

HOPKINTON PLANNING BOARD

Wednesday, October 5, 2005 7:00 PM
Hopkinton Town Hall

MINUTES

PRESENT: Brian Herr, Vice Chairman, Sandy K. Altamura, Evan Ballantyne, R.J. Dourney, Jaime Goncalves, Claire Wright

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

1. Zoning Forum

Mr. Herr described the purpose of the meeting, and the Board decided to adjourn at 9:00 PM. He stated that the Board's next meeting on October 17, it would discuss the ideas received this evening, prioritize them, and decide whether the Board will work on them or whether there will be a Zoning Advisory Committee (ZAC) to work on them instead. He stated that two years ago when he served on the ZAC, there were 3 or 4 Planning Board members, one from the Conservation Commission, two from the ZBA, one from the Bd. of Health, the Zoning Enforcement Officer, and citizens. He stated that in that year, 50% of the time there was no quorum and not much was accomplished. He stated that some Planning Board members have discussed a different process, and they have discussed it and decided to try a forum to bring people in and get direction from the community, and hopefully there will be more traction to move forward.

Mr. Dourney stated the objective is to take the most effective route for zoning changes, and the ZAC is not necessarily the most effective route.

Ron Roux, 122 Pond St., asked if the Board will talk about ZAC at some point in relation to the process for doing the work.

Ms. Wright arrived at this time.

Mr. Goncalves stated the concept works if there's enough community input and commitment for members to come to the meetings. He stated that ZAC can get bogged down with small items that could be done administratively, and it could pare down the ideas. Mr. Herr stated that traditionally the Vice Chairman of the Planning Board chairs the ZAC, and he will be happy to do that if there's traction and a sense of getting something accomplished. Ms. Altamura stated there have been productive and less productive years, and there are sometimes kinks in the process that the Board can't control. She stated the ZAC is an excellent way to work on getting things to town meeting.

Mary Harrington, 102 Wood St., stated she served on ZAC beginning in 1975 and then for several years. She stated the biggest thing that they did was propose an article to town meeting

in 1987 that was supported over the objection of the Appropriations Committee, and that was the hiring of a Town Planner. She stated they were successful in obtaining funds to establish a Planning Board office. Mrs. Harrington distributed a list of some items that the ZAC has worked on over the years, stating that a lot has been accomplished. She stated she would be very upset not to see the ZAC continue. She stated that if an agenda is set with the help for the Planning Board and others, it can be very rewarding and profitable. She stated that once the articles are forwarded to the Planning Board in January, the people on ZAC have to be ready to stand up at town meeting and defend their work. She stated that historically, the Planning Board always sat together and could support each other in the answering of questions, but she hasn't seen that in several years. She stated she has been involved in zoning since 1973, and would hate to see the vehicle be diminished.

Mr. Roux stated there have been very successful years for ZAC, and others that were not. He stated that for ZAC to be effective, it needs good representation of the community, representing all interests. He stated that when this has happened it has been the best, resulting in unanimous votes at town meeting. He stated when it hasn't been the case, there wasn't the representation. He stated that it is a good committee and process if the right people are on the committee. He stated it takes work off the Planning Board, and this group can look at the issues and it frees up the Board to do more. He asked how much time and effort the Board has to give to this, and there are other duties for the Board. He stated that the leadership and makeup are key to ZAC, and all organizations should be represented. He suggested that the Zoning Enforcement Officer, ZBA, Conservation Commission, and others be involved. He stated that the committees and officials who deal with the laws know what is working and not working. He stated that ZAC also serves as a mechanism for people that want to change the zoning of their land and to come there, present it, and have ZAC make a recommendation. He stated that ZAC used to prioritize the work, and the Town Planner is a good resource.

Robert Falcione, 12 Claflin Pl, asked if the Planning Board would replace the ZAC with this type of forum. Mr. Herr replied not necessarily, and if there is energy for ZAC, they will do that. Mr. Falcione stated last year there were nonsensical articles proposed. Ms. Altamura stated that the Board always has public hearings before town meeting, and people used to come there and debate the issues before town meeting, and now they don't. She stated that the purpose of the hearing is to weed out those items that seem to be problematic, and this should not have been on the floor of town meeting. Mr. Falcione stated that the Board should engage the business community, and the Chamber of Commerce does not represent all businesses. Mr. Goncalves noted that anyone can and should come to a meeting and no one is excluded.

Nancy Peters, 258 Wood St., stated that the process is a good communication tool, and it should be inclusive. She noted that she would have come to last year's ZAC meetings but they were on the same night as the Board of Health.

Muriel Kramer, 39 North St., stated that the vehicle is workable and even though it isn't always perfect, it doesn't mean it isn't good, and the Board shouldn't expect 100% at town meeting. She suggested increasing the civic engagement component of the process, which can facilitate and energize people before town meeting.

Mr. Dourney stated that when people are at town meeting and see someone advocating for something there that they trust, and know they are confident in that. He stated there needs to be a mix or cross section of people speaking at town meeting. He stated the Board should have an expectation that its articles will pass if it has done due diligence and not go there with things that shouldn't pass.

Brian Morrison, 22 Piazza Ln., stated that the Land Use Study Committee has learned that broader use of the Town website has been very helpful, and ZAC could use that also.

David Adelman, 183 Pond St., asked the Board to comment on the way the members are assigned and whether there is good representation. It was stated that the membership in any given year depends on the level of interest.

Mr. Roux stated the Planning Board needs to support its committee. He stated the Board should not propose an article that the ZAC has not recommended.

Mike Shepard, Director of Municipal Inspections, stated that the people on ZAC have invested time and work. He stated if the Planning Board endorses it and takes it to town meeting, its members need to go to town meeting, sit together, and not wait for the winds to blow, but have the courage to support its position.

Mr. Herr opened the floor to any ideas, suggestions, or recommendations for potential zoning changes.

Tina Rose, Zoning Board of Appeals, stated the ZBA is looking at possible legislative changes, and the ZBA recommends that the Board streamline Site Plan Review and coordinate with the ZBA. Ms. Altamura noted that Site Plan Review is under the Planning Board, not the ZBA. Ms. Rose stated the ZBA has decided this area should be looked at.

Finley Perry, Economic Commission and Development Financing Authority, submitted a list of four recommended items:

1. Expand the Industrial and Office zoning along Route 495 by looking at the following areas:
 - The Hopkinton Sportsmen's Club property on Lumber St.
 - The land between Elmwood Park and Wood St. on the east side of Rt. 495
 - The land running south from Wood St. on the west of Rt. 495
 - The land north of the new 40B project at Rt. 495 and Wood St. (Larter and Town property)

Mr. Perry noted that the Commission has not spoken to the owners, so they don't know if these are controversial, and they don't expect that these things would happen right away. He stated that the land largely along Rt. 495 is vacant and there are some wetlands also. He noted that the key is access, and suggested connecting Parkwood Dr. to Wood St., but this is a separate issue.

2. Consider allowing all industrial buildings on both sides of South St., and in any newly zoned industrial lands along Rt. 495 to be four stories, and make sure the total allowable height in feet actually accommodates four stories.

3. Consider allowing a hotel overlay in the Industrial zone in proximity to the West Main/Rt. 495 interchange on three of the four quadrants (not West Elm St.). Mr. Perry stated that there are large firms on South St., for example, and this could be an amenity for them. He stated there is a need for first class restaurant, function rooms, and hotel rooms for businesses and community functions. Mr. Roux stated the idea should be discussed before deciding whether an overlay district or special permit is the best mechanism to permit the use.
4. Consider creating a Hopkinton Front Door Enterprise overlay district running from Rt. 495 to downtown to facilitate appropriate mixed use development for housing, office, and commercial areas.

Mrs. Harrington stated that part of Lumber St. is already zoned Industrial but doesn't have water or sewer and because of that there could be difficulties, such as the lack of fire suppression systems, for example.

Mr. Falcione noted there was no mention of expanding retail businesses, and asked if that could be included in any of the four items. Mr. Perry stated it is included in #4. Mr. Falcione suggested a retail overlay district and/or allowing more retail on South St. He stated that by not allowing retail there, it restricts the marketplace.

Mr. Morrison stated he is speaking as an individual and not as a member or representative of the Conservation Commission. He recommended that a minor change to the Wetlands Protection Bylaw be considered that would allow the Conservation Commission to work on a wetlands issue before receiving a formal filing. He noted that MEPA filings, for example, are done in advance of a filing with the Con. Comm., and the bylaw can be narrowly read to restrict the expenditure of funds before there is a formal filing. He stated it is especially useful to have the Con. Comm. look at potential town properties that are under Chapter 61 as it has seen with Weston Nurseries and the Terry property, where some early assessments are important.

Ken Weismantel, 145 Ash St., suggested looking at the Industrial zoning to promote further economic development, expansion of the tax base, and opportunities. He suggested that the Board work with the Chamber of Commerce and landowners in this regard, and examining the existing barriers to further South St. development.

Mr. Weismantel suggested looking at the downtown commercial district, examining barriers to further economic development, and finding opportunities for more economic development. He stated this needs to include planning for more downtown parking.

Mr. Weismantel suggested looking at the Water Resources Protection Overlay District map, noting that when it was originally drawn, the Water Commissioners were asked if it looks right, and they said ok. He stated at the time, they didn't have the money to do an actual study of the zone 1 and 2, but it has been done now. He referred to *Lorden v. Pepperell*, noting that he didn't think the Town would win a court case if the District goes beyond the zone 1 or 2.

Mr. Weismantel suggested that the Planning Board have a relationship with the Land Use Study Committee, because it will probably be asked to be involved in some zoning changes. He stated that the Planning Board will have to take over from the Committee at some point.

Mr. Weismantel suggested that the Board look at the Garden Apartment bylaw, noting that no one likes them next to their property. He stated that only a few have gone through without significant neighborhood opposition, and suggested more restrictions or possibly allowing them only for affordable housing.

Mr. Morrison asked if a possible EDIC (Economic Development and Industrial Corporation) should go through the Planning Board. Mr. Perry stated the Town should have this tool in place, and the Land Use Study Committee has discussed it.

Ms. Kramer noted that the Master Plan Committee has discussed some ideas but hasn't voted on them. She stated the Plan is in draft form, but as part of its discussions with others they are hearing some similar ideas. She stated there are big zoning issues that need to be addressed. She stated that one goal being discussed is using a consultant to address some zoning issues. She stated that another is potentially earmarking land for commercial and industrial growth, and also for municipal uses. She stated the Board should also look at the state's Smart Growth Initiatives. She stated a full update of the zoning bylaw also seems desirable. She noted there is pending legislation that would make Master Plan have the force of law, so it's content is important. She stated the size and complexity of the zoning bylaw should be addressed. She suggested that it would be advantageous to pre-permit some industrial or commercial properties.

Mr. Roux stated the ZAC should evaluate the list then come back to the Planning Board with its recommendations, and it may think that some ideas belong with others. He stated they should also encourage other committees to come to them when they have zoning ideas.

Mr. Adelman suggested simplifying the zoning bylaw. He stated there are problems with roads in Town and the Board should look to a bypass route around the center. He stated that when a lot of residents protest something, the Board of Selectmen should be able to get involved in major issues. He stated that boards should be less autonomous and have more communication. He stated that the Land Use Study Committee should be appointed by the Planning Board instead of the Board of Selectmen because it is a land use issue. He stated that four story buildings are directly contradictory to rural character. He recommended that the Town have a continuing dialogue with adjacent towns on regional issues.

Jeff Furber, 232 Wood St., suggested the following changes to the Garden Apartment bylaw:

1. Change the width of undisturbed buffer around the perimeter to 100 ft., the same as the Open Space and Landscape Preservation Development bylaw;
2. Establish a maximum length of dead end street of 1,000 ft.;
3. State that a double barrel road is considered a dead end if the two ends are within 200 feet of each other;
4. Increase the setback for buildings from 100 ft. to 50 ft. from the inner part of the perimeter buffer, or 150 ft. from the property line.

Mr. Furber recommended that the Water Resources Protection Overlay District be amended to allow only Open Space and Landscape Preservation Development and not to permit Garden Apartments.

Mr. Morrison stated that these were the articles that were brought to town meeting earlier this year and withdrawn with the understanding that the Planning Board would look at them. He noted that some towns require a special permit if septic discharge will be 2,000 gallons per day or more, and that might be appropriate for the Water Resources district also.

Kevin Kohrt, 35 Winter St., stated that there should be ways to add restrictions on areas that should be protected, such as Whitehall State Park, Hopkinton State Park, or downtown neighborhoods. He suggested connecting trails, bike paths, etc. He stated that affordable housing should be encouraged and planned for so the Town doesn't only have 40B applications. He suggested tighter coupling of zoning with the master plan.

Ms. Peters stated that a greater density is allowed for over-55 housing because the Title 5 septic flows are lower, and this should be looked at.

Mr. Shepard suggested that as the ZAC goes forward, it should think about a rationale for every change so he can explain the reasoning behind it to others in the future. He recommended the following changes to the zoning bylaw:

1. Amend the Water Resources Protection Overlay District to accurately reflect the locations of zone 2's in Hopkinton and surrounding towns. He noted that the Building Inspector in Ashland is concerned about their well and future development of Weston Nurseries.
2. Address off-site directional signs, which are not currently allowed, but should be discussed. He stated it should be decided whether to allow them and if so, under what circumstances. He stated if they will be allowed, there could be uniform standards and such things as kiosks.
3. There has been growth in the number of landscaping businesses in Town, and they need a place to store equipment. He suggested allowing such a use by special permit in some identified districts, such as Industrial, Rural Business, and Agricultural.
4. Streamline the process for applicants who need to apply to both the Planning Board and ZBA.

Mr. Falcione stated he would like to clarify his earlier comment by excluding the historic districts from more retail development, as he doesn't want it to affect those areas.

Ms. Lazarus read a list of suggestions made by Board members and others at recent meetings:

- Inclusionary housing
- Garden Apartment bylaw
- Rezone land for commercial uses
- Preservation of historic structures while land is developed
- Construction of modest scale housing
- Municipal signs
- Consolidated sign bylaws
- Low Impact Development bylaw/stormwater management

Mr. Ballantyne suggested an Incremental Traffic Bylaw, noting that there are more and more developments with incremental traffic increases, and each one does a separate traffic study. He stated there is no limit on the maximum amount of traffic on roads.

Ms. Wright suggested that with new development, there should be some way to control massing or the amount of space occupied on a lot in already developed areas so that it fits with the neighborhood, and the new structure will be a good neighbor. She referred to problems around Lake Maspenock within the last year.

Ms. Peters suggested a better definition of “bedroom”.

Mr. Herr stated the Planning Board should spend more time doing things like this and less talking in hearings that gets repetitive.

Mrs. Harrington referred to Ms. Kramer’s suggestion of hiring a consultant, noting that Ms. Lazarus should be utilized instead. She stated she would like to defend the Garden Apartment bylaw, which was passed in the 1970’s. She stated this bylaw and a few others gives alternatives to single family living and if one looks at the ones that have been built, there are far fewer children than would be living there if there were single family homes. She stated that the Village at Highland Park and the Preserve are very nice, and Indian Brook has 112 units, but you wouldn’t know it, and it has won a national design award. She stated they are a nice alternative to single family living. She noted that there are two potential 40B’s that are coming, and three under construction that are townhouses. She stated eliminating the Garden Apartment bylaw won’t eliminate townhouses or multi-family housing. She stated the units built in Garden Apt. developments are a different scale, as are the incomes of the residents, so it adds to more diversity.

Ms. Altamura stated the membership of ZAC could be expanded to get more representation from the community. Mr. Herr agreed, noting the committee needs energy.

Adjourned: 9:00 PM

Elaine C. Lazarus, Planning Director

Approved: October 17, 2005