

HOPKINTON PLANNING BOARD

Monday, October 6, 2003 7:30 PM

MINUTES

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

.....Elaine C. Lazarus, Planning Director

1. Next Generation Children's Center – 2 Wood St.

Mr. Coolidge stated that three Planning Board members designated by the Board, with Town Counsel, met with Robert Walker and his attorney recently to discuss possible modifications to the conditions of site plan approval for the project. He briefly discussed the history of the project, a 250-child day care facility at the West Main St./Wood St./Main St. intersection, noting that the Board originally denied approval, which was appealed, then, at the direction of the judge, approved the plan with conditions. He stated the Board felt that abutters should be present and participate when the modified conditions are discussed, and that is the purpose of the meeting. He stated that Town Counsel had come to the Board and said that the applicant wanted to talk, and they don't know when the judge will make her next decision, which would be a ruling on the conditions imposed by the Board. He stated that the issue is the conditions. He stated that Walker agreed to move the building entrance to its westerly corner, have a police detail for the first few months of operation, and fund a traffic study and mitigation with \$25,000. He stated that the DPW will review stormwater issues, screening will be added, and lighting plan reviewed by the Board.

Ms. Wright arrived at this time.

Ms. Rose referred to a letter received from J. T. Gaucher, DPW Director, and recommended that it be incorporated into the Board's decision. The issue of possible land takings for future reconfiguration of the intersection was discussed, and it was noted that there is no plan now of what land that might be.

Ms. Rose stated that moving the door could reduce the drop-off and pick-up time, which was an issue with the plan, because the entrance was so far from the parking lot and there was concern that there wouldn't be enough spaces. Mr. Goncalves asked about a traffic study, and if it would be done now or when the facility is built. Mr. Coolidge stated it would be done now, take the building into consideration, and forecast changes.

Jackie Potenzzone, 12 Wood St., asked if the taxpayers would pay for it or Walker. Mr. Coolidge stated that Walker would pay \$25,000 toward improvements. He stated that if all parents can enter the site just fine, it is their problem getting out.

Kate Fox, 8 Briarcliff Rd., stated there will be people coming from the west where there is only one lane and no way to get around someone, so traffic will be tied up. Mr. Coolidge stated that that is why there will be a study. Mr. Herr stated the study could recommend no left turns, for

example, and a study is needed. Ms. Potenzzone asked if there would be a right turn only onto Wood St. from the site. Mr. Coolidge stated that the study would look at that. Ms. Rose stated there is conflicting information as to whether right turns only are a good thing or not, and the study would evaluate that. Mr. Coolidge stated that Mr. Walker stated he would abide by the traffic study recommendations.

Mr. Aghababian asked what has been challenged by the applicant, and what the possible outcome could be. Mr. Coolidge stated that the Board's first decision was overturned and the applicant appealed the conditions of the Board's second decision. Ms. Rose stated that only specific items can be considered with respect to day care uses, in accordance with the statute. Mr. Herr stated the Board needs to decide whether to settle and get something for the Town, or to take its chances in court and possibly get nothing.

Ms. Potenzzone stated that water is a big problem since Patten's was demolished, and their basement floods now. Mr. Coolidge suggested talking to the Building Inspector and Mr. Walker. It was noted that the drainage installation has not been done yet, but will intercept the runoff from the site when complete.

Mr. Goncalves asked who will enforce the conditions of approval, and Mr. Coolidge replied that the Zoning Enforcement Officer/Building Inspector would, the same as other site plans.

Ms. Duffy asked if the building could be moved back, and this was one of the issues at the original hearing. Ms. Rose stated that this was discussed with Walker, and it would require a variance from the ZBA which would be difficult to get since it would be a self-created hardship.

Mr. Aghababian stated that if the traffic study says there is a 20 min. backup that is unavoidable because of the use, what can the Town do then? Mr. Herr stated that nothing can be done.

Mary Pratt, 102 Fruit St., stated if air quality is a problem, the project could be placed on the state Transportation Improvement Plan (TIP).

Ms. Rose stated the Town can't blame the intersection's problem on one business, as there is currently a problem and the business isn't there yet.

Mrs. Pratt stated the traffic study must be an on-site study, not a computer modeling one. Ms. Fox stated that a competent traffic engineer would take things like vacations, school sessions, etc. into account when doing a study.

Lynn Marquedant, 5 Meserve St., asked if the Town will pay the cost of an expensive traffic light. Mr. Coolidge stated the Town could ask for contributions above the \$25,000.

Ms. Fox referred to the EarthTech traffic study from a few years ago, noting that the 2005 projections show the intersection will fail unless the timing of the light changes, and it would be changed to Level of Service (LOS) D. She stated that inappropriate timing and phasing can fail any intersection, and acceptable timing for this intersection could be developed. She stated that the intersection is at LOS D now, and it is failing if it is E or worse, then one can talk about changing other things. She stated that a few more cars will make it fail.

Mr. Herr stated that the facility could be used by people already passing by the site, so the number of cars in the intersection wouldn't necessarily increase much. It was noted that the number of turning movements in the intersection would increase.

Mr. Goncalves stated he has a problem with the word "reasonable" used in some of the modified conditions, and he doesn't want these questions unanswered.

Robert Walker, applicant, stated that Mr. Faiman put "reasonable" in. He stated he met with Mr. Gaucher, and described the land area that he was talking about for the intersection, which could involve getting rid of the island in the middle, increasing the radius, and allowing the turn from West Main to Wood St. He stated he was asked to straighten out the sidewalk and he said ok, which would only involve 5 to 10 feet.

Carl Sweely, 2 West Main St., suggested prohibiting turns from West Main St. to Wood St.

The Board discussed the stormwater management conditions. Ms. Potenzzone asked where snow would be stored. Mrs. Pratt stated that having the building in the front of the site is hazardous because kids could run into the road. She suggested putting up a fence. Mr. Walker stated he has agreed to study the Town's closed drainage system in Wood St.

The Board discussed the conditions relative to site contamination, noting that information had been received from DEP recently. The Board reviewed the landscaping and screening conditions.

The Board reviewed the photometric plan recently submitted. Mr. Walker stated that the plan shows just light, it doesn't take into account trees, paving, etc. He stated that ½ foot-candle is dark. Ms. Potenzzone asked if lights would be on at night, and Mr. Coolidge noted the lights would be off when the building is unoccupied. Mr. Walker stated the facility would be open from 7:00 AM to 6:00 PM and there would be small security lights on at night. He stated the building would be closed on weekends. Mr. Herr stated on the north side, there will be a fence and landscaped so it will be OK. He stated on the west side, it will be landscaped but a guardrail instead of a fence. He asked about the wattage of the lights, and Mr. Walker replied 250. Mr. Herr suggested changing it to 175. Mr. Walker stated that the poles would be 16 ft. above the grade of the parking lot. Ms. Wright stated there will be too much light on the site, and there are some high numbers on the photometric plan. She suggested that they use the new Liberty Mutual plan as an example, stating that an average of 0.5 foot-candles should be the goal. Mr. Walker stated that the average is 3.3 foot-candles and to get 0.5 there would have to be areas of the site at 0. Mr. Coolidge suggested lowering the wattage of the bulbs to 175. Mr. Herr noted that the lights will be off by 7:00 PM, and they will be shoebox lights with cutoffs at the houses. Ms. Potenzzone stated that lighting is not a big issue for her since they will be off by 7:00. She stated her big issues are water and traffic. Ms. Wright stated she wants less light.

The Board discussed the conditions relative to signage, building design, and municipal services. Ms. Potenzzone asked if there would be a fence along the top of the retaining wall, and it was stated that a guardrail would be there. Mr. Walker stated the retaining wall will be 2 to 10 feet in height. Mr. Goncalves asked if there could be a fence there, noting there are residences on the other side. Mr. Walker stated they will put one in if they need it. Ms. Rose noted that the state Office of Child Care Services could require it.

The Board voted unanimously to approve in concept the modified conditions. Ms. Duffy stated that her “yes” vote was not an enthusiastic “yes”.

2. Materials Recycling and Recovery Facility – Wood St. – E. L. Harvey & Sons

Mr. Goncalves stated that today he filed a Disclosure of Appearance of Conflict of Interest form with the Town Clerk because his former supervisor at DEP is now being employed by the Cedar Swamp Conservation Trust. He stated that he feels he can make a fair decision with respect to the applications.

The Board reviewed a letter received from the Zoning Board of Appeals requesting a report on the warehouse use proposed for the site, in accordance with provisions of the Industrial District zoning bylaw. The Board discussed the need to manage all stormwater on the site, the importance of adhering to site plan review conditions and DEP stormwater management guidelines.

Mr. Goncalves asked if there can be concurrent Site Plan Review and special permit applications to the ZBA, as this question was posed to him by the ZBA Chairman recently. Ms. Lazarus stated that there is nothing to prevent concurrent application submissions and review, but that the Site Plan Review bylaw requires that all special permits or variances required of the ZBA be granted prior to the Board approving a site plan. She noted that the purpose of that is to prevent site plans being approved for uses that are not allowed. Mr. Coolidge noted that if an applicant submits a site plan application for uses that aren’t allowed yet, they are taking a risk and possibly spending a lot of money on uses that won’t be allowed.

The Board discussed the proposed warehouse use, noting that the matter is technically complex, and there isn’t enough information on where the warehousing will be, how much storage there will be, how long materials will be stored, and the truck traffic necessary to remove it.

The Board voted unanimously to send a letter to the ZBA that states there is insufficient information submitted, and to request that it be submitted so that the Board and its engineer can review it. The Board noted that at the least, the letter should request information on the number of vehicle trips involved in the warehouse use, square footage of storage areas, amount of water usage associated with the use, what materials will be stored, and the duration of the storage.

Adjourned: 9:05 PM

Elaine C. Lazarus, Planning Director

Approved: November 3, 2003