

HOPKINTON PLANNING BOARD

Monday, March 8, 2004 7:30 PM

MINUTES

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

1. 81-P Plan – 36 Elizabeth Rd. – DiCarlo

Dave Marquedant, surveyor, described the plan to create three non-buildable parcels in order to combine them with adjacent lots. He stated that two of the resulting lots would be increased to meet the minimum lot area requirement in the Agricultural district. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

2. Administrative Business

The Board voted unanimously to pay outstanding bills. The Board voted unanimously to approve the Minutes of February 9, 2004.

3. 81-P Plan – 130 Lumber St. – Woodworth

Bill DePietri, Capital Group Properties, described the plan to create four building lots, one containing the existing house, and one non-buildable parcel to be conveyed to the owner of Deerfield Estates on an adjacent parcel. Mr. Coolidge questioned whether lot 2 met the lot frontage depth requirement and was buildable, and Mr. DePietri stated he believed the requirement was met. He stated that the configuration was necessary because the septic system for the existing house needs to be replaced. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

4. Deerfield Estates – 148 Lumber St.

Mr. DePietri distributed a copy of a revised detail of the proposed pole mounted light fixture within the Deerfield Estates Senior Housing Development. He noted that it was the same fixture the Board had seen before, but with a black metal piece to be attached to shield part of the bulb. Ms. Altamura noted that half of the bulb could still be seen, and she doesn't want to see the light source. Mr. DePietri stated he would revise it. Ms. Altamura asked that they re-think the whole fixture, noting that there might be one that didn't need to be modified. Ms. Wright noted it could be easier to find a fixture that meets the requirements instead of modifying one.

Ms. Rose arrived at this time.

Mr. DePietri showed the Board proposed pole locations within the development, noting that the poles would be 8 ft. tall and located at five intersections. The Board stated that the locations were acceptable.

Mr. DePietri stated that the landscape plan for the area along Lumber St. is 80% complete, and will be submitted for review soon. Ms. Altamura asked if the landscape architect could take a digital picture of the area and insert the buildings, to give a more accurate representation of what it would look like. It was noted that another applicant prepared a similar plan and it was very helpful.

Ms. Duffy asked if new vegetation would be added along Rt. 495, and Mr. DePietri replied it would be, when the site work in that area is complete. He asked if a tri-party agreement was acceptable for the bond, and Ms. Lazarus stated it needs to be approved by the Town Treasurer.

The Board reviewed the information provided by Fay, Spofford & Thorndike, its consulting engineer, relative to the proposed performance guarantee amount. The Board voted unanimously to establish a performance guarantee amount of \$52,412.40 for the development, to cover the cost of public improvements.

5. Padik View – Wood St.

The Board reviewed a conditional approval agreement for the approved Padik View definitive subdivision plan. The Board voted unanimously to sign the agreement. The Board voted unanimously to endorse the definitive subdivision plan.

6. Municipal Water and Sewer Policy

The Board reviewed the current municipal water and sewer policies and made no recommendations.

7. Public Hearing – Zoning Bylaw and Map Amendments

A. Historic District

Mr. Coolidge described the proposed change, which would move the Historic District bylaw from the Zoning to General bylaws. He noted that the purpose was to avoid conflicts between the statutes establishing each, especially grandfathering issues. Ms. Wright stated that the Historic District Commission is in support of the change. Mr. Herr asked if there will be a problem going from a 2/3 vote required to amend the bylaw (zoning) to a majority vote (general bylaws). Ms. Wright stated they don't anticipate any problems, and it should be a general bylaw following MGL c. 40C. There were no comments from those in attendance. The Board voted 7 in favor with Ms. Wright abstaining to recommend that Town Meeting adopt the article.

B. Board of Appeals

Mr. Coolidge described the amendment, which addresses the offices of Vice Chairman and Clerk of the Zoning Board of Appeals. There were no comments from those in attendance. The Board voted unanimously to recommend that Town Meeting adopt the article.

C. Water Resources Protection Overlay District

Mr. Coolidge described the two proposed changes for the Water Resources Protection Overlay District, one to eliminate a provision addressing sewage disposal systems, and the other to include land off Clinton St. and Sterling Dr. within the Zone II of the wells of the Town of Holliston within the district.

Mike Shepard, Director of Municipal Inspections, described the purposes of the district, noting that it lists uses permitted by right, uses permitted by special permit, and prohibited uses. He noted that the provision in the bylaw relative to septic systems is language from Title 5, and is redundant. He stated that the Bd. of Health administers Title 5, and there is no need to have it in zoning also, and it should be left to those with that expertise.

Mary Pratt, 102 Fruit St., stated that if Holliston wants to protect its people and water, it should protect Hopkinton people with respect to the Bird property. She stated that the Boards of Selectmen of the two towns will be meeting to discuss that issue soon.

A resident asked how the district affects the people living in it, and if it would allow the Town of Holliston to make regulations that apply to those properties. Mr. Shepard described the uses that are not allowed or allowed by special permit in the district. Ms. Lazarus noted that generally, the uses regulated are not those that are commonly applicable to residential property. Mr. Coolidge stated the designation does not allow the Town of Holliston to make regulations with respect to Hopkinton.

The Board voted unanimously to recommend that Town Meeting adopt the changes.

D. Design Review and Site Plan Review

Mr. Coolidge described the change, which would include review of Site Plans by the Design Review Board for Minor Projects. It was noted that site plan review is only required for changes to non-residential property. Ms. Wright stated that minor projects can have a big impact on building façade and streetscape, and the change makes sense. Mr. Coolidge noted that the Design Review Board is advisory to the Planning Board. The Board voted 7 in favor with Ms. Wright abstaining, to recommend that Town Meeting adopt the change.

E. Off-Street Parking

Mr. Coolidge described the proposed changes, which would establish parking requirements for medical office, recreational uses, nursing homes, and child care facilities, and address mixed use sites. It was noted that when there are multiple uses proposed for a property, the parking requirement would be the sum of the requirement for the square footage set aside for each use.

Mrs. Pratt suggested adding “and dental office” to “medical office” to make sure that the use is covered.

The Board voted unanimously to recommend that Town Meeting adopt the article.

F. Village Housing in Residential Districts

Mary Harrington, Chairman, Affordable Housing Task Force (AHTF), described the bylaw, noting that the number of phased units should be 40 instead of 35, as the draft has been revised.

Mrs. Pratt stated that if MGL c.40B is amended as proposed, the number of units required to reach 10% in Hopkinton would be 150 and not 300, because the method of counting ownership units would change.

Mrs. Harrington stated that the bylaw was developed by the AHTF over the summer, and they have worked on it in conjunction with working on the Housing Plan. She stated it would provide another tool to create workforce housing, similar to the Garden Apartments in Residential Districts bylaw. She stated it would be another tool for the Town to use, along with the Local Initiative Program (LIP), duplex bylaw, and others. She stated that the bylaw would allow all-affordable multi-family developments in all residential districts by special permit. She stated that the amount of useable land required would be a minimum of 5 and a maximum of 20 acres, with 50 ft. of frontage, which is the same required for a subdivision road. She noted that units could have from 1 to 3 bedrooms, buildings couldn't exceed 2 ½ stories, the maximum density would be 10 units per acre, and the same setback requirements would apply as are in the underlying district. She noted that landscaping would be required, and roads would be constructed in accordance with the requirements of the Subdivision Rules & Regulations. She stated that the units would be affordable in perpetuity. She noted that the Town itself could use the bylaw to develop housing, partnering with a non-profit organization or a builder.

Ms. Altamura stated that the Garden Apartment bylaw has a larger setback requirement/buffer than this bylaw. She recommended increasing the setback requirement because it isn't enough. She stated that she would not want the housing this close to her property. Mrs. Harrington stated she interprets the proposed language to mean that the setbacks are negotiable. Ms. Altamura stated that some developers won't work with the Board, and she wants the ability to increase the setbacks. Mrs. Harrington noted that in order for the bylaw to work, the higher density is necessary, and larger setbacks could work to reduce the land available. Ms. Altamura stated she wants the wording in the bylaw so that the amount of screening can be increased.

Mr. Goncalves noted that the approval would be by special permit, and the Board can deny them if there is insufficient screening. Mrs. Harrington stated that special permits are discretionary, and a plan could be approved with a condition requiring a specified setback.

Bob Clark, AHTF, suggested adding language allowing the Planning Board to increase the setback if there is a hardship to an abutter. Ms. Altamura stated that would be acceptable. The Board requested that Ms. Lazarus add such language.

Mrs. Pratt asked if the developments would be located in areas with municipal sewer, and if they could be located elsewhere with private systems. She noted with the density allowed, there wouldn't be much room for septic systems or treatment plants. Mrs. Harrington noted they would work best with municipal sewer.

Mrs. Pratt stated that #15 on page 5 of the proposed bylaw should be changed to require an active recreation area on the site. She stated that the bylaw allows no recreation area to be built if there is an existing one open to the public within ½ mile of the development. She

stated she wouldn't want small children walking that distance alone. Ms. Altamura agreed, noting that most streets in Hopkinton are dangerous. Mrs. Harrington noted that none of the Garden Apartment developments have built active recreation areas, and it was the feeling of the Board at the time that if the association wanted to put one in later, it could, but none have. Ms. Altamura suggested changing the language to require a recreation area but allowing the Board to waive the requirement. Mrs. Harrington noted that there is only passive recreation in Indian Brook, and children there walk to Elmwood School to use the playground and fields. Ms. Altamura stated that Elm St. isn't safe to walk on. After discussion, the Board requested Ms. Lazarus to modify the language to require an active recreation area but allow the Board to waive it.

Mr. Clark noted that the bylaw will be a tool for the Planning Board to use, and if the Board doesn't use it wisely, it won't be used at all. He stated that the Board shouldn't make it too onerous. He stated that the goal is to provide 300 to 350 units, and it needs to be kept flexible.

Ms. Wright stated that willingness to negotiate and good faith is in short supply. She stated the Town needs to have the protection and the tools to get things done. She stated it strengthens the Board if it has tools.

Mr. Herr noted that in previous discussions, it was said that such units would be spread around Town, but if they need to be on municipal water and sewer, that won't necessarily happen. Mrs. Harrington stated that there are no sites picked out, and they should be scattered. Mr. Herr asked about rubbish disposal, and Mrs. Harrington stated it would be private. Mr. Herr stated that the bylaw should require the establishment of an association to deal with that. Mrs. Harrington stated it would be covered by the condominium documents and condominium laws. She noted that the documents need to be prepared before a developer can get financing and begin construction. Mrs. Pratt stated that some condominium associations with private treatment plants don't have anything relating to repairs of the system in their documents. She stated there should be a provision in the condominium documents that requires payment into an escrow account to cover septic system or treatment plant repairs. Mr. Herr stated that there is a perception with regard to affordable housing, and people are nervous about it. He stated that the more that is spelled out, the less nervous people will be. He stated the bylaw should have a provision requiring an association to handle rubbish, maintenance, etc. so it is clear. The Board discussed the matter.

The Board voted 7 in favor with Mr. Coolidge abstaining, to recommend that Town Meeting adopt the article.

Mrs. Harrington noted that they plan to have information sessions at various gatherings before town meeting.

G. Rezoning – West Main St.

Ms. Rose asked if the Board had heard back from the property owner, and Ms. Lazarus replied no. Mr. Goncalves described the change, noting that the Zoning Advisory Committee

(ZAC) had looked at the land across the street when residents there advocated for a zoning district change, and noticed that the Industrial district extends to West Main St. He noted that the area is an entrance to Hopkinton and because the Industrial district extends to West Main St., an entrance into an industrial use could be located there, across from residential homes and near the West Main St./Lumber St. intersection. He noted that it was thought that it is best to have traffic enter onto Lumber St. and go through the intersection, rather than having turns in West Main St. without a signal. He stated that the ZAC proposed the change to cut off industrial use access to West Main St., and noted that the remainder of the land is still zoned Industrial and would have access to Lumber St.

Ms. Duffy asked what uses could be on the site if changed to Agricultural, and Mr. Coolidge noted that it would be for residential use. Mr. Herr stated he wished the Board could hear from the owner. The Board agreed that it would not want to recommend the change if the owner was opposed, and decided to leave the hearing open and continue attempting to contact him. The Board voted unanimously to continue the public hearing to April 12, 2004 at 7:45 PM.

8. Public Hearing – Sudbury River Estates – Definitive Subdivision Plan – Cedar St. Ext. and Lincoln St.

Jose Martins, applicant, and Joe Marquedant Jr., surveyor, appeared before the Board. Mr. Marquedant described the plan, noting that an Open Space and Landscape Preservation Development (OSLPD) concept plan had been approved for the property in January, 2003. He stated that the land is off Cedar St. Extension and Lincoln St., consisting of two parcels, one owned by Mr. Martins, the other by the Hubleys. He noted that the total parcel size is 20.09 acres, 9.95 of which would be roads and lots, and 10.14 acres of open space. He stated that an 18 ft. wide strip from the property to Cedar St. Ext. would be deeded to abutters. He noted that 3.2 acres of the open space is wetlands, and they filed with the Conservation Commission which confirmed the wetland boundaries. He stated that the smallest lot would be 30,081 sq. ft. and the largest 55,892 sq. ft. He noted there would be on-site wells and septic systems, and they will submit to the Bd. of Health for all lots but one this week. He noted that the Hubley home would remain, but some of the outbuildings would be demolished. He stated the plan shows two cul-de-sacs with 40 ft. rights of way and 20 ft. traveled ways. He stated that each road would have separate drainage systems, and described the systems. He stated a maintenance and operation plan for each has been submitted. He noted that an Environmental Analysis had been submitted as well. He referred to the special permit requirement for drywells on each lot, stating that they have not proposed them on Hubley Rd. because they aren't necessary. He noted that the recharge calculations indicate that if additional water was recharged it would exceed current flows.

Mr. Coolidge asked if the applicant had received the comments of Fay, Spofford & Thorndike (FST), the Board's consulting engineer, and Mr. Marquedant replied that they did. He noted FST raised issues with respect to drainage, retaining walls, sight distance at Cedar St. Extension, and the list of waivers. He noted that they would like to address them at the next hearing.

Ms. Wright stated she has questions about screening and how much lot clearing would be required. Mr. Goncalves asked if the full extent of all of the lots would be cleared. Mr.

Marquedant replied that the lots along Hubley Rd. would be cleared, but they would try to retain vegetation where possible. Ms. Rose asked if any vegetation would remain between Hubley Rd. and the abutting property to the east, and Mr. Marquedant replied some would remain.

Mr. Coolidge asked about the depth of the cut for the detention basin on lot 3. Mr. Marquedant stated it is about 6 ft. He stated the sideslopes would be 3:1 with storage volume at the bottom. He stated there will be water at the bottom to support plants in the basin, which will serve as a re-created wetland. Mr. Goncalves noted that they are rectangular in shape, and asked if they can be made to look more natural and be designed with the contours of the land. Mr. Marquedant noted they could, but he is concerned that they are already large and they would get bigger, requiring more clearing. Ms. Altamura stated she wants a natural looking feature. Mr. Herr asked if it can be redesigned on the plan, and Mr. Marquedant replied that it could be, but he would like to be able to make changes in the field. Ms. Altamura noted that the project could be sold after approval, and what is on the plan will be built.

Dorothy McLellan, 34 Lincoln St., asked if the end of Lincoln St. would be lowered. Mr. Marquedant replied that it would be in order to pick up the drainage and bring it into the system. Ms. McLellan asked where the cut would begin, and Mr. Marquedant described the plan.

Peter Grasso, 50 Cedar St. Ext., stated that in the past, the developer agreed to maintain a 50 ft. buffer between the stone wall on the edge of their property and the road, and the plan doesn't show that. He stated the developer also mentioned repairing the wall and adding trees. He stated they can see the Hubley's house from their house and there is no screening now. He stated the new street is closer than anticipated. Mr. Marquedant stated it is in the same location as the concept plan. Mr. Grasso stated they weren't happy then, but they were promised more screening. He stated they have 528 ft. of property line that needs to be screened, noting they have an all-glass room that faces in that direction. He stated that they are getting surrounded by development.

Mr. Coolidge asked what planting there is on the Grasso property now in that area. Mr. Grasso stated they have big pine trees but they have no low branches. Ms. Altamura stated she thought there would be more screening proposed in that area. Mr. Grasso asked how far the road will be from the stone wall. Mr. Marquedant stated he was unsure. Mr. Grasso asked why there isn't 50 ft. between the stone wall and the road. Mr. Marquedant stated that it would put the new road too close to Wedgewood Dr. Ms. Wright suggested planting on the Grasso property. Mr. Grasso stated that would prevent them from seeing the stone wall. Mr. Coolidge suggested planting some shrubs and plants up to 15 ft. tall to break up the area between the road and the stone wall. Mr. Martins stated they would provide more screening. Mr. Herr stated they should move the road 10 ft. closer to Wedgewood Dr. Mr. Martins stated that would require the cutting of more trees on the Hubley property. Mr. Coolidge stated he was concerned about roads being too close together, and would prefer more screening instead. He noted that he didn't think 10 ft. would make much difference with the screening. Mr. Martins stated he will stake out the area, then go out there with Mr. Grasso to develop a screening plan.

Tom Gaston, 71 Wedgewood Dr., noted that when exiting Overlook Rd., there is inadequate sight distance looking to the right. The Board asked Ms. Lazarus to look into that and write a

letter to Toll Brothers about the problem. Mr. Gaston noted there is a drainage problem on Cedar St. Ext. between Wedgewood Dr. and Overlook Rd., and asked if the applicant could put in a culvert or do something to fix it because it ices up in the winter. Mr. Marquedant stated it is too far to the east for them to collect the water, and they looked at it years ago for the Highway Dept. He stated that the road was repaved several years ago and it created the problem, and stated that the water flows away from the subdivision.

Ms. Rose stated she would take the traffic-related issues to the Traffic Safety Committee.

Mr. Gaston stated there is no Stop sign at the end of Wedgewood Dr. and there should be one.

Roger Fink, 28 Lincoln St., stated the developer has been willing to accommodate the residents issues.

The Board voted unanimously to continue the public hearing to April 12, 2004 at 8:30 PM.

Helen Miller, 34 Cedar St. Ext., asked what the buffer is required to be. Mr. Coolidge noted the buffer was waived by the Board at the concept stage. A resident asked if there is a rule relative to having a street across from a driveway, and the answer was no.

Allison Grasso, 50 Cedar St. Ext. referred to condition #2 of the special permit relative to screening.

Adjourned: 10:30 PM

Elaine C. Lazarus, Planning Director

Approved: March 22, 2004