

## HOPKINTON PLANNING BOARD

Monday, July 10, 2006 7:30 PM  
Hopkinton Town Hall

### MINUTES

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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  
.....Anna Rafuse, Secretary

#### **1. Public Hearing – Site Plan Review – 58 & 60 West Main St. – Golden Pond Expansion**

Joseph P. Marquedant, surveyor, Kerry Kunst, applicant, Kevin Neprud, architect, appeared before the Board. Mr. Marquedant described the proposed construction of a new building on the adjacent parcel to the Golden Pond Resident Care Facility. Mr. Marquedant stated that the proposed parcel is currently two lots; each previously had trailers on them. Mr. Marquedant identified wetlands, proposed leach field, and stormwater recharge facility on the plan. He stated that there are existing gas, water, and electric utilities on the properties already and they are proposing their own stormwater management system.

Mr. Aghababian arrived at this time.

Mr. Marquedant described the proposed traffic pattern, noting that the driveway would access West Main Street and connect to Golden Pond. He stated that they have incorporated requirements into the plan such as parking, and a landscaping plan is being produced by Weston Nurseries. It was stated that the existing day care facility would move to the new building, which will also house religious and educational uses.

Ms. Altamura asked about the driveways and if there is only one way in and one way out. Mr. Marquedant stated there would be one entrance in from West Main St. via the existing Golden Pond entrance, and connecting to Golden Pond in through the back, and a one-way exit onto W. Main St. Ms. Altamura stated that the traffic on W. Main St. is very congested during the morning and afternoon commuting times. Mr. Marquedant stated that Mr. Kunst and his employees had discussed traffic needs and that on the biggest shift at Golden Pond there are 35 employees and 79 parking spaces. Mr. Abate stated, with confirmation from Ms. Lazarus, that if they wanted to use the existing Golden Pond parking to get the correct number of spaces then the parcels must be combined. Mr. Neprud asked if an agreement between the land owners could allow for the additional parking spaces. Ms. Lazarus stated that it was not allowed under current zoning, and they need to be provided on the same parcel as the building.

Mr. Marquedant stated that they will be increasing the day care capacity to 150 students but that the adult to student ratio will go down so it will not result in a dramatic increase in employees and traffic issues at the existing Golden Pond site. Mr. Goncalves asked how many parking spaces there would be in the front of the building. Mr. Marquedant replied there would be 15. Mr. Kunst stated there would be two entrances to the day care part of the building, one on the

side and one at the rear. Mr. Marquedant stated that the peak hours of the day care for drop-offs and pick-ups are between 7:30-9:00 AM and 4:00-6:00 PM. The day care would be open from 7:00 AM to 6:00 PM Monday through Friday.

Binoy Samuel, 41 Elm Street, stated that there is currently a lot of traffic associated with the day care and there are cars stopped waiting for spaces to free up and people have to wait.

The Board asked why there would be such a back up of cars and people. Mr. Kunst stated there are employees and visitors taking up the spaces at times. Mr. Marquedant stated when the day care moves to the new building that will free up space at the original Golden Pond for people to use. Mr. Dourney reminded him that unless the parcels are combined, they can't use the existing parking and wanted to know if there will be enough provided on the new site. Mr. Goncalves asked if the spaces actually have to be built or if they can just be shown on the plan. Ms. Lazarus stated the Board has the ability to waive construction of some of the spaces but they have to be shown on the plan. Mr. Marquedant stated that no new construction would be on the original Golden Pond property but that they would be doing some grading modifications over both property lines.

Ms. Altamura asked about landscaping and screening to properties on Elm Street. She stated that there should be more plantings in the back and on the sides facing abutters.

Mr. Dourney reviewed comments from a letter that Ms. Lazarus had sent to the applicant noting missing and incomplete information. A landscaping plan was not submitted, a detail of the lighting fixture was not submitted, and it is not known whether they need to amend the current site plan for Golden Pond to be able to use the vehicular connections proposed. Mr. Marquedant stated that Mr. Kunst had the landscaping plan with him tonight. He stated that some of the other issues he wanted to discuss with the Board at the meeting. Mr. Kunst stated that the lighting plan is in progress. Mr. Marquedant stated that Al Marzillo would be providing the lighting plan.

Mr. Coolidge asked if the owners of the current Golden Pond and this parcel were the same. Mr. Kunst stated not at this time but he is part owner of each. Mr. Coolidge stated that with separate entities there needs to be more discussion about fixing the parking problem. Mr. Coolidge asked what the distance would be between the centerlines of the two entrances/exits on W. Main St. Mr. Marquedant answered 280 feet. Mr. Neprud asked if a lot line change would be possible to create more square footage for parking on the new site. Mr. Coolidge said that sounded like something that could work.

Mr. Coolidge stated that the times when the parking lot is full, as in the AM and PM drop-off/pick-up, this is a tough area for traffic. He suggested possibly having only one entrance and one exit for both buildings together. Ms. Altamura stated that she is not comfortable with the traffic flow and that maybe one entrance and one exit would help to alleviate that problem. She stated the way it is set up looks messy and confusing. Mr. Dourney cited possible problems with the side entrance and people trying to turn left in and out of the parking lot. Ms. Wright stated that during busy times, left turns out of W. Main St. aren't possible and people would have to go to Lumber St. and turn around there. Ms. Lazarus stated that FST has requested that a traffic impact study be done.

Mr. Coolidge asked about the proposed septic system and the past failure of the system at Golden Pond. Mr. Marquedant stated that they have done soil tests and have confirmed that the soils are adequate for a system to accommodate the new building.

Ms. Wright stated that the applicant had come before the Design Review Board on May 23, 2006 and spent quite a bit of time going over issues with the building. She stated that she hasn't seen anything to show that they have taken the suggestions and applied them to the current plan. She noted the Board had issues with the lighting, dumpsters, and the style of the building. Mr. Neprud stated that they have some plans with them tonight and presented them. He stated they had removed the tower and have added a raised dormer and added height to the first floor. In response to questions, Mr. Neprud described the roof deck which would have a seating area but not be visible from the street level. Mr. Abate stated he was uncomfortable with that.

Ms. Altamura asked if office buildings were allowed in the Residence B district. Ms. Lazarus replied no. Ms. Wright stated that she had some concerns with zoning issues and the concept of a commercial building in a Residence B district. She stated that the Board has been told it would be religious and education offices in the building, but what happens if they have no tenants, would they then apply for a variance. Mr. Ballantyne stated that the applicants can't create an economic hardship for themselves. Ms. Lazarus was asked if they could propose a rezoning for the parcel and she stated yes. Mr. Kunst stated that they had church groups interested but because of the delays they lost them. He stated that they have done some marketing and that they found interest but need to be able to give people time frames and building size. Ms. Wright stated that churches have limited resources and that a new facility would be quite costly. She stated that she is suspicious of the reasons for the building. Mr. Neprud stated that studies have shown that when a church is in a new facility it has bigger growth models. Mr. Coolidge asked about the percentage of day care to office space in the building. The reply was day care space is 8,900 square feet and office space is 19,700 square feet. Mr. Kunst stated there are 3 levels to the building, two seen from the street, and three seen from the back of the building. He stated there is an outdoor play area for the children at the existing Golden Pond that will be used. He stated the middle floor will have religious activities, the top floor will be for educational and office purposes. He noted that one church has discussed a possible charter school which would combine educational and religious purposes and there would also be extra space available on the weekends when the day care is not open.

Robert Sullivan, 55 Elm St., stated that the original Golden Pond septic system failed and they were allowed to hook into the sewer system on Elm St. He asked if that was going to happen again. Mr. Kunst stated that the original system failed because of a grease problem and that he went to the Board of Health and they preferred to have it tied into the sewer system. He stated that Golden Pond also paid for all the costs associated with the hookup, including some Elm Street construction costs. Mr. Dourney asked how the grease got into the system. Mr. Kunst stated that he didn't know but some sort of grease coating made the system fail in his opinion. Mr. Dourney asked how they know that the Town won't be faced with the same problems in three years. Mr. Kunst stated that they had found that some garbage disposals had been installed and they removed those, and they found a grease trap problem in the kitchen.

Mr. Sullivan stated that a doctors office building was originally proposed for this location and asked why it wasn't built. He asked if it was because of traffic issues. Mr. Kunst stated that it was because of Town bickering and that the Building Inspector told them to choose one project, so they chose the original Golden Pond project over the doctors office.

Mary Pratt, 102 Fruit St., asked if the Police and Fire Departments had commented on the plans. Ms. Lazarus stated that they had not. Mrs. Pratt asked if the stormwater would go into Ice House Pond. Mr. Marquedant stated that the majority of the water will go into infiltration chambers in the front of the building but that they have overflow pipes which eventually lead into Ice House Pond. Mrs. Pratt stated that with more children in the building there will be a need for more water capacity. She also asked about the dumpster screening. It was stated there will be a private septic system and municipal water to the building. Mr. Marquedant stated that there are currently two water lines on the property from the previous homes.

Mr. Abate reviewed the discussion and stated that the Board still has concerns with traffic, parking, the building being too large for the site, combining the existing and new parcels/buildings together, lighting, Fire and Police comments, and FST comments. Mr. Markey stated that he would like to see some space left between the road and the site for the sidewalk to be extended along W. Main St.

Mark Rhodes, 64 W. Main St., stated that he would like to see additional sidewalks, screening to the abutters, preservation of green space, and was concerned that the new parking lot would bring more heat into the neighborhood. He also stated that the applicant had offered to buy his neighbor's property, which directly abuts the site.

Mr. Marquedant stated that there appear to still be some issues, including dealing with FST comments and major traffic concerns. He asked if there had been any recent traffic studies done around West Main St. recently that could be used to help supplement the application. The Board suggested that he speak with J.T. Gaucher, DPW Director.

The Board voted unanimously to continue the public hearing to August 28, 2006 at 7:30 PM.

## **2. Continued Public Hearing – Hopkinton Highlands II/Estates at Highland Ridge – Toll Brothers, Inc.**

This hearing was continued from June 19, 2006. Bryan Weiner and Tom Betts, Toll Brothers, Inc., and Mark Kablack, attorney, appeared before the Board.

Mr. Abate stated there was a site walk on Friday, July 7, 2006 which some of the members attended with Toll Brothers and some residents. Mr. Dourney stated that he received good feedback from the residents and it seemed Toll Brothers was dedicated to the project and getting it done.

Mr. Ballantyne stated he thought there was significant progress in improvements to the subdivision since the visit and one lot that looked like it had a mud slide on it had already begun to be fixed. He stated that there were some drainage issues that needed to be addressed. He stated that he noticed that progress was being made at 4 Summit Way.

Mr. Abate stated that Toll Brothers should be ashamed. He stated that it took scheduling a site visit for them to start sweeping the roads and cleaning up the properties. He stated that he feels very bad for the residents. He stated that Toll Brothers has a long way to go to make the Town and the residents happy.

Mr. Markey stated that he is concerned with the stormwater flow that creates ice rinks in the street in the winter. He stated that there were stop signs down and missing. He stated there were sidewalks missing in some sections and that he saw construction trucks parked on the grass by the road. Ms. Altamura asked about the loss of water pressure that residents have been experiencing. Mr. Abate stated that the Board of Health had not been informed of the situation by the residents and that the residents need to call them each time it happens.

Mr. Coolidge stated that Luckner Bayas is the Board's inspecting engineer and that he inspects the infrastructure. He asked Ms. Lazarus if he had any comments. Ms. Lazarus noted he had reviewed the bond estimate and made one recommendation. Mr. Weiner stated that it is not drainage issues they are dealing with but groundwater issues. Mr. Coolidge asked if the Board was holding enough bond money to fix things. Mr. Dourney stated that the time for the subdivision to be complete and the money are big issues for the Board. Mr. Ballantyne stated that he doesn't want to grant a two year extension, only extend to the next Town Meeting and see how much progress has been made in that time. He stated that when that time comes, they could discuss another extension then. Mr. Dourney stated that at the site walk it was stated that no items on the list Toll Brothers said would take longer than 2 months. He stated that the bond should either be pulled or increased.

Mr. Abate stated that he would like to get the engineer back on site and sit down with Toll Brothers and work out a schedule of remaining work and then he would discuss the bond and an extension. Mr. Coolidge stated that the Board had run into similar situation with the Hearthstone subdivision and that the rain washed out the whole drainage system and the developers walked away, leaving the Town with very large bills. He stated that the Town needs to be protected. Mr. Goncalves stated that he would like to see the Board of Health, Conservation Commission and the Planning Board meet to discuss the drainage issues, the septic system locations and the water service.

Mr. Kablack stated that he would be happy to sit down with the Boards and discuss those things but that they are here only to discuss roadway and subdivision issues and he sees nothing outstanding. He stated that the only property with any relation to roadway and infrastructure issues/improvements was 14 Overlook Rd. He stated that the Town's own consultant agreed to a bond reduction as the result of inspections. He stated that the Town's consultant should have been present at the site walk, and that Toll's engineers were there and available. He stated that homeowner happiness is the responsibility of Toll Brothers, not the Planning Board. He presented a letter to the Board and reviewed it. He stated that they are requesting a two year extension to do the work, get all inspections done, the as-built plans done, the bond reduced, and the Town to accept the streets. He stated that there is street cleaning and removal of sediment to do, the remaining street trees need to be planted, the paving needs to be done, the other planting and the loaming and seeding needs to be done, as well as the underdrain at the Overlook Rd./Cedar St. Ext. intersection. He stated that the storage of construction materials will no longer be needed and the parking and transfer of the open space will be completed by the fall of 2006. He stated that the stop signs will be installed by the end of July. He stated that the drainage and erosion issues at 6 Summit Way will be resolved and between 4 and 6 Summit Way there is a lot of disturbed area and that they are committed to French drains, grading, and loaming and seeding by the end of July. He stated that they would install the drainage swale between lots 21 and 23 by August 2006. He stated that they will be installing a drainage system behind Summit Way that is 10 feet below grade once the groundwater recedes or fall 2006. He stated all the individual mailboxes will be installed by the fall of 2006. He stated that the

problems with the water supply is that the wells are bringing up a lot of sediment which clogs the filters and that they need to be cleaned regularly. He stated that they have revised DEP permits and new equipment should be installed by the fall 2006. He stated that the Homeowner's Association is supposed to take over 6 months after the last lot has been sold and when all the work is completed. He noted there were some concerns about the mowing of the shoulders and roadside trash cleanup. He stated that they will be giving the residents information about the Homeowner's Association and they are rethinking the transition period to involve residents earlier. He stated that he wants this hearing closed and that Toll Brothers has tried to improve the situation.

Mr. Aghababian stated that he appreciates the information received from Toll Brothers and the residents. He suggested that the Board close the hearing and grant an extension until November 1, 2006 and not change the bond amount, with the understanding that Toll will come back in October for another Public Hearing to discuss the bond and if more time is needed for an extension. Mr. Ballantyne stated that he hears the concerns of the homeowners and has sympathy on a personal basis but that as issues go, drainage is the major issue for the Board. Mr. Dourney stated that the Board needs to focus on the topics specific to roadways and infrastructure. He stated that the Town experienced problems with the Hearthstone subdivision including improper grading, roadway issues, and that the road had to be replaced and it cost the Town somewhere around \$400,000 after the developer walked away.

Mary Pratt, 102 Fruit St., stated that she would be ashamed to be Toll Brothers. She stated that these houses were purchased by residents because of the Toll Brothers name and now they are facing multiple problems. She stated that the issues with the water system should be addressed and that the water system operator won't respond to the customers. She stated that some of the residents had to install irrigation wells and they couldn't fit them in because of the septic system locations. She stated that DEP needs to go out to the site and look at it.

Mr. Aghababian stated that Toll Brothers gave the Board a fall 2006 deadline and they should hold them to that.

Kathy Hudson, 8 Summit Way, stated that if they give Toll Brothers an extension until November and problems still exist, they won't continue to work because of the cold weather, and then what would happen?

Mr. Aghababian stated that the Board should meet Toll Brothers halfway and have them show good faith by setting timetables. Mr. Ballantyne stated that the Board has addressed what it can and the water/well issues need to be brought to the Board of Health.

Karen McGrath, 14 Overlook Rd., stated that she was upset that a letter she submitted to the Board was distributed to the Board members and that it was only meant to be private. The Board explained that anything submitted to them becomes public record.

Mr. Ballantyne stated that he was impressed at the way the residents behaved at the site walk and that Toll Brothers is reacting to the residents concerns.

Shanmugam Bavanantham, 9 Summit Way, asked why there were signs in the development stating "Construction Area, Drive at Own Risk". Mr. Betts stated that people drive very fast and use the area as a cut-through, so they posted those and temporary 20 mile per hour speed limit

signs. Mr. Bavanantham stated that he thought that there shouldn't be work going on during peak hours and that it is a danger to kids and school buses.

Mr. Kablack stated that he doesn't want to set a date so close and then not have the work completed on time. He stated that he wants the work done by the time he says it will be done. He stated that he doesn't want to commit to a schedule that he can't meet. In response to a question, Mr. Kablack stated that by the term "late fall" in his letter, he means mid-December.

Mr. Aghababian stated that he wants to be shown that things can be completed and he doesn't want to release bonds until spring 2007. He stated that he wants to see that Toll Brothers did what they said they would do and then if they have made progress he would be willing to extend the time again.

Loretta Lee, Sherborn, stated she has been waiting for a septic system for 3 years and hasn't been able to move to a home on Summit Way. She stated that Toll Bros. says to wait until the end of fall, then it is snowing, then they tell her they will do it in the spring, but then they can't because of the rain. She stated that she feels they have given her the runaround. She stated that if the Board knows what is going on then they should do the right thing.

Jason Anjoorian, 7 Overlook Rd., stated that Toll Brothers is a multi-million dollar company that doesn't give dates and timetables. He stated that he wants dates of when things will be completed.

Ms. Lee stated that in the time she has been waiting, Toll Brothers has built 230 homes in the area.

Brian Gross, 3 Summit Way, thanked the Board for hearing the residents. He stated that he agrees an extension is necessary, but it should be kept short and with set time tables. He stated that he would like Toll Brothers to come back after that time and evaluate the extension again.

Mike Shepard, 11 Hill St., stated that this subdivision has been very problematic and that Toll Brothers has been leaving their buyers out of the loop. He stated that in his role as the former Building Inspector, he has seen the site conditions and that he was the only one who would talk to the residents. He stated that he got the feeling that Toll Brothers didn't care. He stated that in fairness to the residents, Toll Brothers needs to keep them informed of what is going on and not to leave them in the dark.

Mr. Anjoorian stated that the bond should be increased, not decreased.

Mr. Goncalves asked Mr. Shepard what he would consider to be the end of the building season. Mr. Shepard replied November 1<sup>st</sup>.

The Board voted 6 in favor (Coolidge, Dourney, Wright, Abate, Aghababian, Ballantyne) with Ms. Altamura, Mr. Markey and Mr. Goncalves abstaining, to extend the time to complete the subdivision to October 1, 2006 with the timetable for completion contained in Mr. Kablack's letter submitted at the meeting with "late fall" changed to October 1<sup>st</sup>. Mr. Abate stated that he would be available to Toll Brothers at any time for site visits.

The Board set a date of August 28, 2006 at 8:30 PM for Toll Brothers to come back for a status review.

Mr. Weiner asked about the bond reduction request. He stated that Toll Brothers has followed the rules and that the Board's consultant agrees with the reduction. Mr. Aghababian stated that it is not necessary to decrease the bond at this time but that Toll Brothers needs to meet time frames and then the Board will discuss the bond again.

The Board voted unanimously to not reduce the performance guarantee amount at this time and to discuss it at the August 28, 2006 meeting along with the status review discussion.

Mr. Abate stated that he wants Mr. Bayas to visit the site.

**3. 81-P Plan – 5 & 7 Wescott Drive – Land Quest & Robert Clark**

E.K. Khalsa, Hallmark Construction, appeared before the Board. He stated that the 81-P plan was endorsed by the Board on January 10, 2005 but it had not been recorded. He stated that the plan is identical to the one that was previously endorsed, and that it reconfigures two lots. The Board voted unanimously to endorse the plan as not requiring approval under the subdivision control law.

**4. Administrative Business**

The Board voted unanimously to pay outstanding bills.

**5. Other Business**

The Board discussed the Peloquin property at 30 Front St. which is in the Chapter 61B tax program and has a purchase and sale agreement for \$2,300,000.00. The Town has received notice and the right of first refusal period has begun. It was noted that the 32 acres has frontage on Front Street and it is adjacent to Weston Nurseries. The Board discussed the scenic road status of Front St. and how much it has been changing with new development in the area. The Board discussed that if the parcel was purchased and kept as open space it would connect to existing open space in a greenbelt on Ash Street, Stone Crossing Way, Hearthstone Road, Carriage Hill Road, and Prestwick Drive. It was noted that there is other land in the area that could also connect to it, including Weston Nurseries. The Board discussed possible development options and the purchase price. The Board voted unanimously to not recommend that the Town purchase the land.

**6. East Hopkinton Master Plan**

The Board discussed the creation of a small working group for the administration issues involved with the East Hopkinton Master Plan. The team would consist of Mark Abate, John Coolidge, Fin Perry, and Elaine Lazarus. The Board voted unanimously to appoint the group.

Adjourned: 9:55 PM

Anna Rafuse, Secretary

Approved: July 24, 2006