

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

6 **Wednesday, April 5, 2017**  
7 **7:00 P.M.**

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

10 **CALL TO ORDER:**

11 The April 5, 2017 meeting of the Hopkinton Planning Board was called to order at 7:02  
12 P.M. by Al DiOrio.

14 **MEMBERS PRESENT:**

15 Al DiOrio, Amy Williams, and Tom Holberton, Josh Bedoya were present. Frank  
16 Sardone was absent.

18 Also present were: John Pennypacker, Conservation Commission, James Lamphere,  
19 Town Planner; Kevin McAllister, Town Solicitor; and Sean Henry, Planning Board Clerk.

20 **APPROVAL OF MINUTES:**

21 THE MINUTES FROM MARCH 1, 2017 WERE HELD UNTIL THE NEXT MEETING BECAUSE ONLY  
22 TWO MEMBERS WERE PRESENT THAT ATTENDED THE MARCH 1 MEETING.

24 **OLD BUSINESS:**

25 None

28 **NEW BUSINESS:**

29 Minor Subdivision - **Preliminary Plan** – Wightmans Way – AP 18 Lot 5 – 76  
30 Fairview Avenue – David and Beverly Wightman, applicants.

31 Attorney John Payne, of 46 Granite St, Westerly RI was presenting for the applicants. They  
32 are seeking to create one additional lot on their land so that their son can build a house next  
33 door. The Wightman family has owned the land since 1954, and members of the family were  
34 at the meeting should they be needed.

35 Mr. Payne addressed the Town's required findings for minor subdivisions. The first concern  
36 was any potential future development. Mr. Payne that there was no more road frontage  
37 required of the RFR-80 zone for any future subdivision. The new lot also exceeds the  
38 minimum area and setback requirements. With regards to the adequacy of access from the  
39 street, the application provides a driveway for the new lot that is partially located on the  
40 existing lot. This was done because there are grading and curve issues on the front of the  
41 new lot that would make a driveway more difficult to enter and exit from the street. They  
42 would also like to preserve the wooded character of the lot. The owners of both lots, the  
43 existing and proposed lots, would prefer this arrangement and it can be done utilizing  
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2 easements for the driveway in order to clearly communicate the arrangement to future  
owners of the properties. Mr. Payne said that he consulted with Mr. Lamphere on the  
4 matter and that the applicants were in attendance at the meeting should the Board have  
any questions.

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8 Questions from the Planning Board:

Mr. Holberton: Is it possible to have physical access to the proposed lot from the street?  
10 Mr. Payne: Yes, it is capable but the applicant would prefer to access it from the other  
lot.

12 Mr. DiOrio: Are you seeking a waiver from the regulations? The Planning Board won't  
be granting a waiver for the requirement if that is what the applicant is seeking.

14 Mr. Payne: The applicants aren't seeking a waiver.

Ms. Williams: What will happen when the property is sold and the new neighbors will  
16 have their driveway on the other property?

Mr. Holberton: The town has been in favor of shared driveways in the past.

18 Mr. Payne: We're not seeking a shared driveway here due to the issues associated with  
them.

20 Mr. DiOrio: The applicant is not citing a hardship, but a preference. The regulations  
indicate that we likely would not be able to accommodate a waiver.

22 Mr. Bedoya: Is there a precedent for this driveway arrangement?

Mr. Payne: In terms of any effect on property value, that is on the applicants. They're  
24 satisfied with that risk. Future owners would be bound by the deed restriction on the  
property.

26 Mr. Lamphere: I did visit the site. It is physically possible to get access from the road,  
but it would be steep and probably require retaining walls. If we want to circumvent the  
28 need for waivers, the applicant could also move the lot line, widening the frontage for  
the new lot. They could still have a driveway close to the desired location but without  
30 the need for easements.

Mr. DiOrio: The regulations state that the lot must be accessed from the street, but the  
32 Board can exercise its authority to allow better planning practices as they see fit. I think  
that this driveway satisfies that, and that it has better sightlines, I have no issue with it.

34 Mr. McAllister: I looked at this issue a lot. The subdivision regulations part 3(b) is  
subject to the Planning Board's authority to modify or waive requirements. I think it's  
36 well within the Planning Board's authority to do so. Parts 3(a) and 3(b) are intended for  
public safety. It seems to me that one curb cut is better than two, and this plan embraces  
38 that.

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42 Questions from the public:

Ms. Capalbo: I wanted to ask about access for fire trucks. If the alternative is a sharper  
44 and steeper driveway, then it sounds like this is a better choice.

2 Mr. Payne asked that if the Board makes positive findings, that the Final approval be  
4 performed administratively.

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MR. HOLBERTON MOVED THAT THE PLANNING BOARD, MAKING THE SEVEN POSITIVE FINDINGS OF FACT OUTLINED IN THE TOWN PLANNER’S MEMO REGARDING TWO-LOT MINOR SUBDIVISIONS, AND SUBJECT TO EASEMENTS FOR LEGAL ACCESS BEING OBTAINED, APPROVE THE PRELIMINARY PLAN REVIEW AND THAT FINAL PLAN APPROVAL BE PERFORMED ADMINISTRATIVELY BY THE TOWN PLANNER.

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MS. WILLIAMS SECONDED THE MOTION.

ALL MEMBERS APPROVE, MOTION PASSES.

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At this time, Mr. DiOrio recused himself from the remainder of the meeting, having worked professionally on the remaining projects before the Board.

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Development Plan Review - **Pre-Application Meeting** – Ashaway Free Library – AP 25 Lot 273 – 15 Knight Street

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Paul Azzinaro, architect from Azzinaro Lawson Architects, presented for the Library and noted that several Board members from the Library were also present. Mr Azzinaro confirmed to the Board that the project required a special use permit from the Zoning Board in order to move forward. Development Plan Review regulations require that any non-residential use in a residential zone must be reviewed by the Planning Board at a pre-application meeting. He explained that the Library was originally a church built in 1871, and pre-dates zoning ordinances. The Board of Directors wanted to provide space for a community room, primarily to be used after hours to offer space to community groups and events. It won’t be a place of assembly, so the capacity will be under 50 people. The building had two additions built onto it over time, one in 1951 and another in 1972, and the current addition before the Board today had to meet new requirements and solve issues with ADA compliance. The footprint of the building will not be increased, but there will now be a covered entrance, improved bathrooms, and a handicap accessible ramp. The property is not in a floodplain. The parking is considered to be adequate with the existing driveway, according to current standards. Mr. Azzinaro said that there would be about 800 square feet more of impervious surface that they would hire a design professional to engineer. Mr. Azzinaro showed renderings and plans to the Board. Particular attention was paid to the roof configuration, which needed to be addressed because of the previous additions.

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**2** Questions from the Planning Board:

**4** Mr. Holberton: My concern is that the storm water runoff is handled in the future. I'm in  
**6** favor of the project, but my concern is that the calculations done by your engineer  
should be reviewed by someone.

**8** Mr. Azzinaro: We are planning to hire an engineer for that. I don't foresee underground  
storage containment here. If the project needs state approval, we'll be able to show that.

Mr. Bedoya: My question is about the runoff.

**10** Ms. Williams: I agree that the library could use more space. Where is the existing septic  
system on the plans?

**12** Mr. Azzinaro: The septic area is on the other side of the plateau. Septic suitability may  
**14** be necessary per the building official, but the system is located on the other side of the  
building.

Ms. Williams: The community room will be accessed from a separate entrance?

**16** Mr. Azzinaro: We thought a separate entrance for afterhours would be a good idea, so  
**18** the rest of the library is secure. The bathrooms would need to be accessed, which we're  
still working on.

Ms. Williams: The septic system doesn't need to be upgraded for the additional space?

**20** Mr. Azzinaro: Because the community room would mainly be used afterhours, and the  
**22** septic system is calculated based on the number of people, we don't think that it will  
increase the burden on the system because the library and community room will be used  
at different times.

**24** Mr. Holberton: You're not increasing the bathrooms, just updating them?

Mr. Azzinaro: That is correct. We're not adding facilities

**26** Mr. Lamphere: The applicant has given their proposal. In looking at it under  
**28** Development Plan Review, you can decide whether they need to come back here or not  
for further review. The applicant still needs to go before the Zoning Board for a Special  
**30** Use Permit before they can do anything on the site. I was a little concerned that the plans  
did not show the location of the septic system. I checked with the Building Official and  
**32** she told me that one of the checklist items for the Zoning Board is the size of the septic  
system. Also, when the applicant goes for a building permit, they may have to assess the  
**34** suitability of the septic system for the addition. In the event that it's not adequate or  
needs to be added to, these plans could change.

**36** Mr. Azzinaro: It was picked up in the 12<sup>th</sup> hour that we needed a Special Use Permit. I  
doubt very much that any addition to the septic system will require relocation.

**38** Mr. Pennypacker: The library has twelve spaces. In order to fill that room to capacity,  
there would have to be four people per car. Is that not a parking issue?

Mr. Azzinaro: That's per the town's regulations.

**40** Mr. McAllister: I think it's within your authority to bring them back for review, or to  
**42** raise it to a Major Land Development, but what the applicant is asking for is well within  
the regulations.

**44**

2 Questions from the Public:

4 Ms. Cohen: I'm Fran Cohen, the Chair of the Board of Trustees for the library. The  
6 largest program I've seen attracted 23 people. In terms of parking, we have an annual  
book and plant sale every spring, and that is probably the only time people need to park  
on the street.

8 Ms. Freeman: There was an occasion during the last year that drew about 18 people.  
Some people carpool, some use their own vehicles. We have to time the programs on a  
10 night the library is already open, which leads to library patrons and program  
participants being there at the same time. There is the ability to add at least two more  
12 parking spaces, from a small grass area next to the parking lot.

14 Ms. Capalbo: I go to this library. There are some people that park on the street, but  
generally it's only for a short period of time. I think that the septic system is very  
important, in case there is an expansion. Drainage is an issue because there is a steep  
16 hillside that leads down to the river.

18 Neighbor: Are the drawing the final plan for what it would look like? Are the roofs  
going to be like that?

20 Mr. Azzinaro: The roofs and the windows will be the same.

22 At this time, Mr. Azzinaro reviewed the plans with neighboring property owners and  
discussed the height of the roof of the addition. They advocated that the roof addition  
would be unnecessarily tall, the Trustees present and Mr. Azzinaro explained the way  
24 the plan was developed and the existing circumstances of the building that led to the  
current plan.

26 Mr. Holberton said that he was comfortable that the drainage and landscaping issues  
28 would be properly reviewed through the Zoning Board and DEM permitting processes,  
and that he felt no further review by the Planning Board was needed.

30 MR. HOLBERTON MOVED THAT THE PLANNING BOARD, MAKING POSITIVE FINDINGS UNDER THE SEVEN  
32 DEVELOPMENT PLAN REVIEW REQUIREMENTS, AND FINDING THAT THE PROJECT WAS NOT IN CONFLICT  
WITH THE COMPREHENSIVE PLAN, MOVED UNANIMOUSLY TO WAIVE FURTHER REVIEW OF THE PROJECT  
34 UNDER DEVELOPMENT PLAN REVIEW.

36 MR. BEDOYA SECONDED THE MOTION.

ALL MEMBERS APPROVED. MOTION PASSES.

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40 **Minor Subdivision - Pre-Application Meeting** – Grundy Minor Subdivision – AP  
7 Lot 32, AP 10 Lot 87 & AP 11 Lot 35 – Main Street – James Grundy, applicant.

42 Mr. Grundy presented his minor subdivision pre-application proposal to the Board. He explained  
44 that he had met with Mr. Lamphere and decided the best course of action for the property was to  
create a five lot cluster subdivision. The plan provides that all new lots will be conforming lots,  
and will preserve the wetlands and wooded areas, while having only one road connecting to  
46 Route 3/Main Street. The five lots will share the open space, restricting future subdivision of the

2 land. The houses will be set back far enough that they probably won't be visible from Main Street  
4 in the winter.

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Questions from the Planning Board:

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Mr. Holberton: Will you plan on the road being a town-owned road eventually?

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Mr. Grundy: It will be a town road.

Mr. Bedoya: Do you have proposed locations for the lots?

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Mr. Grundy: We have locations picked out. They could be tweaked because of engineering concerns, but we won't be adding any lots.

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Mr. Bedoya: Will you send any other wetlands experts out?

14

Mr. Grundy: At this point, we've sent a wetlands expert out and we feel that the lots will meet DEM standards, which they'll have to come out and verify with our expert.

14

Ms. Williams: Are there trees between the byway and the back of these lots?

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Mr. Grundy: There are a tremendous amount of trees; we feel there should be a buffer of hundreds of feet. There's also a substantial vegetative buffer off the property within the state's right-of-way as well.

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Mr. Holberton: There's a very minor buffer between this and the next property over, was that intentional? It seems unnecessary.

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Mr. Grundy: The owner of that property does use it up to the property line, so we feel it will give a little more separation between them and the new properties.

22

Mr. Pennypacker: The soil type is difficult to determine for feasibility with foundations and septic systems.

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Mr. Grundy: There was a soil test done on the property in 1999, we do have those results. They did show 4.5-5.5' water tables. There was some substantial ledge below 7'. The layout was a bit of a workaround based on those results, but there were a number of test holes dug.

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There was no comment from the public.

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THE PLANNING BOARD DOES NOT VOTE FOR A PRE-APPLICATION MEETING.

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34 **Minor Subdivision - Pre-Application Meeting – Pelloni Residential Compound –**  
36 **AP 4 Lot 121EE – Diamond Hill Road – Anthony Pelloni, applicant.**

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38 Anothony Pelloni was present for the application. He explained that the reason for the plan was  
40 to provide buildable lots for his children's homes. The plan proposes two new lots off Diamond  
42 Hill Road, one conventional RFR-80 lot and one as a Residential Compound lot. The remaining  
44 land would be accessed from Pelloni Way, an existing private road, and could be developed into  
three more compound lots. Pelloni Way follows the property line of his adjacent property. The  
property does have an easement for trail access to the Hopkinton Land Trust to access their  
adjacent property. The Planning Board did not have any further questions for the applicant.

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THE PLANNING BOARD DOES NOT VOTE FOR A PRE-APPLICATION MEETING.

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48 **SOLICITOR'S REPORT:**

None

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**PLANNER’S REPORT:**

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None

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**CORRESPONDENCE AND UPDATES:**

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Sean Henry updated the Planning Board on the progress of the Comprehensive Plan Update since the last meeting. Since receiving the comments on the draft plan back from the Statewide Planning Program, the Planning Department and consultant have prepared a second draft incorporating those comments. They agreed that the best way for the Board to provide their feedback on the plan update would be to schedule a Public Workshop in addition to the Planning Board’s regular meetings. A workshop was scheduled for April 12, 2017.

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**PUBLIC COMMENT:**

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Ms. Capalbo distributed to the Planning Board a record of Hopkinton’s home sale prices for 2015 and 2016, relevant to the Housing element of the Comprehensive Plan update. The data dispute’s the Town’s Affordable Housing Stock percentage, the rate of which is restrictive under the RI Low and Moderate Housing Act’s definition.

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**DATE OF NEXT REGULAR MEETING:** May 3, 2017

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**ADJOURNMENT:**

MR. HOLBERTON MOVED TO ADJOURN THE MEETING  
MR. BEDOYA SECONDED THE MOTION  
ALL MEMBERS APPROVE. MOTION PASSES.

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The meeting adjourned at 8:00.

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Attest: \_\_\_\_\_

Sean Henry, Planning Board Clerk

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Approved:

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