

# HOPKINTON PLANNING BOARD

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

## MINUTES

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PRESENT: R.J. Dourney, Vice Chairman, Scott Aghababian, Sandy K. Altamura, John H. Coolidge, Jaime Goncalves, Joe Markey

...Elaine C. Lazarus, Planning Director  
...Anna Rafuse, Secretary

### **1. Public Hearing – Garden Apartment Site Plan- Maspenock Woods- 5 & 11 West Elm St.**

The Board received a request from the applicant to continue the hearing to a later date. The Board voted unanimously to continue the hearing to August 28, 2006 at 8:45 PM.

### **2. Capital Group Properties- 151 Hayden Rowe St. OSLPD Plan**

Martin Loiselle & Bill DePietri, Capital Group Properties, and Bill Pezzoni, attorney, appeared before the Board. Mr. Pezzoni stated that they had come before the Board previously with some plans and at that time they were based upon sewer connection approval and a second entrance to the subdivision by way of Brian Lane. He stated that the Todaro's, current owners of 151 Hayden Rowe Street, have now decided to stay on the property and the plans have been changed to reflect that. He stated that the only access to the proposed development would be from Hayden Rowe St. Mr. Pezzoni stated that Mr. DePietri has purchased some land adjacent to the parcel and will be combining the two for the development. He presented two plans, a conventional subdivision plan and an Open Space and Landscape Preservation Development (OSLPD) plan. He stated that both plans contain 22 individual lots in a Residence B district, on the 28.5 acre parcel. He stated that in the OSLPD plan, the entrance is a double barrel, one way in, one way out, and a 1,000 foot long dead end. Mr. Pezzoni stated that waivers would be needed for the open space because it is only 41.9 % of the parcel and the perimeter buffer in some areas is less than 100 feet. He stated that they are proposing a single septic system for the subdivision.

Ms. Altamura stated that she wanted to clarify that they were proposing a 1,000 foot dead end which is at the end of a long loop. She stated that the land in the double barrel median is labeled as open space, but she doesn't consider it real open space. She asked how much of a waiver they would need to meet the perimeter buffer. Mr. Pezzoni stated that the minimum buffer would be 50 feet. She stated that she did not like the plan and that it wasn't an open space plan. She stated that an open space plan is supposed to preserve natural features of the site and she asked what those features were. Mr. DePietri stated that there is a man made pond on the site. He stated that the pond is less protected on the conventional plan. He stated that this land abuts Town land and

would increase that open space. Ms. Altamura asked if they had a locus plan showing the surrounding conservation land.

Mr. Aghababian arrived at this time.

Mr. Markey stated that the open space plan is better than the conventional plan and that the natural land preservation was better on the open space plan. Mr. Goncalves stated that he liked the one septic system and asked if it would be covered by the homeowners association. Mr. Pezzoni replied yes. Mr. Goncalves asked if the plan allowed for a secondary reserve area. Mr. Pezzoni replied that the system has a 100 % reserve. Mr. Goncalves stated that the way the plan is colored makes the long loop/double barrel look like a giant runway. He asked if active recreation is allowed in open space. Ms. Lazarus stated that things like fields and playgrounds are allowed.

Ms. Altamura stated that the double barrel roadway is in the perimeter buffer setback. Mr. Coolidge asked what was on the northern side of the property. It was stated that the land is owned by Irvine. Mr. Dourney asked how many acres of the open space was in the double barrel median. Mr. DePietri stated that he did not know. Ms. Lazarus stated that they would need a variance from the Zoning Board of Appeals to have more than 10 lots on a dead end street.

Mr. Coolidge stated that this plan is a clever way to extend a dead end. Mr. Aghababian asked if this is the same area as the village plan/Disney theme the Board saw before. Mr. Pezzoni replied yes, without the connection to Brian Lane and without a sewer connection. Mr. Dourney stated that he is concerned with the lack of open space. Ms. Altamura stated that the plan is quite dense. Ms. Lazarus stated that the Board usually approves waiver requests in return for some public benefit. Mr. Markey stated that the site distance on Hayden Rowe St. is good in this location.

Ms. Altamura suggested eliminating four houses on the dead end which would create more open space and room. Mr. Dourney stated that it is the quality of the open space, not just the acreage that needs to be taken into consideration. He stated that the plan is very dense. He stated that he understands Capital Group wants to maximize the property.

Mr. Coolidge asked if the Irvine property is wet. Mr. Pezzoni replied yes, the proposed area is a peak of highland between wetlands. Mr. Goncalves asked what is across Hayden Rowe St. from the property. Mr. Markey replied there are two large homes with land.

Mr. Coolidge stated that he agrees that the plan is too dense. Mr. Goncalves stated that they need to reduce the number of houses beyond the double barrel. Mr. Dourney stated he is concerned with the quality of open space, the number of units, and the length of the cul-de-sac. He stated he would like to see some type of give and take in the plan to add value to the open space but letting the developer conserve the streetscape and keeping it out of sight of Hayden Rowe St. Mr. Markey stated that the quality and amount of open space needs improvement but that the streetscape and the site distance were both good.

Mary Pratt, 102 Fruit Street, stated that the development is too close to the Irvine property. She stated that they need to pay attention to nitrogen loading requirements. Mr. DePietri stated that with the one septic system it shouldn't be an issue.

Mr. Markey asked what the Board suggests with respect to a compromise. Mr. Goncalves asked about walking trails on the Town land and if Capital Group could do something with their open space to accommodate the trails. Mr. Dourney stated he likes Mr. Goncalves idea about the trails and asked if a small parking lot and access to the trails could be provided. Ms. Altamura stated she doesn't remember this particular Town land or if there are trails on it. Mrs. Pratt stated that usually people just walk and make their own trails on Town land.

Mr. Goncalves stated that based upon the discussion about the trails, he would be willing to give them the 50 feet on the perimeter in exchange for an additional open space area at the end of the cul-de-sac. Ms. Altamura stated that dropping the four lots to avoid the variance could work, she likes the Hayden Rowe streetscape and that she wants to screen the development from Hayden Rowe St. Mr. Goncalves asked if the open space between the double barrel would be wooded. Mr. Pezzoni replied yes. Mr. Goncalves stated that if it is kept wooded it would look less like a runway. Mrs. Pratt asked if the police and fire departments would review the double barrel, and Ms. Lazarus replied yes.

### **3. Stormwater Management and Low Impact Development Bylaws**

Mrs. Pratt presented the Board with some information regarding Stormwater Management and Low Impact Development Bylaws. She discussed the bylaws with the Board.

Mr. Dourney stated the Board needs to make a decision whether or not it wants to adopt Stormwater Management and Low Impact Development bylaws. He stated if that is something that the Board is interested in doing, then they need to come up with a process to work on it and expedite the approval of these bylaws. He stated there are currently two models existing and that the Board could decide to write their own model, adopt one of the models, or do a combination of both. He stated the models that currently exist are a good place to start because they have been approved by the Attorney General.

Mr. Markey asked if the first step was to vote to develop the bylaws. He asked what controls water flowing down the streets now. The Board answered nothing except if it is in a subdivision, then it falls under the subdivision's stormwater management plan and the Subdivision Rules and Regulations. Ms. Lazarus stated that the new bylaws could cover all new development and redevelopment projects. Mr. Coolidge asked if Approval Not Required plans and 40B and 40A projects would be included. Ms. Lazarus replied yes. Mr. Dourney stated that the DPW and schools would also have to adhere to the new bylaws.

Mr. Goncalves stated the Federal government is making the Stormwater Management Bylaw mandatory by 2008. Ms. Lazarus stated the DPW is interested in participating in the process to develop the bylaws and they have worked with Fay, Spofford & Thorndike on this. Mr. Dourney stated that there are good resources and models to follow to develop a bylaw. Ms. Lazarus suggested creating a working group to discuss the issues and develop the bylaws. Mr. Markey asked that if stormwater management is covered under the current subdivision bylaws, what

would the new bylaw cover. Ms. Lazarus replied that it could cover every new development project. Mr. Goncalves stated that frontage lots aren't considered a subdivision so they don't have stormwater control and the new bylaw would require compliance with stormwater management regulations. Mr. Dourney stated the bylaw will be required in 2008 and this gives the Board an extra year to study the models and develop a bylaw. He asked if there were any financial benefits in having the bylaw. It was stated that that the Town wouldn't be paying as much to fix problems around Town and that it might gain more points for Commonwealth Capital and other State programs and permitting.

The Board voted unanimously to develop Stormwater Management and Low Impact Development Bylaws to present to Town Meeting and that the development of these Bylaws be led by the Planning Board working with the Conservation Commission, DPW, and Board of Health.

#### **4. Administrative Business**

The Board voted unanimously to approve the Minutes of July 10, 2006 as amended. The Board voted unanimously to approve the Minutes of June 19, 2006. The Board voted unanimously to pay outstanding bills.

**Design Review Board Appointments:** Ms. Lazarus stated that Jeff Doherty does not wish to be reappointed. She stated that the position he held is for a person doing business in the town or a citizen at large. She stated that the position can not be filled until 14 days after it is posted. In response to a question, Ms. Lazarus stated that the Board meets about once a month if there is a project to review. She stated that it would be nice to have a person with some plant knowledge or a business owner. Mr. Goncalves asked if there were any landscape architects in Town and suggested sending notices out to some. The Board voted unanimously to reappoint Claire Wright, Sue-Ellen Stoddard, Jeanette Thomson, Gail Fallon, Nancy Stevenson, and Richard Brousseau to the Design Review Board for one year.

The Board voted unanimously to cancel its meeting scheduled for August 14, 2006.

The Board set the following meeting dates: September 9 & 25, October 16 & 30, November 13 & 27, and December 11, 2006. The Board designated September 25 to be a joint meeting with the Conservation Commission, Board of Health and DPW to discuss Stormwater Management and Low Impact Development Bylaws.

#### **5. Other Business**

**Master Plan:** Ms. Lazarus stated that Judi Barrett has asked the Board's opinion on where the maps should be placed in the Master Plan. The Board decided it would like color photos and color maps in the document and that they would like the maps to be at the end of each section. Mr. Coolidge stated that he would like to put a picture of the new trail signs into the document instead of the picture of the Hopkinton Area Land Trust sign if possible.

**YMCA:** Mr. Markey noted they had received a copy of the Land Court decision from the YMCA appeal and asked for some background. Ms. Lazarus stated that they want to be considered an educational organization and be covered by the Dover Amendment. She stated

that the court decided that they are a non-profit organization but that they are not an educational organization.

**Peloquin Property:** The Board reviewed a copy of a memo that the Conservation Commission sent to the Board of Selectmen regarding the Peloquin property on Front Street. Mr. Coolidge stated they talked about open space protection, wetlands protection and that the Commission would look unfavorably upon a proposed development on the property. Mrs. Pratt stated that Hopkinton Area Land Trust (HALT) tried to get a conservation restriction on the property in the past.

**Weston Nurseries:** Mr. Coolidge stated that the lawyers for Weston Nurseries had met with prospective buyers/clients but have not come to any agreement over the sale of the property. He stated that no one bid at the auction for the sale of the entire property. Mr. Dourney stated that it will now go into a Chapter 7 auction and the individual parcels will be auctioned off to pay the debt. Mr. Coolidge stated that the Town has received a list of the parcels to be sold and that the parcels need to be prioritized. Mrs. Pratt stated that the School Committee is very concerned about the possibility of a new school needing to be built. Mr. Dourney stated that is something that Sasaki Associates will need to look into while developing the East Hopkinton Master Plan. Mr. Coolidge stated that eight million to nine million is what is owed to creditors and parcels will be sold off one at a time at least until that debt is covered. Mr. Dourney stated that the timing for a sale is not good right now and if it was two years ago the circumstances would be different and they would have more people interested in buying the property. Ms. Lazarus stated they had many people looking into the property but the prospective buyers and the owners could never reach an agreement. Mr. Dourney stated some of the property is very wet and wouldn't make for good development.

**Fruit Street:** Mr. Markey stated he had received some information regarding notice of two project changes on the Fruit Street property. He stated the project changes were for the wastewater treatment facility and for the H-2 well.

Adjourned: 8:40 PM

Anna Rafuse, Secretary

Approved: August 28, 2006