



TOWN OF HOPKINTON

OFFICE OF THE PLANNING BOARD

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

April 19, 2006

DECISION

Application for an amendment to conditions of approval of a Senior Housing Development Site Plan entitled "**DEERFIELD ESTATES**" filed by Capital Group Properties, 259 Turnpike Road, Southborough, MA, for property located on Lumber Street, Hopkinton Assessors Map R29, Block 10.

The Planning Board of the Town of Hopkinton (the "Planning Board") held a duly noticed public hearing on March 27, 2006, continued to April 10, 2006, on the application of Capital Group Properties (the "Applicant"), for an amendment to conditions of approval contained in a Decision of the Planning Board dated October 24, 2003 for the Senior Housing Development Site Plan entitled "Deerfield Estates".

The Applicant requested modification of condition numbers 2 and 11 of the Decision, which follow:

2. There shall be a maximum of 46 units on the property including the existing house on the site. The style and layout of units shall be as shown on the Site Plan and in the architectural materials submitted.
11. The exterior of the existing house on the property shall be retained and shall be renovated or reproduced so as to be historically accurate in the opinion of the Hopkinton Historical Commission. The Board understands that the Applicant will make every reasonable effort to save and renovate the existing exterior of the building before demolition and reproduction is proposed.

The requested modifications are spurred by the intent to convey the historic home at 148 Lumber St. to the Hopkinton Historical Commission instead of conversion to a dwelling unit or demolition.

The amended Site Plan was submitted pursuant to Special Permit issued by the Planning Board dated October 31, 2002, amended April 11, 2003 and December 15, 2005, approving and amending the "Deerfield Estates" Senior Housing Development Concept Plan under Article XVIA of the Hopkinton Zoning Bylaw, Senior Housing Development ("SHD"). The Dec. 15,

2005 amended Special Permit approved the increase in the number of dwelling units on the property to 47 and approved in concept the layout modifications necessary to include the additional units and to convey the historic house to the Hopkinton Historical Commission.

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 Site Plan were received from the Hopkinton Board of Health and Fay, Spofford & Thorndike LLC, the Board's consulting engineer.

The changes are 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 Site Plan by: 1) changing the number of dwelling units on the property from 46 to 47; 2) requesting a waiver of the building setback requirement for the dwelling units within the SHD; and 3) modifying the layout and placement of buildings and roadways. The overall development concept for the property is not changed.

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 Site Plan are:

- An increase in the net number of units from 46 to 47. The originally 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 Site Plan 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 three buildings closer than the 100 ft. setback to the property line was submitted, requiring a waiver of the requirement as provided for in Sec. 210-105.3 B(7) of the SHD bylaw.

- 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 approximately 33 feet for building #1, 15 feet for building #2, and 10 feet for building #21.

b. Site Plan Approval Criteria

Section 210-105.4.A(2)(d) of the Zoning Bylaw states 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.

The Planning Board has considered all of the above-referenced criteria.

c. Specific Findings

1. The plans continue to provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and properties. There will be no change to the road network and the slight increase in traffic attributable to one dwelling unit and the museum will be negligible.
2. The plans appear to provide adequate methods of sewage disposal, and adequate drainage for surface water. The Applicant has obtained Board of Health approval for a modification to the sewage disposal system on the property to accommodate the change. The Board's consulting engineer has reviewed information submitted relative to stormwater management.
3. The provisions of the SHD bylaw have been complied with. No special permits or variances are required of the Board of Appeals.

Decision

After review of the information received and discussion at the public hearing, the Planning Board voted at the public hearing on April 10, 2006 to approve a modification of its October 24, 2003 Decision approving the Deerfield Estates Site Plan, as shown on the following submitted

plans: “Deerfield Estates Phase IV”, prepared by CFS Engineering, dated February 17, 2006, “Concept Plan Alternative III”, prepared by CFS Engineering, revised through April 10, 2006, “Lumber Street Buffer Study” and “Historic House Landscape Plan”, prepared by William Fleming Associates, Inc., dated May 28, 2003, revised through March 1, 2006; with the following conditions:

1. All outstanding issues stormwater management related issues contained in the letter from FST dated March 22, 2006 shall be resolved to the satisfaction of the Planning Board and shown on the Site Plan prior to construction of the units depicted on the plan of the modified area. The Applicant shall be responsible for the cost of FST review.
2. A parcel will be created so that the historic home can be conveyed to the Historical Commission. The previously approved and partially constructed Site Plan showed the historic home being converted to a dwelling unit within the development, and new units were sited close by. However, due to the location of the new property lines around this home and the proximity to the condominium units, a waiver of the setback requirement for the new units is required. The Board approves the waiver requests for building #1 (33 feet ±), building 2 (15 feet ±), and building #21 (10 feet ±), which are shown on the plan entitled “Concept Plan Alternative III” prepared by CFS Engineering and revised through April 10, 2006.
3. Condition #2 of the Site Plan Decision is modified to allow the construction of 47 dwelling units within the development.
4. 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.

On the motion to amend the Senior Housing Development Site Plan Decision dated October 24, 2003 as stated above, the vote of the Board was as follows:

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| Mark Abate | Yes | Sandy K. Altamura | Yes |
| Evan Ballantyne | Yes | John Coolidge | Yes |
| R. J. Dourney | Yes | Jaime Goncalves | Yes |
| Brian Herr | Yes | 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: Capital Group Properties
Town Clerk
Director of Municipal Inspections
Historical Commission
Director of Public Works

Board of Health
Conservation Commission
Fay, Spofford & Thorndike, LLC