

## HOPKINTON PLANNING BOARD

Monday, June 19, 2006 7:30 PM  
Hopkinton Town Hall

### MINUTES

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PRESENT: Mark Abate, Chairman, R.J. Dourney, Vice Chairman, Scott Aghababian, Evan Ballantyne, John H. Coolidge, Claire Wright

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

#### **1. Public Hearing – Hopkinton Highlands II – Toll Brothers, Inc.**

Bryan Weiner and Tom Betts, Toll Brothers, Inc., and Mark Kablack, attorney, appeared before the Board. Mr. Weiner stated that Toll Brothers is requesting a two year extension to complete the subdivision, noting that the Board's original approval required completion within 4 years of the start, which is August, 2006. He stated they want to finish before the two year extension ends, but will need to prepare as-built plans and have the roads accepted by a town meeting. He stated they had initially requested two years, but want to get it done as soon as possible.

Mr. Ballantyne noted it would be 18 months to span two town meetings, less than two years. Mr. Weiner stated they would like to go through two town meeting cycles and their goal is street acceptance in May, 2007, but if they don't make it they would need additional time.

Mr. Abate asked if there is an update on the lots with homes but no septic systems. Mr. Weiner stated they believe that acceptable locations have been found, but are just waiting for perk tests when the groundwater level goes down. He stated the Board of Health has witnessed deep hole tests.

Mr. Kablack stated that the Hopkinton Area Land Trust (HALT) requested a schedule for open space dedication, which has been provided to them. He stated the transfer will be completed in late summer or early fall. He stated they will work on the conservation restriction and baseline data, which will be done by September 15, 2006. He submitted a letter to the Board. He stated that a signed deed and conservation restriction are on file with Town Counsel. He noted that at a previous meeting, there was a comment about a problem with shrubs in the vicinity of the soccer field on Greenwood Rd. in the Hopkinton Highlands I subdivision. He stated he would like to have someone from the Town meet with Mr. Betts on the site to identify the problem areas, and they will take care of it.

Louis Takacs, 18 Woodmere Rd., Framingham, stated he owns land abutting lot 2, and the initial design of that lot had a long drive to the house but now there is a different access way to the house. He stated the driveway has not been completed, is a scar on the land, and some of the land is being used as a dump for construction debris, trees, rock, etc. He asked what the plans are to finish the lot and beautify the area. He stated that the driveway should be finished and the debris removed.

Mr. Weiner stated he is not aware of any debris there, just fill, rock and loam. He stated that is the last lot to be built. Mr. Takacs stated that the erosion control barriers are not being maintained and silt is going onto his property. Mr. Betts stated they will look into it and correct any problems. Mr. Takacs asked when the house would be completed and if there are perk problems. Mr. Weiner noted that it is lot 3 and the status is as previously described. He added that all piles of material will be removed in the subdivision within the year.

Pam Aggerbeck, 20 Overlook Rd., asked what the extension means. She noted there is a problem with stormwater runoff at the Overlook Rd./Cedar St. Ext. intersection in the winter. Another resident stated there is a stream that crosses the road there.

Mr. Weiner stated it is groundwater coming out of the road cut, and they will be putting in an underdrain system which is not on the plan. He stated a contractor has been hired and it will be done by the middle of October. Mr. Kablack stated the purpose of the hearing is for an extension of time to complete the subdivision and the discussion shouldn't deteriorate into unrelated topics.

Mr. Aghababian noted that on a site walk a few years ago, there was water running straight across the street. He stated that Toll Bros. needs time to complete lots to sell, but they need to do other work too. Mr. Kablack stated the underdrain work will be done before winter. Mr. Aghababian stated these improvements are as important as finishing unsold or unbuilt lots. Mr. Ballantyne noted that the unfinished status of the subdivision affects the existing homeowners and their property values. Mr. Kablack stated they will complete the work as soon as possible. He stated they are requesting a 1 to 2 year extension to finish all the work and have the roads accepted by the Town. He stated this includes the as-built plans, town meeting vote, etc. Mr. Abate stated that Toll Brothers should consider the Board's comments as constructive guidance in going forward.

Jason Anjoorian, 7 Overlook Rd., asked what the residents get in return for the extension. He stated that a lot of things are not done. He stated there is construction noise, common areas are overgrown, areas are dug up, among other things. He asked how long it will be a construction site. He stated they are willing to work with Toll Bros., but what do they get in return?

Mr. Weiner suggested meeting on site to discuss the common areas. He stated they want to leave the subdivision as soon as possible. He stated there is another developer building off the road too, so there is construction traffic in addition to Toll Bros.

Mr. Anjoorian asked about the unfinished lots.

Mr. Abate asked the Board if it would like to continue the hearing and visit the site. Mr. Ballantyne stated that a visit with Toll Brothers and the abutters would be helpful. Mr. Kablack stated it is a good idea to visit the site but with 1 or 2 representatives of the homeowners as that would be more efficient and productive. Mr. Abate stated that anyone can attend, but people should transmit comments to the Board before the site visit so it can look at the areas when they are there. Mr. Kablack stated they want to keep the focus on the subdivision issues, not individual lot issues. Mr. Coolidge stated the Board needs to listen to the lot issues. Mr. Abate stated that the Planning Board is in charge of this process, not Toll Brothers. Mr. Kablack

reminded the Board that the only topic is the extension of time. Mr. Coolidge stated the Board doesn't want to hear these complaints again, so they should be addressed.

Kathy Hudson, 8 Summit Way, stated that the Board should visit the site during the day so it can see the construction activity. She stated there are safety issues.

Mr. Dourney stated it seems like Toll Bros. needs to make more effort to work with the residents. Mr. Betts stated that they will address the issues.

The Board decided to visit the site on July 7, 2006 at 8:00 AM, meeting at the construction trailer. The Board voted unanimously to continue the public hearing to July 10, 2006 at 8:30 PM.

## **2. Public Hearing – Strata Bank – 59 Main St. – Site Plan Review**

Dana Philbrook, Strata Bank, and Rod Topolewski, architect, appeared before the Board. Mr. Philbrook stated the location is leased from Colella's, and they want to spruce up the branch bank. Mr. Topolewski described the plan, noting that the indoor ATM will be modified as part of an interior renovation. He stated additional glass will be added to the doorway area. He noted that the flat roof over the drive-up ATM will be replaced with a gable roof, and that the gable roof over the entrance will be replaced. He noted that the Design Review Board commented on the design of the front gable, and they have submitted modified plans to accommodate that change. He stated there will be a bronze metal roof on the gables. He stated they will do the work as soon as possible and will also tear up and recast the concrete area in front of the bank. He stated there will be no changes to the parking lot.

In response to a question, Dale Danahy, building owner, stated that Colella's expansion/renovation project is on hold at this time.

Ms. Wright questioned a difference between the original plan and the revised plan regarding the height of the roof over the entrance. Mr. Topolewski stated that the original plan was out of scale and it is actually the same. Mr. Dourney asked if there will be problems with the gable roof over the drive-up ATM being hit by vehicles. Mr. Philbrook stated the flat canopy has been hit, but the new one will be further back than that.

The Board discussed signage and lighting. Mr. Topolewski noted there are federal standards for lighting of ATM's.

The Board voted unanimously to find that the project meets the site plan criteria in the Zoning Bylaw and to approve the site plan as shown on the revised plans.

## **3. Scenic Road Public Hearing – 166 Ash St. – Advocates, Inc.**

Representatives of Advocates, Inc., appeared before the Board to request a temporary opening in the stone wall to connect the house to the municipal sewer system. It was stated that there has been an ongoing septic system problem so they need to tie into the sewer system and fill in the septic system. It was noted that the project has been approved by the Conservation Commission and Board of Health. It was also stated that because the Board of Health had issued an emergency order, the work had been completed and the stone wall already replaced.

The Board voted unanimously to issue the scenic road permit as submitted.

#### **4. Stormwater Management Bylaws; Low Impact Development Bylaws**

Mary Pratt, 102 Fruit St., stated she attended a meeting at the State Dept. of Environmental Protection (DEP), where it was stated that the Town would be in a better position with respect to additional points toward water withdrawal for new wells if it has a stormwater management bylaw in place. She stated that Milford has adopted such a bylaw in their Subdivision Rules & Regulations, but a general bylaw would apply to all development, not just subdivisions. She stated that the Town will be forced to have such a bylaw in place by 2009 by the EPA. She stated it is important to return water to the soil. She stated if the Board can do this quickly, then the Town may benefit.

Ms. Wright noted that Low Impact Development (LID) seems to be focused on techniques to handle the water, which is different than the stormwater bylaw. She stated she is concerned about some of those techniques. She stated she attended a conference and talked to some vendors of some of those products, and there are cost issues and maintenance requirements. Mrs. Pratt agreed that not all of the possible techniques may be right for Hopkinton. She noted that the Highland Park development is a good example of some LID techniques that work.

Ms. Wright stated she is concerned about adopting new technologies that may be expensive and not suited to the climate here. She stated it is a good thing and the Board should encourage some of the techniques to be used, but she is not in favor of all of them. Mrs. Pratt stated that the Town doesn't have to adopt them all. Ms. Wright stated she doesn't want to rush into this either.

The Board decided to schedule time on an agenda to discuss these topics and techniques further. Mr. Dourney suggested asking Ron Roux to attend, since he built Highland Park. Mr. Ballantyne suggested looking at other town examples also. Mr. Dourney stated that "green" building and development concepts are current issues today too, and there are environmental benefits. He noted that not all of them may work over time, however, such as porous pavers which can cease to work and are expensive.

#### **5. East Hopkinton Master Plan**

Ms. Lazarus stated that an outstanding issue with respect to consultant selection has been a \$15,000 shortfall in budgeted funds. She stated that the Board of Selectmen has committed \$5,000 and the Planning Board can commit \$10,000 of its FY07 budget, which was set aside for the purpose of hiring consultants. She noted that she is also preparing a grant application to the State which would offset these costs if awarded.

Fin Perry, Chairman, Land Use Study Committee, stated that he attended the Selectmen's meeting last week and requested funding from the Water Enterprise Fund, which made sense because of the potential water supply implications of development in this area. He noted that because of a potential deficit in that fund, and it was not received. He noted that the Town could also talk to Ashland and Southborough for funds, but they also have financial difficulties.

Mr. Aghababian asked if everyone is comfortable that the procurement laws have been followed, and the response was yes.

The Board voted unanimously to commit \$10,000 of its FY07 budget to the project.

Mr. Ballantyne requested the recommendation of those who have attended the interviews and meetings relative to the selection of the consultant.

Mr. Perry stated he realizes that they are imposing work on the Planning Board, and appreciates the participation of those members who have done so. He noted that the RFP was issued on April 26, and five valid responses were received. He stated that the five were narrowed to three teams who were interviewed, Sasaki Associates, ICON architecture, and Community Opportunities Group. He stated all of the members of the Land Use Study Committee and Planning Board were invited to participate in the interviews on May 24. He stated that at the conclusion of the interviews, those in attendance asked Ms. Lazarus to call references for each and another meeting was scheduled for May 31. He stated that at the May 31 meeting, each person in attendance was able to express their desires and preferences, and all said which consultants they favored and why. He stated that the final tally was 6 in favor of the Sasaki team, 4 in favor of the ICON team, and 2 in favor of the COG team for the project. He stated they have complied with the requirements of MGL c.30B and the group recommends that the Sasaki team be hired.

The Board voted unanimously to hire the Sasaki Associates team for the project.

**6. 81-P Plan – 6 College St. – Connelly**

Joe Marquedant Sr., surveyor, described the plan to create a small parcel from land on Hayden Rowe St. to be combined with the parcel at 6 College St. so that a cabana can be built to meet setback requirements. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

**7. Master Plan**

The Board reviewed the latest draft of all Master Plan sections prepared by Judi Barrett. Mr. Abate stated he likes the draft and suggests that pages be consecutively numbered through all sections instead of separately.

Muriel Kramer, Chairman, Master Plan Committee, noted that some of the Committee members met recently to go through the draft, and have marked up a copy with typos and other comments. She stated they really liked it. She stated that the pages with a photo behind the text look nice in color but are hard to read when copied in black and white.

The Board and those in attendance reviewed each section individually, with Ms. Lazarus noting changes to transmit to Ms. Barrett. The Board discussed the box in each section with the survey information and its role and purpose in the Plan. Mr. Ballantyne stated that the survey was biased and all references to it should be eliminated. Ms. Kramer agreed that the survey wasn't scientific, but it is the people's document to buy into and a lot of people filled out the survey and attended visioning sessions, so the input should be included somehow. She stated it seems clear in the text that it is opinion, not necessarily the recommendations of the Plan. She stated it does add a feature to the Master Plan. She noted there is a consistency between the survey and the input received at other forums. Trish Perry, Master Plan Committee, stated it should be a shame

to omit it because many people took the time to participate. She stated the text could say that that the opinions were received through an informal survey and public forums.

The Board decided to keep the sections in the text, but the language must be unbiased and clearly indicate that the comments are opinions received from an informal survey and visioning forums held over the last few years.

## **8. Administrative Business**

The Board voted unanimously to pay outstanding bills. The Board voted unanimously to approve the Minutes of June 5, 2006. The Board voted unanimously to approve the Minutes of May 22, 2006. The Board voted unanimously to approve the Minutes of May 24, 2006. The Board voted unanimously to approve the Minutes of May 31, 2006.

**FY07 Goals and Objectives:** After discussion, the Board decided to adopt the following goals and objectives for FY07:

1. Work with the consultant to prepare the East Hopkinton Master Plan and implement its recommendations
2. Update the Open Space and Recreation Plan
3. Stormwater Management – Study and recommend appropriate ways to manage stormwater
4. Low Impact Development – Study and recommend appropriate ways to implement low impact development techniques
5. Transition the taking of Minutes at Planning Board meetings so that they will be the responsibility of administrative staff rather than the Planning Director.

**Community Preservation Committee Appointment:** Mr. Coolidge asked if the Board will vote to recommend that he continue as the Planning Board's representative on the Community Preservation Committee. The Board voted unanimously to recommend that Mr. Coolidge serve as its representative.

**Fieldstone Farm:** The Board reviewed the revised plan for Fieldstone Farm, a potential 40B project before the Massachusetts Housing Finance Agency for Site Eligibility. It was noted that the number of units was increased from 60 to 96 since the last correspondence from MHFA. The Board voted unanimously to send a letter to MHFA citing concerns including the following: units at the end of a long dead end, safety, access to units only through a parking lot, reiterate that the site is an old dump and there are health concerns, the design is wrong, and it epitomizes the lack of concern for safety and public health. The Board stated that the letter should be strongly worded, and asked that Sen. Spilka and Rep. Loscocco be copied.

Adjourned: 10:25 PM

Elaine C. Lazarus, Planning Director

Approved: July 24, 2006