

HOPKINTON PLANNING BOARD

Monday, June 2, 2003 7:00 PM

MINUTES

PRESENT: John H. Coolidge, Chairman, Jaime Goncalves, Vice Chairman, Mark Abate, Scott Aghababian, Sandy K. Altamura, Pamela Duffy, Brian Herr, Tina Rose, Claire Wright
.....Elaine C. Lazarus, Town Planner

1. Joint Meeting with Conservation Commission

Conservation Commission Members Present: Edward Beckett, Mark Bullinger, Michael Carmody, Christopher Lee, Richard Litchfield, Brian Morrison, Robert Murphy, Ellen Chagnon: Conservation Scientist, Don MacAdam: Conservation Administrator

1. Joint Meeting: Conservation Commission, Planning Board

White Oak Estates

Ms. Chagnon noted that she met on-site with Mr. Coolidge to review the outfall of the base of Longwood Road. Ms. Chagnon also noted that she attended a meeting with Ms. Lazarus, representatives of W&R Realty Corp., and the Department of Environmental Management (DEM) to discuss mitigation of the existing problem and how best to complete the unfinished work. W&R Realty Corp. noted that they would hire an engineer to review the approved plans and clean the catch basins two times a year. Mr. Trubiano, DEM, noted that they were agreeable with completing the unfinished work on DEM property. A discussion was held regarding alternative storm water management practices to mitigate the problem.

Mr. Morrison noted that the work was stopped because excavation work was being performed in the stream bed during heavy flow, and that a plan was required on how to perform the work and contain the erosion of sediment. Mr. Morrison noted that he believes a plan should be drafted that meets current DEP Stormwater Regulations. Mr. Trubiano noted that the DEM wishes to see measures to abate the erosion problems and that they be located up slope and off public land. W&R Realty Corp. stated they have supplied studies that indicate the stormwater management system is operating as planned and that Spring St. is a contributing factor as well as winter sanding in the development. A discussion was held regarding the applicant hiring a geohydrologist to review the problem. It was decided that the developer would hire an engineer/geohydrologist to review the plans for the outfall areas to see if any modifications should be made prior to the commencement of work, and that the consultant will also look at the function of the detention pond on Emma Dr.

2. Reorganization

Mr. Abate noted that he had not yet been sworn in and could not vote on matters before the Board this evening.

Ms. Duffy nominated John Coolidge as Chairman, and the motion was seconded. There were no other nominations. The Board voted 8 in favor of the motion with Mr. Abate abstaining.

Ms. Rose nominated Mr. Goncalves as Vice Chairman, and the motion was seconded. There were no other nominations. The Board voted 8 in favor of the motion with Mr. Abate abstaining.

3. Olde North Mill

Mr. Coolidge noted that at the meeting on April 7, 2003, the Board decided not to reduce the performance guarantee amount for the Olde North Mill subdivision because a parcel of open space had not been conveyed to the Hopkinton Area Land Trust (HALT). He noted that the particular parcel was not official open space and was meant to be a gift to HALT, and its conveyance shouldn't be tied to the subdivision bond. The Board reviewed the performance guarantee estimate, and Mr. Aghababian asked if the work had been completed. Mr. Coolidge noted that the work was complete with the exception of street trees, and the street had been accepted as a public way at the annual town meeting in May, 2003. The Board voted 8 in favor with Mr. Abate abstaining to reduce the performance guarantee amount for the subdivision to \$6,210.00.

4. Continued Public Hearing – Site Plan Review – First Congregational Church – 146 East Main St.

Daniel Harden, architect, Mike Radner, landscape architect, Rich Mainville, engineer, and George Franklin, First Congregational Church, appeared before the Board. Mr. Harden reviewed issues from the last meeting, including lighting. Mr. Radner described a revised landscape plan. He stated that the area along East Main St. will be re-done, because the new plantings there have not done well. He stated they propose to remove the dead materials and add new ones, planting them closer to the parking lot than the street to minimize salt damage. Mr. Harden stated that the Conservation Commission had approved the new plantings in the buffer zone around the parking lot that were discussed at the last meeting. Mr. Radner noted that eastern red cedars were proposed in the location on the northeast side.

Mr. Herr asked if they would shade the play areas. Mr. Harden stated that the play yard equipment will have canopies. Mr. Herr asked if trees would be planted in the parking lot on the west side of the building. Mr. Harden replied yes, noting that they show on the architects plan but not on the landscape plan yet. He referred to the letter from Fay, Spofford & Thorndike (FST), noting that the Order of Conditions will be forthcoming from the Con. Comm. once they get a few more issues addressed.

Mr. Mainville submitted a revised site plan with the dimensions on them as requested by FST. Mr. Harden submitted a revised photometric plan. Mr. Mainville described the location of the sewage disposal system, noting that the revised plans show it on the design plans now. He submitted revised drainage calculations and the permeability test results for the detention/infiltration system. He stated the permeability rate was two times what was anticipated. He noted that the design will handle a 100 year storm. He stated that a maintenance schedule was submitted, and it is the same as the manufacturers requirements. He stated that the erosion control plan now shows on the site plan.

Mr. Harden addressed lighting. He stated that he recently walked through a new facility with 1 to 3 foot-candles and it was good, and he is now convinced that the lower light levels will be sufficient. He stated that one problem is the large expanse of existing pavement because it would need to be dug up and they would have to spend over \$140,000 to put in the new poles to re-do everything. He stated that they have looked at alternatives, and have proposed to use the perimeter of the lot which will require Con. Comm. approval. He stated that the new light poles at the perimeter of the lot could be as close as 25 ft. to the wetlands. He stated there would be twelve 15 ft. tall poles on the west side and in the rear, six bollard lights on the west side, eight lamp posts at entryways, and eleven 20 ft. tall poles with shields on the east side and in the rear.

Ms. Altamura stated she is still concerned about the 20 ft. poles, adding that there has been a big improvement so far. She stated she thinks this is the last chance the Board will have to address the problem on the site. The Board discussed alternatives with respect to pole height, different wattage bulbs, etc. Ms. Altamura stated there will be a big improvement over today, but she is still worried about the light levels. Mr. Harden stated the church wrote a letter to abutters about the lights, and the back parking lot will be switched and not on timers. Ms. Altamura noted there should be a timer and switch for the back lot in case someone doesn't switch the lights off. Mr. Harden agreed. Ms. Altamura noted there is still some spillage of light off-site. Ms. Wright stated that 10:30 pm seems to be late for turning off the lights, and suggested that the church look at building usage as it may be that it isn't necessary to have them on that late. Mr. Harden noted that basketball is usually played late in the gym every night. Mr. Goncalves asked for clarification as to which lights wouldn't be on a timer. It was noted that the lights in the west lot would be on timers, as would the closest ones to the building in the back, and the ones further back than that would be on timer/switches.

Kay Hamilton, 141 East Main St., asked about lighting for the front parking lot. Mr. Harden noted that the front parking lot would be eliminated because the building addition would be there. He described the new 15 ft. tall poles that would be used in the lot near the street on the west side, noting that lights would be shining down. Ms. Hamilton asked about landscaping in the front, and Mr. Harden described the plan.

Mr. Herr asked if it would be "Cooper" lights as indicated on the plans or "as equal", and Mr. Harden replied "as equal". Mr. Herr asked who the general contractor would be, and Mr. Harden replied TASC, Inc. would be.

Ms. Altamura expressed concern that there could be lighting "hot spots" when the project is complete. Mr. Harden noted that the occupancy permit could get held up, noting there is a walk-through at the end. Ms. Altamura asked what would happen if it is built to plan but the Board doesn't like it. Mr. Harden stated it would be difficult from a legal standpoint as plans would have been approved. Mr. Herr noted the applicant could be willing to make some minor modifications at the end if there is an issue. Mr. Harden stated he would be nervous when it is a judgment call, but it's his license and liability if there is a problem. Ms. Altamura stated she wants to make sure it is a safe and thoughtful plan. She asked if the church is willing to look at problems if they arise. Mr. Harden stated that the insurance companies look at light levels. Mr. Herr asked if the electrical subcontractors had been selected, and Mr. Harden replied no.

Mr. Herr stated that he is comfortable with the plan submitted and a final walk-through at the end. He stated he is concerned about a completion time, and asked if it would be complete in a year. Mr. Harden stated he doesn't recommend setting a deadline and it would be precedent setting. Ms. Lazarus noted there are special issues with respect to churches, and the Board should be careful. Mr. Harden stated he would need to have Town Counsel review a completion date with the Board first. He stated that the client always wants the project done fast.

Mary Pratt, 102 Fruit St., stated that all lights must be directed downward and covered at the top.

Ms. Wright noted that the current light fixtures are adjustable now, and asked if the new ones would be fixed. Mr. Harden replied yes. Ms. Wright asked if they could not use the orange lights. Mr. Harden stated they will use white. Ms. Wright stated the light at the main entrance seems bright from the bollards proposed, noting it would be 4 foot-candles. She noted that at the new police station, the light levels will be the same as the church, and the church doesn't have the security considerations that the police station does. Mr. Harden stated the bollards are only 3 ft. tall, and the light is low to the ground, plus there will be shrubs there. He stated they had removed the lamp posts there in accordance with the Design Review Board request. He stated it is the main entrance, and they need to light the area. He noted that the walkway will be lit, not the sky. Ms. Wright stated the plan is a big improvement, but levels are still too high where there are foot-candles in the 4's near the main entrance.

The Board noted that for the continued hearing, the applicant needed to continue to work on the lighting and that FST should review the revised plans.

Ms. Duffy asked if the Sunday services can be farther apart to avoid the parking problem from the overlap, so there doesn't need to be so much parking. Mr. Harden stated the services can't be changed, and it isn't in the jurisdiction of the Board. Mr. Goncalves agreed.

The Board voted 7 in favor with Ms. Rose and Mr. Abate abstaining to continue the public hearing to June 16, 2003 at 8:45 PM.

5. Hopkinton Highlands III – Overlook Rd./Cedar St. Ext.

Benjamin Smith, engineer, stated that they had submitted the Site Plan application package last week, and he isn't sure if this stops the clock on the special permit expiration or not. Ms. Lazarus stated that the site plan submission does not prevent the special permit from expiring. Mr. Smith requested an extension of the special permit.

Mr. Smith stated they have submitted the plan for site plan approval, and it is different than the one originally submitted. Ms. Altamura asked how different the plan is. Mr. Smith stated they have worked with the Con. Comm. to relocate out of the wetlands buffer zone, and the driveway has been extended. He stated that the same style building is proposed and the development has a similar character.

Ms. Duffy asked if the number of units had been reduced. Mr. Smith stated that one was eliminated and 26 is now proposed.

Mrs. Pratt asked where the water supply would be. Mr. Smith stated they are in discussion with surrounding property owners and they will also look at an on-site well. Mrs. Pratt asked if the septic issue had been resolved. Mr. Smith stated that he is the system designer and it meets Title 5 requirements and will work.

David Goldman, HALT, asked if the open space would be under HALT jurisdiction, and Mr. Smith replied yes.

The Board voted 6 in favor, 2 opposed (Aghababian, Goncalves), and 1 abstention (Abate) to extend the Garden Apartment Concept Plan Special Permit for one year from June 23, 2003.

6. Scenic Road Public Hearing – 2 Peg’s Way/Pond St. – Richard Pockwinse

Dick Pockwinse, applicant, appeared before the Board. He stated he has applied for the scenic road permit after the fact, as he had opened a 15 ft. section of the stone wall along Pond St. temporarily. He stated he has re-built the wall. He stated it was opened up so he could get access to the back yard to build a stone wall there and save a stand of trees. He stated that not applying for the permit was a mistake. Mr. Coolidge stated that the re-built wall looks good.

The Board voted 8 in favor with Mr. Abate abstaining to approve the application as submitted.

7. Ash St. – Vanbeek

Kevin Vanbeek, owner, referred to a recent scenic road permit issued by the Board for his property, where a new driveway opening was approved. He noted that the Board asked that he try and save the tree at the edge of the driveway, and if he couldn’t, to return to the Board to discuss replication for the cut tree. He stated that the driveway will impact the roots, the tree is on an incline, and overhangs the power lines. He stated that the Tree Warden has agreed that it can’t be saved. He asked about replication.

Ms. Lazarus noted that the decision mentioned a deposit into the Tree Planting Account or planting of a new tree in the area.

Mr. Coolidge stated if a tree was needed in the immediate area, that would be best, and planting elsewhere if not. The Board discussed the alternatives.

The Board voted 8 in favor with Mr. Abate abstaining to refer the issue to the Tree Warden, and if he decides that a tree shouldn’t be planted in the immediate area, then replication would be a deposit of \$300 into the Tree Planting Account so a tree can be planted elsewhere.

8. Continued Public Hearing – Pine Acres – OSLPD Special Permit – 171 Clinton St.

Robert Weidnecht, landscape architect, and Debra and Sam Kotob, applicants, appeared before the Board. Mr. Weidnecht described the outstanding issues from the hearing on May 12, 2003, noting that comments from the Bd. of Health and Conservation Commission had been submitted since then. Ms. Rose expressed concerns about the Con. Comm. comments, because it seems to indicate that the conventional plan wouldn’t work. Mr. Weidnecht stated that a conventional plan loop road is needed because the Board doesn’t allow dead end streets. He stated there would be two wetlands crossings for the loop road, with cumulative disturbance of less than

5,000 sq. ft. of buffer zone. He stated the policy involves looking at other alternatives before approving the crossings. He noted that if the Planning Bd. said there couldn't be a dead end street, then that would be the issue. He stated that the policy doesn't exclude the crossings.

Ms. Rose stated that one or two of the lots seem to be mostly wet or inaccessible. Mr. Weidnecht noted that technically, one lot could be difficult but possibly built on under the Wetlands Protection Act. He stated the other lot could be accessed. Ms. Rose stated that she didn't think the conventional plan was viable. Ms. Lazarus noted that as long as the proposed conventional plan road is viable and at least two of the lots are, it would meet the OSLPD criteria because the OSLPD plan only proposes 2 lots. Ms. Duffy agreed.

Mr. Goldman asked who would develop the conservation restriction and record the necessary documents. He asked if it would be done before the open space is conveyed or after. Mr. Weidnecht stated he assumes there would be a standard conservation restriction that is routinely approved by DEM. Mr. Goldman asked if the open space boundaries would be monumented. Ms. Lazarus noted that it would have to be monumented in accordance with the requirements of the Subdivision Rules and Regulations. Mr. Goldman asked about public access, and Mr. Weidnecht noted that the plan shows an access easement. Mr. Goldman asked if the access shown is acceptable to the Board. Ms. Duffy stated it was acceptable to her. Mr. Goldman asked about the issue of hunting in open space recently discussed by the Board of Selectmen. Mr. Goncalves noted that there are state laws related to hunting and they are not within the Planning Board jurisdiction.

Ms. Rose stated that she is concerned that the conventional plan is not viable after reading the letter from the Conservation Commission. Ms. Kotob stated that at the Con. Comm. meeting where the project was discussed, they said everything was fine, and she doesn't totally understand the letter. She noted that she met informally with the Board before and this wasn't raised. Ms. Rose stated there is a threshold that needs to be met. Ms. Kotob stated that the Board said there were no problems before, and she thought the conventional plan was a formality. Mr. Weidnecht stated there are many roads with two wetlands crossings, and Mr. Coolidge agreed. Ms. Altamura asked about the amount of disturbed area the crossings would contain. Mr. Weidnecht noted that for the road, there would be two – one disturbing 315 sq. ft. and the other 1,100 sq. ft. He added that under the state Wetlands Protection Act, there is no question with regard to DEP policy – if the Board requires multiple crossings for access, then the Con. Comm. would have to approve it. Ms. Lazarus asked if the Board felt there were “exceptional circumstances” as required in the Subdivision Rules & Regulations so that there could be a dead end street on the conventional plan instead of a loop, with no wetlands crossings.

Ms. Altamura asked if the applicants would apply for a variance from the ZBA, to allow two lots with reduced frontage instead of applying for a subdivision. Ms. Kotob stated that she was told it would be unlikely that a variance would be granted because there isn't a hardship. Ms. Aghababian asked if the Board would set a precedent if it approved the plan. Ms. Rose stated that the Board would need a good reason for approving it – that the benefit to the Town was significant. Ms. Altamura stated it could be a precedent, and she is concerned about developers pointing to this in the future. Mr. Weidnecht suggested that the Board state that it requires multiple access points, and it would be approvable under the Act. Ms. Altamura noted that a

reason for approving the plan could be that it is only 2 houses on 18 acres, and one of the houses already exists, noting there is permanent open space and development at a very low density. Ms. Wright stated it seems like the property is exceptional from an open space perspective. Ms. Kotob noted that there are beaver, otter, deer and fox on the property. The Board discussed the development standards and special permit criteria in the OSLPD bylaw.

The Planning Board voted 7 in favor with 2 abstentions (Altamura, Abate) to: 1) state that the information necessary to demonstrate that the Development Standards were met had been submitted, 2) find that the Special Permit Criteria had been met, and 3) grant the Special Permit and approve the Concept with the following conditions:

1. The following waivers from the Subdivision Rules and Regulations are granted, subject to additional review at the definitive subdivision plan stage when engineering information is available:
 - a) Submission of an Environmental Analysis with the definitive plan is not required. The plan shows two lots, one of which is already developed, and no new roadway.
 - b) Submission of a Traffic Analysis with the definitive plan is not required.
 - c) Since the definitive plan will not show construction of a new road, submission requirements relative to road design and construction are not applicable.
2. The following waivers of the OSLPD bylaw are requested and granted:
 - a) A waiver of the perimeter buffer requirement is granted where less than 100 ft. is shown on the Concept Plan. The Board finds that the reduced buffer provides adequate screening and separation from adjacent property. The land is already developed with a single family house, and the newly created lots, one of which will contain the existing house, far exceed the minimum lot area required in the Agricultural district. The Board also noted that the required buffer could be provided around the entire perimeter of the property. However, in order to then obtain frontage for two lots, a road would have to be constructed. By waiving the buffer requirement on the northwest side of the property, construction of a road is not required. This reduces the need for additional services to be provided by the Town in plowing and maintaining a road, and reduces the amount of impervious area and stormwater runoff from the property.
 - b) Lot frontage depth requirement for lot 2.
3. The definitive subdivision plan for the property shall contain a maximum of 2 building lots.
4. The small area of open space on the south side of the property that was previously logged shall be allowed to continue to grow in naturally.
5. Modifications in lot lines after approval of the definitive plan will be confined to those areas not labeled as open space.
6. Proof of secured easements shall be provided by the Applicant with the definitive plan submittal for all work proposed for land under separate ownership and/or off-site.
7. An erosion and sedimentation control plan shall be submitted with the definitive plan. It shall address soil erosion and sedimentation control measures at and downstream of the site.
8. Common open space shall not be used for storage of construction vehicles, building materials, stockpiled loam or other material during construction.
9. The definitive plan shall show the location of where earth and construction materials will be stockpiled on site.
10. The Applicant shall have a definitive plan designed which is consistent with the approved Concept Plan.

9. FY04 Budget

Mr. Coolidge relayed the discussion at recent meetings with regard to the FY04 budget. He stated that they have tried to spare the smaller departments deep cuts that make it impossible to operate, and that the current amount to be reduced from the proposed Planning Bd. budget is \$2,000, which is manageable.

10. Hopkinton Highlands II

Eric Gardner, Toll Bros., stated they would like to lower the grade of the remainder of the roads in the subdivision by one foot. He clarified that it would be Overlook Rd. from station 16+00 to the end at Greenwood Rd., and all of Summit Way. He stated it is proposed to reduce the amount of fill required, since the Town's regulations have been interpreted to mean that the material needs to be 3" or smaller. He stated they think it is a minor change and nothing else would change. He stated it is a financial issue. He asked if a formal amendment to the subdivision plan would be needed, which requires a public hearing. Mr. Coolidge suggested sending it to FST for review and see what they say. The Board agreed. Mr. Herr asked what the financial hardship is. Mr. Gardner stated that the added cost of providing 3" minus material is equal to about \$500,000, so they will save some of that. He stated it would control the loss, not save the money.

11. 29 School St. – Scenic Road Violation

It was noted that since the last meeting, three scenic road violations involving stone wall at 29 School St. had been noticed and that Ms. Lazarus had fined builder Kevin Dooley \$100 for each for a total of \$300.00. Ms. Lazarus stated that Mr. Dooley states there has been no violation and would like the Board to reconsider the action.

Ms. Wright stated she spoke to a neighbor who stated that there have been 3 or 4 violations, and submitted the notes provided by the neighbor, stating that a driveway opening had been widened, earth moved over stones, and stones were moved in several other locations.

Mr. Coolidge stated the two openings at the corner were there, but one is now wider and one closed up. He stated that openings on School St. were widened also, one by 10 feet or so.

The Board decided to write a letter to Mr. Dooley confirming the fine and stating that the Board would require replication.

12. Other Business

The Board voted 8 in favor with Mr. Abate abstaining to pay outstanding bills.

The Board voted 8 in favor with Mr. Abate abstaining to approve the Minutes of April 7, 2003 and April 28, 2003.

Blackstone Valley Corridor Planning Study - The Board reviewed a draft letter of response to the Central Mass. Regional Planning Agency relative to the Blackstone Valley Corridor Study, and decided to send it without modification.

Site Plan Review - The Board reviewed proposed changes to the Site Plan Review Submission Requirements and Procedures, which were proposed because of modifications to the Site Plan Review bylaw adopted at the annual town meeting, and to raise the fees. The Board voted 8 in favor with Mr. Abate abstaining, to approve the modifications.

Grant Request - The Board reviewed a grant application to be submitted by the Hopkinton Area Land Trust, and voted to send a letter of support.

Zoning Advisory Committee – The Board voted 8 in favor with Mr. Abate abstaining, to appoint Mr. Herr, Ms. Altamura, Mr. Goncalves, and Mr. Aghababian to the Zoning Advisory Committee, with Mr. Goncalves and Ms. Altamura acting as co-chairs.

Adjourned: 10:40 PM

Elaine C. Lazarus, Town Planner

Approved: July 28, 2003