

HOPKINTON PLANNING BOARD

Monday, February 24, 2003 7:30 PM

MINUTES

PRESENT: John H. Coolidge, Chairman, Sandy K. Altamura, Vice Chairman, Mark Abate,
Pamela Duffy, Jaime Goncalves, Brian Herr

.....Elaine C. Lazarus, Town Planner

1. Administrative Business

The Board voted 5 in favor, with Mr. Herr abstaining, to pay all but \$255.92 of a bill submitted by J. H. Lynch & Sons for work done in the Hearthstone subdivision. It was noted that the Board would either seek a reserve fund transfer or funds at the special town meeting to pay the outstanding balance. The Board voted unanimously to pay other outstanding bills.

2. 81-P Plan – 38 School St. – DiCarlo

Joe Marquedant, surveyor, appeared before the Board. He described the plan to separate a lot off from the farm to create a new lot around the barn. Mr. Herr asked about the purpose of the plan. Mr. Marquedant stated it would create a building lot. He stated he didn't know what would be built there, possibly a new house. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

3. Other Business

Ms. Altamura stated that Bob Clark had called her to discuss an idea he has to provide more affordable housing and meet the 10% goal. She stated that 2000 more units would have to be built to get the number of affordable housing units the Town needs via comprehensive permits, since only 25% of them are affordable. She stated he wants to propose something, possibly for town meeting this year, starting with the Fruit Street parcel. She stated there is interest in building units there and then using those proceeds to build more units elsewhere. She stated the Town can either build its own units or be at the mercy of developers. She stated the Town would also be able to purchase existing homes and make them into affordable units. She stated she thinks that is what the Town always should have done. She noted that Mr. Clark has worked out a good plan for this, to avoid 40B's and provide affordable units. She stated that he would bring the proposal to ZAC, since it involves an overlay district. She noted she didn't think it would be ready for this town meeting. She stated that within the new district, all items would be at Planning Board discretion and there would be 100% affordable units. The Board discussed the general issue.

4. Emerald Hills East

Steve Mirick, representing Lodge Corp., reviewed a request for a reduction in the performance guarantee amount for the Emerald Hills East subdivision. He addressed the issue of the fire cistern, acknowledging receipt of the letter from the Fire Dept. stating that it was not adequate. He stated he has been unable to speak with them about it yet. He stated that the cistern

installation work was inspected as it was done and a report was submitted. He referred to a project memo relative to guardrails and asked for a review of some areas. He noted that on Everett Cir., the grade is level where the plan indicated a steep grade, so guardrail isn't needed there. He stated two sections of Greenwood Rd. still need guardrail. He stated that the Board approved no guardrail for another section of Greenwood Rd. recently. Ms. Lazarus noted that Dave Glenn at Fay, Spofford & Thorndike (FST), the Board's consulting engineer, recommended that the full guardrail amounts be kept in the performance guarantee estimate until the as-built plan was submitted showing the actual grading. Mr. Mirick stated that the developer didn't agree to put in the railroad tie steps at the soccer field, as indicated in Ms. Lazarus's memo. He stated he thought the area would be loam and seed. He referred to the issue raised by FST relative to a swale between lots, and stated he will look into that.

Mr. Herr asked about the process involved with regard to a performance guarantee reduction request. Mr. Coolidge described the process where the Board receives an estimate from the developer, and the Board's inspecting engineer reviews it and makes a recommendation to the Board. He noted that the Board votes on the amount. Mr. Herr asked if it is possible to know what is under the snow, noting that some of the items are impossible to check. Ms. Lazarus stated that Mr. Glenn recommended keeping in the amount for loam and seed until the snow melts and it can be determined if the grass grows.

A resident of the subdivision stated that the amount proposed for the soccer field and the parking area seems light, noting there is also cleaning up, grading, etc. to be done. He stated that Dave Goldman of HALT has said that the reforestation plan wasn't adequately done, either.

Leslie Ficcari, 57 Greenwood Rd., stated that the center of Everett Circle was not aesthetically appropriate. She stated that the entrances to the subdivision are not appropriate either, especially from Wedgewood Dr., where it was not graded or seeded well. She noted the developer dug out the area and left rocks. Mr. Mirick stated that the area was bark mulched and shrubs were planted. Ms. Ficcari stated that the hillside there was never finished.

A resident stated that when the sidewalk was done, the area was not finished. Mr. Mirick stated that the reforestation was per an agreement between Toll Bros. and HALT. He stated that the center of Everett Cir. was only to be loamed and seeded.

A resident stated that shrubs were removed when the sidewalk was done, and never put back. Ms. Ficcari stated that the developer has a history of not finishing subdivision plans to community standards. She stated her biggest concern is that they will have to pay to bring it up to community standards. She stated it is inappropriate in its current state.

Mr. Coolidge stated that the Board releases funds when the required work is done. A resident asked what the amount indicated for the detention basins is for. Mr. Coolidge noted that the basins were inspected when built, and the amount is probably for cleaning. Mr. Abate stated the Board should wait to release funds when the snow melts. Mr. Herr asked if a larger contingency amount should be included. He recommended that the Board hold a larger amount until the snow melts, and he would keep another \$100,000. Mr. Mirick stated he wouldn't agree to that. He stated that all remaining work can be done for \$90,000, but he would go along with the

\$160,000 recommended by FST. He stated that all paving was inspected as it was done. Mr. Herr asked the residents what they felt the amount should be.

A resident stated he knows the developer is due some back, and he doesn't know what the right number is. He stated that \$160,000 is too low. He noted that people can't see under the snow and it has been covered up since about one week after the work was done. Ms. Ficcari stated she would be comfortable with an extra \$100,000, which should be held until the spring so it can be evaluated. She noted the plows have damaged the berm, for example. She stated she wants to make it difficult for the developer to walk away.

Mr. Goncalves asked when all of the work would be done. Mr. Mirick stated they would start mid-April and finish by mid-June, depending on the weather. He asked if the developer was responsible for repairing the cape cod berm, and Mr. Coolidge replied yes. Mr. Goncalves asked how many more times they would return for reductions. Mr. Mirick noted they would probably come back 2 more times if it is set at \$160,000.

The Board voted unanimously to reduce the performance guarantee amount to \$260,000 until the snow melts and it can walk the subdivision. The Board noted that it also needs to talk to HALT about the restoration plan. It was noted that the amount equal to \$260,000 minus \$159,418.75 would be a contingency amount. The Board noted that when it conducted a site walk, it wanted all parties to attend – Lodge Corp., Toll Brothers, HALT, etc.

5. Public Hearing – Proposed Zoning Bylaw and Zoning Map Amendments

A. 77 Main St.

Ed Beckett and Peter Markarian, owners of 77-79 Main St., appeared before the Board. Mr. Beckett stated that of the 10.5 acres there, about 3.5 is zoned Business now. He noted that a few years ago Town Meeting voted to re-zone a small portion of the property to push the Business line back. He stated they now propose to rezone the remainder of the property from Residence A to Business. He stated they would construct a professional office building, probably for medical offices. He stated they have no intention or ability to connect to Marshall Ave. He stated that the new building would be 30,000 to 40,000 sq. ft., smaller than the existing 50,000 sq. ft. building. Mr. Markarian stated that any development on the property would be in accordance with zoning regulations. It was noted that much of the land is wetlands, and the only upland area remaining is directly behind the existing parking lot and adjacent to Carrigan Park.

Ms. Duffy asked about stormwater runoff, noting there have been some historical problems in the area. Mr. Beckett stated that when they designed the existing system they planned for an additional 2.5 acres of pavement. He noted that there would be engineering review during the site plan review process. He stated that the Colella's flooding problem is due to a pipe that is blocked at times, which then floods the parking lot.

Mr. Herr asked where on the property the building would be located. Mr. Beckett stated it would be behind the existing parking lot and the ballfield at Carrigan Park.

Joanne Gouin, 28 Grove St., asked if there would be a driveway to Grove St. Mr. Beckett stated he didn't think so, adding that they own a strip of land there but the plan is not to use it unless the Town makes them. He noted that it would require a wetlands crossing.

Mr. Coolidge asked how many cars would be associated with the new building. Mr. Beckett stated he didn't know, but it could be 80 to 100. He stated there haven't been any traffic issues with the existing driveway onto Main St. Mr. Markarian stated they don't want to have a road to Grove St. unless they are forced to, and it would be an extra expense. He added that they had the option to connect to Colella's, but didn't want to because they don't want cut-through traffic.

Mary Pratt, 102 Fruit St., asked if the building would be for professional office. Mr. Beckett noted it could be for types of offices allowed in the Business District. Mr. Markarian noted the building would be the same style as they have built before.

Lynn Fournier, 14 Marshall Ave., asked how wide the road to Grove St. would be and how many stories the new building would be. Mr. Beckett stated the building would be a maximum of 3 stories or 35 ft. tall. He stated they don't plan to build a road to Grove St., but the width of the strip of land there is 33.8 ft. Mr. Coolidge stated he sees no benefit to a connection with Grove St.

Ms. Altamura stated that the Board would be strict with respect to lighting. Mr. Goncalves asked how large the building footprint would be, and Mr. Beckett stated it would be around 100 ft. x 150 ft. Mr. Goncalves asked how far it would be from the nearest property line. Mr. Beckett stated he didn't know, and it isn't designed yet. Mr. Markarian stated the building would comply with the setback requirements.

Jim Loch, 11 Marshall Ave., asked what the setback requirements are. Mike Shepard, Director of Municipal Inspections, read the setback requirements from the Zoning Bylaw.

A resident of Pleasant St. asked where the parking lot would be located. Mr. Beckett stated he didn't know, but it would be somewhere in the buildable area. The resident asked when the lights would be turned off at night. Mr. Beckett noted that the timer is currently set for 10:00 PM, although sometimes it is left on for baseball games. Mr. Markarian noted that someone working late can turn on the lights for a 15 minute period so they can safely go to their car.

Adam McCarthy, 42 Grove St., stated that the existing lights plus new lights could be intrusive. He asked what power the Board has to try and block lights with screening and avoid a glow in the sky. Mr. Beckett stated there is an elevation difference that will help, as their property is at a lower grade than the surrounding land. Ms. Altamura stated that screening and lighting are reviewed and the Board is sensitive to those issues. She stated there is also a lot of new technology with regard to lighting so it can be limited to the areas where it is needed and not spill over to other areas. She stated she would want the minimum of lighting necessary.

A resident asked if much more parking area was anticipated. Mr. Beckett stated that the zoning bylaw requires an amount based on the size of the building whether they will need it all or not.

Ms. Fournier asked if the existing building is full, and Mr. Beckett replied it is 96% occupied.

Everett Kimball, 27 Grove St., noted that the municipal sewer system is at capacity and how will that be addressed. Mr. Beckett stated he didn't know the amount that will be generated by the new building. Mr. Coolidge stated that the DPW would have to issue a permit to allow the connection.

Barbara Kimball, 27 Grove St., asked how the wetlands will be affected. Mr. Beckett stated they will have to leave them alone.

Ms. Fournier asked how the Board feels about not having two means of access to the parcel. Ms. Altamura stated that she doesn't think that it would be necessary, but would review the traffic study submitted with the site plan. Mr. Coolidge stated he doubts the Conservation Commission would ever approve the wetlands crossing necessary to get to Grove St. Ms. Altamura asked if there would be further development potential of the property if the second building was built. Mr. Beckett replied no.

A resident asked about the size of the area where the new building would be built, and Mr. Beckett replied it was about 2 acres.

Ms. Altamura stated she would want any activity on the site as far away from homes as possible.

A resident stated that there should be a plan of how the land will be developed that is available for town meeting. He stated that unless the water runoff can be handled, it shouldn't be rezoned. Mr. Beckett stated that the existing detention pond will be able to handle the water, noting that it also cleans the water and controls its release. Mr. Markarian stated they anticipated additional development of the property when they designed the existing facility.

Mrs. Pratt stated that the Town only has 16.5% of its revenue coming from commercial uses and 81% from residential. She stated it is important to make it compatible.

Ms. Fournier stated if the building has medical offices, there will be a lot of traffic. Mr. Beckett stated they will have to do a traffic study. A resident asked what kind of medical offices would be in the building. Mr. Beckett stated they thought it would be nice to get local doctors into a good building and out of their home offices, and some local doctors have expressed interest.

B. Garden Apartments in Residential Districts and Senior Housing Development

Ms. Altamura described the proposed changes to both bylaws, noting that it would add flexibility to the process.

Mrs. Pratt asked if the density would be increased, and Ms. Altamura replied no. Mrs. Pratt asked if two means of access are required to the developments, and Mrs. Lazarus noted that the bylaw doesn't require it at this time and it wouldn't change.

C. Open Space and Landscape Preservation Development

Mr. Shepard described the problem with determining and enforcing the "lot depth at building line" requirement, noting that no one knows why it is in the bylaw. He stated he recommends that it be deleted. Ms. Lazarus described the other change to the bylaw to correct a reference to the Subdivision Rules and Regulations. There were no questions.

D. Definition of Lot Frontage

Mr. Shepard described the problems he has encountered with interpreting the current language, noting it works for square lots but not for other shapes. There were no questions.

E. Accessory Family Dwelling Unit

Ms. Altamura described the proposal to delete a sentence that repeats language from elsewhere in the bylaw. There were no questions.

F. Maximum Heights

Ms. Lazarus described the intent to clarify which zoning districts the Maximum Heights section applies to, and to include a maximum height requirement in the Rural Business district. It was noted that it in effect relocates the BR height requirement from the Maximum Heights section to the BR district section. Mr. Shepard stated that the State Building Code limits building height to 35 ft. There were no questions.

G. Residences in Business Districts

Ms. Lazarus noted there is a separate section in the bylaw entitled "Residences in Business Districts" and the proposal is to move this requirement into the Business District section. There were no questions.

H. Site Plan Review

Ms. Altamura described the proposed changes and the reasons for the changes. She noted that the special permit requirement for major projects would be eliminated and it would be clear that uses exempt from zoning requirements under MGL c. 40A sec. 3 would have to go through site plan review if the minimum thresholds were met.

Wayne Davies, Zoning Advisory Committee, described some of the changes, and stated it is also necessary to change the bylaw to reflect court decisions over the last few years.

The Board voted unanimously to recommend that Town Meeting adopt all of these articles. The Board voted unanimously to close the public hearing.

6. Budget Reductions

The Board discussed a memo from Elaine Lazarus to Ted Kozak, Executive Secretary, in response to a request to identify potential cuts for FY04, in the amount of 5% of the FY03 Planning Board budget amount. There were no changes to the proposed cuts.

7. Planning Board Vacancy

The Board noted that a joint meeting was scheduled for the following evening to interview candidates and appoint a member to fill the vacancy on the Board.

Adjourned: 9:35 PM

Elaine C. Lazarus, Town Planner

Approved: March 24, 2003