

HOPKINTON PLANNING BOARD

Monday, August 8, 2005 7:30 PM
Hopkinton Town Hall

MINUTES

PRESENT: Scott Aghababian, Sandy K. Altamura, Evan Ballantyne, John H. Coolidge, R.J. Dourney, Jaime Goncalves, Claire Wright

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

1. Scenic Road Public Hearing – Pond St./2 Wescott Dr. - Brousseau

Richard Brousseau, applicant, described the submitted plan. He stated that he plans to construct an addition to the house at 2 Wescott Dr. and would like a temporary stone wall opening along the lot's frontage on Pond St. for construction access. He stated that when construction of the original house was planned the area near Pond St. was cleared, but then it was decided to locate the house fronting Wescott Dr. instead. He stated that most of the vegetation in this area is relatively new. He stated the septic system is located due north of the house, and the only practical way to access the back of the house is from Pond St. He stated that after construction, he would restore the wall.

Mr. Coolidge asked about the condition of the stone wall. Mr. Brousseau stated it is 1 to 1 ½ stones high in this area, and varies in height along Pond St. He stated he would put the wall back so it looks the same as it does now. Mr. Coolidge stated that the stones moved for access should be saved and used to restore the wall. In response to a question, Mr. Brousseau stated that no trees over 3 inches in diameter would be cut within the layout of Pond St.

The Board voted unanimously to approve the temporary removal of the stone wall as submitted, with the condition that the wall is restored using the existing stones.

Ms. Wright arrived at this time.

2. Design Review Board Appointments

The Board voted unanimously to appoint the following as members of the Design Review Board for the next year: Jeanette Thomson, Sue-Ellen Stoddard, Claire Wright, Jeffrey Doherty, Gail Fallon, Nancy Stevenson (Alternate), and Richard Brousseau (Alternate).

Mr. Aghababian arrived at this time.

3. 21 Ash St. – Cambourelis/Haskins

Diane Cambourelis and Daniel Haskins, owners, and Joe Marquedant, surveyor, appeared before the Board. Ms. Cambourelis stated that they are running out of space in the existing building at 21 Ash St. and would like to build a house on the property. She stated they love the area and

want to stay there, but single family homes in the area are out of their price range. She stated they take pride in the multi-family building they own, and have done a lot of work to it and want to keep taking care of it. She stated they live in one of the units in the building. Mr. Marquedant referred to a sketch of a potential family subdivision for the two acre property that showed a dead end street serving two new lots behind the existing building.

Mr. Aghababian asked how many units are in the current building, and Ms. Cambourelis replied there are four. She stated they would like to create two new building lots, build a house for themselves on one, and keep the third for their son. She stated they have restored some of the old building and are proud of that.

Ms. Altamura asked about the width of right of way proposed. Mr. Marquedant stated they would like a reduced width right of way, since it will only serve 3 lots. Mr. Dourney stated he is worried about safety, noting the houses would be behind each other and emergency vehicles will need to get in and out. He stated that the renters are now parking to the right of the house, where the right of way is proposed. Ms. Cambourelis stated that the driveway is paved beyond the existing building, and it would only be them in the back. Mr. Dourney stated this is one of the more pleasant areas of downtown, and he wants to make sure this continues to be the case. Ms. Cambourelis stated they love the nice historic building and they have been happy to fix it up. She stated they want to stay there but need more room.

Ms. Wright noted that the old building was once a single family house. Ms. Altamura stated she feels it is asking too much of the area to add two new houses there. She stated that one might be preferable.

Ms. Lazarus stated there is precedent for reducing the right of way width, noting that the road rights of way in the Highland Park area are 42 feet instead of 50 feet. Mr. Coolidge stated that in family subdivisions in the past, the Board has waived construction of a road. He stated that some are gravel and some are paved. He stated that one of the conditions could be that the road is paved when the third lot is developed. He stated he has no problem with it if the road could one day be built.

Ms. Wright stated she is increasingly uncomfortable with family subdivisions, and it has been abused in the past. She stated she doesn't want to make undevelopable land developable. She stated there are a lot of houses in town with acreage. She stated that the owners could live in the larger front unit of the building or in the other house in Town that they own, adding that they own multiple properties already. Ms. Cambourelis stated they like the area. She stated that they had purchased the other property on Hayden Rowe and intended to live there, but there was too much traffic. She stated they need the rental income from the larger unit. Ms. Wright stated it has not been demonstrated that the owners need another dwelling, noting that in other family subdivision situations, people actually need someplace to live in Town and they can't afford one.

Ms. Altamura asked if there are a lot of trees in the lot areas. Ms. Cambourelis stated there are, but they would only clear what is necessary. Ms. Altamura stated that family subdivisions get built 2 to 5 years after approval, then they are sold. She stated she is uncomfortable with the concept. She asked if it was only one lot, would the house be built way in the back. Mr. Haskins

replied they don't know. He stated they were seeking Board feedback. Ms. Altamura stated that two houses are too many for the back land. Mr. Dourney agreed. He stated it is not a good use of the regulations. Mr. Aghababian stated the Board should be careful, and it has generally been in favor of family subdivisions. Ms. Wright stated that the owners already own two properties and they are not house poor. Mr. Ballantyne suggested trying for one lot instead. Mr. Dourney asked if they had spoken to the neighbors, and Mr. Haskins replied no. Mr. Dourney stated that if they go forward with the plan, they should talk to them. It was suggested that two of the units in the building be combined to form a larger unit. Mr. Haskins noted that if they eliminate one unit they will lose the rental income.

Mr. Coolidge left the Board at this time.

4. Continued Public Hearing – Whitehall Estates/Woodville Woods – 279 Wood St. – OSLPD Concept Plan

Ron Nation, applicant, Brian Levey, attorney, and John Thomas and Dan Feeney, Beals & Thomas, appeared before the Board. Mr. Aghababian noted that at the last hearing the Board had voted to request advice from Town Counsel. Ms. Lazarus noted that the Board of Selectmen had approved the Board's request to use Town Counsel, but that he has been on vacation so no information is available at this time.

Mr. Thomas described a revised plan submitted since the last hearing. He stated the plan shows 10 building lots for new homes plus one lot with the existing house at 279 Wood St. He stated they tried to accommodate the comments of the Board, namely its desire to keep development toward Wood St. with a block of open space in the back which is useable. He described the proposed drainage system, which would include a detention pond in a low area of the site that would recharge water to the ground. He stated that one lot will be designated an affordable lot. Ms. Wright asked whether it would be an affordable lot or unit. Mr. Thomas noted that a subdivision plan doesn't create units, only lots, so they are noting that it will be a lot designated as affordable. He stated they have done this elsewhere. Mr. Levey stated the purpose of creating the lot is to create a unit. He stated the lot would contain an affordable house that would count on the Town's 40B inventory. Ms. Wright asked if Mr. Nation would build the house, and Mr. Levey stated that someone would build a house.

Mr. Thomas noted that a waiver of the perimeter buffer requirement had been requested, and by doing that, it would create better open space. He stated the open space would be in a large block instead of a small strip around the perimeter. Mr. Goncalves asked about the preliminary subdivision plan submitted for comparison purposes. Mr. Thomas stated the conventional plan submitted showed one entrance, because they thought it was the best layout. He stated that under the Open Space and Landscape Preservation Development (OSLPD) bylaw, the Board can't waive the 1,000 ft. long dead end street maximum length, but it can on a conventional plan. He stated they could have a conventional plan with two access points, but thought the best plan showed one. He showed the Board a sketch of a conventional plan loop road with two access points to Wood St., and no dead ends. Ms. Altamura stated that the layout on the dead end street is more attractive than the loop road configuration. Mr. Thomas stated that from a builder's perspective, it is better to have larger lots. He noted that the frontage shown for each lot on the OSLPD plan exceeds the minimum.

Mr. Aghababian asked what kind of structures would be constructed in the subdivision. Mr. Nation stated they would be typical single family homes with 4,000 sq. ft, 3-car garage, and 3 to 3 ½ baths. He stated with a finished basement they would be 5,000 sq. ft. Mr. Aghababian asked if some trees could be kept on the back of the lots on the interior of the loop. Mr. Thomas stated it is possible, but they need to locate septic systems. He stated there would be 190 to 200 feet from the house to the rear property line as shown on the concept plan. Mr. Levey reminded the Board that it can require no-cut easements or conservation restrictions where the buffer has been reduced.

Mr. Aghababian asked if the street would be one-way, and Mr. Thomas stated that two-way operation is proposed on the plan.

Mr. Goncalves asked about the distance between the house on lot 11 and the rear property line adjacent to Reed Park, and it was noted it would be 25 ft. Mr. Thomas noted that the house shown on the lot is 90 ft. x 48 ft.

Ms. Wright asked about the waivers requested from the Subdivision Rules and Regulations. Mr. Feeney stated a waiver is requested to permit construction of infrastructure on a 25% or greater slope because a ridge cuts through the site. He stated they are requesting a waiver to allow a cut/fill exceeding 8 feet in order to meet the grades going through that ridge. He stated that the slopes of the ridge are 25% to 35%.

Mr. Dourney asked about the distance from the new road to abutting property. Mr. Feeney stated the right of way edge would be 20 to 30 ft. from the Weckback property, and 5 to 10 ft. from the property at 283 Wood St.

Ms. Wright asked how many of the sugar maples at Wood St. would be removed for the proposed road. Mr. Thomas replied that one row of two trees, which is in the middle of two other rows, would be removed. Mr. Goncalves stated that the trees in the middle were not in great shape.

Mr. Dourney asked if there was precedent for waiving the perimeter buffer, and Ms. Lazarus replied yes. She stated that in at least one instance, it has been when the land is next to other permanent open space. Mr. Dourney asked how close the development would be to abutters. Mr. Feeney stated the right of way for the road would be directly adjacent to the property at 283 Wood St. Mr. Thomas noted that there is a 10 ft. right of way by deed to pass over the Brown property that they will not use. Mr. Feeney stated that a 0' buffer is also proposed adjacent to Reed Park and Whitehall State Park.

Ms. Wright stated she doesn't like the loop road, and it causes more problems. She stated there will be children in the subdivision and the lots with a road in the back would be undesirable. She suggested serving the new lots with a 1,000 ft. long dead end street. Mr. Thomas showed the Board a study plan done in January, 2005 for the applicant, with a 1,000 ft. long dead end street and 10 lots with the perimeter buffer. He noted that the lot configuration is very odd with long necks to building areas. Ms. Altamura stated that although the plan is horrible, it does have less

impact on the neighborhood. It was stated that the plan doesn't represent good open space planning. Ms. Altamura noted there would be a total loss of trees in both plans. Ms. Wright asked about the road length proposed on the loop plan, and Mr. Feeney stated it is about 2,600 ft. Ms. Wright stated they should propose a cul-de-sac with fewer lots.

Mr. Aghababian asked about sight distance on Wood St. Mr. Thomas stated the lower road entrance has the same issues the Board has reviewed before, but it could comply with the requirement. He stated there was short sight distance with the double-barrel roadway, but a single road can be moved easily and the sight distance achieved. He stated the upper road entrance is at the crest and sight distance would have to be dealt with. He stated that Wood St. doesn't comply with the AASHTO vertical curve requirements, so the grade of Wood St. would have to be changed. Mr. Aghababian asked if it would be safer with a one-way traffic pattern. Mr. Thomas replied it would be. He stated if one-way in on the west and out on the east, this would be best. Mr. Ballantyne stated that would be an improvement. He stated he prefers a cul-de-sac plan instead because so much of the proposed loop road would be a waste. Mr. Thomas stated that if they can get approval with a condition that they pursue a longer than 1,000 ft. long road with the ZBA, they would be willing to do that. He stated the buffer would be increased if they had a cul-de-sac.

Mr. Goncalves stated that the house on lot 11 is too close to the lot line. Mr. Thomas stated it could be moved around on the lot. Ms. Altamura stated the viewshed is still not improved, the road entering Wood St. on a suicide hill is a problem, and it is too dense. She stated it does nothing for the neighborhood. Ms. Wright stated if part of the road was eliminated, it would be better. Ms. Altamura stated that half of the lots should also be eliminated.

Brian Morrison, 22 Piazza Ln., stated a conventional plan must have no waivers, and the one submitted doesn't comply. He stated it has 0 setbacks to abutters, no open space, and a dead end street in excess of 500 ft. long. He stated if a conventional loop road is looked at, the brick house is then in two districts and needs to meet the Agricultural district requirements. He stated it would not meet the frontage requirement. He stated that a 125 ft. offset to Fruit St. is required, and only 114 ft. is provided. He stated the conventional plan couldn't be built. He reviewed the criteria for approval of an OSLPD plan, noting that such plans are not allowed in the RA district and a portion is within that district. He stated that no buffer is provided and there would be viewshed impacts. He stated there is no protection to natural features on the site. He stated the Board should grant no waivers.

Jim Weckback, 273 Wood St., stated the lack of a 100 ft. buffer is outrageous. He stated the bylaw has an entitlement to a 100 ft. buffer.

Mr. Thomas stated if they pursue a conventional plan, they would request a waiver of the dead end street length to achieve a better laid out plan. He stated there is no buffer requirement for a conventional plan. He stated they would still need a waiver for the 25% slope and cut/fill because of the ridge line. Mr. Goncalves asked if there could be a conventional plan with no waivers. Mr. Thomas stated they would have to study the topography more, but something looking pretty odd could likely be engineered to avoid the slope.

Mr. Morrison insisted that a conventional plan had to be shown with no waivers or the Board cannot approve an OSLPD concept plan. Ms. Lazarus stated that the Board only has to decide that a conventional plan is viable for the property. She stated that the Bylaw allows the Board to make that determination based on the provisions of the Subdivision Rules and Regulations which are adopted locally by the Planning Board and includes the right to grant waivers.

Mr. Aghababian stated the Board should speak to Town Counsel. Mr. Levey stated that the Board's engineer says in his letter that the application is complete, and the Board has indicated that it needs more information. He stated the Board should make a decision on the merits of the plan before it. He stated the Board can still get Town Counsel's opinion, but this property has been discussed extensively for awhile now. He asked that the Board close the hearing and make a decision later if it wants to.

Barry Richards, 39 Parker Point Rd., stated that a lot of people use the area for passive recreation, and there is a nice pine grove in that area now. He stated that the area will be opened up and it will be disastrous.

Mr. Weckback asked about the height of the proposed retaining wall at the entrance. Mr. Thomas stated it would be about 30 inches tall.

Paul August, 65 Winter St., stated it will be hard to locate houses on the lots and meet the setback requirements.

Mr. Goncalves asked about the location of the Weckback house, and Mr. Weckback indicated that the closest part of the house is 25 to 30 feet off the applicant's property line.

A resident of Pond St. asked where the snow will go. She stated a buffer would maintain good neighbors, and this plan would create problems in the neighborhood. She cited concerns with school buses traveling on the road with snow piled along it.

Anne Henderson, 271 Wood St., stated the development will have 30 cars per day, which will be added to the new Harvey trucks in Wood St. She stated that this will create a dangerous situation with the slope of Wood St.

Mr. August stated a lot of vegetation will be removed and it should be replanted if cleared. He stated it would be hard to build the road as shown on the plan without getting easements from abutters to construct it. Mr. Morrison stated he will not grant such an easement, and neither will anyone else. Mr. Nation stated he will not request an easement from Mr. Morrison.

It was moved and seconded to close the hearing. Ms. Altamura, Mr. Goncalves, and Mr. Dourney voted in favor, and Mr. Ballantyne, Mr. Aghababian, and Ms. Wright voted no. Ms. Lazarus asked the Board if it wanted to continue the hearing, and discussion ensued. Ms. Altamura stated she doesn't need more information. Ms. Wright stated she would like more information. She stated there is a game being played with respect to the conventional and open space plans. She stated she wants to see an Open Space plan rather than something else. She stated that the project has potential, and issues could be addressed with more dialogue. She

stated she wants to be more comfortable with the plan. Mr. Goncalves stated the plan was revised after the first hearing, and now it's a new plan. Mr. Dourney asked what additional information is needed. Mr. Aghababian stated he would like information from Town Counsel, and it could affect what questions he wants to ask the applicant. Mr. Levey stated that the Board can still discuss the plan with Mr. Nation after approval as he moves toward a definitive plan. He stated they want to keep the process moving along.

It was moved and seconded to close the public hearing, and the Board voted unanimously in favor of the motion.

Mr. Coolidge returned to the Board at this time.

5. Deerfield Estates

Gerry Lindsey, Capital Group Properties, appeared before the Board. Mr. Lindsey reviewed the Deerfield Estates Senior Housing Development on Lumber St., which is under construction. He stated he met with representatives of the Historical Commission and Planning Board on the site a while ago, and they have now developed a proposal for the old house on the property. He stated they will create a minimum sized lot around the house, remove the modern addition on the back, repair the outside, fix the chimney, put on a new roof, repair the foundation, and remove the modern things in the interior. He stated they would terminate the electricity at the panel and deed the building to the Town or the state. He stated they are concerned about its long term appearance, so they will landscape the area and put a park next to the house on the condominium property which will be open to the public. He stated the only issue they have is the use of the building for functions, which they don't want. He stated they can't go along with that because of the residents who will be living nearby. He stated that if reusing the building for functions or a community building they would also have to comply with ADA and other requirements, like parking. He stated that no one is sure what they want to keep the building for, possibly a museum. He stated it is educational with respect to the architecture of the 1700's. He stated they would exclude functions by deed restriction. He stated that on a related issue, they have looked at the pine grove next to this which they tried to save, but it looks bad and isn't worth saving. He stated they want to submit an amended site plan for the front phase of the property, and they would want to add one more unit to cover the loss of the unit that the house was supposed to become. He stated that the trees in the pine grove are falling down.

Ms. Altamura asked if the Town could move the building in the future. Mr. Lindsey stated the Town would own it and could do that. Mr. Coolidge stated he is disappointed that it won't be used as a common building or a dwelling. Mr. Goncalves stated that meeting the code requirements would be difficult. Mr. Coolidge stated he doesn't want the building to be a burden on the town. Mr. Dourney stated it will become an old box on a lot, and it loses its value when no one lives in it.

Ms. Wright stated that the house is structurally adequate and it had land with a well, but the septic system has been taken away. She stated that buyers who want a low maintenance condominium aren't interested in such a unit. She stated she is worried about buildings that don't have a purpose, and it could be neglected. She stated she wants it to have water and sewer through the condominium. She stated there is also a market for historic houses, and someone

might want to buy it. Mr. Lindsey stated that no one knew it is on a cultural resources list published by the state until recently. He referred to the Peak House in Medfield, stating it could be used as a museum. He stated it can't conform to the current building code.

Mr. Dourney stated it seems like the developer doesn't want to deal with it. Mr. Lindsey stated they have done their due diligence, and were going to then demolish and replicate the structure. Ms. Wright stated the house is structurally viable. Mr. Dourney stated Mr. Lindsey is being insensitive. Mr. Lindsey prepared to leave the meeting.

Michaelyn Holmes, Chairman, Historical Commission, joined the Board. She stated they were thrilled with the new proposal, and the Commission voted unanimously to support it. She stated they are faced with demolition, and the building is one of only twenty-four 1700's houses remaining in Town. She stated they didn't want to see it go. She stated their ideal was to see it as a house the way it was, but that wasn't a fit here. She stated they want it to stay on its site, in its setting, the way it looked. She stated the newer part of the structure will be removed. She noted that the building would come to the Town, and that pleased them. She stated it could still have a public use and be preserved there. She stated that in private hands, it could be changed. She stated it would be a win for the Town.

Ms. Altamura stated she is happy that the house will be saved. She asked if it would have water. Mr. Lindsey stated the existing well is next to the house, but there is no room for a septic system. Ms. Altamura stated it needs a septic system. Ms. Holmes stated the train depot won't have water, electric, or sewer, and this would be analogous to that. Ms. Altamura asked about future maintenance of the building. Mr. Aghababian asked who can accept the building on behalf of the Town. Ms. Holmes stated the Historical Commission can accept property, artifacts, etc. She stated they haven't thought through all of the eventualities. She stated if the Town wants to preserve it, the Commission will be responsible. Mr. Lindsey stated that Capital Group will maintain the outside grounds, and would seed a revolving fund for maintenance. Ms. Holmes stated the Commission can also get grants. She added that ADA waivers are granted for historic properties.

Mr. Ballantyne stated an uninhabited building with no use could be a liability. He noted it would need regular painting, new roofs, etc. Mr. Aghababian stated he thought it would be a dwelling, or replicated if not structurally sound. He stated if the Historical Commission wants to take on, the Planning Board shouldn't say no. He stated the resolution is a good one that maintains the spirit of the agreement. Mr. Coolidge stated it should have a septic system to remain a viable building. Mr. Lindsey stated it could be tied in with the development, but there would be a monthly fee. He stated he would look into that, as well as the capacity of the system.

Ms. Lazarus noted it appears as though it is a choice between demolition or donation of the house to the Historical Commission. A motion was made and seconded to accept the proposal as presented. Mr. Lindsey stated they may be able to provide septic, adding they would also look into building a small parking lot on the nearby town-owned land. The motion was amended to add that the building must be provided with water and sewer, not equivalent to a dwelling, but adequate for the type of use envisioned by the Historical Commission. The Board voted unanimously in favor of the motion.

6. 45 Pleasant Street Subdivision – Tedstone

Brendan Tedstone, owner, and Doug Resnick, attorney, appeared before the Board. Mr. Resnick described the preliminary subdivision plan approved by the Planning Board in 2004, which would create two building lots. He stated that the zoning bylaw's shape factor was not met, so they applied to the Board of Appeals for a variance. He stated that the ZBA won't grant a variance, and had suggested that they lay out the cul-de-sac so a variance isn't necessary. He showed the Board a different cul-de-sac design with a longer road. The Board stated the layout would be acceptable.

7. Zoning Amendments

The Board postponed its discussion to identify possible zoning changes until the next meeting. Ms. Altamura stated she would like the Board to consider inclusionary housing.

Adjourned: 9:45 PM

Elaine C. Lazarus, Planning Director

Approved: August 22, 2005