

2 proceed with the development of Phase II of the property. Mr. Walker suggested the
4 applicant confer with the Planner and the Town Solicitor for a legal opinion and then
return with a proposal for the Board to review.

6 The Board agreed with Mr. Walker.

8 **Request for Extension – Minor 3 Lot Subdivision (with street creation) – Sarah**
10 **Land Company, Plat 25 – Lot 54, Maple Court. Sarah Land Company, LLC,**
applicant.

12 Joe Morrone, applicant, said he would like an extension. He has brought in top soil to
14 revegetate the project and has cleared trees to slope property. He hasn't started any work
and would like an extension of Preliminary.

16 Mr. Walker asked to what date he wanted the extension.

18 Mr. Morrone responded one year.

20 Ms. Douthitt asked if the extension was needed because of seasonal plantings.

22 Mr. Morrone said yes; he can slope, but cannot put on topsoil with out vegetation.

24 Mr. Lamphere and Mr. Levesque said they had no problem with an extension.

26 Mr. Morrone said he would like the extension to October 1, 2009.

28 MR. COX MOVED TO EXTEND THE PRELIMINARY APPLICATION APPROVAL TO
OCTOBER 1, 2009.

30 MR. SANTILLI SECONDED THE MOTION.

Ms. Douthitt, Messrs. Walker, Cox, Escher and Santilli approve the motion.

32 *Motion passes.*

34 **Master Plan Public Informational Meeting – Major Land Development – Cedar**
36 **Hollow, Plat 4 – Lot 13A, Main Street (Rt. 3) & Wellstown Road. S.M. Trombino**
Properties, applicant.

38 Anthony Nenna of On-Site Engineering, Paul Azzinaro, principal of Azzinaro Larson
Architects, and Stano Trombino, applicant, were present.

40 Mr. Nenna reiterated information on the parcel as presented at the September meeting of
42 the Planning Board. Since that meeting, they have made a change in the plans and what
was formerly storage under the restaurant will now be retail space. He explained the
44 access to the site and discharge onto the site from state property. They plan to tie into the
public well on Gray Lane which is currently being permitted. They are seeking variances
46 for the building height and for parking spaces.

48 Mr. Azzinaro said they have attempted to create good visual impact and local style
architecture. Although the majority of parking will be in the back, it is their intention to
make the building “come alive” on the corner. They have created an open vista through
50 the building to enter the upper levels. The lower level is retail serviced through the
parking lot in the back. The Route 3 level has a fifty seat restaurant to the right, three

2 retail spaces and a bakery to seat twenty to the left. The top level has two large offices
and two small offices. A canopy covers the walkway in the front of the building. They
4 have taken advantage of the terrain of the property. The building has been scaled back
from the original to make room for the septic system. They will need a variance on the
6 parking and are seeking relief for storage in all the retail units; they will discuss this with
the Zoning Official. The average grade to the highest point is forty feet; the main ridge is
8 at 43 feet. If the spires on the roof top are included, it will add another ten feet of
incidental roof. They will use a clapboard type material, green products, stone work, and
10 conventional windows on the upper level. The storefronts would have larger sheet glass.
They are hoping to set a good precedent for the area.

12
13 Mr. Nenna said they will use dark sky compliant lighting. They are proposing a north to
14 south retaining wall on the back of the property to minimize the impact to the wetlands.
They have met with the Conservation Commission and have been given a favorable
16 opinion. Their next step is the variances, design of the septic and a DEM permit.

18 Mr. Walker said the regulations regarding variances provide that the applicant comes
before the Planning Board for an advisory opinion. They will need conditional approval
20 from the Planning Board for the Master plan and an advisory opinion regarding the
variances for the Zoning Board. They then go to the Zoning Board to get their
22 conditional special use permit, conditional on the applicant obtaining Preliminary and
Final approvals from the Planning Board. At this time, only matters regarding to the
24 basic conceptual design have been presented, such as would be needed for Master plan
approval with conditions. The Board has not heard anything that would enable them to
26 form an advisory to the Zoning Board on whether the height and parking variances are
appropriate. The applicant does not have to get the conditional Master plan approval and
28 the advisory at the same time.

30 Mr. Azzinaro said that under the current regulations they are at least five (5) to nineteen
(19) spaces short on parking. If the storage areas in retail are not counted, they will need
32 ninety and one-half (90.5) spaces.

34 Mr. Nenna said they now have seventy (72) spaces.

36 Mr. Azzinaro said height is forty (40) feet at the average grade; the variance needed is
three (3) feet to maintain the structure. If the spire is included it would add ten (10) feet
38 for a total of thirteen (13) feet variance on the height.

40 Ms. Douthitt asked if the elevator is in a separate building.

42 Mr. Azzinaro said the elevator is in the tower that is the focal point of the building.

44 Mr. Nenna said the Town's draft regulations being proposed show that the town believes
parking requirements are excessive. If the new regulations are adopted, they would
46 require sixty-five (65) spaces; they are providing seventy-two (72).

48 Mr. Walker asked what sort of findings the Board has to be in a position to make to give
a thirteen (13) foot height variance and a nineteen (19) space parking variance.
50

2 Mr. Levesque suggested that the Board have factual support to make a determination
before recommending the variances be given.

4 Mr. Cox asked if the height is measured from the street level in front or in the back.

6 Mr. Azzinaro said it is the average of the two; the street elevation to the bottom. The
8 forty-three (43) feet takes you along the main roof ridge. The spire adds the ten (10) feet.
They want to keep a decent roof pitch.

10 Mr. Nenna said they meet the front and side yard setbacks.

12 Mr. Cox asked if DOT mentioned a traffic light at the intersection.

14 Mr. Nenna responded that DOT did not mention a traffic light.

16 Ms. Douthitt asked for an explanation of the lighting.

18 Mr. Nenna said it would be dark sky compliant, directing light downward.

20 Ms. Douthitt asked the hours for the lighting.

22 Mr. Trombino said there would be some lighting for security. Businesses would be
24 servicing the workforce in the area; he doesn't see any late night activities.

26 Mr. Azzinaro said canopies, overhangs and walkways will have recessed lighting that
will shine down and splash on the building.

28 Ms. Douthitt said her concern is the parking lot, and with lighting being too bright and
30 extending into the night.

32 Mr. Trombino said the parking lot is behind the building and light is shielded by the
buildings. The variances are for the sake of architecture; if changes take place for
34 parking, they will be below the required number of spaces.

36 Mr. Azzinaro said there will be shoebox lighting for the parking lot, where there should
not be more than one to two foot candles in the parking lot.

38 Mr. Nenna said the Preliminary will come in with lighting fixtures.

40 Mr. Escher said the last meeting the applicant was asked about access around the building
42 for fire equipment.

44 Mr. Nenna said he met with Northeast Water Solutions and found they would need
hydrants to supply water; they will place them at either end of the property. Only the
46 deck area on the northern side is not accessible by fire equipment; an area 40 feet by 20
feet. The fire equipment can shoot the water 20 feet and could pull up on the lawn if
48 there was a fire.

50 Mr. Walker said he thought they would have a specific written plan for lighting. The
Planner said he wanted a definitive opinion from the Fire Chief at the last meeting. For

2 the applicant to get beyond the Planning Board, they need an advisory opinion of the two
4 dimensional variances they require for height and parking space. For the Board to render
6 an advisory opinion to the Zoning Board, we have to have evidence in the record that
8 supports the standards and findings required for the Zoning Board to give the variance,
why variances are required, what the hardship is and the impact on surrounding
properties. The same with the parking, which may be excessive, but which the Board is
bound by and needs to know why the parking variance is required, are there site
problems, is the building too large?

10 Mr. Nenna said the unique character of the lot, wetlands and septic, is cause for the need
12 of variances. When the application was before the Board for Pre-application, the
proposed building was fifty feet longer.

14 Mr. Azzinaro said there are two hardships: half of property is absorbed by wetlands; and,
16 restaurant parking is half the necessary parking for the total building.

18 Ms. Douthitt asked, then the hardship is the space the parking takes up because of the
20 wetlands.

22 Mr. Azzinaro said wetlands delineation was not in their favor. They scaled back
considerably after delineation was confirmed and designed the parking with the new
regulations in mind; they are still under that figure.

24 Mr. Trombino said he sees the height as necessary to put in a building the town will be
26 proud of.

28 Mr. Azzinaro said the playful elements are for aesthetics. Adding three (3) feet to the
30 ridge is to get a decent pitch of six (6) or seven (7) as opposed to four (4).

32 Mr. Trombino said parking may be within the limits if storage area is taken into account;
they are waiting for that opinion. If the storage area is not included, they may not need a
variance and may meet the limits.

34 Mr. Cox asked the pitch of the roof.

36 Mr. Azzinaro said it is a seven (7) pitch now.

38 Mr. Cox said he would go for even a ten (10) pitch for real colonial style.

40 Ms. Douthitt said the roof height is not exactly a hardship but would ruin the looks of the
42 building. She wants the town to have beautiful, attractive, colonial buildings and does
not want to lose that.

44 Mr. Lamphere said we can approve the Master plan tonight and let the applicant prepare
46 their application for the Zoning Board for the variances, providing us with written
proposals to make a recommendation. The building is low to begin with; the height with
48 the addition of the spires would give visibility and roof pitch would not need the
shielding that a flat roof would require.

50

2 Mr. Azzinaro said that because of the commercial nature, they will have a fourteen (14)
foot height on the lowest level.

4
6 Mr. Walker said when an applicant requests variances from Zoning and Planning Board
approval, he shall first obtain an advisory recommendation from the Planning Board as
8 well as conditional Planning Board approval at the first approval stage of the proposed
project.

10 Mr. Lamphere suggested that the Board have the applicant meet with the Zoning Official,
pin down exactly how many spaces they will need, and return to the November Planning
12 Board meeting with height and parking issues resolved on a plan for the Board to review.
Mr. Lamphere would then compare their proposal to the goals of the Comprehensive
14 Plan. The Board has until December to act on this application.

16 Mr. Levesque agrees that there is not enough information to make a determination.

18 Mr. Buford said the Zoning Official usually does not come to Planning meetings; the
applicant might want to ask him to come to the November Planning Board meeting or
20 have him put something in writing.

22 Patricia Fontes went to the Conservation Commission meeting and did not see the
applicant.

24
26 Mr. Nenna said they were at the August meeting and also had a site walk with the
Conservation Commission.

28 Ms. Fontes said she finds it weird that the Planning Board does not have information in
October to make a decision, but the Conservation Commission did in August. She asked
30 the reason for the height variance.

32 Mr. Azzinaro said the tower in the center of the building is an elevator shaft and is
typically ten feet higher than the top plate. It is the knuckle of the building and the focus
34 of the building. It is an aesthetic element.

36 Ms. Fontes asked if the roof is lowered would the tower still have to be that height.

38 Mr. Azzinaro said typically the elevator shaft is higher than the upper floor. They have
tried to lower the roof so they can use architectural shingles and bring the main roof
40 down. The cupolas and the hat to the main tower are the only parts that consume the ten
(10) feet, and are in direct proportion.

42
44 Ms. Fontes asked does the tower have to be that height.

46 Mr. Azzinaro said no; it is aesthetic and in direct proportion with the main roof. He
added that it is difficult to justify aesthetics. The average grade of Route 3 sets the first
48 floor level. It is all in direct proportion of road set to the building.

50 Councilor Tom Buck said he was glad to hear that they would be using dark sky lighting
techniques. He questioned light in the back parking lot as hidden from the building and
suggested lighting should be soft and not invasive upward when bouncing off the

2 pavement. Lights should be turned off at night. American Kuhne has recessed lighting
4 under the overhang which looks good. He would like to see low voltage lighting in front
6 for landscaping. He added, we want business in Hopkinton but it has to be balanced to
8 keep with the rural character. He said the building looks gorgeous and it would be a
10 shame to remove the elevator tower and take away the aesthetics of the building. He
12 asked that proposed signage be put on the plan.

14 Mr. Walker said signage was discussed at the last meeting. He asked the applicant to
16 bring in the proposed signage, where it will be put and how it will be lit. He would like
18 to see a more specific and detailed lighting plan.

20 Mr. Trombino said these details were not required for Master plan. He will have one sign
22 for Cedar Hollow and then signs will be on the stores. They can not develop signage for
24 an unknown, not knowing what they can do with the building.

26 Mr. Walker said the Board needs a proposal of what signage will be like, not something
28 they would definitely be held to.

30 MR. WALKER ASKED FOR A MOTION TO CONTINUE THE PUBLIC INFORMATIONAL
32 MEETING TO THE REGULAR NOVEMBER MEETING.

34 MS. DOUTHIT SO MOVES. MR. COX SECONDS THE MOTION.

36 Messrs. Walker, Cox, Escher, Santilli and Ms. Douthitt approve.

38 *Motion passes.*

40 *Mr. DiOrio arrives.*

42 **NEW BUSINESS**

44 **Advisory Opinion – Zoning Text Change. Renova Lighting Systems, Inc., applicant.**

46 Mr. Levesque said the applicant has withdrawn this request; therefore, an advisory
48 opinion is not needed and may be withdrawn from the agenda.

50 **PLANNER'S REPORT**

52 * **Administrative Business**

54 Mr. Lamphere said he has written a Request for Proposal for a consultant to work
56 on the update of the Comprehensive Plan.

58 Mr. Lamphere said that yesterday a Master Plan application for a truck stop at
60 Exit One, north of the park and ride, was received in the office. They will need a
62 Pre-application submittal before the Master Plan, a special use permit for a
64 variance, and an advisory opinion from the Planning Board along with
66 conditional approval for the Master Plan. None of that has been done. It is his
68 understanding that they have filed for a special use permit from the Zoning Board
70 at this time.

72 * **Development Plan Water Notation**

74 Mr. Lamphere said that Mr. Levesque has added language to the development
76 plan water notation and the most recent version is in their packets. He asked the
78 Board to consider it for incorporation in our future development plans.

80 Mr. Walker and Mr. DiOrio said they have reviewed it and like it as it stands.

2 Mr. Levesque said that adding this notation is simply a suggestion that the Board
4 can use in on a project by project basis.

6 Mr. DiOrio suggested that the Planner get this to the applicant early in the
8 process on the appropriate projects.

10 Mr. Lamphere said it could certainly go with every application that comes before
12 the Board or it could be done on a case by case basis. One could be prepared
14 now for every type of application that comes before us and we could certainly
16 incorporate this language in the next subdivision regulation revision.

18 * **Conservation Easement**

20 Mr. Lamphere said two changes were added by the Board at the June 4 meeting:
22 1) the addition of “or damaging” to the first line of the third paragraph, “the
24 grantor and his successors and assigns shall be prohibited from the cutting or
26 damaging of trees and brush within the area of the conservation easement”; 2) the
28 addition of the word “ivy” to the fourth line of the fourth paragraph. If this meets
30 with the Board’s approval, this could certainly be put in a packet wherever a
32 conservation easement is appropriate, using this language and this form, with
34 provisions for notarization.

36 Mr. Walker said that since it is an easement; it has to be in recorded form.

38 Mr. DiOrio said his only suggestion would be that we should not presume it
40 would be notarized in Rhode Island and suggested putting dashes were the state
42 is indicated on the form.

44 **CORRESPONDENCE AND UPDATES:** None

46 **PUBLIC COMMENT:** None

48 **DATE OF NEXT MEETING:** November 5, 2008

ADJOURNMENT:

MR. DIORIO MOVED TO ADJOURN THE MEETING.
MR. ESCHER SECONDED THE MOTION. ALL APPROVE.
The meeting adjourned at 8:32 P.M.

Attest: _____

Lynda St. Amour
Planning Board Clerk

Approved: _____