



# TOWN OF HOPKINTON

## OFFICE OF THE PLANNING BOARD

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

October 2, 2003

### CERTIFICATE OF PLANNING BOARD ACTION

Application for approval of a definitive subdivision plan entitled '**PADIK VIEW**' filed by Westboro-Hopkinton Street Trust, Benjamin A. Harvey and Linda L. Fletcher, Trustees, 68 Hopkinton Road, Westborough, MA, located off Wood Street, Hopkinton Assessors Map U1, Block 1.

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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 and September 29, 2003, on the application of Westboro-Hopkinton Street Trust (the "Applicant") submitted on May 16, 2003, for approval of a 5-lot definitive non-residential subdivision plan entitled "Padik View" (the "Subdivision Plan"). The land is owned by Benjamin A. Harvey and Linda L. Fletcher, Trustees of Westboro-Hopkinton Street Trust. The Subdivision Plan was prepared by Guerard Survey Co. & Assoc. Inc., dated May 2, 2003, revised through September 29, 2003. The Subdivision Plan showed 5 building lots fronting on a new road off Wood St.

A Preliminary Subdivision Plan for the property was previously denied by the Board for the reasons contained in its Certificate of Planning Board Action dated November 27, 2002.

The 39.87 acre site is located within the Industrial zoning district. The site is largely disturbed and contains a capped landfill. The majority of the parcel is within the Water Resources Protection Overlay District and a small portion is within an Area of Critical Environmental Concern. Lots will be served by individual wells and septic systems, and each lot will contain a 15,000 gallon cistern for fire protection. The Plan shows a new street off Wood St. which conforms to the design and construction standards of the Subdivision Rules and Regulations. The new street will provide frontage for the five building lots.

Written comments and recommendations on the Subdivision Plan were received from the Board of Health, Conservation Commission, Fire Department, and Fay, Spofford & Thorndike, LLC, the Board's consulting engineer. At the public hearings, issues discussed included stormwater management, road construction details, sight distance on Wood St., and water supply.

### **Votes of the Board**

The Planning Board certifies that at a public hearing on September 29, 2003 it voted to approve the Subdivision Plan and Profile dated May 2, 2003, revised through September 29, 2003, drawn

by Guerard Survey Co. & Assoc. 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 Board, that no lot depending on Padik Circle 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 Padik Circle 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 Padik Circle 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 performed by him 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 provision 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. A stormwater report which does not include overall site hydrology of pre-development conditions, and the post-development analysis not including the future development of each individual subdivision lot (Sec. 8.4.3). Each lot will be individually designed and evaluated in the Site Plan Review process (Zoning Bylaw Article XX). Since the land is zoned Industrial and the manner of future development of each lot is unknown, it makes sense to review the stormwater management plan for each lot as it is developed. Condition #3 below will require that each lot conform to DEP Stormwater Management Guidelines. The stormwater management system shown on the Subdivision Plan is adequate to address runoff from the roadway. Sec. 8.4.3 of the Subdivision Rules and Regulations was intended to apply primarily to residential development, where the Board does not review the plans for development of each lot.
  
3. Roadway and infrastructure construction shown on the Subdivision Plan shall be completed within two years from the start of construction or this approval shall be automatically rescinded unless such time is extended after public hearing by the Board at the request of the Applicant. If construction has not commenced within four years from the date of this approval, such approval shall be automatically rescinded.
  
4. The development of each lot is required to be reviewed and approved under the provisions of Zoning Bylaw Article XX, Site Plan Review, since they will be non-residential uses. The

stormwater management system for each lot shall conform to the DEP Stormwater Management Guidelines.

5. 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.
6. There shall be a maximum of 5 building lots in the subdivision. This condition shall be written on the Plan prior to endorsement.
7. Street trees shall be planted in accordance with the Subdivision Rules & Regulations. The Planning Board encourages the Applicant to retain trees in the road right of way, if any. The Applicant shall consult with the Tree Warden with regard to species and location, prior to planting.
8. Tree stumps and building scrap materials shall be removed and shall not be buried on the site.
9. Street numbers for the new lots shall be shown on the 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.
10. Erosion control measures to prevent siltation onto wetlands, neighboring properties and roads during construction shall be implemented. The erosion control plan and 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.
11. 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.
12. 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.
13. Disturbed areas shall be loamed and seeded during construction as soon as possible.
14. The street name shall be approved by the Board of Selectmen prior to endorsement and recording of the Subdivision Plan. The street signs shall be erected when the road is paved.
15. A plan shall be submitted to the 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 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.

16. During construction, streets shall be swept and catch basins sumps shall be cleaned regularly, at least twice a year.
17. Prior to the commencement of construction, the Applicant shall submit a Landscape Plan for the two subdivision road entrances, for Board review.
18. The Applicant should be aware that Sec. 8.7.3 of the Subdivision Rules and Regulations states that no components of any private irrigation system shall be installed within the street right of way.
19. The Applicant should be aware that Sec. 8.4.8 of the Subdivision Rules and Regulations states that perimeter drains and cellar drains shall not be connected into manhole and catch basin structures, and in no case may such drains discharge into the street right of way.

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  
Westboro-Hopkinton Street Trust  
Brown and Caldwell  
Director of Municipal Inspections  
Board of Selectmen  
Director of Public Works  
Board of Health  
Conservation Commission  
Fay, Spofford & Thorndike, LLC