

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

6 **February 3, 2010**

7 **7:00 P.M.**

8 **Hope Valley Elementary School**  
9 **Thelma Drive**  
10 **Hope Valley, Rhode Island 02832**

12 **CALL TO ORDER**

13 The February 3, 2010 meeting of the Hopkinton Planning Board was called to order at 7:03 P.M.  
14 by Chairman Alfred DiOrio.

16 **MEMBERS PRESENT**

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

19 Also present were: James Lamphere, Town Planner; Scott Levesque, Town Solicitor; Harvey  
20 Buford; Conservation Commission; and, Barbara Capalbo, Council Liaison.

22 **APPROVAL OF MINUTES**

23 MR. WALKER MOVED TO APPROVE THE JANUARY 6, 2010 MINUTES AS CIRCULATED.

24 MR. ESCHER SECONDED THE MOTION.

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

26 **OLD BUSINESS**

28 **Advisory Opinion, Con't. – Zoning Ordinance & Zoning Text Amendment – Renova**  
30 **Lighting Systems – Plat 2 – Lot 22, Wellstown Road. N.E. Ventures, LLC/Renova Lighting**  
31 **Systems, Inc., applicant.**

32 Attorney George Comolli was present to represent the applicant.

33 **Mr. Comolli** said in 2004 the Town Council, with referral from the Planning Board, approved a  
34 Zoning/Comprehensive Plan amendment to allow manufacturing, limiting it to design,  
35 engineering, and the manufacturing of lighting fixtures. There was previous testimony from  
36 David Nadeau of Renova who said they are extremely limited under current zoning and can not  
37 get financing to expand their business. They are proposing a new section, 363, which would  
38 allow the design, manufacturing, engineering of light fixtures, and the assembly of electronic  
39 products. They do not want manufacturing in this zone because it is in an aquifer district. They  
40 are asking for referral to the Town Council approving the removal of that restriction, allowing  
41 them to have all the uses in the manufacturing zone and then amend the text to allow a use for  
42 Renova which designs, engineers and manufacturers lighting systems. They also bend metal, tin,  
43 make hoods, and may make solar panels in the near future. One of the prohibitions in the aquifer  
44 ordinance prohibits that. The safeguard with the aquifer permit is they have to apply to the  
45 Zoning Board of Review and submit best management practices.

46 Mr. Comolli said they have asked for another amendment which will allow the insertion in the  
47 aquifer use tables of Section 363. They are asking for assembly of electronics which goes into  
48 photography, cellular phones, computers, all things that Renova plans on doing to expand their  
49 business use, starting their second shift and possibly a third shift.

2 **Ms. Douthitt** asked if there were any hazardous waste materials that would go into the air or  
ground.

4  
6 **Mr. Comolli** said none whatsoever. That would be confirmed by submitting a best use  
management plan.

8 **Mr. Buford** said it is not his understanding that we don't want manufacturing; we want to be sure  
what we have is compatible to the aquifer location. Part of this is to make right by the applicant  
10 so they can have as many freedom and rights at that location as their neighbors.

12 **Mr. Comolli** said in the ordinance, manufacturing suggests the building of heavy equipment,  
soldering, welding, greases and oils. They tried to avoid that by tailoring this ordinance.

14  
16 MR. WALKER MADE A MOTION RECOMMENDING THE TOWN COUNCIL ADOPT THE  
ORDINANCE CHANGES AS REQUESTED BY THE APPLICANT NAMELY REMOVAL OF THE  
CURRENT RESTRICTIONS ON THE APPLICANT'S PARCEL, AMENDING THE ZONING  
18 ORDINANCE BY REPLACING THE LETTER "N" TO THE LETTER "A" IN THE DISTRICT USE  
TABLE UNDER THE PRIMARY AQUIFER PROTECTION ZONE FOR EXISTING USE CATEGORY  
20 341, FABRICATED METAL PRODUCTS, EXCEPT ORDINANCE, MACHINERY AND  
TRANSPORTATION EQUIPMENT, AND CREATING A NEW USE CATEGORY 363 DESIGN,  
22 ENGINEERING AND ASSEMBLY OF LIGHTING SYSTEMS, ELECTRONIC EQUIPMENT AND  
COMPONENTS THAT WOULD BE AN ALLOWED USE ONLY IN A MANUFACTURING  
24 DISTRICT IN CONJUNCTION WITH AN AQUIFER PROTECTION PERMIT. ADOPTION OF THIS  
ORDINANCE IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN AND  
26 PARTICULARLY WITH THE TOWN'S EXPRESSED DESIRE AND URGENT NEED FOR  
ECONOMIC DEVELOPMENT AT THE EXIT ONE AREA WHICH HAS BEEN PRIMARILY  
28 DESIGNATED FOR SUCH DEVELOPMENT.

MR. COX SECONDS THE MOTION.

30 Messrs. Cox, Walker, DiOrio, Escher and Ms. Douthitt approve.

*Motion passes.*

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

36 *A court stenographer was present to record the proceedings. A copy of the transcript is  
attached and made part of this record.*

38  
40 **Christopher Duhamel** of DiPrete Engineering and **David Allen**, applicant, were present to  
discuss the Request for Proposal.

42 **Mr. Lamphere** said he was in contact with Mr. Landry via email. He understood we were going  
to discuss the RFP and that his presence would not be required and had no objection to the  
44 discussion going forward. Mr. Landry will rely on Mr. Duhamel's alternative scope of work  
which was passed out to the Board this evening as his client's input into the RFP process.

46  
48 **Mr. Duhamel** said the alternative scope that he provided, stressed that it was a Master Plan. The  
draft Mr. Lamphere passed out to the Board has some text changes but is essentially identical to  
what Mr. Duhamel had considered as a scope. Mr. Duhamel felt the time frame was tight.

50  
52 **Mr. Lamphere's** intent was to get authorization from the Board this evening to agree on an RFP  
that is suitable for advertising, giving consultants adequate time to respond to the RFP. He said if  
responses are received March 1, all responses can be brought to the Planning Board for the March

2 meeting, letting the Planning Board choose who they want to bring on, allowing for a month to  
4 work with the consultant, get them up to speed, so they can come before the Board for the April  
meeting.

6 **Mr. DiOrio** asked if it was okay to use Mr. Lamphere's version.

8 **Mr. Duhamel** said yes.

10 **Mr. DiOrio** said he just received the requests to be included in the RFP from the Conservation  
Commission and would like to incorporate their comments.

12 **Mr. Lamphere** said Mr. Duhamel inserted the word conceptual a number of times. The  
14 Conservation Commission asked to incorporate, 1. analysis of the yield plan map that was  
presented by DiPrete Engineering; 2. bring a hydrogeologist on board; 3. review potential impacts  
16 to Brushy Brook; 4. look at storm water and low impact design; and, 5. enlist the services of a  
wildlife biologist to review the project, make recommendations on appropriate location and  
18 layout of the open space. The first four items were addressed within the parameters of the scope.  
Bringing a wildlife biologist on board is something new that could be inserted if the Board  
20 wishes.

22 **Mr. DiOrio** said in reviewing the Conservation Commission's document, he sees many of the  
same terms that appeared in Mr. Lamphere's version. He doesn't have a problem incorporating  
24 the wildlife biologist in Mr. Lamphere's version.

26 **Mr. Lamphere** asked the Board to authorize the preparation of the revised document using the  
scope of work that he prepared and incorporating comments from the Conservation Commission,  
28 and to go forth and advertise it.

30 MR. WALKER SO MOVED.

MS. DOUTHITT SECONDED THE MOTION.

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

*Motion passes.*

34

MR. WALKER MOVED TO CONTINUE THE BRUSHY BROOK PUBLIC INFORMATIONAL  
36 MEETING TO THE MARCH 3, 2010, REGULAR PLANNING BOARD MEETING, 7:00 P.M., AT THE  
HOPE VALLEY ELEMENTARY SCHOOL.

38 MR. ESCHER SECONDED THE MOTION.

Messrs. Walker, DiOrio, Escher, Cox and Ms. Douthitt approve.

40 *Motion passes.*

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

44

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

48 **Attorney Robert Berkelhammer** represented the applicant, said they have finished their  
presentation and here for a decision on the Master Plan for the Rockville Mill. Fourteen (14)  
50 units are necessary for financing and for it to be financially viable. They could lower it by one  
unit but financing requires that no more than 10% to be allocated for commercial uses. They  
52 understand the concerns of the neighbors but it is a building that is already there.

2 **Christopher Tanguay**, 328 Canonchet Road, asked if the fifteen (15) foot wide road is enough  
for emergency vehicles to access the mills.

4  
6 **Geralyn Small** of Northeast Engineers said fifteen (15) feet is wide enough for emergency  
vehicles.

8 **Mr. Tanguay** said the rear drive is too narrow for two-way traffic and asked what happens when  
two cars are advancing into that area.

10  
12 **Ms. Small** responded that fifteen (15) feet is wide enough for two-way traffic on a private drive,  
fitting two cars side by side.

14 **Mr. Tanguay** asked how will the mail truck and UPS truck access the loading dock when they  
have to back into it and enter a two-way traffic area in the morning and evening; how will that be  
16 accommodated?

18 **Ms. Small** responded, they will have to wait for each other.

20 **Mr. Tanguay** said the parking lot is the only place for children to ride bicycles; where will they  
store their bikes when they are not riding them?

22  
24 **Ms. Small** said engineering doesn't have child safety and it is the parent's responsibility to make  
sure they are safe. If there are a lot of children, people will drive slower and safer. There are no  
regulations against using the wetlands for storage or toys. You can walk in wetlands and put a  
26 bike in the buffer.

28 **Mr. Tanguay** asked if the families will have their own outdoor spaces to grill, enjoy the outside,  
and have privacy?

30  
32 **Ms. Small** said they may. They will look at it in more depth during Preliminary.

34 **Mr. Tanguay** asked where will people go to smoke cigarettes; the parking lot? the wetlands?

36 **Ms. Small** said areas of approved smoking can be addressed in the documents that have to be  
prepared under the management agreement.

38 **Mr. Tanguay** asked where will pets do their business; in the riverbank; on his property; in the  
parking lot? Will they be leashed? Who cleans it up?

40  
42 **Ms. Small** had no answer.

44 **Mr. Tanguay** said about twenty-five (25) feet or so in at the entrance, there is a slope that will be  
cleared to parking lot level, to his stone wall, which will be undermined.

46 **Ms. Small** said they will make sure that does not happen.

48 **Mr. Tanguay** said the stone wall is not a continuous wall but the drawing plan shows it is. There  
is a wall, then a slope instead of stairs, and the wall continues until it fades out into an old  
50 fieldstone farmland wall. His property line jogs out from the wall; one (1) plus feet at the  
minimum, six (6) plus feet at the maximum which is where the two mills are, to a little beyond  
52 the small mill. A fence on the property line will be an eyesore; you will have a fence, a dead

2 space, and a wall. He would like that slice of property purchased from him, rebuild and complete  
4 the wall to its full length and at a height that secures people from trespassing, put a gate at the top  
6 of the stairs, and where the wall ends, put up a fence for the rest of the length of his land. It will  
8 secure him and accommodate what is there already.

6 **Mr. Cox** said he does a lot of listening and represents the people of Hopkinton. They have now  
8 dropped the number of units to 13. He wants to know how the people feel about that.

10 **Bob McAllister**, 21 Camp Yawgoog Road, said he doesn't want to see any of this built stating  
12 that the government is funding the mill, and we are the government.

12 **Paul Toracinta** 320 Spring Street, said the biggest variance they are asking for is density and  
14 feels that whatever the density would allow is all that should happen.

16 **Deborah Luz**, Yeles Lane, said thirteen (13) units is not a substantial drop. She proposes that  
18 the Board consider not only the number of units but the number of bedrooms, keeping the density  
20 down.

20 **Bill Lafountain**, 331 Canonchet Road said he is totally against the project and feels it is a bad  
22 use for this facility. He is still very concerned about the traffic.

22 **Annie Rice**, 326 Canonchet Road is concerned with the safety of the children. If they play on the  
24 lot, there is a big drop. There is no place for the people to get together; no public transportation.  
26 It was mentioned there would be young women with children living there. How will they get to  
28 town? Nothing is conducive for a pleasant life for a family with no means.

28 **Mr. Tanguay** said he would be okay with four units with the rest commercial to reinvent the  
30 village.

30 **Mr. Walker** supports the project with appropriate conditions imposed. His main issue is density  
32 but has not seen any concrete evidence that the property will not support that level of density.  
34 The applicant will need to secure all permits required as a condition for going forward with this  
36 project and sees imposing conditions regarding water, sewerage, environmental monitoring,  
38 traffic control, etc. He believes the concerns are outweighed by a very clear need for affordable  
40 housing in town which the town is under a legal obligation to develop. He said some concerns  
42 were not warranted, and assumes that the people who are going to move in to these apartments  
44 are working Americans that aren't able to afford market rate apartments. He has no concern  
46 about daily visits to the post office. He is prepared to make a motion, at the appropriate time, to  
48 approve the Master Plan for the fourteen (14) residential units, plus the post office, with  
50 conditions that he summarized.

- 42 1. The applicant shall obtain Town Council approval for some of the recommended  
44 mitigations recommended by the applicant's traffic engineer, with these mitigations to be  
46 accomplished at the applicant's expense and not an expense for the town;
- 48 2. That the applicant would execute an agreement with the town that the applicant would  
50 retain the sole responsibility for supplying water to this project, and that the town would  
52 have no mention of responsibility, whatever, for water or water infrastructure;
3. An agreement with the town that the applicant would be solely responsible,  
financially, and every other way, for the approved septic system and would indemnify the  
town from any expense with any connection to it;
4. The construction will obey all of the flood zone protections set forth in Mr. Ward's  
memo of December 10, 2009;

2 5. The applicants will not encroach on any abutting property, or cause damage to an  
abutting property, at any time during the construction process;

4 6. The applicant will be required to negotiate a reasonable solution with Mr. Tanguay to  
his very genuine and warranted concerns for his privacy, including a requirement that the  
6 applicant, at his expense, will take some reasonable step to screen his property, and to  
8 screen the view of his backyard property and swimming pool from the view of the upper  
story apartments;

10 7. All exterior lighting for this project will maintain a strict level of dark sky compliance  
to make this project as nearly invisible at night as possible.

12 **Ms. Douthitt** is concerned with density, the amount of recreation area, and life style. She asked  
what space is available that could actually be used for everyday life as there is a limited amount  
14 of space inside and out.

16 **Mr. Cox** said he is not for this 10% state mandate and asked what will they do if we don't make  
that 10%? We have 15 years to get to the 10% and we're near the top.

18 **Mr. Walker** said he doesn't necessarily like it either but it is reality we have to live with. We  
20 have cited this project in the past as an engine in our town's Affordable Housing Plan and was  
one of the reasons for denying Clarks Falls Road. If we were to turn down this project, the Town  
22 Council would have to deal with the other case in court, that could very much be a detriment to  
the town.

24 **Mr. DiOrio** said he hears and appreciates Mr. Cox's concerns but that is out of reach for this  
26 application. He suggests the audience contact their representatives.

28 **Mr. Simmons** said he supports the project.

30 **Mr. Escher** said it is a good project and he supports it. He is concerned about making one unit  
commercial. The post office is harmless versus whatever in commercial space.

32 **Mr. Walker** commented that we have a number of letters in the file that are on the record from  
34 neighbors in support of this project.

36 **Mr. DiOrio** would rather have eight units, but that is not what is before the Board. He has not  
heard any testimony or scientific evidence from anyone who is in opposition to the fourteen (14)  
38 units, to support their position, whereas, he has heard evidence from the applicant supporting a  
particular number of units and sees no recourse but to accept what is before him, with conditions.

40 **Mr. McAllister** said you are saying that the mill has presented a great program on what they  
42 want to do and how they want to do it, but the public has not. You are saying we should come  
here with the same group of people they have, but on the other side, opposing them. How does  
44 the common, ordinary, working man afford that kind of representation at this body? He can't and  
is not getting grant money to do it.

46 MR. WALKER MAKES A MOTION THAT THE FOLLOWING DECISION, THAT HE WILL READ  
48 INTO THE RECORD, BE ADOPTED AS A DECISION OF THE PLANNING BOARD:

The Town of Hopkinton Planning Board, sitting as the local review board, on the Comprehensive  
50 Permit application by the Rockville Mill, LLC, Plat 30, Lot 43.

52 Section I. TRAVEL OF THE APPLICATION

2 An Application for a Comprehensive Permit was submitted by the Applicant for fourteen  
(14) units of low or moderate income housing.

4 The Application was certified as complete by the Planner on September 23, 2009, which  
was within the required time period.

6 The Public Hearing on the application was opened on October 7, 2009 before the Town  
of Hopkinton Planning Board sitting as the local Review Board. Continued hearings were held  
8 on December 2, 2009, January 6 and February 3, 2010, as well as a public site walk that was held  
on October 29, 2009.

10 The applicant requested approval of the project consisting of fourteen (14) units of low or  
moderate income housing funded by a mortgage with a guaranty from the United States  
12 Department of Agriculture, a NOP Fund Reservation, a Community Development Block Grant, a  
Building Homes Rhode Island Grant, HOME funds and historic tax credits. The project will  
14 continue its current lease with the United States Post Office.

Robert B. Berkelhammer appeared as legal counsel on behalf of the applicant.  
16 Testimony was presented by the following individuals in support of the application, as follows.

Marek Zamojski testified that he is the owner of the applicant and that he was approached  
18 by the former Town Planner asking him to consider using his existing mill to provide needed  
affordable housing. They originally discussed creating 12 apartments, but this was reduced to 8  
20 due to a concern with the sprinkler system.

Geoffrey Marchant testified that he is the person responsible for community development  
22 selection. He testified that he was involved in the approval process to list the property on the  
National Register of Historic Places, and seeking DEM and Department of Health approvals. Mr.  
24 Marchant testified that the proposal will redevelop the existing site with two buildings, including  
a blighted small mill building and a larger building heading towards blights but which is a piece  
26 of Hopkinton's history and put it back into productive service in accordance with Department of  
Interior standards.

28 Geralyn Small testified that she is a professional engineer licensed by the State of Rhode  
Island and employed with Northeast Engineers & Consultants, Inc. and has been recognized as an  
30 expert with five different towns in Rhode Island. She testified that the plans will assist in the  
creation of appropriate parking areas, will provide a new drainage system which will reduce  
32 runoff associated with storms and substantially improve water runoff quality, will provide septic  
systems with advanced pretreatment systems, and will replace the existing wells with a new  
34 public well approved by the Department of Health. She testified that the development is an  
improvement with respect to the environment, utility and drainage infrastructure, sewer disposal,  
36 water supply and control of surface runoff, and will improve health and safety of current or future  
residents or neighbors, and will improve circulation of traffic and maintain the natural  
38 characteristics of the site. She also testified that the plans will assure adequate and permanent  
physical access to a street and not create any physical constraints to development.

40 Ron Wood of Urban Design Group testified that he was an adjunct professor of  
architecture at University of Rhode Island and taught at Roger Williams School of Architecture  
42 and is a Rhode Island licensed architect. He stated that he has testified before various Boards in  
Rhode Island. He explained the layout of the units and the fact they comply with the Rhode  
44 Island Housing standards. He testified that the project recaptures the wonderful mill structure for  
productive use.

46 William Gordon, the financial consultant for the project, testified that he has a Master's  
Degree in International Development and has assisted in the development of projects with total  
48 financing of 480 million dollars. He testified that feasibility of the Project required a density of  
not less than 14 residential units, plus the existing Rockville Post Office. Mr. Gordon submitted a  
50 supplemental memorandum, dated January 26, 2010, indicating that the applicant could convert  
one of the proposed residential units to a commercial unit, so the project would have 13

2 apartments, one commercial unit and the existing Post Office, and still have a feasible project.  
3 With any lower density, according to Mr. Gordon, the project would be infeasible.

4 Ed Pimentel testified that he has a Bachelor's and Master's degree in Urban Community  
5 Planning and has testified in 90 percent of the communities in Rhode Island. He testified that the  
6 Town has identified the needs for affordable housing in three categories, elderly, special needs  
7 and family affordable. Although the town has made great progress towards the elderly needs,  
8 meeting 53 percent of the need, in the family housing group they have only met 10 percent of the  
9 need. He further testified that the waivers requested have very little negative effect as they  
10 basically simply continue the existing grandfathered use of the current building. The significant  
11 waiver is the density waiver, but in his opinion the benefit of the affordable housing justifies the  
12 waivers. Mr. Gordon also testifies as to the compliance of this project with the affordable housing  
13 plan of the Town.

14 Joseph Lombardo testified as to the likely fiscal burden which the project would create.  
15 At the end of the first hearing, the Board requested an Impact Statement concerning the potential  
16 impact of the development on freshwater wetlands, noise and air quality, schools, traffic and  
17 roads including a traffic study, and information on parking, vegetation, groundwater, and lighting.

18 The applicant provided further information as to all of these issues in a supplemental  
19 report and testimony, followed up by testimony at the continued hearing.

20 At a continued hearing, GERALYN SMALL discussed the efforts made to reduce the impact on  
21 wetlands, and efforts taken to assure proper wastewater control. Mr. Wood presented written  
22 evidence as to improvements in the internal design of the buildings and vegetation to protect the  
23 abutter from trespassers, and provided information on project lighting and efforts to assure that  
24 the lighting is dark sky compliant. He also presented evidence regarding building noise and  
25 heating system noise to allay any Board concerns. The applicant also presented Paul Bannon, of  
26 RAB Professional Engineers, Inc., who testified concerning traffic concerns and methods to ease  
27 line of sight problems and improve traffic safety. He also testified that in his opinion the project  
28 will not create traffic issues if the Town accepts any of his proposals to mitigate the line of sight  
29 issues. James Dilley of Coastal Housing Corporation testified as to the management plan to  
30 assure the proper management of the development once developed and occupied. Georges E.  
31 Bockstael, RN, Industrial Hygienist provided a written report regarding the lack of environmental  
32 site contamination. Joel P. Russell of J. Russell Water Well Inc. testified concerning the  
33 availability of satisfactory quantities of water.

34 The Public Informational Meeting was well attended by residents of the surrounding  
35 neighborhood. Many residents voiced their comments, questions and concerns about the project,  
36 focused on traffic, parking, privacy, density, well water issues, and potential environmental  
37 problems. These contributions from the public were most helpful to the Board in arriving at a  
38 decision, especially in formulating several conditions for approval, which we hope will allay any  
39 public concerns. Several residents also submitted written letters expressing approval of the  
40 project.

#### 42 Section II. ACTION

43 The Planning Board, sitting as the Local Review Board, hereby grants Master Plan  
44 approval and the Applicant's five requested waivers from the Town's Zoning Ordinance and  
45 Subdivision Regulations, subject to the following conditions:

- 46 1. Traffic: The applicant shall obtain Town Council approval for any of the recommended  
47 traffic mitigation elements which they have proposed prior to returning to the Board for  
48 their preliminary application; mitigation shall be achieved at the applicant's expense and  
49 without expense to the Town.
- 50 2. Water: Applicant shall, prior to final approval, execute an agreement with the Town that  
51 the applicant and its heirs, successors and assigns shall be solely responsible for  
52 providing water to the project and that the town shall not be responsible, nor shall it

- 2 contribute in any way (i.e. future grants or contributions) to providing water to the project  
or improving the water supply infrastructure for the project;
- 4 3. Sewage Treatment: Applicant shall, prior to final approval, execute an agreement with  
6 the Town that the applicant and its heirs, successors and assigns shall be solely  
8 responsible for properly installing and maintaining the OWTS for the project. Further,  
10 that the maintenance shall include testing the effluent from the OWTS for total nitrogen  
12 on (at least) an annual basis and reporting the results of that testing to the town's  
14 Building Official. Failure to engage in said testing, or failure to submit the results of this  
16 testing, shall result in a fine of \$10,000 to be imposed by the Town Council. Lastly, that  
18 there shall be an agreement that the applicant and all heirs and assigns shall be solely  
20 responsible for the operation and maintenance of this system and that the town shall not  
22 be responsible, nor shall it contribute in any way (i.e. future grants or contributions), to  
24 the operation, maintenance, testing, or repair of this system;
4. Flood Zone Construction: All construction on the project shall adhere to requirements as  
outlined in Mr. Brad Ward's memo of December 10, 2009;
5. Abutting Property Owner Issues: The applicant shall not encroach upon any abutting  
property nor cause damage to said property at any time during the construction process.  
The applicant shall provide, at its expense, fencing and/or vegetative buffering adequate  
to protect the privacy of the abutting property owner, including screening his back yard  
from the view from upper story windows. Applicant shall negotiate the details with the  
abutting property owner and the results of these efforts shall be in place prior to the  
applicant submitting their preliminary application;
6. Dark Sky Compliance: All exterior lighting for the project shall be dark sky compliant.

This action is based on the following.

26 Section III. FINDINGS AND CONCLUSIONS

- 28 1. The proposed project is consistent with local needs as identified in the Town's  
30 Comprehensive Plan and in our Affordable Housing Plan. This particular project is  
32 specifically identified in the Town of Hopkinton's Affordable Housing Plan and has been  
34 cited in at least one Board decision denying another application for comprehensive  
36 permit.
- 38 2. The Applicant requested five (5) waivers from the Town of Hopkinton's Zoning  
40 Ordinance and Subdivision Regulations:
- 34 a. Appendix A "Zoning" Chapter 134 Section 6, Dimensional regulations-  
40 40' side setback required for zone RFR-80.
  - 36 b. Appendix A "Zoning" Chapter 134 Section 6, Dimensional regulations-  
38 Minimum lot size determined by multiplying the number of units by  
40 80,000 square feet in RFR-80 zone.
  - 40 c. Appendix A "Zoning" Chapter 134 Section 6, Dimensional regulations-  
42 Maximum height of main structure is limited to 40'.
  - 42 d. Appendix A "Zoning" Chapter 134 Section 7(D), Addition, enlargement,  
44 expansion, placement or intensification of a nonconforming  
46 development.
  - 44 e. Appendix A "Zoning" Chapter 134 Section 28(A) (3b), Screening of off  
46 street parking used for commercial purposes adjacent a residential  
48 district

48 Given the fact that the building is preexisting, the only significant waiver concerns the  
density, but given the evidence that this density is the minimum density under which the  
project can be feasible, and the need, especially for affordable family housing, the Board

2 finds that the local need for low and moderate income housing outweighs any negative  
effect of the requested waivers.

4 3. Because all of the units in the project are low income units, there is no differentiation  
between low income and market rate units.

6 4. Based upon the evidence presented to the Board as summarized above, there will be no  
significant negative environmental impact from the proposed project, if all required  
8 conditions are met.

10 5. Based upon the evidence presented to the Board, as summarized above, if all required  
conditions are met, the project will have no significant negative impact on the health and  
safety of current or future residents, including safe circulation of pedestrian and vehicle  
12 traffic, provision of emergency services, sewer disposal, availability of portable water,  
and adequate surface water runoff, and the project would preserve the historic Rockville  
14 Mill that contributes to the attractiveness of our community.

16 6. The project will have adequate and permanent physical access to a public street.

18 7. The project will not result in the creation of any new lots.

20 8. The Board hereby waives the Comprehensive Permit application filing fee for this  
petition as requested by the applicant and as per the authority granted by the Town  
Council.

22 MR. ESCHER SECONDS THE MOTION.

Messrs. Escher, Walker, DiOrio and Ms. Douthitt approve. Mr. Cox does not approve.

24 *Motion passes.*

26 **Master Plan Public Informational Meeting – Major Land Development, Hopkinton Plaza –  
Plat 25 – Lot 155A, Main Street. KSL Realty Cranston, LLC, applicant.**

Attorney Vincent Naccarato represented the applicant.

28 *A court stenographer was present to record the proceedings. A copy of the transcript  
is attached and made part of this record.*

30 **Mr. Naccarato** said the parcel is at the intersection of Maxson Hill Road, Cemetery Lane and  
32 Route 3. It is a six and a half acre parcel zoned commercial special with contingencies placed on  
the parcel by the Town Council. The existing building will remain as is. The new building will  
34 be at the rear of the parcel, and will include approximately 31,000 square feet of retail space.

36 **Carolyn Doyle**, a Registered Professional Engineer of Cherenzia and Associates, is sworn in.  
She described the parcel. The existing building will remain. Tim Horton's is on a separate parcel  
38 and they share a well and septic system as well as the access and egress driveway. The liquor  
store will move to the proposed building. The new building will be approximately 35,000 square  
40 feet. They have an approved septic system, an Advantex denitrofication system to conventional  
flow diffuser to the leaching field. The present conventional system will be removed. The  
42 property is serviced by a public well which will remain. A separate ongoing study is addressing  
the public well and its volume. They have obtained approvals from DEM for both septic and  
44 well. There are no wetlands on site. All stormwater runoff onsite roof drains will go into  
subsurface infiltration in front of the building. All of the parking lot paved surfaces will go into a  
46 detention pond, sized for a 100 year storm. Anything in excess of a 100 year storm goes out  
through an overflow to the existing drainage system. Should that become overloaded, it will end  
48 up in the intersection rather than neighboring premises. The existing entrance and exit to  
Cemetery Lane remains. They have provided 175 parking spaces, two more than the required  
50 173. The parking lot will be paved with interior islands and conforms with the zoning ordinance.

2 They have received a variance from the Zoning Board for the vegetative buffer to the side and the  
4 rear. A landscape plan is part of the application.

6 **Mr. Naccarato** presented the Future Land Use Map that showed the parcel in a commercial zone  
8 as *Applicant's Exhibit 1*. The parcel meets all zoning including variances and will have full cut-  
10 off lighting.

12 **Michael W. Desmond**, Registered Professional Engineer, specializing in traffic and highway  
14 engineering, Bryant Associates, is sworn in. He submits his resume as *Applicant's Exhibit 2*. He  
16 has submitted a written report which he reviewed.

18 **William Starck**, architect, was sworn in and presented a rendering and materials for the new  
20 building. They will renovate the exterior of the old building to blend in with the new building's  
22 exterior. He said pole lighting is to comply with dark sky.

24 **Patrick Beck**, Licensed Landscape Architect, is sworn in and detailed his landscape plan for the  
26 property.

28 **Steven McAndrew**, a Licensed Real Estate Appraiser is sworn in. He said the Future Land Use  
30 Map designates this property as commercial. This project is consistent with the Town's  
32 Comprehensive Plan, will have no negative environmental impact on neighboring property and  
no impact on neighboring property values. There is currently mixed use in that area that includes  
neighborhood business and prehistoric manufacturing. It is not a prime residential area. This use  
will blend in with the other uses and will have no negative impact on neighboring uses.

34 MR. WALKER MOVED TO CONTINUE THE PUBLIC INFORMATIONAL MEETING FOR THIS  
36 PROJECT TO OUR NEXT REGULARLY SCHEDULED MEETING, MARCH 3, 2010, 7:00 P.M. AT  
THE HOPE VALLEY SCHOOL.

38 MR. COX SECONDS THE MOTION.  
Messrs. Walker, Cox, Escher, DiOrio and Ms. Douthitt approve.

40 *Motion passes.*

42 **Dark Sky Ordinance – Discussion and Advisory Opinion**

44 **Mr. Simmons** said he looked over the draft, discussed it with Ms. Capalbo, and believes the  
46 ordinance is ready to go.

48 **Ms. Capalbo** said she thought there were good changes and referred to lighting at schools,  
churches, libraries.

50 **Mr. Levesque** said ten years to make changes and conform may not be supportable.

52 HOWARD MOVES TO RECOMMEND THE DARK SKY ORDINANCE TO THE TOWN COUNCIL,  
WITH GRATITUDE TO MR. SIMMONS AND MS. CAPALBO FOR THEIR ASSISTANCE.  
MR. COX SECONDED THE MOTION.

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

**NEW BUSINESS** None

**PLANNER'S REPORT** None

2 **CORRESPONDENCE AND UPDATES** None

4 **PUBLIC COMMENT**

6 **Ms. Luz** asked why the public would have to hire expert testimony for the Rockville Mill project, but for another project, the town is hiring experts for testimony. She asked if the stand of the public diminished because they didn't have expert testimony.

8  
10 **Mr. Levesque** said we can not discuss the other project since the applicant is not here. The Board has the discretion to hire experts when it deems necessary. The consultants do not represent the townspeople. This Board hears evidence and rules on that evidence. This Board is here as a neutral body. However you come before this Board, you need to present your own competent evidence.

14  
16 **Mr. Walker** said there are some projects that come before the Planning Board that are so massive and complicated that the Planning Board doesn't have the expertise to properly evaluate the information from the applicant's experts.

18  
20 **Ms. Luz** said she disagrees and believes the density issue would warrant an outside, independent opinion.

22 **DATE OF NEXT REGULAR MEETING** March 3, 2010 at the Hope Valley School

24 **ADJOURNMENT**

26 MR WALKER MOVED TO ADJOURN THE MEETING.  
MR. ESCHER SECONDED THE MOTION.  
All approve.

28  
30 The meeting adjourned at 9:45 P.M.

32 Attest: \_\_\_\_\_  
Lynda St. Amour, Planning Board Clerk

34  
36 Approved:

38