



# TOWN OF HOPKINTON

## OFFICE OF THE PLANNING BOARD

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

November 20, 2003

### DECISION

Application for approval of a Garden Apartment Site Plan entitled “**HOPKINTON HIGHLANDS III**” filed by Cedar Street Realty Trust, 17 Accord Park Drive, Suite 100, Norwell, MA, for property located off Overlook Road, Hopkinton Assessors Map R8, Block 1, and Assessors Map R3, Block 4, Lot B.

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The Planning Board of the Town of Hopkinton (the “Planning Board”) held a duly noticed public hearing on July 28, 2003, continued to August 11, 2003, September 29, 2003, November 3, 2003, and November 17, 2003, on the application of Cedar Street Realty Trust (the “Applicant”), for approval of a 24-unit Garden Apartment Site Plan entitled “Hopkinton Highlands III” (the “Site Plan”) submitted on May 29, 2003. The Site Plan was prepared by Allen & Major Associates, Inc., dated November 12, 2003 and revised through November 14, 2003. The submitted Site Plan showed 26 two-bedroom attached condominium units off Overlook Rd., and the number of units was later reduced to 24.

The Site Plan was submitted pursuant to a Special Permit issued by the Planning Board dated June 23, 2000, approving the “Hopkinton Highlands III” Garden Apartment Concept Plan under Article XIII of the Hopkinton Zoning Bylaw, Garden Apartments in Residential Districts (“GARD”). The Special Permit has been extended, with the latest one year extension granted in June, 2003.

Written comments and recommendations on the Site Plan were received from the Hopkinton Health Agent, Fire Department, and Fay, Spofford & Thorndike, LLC, the Board’s consulting engineer.

The land is zoned Agricultural. The parcel currently consists of 55.82 acres. 31.4 acres will be conveyed separately to the Hopkinton Area Land Trust, leaving a development parcel of 24.4 acres. The plan would create 7.3 acres of permanent common passive open space owned by the condominium association and 0.44 acres of active recreation area. The active recreation areas will consist of a playground and tennis court.

### *Discussion at Public Hearings*

At the public hearings, several issues were discussed relative to the proposed development, including water supply, sewage disposal system, impact on wetland resource areas, views of and from Hopkinton State Park, traffic, roadway layout, common open space, and design and construction standards. The development will not be served by the municipal water or sewer system. One drinking water well will serve all of the units.

### *Planning Board Action*

Section 210-75 A(2)(d) of the GARD bylaw requires 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. 210-72A and B, have been complied with and all necessary special permits and variances have been granted from the Board of Appeals.

If the Board does not make all of the above determinations, it shall deny the application stating its reasons for such denial.

The Planning Board certifies that at a public hearing on November 17, 2003, it determined that the Garden Apartment Site Plan approval criteria had been met, and voted to approve the Site Plan dated November 12, 2003 and revised through November 14, 2003, drawn by Allen & Major Associates, Inc., submitted by the Applicant, subject to the following conditions:

1. The project relies on the construction of a new public road for frontage to the parcel, shown on the approved Hopkinton Highlands II subdivision plan. The Bylaw requires that a Garden Apartment development have 200 ft. of frontage on a public road. Therefore, construction of the project shall not commence until the new road is constructed to a standard acceptable to the Planning Board and open for public travel for its entire length.
2. There shall be a maximum of 24 units on the property. The units shall be townhouse style, with a maximum of two bedrooms each.
3. The Applicant shall provide a performance guarantee in an amount determined by the Board, prior to the commencement of dwelling unit construction, in accordance with Section 210-75A(2)(e)[2] of the GARD bylaw. The amount will be determined after the Applicant's estimate is reviewed by the Town's engineer.
4. Construction of all infrastructure shall be completed within two (2) years from the date of commencement. The Applicant shall notify the Planning Board of the intent to begin work at least 24 hours in advance.

5. If construction has not commenced within five (5) years of the date of this Decision, approval shall be automatically rescinded, unless such time is extended by the Board at the request of the Applicant.
6. Prior to construction, the Applicant shall submit exterior elevation drawings for all sides of the buildings for review by the Design Review Board and Planning Board.
7. Construction of the infrastructure shall be in accordance with the requirements and procedures in the Subdivision Rules and Regulations and the inspection process administered by the Planning Board, as specified in the GARD bylaw. The cost of the inspections shall be the responsibility of the developer.
8. Maintenance of all roads and driveways, including snow plowing and repairs, shall be the responsibility of the owners and not the Town.
9. No construction shall commence until proof is submitted that the Applicant/owner is the owner of the entire development site.
10. Lighting on the site shall be directed away from adjoining property, and shall be directed downward, not up or outward. The light pole fixtures shall be in the locations shown on the Site Plan, and of the design specified.
11. A combination of shrubs and trees for screening and landscaping purposes a minimum of 15 ft. in width shall be provided adjacent to each property line, as required by the GARD bylaw. Detailed landscape plans for the areas adjacent to property lines at the playground, tennis court, and septic system leach field shall be submitted to the Board for review prior to the commencement of construction. If existing wooded land is not disturbed within 15 feet of a property line, the existing vegetation shall be deemed sufficient for screening purposes, and no additional planting is required.
12. The driveways shall be designated with Town approved street names, and each unit shall be given a street number. The Director of Municipal Inspections shall be consulted on the numbering system. The approved names and street numbers shall be shown on the Site Plan prior to endorsement.
13. The condominium association shall be responsible for the maintenance and inspection of all stormwater management system components in accordance with the submitted operation and maintenance plan.
14. The sign detail shown on the submitted Plan is not approved and shall be deleted prior to endorsement. The Applicant shall submit a plan of all signs proposed for the development, with the exception of traffic signs, for Board approval. The Plan shall show proposed locations, size, materials, and illumination, and shall be submitted and reviewed prior to endorsement. No signs shall be erected without prior Planning Board approval.

15. All designated open space shall remain in its natural state. No designated open space may be disturbed during construction and it may not be used for storage of materials, vehicles or equipment. Designated open space may not be developed for active recreational uses.
16. Erosion and sedimentation control measures shall be implemented during construction. If they are found to be inadequate, the Applicant shall immediately correct any deficiencies. The Planning Board may stop work on the project until erosion and sedimentation issues are adequately addressed.
17. No dwelling unit construction shall commence until full approval of a water supply and sewage disposal system has been received. In the event that full approvals are not received and new types of systems are proposed, the Applicant shall return to the Planning Board for additional review.
18. No construction shall commence until full approval of the fire protection and prevention system, including the location and design of the cistern, has been received by the Fire Chief.
19. No water supply well shall be developed within the open space unless prior approval has been received from the Planning Board. Access roads within open space to wells shall not be paved.
20. All outstanding issues contained in the letter from Fay, Spofford & Thorndike, dated Nov. 13, 2003 and an email on Nov. 17, 2003 shall be resolved to the satisfaction of the Planning Board prior to construction. All necessary modifications to the Site Plan shall be made prior to endorsement.
21. The Board grants the following waivers from the Design Standards and Construction Requirements of the Subdivision Rules & Regulations, in accordance with the provisions of GARD bylaw section 210-74 B(17):
  - (a) Granite curb at street radii less than 100 ft. is not required (8.2.2.A). The Applicant may use cape cod berm or monolithic asphalt berm on the roadway throughout the development.
  - (b) Catch basins more than 250 ft. apart (8.4.4) at one location shown on the plan, a high point.
  - (c) ADS drainage pipe in the roadway instead of concrete (8.4.8).
  - (d) A detention/retention basin within 25 feet of a road (8.4.10). Basin #2 will be underground and is not an open system.
  - (e) Less than 3 ft. of cover over drainage pipe (8.4.8).
22. The boundaries of the common open space required by the GARD bylaw on the development parcel shall be clearly delineated on the Plan prior to endorsement.
23. A plan shall be submitted to the Planning Board prior to construction showing the location of where earth will be stockpiled on site. 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 site 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.

24. No occupancy permits for the dwelling units shall be issued until the fire protection system, including cistern for fire protection, passes Fire Dept. inspection and is operational.
25. No building permits shall be issued until the roadway serving the unit is satisfactorily paved with the binder course of pavement.

All requirements and regulations contained in the GARD bylaw and the Special Permit shall be adhered to whether or not repeated in this Decision.

John H. Coolidge  
Chairman

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.

cc: Cedar Street Realty Trust  
Allen & Major Associates  
Town Clerk  
Director of Municipal Inspections  
Police Chief  
Fire Chief  
Director of Public Works  
Board of Health  
Conservation Commission  
Director of Municipal Inspections  
Fay, Spofford & Thorndike, LLC