



TOWN OF HOPKINTON

OFFICE OF THE PLANNING BOARD

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

October 20, 2005

DECISION

Application for approval of a Garden Apartment Site Plan entitled “**SUDBURY RIVER TOWNHOUSES**” filed by SIMBA, LLC, P.O. Box 3096, Fayville, MA, for property located on Lincoln Street and Cedar Street Extension, Hopkinton Assessors Map R3, Blocks 8, 9, and 14.

The Planning Board of the Town of Hopkinton (the “Planning Board”) held a duly noticed public hearing on September 12, 2005, continued to September 26, 2005 and October 17, 2005, on the application of SIMBA, LLC (the “Applicant”), for approval of a 20-unit Garden Apartment Site Plan entitled “Sudbury River Townhouses” (the “Site Plan”) submitted on August 3, 2005. The Site Plan was prepared by Beals and Thomas, Inc., dated August 3, 2005 and revised through September 22, 2005. The submitted Site Plan showed 20 two-bedroom attached condominium units off Cedar St. Extension and Lincoln St.

The Site Plan was submitted pursuant to a Special Permit issued by the Planning Board dated May 12, 2005, approving the “Sudbury River Townhouses” Garden Apartment Concept Plan under Article XIII of the Hopkinton Zoning Bylaw, Garden Apartments in Residential Districts (“GARD”).

Written comments and recommendations on the Site Plan were received from the Sudbury Valley Trustees, Hopkinton Fire Department, Conservation Commission, Public Health Administrator, Director of Public Works, several residents, and Fay, Spofford & Thorndike, LLC, the Board’s consulting engineer.

The land is zoned Agricultural. The development parcel currently consists of 20.03 acres. The plan would create 10.4 acres of permanent common passive open space which would be donated to Sudbury Valley Trustees. The remaining land would contain the 20 condominium units, stormwater management facilities, sewage disposal system, drinking water supply, and active recreation area. Eleven units would be served by a dead-end roadway (Road A) off Cedar St. Extension, and nine units would be served by an extension of Lincoln St. The two roads would be connected by a gated emergency access way.

Discussion at Public Hearings

At the public hearings, several issues were discussed relative to the proposed development, including water supply, sewage disposal system, potential impact on wetland resource areas and the Sudbury River, traffic impacts, roadway layout and design, re-use of the existing house at the property (54 Cedar St. Ext.) and design and construction standards.

The development will not be serviced by municipal water or sewer, neither of which is located in this area of Hopkinton. Multiple drinking water wells will serve all of the units, which the Applicant stated did not require approval of the Mass. Dept. of Environmental Protection, and that Hopkinton Board of Health approval will be required for the water supply wells and sewage disposal system. Fire protection would be aided by two 15,000 gallon underground cisterns, one located on each roadway. The limit of work was shown on the plan to be outside the wetland resource area buffer zone, so no formal filing with the Conservation Commission appears necessary. The Applicant stated that in addition to the typical requirements which address maintenance and management of the condominium association, the condominium documents will contain a provision which requires that upon the sale of each unit, a sum of money will be deposited with Sudbury Valley Trustees for stewardship of the open space.

The Board's consulting engineer recommended that the end of Lincoln St., which narrows to 16 feet in some places, be widened to a minimum of 18 ft. with a two foot shoulder on each side. The Applicant met with the Director of Public Works, who agreed with the recommendation, so the end of Lincoln St. will be widened and drainage system improved when the Site Plan is constructed. Lincoln St. currently is a dead-end street with no turnaround area at the end. The Site Plan shows a cul-de-sac at the end of the new roadway which extends Lincoln St.

The sight distance for drivers exiting Road A onto Cedar St. Extension, looking east, was discussed. The Applicant submitted an analysis plan which showed that in order to meet the sight distance requirement, it appears as though some trees on the Grasso property would have to be cut, as well as trees within the Cedar St. Extension road right of way. The Board discussed the matter extensively with the Applicant, who stated that it will not be difficult for him to obtain an agreement from the abutter to remove the trees, as they already have an agreement for tree planting in the vicinity.

During the process, the Applicant worked with the Board, its engineer, and abutters to address the issues that were raised, and the plans were revised throughout the hearing process to address them.

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. No special permits or variances were required of the Board of Appeals for this plan.

The Planning Board certifies that at a public hearing on October 17, 2005, it voted to determine that the Garden Apartment Site Plan approval criteria had been met. The Board then voted to approve the Site Plan dated August 3, 2005 and revised through September 22, 2005, drawn by Beals and Thomas, Inc., submitted by the Applicant, subject to the following conditions:

1. There shall be a maximum of 20 units on the property. The units shall be townhouse style, with a maximum of two bedrooms each.
2. The existing house at 54 Cedar St. Ext. shall be relocated and re-used as shown on the plan. Final plans showing the exterior elevations of all sides of the new building shall be submitted to the Board for review prior to the commencement of construction. However, if a structural engineer (with professional qualifications acceptable to the Board) reports that the house cannot be removed, it shall be reused as a dwelling unit in its current location. If this is the case, the Applicant shall return to the Planning Board for review of the unit designs for that location. If the house remains in its present location, it may be retained as a two-bedroom single family home or become part of a duplex.
3. Construction shall be in accordance with the approved Site Plan and Special Permit.
4. 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 consulting engineer. The amount shall include an additional \$10,000 to ensure any unaddressed erosion control issues that arise during construction, due to the sensitive nature of the site, which is adjacent to the Sudbury River.
5. Construction of all infrastructure shall be completed within three (3) years from the date of commencement. The Applicant shall notify the Planning Board of the intent to begin work at least 48 hours in advance.
6. If construction has not commenced within three (3) years of the date of filing of the Site Plan decision with the Town Clerk, approval shall be automatically rescinded, unless such time is extended by the Board at the request of the Applicant.
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, as required by the GARD bylaw.
9. Lighting on the site shall be directed away from adjoining property, and shall be directed downward, not up or outward. Site lighting shall consist of lights at unit doors and one residential style pole light at the end of each unit walkway, controlled by each unit owner.
10. The roadways 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.
11. The condominium association shall be responsible for the maintenance and inspection of all stormwater management system components in accordance with an operation and maintenance plan approved by the Planning Board. Such plan shall be written in sufficient detail to allow a lay person to oversee appropriate management.
12. The GARD bylaw states that signs are subject to such limitations of size and usage as may be imposed by the Planning Board. The Applicant only requested a temporary marketing sign during construction. The Applicant shall submit the design of a proposed temporary marketing sign for the development for Planning Board approval. The design plan shall show proposed location, size, materials, and illumination of the marketing sign. No other signs shall be permitted.
13. All designated open space shall remain in its natural state unless indicated otherwise on the Site Plan. 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. Monumentation of the open space shall be as required by Sudbury Valley Trustees, to whom it will be conveyed.
14. 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. The erosion and sedimentation control measures used on the site shall include:
 - a) The identification of a designated erosion control monitor who shall issue monthly status reports to the Planning Board during construction;
 - b) The conducting of land disturbance activities shall not occur on more than five (5) acres of the site at any one time;
 - c) Silt sack type devices shall be used in the catch basins during construction and shall be properly maintained.
15. No construction of any kind shall commence until full approval of the water supplies and sewage disposal system has been received from the Hopkinton Board of Health. 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. The Planning Board understands

that all components of the Waterloo Biofilter will be underground. If this will not be the case, the Applicant shall return to the Board for additional review of the site design change.

16. No construction shall commence until full approval of the design of the fire protection and prevention system has been received from the Hopkinton Fire Department.
17. No water supply well shall be developed within the open space unless prior approval has been received from the Planning Board.
18. All outstanding issues contained in the letter from Fay, Spofford & Thorndike (FST), dated September 12, 2005 shall be resolved to the satisfaction of the Planning Board prior to construction, including the impact of high groundwater on the subsurface detention areas. All necessary modifications to the Site Plan shall be made prior to the commencement of construction. The Applicant shall be responsible for the cost of FST review.
19. 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) Sec. 8.2.1 C: Waiver of minimum centerline offset distance of 125 ft – 110 ft. requested Road A to Wedgewood Dr.
 - b) Sec. 8.2.4 B: Waiver from the minimum vertical curve length of 100 ft. at sags and crest of hills.
 - c) Sec. 8.2.7 A: Waiver for maximum roadway cut of 8 ft. at the end of Road B.
 - d) Sec. 8.4.5: Waiver from the maximum spacing of catch basins of 250 ft. The spacing of the catch basins shall be as shown on the plan.
 - e) Sec. 8.4.8: Waiver from the requirement that storm drainage piping is to be reinforced concrete within roadways. The drainage piping proposed is high density polyethylene.These waivers are granted in order to further enhance the plan and achieve the objectives of the Bylaw. They do not make undevelopable land developable or allow for an increase in the number of units that would otherwise be possible on the parcel.
20. 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.
21. No occupancy permits for the dwelling units shall be issued until the fire protection system, including cisterns for fire protection, passes Fire Department inspection and is operational.

22. No building permits shall be issued until the roadway serving the unit has a compacted gravel base. The Applicant may construct one foundation on each roadway before the compacted gravel base is installed, if desired, for marketing purposes. No occupancy permits for dwellings shall be issued until the roadway serving the unit is paved with the binder course of pavement.

23. The radius of the cul-de-sac at the end of the extension of Lincoln St. shall be enlarged so that its design can accommodate the wheels of a school bus remaining on the pavement as it makes the turn. The width of the radius shall also take into account any room necessary for the storage of snow and its impact on the turning radius.

24. No construction on the development, including tree removal, shall commence until the Applicant has a written, signed agreement with the owners of 50 Cedar St. Extension (Grasso) permitting the removal of trees on their property which is required to achieve the required sight distance to drivers exiting Road A, looking east, on Cedar St. Extension. A copy of the agreement shall be submitted to the Planning Board. Whether the trees, if any, will be removed will be determined by the Planning Board, which shall visit the site when Road A is constructed with a gravel base. If the Board determines that trees shall remain which will partially obstruct the sight distance but not impair safety, a waiver of the sight distance requirement contained in the Subdivision Rules and Regulations shall be considered granted by this approval.

All requirements and regulations contained in the GARD bylaw and the Special Permit dated May 12, 2005 shall be adhered to whether or not repeated in this Decision.

On the motion to approve the Garden Apartment Site Plan with the foregoing conditions, the vote of the Board was as follows:

Mark Abate	Yes
Scott Aghababian	Yes
Sandy K. Altamura	Yes
R. J. Dourney	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: SIMBA, LLC
Beals and Thomas, Inc.
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