

**TOWN OF HOPKINTON
PLANNING BOARD**

Wednesday, January 2, 2008

**HOPKINTON TOWN HALL
ONE TOWN HOUSE ROAD
HOPKINTON, RI 02833
7:00 P.M.**

CALL TO ORDER

The January 2, 2008 meeting of the Hopkinton Planning Board was called to order by Vice Chairman Thomas Holberton at 7:02 P.M.

ATTENDANCE

Board members present: Tom Holberton, Howard Walker, Ray Cox, and Hazel Douthitt. Al DiOrio and Steve Chalifoux were absent.

Also present: James Lamphere, Town Planner; Scott Levesque, Town Solicitor; and, Harvey Buford, Conservation Commission.

APPROVAL OF MINUTES

MR. WALKER MOVED APPROVAL OF THE MINUTES OF THE DECEMBER 5, 2007 MEETING AS CORRECTED.

MR. COX SECONDED THE MOTION.

MR. WALKER, MR. COX AND MS. DOUTHITT VOTED IN FAVOR OF THE MOTION.

MR. HOLBERTON ABSTAINED. MOTION PASSES.

OLD BUSINESS

Preliminary – 2 Lot Minor Subdivision – Cherenzia / Stefanski Minor Subdivision, Plat 7 – Lot 29, Kuehn Road and Clarks Falls Road. Linda M. Stefanski, Trustee, applicant.

C.J. Doyle, an engineer with Cherenzia and Associates, represented the applicant.

Ms. Doyle said they will be creating two sub-lots from 80 acres; one 53 acres and one 27 acres. There are test holes on the new lot, parcel B. Parcel A has an existing house, well, and septic. Wetlands delineation and topography have been provided from GIS. The applicant requested Preliminary approval with Final to be done Administratively. The Planner requested an existing shed be added to the plan, which has been done.

Mr. Walker said the memo from the Planner indicates we are to use the seven criteria in Article 4, Section C-1-a, as this land may be subdividable in the future. Lot A, with the existing dwelling, will remain agricultural for now, as will Lot B. Given the circumstances of the subdivision, and that the property will remain agricultural for the moment, he does not see the need of getting into impact potential or the speculation of future development.

Members of the Board agree.

2 MR. WALKER MOVED TO APPROVE THE PRELIMINARY PLAN SUBMISSION WITH
THE FINAL TO BE DONE ADMINISTRATIVELY. THERE IS NO NEED FOR
4 CONDITIONS ON THE APPROVAL AND BASES THIS MOTION ON THE FOLLOWING
PROPOSED FINDINGS OF FACT:

6 THAT THE PROPOSED SUBDIVISION

- 1) IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN;
- 2) COMPLIES WITH THE TOWN'S ZONING ORDINANCE;
- 8 3) WILL CAUSE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACT IF
EXECUTED ACCORDING TO THE FINAL PLAN;
- 10 4) THE TWO LOTS RESULTING FROM THIS SUBDIVISION HAVE NO
PHYSICAL RESTRAINTS THAT WOULD MAKE THEM UNBUILDABLE IN
12 ACCORDANCE WITH OUR BUILDING REGULATIONS AND STANDARDS;
- 14 5) BOTH LOTS HAVE ADEQUATE AND PERMANENT PHYSICAL ACCESS TO
PUBLIC STREETS, IN ONE CASE TO CLARKS FALLS ROAD AND IN THE
16 OTHER CASE TO BOTH CLARKS FALLS ROAD AND KUEHN ROAD;
- 18 6) THERE IS NO ISSUE OF PEDESTRIAN OR TRAFFIC SAFETY PRESENTED BY
THE SUBDIVISION WHICH WOULD ALSO PRESERVE THE EXISTING
NATURAL, HISTORICAL AND CULTURAL FEATURES OF THE PROPERTY,
TO WIT, THE AGRICULTURAL USE;
- 20 7) THE PROPOSED SUBDIVISION WILL HAVE NO ADVERSE IMPACT ON
FLOODING, SOIL EROSION OR OTHER ENVIRONMENTAL IMPACTS.

22 MR. HOLBERTON SECONDS THE MOTION.

24 MR. HOLBERTON, MR. COX, MR. WALKER AND MS. DOUTHITT VOTE IN FAVOR OF
THE MOTION. MOTION PASSES

26 **NEW BUSINESS**

Ms. Douthitt recuses.

28
30 **Preliminary – 3 Lot Residential Compound - Cedar Hill Farm, Plat 11 – Lot 44,
Woodville-Alton Road. David W. Moore, Sr. & Linda I. Moore, applicants.**

32 Richard Greene, of Richard A. Greene and Associates, represented the applicants. Also
present were Erica and David Moore, Jr.

34 Mr. Greene said the total parcel is 36.20 acres, west of Woodville-Alton Road. Originally
there were two parcels of approximately 45 acres. The northerly lot, 44A, 44B, 44C,
36 44D, 44E, 44F, 44G, is a prior residential compound that was completed many years ago.
The parcel before the Board was conveyed to the Moores, less two frontage lots, Lots
38 44B and 44C, which had been taken out by state statutes. There is currently a single
family dwelling on the property. The existing drive is approximately 2100 linear feet.
40 There are existing overhead utility lines that service the farmhouse. They are trying to
utilize the existing infrastructure to best create the two additional lots. The applicant
42 currently farms Lot 1, 28.68 acres, for beef cattle. Lot 2, which is the most
environmentally sensitive, will be 5.04 acres. Lot 3, with frontage on Woodville-Alton
44 Road, is 2.15 acres. In 1980-1981 a private drive was established along the northern
boundary, Cedar Drive. Cedar Drive was conveyed to the Moores, in fee, becoming part
46 of their lot. They are proposing to create a compound access, still called Cedar Drive,
which meets the criteria of the frontage requirements, with the existing gravel road
48 becoming a common driveway to be utilized by Lots 1 and 2. Lot 3 would not have
access from Woodville-Alton Road, but only from Cedar Drive. They are proposing to
50 upgrade Cedar Drive with a turn-around at 200 feet into the property at 1% grade, which
is much flatter than what currently exists. The end result would be a 20 foot wide private
52 utility easement with a driveway that appears at the end of the cul de sac that will go
south into Hazel and Brian Douthitt's property. That access was extinguished by deed

2 many years ago; they are bringing back the existing driveway to the Douthitt's property,
3 Plat 11- Lot 44B, as a 20 foot wide easement. The Douthitts have frontage on
4 Woodville-Alton Road but no direct access. Mr. Greene had a copy of the deed for the
5 record. Soil evaluations have been done on Lot 3 with ten foot results. Mr. Moore Sr.,
6 will retain title to the entire roadway, on his lot, Lot 2. Wetlands have been flagged with
7 a soil evaluation at 2 to 3 feet on Lot 2. Cedar Drive will enter Woodville-Alton Road in
8 the same location. Some of the existing drive encroaches to the north on the abutter's
9 property. They will pull that over onto the subject property. The drive will be rebuilt,
10 using impervious material, gravel and stone. Lot 3 will have deed restrictions to access
11 through Cedar Drive. Mr. Greene gave Mr. Lamphere the legal documentation for a
12 residential compound to be reviewed.

13
14 Mr. Holberton said he is in support of a residential compound, but must secure the future,
15 legally, for when these lots are later sold. He added, technically all Mr. Greene's work is
16 correct, but ugly.

17
18 Mr. Greene said it had to be created the way it is presented. To extend the compound
19 road further to the west would create more maintenance for the association.

20
21 Mr. Holberton said that although a compound has relaxed road standards, his concern is
22 that the 1800 foot shared driveway will not be maintained sufficiently for emergency
23 access.

24
25 Mr. Greene said the actual driveway is 15 to 18 feet wide. An ambulance and fire trucks
26 have been up to the farmhouse. Mr. Greene will meet with Captain Ray Bader, Fire
27 Marshall. A culvert goes under the road, a permitted wetlands crossing for the drive.

28
29 Mr. Walker questioned why Lot 3 was drawn as a hockey stick lot.

30
31 Mr. Greene responded that it was necessary for the square footage.

32
33 Mr. Walker asked Mr. Greene that if he was permitted to put a lot of less than two acres
34 on this compound, would it eliminate the ugly feature.

35
36 Mr. Greene's response was absolutely, but there is nothing in the ordinance that allows
37 him to; relaxing of the area allows for more creativity on an odd shaped lot.

38
39 Mr. Walker asked why Lot 2 is also a hockey stick.

40
41 Mr. Greene said they have to have thirty feet on a compound road. The gravel road to
42 Lot 1 does not meet those standards; it is 15 to 18 feet in width and would be serving the
43 farmhouse and the one other house.

44
45 Mr. Lamphere said the road could be better configured if you would come from
46 Woodville-Alton Road with a residential compound right-of-way continued to the west.
47 You then would not have to drag Lots 1 and 2 out to the cul de sac because you need
48 thirty feet of frontage on a common right-of-way.

49
50 Mr. Greene said the radius of the cul de sac comes in to play.

2 Mr. Holberton said the ordinance is what it is at the moment. He requested Mr. Greene
get a letter from Captain Bader.

4 Mr. Greene said he would meet with Captain Bader and get a letter to Mr. Lamphere.

6 Mr. Lamphere asked if anyone has been to the site. The plan does not do justice to the
tremendously steep grade on the drive; certainly more than 4%. A new dwelling will be
8 using a portion of the steep driveway. He wants to insure that rescue vehicles can get up
there.

10 Mr. Greene said the driveway exists as shown on the plan. There is very coarse gravel as
12 a basis now. The grade is steeper than town standards but it has been that way since
1980. There are no plans to upgrade the driveway.

14 Mr. Buford asked, if a one acre lot on a residential compound was allowed, could the cul
16 de sac be moved?

18 Mr. Greene said a relaxed ordinance would allow Lot 3 a more visually pleasant.

20 Mr. Holberton asked if this meets regulations for a private common driveway.

22 Mr. Greene said they do except for the slope constraints that are greater and are as they
exist..

24 Mr. Holberton asked if the only difference between the residential compound section and
26 the private driveway section is five feet, would it be a financial hardship for the applicant
to upgrade the section of the road from 15 feet to 20 feet and put the turn-around before
28 the crossing?

30 Mr. Greene said it would be since the applicant is happy with the driveway currently. If
the fire department requests changes, he will speak with his client.

32 Mr. Holberton asked if Lot 42 is landlocked.

34 Mr. Greene said he believes they have access from a road to the south. They have no
36 issue with extending the cul de sac to the west as long as they can get the area they need
for Lot 3 and as long as the Board is amenable to their determining the extent of the cul
38 de sac as it relates to the culvert. The driveways will be deeded.

40 Mr. Lamphere said a residential compound road requires a 50 foot right-of-way and a 20
42 foot pavement or gravel width. In addition, the residential compound road should be
paved within 50 feet of Woodville-Alton Road.

44 Mr. Greene said they have no issue with that.

46 Mr. Lamphere said if the Board approves this as a common driveway there is a 30 foot
right-of-way and a 15 foot pavement or gravel road. Where the road goes over the
48 culvert is a tight 15 feet. A common driveway with slopes greater than 4% needs to have
2" of pavement.

50

2 Mr. Greene said he does not have an issue with that standard but this driveway long
predates this ordinance; it is not a new common driveway.

4 Mr. Lamphere responded that it is an existing driveway which they are adding a new
dwelling to.

6 Mr. Greene said they have no interest in making it 30 feet in width, although they can
8 make the right-of-way 30 feet in width as long as it remains on Mr. Moore, Sr.'s
property.

10 Mr. Lamphere said he measured the hockey stick handles; one was 27 feet wide and one
12 25 feet. The distance would have to be reconfigured. Mr. Lamphere indicated the area to
Mr. Greene.

14 Mr. Greene said they will have to physically move the driveway as it is now encroaching
16 on the abutter's property. They are open to extending the cul de sac to the west

18 Mr. Holberton said he would be satisfied with Captain Bader's opinion.

20 Mr. Greene asked for a consensus from the Board.

22 Mr. Holberton said he would approve Preliminary with conditions.

24 Mr. Lamphere said moving the cul de sac west to straighten out some highly irregular lots
is well and good but he is much more concerned with getting emergency vehicles up
26 there. Captain Bader was in his office recently to speak with Mr. Lamphere about his
concern with the maintenance of compound roads.

28 Mr. Greene asked what parameters the town has to enforce the private road to be
30 upgraded.

32 Mr. Lamphere responded, in the Subdivision Regulations. The Planning Board can,
where it deems a road or an access to be inadequate, put conditions on it.

34 Mr. Walker said what the fire district thinks is the minimum required to make this
36 compound safe, has to be documented.

38 Mr. Greene said he will try to arrange a meeting with Captain Bader on site and get
something in writing from him.

40 Mr. Cox said they need to be able to get more than one emergency vehicle on the site.

42 Mr. Lamphere said he does not want to appear hostile to this application; he wants to be
44 certain a rescue truck can get where it needs to go. He would like a letter from the fire
department stating the minimum requirements they would like to see. He reiterated to the
46 applicants that common driveways must be paved if there is a slope greater than 4
percent.

48 Mr. Greene asked if the Planning Board is considering allowing a parcel that has already
50 been subdivided but has a large tract left, to be used for a residential compound.

2 Mr. Walker responded that is under consideration along with minimum lot size. He
suggested the applicant either to go as it is now or wait to take advantage of possible
4 future modifications.

6 Mr. Greene said he will speak to his client about phasing the compound.

8 MR. WALKER MOVED TO APPROVE THE PRELIMINARY PLAN SUBMISSION
SUBJECT TO THE FOLLOWING CONDITIONS:

- 10 1) THE FIRE DISTRICT CHIEF APPROVES THE PLAN IN WRITING, INCLUDING
THE CUL DE SAC AND THE PRIVATE COMPOUND ROAD, AND THAT THE
12 APPLICANT COMPLIES WITH BY ANY IMPROVEMENTS MANDATED BY
THE FIRE DISTRICT;
- 14 2) ACCESS TO LOT 3 IS TO BE SOLELY FROM CEDAR DRIVE, NOT FROM
WOODVILLE – ALTON ROAD;
- 16 3) THERE WILL BE A PERMANENT DEEDED EASEMENT OF RIGHT-OF-WAY
TO LOT 44B, SOUTH OF THE SUBJECT PARCEL;
- 18 4) THE FINAL WILL BE DONE ADMINISTRATIVELY IF THE FIRE DISTRICT
APPROVES THE PLAN AS SUBMITTED, OTHERWISE, BY THE BOARD.

20 MR. WALKER PROPOSED THIS MOTION ON THE FOLLOWING FINDINGS OF
FACT:

- 22 1) THAT THE PROPOSED RESIDENTIAL COMPOUND IS CONSISTENT WITH
THE TOWN’S COMPREHENSIVE PLAN;
- 24 2) COMPLIES WITH THE STANDARDS AND PROVISIONS OF THE ZONING
ORDINANCE;
- 26 3) WILL CAUSE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS IF
BUILT AS SHOWN ON THE PLAN SUBMITTED WITH ALL REQUIRED
CONDITIONS FOR APPROVAL;
- 28 4) THE RESULTING COMPOUND LOTS HAVE NO PHYSICAL CONSTRAINTS
THAT WOULD MAKE IT IMPRACTICABLE TO CONSTRUCT DWELLINGS
30 ON THEM IN COMPLIANCE WITH PERTINENT REGULATIONS AND
BUILDING STANDARDS;
- 32 5) ALL OF THE PROPOSED THREE LOTS WILL HAVE ADEQUATE
PERMANENT AND PHYSICAL ACCESS TO THE PUBLIC STREET,
34 WOODVILLE-ALTON ROAD;
- 36 6) THERE WILL BE NO ISSUES OF CIRCULATION OF PEDESTRIAN AND
VEHICULAR TRAFFIC, NO ISSUES OF SURFACE RUN-OFF CONTROL, AND
38 THE PROPOSED PLAN WILL PRESERVE THE NATURAL, HISTORICAL AND
CULTURAL FEATURES;
- 40 7) THERE WILL BE NO ADVERSE IMPACT ON FLOODING AND SOIL
EROSION.

42 MR. COX SECONDED THE MOTION.

MESSRS. HOLBERTON, COX AND WALKER VOTE APPROVAL. MOTION PASSES.

44 *Ms. Douthitt returns.*

46 **PLANNER’S REPORT**

- 48 ■ **No-Cut / No-Clear Areas** – Mr. DiOrio and Mr. Chalifoux were not present to discuss
this item so it will be placed on the next agenda.
- 50 ■ Mr. Lamphere has received an email from Mr. DiOrio regarding the possibility of
hiring geologists for future subdivisions. Mr. Holberton said he and Mr. DiOrio have
52 discussed ascertaining the amount of water available on a lot. This will be placed on
the next agenda to be discussed when Mr. DiOrio returns.
- 54 ■ Mr. Buford said DEM will have a meeting tomorrow on private water, 1 P. M. at the
Department of Health, regarding proposals and suggestions for changes.

- 2 ■ Workshops for Conservation Development will be on the 17th and 24th of this month
and include hands-on design to map hypothetical conservation design development.
Mr. Chalifoux and Mr. Cox are attending. Fees for attendance will be paid by the
4 Planning Board.
- 6 ■ The Affordable Housing Partnership was to meet here tomorrow to discuss the
planned village ordinance and inclusionary zoning. Mr. Lamphere does not know if
that will take place as it was not advertised properly.
- 8 ■ The Ad Hoc Zoning Committee for Exit One will be meeting on January 15 for review
of the changes to the Zoning Ordinance for Subdivision Regulations.
- 10 ■ The Board has information in their packages from North Stonington regarding activity
in their town.
- 12 ■ Mr. Lamphere said he has approved an Administrative Subdivision for the Nature
Conservancy that is included in the Board's packages.
- 14 ■ Residential Compounds - Mr. Lamphere said that it has been drawn to his attention
that in 1995, when the Subdivision Regulations were adopted, Chapter 18 in the Code
16 of Hopkinton was deleted. Chapter 18 contained clusters, compounds and provisions
for subdivisions. Prior to that time, the Town Council approved subdivisions. It
18 appears that at that time, The Council gave the power to the Planning Board to adopt
and amend all ordinances relating to subdivisions.
20 Mr. Walker said he would like assurances from the Solicitor.
Mr. Holberton suggested they authorize the Planner and Solicitor to research this
22 matter and present their findings at the next meeting. Board agrees.
Ms. Douthitt said she would like to have their findings in the form of a memo before
24 the next meeting.
- 26 ■ Mr. Buford said he had changes to the draft: page 6, change Town Council to
Planning Board; page 3, the new item one in bold print, he asked for clarification.

28 **CORRESPONDENCE & UPDATES:** None

30 **PUBLIC COMMENT:** None

32 **DATE OF NEXT REGULAR MEETING:** February 6, 2008

34 **ADJOURNMENT**

MR. WALKER MOVED TO ADJOURN THE MEETING.
36 MR. COX SECONDED THE MOTION. ALL APPROVE.
The meeting was adjourned at 8:30 P.M.

40
42 **Attest:** _____
Lynda S. St. Amour
Planning Board Clerk

44 **Approved:** _____