

HOPKINTON PLANNING BOARD

Monday, April 24, 2006 7:30 PM
Hopkinton Town Hall

MINUTES

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

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

1. Public Hearing – Preliminary Subdivision Plan – 45 Pleasant St. - Tedstone

Brendan Tedstone, applicant, and Kevin O’Leary, engineer, appeared before the Board. Mr. O’Leary described the plan to create a “paper” street with two house lots, adding that the existing house on the property would be demolished. He stated the lots would be served by town water and sewer. He stated that within the new road right of way there would be a 14 ft. wide traveled way that would look like a common driveway, noting that the driveways to the individual houses would be 8 ft. wide. He stated the land is zoned Residence A and the parcel is about 2 acres in size. He stated that the layout conforms to the design standards. He described the location of the property and requested waivers so that a road meeting the design and construction standards in the Subdivision Rules & Regulations does not have to be constructed.

Mr. Tedstone noted that he had been before the Board twice and the Board approved the plans. He stated the plan was changed due to zoning requirements. He stated this is the same plan he brought to the Board last time, and the Board was favorable. Mr. O’Leary stated that Mr. Tedstone applied to the ZBA for a variance for the lots on the old plan but the application was withdrawn when it was thought the variance would not be approved. Mr. Tedstone stated there is no change in the final product, adding that he and his brother are trying to stay in town.

Ms. Wright stated that the Board has supported family subdivisions when they are truly for family. She added that there are wetlands issues with this plan. Mr. Tedstone stated he spoke to the Conservation Commission agent and it is thought that locating his brother’s house within the 50 to 100 ft. buffer will be acceptable with a permanent barrier put next to it. He stated this area is cleared lawn now. Ms. Wright noted that the paper street is in the wetlands, which puts the Planning Board in an awkward situation with respect to precedent. She asked if there is a more creative solution, possibly changing the shape or size of the cul-de-sac. Mr. O’Leary suggested having the road as an easement instead of a right of way. Ms. Lazarus stated that would not provide legal frontage on a way for the lots, which is the purpose of the plan.

Richard Stewart, 26 Maple St., stated he is in favor of the plan.

The Board voted unanimously to approve the preliminary subdivision plan with the following conditions:

1. The following waivers of the Subdivision Rules & Regulations are granted:
 - a. Preliminary plan administrative fee.

- b. Roadway design and construction standards will be determined during definitive plan review when construction details of the proposed roadway are submitted. It is the intention of the Board to waive the standards in favor of a roadway that appears on the ground to be a driveway as shown on the preliminary subdivision plan, with exact construction details to be submitted with the definitive plan. A list of all requested waivers shall be submitted with the definitive plan submittal.
 - c. The roadway right of way shall be reduced to 30 feet in width, which will be adequate to construct the proposed driveway and utilities to serve the two lots. The definitive plan should also show a reduction in the cul-de-sac turnaround area, with the goal to remove as much of it as possible from the wetland resource area.
 - d. Street jogs at intersections of less than 125 ft. The centerline of Nebraska St. is approximately 67 feet from the proposed centerline. Since the roadway will only serve two lots the waiver is appropriate.
 - e. A dead end street is permitted. The Board noted that the exceptional circumstances include: the dead end street will be on paper only and will not be constructed; it will not be maintained by the Town; and it will allow the creation of one more lot so that family members may remain in Hopkinton.
2. The definitive subdivision plan shall contain a note which states that there shall be a maximum of two building lots in the subdivision.
 3. The definitive subdivision plan shall contain a note which states that there shall be no modifications to the design of the roadway or extension of the roadway until a new definitive subdivision plan has been reviewed and approved by the Planning Board, in accordance with the procedures established in the Subdivision Rules and Regulations.

2. Administrative Business

The Board voted unanimously to pay outstanding bills. The Board voted unanimously to approve the Minutes of April 3, 2006. The Board voted unanimously to approve the Minutes of March 27, 2006.

3. Public Hearing – 157 West Main St. – Proposed Zoning Map Amendment – Rural Business to Business

Chuck Joseph, 5 Benson Rd., stated that Mr. Gingras, the owner of the property, has asked that this property be considered for a zoning change to Business along with the abutting property that was subject of a public hearing on April 10. He stated this would complete the area and put it all in one zone.

David Goldman, 20 Fruit St., stated the proponents have stated before that they wouldn't create an intense use on the property because a very large building footprint couldn't fit on the larger 8 acre property. He asked if they had considered structured parking or parking under stores like the Lowes on Rt. 30. He asked how the Board would react to that.

Mr. Joseph stated they have not considered anything other than surface parking. Mr. Goldman noted that the property could be sold, and asked if the Board would allow the structured parking. Mr. Coolidge stated that if it meets the zoning requirements, the Board would not have a choice in the matter.

Mary Pratt, 102 Fruit St., asked if the TIF program would be used, noting that she is concerned that there won't be enough revenue from the site.

Mr. Abate noted that the Board has already voted to recommend the rezoning of the surrounding land, so he doesn't want to revisit that.

The Board voted 8 in favor with Mr. Coolidge opposed to recommend that Town Meeting adopt this article.

4. Hopkinton Highlands III/Maillet Woods

Jake Tremblay, Maillet & Sons, stated that they are requesting a change in the design of units #1 through #6, #13 and #14 in the Garden Apartment development. He stated that because of the grade and the design of the rooflines, water would be running down over doors, up against exterior walls, and there would be no way to collect it. He showed the Board a proposed plan with the units changed so that they are mirror image. He stated this would allow for better ways to shed the water and avoid ice dams.

The Board voted unanimously to approve the minor change to the plan.

5. 81-P Plan – South Mill St./Front St. – Braim Farm LLC

The applicant was not present, and Ms. Lazarus described the plan, which would create 10 building lots on Front St. and South Mill St., two of the lots with existing homes on them. The Board expressed concern about the shape of the lots. Ms. Lazarus stated that the lots meet the frontage, area, and lot frontage depth requirements. The Board voted 8 in favor with Mr. Ballantyne abstaining to take no action on the plan.

6. Water Resources Protection Overlay District

Dick Jubinville, EarthTech, appeared before the Board. Mr. Dourney noted that when the proposed changes to the Water Resources Protection Overlay District (WRPOD) boundaries were reviewed, some members were concerned with the integrity of the process, EarthTech, and the new lines created. He stated these are serious allegations which should be addressed. He stated that some have said that EarthTech was influenced. Mr. Abate disagreed, stating he thought that there was concern about the definition of what was to be protected. Mr. Jubinville stated there has been no political pressure at all. He stated they were asked by a member of the Board of Selectmen to put a map together showing the zones 1, 2, and 3 in Hopkinton, which they did. He stated the zones are shown for current and proposed wells. He stated it was produced with factual data. He noted that town representatives then used that map to propose the boundaries for the new WRPOD.

Mr. Herr asked how many professional engineers EarthTech has on staff, and Mr. Jubinville stated there are about 150 in the Concord office. He added that EarthTech has about 8,000 employees. He stated the zones 1, 2 and 3 are at DEP, available from MassGIS, and are all approved by DEP except for well H2, which is in the permitting process now.

Mr. Ballantyne asked how many other towns use similar maps. Mr. Jubinville stated he does not know, but all overlay districts would have to look at zones 1 and 2 as a minimum. Mr. Herr asked if there is federal oversight, and Mr. Jubinville replied no. Mr. Goncalves noted that the process for determining and approving zones 1, 2 and 3 was established by the DEP.

Mr. Dourney asked which map is more protective of Hopkinton's water supply, the current map or the proposed map. Mr. Jubinville stated that the proposed map protects more supplies. Mr. Dourney stated he wants to make sure there is the best protection. Mr. Jubinville stated that more protection is better, and a community can always add more for more protection. He stated he wants to stay out of the politics.

Mr. Herr asked about the technology used to create the map. Mr. Jubinville stated that the zone 1 is a 400 ft. radius around a well, zone 2 is defined as an area where water is pulled toward the well if it is pumped for 180 consecutive days, 24 hours a day. He stated they use hydrological parameters to define that. He noted that monitoring wells are used to measure drawdown, and computer modeling is used.

Mr. Dourney stated that the concern is that a wastewater treatment plant (WWTP) on Fruit St. would put the water supply at risk. Mr. Jubinville stated that all of Cape Cod is a zone 2 and there are several wastewater treatment plants there. He stated there isn't a blanket prohibition of them. He stated that septic systems are also in zone 2's. He noted that this issue was studied extensively in the Comprehensive Wastewater Management Plan for the Town. He noted that the new wastewater plant would have a membrane technology which is the most advanced. He stated that the process is similar to reverse osmosis. Mr. Ballantyne asked why not combine the two maps for more protection. Mr. Jubinville stated that DEP requires a two year travel time in the ground between a well and wastewater discharge, and that is a state regulation.

Ms. Altamura noted there have been concerns that a portion of the sub-basin is cut out of the district, well H7 is not included, and some of the Town's sole aquifer is cut from the district while protection of other aquifers is increased. She stated the maps should be combined and it makes no sense as currently proposed. Mr. Jubinville stated that an aquifer is a water bearing strata which transmits water. He showed the modeling results for the existing Fruit St. wells and H2. He stated that H7 was test pumped and it was not as productive as H2 plus it drew water from Whitehall Brook and would have dried it up. He stated that in addition, not all of the area around it is owned by the Town and DEP wouldn't have allowed more water to be withdrawn with the additional well there. He stated that the State is not granting additional water withdrawal now. He stated it is a possibility for the future, but not now. He stated that DEP wants recharge to aquifers, and the WWTP will help to do that. He stated the map with the modeling results shows the three best locations for the WWTP, and they looked at where water would go if it was discharged there. He showed the results, which were also reviewed by SEA Engineers. He stated there is no intersection between the discharge and the areas the wells would draw from under zone 2 defined conditions. He stated the WWTP would put water back into the watershed, not exactly in the same location, but in the same basin. Mr. Ballantyne asked how clear the water would be. Mr. Jubinville stated it would be almost potable. Mr. Herr asked if other engineers had prepared the maps, would they be different. Mr. Jubinville stated they might be a little different, noting that they might put in slightly different assumptions.

Ms. Altamura stated it seems like the wells for surrounding towns will have a larger aquifer protection area than Hopkinton's. She stated it doesn't make good sense. Mr. Goncalves asked if there are other well sites that could be used on the Fruit St. property. Mr. Jubinville stated they have done a lot of test wells on the site, and the wells identified are located in the best material. He stated they have tried to find wells in Hopkinton for 30 years, and the only other one

identified is off Alprilla Farm Rd. He stated that Hopkinton is a water poor community. He noted that Hopkinton gets 1,000,000 gallons per day from Ashland.

Mr. Coolidge asked if there is a difference between aquifer protection and wellhead protection. Mr. Jubinville stated that wellhead protection is a lay term to protect a specific wellhead. He stated the watershed is topographical where water could enter a surface or groundwater source. He stated the Ashland zone 3 is defined by topography because the Ashland wells are so close to Hopkinton Reservoir.

Mr. Goldman asked if the Town would be better protected if the two maps were combined. Mr. Jubinville stated the more areas protected the better. Mr. Aghababian stated that water could be protected that might not necessarily flow to the well. Mr. Jubinville stated it is up to the Town boards to decide what the area would encompass. He noted there is an anomaly with respect to Whitehall Brook which is within the zone 2 for H2 for a short duration. He stated the Town needs to make a policy decision with respect to the brook as water flowing in the brook does go to the zone 2 of H2. Mr. Goldman asked that if the maps are combined, could it be scientifically defended in court? He noted that a member of the Bd. of Selectmen keeps quoting a court case. Mr. Abate stated the Board can't comment on what a member of the Bd. of Selectmen said.

Brian Morrison, 22 Piazza Ln., showed EarthTech data from July, 2005. He stated he has hired another firm to independently assess the data. He stated they recommend moving the line to combine the maps, noting it is best from a town perspective to combine them and add protection to the Whitehall Brook watershed. He asked if the Town would be better served and protected by combining the two maps. Mr. Jubinville stated the "tendrils" drawn on the map showed by Mr. Morrison depicts the 10 year travel time.

Mr. Goncalves asked if this area is a Potentially Productive Aquifer (PPA) area. Mr. Jubinville replied it potentially is.

Mrs. Pratt stated if the Town pumps the wells with the WWTP there, it will recharge the Sudbury Basin. She asked who will recharge the Ashland zone 3? She asked if wells are placed on the Weston Nurseries property to serve new development, will it be recharged?

Joe Markey, 49 Ash St., asked why Mr. Jubinville was invited to the meeting. Mr. Abate stated it was to have a science discussion. Mr. Markey asked if it is true that EarthTech was asked to draw the zones 1, 2 and 3 for current wells and no other sources, not to depict a WRPOD. Mr. Jubinville replied it was.

Nancy Peters, 258 Wood St., asked about the 10 year travel time before wastewater discharge would reach the well. Mr. Jubinville stated that on the map showed by Mr. Morrison it indicates that in 8 to 10 years the water would reach the well under zone 2 pumping conditions. Ms. Peters asked what happens after the two years has passed, does the water stop or continue to reach the well in the future. Mr. Jubinville stated that with maximum pumping 24 hours a day for 8 years without rain recharge, then the water would flow there in 4 to 6 years. Ms. Peters noted that in the SEA report, it stated that independent tests were not done, and that they had faith in the hydrologist.

Mr. Goncalves asked if Whitehall Brook is a gaining or losing stream – does it recharge the area or drain the area? Mr. Jubinville stated that the brook drains the aquifer.

Kevin Kohrt, 35 Winter St., noted that the zone 2 crosses Whitehall Brook, and asked if there is a zone 3 to the north of it. Mr. Jubinville stated that water flows to the well, not to the zone of contribution of the well.

Beth Rohlfs, 111 Winter St., asked if H7 could be used if the other wells could not be. Mr. Jubinville stated it would have too much impact on the brook to be permitted by DEP.

7. Stormwater Management Bylaw and Lower Impact Development Bylaw – Mary Pratt

Mary Pratt, sponsor of the Stormwater Management (SM) and Lower Impact Development (LID) bylaws on the warrant for the annual town meeting, stated she had distributed materials on these issues and sample bylaws to the Board at its meeting on June 13, 2005. She stated the Town is required to have a SM bylaw within two years. She stated that these bylaws were passed in other towns. She noted that Milford has decided to require LID in development regulations. She stated that at the present time, post-development runoff can't exceed pre-development runoff. She noted that LID has been used in Highland Park, and one can see a dramatic difference with fewer detention ponds that keep water on-site. She stated that EPA is requiring the SM bylaw. She stated that homeowners associations can maintain stormwater management facilities, and if the bylaws don't pass this year, they need to be proposed again next year.

Mr. Abate stated it is a good concept, but constitute the longest articles on the warrant. He noted that to fully understand them, they should go through the town board processes, including the Zoning Advisory Committee. Mr. Ballantyne moved to send the items to ZAC. Ms. Lazarus noted that when the ZAC prioritized items in 2005, it did not include these on its work program because they were not zoning bylaws. She noted that the ZAC had asked her to work on them with the Planning Bd. There was no second on the motion. Ms. Wright stated the boards should take time to go over the stormwater bylaw for next year and look closely at the LID bylaw. She stated the Planning Board can ask people to incorporate these items in their plans before then. It was moved and seconded to take no position on the articles. The Board voted 7 in favor with two opposed (Altamura, Coolidge).

Adjourned: 9:30 PM

Elaine C. Lazarus, Planning Director

Approved: May 22, 2006