



TOWN OF HOPKINTON

OFFICE OF THE PLANNING BOARD

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

May 24, 2006

CERTIFICATE OF PLANNING BOARD ACTION

Application for approval of a preliminary subdivision plan entitled “**PRELIMINARY PLAN – WESTON NURSERIES**” filed by Mezitt Agricultural Corporation, 72 East Main St., Hopkinton, MA, Weston Nurseries Inc., 93 East Main St., Hopkinton, MA, Roger N. Mezitt and Merylyn Mezitt, 72 East Main St., R. Wayne Mezitt and Elizabeth P. Mezitt, 25 Phipps St., Hopkinton, MA, and Carol Dodson Spengler, 43 East Main St., Hopkinton, MA; located off East Main St., Wilson St., Cross St., Frankland Rd., Curtis Rd., and Clinton St. The property is shown on Hopkinton Assessors Map U12 Block 15, Map R8 Blocks 36, 38 & 39, Map R9 Block 1, Map R13 Blocks 8 and 9, Map U7 Blocks 1, 3, 4 & 5, Map U12 Blocks 18, 22 & 26, Map U13 Blocks 1, 7, 22, 28, 29, 40, 42, 44, 45, 46, 47, 48 & 49, Map U13 Block 7 Lot A, Map R14 Blocks 9 & 11, Map R14 Block 8 Lot B, and Map R19 Blocks 1, 2, and 7.

The Planning Board of the Town of Hopkinton (the “Planning Board”) held a duly noticed public hearing on May 22, 2006, on the application of Mezitt Agricultural Corporation, Weston Nurseries Inc., Roger Mezitt, Merylyn Mezitt, R. Wayne Mezitt, Elizabeth Mezitt and Carol Dodson Spengler (the “Applicants”) submitted on April 27, 2006, for approval of a 13-lot preliminary subdivision plan entitled “Preliminary Plan – Weston Nurseries”. The land is owned by the Applicants. The preliminary subdivision plan (the “Plan”) was prepared by Beals and Thomas, Inc., dated April 26, 2006.

The 866 acre property is zoned Residence B and Agricultural, and currently contains the Weston Nurseries facilities, active agricultural land, residential and other structures, wooded land, wetlands and cleared areas. The land subject of the plan includes property on the north and south sides of East Main St. (Rt. 135). The preliminary subdivision plan showed approximately 12,000 linear feet of roadway. On the north side of East Main St., the new roadways would consist of a new Phipps St. which would connect East Main St. and Wilson St., a new Curve St. connecting Wilson St. and Phipps St., and a relocation and realignment of a portion of Frankland Rd. and all of Peach St. On the south side of East Main St., the plan showed a new Road A off East Main St. roughly parallel to Curtis Rd., Road B connecting Road A and Curtis Rd., and Road C off Clinton St. and extending to the Ashland town line. The plan showed 13 parcels, ranging in size from 1.1 acres to 248.3 acres.

The Applicant did not request any waivers from provisions of the Rules and Regulations Relating to the Subdivision of Land (the “Subdivision Rules and Regulations”). However, during review of the submitted plan, the following waivers were identified as required:

1. The right of way for Phipps St. is shown at 60 ft. Sec. 8.2.3.A of the Subdivision Rules and Regulations requires a right of way width of 50 ft. Section 8.2.3.B states that the Board may require street rights of way, which in its judgment, may become major or non-residential streets to be more than 50 ft. in width. The Applicant’s representative stated that the road would likely become a major road, but provided no information as to the full buildout of the property to be served by the roadway.
2. The Plan shows a pavement width for Phipps St. of 30 ft. Sec. 8.2.3.C of the Subdivision Rules and Regulations provides for a 24 ft. pavement width for major residential streets. The Subdivision Rules and Regulations do contain a provision in the same section for a 30 ft. width for a non-residential street, but this land is zoned residential. No information was provided as to the full buildout proposed for the land to be served by the street on which to base a possible road width.
3. Road C on the Plan is a dead end street. Section 8.2.5.A of the Subdivision Rules and Regulations states that dead end streets are not permitted in conventional subdivisions unless the Planning Board first finds there are exceptional circumstances. No information was provided regarding any exceptional circumstances.
4. No turnaround is provided at the end of the dead end street (Road C), as required by 8.2.5.B.
5. The Road C dead end street exceeds 500 feet in length (8.2.5.B).
6. Cuts and fills in excess of 8 feet in depth are shown on the plan for locations on Phipps St. and the new Frankland Rd. (8.2.7.A).
7. The proposed vertical roadway alignment of Phipps St., Frankland Rd. and Road A, at several locations, does not appear to provide the sight distance required by the Board’s Design Standards (8.2.1.E).

The Plan showed conceptual locations for stormwater management basins, road layout information, and proposed road profiles. The Plan showed site features including wetland location, high points and views. It was noted that the wetland delineation had not been submitted to the Conservation Commission for review and confirmation. The Applicants representative was questioned as to how the 866 acres to be served by the new roadways would be developed and whether additional roadways would be proposed. The representative stated they do not know how the land will be developed. The Board expressed concern about the lack of information provided with this application to approve preliminary infrastructure and a road network to serve unknown land uses in unknown locations.

The Applicant’s representative stated that the land would be served by the municipal water system and there would be on-site sewage disposal.

The Board and others in attendance expressed concern about the connection of Roads A and B to Curtis Road, a dead end street. Concerns cited included the purpose of the connection, the impact on the quality of life in an established older neighborhood and on Curtis Road itself. The Board asked the Applicants if they had met with abutters or discussed the plan with them prior to submission. The Applicant’s representative stated they had not. The Board expressed concern that 866 acres of property is proposed for potentially significant development that could

substantially alter a large section of the community, most impacting those directly adjacent to it, and no discussions with the abutters had been initiated by the Applicants.

Some of those in attendance stated they were abutters to the property but were not notified of the public hearing. A review of the abutters list provided with the application indicates that those individuals who provided names to the Board at the public hearing were sent a notice by first class mail as required.

The Applicant's representative noted that they are aware of Hopkinton Zoning Bylaw Section 210-126.1, "Residential Subdivisions of 10 Acres or More", which is applicable to parcels of 10 acres or more, and states in Section C(1) that "no residential subdivision of 10 acres or more shall be permitted except after application and approval pursuant to Article XVII, Open Space and Landscape Preservation Development (OSLPD)". The bylaw further states that if the Planning Board issues a special permit for an OSLPD concept plan, any subsequent single family subdivision of the parcel shall be through the OSLPD bylaw. If the Board does not issue the special permit, the Applicant may decide to pursue a modified OSLPD plan or a conventional subdivision plan. The representative stated they would submit a Concept Plan for Board approval.

The Planning Board hereby certifies that at a duly noticed public hearing held on May 22, 2006, it voted 7 in favor with two abstentions on a motion to disapprove the submitted preliminary subdivision plan for the following reasons:

1. The right of way width for Phipps St. is shown at 60 ft. Sec. 8.2.3.A of the Subdivision Rules and Regulations requires a right of way width of 50 ft. Section 8.2.3.B states that the Board may require street rights of way, which in its judgment, may become major or non-residential streets to be more than 50 ft. in width. At this time, no information has been provided as to the buildout of the property. Therefore, the Board cannot adequately judge whether a right of way greater than 50 ft. would be necessary or whether the street will become a major street. If a definitive subdivision plan submitted shows a 60 ft. right of way, justification for its width and sufficient information shall be provided with the submission in order for the Board to determine whether the greater width is required. The road design must also include bicycle and pedestrian facilities.
2. The Plan shows a dead end street (Road C). Sec. 8.2.5.A of the Subdivision Rules and Regulations states that dead end streets shall not be approved except where exceptional circumstances exist in the opinion of the Board. No documentation was submitted which included grounds for the Board to determine if there are exceptional circumstances. The Board did not find that there are exceptional circumstances in this case.
3. Section 8.2.5.B of the Subdivision Rules and Regulations requires that a turnaround be provided at the end of a dead end street. The Plan did not show a turnaround at the terminus of Road C.
4. The Road C dead end street exceeds 500 feet in length, which is not in accordance with Section 8.2.5.B of the Subdivision Rules and Regulations.

5. Cuts and fills in excess of 8 feet in depth are shown on the Plan for locations on Phipps St. and the new Frankland Rd., which does not conform to Section 8.2.7.A of the Subdivision Rules and Regulations.
6. The proposed vertical roadway alignment of Phipps St., Frankland Rd. and Road A, at several locations, does not appear to provide the required sight distance required by the Board's Design Standards, contained in Section 8.2.1.E of the Subdivision Rules and Regulations.
7. The Plan shows large parcels, presumably for future development. The Subdivision Rules and Regulations require that the approximate boundary lines of proposed lots, with the approximate areas and dimensions be provided. The plan does not show the proposed building lots. The Board was requested to approve infrastructure to serve 866 acres with no indication of how many residential lots there will be, where they will be located, or what the ultimate buildout is of the site. The Board did not receive sufficient information on which to base any useful feedback or indication of what design standards will be appropriate for such items as road widths, stormwater management system, and the like.
8. The Board would not look favorably on a definitive subdivision plan which shows a new street connecting to or extending Curtis Road. Such a design would be detrimental to a small established neighborhood and does not appear to be necessary from a traffic network or safety standpoint.

Mark A. Abate
Chairman

Cc: Town Clerk
Conservation Commission
Board of Health
Department of Public Works
Fire Department
Land Use Study Committee
Fay, Spofford & Thorndike, LLC
Beals and Thomas, Inc.