

HOPKINTON PLANNING BOARD

Monday, September 25, 2006 7:00 PM
Hopkinton Town Hall

MINUTES

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

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

1. Public Hearing – 45 Pleasant Street – Tedstone – Definitive Subdivision Plan

Kevin O’Leary, engineer, and Brendan Tedstone, applicant, appeared before the Board. Mr. O’Leary stated that the definitive plan incorporates the Board’s comments from the preliminary plan approval.

Mr. Ballantyne arrived at this time.

Mr. O’Leary stated they have obtained two Orders of Conditions from the Conservation Commission. He stated there will be a 30 foot right of way that is less than 300 feet in length leading into the property and will service both houses. He stated both houses will have Town water and sewer. He stated Mr. Tedstone and his brother will live in the two houses and they will be demolishing the existing house. He stated there will be a 14 foot wide traveled way from the street and then an eight foot wide driveway leading to lot 1. He stated each house will have separate water service.

Ms. Wright arrived at this time.

Mr. Markey asked if the Board approves paper streets. Ms. Lazarus replied they have been approved in the past on a case by case basis in family subdivisions. Mr. O’Leary stated there is a road in the right of way and isn’t a paper street. Mr. Coolidge stated projects like this help to keep families in Town. Mr. Tedstone stated his family has owned the property for 100 years and this is a true family subdivision.

Mr. Abate asked Ms. Lazarus about the issue of a covenant for Mr. Tedstone. Ms. Lazarus stated the Board was asked to waive the requirement for a performance guarantee but a performance guarantee is required by statute so the Board can’t waive it. Ms. Lazarus suggested a covenant that is released after the plan is recorded and the applicant is ready for building permits. Mr. O’Leary stated the guarantee is for roadways, not what they are proposing.

Mr. O’Leary asked if the Board would be willing to release lot 1 and allow a house to be built there before the existing house is demolished so Mr. Tedstone can continue to live on the

property. Mr. Tedstone stated he had spoken with Mike Shepard, former Building Inspector, and was told that this has been ok in the past.

Mike Shepard, 11 Hill St., stated generally an attorney will draft an agreement when the building permit is to be issued that states the old building would be demolished within a certain amount of time after the occupancy permit is issued. Ms. Altamura asked if the applicant had spoken with the current Building Inspector. Mr. Tedstone replied no, he wanted to speak with Mr. Shepard first.

Mr. Markey asked who would be responsible for maintenance and plowing of the roadway/driveway. Ms. Lazarus replied a condition of approval would be that it will be privately owned and maintained.

Nancy Peters, 258 Wood St., asked if the applicant has approval for the 2nd sewer connection. Mr. Tedstone replied he has a verbal approval and is waiting for the Planning Board to approve the plan so that Eric Carty can go before the Selectmen to get approval. He stated both houses will have Pleasant St. addresses. Mr. Abate asked if there is room on the lot for a septic system if the applicant does not receive approval for the sewer connection. Mr. Shepard stated a plan B could be that they wait until the new wastewater treatment facility is built and that will open up more connections for residents, or the applicant could install a septic system for the 2nd lot.

Ms. Wright asked if any easements were needed from neighbors due to the proximity of the road to the abutting property. Mr. O'Leary replied no, all work will be done on-site. Mr. Tedstone stated the abutters are glad to have the existing house removed because of its poor condition.

Ms. Altamura asked about the request from the applicant to waive the engineering inspection fees. Ms. Lazarus replied the roadway will need to be inspected, it will be put out to bid and the cost will be less than the \$3,000 required in the Subdivision Rules and Regulations. She recommended that the applicant pay the actual cost of the inspections instead. She stated that as-built plans should be required as they show the location of the utilities in the roadway and on the lots.

There were no comments from the abutters.

The Board voted unanimously to close the public hearing.

A discussion was held about the requirement and usefulness of as-built plans. Mr. Shepard stated the Building Department will have plans showing the utilities located on the lots but not in the roadway.

The Board voted unanimously to approve the definitive subdivision plan with the following conditions and waivers:

1. Prior to the Planning Board's endorsement of the Subdivision Plan, the Applicant shall execute an Agreement with the Planning Board, that no lot depending on the new roadway for their legal frontage shall be sold, or buildings or structures erected or placed on, or building permits issued with respect to any such lot, until:

- (a) The work on the ground necessary to adequately serve such lot has been completed in accordance with the contents of the Subdivision Plan and with the Subdivision Rules and Regulations and that all other requirements of the Subdivision Rules and Regulations have been fully complied with; or
 - (b) The Applicant has executed a contract with the Planning Board, accompanied by appropriate security to secure performance, to complete construction of the infrastructure, monumentation, and other improvements shown on the plan in accordance with the Subdivision Rules and Regulations, on or before a date specified in the contract;
 - (c) The Applicant has recorded in the Registry of Deeds (or Land Court) a certificate executed by the Planning Board that the above conditions with respect to any such lot have been performed by him or have been amended, modified, revoked, waived or released by the Planning Board.
2. After finding that it was in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law, the Planning Board waived strict compliance with the following provisions of the Subdivision Rules and Regulations. During the public hearing process, the Planning Board reviewed a list of waivers requested by the Applicant and decided to grant those listed below. Waivers not granted include as-built plan and performance guarantee requirements.
- a) Digital format plan not referenced to state plane coordinates (5.4)
 - b) Engineering Inspection and Monitoring Fees (6.1) – A deposit of \$3,000 is not required after this approval and prior to Plan endorsement. Instead, a deposit equal to the estimated cost of engineering inspection shall be provided prior to construction, when the cost is known.
 - c) Road Construction Inspections (6.1) – The Administrative Fee of \$150 with each road construction inspection request is not required.
 - d) Operation and Maintenance fees (6.3) are waived. The roadway and infrastructure will be permanently private.
 - e) Street jogs at intersections of less than 125 ft. (8.2.1.C). 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.
 - f) The right of way width (8.2.3.A) shall be 30 feet, which will be adequate to construct the proposed driveway and utilities to serve the two lots.
 - g) The width of traveled way (8.2.3.B) shall be 14 feet, which will be adequate to serve the two house lots in the subdivision.
 - h) The dead end street is not required to have a closed end with turnaround (8.2.5).
 - i) A sidewalk and pedestrian and bicycle trails are not required (8.3.1) due to the small size of the subdivision.
 - j) Water and Sewer Distribution Systems (8.5) – Since such systems will not be located in the subdivision, then they do not need to be shown on the definitive plan.
 - k) Public/Private Utilities (8.7) – A plan from the utility companies is not required with the definitive plan submission.
 - l) Street lights (8.7.2) – No street lights are required.
 - m) Clearing and grubbing (9.2) – The entire width and length of the right of way need not be cleared and grubbed, only that which is necessary for the roadway and infrastructure shown on the Subdivision Plan.

- n) Bounds (9.11.1) – Stone or reinforced concrete bounds are not required for the road right of way.
 - o) Legal Description (11.2) – A legal description of the roadway is not required, as it will remain a private road.
3. There shall be a maximum of two building lots in the subdivision. This condition shall be written on the Subdivision Plan prior to Planning Board endorsement.
 4. The 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 unless 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.
 5. The subdivision roadway shall remain a private way and shall not be maintained by the Town. This condition shall be written on the Subdivision Plan prior to Planning Board endorsement.
 6. Tree stumps and building scrap materials shall be removed and shall not be buried on the site.
 7. The street numbers for the new lots shall be shown on the Subdivision Plan in accordance with the Subdivision Rules and Regulations prior to endorsement. The Applicant shall consult the Director of Municipal Inspections on the numbering system.
 8. Erosion control measures to prevent siltation onto wetlands, neighboring properties and roads during construction shall be implemented. The erosion control documentation submitted shall be implemented and followed during construction. During construction, if these plans are found to be inadequate by the Planning Board, a new erosion control plan shall be submitted to the Board for review and approval. In the event that erosion and sedimentation problems arise during construction, the Planning Board may require that all work cease until measures necessary to ensure prevention are implemented.
 9. No building permits shall be issued or any construction in the subdivision allowed until approval for such work has been obtained from the Conservation Commission for areas affected by the Wetlands Protection Act and the Hopkinton Wetlands Protection Bylaw.
 10. Disturbed areas shall be loamed and seeded during construction as soon as possible.
 11. No earth products shall be delivered to the site which are not for use on the property. No earth shall be stripped or excavated and removed from areas of the site unless for road, infrastructure, home or lawful accessory use construction. No earth processing operations shall occur on the site, unless earth products are to be combined and/or mixed for use on the property. All piles of stockpiled earth shall be stabilized with adequate dust and erosion controls. All piles of earth shall be removed from the subdivision upon completion of construction of the road and infrastructure. Any piles remaining after that time shall be solely in conjunction with an active permit for construction of sewage disposal system, building or lawful accessory use. Any violation of this provision may result in a stop work order or Plan rescission.
 12. The new house on Lot 1 may be constructed prior to demolition of the existing house on the property so that the owner may continue to live on the premises during construction. Construction access may be gained over Lot 2 during this time, since the existing house is within the new road right of way. The existing house shall be demolished within 60 days of the issuance of the Certificate of Occupancy for the house on Lot 1. When the temporary construction access drive is no longer necessary, it shall be removed and the area loamed and seeded.

Ms. Altamura left the meeting at this time.

2. Administrative Business

The Board voted unanimously to pay outstanding bills. The Board voted unanimously to approve the Minutes of August 28, 2006.

Ms. Altamura returned to the meeting at this time.

The Board voted unanimously to approve the Minutes of September 11, 2006. The Board voted 6 in favor with Mr. Aghababian, Ms. Altamura and Mr. Dourney abstaining to approve the Minutes of September 18, 2006.

3. Joint Meeting with the Board of Health and Conservation Commission

Joining the Planning Board were: Nancy Peters and Dave Edson: Board of Health; Tom Ryder: Public Health Administrator; Michael Carmody, Robert Murphy, Jack Speranza, Craig Nation and David Teitelman: Conservation Commission; Ellen Chagnon: Conservation Scientist; Don MacAdam: Conservation Administrator; J.T. Gaucher: DPW Director; and Dave Glenn: Fay, Spofford & Thorndike (FST).

Catch Basin Hoods: A discussion was held regarding catch basin hoods in the Emerald Hills East and West subdivisions. Mr. Murphy stated hoods were required as part of the Order of Conditions but were not installed. He stated the Commission has received data indicating the TSS removal percentages are being achieved without the hoods in place. He stated the DPW says it can't clean hoods properly because they don't have the proper equipment. Ms. Lazarus stated bonds are still being held by the Planning Board for both subdivisions. It was stated that catch basin hoods trap oil and grease as well as sediment and debris. Ms. Chagnon stated DEP issued a Superseding Order of Conditions for Emerald Hills West and the Commission only has jurisdiction over the wetland crossing there. She stated the Commission approved an insignificant project change for Emerald Hills East to waive the requirement of catch basin hoods to be able to issue a Certificate of Compliance. Mr. Glenn stated there is newer technology available and easier cleaning mechanisms for catch basins than are in the Subdivision Rules and Regulations. He stated the Planning Board's design standards have required the installation of catch basin hoods for years.

Mr. Ryder arrived at this time.

Mr. Gaucher stated the hoods make it difficult to clean the catch basins and unclog the pipes. He stated the procedure they have currently to clean them is very time consuming and involves many steps. He stated the DPW has a vacuum truck that can clean the catch basins but is not equipped to clean the Downstream Defenders. Mr. Glenn stated there are other products available and to maintain the 80% TSS removal multiple products can be used. Additional information will be provided on those.

Stormwater Management and Low Impact Development Bylaws: A discussion was held regarding the need for stormwater management and low impact development bylaws.

Mary Pratt, 102 Fruit St., stated runoff from a site after development should not be greater than the runoff before development in new construction projects. She stated that a bylaw would mandate keeping stormwater onsite and eliminate some detention ponds.

It was stated currently only subdivisions and activities in the jurisdiction of the Conservation Commission are required to meet stormwater management standards but the new bylaws would mandate all new construction including individual lots be in compliance with the bylaw. Ms. Peters stated it would be a good thing to protect water resources. It was stated the bylaw would give the Town jurisdiction over more projects before stormwater management problems arise. It was noted that at present the Town only regulates the rate of runoff, but these would regulate volume as well.

The Boards decided to circulate the language of sample model bylaws and meet again to discuss them further.

Hopkinton Highlands II: Mr. Abate stated the subdivision is not in good shape. He stated the residents are having problems with the private water supply. Mr. Ryder stated there is a low flow of water and he was told that residents were asked not to use the water. He stated he has spoken with DEP and the problem is the filters. He stated the new system is going to be installed shortly and believes that it will be better, but would like to see the bond held longer to make sure it is functioning properly. Mr. Coolidge stated he is concerned with a letter that the Board received from Toll Brothers that references all three wells onsite being connected. It was stated there are problems with small water systems in general.

The Conservation Commission and Board of Health left the meeting at this time.

4. Public Hearing – Hopkinton Highlands II – Toll Brothers, Inc.

Mark Kablack, attorney, Bryan Weiner, Tom Betts, Tony Casapulla, Bill McIntosh, Toll Brothers, Inc., and Deborah Bray, Small Water Systems Services, LLC, appeared before the Board. Mr. Kablack stated Toll Brothers was granted an extension to complete the subdivision until October 1, 2006. He stated they need a further extension and he feels they have performed according to schedule.

Mr. Kablack reviewed the status of items that were to be completed by October 1, 2006. He stated the berm needs to be replaced in many sections of the roadway and that the final coat of pavement should be done by the end of October. He stated most of the drainage issues on lots 19, 20, 21 and 23 have been fixed. He stated the drainage swale still needs to be installed. He stated all mailboxes are in place but the post office still has some concerns over construction traffic. He stated the water system is being worked on presently and the upgrade should be completed by the fall. He stated there was a meeting with Toll Brothers, some homeowners, and Small Water Systems on September 21, 2006 and he had mailed out letters to all homeowners regarding that meeting on September 22, 2006. He stated they would be implementing the transition period for the Homeowners Association shortly. He stated there have been big improvements in the appearance of the development and they have been communicating with the homeowners. He stated that the erosion work at 14 Overlook Rd. is scheduled for this fall.

Himanshu Shah, 16 Overlook Rd., stated he was not notified of any homeowner meeting with Toll Brothers and has not received any letters from them.

Mr. Abate asked if anyone in the audience had lost water since the last meeting. No one replied yes.

Pamela Aggerbeck, 20 Overlook Rd., stated she believes Toll Brothers has done a good job on the site since the last meeting and they should be given a chance to keep moving forward on the project. She stated there was poor communication at the beginning but now it has improved.

Michael McGrath, 14 Overlook Rd., stated he has been in the development for 18 months and in the past 2-3 months Toll Brothers has put forth a great deal of effort into the subdivision. He stated he fears that if the Board does not grant the extension, Toll Brothers will not finish the work properly and they have shown good faith.

Brian Gross, 3 Summit Way, stated he was frustrated for a long time but in the past few months there has been great improvement and Toll Brothers has shown good faith. He stated Toll Brothers needs an extension.

Mr. Dourney asked Mr. Casapulla why the subdivision was not completed before the last few months. Mr. Casapulla replied it was due to a lack of effort, a lack of momentum behind their work and the homeowners lost trust in them. He stated they are committed to finishing the project. Mr. Dourney asked what kind of time they need to complete the subdivision. Mr. Kablack replied they would like an extension to May 1, 2007. He stated the timeline projects the work will be completed by the end of November and they would submit as-built plans to be reviewed after that. He stated if any items still needed to be addressed after a review of the plans, they would need to wait until March or April for the weather to clear and have everything completed by May 1 deadline.

Mrs. Pratt stated the Town should keep the bond because some new houses have not been occupied yet and they should make sure the water system is adequate for one full season before releasing the bond. Mr. Coolidge noted the Board is not discussing the bond at this time.

Mr. Coolidge stated he is concerned about a letter from Toll Brothers dated September 25, 2006 in regard to the status of the three wells. He stated he was under the impression that if one well fails the other two will suffice. He stated in the letter it sounds like the wells are connected together and he would like DEP to re-certify that the design will still function properly. Mr. Weiner stated the wells are under the influence of each other in respect to flushing out the sediment and they are concerned it would flow into the other wells. Ms. Bray stated the three wells are drilled in the same bedrock fracture area. She stated each well has its own pump and if one goes down the others can still function. Mr. Coolidge stated it isn't the pumps he is concerned about but the volume of water. Ms. Bray stated with the increase in withdrawal amounts, sediment became more apparent in the wells. She stated the problem wasn't water shortages but sediment being pulled up into the filters and clogging.

Mr. Ballantyne asked if there was blasting being done nearby that could have caused the sediment in the wells and if there is a way to clean them out. Mr. Weiner replied flushing the wells could make the problem worse if the sediment moved into the fractures and they are trying to treat the conditions they have and not create more problems. Mr. Ballantyne asked how big the well pipe is. Ms. Bray replied 6 inches. Mr. Ballantyne asked why they couldn't put something in the wells to suck out the sediment. Ms. Bray replied they are worried it will push sediment into the other wells. She stated the sediment filter originally installed in the well is routine and they are installing new kinds of meters and sediment filters.

Mr. Abate asked if there are people checking the system daily. Ms. Bray stated they have an annual contract which usually mandates checks 1-2 times a week but at the request of Toll Brothers they are currently there every day until the new system is installed. Mr. Abate asked what happens when Toll Brothers has completed the subdivision. Mr. Kablack replied the homeowners association is required by DEP to contract with an entity to maintain the system.

It was stated there still are concerns regarding the connection of the three wells. Mr. Kablack stated he would be more than happy to get DEP involved and to talk to Don Provencher, their consultant, about the wells. Mr. Ballantyne asked what the average daily withdrawal is. Ms. Bray replied 10,000 gallons.

Mr. Abate stated Toll Brothers is sodding and hydroseeding but the residents are not able to water the areas. He asked what happens when the grass is all burned out next summer. Mr. Casapulla stated he understands that water is needed to germinate the grass. Mr. Kablack stated that DEP requires that no automatic lawn sprinklers be connected to the domestic water system but that hand held watering is not against the covenant or DEP. Mr. McGrath stated it was his understanding that no outside watering was permitted at all.

Kin Cheung, 4 Summit Way, stated that lots 19 & 20 are still not graded and he would like a more specific date of when it will be completed. He asked what will happen if it hasn't been done by then. Mr. Betts replied lot 20 is completed but a large curtain drain still needs to be installed and the lots need to be raked and seeded a final time.

Mr. Shah stated he wants Toll Brothers to pay for a third party evaluation of the water system to show that it is adequate. Mr. Casapulla stated he would be willing to have that done. Mrs. Pratt asked if the wells were being tested for certain items. Ms. Bray stated they follow DEP's testing schedule.

Laszlo Urban, 10 Overlook Rd., asked what the cost is for maintaining the water system. Ms. Bray replied the sediment filters for the new system will need to be changed every 30 days and testing of the water will be done according to DEP's testing schedule. She stated the cost associated with the current system is higher because of the type of filters that are being used and they need to be changed daily. She stated the new system will be less expensive to maintain than that.

A man in the audience asked why the wells need filters. Ms. Bray replied when a well is drilled the water is tested for certain things and they add filters as needed. Mr. Abate stated it is not uncommon to have filters in wells.

Mr. Goncalves asked how the homeowners association was setup and funded. Mr. Kablack replied the association has two maintenance obligations it covers; the communal well and stormwater systems. He stated that all buyers paid into a reserve account. He stated the main account is required by DEP and it covers the replacement costs of all three wells. He stated there is an operating reserve fund set up to cover the maintenance costs for stormwater facilities. He stated the homeowners are currently being billed quarterly based on a flat rate but once the association is set up the rates will be based on water meter readings. He stated 5 or 6 lots have not closed yet but the account is mostly funded.

The Board voted unanimously to close the public hearing.

Mr. Abate stated he is not comfortable with the May 1, 2007 requested extension date. Mr. Dourney stated the Division President of Toll Brothers came out and made commitments to the Board and that means something to him. Mr. Ballantyne stated the homeowners are more content with how things are moving along. He stated after mid-December no work will be able to be performed anyway because of the weather. Ms. Wright stated she would like to give them a reasonable amount of time to get everything done. Mr. Ballantyne stated May 1 is their make or break date and issues need to be completely resolved by then. Mr. Goncalves suggested giving them the May 1 deadline and having them give a status report in January. Mr. Ballantyne stated all the paving, drainage work, and water supply work needs to be done by December 15th. Mr. Abate stated the Board will lose its negotiating leverage by giving them a May extension and they will not work as hard to obtain the goal. Mr. Coolidge suggested an extension until November 15, 2006 and have them come in for a status report before then. Mr. Aghababian stated the May 1 date makes sense but he expects all items to be done by November 15.

The Board voted unanimously to extend the time to complete the subdivision to December 1, 2006. The Board set a date of November 13, 2006 at 7:30 PM for Toll Brothers to come back for a status review.

5. Continued Public Hearing – Garden Apartment Site Plan - Maspenco Woods - 5 & 11 West Elm St.

Doug Resnick, attorney, Bob Poxon, engineer, Bob Michaud, traffic consultant, John Copley, landscape architect, Darin Samaraweera and Ted Tobin, K.S.S. Realty Partners, appeared before the Board. Mr. Resnick stated he has reviewed Ms. Lazarus' memo and comments from FST and would like to ask the Board what outstanding issues they want to discuss. Mr. Ballantyne stated he still has concerns over the traffic, the location of the access/egress to the property and how many homes/cars will be added to the community. Mr. Resnick stated they had resolved these issues during the concept stage of permitting and they will be improving signalization of the lights at the W. Main/South St/W. Elm intersection. He added that they will collect new data when the timing needs to be established. Mr. Dourney stated he is most concerned about creating a safe environment entering and exiting the site. Mr. Resnick stated they will be retiming the lights and performing a sliver widening in W. Elm St. in the area of the driveway.

Mr. Dourney stated the original location for the driveway was abandoned because of a vernal pool. Mr. Tobin stated it is a vernal pool under the Hopkinton Wetlands Protection Bylaw, but it is not a "certified" vernal pool and therefore not protected under the State Wetlands Protection Act. Mr. Resnick stated the vernal pool has a 125 foot resource area around it and they will be allowed to go into that 125 feet only during the dry season to install the water line.

Mr. Michaud stated the design of the driveway ensures adequate safety in sight lines and visibility. He stated they will be performing a sliver widening/re-grading along the site side of the road and the outcome will exceed all criteria for speed. He stated the driveway is designed to achieve greater sight distances. Ms. Wright asked if they were widening and cutting the hill. Mr. Poxon replied they will be cutting back the earth along side the road but not the road itself. Mr. Michaud stated the rock outcrops and topography currently limit the sight distance. Ms. Wright stated a letter received from FST stated they can't determine whether it will be adequate unless more data is received from the applicant on the sliver widening and on the re-grading. Mr. Resnick stated FST previously endorsed this design when it was brought in front of the DPW Advisory Committee and items were addressed at the concept plan stage. Mr. Ballantyne stated FST is not endorsing it unless they get more information and time to review it. Mr. Tobin stated FST has received the plans and data and he has e-mails to show what was submitted. Mr. Ballantyne stated the applicant needs to come to an agreement with FST. Ms. Wright stated nobody disagrees that the road improvements are needed. Mr. Michaud stated they have met with FST, showed them the plans and FST wants final engineering design plans but they are not far enough along in the approval process to design them. He stated they are much further along than the comments from FST suggests. Mr. Michaud was asked at what speed the proposed sight distance is still adequate. Mr. Michaud replied once speed is approximately 36-37 mph the sight distance is no longer adequate. Mr. Abate stated they are all in agreement the sight distance is not adequate for a car traveling at 40 mph. Mr. Michaud stated without improvements it would be insufficient. Mr. Abate stated the Board needs to apply their best judgment and needs to feel comfortable that the standards are achieved.

Mr. Dourney stated there are 14 items in FST's letter that don't reference the final design plans and he wants to continue the hearing until they are addressed. He stated he can't vote in favor of the development at this time. Mr. Resnick stated they are in the middle of the Conservation Commission review and should be closing the hearing on October 2, 2006 after some construction sequence changes are made. He stated the Board of Health and DPW have reviewed the septic designs and water line designs and approved them. He stated the Board of Health should be sending comments along this week. He stated they added the building numbers to the plans. He stated the future traffic data is a guessing game at this point in time. Ms. Lazarus stated more data should be collected when they are ready to re-time the light. Ms. Altamura stated every traffic report allows for growth and asked why this one does not include that data. Mr. Resnick stated this was resolved before the Special Permit was issued.

Mr. Abate stated the applicant is just spinning wheels and should move forward. Mr. Coolidge noted some issues the Board traditionally works around and include conditions in its decision. Mr. Dourney reviewed FST's comment letter. He stated the feasibility of 2 parking spaces per unit in the driveway and the visitor parking is a concern. Mr. Poxon stated they had discussed the issue at the last meeting and there is plenty of room for backing out of the spaces. Mr.

Goncalves stated there isn't enough room in the visitor parking area for the last car to back out if all the spaces are full. Mr. Poxon stated he would fix that. Mr. Dourney asked if easements were needed on abutting properties. Mr. Resnick replied no, all work will be done on site. Mr. Dourney stated FST has requested speed limit and no parking signs to be shown on the plan. He stated the speed bumps were discussed at the previous meeting and the Board stated they were unnecessary. He stated the Board approved the 20 foot wide roadway previously. He stated a revised site lighting plan is needed with details of the lights. Mr. Copley stated they are the same bollards as at the post office but the top is not lighted and all lighting is directed downward. A question was asked about snow covering the lights. Mr. Poxon stated the association will be in charge of plowing and clearing the lights. It was noted that the units would have lights too. Ms. Lazarus stated FST received the revised landscape plan last week and hasn't had a chance to review it. She stated the location of the common open space needs to be delineated on the plan. Mr. Poxon stated there is 8.45 acres of open space, including 4.25 acres of upland. Mr. Dourney stated FST is concerned about the depth of ponding and a grate capacity analysis for the roadway. Mr. Poxon stated the area of ponding is not a problem and he will get the calculations to FST. Ms. Wright asked about the drainage piping being adequate for the 25 year event. Mr. Poxon stated FST has received the data to comment on that. Mr. Resnick stated the Operation and Maintenance (O & M) plan has been provided to FST and the Conservation Commission. He stated they will make sure the condo documents will include the O & M plan. A request was made that the O & M plan be written in plain terms for easier understanding. Mr. Poxon stated the Conservation Commission is waiting for revised erosion control plans before issuing the permit.

Ms. Lazarus stated the entrance sign proposed is large, commercial looking and would be lit. Ms. Wright stated the name of the development should not be permanently used on a sign. Ms. Altamura stated the police and fire departments just want a street name to be shown. Ms. Wright stated a temporary marketing sign could be proposed. Mr. Michaud stated a sign will help driver awareness of the development. Ms. Altamura stated the sign is not acceptable. Ms. Lazarus stated the applicant is proposing to clear a lot of land for the entrance and asked if it is possible to clear less and use retaining walls instead, while not impacting the sight distance. Mr. Michaud replied it is possible as long as the sight lines are maintained. Mr. Goncalves asked about the abutter from across the Lake and the view of the development from there. Mr. Copley showed a photo taken from across the Lake and stated the buildings will be 2 ½ stories high and will not be seen from the Lake. Ms. Wright asked about the septic system for the existing home at 5 W. Elm St. Mr. Poxon replied the system was tested and passed Title V, and will be used as is for that unit, but the new system has the capacity to handle the house if needed in the future. He stated there are 3 wells on the property now and they will be either used for irrigation or will be abandoned. Ms. Wright asked about the boathouse. Mr. Tobin stated they will demolish the existing structure and erect a new open air structure for boat storage.

Mr. Dourney stated he would like to continue the hearing and get some more answers. Mr. Tobin stated most of the outstanding issues can be conditioned and asked why the Board isn't doing that. He stated a lot of things have been settled and the Board and FST have been given what they asked for. Mr. Resnick stated his concern is that a lot of the topics were covered in the first stage of permitting. Mr. Ballantyne suggested the applicant meet with FST and Ms. Lazarus to discuss what still needs to be worked on. Ms. Wright stated traffic is a big issue and FST will

not endorse it as being good or bad and it needs to be resolved. Mr. Tobin stated FST already approved the roadway improvements when it was brought in front of the DPW. Mr. Abate stated more time is needed before the project can be permitted. He asked if there was anything new to be discussed.

John Mosher, 13 West Elm St., stated he liked Ms. Lazarus' comment about leaving the trees and adding retaining walls to improve sight distance. He asked how speed limits are set on roadways and what it will be. Mr. Michaud replied it will stay at 25 mph unless Mass Highway and the Town allowed it to change after the submittal of a speed study. Mr. Mosher asked what is practical or effective to reducing speed on the roadway. Mr. Michaud replied the only way to change it would be to submit a speed study but based on the data the speed would get increased, not decreased. Mr. Mosher asked if signage was effective to warn motorists of the intersection at the end of W. Elm St. Mr. Michaud replied the Town could post advisory signs. Mr. Mosher asked what the possibility is of building the roadway up instead of cutting it down. Mr. Michaud replied the W. Elm St. surface will remain the same, only the land on the site side will be graded.

The applicant submitted a request to extend the time by which the Board must file a decision to October 20, 2006. The Board voted 8 in favor with Mr. Markey abstaining to grant the extension. The Board voted 8 in favor with Mr. Markey abstaining to continue the hearing to October 16, 2006 at 7:45 PM.

Adjourned: 10:45 PM

Anna Rafuse, Secretary

Approved: October 16, 2006