

# HOPKINTON PLANNING BOARD

Monday, August 22, 2005 7:30 P.M.  
Town Hall, Room 211

## MINUTES

### **MEMBERS PRESENT:**

Mark Abate, Chairman; Brian Herr, Vice-Chairman; Sandra Altamura, Evan Ballantyne, John Coolidge, R.J. Dourney, Jaime Goncalves, Scott Aghababian, Claire Wright

### **1. Ridge Road - Proposed Residential Subdivision – P & M Realty Trust**

Charles Scott, CFS Engineering, engineer, and Michael Casasanta, developer, appeared before the Board.

Mr. Herr and Ms. Wright arrived at this time (7:33 P.M.).

Mr. Scott described the property located between Ridge Road and Route 495 consisting of 3 separate parcels totaling 16.67 acres with an existing, unimproved, Boston Edison easement. He noted that one of the parcels (Ridge Road Lot 25) was created as part of the Saddle Hill Estates subdivision. Mr. Scott noted that the wetlands resources, including two potential vernal pools, have been delineated but not reviewed by the Hopkinton Conservation Commission.

Mr. Aghababian arrived at this time (7:35 P.M.).

Mr. Scott presented an Existing Conditions plan which was not part of the material submitted to the Board in advance, and stated that he feels a conventional subdivision can be designed to create frontage for two developable lots in compliance with the Subdivision Rules & Regulations. He noted the Ridge Road cul-de-sac would be extended by 160 ft., and a new 1,240 ft. loop road would be created. He stated there would be 8.5 acres of open space in addition to Lot 25.

Ms. Altamura stated that a viable conventional subdivision plan has to be approved first. She asked about the detention area, and Mr. Scott stated that they can alter approx. 500 sq. ft. under State regulations. The Board noted that there would be work in the buffer zone in various locations. Mr. Scott stated that they could apply for a limited project because there is no other way to get access. Mr. Coolidge noted that it appears the developer has created his own hardship. Mr. Casasanta disagreed and referred to the requirements in place when he developed Saddle Hill Estates causing him to lose a lot on Ridge Road. He stated a couple of years ago, on behalf of a potential buyer, he had unsuccessfully tried to get approval for one lot.

Mr. Coolidge stated that the Conservation Commission is not going to approve a road through the wetlands resource area. Mr. Casasanta noted they have shown that they have the ability to do a standard subdivision. Ms. Altamura disagreed. Mr. Scott stated they

will go to the Conservation Commission for review and that there is no other way to access the property. Mr. Coolidge stated that a grid subdivision is not going to work, maybe one lot. Mr. Goncalves noted that this is an informal discussion and that the plan should be approved by the Conservation Commission prior to review by the Planning Board. Mr. Abate agreed.

Mr. Coolidge noted that the OSLPD alternatives will require various waivers.

Mr. Abate asked if there were any questions from abutters, and there were none at this time.

Mr. Scott proceeded to describe three different OSLPD proposals for the property. He first described a plan (Alternative III) which would create 81.2% open space. In response to a question, he noted that 8.6% of the 81.2% open space is considered wet.

Mr. Coolidge asked about restrictions for the Boston Edison easement. Mr. Scott responded that they basically have to leave it the way it is.

Mr. Scott noted that the 2<sup>nd</sup> alternative (IV) does not provide as much open space (62%) and that they will have to grant easements across the lots for open space access. He stated that there are existing trails, one off the existing cul-de-sac and another in the back of the property. He added this is basically a common driveway off Ridge Road. The Board asked about the requirement to access property across its own frontage and noted that this appears to create pork chop lots. Mr. Scott noted he will have to review this but that he is sure it can be designed.

Mr. Scott described the 3<sup>rd</sup> possible alternative (V) which would also require waivers from the Planning Board but that they may want to grant these as it brings open space frontage right to Ridge Road.

Mr. Scott stated he understands they have a couple of things to work out but asked which OSLPD alternative the Board would prefer if the Conservation Commission would be okay with it. Mr. Abate stated the Board is not excited about any of these options and that he would first want to hear what the Conservation Commission has to say.

Ms. Altamura stated it should be just one lot but that she realizes the ZBA application was not approved.

Ms. Wright noted that a common driveway off Ridge Road would be better but that it is very long. She questioned accessibility for safety officials and asked if there had been feedback from the Fire and Police departments. Mr. Herr agreed that they should be contacted. Mr. Scott noted there would be a fire cistern in the rear of the property. Ms. Wright noted that her biggest concern would be snowplowing. Mr. Scott indicated they will contact Fire and Police officials for their input.

## **2. Continued Public Hearing - Community Covenant Church, 2 West Elm Street – Site Plan Review**

The Board discussed the applicant's request for a continuance of the public hearing. The Board voted unanimously to grant the request and continue the public hearing to 7:45 P.M. on November 28, 2005. No one was there representing the applicant.

## **3. Bills**

The Board voted unanimously to authorize payment of Fay, Spofford & Thorndike, Inc. and T&K Asphalt Services invoices in the amounts of \$1,729.89 for review of the Maspenock Woods Garden Apartment concept plan and \$2,800.01 for remedial work at the Hopkinton Woods subdivision respectively. The Board voted unanimously to approve a \$500.00 payment to Compu-Links, Inc. for a one-year subscription to g-Wiz. Mr. Coolidge requested that the Planning Director look into the possibility of a site license to be shared by various departments.

## **4. Re-appointment of Earth Removal Agent (J.T. Gaucher)**

The Board discussed the role of the Earth Removal Agent with respect to the activities at the Fruit Street property and other earth removal operations in Town. The Board voted unanimously to re-appoint Mr. Gaucher for a one-year term. It was noted that Mr. Gaucher is not in attendance at this meeting but that he does not object to re-appointment. The Board noted that they would like to have Mr. Gaucher come to a meeting to review the Earth Removal regulations and current projects. The Board noted they want to make sure that Mr. Gaucher indeed wants to do this.

## **5. Scenic Road Public Hearing – 203 Fruit Street – Wing Kuen Wu**

Steven Inman, builder, appeared before the Board to represent Mr. Wu, homeowner. Mr. Inman described the current conditions with a U-shaped driveway and 3 large trees which he feels make it dangerous to exit the property. He noted Fruit Street is a very busy road and requested approval for the removal of these trees as they are blocking sight distance. Ms. Wright noted that Fruit Street is a scenic road and that it appears that just about every homeowner there would have the same issue. She noted that the site has been clear cut for the construction of the new home and that these are the only trees left there.

Mr. Ballantyne agreed with the applicant and recommended that the trees be removed for safety reasons. Mr. Abate agreed that Fruit Street is very busy but that this section is fairly straight. Mr. Dourney noted that when you build a house on a scenic road you have to take that into consideration. Ms. Wright noted that, especially as development increases, the scenic road regulations are more important to protect rural character.

Mr. Coolidge noted that no scenic road hearing was required when the house was built as no activities were proposed in the scenic road right of way. He added that it would have been better to have just one entrance.

Richard and Eleanor Bushman, 165 Fruit Street, stated they are opposed to the proposal. Ms. Bushman noted if this was a legitimate request they would have to cut down all the

trees on the scenic road. She noted she and her husband were the original sponsors of the scenic road bylaw of the town.

Mr. Ballantyne suggested to just remove the 16 in. tree as a compromise.

Ms. Bushman noted that the homeowner will have to live with the situation and will get used to it.

Mr. Herr asked if Mr. Inman has an obligation to the homeowner and Mr. Inman responded he is not in the middle of this.

Ms. Wright noted she visited the site and feels it can work the way it is.

The Board noted that the property at 203 Fruit Street is on a flat section of the scenic road and has 2 points of access. The Board voted 8 in favor, 1 opposed (Ballantyne) to deny the application for the proposed removal of the three shade trees at this location.

#### **6. Public Hearing - Honey Hill Farms, 89 Hayden Rowe Street – Minor Site Plan Application - Ken Driscoll**

Ken Driscoll, applicant, appeared before the Board. He described the proposal to renovate the property at 89 Hayden Rowe Street to be used for School Department administrative office space. He stated he and his wife purchased the property in March of 2005. He noted he proposes to renovate and add on to the existing structure and construct a parking lot as well as a second driveway. He stated that he essentially would like to invest in the property by cleaning it up and making it more of a showcase on this heavily traveled road. He referred to comments received from Elaine Lazarus, Planning Director, and noted that the plan has been changed to accommodate changes on the ground. He stated there will be no residential use, just office space and storage. Mr. Ballantyne asked if rezoning would be required, and Mr. Driscoll noted that this use is allowed for this particular property. He noted it used to be a chicken farm years ago and has been used for storage for a long time. He added there is a radio tower in the back.

Ms. Wright asked if there would be a lot of people coming and going from the public.

Mr. Ballantyne left the meeting room at this time (8:20 P.M.)

Mr. Driscoll noted they will accommodate some visitor parking.

Mr. Driscoll described the changes to the plan with respect to the required residential buffer and indicated that the trees would be cleaned up. He indicated there would be landscaping and referred to Liberty Mutual on Frankland Road as an example. He noted he is willing to address any concerns from the residential abutter at 93 Hayden Rowe Street. He noted lighting is mostly for safety and security reasons and that in winter time there would be no need for lights after 6:00/7:00 P.M. Ms. Altamura asked about a timer and whether there were photographs of the proposed fixtures. Mr. Driscoll noted they propose bollard lights with side shields. Ms. Wright noted the bollard lights come in

different sizes and that the ones used at the Hopkinton Police Station make it look like a landing strip.

Mr. Abate asked about the back of the property. Mr. Driscoll noted that the game plan is to install vinyl siding to make it look better. He noted it is currently used for storage and that no changes are proposed and that one of the renters has a 99 year lease.

Ms. Altamura asked how many people would be occupying the office space. Mr. Driscoll indicated there will be 10-12 people. Ms. Wright referred to the hedges in front of the property and expressed concern about how much the applicant wants to open it up. She stated the property should retain the residential look and that it would be sufficient to just shape the hedges.

Mr. Ballantyne returned to the meeting room at this time (8:25 P.M.).

Mr. Dourney noted he would like to recommend that the Board's consulting engineer review the plan first.

Mr. Goncalves stated the Board needs to see the whole plan. Ms. Altamura noted she is concerned about the proposed sign. She stated that more detail is needed prior to Planning Board action and that she agrees with Ms. Wright about retaining the residential feel. Mr. Goncalves stated he does not want a lit sign.

Mr. Herr stated the applicant wants to clean up the property and should not have to spend money on consulting review fees. He noted the Board should work with the applicant.

Ms. Altamura noted they need information on stormwater management for the property. Mr. Goncalves stated the Board has not seen the revised plan and recommended a continuation as drainage and landscaping need to be further reviewed.

Mr. Driscoll noted the property slopes to the back. He indicated he does not want to spend money unnecessarily and feels that there are no current problems with drainage.

Mr. Coolidge questioned whether the application would be treated differently if this was another applicant. He noted he discovered there is \$300,000 in the school budget for moving the administrative school staff and would like the School Department to explain this to the Planning Board. Mr. Herr noted that the applicant is paying for the upgrade of the property.

Karl Morningstar, 93 Hayden Rowe Street, stated he believes the School Department has only a one-year lease. Mr. Driscoll stated that it is not true and that they can sign for 3 years. Mr. Morningstar stated the proposed changes are more about future commercializing of the property. He noted the proposed configuration would make it look like a storage facility and that the parking lot would be bigger than needed for the number of employees. He added that the plan presented here is not what was given to the abutters. Mr. Abate stated the Planning Board also has seen the revised plan here for the

first time and that he feels the meeting will be continued. Mr. Morningstar asked whether the State Highway Department is going to review. Mary Pratt, 102 Fruit Street, noted that Route 85 is not a state highway. Mr. Morningstar asked what type of maintenance equipment will be stored there. He asked about a crosswalk as there is going to be a constant stream of people going from the school to the administration building and back. He questioned how tractors and lawn mowing equipment are safely going to be brought back and forth. He asked about screening and a lighting plan and expressed concerns about car headlights shining into his home. He noted he feels that this is just a clever way to increase the commercial value of the property through use of the Dover Amendment.

Mr. Ballantyne asked whether it would be possible to flip the use into a business. Mr. Shepard, Building Inspector/Zoning Enforcement Officer, noted this cannot be done without rezoning. He noted that the Planning Board can put conditions on the approval to protect the abutters. Mr. Abate noted that it is in the Planning Board's jurisdiction.

Mr. Goncalves noted that the property is no longer a residence but will only partially be used by the school and asked about the remaining commercial use. Mr. Shepard stated it has been used for storage for a long time and that he feels this has been a good place for that. He added that he has had calls about the property for 1-1/2 years and that no one was interested in it as a residence with a cell tower and other stuff in the backyard. He added a real estate agent and Dr. Phelan, Superintendent of Schools, approached him regarding needed space for the School Department and whether this would come under the Dover Amendment. He stated it could be a parking garage or dormitories if it is a school use, but that it is still a residential building once that goes away. He noted this was the first reasonable and viable proposal for the building.

Ms. Pratt stated that making more area impermeable could create more runoff and that there could be a liability issue where the owner or the Town could be sued if there was an icing problem. She stated new DEP rules require stormwater to remain on the property.

Mr. Herr stated that Mr. Morningstar has some good questions and that more detailed plans are needed but that he does not see the need for the plans to be reviewed by FST. Mr. Herr stated that the landscape architect might be able to review, and Ms. Altamura agreed but that she does not feel comfortable with that idea as far as drainage is concerned. Mr. Coolidge noted it would not hurt to send the plans to FST for a quote and that the Board has done that before with other minor site plans. Mr. Driscoll asked about the use of gravel instead of asphalt.

Mr. Morrison, Chairman, Conservation Commission, noted that, given any changes to a preexisting use, anything like this will need to be designed and reviewed by a professional engineer. He suggested that the Planning Director could review this or get FST to look at it. Mr. Morrison referred to EMC Park and stated that it originally was designed with gravel but now needs to be paved anyway. Mr. Herr stated that EMC Park is a lot bigger than this site.

Mr. Morningstar noted he would like the entrances to be reviewed. He stated that removing trees would adversely affect drainage conditions and that everybody in the area has water in the basement.

Mr. Ballantyne noted that the School Department has not signed the lease yet and questioned whether the Dover Amendment would be applicable only after the lease has been signed.

The Board voted unanimously to continue the hearing to September 12, 2005 at 7:00 P.M.

It was noted that other improvements to the property not subject to Site Plan Review can be continued but would be at the owner's risk.

The Board recommended that the plans be forwarded to FST for a quote. Mr. Goncalves recommended the applicant talk to the abutter.

## **7. Minutes**

The Board voted unanimously to approve the Minutes of July 25, 2005. The Board voted to approve the Minutes of August 8, 2005, 7 in favor with 2 abstentions (Herr and Abate).

## **8. Terry Property – Ch. 61A Tax Status – Right of First Refusal**

The Board reviewed correspondence from the Board of Selectmen regarding the William and Mary Terry Property located off Chamberlain St., West Main St., Lumber St. and Whalen Rd. It was noted that this property is under Purchase & Sale Agreement but that the Town has the right of first refusal as it is currently under Chapter 61A tax status. It was noted that the Industrial zoned portion of the property was recently proposed for rezoning to Agricultural but that the owner was not in favor at the time.

Mr. Coolidge noted that there is not enough money in the Open Space Fund for purchase of this property. Mr. Dourney indicated that since the property is partially zoned Industrial, it has some commercial value. Mr. Herr stated that the Town should not block the potential for more commercial development. Ms. Altamura noted that there would be wetlands issues. Mr. Herr stated the price is too high. Ms. Pratt stated the Town tried to purchase this piece at the time the other Terry property was acquired. Mr. Coolidge stated the Purchase & Sale Agreement has a lot of conditions including a 240-day deadline to get all permits from the Town. It was noted that the Town cannot waive that condition since it is the permitting agency. Mr. Morrison asked what triggers the 120-day time period. The Board noted that the clock starts ticking when notification of the Purchase & Sale Agreement is given to the Town. Mr. Ballantyne noted that the Town should have the same rights as a developer and Mr. Coolidge acknowledged that this is not a perfect system.

The Board voted 8 in favor with 1 opposed (Herr) not to recommend purchase at this price but that it would like to reconsider if the price goes down as the property is mentioned in the Open Space and Recreation Plan.

## **9. Zoning Ideas**

Mr. Furber, 232A Wood St., asked about the process and timetable for submitting proposed zoning changes for Town Meeting. He noted he believed that there could be a Special Town Meeting in the fall.

The Board referred to a discussion at a previous meeting regarding the desirability to continue the Zoning Advisory Committee (ZAC). Mr. Abate noted that the Board had preferred keeping zoning issues within the scope of Planning Board meetings to avoid forming yet another group.

Mr. Morrison noted he is in favor of a separate group because there should be input from other Town bodies and that Conservation Commission and Planning Board meetings often coincide. Mr. Dourney recommended to start talking about zoning issues at the first meeting in October to start the process. Mr. Abate noted possibly these issues could be discussed at a joint meeting (Planning, Board of Health, Board of Appeals).

Mr. Aghababian suggested that people come forward with issues first before creating a group to make changes.

Mr. Coolidge noted that he is in favor of ZAC as it can take care of housekeeping and clarify existing regulations.

Ms. Altamura noted that ZAC would already have been at its 2<sup>nd</sup> meeting and that there is a tight time schedule for proposed zoning changes. Mr. Ballantyne read from the Minutes of the July 25, 2005, Planning Board meeting when this was discussed.

The Board reviewed possible formats for proposing zoning changes, including a ZAC group, discussions at regularly scheduled Planning Board meetings or joint meetings.

Mr. Goncalves left at this time (9:40 P.M.).

The Board decided that there will be one single ZAC meeting to be scheduled for September 15, 2005, at 7:00 P.M. and to be publicized by way of invitations to other boards and committees as well as a notice on Hopnews and Cable TV. It was decided that the Chamber of Commerce and the Downtown Revitalization Committee will be included.

## **10. Other Business**

Mr. Dourney referred to a letter received today from Ron Roux, President, Chamber of Commerce, recommending that Chris Nation be appointed to the Master Plan Committee. Mr. Dourney noted that it has become clear that the Master Plan Committee membership is shrinking. Ms. Altamura noted she would rather not appoint a new member to the Master Plan Committee without consulting them first. Mr. Coolidge agreed that they should first talk to Muriel Kramer and Trish Perry about this but that the appointments are made by the Planning Board. Mr. Abate recommended the appointment of Mr.

Nation and talk to Muriel Kramer later to make sure she has no objections. The Board voted unanimously to appoint Mr. Nation to the Master Plan Committee. Mr. Abate stated he will call Ms. Kramer so that it can be made public.

Adjourned 9:50 P.M.

Cobi Wallace, Administrative Assistant

Approved: September 12, 2005