

HOPKINTON PLANNING BOARD

Monday, August 6, 2007 7:30 PM
Hopkinton Town Hall

MINUTES

PRESENT: Mark Abate, Chairman, Joe Markey, 2nd Vice Chairman, Sandy Altamura, Carol DeVeuve, Ken Weismantel

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

.....Anna Rogers, Secretary

1. Timber Glen Subdivision

A representative of Mirajuddin Ahmed, developer of Timber Glen, appeared before the Board. She stated Mr. Ahmed is unable to attend the meeting due to a death in the family. Mr. Abate stated the Board is willing to reschedule the meeting to September 10, 2007 at 8:30 PM and if Mr. Ahmed doesn't come to the meeting, the Board will pull his bond. The Board sent their condolences to Mr. Ahmed.

2. Hopkinton Highlands II – Toll Brothers, Inc.

Mark Kablack, attorney, and Bryan Weiner, Toll Brothers, Inc., appeared before the Board. Mr. Kablack stated tonight's meeting is to discuss an update of the status of the subdivision. He stated they have a completion date of September 30th and are working towards their goal. He stated there is good and bad news in regards to the subdivision. He stated the roadway and drainage items have been addressed and they are working on revised as-built plans. He stated most of the lot-specific issues have been addressed as well. He stated the bad news is that approximately two weeks ago they started having some problems with their community water system. He stated Toll Brothers sent out a letter to the homeowners informing them of the situation. He stated the problem happened when there was a rapid drawdown in the well reserve tank and the well wasn't pumping enough to keep up with the demand. He stated the development on average is using 20,000 gallons per day (gpd) and the well is only pumping 17,000 gpd.

Himanshu Shah, 16 Overlook Rd., stated he saw a tanker truck delivering water to the development and called Small Water Systems. He stated they told him that the well wasn't producing enough to keep up with the demand. Mr. Weiner stated that on the weekends the homeowners are using more water and that is when the problems are occurring the most.

Mr. Kablack stated there has been a delay in getting the peer review report of the water system to the Board because of the well problems and the company doing the review asked for more time to be able to accurately address this latest issue. He stated there has been a delay in the modified Operation and Maintenance plan for the well as they are trying to figure out what the problem is. He stated the updated budget is also on hold until the well problems are fixed. He stated they have started the process of converting from a flat rate fee for water to individual meter readings. He stated they received an Enforcement Order from the Department of Environmental Protection (DEP) to analyze the wells, check for problems and investigate procedures to fix the problems.

He stated they are committed to the Board of Health (BOH) and to DEP to fix the problems. Ms. DeVeuve asked what the design yield is of the wells. Mr. Weiner stated their permit allows for 40,000 gpd.

Ms. DeVeuve asked if the items on the punch list have all been completed. Mr. Weiner stated they have a problem with some of the pavement in the Summit Way cul-de-sac and they have been working to correct the problem.

Pam Aggerbeck, 20 Overlook Rd., asked if the 20,000 gpd withdrawal is accurate now that people have been restricted on usage. Mr. Weiner stated that was the average before the emergency letter went out to the homeowners and it may be less now.

Brian Gross, 3 Summit Way, stated that according to his estimations, the homes are using less water than calculated by DEP and there is still a problem. He stated it seems as though there is a problem with supply, not that the demand is too large. He stated the homeowners were told to install private irrigation wells to water their lawns and now they aren't even allowed to use those wells. Mr. Kablack stated the restriction on the private irrigation wells is temporary to get over this emergency period and he wanted the homeowners to understand the communal well supply is not for irrigation purposes. Mr. Shah asked if hand watering was allowed. Mr. Kablack stated hand watering is allowed as well as washing cars, but irrigating from the communal well with any type of sprinklers is prohibited. Mr. Shah stated that every time there is a problem with the water, it is blamed on the homeowners and the real problem is the sub-par well design. He stated they have restricted the use of private systems but as soon as they start using them again, the problems will come back. Mr. Kablack stated he is not saying that everything is fine and understands the system is not working. He stated it is not due to overuse and they have asked for all irrigation to cease to help keep the water usage to a minimum. Mr. Shah stated the communal system will test inaccurately if the homeowners are not using their private wells. Mr. Kablack stated an engineer as well as the BOH and DEP have been reviewing the system.

Mr. Abate asked if the residents have run out of water in the last month. The residents stated there has been no loss of water in the last month, only low water pressure occasionally.

Sandeep Asijia, 22 Overlook Rd., stated the specifications and capacity of the well is for potable water, including cooking and drinking water. He asked if the system has storage capacity. Mr. Weiner stated the storage tank holds 40,000 gallons. He stated once the reserve tank gets below half full, an alarm is sent to Small Water Systems. He stated the tank has two days of water in reserve when it is working properly. Mr. Asijia asked how deep the wells are. Mr. Weiner stated the three wells are between 900 and 1,100 feet deep. Mr. Asijia asked when they would be allowed to use their private wells again. Mr. Kablack stated when they understand the problem they will let the homeowners know. He stated he is not sure what they will have to do and it could involve drilling more wells, or deeper wells.

Bill Flannery, 29 Overlook Rd., stated he wasn't informed of the meeting. Mr. Kablack stated a letter was sent to all homeowners and if he didn't receive one, he should contact Toll Brothers and make sure his name is on the list of residents. Mr. Flannery stated it is not fair or legal to tell the homeowners they can't use their private wells. He stated the homeowners should be allowed to use their irrigation wells and Toll Brothers should continue to bring in water while they are testing so the tests come out accurately. Mr. Kablack stated that Toll Brothers only suggested to

stop using their private wells to help out. Mr. Abate stated it was DEP who ordered the homeowners to refrain from using them. Mr. Kablack stated Toll Brothers realized there was a problem and they were asking consideration to conserve as much water as possible, it was DEP who was more stern about it. Mr. Flannery asked if Toll Brothers was willing to pay replacement landscaping costs when everything dies due to lack of watering. Mr. Kablack stated he will relay the comments to the Vice President of Toll Brothers.

Jason Anjoorian, 7 Overlook Rd., stated he was looking for clarification as to whether homeowners will be charged back usage for water once the meters have been set up. He stated the water that is being trucked in is more expensive. Mr. Kablack stated Thayer Associates, a professional homeowners association (HOA) management company, is working on the conversion and the homeowners have been billed the regular flat rate through September and will receive a bill in January for actual usage from October through December, based on individual meters. He stated a rate has not been set yet and they will be having a meeting in the Fall to get the budget set up. Mr. Anjoorian asked about the ongoing costs for maintenance of the system and if it is more expensive, he wouldn't consider it a better system. Mr. Kablack stated he expects it will be higher than four or five years ago when they originally looked at it because of the ongoing problems. He stated once they have a permanent solution, they will set the rates.

Mr. Abate asked if there is a specific timeline for the water system to be dealt with. Mr. Kablack stated DEP has set August 28, 2007 as the date Toll Brothers will be making a proposal to them for a permanent fix.

John Edwards, 11 Overlook Rd., stated that according to Tony Casapulla from Toll Brothers, part of the peer review process was to allow for 12 months of uninterrupted water service before turning it over to the HOA. He stated he wants the timeline to start over since they have had problems. He stated he wants to make sure everything is working before it is turned over. Mr. Kablack stated they are not imposing these problems on the homeowners and this is not the full transition of control and responsibility. He stated it is only the beginning and the management company is working as Toll Brothers agent. Mr. Edwards asked when the switch will be. Mr. Kablack stated it is when the last lot is sold. He stated the water system is under DEP permit and they are monitoring it. He stated Toll Brothers can't assign the permit to the HOA without a state review of the system. Mr. Gross stated that the system was designed and permitted for household use only, not irrigation and DEP must assume that the private wells are influencing the communal well if they are being told to stop using them. Mr. Shah stated the problems have always been there and he is concerned about the new multi-family development abutting this development.

Mary Pratt, 102 Fruit St., stated the water service hasn't been interrupted because they are trucking water in. She stated the bedrock wells are drawing together. She stated she hopes that Toll Brothers installed water saving shower heads and low flow toilets to help keep the usage down. She stated the wells should also be tested regularly for contaminants.

Mr. Weismantel stated the water supply issue is critical and he is glad that DEP is involved. He asked who was paying for the water that is being trucked in. Mr. Kablack stated Toll Brothers is paying for it and there will be no charge back on any fees.

Kathy Hudson, 8 Summit Way, stated she abuts a drainage problem and was promised that before the subdivision was completed there would be grass growing over the area that is now gravel covered. She stated there is a huge drain in her yard and it is very unattractive. Mr. Kablack stated they have considered revising the height of the structure and will look into the area being loamed and seeded.

Ms. DeVeuve asked how many times they have trucked in water. Mr. Kablack stated they have a deficiency of 3,000 gpd and have trucked in water twice. Ms. DeVeuve asked when the peer report was completed. Mr. Kablack stated the report was completed but the company asked to have it back until DEP is done with their review. He stated there is no mechanical failure and the design elements are in compliance, the problem is it is not functioning in line with the design.

Mr. Lassota, 5 Summit Way, asked if the wells were tested individually or cumulatively. He stated all three wells are drawing together and so the total will be less than if they were drawing individually. He stated a different design should be looked at and asked if it was possible to get the results of the original peer review. Mr. Kablack stated it was not possible to get the results because it is being revised again.

Kin Cheung, 4 Summit Way, asked how much money was in the HOA fund. Mr. Kablack stated there is approximately \$155,000 in the fund.

Mr. Anjoorian asked if the Board has considered increasing the bond on the subdivision. Mr. Abate stated that water issues are outside the purview of the Planning Board but they will take into consideration the issues when the Board is asked to reduce the bond.

Mrs. Pratt stated the drainage system and the as-built plans need to be done properly before the Town takes over the roadways. Mr. Kablack stated they are working on a couple of lot specific issues and everything is going well. Mr. Abate stated he has found Toll Brothers responses to questions unsatisfactory and they need to be more aggressive in their solution of the problem. Mr. Kablack stated no one has stated there are deficiencies in the wells and Toll Brothers is sticking by the problem and working to fix it. He stated this particular issue is not a result of improper design or construction. He stated he would like to come back in September for an extension of time to complete the subdivision and submit the peer review and the Operation and Maintenance plan. Mr. Abate stated this is not the end of the problems and the homeowners might want to consider hiring their own peer review.

Mr. Weismantel stated in general, the Board should be encouraging people to hook up to town water. Ms. DeVeuve stated DEP withdrawal permits are based on the total population of the town. Mr. Weismantel stated if someone demonstrates the need then they will be allowed to have town water. He stated the new well at Fruit St. will be coming online soon and town water is in much better shape than it was 20 years ago. He stated the Town tried to limit development by not allowing hookups to town water but it didn't work. Ms. DeVeuve stated there is not enough water in Hopkinton and there could be long term problems in the future.

3. 81-P Plan – 279 Wood St. – Wood St. Realty Trust

Joe McQuade, attorney, appeared before the Board. He stated the lot dates back to the 1960's or 70's. He stated they would like to cut off five feet from the rear of the lot to square it off. He stated the lot with the house will conform to the zoning. He stated the rear lot will not be a

building lot. He stated the new lot line is the boundary line between the Agricultural and Residence A zones. Ms. DeVeuve asked what the advantage of cutting off the back piece would be. Mr. McQuade stated that since 5 feet is in the Agricultural zone, the whole parcel is considered in that zone and it is more restrictive. He stated everything else on Wood St. is in the Residence A zone.

The Board voted unanimously to endorse the plan as not requiring approval under the Subdivision Control Law.

4. Open Space and Recreation Plan Update

Ms. Lazarus stated this is a working draft and she is looking for comments and changes. Mr. Markey stated the draft was prepared before the Weston Nurseries sale and that information should be updated. He stated Clinton St. is being looked at for possible location of fields. Mr. Weismantel stated items that need action should have responsible parties assigned to them. Ms. Lazarus agreed. Mr. Weismantel stated he believes it is important to define what “critical” parcels are with respect to preservation in the plan, using the shore of Lake Maspenock that EMC owns, as an example.

Mr. Abate stated he thought it would be helpful to have Mr. Coolidge at the meeting to discuss the plan and asked if it should be deferred. Ms. Lazarus stated this is just the first review in an ongoing process and there will be many opportunities for discussion and changes. She stated it should be sent out to other committees for review soon. Mr. Markey stated there will be time for further comment but this is just to update the last few months worth of comments before sending it out. Mr. Abate asked if it needs to be adopted at Town Meeting. Ms. Lazarus stated no, but the Division of Conservation Services needs to approve it.

Ms. DeVeuve asked about a couple of abbreviations she wasn't clear on and asked Ms. Lazarus to footnote some explanations. She stated she agreed with some of Mr. Weismantel's written comments on the plan and stated the Erickson reference should be removed now that they are no longer purchasing the Terry property.

Ms. Lazarus, in response to Mr. Weismantel's written comment, stated that the DEP is monitoring the center of Town because of the fuel spills from years past. Mr. Weismantel stated the Town spent a lot of money installing the sewer lines in the center of town with wrought iron pipes because of the concern of the fuel underground.

5. Cumberland Farms, 91 – 95 W. Main St.

Mr. Abate stated the work at the Cumberland Farms property is complete and they are asking for their site plan bond to be released.

The Board voted unanimously to authorize release of the bond.

6. Street Trees

Ms. Lazarus stated the Tree Warden has provided a list of recommended street trees to use. Ms. Altamura asked about the White American Sycamore tree and asked if it could be included. Mr. Markey stated the Board had a list of trees developers were not allowed to plant and it is good to have a list of trees that are recommended. Mrs. Pratt stated there were problems on Wyman Lane with street trees and Ms. Lazarus stated that particular type of tree is on the bad list.

The Board voted unanimously to amend the Street Tree Policy to include the list of recommended trees once Ms. Lazarus has checked with the Tree Warden regarding Ms. Altamura's suggestion.

Mr. Weismantel stated he is concerned about the Norway Maple Trees on the Common and the recent talk about removing them. He asked if the part of Ash St. along the common is a scenic road. Ms. Lazarus stated it is, and it only protects trees in the road right of way. She stated she would look to see whether it covers trees on Town owned property. Mr. Markey stated the problem with the trees on the Common is that young trees were planted close to older trees because it was thought that the older ones needed to be removed and the older ones are still doing ok but are blocking the sun and the young trees are dying. He stated the Parks and Recreation Commission is looking into a tree plan for the Common. Mr. Weismantel stated he just doesn't want the common clear cut.

7. Administrative Business

The Board voted unanimously to pay outstanding bills.

The Board voted unanimously to approve the Minutes of July 23, 2007 as amended.

The Board set the following meeting dates: October 1, October 15, November 5, November 19, December 3 and December 17, 2007.

Adjourned: 9:15 PM

Anna Rogers, Secretary

Approved: August 20, 2007