

2 **TOWN OF HOPKINTON**
4 **PLANNING BOARD MEETING**

6 **December 2, 2009**
7 **7:00 P.M.**

8 **Hopkinton Town Hall**
9 **One Town House Road**
10 **Hopkinton, Rhode Island 02833**

12 **CALL TO ORDER**

14 The December 2, 2009 meeting of the Hopkinton Planning Board was called to order at 7:02 P.M.
15 by Chairman Alfred DiOrio.

16 **MEMBERS PRESENT**

18 Howard Walker, Ray Cox, Joseph Escher, Hazel Douthitt, Al DiOrio and Donald Simmons were
19 present.

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

24 **APPROVAL OF MINUTES**

26 MR. WALKER MOVED TO ACCEPT THE OCTOBER 29, 2009 MINUTES AS CIRCULATED.
27 MS. DOUTHITT SECONDS THE MOTION.

28 Messrs. Walker, DiOrio, Cox, Escher and Ms. Douthitt approve. *Motion passes.*

30 MR. WALKER MOVED TO ACCEPT THE MINUTES OF NOVEMBER 4, 2009 AS REVISED.
31 MR. ESCHER SECONDS THE MOTION.

32 Messrs. Walker, DiOrio, Cox, Escher and Ms. Douthitt approve. *Motion passes.*

34 MR. WALKER MOVED TO ACCEPT THE MINUTES OF THE NOVEMBER 17, 2009 MEETING.
35 MR. ESCHER SECONDS THE MOTION.

36 Messrs. Walker, Cox, Escher and Ms. Douthitt approve. Mr. DiOrio abstains. *Motion passes.*

38 **OLD BUSINESS**

40 **Master Plan Public Informational Meeting, con't. – Comprehensive Permit – Brushy**
41 **Brook, Plat 32 – Lots 1 through 71, Dye Hill Road. LR 6-A Owners, LLC, applicant.**

42 Mr. Lamphere said there is no one here this evening to represent the application. He did confer
43 with Mr. Landry, attorney for the applicant, who said he and his experts are available on the 14th,
44 their preferred date, as the date to continue the Master Plan Public Informational Meeting.

46 MR. WALKER MOVED TO CONTINUE THE PUBLIC INFORMATIONAL MEETING TO 7:00 P.M.
47 ON DECEMBER 14, 2009, AT THE HOPE VALLEY ELEMENTARY SCHOOL, WITH NOTICE BY
48 FIRST CLASS MAIL TO ALL PERSONS ON THE NOTICE LIST.
49 RAY COX SECONDED THE MOTION.

50 Messrs. Walker, DiOrio, Cox, Escher and Ms. Douthitt approve. *Motion passes.*

52

2 **Master Plan Public Informational Meeting, con't. – Comprehensive Permit – Rockville Mill**
4 **– Plat 30 – Lot 43, Canonchet Road. Rockville Mill, LLC, applicant.**

6 *A court stenographer was present to record the proceedings. If and when it is*
8 *transcribed, it will become part of this record.*

10 Attorney Robert Berkelhammer was present for the applicant to respond to the questions raised at
12 the previous meeting. He said the second binder given to the Board addresses the concerns of
14 the last meeting and items that were not addressed at the initial meeting. He requested the binder
16 be introduced as Applicant's Exhibit 9. He then detailed the contents of the binder.

18 Paul Bannon, President of RAB Professional Engineers, was sworn in and a copy of his resume
20 was presented as Applicant's Exhibit 10. His firm did a traffic impact assessment, coordinating
22 with Northeast Engineers on the site plan that has been prepared and is under review by the town.
24 They conducted site visits at various times to observe traffic conditions and to inventory the
26 physical roadway conditions and intersections in the immediate vicinity of the mill. They
28 completed turning counts at the main intersections within the village, put an automatic traffic
30 recorder down on Canonchet Road to get an understanding of what the daily and hourly demands
32 are on that road, a major servicing roadway to the mill, and they obtained accident information to
34 review from the police department. They also conducted traffic counts at the mill relative to its
36 present use which includes the post office and a small business, and a parking study. They
38 assessed the safety and operation of future traffic conditions. The local rural roadways within the
40 neighborhood, vary in width from sixteen (16) to thirty (30) feet. Canonchet Road from Spring
42 Street and Wincheck Pond Road will provide the access to the property. They looked specifically
44 for safety issues at each of the intersections providing access to the property, that they have
sufficient site distances. The main intersection with Main Street with Wincheck Pond Road,
including the easterly, westerly, intersection, has sufficient site distances for the posted speed
limit and for travel speeds in excess of 55 miles per hour. The site distance from the main
driveway to the site, to the north looking toward Wincheck Pond Road, provides adequate site
distance but identified issues relative to the site distance to the south, coming off Canonchet
Road, approaching the driveway. They made recommendations that they would work with the
town to decide which is the best option to improve safety at the driveway. Specifically, the site
distance to Wincheck Pond Road is sufficient. Going south from the driveway, the roadway is
on an incline and also curves to the east. They feel there is an issue with this intersection because
it is a junction without any control and recommend some form of control be placed at that
intersection. One option is an all way stop condition that would address the site distance issue.
Other options to address site distance issues and safety include culverts for Moscow Brook or
making a one-way loop around the village. The traffic associated with this use would not have
the post office generating more traffic so there will be no issues relative to congestion within the
driveway or on the major intersections in the area. Mr. Bannon said this study concludes, that
with the recommended mitigation, whether one way circulation or intersection control, that safe
and adequate access to a public street is available there and would have no significant or adverse
impact on the health, safety and welfare.

46 James E. Dilley, the Executive Director of Portsmouth Housing Authority and Executive Director
48 of Coastal Housing Corporation, is sworn in. Coastal Housing is a non-profit created by the
50 housing authorities of Rhode Island to create and manage affordable housing and to create
services for the clients that they serve. They are property managers of Blueberry Heights in West
Greenwich. This property will have housing assistance attached to it so the fourteen families (14)
that will be living within this development will receive federally funded housing assistance. With

2 that comes particular requirements and behavioral standards. The leases are strict and detail who
4 is authorized to live in the unit, which will be monitored carefully through the use of security
6 cameras. If not authorized to live there, it is addressed immediately and legal action is initiated if
8 necessary. The housing assistance that is provided is tied to the apartment. The benefit is a
10 decent, safe affordable unit. If tenants don't comply, they will be terminated and without housing
12 assistance.

8 Mr. Berkelhammer said they have submitted support letters from the Fire Department and Police
10 Department in the binder and presented six additional support letters to be included in the binder,
12 Applicant's Exhibit 9.

12 Joel Russell, a well driller, who worked for the Water Resources Division of the US Geological
14 Survey, was sworn in. They conducted a pump test. The new well that was drilled is five
16 hundred (500) feet deep with bedrock at thirty-five (35) feet. The static water level, measure of
18 the water table when not pumping, was twenty- three and a half (23 ½) feet. The well produced
20 fifteen (15) gallons per minute. In another well of similar construction and also five hundred
22 (500) feet deep and was thirty (30) feet away, established a measuring plan on the Moscow Brook
24 which is one hundred thirty-eight (138) feet from the well they were pumping. Well B, after
26 twenty-six (26) hours of continuous pumping at fifteen (15) gallons per minute, drew down to
28 almost forty-five (45) feet which confirms that fifteen (15) gallons per minute is a sustainable
amount. Well A with a static level of fifteen and a half (15 ½) feet, had a little more than five (5)
feet of drawdown. The Moscow Brook had no measurable change as the result of testing which
further indicates that there was little influence from their pumpage at that point. Their conclusion
was with distance, the influence distance from pumpage drops dramatically. Their tests showed
that fifteen (15) gallons per minute was sustainable and the tests indicate that there was little or
no impact on the water table off of the property site.

28 Mr. Berkelhammer said their presentation was done.

30 Mr. Lamphere said he stands on his October comments. There are letters in their packets from
32 residents and suggests they make it a Board Exhibit. There is a letter from Barry Ricci,
34 Superintendent of Schools, with his commentary on the impact to the school system; emails from
36 W. R.. LaMountain, Jr., Glenn and Lynn Browning, Christopher Tanguay, Raymond Ainsworth,
38 Judy Christensen, and a letter from Deborah Luz. There is a memo from Holly Blais, Project
40 Manager, dated 11/6; an accompanying letter from the Environmental Consultant Georges
42 Bockstael, dated 11/6; a letter from the Chief of Police relating to his recommendations on egress
and access to the parking lot; and. a response to the Planning Board's questions at the October
meeting in the applicant's binder, presented as Applicant's Exhibit 9. to approve this project, the
Board would have to make positive findings on seven items, as stated in state statute 45-53. In
the same statute, there are five reasons to deny a project.

42 Mr. Walker said this application was last continued with the condition that the applicant agree to
44 a thirty (30) day extension of the deadline for the Board to act on the Master Plan submission.
46 Has that been received or is it forthcoming tonight?

48 Mr. Berkelhammer said his understanding is that the request was for it to be extended to a
specific date in January.

50 Mr. Lamphere said the present deadline is January 21, 2010; the thirty day period would
52 commence on that date to February 21, 2010.

- 2 Mr. DiOrio asked if this has in fact been granted and what form did it take; written or verbal with
something following in writing.
- 4 Mr. Berkelhammer and Mr. Marchant said that is not what they understood.
- 6 Mr. Walker said on page 3 of the November minutes, beginning at line 5, “Mr. Walker said he
8 will entertain a motion to continue this matter to our December 2 meeting, subject to the
condition that the applicant agrees to the thirty day extension of the deadline for our
10 consideration.” That was moved and unanimously approved by the Planning Board.
- 12 Mr. Levesque said his only concern is the extension at this point.
- 14 Ms. Douthitt said there is nothing in the packet about where the children’s playground will be.
- 16 Mr. Berkelhammer said if he had do it formally on the record, they will consent to the thirty (30)
day extension and he will, on behalf of his client, make that representation.
- 18 Mr. Levesque said to be perfectly clear, the deadline is now February 21, 2010.
- 20 Mr. Walker said February 21, 2010 is a Sunday and would prefer to have it on a date certain that
22 is a business day. He suggested the regular monthly meeting date of March 3.
- 24 Mr. Berkelhammer said they will continue to thirty days, February 22, and if more time is needed
it can be requested at that point.
- 26 Mr. Wood said they relocated the playground. There is a driveway that goes down to the lower
28 courtyard area and the accessible apartments in the small mill. Just to the north of that they will
assign an area that will be fenced and used for a children’s playground. It still allows for an
30 access drive to service the well.
- 32 Ms. Douthitt said when we were on the site walk, that area was down hill.
- 34 Mr. Wood said they will put in a retaining wall and fence the area.
- 36 Mr. Simmons said the fixtures shown are not dark sky compliant and glare will be an issue.
- 38 Mr. Wood said he was assured by the electrical engineer that these were dark sky compliant and
were suitable.
- 40 Mr. Simmons said they are not dark sky compliant and would like to see the cut sheets or spec
42 sheets along with a lighting plan. There was nothing for the bollards and could not find any of
these fixtures on any plans. There was no lighting plan.
- 44 Mr. Wood said he will go back to his lighting engineer.
- 46 Mr. Escher said Mr. Dilley mentioned that occasionally they have to take legal action to evict
48 someone. Mr. Escher said in the private sector, something like that could take six months. He
asked what their typical time frame is if there is an issue.
- 50 Mr. Dilley said he has not been faced with a six month situation. If there is an issue they have
52 plenty of documentation to state their case, excellent legal council and are able to move quickly.

2 They work closely with the Social Service agencies to work through problems and have a good
record of lease enforcement.

4 Ms. Douthitt asked Mr. Dilley if he oversees who lives there, how they live there, and the
6 maintenance.

8 Mr. Dilly said yes. They were recently through a management review by HUD and were rated
above average and maintenance function as superior.

10 Mr. Simmons asked their visiting schedule.

12 Mr. Dilley said there will be a daily presence on site of either the building manager or a
14 maintenance person. They will augment that with their staff as needed.

16 Mr. Walker asked who their legal council is.

18 Mr. Dilley said in the past they have used Bob Craven.

20 Mr. Douthitt asked if there would be families as well as elderly.

22 Mr. Dilley said the four one bedroom units that could be taken by elderly folks; it is a matter of
fair housing. There will be single mothers with children, not a lot of intact families, single
24 parents. They will focus their outreach to the local community and there will be a selection
preference for people that live in the local community.

26 Mr. DiOrio said one of the reports says a nitrogen loading study was done for the septic system
28 with results dangerously close to the threshold: 8.63 vs. 10. Is there a testing or monitoring
program for the septic system?

30 Geralyn Small said there is an operation maintenance agreement that will be in place.

32 Mr. DiOrio said he is specifically referring to testing to monitor the effluent.

34 Ms. Small said she doesn't know if DEM would require testing of the water from this property.

36 Mr. DiOrio said, so there is no monitoring component to this system now?

38 Ms. Small said as required by right. Automatically required? No.

40 Mr. DiOrio said, if for any reason that system malfunctioned, the difference between 10 and 8.63
42 is not so big.

44 Ms. Small said she can assure him that the head of RIDEM would be comfortable with that
number.

46 Mr. DiOrio said he wants to be absolutely clear on the mitigation recommendations. The way he
48 interprets page 8 of the traffic report, third paragraph, you identify three options. It sounds if all
three of those options are the town's problem and the applicant is not going to play a role in any
50 of these. The town is being told they can make their project safer if the town does one or more of
these three things.

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2 Mr. Bannon's response was absolutely not. Because of the nature of the mitigation, he is
4 suggesting that coordination be completed with the town to determine the best, least intrusive
the neighborhood, and are willing to work with the town to implement that.

6 Mr. DiOrio said let's review the three options that they outlined: restricting two way traffic flow
8 by creating two one way segments of road crossing the Moscow Brook. That doesn't sound like
something the applicant can do; it sounds like something the town has to do.

10 Mr. Bannon said it is a matter of signage and adoption.

12 Mr. DiOrio added, that the town would do.

14 Mr. Bannon said they would do the off site mitigation. He is suggesting we have to decide which
16 alternative is best and that is just a matter of them doing the offsite mitigation to implement that.
He said it is a matter of signing and striping.

18 Mr. DiOrio said and the applicant would be prepared to undertake that?

20 Mr. Bannon's response, absolutely.

22 Mr. DiOrio continued, creating an all way stop controlling the intersection. That is something the
24 applicant might be willing to do?

26 Mr. Bannon said yes. That signing and striping, too. It's not a major project and they're
28 foreseeing something to be done by identifying the driveway volume. He has identified their
issues at that intersection and they are willing to make a safe access and egress from the property
and mitigate that impact.

30 Mr. DiOrio said physically realigning the junction of Canonchet Road. That is something that the
32 applicant would be willing to undertake should we make it a condition of approval?

34 Mr. Bannon said more detailed mapping and permitting would be required as part of that.
36 Physically, they would have to investigate that further, because of the relation to the stream and
potential filling in of wetlands.

38 Mr. Walker asked when they are talking about physically realigning the junction with Canonchet
Road and Wincheck Pond Road Extension, what sort of realignment they are talking about?

40 Mr. Bannon said when you are coming northbound, the extension is straight, so what you would
42 be doing is bringing Canonchet Road instead of intersecting in a Y, you would bring it up into
more of a T intersection. If you are coming northbound, physically you would almost have to
44 take a right to go around the bend. If you are coming northbound to get to Spring Street, where
you are coming around the bend, you would have to come down and then take a right. It is a
46 wide opening of pavement, so you are trying to formalize a normal intersection.

48 Mr. Walker said he is not sure how that would work out geometrically.

50 Mr. Bannon said that's what he meant by saying he needs more mapping and to identify where
the wetlands are.

52

2 Mr. Walker said that would seem like an expensive proposition for somebody.

4 Mr. Bannon said that is why he offered those. The intersection of Wincheck Pond Road with
6 Spring Street is a Y but would be brought up a little to make it come to a 90 degree intersection as
opposed to a 45 scoot. That is a standard improvement to these types of intersections.

8 Mr. Walker said that is a little easier operation at that point than for the intersection we are
talking about.

10 Mr. Bannon said we don't have the topographic detail to come up with exactly how it would be
12 implemented or designed. It is an option that can be explored and that is why he provided the
other alternatives.

14 Mr. Walker asked, would there be any traffic flow downside to your other option of basically
16 taking that little stretch of Canonchet Road to Wincheck Pond Road and the connecting road of
Wincheck Pond Extension, and turning it into a one way route?

18 Mr. Bannon said he doesn't see any issues with it; it's a short distance. It is more of what the
20 town and the neighbors feel is an inconvenience. There are other one way loops just down the
road. In this situation, it is more of an inconvenience to their site because they are on the loop
22 and would have to go around.

24 Mr. Walker said if you take the one way loop, how do you deal with the primary traffic hazard at
either location, the inadequate sight distance to the south for the traffic that is pulling out?

26 Mr. Bannon said the one way loop eliminates that conflict by forcing everybody to go straight.
28 They can't come down that road where the sight distance is an issue.

30 Mr. Walker said you're talking about routing Canonchet Road on to the extension.

32 Mr. Bannon said yes. You come out of the sight, you have to go left and then right.

34 Mr. Berkelhammer said he understands from an engineering point of view, all three may work.
The one way street and the stop sign would not negatively impact the viability of the project. The
36 realignment of the roads, although nobody has analyzed the cost, has the prospect of making the
project unfeasible.

38 Mr. DiOrio said it is their expert making the statement that there is no adverse impact to the
40 safety and welfare of the community provided that the mitigation measures are implemented.
There are three options on the table. You may not get to choose. Once you take the mitigation
42 measures out of the equation, you can no longer make the statement that this is a safe project.
They go hand in hand.

44 Mr. Berkelhammer said they understand that but they are arguing that from the overall point of
46 view of the comprehensive permit, if there are a number of options that are available, some of
which are workable and do not make the project unfeasible and some of which are workable but
48 which make the project unfeasible, he would respectfully suggest that the Board's options are to
pick the options that do not make the project unfeasible.

50 Mr. DiOrio said he respectfully disagrees but he understands Mr. Berkelhammer's position.
52

2 Mr. DiOrio said the next item was a comment in the Planner's memo of November 25 regarding
4 the number of school age children. There apparently were two opinions. Which one would you
like to hold to? Is it 3 or somewhere in the range of 5 children, maybe a child or two more?

6 Mr. Berkelhammer said the answer is very clear. Experts say, based on the history, what is the
likely number. Anyone who tells you the exact number of children is dreaming. We don't know.
8 We believe the number is fully one or the other, but we can't tell you. We would just be dancing
if we tell you the reality of it is, which ever it may be, it is what it is.

10 Mr. DiOrio asked which expert are we to rely on.

12 Mr. Berkelhammer said the two experts have both given their testimony that you have to weigh.

14 Mr. Walker said in Appendix A of Mr. Lombardo's report, there is a table of comparable
16 apartment complexes with school age children. Mr. Walker said he is personally familiar with
several of these projects and is interested to know in what respect he would consider them
18 comparable to the subject project. The most obvious example is Providence Center Place, which
you say has .8 children per hundred units, and is a luxury apartment building occupied primarily
20 by empty nesters from the East Side and kids that go to RISD or Brown. He does not feel that is
comparable. In a similar way, Springfield Apartments in Cranston is primarily a singles and
22 young adult apartment complex, as he also suspects is Rio del Sol in Warwick. He does not see
any of these projects even remotely comparable in terms of their population, family income or the
24 renters, etc. He asked if Mr. Lombardo has done any studies of similar properties that would be
truly comparable in terms of being subsidized affordable housing.

26 Mr. Lombardo said the inference is not that these are all directly comparable in the sense that they
28 are mill conversion buildings or the type of individuals that may occupy them. The comparable
aspect of these is that they are one and two bedroom apartment or condominium type housing.

30 Mr. Walker said right next door we have what you are defining as a comparable property that he
32 would suspect school age children for 100 units is approximately zero, as it is age restricted..

34 Mr. Lombardo said he tried not to use age restricted, but there are a few in his report. Fair
housing whether restricted or senior, does not strictly eliminate school age children.

36 Mr. DiOrio said in the Planner's November 25 memo, there was a question with regards to the
38 waivers specifically seeking relief from building and fire code. He would like clarification as to
what the waiver is and what relief is being sought.

40 Mr. Lamphere said in the original binder, Tab 2, page 1; the exact relief is not listed.

42 Mr. Berkelhammer said that is the form he fills out for a comp permit and includes a checklist
44 that lists relief sought from building and fire code.

46 Ms. Small said no relief is being sought.

48 Mr. DiOrio said to summarize, there is no relief being sought from the building and fire code.

50 Mr. DiOrio said lastly there is the issue of outstanding fees. Is the fee arrangement going to be a
waiver that you are seeking? Are you waiting for this.

52

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2 Mr. Berkelhammer said at the end they would ask Mr. Lamphere how it is handled in other
4 situations, because they would like all fees waived. Many of the towns they appear before reduce
or waive the fee so the town assists in development of the affordable housing.

6 Mr. DiOrio said to summarize, there has been a formal request to include the waiver or reduction
of fees in your application.

8
10 Mr. Berkelhammer said they requested it but doesn't remember if it was requested verbally or in
writing.

12 Mr. DiOrio said many applicants come to us with this as a waiver. He is not questioning that at
all but is looking to clarify the status.

14
16 Mr. Lamphere said he does not recall having a discussion with Mr. Berkelhammer on that
decision, but has spoken to Mr. Marchant about it several times. We have waited to see how the
Board feels about that.

18
20 Mr. Berkelhammer said they have indicated that they are asking that the fees be waived and the
Board was going to consult with Mr. Lamphere about it. That is how he recalls it.

22 Mr. DiOrio said he is accustomed to handling this in one of two ways. If the applicant makes a
24 formal request to reduce or waive the fees as part of the application, it will be considered. If no
one says anything, the fees are outstanding and he doesn't know why the application is before the
Board without paying the fees.

26
28 Mr. Berkelhammer said he will again confirm that they are requesting the fees be waived.

30 Mr. Lamphere said he would like something formally in writing.

32 Mr. Buford said in Mr. Russell's letter he mentioned well A and well B and asked if he drilled
both of those wells.

34 Mr. Russell said yes. Well A was a successful well actually exceeding the standards for a single
36 family home but didn't provide enough water for this proposed project, so they tried another spot
and were very successful.

38 Mr. Buford asked, thirty (30) feet away?

40 Mr. Russell said yes.

42 Mr. Buford asked the flow rate there.

44 Mr. Russell said one (1) gallon a minute at five hundred (500) feet actually double the state
46 minimum standards for a single family home.

48 Mr. Buford asked the static height on that well.

50 Mr. Russell said static was 16 feet. There is a difference in elevation in that 30 feet; one had a 23
foot static and the other a 16.

2 Mr. Buford said he referred in his letter to the level of the water at Moscow Brook as being totally
4 interactive with the groundwater.

4 Mr. Russell said that is true in general but is not true in runoff events. The brook level and the
6 water table are very close.

8 Jack O'Donnell, Yeles Lane said he is interested in the traffic study. In mid-October he saw a
10 tube going across Canonchet and asked if that is how they counted cars.

10 Mr. Bannon said they did it both manually and [inaudible].

12 Mr. O'Donnell said he doesn't think that count is accurate because people using the post office,
14 especially with the seasonal people, the count will be higher. They have a lot of snow birds that
16 come in April through Labor Day. That is not an accurate count. In the summer and other times
18 through the year there is a lot more traffic, a lot more children and a lot more people using the
20 post office, especially at Camp Yawgoog.

18 Mr. DiOrio asked Mr. Bannon if his analysis takes into account the seasonal perspective.

20 Mr. Bannon said they did not adjust seasonally for the additional traffic. They counted how many
22 post office boxes are used at the post office. He added, you could quadruple the traffic on that
24 road and there are still no issues of traffic safety.

24 Bill LaFountain lives directly across the street from Mr. Tanguay who is next to the post office.
26 The better the weather, the more traffic they have because the seasonal people come back. But
28 there are also a lot of hikers that don't know where they are going. Many are on bikes that travel
30 at a high rate of speed and when coming down the hill don't know whether to go left or right. He
has seen many close calls in that area. There will be a problem with the additional traffic. They
come down the hill going north at the Wincheck Pond Extension and Canonchet Road.

32 Robert McAllister, 21 Camp Yawgoog Road asked several questions. Will the residents all be
34 from the Town of Hopkinton or will they bus in people? Are the people employed or are they on
36 welfare? He heard they are going to be government subsidized tonight. He thinks that is
degrading for the neighborhood. His tax value on his house has gone down because of the
economy and doesn't want to see it go down because of residents who are of lesser standards. He
asked who will police the people off of Wincheck Pond, a private pond with no public access,
38 which is already a problem? Who will keep them out? Safety, as far as the dam is concerned, if
young children walk over and fall in, it is at least twelve feet deep with no way out.

40 Mr. Berkelhammer said their plan is, and the history of their experiences is, that they will
42 advertise locally. As discussed in previous presentations, the need in Hopkinton is family
44 housing. There is apparently sufficient affordable elderly housing. There are numerous
Hopkinton residents who will want to live there. As he understands it, they can not say only
46 Hopkinton residents will live here, but their experience and the reality of it is that there is this
need that exists. The Hopkinton residents will want to live in their own neighborhood. You can
draw your own conclusions. Mr. Berkelhammer continued, the pond is private property and not
48 something they will monitor. They can not control where people go swimming or where
somebody may drive their car and go. A lot of things can happen that are beyond the realm of
50 their job which is to provide safe, affordable housing.

2 Bill Gordon said they technically can have a local preference in a resident selection plan that says
4 first preference residents of Hopkinton, second preference residents that formerly lived in
6 Hopkinton and want to move back to Hopkinton. Eventually there could be people not from
8 Hopkinton. They have fair housing rules and they don't have bussing and will not be bussing
anybody in. The reality is it is a beautiful community that is somewhat isolated. Usually when
you do your resident selection and tenant selection policies, most of the units end up being
occupied by people from within the communities that they work.

10 Mr. Walker asked for clarification of the eligibility requirements for the residents of these
apartments.

12 Mr. Gordon said the number of bedrooms equals the number of occupants and income eligibility.
14

16 Ray Ainsworth, Rockville, said there were originally two other wells on the property for
18 industrial use, Kay Dee manufacturing. Both wells ran out of water. He rented the mill and
couldn't keep the bathrooms going. There is plenty of water there today and there was plenty of
20 water when the other wells were put in. One well, put in 1989, didn't hold up for a year. The
original well couldn't hold up. He could not keep his business going without water.

22 Shelia Beckwith, North Road, across Wincheck from Camp Yawgoog, asked how much tax
24 revenue will be generated by these affordable units. Will the revenue from these apartments cover
the cost of the additional students? Has anyone of the applicant's experts done an engineering
26 study on the condition and maintenance history of the Wincheck Pond dam and the two old
bridges which provide ingress and egress to Wincheck Pond Road and Canonchet Road? Would
28 the two old bridges be capable of supporting the additional traffic generated by 14 units of
housing? If children do encroach on property on Wincheck Pond and drown, whose liability is it?
30 Is the property owner or the management company going to take responsibility? Is the
management company going to be on site in the event of any problems?

32 Mr. Berkelhammer said the reality of affordable family housing is that taxes do not cover the cost
of education.

34 Mr. DiOrio said we have a report that shows there is no profit, but a loss.

36 Mr. Berkelhammer said in terms of someone drowning, it is no different than someone building a
house on that street, renting it and the tenant drowned; the landlord is not responsible. Onsite
38 management will have somebody stop every day to review the project and provide physical
presence. Fourteen (14) units doesn't support management living there. He is not aware of a
40 study of the dam or bridges. They look at traffic in terms of maintenance of the roads not
responsibility of the developer.

42 Mr. Dilley said there will be a preference for those who live or work in Hopkinton. He does not
44 see a great influx of children and believes they are already living in the community.

46 Christopher Tanguay said he has concerns with four out of the five requested variances. One is
the septic system. He read on the DEM website that when you have a bottomless sand filter, you
48 need to designate a second location that meets the same regulations and guidelines in case the
first one fails. In relation to the septic distance from the well, he does not think a variance should
50 be given considering the whole property is a riverbank and has a two hundred foot setback. Most
of the property is in wetland protection which complicates everything when it comes to the health
52 and safety of the community in that immediate area and down stream. Being an abutting property

2 owner, he has concerns about runoff going into his pond. This system, although an approved
4 alternative, is also an experimental system and they are not sure if it would work on this type of
6 site. The high ground water table was not observed in test hole number one and he would like to
8 know why. The sixty (60) foot setback for parking is probably extreme for this situation, but
10 with the allowable twenty-five percent (25%) reduction in that setback, there is still not enough
12 parking for this level of residents. If this variance for the parking setback is approved, being
14 hardly fifteen (15) feet off the road, it will be confusing to traffic going in and out. There is a
16 blind spot there. You can not stop there in the winter when it is icy. There are no sidewalks to
18 protect pedestrians. There are children and adults alike that walk to the post office and in the
20 local area. The side setback of the parking lot is forty (40) feet but is actually about twenty-five
22 (25) feet from his back yard. He is very concerned about having a high density housing project in
24 his back yard. He keeps his twenty (20) acres as open space to preserve the integrity of the region
26 and doesn't think it fair to have to live next to twenty to forty more people. He said he not only
28 speaks for himself but for everyone in the area.

30 Mr. DiOrio asked for clarification of his four concerns.

32 Mr. Tanguay said the septic system and the bottomless sand filter; the variance to the well; the
34 front yard setback for parking needs to be sixty feet vegetative; and, the side setback which is his
36 property line.

38 Ms. Small said that under new regulations for onsite wastewater treatment systems, effective
40 January 2008, alternative areas are no longer required, so there is no variance for that. In the
42 event of a system failure they would have to do a repair, typically a new sand filter would be built
44 in the same place. Regarding the variance associated with the well and the septic system, the way
46 the regulation is written, they have to maintain two hundred (200) feet separation from the well
48 with all components of the septic system. The point at which the pipe comes out of the building
lies within two hundred (200) feet of the well but they are all water tight joints and there will not
be any leakage at that point. The actual leach field or where there is any exposure to effluent that
is getting out of the system, all meet the regulations. Dimensional setbacks regarding the
building is an existing condition as is current parking and pavement area for access to the
building. They are not increasing or minimizing the buffer. She said it is an improvement of the
existing.

36 Glenn Browning, Yeles Lane, said there is an issue for northbound traffic on Canonchet Road
38 when they get near the post office. He is concerned because he is a bike rider. They have to go
40 around Canonchet Road because of its condition, and reaction time is a difficult issue. They
42 have moved to this area because of the pond and rural land that surrounds the area. This March
44 his wife spotted a bald eagle feeding on the pond. As a property association, they have agreed to
46 no gasoline motors on the pond, which is self-regulated. How do they prevent somebody from
48 trespassing? By his calculations he sees no less than least thirty-six people. If there are fourteen
apartments and thirty-six people, how many drive and how many vehicles? What is the water
use, how many gallons per day, per person occupancy and what are the peak hours? Another well
thirty feet away only produced one gallon per minute. What other property does this Coastal
Group manage in what other communities? Have there been any HUD investigators or law
enforcement investigations at any of these properties concerning guns, drugs or gangs?

48 Mr. DiOrio said we have heard about the traffic issue several times this evening, but not from the
50 bicycling perspective. The applicant has stated their position on the pond and trespass.

2 Mr. Lombardo said he arrived at twenty-eight (28) by using a variety of different multipliers
4 based on the bedroom size of the apartments for typical units. There may be some HUD
standards that get involved with this, so it may exceed 28 or be less than 28.

6 Mr. Dilley said based on units for families he comes up with thirty (30) residents: working folks,
8 single mothers with children, elderly. Problems with guns and drugs are with an absentee
landlord. He had one infraction in Portsmouth and worked closely with the police department,
10 resolving it fairly quickly. They manage units in Portsmouth, Warwick and West Greenwich.

12 Mr. Russell said the water use is a system design issue. Fifteen (15) gallons per minutes meets
the source needed by the fire department. The DOH has standards for storage capacity.

14 David Cluley, Civil and Environmental Engineer is sworn in. He said they have to meet the
16 storage requirements for peak demand which is in the morning, late afternoon, evening periods.
Based on the wastewater treatment system which is designed for four thousand two hundred
18 thirty-five (4235) gallons per day, they would provide enough storage for that peak demand, save
20 half of that amount for peak morning and evening. It is a matter of providing the storage for the
system to deliver that water. The Department of Health Office of Drinking Water Quality will
22 prove the plans and specifications for the water delivery system and will set the margin
requirements.

24 Ms. Douthitt asked how the water is stored.

26 Mr. Cluley said it will be stored in tanks in the basement of the main mill.

28 Ms. Douthitt asked if they each have their own hot water heater.

30 Mr. Wood said there will be a pair of hot water heaters in the main building and a separate one
for the accessible apartments.

32 Mr. DiOrio asked, if this water delivery system been designed or is something that will be done in
the future.

34 Mr. Cluley said a water delivery system will be designed in the future.

36 Deborah Luz, Rockville, said it was stated that there will be thirty-six parking spaces, thirty-two
38 spaces on the upper level and four spaces in back of which three or four will be handicap spaces.
That would leave thirty-two parking spaces. If you subtract twenty-eight as you proposed for the
40 residents, that would leave four spaces for the post office, visitors and service vehicles which she
believes is a deficient amount. In addition to the traffic study, they did not account for roadside
42 parking which is now evident in the village. Considering the narrow width of the road, that
would be a safety issue of the vehicular circulation in that area. If there are not enough spaces,
44 there will be additional overflow on the roads. With regards to recreation, you say it is not
different that putting up a house in the same area. A house has a yard and this particular project
46 does not have open space, has a passive courtyard and a recreation area for kids, which is not now
in the plan. To put in a recreation area in you would have to have DEM permits because that
48 would also have to flow over to the wetlands areas. The variances being asked for by DEM have
not been approved yet. The variance for the distance from the well to the septic has not been
50 approved and has been returned unacceptable. She asked that the designation of the second
location for the septic system requirement be checked with DEM and be designated in the
52 proposed plan if the current one should fail. She believes this proposed plan will definitely have

2 a negative impact on the safety of our current and future residents based on safe circulation of
4 pedestrian and vehicular traffic in the area, based on the current roadways and the way they are
6 designed and how narrow they are right now, and additional parking on the street will complicate
8 matters. The roadways will be even more narrow with winter coming and will have no where to
10 push the snow off the sides of the roads. A lot of people walk to the post office and thinks this
12 will be totally unmanageable and an unsafe situation.

14 Paul Toracinta, Spring Street said he heard there is a crying need in Hopkinton for \$400,000
16 apartments. According to the State of Rhode Island Housing Resources Commission,
18 percentage wise we're number 5 in the state for the number of units of low to moderate income
20 and we are number 5 for reaching the state goal. That is something that should be considered as
22 should high density in a very small space. He asked, if they want a second opinion, does the
24 Board have the charge to hire somebody?

26 Mr. DiOrio responds, yes.

28 Mr. Toracinta said we haven't had an impact study, appraisals, and before and after water flow
30 because the residents do not have 500 foot wells. He hasn't seen anything environmental. Other
32 mills in Rhode Island from the same period got federal money for clean up. Why did they need to
34 get cleaned up? Exact same kind of purposes, same time frame, chemicals and oil to run the
36 machines, bleaches, dyes. A Phase I study was done when somebody walks around, takes some
38 notes and looks at it. No one has dug holes. No testing has been done. He asked if the Board
40 would ask for that. He moved there for a certain quality of life; it is being attacked. He wants
42 Planning Board action to protect the residents.

44 Georges Bockstael was sworn in and a Statement of Qualifications was presented as Applicant's
46 Exhibit 11. Based on information gathered in Phase I, he decides what recommendations need to
48 be made. The fundamental issue you are looking for is if there is a significant threat to human
50 health or the environment from conditions that present themselves in Phase I. Phase I does not
52 require any sampling. He does soil gas sampling at the most critical spot on the property, in this
case, around the existing septic system because contaminants tend to fall down gradient. The
samples backed up the historic information on the mill that there weren't any obvious signs of
contamination on the property. He said there is no history of there being a superfund type related
issue on the property. There are no DEM records that have flagged the property for any violation
of environmental rules and the past operations at the site don't appear to have involved the level
of hazardous materials use that would trigger a response. He toured the property and the
building. Current conditions at the site showed no reason to pursue it beyond Phase I.

Ms. Douthitt asked if there was anything in the lagoons, spillage or dumpage, as no samples were
taken in the swampy area.

Mr. Bockstael said he did walk in the back and found the vegetation was uniform and typical; no
stress vegetation. Kay-Dee used lots of water and is known for their silk screening. He was
unaware they did dyeing. The use of a lot of water is consistent with the use of cotton dyes as is
the use of salt. The water that is used and the salt that is dissolved in the water is ultimately
flushed and dumped. There would be significant vegetation kills if that was still present. There
has been a lot of time for the soil to respond and recover from the salt and chemical attack. The
old tailrace is still wet, even though it is above the level of the brook, and the water was clear. He
assumes the tailrace goes up to the footing of the mill. Any contaminants that may have been in
the soil would have been concentrated in tailrace and where the tailrace meets the brook, he
would have seen obvious impact. Nothing presented self as a significant environmental impact.

2 Mr. Toracinta asked what happens when they start disrupting the geology since we don't know
4 what is under the asphalt.

6 Mr. Bockstael said if you don't know what you are testing for you would have to test for
8 everything and test everywhere which he does not believe was warranted by what was presented
10 at that site.

12 MR. WALKER MOVED THE PUBLIC INFORMATIONAL MEETING BE CONTINUED TO THE
14 NEXT REGULAR MONTHLY MEETING, JANUARY 6, 2010 AT THE TOWN HALL.
16 MR. ESCHER SECONDED THE MOTION.

18 Messrs. DiOrio, Walker, Cox, Escher and Ms. Douthitt approve. *Motion passes.*

20 **“Dark Sky” Ordinance**

22 Mr. DiOrio moves to New Business to accommodate the next applicant.

24

26 **NEW BUSINESS**

28 **Advisory Opinion – Zoning Ordinance & Zoning Text Amendment – Renova Lighting**
30 **Systems – Plat 2 – Lot 22, Wellstown Road. NE Ventures, LLC/Renova Lighting Systems,**
32 **Inc., applicant.**

34 Attorney George Comolli represented the applicant. David Nadeau and Rick Edwards of NE
36 Ventures and Renova Lighting, were also present.

38 Mr. Comolli said they presented two applications to the Council. One is to remove a restriction
40 that was put on the original rezone, June 4, 2007. The language of that is summarized in the
42 planners report. The basis of that request is fourfold: 1) NE Ventures, LLC is having difficulty
44 in today's market getting refinancing, a condition that makes this a sole tenant building; 2) as a
46 sole tenant building, no one else can use that building except for Renova Lighting Fixtures; 3)
48 through the testimony of the principles of Renova Lighting, they will tell you the technology
50 allows them to do other activities with LED, the bending of steel, including solar panels; 4) other
52 activities will allow them to add shifts to their business and bring different employee
opportunities to that particular project.

Michael Lenihan, appraiser for this application, said this use is so specialized that there is no
demonstrable market for it, but the use is viable, so there is a value for the use of this property. If
they want to refinance or sell the building, there is no market value. Banks want properties
appraised for their highest and best use for financing purposes.

Joseph Lombardo, Planning Consultant, concurs with Mr. Lamphere's memo. He feels the most
important issue is to provide expansion of town's tax base by encouraging new and light
industrial businesses. They want to change the text for the following reasons: versatility,
flexibility and alternatives to accommodate future growth potential; allow for new technology
on the site; the ability to increase the property value; and, provide more job opportunities. He
finds this request to change a portion of the text and a couple of elements in the use table, to be in
keeping with the Comprehensive Plan, primarily land use and economic development.

David Nadeau, a member of Northeast Ventures and Vice President of Renova Lighting said their
corporate attorney has advised them that they are presently in conflict with their bank documents
and refinancing, if necessary, would be hindered under the present situation with the restriction
on the building. They are a manufacturing company in a manufacturing zone and would like to
be afforded the opportunity to pursue all uses in that manufacturing zone. Renova is a clean,
green manufacturer of lighting fixtures. They have technology, facilities, machinery and

2 equipment to go beyond lighting. In this tenuous economic climate and to enable their business
4 to grow, expand, and bring additional job opportunities to the community, they need to be able to
6 pursue those technologies and opportunities. They have the technology that may enable them to
8 get in to producing solar panels, circuit boards, and other types of fabricated sheet metal, over
different shifts, utilizing the available space in the building. They are the sole tenant of the
building with a sole use allowed for that building.

10 Mr. Comolli said Mr. Lamphere's report suggests amending the text for these uses and requiring
12 aquifer permits in categories where these uses were previously prohibited. He believes the
safeguards are in place for these uses, and they would have to go to the Zoning Board and
Conservation Commission with a prepared best use management plan as they have in the past.

14 Mr. Buford asked what the present use category is.

16 Mr. Comolli said the present use category is limited to the design, engineering and assembly of
light fixtures, nothing else.

18 Mr. Buford asked if there was a use number assigned for that.

20 Mr. Comolli said there was not. They ask that that remain. They are just asking that the
22 restriction that limits to only that use be removed.

24 Mr. Buford said you are asking for three use categories to be changed to allow their operation
there with an aquifer protection permit.

26 Mr. Comolli said most definitely.

28 Mr. Buford said 341, fabricated metal products.

30 Mr. Comolli said that's what they do now; they bend metal. They want to continue that but
32 expand it into solar panels. The reason why they would be required to have an aquifer permit
34 would be to bring in evidence that they won't bring in solvents, oils, or anything that would be in
any way hazardous to the aquifer. If there was a small portion of which, they would have to have
36 a best use management plan showing that is located in a secure location where there are no floor
drains for escape. Only after presenting that can the Conservation Commission and the Zoning
Board grant and aquifer permit. That is your safeguard.

38 Mr. Buford asked what items might fall in 35?

40 Mr. Comolli said they besiege the Board to change their ordinance and bring it up to 2010. They
42 are trying to wrestle various technology into categories that talk about parasols and tanning.

44 Mr. Levesque said there are certain aspects of the request that certainly impact this application
46 directly, but the relief they are addressing tonight is more general in nature. The zoning that
exists now in this particular instance, is a special change from RFR-80 to manufacturing with a
specific condition. There is no number associated with it and it is not on the use table. They are
48 asking for elimination of that classification. He has indicated to Mr. Comolli that that may result
in their having no use because they do not fit under any of the use categories otherwise. This
50 Board does not need to consider that tonight. What they are really asking for is a change that is
general in nature, which is what the Board needs to be concerned about. He is asking for a
52 change of three specific uses on the table from N to an A. That change would not just affect this

2 site but town wide. The Board needs to consider if it is a good idea and can you recommend it on
the findings that the Board needs to make?

4 Mr. Cox said this is also being brought up at the Town Council on their next agenda.

6 Mr. Walker asked if it would make a difference if we were to change it from an N to an S, and
8 would that accomplish the applicant's needs while still affording the town the additional
safeguard of requiring a special use permit?

10 Mr. Comolli said they requested this after speaking with Mr. Lamphere in reviewing the
12 application. They felt it was safeguarding the town by going for an aquifer protection permit,
similar to what was done at Hopkinton Industrial Park, making sure that any tenant brought in
14 would not bring in any hazardous substances or anything that would affect the aquifer.

16 Thurman Silks said what they are doing right now would fit. There is a new use category 363,
that the Town Council allegedly gave authorization to.

18 Mr. Levesque said he is unaware of that.

20 Mr. Silks said the Building Inspector said the Council met and decided to change this thing in
22 order to have a use number assigned.

24 Mr. Levesque said this appears to be an attachment to the Zoning Ordinance, Appendix A. There
are meeting minutes when voted but no reference to an adopted use number.

26 Mr. DiOrio asked, so what is 363? Is it an approved document? What is the title?

28 Mr. Silks said the building inspector showed him that document and said that is the authority
30 under which people should operate. He assumes Renova was operating under 341 which fits
exactly what they are doing. He said the simple thing to do is to take 341, amend it, and change
32 the column in the aquifer protection zone from not allowed to allowable with an aquifer
protection permit. This is a chance to get some attention paid to the list and get the Town Council
34 interested in this for the long overdue rehaul.

36 Mr. DiOrio said to summarize here, are you an advocate of changing?

38 Mr. Silks said he thinks Renova should be allowed.

40 Mr. DiOrio asked if he would be okay with what this particular applicant is proposing?

42 Mr. Silks said N's to A's. Fabricated metal products. They might want to make bookcases and
you wouldn't be allowed to make them under 341; that's a bad designation on 341.

44 Mr. DiOrio said as he understands their proposal. If they were proposing something exotic that
46 bordered on hazardous, they would still need to obtain the aquifer protection.

48 Mr. Silks said he agrees with that but it's sort of a conceptual thing. In the long run, it is a serious
problem that no one is recognizing. The Town Council passed the thing for only one thing. With
50 all due respect, they didn't know what they were doing.

2 Mr. Walker said apparently they are operating currently under this new classification that hasn't
4 made it into our book of tables yet. This use 363, is design, engineering and manufacturing of
6 lighting systems. What they want is to have their condition modified, their zoning modified, to
8 also permit 341, metal fabrication; 35, machinery; and, 361, equipment and supplies except
10 batteries. Two of those uses are already permitted in a manufacturing zone by special permit only
12 and the other one is permitted. They are looking to change the primary aquifer protection
14 designation from an "N," not permitted to an "A," aquifer protection permit. He would
16 specifically recommend amending this to allow uses 341, 35, and 361 by special permit and with
18 an aquifer protection permit for this property. If we do it that way, we won't have to allow these
20 three uses town wide in a primary aquifer protection zone

22 Mr. Levesque said he would still be somewhat concerned given the fact that it appears that this
24 would be something we are doing for a specific property that another property owner, similarly
26 situated, might take umbrage to.

28 Mr. Walker said we are already dealing with a property that has been dealt with in a unique way.

30 Mr. Levesque said that what he initially suggested is that a new use is created to capture what
32 they intend to do.

34 Mr. Escher asked if that is where 363 came from?

36 Mr. Levesque said he thinks perhaps that was the concept.

38 Mr. Walker asked if there was urgency to this.

40 Mr. Comolli said they have already advertised for the public hearing.

42 Mr. Walker asked, you're not urgently in need of a refinancing that you can't get without some
44 kind of a change?

46 Mr. Comolli said they could wait a reasonable amount of time.

48 Mr. Walker said he was thinking about continuing this for a month to give the solicitor, himself
50 and Mr. Buford a chance to look through this a little more carefully to come up with a proposed
amendment that eliminates some of the problems that the solicitor and he have, while allowing
the applicant to do what we are wanting to allow him to do, so we don't wind up creating
unintended consequences that may not be desirable

Mr. Comolli said he would be glad to assist the solicitor.

Mr. DiOrio said he would like to see the applicant get what they are asking for but not at the
expense of creating problems downstream.

Mr. Buford suggested they get together to work on this with the applicant and Brad Ward,
Building and Zoning Official.

Mr. Walker said getting this late in the evening, a proper motion that will stand the test of time
will be a tall order.

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2 Mr. DiOrio said he would recommend, perhaps through the Planner, we create a subcommittee:
the applicant, Solicitor, Planner, Mr. Buford, and Mr. Walker.

4 Mr. Comolli agreed to continue to the next month's meeting.

6 **PLANNER'S REPORT**
8 Postponed to next meeting because of time as was Dark Sky.

10 **CORRESPONDENCE AND UPDATES** None

12 **PUBLIC COMMENT** None

14 **DATE OF NEXT REGULAR MEETING** January 6, 2010

16 **ADJOURNMENT**
MS. DOUTHITT MOVED TO ADJOURN THE MEETING.
18 MR. ESCHER SECONDED THE MOTION.
All approve.

20 The meeting adjourned at 10:21 P.M.

22
24
26 Attest: _____
Lynda St. Amour, Planning Board Clerk

28 Approved: January 6, 2010

30

32