

HOPKINTON PLANNING BOARD

Monday, June 7, 2004 7:30 PM
Hopkinton Town Hall

MINUTES

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

1. NSTAR – Scenic Road Decision

Calvin Layton, NSTAR, and Kray Small, Tree Warden, appeared before the Board. Mr. Coolidge noted that the Board had approved tree removal on several scenic roads at the last meeting, and the issue of compensatory action needed to be discussed. He stated that he had a conversation with J. T. Gaucher, DPW Director, and Mr. Small after the last meeting, and NSTAR had offered to donate trees instead of cash to the Town. He noted that if the trees were donated, the Board and Tree Warden could decide where they would be planted. Ms. Duffy asked if the tree donation would include the cost of planting, and Mr. Layton replied no. Mr. Coolidge noted that NSTAR is planning to apply for more tree removal soon. Mr. Layton stated they have two more circuits comprising about 50 miles, some in Hopkinton. Mr. Coolidge stated that if the removal is done like what was done to Ash St. a few years ago, it will be difficult to get approval for more in the future. Mr. Layton stated that is good to know. Mr. Coolidge cautioned Mr. Layton that if trees on the “Tunnel Road” portion of Pond St. are proposed to be removed, it should be undertaken with care, because people care about street trees. Mr. Layton stated they just started trimming on Winter St., and they will talk to any resident that has a problem, and will go out and meet with them.

Mr. Herr arrived at this time.

Mr. Goncalves stated that the donation of trees is better than the deposit of funds. He stated that the Board should look to see where trees are needed. Mr. Coolidge asked if the trees had been purchased already. Mr. Small replied yes, and they are now on the Fruit St. property, are mulched in, and will be fertilized this week. He stated there is no timetable for planting them, but they will be well cared for. He noted that the following trees would be donated: 1 green ash, 1 pin oak, 6 sugar maples, and 2 carpinus. Mr. Layton stated this is a good solution. He stated that if the Town doesn't accept their offer, they won't cut the trees. He added that NSTAR may not offer the same thing next time, and the trees being cut are definitely hazardous. He presented power outage data that the Board had requested. He noted there were 16 tree outages that affected 2,392 customers, which was around 8000 customer hours, within the last few years. He stated he thinks that the majority of outages in Hopkinton have been tree related.

Ms. Duffy asked about the readings from the Resistograph for the two trees on Pond St. discussed at the last hearing. Mr. Small showed the printouts, and described how the machine

works. He stated that the maple is mostly decay and should be removed. He stated that it seemed like the ants are in the bottom of the oak and in the roots, and there are no roots on one side, but there is good wood higher up. He noted that the center of the tree is dead (like all trees) and the ants can get in there. He noted that the living part of trees is only the outer two inches or so. He recommended that the tree be removed.

Ms. Duffy asked if the green ash being donated is susceptible to the ash disease, and Mr. Small replied no.

The Board voted unanimously to accept the donation of the 10 trees in lieu of the cash deposit.

2. Nathaniel Wyman Homestead

Mr. Small stated he met with the residents of Wyman Lane, and they want all aristocrat pears to be planted along the street, so they will plant 21 of them. He noted that they will be 12 to 14 feet tall when planted. Mr. Coolidge informed the Board that the Town cut all of the street trees from the subdivision recently, so that is why new ones will be planted. In response to a question, Mr. Small stated that the cost of each tree is around \$250 and the Town has funds to cover the cost.

3. 81-P Plan – 222 & 224 Lumber St. – Colachico & Gaughan

Joe Marquedant Jr., surveyor, described the plan to alter the property lines of 222 and 224 Lumber St. by conveying a small parcel from #222 to #224. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

4. Administrative Business

The Board voted unanimously to pay outstanding bills. The Board voted unanimously to approve the Minutes of May 24, 2004.

5. Master Plan

The Board reviewed information provided by Ms. Lazarus regarding a draft process for undertaking the new Master Plan, including the appointment of a Master Plan Committee. It was noted that the Committee would prepare the Master Plan and would contain representatives of various Boards and Committees, private organizations, and interested citizens. It was estimated that the project would take a little over one year. Mr. Coolidge suggested that a public opinion survey be conducted during the process. Mr. Goncalves noted that the size of the committee may be too big. Mr. Herr noted that the scope of the plan is big also. Mr. Aghababian questioned the timing of the survey, and whether it would be conducted by the committee or the Planning Board. Mr. Coolidge suggested providing some education and information before doing a survey. Mr. Goncalves suggested going to a Board of Selectmen's meeting to present the process and seek volunteers.

The Board decided to send a letter to several Town departments and Boards seeking volunteers to work on the Master Plan, putting information on the Town's web site and local newspapers, and scheduling a meeting with the Bd. of Selectmen to make a presentation. The Board decided to discuss the project further at its next meeting.

6. Deer Run Subdivision

The Board discussed the report received from Fay, Spofford & Thorndike (FST), its engineer, of their review of the as-built plan for the subdivision and other information they received. The Board reviewed a letter and photographs received from the Herremas at 13 Fawn Ridge Rd. relative to the detention pond. Mr. Ballantyne stated that if the detention pond is like the one in Hearthstone, it never fills up. He noted that the photographs show that the area looks bad. Ms. Lazarus stated that she had spoken to the developer, who said that his engineer is working on the changes and will certify that the detention pond, as constructed, will function as designed.

The Board decided to send a letter to the developer requesting his attendance at the next meeting to discuss the status of the subdivision, including the detention pond, and to have the certification of his engineer prior to the meeting date. The Board stated that it will consider enforcement action if the matter is not satisfactorily addressed.

Ms. Altamura and Ms. Wright arrived at this time.

7. Continued Public Hearing – Deneen Scarlata Family Subdivision – OSLPD Concept Plan – Oakhurst Road

Jeffrey Richards, landscape architect, Jerry Effren, attorney, and Mark Wright, representing the applicant, appeared before the Board. Mr. Coolidge asked if the applicant had received the letter from FST dated June 4, 2004, and Mr. Richards replied yes. He stated they think it basically says that all of the remaining issues can be addressed by the definitive subdivision plan. He noted that the proposed names of the streets had been changed on the plan, and that the existing Scarlata Road and its proposed extension would be renamed “Deneen Road”, and the existing Deneen Road would be renamed “Scarlata Road”. Ms. Duffy asked if there are any homes on the streets now that will have to change their address. Mr. Richards noted that there is one house at 4 Scarlata Road that will change, but it is owned by a family member. Mr. Richards introduced attorney Jerry Effren, who will discuss the conveyance of the open space to the Hopkinton Area Land Trust (HALT), and Michael Scott, engineer, who is available to answer any engineering questions.

Mr. Richards referred to the letter from the Board of Health, noting that there should be a correction to it, because the land of Fowler is not part of the open space. He referred to the revised sketch of a conventional subdivision plan for the property which now shows 6 lots. He stated that the wetland delineation has been approved by the Conservation Commission since the last hearing. He noted there was an error on the conventional sketch plan showing the incorrect setback required for the Agricultural zoned lots, but it has been corrected and the lots still work. He referred to plans submitted that show the turning radius for SU-30 vehicles, such as fire trucks, at the intersections shown on the concept plan. He noted that there is abutting land owned by Mr. Wright at the existing Scarlata Rd./Oakhurst Rd. intersection that can be used if necessary to modify the layout of the road in that location.

Mr. Richards noted that the proposed width of pavement needs to be discussed further. Mr. Coolidge noted that the template drawing shows 20 ft. Mr. Scott stated that they propose traveled way widths of 18 feet for the new cul-de-sac and 20 feet for the existing Scarlata Rd. and Deneen Rd. Mr. Coolidge stated he is concerned about the jog in the road that occurs at the intersection of the old roads and the new road, and asked if there is a way of lining the roads up.

Mr. Scott noted that the jog is due to the narrow width of Scarlata Rd., but they can look at it. He stated there will be some grading there.

Mr. Coolidge suggested looking at a monolithic asphalt berm as an alternative to cape cod berm or no berm, and it controls the drainage well and there is less of a problem with plows removing it. He suggested that the applicant look at the new section of Wescott Dr. and at DiCarlo Rd. Ms. Duffy asked if there is a curb on Oakhurst Rd., and Mr. Richards replied that in general, there is no curbing. He stated there have been a few berms added to direct water.

Mr. Richards noted that on March 22, 2004, the Board reviewed an 81-P plan for Fowler, which created parcels to be conveyed to the applicant for the subdivision. He noted that Mr. Fowler this week recommitted his backing of the subdivision, and it is possible that the property lines could move more if there is a problem with density. He stated they view this as a plan for the buildout at the end of Oakhurst Road, and it is only 6 lots. He stated they believe they have met the standards for 6 lots.

Mr. Coolidge asked about the request for Town water. Eric Carty, Water/Sewer Manager, stated that the request for Town water is being reviewed by the DPW Director, but he doesn't think it will be a problem because it is consistent with current Town policy. He stated there are two sewer betterments for the property. Mr. Coolidge stated the Town should give serious consideration to tying in all 6 of the lots to municipal sewer because of the proximity to Lake Maspenock, and the intent of having sewer there was to protect the quality of the water in the lake.

Ms. Duffy asked what will happen with the Emerson and Forbes properties, and noted that the actual buildout is more than 6 lots. Mr. Wright stated that the Emerson and Forbes lots will probably be combined, and he has talked to Mary Harrington about the possibility of the lot for affordable housing.

Mr. Effren stated that the open space parcels would be conveyed to HALT with a conservation restriction, and he has discussed this with Dave Goldman, President of HALT. He stated there are no possible intrusions into the open space during construction. He stated that the family beach parcel would be conveyed to a family trust, which will have restricted access. He noted that there will be a conservation restriction on that parcel as well. He stated that comprehensive title work was done on the family land plus the Fowler land, and there were no conveyances out on the old ways that would interfere with them. He stated that there are no restrictions on their use and construction. He referred to the possible need for easements for turning radii at intersections, and he has been told by Mr. Wright that the people are willing to give them, so he will be drafting the easements.

Mr. Coolidge asked if the Crescent St. paper street would disappear, and Mr. Effren replied yes. Mr. Coolidge asked what would happen to the old right of way to the Fowler property from West Main St., and Mr. Effren stated that would disappear too.

Mr. Coolidge asked about the comment by FST about the separate open space parcels. Mr. Richards noted the two larger parcels are separated by a driveway to the Fowler property, and

they will allow the trail to cross the driveway. Mr. Goncalves asked if they would meet the open space requirement without the separate parcel, and Mr. Richards replied yes.

Mr. Effren stated that the ownership of the separate family parcel would be to a trust of family members, not lot owners.

Ms. Duffy asked how the abutters feel about the waiver of the 100 ft. buffer adjacent to them. Mr. Wright stated they are supportive of the project. Ms. Duffy asked about the MacKay garage, which is close to the property line. Mr. Wright stated they will give an easement to the MacKay's to get into the back of the garage.

Mr. Goncalves noted that HALT does not allow hunting on their open space, and asked if this would be a problem. Mr. Effren replied no.

Mary Pratt, 102 Fruit St., asked for clarification about the lot for affordable housing.

Mary Harrington, Housing Committee, stated that they are just exploring the possibility of doing something there, at a very preliminary stage. Mrs. Harrington stated that the property subject of the subdivision application has been owned by the Deneens for years, and the Committee thinks it is an opportunity for generational families to stay in Town and develop their land for that purpose. She stated that a vote on the application tonight will allow the applicant to work on the definitive subdivision plan over the summer. She stated they support the ability for young people to stay on their land and they endorse the plan.

Mr. Wright submitted a letter from the Scoglands, 61 Oakhurst Rd., in support of the project.

Mr. Coolidge stated he wants to leave the berm issue until the definitive plan stage so the applicant can look at the monolithic berm.

The Board voted 7 in favor with Mr. Ballantyne abstaining to close the public hearing. Ms. Duffy stated she has a conflict of interest now because of the involvement of Mr. Effren and will not vote on the plan.

The Board reviewed the Development Standards and Special Permit Criteria in the OSLPD bylaw. It was moved and seconded to find that the Concept Plan meets the Development Standards and the Special Permit Criteria contained in the Zoning Bylaw. The Board voted 6 in favor of the motion with Mr. Ballantyne and Ms. Duffy abstaining.

The Board voted 6 in favor, with Mr. Ballantyne and Ms. Duffy abstaining, to approve the Concept Plan and issue the OSLPD Special Permit with the following conditions:

1. The following waivers from the Subdivision Rules and Regulations are granted, subject to additional review at the definitive subdivision plan stage when engineering information is available:
 - a) Scale of locus plan – 1"=1500 ft. instead of 1"=800 ft.
 - b) Modified cape cod berm or a monolithic asphalt berm throughout the subdivision.

- c) Deneen Rd. and Scarlata Rd. road rights of way of 25 ft. wide for the existing Deneen Rd. and Scarlata Rd., and 30 ft. for the new street, instead of 50 feet. In the case of the existing Deneen and Scarlata Roads, the right of way width is currently 25 feet.
- d) The grass strip widths between the street and the property line shall be reduced to reflect reduced right of way widths.
- e) Traveled way 18 ft. wide for the new road instead of 20 ft.
- f) No sidewalk is required.
- g) Driveway aprons may be gravel or other material instead of pavement.
- h) Grading of side slopes 2:1 for cuts and 2.5:1 for fills instead of 3:1.
- i) A dead-end street off the end of an existing dead-end street is permitted, for the following reasons: (1) a loop at the end of Oakhurst Rd. will be created and improve emergency vehicle access at the end of the road; and (2) the situation is unique because the intent of the subdivision is for members of a family to live on land which has been owned by this family for several generations. Granting the requested waiver so that long-time residents can continue to live in Hopkinton despite high home prices that would otherwise force them to relocate, is in the best interests of the community. In addition, there will be no further development potential for other land at the end of Oakhurst Rd.

Any requests for waivers at the definitive stage shall be accompanied by documentation necessary in the opinion of the Planning Board to show why a waiver should be granted and why it is in the public interest to do so. If any of the details on the approved Concept Plan require waivers from the Subdivision Rules and Regulations and are not expressly granted in the Decision, they are not intended to be waived at this time. However, the definitive plan submission may propose additional waivers not granted here, as more detailed engineering information is available.

- 2. The applicant shall try to eliminate the jog in the road shown on the Concept Plan at the intersection of the existing Scarlata Rd./Deneen Rd. and the new street.
- 3. The following waivers of provisions of the OSLPD bylaw are granted:
 - a) Reduction in the 100 ft. wide perimeter buffer where shown on the plan. The definitive plan shall show proposed landscape plantings for additional screening in areas where the buffer has been reduced, which will be reviewed by the Board on a case-by-case basis at that time.
 - b) The stormwater basin may be located within the open space as shown on the plan. In this case, the intent is to design a basin which utilizes an existing depression with minimal changes to the surrounding area.
 - c) The stormwater basin may be located within the 100 ft. perimeter buffer as shown on the Concept Plan. Its location will allow the utilization of an existing depression for the basin.
- 4. The definitive subdivision plan for this property shall contain a maximum of 6 building lots.
- 5. The definitive subdivision plan shall show details for the construction and pavement (by the applicant) of the existing Scarlata and Deneen Roads, which will serve the new subdivision.
- 6. No additional stormwater runoff volume shall be deposited onto any abutting property without the written permission of the property owner. Such written permission shall be submitted with the definitive subdivision plan. If no written permission is provided, the plan shall not show runoff in excess of current volumes beyond the property line in that location. The applicant shall submit all information necessary to document pre- and post-development stormwater runoff volumes.

7. During construction, no more than 5 acres of unprotected soil shall be exposed at any one time. Previous earthwork shall be stabilized in accordance with approved design standards and specifications.
8. The definitive plan shall show the limit of clearing, both temporary (for construction) and permanent, required for all work in the subdivision, including homes, septic systems, driveways, lawns, roads, and detention basins.
9. The recommendations and comments of FST, contained in letters dated April 21, 2004 and June 4, 2004, shall be addressed by the definitive plan submittal to the satisfaction of the Board.
10. Each deed shall contain the following restriction: “Pesticides and/or herbicides of any type shall not be used for the establishment or maintenance of landscape plantings or lawns. Use of fertilizers shall be limited to no- or low-phosphorus, organic-based products. This restriction shall be included in all landscape construction and maintenance contracts. This condition is ongoing and runs with the land.”

In addition, pesticides and/or herbicides of any type shall not be used for the establishment or maintenance of landscape plantings, lawns, or grass strips within the subdivision. Use of fertilizers shall be limited to no- or low-phosphorus, organic-based fertilizers. This restriction shall be included in all landscape construction and maintenance contracts. This condition is ongoing and does not end upon completion of the project.

11. Modifications in lot lines after approval of the definitive plan will be confined to those areas not labeled as open space. The process will be the same as that used in conventional subdivisions except that any changes shall meet the requirements of the Special Permit as well as MGL c.41 and c.40A.
12. Proof of secured easements shall be provided by the applicant with the definitive plan submittal for all work proposed for land under separate ownership and/or off-site.
13. An erosion and sedimentation control plan shall be submitted with the definitive plan. It shall address soil erosion and sedimentation control measures at and downstream of the site.
14. The drainage system shown on the definitive plan shall be designed to ensure that the water quality of the stormwater runoff is not detrimental to the wetlands and receiving water bodies.
15. Dedicated open space shall not be used for storage of construction vehicles, building materials, stockpiled loam or other material during construction.
16. The definitive plan shall show the location of where earth and construction materials will be stockpiled on site.
17. Detention/retention basins shall be designed to appear like natural landforms and shall be integrated with the topography of the area as much as possible.
18. The definitive plan shall include a maintenance program for all elements of the stormwater management system. The program should include the frequency of inspection/cleaning of all elements, all special requirements (if any) associated with the facilities, and the recommended means of monitoring the performance of the proposed facilities.
19. The applicant shall have a definitive plan designed which is consistent with the approved Concept Plan.

8. Deerfield Estates

Ms. Lazarus stated that the developer of the Deerfield Estates Senior Housing Development at 148 Lumber St. had requested to replace their cash bond with a surety company bond, but that

she had not approved the form because there was an expiration date in 18 months and it did not state that the jurisdiction of any litigation is the Commonwealth of Massachusetts. She stated that Capital Group Properties, the developer, was not going to eliminate the expiration date and include the language regarding litigation in Massachusetts. It was noted that under the Senior Housing Development bylaw, the Board selects the form of security, not the developer. The Board voted unanimously to retain the bond in cash form and not to accept a surety company bond.

9. E. L. Harvey & Sons – Wood St.

The Board reviewed a letter received from the Board of Appeals which responded to the letter of the Planning Board dated May 25, 2004. The Board decided to ignore the letter and not to respond.

Adjourned: 9:40 PM

Elaine C. Lazarus, Planning Director

Approved: June 21, 2004