

HOPKINTON PLANNING BOARD

Monday, April 28, 2008 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, John H. Coolidge, Claire Wright, Carol DeVeuve, Ken Weismantel

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

1. Fay, Spofford & Thorndike, LLC – Consultant Services

Stephen Chapman and David Glenn, Fay, Spofford & Thorndike, LLC (FST), appeared before the Board. Mr. Abate stated that FST had been doing a great job but it seems to him that lately their review comments have been very careful and lack the value the Board is looking for.

Ms. Wright arrived at this time.

Mr. Abate stated the Board pays for FST's services with the developer's money. He stated that recently the review letters started looking more like checklists. Mr. Abate stated he would like FST to take more risk, be more specific and tell the Board if any crucial information is missing and whether or not this presents a problem.

Ms. Altamura stated that the format of the most recent review letter is much better. She stated that the important issues should stand out because the Board relies on FST's expertise.

Ms. Wright stated it is very helpful for the Board to see serious issues printed in bold as applicants tend to dismiss problems as not being important.

Mr. Weismantel offered the following comments: 1. He would like to see FST have face-to-face meetings with site plan review applicants as the standards for disapproval of that type of application are very high and the Board somehow has to make the plans work. He stated he does not like to keep continuing the public hearings. 2. It is necessary that the review letters are received at the Planning Department in a timely manner and no later than Thursday before a Planning Board meeting. 3. Most of the Planning Board members are not engineers and the recommendations need to be clear. A lot of engineering decisions are judgment calls but if the Board has the pros and cons on technical issues it will be easier to make a determination. 4. The Board relies 99.9% on FST with respect to stormwater-related issues. 5. Mr. Weismantel referred to FST's recurring comments regarding water & sewer permitting. He stated that it really does not matter whether permits have already been granted except possibly in the case of a septic system that has to be replaced in order to take care of a stormwater problem. He stated that applicants basically have the right to a connection if the sewer line goes by the property. 6. The parties should get together for a meeting of the technical minds.

Mr. Dourney stated he has three major issues: 1. FST's comments should be submitted to the Planning Department on schedule because if this feedback comes in too late, the Planning Board is already at a disadvantage. 2. FST's comments and recommendations should be specific with respect to outstanding issues. 3. The Board has to have clarity regarding the recommendations. He noted that visiting the site and communication with the developer/applicant and their engineer is crucial.

Ms. Altamura stated the Planning Board is not satisfied until it feels that FST is satisfied with the plan but hearings should not be continued over and over again.

Mr. Coolidge stated he has been on the Planning Board for a long time and remembers having a similar discussion with FST about 10 or 15 years ago. He echoed comments made by other Board members and stated that good communication and timely reviews are of the essence. He added he would like to know in advance if FST is unable to provide a report so that the Board has the option to cancel the agenda item.

Mr. Weismantel referred to the process followed during review of the Hopkinton Square site plan application, when all parties met together. He stated that the Legacy Farms development will be complicated and good communications between the parties is very important.

Mr. Chapman stated that FST is willing to be more engaged but would like direction from the Board on the process to be followed. Ms. Wright suggested conference calls, and Ms. Lazarus stated it is very helpful to meet face-to-face with the applicants and their engineers. Mr. Glenn stated he appreciates the feedback because FST is working for the Board and its feedback is important. He referred to the recent shift from residential subdivision to site plan submissions, and FST until now used the same review letter checklist format. He referred to a recent discussion about this with the Planning Director who indicated that the Board would like a different format separating out primary and secondary issues. Mr. Glenn stated the review letter format follows that of the bylaw requirements but they can highlight major issues. He added they are willing to meet with the applicant any time. He stated he prefers that the applicants initiate the contact but is willing to make the call if the Board prefers, and he can keep the Board informed. Mr. Dourney stated he does not want to see negative feelings from the developer with respect to the Board's consultants. He stated the Board runs into grey areas when reviewing plans and all bets are off if review letters are not available on time. Mr. Glenn stated that if the review letter is late, it is usually because the developer or applicant is late in submitting the information. Mr. Coolidge suggested that FST might want to mandate that it will only review complete submissions.

Mr. Chapman stated that FST started working for the Hopkinton Planning Board in the early 1980's, and did things differently by talking with the applicants and working things out before the hearing. He stated they changed this because the Board at the time felt that it was not part of the process. He stated they could go back to that approach but will require additional review time including submittal 2 to 3 weeks prior to the hearing. Ms. Altamura stated the problem with that approach is that the applicant then has a lot of money invested in the plan and will be more resistant to make changes the Board wants, which will be counterproductive.

Mr. Abate stated that they are now in an era of delegating review issues to experts and FST knows what the Board is looking for. Mr. Weismantel stated that for residential subdivision applications much is determined at the concept plan stage. He added that site plan applications are different but that a preliminary discussion would be the best timeframe for input.

The Board thanked the representatives from FST for attending the meeting.

2. Public Hearing - Adult Uses – Proposed Zoning Bylaw Amendment

Mary Pratt, 102 Fruit St., member of Board of Selectmen sponsored by the Board of Selectmen, described the proposed amendment to the existing Adult Uses bylaw. She provided background information about the existing bylaw which was adopted in 1996 as a result of events taking place in Northborough. She stated the current bylaw regulates things like books, magazines, movies and videos. She referred to a recent proposal to allow nude entertainment in a Milford establishment which prompted her to draft an amendment to the existing bylaw. She stated that the Town of Milford denied the proposal but the applicants are currently appealing the decision. Ms. Pratt stated the proposed bylaw amendment was reviewed by Town Counsel.

It was stated that the current bylaw in Hopkinton is silent on the issue of live nudity, and Ms. Lazarus stated the proposed amendment will result in the use being regulated. Ms. Wright asked about the requirement for providing a social security number in the application. Ms. Pratt stated this is something that is done in other States and might discourage applicants from coming to Town. Ms. Lazarus stated that if the Attorney General does not find it legal, it would be removed. Mr. Weismantel referred to the existing bylaw and asked whether the 400 ft. radius requirement from the specified uses or zoning districts would technically eliminate any possible location for adult uses. Ms. Lazarus stated the specified distances from uses and districts have not changed.

The Board voted unanimously to close the public hearing. The Board voted unanimously to recommend the proposed amendment to the existing Adult Uses bylaw to Town Meeting.

3. Public Hearing - 11 Meserve St – Site Plan Review – Satellite Day Care Facility and Parking Lot (Walker Realty, LLC)

Douglas Deschenes and Kevin Erikson (Deschenes & Farrell), attorneys, and Katie Bomengen (Hancock Associates), engineer, appeared before the Board.

Mr. Deschenes stated he is requesting a review of the site at 11 Meserve St. to be used for day care purposes in conjunction with the Next Generation Children’s Center (NGCC) facility at 2 Wood St. He described the location of the property, which is 4 lots away from the existing NCCG facility. He noted the parcel is just under 14,000 sq. ft. in size and in the Residence B zoning district. He noted that there are currently two existing structures, a single family home which is in poor condition and will be demolished, and a 420 sq. ft. barn which will be rebuilt for day care purposes. Mr. Deschenes stated the area is primarily a single family residential neighborhood with NCCG as a commercial use on the corner of Wood St. & Meserve St. and a parking lot across from the property used for oil trucks. He stated that they are proposing to use the barn as part of the day care center for day activities, a children’s workshop for arts & crafts, and storage for equipment and supplies. Mr. Deschenes stated he is also proposing to construct a

parking lot for 13 cars. He stated the day care use will be periodic depending on the weather, Monday through Friday only from approximately 9 AM to 3 PM and the children would be walked or wagoned from the main day care center. He stated the building will not be used much during evenings and weekends except in case of special events or interviews. Mr. Deschenes stated the parking lot will be used sometimes during off hours but he does not expect any significant increase in traffic. He noted the use will only involve a limited number of children and has to be reviewed by the licensing agency. He stated FST asked about the number of children and they have asked NGCC for more information. He noted the building will have a sink and a bathroom and day care water use is estimated at about 5 gpd per child as opposed to 330/340 gpd for a single family house.

Ms. Bomengen described the technical details of the site. She stated the parcel is a little less than 14,000 sq. ft. and the elevation drops from 418 ft. in the front to 412 ft. in the rear. She stated the parking lot has been designed at a 4% slope requiring an area to be filled. She stated there will be a retaining wall on both sides of the parking lot and screening by arborvitae and a fence. She stated they will not remove the large trees in the upper rear corner of the site. Ms. Bomengen described the proposed stormwater management system which will incorporate low impact development techniques and the use of a level spreader to prevent a point source discharge situation. She stated the lighting for the site will be put on a timer and shut off at the appropriate time as they realize that this is a residential neighborhood.

Mr. Abate stated it is clear that the applicants have to go to the Board of Appeals and asked whether it is worth it for the Board to spend a lot of time on the application at this point. Ms. Lazarus stated that the applicant needs to get feedback from the Planning Board. Mr. Abate stated there are quite a few outstanding FST issues and there is no photometric plan. Ms. Altamura asked about the 50 ft. buffer requirement to screen the use from the residential abutters. Mr. Markey stated that the proposed lot layout will create a gap in the residential neighborhood streetscape and feels that the parking lot should be in the back. In response to a question, Ms. Lazarus stated the Bylaw language prohibiting parking between the building and the street only applies to the Downtown Business District. Ms. Wright stated she thought the building cannot be replaced with a new structure because it is a pre-existing nonconforming structure, and it was explained that this is ok as long as the footprint remains the same. Mr. Dourney asked if the new building will be an annex to the existing NGCC business and Mr. Deschenes stated it will be part of it. Ms. Altamura stated she cannot see the new building as a stand-alone facility. Mr. Deschenes referred to the letter dated April 28, 2008 from Chuck Kadlik, Building Inspector, and stated he disagrees with his opinion that the proposal needs a permit from the Board of Appeals but that under either scenario they have to come to the Planning Board for site plan review. He stated that under MGL Chapter 40 Section 3 the Board cannot prohibit child care facilities but has the authority to impose reasonable regulations regarding screening, parking, setbacks, etc. Mr. Deschenes stated that if an application to the Board of Appeals is necessary he would like to be able to include the input from the Planning Board.

Mr. Deschenes stated he received FST's comments and is prepared to address at least 50% of them before the next hearing. He stated he agrees to a certain extent that not much can be done

right now. He stated he expects to be in contact with the Building Inspector to come to a resolution regarding the process to be followed.

Royce Greenwood, 24 Wood St., stated the plan will result in stormwater being discharged on his property. Mr. Greenwood stated that after 2 in. or more of rain his yard and his neighbor's are completely flooded. He stated that the proposed detention pond will allow far too much opportunity for additional water damage and will not help control runoff.

Jason Galbraith, 9 Meserve St., stated his driveway runs along the south side of the property and there are flooding problems now. Mr. Galbraith stated he is concerned about the impact of this project on his 1,500 gallon septic tank located on his property, which is grandfathered. He stated he is concerned about drainage, privacy and general quality-of-life issues, but is not necessarily opposed to the use and the parking lot.

Keith Cheverie, 13 Meserve St., stated he is concerned about the proposed height of the new building and it will be an eyesore. He added he is just digesting this information tonight but it would be nice if the applicant will work with the abutters regarding landscaping.

Ms. Pratt asked if this proposal is made under the Dover amendment, and Mr. Deschenes responded yes. She stated she is concerned about water going into the cemetery and it was stated that the water goes in another direction. Ms. Pratt asked about a sidewalk on Meserve St. as she is concerned about the safety of the children walking back and forth between the new building and the main NGCC facility. She asked whether the NGCC pays taxes and Mr. Deschenes responded yes. Ms. Pratt stated that there were a lot of water problems during the construction of Baker Lane and asked whether the applicant has been to the Conservation Commission. It was stated the site is not within a 100 ft. buffer zone.

Ms. Lazarus stated that the Board cannot require a special permit for child care uses but can regulate certain aspects such as the ones listed in MGL Chapter 40A Section 3, including parking.

Ms. DeVeuve asked whether the barn would be completely demolished and Mr. Deschenes stated yes, and it will be rebuilt within the same footprint.

Ms. Wright asked whether there is access to the rear of the property to maintain the stormwater management system, and Ms. Bomengen stated vehicles could not access the area and it would have to be done by hand. Ms. Wright asked about the need for a stormwater easement on adjacent property as mentioned by FST, and Ms. Bomengen responded that an easement is not needed as the water goes there now. It was determined that the runoff velocity will be decreased with this system, but the volume will increase. Ms. Wright stated the proposal does not address the requirement for handicapped parking. Mr. Deschenes stated it is listed as one of FST's concerns but they have enough spaces to address the requirement.

Mr. Abate asked about the composition of the parking lot and how the applicant intends to comply with the provision regarding compact spaces. Ms. Lazarus stated the applicant used a creative accounting method by saying that the 11 Meserve St. lot and 2 Wood St. lot are one

combined, but that it is not appropriate. She stated that the Design Review Board needs to see accurate drawings of the building.

Robert Falcione, 93 Downey St., asked why the new structure does not have to comply with the setback requirements. Mr. Deschenes stated that it is because of a grandfathering provision under the zoning bylaw, not the Dover Amendment.

Mr. Markey stated there are no sidewalks on Meserve St. and he is concerned about children walking in the middle of the street. Mr. Coolidge stated there is a fair amount of traffic there and asked what has changed in the existing building to necessitate a satellite facility. There was a discussion relative to the adequacy of the existing number of parking spaces. Ms. Lazarus stated the existing building was constructed before the Town had a parking requirement for child care uses. Mr. Markey stated it appears the applicant is just trying to find additional parking spaces.

Mr. Weismantel stated he is very concerned about the Dover Amendment aspect of this case and this is a clever legal job trying to put a day care use in a 400 sq. ft. building so they can get a parking lot. He stated he is worried about spending a lot of money in legal fees on this issue. He stated he visited the site which is very tight with barely enough room for the parking lot, but if the neighbors are satisfied with the screening, the issue might be resolved. He recommended that the applicant meet with the neighbors to discuss the screening. He stated the FST comments might be resolved but is worried about the water that will flow from the back of the property and needs more information on the level spreader. He stated the real use of the site is a parking lot but the applicant is including a day care center that will be used rarely. Ms. Wright stated that in these cases the Board is not supposed to disregard stormwater management issues, safety, screening and lighting.

Mr. Dourney stated there are 4 issues: safety, screening, lighting, and stormwater runoff.

Mr. Deschenes stated he will be happy to meet and work very closely with the abutters. Ms. Lazarus stated that the applicant also has to work with the Building Inspector and resolve the issue of whether Board of Appeals action is necessary.

Ms. Wright asked about the height of the building, and Ms. Bomengen stated that the elevation has to be brought up to avoid accessibility problems.

Ms. Pratt stated the stormwater management design has to comply with DEP and Town stormwater regulations and post-development peak rate cannot be increased. Mr. Dourney stated that this is one of the FST issues. Ms. Wright stated the site is extremely small and the water will be leaving the property after a short distance.

The Board voted unanimously to continue the public hearing to June 9, 2008 at 7:30 PM.

4. Other Business

1) **Bills** – The Board voted unanimously to authorize payment of an outstanding bill.

2) **Minutes** – The Board voted unanimously to approve the Minutes of April 7, 2008 as amended; the Board voted unanimously to approve the Minutes of April 14, 2008 as amended; and the Board voted unanimously to approve the Minutes of April 22, 2008.

3) **Connelly Hill Estates – Performance Guarantee Review and Lot Release Request** – Chris Nation, developer, appeared before the Board. Ms. Lazarus stated that the Board’s inspecting engineer concurs with the new performance guarantee amount for a 250 ft. section of road in the Connelly Hill Estates subdivision. The Board voted unanimously to set the new performance guarantee amount for the Connelly Hill Estates subdivision at \$71,394.00 and release Lot 46 from the Conditional Approval Agreement upon receipt of the additional amount required.

5. Town Meeting Articles

The Board discussed the presentation of its articles at the Annual Town Meeting. Mr. Abate stated he will only be able to attend on May 5, 2008, but that Mr. Dourney has agreed to represent the Planning Board after that. Mr. Dourney stated he has talked to Mr. Markey and together they will present the OSMUD article, and will look to building confidence in the community, using a time line and an explanation of the process used. Mr. Markey stated they felt the Planning Board should get up in front of Town Meeting and explain why it voted to recommend the proposed zoning change. He stated after the Planning Board’s presentation, representatives from Legacy Farms will have 20 minutes, and the Hopkinton Citizens Association will have 20 minutes to make their points. He noted that at the Moderator’s meeting, the School Committee indicated they want some time, and there were others too. Ms. Pratt asked about a motion to have a ballot instead of a standing vote. She stated she has found out it is possible to appeal a Town Meeting vote to the State and if people had known that, last year’s Town Meeting vote on Legacy Farms would have been appealed. Tony Troiano, Town Manager, stated that the Moderator wants a standing vote, not a ballot.

Ms. Lazarus stated she has distributed draft handouts for Town Meeting and asked for feedback from the Board. Ms. Lazarus stated the Board and its consultants should sit up front as a group next to the microphone ready to answer questions. Mr. Troiano stated that Town Counsel will be present only to help the Moderator. Ms. Lazarus stated that the Board of Selectmen should take the lead in answering questions regarding the Host Community Agreement and the document will have been signed by then.

6. Continued Public Hearing – Hayward St. Rezoning Proposal – RLF to BR

Bill Tetlow, property owner and proponent, appeared before the Board. He referred to the first hearing on April 28, 2008, and stated the hearing was continued to give everyone an opportunity to speak to the proposal.

Mr. Markey stated he is abstaining from voting on this proposal because he is employed by an abutter, and left the meeting.

Mr. Tetlow stated he would like the Planning Board to support his proposal to change the zoning of his property on Hayward St. from Residence Lake Front to Rural Business. He stated he expanded his business on the corner of South St. and Hayward St. a couple of years ago and felt that rezoning the remaining vacant land on Hayward St. would be beneficial to the Town in terms of tax revenue. He stated presently this land only generates \$600 a year in taxes but has

the potential of \$45-50,000 per year if rezoned to Rural Business. Mr. Tetlow stated the Board would be following the Master Plan guidelines if it supported this proposal.

Mr. Tetlow stated he is proposing a small village setting and it would be an extension of the existing commercial development. He noted that there is industrially zoned land on both sides and a swamp which will serve as a buffer zone. He stated the original intent of the Town was to rezone South St. in its entirety but the area on the corner of South St. and Hayward St. was left residential. He stated these homes have since been removed and then the 2007 Master Plan came out asking for more commercial development.

Pam French, 2 Parker Point Rd., stated she lives near Lake Whitehall and identifies with the concerns of the area residents. She noted that from listening to the abutters it appears they feel that the land will remain undeveloped if it is not rezoned.

Mr. Abate stated that there are by-right uses for the land and whoever owns the property could certainly develop it.

Ms. French stated it is not a matter of this development or nothing and from a business and financial viewpoint it makes sense to rezone this property to Rural Business, and the residents need to rely on the Planning Board to uphold the rural character of the area.

Ms. Pratt stated that nobody has anything against Mr. Tetlow but she knows about the problems with Lake Maspenock. She stated that the area residents fought the Industrial rezoning and they will be affected most by the change. She stated she remembers why the 6 homes on the corner of South St. and Hayward St. were removed. She stated the neighborhood has undergone tremendous changes, and it is constantly under pressure for more change and zoning creep. She stated the zoning should be left the way it is.

Chris Nation, 17 College St., stated he attended the first hearing on this proposal and it was not clear how people felt about the plan. He stated there was a lot of emotion but no facts or real reasons for keeping the residential zoning. Mr. Nation stated he was involved with the 2007 Master Plan update on economic development and Mr. Tetlow's proposal is a good example of what the group was looking for.

Ross Trenholm, 22 Eastview Rd., stated the taxes have gone up in recent years. He stated that Mr. Tetlow's development would add to the tax revenue and will not be a burden on services and schools.

Malcolm Page, 74 Pine Island Rd., member of the Lake Maspenock Preservation Association (LMPA), stated that one has to consider how much this area has already been impacted and the new proposal would set a bad precedent. Mr. Page stated he is also upset about Mr. Tetlow's statement regarding a proposed 23-unit Chapter 40B development for this land. He asked whether there are plans drawn up for such a proposal. Mr. Tetlow stated that his business partner intended to propose a Chapter 40B development but he is no longer involved with the project and he does not want to do that.

Pam Duffy, 12 Downey Pl., stated she lived in the area since before EMC came to Town, and has seen a lot of growth. She stated this is only one of many proposals in the pipeline and there are only a few roads in and out of the neighborhood in which 300 families live. She questioned whether the impact is worth the additional tax revenue.

Ms. Altamura asked about the square footage of the proposed buildings and stated that the Board's information indicates that a 19,500 sq. ft. building would be assessed at 1.8 million dollars and generate \$25,000 in tax revenue. Mr. Tetlow stated that Mr. Bushway in the Assessors Dept. told him it would be something like \$45,000.

Arthur Brooks, 78 Hayward St., stated he recommends that the Board not endorse the proposed rezoning and offered the following comments: 1. 52 South St. (EMC Corporation) is still vacant. 2. EMC employees use the neighborhood streets for walking, there are no sidewalks and there have been many close calls. He stated the proposed site for the new development is located at a bad corner of Hayward St. 3. He is concerned about traffic congestion and asked what would happen in case of a fire. 4. Have any studies have been done to determine whether there is a safe sight distance in that location? 5. Sometimes he has to wait 10 minutes to get out of Hayward St. and he does not want it to get worse. He noted this is the wrong place for this development and it will reduce his quality of life and the value of his home.

Will Dumais, 87 Downey St., stated he has lived there for 10 years and understands what Mr. Brooks says about the traffic. He stated he likes the existing business with the Dunkin' Donuts and has not seen too many traffic problems. He stated that having a doctor's office nearby would be convenient.

Karen Phillips, 55 Hayward St., stated her house is assessed at a lower value because of its location next to the Industrial zone and the noise impact can even be felt inside. She stated that every additional change will make this situation worse and she did not buy a house in an industrial park.

Jean Sachs, 10 Downey Pl., referred to Mr. Tetlow's statement regarding tax revenue and questioned how a 19,000 sq. ft. building can generate \$45,000 in taxes and feels the proponent wants to sacrifice the neighborhood to generate tax money for the Town. She stated she does not use the existing business and there is no need to build the development for the residents. Ms. Sachs stated she is concerned about additional traffic, referred to a blind spot on Hayward St. and potential gridlock on West Main St. from Upton to Ashland.

George Kent, 64 Pinecrest Village, spoke in favor of the proposed change. He stated he wants to see more business in Town to create a more diverse tax base. He stated he does not see a lot of extra traffic on Downey St. and the South St./West Main St. intersection works fine.

Mr. Dourney stated that the Lake Maspenock neighborhood is a small community bordering the Lake and the Industrial district. He noted that the community already has endured a lot of commercial development and he does not necessarily feel that all development is good development.

Ms. Wright stated she will go against the tide on this issue. She stated she has been back and forth on this since the Planning Board first discussed the proposal on February 4. She stated the revised plan is better and she has looked at the site. She stated the Board has to make a decision whether or not all parties are in agreement. She stated the proposal is for a small expansion of an existing development. She stated there is a natural buffer which will also be an impediment to any further expansion of the commercial zone. She added that some residents like the development that is there now and they might like the other services. Ms. Wright stated that business owners can be good neighbors.

Ms. DeVeuve stated she does not necessarily disagree but when you enter Hayward St. it feels like going into a neighborhood and the Board is looking at the impact of a proposed zoning change not a particular site plan. She stated that she might consider this in a couple of years but right now it is too much for the area.

Mr. Tetlow stated he started thinking about rezoning in 2000 following the 1999 Master Plan and when he finished the 25 Hayward St. development a new update of the Master Plan was issued. He stated he has owned the property for 32 years and is looking to represent Hopkinton as a whole and questioned whether the few people in attendance here represent the entire Lake Maspenock neighborhood.

Mr. Abate stated he agrees with Ms. Wright. He stated he was not in favor of sponsoring the article but has walked the property with Mr. Tetlow and seen the revised plan. He stated he has not observed traffic problems, the Town needs more tax money, and the increase from \$600 to \$25-50,000 per year has appeal.

Mr. Coolidge stated he and Ms. Altamura were on the Board when EMC decided to settle in Hopkinton, Ms. Duffy's point is well taken and he is not in support of bringing the commercial zoning into the neighborhood. He stated he is surprised that ZAC recommended it to the Planning Board.

Mr. Weismantel stated he is struggling with the answer to this proposal and he was one of the six ZAC members who voted in favor. He stated he has since listened to friends and neighbors and looked at the property in context with other approved plans. He stated this change has the potential for a small retail/office development and he feels this is one of the better uses for the area, probably better than some of the things that have been approved. He stated he is worried about some of the alternative proposals for the site like a Chapter 40B apartment complex and 40 extra school children.

Mr. Tetlow stated he had done an objective study and observed traffic conditions at the Hayward St. and South St. intersection. He stated he has never seen an intersection that functions better than this one and did not see any evidence of people cutting through side roads although maybe there was a problem about a year ago. He stated the more traffic that goes through the intersection the better it works. He noted that it is not good to stop progress. He stated there is no harm in having additional pedestrian traffic and there is no litter problem. Mr. Tetlow stated that the development will not cause noise pollution and this is the perfect place for it.

Bea McMullen stated she lost a very good friend as a result of an accident on Hayward St. because of icy conditions in that location.

The Board voted unanimously to close the public hearing.

The Board voted 5 in favor and 2 opposed (Wright and Abate) on a motion to not endorse the proposal to rezone the property on Hayward St. from Residence Lake Front to Rural Business.

Adjourned: 10:00 P.M.

Cobi Wallace
Administrative Assistant

Approved: May 12, 2008