

HOPKINTON PLANNING BOARD

Monday, November 3, 2008 7:30 PM
Hopkinton Town Hall

MINUTES

PRESENT: Mark Abate, Chairman, Joe Markey, Vice Chairman, Sandy K. Altamura, David Auslander, John Coolidge, Carol DeVeuve, Jaime Goncalves, Ken Weismantel, Claire Wright

.....Elaine C. Lazarus, Planning Director

.....Anna Rogers, Secretary

1. Public Hearing – EMC Park, Hayden Rowe St. – Amendment to Site Plan Review
Decision – Parks & Recreation Commission

Brendan Doyle, Parks & Recreation Commission, Mike Scire and Pat Mahon, Hopkinton Little League (HLL), and Mike Berry, Musco Lighting, appeared before the Board. Mr. Doyle stated there are three ballfields at EMC Park and they are proposing to light the center field, McIntyre Field. He stated an agreement was made between the Parks & Recreation Commission and some of the neighbors during the original Site Plan Review process which included a provision stating that after a certain number of years one field could be lit.

Ms. Altamura asked if it was necessary to use 60 and 70 foot tall poles for the lights. She stated it seems too tall for a ballfield. Mr. Doyle stated the project was designed by a lighting professional. Mr. Berry stated using 60 and 70 foot poles maximizes spill and glare control. He stated if shorter poles were used, the fixtures would have to point outwards to achieve the same light coverage.

Mr. Markey arrived at this time.

Mr. Berry stated there will be less spillage off the site with the higher poles. Mr. Abate and Mr. Coolidge asked if anyone knew the heights of the poles at Carrigan Park or at Cornell's Field. Mr. Doyle stated he didn't have that information available. Ms. Wright stated the objective is to point the light downward toward the field. Mr. Berry stated the light will be aimed downward and there will be shields on the fixtures. He stated the fixtures for this project will minimize sky glow and spillage off the property. He stated the lights will have a 25 year warrantee and his company will be in charge of fixing any problems.

Ms. Altamura asked why they are using 60 foot and 70 foot poles. Mr. Berry stated the 60 foot poles are to light the infield and the 70 foot poles are for the outfield. Ms. Altamura stated the neighbors are going to see a bright space where the fields are, even if the fixtures are shielded. Mr. Berry stated there will be three fixtures on the 60 foot poles and 5 fixtures on the 70 foot poles.

Ms. Altamura asked about the timeframe for using the lights. Mr. Doyle stated HLL starts in late April and runs until early August. He stated they would be using the lights 7 nights a week during that time. Ms. Wright asked if there were daytime games as well. Mr. Doyle stated the games start around 5:00 PM on weeknights and there are games all day and night on the weekends.

Mr. Coolidge asked if McIntyre field was the furthest field from the parking lot. Mr. Doyle stated it is the middle field, but the furthest field from the houses. Mr. Goncalves asked how close to the field the light spillage ends. Mr. Berry stated the light ends about 150 feet from the edge of the playing surface. He stated he could provide a full lighting grid if the Board wanted to see it.

David Rasmussen, 8 Hazel Rd., asked if the fixtures will be seen or shielded from view. Mr. Berry stated there will be shields covering the lamps and from the field they would be visible, but not from abutting properties. Mr. Rasmussen asked how much glow there will be above the tree line. Mr. Berry stated he doesn't know for sure, but they did have to use shorter shields to help with catching pop fly balls. Mr. Rasmussen asked how much light will be visible through the trees. Mr. Berry stated the lighting numbers didn't factor in any trees, just views onto the field as if it was all open. Mr. Abate stated the light should be visible through the trees, but shouldn't light up the neighboring properties.

Jeannine Hagan, 105 Hayden Rowe St., stated she is opposed to this project. She stated she is a direct abutter and loves baseball, but doesn't think she can tolerate any more playing time on the fields. She stated there is no privacy for the neighbors and it is nice to look out into the dark at night.

Tony Botka, 109 Hayden Rowe St., asked if there are any plans for lighting the parking lot and the roadway. Mr. Doyle stated the plans are only for lighting the field.

Mr. Rasmussen asked if the lights will be on every night regardless if there is a game or not. Mr. Doyle stated the timers will be controlled by HLL and the lights will not be on if there are no games or practices. Mr. Rasmussen asked who will be in charge of determining when the lights are on or off. Mr. Scire stated there are control features with the lights that allows for specific programming. Mr. Berry stated the monitoring system is online and is computer run, not timer based. He stated there will be a gatekeeper who schedules the turn on and shutoff times. Mr. Mahon stated that HLL uses a hotline to cancel games and that same person could shut the lights off. Mr. Berry stated his company also has a phone number to call to get the lights shut off in a matter of minutes.

Mary Pratt, member of the Board of Selectmen speaking as an individual, asked if the lights will be going on automatically at certain times. Mr. Berry stated HLL can set them to turn on at sunset. Mrs. Pratt stated she is concerned about how much the electricity will cost the Town. Mr. Mahon stated HLL will be paying for the lights and the electricity costs.

Mr. Botka asked what time the lights will be shutting off. Mr. Abate stated the lights have to be off by 9:45 PM and no activities can start after 9:00 PM in accordance with the 1997 decision.

Mr. Botka asked how many extra playing hours HLL is getting by lighting the field. Mr. Scire stated they will be able to play one additional game, approximately 1 ½ hours extra. Mr. Botka stated it seems as though they aren't achieving much if it only gets them one extra game. It was stated that HLL has to limit the number of children that can play due to the number of fields that are available, and this will help with that.

Mr. Mahon stated Musco Lighting is recommended by Little League Baseball, Inc., and this will be done properly. Mr. Rasmussen asked if this company was the best for lighting this field. Mr. Berry stated his company is the best and they are the leaders in the market. Ms. Hagan asked if there were any local fields that Musco designed in neighborhoods. Mr. Berry stated there are quite a few including: Wellesley, Weston, Acton, etc. He stated they specialize in sports lighting.

Robert Falcione, 93 Downey St., asked if there was a special way to mitigate reflection off the poles. He asked if a non-reflective surface would be used. Mr. Berry stated the poles are galvanized steel which is fairly dull and some places have opted to paint their poles black.

Ms. Altamura asked how quickly the lights will go off after a game has finished. Mr. Scire stated the lights at Carrigan Park are manual and HLL is pretty forceful about having them turned off shortly after games have ended. Mr. Berry stated their system also has a manual option but they don't encourage its use. Mr. Mahon stated HLL has a book that is given out to all coaches and includes the HLL's standard operating procedures and all coaches and staff are required to attend mandatory safety meetings. Mr. Rasmussen stated from the standpoint of the abutters, the lights should be kept off as much as possible and this should be emphasized by HLL. Mr. Doyle stated that is important to the Parks & Recreation Commission as well, and EMC Park is Town controlled and the Town will hold HLL to their agreements.

Ms. DeVeuve stated she went to EMC Park this evening and there is very little lighting there and the parking lot is very dark. She stated she doesn't feel this is a safe situation. Mr. Abate stated there are bases in the parking lot for light poles. Ms. Lazarus stated they were put there for possible use in the future. Ms. Wright stated there weren't any night games so the lights weren't needed. Mr. Auslander stated the existing lights there are for security reasons. It was asked if the lights from the field would light the parking lot as well. Mr. Doyle stated it would partially light the parking lot, but not the whole thing. Mr. Coolidge stated the lights there are around the Dog House for security because of multiple break-ins. He stated HLL and the Parks & Recreation Commission should look at the parking lot and bring it to the attention of the Police Department for their comments. Ms. Altamura suggested even just a single pole, so people won't be falling in the parking lot. Mr. Doyle stated one fixture on a pole seems reasonable, but he isn't sure it is allowed under the agreement with the neighbors.

Mr. Markey stated if the lights will have to be turned off by 9:45 PM, HLL should make sure no game ends after 9:30 PM to allow time for people to get to their vehicles before the lights shut off. Mr. Coolidge stated the dark parking lot is a safety issue. Mr. Scire stated he agrees it is a safety issue that HLL is concerned about.

Ken Driscoll, Parks & Recreation Commission member, asked if it was possible to shut all but one light off at 9:45 PM and leave the single one on for 10 minutes to allow people time to leave.

Mike Preite, Parks & Recreation Commission Director, stated the Site Plan decision stated there shall be no means of artificial lighting except the one field. He asked how the Parks & Recreation Commission would change that, or if the decision allows for safety lights.

Ms. Wright stated there are security lights on the Dog House and she doesn't believe the decision ever intended to prohibit safety lights. Mr. Rasmussen stated the lighting restrictions were meant for the fields. Mr. Coolidge stated the Planning Board's responsibility is to provide safety and if the Board approves lighting the field, there will be a need for parking lot safety lights.

Mr. Weismantel suggested continuing the public hearing to allow time to review the safety aspects of the design. He stated the Parks & Recreation Commission may want to think about multiple options for lighting the parking lot. Mr. Abate stated the Parks & Recreation Commission should get the Chief of Police to weigh in on the matter before coming back to the Board.

The Board voted unanimously to continue the public hearing to November 17, 2008 at 8:15 PM.

2. Continued Public Hearing – Pelouin Estates (30 Front St.) – Summit Realty Trust

Doug Resnick, attorney, and Brian Gassett, Summit Realty Trust, appeared before the Board. Mr. Resnick stated he feels that lots 1 and 2 don't need a perimeter buffer because they are not adjacent to abutting parcels, just to the street. He referred to the definition of "abutter," saying that people across the street aren't abutters and he knows of no other subdivisions where this has been required. He stated they have proposed a 50 foot no-cut easement on the lots and feel as though that is sufficient. He stated they could make lots 1 and 2 frontage lots if they wanted to, but would like to leave Front St. alone. He stated the Board conducted a site walk on November 1st and the members in attendance expressed interest in preserving the old foundation on Lot 1. He stated they could put the foundation into the open space. Mr. Markey stated the Board looked at the historic structures on the property and the buffer zone area along Front St. Ms. DeVeuve stated after being on the lots, she felt that lot 1 had more than enough buffer due to the topography of the lot with the 50 foot no-cut easement, but lot 2 seems a lot closer to Front St. because of its topography. Ms. Wright stated the rise in the land on lot 1 creates its own buffer. She stated the trees on both lots are very large and mature and she would be more concerned about homeowners clearing if it was just brush and small trees. She stated the no-cut easement would probably work in this situation. She stated if there was a homeowners association, she feels as though it would be able to reinforce the no-cut easement better than just having it listed on the deed. Ms. Altamura stated she is comfortable with lot 1 but feels lot 2 needs more of a buffer. She stated she agrees with Ms. Wright regarding the power of the homeowners association. Mr. Resnick stated he understands the historic value of the foundations and they are able to put the foundation into the open space and protect it. He stated there is not necessarily going to be a homeowners association.

Mr. Coolidge asked why the applicant couldn't provide 50 feet of open space instead of the 50 foot no-cut easement since the lots are oversized.

Ms. Lazarus referred to MGL Ch. 40A which defines property owners across the street as abutters. She stated the perimeter buffer requirement has always included the street frontage and named multiple subdivisions where the buffer along the street was provided or waived. She stated the bylaw has always been interpreted as the perimeter of the lot including the street frontage.

A student stated that a 50 foot no-cut easement in a residential area seems like enough. He stated most houses are closer than 50 feet from a street.

Ms. Altamura asked if the applicant could provide a 50 foot buffer of open space instead of a 50 foot no-cut easement. Mr. Gassett stated he would like to construct 5 bedroom houses and the Board of Health regulations require 50,000 square foot lots to accommodate the septic systems and lots 1 and 2 would be smaller than that with the open space buffer. He stated the houses on the far side of Front St. are very close to the street. Mr. Weismantel stated that he feels more comfortable with the Open Space Plan than he would with an Approval-Not-Required Plan. He stated this is what the proponent wants and it isn't a bad plan.

Mr. Goncalves stated he is not a voting member on this application, but would like to recommend more buffer around lots 1 and 2. He stated a stone wall or permanent structure along the 50 foot no-cut easement would be good to mark where it is. He also suggested more screening for lot 2 as it is more visible from the street than lot 1. Mr. Markey stated that it seems as though the Board members are in agreement that the 50 foot no-cut easement is satisfactory on lot 1, but not on lot 2. Mr. Gassett stated he would rather not build a stone wall along the properties. Mr. Resnick stated the Conservation Commission allows medallions to be placed on trees or on 4" x 4" posts to mark the limit of work and clearing.

Mr. Coolidge left the meeting at this time.

A discussion was held regarding using a common driveway for lots 1 and 2 due to the corner of lot 1 being cut off for open space. Mr. Gassett stated he doesn't want to use common driveways.

Mr. Weismantel stated he spoke with Dan McIntyre, Chairman of the Board of Public Works, and Mr. McIntyre stated that municipal water is available on Front St. and the Town is willing to sell water for domestic purposes to Mr. Gassett if he asks. He stated he believes the Board should require Mr. Gassett to install water mains in the new roadway. Ms. DeVeuve stated that Mr. Gassett met the requirement for fire suppression and asked why he should be required to put in the water main if he wants private wells. Mr. Weismantel stated municipal water is better than a cistern for fighting fires. Mr. Gassett stated there will be hydrants that will either be on Front St. or part way up the new roadway, not a cistern. He stated he was told by the DPW that drinking water is not available. Mr. Resnick asked why it should be required if the proponent doesn't want it. Mr. Weismantel stated a resident on Wyman Lane is having well problems and the Legacy Farms well isn't up and running yet. He stated if the subdivision was on town water, the Town could regulate how much water is being used. He stated town water is tested regularly and has good pressure. He stated houses with municipal services also tend to sell for more money.

Ms. Wright stated it seems unprecedented that the Board should be requiring town services. Mr. Weismantel stated the Board can require the proponent to install the water mains if there will be service in the near future. He stated it has been done in many subdivisions, even if it is just used for fire protection.

Mr. Coolidge returned to the meeting at this time.

Ms. DeVeuve stated the long term forecast for water in Hopkinton isn't very good. She stated there are predictions of water shortages once the Town is fully built out. A student stated that if the houses have their own wells and run into water problems, it is their own problem.

Ms. Lazarus stated the Subdivision Rules and Regulations states that the Board has the ability to require water mains if the DPW projects there will be water service in the area within 10 years. Mr. Weismantel stated it was done a lot in the 1990's and was mostly used for fire protection. In response to a question, Ms. Lazarus stated the Board can require it, but also usually takes the wishes of the proponent into account. Mr. Auslander stated the Fire Chief signed off on the plan and asked why Mr. Weismantel is pushing the issue now if the Fire Department is happy with it. Mr. Weismantel stated if the Chief was asked he would say he preferred municipal water. It was noted that municipal water is being provided for fire protection. Ms. Wright stated it is better for recharge to withdraw and return the water at the same point.

Mr. Markey asked about the existing trail on the property that will be cut off by one of the new houses. He stated when the Town waived its Chapter 61 rights, it wanted to preserve the feeling of open space and the connection to the trail network. He asked if the trail could be rerouted in the open space to maintain the connections. Mr. Gassett stated the entity that will control the open space can decide to reconnect the trail if they wish. Mr. Markey asked if the Board has the ability to require the connection. Ms. Lazarus stated the Board can request that the trail relocation be shown on the definitive plan and then require it.

Mrs. Pratt stated the proponent should look into low flush toilets, showers and appliances, etc. She stated studies have shown that adding those appliances can reduce water use by 5 times as much as standard appliances.

The Board voted 7 in favor with Mr. Coolidge and Mr. Goncalves abstaining to close the public hearing. The Board voted 7 in favor with Mr. Coolidge and Mr. Goncalves abstaining to find that the Special Permit Criteria had been met.

Ms. DeVeuve moved to approve the concept plan and issue the Special Permit with the following conditions:

1. The following waivers from the Subdivision Rules and Regulations are granted, subject to additional review at the definitive subdivision plan stage when engineering information is available:
 - a. Sheet size of 36" by 48" instead of 24" x 36" for the Concept Plan submission.

- b. A standard sidewalk along the new roadway need not be provided, in lieu of a meandering path from Front St. to the open space between lots 6 and 7 for connection to the trail system.
- c. The definitive subdivision plan may show a 40 ft. wide road right of way instead of 50 ft. A narrow country road will be able to accommodate the expected utilities, and the road will not be extended in the future.

Any requests for waivers at the definitive subdivision stage shall be accompanied by documentation necessary in the opinion of the Planning Board, to show why a waiver should be granted and why it is in the public interest to do so.

- 2. A waiver of the 100 ft. wide perimeter buffer requirement in the OSLPD bylaw § 210-113.C(1) is granted along Front Street in the vicinity of lots 1 and 2 as shown on the Concept Plan, with the following conditions:
 - a. A no-cut easement at least 50 ft. wide shall be provided where the buffer is reduced, with the exception of the common open space required in condition #3 below which may be located within this area.
 - b. The definitive subdivision plan shall show planting for additional year-round screening on Lot 2 between the land cleared for the septic system and the street.
 - c. At the definitive subdivision plan stage, the Applicant shall address the manner in which the no-cut easement will be delineated on the ground and how it will be monitored and enforced. The Applicant shall also identify the entity to which the no-cut easement will be conveyed. The Applicant shall consider a conservation restriction as one such option.
- The Board walked the site and found that there is sufficient screening and/or separation in this location if the conditions listed herein are complied with.
- 3. The definitive subdivision plan shall show common open space encompassing the old stone foundations shown on the Concept Plan on Lot 1, to ensure the preservation of this historic resource.
 - 4. At the present time, there is a trail network on the property which connects to a network of trails off-site. Some of the existing trail network will be on the future building lots. The definitive subdivision plan shall show a relocation of the trails to the common open space and connections to abutting trail networks, including the proposed trails at Legacy Farms. The Board encourages the Applicant to work with the future owner of the open space and/or future grantee of the conservation restriction to develop the proposed trail locations.
 - 5. The definitive subdivision plan for this property shall show a dead end street which does not exceed 1,000 ft. in length and is measured in a manner consistent with the requirement of the Subdivision Rules & Regulations. The road centerline shall follow the roadway and not run through the cul-de-sac island as shown on the Concept Plan.
 - 6. The definitive subdivision plan for this property shall contain a maximum of 9 building lots.
 - 7. Stormwater Management: In addition to the requirements of the Subdivision Rules and Regulations, Section 8.4, Stormwater Management, the definitive subdivision plan shall comply with the Massachusetts DEP Stormwater Regulations and the following conditions:
 - a. No additional stormwater runoff volume shall be deposited onto any abutting property without the written permission of the property owner. Such written permission shall be submitted with the definitive subdivision plan. If no written permission is provided, the Plan shall not show runoff in excess of current volumes beyond the property line in that location. The Applicant shall submit all information necessary to document pre- and post-development stormwater runoff volumes in those areas.

- b. The drainage system shown on the definitive subdivision plan shall be designed to ensure that the water quality of the stormwater runoff is not detrimental to the wetlands and receiving water bodies.
 - c. Stormwater management facilities, including detention, retention and infiltration basins, shall be designed to appear like natural landforms and shall be integrated with the topography of the area as much as possible.
 - d. The definitive subdivision plan shall include an operation and maintenance program for all elements of the stormwater management system. The program should include identification of the entity responsible for maintenance and inspections, the frequency of inspection/cleaning of all elements, all special requirements (if any) associated with the facilities, and the recommended means of monitoring the performance of the proposed facilities.
 - e. The Applicant shall utilize Low Impact Development techniques to the greatest extent possible.
8. An erosion and sedimentation control plan shall be submitted with the definitive subdivision plan. It shall address soil erosion and sedimentation control measures at and downstream of the site during construction.
 9. During construction, no more than 5 acres of unprotected soil shall be exposed at any one time. Previous earthwork shall be stabilized in accordance with approved design standards and specifications.
 10. The definitive subdivision plan shall show the limit of clearing, both temporary (for construction) and permanent, required for all work in the subdivision, including homes, septic systems, driveways, lawns, roads and stormwater management system components.
 11. Proof of secured easements shall be provided by the Applicant with the definitive subdivision plan submittal for all work proposed for land under separate ownership and/or off-site.
 12. No open space, no-cut easements or other restricted areas shown on the definitive subdivision plan shall be used for storage of construction vehicles, building materials, stockpiled loam or other material during construction.
 13. The definitive subdivision plan shall show the location of where earth and construction materials will be stockpiled on site during construction.
 14. The Applicant shall have a definitive subdivision plan designed which is consistent with the approved Concept Plan.

Ms. DeVeuve's motion was seconded.

Mr. Weismantel moved to add a condition which requires the Definitive Plan to show water main lines for domestic service and hydrants throughout the subdivision. He stated if the condition is not added in, he intends to vote No on the application. Mr. Abate stated the Board members are being put in a difficult situation. Ms. DeVeuve stated she doesn't feel as though the Board should require the proponent to construct them. Mr. Markey stated he believes it is a policy the Board should discuss in the future, but it is awkward in the middle of an application. Mr. Goncalves stated if the Board goes with Mr. Weismantel's amendment, it would be precedent-setting. Mr. Auslander stated he doesn't feel like this is a good idea. Mr. Abate stated the proponent has satisfied the fire suppression needs. Ms. Wright stated she is uncomfortable with this condition. She stated it is a nice looking plan. She stated this is a policy issue and doesn't like the idea that one member is making a policy. Ms. Lazarus stated if the application is denied

the proponent could submit a conventional plan that doesn't have any of the attributes of this plan, but still has the water main problem unresolved.

Mr. Weismantel stated that in the 1990's there were well failures where there could have been water mains if only the town had required them. He stated this would have been a solution with minimal cost to a developer. He noted that \$5,000 to \$6,000 of extra cost is worthwhile for good water for fire protection and domestic service. He added that all requirements of the Board have costs. Mr. Goncalves stated that the residents could connect to municipal water in the future if they want to, as it will be on Front St. Mr. Markey stated this isn't the right time to discuss policies.

There was no second to Mr. Weismantel's motion.

The Board voted 7 in favor with Mr. Weismantel opposed and Mr. Goncalves abstaining on the main motion to grant the Special Permit approving the Concept Plan dated October 7, 2008.

Mr. Goncalves left the meeting at this time.

The Board asked Ms. Lazarus to invite the DPW to the next meeting to discuss the water issue.

3. Approval-Not-Required Plan – Ridge Rd. – Casasanta

Chuck Scott, CFS Engineering, appeared before the Board. Mr. Scott stated the large parcel was created from a previous subdivision and is not a building lot and doesn't have any frontage. He stated he is taking a small piece of land from one parcel and adding it to a parcel that contains a detention basin along Ridge Rd. He stated there are no houses on either lot.

Ms. Lazarus asked if the purpose of this plan is to avoid the inclusionary housing requirement. Mr. Scott stated no, there are a number of different reasons. Ms. Lazarus stated that if Mr. Casasanta has any ownership or interest in the lots when he creates his subdivision, all the parcels need to be counted towards that requirement.

Mrs. Pratt suggested a note to this effect be added to the plan.

The Board asked Ms. Lazarus other reasons why the lots might be subdivided. Ms. Lazarus stated it could be for multiple reasons, including avoiding a wetland percentage issue which won't necessarily work in the applicant's favor.

The Board voted 6 in favor with Mr. Abate and Ms. DeVeuve opposed to endorse the plan as not requiring approval under the Subdivision Control Law.

4. Administrative Business

The Board voted unanimously to approve the Minutes of October 20, 2008.

The Board voted unanimously to approve payment of the outstanding bills.

The Board determined to meet the 1st and 3rd Mondays of January, February, March and April 2009 unless a holiday interferes with the schedule.

5. Other Business

Legacy Farms – Ms. Lazarus stated the Board has received the Master Plan Special Permit Application for Legacy Farms and would like to give the Board most of the review material on November 17, 2008 in preparation for the December 1, 2008 public hearing. She asked if any Board members wished to receive the information electronically instead of on paper.

Ms. Altamura, Mr. Auslander, Ms. DeVeuve, Mr. Weismantel and Ms. Wright requested paper copies of the material.

Mr. Abate stated he would like to see Fay, Spofford and Thorndike’s review of the materials to be a little more precise in their comments and take it one step further than they have been doing.

Mr. Weismantel stated he still doesn’t see how the Board is going to get through the Master Plan process and expressed his wish to split into 2 or 3 subcommittees to review the material and report back to the Board. Mr. Markey stated he would like to first see what is going to be involved before deciding whether subcommittees are needed. Mr. Abate agreed and suggested looking at the materials first. Mr. Weismantel stated he would also like to see the Board meet three nights in a row to get through more of the materials.

Adjourned: 9:40 PM

Anna Rogers, Secretary

Approved: November 17, 2008