

HOPKINTON PLANNING BOARD

Monday, March 26, 2007 7:30 PM
Hopkinton Town Hall – Room 211

MINUTES

PRESENT: Mark Abate, Chairman, Scott Aghababian, Sandy K. Altamura, Evan Ballantyne, John Coolidge, Joe Markey, Claire Wright

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

.....Cobi Wallace, Administrative Assistant

1. MetroWest/495 Transportation Management Association (TMA) – Susan Tordella

Susan Tordella, Director, TMA (MetroWest/495 Transportation Management Association) appeared before the Board. She referred to her previous visit a year ago and thanked the Board for the past support. Ms. Tordella described the activities and goal of the organization, which is to reduce traffic congestion and improve air quality through promoting carpooling, vanpooling, public transportation, and biking or walking to work. She stated that EMC, Bose, Staples, and Genzyme are among the TMA members. She stated that some towns require new companies to join the organization as a condition of special permit approval and that she would like Hopkinton to consider doing this. Mr. Markey asked about the membership benefits, and Ms. Tordella stated that the TMA comes out and promotes commuting alternatives and offers employee incentives. She stated they also now offer participation in the “Guaranteed Ride Home” program. Mr. Ballantyne asked who sponsors the TMA, and Ms. Tordella noted that it is funded through annual membership fees which range from \$500 to \$5,000 depending on the size of the company.

Mr. Abate noted that he does not think the Board would ever mandate that companies doing business in Town join this type of program. Ms. Altamura stated that large companies locating here could be encouraged to join, and Ms. Wright stated that the program will sell itself if it has merit. Ms. Tordella stated it depends on a company’s attitude and that she wishes people would voluntarily do the right thing. Ms. Tordella noted this is a type of “social marketing” and referred to successful outcomes in the case of seatbelt and anti-smoking laws. Ms. Wright noted that the Board’s level of discomfort with this proposal has not changed since a year ago. Ms. Tordella noted that the Town of Framingham and City of Marlborough have this requirement. She noted that Raytheon joined voluntarily because they need to comply with federal environmental laws and take cars off the road.

Ms. Tordella polled Board members regarding their use of public transportation and it was noted that the options available in Hopkinton are expensive and not always reliable.

2. Approval-Not-Required/81-P Plan – Wood Street – Commonwealth of Massachusetts

Paul Baptiste, Waterman Design Associates, engineer, appeared before the Board. He described an Approval-Not-Required/81-P plan for land abutting E.L. Harvey’s former landfill operation. He noted that the plan creates several parcels, including two in Hopkinton totaling 5.5 acres, to be conveyed from the Commonwealth of Massachusetts to E.L. Harvey and Sons. Inc. He noted that the Planning Boards of Hopkinton and Westborough need to endorse two plans so it can be

recorded in two separate Registries of Deeds. The Board voted unanimously to endorse the plan as not requiring approval under the Subdivision Control Law. The Board voted unanimously to waive the filing fee.

Mr. Coolidge left the Board at this time.

3. Christian Estates (Pond Street) – Jim Pyne

Jim Pyne, owner, and David Marquedant, J.D. Marquedant & Assoc., Inc., surveyor, appeared before the Board. Mr. Pyne stated that in the early 1990's the Planning Board approved a 5-lot family subdivision plan with several waivers. He noted that he is here to discuss a new subdivision based on the old plan which is now expired. He described the site which consists of approx. 60 acres and currently has a single family home as well as another house in use by the First Congregational Church. He stated he would like to use approx. 17 acres for a 3-lot subdivision with the remaining 43 acres to be deeded to the State resulting in a connection between Upton State Forest and Lake Whitehall.

Ms. Wright stated the plan shows a long dead-end street. Mr. Marquedant noted the proposed road is 1,080 ft. long and is exactly in the same spot as in 1990. He noted that the minimum lot size then was 40,000 sq.ft. with Town water and that now 60,000 sq.ft. is needed for a building lot.

Ms. Lazarus asked whether it will be a conventional or Open Space and Landscape Preservation Development (OSLPD) plan. She noted that waivers may be granted but that if Mr. Pyne wants to propose a conventional subdivision plan, he will have to submit an OSLPD concept plan first and have it denied, referring to a zoning bylaw requirement. Mr. Ballantyne stated he would like to find the most effective way to expedite the process in Mr. Pyne's favor, and Ms. Lazarus noted it depends on the ultimate goal. She added she is not sure whether the State can accept the open space in an OSLPD subdivision as it is not one of the three options in the statute. It was noted that under the Open Space bylaw the road can be up to 1,000 ft. long.

Mr. Abate stated the easiest thing would be to apply for an OSLPD concept plan, have it denied and come back with a conventional subdivision plan. Mr. Markey asked about pursuing a workable OSLPD plan under the bylaw. Mr. Abate noted that it could be done if the road was 80 ft. shorter. Mr. Pyne asked if he could submit an OSLPD concept plan for denial and a conventional subdivision plan for approval at the same time. Ms. Lazarus stated she will check to see but didn't think so. Ms. Altamura noted that the Board has to review the plans properly.

Mr. Abate stated that it appears Board members do not have any significant objections to the proposal but that the applicant needs to go through the process. Ms. Lazarus noted that the OSLPD concept plan has to be prepared by a landscape architect as required under the bylaw. Mr. Pyne stated that the proposed roadway is essentially a haul road left over from earth removal operations in the 1970's and 1980's, and in 1990 was approved without stormwater management. He noted he probably will have on-site wells and a gravel road with minimum construction. He stated that the less he has to do to accomplish this, the better, and that there is no hurry. Ms. Lazarus explained that an OSLPD concept plan has to be denied first, and referring to a previous discussion about changing the OSLPD bylaw to allow it by right, Mr. Pyne asked when the regulation will be changed. Ms. Lazarus noted that Town Meeting has to vote on zoning changes.

Mr. Abate asked how costs can be kept down for the applicant. Ms. Altamura stated that some plans are way off the mark but that this one is almost there and maybe just has to be tweaked by a landscape architect. Mr. Markey stated that Mr. Pyne has to hire an engineer anyway and questioned why he would not prepare a good workable OSLPD plan. Mr. Aghababian noted that giving the remaining land to the State would be the correct response and it would make sense to do it Mr. Pyne's way.

Mr. Coolidge returned to the Board at this time.

4. Public Hearing – Drowne Family Subdivision (Drowne Family Trust) – Saddle Hill Road - Application for Definitive Subdivision Plan

Tim Paris, Connorstone Engineering Inc., engineer, appeared before the Board on behalf of the Drowne Family Trust, applicant. He described the site which is located off of Saddle Hill Road opposite Equestrian Drive. Mr. Paris noted the Board recently endorsed an approval-not-required/81-P plan creating the parcel. He stated the area was used for a gravel operation in the past. Mr. Paris stated that a 5-lot subdivision is proposed with an approx. 700 ft. long dead-end street off of Saddle Hill Road with a 40 ft. right of way and 18 ft. traveled way. He added that a portion of the road is 50 ft. wide. He described the proposed stormwater management system using a cross-culvert and roadside swales channeling water into a detention basin for discharge into the wetlands. He noted the applicants hope to get the plan approved as a family subdivision so that the 5 children in the family will be able to stay in Town.

Ms. Altamura asked about the grade of the road. Mr. Paris stated that the steepest part is 5% with a 3% grade at the end of the cul-de-sac. Mr. Paris stated the subdivision will be served by private septic systems and wells. He noted they have put together an erosion control plan but do not anticipate major problems as the site is relatively flat and has sandy soils. He noted they propose to install an outlet structure when construction is complete. Mr. Paris indicated tentative locations for the homes to be built. He noted that they still have to go to the Conservation Commission as the detention pond will be within the 100 ft. wetland buffer zone. He noted that there is an extensive list of waiver requests mostly pertaining to road construction and that it essentially boils down to costs.

Mr. Abate referred to the length of the road and noted that the plans do not include a fire cistern. Mr. Paris stated that this is the subject of a waiver request. Ms. Wright asked what they would do in case of a fire, and Mr. Paris noted they will need a Fire Department tanker truck. Ms. Lazarus noted the plans were distributed to the Fire Department but that it did not comment on the plans. Ms. Wright noted she is really concerned about the lack of fire protection and referred to a recent house fire on South Mill Street where they had to pump water from nearby Blood's Pond. Mr. Abate stated he is also very concerned and that it might be deal breaker. Mr. Paris stated he will look into it. Nancy Mercer, co-applicant, stated that Duck Pond is down the street and could be a source of water. Ms. Wright stated she would like to get the Fire Department's opinion on this.

Ms. Wright stated that the plans do not show catch basins, and that there is no in-ground collection system other than the proposed swales combined with natural infiltration. Mr. Paris noted they are following low impact development techniques. Ms. Wright asked what will happen when there is snow and ice. Mr. Paris noted that the water will sheet off and melt the ice underneath. Ms. Wright noted that she is all for low impact development but that she wants to see it done right without flooding neighboring property. Mr. Paris stated that this site lends itself particularly well for low impact development.

Ms. Altamura noted that Saddle Hill Road is a scenic road and asked how many trees will need to be cut to achieve proper sight distance as noted in the review letter submitted by Fay, Spofford & Thorndike (FST), the Board's consulting engineer. Mr. Paris noted that he does not think that many major trees need to be removed. He added that they did not yet have a chance to address FST's comments but that they will go out and identify the trees. Ms. Altamura noted that safety is a No. 1 priority but that the Board does not want to see any unnecessary tree removal. Mr. Paris suggested the Board evaluate this during the construction phase as a condition of approval.

Ms. Wright stated she understands that as of now no soil testing has been done and that all this is very preliminary. Mr. Paris stated that is correct but that he is very confident they will be able to find suitable locations for septic systems and wells considering the size of the lots and the fact that it is a former gravel pit. Ms. Wright recommended that the applicant make an appointment with the Board of Health as soon as possible and Mr. Paris agreed. Mr. Abate questioned the odd shape of Lot 2. Mr. Paris noted it is to fit in the lot and the road.

Mr. Markey stated that most of the requested waivers make sense with the exception of the provision for fire protection and the length of the road. Mr. Paris stated that if they shorten the road by 200 feet they would lose frontage for 2 lots. Ms. Wright asked about shared driveways and Mr. Paris noted that it would not solve the frontage problem. Ms. Mercer noted that at the informal meeting on October 16, 2006 they were given the impression that a 750 ft. long road was acceptable and the Board voted on that. Ms. Lazarus noted that there was not a vote and that it was an informal discussion, not a formal application submittal. Mr. Aghababian stated it is a family subdivision with a gravel road without streetlights and that he has no problem with it. Ms. Wright noted she is concerned about the road with respect to safety issues and access. She added that both FST and the Conservation Commission have expressed concerns as well with respect to erosion and maintenance in the long term and it would be better if the road is paved. She noted that in bad weather the road might become inaccessible for fire trucks and ambulances. Mr. Aghababian noted that the Board needs to hear from the Fire Department. Ms. Wright noted that there is no standard stormwater management system and that they are depending on low impact development instead. Mr. Markey questioned if a gravel road would not be environmentally better and Ms. Lazarus stated that it is not necessarily so. Ms. Wright stated she is more concerned about the maintenance aspect.

Mr. Coolidge noted he feels this is a clever way to get additional lots and questioned where the Board should draw the line. Mr. Paris stated that this was discussed with the Board a couple of months ago and that they knew it would be a major issue. Mr. Markey asked if there is any way to get around the 500 ft. limit on the length of a dead-end street. Ms. Lazarus noted that the Board has to find there are exceptional circumstances like topography for instance, before granting a waiver. Ms. Altamura noted that a 1,000 ft. road is allowed in an OSLPD plan. Mr. Paris stated it was not possible to do an OSLPD plan because of the amount of wetlands, which was the reason for the endorsement of the approval-not-required plan a couple of months ago. He added the remaining parcel will stay in the Family Trust. Ms. Lazarus stated the applicant is here with a conventional plan because they cannot do anything else. Mr. Abate stated that it is intended for family now but that it will not always be that way. Mr. Coolidge stated that the Board needs to protect future homeowners and that there needs to be a homeowners association to make it work. He stated he is concerned about setting a precedent and that the roads in future proposals will get longer all the time.

Larry Drowne, co-applicant, stated that at the previous meeting Board members seemed to agree that there wasn't anything wrong with the plan, and that if it is not approved, it would have been a waste of time and money. Mr. Paris noted that the maximum road length allowed in an OSLPD plan is 1,000 ft. and that it must be considered safe. Mr. Abate stated that here there are no provisions for fire protection. Mr. Coolidge questioned what the exceptional circumstances are to allow a dead-end street, and Mr. Paris stated it is the opportunity to keep the family in Town.

Mr. Abate noted he understands the precedent issue but that aside from safety he sees no reason not to have the additional two lots as it will mean additional tax revenue for the Town. Mr. Coolidge noted he is surprised the proposal got this far and that the Board should be wary. He noted there should be valid exceptional circumstances and getting 5 instead of 3 lots is not one of them. He added he feels embarrassed for the Board and that the owners should have been forewarned.

Ms. Altamura noted her gravel driveway is a mess right now, and the applicants should look at paving the subdivision road as it could also be a problem from a fire protection standpoint. She noted she would like to get the Fire Chief's opinion on this. Ms. Mercer stated that they cannot afford paving the road and asked if there could be a time limit on that requirement. Mr. Abate stated that there is also a requirement for a performance bond. Ms. Lazarus explained that in order for lots to be released for building or sale, the applicant has to provide a performance guarantee, but that the more work that is done up front, the lower the amount. Ms. Altamura asked if all 5 lots are going to be built within 5 years or kept in trust. Ms. Mercer stated that it is a question of money and that some people cannot build right now but will take their lot when they can afford it. Ms. Altamura asked about the possibility of phasing, and Ms. Lazarus stated it is common and that the Board has to find out from the applicant how they would like to do it.

Mr. Markey referred to the requirement for exceptional circumstances and noted that possibly the water flow would only work with the longer road.

Lynn Britt, 16 Proctor St., noted that it may work with fewer lots.

Mr. Ballantyne asked if they could use land from the existing lots abutting Saddle Hill Road, and Mr. Paris responded that they cannot make those lots smaller and comply with zoning requirements.

Ms. Wright asked if anything could be done with a paper street, and Ms. Lazarus stated it could provide frontage but does not resolve the adequate access issue. Mr. Coolidge stated they could pull the cul-de-sac back and create 3 lots right now and allow the 2 additional lots with the condition that the road is paved. He noted the applicant could come back to the Board and extend the road to create the needed frontage. It was noted it might be more of a financial burden. Ms. Lazarus stated that the homeowners association could be set up to put money away for future paving. Ms. Altamura noted that the makeup of the Board will be different in the future, and Mr. Coolidge stated that it could be written into the decision. Ms. Altamura noted it could work but questioned if it would work for a family. Mr. Aghababian stated it might force people to sell off the lot. Ms. Altamura noted this is a big development compared to other family subdivisions. Ms. Wright noted she is concerned about safety issues and that those do not go away.

Brendan Doyle, 41 Saddle Hill Rd., stated he is in favor of the family staying in Town and asked if the applicant could be steered in a direction that could be acceptable to the Board. Mr. Abate noted it has to be something unique to the property, like topography or other local conditions that might make it appropriate to have the dead-end street. He added that the point of the bylaw is to ensure safety.

Mr. Abate noted the hearing has to be continued and that the Board needs to hear from the Fire Chief. Mr. Markey stated that there are other waivers requested and that this is not the only issue. Mr. Aghababian noted that if there is anything else the Board feels uncomfortable with, it should tell the applicant now. Ms. Wright asked about hydrological documents. Mr. Paris stated they submitted them, and Ms. Lazarus noted that additional information is needed by FST. Ms. Wright noted she wants to know if the system is able to handle the water. Ms. Altamura asked when the applicant is going to the Conservation Commission, and Mr. Paris stated they have not yet made an appointment but that the detention pond and some of the houses will be partially in the buffer zone.

Mr. Drowne asked if he could get a variance from the frontage requirements, and it was stated that he would have to apply to the Board of Appeals. The Board voted 6 in favor with one abstention (Mr. Coolidge) to continue the public hearing to April 23, 2007 at 7:45 PM.

5. Parks & Recreation Commission – EMC Park (Hayden Rowe Street) – Proposal for Field Lighting (Field A)

Al Rogers and Brendan Doyle, Parks & Recreation Commission, appeared before the Board. Mr. Rogers referred to the amended site plan decision for EMC Park off of Hayden Rowe Street. He described the location of Field A (McIntyre Field) and explained that they now would like to start the process for its illumination. Ms. Wright noted that this is the field furthest away from abutters and referred to a previous agreement. Mr. Coolidge noted that there was a lot of opposition to the fields initially. Mr. Markey stated that he has heard that people are more concerned with noise than lights. Mr. Rogers noted that this will give Little League another field and that they are strapped for fields. Ms. Lazarus noted the Parks & Recreation Commission will have to apply to amend the site plan. Mr. Ballantyne noted that the abutters were very upset with a recent proposal to install one security light. It was noted that there have been few incidents since August 17, 2006. Ms. Wright noted she has no problems with the proposal, that the Parks & Recreation Commission is trying to be sensitive to the neighbors, and that they are not talking about Fenway Park but just a Little League field. The Board discussed hours of operation and it was stated that no new innings will start after 9:00 PM and that lights are turned off at 9:45 PM at the latest and this would not change. Mr. Rogers stated that there could be games every night including weekends.

Mr. Abate stated the applicant will have to come back with plans showing the height and location of the poles and what the fixtures will look like. Mr. Aghababian stated the lights should not go off automatically as that could be dangerous. Pat Mahon, President, Little League, noted that they are paying for the lights and that the coaches will make sure that the lights will be turned off in a timely and responsible manner. Ms. Altamura asked how many poles there would be, and Mr. Doyle stated he does not know. Mr. Mahon stated that there standards and there is a multimillion insurance policy in place that they do not want to jeopardize.

6. Continued Public Hearing – Stormwater Management & Erosion Control Bylaw

Mr. Abate asked if Board members have any comments on the latest version of the Stormwater Management & Erosion Control Bylaw. Mr. Aghababian asked if changes have been made since

it was reviewed last, and Ms. Lazarus stated that the section on “stormwater utilities” has been removed. Mary Pratt, 102 Fruit St., stated she was under the impression it was still part of the proposed bylaw. Ms. Lazarus stated the Director of Public Works stated that it was ok to take it out. Mr. Markey asked for clarification, and Ms. Lazarus noted that the section talked about a self-sustaining utility. The bylaw would just have defined it but it would need to go to Town Meeting for approval some day. She added that the Town has no plans to do it now. Ms. Altamura noted there could be an amendment to the bylaw later, and Ms. Lazarus noted it could also be a separate bylaw. The Board voted unanimously to recommend the Stormwater Management Bylaw to Town Meeting as written.

7. Administrative Business

- Bills – The Board voted unanimously to authorize payment of outstanding bills.
- Minutes – The Board voted unanimously to approve the Minutes of the March 12, 2007 meeting.

8. Other Business

- Budget – The Board discussed the current and next fiscal year’s budget. Ms. Lazarus noted that cuts need to be made and that the Board has offered to reduce its expense budget by \$4,000 for next year. Mr. Coolidge noted that the budget was used to help fund the Sasaki Associates contract.
- Whisperwood Preserve – The Board voted to sign the Release form voiding the Triparty Agreement between the Town of Hopkinton (Planning Board), Hudson Savings Bank, and Meyer Homes Inc., the developer of the Whisperwood Preserve subdivision. Ms. Lazarus noted that the developer decided to post a cash bond instead and the check has been deposited.
- East Hopkinton Master Plan – Mr. Markey provided a brief update on the sessions held to date. Mr. Ballantyne asked if there is a general feeling about the future of the Weston Nurseries land. Mr. Markey stated it is not black and white and that people have a lot of questions and that there is a lot of confusion.
- Drowne Family Subdivision - Ms. Wright referred to the informal discussion a couple of months ago. She stated she feels the Board gave the applicant a general sense that it was behind the proposal. Mr. Ballantyne noted that the Board also talked about paving the new road. He added that it has to be made clear that waivers are not granted lightly and that the Board did not give the applicant the perception it was actually voting on the plan. Ms. Altamura stated the plan they looked at was not engineered, and Ms. Wright noted it was very conceptual. The Board discussed the concept of family subdivisions and noted that there are no guarantees that they will always be occupied by family members. Ms. Lazarus stated it is important to listen to the Board’s consultant. Ms. Wright stated she wants to make sure that low impact development is not perceived as doing nothing.

The Meeting was adjourned at 9:35 P.M.

Submitted by
Cobi Wallace, Admin. Assistant

Approved: April 9, 2007