

HOPKINTON PLANNING BOARD

Monday, June 20, 2005 7:15 PM
Hopkinton High School

MINUTES

PRESENT: Mark Abate, Chairman, Brian Herr, Vice Chairman, Scott Aghababian, Sandy K. Altamura, Evan Ballantyne, John H. Coolidge, R.J. Dourney, Jaime Goncalves, Claire Wright

.....Elaine C. Lazarus, Planning Director

1. FY06 Goals and Objectives

It was noted that Boards have been requested to set goals and objectives for FY06. Mr. Dourney asked how the Board's goals work and translate into agenda items, etc. It was noted that some result in projects for Ms. Lazarus to work on throughout the year, and some result in Board agenda items or other activities. Mr. Coolidge suggested that the Board set the following goals: work toward funding of the Housing Planner position; GIS; continue work on the Master Plan update; ACEC for the Whitehall area. Mr. Abate suggested working with other Boards more proactively to plan for development on specific parcels instead of reacting to applications, which could avoid Garden Apartment submittals in favor of single family residential subdivisions. Mr. Coolidge noted that the Board can't choose a plan for the owner to submit. Mr. Coolidge stated the Board would continue its periodic meetings with other Boards to discuss concerns and projects in common. Mr. Goncalves agreed, adding that the Board could go to an owner and ask what their intentions are.

Ms. Altamura stated that the Zoning Advisory Committee should look at the Garden Apartment bylaw, noting that the original units were a small alternative for new families and for people downsizing, but now the units are the same price as a single family home. This means that it's more attractive for a developer to build 30 townhouses than five single family homes which sell for the same price. She noted that the Board should revisit the maximum density and think about requiring an affordable component. She noted that the developments also make it harder to reach the MGL ch. 40B goal of 10% affordable housing units townwide.

The Board voted unanimously to approve the following goals and objectives for FY06:

1. Work with others to proactively manage land development, and consider possible modifications to the Garden Apartment bylaw.
2. Work with the Master Plan Committee to update the Master Plan.
3. Work with others to implement the Housing Plan.
4. Work on an Area of Critical Environmental Concern (ACEC) for the Lake Whitehall and Whitehall Brook area.
5. Continue to act with a sense of urgency to render decisions in a timely manner when reviewing projects that would bring additional commercial and industrial tax revenue to the Town.

6. Work with other Town boards, committees, and officials to streamline the permitting process, and improve communication and outreach to the public of the Planning Department's functions.
7. Review development standards in the commercial and industrial districts to determine if modifications are necessary in order to allow for or encourage new growth or industries.
8. Continue to work with the Personnel Committee with regard to the Reward & Recognition Program for employees.
9. Seek funding for the part-time Planner position in the Planning Department.
10. Work toward a town-wide GIS system.

2. Continued Public Hearing – Whitehall Estates – Garden Apartment Concept Plan and Preliminary Subdivision Plan – 279 Wood St.

Mr. Abate outlined the agenda for the two hearings. Mr. Coolidge stated he will not participate in the votes upon advice of Town Counsel. He stated that he was involved in attempts by the Town to purchase this land before the application was submitted, and withdrew from that after. He stated that as Chairman of the Community Preservation Committee, last week he received a letter from Ron Nation requesting a copy of an appraisal of the property that was done for the Committee and the Open Space Preservation Commission, on which he also serves. He stated that since he knows the appraised value of the property, he won't participate in the vote on the Whitehall Estates applications.

Brian Levey, attorney for the applicant, stated he is disappointed in this decision. He stated that nothing new has happened to make this occur. He stated he disagrees with the advice of Town Counsel. He stated that in light of this, they are left with 7 members who can vote on the Garden Apt. application and 6 votes are required for approval. He stated that consistent with the applicant's position in the past, they want the full Board to participate and vote. He requested permission to withdraw the application and re-file it so that the full Board, minus Mr. Coolidge, can participate. He stated that they would immediately re-file the application, and they want 8 members. He noted that Mr. Coolidge has withdrawn at this late date and for this reason, they request to withdraw.

Mr. Ballantyne asked if the application is re-filed, will Mr. Coolidge participate. Mr. Coolidge replied he would not. Ms. Wright noted that the applicant would have to present everything again that was presented before, in all of the previous hearings and in writing. Mr. Aghababian noted that the individual testimony presented at the hearings could not be re-created. Ms. Altamura stated the hearing should continue. She stated that nothing will change and someone could get sick and the number of participating members could end up the same. Mr. Dourney stated the applicant is willing to go through this expense, and it is the applicant that is more important, not the public in attendance. Ms. Wright noted that it is summer now and it is harder for people to attend meetings. She stated there are likely to be absences. Mr. Goncalves noted that this very circumstance was pointed out to the applicant the last time that someone was absent and the applicant requested a continuance for that reason. He stated that the applicant thought they could do better, and the Board told them that it would continue it once for that reason but not again. He stated that the Board should continue with the hearing tonight and not allow the application to be withdrawn.

Mr. Herr asked if the Board should request a legal opinion. Ms. Altamura noted that it will be very easy for the Board to be right back to 7 members. Mr. Coolidge stated the Board could continue the hearing tonight, then ask for an opinion from Town Counsel before it takes a vote.

Mr. Levey stated his client is taking the risk, it is his money and his time to take this on. He stated that if there is an absence, they will work around that. He stated that this has come up at the last minute. He promised that they would re-file immediately, and make one presentation on one night, presenting no new information. He stated he thinks it will only take one or two sessions, and they want that opportunity.

Mr. Dourney agreed with Mr. Levey, stating that the Board should do the right thing. Ms. Altamura stated that would not be the right thing. She stated this has been brought up and discussed before. She stated that the Board's time is valuable too, and members have spent hours going through the information received. She noted that the public who has come to the meetings has put in time and money, hiring babysitters, consultants, etc.

Jeffrey Karg, 2 Whitehall Ln., stated he has attended all of the meetings, and appreciates that people have come for the applicant and the expense of that. He stated that the people in the audience have hired babysitters, taken time off work, and have had other special conditions. He stated that maybe the applicant doesn't want people to keep showing up at the meetings.

Jonathan White, attorney, stated that he assumes the petitioner has decided his chances are better by getting one more member to participate, but he could always lose a member too. He noted that the withdrawal and resubmittal would only pick up one more member. He stated that if the same testimony is presented again that was presented before, this would mean 4 meetings. He noted that the new member would want to hear it all so it could take several months, longer if a member is ill, etc. He stated that the petitioner could then ask for the same thing all over again. He noted that the Board needs a 2/3 membership to vote on the special permit, and they have that now. He stated that it is not fair to all of the people who spent money hiring their own experts too.

Ms. Wright stated that every petitioner thinks their application is important. She noted that this could set a bad precedent with other applicants.

David Adelman, 183 Pond St., stated the applicant is doing this as a delay tactic, and it could happen with other special permit applications also.

Mr. Aghababian stated he doesn't like the idea of resubmitting the same application. He noted the issue is the wording of the bylaw. Ms. Altamura stated that if the Board allows this, then what it said at the last continuance request means nothing. Mr. Goncalves stated the Board should look at its current schedule, noting that the application for E. L. Harvey & Sons is also imminent.

Brian Morrison, 22 Piazza Ln., stated the applicant was warned in January that this could happen and he chose to go forward. He noted that Mr. Coolidge's withdrawal is due to Mr. Nation's

actions. He stated that a lot of people have spent thousands of dollars on this so far. He stated it would be unfair only to take the applicant's interests into account.

Mr. Herr stated the Board should continue with the hearing tonight, then request a legal opinion before it closes the hearing.

In response to a question, Mr. Levey stated that once a notice of public hearing is made, the applicant has lost his right to withdraw. He stated it is at the Board's discretion as to whether to allow it to be withdrawn. He stated that the applicant didn't cause this to happen, he was only responding to the situation. Mr. Coolidge stated that Town Counsel advised him that because of the request, it puts him in an awkward position because he knows what the appraised value is. He stated he will take Town Counsel's advice. Mr. Abate stated he is behind Mr. Coolidge 100%.

Mr. Herr moved to continue the process tonight, then deliberate on the application but not take a vote until the Board receives an opinion from Town Counsel. The motion was seconded. Voting in favor of the motion were Mr. Abate, Mr. Herr, and Mr. Ballantyne; voting no were Ms. Altamura, Ms. Wright, Mr. Aghababian, and Mr. Goncalves. Mr. Coolidge and Mr. Dourney abstained. A motion was made and seconded to continue with the hearing tonight as planned. Voting in favor were Ms. Altamura, Ms. Wright, Mr. Aghababian, and Mr. Goncalves; voting no were Mr. Abate, Mr. Herr, and Mr. Ballantyne. Mr. Coolidge and Mr. Dourney abstained.

Mr. Abate asked if there was any new information to present, with regard to the applicant for approval of the Garden Apartment Concept Plan.

Mark Furber, 232 Wood St., read an email received by Ms. Lazarus today from Ellen Chagnon, Conservation Scientist, which stated that the vernal pool on the property had been officially certified.

Steve Warren, 23 Parker Point Rd., read from a recent letter from Horsley Witten Group, which responded to a letter received by them on Thursday. He stated that there is no change from their conclusions in previous correspondence received by the Board, that the project is detrimental according to the Garden Apt. bylaw. He stated that issues of phosphorus loading remain, as the diluting mentioned by others is not appropriate. He noted that there is a private well nearby and there is no change to their opinion that the well is at risk. He stated the vernal pool is also at risk.

Mr. Karg stated that the development could yield 148 people and a lot of children, which could result in impacts to the school system from this high density housing. He stated it is to the developer's benefit to build this project, but single family homes would be less profitable and generate fewer children. He stated there is no altruism here, just more profit. He stated he is appalled that Mr. Nation would propose the first high density project on Lake Whitehall. He stated there would be both neighborhood and townwide impacts.

Mr. White paraphrased a letter submitted to the Board earlier in the day, which outlined possible legal issues with making changes to Reed Park.

Paul August, 65 Winter St., speaking for Friends of Whitehall, referred to correspondence that was submitted to the Board before its deadline. He stated the Board should look at the numbers of people projected by Judi Barrett in Garden Apartment developments, and there will be more than the applicant indicates.

Mary Pratt, 102 Fruit St., stated she is concerned that changes to the road at Reed Park could trigger Article 97 of the Massachusetts Constitution, which requires legislative action. She stated there are weeds in Whitehall and town wells there. She referred to issues concerning the Mass. Dept. of Conservation and Recreation outlined at a meeting she attended last week.

Mr. Goncalves referred to materials received relative to the traffic analysis, and asked for the applicant to comment on that.

Sean Kelly, Vanasse & Associates, stated the biggest point is the speed of traffic, noting that the sight distance isn't there now but would have to be provided at the site plan stage for vehicles in the street and exiting the property. He stated the DPW and Fay, Spofford & Thorndike (FST) will be provided with plans that show the sight distance. He stated if they can't do that, then the project can't be built. Ms. Altamura referred to data regarding a loaded truck moving at 40 mph requiring hundreds of feet to come to a stop. She asked if that is true. Mr. Kelly stated that stopping distance is based on the roadway and speed, not just weight. He referred to AASHTO guidelines, which indicate speed and grade as factors. Ms. Altamura noted that the crest of the hill that exists there won't change, and the Harvey project will result in an increase in truck traffic there already. She noted that those trucks are big, double trucks, coming over the crest of the hill. She stated she has concerns about them stopping in time, and she doesn't see how this could be mitigated. She asked if the data will be provided that applies to a fully loaded truck. Mr. Kelly stated they will show it for vehicles, and that AASHTO doesn't have any guidelines for weight. He stated that trucks coming up the hill aren't going 40 mph anyway. Mr. Levey stated this is a matter for the site plan stage, and for FST review and comment.

Alex Griben, 6 Winter St., asked how an 18-wheeler can stop abruptly. Mr. Kelly stated that stopping distance is a function of speed, slope, and friction of the roadway. He stated that the project will meet all applicable guidelines.

Jacqueline Duffy, 276 Wood St., stated she has almost been killed at this hill many times.

Mr. Karg stated he lives in the area and has parked in the site driveway. He stated there is inadequate sight distance. He stated the road can't be raised to meet the requirement.

Mr. Aghababian stated the Board should discuss the issues among itself and follow the agenda. He stated he understands the difference between concept and site plan stages, but there are no answers at this point. He stated he wants to hear that it will work, and asked what the mitigation would be. Mr. Kelly stated the location of the driveway, stone wall, grading, etc., will be considered. He stated that at the end of the day, they will show what will be done. Mr. Levey stated they wouldn't be here if they thought the project wasn't approvable.

Mr. Aghababian asked how the single road versus double-barrel road relates to the sight distance. John Thomas, Beals & Thomas, replied that the further the exit is to the east, the more improvements that would have to be made. He stated that at this point, they don't know if the Board will approve the double barrel or single road. He stated that FST advocates for 17 ft. wide lanes, and the maples there would be cut if they are that wide. He stated there is a lot of detailed input needed from the Board before they can do all of this work. He stated they may have to lower the crest of the hill if it is too far one way. Ms. Wright asked if the single roadway would provide better sight distance. Mr. Thomas stated if the road came out where the house is, they would have good sight distance, but they want to try and save trees. He stated there is poorer sight distance for the double road when no improvements are made.

Mr. Herr asked about the vernal pool certification information. Mr. Thomas stated they had made the same observations and don't dispute the certification. He stated they provided a 125 ft. setback on the plan, so no changes would be necessary. He stated as a certified vernal pool, it is considered an Outstanding Resource Water (ORW), so is subject to those standards, but all of the stormwater runoff is to be infiltrated for short duration storms. Ms. Wright asked about the location of the vernal pool, and Mr. Thomas showed its location. He stated that the Conservation Commission approved the location as part of the ANORAD process, and they were able to observe the vernal pool activity this spring.

Ms. Altamura asked about the distance of the septic system from Lake Whitehall. Mr. Thomas stated it would be about 500 feet away. Ms. Wright asked if there would be a recreation area on top. Ms. Altamura asked about screening proposed from abutting property and the Lake. Mr. Thomas described the proposed screening in the area where the Shepard house is now, noting they would infill the area with evergreen trees and shrubs. He stated that other areas where there are tall pines would receive understory planting. Ms. Altamura stated it is most probable that the two proposed buildings on the ridge could not be screened. She stated she was concerned about the viewshed at Whisperwood Preserve, and the developer reduced the number of houses and evaluated the viewshed impacts. She stated she has trouble with the proposed density and the viewshed. She stated that she believes it will be seen from the boat ramp. Mr. Goncalves noted that all of the units would be seen from Reed Park. Ms. Altamura noted that Woodville was also recently designated a Historic District, and there will be a visual impact.

Mr. Abate asked how many units would be lost if there is no setback waiver. Mr. Thomas stated they would have the same number, but it extends the project further to the north and reduces the amount of open space.

Ms. Wright asked if there could be more interior roadway so there is less cutting on the perimeter of the property. Mr. Thomas stated it would have been a dead end, but the Board prefers loops.

Mr. Herr asked if the looping part of the road could begin further back in the site. Mr. Thomas noted it would result in 20 to 25 ft. more of a buffer, but the site is only 210 feet wide at its narrowest point, where the development is proposed. He stated that 50 ft. further back means that the backs of buildings would be seen. He noted that the most buffer that exists is on land between the property and the lake, which consists of hardwoods and white pines off the property.

Ms. Altamura noted that a waiver of the setback requirement is requested for buildings 1, 9, 10, and 11, and asked where they are located. Mr. Thomas identified the location on the plan. He showed the Board a plan of what the development would look like with no waivers requested.

Mr. Abate asked what options there are with regard to the existing house. Mr. Thomas stated they have presented some before, plus they could remove the newer addition and keep it as a two-bedroom house, which would be more compatible with the Historic District. In response to a question, Ron Nation, applicant, stated he thinks the addition was built in the 1980's.

Mr. Ballantyne asked about the financial impact of the development on the Town, noting that 0.6 to 0.7 children per second bedroom is the case in Hopkinton, according to the School Committee. He asked if the taxes generated from the units would be a net benefit or drain.

Mr. Morrison stated that the Land Use Study Committee has received some preliminary information from Judi Barrett which indicates that there would be 0.33 children per two-bedroom unit, so that means 10 to 15 children here.

Mr. Thomas stated they haven't done a detailed analysis, but the development would be attractive to empty nesters and young professionals, and that is the market niche for these.

Mr. Karg stated that he is a professional engineer in New Jersey, and questioned the impact of the vernal pool certification. Mr. Nation stated they always acknowledged the vernal pool in the design. Mr. Thomas stated that when they filed with the Conservation Commission to confirm the wetland areas, the area was identified as a potential vernal pool. He stated that since they started work on this last summer, they were unable to observe it during the breeding season. He noted that they designed it as if it was a vernal pool, then went out this spring and documented it. He stated it doesn't change the plans, and it was there at the outset. Mr. Karg asked if the runoff collection area is the same elevation as the vernal pool. Mr. Thomas stated the vernal pool is lower than infiltration area #1, which is 1 of 3 such areas.

Mr. Morrison stated now that the vernal pool is an ORW, the regulations say there can be no impact, and one can't discharge stormwater to a vernal pool. He stated that the septic system impact will destroy the vernal pool. Mr. Thomas stated the stormwater will be discharged to the ground, and will not be a point source to the vernal pool.

Andre Griben, 6 Winter St., asked if stormwater runoff would go into the septic system, and the reply was no. Mr. Thomas stated that the calculations presented are based on a common system, which will take all of the sewage from the units. He stated they will not re-use the existing septic systems on the property for stormwater leaching.

Mr. Ballantyne asked if they will plan to use the Waterloo Biofilter as discussed before. Mr. Thomas stated they have committed to do that as well as no fertilizers, xeriscape, etc.

Dave Healy, Tighe & Bond, stated the Waterloo Biofilter unit could be above ground or partly below ground, and is enclosed. He stated the tank with sewage is underground. He noted the biofilter unit could be in a building that is compatible with the landscape, and would be about the

size of a garage. Mr. Goncalves asked if it would be a gravity fed system, and Mr. Thomas stated it would be a combination. He stated they need pumps for pressure dosing. Ms. Altamura asked if there would be odor or noise from the unit. Mr. Healy stated it is always an issue with any system, but they are designed to deal with that. Mr. Thomas noted that it would be 300 ft. from the nearest residence, and 800 ft. from Reed Park. Mr. Healy stated there are many examples of treatment facilities well located and designed. He noted that the one used for Cisco Systems in Boxboro is a good example. Ms. Altamura noted that it is not shown on the plan, and will be as large as a tractor trailer. She stated that odors and noise are potentials, and she stated that thought should be put into the design and location of the unit. Mr. Healy stated it can be designed to be not heard outside the building. He stated that properly designed, odors will be contained and treated, and there are many successful examples of this.

Mr. Thomas stated that the EMC campus on South St. is a good example, where 80,000 gallons per day is processed with no noise or odors. He stated they can incorporate it into the grade and recess it into the hillside. He stated it will be interior to the site, and they haven't designed the system yet. He stated it could be 500 ft. to the nearest abutting residence and 600 feet from Reed Park.

Mr. Abate stated the Board should look at the special permit criteria, and asked if there are any thoughts on this.

Mr. White stated that criteria #3 is not met.

Mr. Herr stated the issue is whether this is a good project for this piece of land. He stated there are traffic issues that will be addressed at the site plan stage, and a wastewater treatment plant to be located. He stated that conceptually, 37 units on a beautiful piece of land is problematic. He asked what other members think. Mr. Abate stated he is thinking about it in a broader context, noting there are other similar developments proposed too. He stated he is concerned about precedent. Mr. Herr stated there will be a lot of units.

Ms. Altamura read from Section 210-72 A of the bylaw, noting that the Board needs to take the quality of the site into consideration. She stated the developer has done a lot, and has tried to work with the site. She stated it is a tough site for the developer. She referred to Section 210-72 B, items 2 through 6 and 8. She stated the bylaw is subjective. She noted that the Board received a petition with 1,300 signatures, which needs to have some weight. She stated it borders a lake that is used by people from all over. She noted that the affordable component offers something, but it is the wrong plan for this land.

Mr. Goncalves stated he has serious concerns with the traffic, sight lines, and doesn't see how it can work and have a desirable impact. He stated that it seems to be shoehorned into a place where it doesn't work. He stated the applicant has done a good job with it, but it doesn't work.

Ms. Wright stated she feels there could be worse things on this property. She stated a lot of work has been done to address the concerns. She stated she wishes it could go away and the land could be kept in its current state. She stated she has big concerns relating to traffic and septic impacts. She stated there are reasonable things that could be done to save or preserve the house.

She stated that historic preservation goals could be met through this project. She stated she can see the merits, and thinks the applicant would work with the Town.

Mr. Herr agreed, adding that he is not sure what to do, as he sees the pros and cons. Mr. Aghababian stated his primary concern is traffic and sight lines. He stated there are benefits to the Town, such as Reed Park access and affordable housing, and he is not as concerned about the viewshed. He stated the development is pretty dense. Mr. Herr stated traffic is not a concept plan issue, and more information will be provided at the site plan stage. Mr. Goncalves stated the Board should decide whether it is feasible to get it in there and if it can be engineered and be workable. Mr. Herr asked if it would be workable with 15 units. Ms. Altamura noted the crest of the hill would still be there. Mr. Abate stated it will be dense in an environmentally sensitive area.

It was moved and seconded to close the public hearing.

Mr. Warren stated at the site walk people sat on the stone wall and couldn't see very far at all looking to the left. He stated he spoke to Mr. Thomas and asked what species would be used for understory planting, and he listed some that were not evergreens. He stated the screening proposed won't work.

Kathleen Whalen, 7 Cross St., stated she works for a company that services wastewater plants. She stated there is no such thing as no noise or smell, and it shouldn't be in a residential area.

The vote on the motion was 7 in favor, none opposed, with Mr. Coolidge and Mr. Dourney abstaining.

Ms. Altamura stated she is ready to vote on the application. Ms. Wright stated she wants to wait and think about it. Mr. Ballantyne noted the Board could consult with Counsel. Ms. Altamura noted the Board already voted not to do that. Mr. Herr stated he doesn't think there will be six votes now or if the Board waits.

Ms. Altamura moved find that the Garden Apartment bylaw criteria are not met and to deny approval of the special permit for the following reasons:

1. The proposed development does not constitute a desirable development in the neighborhood and in the Town. The density of the proposed development is too high for the site and would result in a negative visual and environmental impact to Lake Whitehall. It would negatively impact Lake water quality and the quality of water in the Town's wells. Wildlife habitat would be impacted.
2. The proposed development will be detrimental to the neighborhood or the town. Environmental degradation from stormwater runoff will result and sensitive environmental features will be damaged. The development will negatively impact the rural character of historic Woodville. The boulevard style roadway is not in character with the surrounding residential neighborhood.
3. The plans do not provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets. The proposed density will negatively impact the adjacent areas and public ways, especially with the traffic impact due

to poor sight distance. The location of the site driveway just below the crest of a hill does not appear to allow for adequate sight distance and will likely result in a safety hazard.

4. The plans do not appear to provide adequate methods of disposal of sewerage. Because of the location of the property close to Lake Whitehall, there is a high probability that it could be negatively affected. The plan does not provide for adequate methods of drainage for surface water. Other development around Lake Whitehall has resulted in severe environmental damage.
5. The plan does not comply with the following Master Plan Goals: Land Use Goals 2, 4, and 6, and Natural Resources Goals 1, 3, and 5.
6. The provisions of § 210-72A and 210-72 B, numbers 2, 3, 4, 5, 6, and 8 of the bylaw have not been met.
7. The criteria in bylaw section 210-71.D(4) has not been met
8. In reviewing the substantial amount of material presented to the Board, it appears unlikely that given the constraints of the site, a number of state and federal statutes pertaining to Title 5, the Wetlands Protection Act, Mass. 401 Water Quality Certification, Outstanding Resource Water, and U.S. EPA “Impaired Lake” regulations, for example, could be met.

The motion was seconded.

Mr. Herr stated he is not convinced that the science presented is accurate. Ms. Altamura stated it is not in the Board’s statutes to address, but materials received make it seem as though it is just too much for this area. Mr. Herr asked what else can be put on the land. Ms. Altamura stated the applicant could come back with another plan. Mr. Herr stated it could be a more undesirable plan than this. Mr. Goncalves stated the Board has to act on what is before it. Mr. Herr stated that as planners, the Board needs to think about the options also.

The Board voted 7 in favor of the motion, none opposed, and Mr. Coolidge and Mr. Dourney abstaining.

The Board now addressed the application for approval of a preliminary subdivision plan for the same property.

Mr. Thomas described the plan, noting it was laid out to get two building lots, one with the existing house at 279 Wood St. and the second with the Garden Apartment development area, plus a road right of way in the general location of part of the proposed Garden Apt. roadway, with open space parcels shown. He stated it could be an Open Space subdivision and meets the criteria of that bylaw. He described the double-barrel roadway design. He stated that the sight distance issues are the same as discussed before, but it is the easiest thing for engineers to correct.

Mr. Goncalves asked about the lot sizes. Mr. Thomas stated that lot 1 with the house would be 39,077 sq. ft., and lot 2 would have 9.76 acres. Ms. Altamura asked how many houses could fit there. Mr. Thomas stated it is set up for multi-family development. Ms. Altamura asked how many units. Mr. Thomas replied 37 would fit, but it was just denied. Ms. Altamura stated she doesn’t like the double-barrel road. Mr. Thomas stated they could have a single road.

Ms. Wright noted that several waivers are requested. She noted that approval or denial of the preliminary subdivision plan doesn't affect whether a definitive subdivision plan can be submitted.

Mr. Thomas listed the waivers requested: 1) two 12 ft. wide lanes for the double-barrel roadway; 2) exceed the maximum dead end street length; 3) no turnaround at the end of the dead end because it will access Reed Park; and 4) construction of infrastructure on slopes of 25% or more.

Mr. Goncalves asked what exceptional circumstances there are to warrant a dead-end street, as required by the Subdivision Rules and Regulations. Mr. Thomas stated that if it provided primary access to Reed Park, it should be a public way and not a private way, and this plan brings the road to the necessary point.

Mr. Morrison stated that since approval or denial doesn't matter, the Board should deny the application as submitted. He stated it is not legal to have this access to Reed Park.

Ms. Wright stated the Board should be strict with regard to waivers, and since the decision doesn't make a difference, the Board shouldn't approve it.

Ms. Altamura moved to deny approval of the plan for the following reasons:

1. The plan shows a double-barrel road for the first 300 feet off Wood St. and roadway traveled ways in this section which do not comply with the Design Standards in the Subdivision Rules and Regulations, Section 8.2.3.
2. The plan shows a dead end street. Sec. 8.2.5.A of the Subdivision Rules and Regulations states that dead end streets shall not be approved except where exceptional circumstances exist in the opinion of the Board. The Board did not find that there are exceptional circumstances in this case.
3. The plan shows a dead end street more than 1,000 feet in length, which exceeds the maximum length of 500 feet (Subdivision Rules and Regulations Sec. 8.2.5.B).
4. Section 8.2.5.B of the Subdivision Rules and Regulations requires that a turnaround be provided at the end of a dead end street. The plan did not show a turnaround at the new street's terminus.
5. The plan shows construction of infrastructure on land which slopes at a grade of 25% or more, which does not comply with Section 8.2.7.B of the Subdivision Rules and Regulations.

The motion was seconded.

Mr. Adelman asked if the same issues will be raised again with regard to master planning and zoning.

The Board voted 8 in favor of the motion, none opposed, with Mr. Coolidge abstaining.

Adjourned: 9:55 PM

Elaine C. Lazarus, Planning Director

Approved: July 11, 2005