

HOPKINTON PLANNING BOARD

Monday, January 10, 2005 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. Zoning Advisory Committee Town Meeting Articles

Mr. Goncalves described the draft Driveways general bylaw prepared by the Zoning Advisory Committee. He stated that it was an attempt to respond to several problems related to new driveways, including a very steep driveway on Downey St. that has caused continuing problems. He stated the new bylaw would have a provision that requires a leveling area at the street.

Ms. Wright arrived at this time.

Mr. Goncalves reviewed how the bylaw would be implemented by the Dept. of Public Works. Mr. Coolidge suggested that the DPW Director review the bylaw.

Mr. Herr arrived at this time.

Ms. Duffy noted that there has been a problem around Lake Maspenock with steep driveways and the runoff into other properties and/or the Lake. Mr. Coolidge noted there are other places around Town with problems too. Mr. Goncalves noted that the bylaw was intended to apply to new driveways, not existing ones. Mr. Coolidge asked why a 10% maximum grade was chosen. Mr. Abate expressed concern about the proposed fine, noting that the point when the clock starts seems ambiguous in the draft. Ms. Wright stated that the property owner should fix the problem, and the bylaw should allow the fines to be put toward the repairs, or some other mechanism to allow for mitigation rather than just fines.

Mr. Aghababian asked what constitutes “flooding” as mentioned in the bylaw, and asked how the bylaw would be applied. Mr. Goncalves stated that the homeowner/builder would be required to manage the runoff from their own property and not negatively impact the street.

Michael Shepard, Director of Municipal Inspections, stated that the DPW currently issues permits for driveways, and used to sign the permits without reviewing them. He noted that since the Downey St. problem, people at the DPW do look at it first. He stated that the major issue for him is public safety.

Mr. Coolidge suggested tying the proposed bylaw to existing DPW procedures. Ms. Wright asked if the bylaw can also cover the impacts to abutting properties, not just the roads. She

asked if there can be changes after the fact that can negatively impact the road, such as additional paving at the top of the driveway, and what would happen in that instance. Mr. Abate asked if driveways on plans approved before the bylaw goes into effect would be subject to its provisions.

2. Fruit Street/Saddle Hill Road Property

Robert Guigli, proponent, and Donald Provencher, engineer, appeared before the Board. Mr. Coolidge noted that a portion of the subject property had been shown on an 81-P plan in 2004 which created four lots from the Hopkinton Country Club property.

Mr. Provencher stated that they are considering filing a Senior Housing Development application with the Board, and want to discuss a waiver they would request. He stated the bylaw requires a 100 ft. wide buffer to screen the development from abutting property, and they would like the Board to waive it to 50 feet instead. He stated there are no abutters of significance to the property, with the golf course on one side, Southboro Rod & Gun Club on another, and state conservation land across the street.

Mr. Coolidge asked why it is easier to build a multifamily development at this location than four single family homes. Mr. Provencher stated it isn't necessarily easier. He stated that the total disturbance to the property could be the same, but there wouldn't be large lawns and there would be minimal clearing. He stated there will be a steep grade at the driveway, which they can make longer than they would be able to with a single family house, so it could avoid worse impacts to the road. He stated there are public safety issues too, because there would be fewer children who could wander into the golf course, the adjacent Rod & Gun Club, or the nearby highways. He stated the project could establish a small sense of community for the residents.

Mr. Goncalves asked about the size of the parcel, and Mr. Provencher stated the current parcel is 7.5 acres but they would obtain 2.5 additional acres from the Country Club. Ms. Lazarus stated that without the requested waiver of the 100 ft. building setback requirement, the project cannot be built because the property is about 200 feet wide. Mr. Ballantyne asked how the development remains age-restricted over time, and Mr. Provencher replied there would be deed restrictions. Ms. Wright asked whether there is a sufficient market for more senior housing, and she worries there will be too much, given other projects in Town. Mr. Provencher stated this would be a small development.

Mr. Coolidge stated it looks like it would result in clear-cutting the property, and they might be better off doing the single family houses. Mr. Ballantyne noted the senior housing units would have less of a burden on the schools. Mr. Provencher stated he would be concerned for his children if he lived in that location, and the area is more suitable for senior housing. Ms. Altamura stated she doesn't like clear-cutting the whole area and too much vegetation would be removed.

Mr. Goncalves asked about the percent of impervious surface that would result. Mr. Provencher stated he doesn't know. Mr. Goncalves suggested that it should be compared to what would be the result if there were 4 house lots. He noted that if they find there will be more impervious surface with the multi-family project, there will be more water to deal with at the site. Mr. Provencher stated they will deal with the runoff. Mr. Coolidge noted there is a serious water

problem in the roadway at the present time, and asked if they have done a study to determine where the water is coming from. Mr. Provencher replied no, that they wanted to discuss the waiver request with the Board first, before proceeding. He noted that the wetlands had been delineated.

Mr. Aghababian asked how far the golf course fairways are from the property line, and Mr. Provencher described their location. He noted there are some trees along the edge of the property that would be retained.

Mr. Ballantyne stated it would be fiscally responsible to look at more senior housing in Town. Mr. Provencher stated it isn't a dense plan, and is better than Deerfield Estates. Mr. Herr stated he would be interested in seeing how they would re-plant the areas that would be cut. Ms. Wright noted that seniors don't like driving on dark, winding roads.

3. Joint Meeting with Conservation Commission

Conservation Commission Members Present: Brian Morrison, Chairman, Jeffrey Barnes, Christopher Barnes, Robert Murphy

Conservation Administrator: Don MacAdam

Public Health Administrator: Tom Ryder

A. 5 and 11 West Elm Street – KSS Realty Partners

John Sawyer, KSS Realty, John Copley, Copley Wolff Design Group, and Robert Poxon, Guerriere & Halnon, Inc., appeared before the Boards. Mr. Sawyer stated that the site is in an environmentally sensitive area and they are looking at a real market in Hopkinton for a smaller single family style living environment for empty nesters and young professionals. He stated it is a good commuting location and a comfortable feel to the area. He stated that single family neighborhoods usually have large lots, and this proposal is tighter but comfortable and attractive. He stated there is a large area of wetland around the property to the edge of Lake Maspenock. He stated they would provide a permanent conservation easement or donate some land to a conservation organization. He stated they are proposing to work within the 50 to 100 ft. buffer to wetlands, and have discussed mitigation. He stated they would have a main entrance where the house at #5 is now and a secondary emergency access also. He stated they think they can mitigate the water so there is no impact on the wetlands. He stated they have talked to the Affordable Housing Task Force about an affordable housing component.

Mr. Copley described the layout, noting that they would encroach on the 100 ft. setback which comprises 0.63 acres. He stated that in those areas, they would retain existing materials or native plant materials. He stated they would catch stormwater and propose non-sodium treatment of the roads. He stated they would mark the 50 ft. buffer with a stone wall. He stated that an advantage over a single family subdivision would be that there would be one management entity that will ensure that all conditions continue to be met over time.

Mr. Poxon stated the drainage system would be designed in accordance with DEP Guidelines, and they would provide 95% TSS removal. He stated the property will be maintained by the condominium association which guarantees future maintenance. Mr. Copley stated they would reduce the amount of fertilizer needed by using native plants. He

stated there would be a trail system, and a looping road system with a gatehouse at the entrance. He stated there would be 41 townhouse style units in groups of 2 and 3. Mr. Sawyer stated the units would be 1,200 to 1,600 sq. ft. each.

Ms. Wright asked if any of the units would be affordable. Mr. Sawyer stated they are looking for the middle price market, and the units with 1st floor bedrooms would be attractive to older people and those with second floor bedrooms more attractive to others. He stated they are looking to provide a mixed-age community at prices that are affordable to them.

Ms. Duffy noted that with that many units and possibly children living there, they should have a recreation facility. Ms. Wright noted that if they reduced the units by a few, they would have room for a recreation area. Mr. Goncalves asked about the amount of wetland. Mr. Copley stated that 4 out of the 15 acres is wetland. Mr. Poxon stated that 23% of the property would be buildings or roads. Mr. Sawyer stated there is an old boathouse on the property that could be used for recreation.

Mr. Goncalves asked if the project would be gated, and Mr. Sawyer replied yes.

Mr. Morrison recommended that they push as much out of the 100 ft. buffer as possible, and provide mitigation if they will encroach. He stated that a conservation restriction or donation of the open space would be good. He noted that 95% TSS removal is the goal, especially if there is encroachment proposed.

Mike Shepard, Director of Municipal Inspections, stated that if the boathouse was going to be used, it would probably be considered a place of assembly under the Building Code and they will need access by the Fire Dept., which would affect the wetlands. Mr. Morrison suggested a boardwalk or similar means to access the boathouse. Mr. Sawyer stated they are proposing a nature walk and 22 ft. wide interior roads. Mr. Goncalves stated the road width could be reduced and the density is too high. He stated that a gate should be subtle, and having it there sends a message. He stated he is uncomfortable with that, and wants people in Town to be welcomed and feel welcome everywhere.

Mr. Abate expressed concerns with the traffic impacts to the West Elm St./South St./West Main St. intersection. Mr. Goncalves stated that a traffic study will have to be submitted.

Ms. Duffy asked how many units can be taken out and the project still be financially viable. She noted there are 18 in the 100 ft. buffer. Mr. Sawyer stated that mitigation isn't free. Ms. Wright noted that the land can only support so much. Ms. Lazarus noted that the Garden Apartment bylaw requires an area for active recreation.

Mr. Goncalves asked what the price point for the units is intended to be. Mr. Sawyer replied \$450,000.

Mr. Ryder asked about wastewater and water supply. Mr. Sawyer stated they will have a package treatment plant and the site perks well. He stated the leach field will be near West

Elm St. He stated the project will have town water. Mr. Goncalves asked if there are private wells within 100 ft. of the project. Mr. Sawyer stated he didn't think so.

Mr. Sawyer stated they currently have five other projects under development in Massachusetts, including three five acre sites with 60 to 300 units planned. He stated that density has to be looked at in the context. He stated they would be able to make a substantial financial contribution to the Community Housing Task Force, Inc., which would do scattered site affordable housing development. He stated that the impact to the neighborhood of this proposal is minimal, and no one will see it. He stated there will be minor traffic impacts. He stated that if it is something people want, then they should work with the density. He stated it's managed density with respect to landscaping, etc.

Ms. Altamura asked how many single family homes could be built on the property, and the reply was six. Ms. Wright asked if they are proposing to pay money as a tradeoff for affordable housing. Mr. Coolidge stated that the proponent is talking about payment to CHTF, Inc., which is a private organization and not the Town. He noted that the Housing Committee is looking at moderately priced units at this location. Ms. Wright asked how paying the money advances the Town's number of units counted under Ch. 40B.

Bob Falcione, HopNews.com, asked how much money would be paid. Mr. Coolidge stated he does not know, as he is not involved with that.

Ms. Wright asked where the affordable housing would be built if all of the land in Town left is developed for market rate housing. Mr. Coolidge noted there are many possibilities and it could be in scattered locations. Ms. Wright asked if a few of the proposed units could be made affordable. Mr. Sawyer stated that he could submit a 40B application tomorrow.

Ms. Duffy and Mr. Morrison expressed concerns about the impact of the additional traffic on the West Main St./South St./West Elm St. intersection. Mr. Goncalves asked how many units would be lost if they were moved out of the 100 ft. buffer. Mr. Copley replied 18 and Mr. Sawyer replied six or more.

B. White Oak Estates

It was stated that the developers could not attend the meeting due to illness and travel.

Mr. Coolidge noted that the bids came in higher than the \$10,000 the developer said the work on Spring St. would cost. He suggested that the Planning Board raise the bond amount to reflect the additional cost, then talk to the developers and ask them to reconsider doing the work. He stated that asking for more money doesn't really make sense at this point, but it is a liability issue. He noted that the State has dragged their feet and the work should have been done by now.

Mr. Morrison suggested talking to the Town's State Representative and DCR about the problem. Mr. Coolidge stated that would be a good idea and DCR could either let the developer do the work or DCR can do it. Mr. Morrison suggested meeting privately with the developers and Rep. Loscocco. Mr. Goncalves stated that if the Board increases the bond

amount, he doesn't think the developers will come up with it. Mr. Coolidge stated that the state requirement for indemnification killed this. Mr. Morrison stated there appears to be three options: 1) Do nothing; 2) State does the work; 3) Pull the bond and request additional funds from town meeting so the Town can do the work. He stated he thinks the work needs to get done.

The Conservation Commission left the meeting at this time.

The Board discussed whether to raise the bond amount. Mr. Aghababian suggested discussing it with the developer first, talking to DCR and Rep. Loscocco. Mr. Herr stated the Board should raise the bond amount. Mr. Goncalves recommended that Mr. Coolidge talk to the developers, Mr. Loscocco and DCR before the next meeting, and if there aren't fruitful conversations, the Board should raise the amount at the next meeting. The Board agreed to this course of action.

C. Daniel Shays Rd./Catch Basin Hoods

It was noted that J.T. Gaucher, DPW Director, could not attend the meeting. Ms. Wright stated that several years ago the DPW told the developer not to install the catch basin hoods, even though they were on the plan, and now the onus seems to be on the Board with respect to the liability of putting them in. She noted that at a previous meeting the developer said it would be difficult and dangerous to put them in now. She stated that the developer was caught between two town entities.

Mr. Ballantyne disagreed. He stated that the developer should have come back to the Board with the DPW's request to ask for a waiver, but they did not.

It was noted that there may be alternatives to the hoods that have the same result, and these should be investigated.

4. Spring Hill Estates

Peter Bemis, engineer, appeared before the Board to request the establishment of a performance guarantee amount and release of lots from the conditional approval agreement. Mr. Bemis stated he has a problem with the amount recommended by Fay, Spofford & Thorndike (FST). He stated that they saved a lot of trees and won't have to plant any new street trees. He stated they saved a lot of trees on the high side of the road off Spring St. and there is a retaining wall on the other side. He stated that no trees were proposed there because of that. He stated they could plant a few trees if needed, but they didn't clear the right of way, especially along the road off Hill St.

Ms. Wright noted that the lot abutting the retaining wall off Spring St. needs a buffer. Mr. Bemis stated that the residents are thrilled with what they did there. He referred to the item for iron pins, noting that they have been set at all of the points identified on the subdivision plan, but not every 100 feet as FST proposes. He stated they can't afford to do the survey work that would be necessary.

Mary Pratt, 102 Fruit St., stated that the Hopkinton Area Land Trust (HALT) requires them every 100 feet around the open space because there are problems with abutters over time and they need the boundaries marked. Mr. Coolidge noted that the steward of the land will need to know where the boundary is. He recommended talking to Dave Goldman, President, HALT. He noted that if they do not require them every 100 feet, the Board can waive it.

Ms. Wright stated she would like to look closer at the road off Spring St. and the number of street trees and encouraged Mr. Bemis to talk to the abutters at 110 and 112 Spring St. about this issue.

Ms. Lazarus will research whether the subdivision plan pre-dates the requirement for iron pins every 100 feet around the perimeter of the open space.

The Board voted unanimously to establish the performance guarantee amount of \$37,855.20. The Board voted to release the lots in the subdivision from the conditional approval agreement upon receipt of the amount.

5. 81-P Plan – Front Street and South Mill Street – Braim

George Connors, Connorstone, Inc., and John Braim, owner, appeared before the Board. Mr. Connors described the plan for land on the west side of South Mill St., which would be divided into 13 building lots and an additional parcel. He stated they are seeking re-endorsement, and it was the same plan the Board endorsed in March, 2004. The Board voted 8 in favor with Mr. Coolidge abstaining, to endorse the plan as not requiring approval under the subdivision control law.

Ms. Lazarus stated that the applicant requested a waiver of the filing fee. The Board discussed the request. Mr. Ballantyne stated he didn't want the taxpayers to pay for the administrative costs of the plan. The Board voted 8 in favor with Mr. Coolidge abstaining not to waive the fee. Mr. Braim submitted a check to the Board for the fee.

6. 81-P Plan – Front Street and South Mill St. – Braim

Mr. Connors described the plan for the land on the east side of South Mill St., which is different than the one the Board endorsed in March, 2004. He noted that it complies with the requirements of the MGL ch.61A exclusion. The Board voted 8 in favor with Mr. Coolidge abstaining to endorse the plan as not requiring approval under the subdivision control law.

Mr. Coolidge left the meeting at this time.

7. 81-P Plan – 5 and 7 Wescott Dr. – Landquest and Clark

Dave Marquedant, surveyor, described the plan to reconfigure the lots at 5 and 7 Wescott Dr., with both continuing to meet the frontage and area requirements of the Agricultural district. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

Mr. Coolidge returned to the Board.

8. 81-P Plan – 28 and 30 North Mill St. – Geissinger

Mr. Marquedant described the plan to create two lots from one, noting that the existing parcel has two dwellings on it. He stated that the Assessors map showed an interior lot line, but they can't find a title that indicates that the lot division ever took place. He stated they want to create the line so that each house is on its own lot. He noted that the lot at #28 would not meet the frontage requirement.

Ms. Lazarus referred to the provisions of MGL ch. 41 Sec. 81-L, which provides for such a division not meeting the frontage requirement if there is a building on each lot that pre-dates the adoption of the Subdivision Control Law in Hopkinton. She noted that in this case, each lot would have a building which existed prior to that date.

It was noted that the plan indicates that the house at #28 would be demolished. Ms. Lazarus stated that the 81-P plan only creates property lines, it does not mean that the lots are buildable. Mr. Shepard stated that approval of the Board of Appeals would be required to build a new house on the lot and it is not pre-existing, nonconforming.

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

Mr. Ballantyne asked if the land at #30 will be developed. Mr. Marquedant stated they are evaluating it.

9. Pine Acres

Sam and Debra Kotob, owners, appeared before the Board. Mr. Kotob requested that the two lots in the subdivision be released from the conditional approval agreement. It was noted that a performance guarantee was not needed because no new roads or public improvements were to be constructed. Mr. Kotob stated that the open space had been deeded to HALT. The Board voted unanimously to release lots 1 and 2 in the Pine Acres subdivision.

10. Deerfield Estates

Gerry Lindsey, Capital Group Properties, Inc., appeared before the Board. He requested a reduction in the performance guarantee amount held for phase 1 of the project, noting that work had been completed. The Board reviewed the recommendation of its engineer. The Board voted unanimously to reduce the performance guarantee amount held for phase 1 to \$44,779.20.

11. Zoning Advisory Committee – continued

Mr. Goncalves described the proposed change to the Water Resources Protection Overlay District to allow underground storage of propane. It was noted that when propane is exposed to the air it changes into a gas and rises into the air, not impacting the groundwater.

12. FY2005 Budget

The Board reviewed the draft FY05 budget request. The Board noted that money could be saved on postage if materials for the meeting were emailed rather than mailed. Ms. Lazarus will email the agenda and memo. The Board voted unanimously to submit the budget as proposed.

13. 2004 Annual Report

The Board reviewed the draft 2004 annual report. The Board decided to include the appointment of the Master Plan Committee, adoption of the Housing Plan, and discussion of what seems to be a shift in the residential market from single family home construction to multi-family construction. The Board will review the report again at its next meeting.

14. Administrative Business

The Board voted unanimously to approve the Minutes of December 13, 2004. The Board voted unanimously to pay outstanding bills.

The Board reviewed a request from the Board of Appeals for a member to assist it in writing regulations for 40B comprehensive permit submittals. Evan Ballantyne volunteered to work with the Board of Appeals in this regard.

Adjourned: 10:35 PM

Elaine C. Lazarus, Planning Director

Approved: January 24, 2005