

HOPKINTON PLANNING BOARD

Monday, April 11, 2005 7:30 PM  
Hopkinton High School Auditorium

MINUTES

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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. 81-P Plan – 90 Hayward St. – Tucker**

Jim Troupes, surveyor, described the plan to divide a portion of an unnamed discontinued road off Hayward St. and incorporate it into the adjacent parcel at 90 Hayward St. The Board voted unanimously to endorse the plan as not requiring approval under the Subdivision Control Law.

**2. 81-P Plan – Chestnut St. – Umina**

Ms. Lazarus described the plan to create one new building lot on Chestnut St. and a parcel of remaining land noted as “not a building lot”, which does not meet frontage requirements. It was noted that the building lot would conform to the frontage and area requirements of the Residence B district. 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.

**4. Street Acceptance**

The Board reviewed a list of four streets proposed for acceptance as public ways by the Board of Selectmen: Lakeview Path, Greenwood Road, Everett Circle, and the loop road at the Hopkins School and High School. The streets were added to three previously recommended by the Planning Board: Huckleberry Road, Fawn Ridge Road, and the extension of Oak Street. Mr. Coolidge addressed Lakeview Path, noting Peter Bemis had called him about a problem he is having in getting electric service to the subdivision road from Westborough. It was noted that the first part of the road is in Westborough. Ms. Altamura stated she is not in favor of the Town accepting the road because it is not complete, and she doesn't want to set a precedent. Mr. Coolidge noted that a homeowners association will take care of the maintenance. Ms. Altamura stated that the subdivision is not complete.

Ms. Duffy arrived at this time.

Ms. Wright stated it would set a bad precedent to accept the road, and it only has the binder course of pavement. Mr. Herr suggested having Mr. Bemis attend the next meeting to discuss the matter, and the Board agreed to do so.

Ms. Wright noted that there are still some items incomplete relative to Greenwood Rd., and the Board should keep the bond until they are done.

Mr. Aghababian arrived at this time.

Mr. Goncalves stated he was not opposed to acceptance of Greenwood Rd. and Everett Cir. Ms. Altamura asked about the school loop road. It was noted that an as-built plan would need to be filed with the Town Clerk in order for it to be accepted.

The Board voted unanimously to recommend acceptance of Fawn Ridge Rd., Greenwood Rd., Everett Cir., Huckleberry Rd., and extension of Oak St.; plus the loop road if an as-built plan is filed with the Town Clerk as required by statute.

**5. Public Hearing – Zoning Bylaw Amendment – Katherine Wilme**

Katherine Wilme, 9 Saddle Hill Rd., appeared before the Board. She stated she supports property rights, but Hopkinton has grown and changed and people are living closer together, so the actions of neighboring property owners have more impact on others. She stated that Hopkinton used to be a farming community and its regulations haven't changed to reflect the growth over the last several years. She stated the proposed change is to require a minimum lot area of 3 acres to have farm animals. She stated she has owned horses in the past and understands the issues involved with them.

Mr. Ballantyne asked if there is a definition of "farm animal". Ms. Lazarus stated the term is in the bylaw now and the Zoning Enforcement Officer makes the determination. Mr. Ballantyne asked if people with farm animals now would be grandfathered, and the response was yes. Mr. Abate asked what would happen if people with a lot smaller than 3 acres wanted a farm animal, and Mr. Coolidge noted that they wouldn't be able to have them. Mr. Ballantyne asked why three acres was chosen. Ms. Wilme stated that is about what large farm animals would need.

Ms. Wright questioned whether the change would be approved by the Attorney General, noting that zoning regulation of agricultural uses not looked favorably on. Ms. Wilme stated she is concerned about people who have animals as a hobby, not an agricultural operation. Ms. Wright stated the term "Agricultural" district says to her that the primary use is agriculture, and this change would seem to reduce the possibility of having agricultural uses in that district. She stated she would question whether the Attorney General would approve the change, noting that this would mean that the Agricultural district is really a residential district. Ms. Wilme stated people who purchase 1 ½ acre lots are not interested in having an agricultural use. Ms. Lazarus stated that in Massachusetts it is permissible to regulate agricultural uses on less than 5 acres.

Mr. Aghababian asked Ms. Wilme what she is trying to accomplish. Ms. Wilme stated that she is trying to avoid having large animals and manure piles close to houses. Mr. Herr asked if there is an existing problem that spurred this proposal. Ms. Wilme stated she is an abutter to a property where the owner has been permitted to have horses on a fairly small parcel.

Mr. Goncalves asked how farm animals that are treated like pets, such as potbellied pigs, would be treated. Ms. Wilme stated the current bylaw doesn't address it now at all. Mr. Goncalves

noted that certain animals are both pets and farm animals, like the pigs and chinchillas, for example. Mr. Coolidge stated it would be at the discretion of the Zoning Enforcement Officer. Mr. Goncalves stated that these things should be spelled out so there isn't so much discretion. Ms. Altamura noted that the proponent makes a good point, that lots are smaller and one never knows what a neighbor will do. She states it isn't a bad idea. Mr. Abate stated if someone has 2.75 acres and they want to have a horse, they shouldn't be prevented from doing that. Mr. Aghababian stated that 3 acres is excessive. Mr. Herr asked the Board if changing the acreage amount might make sense.

Mary Harrington, 102 Fruit St., stated that if the change is passed, it would affect all the zoning districts, and there are some parcels in the Residence A district, for example, with 2 acres. She stated there is some protection in the bylaw now with regard to setback requirements for the animal enclosures.

David Adelman, 183 Pond St., stated there was a situation a few years ago where new residents objected to someone hanging out laundry, unregistered vehicles, etc. He stated that a 3 acre minimum is segregation of the affluent who can afford the land. He stated that people coming into Town with two acres who might want to have a horse should be able to do that. He stated that the Agricultural zone pertains to greenhouses, farming, etc. He stated that the bylaws need to be simplified. He asked who will enforce the new bylaw. He stated this is a zoning issue and the Agricultural district name needs to be changed because it doesn't mean agricultural uses.

Liisa Jackson, 8 Cross St., stated she moved here 5 years ago to this location because the property was zoned Agricultural and there was a place for horses, near trails. She stated there is a high percentage of people in Hopkinton who appreciate the value of having the horses around. She noted there are local and state regulations to deal with people with too many animals, so there is a way to deal with those problems. She stated it is unreasonable to require a 3 acre minimum.

A resident stated that she has lived in Hopkinton for 5 years and likes the semi-rural character and the neat farms add diversity to the Town. She stated that no one wants a manure pile next to the house, but the change could be a disadvantage too. She stated the proposal is very broad, and 3 acres is a large lot for Hopkinton. She stated that for a few chickens, it's too much land. She stated that it may impact owners needlessly.

Ms. Wright stated that the Master Plan survey results show that people value the Town's rural character, and the change would be contrary to that. She stated she doesn't support it.

Mr. Coolidge stated that if adopted, the bylaw change would work with the existing bylaw, and it is well written. He stated he wants to emphasize that the Zoning Advisory Committee begins meeting around July to work on articles for the next Town Meeting, so citizens should meet with them to discuss suggested bylaw changes. He congratulated the petitioner for putting the article together and coming forward with the proposal.

A motion was made and seconded not to recommend that Town Meeting adopt the proposed change. The Board voted unanimously in favor of the motion.

**6. Continued Public Hearing – Deneen Scarlata Family Subdivision – Oakhurst Road**

Jerry Effren, attorney, Jeff Richards, landscape architect, and Mark Wright, representing the applicant, appeared before the Board. Mr. Coolidge noted that at the previous hearing, the Board's engineer, Fay, Spofford & Thorndike (FST) had commented on the plan but the applicant had not had a chance to respond. He asked for a response to FST's letter. Mr. Richards stated that the number of outstanding items is down to six. He stated they have prepared an erosion control plan for the Conservation Commission and will add that to the Board's definitive plan set. He addressed the comment in FST's letter relating to runoff to the two intersections with Oakhurst Road. He described the proposed drainage system, stating that there is no increase in the peak rates of runoff in total. He noted that localized, the calculations show that the flows to each intersection, which currently exist but are unpaved, will be reduced. He stated there are no flooding problems there now. Ms. Wright asked if the water going into the intersections will be captured by a drainage system, and Mr. Wright stated it would not, which is no different than today. Mr. Richards stated that even though Deneen Rd. and Scarlata Rd. are not paved, they are highly compacted so the calculations show the same effect.

Mr. Herr asked about the depth of the existing lots between Scarlata Rd. and Oakhurst Rd., and Mr. Richards stated the original lots in this area were 60' x 120' so this area is 240' deep. He stated that the 1948 plan showed 16 lots in the location of the proposed 6-lot subdivision.

Mr. Richards stated that FST's letter raised the question of whether speed limit signs should be posted in the development. He stated that the entrance to Oakhurst Rd. is posted at 20 mph and questioned the need for additional signage. Ms. Wright stated she doesn't see the need for another sign. The Board agreed.

Mr. Richards stated that FST's letter recommended a more detailed Operation & Maintenance Plan for the stormwater management system, and a question has also come up as to who will maintain the system. Mr. Richards stated it was their intention that the streets would become public ways and the DPW would maintain them, including the drainage system, but now J.T. Gaucher, DPW Director, is recommending that a homeowners association maintain the system. Mr. Coolidge stated that Mr. Gaucher doesn't want to have to increase his budget to cover the maintenance, which is contracted out. He stated that the issue seems to revolve around the Stormceptor units, and there are others in Town on South St., West Main St., and other places. He stated it seems to be a budget issue and shouldn't be a Planning Board problem. He added that Mr. Gaucher is recommending some kind of "end of pipe" technology instead which they can handle, using traditional catch basins instead of Stormceptors.

Mr. Richards stated they are not proposing that a homeowners association be created. He stated the Stormceptors are also specified in the Hopkinton Highlands II subdivision and should already be installed there. He stated the reason for them is to remove pollutants, total suspended solids (TSS), grease, oil, etc. from the stormwater. He stated this site is near a lake which all of the runoff will flow toward and in today's era of environmental and state law, the Stormceptors are required. He stated that the Stormceptor is a glorified catch basin and part of the infrastructure of the street. He stated that water flows into them and a chamber separates out the oils, solids, etc. He stated the chamber needs to be vacuumed out during the year. He stated the DPW

Manager seems to prefer a different brand name product called the Downstream Defender, but this also needs vacuuming out. He noted that the Stormceptor is approved by DEP but they are not sure about the Downstream Defender. He stated the units serve an environmental protection function.

Ms. Altamura asked how many catch basins would contain the units, and Mr. Richards replied there would be five. He stated the Conservation Commission is happy with the design because it achieves 96% TSS removal, which is higher than the DEP requirement of 80%. Mr. Goncalves asked if each type of unit provides the same quality of protection. Mr. Richards replied that the Downstream Defender is located in the manholes instead of the catch basins.

Ms. Wright asked what constitutes “end of pipe” technology. Mr. Richards stated that their engineer doesn’t know what this term refers to. Mr. Coolidge asked if the type of vacuum pump needed to vacuum out each of the two types is different. Mr. Richards stated there are 4 manholes in the subdivision, and their engineer looked at the two types of units. He stated that their conclusion is that they’d rather not use the Downstream Defender, and that they already have a good design that is state-approved. Mr. Wright stated the Stormceptors will catch more of the pollutants than the Downstream Defender. Mr. Herr asked if there is a cost difference between the two, and Mr. Richards stated he doesn’t know. Mr. Effren stated they have designed the system in accordance with the regulations and FST, and would need to redesign the system and go back to FST if they change it. He stated they will do what the town wants, but Mr. Gaucher’s comments came too late in the process. Mr. Richards stated that the Conservation Commission voted to approve the plan last week, so they would need to achieve the same rate of TSS removal if the plan is changed.

Ms. Wright stated that the Town needs to deal with the maintenance issues separately, noting that this is a well-designed plan. She stated it is an environmentally sensitive area and there is a better chance that the Town will perform the maintenance than a homeowners association in the long term. She stated Lake Maspenock will suffer if there is a lack of maintenance.

Mr. Richards discussed FST’s comment for the spillway detail to be added to the plan, and stated they will do that. He stated they will also add the roof drain detail as well. He noted that the revised plan shows the typical drywell locations. He stated they will also submit the erosion control plan which shows the material stockpile areas.

Ms. Wright asked if the easements submitted to the Board previously include the ones necessary for drainage. Mr. Richards replied they do not, that those were the off-site work easements. He stated the drainage easements don’t need to be prepared separately because there is no third party involved and the applicant owns all of the land. Mr. Effren stated they will create and record all necessary easements.

Mr. Coolidge reviewed the list of waiver requests, noting that regarding the request to build a house on lot 1 early in the process, the applicant should request its release from the conditional approval agreement, rather than omitting it. He asked why the road right of way width had been reduced further from that shown on the concept plan. Mr. Richards stated that Deneen Rd. had a kink in it on the concept plan, and the Board wanted it straightened out, plus there is an

intermittent stream on a part of the property. He stated they wanted to shift everything possible away from the stream, they got an easement on the Forbes property, and a reduction in the right of way width helps to move further from the wetland. Mr. Wright stated that Oakhurst Rd. has a 20 ft. wide right of way.

Mr. Abate stated that his business partner is a Deneen but is not involved in this project.

The Board voted six in favor with Mr. Aghababian, Mr. Goncalves, and Ms. Duffy abstaining, to approve the definitive subdivision plan with the following conditions:

1. Prior to the Planning Board's endorsement of the plan, the applicant shall execute an Agreement with the Planning Board, that no lot depending on Deneen Rd. or Scarlata Rd. for their legal frontage shall be sold, or buildings or structures erected or placed on, or building permits issued with respect to any such lot, until:
  - A. The work on the ground necessary to adequately serve such lot has been completed in accordance with the contents of the Plan and Profile of Deneen Rd. or Scarlata Rd. and with the Subdivision Rules and Regulations and that all other requirements of the Subdivision Rules and Regulations have been fully complied with; or
  - B. The applicant has executed a contract with the Planning Board, accompanied by appropriate security to secure performance, to complete construction of Deneen Rd. or Scarlata Rd. in accordance with the Subdivision Rules and Regulations, on or before a date specified in the contract;
  - C. The applicant has recorded in the Registry of Deeds (or Land Court) a certificate executed by the Planning Board that the above conditions with respect to any such lot have been completed or have been amended, modified, revoked, waived or released by the Board.
2. After finding that it was in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law, the Board waived strict compliance with the following provisions of the Subdivision Rules and Regulations:
  - A. Sec. 5.4.2 – Tree removal is permitted prior to recording of the plan in the Registry of Deeds to allow for construction of the Fowler driveway in Parcel G and to remove trees on lots 1 through 6, provided that approval of the Conservation Commission is received if necessary, no tree removal occurs within areas designated on the plan to remain undisturbed open space, and that all appropriate and necessary erosion and sedimentation control measures are implemented.
  - B. Sec. 8.2.1.D – Clear sight distance of 200 ft. within the roadway right of way and minimum centerline radii of curved streets of 150 ft. A sight line easement will be placed across the Forbes property as shown on the Plan.
  - C. Sec. 8.2.2.C – A monolithic berm may be used instead of cape cod berm.
  - D. Sec. 8.2.2.B – Modified cape cod berm shall be used at guttermouths instead of granite.
  - E. Sec. 8.2.3.A – The road right of way shall be 25 ft. wide for the extension of Deneen Rd.
  - F. Sec. 8.2.4.B – Vertical curves are designed for a 25 mph design travel speed instead of the standard 30 mph speed so that vertical curves do not need to be graded to provide 200 ft. of sight distance to drivers.
  - G. Sec. 9.11.4 – Bounds of the common open space shall be as shown on the Plan.

The applicant requested a waiver of Section 7.6. Performance Guarantee, in order to construct a house on lot 1 prior to completion of the requirements of Condition #1. The

Board did not waive this requirement, but instead indicated a willingness to release lot 1 from the Conditional Approval Agreement after review of access and safety issues at the time of the request.

3. The Board grants a waiver from Section 210-113 (1) of the OSLPD bylaw, 100 ft. perimeter buffer requirement, to modify the waiver granted with the Special Permit adjacent to the Mackay property, in order to allow the buffer width to be reduced from 34 feet to 33.88 feet as shown on the plan.
4. The common open space shall be deeded to the Hopkinton Area Land Trust (HALT) in accordance with the provisions of the OSLPD bylaw, and a Conservation Restriction shall be placed on the open space. HALT shall select the recipient of the Conservation Restriction.
5. Roadway and infrastructure construction shown on the plan shall be completed within four years from the start of construction or this approval shall be automatically rescinded unless such time is extended by the Board at the request of the applicant. If construction has not commenced within six years from the date of this approval, such approval shall be automatically rescinded.
6. A revised Operation and Maintenance (O&M) Plan for the stormwater management system shall be submitted which is written in sufficient detail that the Hopkinton DPW can use it as a maintenance manual. The O&M plan shall include maintenance procedures, including a recommended procedure for the removal of sediment from the detention basin bottom. The O&M plan shall be submitted to the Board for review prior to endorsement of the plan.
7. Roof drains will discharge into an infiltration system. The cultec chamber details shall be added to the plan prior to endorsement.
8. A typical detail of the detention basin spillway shall be added to the plan prior to endorsement.
9. An additional amount shall be added to the performance guarantee for this subdivision to cover potential remedial work required in the event that any element of the stormwater management system shown on the plan does not function as intended during construction.
10. Prior to the commencement of construction, including the construction of any houses within the subdivision, the applicant shall provide executed and recorded copies of all easements required by the plan.
11. There shall be a maximum of 6 building lots in the subdivision. This condition shall be written on the plan prior to endorsement.
12. The plan shows work within the Oakhurst Rd. right of way, a public way. No work shall commence to construct this portion of the subdivision until written approval to begin work has been received from the Hopkinton DPW.
13. Street trees shall be planted as shown on the plan and in accordance with the Subdivision Rules and Regulations. The Board encourages the applicant to retain trees in the road right of way when possible. The applicant shall consult with the Tree Warden with regard to species and location, prior to planting.
14. There shall be no permanent development signs at the subdivision. A temporary marketing sign may be erected if permitted by zoning regulations, but shall be removed once all the lots are sold.
15. Tree stumps and building scrap materials shall be removed and shall not be buried on the site.

16. Street numbers for the new lots shall be shown on the plan in accordance with the Subdivision Rules and Regulations prior to endorsement. The applicant shall consult the Director of Municipal Inspections on the numbering system.
17. Erosion control measures to prevent siltation onto wetlands, neighboring properties and roads during construction shall be implemented. An erosion and sedimentation control plan shall be submitted prior to plan endorsement. The erosion control documentation submitted shall be implemented and followed during construction. During construction, if these plans are found to be inadequate by the Planning Board, a new erosion control plan shall be submitted to the Board for review and approval. In the event that erosion and sedimentation problems arise during construction, the Planning Board may require that all work cease until measures necessary to ensure prevention are implemented.
18. No building permits shall be issued or any construction in the subdivision allowed until approval for such work has been obtained from the Conservation Commission for areas affected by the Wetlands Protection Act and the Hopkinton Wetlands Protection Bylaw.
19. Drain easements shown on the plan shall be defined by metes and bounds, deeded to the Town, recorded at the Registry of Deeds (or Land Court) at the applicant's expense, and copies furnished to the Town Clerk, Department of Public Works, and Planning Board.
20. Disturbed areas shall be loamed and seeded during construction as soon as possible.
21. During construction, common open space shall not be used for storage of construction vehicles, stockpiling of loam or other material, or any other use incompatible with its future use.
22. The street names shall be approved by the Board of Selectmen prior to endorsement and recording of the plan. The street signs shall be erected by the applicant prior to the issuance of building permits.
23. During construction, streets shall be swept and catch basins sumps shall be cleaned regularly, at least twice a year.
24. The plan shall be revised to show the location of where earth will be stockpiled on site. There shall be no deviation from this plan without prior Board approval. No earth products shall be delivered to the site which are not for use on the property. No earth shall be stripped or excavated and removed from areas of the site unless for road, infrastructure, home or lawful accessory use construction. No earth processing operations shall occur on the site, unless earth products are to be combined and/or mixed for use on the property. All piles of stockpiled earth shall be stabilized with adequate dust and erosion controls. All piles of earth shall be removed from the subdivision upon completion of construction of the road and infrastructure. Any piles remaining after that time shall be solely in conjunction with an active permit for construction of sewage disposal system, building or lawful accessory use. Any violation of this provision may result in a stop work order or plan rescission.

The Board voted six in favor with Mr. Aghababian, Mr. Goncalves, and Ms. Duffy abstaining, to close the public hearing.

**7. Community Preservation Committee**

It was noted that the Board of Selectmen has requested the name of the Planning Board member who will represent it on the Community Preservation Committee in FY06. After discussion, the Board voted unanimously to appoint Pam Duffy, noting that if she is not re-elected to the Board in May, it will have to appoint a different member.

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

Ron Nation, applicant, Brian Levey, attorney, John Thomas, Kristen Wilson and Dan Feeney, Beals & Thomas, and Ed Clinton, architect, appeared before the Board. Mr. Nation stated that he has lived and worked in the Hopkinton area most of his life, and listed the building projects he has accomplished in Hopkinton. He stated that he has assembled a team of responsible consultants, and the Whitehall Estates project will be attractive and environmentally sensitive, and will be praised when it is built. He stated that the construction would be done by him. He stated that he has received calls of support, but the people remain silent at public forums while opponents are vocal. He listed the benefits of the project: 1) 16% of the housing units would be affordable; 2) access to Reed Park from Wood St. would be created, which has been a goal of the Parks & Recreation Commission for a long time; 3) land will be donated to the Town for improvements to Reed Park; 4) a water line will be installed connecting Whitehall Estates and Parker Point Rd. for better water flow and pressure; 5) the existing entrance to Reed Park off Parker Point Rd. will become a gated emergency access, 12 feet wide, which the Police and Fire Departments endorse; 6) 10 acres of open space that will provide a connection to Lake Whitehall for the public; 7) housing stock diversity, as the project is one of the few feasible ways of creating new housing in Hopkinton which is available for less than \$1,000,000; 8) units will blend in with the neighborhood; 9) first floor master bedrooms will attract empty nesters so there is less potential impact on the school system; 10) units will be set back farther from the lake than many existing homes in the area; 11) sewage disposal system will be designed in excess of requirements; 12) density proposed is 50% less than the maximum allowed; 13) the amount of open space is 10% more than what is required; 14) there will be no wetland impacts. He stated that the opponents have no information provided by experts and predict environmental disaster, but the plans comply with all regulations. He stated there will be no raw sewage flowing to Lake Whitehall, and the units will be set back from the lake twice as far as the home of the nearest abutter. He stated that the future conditions have been misrepresented to the Board, and requested that the Board press for facts and focus on the rules and regulations. He noted that the project is at the concept stage only, and he would provide more detail at the next stage.

Mr. Levey listed the professional qualifications and accomplishments of John Thomas. Mr. Thomas described the site, and the location of the Zone II to the Town's Fruit Street wells to the north. He stated there will be no buildings closer than 220 feet to the Lake, but there are 20 within that distance now in the area. He reviewed existing housing densities in several Woodville neighborhoods, concluding that the proposed development will have a density of 3.1 bedrooms per acre and existing neighborhoods average about 5 bedrooms per acre. He showed the location of surrounding open space, noting that the new open space would provide linkage and connections, with new pedestrian access around Lake Whitehall. He stated that soil logs show that the soils on the property are not all sand and gravel, but mostly glacial till. He showed photographs of the sight distance on Wood St. at the proposed entrance, noting that adequate sight distance would be provided. He stated that now there is 350 feet to the left and 500 ft. to the right, and they would propose improvements at the entrance, including moving the stonework at the corner back a few feet. He stated that cars passing by the site average 40 mph.

Mr. Thomas reviewed the proposed entry drive, noting that they prefer to have the median in the center with the existing trees in order to preserve them. He stated that the existing cart road there is 8 to 10 feet wide, and they are proposing 12 ft. lanes on either side of a 25 ft. wide median with the sugar maples. He stated that trying to save the trees is the best thing to do, and a conventional roadway with the trees removed wouldn't be the right thing. He stated that if the emergency access to Parker Point isn't viable, then they would propose one on the far side of the brick house onto Wood St. He stated there would be 11 new buildings and one existing building on the property, with two to four units each. He stated they would like to convert the brick house to a single family home if it could be done while meeting the bylaw requirements. He reviewed changes to the plan since the initial hearing, including an increase in the number of affordable units from 4 to 6.

Mr. Clinton described the architecture of Woodville and of the proposed project. He stated the existing brick house is in the Georgian style and was built in the 1840's. He stated the proposed units would have brick center units modeled on the existing home, and attached cottage style homes that are similar to ones in Woodville. He stated they would have carriage house style garages which are set back. He showed floor plans and elevation drawings of the proposed buildings. He stated that in response to Design Review Board comments, they lowered the roofline between buildings so there will be no headroom on the second floor there. Mr. Herr asked if there would be chimneys, and Mr. Clinton replied no.

Mr. Thomas reviewed the stormwater management system, which would fully infiltrate storms up to 1 inch. He stated they would implement Best Management Practices (BMP's) and flows would be less than they are now. He stated they will not have an irrigation system, but use xeriscape techniques instead. He stated the 10.35 acres of open space will fully enclose the vernal pool. He stated that the project is not within a Zone II and no Water Resources Protection Overlay District (WRPOD) permit is needed. He stated that Whitehall Brook is an Outstanding Resource Water (ORW), but Lake Whitehall is not, noting that the State designates ORW's. He noted that the Lake is a Class B water and is not a public drinking water supply. He described the proposed sewer system, noting that Title 5 requires a setback of 50 ft. to a Class B water and 400 ft. from a public water supply. He stated they will exceed both of these requirements, with the system 450 feet back from the lake. He stated that a 100 ft. setback to the vernal pool is required, and 260 ft. will be provided. He stated that the soils attenuate/absorb high amounts of phosphorus, and the EPA standard is a 300 ft. setback. He described the Waterloo Biofilter System that would be used, which would help to remove nitrogen and phosphorus.

Mr. Thomas stated the first new building would be 350 feet back from Wood St. and wouldn't be very visible because of the trees. He stated the maples at Wood St. provide site identity and screening. He showed views into the site from the Lake, noting that the house at 22 Piazza Ln. is 135 ft. back from the water and the new units are proposed to be 270 ft. back. Mr. Herr asked how close the limit of clearing would be to the Lake. Mr. Thomas stated they would clear up to 190 feet from the Lake, and there is an existing open area around the Shepard house. He stated that in this area they would plant new trees to add screening. He showed a no-waiver plan, which would provide 7.8 acres of open space, require demolition of the existing house, and increase the road length and site disturbance. He summarized comments received from the Parks

& Recreation Commission, Police Department, Fire Department, Board of Health and Conservation Commission.

Mr. Levey summarized compliance with the Zoning Bylaw requirements. He read from the March, 2004 Hopkinton Housing Plan which states that Hopkinton is one of the few Massachusetts suburbs that allow attached housing units in all residential zoning districts by special permit. He stated that the most recent amendment to the Garden Apartment bylaw in 2003 expanded the Board's power to grant waivers from the Subdivision Rules and Regulations, and the Town has an important planning tool in this bylaw. He stated the purpose of the concept stage is to give an applicant guidance and to see if the proposed development meets the bylaw objectives. He stated there are different approval criteria for the concept and site plan stages of the process. He reviewed the criteria, noting that at the concept stage, the plans must generally meet the requirements, but must absolutely meet them at the final stage. He stated the opponents slide that shows the units massed at the waterfront with a single row of trees in front of them is a distortion, and there will be a 190 ft. no-cut zone there. He stated that they had received a report this afternoon from a consultant hired by the opponents. He stated that the plan meets or exceeds the requirements, and the Planning Board needs to consider town wide goals. He stated the traffic reports indicate that sight distance can be met. He added that the project complies with the Master Plan, which must be read in its totality, and all of the goals taken into consideration together. He stated if the Board conditionally approves the plan, it then allows all of the goals to be met at the next stage. He requested that the Board close the hearing or continue it, but narrow the issues to be addressed at the next hearing.

Jeff Furber, 232 Wood St., representing Friends of Whitehall, submitted a petition opposing the development. He stated that the petition has 1,363 signatures, 92% of which are Hopkinton residents.

Jonathan White, trustee owner of an abutting parcel, stated they hired a landscape architect to do section drawings through the property, but he is not here tonight. He submitted the report, which includes a rendering of the appearance of the entry and a section drawing through the property from the Lake. He described the section through the property.

Michelle Gates, Parks & Recreation Commission, asked if the section drawing includes the additional planting to be added, and Mr. White replied yes. Mr. Herr asked how tall the proposed buildings would be, and it was stated they would be 28 feet tall. Mr. Herr observed that the picture/rendering submitted by the landscape architect doesn't show the accurate elevations or distance between the lake and the first floor level elevation of the units. Mr. White stated the drawing isn't to scale and is intended to demonstrate a silhouetting effect. Mr. Herr stated the drawing is irrelevant and inaccurate if it is not to scale.

Steve Warren, 23 Parker Point Rd., introduced Mark Nelson, Horsley & Witten, whom he hired.

Mark Nelson, Horsley & Witten, referred to his submitted report. He stated that some Garden Apartment bylaw criteria have not been met, specifically #2 and #4. He stated the site is in the WRPOD and that water falling on the site ends up in the drinking water supply because it flows to the Lake, and nearby municipal wells pull water from the Lake. He stated the size of the Zone

II for the Fruit Street wells is small, indicating that water is being pulled from the Lake. He stated the private well on the Morrison property is 190 feet away from the proposed sewage disposal system, and there has been no information submitted on groundwater flows yet. He stated there will be impacts to the well from the septic system. He stated that the nitrogen coming from the site could be twice the drinking water standard, and will contribute nutrients to the lake. He stated that the soil can absorb only so much phosphorus, and the 300 ft. setback is appropriate for a single family sewage system, not one of this scale. He noted that viruses can move through septic systems unaffected and can survive 200 days here with the ground temperatures. He stated the impacts on water resources will be negative, and there is not an adequate means of sewage disposal. He stated there is no treatment for pathogens and the system shown is not adequate.

Mike Gildesgame, Mass. Dept. of Conservation and Recreation (DCR), acknowledged the preliminary nature of the plans, and stated that the concerns of DCR are included in the April 7, 2005 letter from the Conservation Commission, April 8, 2005 letter from Horsley & Witten, and his email to the Planning Board on Jan. 25, 2005. He stated that the correspondence points out important issues. He stated that DCR's concerns are: 1) water quality and nutrients, especially phosphorus and viruses, noting that further eutrophication of the lake would not be good; 2) an environmental impact report should be submitted with the Site Plan, including calculations for nitrogen and phosphorus on an annual basis, and including a plan for reduction; 3) how will the developer assure that pesticides, fertilizers, etc. will not be used on the site, noting that runoff is a major source of nutrients; and 4) total suspended solids (TSS) removal should be higher than 80%. He stated if approved, there should be water quality monitoring after construction and peak rates of runoff and low impact development techniques should be used on the site, which could include vegetated swales, drywells, etc. He stated they would want the developer to use all technically feasible means to reduce the impacts. He stated that DCR is concerned with long term maintenance of the site. He noted that they will also want more information on erosion controls in the future. He stated they would like to see a vegetation management plan with minimal clearing, and DCR wants to work with the developer and the Planning Board to minimize impacts and assure protection of the Lake.

Brian Morrison, 22 Piazza Ln., stated that Lake Whitehall is an extremely sensitive environmental area and the worst place in Hopkinton for something like this. He listed the bylaw criteria and described how they have not been met. Mr. Morrison listed some highlights of the Master Plan. He described some of the resources of the Whitehall area, including the town wells, Whitehall Brook which is an ORW, Lake Whitehall, Reed Park, ACEC's to the north and south, wetlands and vernal pool, and the Cameron Highlands open space. He stated that the neighborhood believes the development would be detrimental and it is not desirable. He showed a rendering of how the entry would look, noting that it would not be in character with Woodville. He noted that the crest of the hill on Wood St. is 90 feet from the proposed entry road, and the Police Chief is concerned about that. He stated his wife had an accident there which was due to poor sight distance. He stated that the proposed roadway would not meet Planning Board standards and no waivers should be granted. Mr. Morrison described the location of aquifers in Hopkinton, and stated that the proposed 8,000 gallons per day of wastewater will pollute the Lake. He stated that septic systems do not provide treatment, and the Waterloo Biofilter only removes 30% of nitrogen. He stated that the site is in a Nitrogen Sensitive Area, and that the

nitrogen loading calculations show that the system is not allowed. He stated that Whitehall is considered an “Impaired Lake” by the EPA, and Whitehall Brook is an ORW. He stated that the proposed discharge to an ORW is prohibited. He noted that according to the Town’s Conservation Scientist, stormwater would be directly discharged to a vernal pool, which is not allowed. He stated that all project work is outside the wetland buffer, but when water enters it, then the Conservation Commission has jurisdiction. He listed ways in which the plan is not compliant with the Master Plan, including Land Use Goals 2, 4, and 6, and Natural Resources Goals 1, 3, and 5.

Mr. Morrison addressed wildlife habitat, stating that there are endangered species in the immediate area, and noting that Lake Whitehall provides habitat for many species of plants and animals. He noted that Whitehall is a State-identified BioMap and Living Waters Core Habitat. He discussed how the viewshed of the lake would be negatively affected, showing Before and After views of the site prepared by the landscape architect. He stated that the plan does not comply with the intent of the WRPOD or the intent and requirements of the Garden Apartment bylaw. He referred to comments made by The Trustees of Reservations and the Mass. Audubon Society, and stated that the plan is not compliant with Title 5, the Wetlands Protection Act, ORW regulations, or 33 USC 1251.

Michelle Gates stated that she has been on the Parks & Recreation Commission for 3 years, and there have been a lot of complaints from Parker Point residents regarding the narrow road and access to Reed Park. She stated that the new development would allow traffic to use another road, and the Fire Dept. agrees that the access would be improved. She stated that that in her reading of Ch. 210-75 of the Garden Apt. bylaw, the first 3 criteria have been met. She stated that in light of the complaints received, it would make it more desirable to accept the donation of property. She stated that as past Chairman of the Historical Commission and current Chairman of the Historical Society, she feels that a waiver should be granted to allow the old brick house to be saved.

Sarah Stedt, 184 Pond St., played an audio tape of Dorothy Spates, 283 Wood St., who is 91 years old and could not attend the hearing. On the tape, Ms. Spates stated that she has had her land surveyed at her own expense recently because her land was included in the proposed roadway. She stated she has lived in Town for 68 years, and is opposed to the plan because of the damage to the environment by tree removal, 37 housing units and their sewage. She stated that the plan includes her land and house, and that some of her land will be taken. She recommended that the Board deny the application.

Jim Weckback, 273 Wood St., stated he has issues with the boulevard entry because it is incompatible and inconsistent with Woodville’s village scale. He stated there are trees now on the right side that would also be preserved with a single entrance road. He stated that 3 maples would come down for a single road, and if the stone wall is going to be pushed back for sight distance, then at least one more will come down too. He stated he prefers a more rural/conventional road. He stated there won’t be enough screening along his property line, and he would need more next to his house. He asked that the Board deny the plan because of the lack of screening.

David Adelman, 183 Pond St., read from a letter submitted to the Board. He asked that the Board deny the application, stating that Hopkinton needs a mechanism to reduce these kinds of developments. He stated he has concerns about the bylaws. He stated he is concerned with the septic system, environmental impact, monotonous looking homes, burden on the schools, and traffic. He questioned the total acreage, open space, and number of bedrooms proposed. He stated that the intent of the WRPOD is not met, and that a lot of people are opposed to the plan.

Ms. Stedt stated there will be a negative impact and the development is not desirable. She stated it would dilute the historic significance of Woodville, which is unique in the number of old homes there. She stated the Woodville residents have pride and the development will change the area. She stated that 83% of the homes in Woodville are historic, and the proposed plan would increase the number of dwellings on Wood St. there by 66%. She stated that residents don't want it.

Jeff Karg, 2 Whitehall Lane, stated that he kayaks on Lake Whitehall, and has formed an appreciation for its beauty over time. He stated while on the lake, he has met people from all over the northeast, and understands that it's one of the top 10 kayaking areas. He stated he grew up in New Jersey where the water tasted bad, and the water tastes bad now here too.

Andre Griben, 6 Winter St., stated he has concerns about the combined recreation and septic area. He stated there is no provision for keeping the State trail that crosses through the property. He stated that 66% more houses in Woodville would be bad.

Ken Johnson, 31 Parker Point Rd., speaking for Friends of Whitehall, asked the members to stand. He asked that the Planning Board do the right thing and deny the application. He addressed Mr. Nation, and asked him to withdraw the application with honor now or continue and lose the respect of the community.

The Board voted unanimously to continue the public hearing to May 23, 2005 at 7:30 PM.

**9. Administrative Business**

The Board voted unanimously to approve the Minutes of March 28, 2005 as amended.

Adjourned: 11:15 PM

Elaine C. Lazarus, Planning Director

Approved: April 25, 2005