

HOPKINTON PLANNING BOARD

Monday, February 11, 2008 7:30 PM
Hopkinton Town Hall

MINUTES

PRESENT: Mark Abate, Chairman, R.J. Dourney, 1st Vice Chairman, Evan Ballantyne, John Coolidge, Carol DeVeuve, Ken Weismantel, Claire Wright

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

1. Public Hearing – Hopkinton Village Center, 25 & 35 Main St. – Site Plan Review

Ron Roux, applicant, Scott Richardson, architect, and Dan Campbell, engineer, appeared before the Board. Mr. Roux stated the Planning Board approved his site plan in November 2007 but it was appealed to the Board of Appeals which ruled it should be presented again to the Planning Board for more clarification and final plans. He stated he has incorporated some of the conditions of approval onto the new plan. He stated most of the plan hasn't changed. He stated he went back to the Design Review Board and they had no suggested changes to the site. He stated they have removed the center driveway from the plans and have incorporated Fay, Spofford & Thorndike's (FST) recommendations. He stated all the plans are now consistent with each other.

Mr. Abate noted the plan shows some lighting spilling off the site and asked if it was going to stay that way. Mr. Roux stated that some of the spillage is behind the Hallmark Properties building at 11 Grove St.

Mr. Roux stated they have worked with the DPW on the on-street parking changes. He stated they will be improving the sidewalk along Main St. in front of their property. He stated they have met with the Downtown Revitalization Committee and are continuing forward with them for suggestions. He stated they will be restricting left turns out of the site on weekdays from 4:00 PM to 6:00 PM. He stated they have agreed to save the trees behind the McClean house at 17 Grove St. and have offered to put up a \$10,000.00 surety bond in case the trees need to be replaced. He stated they have added the dumpster screening specs onto the plan along with the restrictions on dumpster emptying times. He stated they have also added the locations of where the plant materials will be planted to the landscaping plan.

Ms. Wright asked about the comment letter the Board received from the Board of Health regarding the septic system at 35 Main St. Mr. Roux stated they may need to file with the Board of Health before construction begins and they are not sure if the septic system was decommissioned, but they are looking for the proper paperwork. He stated the system is not in the construction area.

Mr. Roux stated the site is currently two lots and before construction he will submit an ANR plan creating one lot for the entire property.

Mr. Roux stated he will be working with the DPW to lay out the new parking spaces along Main St. Mr. Dourney stated the last time the plan was submitted there was a specific issue in regard to the parking spaces in front of the Hopkinton Gourmet at 43 Main St. Mr. Coolidge stated he is concerned about the loss of parking spaces on Main St. Mr. Dourney stated they should try and resolve the issue of losing one of the two spaces in front of the Gourmet now before it gets appealed again. Mr. Roux stated the appellants had asked for parallel parking spaces along the driveway entrance to the development but due to site constraints and safety, that is not possible. He stated the spaces on Main St. are not legal sized as they are 14 ½ feet long and the requirements now are 18 feet. Mr. Weismantel stated he calculates that when the DPW lays out the new parking lines, there will be a net loss of 2-3 spaces along Main St. Mr. Abate asked if that was due to the development or if that would happen regardless of the development going in. Mr. Weismantel stated it is mostly due to improper layout presently but maybe one space would be lost because of the development. He asked if there is room for parking on the site if a restaurant is located there. Ms. Lazarus stated there are enough spaces for a restaurant tenant. Mr. Weismantel stated the required number of parking spaces for the development is 146 and Mr. Roux is providing 152 spaces. He stated the Town is still gaining downtown parking. Mr. Abate asked if one or two spaces inside the development could be designated for the Gourmet. Mr. Roux stated they are trying to make their development a pedestrian environment and people going to the Gourmet can park there. Mr. Weismantel asked if a couple of spaces on the street could be made 10-15 minute spaces. Ms. Wright argued the spaces on the street are town owned and the town should decide what to do with them. She stated emergency vehicles need to have proper access to the site and the DPW will be laying out the new spaces. She stated this problem shouldn't hold up Mr. Roux's development. Mr. Roux stated this is Site Plan Review and the use is allowed by-right. He stated his responsibility is to create the safest plan possible for the site.

Ms. DeVeuve asked what would happen if their stormwater runoff exceeds the calculations. Ms. Lazarus stated when the runoff enters the town system, the DPW would enforce that. Mr. Roux stated their post-construction runoff has to be equal to or less than their pre-construction runoff. Mr. Dourney asked if the Board had received anything from the DPW regarding stormwater. Ms. Lazarus stated there is nothing in writing. She stated the calculations are the same as the last time the plan was submitted and reviewed by FST, and they can't show an increase in runoff.

John Forster, Hopkinton Gourmet, 43 Main St., stated the only reason they are losing a parking space in front of their business is because of this development. He stated that if the applicant shifts the driveway east there will be enough room to keep the two spaces and showed the Board a plan of how that could happen. Mr. Roux stated Mr. Forster brought a similar plan to the Board of Appeals hearing and due to the grades and over concern of safety vehicles, they were not in favor of the plan. Ms. Lazarus stated it would bring the driveway closer to the historic building. Mr. Campbell stated reasons the driveway is proposed as shown is the location of the drainage connections and to maintain proper flow. He stated if the driveway starts turning they will run into grading problems and drainage changes. He stated the driveway needs to stay where it is to minimize those impacts. Ms. Lazarus stated the DPW would not approve a

driveway intersection where there is a catch basin. Mr. Forster stated he is just asking that they move it over a small distance to allow for the extra space. Ms. Wright stated as a member of the Historic District Commission, she would not want to lose more of the lawn area near the historic house and there are more parking spaces toward Grove St. that are available to be used for the Gourmet. Mr. Roux stated the second parking space in front of the Gourmet doesn't belong there now and it needs to be corrected.

The Board voted 5 in favor with 2 opposed (Coolidge and DeVeuve) to continue the hearing at 10:00 PM.

2. Scenic Road Public Hearing – 60 Ash St. – Newbridge Construction Company

Scott Miller, applicant, appeared before the Board. It was noted this was a joint meeting with the Tree Warden due to the request for tree removal. Mr. Miller stated he originally designed the driveway to come to a right angle with Ash St. but was concerned about icing and the slope of the driveway. He stated in order to construct a curve and stay away from a catch basin, he will need to remove two trees adjacent to the driveway. He stated the trees could possibly stay but would be a safety hazard. Paul Gleason, Tree Warden, stated he visited the site and the 6 inch sugar maple is badly damaged and needs to be removed. He stated the 9 inch Norway maple is stunted due to larger trees around it and it would be ok to remove that one as well. Mr. Dourney asked what the trees were worth. Mr. Gleason stated the sugar maple isn't worth anything and at most the Norway maple would be worth a couple hundred dollars. Mr. Weismantel stated the Board is hoping to receive a contribution from the applicant to plant new trees to replace the ones he is removing.

After discussion, it was agreed the applicant would donate \$300.00 to the tree fund.

The Board, after consideration of the criteria contained in the Scenic Roads bylaw, voted unanimously to approve the removal of the 6 inch sugar maple and 9 inch Norway maple trees for the driveway opening as shown on the submitted plan entitled "Site Plan and Topography for Proposed Scenic Road Tree Removal", prepared by Robert J. Parente, dated August 20, 2007, modified January 15, 2008, with the following conditions:

1. Tree removal shall be completed within 6 months of the start of the work.
2. Section 160-6.C of the Scenic Roads bylaw requires that the Board review the proposed work with consideration of compensatory action proposed, such as replacement of trees. The Applicant offered to donate \$300.00 to the Town for planting of trees elsewhere on Ash St. as replication, and the Board accepts this offer.

3. Approval-Not-Required Plan – Lumber St. – NSTAR Electric & Gas Company

Robert Buckley, engineer, appeared before the Board. He stated the parcel is approximately 8 ½ acres and NSTAR is looking to split it into 3 separate lots. He stated each lot meets the zoning requirements. He stated the land is registered and unregistered. Mr. Weismantel asked why the lots were shaped oddly. Mr. Buckley stated it was because of the soils and this design allows for 3 individual septic systems.

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

4. 182 Fruit St. – Christopher Bethoney

Christopher Bethoney, owner, and Don Provencher, engineer, appeared before the Board. Ms. Lazarus stated there was a past scenic road violation at 182 & 184 Fruit St. and Mr. Bethoney was fined in the past. She stated a portion of the stone wall at 182 Fruit St. was recently removed to install a drainage swale without a scenic road permit from the Board. She stated the Board can decide to fine the owner \$300.00 per linear foot of wall removed and there were 7 feet 9 inches removed. She stated there have been some ongoing drainage problems on the lots that Mr. Bethoney was attempting to fix when he removed the wall. Mr. Bethoney stated while fixing Conservation Commission issues with the drainage off the lots, he had the swale built to direct the water into the culvert pipe and open drain in the street. He stated he wasn't present when the wall was altered. He stated the swale was supposed to be grass but because of the time of year, they put fabric and trap rock down to stabilize the area and prevent erosion. Mr. Provencher stated he originally did the septic design for the lots. He stated quite a bit of water drains off the golf course and onto Mr. Bethoney's properties. He stated there was a 12 inch clay pipe going through the stone wall, but it had been crushed and was not working anymore. He stated when the driveways were installed, the water ran down them and into the street, carrying silt which resulted in the Conservation Commission issues. He stated the water needs to be able to flow through the area where the wall is and into the drain in the roadway. He stated they can lay a large flat rock across the bottom and build the stonewall back on top. He stated they had to dismantle the wall to get the pipe out and allow the water to continue its natural flow. Ms. Lazarus stated that a permit was needed to remove the wall even temporarily. She stated the plan the Conservation Commission approved is different than what was built. Ms. Wright noted the swale was supposed to be grass and not rock. Mr. Provencher stated he addressed using the rock with the Conservation Commission. Ms. Lazarus stated the installation of the swale transferred the erosion and water problems from the lot into the street.

Mr. Bethoney stated there are other spots further along Fruit St. with problems as well. Mr. Coolidge stated most of the water is coming from Mr. Bethoney's property. Mr. Weismantel stated the culvert under Fruit St. is in very bad shape and is becoming a safety hazard because of this runoff. He stated that needs to be fixed first and aesthetics come second in regard to the swale.

Mr. Bethoney stated the DPW Director had requested documents about the culvert under the roadway and the drainage calculations show the pipe needs to be 24 inches and the existing pipe is only 12 or 18 inches. Mr. Weismantel stated he would like to see resolution of the wall and swale after the runoff and safety issues have been resolved and would like to see this meeting continued.

Ms. Wright stated the only Planning Board jurisdiction is the scenic road violation and she would like to see a fine levied. Mr. Coolidge stated this is the second scenic road violation with this developer on this property.

The Board voted unanimously to fine Mr. Bethoney for 7 feet 9 inches of stone wall removed at \$300.00 per linear foot for a total fine of \$2,325.00.

The Board discussed having Mr. Bethoney come back to the Board when the drainage issues have been resolved.

Muriel Kramer, 39 North St., asked if it made sense to the Board that the DPW be satisfied with the drainage and roadway issues before the wall restoration work is done.

The Board voted unanimously that Mr. Bethoney must return to the Board to discuss stone wall restoration within 4 months.

Mr. Abate left the Board at this time.

5. Whisperwood Preserve

Craig Meyer, developer, appeared before the Board. Mr. Meyer stated the Board was holding funds for three outstanding items in his subdivision. He stated the street trees have survived for more than a year. He stated the drainage structures have been cleaned. He stated the money for stormwater maintenance was supposed to be set aside for 5 years after the street has been accepted but the drainage has been in place for 4 years and the detention basins are all on private property. Mr. Dourney asked Ms. Lazarus if the first two outstanding items were all set and Ms. Lazarus replied yes. Ms. Wright stated there must have been a reason why it was set for 5 years. Ms. Lazarus stated the Board wanted to make sure the basins were maintained and were functioning properly. Mr. Meyer stated the Town doesn't maintain any of their detention basins and asked why he should have to when they are working properly. Mr. Coolidge stated this was a new type of drainage system and they needed assurance that they were maintained. Mr. Meyer stated they have been functioning properly for 4 years. Ms. Lazarus stated the DPW was concerned at the time the plan was approved that there is no homeowners association to maintain them in this subdivision. Mr. Coolidge suggested getting the DPW's opinion on the matter. Ms. DeVeuve stated she was not comfortable giving the money back without the DPW's input. Mr. Coolidge stated the fund was created for maintenance but if no maintenance is needed, there is no need for the fund. Mr. Meyer stated the maintenance is just cutting the grass and trees. He stated it isn't fair to punish him when the Town has never maintained its basins.

Mark Abate, 10 Sylvan Way, stated the detention basin systems almost failed a year ago and the bottoms of them needed to be redone. Mr. Meyer stated that event occurred when there was 10 days of rain and they didn't fail, the water just took 5-6 days to percolate through, as designed.

The Board voted unanimously to authorize the return of the funds held in excess of \$9,930.00 and asked Mr. Meyer to come back to the Board with a recommendation from the DPW if he wished to pursue the return of the maintenance funds.

Mr. Abate returned to the Board at this time.

6. Legacy Farms Master Plan

Roy MacDowell, Jr. and Steven Zieff, Boulder Capital; Bob Ballou and Richard Hollworth, VHB; and Marilyn Sticklor, attorney, appeared before the Board. Mr. Zieff stated at the last meeting some questions came up about the process of this development and he would like to clarify the steps they will be going through. He stated first the OSMUD went through the

Zoning Advisory Committee; now the OSMUD is going through the Planning Board; then it will go to Town Meeting; after it is adopted the Planning Board will review the Master Plan; then the Planning Board will start reviewing Site Plans.

Mr. Ballou stated that E. Main St. divides the property in two. He stated the south side is generally flat with gentle topography. He stated the north side has the majority of the Weston Nurseries operations on it and is elevated with some views of Blue Hill, Hopkinton Reservoir and the downtown area. He stated the spine road will utilize existing wetland crossings and they will not be creating any new crossings. He stated the spine road will connect Rafferty Rd. and E. Main St. and will be able to bypass downtown. He stated they are proposing two commercial areas and residential areas. He stated there will be a variety of housing types in the development. He stated the developments on the north side will be terraced, preserving the views. He stated it will be cluster housing to preserve the open space. Mr. Zieff stated they took advantage of the topography changes as opportunities and not challenges.

Mr. Hollworth stated the Design Guidelines consist of buildings, landscape architecture, low impact development and energy efficiency. He stated one element of importance is the roadway classifications which are intended to introduce low impact development and preserve the rural character and the presence of open space. He stated each roadway will have bioswales so they have less pavement and a more natural drainage system. He stated this system allows for better nutrient uptake and groundwater recharge into the wetlands and aquifers. He stated in the Village Center area they will be using curbing to protect pedestrians. He stated there will be on-street parking allowed in some areas. He stated they are asking for flexibility in the zoning to allow them to execute their vision. He stated they will be doing that by using bioswales, rain gardens, drywells and stormwater management designs.

Mary Pratt, 102 Fruit St., stated the spine road only allows for one access and egress and is not safe with 400 housing units. Mr. MacDowell stated the spine road connects Rafferty Rd. to E. Main St. and it will be a public road. He stated the other roads will be private. He stated people will be able to go to either Rafferty Rd. or E. Main St. from any of the interior developments.

Jane Moran, 70 E. Main St., stated there will be 400 units on the north parcel and asked how many bedrooms that will add up to. Mr. MacDowell stated those numbers are in the fiscal analysis.

Mr. Weismantel stated the north spine road according to the traffic analysis will have a 30 mph speed limit. He stated this will be a major road and asked if that is the right number to help alleviate downtown traffic. He stated this road needs to be convenient enough so that it will be used. Mr. MacDowell stated it needs to be slow enough to be safe and they will leave it up to the traffic professionals to set the speed limit.

Ms. Wright stated she wants to make sure the new buildings will blend with the current homes. She stated the housing on the south side should be similar to existing houses on Curtis Rd. and asked if the houses were going to be small. Mr. MacDowell stated that Curtis Rd. is a dead end with a cul-de-sac and they will keep the new homes modest in size and in keeping with the scale and character of the neighborhood.

Ms. Wright asked about the apartments in the Southwest Village and if they were still planning on having them be four stories. Mr. Hollworth stated they would be four stories at most, but more likely two and three stories with garages below.

John Knowles, 23 Curtis Rd., stated the proposed height zone of four stories is right in the Curtis Rd. neighborhood of small single family houses. Mr. MacDowell stated there is a significant open space buffer zone between Curtis Rd. and the height zone. Mr. Weismantel suggested it would be a good idea to see a profile of the four stories behind Curtis Rd. He asked if the apartments might be better off in another location. Ms. Wright stated she would be interested in seeing some open space swapped so the site is only two to three stories or maybe split it up into different locations.

Russell Ellsworth, 6 Curtis Rd., stated the neighbors would like to see the apartments brought down a story and possibly sacrifice some open space to achieve that. He asked if maybe half of the apartments could be moved to the north parcel.

Mr. Dourney asked how the Legacy Farms plan had changed since the May 2007 annual town meeting. Mr. MacDowell stated it is basically the same. He stated the number of units hasn't changed, the open space has grown slightly, the commercial area is the same and the uses are the same. He stated 95% of the development is outside the wetland buffer zone.

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

The Board continued the public hearing from earlier in the evening.

Garrett McClean, 17 Grove St., stated when the plan was originally approved, the Board's decision referenced the trees along the property line that wouldn't be removed and would be replaced if damaged. He stated those trees are not marked on the plan and he would like that change to be made. Mr. Roux stated he had pushed the parking lot back towards the building and moved the wall to accommodate the trees and they shouldn't have to be shown on the plan. He stated he has agreed to put \$10,000.00 in a fund to replace the trees if they die. He suggested he could produce a plan for himself and Mr. McClean after the Board has made its decision. Mr. Abate suggested tagging the trees prior to construction so it is known which trees are to be protected.

Mr. McClean asked about the wall along the property lines on Grove St. Mr. Roux stated it has been on the plan since the first submission. Mr. McClean asked if there was going to be a fence on top due to its height. Mr. Roux stated they will follow the building code and put a fence when it is more than four feet high.

Mr. McClean asked about snow storage on the property and if the melted snow was included in the drainage calculations. Mr. Campbell stated the majority of the snow will be away from the McClean's property. He stated the site can only hold so much snow and they have added it to the calculations. Mr. McClean asked about the quality of the snow melt and if salt and chemicals would leach onto his property from the swale. Mr. Campbell stated the solids and particulates

will settle out in the forebay and will not go into the yard. He stated a small amount of flow in the spring will go into the yard and the operation and maintenance plan details a cleaning schedule for the drains.

Mr. McClean asked about an erosion control plan and if silt fence and haybales were common practice along property lines. He asked how they were going to be controlling the erosion on the site. Mr. Campbell stated they will be clearing a portion of the site, then building the wall along the property lines. He stated they will be following the standard state regulations. He stated they need to keep the runoff clean and replace haybales as they fill up. He stated the Planning Board will receive a copy of the state permit and standards before construction.

Mr. McClean asked about the rooftop HVAC units and what type of sound barrier will be in place. Mr. Coolidge stated the units will be screened and there is a certain decibel level they can't exceed, but the Town doesn't have noise regulations.

Mr. McClean asked about the height of the shrubs along the property line as the plan doesn't specify height. Mr. Roux stated they will be four feet.

Mr. McClean asked about the site lighting spilling over onto the abutting properties. Mr. Richardson stated they will fix that on the plan and there will be no spillage.

Robert Falcione, 93 Downey St., asked if the entrance and exits could be switched on the plan to help alleviate parking concerns. Mr. Roux stated a traffic engineer would never design it that way because the traffic flow would be counterintuitive and would lead to safety problems. Mr. Falcione stated spaces will be lost and there will be a lot of downtown changes as a result of this project. He asked if the Board was getting any mitigation from the developer. He suggested some parking in the vacant lot across the street. Mr. Abate stated the parking issue has been talked about. He stated that Mr. Roux is going to be bringing tax revenue to the Town. Mr. Roux stated he is doing mitigation for the Town by improving sidewalks, adding curbing and re-striping parking spaces. Mr. Falcione stated the impact to the Town is greater than the tax revenue.

David Phillips, Hopkinton Gourmet, 43 Main St., stated he bought the shop because of the parking. He stated his business will suffer from this new development. He stated he understands the safety concerns but it will kill his business. Mr. Dourney asked Mr. Roux if it was possible to use the exit as the construction entrance. Mr. Richardson stated that was already the plan and the construction workers will all want to patronize the coffee shop. Mr. Roux stated that people walk in town centers from one business to another. Ms. DeVeuve stated the developer has said there is no way the entrance can be safe and leave the two spaces. She asked Mr. Phillips what would make him accept that decision. Mr. Phillips stated he would just like to see the driveway moved east a small amount to allow for the second space to remain. Ms. Lazarus referred to the Grading & Drainage plan in the site plan and stated it appears there isn't any way to do that without an extreme jog to the right and that won't be approved by safety officials or the Historic District Commission.

Mr. Coolidge asked if the things the Board of Appeals had referenced in their decision had been taken care of. Ms. Lazarus stated there were a few specific issues and they have been addressed.

The Board voted unanimously to close the public hearing.

The Board voted unanimously to determine the Site Plan Review Design Criteria contained in the bylaw had been met.

The Board voted unanimously to approve the Site Plan entitled “Hopkinton Village Center”, prepared by Level Design Group and Gorman Richardson Architects, dated January 17, 2008 with the following conditions:

1. The Applicant shall review any significant proposed modifications to the building facade before or during construction with the Design Review Board prior to the commencement of construction of those items, to maintain consistency with the overall design concept.
2. The following conditions are required as mitigation of new traffic trips generated by the development and traffic impacts created by the development:
 - (a) The Applicant shall be responsible for re-alignment and re-striping of on-street parking spaces on Main St. between Grove St. and Church St. The spaces should be adjusted so that they conform to standard parking space dimensions, provide adequate space for vehicles to turn at driveway radii, and add on-street parking where the center driveway was located. The Applicant shall work with the Hopkinton Department of Public Works (DPW) in this regard, and the work shall be done under the supervision of the DPW.
 - (b) The sidewalk and curbing on Main St. along the frontage of the development site shall be repaired and improved.
 - (c) Left turns out of the site exit driveway shall be prohibited between the hours of 4:00 PM and 6:00 PM on weekdays. After the site’s retail and office space is 75% occupied, and further as conditions warrant, the Applicant shall work with the Chief of Police to evaluate the operational functionality of the turning movements at both driveways during the morning and evening peak hours of traffic on Main St. Adjustments and additional restrictions on turning movements to address public safety issues may be made as conditions warrant.
3. The design of the parking lot behind 17 Grove St. had been modified as an attempt to save four large existing trees along the property line, which trees will be flagged by the owner of 17 Grove St. prior to commencement of construction. If any of the trees are damaged during construction and a certified arborist certifies that the tree will not survive and/or any of the trees do not survive during a three year period beginning on the date of the start of site construction, the Applicant shall remove said trees. The Applicant shall plant new trees in that location to replace ones that are removed on a one-for-one basis. The species and size of the tree shall be determined after consultation with the Hopkinton Tree Warden. The Applicant shall provide surety to the Town in the amount of \$10,000 as a performance guarantee to ensure that the trees are replaced if required.
4. The Director of Municipal Inspections inspects Site Plans under construction for compliance with the approved Site Plan. If the Director of Municipal Inspections determines at any time before or during construction that a registered professional engineer or other such outside professional is required to assist with the inspections of the stormwater management system

or other component of the Site Plan, the Applicant shall be responsible for the cost of those inspections.

5. 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.
6. All mechanical equipment shall be screened from view from the ground.
7. In accordance with Zoning Bylaw Sec. 210-138, the Applicant shall provide a performance guarantee in the amount of \$5,000 to the Town prior to the commencement of construction. The guarantee shall consist of a deposit of money or negotiable securities to guarantee completion of improvements to be made in compliance with the approved plans. The funds will guarantee that any unforeseen problems which arise, such as erosion and sedimentation, visual screening of abutting property, and the correction of site lighting problems, will be addressed. The funds will be held by the Town and returned to the Applicant upon completion of the project.

Adjourned: 11:00 PM

Anna Rogers, Secretary

Approved: February 25, 2008