

HOPKINTON PLANNING BOARD

Monday, April 26, 2004 7:30 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, Planning Director

1. 81-P Plan – South Mill St. and Front St. – Braim & Southwoods LLC

George Connors, representing the property owner, described the plan to create new 16 new building lots on the east and west side of South Mill St. and on Front St.

Mr. Herr and Mr. Abate arrived at this time.

Mr. Connors described the 85.6 acres and stated the lots are being created for soil testing purposes. He stated they meet the lot frontage depth requirement in the Zoning Bylaw. Ms. Duffy noted that the land is Chapter 61 tax status, and asked what category it is in. Mr. Connors replied it is in Forestry. He stated the land has not been offered to the Town yet, and that Christmas trees are grown on the east side of South Mill St.

Ms. Wright arrived at this time.

Ms. Duffy asked about parcel A, which would be landlocked by the plan. She asked if there will be a trail or access to it. Mr. Connors stated it is mostly wetlands and there are a few trails there now. Ms. Duffy asked if the old garage on the west corner of the South Mill St./Front St. intersection is 75 years old or more, and the response was that they didn't think so. Mr. Coolidge noted that the plan indicates it will be demolished, and if it is 75 years old or older, the Historic Preservation bylaw would apply. He noted that both streets are designated scenic roads, and permits are needed for tree or stone wall removal in the road rights of way.

Mr. Herr asked about the lot sizes, and Mr. Connors stated they are 60,000 sq. ft. or more. Ms. Wright asked if there are plans for the two old houses on the property, and if they will be demolished. Mr. Connors stated they have no plans for the east side of the street at this time. Mr. Goncalves asked if Chapter 61 allows for the creation of lots. Mr. Coolidge stated the Town should be notified, but the land can't be developed until it is offered to the Town first.

David Goldman, Hopkinton Area Land Trust, asked what they plan to do with parcel A, and Mr. Connors stated it is mostly floodplain and swamp. Mr. Goldman asked if they had considered donating it as open space. Mr. Connors replied no.

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

2. Highland Park IV

Timothy Nealon, attorney, requested an extension of the Open Space and Landscape Preservation Development Special Permit, which is due to expire on May 1, 2004. He stated the original subdivision plan was approved in the 1990's but was never endorsed. He noted that the definitive subdivision plan was amended in 2002 and the number of lots decreased from 31 to 24. He stated there were 26 conditions of approval that need to be addressed, and their engineers say they are 30 days from presenting those changes. He stated they went through an arduous procedure with the Conservation Commission because of the wetlands crossings, and this has been concluded. He noted the Con. Comm. is looking for some additional engineering items, and this will be addressed. He noted that the abutters filed an appeal of the Planning Board's approval of the amendments, but this was dismissed. He stated the title defect has worked through the Land Court and they expect the decree, so the owner is willing to start construction when the final plan is approved. He added that the Order of Conditions issued by the Conservation Commission will restrict when the work can take place, so work would start in July. He stated that if the permit is not extended, the current OSLPD regulations would make it difficult to develop because of the 100 ft. buffer requirement. He stated that Highland Park was the first open space plan to be submitted to the Planning Board after the original bylaw was adopted, and the owner's father was instrumental in writing the bylaw. He stated he thinks this will be the last request for extension, and requested an extension of 6 months.

Ms. Altamura asked what the impact would be if a new plan had to be filed under the current bylaws. Mr. Nealon stated it would eliminate the lots near the Southborough Rod & Gun Club and others also. Ms. Altamura stated that at some point, this shouldn't be continued. She asked at what point should extensions stop.

Ms. Duffy noted that some of the lots might not meet the lot frontage depth requirement. Ms. Wright asked if the delay had been largely due to the land dispute, and Mr. Nealon replied yes. He stated they stopped working on the plan then. Ms. Wright noted that the Board had spent a lot of time on the amended plan. Mr. Coolidge asked if a 6-month extension is realistic, and Mr. Nealon replied yes. Mr. Goncalves asked why it has taken 10 years. Mr. Nealon stated the title issue went to Land Court, and a judgment is expected soon. He stated that his client owns the land now and is ready to go forward. Ms. Altamura stated she doesn't have a problem with the six month extension, but she doesn't want to issue any more after that.

It was moved and seconded to approve the extension for 6 months from May 1, 2004. Mr. Nealon stated that 6 months should be sufficient unless they have a major problem with the Conservation Commission. The Board voted unanimously in favor of the motion.

3. 81-P Plan – Front St. – Mezitt Agricultural Corp.

Joe Marquedant Jr., surveyor, described the plan showing two building lots on Front St., which will be sold. He stated that the lots meet the frontage and area requirements in the Agricultural district. Ms. Wright noted that the owner needs to be aware that Front St. is a scenic road and tree or stone wall removal within the road right of way requires a permit from the Planning Board. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

4. Public Hearing – Deer Run – Amendment to Definitive Subdivision Plan

Dave Marquedant, surveyor, Gregory Herrema, applicant, and David Goldman, Hopkinton Area Land Trust (HALT), applicant, appeared before the Board. Mr. Marquedant described the plan for a land swap between the Herremas at 13 Fawn Ridge Rd. and HALT. He stated that a total of 5,024 sq. ft. will be conveyed to HALT from Herrema, and 4,954 sq. ft. will be conveyed to Herrema from HALT. The land conveyed to HALT will become permanent open space, and the land conveyed to Herrema will cease to be permanent open space. It was noted that the swap is requested because the builder cleared the 4,954 sq. ft. area during construction of the house or subdivision, and it makes more sense for it to be part of the house lot than the open space. Mr. Marquedant stated the land has been maintained by Herrema with HALT's permission since they bought the house. Mr. Herrema stated it is an opportunity for him to obtain maintained land and HALT to obtain wooded land. Mr. Goldman noted that the property monuments will be moved if the plan is approved, and requested a waiver of the filing fee for the application.

The Board voted unanimously to approve the amendment to the definitive plan as submitted. The Board voted unanimously to waive the filing fee.

5. Administrative Business

The Board voted unanimously to pay outstanding bills. The Board voted 7 in favor with Mr. Aghababian and Ms. Altamura abstaining to approve the Minutes of April 12, 2004.

6. Public Hearing – Deneen/Scarлата Subdivision – Open Space and Landscape Preservation Development Concept Plan – Oakhurst Rd.

Jeffrey Richards, landscape architect, and Mark Wright, representing the applicants, appeared before the Board. Mr. Richards briefly described the concept plan showing five lots off a new dead end street beginning at the intersection of Scarлата Rd. and Deneen Rd., and one new lot on Deneen Rd. He stated he has been working with the family for 2 ½ years to develop the plan, and all of the lots would be for family members.

Mr. Coolidge asked that the applicant address the comments of Fay, Spofford & Thorndike (FST), the Board's engineer. Mr. Richards reviewed the items in the letter dated April 21, 2004. He addressed the comment about the disposition of the abutters existing structures on the property, stating that MacKay might need an easement to access their garage and the other areas will be deeded to the abutters when Crescent Dr. is discontinued. He noted that the wetland delineation has not been accepted by the Conservation Commission yet and they will submit a request to the Commission to do that. Mr. Coolidge asked if there are any areas of the subdivision that could be affected by wetland issues. Mr. Richards stated that the resource value of the intermittent streams will be discussed, but no work will occur within the 50 ft. buffer. He stated they will relocate the Peppercorn trail and a boardwalk crossing for the trail is the only work proposed in the wetland.

Ms. Altamura referred to the comments of the Conservation Commission on the conventional subdivision plan submitted, which stated it would not allow two or three of those lots. Mr. Richards stated that is a decision of the Planning Board, not the Con. Comm. He stated he wants

to schedule a site walk. He referred to FST's item regarding utility connections and contiguous open space parcels, noting that these are not a problem. Ms. Wright asked if 50% of the site is open space when the cul-de-sac island isn't included in the calculation. Mr. Richards replied yes. He stated if they need a detention basin on a separate parcel, they would relocate it to the island. Ms. Rose stated she doesn't like the island as open space because it is so small and isn't true open space. Mr. Richards stated it will be maintained by the homeowners association and the area will be cleared for construction. Ms. Wright stated it shouldn't be called open space and it could set a precedent. Mr. Coolidge noted that even if it wasn't official open space, it could still be owned and maintained by the association. Mr. Herr asked if it had to be cleared for construction or if existing trees could be retained there. Mr. Richards stated it had to be cleared for utility construction. Mr. Coolidge noted that if there are large trees there, they could try to save them. Mr. Wright stated that there is an existing cart path that goes through the future center of the island. Mr. Richards stated they could stake it for a site walk.

Mr. Richards referred to FST's item relative to dead end streets. He stated they are not extending a dead end, but all of the development is at the end of a dead end street. Ms. Duffy asked if the existing Scarlata Rd. would be upgraded to match the new road, noting that it is currently gravel. Mr. Richards stated he thinks it will need to be upgraded for emergency vehicles, and he will be meeting with Ken Clark at the Fire Dept. this week about that. He noted that Scarlata Rd. and Deneen Rd. are currently private ways. Mr. Wright stated that a review has found that there is nothing deeded to abutters – they do not own to the centerline. He stated that the title work has been done and it is very clear.

Ms. Duffy asked if there is a drainage system in Crescent Dr. now. Mr. Richards stated there is an open ditch to a culvert between houses, then a pipe under a shed, then it goes to Oakhurst Rd. He stated that it is dry in the summer. He referred to FST's concern for the need for easements to do work off-site in the vicinity of Deneen Rd., noting that they would like to do all of the work within the 25 ft. road right of way there so they don't need easements. Mr. Coolidge asked if the utilities can be located elsewhere. Mr. Richards stated they probably can't, and there will be water, sewer, and drainage in Deneen Rd. Mr. Wright stated that the water and sewer currently goes halfway up Scarlata Rd.

Mr. Goncalves asked if the lots would be served by municipal water and/or sewer. Mr. Wright stated they have two sewer betterments, so those will be used by two of the lots. He added that they will request sewer for the other four lots. He stated they will receive municipal water for all of the lots. He noted that the soils on all of the lots can support septic systems. Mr. Goncalves asked if the lots can accommodate both wells and septic systems. Mr. Richards stated they can accommodate the required separation distances, and they did the soil testing about 1 ½ years ago. He stated there is relatively high groundwater, but all of the lots are viable.

Mr. Goldman stated they will need a nitrogen loading easement on the open space if they have on-site septic systems.

Ms. Duffy asked if anyone currently has frontage on Deneen Rd. Mr. Richards stated there are two lots there but no houses. He stated it is currently passable by vehicles. Mr. Coolidge asked how wide it is, and Mr. Richards stated it is a 10 to 12 ft. wide gravel road now, and they

propose that it be 16 ft. Mr. Goncalves asked how wide Oakhurst Rd. is at the Scarlata Rd. intersection. Mr. Richards stated it is about 14 ft. He stated they would like to make the roads as narrow as possible. Mr. Coolidge stated that access by the Fire Dept. is key. Ms. Altamura stated that the shoulder width is important when there are narrower roads. Mr. Wright stated they want Oakhurst Rd. to be the primary road that people will use.

Mr. Richards stated they will prepare a profile of Deneen Rd. as requested by FST. He stated they don't expect cuts of more than 4 to 5 feet. He referred to the waivers requested, noting that some are more important than others at this time as they are relative to definitive plan design, such as sidewalk, berm, etc. He stated they could meet all of the town standards with the exception of the 100 ft. buffer requirement. He stated they can meet all of the requirements of the Subdivision Rules and Regulations.

Mr. Abate asked about municipal water to fire hydrants versus providing cisterns for fire protection. Mr. Richards stated there is a hydrant at the Scarlata/Oakhurst intersection and they will discuss this further with the Fire Dept.

Ms. Duffy asked about the elevation and grade of the road as compared to the elevation of Lake Maspenock. Mr. Wright noted that Scarlata Rd. is relatively flat, and runoff now flows down Oakhurst Rd. to the end. Ms. Duffy stated that she is concerned that when Scarlata Rd. is paved, runoff will go across Oakhurst Rd., through abutters yards, then to the lake. Mr. Richards stated that the drainage system in the new roads will divert the runoff to the basin. He described how they propose to construct a berm to hold water in an existing depression on the property. Mr. Coolidge asked how much water would be in the basin. Mr. Richards stated they have done preliminary calculations where they assumed 20 ft. wide pavement. He noted there are white pines in and around the depression that they would like to retain. Mr. Coolidge stated that the white pines will be negatively affected by the water if it sits there too long.

Ms. Wright asked if the roads would be public or private. Mr. Mark Wright stated that they are intended to be public. Ms. Wright asked why the proposed name for the new cul-de-sac is "Deneen Road" when it is really an extension of "Scarlata Road" the way it is laid out. It was noted that this would be reviewed by the applicant.

Mr. Richards returned to FST's comment relative to a waiver for length of a dead end street. He stated they don't view it as an extension of a dead end. He noted that FST recommends 20 ft. pavement widths with cape cod berm throughout and that is not what they have proposed. He noted that the basin would be located in the open space if approved by the Board, or on a separate parcel if not.

Ms. Duffy stated they should address the comments of the Conservation Commission in its letter dated April 13, 2004. Mr. Goncalves asked if a house can be built on two of the conventional plan lots without a stream crossing. Mr. Richards stated the conventional plan shows 7 lots and the road meets the design criteria. He stated the lots meet the lot frontage depth requirement, and described the lot layout. He stated they have located the Agricultural/Residence Lake Front zoning district line by survey. He stated that one would need to cross a stream on lot 2 to get to a house location, a house could be put near the street with no crossing on lot 3, and it could be

possible to put a house on lot 5 without a crossing. Ms. Altamura read from the Con. Comm. letter which stated that 2 or 3 lots are not viable, and the applicant would be creating their own hardship because it is raw undeveloped land. Mr. Richards stated they don't want to build the lots and they are plausible lots. Ms. Lazarus asked if the conventional plan could be redesigned to show 6 lots without stream crossings, noting that 6 lots are shown on the OSLPD plan. Mr. Richards stated he didn't know.

Mr. Richards showed the Board a plan of how frontage lots could be created on Crescent Dr., a paper street on the property, instead, without Board approval. He stated they could legally do this. The Board discussed the plans. Mr. Richards stated that they could get the ANR plan endorsed by right and there would be no Con. Comm. jurisdiction over the lots. Ms. Lazarus disagreed. Mr. Richards stated that this plan shows that there is a viable plan for more than 6 lots for the property, and Ms. Lazarus disagreed.

Craig Campbell, 56 Oakhurst Rd., stated the family have been good neighbors, and the plan shows a limited number of houses and the existing trail will be kept. He stated the drainage issue which will be addressed will help him. He questioned whether the plan would open up the adjacent land for development.

Lawrence Fowler, adjacent land owner, stated the 30 acre parcel he owns will be for one residence only.

Mr. Coolidge noted that a variance granted by the Board of Appeals limits the parcel to one dwelling.

Mr. Campbell stated the new roads should be kept as narrow as possible. He stated it would be beneficial to have sewer to all of the lots, as septic systems could be detrimental to the water quality of the lake.

Mary Harrington, 102 Wood St., stated the plan is another way for generational families to keep people in Town, which is one of the goals of the Affordable Housing Task Force. She stated that she is speaking as a resident and former Planning Board member, and noted that this is the first OSLPD plan in the Residence Lake Front area. She noted that this area of Hopkinton is unique, and the Board should look at it differently than other areas. She suggested looking at it with a different set of eyes than the Agricultural district which has different circumstances. She stated the applicant should try to get sewer for the other 4 lots because when the subdivision was built off West Elm St. (Canterbury), sewer was granted due to the proximity to the lake. She noted that the property has been in the family for around 100 years, and Mr. Deneen was on the Planning Board for 15 years and worked to develop this land for his children. She stated it is a tasteful approach to development and recommended that the Board look favorably on the application.

The Board decided to walk the site at 6:00 PM on May 19, 2004.

Mr. Goldman asked about the disposition of the open space. Mr. Richards stated it would be conveyed to a homeowners association with a conservation restriction to an open space organization.

The Board voted unanimously to continue the public hearing to June 7, 2004 at 7:45 PM.

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

Joe Marquedant Jr., surveyor, and Jose Martins, applicant, appeared before the Board. Mr. Marquedant addressed the items in FST's letter dated April 22, 2004, noting that abutters Labriola and McLellan on Lincoln St. are willing to let the work occur where shown on the plan as it applies to their property. He stated this means that they can push the retaining walls back when they have formal agreements with them. He noted that J.T. Gaucher, DPW Director, has said that he would rather see the walls pushed back to the edge of the right of way. He stated that there will be an easement on the Hubley property for sight distance on Cedar St. Ext. and they have no rights to do any clearing on the Grasso property on the other side of the proposed road. He noted there is low brush and some 6" to 12" diameter trees in the area. Ms. Rose asked what the sight distance is in that direction currently. Mr. Marquedant stated there is 200 feet when a vehicle is stopped, but when they move forward, a tree will block views. He stated there are 3 to 4 in the right of way that could be cut if necessary, and 3 to 4 more on the Grasso property that block sight distance. He suggested that the Board could look at the road when in to determine which trees should be cut. He noted that they had previously submitted a rationale for the waiver requests, and that the homeowners association will maintain the detention basins.

Mr. Goncalves asked if the basin shapes had been modified to fit better with the topography. Mr. Marquedant described the changes that had been made. He referred then to FST's comment about runoff to the Sudbury River and the applicant's attempt to contact the Army Corps of Engineers (CoE) regarding runoff to the river. He stated the CoE responded that they have no jurisdiction, so there is no one to approve it. Mr. Goncalves asked what the additional runoff to the river is. Mr. Marquedant replied there wouldn't be much. He noted that FST recommended another catch basin at the low point on Lincoln St., adding that they had put a new one in Hubley Rd. to reduce the load at the nearby double grate, and they are willing to do the same on Lincoln St. He stated there would be drywells at each house on Lincoln St., but they don't need them on Hubley Rd. because of the detention basins there. He stated they would add the spillways to the plan as requested by FST.

Mr. Marquedant referred to FST's comment about the need for soil testing in the area of the proposed basins. He stated that 4 of the 5 basins will have artificial wetlands and the concern is depth of groundwater. He stated they will conduct the necessary testing. He addressed the issue of vegetative screening in this area, and this will be further defined. Mr. Martins stated he met with the Pappas's, who will abut the basins. He stated they wanted the equipment that the Hubley's have on their property now removed, but did not express a concern about screening.

Mr. Marquedant referred to a condition of the Special Permit which limits the subdivision to 5 acres of disturbance at any one time. He stated that one road and one lot would constitute 5 acres, and the developer intends to construct the subdivision quickly, so this wouldn't work. Mr.

Martins stated the neighbors were concerned about the length of construction, and he wants to build quickly because it is less expensive. He stated he wants to build the houses quickly and finish the subdivision in one year. Mr. Coolidge noted the condition was an attempt to phase construction. Ms. Lazarus noted there were also concerns about erosion from unstabilized areas to the Sudbury River. Mr. Martins stated he wants to complete the project in one year. Mr. Coolidge noted the area is environmentally sensitive. Ms. Duffy noted there will be erosion control measures on site. Mr. Herr suggested not allowing the clearing of lots if they won't be built that calendar year. Mr. Martins stated he will agree to not clearing a lot until a permit is issued. Ms. Wright asked about protecting disturbed areas with mats. Mr. Marquedant stated that the detention pond areas will be stabilized rapidly.

Mr. Marquedant referred to FST's comment about groundwater recharge and the Environmental Analysis, noting that the recharge will be approximately what is there now, so the calculations regarding potable water follows. He stated they will install the cisterns as approved by the Fire Department. He stated they will use the stones from walls disturbed in the development at road returns and around the cul-de-sac. He noted that they will plant 18 trees in the open space adjacent to Grasso, which will consist of three species including white pine and spruce, for a total of 21 new trees there. Mr. Martins stated they will have to cut trees in order to plant them, and he thinks Grasso will change his mind and when the road is in.

Ms. Lazarus described the provisions of the town's Easement Management Bylaw, noting that some of the lots showed houses to be built within the drainage easement, and this will require review of the house location by the Planning Board and DPW. Ms. Lazarus also recommended that the plan be revised to show that the traveled way of each road will be 20 ft., as required by the Subdivision Rules and Regulations.

Ms. Wright asked about the grade of the McLellan driveway. Mr. Marquedant stated that the driveway will change in that it will be shorter, but will have the same slope as today. He noted that their driveway is now in the road right of way and it will be cut back.

The Board voted 7 in favor, with Ms. Altamura and Mr. Abate abstaining, to approve the definitive subdivision plan with the following conditions:

1. Prior to the Planning Board's endorsement of the subdivision plan, the applicant shall execute an Agreement with the Planning Board, that no lot depending on Hubley Rd. or the extension of Lincoln St. for their legal frontage shall be sold, or buildings or structures erected or placed on, or building permits issued with respect to any such lot, until:
 - a) The work on the ground necessary to adequately serve such lot has been completed in accordance with the contents of the Subdivision Plan and Profile of Hubley Rd. and the extension of Lincoln St. and with the Subdivision Rules and Regulations and that all other requirements of the Subdivision Rules and Regulations have been fully complied with; or
 - b) The applicant has executed a contract with the Planning Board, accompanied by appropriate security to secure performance, to complete construction of Hubley Rd. and the extension of Lincoln St. in accordance with the Subdivision Rules and Regulations, on or before a date specified in the contract;

- c) The applicant has recorded in the Registry of Deeds (or Land Court) a certificate executed by the Planning Board that the above conditions with respect to any such lot have been performed by him or have been amended, modified, revoked, waived or released by the Planning Board.
2. After finding that it was in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law, the Planning Board waived strict compliance with the following provisions of the Subdivision Rules and Regulations, in accordance with Section 81-R of the Subdivision Control Law and Section 7.1 of the Subdivision Rules and Regulations:
 - a) Two deep hole and percolation test results for each proposed building lot are not required to be submitted with the definitive plan (5.4.1.BB). Compliance with Title 5 requirements will be determined by the Board of Health on an individual lot basis.
 - b) Offset between the roadway centerlines of Hubley Rd. and Wedgewood Dr. which is less than the 125 ft. requirement (8.2.1.C).
 - c) Cape cod berm shall be used along pavement edges with radii less than 100 ft. instead of granite curb (8.2.2.A).
 - d) Grading for sideslopes to begin within the right of way of Lincoln St., starting three feet behind the curbing instead of at the edge of the right of way, in order to reduce site disturbance (8.2.6).
 - e) Stormwater basins shall be located as shown on the Plan, within 25 ft. of a lot line, and screening of basins shall be as shown on the Plan (8.4.10).
3. The common open space shall be deeded to the Hopkinton Area Land Trust (HALT) in accordance with the provisions of the OSLPD bylaw, prior to the issuance of the first building permit in the subdivision, and a Conservation Restriction shall be placed on the open space. HALT shall select the recipient of the Conservation Restriction.
4. Roadway and infrastructure construction shown on the plan shall be completed within four years from the start of construction or this approval shall be automatically rescinded unless such time is extended after public hearing by the Board at the request of the applicant. If construction has not commenced within three years from the date of this approval, such approval shall be automatically rescinded.
5. A Homeowners Association shall be established which shall have maintenance responsibility for the detention basins and associated facilities within the subdivision, with the exception of the drainage structures within the road rights of way, which shall be maintained by the Town after the roadway is accepted as a public way. The Stormwater Maintenance Program shall be modified to specify responsibility for each item. The Association shall also be responsible for maintaining all retaining walls shown on the plan, including all those within road rights of way and the open space. Documents establishing the association shall be submitted to the Board for review prior to the issuance of the first building permit in the subdivision.
6. The Plan shall include a plant list for the screening shown adjacent to the Grasso property (50 Cedar St. Ext.), including the species to be planted and the size at the time of planting. The Applicant shall submit a copy of his agreement with the property owner which describes the planting. If the owners so desire during construction, some or all of the plant materials shown for screening may be planted on the 50 Cedar St. Ext. property instead of within the open space as shown on the plan.
7. The typical roadway cross section shown on the plan shall be revised to show that the traveled way will be 20 feet, as required by the Subdivision Rules and Regulations.

8. In accordance with the provisions of Hopkinton Bylaws, Chapter 99, Easement Management, the proposed location of any house to be situated within a drainage easement shall be submitted to the Planning Board and the Hopkinton Department of Public Works for approval prior to the issuance of a building permit.
9. There shall be a maximum of 10 building lots in the subdivision, including the lot containing the existing house at 54 Cedar St. Ext. This condition shall be written on the plan prior to endorsement.
10. The plan shows work within the Lincoln St. right of way, a public way. No work shall commence to construct this portion of the subdivision until written approval has been received from the Hopkinton Dept. of Public Works.
11. The Special Permit requires that the applicant retain the stones contained in existing stone walls within the property that will be disturbed for construction purposes, and that the stones shall be used to construct new walls along the frontage of each lot along the new roads. The Applicant has noted that there will not likely be enough stones to cover all of this area. Therefore, stones shall be used within the subdivision in any of the following locations: a) at the road entrances; b) within the cul-de-sac islands; or c) along the walking trail within the open space. The developer shall decide which shall be the priority area in the event there isn't a sufficient number of stones to provide for all of the areas. The Board expressed a preference for locating the stones on public/common property rather than private/individual properties.
12. Several revised plans were submitted during the public hearing process, but not a full set. The plan submitted to the Board for endorsement shall contain all final modifications.
13. The plan shows work that will likely require disturbance to designated open space during construction. Prior to plan endorsement, the applicant shall submit a plan to the Planning Board for approval which shows the limits of disturbance and how the area will be restored after construction.
14. Condition #6 of the Special Permit was discussed, which restricts disturbed area to a maximum of 5 acres at any one time during construction. The applicant noted that the roadway areas could be 5 acres alone, and offered to not clear any building lots until building permits had been issued. The Board accepts this offer. Therefore, no building lots shall be cleared for house construction purposes until building permits are issued.
15. Several items identified by Fay, Spofford & Thorndike (FST), the Board's consulting engineer, in letters dated March 5, 2004, April 7, 2004, and April 22, 2004 remain outstanding, and the applicant stated that they would be addressed. The items to be addressed are:
 - a) Work to extend Lincoln St. and construct the items shown on the Plan will require easements from abutters McLellan and Labriola for the off-site work. The applicant stated that discussions with the abutters had been positive and verbal feedback indicated that the easements would be granted. In addition, FST had recommended that the retaining walls shown on the Plan at this location be moved out to the edge of the right of way and that they be structurally designed. Therefore, prior to construction of the Lincoln St. Extension, the applicant shall submit fully executed easement documents, and prior to plan endorsement, shall modify the Plan to move the retaining walls and submit the designs to FST for review.
 - b) Page 4, item c, of FST's letters referred to catch basin placement and the hydraulic analysis, and questioned whether an additional catch basin will be provided at the low

- point of Lincoln St. The applicant stated that an additional basin would be provided there, and the modification shall be submitted to FST for review prior to plan endorsement.
- c) Page 4, item f, of the letters was relative to drywells on individual lots. FST requested clarification of this item, and the applicant shall provide the necessary information to FST for review prior to plan endorsement.
 - d) The applicant shall add the emergency spillway locations to the plan for each stormwater basin, as discussed at the public hearing, prior to plan endorsement.
 - e) FST requested that soil logs be provided in the area of the detention basins to verify soil conditions, groundwater, and/or ledge. The applicant shall provide the information to FST for review.
16. The Board will visit the site when the roadway entrance onto Cedar St. Ext. is constructed with the gravel base. At this time, the Board will review the sight distance to drivers along Cedar St. Ext., and decide which trees must be removed to provide the necessary safety to drivers and pedestrians.
 17. Street trees shall be planted as shown on the approved plan and in accordance with the Subdivision Rules and Regulations. The Board encourages the applicant to retain trees in the road right of way when possible. The applicant shall consult with the Tree Warden with regard to species and location, prior to planting.
 18. There shall be no permanent development signs at the subdivision. A temporary marketing sign may be erected at each entrance if permitted by zoning regulations, but shall be removed once all the lots are sold.
 19. Tree stumps and building scrap materials shall be removed and shall not be buried on the site.
 20. Street numbers for the new lots shall be shown on the subdivision plan in accordance with the Subdivision Rules and Regulations prior to endorsement. The applicant shall consult the Director of Municipal Inspections on the numbering system.
 21. Erosion control measures to prevent siltation onto wetlands, neighboring properties and roads during construction shall be implemented. The erosion control documentation submitted shall be implemented and followed during construction. During construction, if these plans are found to be inadequate by the Planning Board, a new erosion control plan shall be submitted to the Board for review and approval. In the event that erosion and sedimentation problems arise during construction, the Planning Board may require that all work cease until measures necessary to ensure prevention are implemented.
 22. No building permits shall be issued or any construction in the subdivision allowed until approval for such work has been obtained from the Conservation Commission for areas affected by the Wetlands Protection Act and the Hopkinton Wetlands Protection Bylaw.
 23. Drain easements shown on the plan shall be defined by metes and bounds, deeded to the Town, recorded at the Registry of Deeds (or Land Court) at the applicant's expense, and copies furnished to the Town Clerk, Department of Public Works, and Planning Board.
 24. Disturbed areas shall be loamed and seeded during construction as soon as possible.
 25. During construction, common open space shall not be used for storage of construction vehicles, stockpiling of loam or other material, or any other use incompatible with its future use.

26. The street names shall be approved by the Board of Selectmen prior to endorsement and recording of the plan. The street sign shall be erected by the applicant prior to the issuance of building permits.
27. An additional amount shall be added to the performance guarantee for this subdivision to cover potential remedial work required in the event that any element of the stormwater management system shown on the plan does not function as intended.
28. During construction, streets shall be swept and catch basins sumps shall be cleaned regularly, at least twice a year.
29. The applicant should be aware that Sec. 8.7.3 of the Subdivision Rules and Regulations states that no components of any private irrigation system shall be installed within the street right of way.
30. The applicant should be aware that Sec. 8.4.8 of the Subdivision Rules and Regulations states that perimeter drains and cellar drains shall not be connected into manhole and catch basin structures, and in no case may such drains discharge into the street right of way.
31. The plan shows the location of where earth will be stockpiled on site. There shall be no deviation from this plan without prior Board approval. No earth products shall be delivered to the site which are not for use on the property. No earth shall be stripped or excavated and removed from areas of the site unless for road, infrastructure, home or lawful accessory use construction. No earth processing operations shall occur on the site, unless earth products are to be combined and/or mixed for use on the property. All piles of stockpiled earth shall be stabilized with adequate dust and erosion controls. All piles of earth shall be removed from the subdivision upon completion of construction of the road and infrastructure. Any piles remaining after that time shall be solely in conjunction with an active permit for construction of sewage disposal system, building or lawful accessory use. Any violation of this provision may result in a stop work order or plan rescission.

8. Zoning Amendments

Mr. Coolidge noted that the Board had held a public hearing on two proposed amendments to the Zoning Bylaw at the last meeting but that it did not vote a recommendation. He noted that the petitioner stated she would withdraw the articles at town meeting, but the Board should make a recommendation in case they aren't withdrawn. He recommended that the Board vote not to support the Inclusionary Housing and Affordable Accessory Dwelling Unit bylaws. He stated they did not go through the Zoning Advisory Committee as the Board requested. He noted that the inclusionary housing bylaw in particular, should be discussed with builders before adopting it, because they will be affected. Mr. Herr suggested that the Board could support them in the future after they go through the process, but right now they aren't ready. The Board voted 8 in favor, with Ms. Altamura voting no, to recommend that Town Meeting not adopt the two articles.

9. Other Business

NSTAR Site Walk – The Board set a date of May 12, 2004 at 6:00 pm to view trees proposed for removal on scenic roads by NSTAR.

Hopkinton Meadow – The Board reviewed a letter received from Paul Marchionda, engineer for the Hopkinton Meadow subdivision, requesting that iron pins not be required to be

installed along the open space boundary where there are stone walls or chain link fence. The Board declined to grant the waiver.

Equus Hill Estates – The Board reviewed a request by the developer of the Equus Hill Estates subdivision to extend the time to complete the subdivision from April 30, 2004 to August, 2004. The Board voted unanimously to grant the extension to August 31, 2004.

Pine Acres – The Board reviewed a draft open space deed for the Pine Acres subdivision. The Board had no recommended changes.

April 12, 2004 Minutes – Mr. Herr noted that review of the draft letter to the Board of Appeals on the Planning Board’s review of E. L. Harvey & Sons revised plans was not in the Minutes. Upon further review, Ms. Lazarus noted that other items had been omitted from the Minutes as well. The Board will review revised Minutes at the next meeting, and amend them accordingly

Adjourned: 10:55 PM

Elaine C. Lazarus, Planning Director

Approved: May 24, 2004