

HOPKINTON PLANNING BOARD

Monday, June 16, 2003 7:30 PM

MINUTES

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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, Planning Director

**1. 81-P Plan – 38 School St./Elizabeth Rd. - DiCarlo**

David Marquedant, surveyor, described the plan to create a new lot on the corner of School St. and Elizabeth Rd. He noted that the Board had endorsed a similar plan recently, but the frontage along Elizabeth Rd. was now being increased so a driveway could be located there. He stated that the lot area has also been increased. It was noted that the lot will meet the frontage requirement on both streets.

Mr. Aghababian arrived at this time.

The Board voted 6 in favor with Mr. Herr abstaining, to endorse the plan as not requiring approval under the subdivision control law.

Ms. Rose arrived at this time.

**2. 81-P Plan – 193 West Main St. – DiCarlo**

David Marquedant described the plan, which involves a land swap between two parcels on West Main St. He noted that the parcels were of equal size and the frontage would not change. Ms. Duffy asked about access to the back parcel. Mr. Marquedant stated that in 1995 an access easement was created, and it will be moved. He stated that years ago there was a private road that served the back lots along the lake.

The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

Mr. Goncalves arrived at this time.

**3. 81-P Plan – 20, 22, 24 Appaloosa Circle – Afra Realty Trust**

Iqbal Ali, applicant, described the modifications to three lots in the Equus Hill Estates subdivision, in order to make lot 10 wider. It was noted that the lots would continue to meet frontage requirements. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

**4. 22 Walcott St. – Smith**

Thomas and Melanie Smith appeared before the Board. Mr. Smith stated they would like to create two new lots on their property, and they would live in one new house and their children in the others. He stated the lot has 99.24 ft. of frontage on Walcott St. He stated the existing house was built in the 1800's and fronted on an old road on the property, off Walcott St. He stated they want to have a new road that is kept as a private driveway. He stated there would be minimal tree removal. He asked for input and direction.

Mr. Coolidge stated he is a supporter of "family" subdivisions, but there needs to be two means of access for a conventional subdivision. He stated the Board used to waive requirements but now people have to prove they can have a conventional subdivision.

Ms. Altamura noted that such subdivisions are a way for people to stay in town, and there is now a cute little house on the property. She stated it is the last big block of undeveloped land behind Town Hall, and there is a chance someone could build a development there.

Mr. Smith stated that Joe Marquedant noted that on paper, he could show a loop road built on the property. He stated he wanted to keep it from looking like a developed subdivision and he would put restrictions on how large the lawn could be. He stated it is a unique situation and the house doesn't face the street. He showed a sketch plan prepared by Jim Troupes, but stated that he didn't like it. He stated that water and sewer service is available and confirmed by the DPW. He stated that a small portion of the property is zoned Business. He stated there is a potential for some things to happen on the property.

The Board discussed the concept of "family" subdivisions. Mr. Coolidge noted the applicant will be looking for waivers of road construction, etc. He stated that the driveway will be maintained by the owners. He stated they would need a letter from DPW relative to water and sewer. Ms. Wright stated it would be a case for a true family subdivision, and it wouldn't be inconsistent with the neighborhood. Mr. Herr, Mr. Abate, and Ms. Altamura all agreed it would likely be acceptable.

#### **5. Scenic Road Public Hearing - 85 Ash St. – Druffner**

Lynne and Martin Druffner, 85 Ash St., appeared before the Board. Mrs. Druffner stated they didn't realize they needed a permit to rebuild the stone wall, and they didn't know Ash St. was a scenic road. She stated that the wall has been rebuilt. Mr. Druffner noted that the wall is about 25 to 35 feet long. Ms. Wright noted it is cemented on the top, which is inconsistent with the scenic road. Mr. Coolidge stated the Board prefers that walls not be square or mortared.

The Board discussed how to better educate landscapers and homeowners about scenic roads. The Druffners stated that Scott's Landscaping was responsible for this wall and surely knows better. The Board decided to send a letter to the local landscaping companies, especially Scott's Landscaping.

Ms. Wright asked if the wall was in the right of way and has now been moved. Mr. Druffner stated it is in the same location as before.

The Board voted 8 in favor, with Ms. Altamura opposed, to issue the permit to rebuild the wall. The Board noted that the wall isn't necessarily what it would have approved if the request had come in before the work was done.

**6. Hopkinton Woods**

Scott Lincoln, 2 Trailside Lane, Scott Hollinger, 3 Trailside Ln., and Joseph Marquedant Jr., surveyor, appeared before the Board. Mr. Marquedant described a plan he had submitted to the Planning Board office today, showing a solution to the drainage problem in Trailside Lane. Mr. Goncalves asked what will catch the sediments. Mr. Marquedant noted the basin would have a deep sump. He submitted a cost estimate for the work. Mr. Abate asked about the detention pond on 3 Trailside Ln. Mr. Marquedant stated that is a separate issue.

Mr. Hollinger stated the detention pond is his issue now, because that was his release with the builder. He stated that common sense says it isn't necessary, but they will look at it more. He stated they will need to talk to his neighbors first. He stated it is his responsibility to build it.

Mr. Aghababian asked if it is different water going to the pond than the road. Mr. Marquedant replied yes. Mr. Herr asked how confident he was in the cost estimate. Mr. Hollinger stated he spoke with a contractor today, and the pricing was confirmed. Ms. Rose asked if it is acceptable for the Town to pay the abutters to do the work, expressing concern about losing control over the project. Ms. Lazarus stated she thought it would be ok. Mr. Coolidge stated the Board should probably seek the opinion of Town Counsel. Mr. Goncalves asked what would happen if the solution doesn't work. Mr. Aghababian stated the residents are then on their own. Mr. Goncalves stated the project could set a precedent.

The Board noted that the developer, Paula Aschettino, had been invited to the meeting and notified that the Board may vote to obtain the performance guarantee funds. It was noted that she was not in attendance and no correspondence had been received from her. The Board voted unanimously to obtain the performance guarantee funds so that the Town can complete the subdivision by fixing the drainage problem, due to non-compliance on the part of the developer by not fixing the problem and completing the subdivision on time. The Board voted unanimously to request the use of Town Counsel in pulling the bond, and also to answer the question about having the residents hire the contractor, reimbursed by the Town.

Mr. Abate and Mr. Aghababian removed themselves from the Board at this time.

**7. Higgins Farm**

Reid Blute, Pulte Home Corp., appeared before the Board. He stated that the Town requested that several trees in the Higgins Farm subdivision be replaced, and this had been done a few weeks ago. He stated it was the landscapers assessment that they had been killed by salt damage over the winter, and it could happen again. He requested a release of the remaining performance guarantee amount, which was held for the street trees. Ms. Rose stated the Board usually holds funds for some time as a guarantee. Mr. Coolidge stated he would recommend reducing the amount to \$2,500 and holding that for a year.

Mark Abate, 29 Glen Rd., stated that the trees planted don't match the trees that were there before in type or quality, and they are very small. He stated there was a lot of berm damage from heavy machinery, and the catch basins haven't been cleaned and don't work because they are clogged.

It was noted that the roads in the subdivision have been public ways for two years and the DPW should clean them. The Board decided to write a letter to the Tree Warden asking him to look at the trees to determine the quality, health, and suitability of those that were planted.

The Board voted unanimously to hold the funds until the Tree Warden can make a recommendation. The Board decided to write a letter to the DPW Director asking that the catch basins in the subdivision be cleaned.

Mr. Aghababian and Mr. Abate returned to the Board at this time.

**8. Public Hearings – Proposed Amendments to Subdivision Rules & Regulations, Garden Apartments in Residential Districts Submission Requirements and Procedures Manual, and Senior Housing Development Submission Requirements and Procedures Manual**

The Board reviewed the proposed amendments, chiefly to increase some of the fees in the Subdivision Rules and Regulations, and also for submission of Garden Apartment and Senior Housing Development applications. No one in the audience spoke to the public hearing topics. The Board voted unanimously to amend the Subdivision Rules and Regulations, Garden Apartments in Residential Districts Submission Requirements and Procedures Manual, and Senior Housing Development Submission Requirements and Procedures Manual, as proposed. The Board voted unanimously to close the public hearings.

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

Daniel Harden, architect, appeared before the Board. It was noted that no letter from Fay, Spofford & Thorndike (FST), the Board's consulting engineer, had been received prior to the meeting relative to the revised plan. Ms. Duffy asked about the status of the project with the Conservation Commission. Mr. Harden stated that they have approved it, but they haven't looked at the possible soccer field location yet. He stated they are willing to look at it, and are scheduled to do so on July 21. He stated that the Commission approved the lighting location and extra screening that the Board had requested. He submitted a new lighting plan to the Board. He stated that they have revised the plan to eliminate light spill onto the street, and reduced lumens near the entrance. He stated that the lumens will be 2.9 and 3.1 at the source. He noted that the same fixtures are proposed as before, but with shields. He stated that behind the building, different fixture types are proposed with lower foot-candle levels. Ms. Altamura asked if there are detail drawings of the new fixtures. Mr. Harden stated they are the same fixtures as before. Mr. Herr questioned which personnel at Reflux Lighting the applicant is working with, and Mr. Harden replied it is Bob Cousins. Mr. Herr noted that he does business with him.

Mr. Harden stated there might be a walkway to the proposed soccer field, which isn't shown on the plans at this time. He stated that the walkway might be lit. Mr. Coolidge suggested amending the plan later, since it isn't designed yet. Mr. Harden noted that the lighting on the

back of the site will be switchable and on timers, off at night. He stated that someone will have to manually turn them on.

Ms. Wright noted there is a steep grade in the back between the existing and new parking lot, and asked if there would be stairs within the center island for people to use. Mr. Herr noted it is a 10 ft. embankment. Ms. Wright asked if anyone would walk on it. Mr. Harden stated there are sidewalks for people to use.

A resident asked if the emergency door lights will be on or off at night. Mr. Harden replied that they are required to be lit per the code.

Ms. Wright asked if the old silt fences around the perimeter of the site could be removed. Mr. Harden stated they were supposed to have been removed but the engineer didn't provide as-built plans so there hasn't been a Certificate of Compliance issued. He stated the church has worked on this, but now they don't want to remove them because they will have to be replaced.

Mr. Abate moved to approve the site plan. The Board discussed possible conditions of approval. Mr. Coolidge stated he would favor a low performance guarantee amount because the organization is non-profit and there is fundraising involved, etc. Ms. Duffy suggested \$5,000. Mr. Goncalves stated it is in the applicant's best interests to construct the project correctly. Ms. Altamura stated the applicant never addressed the lighting problems when they arose with the original site plan. She noted it is a large scale project and there should be something. She suggested \$2,500. Ms. Wright stated she is uncomfortable with requiring a bond because the applicant is non-profit, but things can go wrong, noting that a small amount would be good. Mr. Herr stated that \$5,000 is consistent with the size of the plan. Mr. Goncalves noted that \$2,500 seems reasonable. He stated it is a church, and they aren't going anywhere. He stated that the Board needs to accept that what is shown on the plan is being built.

Mr. Harden addressed the original plan that was built, stated they did what they were supposed to do, but it apparently wasn't what the Planning Bd. expected. He stated there has been a good effort on the part of the applicant.

The Board voted 7 in favor with Ms. Rose and Mr. Herr abstaining, to determine that the Site Plan criteria contained in the bylaw had been met, and to approve the Site Plan with the following conditions:

1. In accordance with Zoning Bylaw Sec. 210-138 the applicant shall provide a performance guarantee in the amount of \$3,000 to the Town. The guarantee shall consist of a deposit of money or negotiable securities in a form selected by the Board to guarantee completion of improvements to be made in compliance with the approved plans. The funds would guarantee that any unforeseen problems which arise, such as erosion and sedimentation, visual screening of abutting property, and the correction of site lighting problems, would be addressed. The funds would be held by the Town and returned to the applicant upon completion of the project.
2. The applicant shall review the directional signage within the site to determine if fewer or smaller signs can be utilized. The applicant shall report any modifications to the Board.
3. All mechanical equipment shall be screened from view from the ground.

4. No construction shall commence until an Order of Conditions is received from the Conservation Commission for land subject to the Wetlands Protection Act and the Hopkinton Wetlands Protection Bylaw.
5. Lighting on the site shall not shine on abutting property or onto abutting streets. The level of lighting on the site shall be reduced at night when the building is unoccupied. Lights mounted on the building shall be directed downward and not outward or upward. The lighting shall be as shown on the submitted plan.
6. The dimensions of the parking spaces and aisle width, type of curbing, and typical section of parking lot shall be added to the Site Plan.
7. Details of all proposed lighting fixtures shall be submitted prior to the commencement of construction.
8. FST's engineering concerns raised relative to the storm drainage facilities shall be addressed to the satisfaction of the Board, prior to the commencement of construction.
9. An erosion control and sedimentation plan shall be submitted prior to the commencement of construction. The plan should address soil erosion and sedimentation control measures to be utilized in controlling sedimentation and siltation both on and off site.
10. The applicant shall provide the Board with two complete sets of the approved Site Plan prior to the commencement of construction. Various plans were revised and submitted during the process. A complete set of all the plans, compiled into a complete set, will be essential for Town use during construction inspection.

#### **10. 15 Yale Road**

Robert Foster, engineer, stated he is doing some consulting work for a law firm, relative to a lawsuit on Yale Rd. He stated that the house at 15 Yale Rd. was built around 1950, and the land was most recently conveyed in 1996. He stated that a recent survey found that the house is on the lot line and divides the house in half. He added that the Town owns the land the house is partially on. He stated there are three surveyors involved, and he is looking to find a solution. He stated that no certification of the house on the property was required when a building permit was issued by the Town in 1950 and there are no street monuments. He showed the Board the 1929 plan for the area. He stated he wanted to meet with the Bd. of Selectmen but they asked that he come to the Planning Bd. first and ask if there is a proposed municipal use for the land. He noted that it could be open space, for example. He stated that there would need to be 4,000 sq. ft. for the house, which would comprise two 20 ft. wide parcels.

Mr. Coolidge stated he would convey the land with the condition that the house not be enlarged toward the Town owned land adjacent to it. Ms. Rose recommended that the land be conveyed to the owner. It was noted that conveying two 20 ft. wide lots would give enough room for a side yard as well. Mr. Coolidge stated he prefers the land in open space, but the problem needs to be solved. He stated that the Town should be compensated for the loss of the land.

The Board voted unanimously to write a letter to the Board of Selectmen stating that it prefers that the land be open space, but it needs to be conveyed to solve the problem, and there should be appropriate compensation into the Open Space Preservation Fund. It was noted that the letter should reference the Small Parcels Disposition Analysis prepared a few years ago.

Ms. Altamura left the meeting at this time.

**11. Hopkinton Highlands II**

Wayne Belec, engineer, and Eric Gardner, Toll Bros., appeared before the Board. Mr. Belec submitted a letter to the Board which responded to the comments and recommendations made by FST regarding the plan to lower the grade of some of the roadway by one foot. Mr. Gardner asked the Board to approve the field change to the road, which will allow them to lower it by one foot as discussed at a previous meeting. He noted that the Board had asked FST to review the proposal, and they have. He stated that no waivers from the Subdivision Rules and Regulations are needed. He noted that FST pointed out that there would be slightly less than 3 ft. of cover over the pipes, but they had discovered that there is a carryover error from the definitive plan, and there will be 3 ft. of cover, noting that the thickness of the pipe wasn't accounted for. He added that no changes would be made in the area of the bridge.

The Board voted unanimously to allow the change to be made from Overlook Rd., sta. 11+50 to Greenwood Rd., and the entirety of Summit Way, as shown on the submitted plan.

Mr. Gardner stated that they anticipate that the entirety of Overlook Rd. will be to binder course of pavement in August.

**12. Administrative Business**

The Board voted unanimously to pay outstanding bills. The Board discussed purchasing the software and database currently in use by the Assessors office, and voted unanimously to do so.

It was noted that there would not be a quorum of members at the scheduled meeting on July 14, so the meeting will be canceled and all agenda items moved to July 28.

The Board voted 7 in favor with Mr. Abate abstaining to approve the Minutes of May 12, 2003. The Board voted unanimously to approve the Minutes of May 15, 2003.

The Board set a date for a site walk of the Emerald Hills East/Hopkinton Highlands subdivision for June 25, 2003 at 4:30 PM.

Adjourned: 10:35 PM

Elaine C. Lazarus, Town Planner

Approved: August 12, 2003