

## HOPKINTON PLANNING BOARD

Monday, July 7, 2008 7:30 P.M.  
Hopkinton Fire Station, 73 Main St.

### MINUTES

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PRESENT: Joe Markey, Vice-Chairman; Sandy K. Altamura, Claire Wright, Carol DeVeuve, Ken Weismantel, David Auslander

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

Mr. Markey called the meeting to order.

#### **1. Continued Public Hearing - 11 Meserve St. – Site Plan Review (Deschenes & Farrell/Walker Realty Trust)**

It was noted that the applicant has requested a further continuation of the public hearing. Mr. Weismantel asked if any progress is being made, and Ms. Lazarus stated that as far as she knows the applicant's engineer and the Board's consultant (Fay Spofford & Thorndike (FST)) have not communicated since the last hearing. Mr. Weismantel stated he believes one of the Meserve St. neighbors is anxious to see the property redeveloped because the existing structures are in bad shape. Ms. Lazarus stated that the applicant asked for the continuance and has not yet applied to the Board of Appeals. Mr. Weismantel asked if the proposed use has shifted toward more office space, and Ms. Lazarus stated the proposed use has not changed.

The Board voted unanimously to continue the public hearing to August 11, 2008 at 9:00 P.M.

Ms. Wright arrived at this time.

#### **2. Approval-Not-Required/81-P Plan – 15-25 Phipps St. - Mezitt**

Wayne Mezitt, applicant, appeared before the Board. He stated he wants to reconfigure the property and create an additional building lot for one of his children. Mr. Weismantel asked about the legal status of Phipps St. Ms. Lazarus noted the street was in existence before the Subdivision Control Law became effective, was discontinued as a public way and is now a private way which provides legal frontage. The Board voted unanimously to endorse the plan as not requiring approval under the Subdivision Control Law.

#### **3. 182 Fruit Street – Scenic Road Violation - Bethoney**

It was noted that the property owner was notified of the discussion tonight but is not in attendance. Mr. Markey stated that the property owner was fined in February for a scenic road violation but has not paid yet. Ms. Lazarus stated that Mr. Bethoney has rebuilt the wall even though he was required to come back to the Board first. She stated he left a hole in the restored portion of the wall for a pipe but the DPW does not need a pipe there. She noted that the intent of the design approved by the Conservation Commission is that the water will diffuse before it

gets to the wall to avoid a point-discharge situation. Ms. DeVeuve asked about the needed road repairs in this location. Ms. Lazarus stated that part of the problem is ongoing. Mary Pratt, 102 Fruit St., member of the Board of Selectmen speaking as an individual, stated that according to the DPW there are many liens on the property. Ms. Lazarus stated the property owner should come in and discuss the wall with the Board, as it required in February. Mr. Weismantel stated that things look okay except for the hole in the wall. The Board asked Ms. Lazarus to look into whether the Town can place a lien on the property to recover the fine, as it is for sale.

#### **4. Other Business**

- *Mass Technology Solar PV Third Party Ownership Workshop* - Mr. Markey encouraged Board members to attend a Mass Technology Solar PV Third Party Ownership Workshop to be held in Sturbridge, MA on July 15, 2008 at 8:30 A.M. He stated that there is a lot to be learned about current solar energy technology. He stated that Brian Main, the Town's Facilities Director, has put a lot of work into this program, and additional education will be beneficial in further discussions on this subject. Reference was made to the new Massachusetts energy bill signed by Governor Patrick. Mr. Markey stated the program also provides educational benefits to the School system. He added that financially it might seem like a wash at first but at the end of the fixed contract period the Town would own the equipment and the energy it produces. He stated that the School Committee and other Town officials have been encouraged to attend the workshop.
- *Minutes* - The Board voted unanimously to approve the Minutes of June 23, 2008, as amended. Ms. DeVeuve referred to Mr. Weismantel's comment in the minutes regarding stormwater regulations with respect to the OSMUD Design Guidelines. She asked that this be further discussed the next time the Board reviews the OSMUD Design Guidelines. Mr. Markey asked that the lyrics of the Planning Board rap performed by Hopkinton High School student Jaclyn Perreault be attached to the meeting Minutes.
- *Bills* – The Board voted unanimously to approve payment of an outstanding bill.
- *Planning Board Goals* - The Board discussed goals for FY09.
  - Stormwater Regulations - Ms. DeVeuve stated the Stormwater Bylaw is done but now they should continue working on the Regulations. Ms. Lazarus stated a hearing on the new Regulations will probably take place in late August or early September.
  - Downtown Issues - Mr. Markey stated one of the Planning Board goals should be to provide coordination for various downtown issues. He noted the Board should add some expertise and leadership in that area, including traffic issues, pedestrian safety and usage of public buildings.
  - Consideration of Review & Implementation of Sasaki Associates/East Hopkinton Strategy – Mr. Weismantel stated the Sasaki Associates recommendations consider overlay districts for landowners who don't necessarily want to do anything with their property. He stated the area also includes some small parcels and the Board could be spinning its wheels since their development needs water and sewer. Mr. Markey stated his inclination is that they should plan now and continue working on the Sasaki Associates recommendations. Mr. Weismantel stated that maybe the Board can get the message out to the major landowners and suggested scheduling a discussion before the Zoning Advisory Committee. Ms. Altamura stated this seems like a lot of work, and the major landowner (YMCA) has not shown interest in developing its property. Mr. Markey stated that Sasaki Associates developed a plan for East Hopkinton, including the

Weston Nurseries property, at a considerable cost to the Town. Mr. Weismantel stated that Sasaki Associates suggested something else for the YMCA land than what is there now and a bigger YMCA facility against the wishes of the neighbors is unlikely. Ms. Altamura stated there is a block of East Hopkinton residents who do not want any change, and, since there was just a big change made, maybe people should take a break. Ms. Wright stated that proposing zoning changes is a tough road and a lot of them are rejected at Town Meeting. She stated the Town understood the need in the case of the Weston Nurseries land but she would be very concerned about investing a lot of time in parcels that are not in play. Mr. Markey stated they are talking about a study that has already been done and only one piece of it has been implemented. Ms. DeVeuve asked about the Abbott Farm property. Mr. Markey stated he would like to invite the owners to a Planning Board meeting. Mr. Weismantel stated the owners would like to do something there but need sewer capacity.

The Board decided to continue the discussion later in the evening.

#### **5. Public Hearing – Planning Board Administrative Rules and Fees**

Ms. Lazarus summarized the proposed set of Administrative Rules for the Planning Board which includes submission deadlines, expectation of stormwater management systems utilizing Low Impact Development (LID) principles, requirement for complete submittals, streamlined review and approval process, consultant review fees, and timely applications for extensions. She stated some of these policies have been adopted by the Board but have now been incorporated in the Administrative Rules.

Mr. Weismantel referred to Special Permit applications for Off-Street Parking when submitted with a site plan application. He noted that both parties are paying application fees and the proposed \$1,200 administrative fee seems high especially if the application only involves a few parking spaces. Mr. Auslander asked how this fee compares to what is charged in other Towns. Ms. Lazarus stated this is a new bylaw and the amount is based on an estimate of Town time that will be required during the process. Ms. DeVeuve stated that the applicant can ask for a waiver of the fee. Ms. Lazarus stated that parking-related issues are more complicated and review fees are based on how much time the consultants estimate they will spend on an application. She noted that an Off-Street Parking facility is a separate facility, not part of a larger project and it is not the same as a parking lot is associated with a building. Ms. Altamura stated the fee seems fair, and Mr. Markey stated they have to rely on the department that is doing the administrative work and if Ms. Lazarus feels that this amount is needed it should be considered the best estimate.

Ms. Pratt asked about the possibility of having joint meetings again with the Conservation Commission and other departments. She stated these meetings were very useful and applicants found out what they had to do from the very beginning. She suggested scheduling joint sessions at 7:00 P.M. when Planning Board and Conservation Commission meeting dates coincide. Ms. Wright asked why they stopped these meetings and Ms. Lazarus noted it has been busy.

Mr. Weismantel asked about the definition of minor and major project site plans. He referred to the proposed new window installation at 43 Main St. to be reviewed later this evening. He noted

going through the site plan review process for something like that makes it too difficult for the applicant and increasing the administrative fee from \$100 to \$200 would add insult to injury. Mr. Weismantel stated there should be a way to structure the fee schedule proportionally depending on the scope of the proposal. Ms. Lazarus noted that a minor project could involve construction of up to 1,500 sq. ft. floor area but there could be a lower fee for projects like 43 Main St. The Board decided to set the fee at \$100 where there is no building square footage added and \$200 if there is, for minor projects.

The Board voted unanimously to continue the public hearing until later in the evening after the scheduled discussion regarding downtown related issues.

**5. Public Hearing – Minor Project Site Plan Review – 43 Main St. (Hopkinton Gourmet)**

John Forster, property owner, appeared before the Board. Mr. Weismantel asked about the criteria for minor project site plan review and who determines the need for an application. He added he understands that the proposed work involves a visual change to the outside of a building. Mr. Markey stated he had the same reaction but adding a window is a change to the visual appearance. Ms. Lazarus stated that the application for a building permit to the Building Inspector/Zoning Enforcement Officer triggered a site plan application to the Planning Board. Mr. Weismantel stated the proposal is just for a new window but the decision of the Board could be appealed. Ms. Pratt noted the property is also in the Historic District.

Mr. Forster stated he would like to install a new window on the east side of the building that would match the one on the west side. Ms. Altamura moved to approve the application as submitted. Mr. Weismantel referred to a recent minor project site plan application when the Board focused on lighting issues. He referred to the LED “coffee” sign in the coffee shop window and asked for clarification on enforcement of existing bylaws. Ms. Lazarus noted it is a sign and the bylaw is enforced by the Zoning Enforcement Officer. Mr. Auslander asked whether the Board is allowed to bring up unrelated issues, and it was stated that it is appropriate as this is a public hearing.

Robert Falcione, 93 Downey St., stated the Town currently has a sign bylaw which regulates the size of a sign but that business owners can put anything they want in their store front windows. He suggested the Board look at the illegal signs all over Town. Ms. Altamura stated that Mike Shepard, former Building Inspector, for that reason started the process for a more cohesive sign bylaw a couple of years ago. She noted the proposed bylaw failed and the Board turned the issue over to the Chamber of Commerce.

Mr. Markey asked if the window was going to be used as a walkup window, and Mr. Forster stated it is only for improved ventilation. The Board asked about the existing landscaping on that side of the building and if it would need to be removed, and Mr. Forster stated that it will not be a problem as the new window will be closer to the front of the building. Ms. Wright asked how the Planning Board approval will mesh with the need for a Historic District decision as their last meeting was canceled and the applicant at the time had not made an application. She stated she does not feel the proposal is controversial but the opinion of the Historic District Commission should be respected. Michael Girardi, 92 Spring St., Chairman, Historic District

Commission, stated that he issued a Certificate of Appropriateness last week in view of the applicant's construction time frame.

The Board voted unanimously to close the public hearing.

The Board voted unanimously to find that with respect to the criteria for approval of a Site Plan contained in Sec. 210-136 of the Zoning Bylaw, the following criteria are met:

1. The site plan conforms to the purpose and intent of the bylaw and proposes an appropriate and beneficial development of the site.
2. The surrounding area will be protected from the proposed use on the site by provision of adequate surface water drainage, buffers against light, sight, sound, odors, dust and vibration and the preservation of adequate light and air.
3. The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas and public ways is ensured.
4. Environmental features of the site and surrounding areas are protected.
5. The site plan is consistent with the Master Plan.
6. The proposed building scale and/or site development plan is consistent with the surrounding neighborhood.
7. No special permits or variances are required of the Board of Appeals.
8. The project is not a use referred to in MGL c.40A, §3 of the General Laws.

The Board voted unanimously to approve the site plan for 43 Main Street as submitted with the following conditions:

1. The same trim details shall be used around the window as is used on the other windows on the building.
2. The placement and design of the window on the east side of the building shall be the mirror image of the existing window on the west side of the building.

**6. Downtown Initiatives and Projects – Downtown Revitalization Committee (DRC), JT Gaucher, DPW Director, Board of Public Works**

Mr. Markey stated that the DRC has worked hard and at various recent Planning Board meetings the downtown has been considered a priority area. He noted he is glad to see members of the DRC and DPW here to join in the discussion. He noted downtown issues include sidewalks and crosswalks but there is more going on resulting in major changes, including a new Library, work on the Common, Center School, Hopkinton Village Center retail/residential development, and Legacy Farms which will have impacts on traffic and pedestrian safety. He stated it is fitting that these issues are discussed now before the actual projects are presented to the Board. He stated he would like the DRC to provide an update.

Anne Mattina, Chairman, and Scott Richardson, Peter LaGoy, Michael Girardi, Ken Driscoll, Deb Brug, and Bridget Perry, members of the DRC; JT Gaucher, Director of Public Works; Dan McIntyre, Jim Pyne and Kevin Kohrt, DPW Board, joined in the discussion.

Ms. Mattina distributed copies of a 2004 handout listing several recommendations for the downtown area based on Voices for Vision brainstorming sessions and DRC meetings during 2003 and 2004. She stated several improvements have since been made to the downtown area including the placement of black iron benches and planters. She noted there are still some items to be put out and improvements are being made with the Design Guidelines in mind, which are available to people on the Town's website. Ms. Mattina stated they are working on landscaping for the Town Hall, which was delayed because the foundation needs to be fixed, but the project has been funded and will go forward. She noted the annual Holiday Stroll was spearheaded by the Committee and is on its way to becoming a tradition. Ms. Mattina stated the Main St. crosswalks at Town Hall and Hayden Rowe St. have been improved but a request for funding to repair the sidewalks was unsuccessful at this year's Town Meeting. She noted she appreciates the opportunity to work on more improvements, and loves the idea of a unified vision in view of the changes ahead. She stated last year the Committee suggested making the crosswalk at Church St. and Main St. safer with a pedestrian traffic light, but realizes that funding is not available. Ms. Altamura stated it appears progress is being made and the Board is willing to do anything to help as long as the character of the Town is preserved.

Mr. LaGoy stated they have to make sure that physical changes to the downtown area are done in conjunction with the various stakeholders. He stated behavior modification is also part of creating a safer environment and additional warnings are needed for drivers approaching the downtown area so that pedestrians can safely cross the street. He added this is also an issue in other areas of Town. Mr. LaGoy stated it is important to put all aspects together in one framework and get everybody on board.

JT Gaucher, Director of Public Works, referred to a proposed Rhode Island downtown improvement project for new sidewalks, in-ground utilities, plantings and benches. He stated that community worked with a consultant who put together a study that included a field survey and a conceptual design.

Mr. Gaucher stated he feels that Hopkinton needs a corridor study. He stated right now they are looking at the Legacy Farms intersection changes and the improvements recommended by the DRC which are all necessary. He stated that they would need \$50,000 up front for the corridor study and \$3-500,000 for full design. Ms. DeVeuve asked if there currently is a plan in the works and Mr. Gaucher stated it was dropped because of lack of funding.

Mr. Weismantel referred to the discussion during the public hearing for 81-83 Main Street, where it was noted that the water main west of Grove St. is in terrible shape and the stormwater management system is a mess in certain areas. He asked about the main replacement and stated that he would prefer the road to be dug up only once. Mr. Gaucher stated he is looking forward to an analysis of what has to be done. Mr. Markey asked if this could be part of the DPW field study and Mr. Gaucher stated it could be. Mr. Gaucher stated that the water main is from the 1880's and they are concerned about it.

Ms. DeVeuve asked about the timing of burying utility lines. Mr. Gaucher explained the placement of various utilities in the ground and stated they are done from the bottom up and water mains would be done first followed by utilities and then pavement. Ms. Wright stated this

is a frustrating message to the DRC as it seems to indicate that nothing can be done until the Town is “rebuilt from the ground up”. She stated that some of Mr. Gaucher’s goals are very long range and would like to find a way to figure out what can be done in the near future. Mr. Markey stated there are limits to what can be done now and maybe that is why DRC has left out the water and sewer issues. Mr. Richardson stated the DRC is looking at aesthetic improvements for downtown, such as furniture and street lights, but feels the sidewalks and crosswalks are not safe and hopes to get funding for repairs. Mr. Markey stated it makes sense to put all aspects on the table so that it is clear what they are dealing with. He added it would be great to get all input together in one place like the Planning Dept. or Town Manager’s office and determine the commonalities.

Mr. Weismantel stated it appears the various groups are very committed and he does not see any pushback from residents regarding the goal of downtown revitalization. He suggested putting together a plan, determine the cost and present it to the residents of Hopkinton and let them decide. Ms. Pratt stated a study done years ago indicated that burying utility lines will be very expensive. Mr. Markey stated that the utility companies will clearly be stakeholders in the project and it was noted some of the downtown projects could be paid for with CPA funds.

Ms. Perry stated she would like to see a time-line for the total project and sidewalk repairs would not be that expensive. Mr. Markey agreed it might not cost a lot and safe sidewalks are important from a liability standpoint. Ms. Mattina stated it appears the Town is committed with everyone in agreement and she wants to see this go forward in a positive way. She referred to improvements made in the Town of Holliston, which took 10 years, but were done with State money. She added the Town of Hopkinton cannot afford the project and should go after any available state funding. Mr. Markey suggested that Ms. Mattina talk to Town of Holliston officials to find out how they accomplished the project. Mr. Troiano stated that Mr. Gaucher is the person to talk to as the project has to be coordinated through the DPW and they have to do the work even though they do not have the money or manpower.

Mr. McIntyre, stated he agrees with Mr. Weismantel’s idea to try to sell the plan to the Town. He stated the Town will have to do this to get State funding. He stated they have asked State Representative Paul Loscocco to include the Town of Hopkinton in Governor Patrick’s transportation bond bill which is now making its way through the legislature.

Ms. Wright stated she agrees that the DPW is central to the plan and asked whether there are some resource people within Town government who can find out about state funding and there might be some point people in Town who would know about this. Mr. Troiano stated there are ways to get money from the State but the Town has to put money up front. He stated that ultimately it will boil down to contracting an engineering firm to put together a plan.

Mr. Falcione stated the DRC list has been around for years and years. He stated the recent changes ask for a parking garage, and inquired about previous plans which asked for road narrowing.

Steven Zieff, Boulder Capital LLC, stated they are on board to help sell the plan to the people. He stated Boulder Capital’s plan is to extend the pavement to the existing right of way and they

have done a complete survey of the downtown intersection. Mr. Zieff noted they looked at the Cedar St./Main St. intersection as well as the Town Common with pedestrian safety in mind. Mr. Markey stated they should get all information grouped together in a central location and would like to see the Planning Board partner with the DPW in this effort.

Ms. DeVeuve asked how the DRC feels about this idea, and Ms. Mattina indicated she has no objections. Ms. Wright stated this will be a lot of work for the Planning Board. Mr. LaGoy stated it will be good to have a place for people to drop off materials and they can work with the Planning Board. Ms. Mattina stated the DRC is a group of committed volunteers without any resources.

Mr. Zieff stated that under the Host Community Agreement (HCA) Boulder Capital has the obligation to complete work on the Main St. intersections by May of 2009. He stated they need to know what the needs of the community are so that they can go forward with their plans. Mr. Markey stated that the DRC also wants to know now what the various stakeholders are looking for. He stated there are a lot of different visions out there and they need to get formed into one. Mr. Markey stated there is no reason to delay and encouraged the various groups to submit ideas to the Planning Board or Town Manager by September. Mr. Weismantel stated it comes down to a couple of issues and the desire to coordinate the work so that it only has to be done once. He stated they should focus on the major items, such as the Legacy Farms traffic improvements and the issue of the power lines. He stated he does not want the power line situation to get worse and they might be able to sell the idea of burying the power lines to the residents, but they may not like the resulting electric rate increases. Mr. Markey stated that the Planning Board will be happy to host another joint session like this, and asked about September. He stated that other stakeholders like Friends of the Library, Friends of the Common, and Boulder Capital/Legacy Farms should send their thoughts to the Town Hall under the topic of Downtown Revitalization. Mr. Gaucher stated he can put together a plan. He addressed the Legacy Farms obligation for traffic improvements at Cedar St., Main St. and Grove St. It was noted that a light fixture will be installed once they decide on the style, and Mr. LaGoy noted it will have to be reviewed by the Historic District Commission.

Ms. Wright stated it would probably be good to get an artist's rendering because she would like things to be coordinated.

Mr. Zieff proposed holding a design charrette in August with the parties here tonight so that they can start flushing out some of the issues. It was decided to schedule the charrette on the August 25, 2008 Planning Board meeting agenda.

Mr. McIntyre stated that DPW would like to meet with the Legacy Farms representatives to work out technical details.

Ms. DeVeuve stated she would like Mr. Gaucher to review the list of DRC action items, add the water and sewer components and determine the logical order so all work only has to be done once.

Mr. Markey thanked everyone for attending and participating in the discussion.

**7. Continued Public Hearing – Planning Board Administrative Rules and Fees**

The Board resumed the discussion regarding proposed Planning Board Administrative Rules and fees. Ms. DeVeuve and Ms. Altamura stated the proposed fees are reasonable. Mr. Weismantel stated he feels the \$1,200 administrative fee for an application for off-street and shared/off-site parking is too much and suggested reducing it to \$600. Ms. Lazarus stated she tried to hit a mid point with the fee, but since there has not been an application yet, it is an estimate. Ms. DeVeuve stated the applicants can ask for a waiver of the administrative fee. Mr. Weismantel stated that a parking garage would be a major project site plan application and he does not want to hit the applicant with an additional fee. Ms. Altamura stated the amount could depend on the proposed number of parking spaces, and Mr. Auslander stated the fee should be the same if processing the application takes the same amount of time. Mr. Markey stated there could probably be some type of tiered system as suggested by other Board members but the fees are designed to capture money back for Town Hall and he is in favor of leaving it the way it is drafted.

Ms. Lazarus recommended setting the administrative fee for off-street/off-site parking at \$1,200 but if it is submitted concurrently with a site plan application, only the highest administrative fee would be paid, not a cumulative amount. The Board agreed to this change.

The Board voted unanimously to close the public hearing.

The Board voted unanimously to adopt the Planning Board Administrative Rules and the following fees:

Administrative Fees:

Off-Street Parking Facility special permit: \$1,200.00\*

Shared and Off-Site Parking special permit: \$1,200.00\*

Amendment to Off-Street Parking Facility, Shared & Off-Site Parking Special Permits: \$500.00

Site Plan Review: Minor Project \$100.00 if no new building gross floor area; \$200.00 if application includes new building gross floor area; Major Project: \$1,500.00

Campus Style Development: \$600.00

\* If the special permit application is submitted concurrently with an application for Site Plan Review, the administrative fee shall be the highest of the individual fees, and shall not be cumulative.

Consultant Review Fees:

Off-Street Parking Facility special permit: \$2,000.00

Shared and Off-Site Parking special permit: \$2,000.00

Amendment to Off-Street Parking Facility, Shared & Off-Site Parking Special Permits: \$1,000.00

Site Plan Review: Major Project: \$2,000.00

Campus Style Development: \$1,000.00

**8. Other Business**

- Mr. Markey referred to an invitation from the 495/MetroWest Corridor Partnership to attend a July 16, 2008 meeting on the MAPC/CMRPC I-495 Corridor Study. He stated the meeting will be held in Westborough. Ms. Lazarus noted she plans to attend.
- The Board canceled the regularly scheduled Planning Board meeting on July 21, 2008.
- Planning Board Goals – It was decided to continue the discussion regarding FY09 goals with the full Board. Mr. Weismantel encouraged Board members to email any ideas to the Planning Director.

Ms. DeVeuve asked about the Guidelines for the Preparation of a Traffic Impact Study received with the meeting material. Ms. Lazarus indicated the materials were prepared by FST at the request of the Board several months ago.

The meeting was adjourned at 9:45 P.M.

Cobi Wallace  
Administrative Assistant

Approved: August 11, 2008