

HOPKINTON PLANNING BOARD

Monday, May 22, 2006 7:30 PM  
Hopkinton Town Hall

MINUTES

---

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

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

**1. Administrative Business**

The Board voted unanimously to approve the Minutes of May 8, 2006. The Board voted unanimously to approve the Minutes of April 24, 2006. The Board voted unanimously to pay outstanding bills.

Ms. Wright arrived at this time.

**2. Public Hearing – Weston Nurseries Preliminary Subdivision Plan – East Main St., Wilson St., Cross St., Clinton St., Curtis Rd., Frankland Rd.**

John Bensley, Beals & Thomas, appeared before the Board. Mr. Bensley described the 866 acre property, the location of the Agricultural and Residence B zoning districts, and the topography of the land. He stated that the land has been significantly cleared over the years and there are some wooded areas. He noted that the wetland areas have been indicated on the plans. He stated they propose 12,000 linear feet of roadway which includes the reconfiguring of some existing roads. He described the proposed roadways: 1) Phipps St. with a 60 ft. right of way and 30 ft. of pavement; 2) Curve St., a reconstructed old road, would have a 50 ft. right of way and 24 ft. of pavement; 3) a portion of Frankland Rd. would be realigned with a 50 ft. right of way and 22 ft. of pavement; 4) Road A with a 50 ft. right of way and 24 ft. pf pavement; 5) Road B with a 50 ft. right of way and 22 ft. of pavement; and 6) Road C off Clinton St. would extend to the Ashland Town line in accordance with the provisions of the Subdivision Rules and Regulations.

Mr. Bensley referred to the comments and recommendations made by Fay, Spofford & Thorndike (FST) the Board's engineer. He stated they are aware of the requirement to submit an Open Space and Landscape Preservation Development (OSLPD) subdivision plan, and they will do that. He referred to the wetland delineation shown on the plan, stating that they will file with the Conservation Commission before receiving final approval for the work within their jurisdiction.

Mr. Coolidge arrived at this time.

Mr. Bensley addressed the question raised by FST as to how the land will be developed, stating they don't know. He noted that they want town water in the subdivision but the proposed system

is not required to be shown on the preliminary plan. He stated it will be shown on the definitive plan. He stated that sewer was addressed in the narrative submitted, noting that there are good soils on site for wastewater discharge. He stated they will propose private systems. He referred to FST's comment relative to the width of Phipps St., which could be widened to accommodate bike traffic. He stated that the Subdivision Rules and Regulations allow up to 30 ft. as they have shown, noting that they would consider a wider street but they might not need a waiver. He stated that the sight distance requirements would be met. He referred to the comment that Road C, a dead end street, is longer than 500 ft. and does not have a turnaround. He stated it is shown for projection to other property. He stated that road sections would be provided with the definitive plan. He noted that the plan provided the right of way width of adjacent streets but not pavement. He stated they will address open space when the OSLPD subdivision is submitted, as there is no development plan now. He stated the plan is in accordance with the Subdivision Rules and Regulations.

Ms. Altamura asked what the plans are for Roads A and B, noting it looks as though it is the intention to extend Road A. Mr. Bensley stated they are as shown, with a possible extension to Clinton St. He stated the uses are unknown at this time. Mr. Dourney stated that the comment raised by FST with respect to the cuts and fills exceeding 8 ft. in depth was not addressed. Mr. Bensley stated they noted these locations on the road profile. He stated they want to create a road that meets existing contours, but there are some dips and jogs in the road that are proposed. He stated they can change this but the overall site disturbance would be greater. Mr. Dourney noted that FST also raised the issue of the horizontal road centerline radius at Phipps St. and Frankland Rd. Mr. Bensley stated the 200 ft. sight distance requirement is met, and other dimensions will be greater than the minimum. Mr. Abate noted that the submission seems to meet only the minimum requirements. He asked what the vision for the property is, and if additional land off Phipps St. would be accessed by other new roads. Mr. Bensley stated that access to the land would be off Phipps St.

Ms. Wright stated that significant views are indicated on the plan. She asked why they are noted and if it indicates future thinking as to what will happen on the property. Mr. Bensley stated they are indicated because it is required by the Subdivision Rules and Regulations. Ms. Wright asked if there is a buffer required from the gas pipeline and the adjacent gas facility. She asked about safety concerns in that area. Mr. Bensley stated there is an easement on the property that spells out what the rights and restrictions are. Mr. Markey questioned the location of the nearby cemetery on Wilson St., and Mr. Bensley stated he did not know where it was. Mr. Markey asked if they are aware of any other development proposed on Wilson St., and Mr. Bensley replied no.

Dick Breault, 84 East Main St., stated he directly abuts Road A and is concerned with safety because his wife is a piano teacher. He stated he has studied the plan, and submitted a letter to the Board expressing his concerns.

Mavis O'Leary, 11 Curtis Rd., asked why Road B is proposed and why Road A does not extend to Clinton St. instead of dumping all of the traffic out onto this small, established neighborhood. Mr. Bensley stated this is the design that is proposed.

A resident asked why Road A couldn't be located along the stone wall on the property instead, and Mr. Bensley stated there are wetlands in that location.

Patrick Whalen, 7 Cross St., asked if they are going to use Cross St. as access. Mr. Bensley replied there are some wetlands there and they have no plans to use that access point at the present time.

Ms. Altamura stated she doesn't understand why Road B is on the plan, and asked what its purpose is and what it would be accessing. Mr. Bensley stated it is to provide a circular through-way and to avoid a long dead end. Ms. Altamura stated she would never approve anything going through an older established neighborhood or street like Curtis Rd., noting there are plenty of other alternatives.

Mr. Dourney asked if the applicant had worked with abutters or talked to them. The reply was no.

Matt Zettek, 16 Wilson St., asked if all of the land shown on the plan is owned by the Mezitts or if other land is included as well. Mr. Bensley replied that the names of the owners are on the application and there are others.

Mary Pratt, 102 Fruit St., referred to the materials referencing a wastewater treatment plant on the property, and stated that she wants there to be water recharge on the site. She noted that the plan proposes changes to existing town roads and intersections, stating that the developer will be responsible for those costs, not the Town. She stated that if the plan is approved, the Planning Board should require mitigation for the Town.

Kevin Kohrt, 35 Winter St., noted there is a potential opportunity to work with the developer with respect to a water supply and wastewater treatment plant that the whole town can benefit from.

John Knowles, 23 Curtis Rd., stated he is very concerned that a wastewater treatment plant could be located close to Curtis Road, and questioned where on site it would be located. Mr. Bensley stated he did not know. Mr. Knowles there are wells around the property and a potential municipal well on the south. He asked if a well and wastewater treatment plant could be located on the same property. The reply was yes.

Craig Keefe, 16 Curtis Rd., questioned the purpose of Road B.

Mr. Dourney stated the issue of this land has been in the public for a long time, and he is disappointed that the owners haven't met with the abutters. He noted that the plan seems to be about zoning protection, but with the FST feedback and potential impacts, it is more than that to the Town. Mr. Goncalves stated there is little to go over on this plan because there is nothing shown and nothing to talk about.

Will Davis, 10 Curtis Rd., stated the plan is specific for a plan with no plan or vision. He stated they owe the Town more information than that.

Bob Falcione, 12 Claflin Pl., asked about the required distance between a wastewater discharge point and a well. Mr. Bensley stated he did not know.

John Mosher, 13 West Elm St., asked for a comparison between the size of the parcel shown on this plan and the 650 acres for sale. It was noted that the plan shows about 866 acres. Mr. Mosher asked what the roads would serve and how many units of what types of housing are planned. Mr. Bensley stated he did not know.

Mr. Ballantyne noted that whether the Planning Board approves or denies the plan, it doesn't matter because it is a preliminary subdivision plan. He stated they have to come back with a definitive plan.

Mr. Keefe stated he moved here for more space. He stated he did not receive a notice of the hearing. He asked if residents could form a committee to deal with this.

Jean Horrigan, 19 Curtis Rd., referred to the design of Roads A, B, and Curtis Rd., noting that a circular traffic plan would be formed. She noted that there is a 30 ft. wide right of way at the end of Curtis Road. She stated the residents do not want Road B connecting to Curtis Rd.

David Goldman, Hopkinton Area Land Trust, stated it owns abutting land and was not notified of the hearing.

The Board voted 7 in favor with two abstentions (Ballantyne, Coolidge) to disapprove the preliminary subdivision plan application for the following reasons:

1. The right of way width for Phipps St. is shown at 60 ft. Sec. 8.2.3.A of the Subdivision Rules and Regulations requires a right of way width of 50 ft. Section 8.2.3.B states that the Board may require street rights of way, which in its judgment, may become major or non-residential streets to be more than 50 ft. in width. At this time, no information has been provided as to the buildout of the property. Therefore, the Board cannot adequately judge whether a right of way greater than 50 ft. would be necessary or whether the street will become a major street. If a definitive subdivision plan submitted shows a 60 ft. right of way, justification for its width and sufficient information shall be provided with the submission in order for the Board to determine whether the greater width is required. The road design must also include bicycle and pedestrian facilities.
2. The plan shows a dead end street (Road C). Sec. 8.2.5.A of the Subdivision Rules and Regulations states that dead end streets shall not be approved except where exceptional circumstances exist in the opinion of the Board. No documentation was submitted which included grounds for the Board to determine if there are exceptional circumstances. The Board did not find that there are exceptional circumstances in this case.
3. Section 8.2.5.B of the Subdivision Rules and Regulations requires that a turnaround be provided at the end of a dead end street. The plan did not show a turnaround at the terminus of Road C.
4. The Road C dead end street exceeds 500 feet in length, which is not in accordance with Section 8.2.5.B of the Subdivision Rules and Regulations.

5. Cuts and fills in excess of 8 feet in depth are shown on the plan for locations on Phipps St. and the new Frankland Rd., which does not conform to Section 8.2.7.A of the Subdivision Rules and Regulations.
6. The proposed vertical roadway alignment of Phipps St., Frankland Rd. and Road A, at several locations, does not appear to provide the required sight distance required by the Board's Design Standards, contained in Section 8.2.1.E of the Subdivision Rules and Regulations.
7. The plan shows large parcels, presumably for future development. The Subdivision Rules and Regulations require that the approximate boundary lines of proposed lots, with the approximate areas and dimensions be provided. The plan does not show the proposed building lots. The Board was requested to approve infrastructure to serve 866 acres with no indication of how many residential lots there will be, where they will be located, or what the ultimate buildout is of the site. The Board did not receive sufficient information on which to base any useful feedback or indication of what design standards will be appropriate for such items as road widths, stormwater management system, and the like.
8. The Board would not look favorably on a definitive subdivision plan which shows a new street connecting to or extending Curtis Road. Such a design would be detrimental to a small established neighborhood and does not appear to be necessary from a traffic network or safety standpoint.

The Board voted unanimously to close the public hearing.

Ms. Lazarus checked the subdivision file and informed Mr. Keefe and Mr. Goldman that public hearing notices were mailed to them.

### **3. Scenic Road Public Hearing – 88 Winter St. – Gassett**

Brian Gassett, applicant, stated he has purchased the property at 88 Winter St. and a new septic system has been designed for a new house in the front of the property. He stated the existing old cottage will be demolished. He stated that due to the size of the lot and the septic system, they need to move the driveway 20 ft. north. He noted that they will remove stones for the new driveway opening and use them to close up the existing driveway opening. Ms. Altamura asked if any trees in the right of way would be removed, and Mr. Gassett replied no.

Ms. Wright asked if the wall would be built in the same style as the existing one with loose rubble, and Mr. Gassett replied yes. He stated there will be a retaining wall for the septic system behind the existing stone wall, and he wants to face it with stone to match the existing wall. He stated he wants to neaten up the existing wall also. Ms. Altamura asked how high the wall is, and he stated it is about 2 stones high. He stated he would just neaten it but not add to it.

The Board voted unanimously to approve the new stone wall opening as submitted.

### **4. Reorganization**

Ms. Altamura nominated John Coolidge for Chairman. Mr. Coolidge stated he would not accept the nomination. Mr. Coolidge nominated Jaime Goncalves for Chairman. Mr. Dourney nominated Mark Abate for Chairman. There were no other nominations. The Board voted as

follows: 5 in favor of Mark Abate (Abate, Wright, Dourney, Ballantyne, Aghababian); 4 in favor of Jaime Goncalves (Altamura, Coolidge, Markey, Goncalves).

Ms. Altamura nominated Jaime Goncalves for Vice Chairman. Ms. Wright nominated R. J. Dourney for Vice Chairman. There were no other nominations. The Board voted as follows: 5 in favor of R. J. Dourney (Abate, Wright, Dourney, Ballantyne, Aghababian); 4 in favor of Jaime Goncalves (Altamura, Coolidge, Markey, Goncalves).

Mr. Abate stated that former Planning Board member Brian Herr would like to continue to serve as an at-large member of the Zoning Advisory Committee. The Board voted unanimously to appoint Mr. Herr to the Zoning Advisory Committee. Ms. Lazarus noted there is an opening for a Planning Board member on the Zoning Advisory Committee. Mr. Dourney stated he would like to serve on the Committee. The Board voted unanimously to appoint Mr. Dourney to the Zoning Advisory Committee as a Planning Board representative.

Ms. Lazarus reminded the Board of the East Hopkinton Master Plan consultant interviews to be held on May 24. Fin Perry, Land Use Study Committee, stated that three teams will be interviewed, and the Planning Board should lead this process.

**5. Public Hearing – East Hopkinton Meadows – Preliminary Subdivision Plan - Roger Mezitt**

David Humphrey, engineer, stated that the preliminary subdivision plan submitted substantially complies with the Subdivision Rules and Regulations. He stated the preliminary plan is submitted for discussion purposes, and he described the location of the property. He stated it consists of 92 acres of wooded land, and described the topography and location of wetlands. He noted that the old railroad bed goes through the property, and there are two houses on East Main St. on the property. He stated the plan proposes four parcels. He noted that there are streams on the property but they are not perennial and there is a potential vernal pool. Mr. Humphrey stated the Water Dept. has indicated there are supply problems, so they would use private wells on the site and septic systems. He noted the land is zoned Residence B, and they are aware of the OSLPD bylaw requirement and this will be addressed. He stated this plan is only an option, and it was submitted the day of town meeting in order to receive protection from zoning changes. He stated the owner wants to protect his investment. He stated they want feedback from the Board.

Mr. Humphrey described the proposed roads and detention basin locations. He addressed the comments and recommendations made by FST in their letter report. He stated that the wetland delineation needs to be done further and then the plan redesigned if things change. He stated that the centerline radius of the roads comply with the requirements, and the right of way width of East Main St. is shown, but not the pavement width. He stated the plan was prepared at a scale of 1"=100' so it can be shown on one sheet. He stated the dimensions of the lots could be shown on the plan as requested. He stated they will look at protecting some open space and the old railroad bridge on the property.

Mr. Abate stated the challenge here is similar to the other plan discussed this evening and there is a lot of critical information lacking. He stated the Conservation Commission has not been approached with respect to the wetland crossings. He stated that the applicant needs to help the

Board help them, and there hasn't been enough information submitted to make him feel comfortable. Mr. Dourney stated the property is extremely wet, and they should get feedback from the Conservation Commission as soon as possible.

Mr. Goncalves asked if there is a dispute over ownership of the old railroad bed and if it is owned by Nancy Kelleigh. Mr. Humphrey stated there is a title issue and there has been litigation on this matter. He stated this will have to be investigated by the attorneys. He noted that they believe that the railroad bed was abandoned and ownership reverted to the Mezitts.

Ms. Wright stated the property is very wet and she is not sure that this plan is workable. Mr. Goncalves asked if Road A on the Weston Nurseries plan can connect to Road B on this plan. It was noted that there are wetlands in the area.

Brian Morrison, 22 Piazza Ln., stated the applicants should be encouraged to file an ANORAD with the Conservation Commission, noting that the Town has never permitted this much alteration of wetland since the Wetlands Protection Act was passed.

Mr. Aghababian stated the land is obviously wet and the amount shown on the plan seems to be understated.

Mr. Breault asked if there is a history of the drainage on this property and where the water goes. Mr. Humphrey described the flow of water in the area, stating that it comes from across East Main St.

Mrs. O'Leary stated the land has wildlife habitat and the railroad bed is walkable and used by people. She noted there is a long range plan to have a bike/walking path on the old railroad bed which connects to Milford and Ashland.

Mr. Breault submitted a letter with information on the property to the Board.

Jane Moran, 70 East Main St., stated there are wetlands on the property, but not everywhere. She stated that the plan should include walking trails and easements so people can enjoy it.

Tammy Waltzman, 18 Prestwick Dr., asked what the buffer to abutting property would be, noting that she does not want to see a yard and house from her house. It was stated that no buffers are required for conventional subdivision plans.

Mrs. O'Leary asked about historic sites on the property, stating that she had read that there may be an earthen dam from an old mill.

A resident of Spring St., asked about the location of the west entrance to the property. Mr. Humphrey stated it would be next to the gas line. She asked about their vision for development of the property. Mr. Humphrey stated that both sides of the new road would be developed.

Ms. Wright noted that the location of the detention basins is not in compliance with the Subdivision Rules and Regulations.

Mr. Keefe stated the Board should look at traffic impacts.

The Board voted unanimously to disapprove the preliminary subdivision plan for the following reasons:

1. The plan shows a dead end street (Road B). Sec. 8.2.5.A of the Subdivision Rules and Regulations states that dead end streets shall not be approved except where exceptional circumstances exist in the opinion of the Board. No documentation was submitted which included grounds for the Board to determine there are exceptional circumstances. The desire to create more lots is not exceptional. The Board did not find that there are exceptional circumstances in this case.
2. Cuts and fills in excess of 8 feet in depth are shown on the plan, which does not conform to Section 8.2.7.A of the Subdivision Rules and Regulations.
3. The outermost edge of a stormwater basin must be at least 25 feet from any road or property line, in accordance with Section 8.4.10 of the Subdivision Rules and Regulations. Three basins shown on the plan are within 25 feet of a roadway, and two of them are also within 25 feet of a property line.
4. The plan was prepared at a scale of 1"=100' instead of 1"=40' as required by Section 5.2 of the Subdivision Rules and Regulations.
5. The approximate boundary lines with dimensions of the proposed subject property and lots have not been shown on the preliminary plan in accordance with Section 5.2.1.E of the Subdivision Rules and Regulations.
6. The plan shows large parcels, presumably for future development. The Subdivision Rules and Regulations require that the approximate boundary lines of proposed lots, with the approximate areas and dimensions be provided. The plan does not show the proposed building lots. The Board was requested to approve infrastructure to serve 92 acres with no indication of how many residential lots there will be, where they will be located, or what the ultimate buildout is of the site. The Board did not receive sufficient information on which to base any useful feedback or indication of what design standards will be appropriate for such items as road widths, stormwater management system, and the like
7. The Board has noted that the ownership of some of the land shown on the plan is in dispute. All of the land proposed to be subdivided by the applicant is not under the control of the Applicant.

The Board voted unanimously to close the public hearing.

**6. Continued Public Hearing – Earth Removal Permit – Fletcher Granite – Lumber St.**

A request to continue the public hearing had been received from the applicant. The Board voted unanimously to continue the public hearing to June 5, 2006 at 8:00 PM.

Adjourned: 9:25 PM

Elaine C. Lazarus, Planning Director

Approved: June 19, 2006