdivision Plan was prepared by The Jillson Company, Inc., dated November 3, 2006.

A preliminary subdivision plan was submitted to the Planning Board for the property and was disapproved on January 6, 2006. A definitive subdivision plan submitted for the property was disapproved by the Planning Board on September 16, 1999.

The Subdivision Plan showed two building lots served by an extension of Benson Road, an existing dead-end street. The extension would be approximately 117 feet in length. The 4.87 acre parcel is zoned Residence B. The two lots would be served by individual driveways off the existing Benson Road cul-de-sac so the new roadway shown on the Subdivision Plan would not be constructed. The Applicant’s representative stated at the public hearing that the Applicants intend to construct a home for themselves on lot 2 and donate lot 3 to the Hopkinton Area Land Trust (HALT). A signed Agreement between the Applicants and HALT was submitted to the Planning Board.

Written comments and recommendations on the Subdivision Plan were received from Fay, Spofford & Thorndike, LLC, the Board’s consulting engineer, and the Conservation Commission.

The Planning Board certifies that at a public hearing on December 11, 2006 it voted to approve the Subdivision Plan dated November 3, 2006, drawn by The Jillson Company, Inc. and submitted by the Applicant, subject to the following conditions:

1. Prior to the Planning Board's endorsement of the Subdivision Plan, the Applicants shall execute an Agreement with the Planning Board, that no lot depending on the new roadway for their legal frontage shall be sold, or buildings or structures erected or placed on, or building permits issued with respect to any such lot, until:
 - (a) The work on the ground necessary to adequately serve such lot has been completed in accordance with the contents of the subdivision plan and with the Subdivision Rules and Regulations and that all other requirements of the Subdivision Rules and Regulations have been fully complied with; or
 - (b) The Applicants have executed a contract with the Planning Board, accompanied by appropriate security to secure performance, to complete construction of the infrastructure, monumentation, and other improvements shown on the plan in accordance with the Subdivision Rules and Regulations, on or before a date specified in the contract;
 - (c) The Applicants have recorded in the Registry of Deeds (or Land Court) a certificate executed by the Planning Board that the above conditions with respect to any such lot have been performed by them or have been amended, modified, revoked, waived or released by the Planning Board.

2. After finding that it was in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law, the Planning Board waived strict compliance with the following provisions of the Subdivision Rules and Regulations, in accordance with Section 81-R of the Subdivision Control Law and Section 7.1 of the Subdivision Rules and Regulations. The Applicants will donate one of the two building lots created to the Hopkinton Area Land Trust, and the Board approved the waivers after consideration of that public benefit.
 - a) Digital format plan not referenced to state plane coordinates (5.4)
 - b) Engineering Inspection and Monitoring Fees (6.1) – A deposit of \$3,000 is not required after this approval and prior to Plan endorsement. Instead, a deposit equal to the estimated cost of engineering inspection shall be provided prior to construction, when the cost is known.
 - c) Road Construction Inspections (6.1) – The Administrative Fee of \$150 with each road construction inspection request is not required.
 - d) Operation and Maintenance fees (6.3) are waived. The roadway and infrastructure will be permanently private.
 - e) The width of traveled way (8.2.3.B) shall be as shown on the plan.
 - f) A sidewalk and pedestrian and bicycle trails are not required (8.3.1) due to the small size of the subdivision.
 - g) Water and Sewer Distribution Systems (8.5) – Since such systems will not be located in the subdivision, then they do not need to be shown on the definitive plan.
 - h) Public/Private Utilities (8.7) – A plan from the utility companies is not required with the definitive plan submission.
 - i) Street lights (8.7.2) – No street lights are required.
 - j) Clearing and grubbing (9.2) – The entire width and length of the right of way need not be cleared and grubbed, only that which is necessary for the roadway and infrastructure shown on the subdivision plan.
 - k) Bounds (9.11.1) – Stone or reinforced concrete bounds are not required for the road right of way.

- 1) Legal Description (11.2) – A legal description of the roadway is not required, as it will remain a private road.
3. A dead end street is permitted. Section 8.2.5.A of the Subdivision Rules and Regulations states that dead end streets shall not be approved except where exceptional circumstances exist in the opinion of the Board. The Board determined that exceptional circumstances exist in this case. The Applicants intend to donate one of the two building lots to the Hopkinton Area Land Trust. The Board appreciates the Applicant's gift, which is unusual and exceptional.
4. There shall be a maximum of two building lots in the subdivision. Lot 2 shall not be further subdivided. These conditions shall be written on the Subdivision Plan prior to Planning Board endorsement.
5. The Subdivision Plan shall contain a note which states that there shall be no modifications to the design of the roadway or extension of the roadway unless a new definitive subdivision plan has been reviewed and approved by the Planning Board, in accordance with the procedures established in the Subdivision Rules and Regulations.
6. The subdivision roadway shall remain a private way and shall not be maintained by the Town. This condition shall be written on the Subdivision Plan prior to Planning Board endorsement.
7. Tree stumps and building scrap materials shall be removed and shall not be buried on the site.
8. The street numbers for the new lots shall be shown on the subdivision plan in accordance with the Subdivision Rules and Regulations prior to endorsement. The Applicants shall consult the Director of Municipal Inspections on the numbering system.
9. Erosion control measures to prevent siltation onto wetlands, neighboring properties and roads during construction shall be implemented.
10. No building permits shall be issued or any construction in the subdivision allowed until approval for such work has been obtained from the Conservation Commission for areas affected by the Wetlands Protection Act and the Hopkinton Wetlands Protection Bylaw.
11. Disturbed areas shall be loamed and seeded during construction as soon as possible.
12. 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 subdivision upon completion of construction of the road 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.

This decision is subject to appeal in accordance with MGL c.41, section 81-BB within 20 days after this decision is filed with the Town Clerk.

Mark A. Abate
Chairman

cc: Town Clerk
Director of Municipal Inspections
Police Chief
Fire Chief
Director of Public Works
Board of Health
Conservation Commission
Fay, Spofford & Thorndike, LLC
The Jillson Company, Inc.