

HOPKINTON PLANNING BOARD

Monday, January 7, 2008 7:30 PM  
Hopkinton Town Hall

MINUTES

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PRESENT: Mark Abate, Chairman, R.J. Dourney, 1<sup>st</sup> Vice Chairman, Joe Markey, 2<sup>nd</sup> Vice Chairman, Sandy Altamura, John Coolidge, Carol DeVeuve, Ken Weismantel, Claire Wright

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

**1. Site Plan Review – 79 Hayden Rowe St. – Hopkinton Pediatric Dental Associates**

Richard Brousseau, architect, and Dr. Kenneth Webb, property owner, appeared before the Board. Dr. Webb stated in 2001 that he and his partner received a variance from the Board of Appeals to have a dental office at the building. He stated they purchased the building in 2006 and have decided to do some renovations to improve the setup. He stated they would like to add a small addition onto the rear of the building and improve the handicap accessible access. Mr. Brousseau stated the business office and waiting area are small, inadequate, and unorganized. He stated they are proposing to tear down a 140 square foot section of the building and add on a 550 square foot section in the same location. He stated they are proposing to raise the parking lot 1 – 1½ feet so there will be no need for a ramp for handicap access. He stated there will be no increase in space on the 2<sup>nd</sup> floor. He stated the property owners had the property surveyed recently and they meet all the setbacks in the RA district. He stated they are slightly increasing the amount of paved surface. He stated currently there is 6,170 square feet of paved surface and they are proposing 6,370 square feet of paved surface.

Ms. Altamura asked about the screening for abutters along the extended parking area. She stated according to the plan, the parking is being added right along the property line. Mr. Brousseau stated there are existing arborvitae trees there for screening.

Debra Leal, 77A Hayden Rowe St., stated the property is quite steep just past the parking area and her property is lower than the dental office. She asked how drainage was going to be affected, because there have been water problems in the past. Mr. Brousseau stated there isn't much of a change in the amount of impervious surface and the majority of the lot pitches toward the rear, away from Hayden Rowe St. Ms. Wright asked if the land pitches towards the Leal property, will there be fill to level it off, or will a guardrail be placed so cars don't go down the embankment. Mr. Brousseau stated it is not significant enough to need any type of barrier. Mr. Coolidge asked if headlights in the parking lot will now be a problem. Mrs. Leal stated it hasn't been a problem in the past.

The Board asked what the applicant is planning with respect to the drainage on the property. Mr. Brousseau stated there is no formal drainage on the property.

Philip Antoniadis, 81 Hayden Rowe St., stated his property can't handle anymore water than they currently get. Mr. Coolidge asked if there will be a retaining wall or anything along the parking lot. Mr. Brousseau stated no, all the drainage currently sheet drains into the grass area. Mr. Abate asked if it would be possible to pitch the parking lot toward the back and into the woods. Mr. Brousseau stated that is shown on the plan already. Mr. Abate asked if berms could be installed on both sides of the parking lot to help direct runoff to the rear of the property.

Ms. Altamura asked if the project needed Design Review Board approval and if there was any lighting on the property. Ms. Lazarus stated Design Review Board will be meeting on January 22, 2008 to review the project. Mr. Brousseau stated there is a residential type spot light at the back of the building. Dr. Webb stated it is on a timer and only used this time of year between 4:00 PM and 6:30 PM.

Alice Leal, 77B Hayden Rowe St., stated drainage and groundwater are her only concerns. Mr. Brousseau stated the water accumulating on the north side of the property is actually on the dental office's property, not the Leal's.

Mr. Antoniadis stated he is just concerned about increase in drainage and his property can't handle anymore water. He stated he is not sure if the parking lot changes will affect his home. The Board discussed having Dr. Webb add more evergreen plantings along the south side of the property to fill in the gaps.

Ms. Wright asked if the dumpster is screened. Dr. Webb stated it isn't screened but will be.

The Board voted unanimously to determine that the Site Plan Review Design Criteria has been met and to approve the Site Plan with the following conditions:

1. If the Design Review Board recommends modifications to the design of the site plan at the conclusion of its review, the Applicant shall return to the Planning Board for additional discussion of those recommendations.
2. All dumpsters on the property shall be screened from view from the ground by a six foot tall solid fence or other effective means, adequate in the opinion of the Planning Board. Due to the location of residences on-site and directly adjacent to this property, dumpsters shall not be emptied between the hours of 10:00 PM and 7:00 AM.
3. All exterior lighting shall be directed downward, not upward or outward, and shall not spill onto adjacent property. Light levels shall be reduced at night to only that which is necessary for safety and security.
4. All mechanical equipment shall be screened from view from the ground.
5. The grade of the parking lot shall be pitched such that stormwater runoff flows to the rear of the property. The north and south edges of the parking lot shall have curbing, to further ensure that the water does not flow from those areas toward the abutting residential properties.
6. The Applicant shall plant evergreens at the southerly edge of the parking lot, in order to provide adequate screening to the residential abutter at 81 Hayden Rowe St.

## **2. Town Meeting Articles**

Mr. Weismantel provided a brief overview of each of the three articles the Zoning Advisory Committee (ZAC) has voted to recommend going on the Annual Town Meeting warrant. He stated the Planning Board just needs to vote whether or not to hold a place on the warrant, they will not be voting on the specific language at this meeting.

Site Plan Review – Mr. Weismantel stated that currently all permits needed or required of the Board of Appeals (BOA) need to be issued before the Planning Board can issue their decision on a project. He stated the change in the article would allow for concurrent review by both the BOA and the Planning Board. He stated this article was first brought up by the BOA a couple of years ago.

Parking – Mr. Weismantel stated the proposed change will allow uses to share parking or use off-site parking by Special Permit issued by the Planning Board. It was stated the interest is for mixed-use sites where businesses have operating hours different from each other. He also stated a Special Permit could be applied for if there are municipal parking spaces within 300 feet of the business and someone wishes to use them to satisfy a portion of the parking requirement. Ms. Altamura asked how the shared parking will be binding. It was stated the properties would have deed restrictions.

Mary Pratt, 102 Fruit St., asked about liability insurance. She stated in a recent Site Plan Review hearing an applicant wouldn't allow access through an adjacent property on the advice of legal counsel due to liability. It was stated that would be for the property owners to work out, and no one would be required to do anything.

Lyn Branscomb, 8 Kerry Ln., asked how this change will affect the Hopkinton Square project. Ms. Lazarus stated it will not affect that project.

Robert Falcione, 93 Downey St., stated this will mostly affect downtown and will densify it. He stated this will cause more problems than help. He stated people won't walk far to get to a place of business. Mr. Weismantel stated the purpose is to address mixed-use sites with different peak demand times. Mr. Abate stated to be able to use any of the new provisions, a Special Permit will be required and the Board will look at each project individually. Ms. Wright stated currently most of the downtown businesses don't have private parking. Mr. Weismantel stated they are trying to encourage more pedestrian friendly areas. Ms. Wright stated she believes this is a creative way to encourage good growth. Mr. Falcione stated the Board can expect a fight at Town Meeting.

Driveways – Mr. Weismantel stated this article was brought to ZAC by a Lumber St. resident whose driveway is barely accessible to emergency vehicles. He stated this article would ensure that safety officials review new driveways when permits are issued. He stated the DPW and Fire Department will be reviewing new driveways to make sure they provide access before being finished.

The Board voted unanimously to insert all three articles into the warrant.

Mr. Weismantel stated at the next meeting the Board will discuss town meeting articles related to the OSMUD, the Terry property, stormwater management, and Hayward St.

### **3. Legacy Farms**

Steven Zieff, Boulder Capital/Legacy Farms, appeared before the Board. He presented three handouts to the Board. He stated Boulder Capital is looking for a commitment from the Planning Board to move forward with the Master Plan before the May 5, 2008 Town Meeting. Mr. Weismantel stated ZAC is almost finished with their review of the OSMUD and then the Planning Board will hold a hearing on it. He stated the OSMUD references Design Review Guidelines but ZAC wants the Planning Board to review and change those guidelines. He stated he would like to schedule a series of informal discussions on the Master Plan but the Planning Board can't vote on it until the OSMUD has been approved at Town Meeting. Ms. Lazarus stated that Sasaki Associates will also be available to the Board, funded by Legacy Farms, to review the Master Plan.

Mr. Dourney suggested taking some time at the next Planning Board meeting to set up a time line/process for moving forward. Mr. Weismantel stated the Board should put together agenda times aside for those discussions. Mr. Markey stated the Civic Engagement Committee should also be involved in these meetings.

Jane Moran, 70 E. Main St., stated that MAPC is suggesting that Boulder Capital come up with a Plan B in case the OSMUD doesn't pass Town Meeting. Mr. Dourney stated he is not asking Boulder Capital to spend extra money to come up with other plans. Ms. Moran stated people will be asking for other options at Town Meeting. Mr. Zieff stated a by-right plan can be drawn up if the OSMUD doesn't pass Town Meeting using the underlying zoning, but Boulder Capital's sole priority right now is the OSMUD. Mr. Weismantel stated the Planning Board could give Boulder Capital the opportunity to show what the plan would look like with single family homes and 40B's. He stated he didn't think most people would like it though.

Chris Barry, 17 Clinton St., stated he is concerned that Judi Barrett, Community Opportunities Group, has worked with John Connery, Boulder Capital's consultant, on jobs and that she might not give an accurate assessment of things. It was noted that Ms. Barrett worked with Mr. Connery on a project for the Town in the past.

Mr. Zieff noted most of the documents Boulder Capital has produced are available on the Legacy Farms website.

### **4. Administrative Business**

The Board voted unanimously to approve the Minutes of December 17, 2007 with revisions.

### **5. Other Business**

Annual Report – The Board voted unanimously to submit the Annual Report as written.

#### Liaison Reports:

**DPW Advisory Board** – Mr. Weismantel stated the DPW is going to be looking at water budgets. He stated they have also clarified the water main extension policy. He stated the

Planning Board might want to look at the new regulations with the DPW so everyone has a clear understanding of them, and the Board may want to look at the Subdivision Rules also.

**Zoning Board of Appeals** – Mr. Weismantel stated he and Ms. Wright attended the Board of Appeals hearing in December for the Hopkinton Village appeal. He stated it was a very disturbing hearing and the Planning Board was verbally attacked. He stated the Site Plan Review process was also under attack. He stated the decision on the appeal has not yet been made but the hearing was closed. Ms. Wright stated there is no reason for one Board to put another Board on trial.

Form K – Ms. Lazarus stated a Form K has been submitted for the Board to re-sign for Lot 27 in Saddle Hill Estates. She stated the original Form K was signed in 1987 but can't be found at the Registry of Deeds. The Board voted unanimously to sign the lot release.

## **6. Mitigation**

Mr. Dourney stated he is not in favor of a mitigation bylaw. He stated he would rather learn and benefit from the process instead of having it in a bylaw. Ms. Altamura stated she doesn't know what the parameters are in regard to percentage to ask for, etc. She stated if it can be done without a bylaw, that would be great. Mr. Abate stated he thinks the Board should make it known that mitigation will be discussed as appropriate. He stated some projects need to contribute while others don't need to. Mr. Weismantel, referencing Framingham's 6% maximum amount, stated if an impact is more than 6% of a project, then the Town shouldn't be limited and should be able to get more. He stated he doesn't want a number set. He stated the Town needs to know what they really want and know where the impact is. Ms. Wright stated she is hesitant about flat rates. She stated the Board should have the flexibility to judge and negotiate the amount. Ms. Lazarus stated that when they review a site plan for conformance with the Site Plan Review criteria in the bylaw, the Board could decide that to meet the standards, mitigation is necessary.

Mr. Zieff stated he is very encouraged by the Board's discussion. He stated the important part is to find the proportionality between the effects and the mitigation of those effects. He stated the Board should not expect one developer/project to solve all the problems. He stated there are multiple things that can be mitigated such as traffic, screening, utilities, etc.

Ms. DeVeuve stated she has a problem with quantifying the impact. Ms. Lazarus asked if there is more information the Board needs with applications to keep with this. Mr. Abate stated the Board needs to exercise sound judgment when it comes to the mitigation. Ms. DeVeuve stated she has no idea how much things cost and how to figure out the development's impact. Mr. Weismantel stated the Board needs to drive the consultants as to what the Board needs to make that determination.

Mr. Barry stated as a taxpayer the lack of mitigation comes out of the homeowner's pockets and the Town needs proper infrastructure and facilities. He stated he is seeing very little mitigation coming forward. Ms. Moran stated the Board is trying hard not to punish new developers for existing problems but the Board has overseen sidewalks and street lights that are needed in Town.

Mr. Dourney stated he wanted to make it clear that mitigation can't be used for just anything and has to be directly related to the development. Mr. Markey stated the Board needs to take some time and look into it.

Mr. Abate stated it seemed as though the consensus of the Board is not to move forward with a mitigation bylaw but to work something into the existing site plan guidelines or something similar.

Julia Linnell, 5 Reservoir Rd., suggested and encouraged the Board to add mitigation to their checklist when new projects are submitted for approval. She stated they need to quantify the effect of every project.

Mr. Dourney stated the Town's consultant needs to work with the Town, recognizing potential impacts and make recommendations to the Town for mitigation. He stated the Board members are not traffic experts and they need the developers and consultants help.

Adjourned: 9:45 PM

Anna Rogers, Secretary

Approved: February 4, 2008