

HOPKINTON PLANNING BOARD

Monday, August 23, 2004 7:30 PM
Hopkinton Town Hall

MINUTES

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

1. Administrative Business

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

Ms. Wright arrived at this time.

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

Mr. Herr stated he talked to Robert Walker, as discussed at a previous meeting, and Mr. Walker said he would think about moving the playground in the front of the building, but that he won't pay for it. He noted Mr. Walker stated he is just the landlord and he would talk to the Director of the day care center. Mr. Herr stated that Mr. Walker is willing to talk about it some more, but he won't pay for any site work. He noted that Mr. Walker suggested deducting the cost of moving the playground from the \$25,000 he gave to the Town to help fix the intersection.

Ms. Altamura stated that the intersection improvements would benefit the whole town, and if the day care center chooses to have a playground there and there's a problem, that's their decision and their problem. Ms. Wright suggested sending a letter noting that the Board doesn't support the playground location so there isn't liability to the Town in the future. Mr. Abate stated that if the Board feels strongly enough to write the letter and have Mr. Herr talk to Mr. Walker, then it should meet him halfway. He stated he would be willing to give up \$2,000 to \$3,000 of the \$25,000. Mr. Ballantyne suggested sending a letter to the Director of the day care center. Ms. Wright stated she doesn't want to put public funds toward a private enterprise. She stated that the funds are earmarked for traffic and safety improvements, not for fixing their site.

Ms. Altamura noted that the Meserve St. residents would certainly question why the funds weren't spent on the intersection problem. She noted that it was the choice of the day care center to put the playground there. It was noted that the court ruling relative to the appeal of the Board's site plan review special permit denial was that it had no jurisdiction over the site, and the current building placement and design was never reviewed or approved by the Board.

Mr. Aghababian stated that if it is a public safety issue, then the Police Chief needs to be involved, and he has discretion regarding areas of public safety. He suggested talking to the Police Chief and Town Counsel.

The Board continued discussion later in the meeting.

3. Public Hearing – Site Plan Review – 25 Hayward St. – William Tetlow

William Tetlow, applicant and owner, described the site plan. He stated that the proposed changes to the back of the building, visible from Hayward St., would clean it up. He stated that when the building was renovated in 1996, he didn't have the resources to do this side. He stated that windows would be replaced and a small shed constructed that would be attached to the building. He stated that the new driveway off South St. would be farther from the new signal at the Hayward St./South St. intersection for safety reasons. He stated that it would be moved to the location shown on the plan, and it would be a permanent change. He stated that the existing driveway off South St. would be closed off. He stated that the curb cut has to be in now, before the road is paved, because it can't be disturbed for 5 years after paving. He stated that the building colors would be the same. He stated that he will be proposing an addition within the next few months, for the Milford National Bank, Dunkin Donuts, and a drycleaner. He stated he has a hearing scheduled with the Zoning Board of Appeals (ZBA) on Sept. 8 regarding a drive-through window.

Ms. Altamura noted that parking lot lighting was discussed in 2001 and was a problem for the abutters. She asked if changes were made. Mr. Tetlow replied that no changes were made. It was noted that since the houses across Hayward St. were demolished, there are fewer abutters.

Mr. Ballantyne asked if the new driveway would be paved. Mr. Tetlow stated the new driveway and the portion of the parking lot now gravel would be paved in the future, but not now.

Ms. Wright questioned whether some of the equipment on the side of the building would be moved to the back, and Mr. Tetlow clarified the plan, which involved moving some of the equipment, such as a vat. Ms. Wright asked about an awning shown over an exterior stairwell. Mr. Tetlow stated it would be canvas, and it was suggested to him that it would be beneficial to have that during the winter.

Ms. Duffy asked if the existing parking lot spaces would be re-striped. Mr. Tetlow stated he will be coming back to the Board in a few months with the new plan, and until he does that, it doesn't make sense to do the paving and striping. He stated that the lot functions ok the way it is now. He stated that when the addition is done, it will all be done then. Ms. Lazarus noted that some existing striped parking spaces are oriented to the driveway that would be closed off, and asked how people would use them. Mr. Tetlow stated he will paint the lines out.

Mr. Abate moved to find that the project meets the Site Plan Review criteria contained in the Zoning Bylaw. The motion was seconded.

Mr. Ballantyne stated that the Board should include a condition that the driveway and parking lot be paved within 9 months. He stated that the Town shouldn't have unpaved parking lots. He noted that if another plan doesn't get submitted after all, then dirt will be constantly tracked out into South St. Mr. Tetlow stated it would have a surface of re-processed asphalt for now. Mr. Ballantyne stated it won't look good. Mr. Tetlow stated that 6 months is sufficient time for him

to go through the ZBA and the Planning Board for the new addition, so he could pave within 6 months. Mr. Ballantyne suggested paving within 9 months if the addition isn't forthcoming. Mr. Coolidge noted that the Board will be reviewing the parking lot changes when the next application is submitted. Mr. Ballantyne stated he is concerned about the unpaved driveway and parking lot. Mr. Tetlow stated that his tenants want to be in by next March, and showed the Board a sketch of the future site plan.

The Board voted unanimously in favor of the motion, and to approve the site plan with the condition that the parking lot and driveway be paved by November, 2005.

4. 81-P Plan – 30, 32, 34, 36, 38, 40 Connelly Hill Rd. – Connelly LLC

Ron Nation, applicant, described the plan, which shows land in Holliston and Hopkinton. It was noted that the 1990 subdivision plan created the lots in Hopkinton, but not in Holliston, and the purpose of the plan was to create the lots in the Town of Holliston also. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

5. Shepard Property – Wood St. – Ron Nation

Ron Nation and Chris Nation, buyers, Joe McQuade, attorney, John Thomas and Dan Feeney, Beals & Thomas, Inc., appeared before the Board. Mr. Coolidge disclosed that he has attempted to purchase this property for the Town.

Mr. Thomas stated that the site is 20 acres in size, and described the property. He stated that Mr. Nation has purchased the brick house at 279 Wood St., which would be preserved, and the existing Shepard house at 1 Piazza Lane would be demolished. He stated they have met with the Parks & Recreation Commission because the land abuts Reed Park, and access to the park is a concern for the Town. He stated that the parking at Reed Park is now insufficient, and the Commission has received funds to build new tennis courts. He stated they would apply under the Garden Apartment bylaw for 45 two bedroom units, and 5 of them would be affordable, although it would not be a MGL c.40B proposal. He showed the Board a conceptual plan for the development with a boulevard type entrance from Wood St. to save a row of sugar maples. He stated they would propose that it be a public way for the first section, to an intersection where there would be access to Reed Park. He noted that would require the filing of a definitive subdivision plan. He stated that the new entrance to Reed Park would be its new primary access. He stated the plan shows a new parking lot, tennis courts, and expanded soccer field, partially on the subject property. He stated that beyond the new intersection, there would be a loop road to most of the units, and it would be a private road. He stated they would want emergency access through Reed Park, which would be paved, plowed, and gated. He stated there would be no work within the wetland buffer area and there would be an on-site septic system. He stated that the existing house would be on its own lot after completion, and the project would contain 13 new townhouse buildings.

Ms. Duffy asked where the recreation area for the project would be, noting that the bylaw requires one. Mr. Thomas stated they may be able to use the tennis courts, but would have to work that out with Parks & Recreation. Ms. Altamura asked if the units would be owner occupied or rented, and Ron Nation stated they would be owner occupied. Mr. Ballantyne asked about the square footage per unit, and Ron Nation stated they would be 1,600 to 2,500 sq. ft. Mr.

Herr asked about the affordable deed restrictions. Mr. Thomas stated they would use typical ch. 40B documents.

Mr. Goncalves stated he has concerns about the large on-site septic system so close to Lake Whitehall, and cited nitrogen related issues. He stated there should be fewer units so there is less impact to a shallow lake that has problems already. Mr. Thomas stated that phosphorus is more of a problem to lakes, and nitrogen is only a public health concern. He stated that the phosphorus will be bound to the soil and won't be a problem.

Ms. Duffy asked if any State approvals are necessary, and Mr. Thomas replied no. It was noted that the Mass. Dept. of Conservation and Recreation owns the abutting Whitehall State Park.

Ms. Altamura stated she is concerned about the boulevard style entrance because they usually look too wide and don't fit with the surrounding area. She asked if it was possible to have one road between the existing trees. Mr. Thomas stated that the pavement couldn't be more than 20 ft. between the trees, and would damage root systems. Ms. Duffy asked about drainage. Mr. Thomas stated they would try to use an infiltrative drainage system with underground chambers beneath the roadway. He stated they would try to adhere to low impact development principles.

Mr. Coolidge stated that the number of affordable units proposed is a good percentage, but 45 units is too dense for the site near Lake Whitehall. He asked if units could be pushed closer toward Wood St. and farther away from the lake. Mr. Thomas noted that there is a 100 ft. setback requirement. Mr. Coolidge noted that the Board has the ability to waive it, and if they were willing to, could the units be moved. Mr. Thomas replied yes. Mr. Coolidge asked if land would be donated to Reed Park where the new facilities are shown on the plan. Mr. Thomas replied yes, if it works out. Mr. Coolidge stated he would like to keep development away from the lake, and the Board could waive the setback to achieve that. He suggested that 35 units might be better.

Ms. Duffy asked if the units would be age-restricted, and Mr. Thomas replied no.

6. Public Hearing – Site Plan Review – 6 Main St. – The Acacia Club

Robert Clark, representing the Acacia Club, described the plan for a 22-space parking lot behind the existing building. He stated that the area was grass years ago and they used to have barbeques there. He stated that over the years it has turned into mud or dust and sometimes people park there. He stated they have met with the Middlesex Savings Bank recently, since each owns half of the driveway between their buildings. He stated they propose to put in a retaining wall to match the bank and have a small grass area behind the building for some outdoor activities, and the rest of the area shown on the plan would be paved. He stated that the lot meets the parking regulations, and would function as an extension of the parking lot behind the bank, Bills Pizza, and Town Hall. He stated there would be a paved ramp up to the back door for handicapped access.

Mr. Coolidge suggested reversing the proposed in and out traffic pattern within the lot to reflect the existing traffic pattern in the adjacent parking lot. Ms. Wright suggested moving the handicapped space to the opposite side of the lot for easier access. Mr. Clark agreed to make the

changes. Mr. Goncalves asked if there would be a barrier between the lots, and Mr. Clark replied no. He stated that the spaces would be striped. He stated that the lot would be blocked off on the day of the Boston Marathon, but otherwise be open to the public. He stated that the paving will be done concurrently with the paving of the area behind the bank and the driveway.

The Board voted unanimously to find that the site plan review criteria contained in the Zoning Bylaw had been met, and to approve the site plan with the condition that the proposed traffic pattern shown on the plan be reversed.

7. NSTAR – Scenic Roads

Kray Small, Tree Warden, Bill Hayes, NSTAR, Steve Gould and Jim Denococo, Lewis Tree Service, appeared before the Board. Mr. Small stated that Calvin Leyton, the arborist who appeared before the Board during the hearing process, has left NSTAR and the contractors including Katie Smith who appeared with him also have left. He stated that after the permit was issued, NSTAR contractors began cutting trees, and a tree on Pond St. was cut that wasn't supposed to be. He stated he has lost contact with what is going on. Mr. Coolidge noted that at the site walk, the original list of trees was marked up and modified by Katie Smith, NSTAR contractor. He asked if that list exists, because it is now evident that it is not the list being used by the contractor. Mr. Small stated that he stopped work when the tree was cut in error.

Mr. Hayes stated that the majority of the pruning was done before work was stopped, and the removal list was half done. Mr. Herr asked how many trees were cut in error, and Mr. Small stated there were two: one on Pond St. and one on Spring St. Mr. Coolidge stated that the trees should be replaced. Mr. Herr stated that NSTAR should write a letter to those residents explaining what happened. Mr. Coolidge noted that on the site walk, it was decided that if half to 2/3 of a tree was alive, that it would not be removed.

Mr. Herr asked if NSTAR can try to contact Ms. Smith for the correct list. Mr. Hayes stated they can try. Ms. Lazarus noted that she called Ms. Smith before writing the decision and asked if the list in the Planning Board file was the most up-to-date and final list, and she said yes, but it is evident now that it wasn't. Mr. Goncalves suggested that NSTAR work out with the Tree Warden the remaining areas and use a different tree marking than before. Mr. Hayes stated they can go out in the field and re-mark or black-out markings. Ms. Wright noted that only the large trees need to be addressed, and the saplings weren't a problem.

Mr. Coolidge suggested that NSTAR should submit a new list for Mr. Small to review. He stated that if an ash tree was 75% alive, it should stay, and if 50% or more of an oak, maple, or pine is alive, it should stay.

Mr. Herr asked about replacing the trees cut in error. Mr. Hayes stated the trees shouldn't have been removed, but reminded the Board that the tree cutting program is a win-win situation because a lot of hazardous trees are going to be removed at NSTAR's expense and the Town will have reliable electricity. Mr. Small noted that there are more trees in Town that are hazardous and the Town has a limited budget for tree removal. He asked if NSTAR could assist with removing those as compensation. He noted there is a lot of dead wood on the Common, for

instance. Mr. Herr noted that that wouldn't benefit the individual residents whose trees were cut in error. Mr. Small stated it would benefit the Town as a whole.

It was decided that NSTAR will review what has been removed and what is left on the original list, then cross-reference it with Mr. Coolidge's notes from the site walk, and that NSTAR will try to get Ms. Smith's list from the site walk.

Mr. Hayes stated that he will visit the two home owners and possibly replace their trees after discussing it with them. The Board noted that it would discuss mitigation and compensation to the Town when the list is reviewed. The Board stated that NSTAR should propose what they think is appropriate. The Board noted that the limbed out trees can be removed, as well as anything under 3" in diameter, which is not covered by the scenic roads bylaw. The next discussion was scheduled for September 13, 2004.

8. Other Business

38-42 Main St. - Mr. Herr suggested inviting John Burns to a Board meeting to discuss the vacant lot he owns at 38-42 Main St. He stated that the Town should get the lot developed and should consider taking it by eminent domain. Ms. Altamura noted that the Downtown Revitalization Committee should talk to him instead. After discussion, it was decided that Mr. Coolidge would call Mr. Burns to find out what his future plans are.

2 Wood St./Next Generation Children's Center, continued – Ms. Altamura suggested sending a letter to the day care center and the property owner, just to make sure the Town has no liability in the future if something happens with regard to the safety of a playground at the intersection. Mr. Abate recommended that no letter be sent and Mr. Herr continue to discuss the issue with Mr. Walker. Mr. Aghababian stated that if it is a public safety issue, then the Police Chief should get involved. Mr. Herr stated that he would call Mr. Walker and tell him to expect a letter from the Board, and that the Board hopes they can work together.

Joint Meeting Topics – It was noted that a joint meeting with the Conservation Commission and Bd. of Health is scheduled for 9/13, and topics identified by the Con. Comm. are the Deneen/Scarлата OSLPD subdivision plan and Sudbury River Estates. The Board decided to add the potential development of the Shepard property discussed earlier in this meeting to the list.

Adjourned: 10:30 PM

Elaine C. Lazarus, Planning Director

Approved: September 13, 2004