

**TOWN OF HOPKINTON  
BOARD OF SELECTMEN  
Meeting Date: March 25, 2008  
MINUTES**

**Board of Selectmen members present:** Muriel Kramer, Chairwoman; Mary Pratt, Vice-Chairwoman; Michael Shepard; Brian Herr; Matt Zettek

**Others Present:** Casey Kadlik, HCAM; Robert Falcione, HopNews; Michael Morton, MetroWest News; Amy Comcowich: Hopkinton Independent; Attorney Raymond Miyares; Brian Falk; Judith Barrett; Christopher Barry; Nancy Peters; RJ Dourney; Anne Mattina; Town Anthony J. Troiano, Town Manager; Geri Holland, Executive Assistant

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**Public Meeting Opened**

**6:30 p.m.** Mrs. Kramer, Chairwoman, opened the public meeting and invited everyone to stand for the Pledge of Allegiance.

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**Board of Selectmen's Minutes: 12/4/07; 1/29/08; 2/26/08 (ES); 3/17/08**

**Vote:** Mrs. Kramer entertained a motion to approve the December 4, 2007 Selectmen's minutes. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

**Vote:** Mrs. Kramer entertained a motion to approve the January 29, 2008 Selectmen's minutes. **So moved Mrs. Herr. Second Mr. Shepard. Unanimously voted.**

**Vote:** Mrs. Kramer entertained a motion to approve the February 26, 2008 executive Session Selectmen's minutes. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted. Mr. Zettek abstained from the vote.**

**Vote:** Mrs. Kramer entertained a motion to approve the March 17, 2008 Selectmen's minutes. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted. Mrs. Pratt and Mr. Zettek abstained from the vote.**

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**Registrar of Voters Appointment (three year term to 2011): Deborah Holbrook**

Mrs. Kramer read a letter from Ken Weismantel, Chairman of the Hopkinton Republican Town Committee (RTC) to inform the Board of Selectmen of the RTC's vote to request the appointment of Deborah Holbrook to the Registrar of Voters, and a memo from Deborah Holbrook of her interest to serve on the Registrar of Voters.

**Vote:** Mrs. Kramer entertained a motion to appoint Deborah Holbrook to the Registrar of Voters for a three year term to 2011. **So moved Mrs. Pratt. Second Mr. Zettek. Unanimously voted.**

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**Rescind 2/26/08 vote to appoint Deborah Kollmeyer to the Hopkinton Housing Authority/unexpired term to '11**

Mrs. Kramer said that in a letter from Ann Click, Town Clerk, she informed the Board of Selectmen that they would need to rescind the Housing Authority appointment recently made for Deborah Kollmeyer, due to her clearer understanding of the requirement of M.G. L. c. 41 Sections 10 and 11, the appointment was to be made through the 2008 town election. Therefore, as there is not enough time to include the office on the 2008's ballot, the appointment will have to be made to expire as of the 2009 annual town election.

**Vote:** Mrs. Kramer entertained a motion to rescind the Board of Selectmen's vote of February 26, 2008 to appoint Deborah Kollmeyer to the Hopkinton Housing Authority for a term to 2011. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

**Appoint Deborah Kollmeyer to the Hopkinton Housing Authority/unexpired term to '09**

**Vote:** Mrs. Kramer entertained a motion to appoint Deborah Kollmeyer to the Hopkinton Housing Authority to a term to the 2009 annual election. **So moved Mr. Shepard. Second Mr. Zettek. Unanimously voted.**

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**Nomination of the Inspector of Animals (4/1/08): William Proctor & Cynthia Proctor**

Mr. Troiano stated that the nomination of the Inspector of Animals, William Proctor and Cynthia Proctor, is the Town Manager's appointment, and would appoint both Mr. Proctor and Mrs. Proctor as Inspector of Animals effective from May 1, 2008 until April 30, 2009. The nomination papers would be sent to the MA Executive Office of Energy and Environmental Affairs Department of Agricultural Resources.

**Vote:** Mrs. Kramer entertained a motion to confirm the nomination of William Proctor and Cynthia Proctor as Inspector of Animals effective from May 1, 2008 until April 30, 2009. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

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**Town Manager's Report**

**Hopkinton Little League Parade Permit**

Mr. Troiano presented the request from the Hopkinton Little League requesting a parade permit for their opening day event. **Vote:** Mrs. Kramer entertained a motion to approve a parade permit to the Hopkinton Little League on Sunday, April 6 at 1 p.m. Town Common based on the approval of the Police Chief. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

**2008 Government Common Cause Award (MA Campaign for Open Government)**

Mr. Troiano presented a letter from the Board and Executive Director of Common Cause MA announcing the 2008 E-Government Award with distinction in recognition of the Town's commitment to open government by posting key government records on its website.

**New England Laborers Training Center Donation**

Mr. Troiano presented a letter from the Assessors Office of New England Laborer's Training Center's impending \$15,700 donation to the Town for the Reverse 911 emergency response system program.

**MA Water Pollution Abatement Trust Loan**

Mr. Troiano presented the MA Water Pollution Abatement Trust Loan for \$99,000 (Project #CW-03-38) to perform flow metering and flow isolation to measure infiltration and inflow. **Vote:** Mrs. Kramer entertained a motion to authorize the Board to sign the MA Water Pollution Abatement Trust Land for \$99,000. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

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**Crosswalk & Sidewalk Safety (Downtown Business District)**

Anne Mattina, Downtown Revitalization Committee (DRC), proposed two articles for the 2008 Annual Town meeting for funding to improve pedestrian safety in the downtown business district. The Board discussed the DRC's position for these pedestrian safety issues and agreed to meet with the DPW regarding these articles. Mr. Shepard recommended hiring an engineering firm to prepare plans for the Annual Town Meeting and to meet with the Planning Board to seek mitigation from town businesses to share expenses. The Board also agreed to meet with the DPW about these plans.

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**Legacy Farms Development: Community Host Team Overview**

Mr. Zettek stepped off the Board due to potential conflict of interest.

Attorney Miyares, Town Counsel, presented a handout of items for potential inclusion in the Legacy Farms Host Community Agreement. The Board of Selectmen discussed each item as Attorney Miyares presented them. Town consultant, Judi Barrett, and Planning Director, Elaine Lazarus, were also present for the discussion.

**1. Prerequisites**

These provisions are intended to prepare the Town for the impact of the Legacy Farms and ensure that the Town's interests are protected prior to construction.

- **Project Phasing and Design:**

Offsetting Revenue Negative Components:

Boulder now agrees with the Town's fiscal consultant, Judi Barrett that two components of the project – the 50 single-family homes and the 240 rental units – will be revenue negative for the town. Accordingly, Ms. Barrett recommends that the Agreement include a phasing plan to ensure that these components are built in concert with revenue positive components of the project. This will ensure that the overall project is at revenue neutral at all times.

Prohibition on “Approval Not Required” Subdivisions:

To ensure that early construction of the project's internal “spine road” does not leave the Town vulnerable to Approval Not Required plans for single-family homes, the Agreement could prohibit Boulder from submitting ANR plans that are not needed to carry out the Legacy Farms Master Plan. Boulder has already agreed in principle to this provision.

Spine Road Phasing:

With the ANR prohibition in place, the Agreement could require that the spine road be developed at a relatively early phase to offset traffic impacts from the project in downtown Hopkinton, as recommended by Fred Mosley of FST. In addition, the Agreement could require that the northern commercial subdistrict not be developed without the spine road in place, assuring that access to a large commercial project will not be only via Wilson Street. Boulder has already agreed in principle to this provision.

Bedroom Restrictions:

The Agreement could set forth limitations on a limit to the average number of bedrooms per unit in the project's residential areas, as has been suggested by some town officials and residents.

Limitations on Road Widening:

A review of VHB's proposed mitigation strategies for traffic impacts reveals that several involve the widening of intersections or segments of East Main Street. While these “mitigations” may well improve traffic flow, they come with considerable potential to alter the character of the neighborhoods in which they are located. The Agreement could limit this potential if Boulder were to agree to forego certain widening efforts as a component of traffic mitigation.

- **Traffic Improvements:**

Fred Mosley has identified certain traffic mitigations that the Town should consider seeking agreement on in the Host Community Agreement:

Downtown Traffic Signals:

The Town may wish to have Boulder fund upgrades to the existing traffic signal equipment in the center of Town. These upgrades would improve existing conditions, which are unlikely to be alleviated merely by the creation of the spine road alone.

Main/Wood Street Pedestrian Improvements:

The Town may wish to have Boulder fund the relocation of the crosswalk and modify pedestrian phasing at the intersection of Main Street and Wood Street.

Transportation Demand Management Coordinator:

The Town may wish to have Boulder fund a Transportation Demand Management Coordinator (TDM), to permanently monitor traffic in Town.

- **PILOT Agreements for Nonprofits:**

If Legacy Farms were to host tax-exempt nonprofit institutions, the potential tax revenues from the project would decrease significantly. Thus, the Agreement could require that, if any nonprofits buy or lease land at Legacy Farms, they must enter a Payment In Lieu of Taxes agreement with the Town to provide equivalent alternative revenue. Boulder has already agreed in principle to this provision.

- **Town Hall Personnel / Space:**

Judi Barrett recommends that the Agreement include funding for additional personnel and office space for the Town's building, planning, and assessing departments, due to the increased workloads these departments will experience throughout the development of Legacy Farms. Although Boulder's fiscal impact analysis suggests that the Project can reasonably be expected to impose the need for five additional employees—and the projected revenue from the project is presumed to cover the cost of these employees—it is not obvious that Town Hall offices have the space to accommodate such an increase in staff.

Project Mitigations

These provisions would include mitigations related to the impacts of the project, which may not be obviously appropriate as conditions of the Master Plan Special Permit.

- **Guaranteed Revenue:**

The Agreement could state that the project will always generate a certain amount of tax revenue, and require that if, during early construction phases, the project does not meet a threshold value of tax revenue; Boulder will make payments to the Town to cover the difference.

- **Fire Substation / Water Tower:**

According to Judi Barrett, Legacy Farms will generate the need for a new fire substation to serve East Hopkinton, which should be funded at least in part by Boulder. This facility will be needed at a relatively early phase in the project. In addition, as the Town well knows, a substation requires an appropriate number of staff to operate from it—in this case, 12 fire department positions are likely needed to run the new substation. If there is to be a new substation, therefore, additional funding for staffing must be considered.

- **Limitations on Assisted Living:**

During the Planning Board's review of the OSMUD Article, a number of officials and residents expressed concerns about the potential impacts of an assisted living development, which would be allowed by right in the OSMUD's commercial subdistricts and by special permit in the village center. The Agreement could deal with this concern in a number of ways: Limiting the number of dwelling units in such a facility, increasing the number of affordable dwellings to be provided in the event that an assisted living development is constructed, or offering some other additional benefit to the Town in the event that assisted living is developed.

- **Limitations on Municipal Uses:**

During the Planning Board's review of the OSMUD Article, a number of officials and residents expressed concerns about the extent of potential municipal uses in Legacy Farms' 500 acres of restricted land. The Agreement could set forth limitations on the number of acres devoted to municipal uses, and the types of municipal uses to be allowed or prohibited. Alternatively, an amount of land outside the 500 acre total could be reserved for municipal uses, with the "restricted land" limited to other purposes. The Agreement could further provide that Boulder will set aside land specifically for (and/or fund) a new Town library.

- **Protection of the Ridge View:**

The Agreement could restrict construction that would disturb the view of the property's ridgeline.

## **2. Contingent Mitigations**

These conditions would be triggered only if certain established thresholds are met.

- **School Impacts:**

The School Committee has stated that it can absorb the projected annual enrollment of 236 students expected to live at Legacy Farms once the project is completed. However, the School Committee has requested that, if the project generates more than 236 students, for each group of 25 students beyond 236, Boulder should contribute \$500,000 to the School Department's capital account (to fund new classroom space) and contribute to the School Department's operating account in an amount equal to the Department's yearly per pupil expenditure multiplied by 25 students. In addition, the School Department has requested a lump sum contribution of \$950,000 if the annual enrollment of students living at Legacy Farms exceeds 236 within the first 6 years after initial construction.

- **Traffic and Pedestrian Mitigations:**

In the event that traffic associated with Legacy Farms exceeds the current traffic volume projections for the project, the Agreement could include contingencies for additional mitigations and/or scaling the project back.

## **Project Offsets**

These conditions do not qualify as prerequisites or mitigations, but serve to offset the overall impact of the project on Hopkinton by helping the Town meet certain of its other goals and enhancing the quality of life in Town.

- **Contributions for I&I Repairs:**

The Agreement could set forth that Boulder will pay for certain infiltration and inflow repairs to the Town's sewer system. This is an offset rather than a project mitigation because Legacy Farms will not be served by the Town's sewer system.

- **Playing Fields:**

The Agreement could set forth that Boulder will guarantee that a certain portion of the restricted land within the project be set aside for playing fields. Boulder could also agree to make a contribution toward the construction of playing fields either within the Legacy Farms development or elsewhere in Town.

- **Marathon Museum:**

The Agreement could provide that Boulder will set aside land for and/or fund a Boston Marathon Museum.

- **Sewer Connection for Neighbors:**

The Agreement could provide for Boulder to connect certain neighboring residences to its private wastewater treatment facility, as has been suggested by some town officials.

- **Agricultural Land:**

The Agreement could provide for Boulder to subject some of its land to an Agricultural Covenant for the benefit of the School Committee, in satisfaction of Executive Order 193. Boulder has already agreed in principle to such a provision.

- **Tree Plan for Town Common:**

Boulder has already provided, without charge, a tree plan for Town Common. The Agreement could provide for Boulder now to fund implementation of the tree plan.

- **Self-watering Flower Planters Downtown:**

The Agreement could provide for Boulder to fund self-watering flower planters for the downtown area.

Mr. Zettek stepped back on the Board.

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### **Town Manager's Objectives**

The Board of Selectmen requests for Mr. Troiano to present seven-ten key objectives at the next Selectmen's meeting.

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### **Liaison Reports**

Mr. Shepard announced various upcoming Boston Marathon events including a recommendation to declare April 17, 2008 as John Hancock Day which would begin with a breakfast before attending the Adopt-A-Marathoner program at the Elmwood School.

### **Public Meeting Adjourned:**

**11:15 p.m. Vote:** Mrs. Kramer entertained a motion to adjourn the public meeting. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted.**

Respectfully submitted,

Geri Holland  
Executive Assistant  
Date approved: 4/8/08