

HOPKINTON PLANNING BOARD

Monday, June 21, 2004 7:30 PM
Hopkinton Town Hall

MINUTES

PRESENT: John H. Coolidge, Chairman, Jaime Goncalves, Vice Chairman, Mark Abate, Evan Ballantyne, Pamela Duffy, Brian Herr, Claire Wright

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

1. 81-P Plan – 146 East Main St. & Cary Dr. (Ashland) – First Congregational Church & Richard Barbieri

Richard Barbieri, applicant, described the plan to combine a parcel of land in Hopkinton owned by the First Congregational Church with his property on Cary Dr. in Ashland to create one building lot. He stated it will be a buildable lot and the house will be located in Ashland. He noted that it is possible that a part of the septic system will be located in Hopkinton. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

Mr. Herr arrived at this time.

2. 81-P Plan – 80 Hayden Rowe St. & 91 Grove St. – Kenney

Joe Marquedant, surveyor, described the plan to reconfigure lot lines between two properties owned by Kenney, one with a house and one with a gas station. He noted that the gas station had been added to over the years and the change would allow all of the building to be on its own parcel. He stated that the residential lot would still meet frontage and area requirements. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

3. Administrative Business

The Board voted unanimously to pay outstanding bills. The Board voted 6 in favor with Mr. Abate abstaining to approve the Minutes of June 7, 2004. It was noted that one of the bills did not have a signature form prepared. The Board voted unanimously to authorize Mr. Coolidge to sign the form.

4. Public Hearings – Village Housing Submission Requirements and Procedures Manual and Site Plan Review Submission Requirements and Procedures

The Board discussed the draft Village Housing Submission Requirements and Procedures Manual. It was noted that the Village Housing bylaw adopted at the Annual Town Meeting in May, 2004 required the Board to adopt a manual that describes the submission requirements and procedures for applicants. Ms. Duffy questioned the requirement for plans to show “large trees” and the definition of the term. The Board noted that the term “large” would be relative depending on the condition of the site.

David Goldman, 20 Fruit St., asked if the open space will be delineated on the plan. Mr. Coolidge stated it would be, but the bylaw doesn't require that it necessarily be open to the public or have a conservation restriction on it. Mr. Goldman stated that the Conservation Commission has demanded conservation restrictions in some places.

A resident asked what the definition of "desirable" is with regard to the approval criteria which states that the "proposed development constitutes a desirable development in the neighborhood and in the Town". Mr. Coolidge noted that it would be at the discretion of the Board, and would be looked at on a case by case basis depending on the site, location, input from abutters, etc. Ms. Duffy stated that a desirable development wouldn't impact traffic or over-burden services, for example. Ms. Wright stated that if the neighborhood doesn't feel it is desirable, that could be a concern. She stated that neighbors could make a point to the Board of their concerns and the Board should listen to that. Ms. Duffy stated that the Board counts on the neighborhood to speak up about it. Mr. Coolidge stated that the Board tries to make sure it fits with the neighborhood.

Mr. Goldman questioned whether there is sufficient "teeth" in the bylaw, and stated there could be a problem in the future.

A resident asked who conducts traffic studies, and questioned whether the manual should prescribe qualifications for such individuals. The Board agreed to add a requirement for qualifications.

A question was raised with regard to the filing fee, and the Board noted that the reference to an amount over 30 acres should be changed to 20 acres to reflect the size of parcels required in the bylaw.

The Board voted unanimously to adopt the Village Housing Submission Requirements and Procedures Manual as amended.

The Board discussed the proposed modifications to the Site Plan Review Submission Requirements and Procedures. Ms. Lazarus noted that the changes were due to the inclusion of the Design Review Board in the Minor Project reviews voted at Town Meeting, and to require compliance with the DEP Stormwater Management Guidelines and Policy. The Board voted unanimously to amend the Requirements and Procedures as proposed. The Board voted unanimously to close the public hearings.

5. Deer Run

Doug Resnick, attorney, and Dan Lewis, developer, appeared before the Board. Mr. Resnick reviewed the report from Fay, Spofford & Thorndike (FST), the Board's engineer, regarding outstanding items in the subdivision, and certification from the developer's engineer that the basin will function as designed even though it is a different shape and size. He stated the headwalls have been completed since FST's last visit, and they need to finish the rest of the work.

Mr. Lewis stated they are waiting for FST to agree with their engineer's certification, then they will finish the work. Ms. Lazarus stated that FST wants to know if the certification is acceptable to the Board or if the pond should be constructed in accordance with the plan. Mr. Goncalves asked what happens if the pond doesn't work. Mr. Coolidge stated he would feel better if there

were calculations to document the engineer's certification. Mr. Resnick agreed to provide the calculations. Mr. Coolidge stated they should be sent to FST for review.

Mr. Herr suggested that the Board could conditionally approve the basin design if FST says it will work after review of the calculations. He asked what other work is left in the subdivision. Mr. Lewis stated there is some loam and seed and catch basin hoods remaining.

Mary Pratt, 102 Fruit St., stated the Board should formally amend the plan to change the detention basin design.

Mr. Herr moved to accept the pond in its current configuration as certified by the engineer if the calculations to be reviewed by FST confirm that, and that FST is to document their approval in writing. The motion was seconded.

Greg Herrema, 13 Fawn Ridge Rd., stated the detention basin is on his property, and he has lived there for two years and the depth of water in the pond has never exceeded the outlet. He stated it seems to function as necessary so far. He noted that the footprint is dramatically different than the plan, and to change it to the approved plan design would be a significant change. He stated he wants to avoid re-working it. He noted that one section of the pond is 2 to 2 ½ feet deeper than designed, with steep banks so that water is sometimes 3 feet deep. He stated he is concerned because he has small children. He noted that if there is work to be done, he would prefer leveling it out if possible. He noted that water sometimes ponds there, and mosquitoes are a concern. He stated the water drains out, but can stay there for a few months too.

Mr. Resnick stated they will do the calculations and fill in the depression if possible.

Mr. Herr withdrew the motion.

Mr. Resnick stated the calculations can address the issues. Mr. Herrema stated he talked to Dave Glenn at FST and he thinks that the assumptions made when the calculations were performed did not show the pond as deep, so he thinks there is room to fill in. Mr. Coolidge stated the developer should get the calculations to FST for review. Mr. Goncalves stated it might be necessary to have one set of calculations with the current configuration and one with the depth filled in, and to submit both.

Mr. Goldman asked when the developer will start the remaining work. Mr. Coolidge stated that once FST and the Board review the calculations, work can begin.

6. EMC Park – Parks & Recreation Commission

Al Rogers, Chairman, Parks & Recreation Commission, Mike Preite, Recreation Director, and Officer Charles Wallace, Hopkinton Police Department, appeared before the Board. Mr. Rogers stated there has been ongoing vandalism at EMC Park, including ongoing damage to the doghouse, signs, and water bubbler. Mr. Preite stated that the irrigation system was recently broken. Mr. Rogers stated there are two light pole bases on the adjacent playground property and they want to put posts and lights there to illuminate the parking lot area, and they would be on a timer. He stated they could also have lower lights on the pole that have motion sensors. Ms. Duffy questioned whether both would be necessary.

Ms. Wright noted that abutters were concerned with illumination of the baseball fields, and the parking lot is not near them. She stated there would probably be no light spill off-site or onto the fields. Mr. Rogers stated the lights on timers would be metal halide, and the lower ones would be quartz lighting. He noted that the lights will probably be vandalized too, but would be replaced. Mr. Ballantyne asked if a metal protector for the lights had been considered. Ms. Duffy asked if a camera could be used. Mr. Rogers stated the Police could do that if there was light. Mr. Coolidge noted that lights could be located on the doghouse. Mr. Rogers stated they would like to go into the site with the Police Dept. and place the lights where they recommend. Mr. Ballantyne asked if it will be a waste of time since it might not deter the vandals. Officer Wallace stated that if there are two buildings, one with lights and one without lights, the one without the lights will be vandalized more often.

Ms. Wright asked if animals could trigger the motion sensors, and Officer Wallace stated he didn't know. He stated there are motion activated cameras that don't require light, but they don't have them. Mr. Preite stated they have replaced two metal doors and door frames at \$1,200 each. Mr. Goncalves asked if the lights would encourage use of the property at night. Mr. Rogers stated he didn't know.

The Board voted unanimously in favor of placing security lighting on the structures, and to schedule a public hearing in August to discuss lighting of the parking lot.

7. Deerfield Estates – 148 Lumber St.

Gerry Lindsey, Capital Group Properties, and Bill Pezzoni, attorney, appeared before the Board. Mr. Lindsey noted that they had submitted revised detention basin designs to the Board for approval. Mr. Goncalves asked why the basins would be modified. Mr. Lindsey stated that when they began excavating for the project, they discovered a lot of rock that was buried during the construction of Rt. 495, and after it was excavated, they had a larger hole than anticipated. They asked their engineer to look at the basins again to see if they could eliminate the retaining walls also. He noted that the rock found was crushed and will be used on site. He added that the fire cisterns are in and are operational. He stated that the outside of the model home is substantially complete, and the road is to grade and they would like to pave by the third week in July. He stated the project should be done by the fall of 2005. The Board reviewed the report from FST relative to their review of the revised design.

Ms. Lazarus noted that FST was concerned about the design and location of the guardrail near one of the detention ponds. She asked if a light fixture had been selected yet. Mr. Lindsay stated they will come to the Board with a revised landscape plan, guardrail design, and proposed light fixture at a later date.

Mr. Herr asked about the horseshoe court, an active recreation component of the plan that would be displaced by one of the detention basins. Mr. Lindsay stated it had been relocated within the development. He referred to a sketch plan that was submitted. Mr. Herr stated there are lots of issues that keep coming up with this development, and he is concerned. Mr. Lindsey stated they made the change because it would result in better design. Mr. Herr asked if the land clearing was done in accordance with the approved plan, and Mr. Lindsey replied yes. Mr. Herr stated he feels like things are being made up as the developer goes along. Mr. Lindsey stated the project has been inspected by the Board's engineer all along, and there have been no problems.

Mr. Goncalves asked when they would return with the rest of the information the Board is waiting for, and Mr. Lindsey stated they would come to the Board's first meeting in August.

The Board voted unanimously to approve the detention basin modifications as submitted.

Mr. Pezzoni stated that they currently have a cash bond with the Town, and they would like to replace it with a surety company bond. He noted that Ms. Lazarus had reviewed a bond from the surety company some time ago and was concerned about the 18 month expiration date on it. He stated he suggested that the developer would provide cash when the bond expires. He stated that if there is no bond, then the Building Inspector can stop issuing occupancy permits. Mr. Coolidge stated there needs to be automatic renewal of a surety bond. Mr. Herr noted that the Town could get stuck if there is no bond. Mr. Abate noted that the developer was very slow to bring in the first bond to begin with. Mr. Pezzoni stated that the developer has a lot of projects going on, and if all of the Towns wanted cash, it could be a problem. The Board stated that a surety company bond would be acceptable if there was automatic renewal and if it stated that the jurisdiction of any litigation is the Commonwealth of Massachusetts.

8. Master Plan

Mr. Coolidge stated he would make a presentation at the Selectmen's Quarterly Meeting about the start of the Master Plan process, and seek volunteers to be on the Committee.

9. Goals and Objectives – FY05

The Board reviewed the request of the Board of Selectmen for Boards and Committees to set goals for FY05, and the list of goals which the Selectmen had adopted. The Board decided to set the following goals for FY05:

1. Master Plan Update – The process will begin in June, 2004 and it is estimated that it will be complete in the fall of 2005.
2. Work with others to implement the Housing Plan, which was adopted in May, 2004.
3. Work on an Area of Critical Environmental Concern (ACEC) for the Lake Whitehall and Whitehall Brook area.
4. Continue to act with a sense of urgency to render decisions in a timely manner when reviewing projects that would bring additional commercial and industrial tax revenue to the Town.

Adjourned: 10:00 PM

Elaine C. Lazarus, Planning Director

Approved: July 12, 2004