

HOPKINTON PLANNING BOARD

Monday, October 15, 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, Evan Ballantyne, John H. Coolidge, Claire Wright, Carol DeVeuve, Ken Weismantel

..... Elaine Lazarus, Planning Director
.....Cobi Wallace, Administrative Assistant

1. Timber Glen

Mirajuddin Ahmed, developer, appeared before the Board. Mr. Ahmed stated the Board has asked him to provide an update regarding the completion of the Timber Glen subdivision. He stated that he spoke to his engineer today and should be able to submit the required as-built plans within the next two weeks. Mr. Abate reminded Mr. Ahmed that the Board was looking to pull the bond if needed. Mr. Ahmed stated that the engineer has to do a couple of field checks and will have the plans ready before the next Planning Board meeting. Ms. Lazarus stated that a deposit is required to cover the cost of engineering review and inspections. The Board scheduled the item for a continued discussion on November 19, 2007 at 7:30 P.M.

2. Connelly Hill Estates

Chris Nation, 20th Century Homes, developer, appeared before the Board. He stated he is here to request the release of Lot 32 from the Connelly Hill Estates Conditional Approval Agreement. Mr. Nation stated that the roadway in front of this lot is covered under an existing performance bond. Ms. Lazarus noted she drove through the subdivision today and everything is fine. The Board voted unanimously to release Lot 32 from the Conditional Approval Agreement for the Connelly Hill Estates subdivision and signed the lot release form.

3. Other Business

- Minutes – The Board voted unanimously to approve the Minutes of the September 24, 2007, and October 1, 2007, Planning Board meetings.
- Bills – The Board voted unanimously to approve an outstanding bill for consultant engineering services.
- Liaison Reports – Mr. Weismantel stated that the Zoning Advisory Committee (ZAC) met last week and talked about driveways, off-street parking, stormwater, possible rezoning of the Lumber St. (Terry) land, and voted on concurrent plan review. He stated that ZAC might soon get something from Boulder Capital regarding the proposed Legacy Farms zoning overlay district. Mr. Dourney asked if the subject is scheduled for the next ZAC meeting, and Ms. Lazarus stated that Boulder Capital hopes to submit the information by October 18 so it can be included in the mailing for the October 23 meeting. Mr. Weismantel noted he is

setting aside about 45 minutes for this item. Mr. Abate stated that maybe the material can be distributed electronically. Mr. Coolidge asked for clarification regarding the driveway item, and Mr. Weismantel stated that the Fire Department recommends that emergency vehicles can access the driveway to the house. Mr. Weismantel stated he hopes to finish the smaller agenda items quickly and turn them over to the Planning Board for a public hearing. The Board discussed timing, and Ms. Lazarus stated a public hearing on a proposed zoning change can be held any time as long as it is within 6 months of the town meeting. Mr. Abate stated that the trouble with the Legacy Farms submission is that it only focuses on the Weston Nurseries parcels, not necessarily East Hopkinton as a whole. Mr. Weismantel stated that the Sasaki report fits within the planning exercise done for the Weston Nurseries section of East Hopkinton. Mr. Abate stated that the Board has the responsibility to look at it more broadly.

- Community Harvest - Ms. DeVeve referred to the invitation from the owners of the Abbott (Elmwood Farm) property to visit the Community Harvest model farm in Grafton. Mr. Markey stated that Board members are invited to visit the farm and community barn on October 16 between 5 and 7 P.M. He noted the Abbott Trust is exploring options for the Elmwood Farm land and one possibility is to do something similar to the Grafton facility. Mary Pratt, 102 Fruit St., Member of the Board of Selectmen, speaking as an individual, referred to a previous co-housing proposal for the Abbott property. Ms. Lazarus noted the owners do not intend to build co-housing. She noted that she had visited the site and the Community Harvest grows vegetables for food banks. She stated that the Elmwood Farm project in Hopkinton might need a residential component to finance the project. Mr. Markey stated this property was studied as part of the Sasaki report. Mr. Coolidge stated that Ken Crater is the owner of the Community Harvest facility and is trying to do a similar project in Hopkinton, but develop the portion of the land which was proposed for development a number of years ago. Lyn Branscomb, 8 Kerry Ln., stated she believes the land has to be cleaned up. Mr. Weismantel stated that it has been cleaned up. Nancy Peters, 258 Wood St., Chairman of the Board of Health, speaking as an individual, noted it is important to look at East Hopkinton on a broader scale. Ms. DeVeve noted that whatever the Elmwood Farm trustees want to do will be clustered and that is what the Sasaki report recommends. Mr. Coolidge noted that the Abbott farm produced truckloads of food and was very profitable years ago.

4. Continued Public Hearing – Drowne Family Subdivision/Leon Lane – Definitive Subdivision Plan – Saddle Hill Rd.

Tim Paris, Connorstone Engineering, engineer, appeared before the Board on behalf of the Drowne Family Trust, applicants. Mr. Abate asked if there was anything new since the last meeting. Mr. Paris stated that the only revision is a note added to the site distance plan indicating that any trees removed due to construction will be replaced with trees of similar species within the right of way of the new roadway. He stated that the rest of the plan did not change. He stated that at the request of the Board an environmental analysis has been submitted. Mr. Abate stated that the applicants were supposed to go back and look into possibly donating the other parcel of land they own in order to create a justification for the Board to approve a long dead end street. Mr. Paris stated he thought this had been resolved and the family is willing to donate the extra piece to the south of the subdivision to whoever is willing to accept it.

Nancy Mercer, Drowne Family Trust, 62 Saddle Hill Rd., stated she has written a letter to the Conservation Commission (ConCom). Mr. Paris stated that the family is committed to donating the land and the parcel is larger than the subdivision site itself. Mr. Coolidge asked if the applicants have talked to the Massachusetts Department of Conservation and Recreation (DCR) and Mr. Paris responded he has not and thinks the family has not either. Mr. Coolidge stated he is the chairman of the Open Space Preservation Commission (OSPC) and has not heard from the applicants. He stated he does not want to get in between different agencies or boards (OSPC, DCR or ConCom) and the OSPC's priority is to increase the amount of open space in the Town. Ms. Pratt stated that DCR is actually trying to get rid of land.

Mr. Abate asked if the Board members have any thoughts regarding the road length. Mr. Markey stated he thought that the Board would consider the willingness of the applicants to donate the land to DCR or another entity as an exceptional circumstance. Mr. Weismantel stated that the letter written to ConCom is evidence that the family is moving forward. Mr. Ballantyne referred to the information submitted regarding the use of sprinkler systems for fire protection. Mr. Paris stated there was concern as to whether the individual wells would have enough capacity and explained that the idea of a sprinkler system is to contain or extinguish a fire when it first starts and not when the structure is totally engulfed. Ms. Wright stated that she is not really comfortable with residential sprinkler systems but the Fire Department thinks it is adequate. Mr. Abate asked about emergency vehicle access to the houses, and Mr. Paris referred to conceptual home locations on the plan. He noted that these are relatively short driveways and that some fires can be fought from the street if needed. Mr. Weismantel asked if this concerns Fay, Spofford & Thorndike (FST)'s comment on SU-30 vehicles and Mr. Abate stated it is about that as well as the driveway issue currently being discussed by ZAC. Mr. Weismantel stated that FST is worried about the turning radius of the cul-de-sac and Mr. Paris stated that the circle has been enlarged. Ms. Wright asked where the Fire Department will get the water, and Mr. Ballantyne stated it will have to be trucked in. Mr. Weismantel asked what the current plan is for paving the road. Ms. Mercer stated that the road will be paved as soon as it is put in.

Ms. Wright referred to the waiver request regarding the stormwater operation and maintenance fee funded through a homeowners association. She stated there are no guarantees the lots will always stay within the family even though she knows the Board tries to encourage this. She stated somewhere along the line there was a detailed description of what is involved to maintain the stormwater management system under Low Impact Development (LID) principles, and it seemed complex. Ms. Wright stated she is concerned about what will happen to the system if ownership changes or if one of the family members does not do what is needed. Ms. Mercer stated the Trust talked about this and agreed that everyone will pitch in to take care of the system. She stated there will be a homeowners association with yearly contributions to create a maintenance fund. She stated the agreement will be in writing and, if a home is sold, the new owner will have to sign the contract. Mr. Coolidge stated that it does not have to involve a lot of money as long as there is an association tying the individual properties together in case something has to be done. He stated that otherwise the Town could get involved and the Department of Public Works (DPW) has the authority to order repairs and bill the homeowners association. Ms. Wright stated that the agreement will run with the property. Mr. Coolidge stated that the Board has to review the homeowners association documents. Mr. Markey stated he wants to make sure that LID is done following the State guidelines, and it does not mean just

doing nothing. He stated that at the beginning of the year the Board looked at an LID bylaw but was not ready at the time, but maybe can use this development as a model. Mr. Paris stated that not all components of the State guidelines for LID are applicable to residential development. Ms. DeVeuve referred to the use of more environmentally friendly fertilizers as recommended by FST. Ms. Mercer stated that this is consistent with what they would like to do. Mr. Coolidge referred to trails providing access to the adjacent DCR property. He stated there should be some restrictions on the gift because the idea is to keep it as open space and the more put into writing the better so that the recipients of the land know the donor's intentions.

Mr. Abate asked about the current tax revenue from the parcel and if it was prudent for the Town to accept the land. Ms. Mercer stated that right now the parcels are not taxed separately. Larry Drowne, Drowne Family Trust, 15 Catherine Dr., Marlborough, stated that the total tax for the combined properties is a little over \$6,000.00 per year. Mr. Coolidge stated that the taxes for part of the property will go up once the subdivision building lots have been created. He stated that they could ask the Assessor's Office what the taxes are on the parcel to be donated, but it will probably be less than \$500.00 a year. Ms. Lazarus stated there will be 5 new building lots to be taxed and Mr. Coolidge stated that in the end the total tax revenue will not change a lot from the Town's perspective.

Ms. Wright asked about a landscaping plan for the cul-de-sac island, and Mr. Paris stated the plan is to have grass there. Ms. Mercer asked if they could pave it, and Mr. Paris stated he doesn't believe anybody wants that but noted they could also plant drought-tolerant trees as replacements of the trees that have to come down as a result of road construction. It was noted that if the plan shows it unpaved, then it must stay that way. Ms. Wright asked about the grading and whether the island will be visible from Saddle Hill Rd., and Mr. Paris noted that it will be visible from the street. Ms. Altamura suggested planting some shrubs. Ms. Wright stated that she realizes one of the trees is in the middle of the proposed road and will definitely have to be removed but the Board will check on the others first.

Ms. Pratt stated she hopes the homeowners agreement will be reviewed by the Planning Board first to make sure the homeowners and Town are protected in the case of a stormwater problem. She stated she also wants to make sure the groundwater flow does not increase and thinks the pipe/culvert design is problematic.

The Board voted to close the public hearing, 7 in favor and 2 abstentions (Dourney and Ballantyne).

Mr. Abate stated he is concerned about granting the waiver for the road length and the quid pro quo issue of the land donation. He added he is not completely comfortable with the fire protection provisions and stormwater management system, and the Planning Board potentially is setting a precedent. He stated it appears he is alone in this but wants to raise the issues for the record. Mr. Markey stated the Board should be careful as no entity has officially accepted the land donation and there is no written agreement regarding stormwater management. Mr. Coolidge stated that he would like to cover these issues through additional conditions. Mr. Coolidge stated he hates setting precedent and it is important that the Board has something it can hang its hat on. Mr. Weismantel stated he agrees with Mr. Coolidge's comments and the

proposed donation of land constitutes an exceptional circumstance in this case. He noted he is ready to approve the plan. Mr. Abate stated that in the last 10 to 15 years the Board has not approved any conventional subdivisions with long dead-end streets. Ms. Wright noted that under the Open Space and Landscape Preservation Development bylaw, dead-end streets are allowed and in this case the Town will get open space just like such a plan. Mr. Coolidge asked if it would be easier for the Board to decide if the homeowners agreement and land donation agreement came through first. He noted he is a firm believer in family subdivisions. Ms. Altamura stated the Board will never be 100% happy but the family has worked hard on this and she loves the fact that the Town is getting the land. She stated it is backland with a lot of wetlands but it will be important for wildlife habitat. It was noted the land donation will provide access to Hopkinton State Park land.

Mr. Coolidge moved to approve the plan with the conditions as drafted, amending Condition #1.e. to state that the parcel to be donated is adjacent to the Hopkinton State Park (DCR) land and provides the Town with another access point, and adding two new conditions requiring the Planning Board's approval of the homeowners association documents and acceptance of the land donation and restrictions on the open space respectively. Ms. Altamura seconded the motion.

It was noted that the exact acreage of the land to be donated is 13.1 acres. Ms. Mercer stated the letter written to ConCom refers to 11 acres and she explained that the Drowne Family Trust might need to deduct a strip of land to provide a setback for an existing shed on her property. Ms. Lazarus stated that the property line is already there and the shed will not be a problem as long as it is an existing, legally built structure totally off the property to be donated. Mr. Markey stated that the property to be donated can remain at the higher acreage. Mr. Coolidge referred to a possible easement in case the applicant does not want people walking there. Ms. Lazarus asked whether any activities are extending into the parcel to be donated and Ms. Mercer responded no. Mr. Ballantyne asked whether the Board should review the documents before voting on the application. Mr. Markey stated they are trying to approve the plan but there are open issues including the lack of a stormwater management agreement and official acceptance of a land donation. Ms. Lazarus noted that the Board has until January to vote on the application. It was noted that Mr. Coolidge might have to withdraw his motion even though it was already seconded. Ms. Lazarus stated that the Board can accept specific information that it requests after the public hearing has been closed. Ms. Lazarus recommended postponing the vote if it is contingent on documentation yet to be submitted. Mr. Coolidge withdrew the motion.

Ms. Lazarus stated that the hearing is closed and the applicant should get the required documents in as soon as possible.

5. Continued Public Hearing – Hopkinton Village Center – Site Plan Review – 25 & 35 Main St.

Ron Roux, Hallmark Ventures, applicant, Scott Richardson, Gorman Richardson Architects, architect, and Dan Campbell, Level Design Group, L.L.C., engineer, appeared before the Board.

Mr. Roux referred to a letter from him dated October 10, 2007, addressing several outstanding items. He stated that they made a couple of changes to the site plan. He noted they received

approval from the Design Review Board, including the proposed lighting plan. He stated he will discuss traffic and abutter issues with the Board.

Mr. Campbell described the changes made to the site plan, including a second sidewalk along the driveway on the east side. He noted the sidewalk on the west side is difficult with respect to grade but they have reached a compromise with FST. He stated they talked to the Church and were asked to eliminate the walkway and add a retaining wall instead. Mr. Roux stated he had several sessions with the Church but they prefer to leave their property the way it is, with a wall and no connection to the shopping area. Mr. Dourney stated that the Church does not want to restrict the future use of their property, and Mr. Campbell noted it is a sizeable piece of land. He stated drainage will still flow the way it is now but they have to replace an existing pipe. Mr. Markey asked about the difference in elevation between the Church property and the parking lot, and Mr. Campbell stated it is 7 ft. at the most. Mr. Roux stated the wall will range in height from 2 to 7 ft. Ms. Altamura asked about the type of fence to be used, and Mr. Roux stated it will be according to code. Ms. Wright asked about adding shrubs at the top of the wall. Mr. Markey stated that people might be tempted to jump down from the wall and Mr. Ballantyne noted he has the same concern. Mr. Roux stated he tried to create a pedestrian-friendly connection but it is clear that the Church is not interested so right now people will have to get in their car and drive around.

Mr. Campbell referred to the area behind the property at 17 Grove St. and noted that creating shorter compact car spaces will allow the project to try and save the major trees. He stated there was a change in the size and location of islands in the parking lot due to the changes in the lighting plan. He added that these changes are acceptable to FST.

Mr. Weismantel asked if the staircase in the rear of the property at 11 Grove St. will be removed. Mr. Roux stated it will be removed because providing access through private property would create liability issues, and having the staircase there would imply that you can cut through the lot to go to Hopkinton Village Center (HVC). Ms. Altamura stated that it is too bad the pedestrian connections will be lost. Mr. Roux stated there will be connections to Main St.

Mr. Campbell referred to the McClean's property at 17 Grove St. He stated the plan could show a small sub-surface drainage structure which will disperse the water over a larger area and stop the ponding issue on their property. Ms. Wright noted this might put the existing trees at risk. The Board discussed possible replacement species, and Mr. Roux suggested planting Bradford pears which will grow quickly, or otherwise clump birch. Mr. Roux stated that the trees might have to be removed. He stated the wall is only a few feet high at that location, but the issue is the weight that is put on the root systems. Ms. Wright asked what kinds of trees are currently there.

Garrett McClean, 17 Grove St., stated the biggest tree is an ash, the smaller ones are maple trees, and there are two others. Mr. Roux noted he could try to move the trees, pull back the wall, do as little excavation as possible, or eliminate the trees altogether and plant new ones on the abutter's property to provide the necessary screening. Mr. Roux stated the survival rate also depends on the quality of the trees.

Mr. Richardson addressed the lighting plan and referred to comments received from the Planning Board at the previous meeting. He stated the Design Review Board had been concerned about some hot spots. He stated they have changed the configuration of the islands, removed the sidewalk lights, and will use single pole mounted fixtures throughout the site except for the patio area where they will install double pole mounted lights. He stated the light level will dissipate to 0 foot candles at the perimeter of the site but there will be good lighting in the center and near the islands. He stated there are no more hot spots. Ms. Altamura asked about the height of the poles. Mr. Richardson stated they are 20 ft. high around the perimeter and this was acceptable to the Design Review Board. Mr. Roux added that the double pole lights are 12 ft., the same type of fixtures but lower. Ms. Altamura stated there is going to be a lot of light and asked if there will be a way to dim it. Mr. Richardson stated that they will be flexible and take tenant suggestions and requirements into consideration. Ms. Altamura suggested more subtle lighting in shrubs and candles on the tables in the patio area. Mr. Roux stated most of the light will come from the inside of the buildings and not so much from the outside. It was noted that there will be light fixtures on the building which will double as signage illumination. Mr. Roux stated that the lights inside the building will stay on the longest, but the driveways need not be lit all night. Mr. Dourney stated that it should be made safe and the plan is acceptable to the Design Review Board which is the advisory body to the Planning Board. Ms. Altamura stated they could approve the plan but sometimes it is difficult to judge how it will look on a plan. She referred to the new police station lighting and stated that once the project is built they might find out there is too much lighting. Mr. Coolidge stated it is easier to add lighting than to take it away. Ms. Altamura stated she likes the lighting in Mr. Roux's residential projects, and Mr. Roux stated that this needs a different approach as he does not want to light up the sky. Ms. Altamura stated she feels they should consider residential style lighting instead of pole lights.

Mr. Roux presented renderings of the retaining walls and explained what they will look like. He stated the wall has to be made out of concrete because it will be holding up a parking lot and he is thinking ahead about 10 to 15 years. He stated there are two alternatives, one shown in the photograph and one used at the Erickson retirement community in Hingham. He noted he is trying to get some information about that wall system. He stated there will be a black chain link fence on top with shrubs and the Design Review Board thought it was appropriate. He noted a black chain link fence will blend in.

Mr. Roux addressed traffic circulation. He stated he has spoken to Tom Irvin, Police Chief, and Ken Clark, Deputy Fire Chief, and both agree that the access and egress pattern is ok. He added that FST is asking for a 17 ft. driveway width but Mr. Clark is ok with 15 ft. Mr. Roux stated that Chief Irvin feels that is probably good to keep the center driveway for emergency access only and the owners of the existing buildings are comfortable with that. He added that the Chief will work out wording for the signage indicating it is for emergency vehicles only. Mr. Roux referred to the traffic information prepared by Level Design Group submitted to the Planning Board in early September. He noted that FST came up with different numbers. Mr. Roux noted that he feels that the proposed use falls more under the "specialty retail" category. He stated he will prohibit left turns when leaving the complex during the evening commute between 4 and 6 P.M. Mr. Roux stated that patrons will have quite a few options and it would almost be impossible anyway to take a left turn during that time of the day. He noted that additional traffic studies would be based on assumptions only and people will figure out what works best. He

explained that the entrance will be next to the Hopkinton Gourmet and the exit adjacent to 17 Main St. Mr. Ballantyne asked about the number of cars, and Mr. Roux stated the number is in the September report. He explained that the complex will have different uses and the categories will offset each other. He noted that he went with the higher number of parking spaces but the synergy between the uses will lower the number of cars.

Mr. Roux stated he has met with most of the abutters except three. He noted that he has covered the trees, wall and drainage issues in connection with 17 Grove St., has had 4 different meetings with the Church who are now comfortable with the plan, and talked to the owner of the Hopkinton Gourmet about lighting, trees and parking. He stated that the owner of the Gourmet prefers to have no shields on the light at the driveway so it lights his parking area also. He referred to the existing trees in that location and stated that it is something that can be worked out when they start construction, but the owner of the Gourmet is concerned about the loss of parking spaces on the street. Mr. Roux stated that three on-street parking spaces will probably have to be eliminated but one of these is unsafe and should not even be there at all. He referred to the spaces on either side of the proposed driveway and a parking space at the exit driveway. Mr. Ballantyne stated that the elimination of the parking spaces will cut into someone's livelihood. Mr. Abate asked if patrons for the Gourmet would be allowed to park in the new HVC parking lot. Mr. Roux stated that people visiting HVC might walk down to the Gourmet to get a cup of coffee but he is not sure that they would drive and park there for that reason. He stated people can park in his parking lot and walk anywhere, creating synergy between the downtown businesses. Mr. Weismantel noted that he feels the center driveway should be closed off in order to accommodate more on-street parking. He asked Chief Irvin to comment on this idea. Tom Irvin, Police Chief, stated that the existence of the center driveway will not make or break public safety and most businesses do not have that sort of complete access circumference. Mr. Roux stated he likes Mr. Weismantel's idea but he needs to keep the handicap parking space accessed by that driveway.

Mr. Markey asked about the proposed stormwater management system vs. DEP standards. Mr. Roux stated the system is designed according to DEP standards. He referred to the two empty lots behind the project and stated it can get pretty wet there. He described the proposed stormwater management system and noted that the McClean's have asked if there is a way around it. He stated there is but it would require a waiver from the regulations to do that. Mr. Abate asked about snow storage. Mr. Roux stated the parking lot would be plowed and snow stored around the perimeter but it will be hauled away if the amounts are excessive.

Mr. Ballantyne referred to the entrance driveway and noted that it would result in eliminating 50% of the spaces currently existing in front of the Hopkinton Gourmet. It was questioned whether the driveway could be re-designed to allow parallel parking along it. Ms. Lazarus stated that there should not be parallel parking along a driveway. Mr. Ballantyne stated that Mr. Roux would be upset if this was done to him. He asked if many accidents occur there. Mr. Campbell stated that there was 1 accident during the study period and it was at that particular location. Mr. Abate suggested widening or moving the driveway to create parking spaces for the Hopkinton Gourmet. Mr. Roux stated it would result in the loss of trees, impact the historic building, and potentially cause an access problem. Mr. Campbell noted it would not work because of the grade of the land, and parallel parking is not a good idea. Ms. Altamura asked about the grade of the

second driveway and Mr. Campbell indicated the road is relatively flat there. Ms. Wright noted that, if the center driveway is closed off, there is room for another parking space there.

Robert Falcione, 93 Downey St., recommended moving the entrance further east, and Mr. Roux responded that it would create a safety problem. Mr. Roux stated that there will be opportunity for parking in the HVC lot. Ms. DeVeuve asked about the size of the parking spaces on the street and whether the spaces could be shifted to save one. Mr. Roux stated they could re-stripe and get a space further down the street. David Phillips, Hopkinton Gourmet, 43 Main St., stated 40-50 cars use that one space throughout the day and eliminating it will jeopardize his business and the space has been there for more than 20 years.

Mr. Abate stated he wants to figure out a way to solve the parking situation and it is important to pick up one more space. Mr. Roux stated they need 36 ft. for 2 spaces and it could create a hazardous situation just for the sake of creating one parking space. Mr. Dourney stated it would be better if they could pick up a space by closing off the center driveway. Mr. Markey asked about restricting the space to compact cars only and Ms. Lazarus stated that would not work very well on the street. Ms. Lazarus stated that they should look at this issue in a bigger context and that at some point people have to get out of their cars and walk. She noted the Town wants to revitalize downtown with new activity. Mr. Dourney stated that the newly added business owners will be able to walk to the Gourmet for a cup of coffee. Mr. Phillips stated that construction activities will also interfere with his business and the project will take time to complete. Mr. Roux stated he will use the west driveway for construction access. Mr. Phillips stated it appears the parking space in front of the Gourmet will be gone by 2009 when the entrance driveway is constructed. Ms. Lazarus stated the new downtown businesses and residents will result in more potential customers for his business. Mr. Phillips stated he objects to the project and there is no hope for a mutual agreement. He added he agrees the parking space technically should not be there but it has been there for 20 years and taking it away will take away business. Mr. Roux referred to the parking spaces that were taken away from the front of Hopkinton Drug when the roadway was reconfigured to improve traffic flow at the intersection. Ms. Wright referred to other towns and stated that a business owner should not presume he has a right to the public parking space on the street. Mr. Abate stated that abutters should work together, be neighborly and work out a solution. Mr. Weismantel stated that public safety is an issue here. Mr. Markey stated that there will be more people and more parking spaces in the area. Mr. Abate stated that the owner of the Gourmet knows his business. Mr. Weismantel stated the Town cannot solve the problem. Mr. Roux stated that he can eliminate the middle driveway, plant grass and pick up a parking space there. Ms. Lazarus stated that people need to expect changes like this if the Town wants downtown revitalization. Ms. Wright stated that right now it is a free for all and there should be a curb, sidewalk and designated entrance and exit.

Mr. Markey asked for further clarification regarding the stormwater management system. Mr. Campbell described the proposed underground stormwater collection chambers and a level spreader system. He added it is a complicated area to design and all catch basins connect into the street. He stated they took the street drainage system as the control point which is the reason that the system is so large. He noted that pre- and post-development flows will be the same.

The Board asked about the landscape plan. Mr. Roux stated they have held off on the revision because of the related unresolved issues. It was noted that the landscape plan should be reviewed by the Planning Board and the Design Review Board.

Mr. Falcione referred to the addition of a second sidewalk along the east side driveway and noted it is a very necessary change since the initial submission. He asked about the type of businesses that will occupy the building and the traffic going in and out could be bothersome to the abutters. Mr. Abate stated there will be multiple uses.

Anne Mattina, 40 Eastview Rd., Downtown Revitalization Committee, stated the Board should keep in mind there are other projects coming including a new library and an expansion of Bill's Pizza. She stated that there are lots of things going on in the immediate area from Rt. 85 to Hayden Rowe St. and the Town needs to prepare for the upcoming changes. She stated she likes the HVC project but noted that prohibiting left turns out of the complex during certain times of the day will move the traffic congestion into the adjacent neighborhoods. She stated she would like to get rid of the crosswalk in front of Town Hall and move it elsewhere. Ms. Mattina stated that the Board has to think beyond the project currently being reviewed and look at the long term effect on the downtown area. She stated that parking on the street is not up to code and the spaces are not where they should be. She noted that the crosswalk will also be affected by prohibiting left turns between 4 and 6 P.M. Ms. Pratt stated that there should also be restrictions on traffic movement during the hours between 7 and 9 in the morning. Ms. Mattina stated it is a serious situation. Mr. Abate stated that the Planning Director will write to the Board of Selectmen and the DPW expressing the need to study and address the crosswalk and parking space issues.

Mr. McClean stated he appreciates the efforts negotiated by Mr. Roux and understands the developer will do everything he can to maintain screening and privacy with respect to his property. He submitted the following comments: (1) Mr. McClean understands that excavation will be kept to a minimum but there are no guarantees the trees will survive. He asked about a possible Planning Board condition that requires that the Town confirm the condition of the trees prior to removal as well as a condition to replace them at the time of construction or within a certain time period. He stated the existing trees will provide screening from the project and new trees will never be able to fully replace them. (2) Mr. McClean noted he would like the plan to specify the size of replacement trees. (3) Mr. McClean stated he is pleased with the appearance of the proposed wall and it looks better than just concrete. He asked about the fence on top of the wall and stated that because of the grade people will be able to look at his property. He stated he would like the Board to include a condition requiring a solid fence for screening similar to the one to be installed between EMC (42 South St.) and the Hopkinton Square development. He added that this fence does not need to be along the entire length of the property line. (4) Mr. McClean stated that the lighting issue is being addressed and he appreciates that the lighting level is kept to a minimum but that right now it is pitch black there at night. (5) Mr. McClean referred to the proposed erosion control measures shown on the plan. He stated the plan only shows hay bales and a silt fence and there will be a lot of clearing. He stated he is concerned about runoff and asked if there will be additional measures during construction. (6) He referred to the current drainage pattern from the Church property into the direction of Grove St. and stated he has a problem with ponding in his backyard. He stated that Mr. Roux's stormwater

management system includes a piping system going into another underground containment system behind his property which will require an easement on his property but that he and his wife are opposed. He asked that the Board consider allowing Mr. Roux to collect the water in a swale to be piped to the main system under the parking lot. He added that the proposed stormwater system will decrease the load on the sewer system so it should not be a problem. He stated he believes that it would not be in line with the regulations. Mr. McClean stated he feels there might be a local groundwater condition not covered by the regulations and suggested an additional test pit to investigate the matter. Mr. Dourney asked for clarification, and Mr. McClean explained he is concerned that the proposed stormwater management system could make an existing condition worse. Mr. McClean noted that his property had an old drainage easement on it from the 1800's.

Mr. Campbell stated the level spreader system will reduce the current condition for a 50-year storm and during a typical spring there will be less water because the system will have captured it. Mr. McClean noted he is not willing to create the easement. Mr. Roux stated they can do it without the easement. He stated he understands the desire to save the trees but they will probably have a 50/50 chance of survival and he rather not have to replace them after construction. Ms. Wright stated the abutter will have to make a decision. Mr. Roux suggested that maybe the Tree Warden should look at the trees now to find out if they are worth saving.

Mr. Falcione referred to water bubbling out of the ground at the eastern driveway and Mr. Campbell stated it is a matter of replacing a crushed pipe.

Mr. Roux stated he feels the proposed black fence will blend in, and Mr. McClean noted he is concerned about privacy, car headlights, and trash thrown over the wall. Ms. Altamura suggested additional plantings. Mr. Roux noted he prefers to plant hedges and he will make sure they are tall.

Ms. Altamura stated she would like to discuss mitigation in lieu of a traffic study.

The Board voted to continue the public hearing to October 29, 2007 at 8:45 P.M.

Adjourned: 10:30 P.M.

Cobi Wallace
Administrative Assistant

Approved: October 29, 2007