



# TOWN OF HOPKINTON

## OFFICE OF THE PLANNING BOARD

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

December 15, 2005

### DECISION

Petition to amend the Special Permit issued for **DEERFIELD ESTATES** under Hopkinton Zoning Bylaw Chapter 210, Article XVIA, Senior Housing Development, filed by Capital Group Properties, 259 Turnpike Road, Southborough, MA, for property located at 148 Lumber Street, Assessors Map R29 Block 10.

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The Zoning Act having been duly complied with regarding notice, a public hearing was held on November 14, 2005, November 28, 2005 and December 12, 2005 on the application of Capital Group Properties (the "Applicant") for an amendment to the Senior Housing Development (SHD) Special Permit for "Deerfield Estates". The Special Permit was issued on October 31, 2002 and amended April 11, 2003. The Application was accompanied by and augmented by plans entitled "Concept Plan – Alternative III", prepared by CFS Engineering, dated Sept. 2, 2005, "Historic House Landscape Plan", prepared by William Fleming Associates, revised through Nov. 28, 2005, "Lumber Street Buffer Study", Prepared by William Fleming Associates, revised through November 28, 2005, and "Concept Plan – Alternative V" prepared by CFS Engineering, dated December 12, 2005.

The plans and other submission materials were reviewed by the Planning Board. Throughout its deliberations, the Planning Board has been mindful of the statements of the Applicant and their representatives, and the comments of the general public, all as made at the public hearing. Written comments and recommendations on the application were received from the Hopkinton Public Health Administrator and Hopkinton Conservation Scientist.

The changes are solely due to the desire to convey the historic home at 148 Lumber St., currently within the SHD, to the Hopkinton Historical Commission. In order to make this possible, the Applicant submitted a request to amend the Special Permit by: 1) changing the number of dwelling units on the property from 46 to 47; 2) requesting a waiver of the building setback requirement; and 3) modifying the layout and placement of buildings and roadways. The overall development concept for the property is not changed. The development is presently under construction, with building permits issued for more than half of the units.

Senior Housing Developments are approved by a two-step process. The first step is a Special Permit approving a Concept Plan, and the second step is approval of a Site Plan showing the detailed engineering required to construct the development. When a Special Permit is approved,

the Applicant may then proceed to the Site Plan stage, when detailed engineering drawings are submitted for review and approval.

### ***Findings***

#### **a. General**

The proposed amendments to the approved Concept Plan are:

- An increase in the net number of units from 46 to 47. The approved Site Plan showed the historic home (constructed in the 1700's) converted to a dwelling unit, which was counted in the 46 units approved for the SHD. The amended plan would place the house on a separate parcel for conveyance to the Hopkinton Historical Commission, and it would no longer be a dwelling unit, but be converted to museum use. The Applicant requested that the Special Permit be modified to add one unit to replace the one lost, plus an additional unit. The additional unit would cover the cost of work which the Applicant has agreed to perform on the interior and exterior of the house, and landscaping on this parcel, before conveyance.
- In order to add two new dwelling units to the SHD parcel minus the land to be conveyed to the Historical Commission, the units closest to Lumber St. within the development would be rearranged, as well as McGill Court, the interior roadway serving the units. A request to locate one unit about 58 feet from the front property line was submitted, requiring a waiver of the 100 ft. building setback requirement as provided for in Sec. 210-105.3 B(7) of the SHD bylaw. In response to a request of the Planning Board to prepare an alternative plan that showed the new unit farther back from Lumber Street, the Applicant submitted "Concept Plan – Alternative V" for review. After review, the consensus of the Board was that the originally submitted "Concept Plan – Alternative III" was preferable.
- Extensive landscaping and screening would be added along Lumber St., including a raised planting berm, to screen the dwellings from views from Lumber St. and across the street. Landscaping and a new driveway would also be added to the historic home site.

The following waiver of the Senior Housing Development bylaw provisions is requested:

1. Waiver of the building setback requirement from property lines (Sec. 210-105.3 B(7)), from 100 ft. to 58.26 feet for building A.

#### **b. Special Permit Criteria**

Section 210-105.4.A(1)(d) of the Zoning Bylaw states that before the Planning Board may issue the Special Permit, it shall determine each of the following:

1. That the proposed development constitutes a desirable development in the neighborhood and in the town.
2. That the proposed development will not be detrimental to the neighborhood or the town.

3. That the plans generally provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, property or improvements, with the understanding that review of such items will be more detailed at the site plan stage.
4. That the plans appear to provide adequate methods of disposal of sewage, refuse and other wastes, adequate methods for drainage for surface water and seasonal flooding, if any, and adequate provision of water for domestic purposes, with the understanding that review of such items will be more detailed at the site plan stage.
5. That the plan complies with the Master Plan.
6. That the provisions of § 210-105.1A and B of this Chapter have been met.

The Planning Board has considered all of the above-referenced criteria and will impose conditions in the Special Permit relating to these criteria.

**c. Specific Findings**

1. The amendment will ensure that the development continues to constitute a desirable development in the neighborhood and the Town and will not be detrimental. The development is presently under construction and is in existence. The change will allow a historic home unique to Hopkinton, constructed in the 1700's, to be preserved for future generations in its historic location and converted to a museum use. Since this development was first proposed, the Planning Board's goal has been to preserve the house. The original Special Permit and Site Plan approval required that it remain a dwelling unit. Since then it has been determined that it would not be possible to convert the house into a modern dwelling and an application to demolish the structure was submitted to the Town by the Applicant. The Historical Commission and Applicant have worked to find a way to save the structure, as is intended by the Historic Preservation Bylaw (Hopkinton General Bylaws Chapter 125). Retention of the house and its conveyance to a public entity will not only preserve it for the public, but also help to retain historic elements of the Lumber Street streetscape, which has been altered by new development in the area over the years.
2. The plans provide for adequate vehicular and pedestrian movement within and outside the site. There will be no change to the roadway entrances to the development on Lumber St. and the increase in traffic associated with the addition of the unit and museum is believed to be negligible.
3. The plans appear to provide adequate methods of sewage disposal, adequate drainage for surface water, and water for domestic purposes, with the understanding that the Applicant will need to obtain approval of the Hopkinton Board of Health to expand the sewage disposal system and the Mass. Dept. of Environmental Protection for changes to the water supply well and distribution system, if necessary.

4. The plan complies with the Master Plan, adopted May 24, 1999. Natural Resources Goal 5 states: “Retain the rural historic fabric of Hopkinton.” It is the retention of the existing house and its conveyance to a public entity which requires that units within the development be rearranged and the number increased.
5. The Applicant proposes to construct substantial landscaping and screening along Lumber Street, which exceeds that which was shown on the approved Site Plan. This will be an improvement to the Lumber Street streetscape and to abutting properties.

***Decision***

In view of the foregoing, the Planning Board hereby decides that the requested amendment meets all requisite criteria. It is therefore decided to grant an amendment to the Special Permit in accordance with the terms and conditions stated below.

1. The new landscaping along Lumber Street for screening purposes shall include a two foot high stone wall with a four to five foot planting berm behind it. The length and width of the area shall be roughly as shown on the plan entitled “Lumber Street Buffer Study” prepared by William Fleming Associates dated November 28, 2005 as submitted to the Board. This change will result in a higher berm and therefore improved screening than proposed on the submitted landscape plan. A resident across the street from the property expressed concern about views into the site, and it is believed that the increased height of the berm and the density of planting proposed will greatly mitigate the existing and future conditions.
2. There shall be a maximum number of 47 dwelling units within the Deerfield Estates Senior Housing Development. The addition of a dwelling unit within the Development will ensure that the Applicant has the funds available to undertake the work that needs to be done to the historic house prior to conveyance in order to provide proper and useable space.
3. The historic house to be conveyed to the Historical Commission and which is currently part of Deerfield Estates shall be connected to a water and sewage disposal system as originally shown on the plan within the development, or individual systems on the building lot. The house shall also be provided with electric service. Conveyance of the house to the Historical Commission and removing it from the Senior Housing Development will ensure that this important structure is retained for the future. The Planning Board expects that the Applicant will perform work to fix and restore the house to standards which are in accordance with an agreement to be developed by the Applicant and the Historical Commission.
4. The Site Plan amendment application which be submitted as part of the two-step approval process shall be accompanied by the following documentation and shall be consistent with the submitted plan entitled “Concept Plan – Alternative III” prepared by CFS Engineering dated September 2, 2005:
  - a. Written approval from the Board of Health indicating that the on-site septic system either as existing or as modified can accommodate the change in flows to the system;
  - b. Written approval from the Mass. Dept. of Environmental Protection indicating that the on-site well can accommodate the additional usage;

- c. Information sufficient for the Planning Board’s engineer to determine whether there will be additional flows to the stormwater management system and if so, that it can handle the additional flow. If it cannot handle the flow, modifications to the system shall be shown on the plan which will accommodate the change.
  - d. The new property lines of the Senior Housing Development and the parcel containing the old house to be conveyed to the Historical Commission shall be shown on the Site Plan. Information indicating compliance with provisions of the Senior Housing Development Bylaw with the deletion of the land shall be submitted.
- 5. A detailed landscape plan shall be submitted with the Site Plan, which includes the modification requested in condition #1.
  - 6. One year following completion of the landscaping improvements in the vicinity of Lumber Street, the Applicant shall return to the Planning Board for a review of the density and adequacy of the screening. If additional planting is required by the Board to fill in gaps, the Applicant shall be responsible for planting additional materials as identified in the one-year review.
  - 7. The Applicant offered to plant additional materials on the Makynen property (143 Lumber Street) across the street to increase screening if desired. The Board encourages the Applicant to meet with the Makynen’s to discuss this possibility further.

***Record of Votes***

The following members of the Planning Board voted on November 28, 2005 to determine that the Special Permit criteria contained in Zoning Bylaw Section 210-105.4.A(1)(d) have been met:

Mark Abate	Scott Aghababian
Sandra K. Altamura	Evan Ballantyne
John H. Coolidge	R. J. Dourney
Jaime Goncalves	Claire Wright

The following members of the Planning Board voted on December 12, 2005 to grant a Special Permit subject to the above-stated terms and conditions:

Mark Abate	Scott Aghababian
Sandra K. Altamura	Evan Ballantyne
John H. Coolidge	R. J. Dourney
Jaime Goncalves	Claire Wright

All other conditions of approval contained in the Decisions dated October 31, 2002 and April 11, 2003 remain in effect, unless modified herein.

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

This Special Permit shall become void within two years from the date of issue in accordance with Mass. General Laws, Chapter 40A, Section 9.

This Special Permit shall not be effective until filed with the Registry of Deeds by the Applicant.

Mark A. Abate  
Chairman

cc: Capital Group Properties  
Town Clerk  
Conservation Commission  
Director of Municipal Inspections  
Fire Chief  
Board of Health  
Director of Public Works  
Fay, Spofford & Thorndike, Inc.  
Robert Foster