

## HOPKINTON PLANNING BOARD

Monday, May 12, 2003 7:30 PM

### MINUTES

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PRESENT: John H. Coolidge, Chairman, Scott Aghababian, Pamela Duffy, Jaime Goncalves, Brian Herr, Tina Rose, Claire Wright

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

#### **1. Sunshine Preschool – 1 Briarcliff Dr.**

It was noted that the purpose of the meeting was the three-month review required in the Board's decision approving the site plan for Sunshine Preschool at 1 Briarcliff Dr.

Thomas Irvin, Police Chief, stated there have been no complaints received relative to traffic, and the detail officer on site during the first week of operation reported that traffic was running smoothly and it wasn't necessary for them to be there. He stated the only complaint received was from the school to enforce the Stop signs.

Christine Kyriakakos, Director, stated that everything has been going great, that the traffic pattern works well with vehicles entering from Wild Rd. She stated they have records relative to the students arriving one at a time. She stated one session has 21 students and there are 9 carpools in this group, with an average drop off time of 1 minute and 30 seconds, noting this is when they are met outside. She stated the drop-off time is 2 to 4 minutes when the parents bring the student in. She stated there is staggered drop off and from 8:30 to 8:45 AM students are met outside, and after that time, parents may park. She stated they have contracted with St. John's to hold the graduation and for orientation at the beginning of the year. She stated that for VIP day, they allowed one adult per child and they were able to park 25 cars in the driveway.

Ms. Wright arrived at this time.

Mary Ann Cotton, 4 Blueberry Ln., asked for the current and projected enrollment in the fall. Ms. Kyriakakos stated it would be within the number allowed. A resident stated that enrollment was not full now, and asked if it would be next year. Ms. Kyriakakos stated it will not be the full number allowed, which is 36, noting that they have capped it at 32. She stated the largest class now is 22. Ms. Cotton stated there is a lot of noise from children playing and asked if the screening can be increased to deafen it. Ms. Kyriakakos stated there is a 6 ft. tall fence now and she has discussed additional plantings with an abutter. She added that there was also discussion with other residents and a sum identified in the settlement for screening.

Ms. Cotton asked about signage on the property. Mike Shepard, Director of Municipal Inspections, stated that signage was an issue and the signs are there now because the paving has not been done. He stated that they would be removed when it is completed. He noted that he will work with the owner on some new low signs that will be permanent.

Ms. Cotton asked when the landscaping would be done. Ms. Kyriakakos stated that Scott Dryden will finish by June 16. She noted that the playground material had to be done first.

Ms. Cotton asked that the June end of year review required in the Board's decision be moved to the fall, since it is almost June now. She asked if there could be another end of year review next year.

Ms. Rose arrived at this time.

Mr. Shepard stated it would be more appropriate to have a review in November after all work is done and enrollment is up. He stated it would be more useful then. Mr. Coolidge stated he thinks it would be an enforcement issue if problems come up after the fall. He stated he would rather have a meeting with the owner, residents, and the enforcement personnel one on one. Ms. Cotton disagreed, stating that the work isn't done now. Mr. Coolidge noted that the work is 99% done and traffic was the big issue and why the Board wanted to have a review.

Mr. Shepard stated that the Building Inspector issues a certificate of occupancy and a list of items to be done has been prepared. He stated there are no outstanding life safety issues, and the only outstanding issue is to finish the top coat of pavement and landscaping. He stated the occupancy permit is temporary now, and he issues it. He stated that it won't be issued until all the work is done. He stated he has granted an extension to June 16 to finish the pavement. He stated the occupancy permit is more than just the building. He noted that Ms. Kyriakakos has worked to follow the plan.

Ms. Cotton stated there should be a meeting in November.

Kimberly Manning, 32 Briarcliff Dr., stated there should be a meeting in November.

Donald Bartlett, 7 Lorigan Rd., stated that additional Planning Board meetings on this subject aren't logical. He stated there is a set of plans the Zoning Enforcement Officer is required to enforce. He noted there are other non-issues. He stated that the school is at 75% of full enrollment and it isn't appropriate to have more of these meetings. He stated the Board could have the personnel deal with the issues as they arise. He stated the Town has regulations that need to be met, and meetings shouldn't be called to find problems. He stated that this meeting should be the last one. Ms. Rose agreed.

Pam Missaggia, 9 Wild Rd., stated that that the drop-off system isn't working. She stated that parents park and go into the school. She stated there needs to be a fall review to look at this.

Mr. Coolidge noted that it was stated that both drop-off and parents parking are occurring at the present time.

A resident stated that there is a line of cars and backup of traffic. She stated some people go the wrong way, go through the stop sign, and cause other problems. She asked what is going on there.

Ms. Kyriakakos stated they have been careful to do everything that is required of them. She stated they have 22 students in the largest class now. She stated in the first 10 minutes of the drop-off period, parents are allowed to have the drive-through drop off. She stated that when that 10 min. is over, the next interval is for those who can park. She stated they intended since last July to complete everything on site. She noted that it looked bad at the site, but it had to sit there while it was stopped by the neighborhood. She stated they have hired a landscaper who has a contract to do the work. She stated they have talked to three pavers but they needed three frost-free days before they could work, so they have waited. She stated they have invested so much money on the site and they want it done and to look good. She stated she intends to finish everything as soon as possible.

Ms. Cotton stated she has a letter to the Board from another resident who could not attend. She read the letter, and submitted it to the Board. The letter indicated that wooden stakes were not removed, there were damage to shrubs, and erosion. It was stated that some people enter the exit, there were 26 cars on site one time and 17 on another. She stated the Planning Board should visit the site and there should be trees planted on the edge of the property. She stated that residents want to talk to Ms. Kyriakakos to resolve things.

Mr. Goncalves asked if the Board decides to move its June review to the fall, does the Board's original decision need to be amended. Mr. Coolidge stated he didn't think so.

A resident asked what would happen if the June 16 date wasn't met. Mr. Shepard stated that an occupancy permit wouldn't be issued. The resident stated that Ms. Kyriakakos has no motivation to finish the work. Mr. Coolidge disagreed.

Mr. Shepard stated he would be happy to facilitate a meeting between the residents and Ms. Kyriakakos. He stated another Planning Bd. meeting in June wouldn't resolve anything. He stated the traffic detail will be on site again in the fall in accordance with the Board's decision. He recommended that people call him with problems or issues that arise.

A residents stated that everything should be documented so there is evidence and there should be records of violations.

The Board decided to defer the June review to November, 2003.

## **2. 81-P Plan – 24-26 Spring St. – Dellorco**

Paul Dellorco, owner, described the plan to divide landlocked land for conveyance to future owners of frontage lots on Spring St. It was noted that he owns all of the property now, including the building lots on Spring St. The Board noted that the land is split by the zone line, with the frontage lots in the Residence A district and the back land in the Agricultural district. Mr. Shepard explained the problem that would result if the RA and A land is combined, noting that the zoning bylaw requires that if land is split by the zone line then the most restrictive applies, in this case it is Agricultural. He noted that the frontage lots would no longer conform to the requirements and a zoning violation would result. Mr. Dellorco was advised to keep the lots separate and not to combine them.

The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law. The Board decided to send a letter to the owner and the buyers informing them of the zoning problem if the lots are ever combined.

**3. Hopkinton Woods**

Ms. Lazarus noted that late this afternoon the attorney for Paula Aschettino, the developer, called to say she would not be attending since she is out of town. The attorney further stated that they do not believe they are responsible for the subdivision anymore, and that he would be sending a letter to that effect.

Mr. Coolidge stated the Board should send her a letter, noting that at the last meeting she agreed to do the necessary work but not to provide a bond to cover it. He noted that she is still the subdivision developer and he expects her to complete the work required by the Subdivision Rules & Regulations and the approved plan. He stated the drainage problem has been documented and needs to be corrected. He stated that she should put up more bond funds to cover the cost of that work.

Joe Marquedant Jr., surveyor, stated the plan was always intended to be as it was built, and there shouldn't be a negative impact at the culvert on Ash St. if more runoff was to go there. He stated that another catch basin could be added at the top of the road to intercept the runoff. He stated this would be a common sense approach.

Ms. Lazarus noted that the Board could decide to treat Trailside Ln. as a common driveway and not a road for construction purposes, since it is intended to remain a private way.

Scott Hollinger, 3 Trailside Ln., stated that when they discussed the issue with Ms. Aschettino they were willing to work with her on it. He stated they would request that it be resolved. He stated that with Ms. Aschettino gone, they will look to the Board to help with it.

Ms. Rose stated if the work will go beyond the bond, they would have to discuss it with Town Counsel. Mr. Herr asked if they want to fight with the developer or get it done.

Steve Rosseel, 1 Trailside Ln., stated that if the Town can do it and they help pay, they can deal with that. He stated they alerted the Board to the problem a long time ago.

Mr. Marquedant stated they can put together a scheme to do the work, and a cost estimate.

Mr. Goncalves stated that Mr. Marquedant could send a letter to the Board with the numbers and the Board could forward it to Ms. Aschettino and ask her to do the work, and if she won't, the Town could take the bond and deal with the owners and the legal issues. Mr. Hollinger stated they would sue the Planning Board also.

Mr. Herr asked what the difference between Hearthstone and this subdivision is. Ms. Wright stated there are weather issues and different problems.

Mr. Hollinger stated they are looking for solutions. He stated they are concerned that if Ms. Aschettino is given more time, it will be postponed and it won't be fixed before next winter.

Scott Lincoln, 2 Trailside Ln., stated that Ms. Aschettino put up more bond funds originally than it was released by the Board. He stated that residents didn't know that was happening. He stated that people that are impacted should have more input and be notified, not just the engineer.

Mr. Coolidge suggested asking Mr. Marquedant to design a single solution, presenting it to Ms. Aschettino and see what happens. He stated that if the Board could have her answer by July, there would be enough time to do the work before winter.

Ms. Wright asked about notifying people of bond reductions. The Board briefly discussed the pros and cons of such a policy.

**4. Public Hearing – Pine Acres – OSLPD Concept Plan – 146 Clinton St.**

Robert Weidnecht, landscape architect, and Debra Kotob, owner and applicant, appeared before the Board. Mr. Weidnecht described the site, which consists of wooded and cleared areas that were logged under a forest management plan. He stated there are extensive wetland systems on the property, including Cold Spring Brook and a beaver pond, which is bigger now than on the plan because of recent activity. He stated there is a flood plain along the brook. He stated they met with the Conservation Commission after submission of an ANORAD, and it has closed the hearing and will issue the findings with regard to wetland boundaries. He described the possible conventional plan, which would be a loop road with 3 building lots, noting that the bylaw formula results in 9 lots. He stated there would be 1,500 sq. ft. of buffer zone disturbance for the new road.

Mr. Weidnecht described the proposed plan to create two lots – one with the existing house and one new building lot, both fronting on Clinton St. He stated the owner would like to modify the existing house location by moving it and turning it into a barn, then building a new house on the lot. He stated a new house would be built on lot 2. He stated they will do the witnessed testing with the Bd. of Health soon. He stated when they laid out the plan, they wanted to put the best land in the open space. He stated that is the reason for requesting the waiver of the 100 ft. buffer requirement on two sides. He stated that the lots could conform to the underlying zoning with the exception of the side yards for the lots and the frontage requirement. He stated there is no change of character to the neighborhood proposed to warrant the 100 ft. buffer.

Mr. Coolidge asked if they had considered a common driveway. Mr. Weidnecht stated they did, but the owner would prefer separate driveways. Ms. Kotob stated that the 100 ft. buffer impacts a possible common driveway also. Mr. Weidnecht stated they are seeking a waiver of the lot frontage depth requirement. He stated they could probably configure the lot to conform, but it would mean more work in the wetlands buffer zone and a house closer to the abutter. Ms. Kotob stated they wanted minimal disturbance. Mr. Weidnecht described the waivers requested in the application.

Mr. Coolidge asked what proposed cuts and fills would be required. Mr. Weidnecht stated they would be minimal, with 1 to 4 ft. cuts at the most. He stated the intent is to convey the open space to HALT with a conservation restriction.

Mary Pratt, 102 Fruit St., asked if the setback and 100 ft. buffer would cause a problem with a trail, noting that trails shouldn't be too close to a house.

Ms. Kotob asked if there has to be public access to the open space. Mr. Coolidge stated it depends on the owner.

Ms. Wright asked how close the driveway would be to the abutter, Parker. Ms. Kotob stated the existing driveway would be used, and one can see the house in the winter.

Mr. Herr asked if the houses would be built at the same time. Mr. Kotob stated that would ideally be the case. Mr. Herr asked who the developer would be. Ms. Kotob stated she doesn't know how it would work. She stated they want some control over what kind of house would be built there. She stated they were thinking of selling it with a pre-selected design.

Mr. Goncalves stated the Board should hold a bond on the project. Ms. Wright informed the applicant that by selling the lot, they are not absolved of responsibility to complete the work shown on the plan. Mr. Coolidge noted that the Board would hold funds for erosion control, etc., but the plan doesn't involve the building of a road as is usually the case.

Mr. Weidnecht asked if the Board would need to see site plans of the lots. Mr. Coolidge noted that would not typically be required, but the Board would want to see building envelopes, drainage, etc. Mr. Weidnecht stated they will be doing a drainage analysis for the Con. Comm. and asked what the Planning Board would want in that regard. The Board asked Ms. Lazarus to see what was required in other instances where no roads were constructed.

Ms. Duffy stated she has no problem with the waiver of the 100 ft. buffer, but would like additional planting along the property line where the buffer would be reduced. Mr. Herr stated the Board should find a way to hold more bond money.

Mr. Weidnecht reviewed the comments made by Fay, Spofford & Thorndike, the Board's consulting engineer. He noted the water supply would consist of two private wells. He submitted a memo relative to the sight distance on Clinton St. in the vicinity of the driveways, noting there are mature trees to the northwest and there is an existing driveway that would be used. He noted in order to comply with the AASHTO guidelines, they would have to cut the trees, but if one pulls forward some, there is 300 ft. of sight distance. He noted that the nose of the car would be in the road at that point. He stated that looking to the left, there are two pines that could be cut to increase views, and the trees are small. Ms. Rose asked if there are driveways across the street, and Mr. Weidnecht replied yes. He stated that the new driveway has no problems. He stated that FST refers to AASHTO standards for driveways, but he is unaware of them. He stated that FST addressed the area that was previously cut and proposed for open space, and stated that it has grown in since it was cut 5 years ago. He stated that access to the

open space would be along the driveway. He stated that stormwater runoff will be covered in the Notice of Intent submitted to the Con. Comm.

Mr. Goncalves stated they should make sure that stormwater is handled on site at the driveways. Mr. Weidnecht stated the process would be submission of a definitive plan, then septic plans, then NOI to the Con. Comm.

The Board voted unanimously to continue the public hearing to June 2, 2003 at 9:15 PM.

**5. Site Plan Review – 30-36 Main St. – Nealon**

John Nealon, applicant, described the plan to the Board to change the outside appearance of the building at 30-36 Main St. which requires a building permit and minor project site plan review. He stated they will apply vinyl siding to the building. He stated the building now has asbestos shingles, which will be covered up. He stated they want some flexibility with regard to the colors, and showed the Board color samples. He stated they will apply a material, then place the vinyl over that. He stated they will trim the building on the front and corners, and it will improve its appearance.

Mr. Herr asked about the trim. Mr. Nealon stated they would trim the windows and use a dentil-type moulding along the top.

Ms. Lazarus stated she asked Jeanette Thomson, Design Review Board Chairman, her opinion about the proposed change. She noted that Ms. Thomson stated that there would be concerns about the trim and if windows were also going to be replaced, and the color selections seemed acceptable for the building.

Ms. Wright asked what will happen to the storefronts at the street. Mr. Nealon stated the company will try to fabricate white vinyl panels. Ms. Wright asked if they would try and maintain the look of the storefronts. Mr. Herr asked if they would paint around the windows where there is wood now. Mr. Nealon stated they would put vinyl wherever possible. Mr. Herr noted there is vinyl available that would be similar to the trim there now. Mr. Nealon stated they will install a beadboard on the ceiling outside the storefronts. He stated they will brick the step to the upstairs units.

Mr. Herr asked what color they are leaning toward. Mr. Nealon noted that natural clay or granite gray seemed good so far, but there are others being considered. Ms. Wright stated that a darker color with the white trim would be good for contrast. She asked if the existing signs would remain. Mr. Nealon replied yes.

Mr. Herr asked if they had considered a rail across the top of the building to add visual interest and dress up the roof. Mr. Nealon stated the trim would have a dentil detail. Mr. Herr asked about rooftop equipment. Mr. Nealon stated they installed a new rubber roof last year. Mr. Herr asked about the timeframe for completion. Mr. Nealon stated they anticipate starting within the next several weeks and finishing 7 days after that.

Mr. Shepard stated it would be nice if the signage on the building was coordinated and more tasteful. Ms. Wright noted that the Historic District Commission has always required wood carved classy signs. She stated they are trying to get away from plastic backlit signs. The Board discussed the signage with the applicant.

Ms. Wright noted that shutters make a difference on buildings, and asked if there is room for them on this building. Mr. Nealon stated they looked at it, but to put them on a few windows doesn't help. He stated they decided to use a wider trim instead.

Mr. Coolidge asked about the lifetime of the siding. Mr. Nealon replied it would be around 25 years.

Mrs. Pratt stated there have been problems with asbestos shingles and fires. Mr. Herr stated that is a building code issue.

The Board voted unanimously to approve the Site Plan with the following conditions:

1. The Applicant identified several alternative colors for the siding, all of which are acceptable to the Board. The color choices are Granite Gray, Natural Clay, Sterling Gray, Prairie Sand, and Silver Ash. The trim and window casings will be white.
2. The siding and trim shall include the entire building, so that it has a uniform appearance.

The Board decided to recommend that there should be a coordinated approach to signage on the building, with respect to size, style, colors, and materials. The Board recommended that the signs be carved wood.

#### **6. Administrative Business**

The Board voted unanimously to pay outstanding bills.

#### **7. Middlesex Savings Bank – 10 Main St.**

The Board reviewed an application for a special permit for a drive-through window submitted to the Board of Appeals by the Middlesex Savings Bank, to locate a drive-up ATM in the driveway between the building and the Acacia Club. After discussion, the Board decided to write a letter to the Board of Appeals and recommend that it not issue the special permit for several reasons, including vehicular and pedestrian safety.

#### **8. Other Business**

Mr. Herr recommended that this year the Board and Zoning Advisory Committee work on the sign regulations.

Adjourned: 10:20 PM

Elaine C. Lazarus, Town Planner

Approved: June 16, 2003