

HOPKINTON PLANNING BOARD

Monday, March 24, 2008 7:30 P.M.
Hopkinton Town Hall

MINUTES

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

..... Elaine Lazarus, Planning Director

.....Cobi Wallace, Administrative Assistant

1. Veterans Memorial Gazebo – Town Common – Site Plan Review – Parks & Recreation Commission

Scott Richardson, Gorman Richardson Architects Inc., architect, and Ruth Gorman, Friends of the Common, appeared before the Board. Mr. Richardson stated the applicant first considered renovating and upgrading the existing gazebo but it became apparent that building a new, slightly larger, handicapped accessible structure made out of more durable materials would be a better solution. He stated that obtaining the Planning Board's approval is the last step in this process so that they can continue the fundraising efforts. Ms. Gorman stated that they have raised about \$25,000 which is about ¼ of the amount needed. She added that some of the money has been earmarked for the restoration of the Claflin Memorial Fountain and has been set aside because of a pending grant application.

Mr. Dourney asked about the Design Review Board comments. Mr. Richardson stated that the proposed lighting of the gazebo is a critical portion of the approval. He stated he has proposed to have a lighting mockup in order to get input from the Design Review Board, Historic District Commission and Parks & Recreation Commission and determine what would be best.

Mary Pratt, 102 Fruit St., member of the Board of Selectmen speaking as an individual, asked about the elevation of the gazebo. Mr. Richardson stated the floor of the new gazebo will be about 18 inches above the ground as opposed to 48 inches for the existing structure, but it will be high enough for speeches and presentations.

Mr. Weismantel asked if the applicant has considered moving the gazebo to a different location on the Common. Mr. Richardson stated the different groups discussed alternative locations to reduce the effect from road noise but it was ultimately decided to keep it in the existing location as it is an icon for the Town visible from the main street. Mr. Weismantel stated the plan shows the handicapped ramp ending in the grassy area which presents a serious problem for wheelchairs. Mr. Richardson noted that he has been focusing on the gazebo itself but is interested in creating a walkway. He stated he will discuss this with the Parks & Recreation Commission and maybe it can be a phase 2 project. Mr. Weismantel stated that handicapped accessibility is extremely important here and it should be addressed now. He referred to the electrical boxes and stated he would like the Board to deviate from its usual approach to lighting as the current lighting would not meet the Board's criteria for approval. Mr. Richardson stated that the lighting proposal has not been finalized yet. He stated the electrical boxes will have weatherproof enclosures and the exact locations still have to be determined. Mr. Richardson

stated he is interested in preparing a lighting mockup to be reviewed by all parties to determine the preferred method for highlighting the gazebo in the best possible way. Ms. Wright, member, Historic District Commission, stated the Downtown Revitalization Committee met with a consultant regarding lighting for the front of Town Hall and they might have some ideas for the gazebo. She stated that the Historic District Commission asked Mr. Richardson and the Friends of the Common to keep the lighting options open for now. Ms. Altamura stated she would like to see a lighting plan and agrees with Mr. Weismantel about the need to connect the ramp to a sidewalk. She asked about the size of the new gazebo. Mr. Richardson stated the new structure will be about 4-5 feet wider than the existing gazebo. Ms. Altamura stated she agrees the new structure is too low to the ground. A Board member stated he would like to see formal feedback from the Parks & Recreation Commission regarding the proposed height. He noted he always thought it was up too high but that perhaps there can be a compromise between 48 and 18 inches. Mr. Richardson stated it will affect the slope of the ramp but that maybe they could increase the height to 20 or 22 inches. He stated he does not want to make the ramp too long but connecting it to one of the crosswalks on the Common is a goal. Mr. Markey asked if the information regarding this connection has to be finalized now, and Ms. Lazarus stated that the Parks & Recreation Commission can install a sidewalk without site plan review. Mr. Coolidge stated he would like to see soft lighting and the structure raised more. Mr. Dourney stated he wants to let the architects design the structure and the only major outstanding issue is specific to site lighting. He recommended including language requiring final approval by the Design Review Board and Ms. Lazarus noted that the Design Review Board and the Historic District Commission would like to review it jointly.

The Board voted unanimously to close the public hearing.

The Board voted unanimously to find that the application for construction of a new gazebo meets the approval criteria in the Site Plan Review bylaw.

Mr. Weismantel moved that the Board approve the application with the following conditions: (1) all lighting will be approved by the Historic District Commission and Design Review Board; and (2) a handicapped accessible connection will be provided between the gazebo access ramp and a walkway on the Common or the street.

Ms. Wright expressed concern about a possible condition prohibiting all upward lighting in this case. Mr. Dourney suggested leaving it up to the Design Review Board and sending them a letter indicating that the Planning Board does not want to tie their hands if there is a creative way to light the gazebo. Ms. Altamura referred to a condition that all mechanical equipment has to be screened from view from the ground, and Mr. Weismantel stated that this would be a problem with respect to the electrical boxes but understands the Parks & Recreation Commission will look into this.

Mr. Coolidge seconded the motion and the Board voted unanimously in favor of the motion.

2. Continued Public Hearing – 81-83 Main St. – Site Plan Review – Joseph Strazzulla, Trustee, Wayland Realty Trust

Joseph Strazzulla, Trustee, Wayland Realty Trust, applicant, appeared before the Board. He stated his surveyor, David Marquedant, is attending another meeting but should be here shortly.

Mr. Strazzulla stated he responded to Fay, Spofford & Thorndike (FST)'s initial concerns and received a new letter today. Mr. Markey stated he is pleased to hear that the applicant is considering installation of solar panels. Mr. Strazzulla stated installation of solar panels is very expensive and he does not know whether there will be enough state aid and tax deferment to make it financially feasible, but is going to try. He noted the Planning Director has asked whether this would result in tree removal and the answer is yes but they probably have to come down anyway because they would not survive the construction phase. Mr. Markey asked about the impact of tree removal on screening the building from adjacent property. Mr. Strazzulla stated the trees do not provide a lot of screening.

Ms. DeVeuve referred to fire suppression requirements and the letter received from Lieutenant Clark of the Fire Department. She stated she did some research and the requirements for fire suppression apply to a building of this size. Mr. Strazzulla disagreed. He stated the proposed building is less than 7,500 sq. ft. He stated that the building is 6,020 sq. ft. plus a 1,000 sq. ft. utility basement, not a full basement as stated in the first letter from the Fire Department. Ms. DeVeuve asked if the Fire Department agrees with this, and Mr. Strazzulla stated that Lieutenant Clark's second letter acknowledges this fact. Mr. Dourney stated there are basically three outstanding issues but that all are within code and Mr. Clark has expressed what he would like to see there. Ms. Wright stated it sounds like the decision regarding fire suppression methods will come from the Building Inspector's office, not the Planning Board, but hopefully there will be mitigation either by installing sprinklers or a second egress to provide a safer building. Mr. Coolidge referred to Site Plan Review approval criterion #3 and stated the Planning Board does have a say, and Ms. Wright agreed it raises questions regarding that criterion. Mr. Strazzulla stated he feels that in case of a fire the building is accessible from adjacent property and it is close to the Fire Station. He stated the building is too small to need a second access, he is not creating an unsafe environment or violating the building code, and takes exception to the request to go beyond what is needed. Mr. Markey stated the exterior siding materials to be used will be a lot safer than wood. Mr. Strazzulla stated that most construction materials will be non-flammable although the furniture would be combustible. He added there will be heat and smoke detectors which will go off long before sprinklers. Mr. Markey stated there are some concerns regarding fire protection but the project has a lot of positive elements, including the resolution of a major stormwater problem in the area, the use of environmentally friendly siding with fire prevention benefits, and consideration of energy efficient solar panels.

Michael Shepard, 11 Hill St., member of Board of Selectmen speaking as an individual, noted that the Building Inspector will review the building permit application and everything will be covered regardless of the Planning Board's decision. Ms. Pratt referred to the natural gas house explosion at #65 Main St. a number of years ago, as well as a recent gasoline tanker truck incident in Everett where the presence of parked automobiles made the situation worse.

Ms. Lazarus stated she received a phone call from Lt. Clark today indicating he was unable to attend this meeting but that the stormwater management structures can handle the weight of the fire vehicles.

Mr. Strazzulla stated he does not want another continuance and feels all issues have been resolved. He referred to FST's most recent report and addressed their comments, including traffic and sight distance, parking, access, signage, water and sewer hookups, stormwater,

landscaping and screening. Mr. Markey stated that sight distance appears to be a concern and asked about current requirements and grandfathering rules. Mr. Strazzulla stated this plan provides a minimum of 1,000 ft. in one direction and 300 ft. in the other and the driveway cannot be moved. He stated he feels that the FST representative should have contacted him and visited the site. Ms. Wright asked about the pre- and post-development runoff calculations and whether Mr. Marquedant has addressed the issue. Mr. Strazzulla stated that it would require a full scale study which is too expensive and not his responsibility. He stated he has no calculations or analysis for the site past his point of impact. He stated that right now water is collecting in front of the Fire Station and the proposed development will be an improvement. Ms. Wright asked if the site is going to handle water from the ball field, and Mr. Strazzulla stated his drainage will be handled on site and the ball field water is bypassing the system. Mr. Coolidge stated he is bothered by the letter from the Fire Department and in his 20 years on the Board has never seen this type of concern voiced before. He added that Mr. Clark seems to think it is extremely unsafe. Mr. Strazzulla stated he has followed state law and it would cost \$100,000 for a sprinkler system.

Mr. Dourney stated that it looks like another continuance is necessary. Ms. Lazarus stated that the Board has 90 days after the close of hearing to make a decision. The Board decided to formally invite a representative of the Fire Department to attend the next hearing.

The Board voted unanimously to continue the public hearing to April 7, 2008, at 7:30 P.M.

3. Other Business

- Student Government Breakfast – Mr. Weismantel stated the annual Student Government Breakfast will take place on Friday, March 28, 2008 at 7:30 A.M. at the Hopkinton High School.
- Mr. Weismantel stated that an MAPC stormwater management meeting/workshop is scheduled on March 26, 2008, from 7:00 to 9:00 P.M. at the Hopkinton Fire Station.

4. Legacy Farms Master Plan Presentation and Discussion – Fiscal Impact Analysis

Mr. Dourney stated that the discussion will focus on the original fiscal impact report submitted by John Connery, Connery Associates (CA), on behalf of Boulder Capital, LLC and peer review submitted by Judi Barrett, Community Opportunities Group (COG), the consultant hired by the Town, as well as subsequent information received from both.

Mr. Connery appeared before the Board. He stated he was hired by Boulder Capital, LLC to prepare a fiscal analysis regarding the Legacy Farms proposal. He stated the initial report was submitted on January 7, 2008, and was reviewed by Ms. Barrett. He stated the theme and nature of the project goes all the way back to the East Hopkinton Master Plan. He noted the goal is to achieve a revenue positive project, and the initial analysis shows it to be \$3.7 million revenue positive. He stated he met with COG on March 20, 2008, and as a result of the questions raised at the meeting issued another report using a per capita approach although he does not feel it should apply. He stated they also used a per capita approach for the DPW numbers even though all roadways except for the spine road will be privately maintained. He stated this alternative approach resulted in a \$2.4 million net positive amount. Mr. Connery stated that the project will have a \$10-15 million gross tax value at build-out stage. He stated he feels they have solid school numbers and Ms. Barrett is in agreement. He stated the Town needs to make a land use

decision to either adopt the OSMUD zoning change or have the land developed by right with maybe a Chapter 40B component. Mr. Connery stated he hopes to have another workshop/meeting to achieve a financial model they can feel comfortable with for submittal to Town Meeting.

Ms. Barrett appeared before the Board. She stated she has been asked to perform a peer review of the material submitted by the proponent's consultant and provide information to the Host Community Agreement (HCA) negotiating team. She stated COG has worked for the Town since 1997 and is familiar with its financial history going back to 1987. Ms. Barrett stated she has been working on the Legacy Farms project since the end of January 2008. She stated she has a lot of little and a few more serious concerns. She stated the issue is the financial impact of a project consisting of 940 housing units and 450,000 sq. ft. of commercial space. She stated she is not looking at a project but at the economic benefit implication of a proposed zoning change. She stated she will continue trying to advise the Town on what the zoning change will mean financially. She stated that the proposed OSMUD bylaw contemplates a lot more uses than the ones currently under consideration in the fiscal analysis and maybe some of those uses should be taken out if they will not be proposed. She stated this then relates to the approach of reviewing a project that is not going to be built today but over time and without a clear phasing plan it is difficult to say that every phase will be revenue positive. She added that the 3-point plan presented by the proponent is not really a phasing plan and the timing/location of the negative aspects of the total project will have a big impact. She stated she recommends that the HCA include a phasing plan which should not be difficult for Boulder Capital and would significantly reduce the risk that the project will be revenue negative at certain stages. Mr. Dourney stated he understands that the level of detail needed by the Town is probably a concern. Ms. Barrett stated she and Mr. Connery disagree on methodology. She stated she conducted a series of interviews with various Town officials and departments and while the proponent was afraid that they all would come in with a "wish list" this did not happen. She added that she was impressed with the information obtained from the various Town departments. She stated that she studied the Police and Fire department logs as she wanted to determine what the activity looks like now and it came as no surprise that public safety activities are concentrated in certain areas of Town with the current Weston Nurseries property presenting a gaping hole. She stated the Legacy Farms development will be creating a new activity center and the question is how this will affect the public safety departments and their capacity to handle it. She stated she is still looking at this but is waiting for the traffic study to be completed.

Roy MacDowell, Boulder Capital, LLC, agreed that the issue of reviewing a zoning change vs. a potential project is a good question. He stated that assuming the OSMUD is adopted at Town Meeting, they will follow up with a Master Plan Special Permit process presenting the development in more detail. He stated that certain uses will require a special permit necessitating additional applications to the Planning Board. He added that if the proposal deviates from the project as shown today, Boulder Capital would have to come back to the Planning Board. He stated committing to a phasing plan would be a constraint from a marketing standpoint but agreed that there will be elements that will not be revenue positive such as the rental housing and the 50 single family homes. He stated he will develop a financial matrix which should be available in a couple of days. He stated that he will not build the negative aspects first and then take his time with the others. Ms. Barrett stated that the Town is interested to know what the tradeoffs are and it is not just about the bottom line but also about the effect on

the Town from an operational standpoint at each step along the way because not all services will be equally impacted. Mr. MacDowell agreed that the change from farm land to residential use will have an impact on public safety activity centers. Mr. Connery stated he anticipates the need for 9 additional public safety staff and 5 full-time employees in Town Hall. Mr. MacDowell stated that except for the spine road, all roads will be privately maintained and all buildings will have fire suppression systems.

Mr. Markey stated the Planning Board should clarify whether it is looking for information on the fiscal impact of the zoning change or the anticipated project. He noted this process started a year ago with the COG report submitted to the Land Use Study Committee (LUSC) which triggered the idea there might be a better use of the land than what is allowed under current zoning. He stated this resulted in the Sasaki Associates report for the East Hopkinton study area and a lot of this is at the heart of the proposed OSMUD. Ms. Barrett stated that the initial idea was presented by the Planning Director and COG cannot take all the credit for it. Ms. Wright stated the OSMUD is a smorgasbord of possibilities with special permit categories agreed on between Boulder Capital and the Zoning Advisory Committee (ZAC) members but the parameters need to be narrowed down at some point. Mr. Dourney stated that the next hurdle is granting the Master Plan Special Permit. Ms. Wright stated that except for rental housing and single family units, all other housing options were always deemed revenue positive. She asked if the special permit uses can be grouped together in a certain way and whether some perhaps should be eliminated. Ms. Barrett referred to her March 10 report and stated that most of those uses can be classified. Mr. MacDowell stated that none of the special permit uses will have an impact on the number of school children. Ms. Barrett stated it is agreed that some uses are more revenue positive than others and the Town can decide what it feels is an acceptable tradeoff. She stated that the project includes affordable units which are assessed at a lower amount. She added that COG is advising the Town on a proposed zoning change to facilitate the Master Plan and people want to know what authority is being created. Mr. Markey stated the Board has been struggling with the same thing as it cannot review the Master Plan until the zoning change has been approved. He added there are guideposts at both ends and people want to know the ranges of reality. He stated it is difficult to determine the financial impact because there is no official application yet for a project. Mr. MacDowell referred to potential assisted living and hotel uses. He stated they will go through the special permit process and they can prepare a matrix in order to provide clarification. He indicated they will work closely with COG.

Mr. Weismantel stated he understands the HCA is concerned about timing vs. financial impact. He referred to the “friendly” 40B component of the project and stated it is in the Town’s best interest to go ahead with the affordable rental units sooner rather than later so that the Town does not expose itself to an “unfriendly” 40B application in the wrong area without proper screening and an equally revenue negative impact. Ms. Barrett stated that this is a classic tradeoff issue but it is a policy decision for the Town. She stated that the Town so far has not experienced this type of 40B proposal because of the lack of water and sewer infrastructure and state limit on the number of units per development. Mr. MacDowell stated the affordable rentals will be built as a Local Initiative Project (LIP) project. He stated they will prepare the matrix to show the financial impact and will try to keep it at neutral but definitely not negative. Mr. Weismantel asked the consultants’ opinion regarding financial impact of the Legacy Farms project (940 housing units & 450,000 sq. ft. commercial space) vs. a by-right scenario or a really ugly 40B development. Ms. Barrett stated it depends on timing intervals, and Mr. Weismantel stated that

type of approach would be confusing. Ms. Barrett disagreed. Mr. Connery stated that a by-right development scenario will create more roads to maintain, generate more school children, and 50 additional homes per year is always negative. He stated mixing and timing them properly will create a positive revenue stream. Mr. Dourney asked if the impact on the Town will be revenue positive at build-out. Ms. Barrett stated the project will be revenue positive when built and fully occupied assuming no changes in the mix of uses presented on 1/7/08 with a phasing plan to buffer against negatives along the way. She stated that this however is not the right question to ask right now. Mr. Markey stated the Town is looking for something in the HCA to prevent the Town from being hit with a \$3,000,000 to \$4,000,000 override in between.

Ray Miyares, Town Counsel, stated it is possible to have the affordable housing component built early on in a fiscally positive manner, and the developer also feels it can be done. He stated the HCA can include language making sure that the expected financial benefits are indeed realized and it does not have to be called phasing or sequencing. Mr. Dourney asked when the agreement will be finalized and signed. Mr. MacDowell stated he feels it will be finalized in April. He stated the agreement will not address things like traffic mitigation as these will probably be addressed during the Master Plan Special Permit process and subsequent site plan review applications. He stated the HCA is about maintaining a positive revenue stream and to make sure that the anticipated benefits are actually derived although other things might creep in. Mr. Miyares stated that one scenario not mentioned by the consultants is where things go totally wrong and the project is never completed. He stated the developer might run out of steam and it is not uncommon that a master developer sells off various components of the project. Mr. MacDowell stated there is a meeting on March 26 and hopes the agreement will be completed in two weeks. Steven Zieff, Boulder Capital, stated the agreement should reflect the plan Boulder Capital has presented to the Town, and Town Meeting participants will want to see what they will get.

Ms. DeVeuve stated she would like to see some language as to what can be realistically expected. She stated the Board is looking at a zoning change and she would like to see a range rather than the best case scenario, noting that the residential uses will not change but the OSMUD commercial uses could be substantially different. Ms. Barrett stated it can be evaluated at yearly intervals once the model has been set up. Mr. MacDowell stated that potential uses include assisted living and hotels which will be included in the matrix. Mr. Markey stated he wants to see the numbers for the zoning change, not just the project, but people are curious about the project right now. He added that there is a mix of methodologies and it is difficult to make a comparison. Ms. Barrett stated that some commercial uses might be eligible for Tax Increment Financing (TIF) which may delay the interim revenue gain. Mr. MacDowell stated they do not plan to use a TIF. Mr. MacDowell stated they are proposing payment in lieu of taxes for non-profit organizations. Mr. Miyares stated that TIF's offer a tradeoff between reduced taxes and job creation where a percentage of the jobs goes to local workers and will not be a way to remedy Hopkinton's fiscal revenue situation. Mr. Dourney stated it might be an incentive for companies to locate in Hopkinton. Mr. Miyares stated that Hopkinton will have to consider such cases on their merit.

Ms. Wright referred to the phasing plan presented by Boulder Capital and asked about additional approval-not-required (ANR) lots once the road has been built. Mr. Miyares stated the HCA will prohibit additional ANR lots on the road except for the ones created under the Legacy Farms

development Master Plan. Ms. Pratt referred to the Westwood Station development where the Town's Selectmen want money up front because they do not want to wait 5 years to get positive revenue and that is something to consider. She referred to LIP Chapter 40B rental units and stated that Wood Hollow was also a LIP and a comprehensive permit is the safest way to guarantee affordability in perpetuity. Ms. Lazarus stated that a certain number of affordable units will be required under the OSMUD bylaw and it does not really matter how it happens so a comprehensive permit is an option.

Chris Barry, 17 Clinton St., asked how the number of bedrooms will be controlled. He stated the \$750,000 asking price for a 2-bedroom townhouse is absurd and asked who is going to buy these. He stated he finds it hard to believe that an influx of 2,000 residents will only result in 237 additional schoolchildren. Mr. Connery stated the number of students is related to the type of residential development under consideration. He stated that 1.6 children are expected to be generated per unit with a 10% contingency resulting in a total of 236 while Ms. Barrett quotes a total of 237. Mr. Dourney asked if Ms. Barrett is comfortable with the number of bedrooms/children presented by Boulder Capital and Ms. Barrett stated yes. She noted that high end townhouses typically have very few children. The frequency and legal aspects of renting out townhouse units were discussed. Mr. MacDowell stated that a very small percentage of townhouse units are rented out, mostly on a transitional basis. He stated that the rental housing units do not attract families with children because of the cost of the unit and mix of number of bedrooms and unit size.

Julia Linnell, 5 Reservoir Rd., stated the OSMUD will go with the property and asked if that is the case with the HCA. Mr. Miyares stated that some components will be the obligation of the property owner while others will run with the land.

5. Continued Public Hearing – Open Space Mixed Use Development (OSMUD) District Zoning Bylaw

Mr. Dourney stated the discussion will focus on the latest version of the proposed OSMUD bylaw for Town Meeting and the Board has to make sure that the changes it requested are now incorporated. Mr. Weismantel stated he went through the bylaw section by section and feels it is exactly what the Board is looking for. Mr. Markey referred to the discussion at the last meeting on the subject of allowing an anchor store while avoiding multiple big stores in the Village Center. He stated the new language addresses all his concerns. James Miner, Sasaki Associates, stated this is consistent with their recommendations.

Ms. Altamura referred to the Definition section with respect to open space vs. restricted land and warned that Town Meeting participants might have a problem with the wording. She stated the Town has an investment in the project and the language for Town Meeting should be specific. She stated she does not know about the economy and there might be a desire to have community gardens someday or maybe a windmill, as no one knows what will happen to the environment. She stated she feels the definition has to be split up because the open space should be a promise of passive or active recreation with a certain percentage for municipal uses now or in the future. Ms. Lazarus stated that the uses will be narrowed down as the project goes through the process and at this point the specifics are not known. She stated the Town does not own the land and she does not know whether any land will be gifted to the Town. Ms. DeVeuve stated there are 500 acres to be left undeveloped by the proponent and the discussion is about whether they can be

used for municipal uses. She agreed with Ms. Altamura that the idea was allowing a dense development in exchange for open space and that there should be a limit on municipal uses. Mr. Weismantel stated that the Town should not preclude other municipal uses and it allows municipal uses in every zone throughout the Town. Mr. Markey stated he wishes the Board would discuss the content of the definition instead of arguing about the name. Mr. Dourney stated he understands Ms. Altamura's point of view of wanting to protect the Town's interest regarding the open space. Mr. Coolidge stated the exact open space boundaries are currently unknown, and the 500 acres includes former nursery land that needs to be reclaimed. Ms. Wright stated that once more details are available some traditional open space can be carved out. Mr. Dourney stated that restricted land can be used for passive or active recreation and the language allowing the use is in place but does not specify exact locations. Ms. Altamura stated that in spite of this some people are concerned and Mr. Markey stated that the Board has to be politically smart.

Muriel Kramer, 39 North St., Chairman, Board of Selectmen speaking as an individual, stated she believes there is a way to word the bylaw in order to satisfy everyone's needs. Mr. Miyares stated he suggests rewording the definition section and adding a 7th category separating out municipal uses from the other uses. The term "open space" was also added to the Restricted Land section. In response to Mr. Dourney's question both Mr. MacDowell and the Board indicated this is an acceptable change.

Ms. DeVeuve stated she is concerned about the potential of an Erickson Retirement Communities type of development and that it would not be considered a residential use and counted in the 940 total. Mr. MacDowell stated it is one of the possible uses but it can only be a maximum of 100 to 150 units because of infrastructure limitations. He added that it will be a special permit use necessitating a separate application to the Board. Marilyn Sticklor, Goulston & Storrs, attorney, stated assisted living is considered a commercial use like a hotel and would be located in the Commercial Subdistrict of Legacy Farms. Mr. Weismantel stated this was brought up during the ZAC discussions, and an assisted living development would be more revenue positive than office space. Ms. DeVeuve stated this might create trouble at Town Meeting. Mr. Weismantel stated the Board will have to be prepared to explain it will be revenue positive. Ms. Kramer submitted a letter into the record. She stated that positive net revenue is only one goal but the Town also needs to look at the proposal from a quality of life point of view. She stated the voters will look at assisted living as a residential use, and if it adds to the total number of housing units, then there needs to be compensation as these cannot simply be tucked into the zoning. Mr. Dourney stated that in the business community assisted living is considered a commercial use and it is clear that the Planning Board needs to be able to explain its position at Town Meeting. Ms. Markey stated he feels the use is more commercial than residential. Ms. Wright asked about the impact on the safety departments and Ms. Altamura stated it would be a mistake to allow the use. In response to a question from Ms. DeVeuve, Ms. Lazarus stated that the units will be counted as dwelling units by the U.S. census and will affect the Town's numbers under Chapter 40B regulations. Mr. MacDowell stated the use would fit nicely but it would not be of the Erickson Retirement Communities magnitude.

Ms. Pratt stated she has no objection to the use as long as the units count toward the 940 Legacy Farms residential housing units and it also has to be addressed in the ENF.

Barry Haines, 105 East Main St., referred to setback requirements in the Village Center subdistrict and asked if structures could be built right up to the property line. Mr. MacDowell replied no.

Ms. DeVeuve stated she just received the new OSMUD bylaw draft today and the public has not has the opportunity to look at it. She stated that if the hearing is closed now it will prevent people from providing input. In response to a question, Ms. Lazarus stated the document was available to the public as of this afternoon. Mr. Markey stated that the public hearing process cannot go on indefinitely and tonight might be the last opportunity for comments. Ms. Sticklor stated the new draft was written today but there are no new points. Mr. Coolidge suggested leaving the document out there a little longer. It was determined that the warrant has to go to the printer before the next Planning Board meeting. Ms. Altamura stated she is concerned about an Erickson type development which might lower the Town's affordable housing percentage. Ms. Lazarus stated this might be one of the tradeoffs referred to by COG and it is a decision the Town needs to make.

The Board voted 5 in favor with two opposed (Altamura, DeVeuve) to close the public hearing.

The Board voted unanimously on a motion to submit a report to the Annual Town Meeting recommending the adoption of the proposed amendment to the Official Zoning Map, creating an Open Space Mixed Use Development Overlay District in the Town, and of the proposed amendment to the Zoning Bylaws of the Town by adding thereto a new Article XXVI as amended at the meeting, regulating such Overlay District, provided however that such recommendations shall be contingent upon the execution by the Town and Legacy Farms LLC of a Host Community Agreement satisfactory to the Planning Board.

5. Other Business

- a. Bills – The Board voted unanimously to authorize payment of outstanding bills.
- b. Minutes – The Board voted unanimously to approve the Minutes of March 10, 2008.
- c. Mr. Coolidge stated he would like to invite Lt. Ken Clark to come to the next meeting to discuss the 81-83 Main St. site plan review application. The Board agreed.

Adjourned: 11:20 P.M.

Cobi Wallace, Administrative Assistant

Approved: April 7, 2008

