

HOPKINTON PLANNING BOARD

Monday, February 28, 2005 7:30 PM
Hopkinton Middle School

MINUTES

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

1. Administrative Business

The Board voted unanimously to pay outstanding bills. The Board voted unanimously to approve the Minutes of February 14, 2005 as amended. The Board voted unanimously to approve the Minutes of February 10, 2005. The Board voted unanimously to approve the Minutes of December 3, 1990.

2. Oak Hill Estates

Jack Bartolini, developer, appeared before the Board. He requested a reduction in the performance guarantee amount held by the Town to reflect completion of additional work in the Oak Hill Estates subdivision. Ms. Lazarus noted that the Hopkinton Highway Dept. had inspected the final paving last summer, but that no information was available from them on that. Mr. Bartolini stated he met with the DPW Director, J.T. Gaucher, earlier in the day, and he indicated there were no apparent problems with the road. Ms. Lazarus stated that Mr. Gaucher said the DPW would check out the road before the street acceptance vote at town meeting in May, and that the proposed bond amount seemed adequate. The Board voted unanimously to reduce the performance guarantee amount held by the Town to \$19,440.00.

3. 81-P Plan – 75 Saddle Hill Road – Touzjian

Ms. Lazarus described the plan to divide the property at 75 Saddle Hill Rd. into two lots, one with the existing house. It was noted that each lot would comply with 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.

4. Multi-Family Development Policy

The Board reviewed a draft policy which is intended to give guidance to potential applicants about the sorts of things the Board would look for in a Senior Housing or Garden Apartment plan. The draft was developed by Ms. Lazarus after the discussion of the Board at the previous meeting, which was scheduled because there will be several proposals coming in the near future. Mr. Goncalves suggested asking developers to provide justification for waiver requests. Ms. Duffy suggested requiring a specified distance between each such development. She stated that multi-family developments have a higher density and when they are located next to each other it makes the area look too dense. She noted it could also strain the water, roads, and other infrastructure in the area. Mr. Goncalves stated the Board has more leeway to decide matters

based on the character of the neighborhood when there is a special permit involved, and the Board could look at the density in an area already. He noted that the Zoning Advisory Committee could look at amending the bylaw to incorporate the minimum distance, if desired. Ms. Wright suggested that another way could be to have a formula that takes into account the density within a half mile or so of the site.

Ms. Altamura stated the policy should state that the Board will consider the single family character of a street or smaller area, not just the town as a whole. Ms. Wright stated the Board should address the issue of garage doors. She stated that she had heard that in all or some of Newburyport, garage doors that face the street aren't allowed. She suggested encouraging side or rear facing garages. Ms. Altamura suggested looking at their bylaw.

Jeffrey Doherty, 1 Angel's Way, addressed the issue of neighborhood character. He asked how does the Board tell a developer that their project doesn't blend in when a 40B project comes in next to another one, like on School St. He noted that in a few years, there could be another one next to those two if the Amato farm gets developed. He stated it is difficult to tell a developer that if there aren't teeth in the bylaw.

Mary Pratt, 102 Fruit St., stated it isn't mixed use when there are only condominium projects next to each other. She suggested sending draft bylaw changes to the Attorney General's office for review.

Ms. Lazarus will make revisions to the draft policy for review at a future meeting.

5. Administrative Business

Mr. Coolidge stated that the Housing Committee will be meeting on March 2, 2005 at 7:30 PM, hopefully with members of the Planning Board to start discussion of what the affordable housing part of the Fruit Street parcel should look like. He noted that the Fruit Street Development Committee requested that the two work together, and he hopes that some members can attend.

Mr. Coolidge referred to a notice of a Community Preservation Act conference on March 31 in Framingham that Board members may want to attend.

Since there were more people present to attend the meeting than could be accommodated in the Lecture Hall, the Board took a 20 minute break to move to the Cafeteria. During the break, the applicant informed the Board that they did not want to proceed with the hearing this evening without more Board members present. Ms. Lazarus attempted to contact the members not in attendance during the break.

6. Continued Public Hearing – Whitehall Estates – Garden Apartment Concept Plan – 279 Wood St.

Brian Levey, attorney for the applicant, formally requested a continuance of the public hearing. He stated the Planning Board is a 9-member board and 6 votes are necessary to approve a special permit request. He stated they would like a full Board present and only 7 are here tonight. He requested a continuance to the next available date.

Mr. Coolidge asked for comments from the Board. Ms. Altamura noted there is a roomful of people and the Board should go ahead tonight, and it could be continued more nights beyond this one. She noted that there are rarely 9 members present and the Board can't postpone this indefinitely until there are 9 present.

Ms. Duffy stated the Board should continue it to another night and have the other members present. She stated it isn't fair to the applicant.

Mr. Aghababian stated the Board should continue the hearing, noting that the Board has always been open to continuances in the past and should act as it always has. Mr. Goncalves agreed.

Ms. Wright stated that with a 9 person board, there are few meetings with all present. She stated that if it is continued to another night, they might need another hearing, and the likelihood of getting 9 then again is slim. She stated there is less chance of getting 9 in the future as it continues to go on. She stated she is in favor of having the hearing tonight.

Mr. Coolidge stated he agrees, but it is the right of the applicant to request for it, and a precedent has already been set by the Board. He requested comments from the audience about the request to continue only, not the application.

A man in attendance asked how many meetings it will take to conclude the matter. Mr. Coolidge stated it depends on the comments made by speakers and if more information is needed. He stated the Board isn't used to a large audience, but he likes it and people should come all the time.

A man asked how the Board can guarantee there will be 9 at the next hearing. Mr. Coolidge stated the Board can't. A man asked if a quorum of the Board is present tonight, and Mr. Coolidge replied yes.

A man asked if the absent members can be contacted. Mr. Coolidge stated that had been tried – that one was on a plane and the other emailed earlier in the day saying he could not attend.

David Adelman, 183 Pond St., asked if it is advantageous to the applicant to continue this on and on. Mr. Coolidge stated he had told the attorney that the Board wouldn't do that.

Michaelyn Holmes, 10 Maple St., asked if the Board could split the difference. She stated it seems unfair to the presenters to have to get 6 of 7 votes and they have a better chance with 6 of 9. She stated it seems unfair to bring people out on a snowy night and not have them heard. She asked if the Board can hear people anyway but not vote. Mr. Coolidge replied no. He stated the law requires that Board members be present at all hearings in order to vote.

Mr. Levey stated that the development team is willing to stay after the Board leaves and make the presentation to the people present. He stated it wouldn't be part of the public record. A resident stated that all negotiation should take place in front of the Board.

Brian Morrison, 22 Piazza Ln., stated he objects to having a separate presentation. Mrs. Pratt stated that nine Board members usually have shown up in the past and only recently are there no-shows.

The Board voted five in favor (Aghababian, Ballantyne, Coolidge, Duffy, Goncalves) and two opposed (Altamura, Wright) to continue the public hearing to April 11, 2005 at 8:45 PM.

Adjourned: 8:40 PM

Elaine C. Lazarus, Planning Director

Approved: March 14, 2005