

HOPKINTON PLANNING BOARD

Monday, June 25, 2007 7:30 P.M.
Hopkinton Town Hall

MINUTES

PRESENT: Mark Abate, Chairman, R.J. Dourney, 1st Vice-Chairman, Joe Markey, 2nd Vice-Chairman, Sandy K. Altamura, John H. Coolidge, Claire Wright, Evan Ballantyne, Carol DeVeuve, Ken Weismantel

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

.....Cobi Wallace, Administrative Assistant

1. Reorganization

A motion was made and seconded to nominate Mr. Abate for Chairman for the following year. There were no other nominations. The Board voted unanimously to elect Mr. Abate to serve as Chairman.

The Board discussed the Vice-Chairman position. Mr. Abate stated he would like to split the position into a first and second Vice-Chairman. He noted that the first Vice-Chairman would be mostly involved with general business (when the Chairman is not available) and the Zoning Advisory Committee (ZAC), while the second Vice-Chairman would be the liaison for the Weston Nurseries/Boulder Capital development process. He stated he would like to get the Board's feedback on this idea. Mr. Weismantel asked if the Weston Nurseries Master Plan would be run through ZAC, and Mr. Coolidge stated that it will start there but that they might need support when it gets to the permitting phase. Ms. Altamura noted that it might have to be done in stages. Mr. Ballantyne stated that there is a lot of work associated with Weston Nurseries and "divide & conquer" is a better way to do it by splitting the workload. Mr. Markey referred to the work he did with former Planning Board member Jaime Goncalves when they worked on an East Hopkinton Master Plan sub-committee. He compared it to the 2nd Vice-Chairman position as it provided leadership regarding East Hopkinton issues including Weston Nurseries. Mr. Ballantyne suggested that ZAC duties would be separate from the 2nd Vice Chairman position. Mr. Markey noted that Sasaki Associates is doing the preliminary framework on zoning for East Hopkinton and that ZAC would be closely involved with that in addition to other zoning issues. He stated it is a good idea to have a 2nd Vice-Chairman who would be focused on the Weston Nurseries development as the Town has never faced anything of this magnitude before. Ms. Lazarus noted that the Weston Nurseries development involves more than just rezoning. She stated that the development will require changes to the Subdivision Rules and Regulations and other things, and another leadership position would be a good idea. Mr. Ballantyne asked if the Board of Selectmen have addressed this issue. Mary Pratt, 102 Fruit St., Vice-Chairman of the Board of Selectmen, stated that resident Jane Moran had suggested forming an ad hoc committee. Ms. Pratt stated that having a liaison would be one thing but that she is not in favor of another ad hoc committee.

Mr. Coolidge stated he is intrigued by the idea. Mr. Markey noted that the Town is going to be closely scrutinized and he does not want to miss a thing. Ms. Wright stated she does not want a separate ad hoc committee.

Mr. Coolidge noted that it is important to keep everything out in the open and that there is a problem with boards and committees having meetings at 7:30 A.M. The Board agreed it should be an open process. Mr. Ballantyne noted that Boulder Capital has a development team behind it, and from the Board's perspective it would be proactive to appoint a key person. Mr. Dourney stated that the Planning Board still owns the decisions to be made. Mr. Ballantyne nominated Mr. Markey for 2nd Vice-Chairman. Mr. Markey stated he is interested in the position as he wants to make sure the Town gets its vision together and finds the best process with the best possible outcome and that it would be a good follow-up to the work done on the East Hopkinton Master Plan. There were no other nominations. Mr. Abate nominated Mr. Dourney for the position of 1st Vice-Chairman. There were no other nominations. The Board voted unanimously to elect Mr. Dourney as 1st Vice-Chairman and Mr. Markey as 2nd Vice-Chairman.

2. Hopkinton Highlands II/Estates at Highland Ridge, Overlook Rd. & Summit Way – Toll Brothers, Inc. - Subdivision Status Report

Mark Kablack, Attorney, and Tom Betts and Bryan Weiner, Toll Brothers, Inc. (TBI) appeared before the Board. He noted that Charlie Connors, TBI, is in the audience. Mr. Kablack stated that they are here for the first of two pre-scheduled subdivision update meetings. He noted that another meeting has been scheduled for August.

Mr. Kablack referred to a letter dated May 22, 2007 from Bayassociates, Inc., the Board's consulting engineer, a letter to TBI from Elaine Lazarus, Planning Director, dated June 12, 2007, and the TBI response letter dated June 15, 2007, as well as a few emails regarding minor items. Mr. Kablack noted that the Board's consultant identified 4 issues that needed to be addressed. He stated that since May 22, 2007, they have done final roadway corrections at the subdivision entrance at the intersection of Overlook Rd. and Cedar Street Ext. He stated he believes the current design is working but will need further field inspection. Mr. Kablack stated that the pavement on the Summit Way cul-de-sac damaged by construction traffic will be repaired during the week of July 9 and that the other remaining roadwork will be completed during the month of July. He noted that the erosion and sedimentation problems at Summit Way appear to be solved with the completion of the rip-rap swale, but that Mr. Weiner will get in touch with the contractor who installed the box inlet structure that appears to be sticking out too much.

Mr. Kablack referred to the TBI letter update dated June 15, 2007. He noted this comprehensive report provides an update on the remaining infrastructure work as well as lot-specific issues. He stated that the remaining work will be done starting July 9. He referred to the construction of a swale to stop runoff sheeting onto Summit Way. He added that they have been trying to do this forever but that the work is now 50% done and will be completed in the next few weeks. He noted the communal well system has been functioning properly and the new filtration system is working. He stated the peer review by Northeast Geoscience has commenced and the field work is done. He noted that he had expected to have the report by now but that it will be available within the next few days. He stated that they had to shut the system down for a few hours due to

a ruptured pipe discovered during a field inspection and that the homeowners were notified of this. Mr. Weiner explained that the pipe was leaking at a joint but that it was fixed right away. Mr. Kablack stated that this was not related to the previous well problems. Mr. Ballantyne asked if the system is now settling down, and Mr. Weiner responded that it is functioning consistently since the changes to the filtration system were made. Mr. Abate asked what the homeowners will have to do if the filtration system has to be replaced again in about 15 years. Mr. Kablack explained that the replacement system was reviewed and permitted through DEP and that they have to make sure that it is functional before it is transferred to the homeowners association. He stated the DEP permit includes a failsafe clause requiring a replacement fund. He noted that in addition there is a capital reserve fund and that currently there is about \$140,000 to \$150,000 available that will go with the transfer. He noted that TBI has started the transfer process and has chosen Fair Associates, an independent management firm, and that the communal well field and stormwater facility maintenance will be the two primary functions of the association. He stated Fair Associates will be part of the transfer process but that the homeowners do not have to stay with them.

Shanmugan Bavanatham, 9 Summit Way, asked about the financial impact of the new filtration system. Mr. Kablack noted that the new filtration system will require more intense monitoring than the previous system and that an increase in maintenance costs is anticipated.

Mr. Abate asked if there are regular deposits into a maintenance account by the homeowners, and Mr. Kablack stated that the homeowners contribute \$100 per month (\$300/quarter) based on the original budget, which will cover day-to-day maintenance. He stated that eventually residents will be billed for actual water use.

Jason Anjoorian, 7 Overlook Rd., asked for a clarification and commitment regarding TBI's financial accountability for the extra costs in connection with the repairs to the water supply or whether the homeowners will have to cover the cost.

Ms. Wright stated that as long TBI is in charge they should cover the costs. Mr. Kablack stated that the failsafe and capital reserve accounts are fully funded and that there have been no charge-backs so far. Mr. Ballantyne asked how much more the homeowners will have to contribute, and Mr. Kablack stated he does not have that number right now. Mr. Kablack stated that after they receive the 3rd party review and the recommendations by their consultant they will come up with a plan and determine what the incremental increase will be. He added the homeowners knew about this and that the initial flat fee of \$100/month was never a guaranteed amount. Mr. Ballantyne stated that the homeowners will be able to negotiate with Fair Associates, and he would like to know what the pump maintenance fee is today and what it was originally. Mr. Kablack stated he will report on that.

Mr. Kablack stated that currently there is a total of \$150,000 available, and that there are three different accounts, the failsafe capital replacement account, a reserve capital account, and an operations and maintenance account. He stated the homeowners will be responsible for the maintenance of the communal well and the stormwater system.

It was noted that the next update meeting with TBI representatives will be on August 6, 2007.

3. Public Hearing - Sudbury River Townhouses Garden Apartment Development (Cedar St. Ext. & Lincoln St.) – Request for Special Permit Extension

Jose Martins, Simba LLC, developer, appeared before the Board.

Mr. Abate referred to the taxes owed on portions of the subject property. Mr. Martins noted he was just made aware of this issue and that he will take care of it on Wednesday, June 27. Mr. Markey suggested that the public hearing be continued until after the taxes are actually paid. Ms. Wright recommended that the decision be contingent on the taxes being paid. Mr. Dourney agreed with Ms. Wright and suggested to review the request for extension and then make a conditional decision.

Mr. Martins explained why he needs an extension. He stated that he had not been able to get well and septic permits for the project due to a question regarding DEP or local Board of Health jurisdiction. He added that the law was very vague in this respect and they went to the Board of Health to get them to sign off on the well system which consists of 5 individual wells for 20 units. Mr. Martins noted that the DEP regulations have now been changed and that they are allowed to design the well system this way. He stated that he wants to get the required special permit extension before going back to the Board of Health. Mr. Ballantyne asked where the well heads are located. Mr. Martins noted they are spread throughout the project and there are 5 zones which still have to be created. He added the maintenance costs will be the responsibility of the homeowners.

Mr. Dourney stated that Mr. Martins has already jumped through many hoops and will not walk away from the project. He recommended granting the extension on the condition that all back taxes are paid. Ms. Altamura noted that the applicant would be subject to the new Flexible Community Development bylaw if he has to file a new application and it would mean providing two affordable units. Mr. Martins stated that the initial Garden Apartment development proposal was for 30 units and that they had talked about an affordable component but it was eliminated when the project was scaled back to 20 units. He added that an earlier plan was for 10 individual house lots without any affordable units. Ms. Wright stated she is in support of granting an extension as long as the taxes are paid promptly.

Ms. Pratt asked about the location of the septic systems in relationship to the wells. Mr. Martins stated that there is only one septic system and it is a couple of hundred feet away.

Thomas Gaston, 71 Wedgewood Dr., questioned whether there would be any problems with Board of Health approval. Mr. Martins stated he believes that a few technical changes are needed and has retained the services of a new engineer. He stated the changes are mostly to keep the condo fees down and that the details will be presented to the Planning Board for review by its consulting engineer. Mr. Coolidge asked when the new DEP regulations went into effect, and Mr. Martins stated they went into effect in January of 2007.

The Board voted unanimously to close the public hearing.

The Board voted unanimously to grant an extension of the special permit to October 20, 2008 subject to the condition that all outstanding back taxes owed for the subject properties shall be paid in full by the close of business on Friday, June 29, 2007.

4. Deerfield Estates, Senior Housing Development (Lumber St.) – Capital Group Properties - Request for Extension

Bill DiPietri, Capital Group Properties, applicant, appeared before the Board. He referred to Condition #6 of the Senior Housing Development site plan decision which stipulated that the development infrastructure had to be completed within two years from the start of construction. He added the project therefore should have been completed by March 2006 but is not done yet and that he is requesting an extension to December 31, 2007. He stated that 90% of the roadway infrastructure is complete but they are not finished with Phase 4. He noted that they were delayed because of issues related to the transfer of the old house to the Hopkinton Historical Commission but that changes to Phase 4 were approved late summer/early fall of 2006. He added that the housing market was soft at that time. He indicated that out of 47 units, 32 have been sold.

Ms. Wright stated she noticed that work has started on the Dempsey house. Mr. DiPietri noted he will file an application for an approval-not-required plan. He noted this will occur in a few weeks and at that point the Historical Commission will take the property in fee. Mr. Coolidge stated CPA funds were allocated for the house by town meeting. Ms. Wright stated that the Historical Commission will not take ownership until the work is finished. Mr. DiPietri stated he believed the property will be transferred after the ANR plan has been endorsed. Ms. Wright stated she is getting worried about the condition of the house especially since the roof shingles have been removed. She questioned whether the structure is being covered up properly as she does not want to see any damage to the interior of the house which contains historically significant woodwork. She noted it also looks ugly and the house should be stabilized during this construction season as it cannot last through another winter. Mr. DiPietri stated the work should be done by the end of July. Mr. Coolidge noted there are cracks in the foundation which should be fixed. Ms. Wright noted that Town Counsel recommended changes because of the procurement bylaw.

Mr. Abate asked whether any abutters are present.

Lawrence Colton, 12 Cole Dr., stated the roof of the house is covered when no work is being done.

Richard Hall, 18 Cole Dr., asked about the timeline for completion of Phase 4 and asked about removal of construction debris. Mr. DiPietri noted that the area is being used for stockpiling but that next month they will remove the material that does not belong in Phase 4.

Mr. Markey asked for how many units the extension is needed. Mr. DiPietri stated the extension is for the completion of the infrastructure. Jane Anderson, 6 Lowell Dr., asked for clarification, and Mr. Markey noted the extension is for the roadway infrastructure not the units.

Jane Kamer, 16 Cole Dr., asked about the timeline for completion of the entire development. Mr. Abate noted it depends on the market.

The Board voted unanimously to grant an extension of time to December 31, 2007, for completion of the infrastructure in the Deerfield Estates Senior Housing Development.

5. Approval Not Required/81-P Plan – 1 & 2 Erin’s Way – Wilson & Byrne/Kozak

Jim Troupes, surveyor, appeared before the Board. He described the plan which would create two small non-buildable lots to be swapped between abutting property owners. It was noted that the frontage of the lots would not be affected. The Board voted unanimously to endorse the plan as not requiring approval under the Subdivision Control Law.

6. Approval Not Required/81-P Plan – Beach St. & Duffield Rd. – David White/Lewis J. Busconi

Mr. Troupes described the plan which would combine several small parcels into 2 lots. He stated this plan is not a subdivision under the Subdivision Control Law. Mr. Ballantyne asked Mr. Troupes who his client is, and Mr. Troupes indicated that his clients are David White (applicant) and Lake Front Realty Trust (Lewis Busconi) (property owner). He stated Mr. Busconi acquired the land back in the 1970’s. Mr. Coolidge asked where Duffield Rd. and Beach St. end, and Mr. Troupes stated that Duffield Rd., which was discontinued, continues to Old Town Road. Ms. Lazarus stated portions of Old Town Road were discontinued. Mr. Troupes stated his client has spoken to the Dept. of Public Works, and they are OK with this plan. Mr. Abate stated that Beach St. does not exist at these lots and does not qualify for providing frontage. Mr. Coolidge stated that further research is needed. Ms. Altamura stated that these are lots in the woods. Ms. Lazarus stated that the applicant needs variances from the Board of Appeals to build on the lots. She stated that an application for subdivision approval is needed to build on lots with no frontage and to construct a road, and that it cannot be done with an ANR plan. Mr. Coolidge stated that there is no frontage. Ms. Pratt questioned whether the applicant has spoken with the DPW Advisory Committee about sewer connections. Mr. Troupes noted there are 4 stubs available to the lots and they have an Order of Conditions from the Conservation Commission. Mr. Coolidge noted that the road is on paper only and does not exist. Ms. Larazus noted that the new undersized lots would not have grandfathering protection because they would be newly created. Mr. Markey moved to deny endorsement as the proposed lots have no frontage, Beach St. is not up to standard, and it constitutes a subdivision. Ms. Altamura seconded the motion adding that Beach St. does not exist on the ground. The Board voted unanimously in favor of the motion.

Mr. Markey removed himself from the Board at this time.

7. Public Hearing - Hopkinton Square - South St. & West Main St. (CJPM Development, LLC) – Site Plan Review

Chuck Josephs and Peter Markarian, CJPM Development, LLC, applicants; Scott Richardson, Gorman Richardson Architects, architect; Dan McIntyre, McIntyre Engineering & Septic Services, Inc., engineer; and John Copley, Copley Wolff Design Group, landscape architect, appeared before the Board. Mr. Josephs noted they are here to start the review process for the Hopkinton Square mixed-use commercial development planned for the corner of South St. and West Main St. and provide an overview of the project. He noted the project proposes 100,000

sq. ft. of retail and office space. He stated the project is tenant-driven and they might come back with changes due to the type of tenants they will have.

Mr. Richardson noted the development will have 55,000 sq. ft. of retail and 45,000 sq. ft. of office space. He described the plan, indicating that there might be changes once the tenants have been identified. He noted the plan design has accommodations for two drive-through windows. He stated that Building A is an 8,000 sq. ft. restaurant including a second floor with an outdoor dining area.

Mr. Ballantyne asked about the Building C loading area and why there are so many parking spaces there. He suggested moving the spaces toward 42 South St. Mr. Richardson stated they thought of employee parking behind the building and wanted to design the parking areas so that it does not look like a WalMart. Mr. Markarian stated that the corner of the building will have storefronts that wrap around. He noted the small doors shown on the plan are employee and service entrances. Ms. Altamura noted that there should be a building entrance in the back so that shoppers can get in quickly. Mr. Richardson noted that the focus is on the main facade toward a courtyard but it depends on the lease. Mr. Markarian noted that there could be a walkway right through the middle of the building. Ms. Wright thanked the proponents for not making it look like a WalMart. Mr. Markarian stated that Building C is actually only ¼ the size of a WalMart store.

Mr. Markarian referred to the cross-parking arrangement with the adjacent property with the medical building and that there is a driveway connection there. He noted they have talked to the Fire Dept. and that the emergency access near Building D would satisfy the fire protection needs.

Mr. Coolidge asked about moving the entrance more towards to the west. Mr. Markarian stated they not want to affect the abutting professional medical building.

Mr. Dourney asked where the 66 cross-over parking spaces are located. Mr. Josephs noted they are located in the rear of the adjacent property. Mr. Markarian noted the plateau behind the medical building is a possible location for additional parking. Ms. Altamura noted she has trouble looking at this shared parking arrangement and referred to a recent site plan of an office building with proposed parking on an adjacent property which was controversial. Mr. Markarian noted that they are discussing this matter with the owners of the adjacent property. He stated that the restaurant use is the tipping point but that there is precedent here. He referred to the Town Hall parking lot shared by several entities. Ms. Altamura noted that there is a cross-parking ownership issue. Mr. Coolidge stated that Mr. Markarian was on the Planning Board at the time of the 169 West Main St. proposal and that the same thing applies here. Ms. Wright noted that the proponents for the other site plan were vague about the use of the building and that there was a lot of uncertainty there. She added that parking requirements can hurt business potential and that she would like to explore a shared parking arrangement and the uses here are not necessarily in conflict. Mr. Markarian noted that the parking lot at his building at 77 Main St. is never full but that you have to be ready for the peak numbers. Ms. Altamura noted that she feels parking has to be kept on site and you have to be careful with parking arrangements as uses and timing can change over the years. Mr. Coolidge noted that they kept a portion of the parking lot at 169 West Main St. unpaved in case conditions changed.

Mr. Markarian noted that they do not have their traffic consultant here tonight and that they will follow up at the continued hearing. He added that they just received the FST review letter on Friday morning. Mr. Coolidge referred to the Maspenock Woods Garden Apartment development and stated that there was a problem with the timing of the traffic light at the intersection of South St. and West Main St. Mr. Markarian agreed that the timing of the traffic light should be examined.

Mr. Richardson reviewed the lighting plan. He stated that FST has indicated it is fine. He noted the area will be illuminated by “EA” and “EB” low cutoff fixtures on 25 ft. poles for general site lighting and “EC” plaza fixtures on 16 ft. poles for the courtyard. Ms. Altamura asked if the lights will be dimmed when the businesses are closed. Mr. Markarian noted the cutoff time will be between 10 and 10:30 P.M. Mr. Coolidge noted the lights could be left on for the restaurant only if it is open later. Mr. Richardson noted that there will be “ED” low cutoff fixtures mounted on the walls above the doors. Ms. Wright stated that 25 ft. poles are high but otherwise more poles would be required to appropriately light the area. Mr. Richardson described the topography of the site. Mr. McIntyre noted that there is a 4-1/2 to 5 ft. difference in elevation from the front to the rear of the property. Ms. Wright noted she is concerned that tilted fixtures would make the light bulbs more noticeable. Mr. Richardson noted he will review the issue with J & M Lighting. Mr. Dourney noted he feels there should be more lighting for safety purposes due to the area’s accessibility from Rt. 495.

John Copley addressed the Board. He described the proposed landscaping design for the site. He noted they want to break up the parking areas and propose to plant a combination of elms, honeylocusts and sycamore trees in distinct areas instead of putting maple trees everywhere. He described the landscaping design for the entrance which should help identify the site. He noted they intend to have a bioretention area at the corner of West Main St. and South St. which will require water-tolerant species. Ms. Altamura asked if they could use New England white sycamore trees. Ms. Wright noted that the tree warden has complained that certain types of trees are undesirable due to root systems wrecking the pavement. Ms. Altamura noted she is pleased to see that the design will include some long grasses.

Mr. McIntyre reviewed the stormwater management system for the site. He noted that currently everything goes directly into Lake Maspenock and that the plan will actually improve the conditions. He stated the stormwater currently is going in four different directions and that the runoff from Ryder Truck is draining into the wetlands with pollutants from the vehicles. He noted there is no groundwater in the middle of the site and that currently there is no treatment of stormwater runoff and that they propose to improve that. He noted the parking lot is designed to treat the stormwater incorporating the use of BMP’s. He referred to the bioretention area which will collect water that will drain into the soil where the plants absorb and treat the water before it goes into the wetland. He noted that increasing infiltration will return the groundwater level to its natural state.

Mr. McIntyre addressed wastewater issues. He noted that currently two buildings are connected to Town sewer and that there will be an increase of 3,300 gallons per day as a result of this project compared to what is there now. Ms. Wright referred to a letter received from the Town

of Westborough which indicates that Hopkinton is maxed out at the treatment plant and questioned if the applicants have received feedback from Eric Carty. Mr. McIntyre noted that the Westborough letter refers to springtime conditions and that during regular conditions use is under 400,000 gallons and that the DPW is looking at ways to reduce infiltration into the system. Ms. Wright noted that she is concerned about capacity.

Mr. McIntyre addressed traffic issues. He noted that the project will reduce the three existing driveway openings to one and takes the abutter's driveway across the street into consideration. He noted that there will also be a driveway opening on South St. He stated that the proposed internal site circulation with a loop road will allow queuing at peak hours. He stated they have met with the Fire Dept. and it is satisfied with the emergency access between the Maspenock Professional Building and Building D. He stated there is a shared parking arrangement so that cars can travel safely between the two developments. Mr. Abate noted he is more concerned about the traffic outside the development. Mr. McIntyre stated the design is modeled for conditions 5 years into the future and that they are looking at worst case conditions. In response to a question from Mr. Dourney, he confirmed that the traffic engineer will be at the next meeting to answer questions. Mr. McIntyre noted FST has some concerns and suggested meeting with the consultant prior to the continued hearing. Mr. McIntyre noted they plan to switch the westbound traffic configuration so that the right lane will merge while creating a turning lane into the new development. Mr. Abate noted that this will cause a problem, and Mr. McIntyre stated he is aware of it. He discussed the South St. design with 3 lanes to allow cars to queue up going in and out of the site. Mr. Ballantyne recommended waiting for the traffic engineer for further questions but that Maspenock Woods should be included in the review. Mr. McIntyre stated that the traffic engineer will include the information regarding Maspenock Woods. Ms. Altamura stated that maybe there is a way to reduce the traffic problem and she wants to see what the traffic engineer has to say. Mr. Ballantyne stated he likes the plan.

Mr. McIntyre noted that they will install a catch basin with hoods to separate solids, sediments, oil and grease and from there water flows through an underground detention basin to be discharged through a culvert into the lake. Mr. Dourney asked how much improvement can be expected and Mr. McIntyre stated that they will be treating a minimum of 80% possibly 90%. He noted that stormceptors are better and they can only take credit for 80% but that he does not have the data. Mr. Dourney asked whether there will be any "green" development components. Mr. Markarian noted that the bioretention area would qualify but that he is not sure if they can do anything else except for energy related issues and rebates from NStar. Mr. McIntyre noted that they can re-use stormwater for watering the plants.

Ms. Wright referred to Conservation Commission comments and asked about the use of permeable pavement. Mr. Markarian noted that there are problems with that during winter conditions.

Mr. Dourney noted that Building C has a flat roof. Mr. Markarian noted the upper space will be used to hide HVAC equipment. Mr. Dourney asked about solar panels and that companies like EMC have success using these. He added the plan looks great.

Dennis Katz, 22 Kruger Rd., asked about the impact on the sewer capacity in Westborough. Mr. Abate noted that there will be an increase of 3,300 gallons per day over existing conditions. Mr. Markarian noted the figure is based on DEP guidelines and that is how it is permitted.

Joseph Karner, 176 West Main St., presented pictures showing the current view from his driveway. He stated he has two major concerns with the proposed development, (1) traffic, and (2) view. He stated he realizes that things will change but wants to preserve his privacy especially in view of the existing elevations. He stated the proposed deceleration lane on West Main St. would affect his driveway. Mr. Dourney stated that the traffic engineer can work with the abutters. Mr. McIntyre noted that they have enough land there to accommodate the abutters but that they want the traffic engineer to look at it. Mr. Josephs stated he has talked to Mr. Karner about his concerns.

Ms. Altamura asked about adding landscaping on the abutter's property to solve the problem. Mr. Karner noted that it has been discussed and that Mass Highway destroyed his front yard when they were there a couple of years ago.

Torben Pederson, 158 West Main St., noted he has three concerns regarding the proposed development: (1) Traffic – He stated the proposed changes will cause backups and make the conditions there more dangerous; (2) Privacy Screening – He noted that 40 ft. trees would be needed to accommodate altitude differences and restaurant customers would be looking right into his bedroom. He suggested moving the restaurant building to a difference location on the site; (3) Lighting – He stated the lights will not be turned off completely during the night which will be objectionable.

Lisa Ferdenzi, EMC Corporation Real Estate Department, commented on the proposed development. She noted the main concern involves the barrier that separates the proposed commercial development from the EMC facility at 42 South St. She noted there is a 4 ft. fence and that this is a worldwide briefing company and the building also houses a daycare center. She suggested a higher fence for visual separation and acoustics and a berm with evergreens for screening. She noted they have concerns with traffic exiting onto South St. and expect backups due to people trying to take a left-hand turn. She recommended only allowing a right-hand turn in that location for safety reasons. She noted that she realizes the traffic study will be the focus of review when the hearing is continued. She stated they do not want people cutting through and are concerned that drivers will take a shortcut through the commercial development in order to avoid the South St./W. Main St. intersection.

Ms. Pratt noted that the restaurant building will need an elevator if there is a second floor. She stated there are still questions regarding water quality and referred to Mr. Dourney's comments regarding "green" development. She referred to the use of solar panels which would save on electricity costs. She also spoke about the impact of night lighting on the environment. She suggested that it would be better to use evergreens for year-round screening of light and noise. She stated the residents on Downey St. will also be affected.

Mr. Falcione noted it would be better to eliminate the West Main St. entrance.

Alex Brown, 22 Wood St., asked about pedestrian and bicycle access to the development. Mr. Markarian noted they have looked into this but cannot find anything to connect to. Mr. McIntyre noted that they plan to connect to the sidewalk on South St. to the south.

Mr. Weismantel asked about development phasing or whether it will be built all at once. Mr. Markarian noted he prefers to build it all at once and that they would like to start with the office building in the fall of this year followed by the retail portions late spring 2008 and phase it that way. He noted the development is tenant driven.

The Board voted unanimously to continue the public hearing to Monday, July 9, 2007 at 9:00 P.M.

Mr. Markey returned to the Board at this time.

8. Other Business

The Board reviewed the Minutes of May 23, 2007. The Board voted unanimously to approve the Minutes of May 23, 2007, as amended. The Board voted 7 in favor and 2 abstentions (Weismantel and DeVeuve) to approve the Minutes of May 14, 2007.

The Board voted unanimously to approve payment of outstanding bills.

9. Zoning Advisory Committee Appointments

Ms. Lazarus noted that the Conservation Commission will pick a representative at its meeting tonight, and that the Board of Health will do the same at its meeting on July 5.

Ms. Pratt noted that ZAC membership includes a maximum of 2 representatives of the Chamber of Commerce but that several other members have Chamber connections and she feels it is a conflict of interest. Mr. Dourney disagreed. Mr. Ballantyne noted that it is a subcommittee of the Planning Board and is only advisory. Mr. Dourney stated he resigned from the Chamber Board of Directors but that his company is a member. Mr. Markey stated that the question seems to come up regularly and that there is no harm in checking with the Ethics Committee so that the issue can be put to rest thereby raising the credibility of the Board. Mr. Abate noted that they are allowed to appoint two members from the Chamber and that there is no reason to target them. Ms. DeVeuve noted that ZAC made decisions last year that affected business and land holdings of people on the committee. Ms. Wright noted it is not good to make changes in a vacuum. Mr. Coolidge stated there should be a balance.

David Goldman, 20 Fruit St., noted that people from the Chamber of Commerce attend meetings and give opinions so that they should not worry they are not represented. He added that one of the at-large positions was occupied by a member of the Chamber also.

Mr. Coolidge stated that a large group came forward to work on the most recent Master Plan update and it resulted in an excellent product. Mr. Dourney noted they did not always have a quorum. Ms. Altamura stated they have to make sure there is no conflict of interest. Ms. DeVeuve noted that is an appearance of impropriety and that is wrong. Mr. Dourney stated it

goes both ways. Ms. DeVeuve noted that Mr. Roux was a member of the Zoning Advisory Committee and owned property affected by its recommendations.

Mr. Markey stated there is public concern and it should be cleared up. He noted that they can leave it up to the individual members but they should have at least some written guidelines.

Mr. Weismantel noted the vacancies should be advertised. Ms. Lazarus noted the at-large position has been advertised for a couple of weeks.

Mr. Dourney noted that there should be no personal gain. Mr. Goldman stated that not one member abstained from the discussions last year. Ms. DeVeuve noted that she has no problem with the specific proposals made last year but there was a perception of self-interest.

Mr. Abate noted that he would like to continue the discussion and postpone making the appointments to the next meeting. It was noted that there are three candidates for the vacant at-large position: Alex Brown; Mavis O’Leary; and Dennis Katz.

Mr. Coolidge noted the Land Use Study Committee has been disbanded.

Ms. Pratt asked how the Zoning Advisory Committee will be addressing the Weston Nurseries development, and Mr. Coolidge noted that the Town is going to see zoning proposals from Boulder Capital and Sasaki Associates.

Mr. Weismantel noted that there should be a liaison position between the Planning Board and the new DPW board. He noted that it would be very interesting and offered his services. The Board agreed that Mr. Weismantel will be the liaison to the new DPW board.

Mr. Markey referred to a request from Fin Perry that the Planning Board write a Development Agreement with a desirable outcome and asked the Board if it wanted to discuss whether this would be a good idea. Mr. Abate stated he does not want to discuss this now. Ms. Lazarus stated she will get examples of Development Agreements from other towns, but it may be something more in the jurisdiction of the Board of Selectmen.

Adjourned: 10:35 P.M.

Cobi Wallace
Administrative Assistant

Approved: July 9, 2007