

HOPKINTON PLANNING BOARD

Monday, November 15, 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. Community Covenant Church – 2 West Elm St.

Shawn McGinnis and Mary Hubbe, Community Covenant Church, appeared before the Board. Ms. McGinnis described the plan for a classroom addition which would replace a temporary trailer on the property. She noted that the building only has one classroom now. Mr. Coolidge asked if a variance would be required because the addition would not meet the front setback requirement at West Elm St. Ms. McGinnis replied that their attorney, Doug Resnick, said that a variance wasn't needed because it is a religious use and is exempt from zoning.

Mr. Herr arrived at this time.

The Board advised Ms. McGinnis to check with the Zoning Enforcement Officer to see if a variance is required before submitting the Site Plan to the Board for approval.

Ms. McGinnis stated that there would be no changes to the parking lot and the building population would remain the same. Ms. Altamura asked if the addition could be moved further back from West Elm St. in case the road needs to be widened in the future. Mr. Herr noted that the street was recently widened. Mr. Coolidge expressed concern that the building would be so close to the street it could obstruct the views from vehicles exiting the church parking lot looking left, and vehicles going westbound on West Main St. turning into West Elm St. Ms. Hubbe noted that the State took some of the church's land for the intersection widening and that is why it would be so close. Mr. Herr asked if the interior space could be reconfigured to move the building closer to the parking lot and away from the road.

Ms. Wright arrived at this time.

Mr. Coolidge asked if there would be a change in site lighting, and Ms. McGinnis noted they would only add lights on the building walls. Ms. Duffy asked if the playground could be moved further from the road. Ms. McGinnis noted it used to be farther from the road than it is, but the State took some of the land there. She noted there is a fence around the playground. Ms. Hubbe stated they will look at moving the playground.

Ms. McGinnis noted that they would have drywells to handle the roof runoff, and received approval for the building from the Conservation Commission last year. Mr. Goncalves

suggested that a fence around the perimeter of the property might be needed. Mrs. Hubbe stated they are thinking about that also. Mr. Coolidge recommended that the church look at the sight distance issue with respect to the building proposed close to the curve in the road.

2. Joint Meeting – Conservation Commission

Conservation Commission Members Present: Brian Morrison, Chairman, Jeffrey Barnes, Robert Murphy, Jack Speranza; Ellen Chagnon, Conservation Scientist; Don MacAdam, Conservation Administrator.

Board of Health Member Present: Nancy Peters

A. White Oak Estates, Spring Street

Ms. Chagnon stated that Ray Ruggieri, developer, submitted a letter to the Conservation Commission requesting to forego \$10,000.00 of the performance guarantee held by the Town in order to allow the Town to hire a subcontractor to perform the installation of the drainage improvements on state property. Ms. Chagnon stated that Mr. Ruggieri's legal counsel advised him not to provide indemnification for the Town regarding the site work. Mr. Coolidge asked what party required the indemnification. Ms. Chagnon stated that Town Counsel advised that the Town be indemnified by the contractor performing the site work. Mr. Coolidge read aloud portions of Mr. Ruggieri's letter dated October 25, 2004. Mr. Coolidge stated that the Town currently holds approximately \$32,800.00 and the Planning Board cannot draw a portion of the bond money but has to draw the entire bond. Mr. Coolidge stated that any unused funds would be returned to the applicant. Mr. Coolidge stated that the bond was established to ensure the construction of the drainage and erosion control work as well as for the maintenance and cleaning of stormwater management devices, sealing & patching of the roadway, and any other potential drainage issues.

Mr. Ruggieri stated that the bond contained \$32,832.00 and did not originally identify sealing cracks in the roadway, and that was added later. Mr. Ruggieri stated that he believed the inclusion of a punch list of items for road acceptance into the bond was not legal. Mr. Ruggieri stated that he wanted to complete the other identified items but not the installation of the settling basin. Mr. Herr stated that the applicant cannot choose what work he will and will not perform. Mr. Ballantyne asked if the indemnification was for the quality of the work or just for workmen's compensation. Mr. Morrison said the indemnification was to protect the Town from any workers getting injured on the job. Mr. Goncalves stated that any contractor should be able to provide their own insurance. Mr. Morrison stated that the indemnity requirement should be included on all bid documents. Mr. Herr stated that this seemed minor and that Mr. Ruggieri should review this with his legal counsel. Mr. Ruggieri stated that his lawyer counseled against providing indemnification on a third party's property. Mr. Coolidge stated that bids should be sent out to determine the approximate cost to install the basin and that the erosion control measures should be maintained until the work can be completed. Mr. Speranza stated that if the bond is utilized the Town should not give up any rights for recovery. Ms. Lazarus stated that she and Ms. Chagnon could work on drafting a Request for Proposals. Ms. Chagnon stated that the Board of Selectmen will not sign the Memorandum of Understanding until a contractor has submitted an indemnification agreement.

B. Chapter 61 Land: Braim, South Mill & Front Streets; Congregational Church, East Main Street

Mr. Coolidge stated that the Town has been notified that the two Braim properties would be withdrawn from the Chapter 61 program, and the Town has the opportunity to exercise its right of first refusal. Mr. Coolidge stated that parcel one consists of 65 acres and is under a Purchase and Sale agreement for \$2,000,000 and consists of 14 ANR lots. Mr. Coolidge stated that parcel two consists of 20 acres which includes two houses and outbuildings, and is assessed at \$561,919.00. Ms. Duffy stated that the structures are historic. Mr. Goncalves stated that the Town should consider buying parcel two if it can be purchased near assessed value. Ms. Wright stated that if the Town could purchase parcel two and place a historic restriction on the property then the Town could resell it. Ms. Peters inquired as to what portion of the CPA funds would be utilized towards the purchase of parcel two. Mr. Herr made a motion to recommend to the Board of Selectmen that the Town consider purchasing parcel two, and that the Community Preservation Committee undertake the investigation in that regard. The motion was seconded by Ms. Duffy and it was passed by all the members of the Planning Board except Mr. Coolidge who abstained.

Ms. Duffy made a motion to recommend not exercising the Town's right of first refusal to purchase the 13,000 square foot parcel made available by the Congregational Church. The motion was seconded by Mr. Goncalves and it was passed unanimously by the Planning Board.

C. Sudbury River Estates, Cedar Street Extension and Lincoln Street

Ms. Lazarus stated that the applicant recently meet with the Planning Board and presented a plan for 35 townhouse units with some proposed as affordable, and all work theoretically outside the jurisdiction of the Conservation Commission. Mr. Ballantyne asked if interpretation of the state law as either a regulation or a guidance could be re-evaluated in order to allow for the original ten-lot proposal. Mr. Morrison stated that the consulting professional engineer retained by the Conservation Commission advised that one of the ten lots should not be approved as proposed. Mr. Morrison stated that the only alternative information before the Commission was the proponent's version. Mr. Goncalves asked if there was anyone at DEP who could be called for clarification. Mr. Morrison stated that he was unsure who to contact and how to pay for the process. Mr. Herr asked if there was any variability to the lot sizes. Ms. Peters stated that there may have been potential nitrogen loading issues. Mr. Coolidge stated that it may be beneficial to contact someone at DEP for clarification on the regulations.

3. Downtown Revitalization Committee

Scott Richardson, Chairman, Downtown Revitalization Committee (DRC), appeared before the Board. He stated that the DRC has been meeting for about a year, and the formation of their committee came out of the Voices for Vision event held in March of 2003. He stated that the DRC is charged with making recommendations for improving the aesthetics and attracting business to downtown. He stated they are now finalizing their report to the Bd. of Selectmen and the report will identify areas that need future attention.

He stated that as part of the process, they have looked at zoning in other downtowns, and the vacant lot at 34-40 Main St. is always a topic of conversation. He stated it would be nice to see more mixed use (housing and business) downtown, including restaurants and specialty stores.

He stated there are a lot of civic uses and historic structures in downtown, which are advantages. He stated there are underdeveloped and underutilized sites that need improvement, and they have discussed some issues with land owners. He stated that the owner of 34-40 Main St., John Burns, stated that his issues were with the lot size, setback required, and the real estate market.

Mr. Richardson stated that the Town could consider some ideas, including the following:

- 1) Increase the lot coverage allowed or allow replacement of existing buildings with new buildings if it doesn't exceed the current envelope;
- 2) Increase the floor area ratio, which is 60% now;
- 3) Allow the front setback requirement to be the same as adjacent buildings;
- 4) Increase the allowable building height;
- 5) Reduce the minimum lot area required for new multi-family developments in the downtown to allow more to be built;
- 6) Allow shared parking.

Mr. Goncalves noted that the Zoning Advisory Committee has discussed allowing credit for on-street parking spaces. Ms. Duffy noted that people seem to want more retail businesses. Mr. Richardson stated that in downtown Natick, any new building is required to be at least 30 feet tall to be consistent with the buildings already there. Mr. Herr asked if it is possible to offer tax incentives for people to fix up existing buildings. Mr. Richardson stated they are researching that, and are looking at grant programs. He stated that the problem is that Hopkinton doesn't fit the model of distressed communities so doesn't qualify for many grants. He stated that some people could be designated by the Town to work with property owners and recommend improvements. Mr. Coolidge asked if property owners are interested in adding another floor onto their buildings. Mr. Richardson stated they are in the process of compiling survey results, but one of the issues seems to be parking. He noted that the business owners appear to like being in downtown. Mr. Goncalves asked if there is a downtown business group, and Mr. Richardson replied no, noting that the Chamber of Commerce serves all businesses in Town. He noted that the Selectmen have talked about hiring a part-time downtown business manager. Ms. Wright stated that the downtown should be a unified whole. She asked if the Committee will develop a design model for property owners. She recommended that the Town could take a partnership approach to downtown, with the Garden Club planters, the Town putting in a brick sidewalk, and business owners making property improvements. She noted that the Town could show it is committed by doing the sidewalk work.

Mr. Richardson stated the Committee will also look at additional land to develop. Ms. Wright asked if Mr. Burns wants to sell his property. Mr. Richardson stated he plans to develop it when the time is right. Mr. Ballantyne stated the Town should ask developers to come into town, develop a plan for downtown, then the Town could change the zoning to allow the plan to happen. He stated that then the developers could buy the buildings and develop them. Mr. Richardson stated the Town would need to offer something to the developers, who need viable properties. He stated the Town could prepare a master plan for downtown. Mr. Goncalves suggested looking at grants for downtown designs or master plans.

Mary Pratt, 102 Fruit St., stated she recently saw a presentation called "Change for Main Street" that would be good to show in Hopkinton.

Mr. Richardson stated that Copley Wolf Design Group was hired by the Chamber of Commerce a few years ago to do a study of downtown, and he can get that for the Board. He stated it was a pedestrian friendly plan that addressed traffic, etc.

Mr. Herr asked if there is momentum to carry the downtown project forward. Mr. Richardson stated that if they can focus on some specific sites and make some small aesthetic improvements, that would help a lot. Mr. Herr stated there needs to be incentives for people to improve their properties, and it would improve all property values if they do. Ms. Wright stated the Town needs to provide a vision or model for them, suggesting that the Town partner with groups and invest in something like sidewalks. She stated that this would send a message to the business community that the Town is committed.

4. Administrative Business

The Board voted 7 in favor with Mr. Herr abstaining to approve the Minutes of November 1, 2004. The Board voted unanimously to pay outstanding bills.

Fruit Street EIR – Mr. Coolidge stated he hasn't seen the final draft of the Fruit St. EIR yet, so the Board doesn't have anything to comment on. He suggested that he, Ms. Lazarus, and anyone else on the Board could read the final draft and write a letter from the entire Board. It was noted that comments would likely be due before the next Board meeting. The Board voted 7 in favor with Mr. Ballantyne opposed to have the Chairman, Ms. Lazarus, and any other interested Board members draft comments from the Planning Board. Board members should transmit their comments to Ms. Lazarus.

5. 81-P Plan – 176 Spring St. – Braden

Ms. Lazarus described the plan to divide the parcel at 176 Spring St. into two parcels, with a 7.97 acre parcel to be purchased by the Town. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

Adjourned: 9:35 PM

Elaine C. Lazarus, Planning Director

Approved: December 13, 2004