



TOWN OF HOPKINTON

OFFICE OF
THE PLANNING BOARD

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

April 15, 2005

CERTIFICATE OF PLANNING BOARD ACTION

Application for approval of a definitive subdivision plan entitled “**DENEEN/SCARLATA FAMILY SUBDIVISION**” filed by the Deneen Scarlata Family, c/o Jean Scarlata, 73 Oakhurst Road, Hopkinton, MA, located off Oakhurst Road, Hopkinton Assessors Map R28, Blocks 103 and 103B, and Map R32, Block 3.

The Planning Board of the Town of Hopkinton (the “Planning Board”) held a duly noticed public hearing on February 14, 2005, continued to March 14, 2005 and April 11, 2005, on the application of the Deneen Scarlata family (the “Applicant”) submitted on December 23, 2004, for approval of a 6-lot definitive subdivision plan entitled “Deneen/Scarlata Family Subdivision” (the “Subdivision Plan”). The land is owned by Jean C. Scarlata and Lawrence Fowler. The Subdivision Plan was prepared by Waterman Design Associates, Inc., dated December 14, 2004 and revised through March 11, 2005.

The Subdivision Plan showed six building lots – five located on a new cul-de-sac extension of Deneen Road, and one on Scarlata Road. Deneen Road and Scarlata Road currently exist as unpaved private ways which were created on a plan recorded around 1948. The Subdivision Plan shows construction of paved roadways within the existing rights of way of Deneen and Scarlata Roads, plus an extension of Deneen Road.

The Subdivision Plan was submitted pursuant to a Special Permit issued by the Planning Board dated June 10, 2004, approving the “Deneen/Scarlata Family Subdivision” Concept Plan under Article XVII of the Hopkinton Zoning Bylaw, Open Space and Landscape Preservation Development (“OSLPD”).

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

The 12.07 acre site is located within the Residence Lake Front and Agricultural zoning districts. The Plan will create 6.78 acres of permanent open space, 56% of the site. The site abuts Lake Maspenock and is wooded with wetland resource areas. The land slopes toward the Lake.

The Planning Board certifies that at a public hearing on April 11, 2005 it voted to find that the Definitive Plan Standards in the OSLPD bylaw had been met, and to approve the Subdivision

Plan and Profile revised through March 11, 2005, drawn by Waterman Design Associates, Inc. and submitted by the Applicant, subject to the following conditions:

1. Prior to the Planning Board's endorsement of the Subdivision Plan, the Applicant shall execute an Agreement with the Planning Board, that no lot depending on Deneen Road or Scarlata Road 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 Profile of Deneen Road or Scarlata Road 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 Applicant has executed a contract with the Planning Board, accompanied by appropriate security to secure performance, to complete construction of Deneen Road or Scarlata Road in accordance with the Subdivision Rules and Regulations, on or before a date specified in the contract;
 - c) The Applicant has 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 completed 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:
 - A. Sec. 5.4.2 – Tree removal is permitted prior to recording of the plan in the Registry of Deeds to allow for construction of the Fowler driveway in Parcel G and to remove trees on lots 1 through 6, provided that approval of the Conservation Commission is received if necessary, no tree removal occurs within areas designated on the plan to remain undisturbed open space, and that all appropriate and necessary erosion and sedimentation control measures are implemented.
 - B. Sec. 8.2.1.D – Clear sight distance of 200 ft. within the roadway right of way and minimum centerline radii of curved streets of 150 ft. A sight line easement will be placed across the Forbes property as shown on the Plan.
 - C. Sec. 8.2.2.C – A monolithic berm may be used instead of cape cod berm.
 - D. Sec. 8.2.2.B – Modified cape cod berm shall be used at guttermouths instead of granite.
 - E. Sec. 8.2.3.A – The road right of way shall be 25 ft. wide for the extension of Deneen Rd.
 - F. Sec. 8.2.4.B – Vertical curves are designed for a 25 mph design travel speed instead of the standard 30 mph speed so that vertical curves do not need to be graded to provide 200 ft. of sight distance to drivers.
 - G. Sec. 9.11.4 – Bounds of the common open space shall be as shown on the Plan.

The Applicant requested a waiver of Section 7.6. Performance Guarantee, in order to construct a house on lot 1 prior to completion of the requirements of Condition #1. The Board did not waive this requirement, but instead indicated a willingness to release lot 1 from

the Conditional Approval Agreement after review of access and safety issues at the time of the request.

3. The Board grants a waiver from Section 210-113 (1) of the OSLPD bylaw, 100 ft. perimeter buffer requirement, to modify the waiver granted with the Special Permit adjacent to the Mackay property, in order to allow the buffer width to be reduced from 34 feet to 33.88 feet as shown on the Plan.
4. The common open space shall be deeded to the Hopkinton Area Land Trust (HALT) in accordance with the provisions of the OSLPD bylaw, and a Conservation Restriction shall be placed on the open space. HALT shall select the recipient of the Conservation Restriction.
5. Roadway and infrastructure construction shown on the Plan shall be completed within four (4) years from the start of construction or this approval shall be automatically rescinded unless such time is extended by the Board at the request of the Applicant. If construction has not commenced within six (6) years from the date of this approval, such approval shall be automatically rescinded.
6. A revised Operation and Maintenance (O&M) Plan for the stormwater management system shall be submitted which is written in sufficient detail that the Hopkinton Department of Public Works can use it as a maintenance manual. The O&M plan shall include maintenance procedures, including a recommended procedure for the removal of sediment from the detention basin bottom. The O&M plan shall be submitted to the Planning Board for review prior to endorsement of the Subdivision Plan.
7. Roof drains will discharge into an infiltration system. The cultec chamber details shall be added to the Subdivision Plan prior to endorsement.
8. A typical detail of the detention basin spillway shall be added to the Subdivision Plan prior to endorsement.
9. An additional amount shall be added to the performance guarantee for this subdivision to cover potential remedial work required in the event that any element of the stormwater management system shown on the Plan does not function as intended during construction.
10. Prior to the commencement of construction, including the construction of any houses within the subdivision, the Applicant shall provide executed and recorded copies of all easements required by the Subdivision Plan.
11. There shall be a maximum of 6 building lots in the subdivision. This condition shall be written on the Subdivision Plan prior to endorsement.
12. The Subdivision Plan shows work within the Oakhurst Road right of way, a public way. No work shall commence to construct this portion of the subdivision until written approval to begin work has been received from the Hopkinton Dept. of Public Works.

13. Street trees shall be planted as shown on the Subdivision Plan and in accordance with the Subdivision Rules and Regulations. The Board encourages the Applicant to retain trees in the road right of way when possible. The Applicant shall consult with the Tree Warden with regard to species and location, prior to planting.
14. There shall be no permanent development signs at the subdivision. A temporary marketing sign may be erected if permitted by zoning regulations, but shall be removed once all the lots are sold.
15. Tree stumps and building scrap materials shall be removed and shall not be buried on the site.
16. 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 Applicant shall consult the Director of Municipal Inspections on the numbering system.
17. Erosion control measures to prevent siltation onto wetlands, neighboring properties and roads during construction shall be implemented. An erosion and sedimentation control plan shall be submitted prior to Plan endorsement. The erosion control documentation submitted shall be implemented and followed during construction. During construction, if these plans are found to be inadequate by the Planning Board, a new erosion control plan shall be submitted to the Board for review and approval. In the event that erosion and sedimentation problems arise during construction, the Planning Board may require that all work cease until measures necessary to ensure prevention are implemented.
18. 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.
19. Drain easements shown on the Subdivision Plan shall be defined by metes and bounds, deeded to the Town, recorded at the Registry of Deeds (or Land Court) at the Applicant's expense, and copies furnished to the Town Clerk, Department of Public Works, and Planning Board.
20. Disturbed areas shall be loamed and seeded during construction as soon as possible.
21. During construction, common open space shall not be used for storage of construction vehicles, stockpiling of loam or other material, or any other use incompatible with its future use.
22. The street names shall be approved by the Board of Selectmen prior to endorsement and recording of the Plan. The street signs shall be erected by the Applicant prior to the issuance of building permits.
23. During construction, streets shall be swept and catch basins sumps shall be cleaned regularly, at least twice a year.

24. The Subdivision Plan shall be revised to show the location of where earth will be stockpiled on site. There shall be no deviation from this plan without prior Board approval. 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.

John H. Coolidge

Chairman

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.

cc: Town Clerk
Jean Scarlata
Donna Deneen
Mark Wright
Director of Municipal Inspections
Police Chief
Board of Selectmen
Fire Chief
Director of Public Works
Board of Health
Conservation Commission
Hopkinton Area Land Trust
Fay, Spofford & Thorndike, LLC
Waterman Design Associates, Inc.