

HOPKINTON PLANNING BOARD

Monday, December 12, 2005 7:00 PM  
Hopkinton Town Hall

MINUTES

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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. Continued Public Hearing – Deerfield Estates – Amendment to Senior Housing Development Special Permit**

Bill DePietri, applicant, and Bill Pezzoni, attorney, appeared before the Board. Mr. Pezzoni stated they went back and tried to re-work and try out different combinations of units as the Board had asked. He stated that the infrastructure is already in the area, which limits the options. He stated they can move the single unit nearest the street a little, but because of the internal road layout, they are limited. He stated they combined two single units into a double. He showed the Board the revised plan. He stated that he had not received any information about the well issue. Ms. Lazarus stated she asked the question of the Board of Health and they are looking into it, but there is no response yet. Mr. DePietri stated the permit from the DEP for the on-site wells included the irrigation well, and they can't run both at the same time because of the tank size, but in any event they can't exceed an overall withdrawal amount specified in the permit. Mr. Coolidge asked whose problem it will be if the local well situation is worse in three years. Mr. Pezzoni stated it would be an issue for the Board of Health. Mr. DePietri stated there are different aquifers.

Ms. Altamura asked how far off the street the single unit would be, and Mr. Pezzoni replied it would be 73 to 75 feet from the street, 10 feet less than that from the property line. Mr. Abate asked if the Board of Health had approved modifications to the septic system to accommodate the additional flows. Mr. DePietri stated they say it is possible, but will review submitted plans. Mr. Goncalves asked which foundations are currently in, and it was stated that building numbers 9, 7, 10, 8, and 6 are in and they are digging #4 now.

Ms. Wright asked how much of Building A would be seen if the proposed berm is constructed. Mr. Pezzoni stated that one would possibly see the peak of the roof. Mr. Goncalves asked if the Board goes with the older plan, can they increase the height of the berm. Mr. DePietri stated they may need to build a retaining wall if it will be too steep on one side, but they could do it. Mr. Goncalves stated he is concerned that the new single unit has been moved 21 feet from the old house on the revised plan. Mr. DePietri stated they would build the retaining wall using loose stone. Mr. DePietri stated that adjacent to Lumber St. there would be the walkway, then the low retaining wall, then the berm.

Ellen Makynen, 143 Lumber St., asked what is the law regarding the requirement for the 100 ft. setback and if it can be appealed. She asked what the hardship is for granting a variance. Mr. Abate stated the Board would be granting a waiver, not a variance. He stated it can be appealed.

Mr. Dourney stated that the original plan did not provide for saving the house, and the Board has tried to balance the needs of the community and the abutters. Mrs. Makynen stated she wants the old house demolished. Mr. Pezzoni stated that with the new plan, there will be more substantial landscaping along Lumber St. and she will be better off. Ms. Wright noted that the tree cover is thin there now, but if the current approved plan was built out, one will be looking into the site and seeing pavement. She stated that the berm will provide for more sizeable landscaping and streetscape amenities. She stated that one will see less building.

Mr. DePietri stated they would be willing to plant trees on the abutter's property if they want it. Mr. Pezzoni suggested that they could come back for up to one year to check to see if there are any holes in the landscaping, and check on the lighting too.

The Board voted 8 in favor with Mr. Herr abstaining to close the public hearing.

Mr. Dourney asked if it was the consensus that the Board should approve the first plan instead of the revised plan submitted this evening, and the reply was yes. It was noted that the Board voted at a previous meeting to determine that the changes comply with the special permit criteria in the Bylaw.

It was moved and seconded to approve the originally submitted amended Concept Plan and issue the Special Permit with the following conditions:

1. The new landscaping along Lumber St. for screening purposes shall include a two foot high stone wall with a four to five foot planting berm behind it. The length and width of the area shall be roughly as shown on the plan entitled "Lumber Street Buffer Study" prepared by William Fleming Associates dated November 28, 2005 as submitted to the Board. This change will result in a higher berm and therefore improved screening than proposed on the submitted landscape plan.
2. There shall be a maximum number of 47 dwelling units within the development. The addition of a dwelling unit within the development will ensure that the applicant has the funds available to undertake the work that needs to be done to the historic house prior to conveyance in order to provide proper and useable space.
3. The historic house to be conveyed to the Historical Commission and which is currently part of Deerfield Estates shall be connected to a water and sewage disposal system as originally shown on the plan within the development, or individual systems on the building lot. The house shall also be provided with electric service. The Planning Board expects that the applicant will perform work to fix and restore the house to standards which are in accordance with an agreement to be developed by the applicant and the Historical Commission.
4. The Site Plan amendment application which will be submitted as part of the two-step approval process shall be accompanied by the following documentation and shall be consistent with the submitted plan entitled "Concept Plan – Alternative III" prepared by CFS Engineering dated September 2, 2005:

- a. Written approval from the Board of Health indicating that the on-site septic system either as existing or as modified can accommodate the change in flows to the system;
  - b. Written approval from the Mass. DEP indicating that the on-site well can accommodate the additional usage;
  - c. Information sufficient for the Planning Board's engineer to determine whether there will be additional flows to the stormwater management system and if so, that it can handle the additional flow. If it cannot handle the flow, modifications to the system shall be shown on the plan which will accommodate the change.
  - d. The new property lines of the Senior Housing Development and the parcel containing the old house to be conveyed to the Historical Commission shall be shown on the Site Plan. Information indicating compliance with provisions of the Senior Housing Development Bylaw with the deletion of the land shall be submitted.
5. A detailed landscape plan shall be submitted with the Site Plan, which includes the modification requested in condition #1.
  6. One year following completion of the landscaping improvements in the vicinity of Lumber Street, the applicant shall return to the Planning Board for a review of the density and adequacy of the screening. If additional planting is required by the Board to fill in gaps, the applicant shall be responsible for planting additional materials as identified in the one-year review.
  7. The applicant offered to plant additional materials on the Makynen property (143 Lumber Street) across the street to increase screening if desired. The Board encourages the applicant to meet with the Makynen's to discuss this possibility further.

The vote on the motion was 8 in favor with Mr. Herr abstaining.

**3. Continued Public Hearing – E. L. Harvey & Sons – Materials Recovery & Recycling Facility – Wood St. – Site Plan Review**

Jim Harvey, Steve Harvey, and Doug Harvey, applicants, Steve Richmond, attorney, and Eric Eby, traffic consultant, appeared before the Board. Mr. Abate described the process for the hearing.

Jim Harvey stated he had asked the landscape architect to add different trees to the berm area as discussed at the previous hearing, and showed the Board a revised plan with the addition of pin oaks. Mr. Abate noted that the current berm tapers off toward the entrance of the existing recycling facility, and asked if it can be lengthened. Jim Harvey replied that the plan shows it being lengthened. Mr. Coolidge asked if the top of the berm will be wide enough to support the trees. Jim Harvey stated that the landscape architect says it will work, noting that they will dig holes and put material in. He stated that if it doesn't work, they will correct it. Mr. Aghababian stated that one can see pretty well into the site from the homes across the street, and trees need to be high enough to screen the view. He stated there is currently a large pile of earth on the site and asked where it is located on the site plan. Jim Harvey showed the location. He stated they will use the material for the berm and other site work. He stated the Board also asked for a cross-section through the site, and showed the Board a plan prepared by the engineer. Mr. Coolidge stated he is not convinced that the berm can support large trees in a storm.

Michael Thomas, attorney representing Crosby, Pandolfino, Gage and Cedar Swamp Conservation Trust, showed the Board photographs taken from the Pandolfino and Crosby homes, stating that one can see over the berm into the property. He referred to a 14 ft. high trailer on the property, which gives it scale. Mr. Abate asked if the photos were taken with a zoom lens. Mr. Thomas replied no. Mr. Abate disagreed, noting that the Board had been invited to the homes and he looked out these windows and this is not what he saw. He stated it definitely looks like a zoom lens was used. Mr. Thomas stated they are presenting the photos to show what will be seen, and it doesn't matter if a zoom lens was used or not. Mr. Abate stated he believes the photos misrepresent the reality. Mr. Coolidge asked if there will be a 40 ft. high building, will it block the ridgeline in the distance? Mr. Thomas showed photos taken from the Crosby property and of the Harvey Westborough facility, stating that is what they want to avoid. Ms. Wright asked if the abutters have a recommended solution, ideas about landscaping or constructive suggestions. Mr. Thomas stated the Board needs to review the sight lines presented. Mr. Dourney noted the ZBA decision said the view from the street needed to be screened, not the houses front steps or second floor bedrooms. He stated he wants to know what the abutters are asking for. Mr. Thomas stated the Board should examine the standards in Zoning Bylaw section 210-136 to make sure there are adequate buffers, etc., acting independently of the ZBA. He stated they don't have specific recommendations regarding what to do, and the Board should decide.

Ms. Wright stated she doesn't know how many solutions are viable here regarding the berm. She stated the Board is willing to consider all constructive solutions. She stated not much can be done when the homes are so much higher than the site. Mr. Coolidge stated the ZBA issued its decision approving the use, and the Planning Board's role is to look at the site design, not the use. He stated the Board needs to look at the visual impact, traffic, etc.

Mr. Ballantyne stated that in the photos, the leaves are off the trees. He noted that if evergreens are planted, there will be a better screen. He stated the tops of trees are well above the tops of trucks and buildings in the background.

Mr. Goncalves asked if trees can be planted or a berm built directly adjacent to the Materials Recovery and Recycling Facility (MRRF) building too, between the driveway and the building. Jim Harvey stated he doesn't think it will make a difference. He stated the berm proposed on the plan will provide a screen from the Crosby property, and Pandolfino will see the site from their second floor bedroom. He stated he will ask the landscape architect if it is viable.

Ms. Wright suggested that the Harvey's look at the colors of the buildings since they will be visible from the homes. She noted the Design Review Board was told that they wouldn't be visible. She recommended toning down the colors if they will be seen, considering browns instead of blue.

Christine Gage, 77 Hopkinton Road, Westborough, stated she now looks at the berm and a concrete wall with chain link fence on top. She asked if it will look like that all along the site after construction. Jim Harvey stated the cement block wall in Westborough was approved in that town and they think it looks good. He stated they will be planting in front of the wall.

Beginning the discussion of internal traffic flow, Steve Harvey described how traffic movement will occur on the site. He stated that materials will come in by truck, and 95% will be going to the MRRF building, using the six doors there. He stated that material will be processed within the building from east to west, and there will be no doors on the south side. He described the traffic flow regarding drop off and pick up of materials at the MRRF building, then described traffic flow around the Construction & Demolition (C&D) building. He described the traffic flow around the maintenance garage, stating that the trucks will enter on one side of the building and exit out the other so there will be no backing up to disturb neighbors. He stated they will be able to fit 16 trucks in the building.

Ms. Wright asked about the traffic flow associated with the public recycling area. Steve Harvey stated that the facility will be open on Saturdays, and typically the rest of the site operates at 25% of the normal volume on that day, so there will be less vehicular conflict. He stated that all trucks coming in to the site will have to go to the scale when entering and before exiting. He stated they are continuing to work on how to accommodate the automobile movement within the site. Ms. Wright stated she is concerned about conflicts at the driveway entrance. Mr. Dourney asked who prepared the plans, and the response was Greenman & Peterson and Brown & Caldwell.

Mr. Herr asked if Bobcat type equipment will be used inside the building and if they will be backing up. The reply was yes. Steve Harvey noted that the doors of the building will be closed. Mr. Richmond stated that they will have self-adjusting backup alarms so the sound can be toned down if the background noise level is low.

Ms. Wright asked about visitor parking. Mr. Goncalves asked about the traffic flow at the fueling area. Steve Harvey described the traffic flow.

Mr. Eby stated there won't be many visitors to the site, and employees will park in the spaces north of the scale area. He stated that pedestrians will be crossing from there to the buildings, but before trucks start moving around the site. He stated that the employees at the C&D building will park near that building. He stated that the site driveway was designed so that trucks can turn without conflicting with traffic in Wood St. He stated the flush concrete median island has been included to reduce the overall width of the driveway. He stated that Fay, Spofford & Thorndike (FST) as suggested widening it but they feel it should be kept narrower to look more desirable. Ms. Wright noted that FST's concern was related to the wear and tear on the concrete. Mr. Eby stated it can be designed to accommodate heavy truck use. He stated the turning radii are adequate to handle the turns, and the 50 ft. long trailers can be accommodated.

Mr. Coolidge stated he wants to make sure there aren't conflicts between parked trucks or trucks backing up and other vehicles. Mr. Eby stated there will be an average of 12 trucks per hour and there will be enough time between them and it won't be too crowded. Mr. Dourney asked if it is random as to when the trucks arrive or if they are scheduled. Jim Harvey stated they haven't had problems before. Ms. Altamura asked how long the average truck is, and it was stated they are 65 feet. Ms. Altamura asked how many of these can be queued on site, and Jim Harvey stated they only have six of them.

Ms. Wright noted FST was concerned about one Stop sign being located in a place where it would be unexpected, and suggested the road be widened there. Mr. Eby stated there is a wetland crossing there, and they can clear the brush so visibility is improved. He noted that most of the drivers using the area will be repeat visitors and will be familiar with the area. Mr. Goncalves stated there would be non-E. L. Harvey & Sons drivers using the site. Steve Harvey agreed, but added that they are at the site a lot too.

Mr. Herr asked how the debris on the site is mitigated if it escapes confinement. Jim Harvey stated they have a perpetual cleanup crew. Mr. Herr asked if they would clean up along Wood St. too, and it was stated they would. Mr. Richmond stated that cleanup is a condition of the Board of Health Site Assignment.

Mary Pandolfino, 409 Wood St., asked if dumpsters are worked on at night. Steve Harvey replied no.

Mary Pratt, 102 Fruit St., asked if the garage would be soundproofed, and Steve Harvey replied that it would be insulated, heated, and air conditioned, so the doors will usually be closed. Mrs. Pratt stated she is concerned about the traffic flow, and asked if a design that used roundabouts would be an option. She asked that the proponents use Low Impact Development techniques to handle the stormwater runoff.

Carol DeVeuve, 47 Chamberlain St., questioned the volume of vehicles entering the site, noting that 600 tons per day are permitted here and 500 tons per day is permitted in Westborough. She stated that a road connects the two facilities and it should be considered one large facility. She stated the existing Westborough facility is generating 800 trucks per day, so the one in Hopkinton could have 1,000 per day based on the tons permitted. She stated that is not reflected in the information submitted, and asked why they project less traffic than will exist. Mr. Abate noted that the Board won't address the use of the site or external traffic flow. Ms. DeVeuve stated the applicant first said there would be 500 trucks per day, then told the ZBA there would be 100 per day. She asked why it won't generate 1,000 per day.

Mr. Eby stated that this site is a different type of facility than the one in Westborough. He stated the Westborough facility handles several different types of uses and this one won't have those. He stated that this site will handle different materials and will be used by larger trucks. Mr. Richmond stated the business model for the Westborough facility is different than the Hopkinton one. He stated that Westborough has a municipal solid waste component with a lot of small loads and serves as the transfer station for Westborough residents. Ms. DeVeuve stated that the counts she recited were of large Harvey trucks, not small trucks or vehicles. Mr. Eby asked if a copy of the study data was available. Ms. DeVeuve stated it was in a video by a high school student. Steve Harvey stated they couldn't possibly have that many trucks in Hopkinton if there is a 600 tons per day limit because of the volume that the trucks hold.

Muriel Kramer, 39 North St., asked if people can go back and evaluate the screening to see if it can be augmented when the site construction is complete. Mr. Abate stated that is a good idea.

Ms. Wright noted that containers would be stored in the area set aside as future parking, and asked what would happen to the containers if the parking area is needed for vehicles. Jim Harvey stated they would have to move them to another site.

Steve Harvey stated the Board needs to discuss the second alternative entrance plan and decide which plan to pursue. Mr. Goncalves asked how the plan with two entrances would affect the traffic flow pattern. Mr. Eby described the traffic flow pattern on the site if there were two entrances. He stated that a single entrance works best and lines up with the roadway to the Mass. Turnpike rest area across the street. Mr. Herr noted that the second entrance adds confusion to the traffic pattern in the site and on Wood St. It was the consensus of the Board that the one entrance plan should be the one on the site plan.

Mr. Herr asked about building noise and if it can be mitigated by acoustical panels, etc. He stated that noise and trash blowing around are issues with other places like this that he is familiar with. Jim Harvey stated that a noise study was done and it was found that the noise level will be minimal. He noted that the data was provided to the Board of Health. Mr. Richmond read from the Site Assignment regarding noise.

Ms. Altamura asked if noise assessments were done of trucks going down a road empty, and they make very loud noises when going over bumps. She stated that the noise level is brutal and asked if they can put in cushions or something to mitigate it. She noted that there are a lot of residences on Elm St. and Wood St. that deal with this problem now, and it will be worse after the site is operating. She stated that no one has talked about this problem. Mr. Herr noted that the roads need to be improved to eliminate the bumps. Ms. Altamura stated that a huge facility like this doesn't belong on local roads; it belongs at a highway intersection. She stated this needs to be discussed. Mr. Coolidge asked if progress had been made on using the Mass. Turnpike exit for the rest area. Jim Harvey stated they are working to use it as an exit, not an entrance, since that wouldn't be allowed. He stated they now have Congressman McGovern working on it. He stated that Westborough is interested too, as traffic will be reduced in its center. Ms. Altamura stated it will cost more to maintain the roads than the tax income the Town will received from this facility. She stated that if they can use the Mass. Turnpike, that would be a win-win situation. Jim Harvey stated the State won't do it for them, but they would do it for the towns. Ms. Altamura suggested the Towns get together and pursue this with its legislators.

The Board discussed whether and when to discuss traffic external to the site. It was decided that the topics for the continued hearing would be: lighting, stormwater management, landscaping, building design, and external traffic. The Board voted unanimously to continue the public hearing to January 9, 2006 at 7:30 PM.

#### **4. Continued Public Hearing – Maspenock Woods – Garden Apartment Concept Plan – 5 and 11 West Elm St.**

John Sawyer, Ted Tobin, and Matt O'Neill, K.S.S. Realty Partners, Doug Resnick, attorney, Bob Poxon, engineer, and Robert Michaud, traffic consultant, appeared before the Board. Mr. Michaud distributed a written response to comments made by FST dated Dec. 2, 2005. He stated the waiver requests relate to the road curve and width. He stated that the area in question is the lower part of the loop, and a 50 ft. radius is proposed in that location. He stated that the

Subdivision Rules and Regulations require 150 ft. radius, which would be appropriate ordinarily, but this request is based on the unique character of the proposed development. He stated that 30 units in a compact development is unique. He stated that the roadway is exclusively to serve the units, and it won't be used by unfamiliar drivers. He stated that a 50 ft. radius is appropriate to accommodate the level of traffic anticipated. He stated that subdivision roads in Hopkinton carry 2,000 vehicles per day, and this one will accommodate 200 per day. He stated it would be similar to a cul-de-sac, and it will be easy for trucks to negotiate the turn. He stated that they can design a roadway that meets the 30 mph design speed, but higher speeds are encouraged by wider roads. He stated they propose a 20 ft. width. He stated that FST recommends that the waivers not be granted. He stated that this development is unique in Hopkinton and it is his professional opinion that it meets the spirit and intent of the AASHTO guidelines. Mr. Sawyer noted that West Elm St. itself is not as wide as the 20 ft. proposed for this development.

Mr. Herr asked about the statement that there would be 200 trips per day at the site. Mr. Michaud stated that is the ITE Trip Generation calculation figure. He stated that only the units that are located right on that curve will use this section of road, and people accessing the other units won't need to. He stated that West Elm St. has about 2,600 vehicles per day. He stated that in addition, people slow down around a curve, so they won't need to bank it to accommodate them. He noted that FST was concerned about parked cars, and it's ok to have to wait for a vehicle to move. He noted that speed bumps or other measures could be added to the road to slow speeds at the curve if desired.

Ms. Wright asked if the additional two feet of width requested by FST could be provided. She stated that her concern is that the road will be narrowed by snow banks and/or parked cars, and then an ambulance needs to get through. She stated she would feel more comfortable with the 22 ft. wide road. Mr. Abate noted that FST was also concerned about the banking. Mr. Michaud stated that banking will make it more comfortable for drivers to go around the curve, but it's not necessary to have it. He stated that the road could be crowned instead. He stated they can't achieve the 22 ft. without needing other waivers elsewhere. Ms. Wright asked if the plan could be adjusted accordingly. Mr. Sawyer stated they can't because the minimum driveway length is 20 ft. Ms. Lazarus stated there is no minimum driveway length in the bylaw, but there is a setback required for structures from the roadway of 20 ft.

Ms. Wright asked about the number of visitor parking spaces provided. Mr. Sawyer stated that there would be parking for 65 vehicles including in driveways. He noted that there are 8 spaces that are separate from driveways. Ms. Wright asked where people will park if there is a party. Mr. Sawyer stated they would park on the street or in driveways, and it won't be a problem. Mr. Resnick stated there are no other similar projects in town with a village common with an active recreation area.

Ms. Altamura asked if the applicant would approach the Conservation Commission about having an entrance at 5 West Elm St. as shown on previous versions of the plan, noting the existence of a vernal pool on abutting property. Mr. Sawyer stated if the Planning Board approves this plan, they will approach the Commission. Mr. Resnick stated they have received the comment letters of the Conservation Commission and agree that they are reasonable to address and include as conditions of approval.

Mr. Sawyer stated they started with 41 units, now it has been reduced to 31. He stated that all site work has been moved out of the 100 ft. buffer and units will be in 2, 3, or 4 unit buildings. He stated there will be 8 units on the auto court. He stated they are requesting a 75 ft. setback on the east, and with a no-cut buffer of 75 ft. they will add plantings and berms. He stated they will work with neighbors to involve berms and landscaping. He stated the road has been widened from 18 ft. to 20 ft. in this process. Mr. Coolidge asked if they could do something with the road shoulders to accommodate cars or pedestrians, and Mr. Sawyer replied yes.

Mr. Sawyer stated they would gate the emergency access and would like to come back later to eliminate the emergency access if no one wants it at the next stage. He stated that light won't shine on neighbors' yards. Mr. Resnick addressed the waivers. He stated that the nearest building would be 70 to 75 feet from the property line, not 50 ft. as indicated adjacent to West Elm St. He stated the 20 ft. wide travel way of the roadway is critical, and they need to maintain the 20 ft. setback. He stated the vertical curve radius is also critical. He stated they would like the Board to vote on the plan including the waivers, not wait until the site plan phase to address them.

Mr. Coolidge asked if they still intended to renovate the old camp building into a boathouse. Mr. Sawyer stated they will need to discuss that with the Conservation Commission, but think it would be a recreational amenity. He noted that it would be for canoes.

John Mosher, 13 West Elm St., asked if the other entrance was a possibility, could the buildings be set back more from abutting property. Mr. Sawyer replied it might be possible.

Mr. Dourney asked if a plan was prepared that showed the 100 ft. setback. Mr. Resnick replied that one was not, as it did not work economically. Mr. Dourney stated it doesn't work because they want or need more units, not because of geometry. He asked if the types of units to be built was different, would it make a difference. Mr. Sawyer stated that with the elevation change and proper screening, they think it can be mitigated so there will be no problem. He stated that people don't use their backyards in the winter anyway. Mr. Dourney stated that even if they don't go outside, they do look out their windows, and that's an unfair characterization. Mr. Resnick stated that not having the 100 ft. setback is for a combination of reasons and all of the constraints are significant. Mr. Sawyer stated that the vernal pool issue affects them too, and they have made tradeoffs.

Dino Vumbaca, 17 West Elm St., stated it's unfair to say they don't go outside in the winter, and he has small children and they go outside all the time. He stated he wants to make sure the site is screened in the winter and in the summer. Mr. Herr noted that after construction, the Board and others could view the screening and have any holes filled in.

Kathy Mosher, 13 West Elm St., stated that there were three houses recently built across the street that are very visible, and all new construction can cause problems. She stated she hopes the site can be screened.

Susan Kszystniak, 9 West Elm St., stated they bought the house because of the large bay window in the back, and they are concerned about density. She stated this was not envisioned or planned when they bought the house. She stated it is disconcerting.

Mr. Mosher asked if the plan is approved at this stage, how would be the landscaping be on the plan. Mr. Abate stated it is in the concept stage now, and a site plan would be developed later with all of the details on it, including landscaping.

Jeanne Vumbaca, 17 West Elm St., asked if the walking path is still on the plan, and Mr. Sawyer replied yes.

Sandy McGrath, 6 West Elm St. stated there is a steep road and hill at West Elm St. in the vicinity of the site entrance. She stated that she has a home day care, and three school buses stop there and she needs to cross the street with the children. She stated that if the site is developed, it will get more dangerous.

Robert Bierig, 51 West Elm St., stated that no one has talked about water. He stated there are four of these developments within a one mile radius. He asked what the Town boards are doing approving these where there is limited water. He stated that Hopkinton has changed and West Elm St. has changed a lot recently with the three new houses that were built. He stated that whoever approved those houses deserves to be shot. He cautioned the Board that Hopkinton will end up like Rt. 20 in Sudbury, which lost its character. He stated he left there because it changed, and he will leave Hopkinton too. He stated that the Board is destroying his land. He stated that the Town should bend over backwards to get people like him to stay here.

Mr. Abate stated the challenge is that the Board can't decide what people will do with their own land. He stated their charge is to achieve a balance with responsible development. He stated that everyone would prefer nothing on this site or 4 to 5 single family homes at most, but it isn't the Board's choice. He stated that water is outside the Board's purview, but the developer will need to get the appropriate permits from other agencies. He stated the Town doesn't want to lose residents, and the Board is doing the best it can to preserve the rural character while working with developers to get responsible development.

Mr. Bierig stated the Town is changing piece by piece and this will change the character of the area. Ms. Altamura noted that the Town boards are hampered by state regulations and statutes. She stated they have pushed and nudged to get what they can, but the Board needs to go by the law. Mr. Goncalves noted there is some control here, as this use is not by right. He noted that the Board needs to determine that it is a desirable development, and the Board can deny it. He stated he is not convinced it meets the criteria.

Mr. Mosher stated the Board needs to evaluate the project on its own merits, but a more dense development is a possibility here. He stated he has accepted that something here is a certainty, and would rather have input in the process.

Mrs. Mosher stated that all of the complexes within a one mile radius are 40B's, and there could be one here too. She stated she would rather have this developer construct this plan instead of the alternative.

Rich Roche, 69 West Elm St., stated the long term impact on Lake Maspenock of chemicals, weeds, etc, should be considered. He cited safety concerns with West Elm St. and the proposed location of the entrance. He noted the near-miss rate is much higher than the accident rate there. He stated the road will become more dangerous.

The Board voted 8 in favor with Mr. Aghababian abstaining to close the public hearing. Mr. Aghababian reminded the Board that he was unable to vote on the application because he did not attend all of the hearings.

Mr. Coolidge stated he is comfortable with voting tonight, and is familiar with the site by now. He stated that previous votes of the Board have caused some of the 40B's in Town. He stated he would like the parcel kept open or developed for single family homes, but that isn't a choice here. He stated the applicant needs the Board to vote on the application.

Ms. Wright stated she doesn't like to see this development here. She noted that the reduced density is better, but it is the only plan on the table. She stated that in concept it could work, but there are environmental concerns. She stated that the impacts on the lake need to be evaluated, and 95% TSS removal suggested by the Conservation Commission would help. She noted that the lake is the Town's prime recreation area. She stated it was a top priority of the Town to sewer this area, and this development could undo that. She stated she doesn't like this location.

Mr. Dourney stated the application could be approved without the waivers, and it is physically possible to develop a plan that doesn't have waivers. He stated he is not an advocate of the project. He stated there is a way to develop the land in conjunction with the Master Plan, and the development should be desirable.

Ms. Lazarus suggested looking at the special permit criteria. Mr. Coolidge stated the Board has approved things that are worse environmentally than this. The Board reviewed the criteria.

Mr. Herr moved to determine that the project complies with the special permit criteria, and listed them. The motion was seconded. Mr. Herr noted that the Board needs to be careful about what could happen if the plan was denied.

Mr. Vumbaca stated he is an environmentalist and it's troubling that this would be in his backyard but the alternative is worse.

Robert Falcione, 12 Claflin Pl., asked if the plan is denied, could there be a road that has no sight lines on a 40B plan.

Ron Nation, 43 Smith Rd., referring to a previous statement by Mr. Herr regarding site ownership, asked how that factors into the Board's decision.

The vote on the motion was 6 in favor (Abate, Altamura, Ballantyne, Coolidge, Herr, Wright), two opposed (Dourney, Goncalves), and one abstention (Aghababian).

Mr. Resnick stated that if the project is approved without waivers granted, they have no project. Mr. Dourney stated he doesn't think the waivers should be granted.

It was moved and seconded to approve the Concept Plan and issue the Special Permit with the following conditions:

1. The request for a waiver of the 100 foot setback requirement for buildings is granted, and buildings may be located 75 feet from the property line as shown on the Concept Plan. The Site Plan shall show details of the additional planting which is necessary to increase the density of year-round screening to abutting properties, West Elm Street, and views from Lake Maspenock, in the opinion of the Board. If the Site Plan is ultimately approved and constructed, the applicant shall return to the Planning Board for a review of the density and adequacy of the screening one year following completion of the landscaping and screening as shown on the Site Plan. If additional planting is required by the Board to fill in gaps at this time, the applicant shall be responsible for planting additional materials as identified in the one-year review.
2. A waiver of the 100 ft. setback requirement is granted so that the existing house at 5 West Elm St. may remain in its present location, 48 feet from the side lot line.
3. A waiver of the minimum centerline radius for curved streets is granted so that a vertical curve of 50 feet is permitted in the one location shown on the Concept Plan. This will permit a cluster of dwelling units in the center of the property and eliminate any activity within the 100 ft. buffer to wetland resource areas, which is important due to the proximity to Lake Maspenock.
4. The interior roadways shall have a 20 ft. wide minimum traveled way.
5. The Site Plan shall show an emergency access road in the general location shown on the Concept Plan. The applicant shall consult with the Fire and Police Departments during preparation of the Site Plan to determine the adequate width, surface and location of the emergency access road. The Board will determine at the Site Plan stage whether an emergency access road will be required.
6. The development shall contain a maximum of 31 dwelling units, including the existing house at 5 West Elm St. New units shall be in a townhouse style as submitted to the Board.
7. The Site Plan submittal shall include all practical methods to ensure that the water quality of Lake Maspenock is not negatively affected by the development, both from stormwater runoff and wastewater disposal. The Site Plan submittal shall address the comments made during the public hearing process in the letters submitted by the Conservation Commission.
8. The applicant shall continue to develop the unit designs to achieve an exterior appearance that fits with the neighborhood and is an asset to the area.
9. The request for a waiver of the plan scale is granted.
10. No new dwelling units shall be located within the 100 ft. buffer zone to any wetland resource area as defined by the Hopkinton Wetlands Protection Bylaw and Regulations.
11. The Site Plan shall be designed to provide at least 30% of the site as open space as required by the bylaw. Every effort shall be made to provide open space in a wide contiguous area. The open space shall be clearly delineated on the Site Plan submitted to the Board and shall

be permanently protected by a legally binding agreement running with the land, in accordance with the bylaw.

12. Site lighting shall be minimal, and shall be directed downward, not up or outward. No lighting shall spill onto the street or abutting properties. The Site Plan shall show all outdoor lighting fixtures proposed, including a detail of the fixtures. A photometric plan shall be submitted with the Site Plan.
13. The drainage system shown on the Site Plan shall be designed to conform to the DEP Stormwater Management Policy and Guidelines and to the applicable provisions of the Subdivision Rules and Regulations. It shall be designed to ensure that the water quality of the stormwater runoff is not detrimental to the wetlands and receiving water bodies. An operation and maintenance plan for stormwater management facilities shall be submitted with the Site Plan.
14. Low nitrogen and low phosphorus lawn fertilizers shall be used on lawn and recreation areas, or as further restricted by the Conservation Commission in an Order of Conditions, if required.
15. The review letters from FST and Pressley Associates contained several comments and recommendations relative to the Concept Plan. These items shall be addressed at the Site Plan stage to the satisfaction of the Board.
16. An erosion and sedimentation control plan shall be submitted with the Site Plan. It shall address soil erosion and sedimentation control measures at and downstream of the site.
17. The Site Plan shall show the proposed locations for stockpiling of materials during construction.
18. The Site Plan shall show the limit of clearing proposed for the site, both temporary (for construction purposes) and permanent.
19. If construction is to be phased, a phasing plan shall be submitted with the Site Plan application.

The vote on the motion was 6 in favor (Abate, Altamura, Ballantyne, Coolidge, Herr, Wright), 1 opposed (Dourney), and 2 abstentions (Aghababian, Goncalves).

#### **5. 81-P Plan – Chestnut St. – Umina**

It was noted that the Board had been requested to re-sign an approval-not-required plan that it endorsed earlier in the year, as the owner had not recorded it with the Registry of Deeds and the signatures had expired. The plan creates two lots from one on Chestnut St., both of which would conform to the frontage and area requirements of the Residence B district. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

#### **6. Other Business**

The Board reviewed the draft 2005 annual report of the Planning Board, and voted unanimously to approve it. The Board reviewed the draft 2007 Planning Board budget request, and voted unanimously to submit it. The Board voted unanimously to approve the Minutes of November 28, 2005.

Mr. Coolidge asked that members look at the recent paving of Pond St. between West Elm St. and Winter St., and that the road had been widened during this. He noted that the road is a

designated scenic road and no permit was requested. The Board decided to send a letter to the Board of Selectmen.

Mr. Coolidge noted he has continued to represent the Board on the Fruit Street Development Committee and they have recently been reviewing alternatives as directed by MEPA. He stated one would cut the housing units by 40%, another would move the road into the housing area, and another involved removing the DPW facility.

Adjourned: 10:40 PM

Elaine C. Lazarus, Planning Director

Approved: January 9, 2006