

HOPKINTON PLANNING BOARD

Monday, October 30, 2006 7:30 PM
Hopkinton Town Hall

MINUTES

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

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

1. Administrative Business

The Board voted unanimously to pay outstanding bills. The Board voted unanimously to approve the Minutes of October 11, 2006. The Board voted unanimously to approve the Minutes of October 16, 2006.

2. Hearthstone

Ms. Lazarus gave the Board an update on the ongoing Hearthstone Subdivision trial. She stated she had testified on two days and that the Town's attorney believed the jury would start deliberating later this week. She stated the Town is seeking \$260,000 for work that has been done by the Town and for additional work to complete the subdivision.

Mr. Ballantyne arrived at this time.

3. Continued Public Hearing – Golden Pond Expansion – 58 & 60 West Main St. – Site Plan Review

Joseph P. Marquedant, surveyor, Jerry Effren, attorney, Kerry Kunst, applicant, and Steve Savaria, traffic consultant, appeared before the Board. Mr. Marquedant stated they have met with the Design Review Board (DRB), the Board of Selectmen (BOS), and with the DPW Advisory Committee since their last meeting with the Board. He stated they have changed the look of the façade by adding more brickwork and working with the sandstone color to make it look more like a renovated school and less commercial looking. He stated they added plantings next to the ramp at the side door to make it more appealing. He stated they have tried to incorporate the DRB's comments on the site. Mr. Marquedant showed a floor plan of the inside of the building. Mr. Kunst showed the Board exterior elevation drawings, noting that modifications had been made. Ms. Altamura asked where the outside play area would be located, and Mr. Kunst replied it would be at the back of the building.

Mr. Marquedant stated they had received permission from the BOS to connect to the sewer system and they would be deleting the septic system information from the plans. He stated they had spoken with the police and fire departments and were told the pedestrian access at the rear of the building would be sufficient for them. He stated the runoff totals for the catch basin

capacities had been submitted to Dave Glenn of Fay, Spofford, and Thorndike (FST) for review. He stated there are no bedrock or groundwater problems on the site. He stated that FST had an issue with the septic system being located too close to the infiltration system but that problem has been eliminated with the approval to connect to sewer. He stated they have also proposed a barrier along the foundation to protect from infiltration problems.

Mr. Marquedant stated they have incorporated the planting plan onto the site plan so it can be viewed more easily. He stated that after feedback received at the site walk on October 28, they would like to address some of the planting issues. He stated the closest point from the west side abutter's property to the parking lot is 24 to 26 feet, and 30 feet at the back of the property. Mr. Coolidge asked what the buffer requirements are. Ms. Altamura asked what the building would be classified as. Ms. Lazarus replied a 50 foot perimeter buffer is required around the site because the building is a non-residential building in a residential district. Mr. Marquedant stated there is an existing tree line and they are going to be augmenting it with other plantings. He stated there would be a five foot wide strip of low planting starting at the parking lot. Ms. Altamura stated the site abuts residential housing and the applicant is asking for more than half of the buffer to be waived. Mr. Marquedant stated that there is no real natural buffer currently and they would be creating a buffer. Ms. Altamura stated the buffer should be 50 feet and there is no reason why the building can't be smaller to accommodate that. Mr. Effren stated they are not really looking for a waiver, only a reduction. He stated that as long as a reasonable vegetated buffer is provided the reduction should be allowed. Ms. Altamura stated she is not sure the proper screening is the only thing to discuss when asking for a smaller buffer. She stated the building is too large and it is causing the parking lot to be pushed out closer to abutters. Mr. Coolidge asked how close the property line is to the trailer on site. Mr. Marquedant replied approximately 35 feet. Mr. Coolidge stated there is a clear sight line right through to the neighbors property currently. Mr. Ballantyne stated that what they are proposing is better than what is there now. Mr. Abate stated that the way the traffic pattern is, the headlights of cars would be aimed right into the houses and they need a larger buffer to prevent that. Ms. Wright stated that if there will be no school and only a daycare and religious uses, most people will drive to the back of the building and park to bring the children inside. Mr. Dourney stated he cares more about the quality of the buffer than the size of it. He stated he would rather see a very thick small buffer than a sparse 50 foot buffer. He stated he would like a true light buffer. Mr. Goncalves stated the buffer helps with noise as well. Ms. Altamura stated that the buffer shouldn't be large and sparse or small and thick, it should be large and thick. Mr. Kunst stated the abutters are considering selling their house and he stated they are not proposing something that isn't allowed in a residential area. Mr. Markey asked if the Board had approved reduction in the buffers in the past. Ms. Lazarus replied it did in two cases where child care facilities were located on lots previously developed for other uses. Mr. Kunst stated the botanist that produced the plan stated the screening would be more than adequate for the amount of space provided and that if the Board wanted he would be willing to add an earthen berm and/or a fence along the property.

The Board discussed site lighting. Mr. Marquedant stated they have discussed lighting with the DRB and might be changing the type of fixtures, using the Liberty Mutual site as a guide. Ms. Altamura stated the lights along the street in the front will make the building stand out more. Mr. Marquedant stated they need to think about safety as well as the burden on the neighbors.

He stated they are working with what the DRB has suggested and moving away from more generic parking lot lighting to softer lighting. Ms. Altamura stated the lighting looks out of place. Ms. Wright stated the DRB has discussed keeping the light poles around the perimeter as they are shown on the plan and making the lights in the front of the building more like residential lighting. Ms. Altamura stated six lights across the front of the property is too many. Ms. Wright stated the DRB also discussed having the lights in the front of the building on only during operating hours. Ms. Altamura stated she doesn't want to rely on them being turned off and that the site looks over-lit.

Mr. Abate asked if the Board is comfortable with the size of the building. He stated that if the site is overcrowded they need to deal with that. Mr. Marquedant stated the building is 19,700 square feet and has 3 stories. Ms. Wright asked if the expected child care enrollment was still 225 children. Mr. Kunst replied that it was originally proposed to be 150 children for the daycare and 200 children for a school but now they have changed it to 225 children for the daycare and there won't be a school in the building.

Mr. Aghababian stated that commercial use is not allowed in this district. Ms. Altamura stated the Board of Appeals doesn't feel good when people create their own hardship and they would need to keep the building for things allowed under the Dover Amendment or allowed uses in a Residence B District. Mr. Goncalves asked if a proposal was brought to the Zoning Advisory Committee (ZAC) to change the zoning of the parcel. It was stated that ZAC had looked into it when some residents proposed it a few years ago, but decided not to recommend a change. Mr. Coolidge stated the Board needs to protect the abutters.

Mr. Marquedant stated they are meeting with the Conservation Commission on November 6 to discuss the project. He stated that all work will be outside the 50 foot buffer zone and all the wetlands are at the back of the property. Mr. Markey asked how far the building will be from the street, and Mr. Marquedant replied it would be 56 feet away. Ms. Wright stated that the building is large and she is uncomfortable with a prospective zoning change and they need to try hard to screen the abutters. She stated she has parking concerns as well and is not happy with the plan.

Ms. Altamura asked if the parking concerns had been addressed by the Building Inspector. Ms. Lazarus replied he hasn't really weighed in on the issue of on-site parking. She stated that the Zoning Bylaw states when a building has mixed uses the required number of parking spaces for each use is added together. She stated that they have to provide the required spaces for both buildings and all uses.

Mr. Savaria stated they have completed a traffic impact study and FST is in the process of reviewing it. He stated they have evaluated the issue of shared parking. He stated the total number of parking spaces on this site and the existing Golden Pond facility will be 133. He stated there are 80 existing spaces and 53 new spaces. He stated the number of spaces is more than adequate for the peak demand times during the day. Ms. Altamura asked how they can gauge the number of parking spaces required for the church use if they don't have an agreement with a church to use the facilities. Mr. Savaria stated they estimate and use standard methodology, basing it on data collected from the existing facility and a 200 member congregation. Mr. Coolidge stated the bylaw defines the number of spaces needed. Ms. Lazarus

stated it doesn't matter when the spaces are being used, there is a set number of spaces required that need to be provided.

Mr. Abate asked if the property was sold, would the new buyer be required to stay with uses allowed under the Dover Amendment. Ms. Lazarus replied the allowed uses don't change with a change of ownership. Mr. Effren stated they would have to go back to the Planning Board to amend the Site Plan if the use changed. Ms. Lazarus stated Site Plan Review is not required for a change of use. Mr. Abate stated he is not comfortable with the waivers requested and because of the proximity to Rt. 495, it would be a good location for a commercial building and the Board can't control who purchases the property. Ms. Altamura stated she thinks the building is just too big. Mr. Goncalves stated that most churches are open and don't limit their number of members. Mr. Aghababian stated it doesn't make sense that the size of the congregation is to be based on the number of parking spaces. Mr. Kunst stated that the congregation could hold two services to allow for more members.

Ms. Lazarus stated the applicant needs to read the Off-street Parking bylaw to determine the number of parking spaces needed for each use on the property. Mr. Abate stated the Board still has issues with parking, lighting, and would like more specifics on the buffer area vegetation. Mr. Effren stated a letter was sent by the Building Inspector and the letter stated that he does not believe shared parking is prohibited and the applicant just needs to have the appropriate number of spaces. Mr. Markey asked if a sidewalk could be installed along the front of the building on W. Main St. Mr. Marquedant stated they had spoken with the DPW and were told they have no intentions of putting sidewalks along that area, but the applicant could put in a gravel path. Mr. Abate stated the Board would like some more information on the parking, traffic, lighting, size of the building, and the landscape buffer.

The Board voted 8 in favor with Mr. Markey abstaining to continue the public hearing to November 27, 2006 at 7:30 PM.

4. Erickson Retirement Communities

Doug Resnick, attorney, and Christopher Siciliano and others from Erickson Retirement Communities, appeared before the Board. Mr. Siciliano stated that studies have shown that retirees are staying put instead of moving to warmer climates and that for every one retiree that moves, 29 are staying. He stated their facilities include independent living units, assisted living units and a nursing home all in one location. He stated they have 18 locations in 10 states currently. He stated that they offer a "fee for service" health care plan. He stated the developments have clubs, cable, pools, gardens, dining establishments and are gated, secure communities with their own security and medical staff. He stated their facilities have over 50% green space and they have received awards for wildlife preservation. Mr. Resnick stated that the Planning Board will be the main permitting authority and they have looked through the Master Plan and they would help to achieve a number of goals with this development. He stated they would like to come in for a more in depth discussion. He stated there are a few avenues available for permitting under the Smart Growth program and it would provide many benefits to the Town from the State. He stated it would be a MGL. Ch. 40R development and it would help the Town get closer to achieving its 10% affordable housing goal.

The Board set a date of December 11, 2006 at 7:30 PM to discuss the project in more detail.

5. 45 Pleasant St./Tedstone Definitive Subdivision Plan

It was noted that the appeal period had expired with no appeal filed, for the 45 Pleasant Street definitive subdivision plan. The Board voted unanimously to sign the Conditional Approval Agreement, endorse the Definitive Subdivision Plan, and to sign a Form K releasing the two lots in the family subdivision.

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

Doug Resnick, attorney, Ted Tobin, K.S.S. Realty Partners, Dan Mills, traffic consultant, and Bob Poxon, engineer, appeared before the Board. Mr. Resnick referred to an e-mail from Ellen Chagnon, Conservation Scientist, which contained an e-mail from Brian Morrison, former Chairman of the Conservation Commission (ConCom), dated August 2005, stating that the ConCom would not be in favor of approving the entrance to the development next to the vernal pool (VP) and wetlands. He stated the ConCom didn't vote because it was an informal discussion. Mr. Abate stated the memo is not relevant and he would like a full vote from the ConCom. He stated he is not comfortable with the present location of the entrance. He stated he is in favor of changing the entrance location and there are a lot of abutter issues regarding the proposed entrance. Mr. Tobin stated they met with the ConCom and they said they would not approve the entrance next to the VP. Mr. Resnick stated it is a VP based upon reports that have been submitted to the ConCom. Ms. Altamura stated she understands the dilemma but they need to look at it from a safety point of view and the access may not be safe. Mr. Resnick stated they have an Order of Conditions from the ConCom approving the plan before the Board and they were told the entrance next to the VP would not be approved. He stated the applicant met with Ms. Lazarus and representatives of FST, the Board's consulting engineer. He stated because there were concerns over traffic issues on W. Elm St., they are proposing to lower the hump in the road to improve sight lines. He stated FST is comfortable with the changes to the road with the sliver widening and a drop of six inches in the roadway height at the top of the hill.

Ms. Altamura stated that over the years they have tried to back up other Boards and work together on projects and they would be much better projects. Mr. Resnick stated the Wetlands Bylaw and Regulations are very specific for the ConCom. He stated the applicant preferred the road access in the first location, but the ConCom only allowed the water line to be constructed there and construction will be limited to a very specific timeframe to not affect the VP. Ms. Wright stated she spoke with a member of the ConCom and was told that the applicant needs to demonstrate that no detrimental affects will occur to the area and that it is not so much the ConCom approving it, but the applicant demonstrating that conditions can be met. Mr. Resnick stated the applicant was told that they could not meet the requirements because the ConCom also requires that an alternatives analysis be provided and if there is a better location without wetland impacts, it will get approved there.

Ms. Wright stated that because of the Town's own Bylaws, public safety is less important than VP species. Ms. Lazarus stated the Board isn't required to approve an unsafe plan and it can deny approval for that reason. Mr. Tobin stated that they are not exacerbating the situation, they are making the road safer and FST and the DPW Advisory Committee agree with that. Mr.

Dourney stated that with the volume of cars on the roadway, there are safety issues and that is a big thing. He stated he respects the fact that time, energy and money have been invested into the plans, but he agrees that the optimum plan would have the roadway in the other location. Mr. Resnick stated the applicant is not obligated to do the safest and most perfect plan. He stated FST confirmed that the road improvements will be good and that safety standards will be met. He stated the plan is in complete accordance with the Subdivision Rules and Regulations. He stated he doesn't feel that they are compromising safety. Mr. Abate stated there have been discussions about vehicle speed and sight distance and there are concerns that the actual speed is higher than what the sight distance allows for. Mr. Resnick stated they have made the improvements that FST asked for.

Mr. Abate stated that he wants concrete documentation and a plan denied by the ConCom for the entrance in the first location. He stated that in her e-mail Ms. Chagnon says she doesn't remember the informal discussion that the ConCom had about the first entrance location. Mr. Resnick stated the ConCom was never asked to make a decision on the site plan with an entrance there. Mr. Poxon stated the plan was approved in the Special Permit stage, the applicant took both plans to the ConCom and between the wetland buffer on one side and the VP on the other side, they did not see the first location for access to the site to be viable. He stated the ConCom isn't allowing any work within the 100 foot wetland buffer zone except for the temporary disturbance for the water line and some stormwater management features. He stated if they were to use the first entrance they would be within 75 feet of the VP and 25 feet of the wetland.

John Mosher, 13 W. Elm St., stated that he understands the frustration of the Board with the entrance location but there are environmental concerns and he feels like there is probably a solution to make this good for everyone, possibly including some environmental enhancements by the builder.

Mr. Aghababian stated the Board has gone over this many times before and they all know the ConCom doesn't bend to allow for changes. He stated he is more comfortable with approval from FST. He stated the ConCom has no plans before them to vote on. Mr. Mosher stated that Ms. Chagnon originally was not happy with the location of the entrance.

Mr. Dourney stated he wanted FST to say that the entrance is safe and they have confirmed that there are ways to make it safe. Mr. Poxon stated that when they met with Ms. Chagnon and the ConCom, they went away committed to the second entrance and only putting the water line and stormwater management utilities within 100 feet of any wetland. He stated the ConCom did not feel they could approve the entrance in the first location.

Mr. Resnick referred to an item in Ms. Lazarus' memo regarding a plan for future improvements to W. Elm St., and they do not think they need to do that. Ms. Lazarus stated that at the meeting that she had with FST and the applicant, the applicant stated they would be willing to provide the second plan for the Town. Darin Samaraweera, K.S.S. Realty Partners, stated they would be willing to provide the plan. Mr. Resnick referred to another possible condition of approval, stating they would like to be able to disturb more than 5 acres of land because of how the grading and the drainage systems are designed. Mr. Poxon stated the disturbance would be no greater

than 7 acres at one time. He stated that phasing the project would affect the construction of the utilities.

Mr. Ballantyne stated he wants a guarantee from the applicant that the traffic light at the W. Elm St./W. Main St. intersection will be improved to a level of service (LOS) C. Mr. Resnick stated the light will be fixed in the future after some more studies have been done. Mr. Ballantyne stated he wants to know what LOS the light will be improved to. Ms. Wright stated there will be other impacts to traffic flows in the area in the future, and the Board shouldn't expect this developer to fix everything. Mr. Ballantyne stated the intersection is not acceptable and if the applicant can't fix it, they shouldn't be building their development and adding more cars near it. Mr. Resnick stated that currently people make u-turns to avoid the lights and the applicant's changes will improve the wait time, they just can't say what LOS the signal will be. He stated they will re-study the traffic flow and make changes in the future. Mr. Goncalves asked if there is a way to show how it functions currently and how it will be in the future. Mr. Mills stated the wait in the future is unknown and they can't predict exactly what will happen. He stated they know what additional traffic will be added from the site and they are willing to adjust the signal time to address that impact. He stated they can study the intersection when the development is at 50% occupancy and then re-time the lights. Mr. Resnick stated their goal is to alleviate the u-turns on W. Elm St. and to try and fix some of the timing problems. Mr. Ballantyne stated he wants to see quantifiable measurements that the traffic will be improved. Mr. Mills stated that the conditions can vary.

The Board voted 8 in favor with Mr. Markey abstaining to close the public hearing.

Mr. Ballantyne stated he recommends the Board deny the application because of traffic and safety problems. Mr. Coolidge stated that 90% of the traffic is from South St. and has nothing to do with the development.

A motion was made and seconded to find that the approval criteria contained in Section 210-75A(2)(d) of the Bylaw are met. The Board voted 4 in favor (Coolidge, Altamura, Aghababian, Wright), 4 opposed (Abate, Dourney, Ballantyne, Goncalves) and 1 abstention (Markey) on the motion.

A motion was made and seconded to deny approval of the Site Plan because of the serious safety and traffic issues as discussed. The Board voted 4 in favor (Abate, Dourney, Ballantyne, Goncalves), 4 opposed (Coolidge, Altamura, Aghababian, Wright) and 1 abstention (Markey) on the motion.

Mr. Resnick stated that the applicant has followed the regulations and has received approval for a Special Permit from the Board for this plan. He stated they have tried to work with all Boards. Mr. Abate stated it is the Board's responsibility to the residents of the Town and to the applicants to make sure that all criteria are met. Mr. Ballantyne stated the applicant should go back to the ConCom. Ms. Wright stated she doesn't see any changes from the Special Permit stage and the applicants have tried to get the best possible plan together and have worked with the neighbors to come to an agreement over the development. Mr. Aghababian stated he has no issues with criteria b and c and with respect to criteria a, the experts are saying that the traffic is ok. Mr.

Abate stated that he feels the other egress is a better alternative. Mr. Ballantyne stated the biggest change from when the concept plan was approved is the entrance location. Ms. Lazarus noted that the concept plan approved by the Board showed the entrance in the present location. Mr. Goncalves stated the concept plan was approved with the understanding that the applicant would speak with ConCom about the location and that he had reservations about the development from the beginning. Mr. Dourney asked if the project is denied, will the applicant build a 40B development in its place. Mr. Tobin shook his head yes. Mr. Resnick stated the applicant has several options if the application is denied.

Mr. Dourney moved to reconsider the Board's vote on the bylaw criteria. The motion was seconded. The Board voted 6 in favor (Dourney, Goncalves, Coolidge, Altamura, Aghababian, Wright), 2 opposed (Ballantyne, Abate) and 1 abstention (Markey) on the motion.

A motion was made and seconded to find that the approved criteria in Section 210-75A(2)(d) are met. The Board voted 6 in favor (Dourney, Goncalves, Coolidge, Altamura, Aghababian, Wright), 2 opposed (Ballantyne, Abate) and 1 abstention (Markey) on the motion.

A motion was made and seconded to approve the Garden Apartment Site Plan with the following conditions:

1. There shall be a maximum of 31 dwelling units on the property. The units shall be in the style depicted on the submitted Plans, with a maximum of two bedrooms each.
2. Construction shall be in accordance with the approved Site Plan and Special Permit.
3. The Applicant has committed to the following off-site improvements in order to mitigate and/or address conditions created by the development. The Applicant shall work with the Hopkinton DPW in the further design and implementation of these improvements, with approval by the DPW required prior to commencement of any of the work.
 - a. Extension of a 12" water main from West Main St. to the site, available for future use by the Town;
 - b. Re-timing of the signals at the West Main St./South St./West Elm St. intersection. The Applicant shall undertake the re-timing work and obtain the necessary supporting data and documentation when the development is 50% occupied or within two years from the start of construction, whichever comes first.
 - c. Widening of West Elm St. in the vicinity of the site entrance as indicated on the Site Plan. If the final design plan to widen West Elm St. is significantly different than what is shown on the Site Plan, the Applicant shall return to the Planning Board for review of the entrance location and design.
 - d. During construction of the sliver widening and the associated sight line improvements there which are shown on the Site Plan, the Applicant shall re-grade the portion of West Elm St. in the vicinity of the site entrance to improve driver safety. The re-grading would reduce the crest of the roadway by up to 6 inches where possible and reasonable. The scope of work does not include obtaining easements from abutting property owners or removing ledge.
 - e. Provide an engineered roadway design plan for West Elm St. which will provide all the necessary information, including the identification of required easements, to allow the Town to reconstruct the crest of the roadway to conform to appropriate design standards for vertical curves and the Town's design standards.

4. The Applicant shall provide a performance guarantee in an amount determined by the Board, prior to the commencement of dwelling unit construction in accordance with Section 210-75A(2)(e)[2] of the GARD bylaw. The amount will be determined after the Applicant's estimate is reviewed by the Town's consulting engineer. The amount shall include an additional \$10,000 to ensure any unaddressed erosion control issues that arise during construction due to the sensitive nature of the site, which is adjacent to Lake Maspenock.
5. Construction of all infrastructure shall be completed within four (4) years from the date of commencement. The Applicant shall notify the Planning Board of the intent to begin work at least 48 hours in advance.
6. If construction has not commenced within five (5) years of the date of filing of the Site Plan decision with the Town Clerk, approval shall be automatically rescinded, unless such time is extended by the Board.
7. Construction of the infrastructure shall be in accordance with the requirements and procedures in the Subdivision Rules and Regulations and the inspection process administered by the Planning Board, as specified in the GARD bylaw. The cost of the inspections shall be the responsibility of the developer.
8. Maintenance of all roads and driveways, including snow plowing and repairs, shall be the responsibility of the owners and not the Town, as required by the GARD bylaw.
9. Lighting on the site shall be directed away from adjoining property, and shall be directed downward, not up or outward.
10. Prior to the commencement of construction, the roadways shall be designated with Town approved street names, and each unit shall be given a street number. The Director of Municipal Inspections shall be consulted on the numbering system.
11. The condominium association shall be responsible for the maintenance and inspection of all stormwater management system components in accordance with an operation and maintenance plan approved by the Planning Board. Such plan shall be written in sufficient detail to allow a lay person to oversee appropriate management.
12. The GARD bylaw states that signs are subject to such limitations of size and usage as may be imposed by the Planning Board. If a temporary marketing sign during construction is desired, the Applicant shall submit the design to the Board for approval. No signs, other than the trail and traffic signs shown on the Plan, shall be erected without prior Planning Board approval.
13. All designated open space shall remain in its natural state unless indicated otherwise on the Site Plan. No designated open space may be disturbed during construction and it may not be used for storage of materials, vehicles or equipment. Designated open space may not be developed for active recreational uses.
14. Erosion and sedimentation control measures shall be implemented during construction, in accordance with the Erosion Control Plans. If they are found to be inadequate, the Applicant shall immediately correct any deficiencies. The Planning Board may stop work on the project until erosion and sedimentation issues are adequately addressed. The erosion and sedimentation control measures used on the site shall include:
 - a. The identification of a designated erosion control monitor who shall issue monthly status reports to the Planning Board during construction;
 - b. The conducting of land disturbance activities shall not occur on more than seven (7) acres of the site at any one time;

- c. Silt sack type devices shall be used in the catch basins during construction and shall be properly maintained, unless an alternative is required by the Conservation Commission.
15. No construction of any kind shall commence until full approval of the sewage disposal system has been received from the Hopkinton Board of Health and an Order of Conditions has been received from the Conservation Commission.
16. All outstanding issues contained in the letter from Fay, Spofford & Thorndike (FST), dated October 26, 2006 and by reference to applicable items in previous letters, shall be resolved to the satisfaction of the Planning Board prior to construction. All necessary modifications to the Site Plan shall be made prior to the commencement of construction. The Applicant shall be responsible for the cost of FST review.
17. A plan shall be submitted to the Planning Board prior to construction showing the location of where earth will be stockpiled on site, if different than the area indicated on the Site Plan. 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 site upon completion of construction of the roadways 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.
18. No building permits shall be issued until the roadway serving the unit has an inspected and satisfactory compacted gravel base in the opinion of the Planning Board's inspecting engineer. The Applicant may construct one foundation on each roadway before the compacted gravel base is installed, if desired, for marketing purposes. No occupancy permits for dwellings shall be issued until the roadway serving the unit is paved with the binder course of pavement.
19. Tree stumps and building scrap materials shall not be buried on site, and must be removed from the property.

The Board voted 6 in favor (Dourney, Goncalves, Coolidge, Altamura, Aghababian, Wright), 2 opposed (Ballantyne, Abate) and 1 abstention (Markey) on the motion.

Ms. Wright suggested to the applicants that they reconsider one of the two nearly identical street names they are considering for the development and pointed out that North Pond is also another name for Lake Maspenock.

Adjourned: 10:40 PM

Anna Rafuse, Secretary

Approved: November 13, 2006