CALL TO ORDER:
The May 4, 2016 meeting of the Hopkinton Planning Board was called to order at 7:00 P.M. by Vice Chair Amy Williams.

MEMBERS PRESENT:
Amy Williams, Hazel Douthitt, and Frank Sardone were present. Mr. DiOrio was absent.

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

APPROVAL OF MINUTES:
Mr. Sardone moved to approve the minutes of the April 6th 2016 meeting. Ms. Douthitt seconded the motion. All members approve. Motion passes.

NEW BUSINESS:

Mr. Lamphere provided the Planning Board with brief synopsis of the project and the Development Plan Review process. The Town received CDBG funds for multiple projects, including the Town Hall generator. The project went out to bid, and K. Electric was the lowest received bid at $144,679. The pre-application meeting was called for in order to provide the neighboring property owners with notice of the proposed project and solicit input early in the review process. A notice of the meeting was sent to all property owners within 200 feet of lots 47 & 48, the proposed project location, as well as posted at Town Hall and on the Town’s website. Mr. Gordon Priess, the project engineer, was on hand to present the plan and answer the Planning Board’s questions.

In his presentation, Mr. Priess highlighted that sound attenuation was a major consideration in the planning for this project. The generator and propane tank are to be surrounded by a Level II sound enclosure with 7’ tall deer-resistant arborvitae plantings screening the components visually. The plan was also created in conjunction with the
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Town Hall Expansion project. The generator was selected based on the size of the building after the expansion, and the propane tank has been chosen in order to service both the generator and the expanded Town Hall’s heating system.

Mr. Daniel Secone, the owner of 9 Town House Road, (the property immediately neighboring the Town Hall lot) was in attendance at the meeting. He made it clear that he appreciated the lengths that were gone to in order to minimize the levels of sound with the enclosure and screening, but asked about moving the generator further back on the property away from the road. He was concerned about the sound generated by the system. Mr. Priess confirmed that the transfer switch for the building will automatically switch back to the grid once it determines that power has been restored (approx. 10 minutes). This is preferable to a switch that needs to be turned off manually. Mr. Priess also clarified that the generator will run at different speeds based on the load from the building. He used calculations for a “worst-case” load on the generator, though indicated that the generator will never realistically run at 100% power. So the generator will operate at a very low level before the expansion, and then somewhat higher when the load increases with the construction of the new addition.

Mr. Secone asked about moving the generator further back on the lot. He, Mr. Priess, and Mr. Lamphere looked at other possible configurations, but none of them were more preferable to the current plan. The wetlands and the existing septic system preclude most other locations from being viable.

Because the generator needed to be tested periodically, the Planning Board thought it was appropriate to schedule the tests at Mr. Secone’s convenience. The generator is completely programmable and Mr. Priess said it would be very easy to schedule or change the times the tests will run. At the meeting, Mr. Secone indicated that during the day would be his preference, but a schedule was left to be decided at a later date.

MR. SARDONE MOVED TO WAIVE FURTHER REVIEW OF THE TOWN HALL GENERATOR AND PROPANE TANK, PROVIDED THAT THREE ARBORVITAE PLANTINGS ARE ADDED TO THE PLAN, AND THAT GENERATOR TESTS WOULD BE PERFORMED AT TIMES CONVENIENT TO THE PROPERTY OWNER OF AP 26, LOT 50 (MR. DANIEL SECOME).

MS. DOUTHITT SECONDED THE MOTION
ALL MEMBERS APPROVE. MOTION PASSES.

Advisory Opinion – Proposal for Zoning Ordinance Text Amendment – Home Loan & Investment Bank – AP 27 Lot 150 – 1100 Main Street. Proposal to allow for general automobile repair at this site under current zoning ordinance Use Code 633 Automobile Repair Shops and a proposal to amend Use Code 633 allowing Automobile Repair Shops, where otherwise allowed in the District Use Table, to be located in the Primary Aquifer Protection Zone with an Aquifer Protection Permit.
Mr. Lamphere provided the Planning Board with a summary of the request before the Board. The applicant, Home Loan & Investment Bank, is asking for a zoning text amendment to add “general automotive repair” to Use Code 633 on the district use table. Additionally, the applicant is asking that the use be allowed town-wide within an Aquifer Protection Zone, provided the applicant secures an aquifer protection permit. The Planning Board discussed the property and its location in town, and what the current regulations allow.

Mr. Pennypacker: What is an applicant required to do currently in a Primary Zone?
Mr. Lamphere: That use is currently not allowed in an Aquifer Protection Zone, but if it were allowed an applicant would be required to obtain an Aquifer Protection Permit from the Zoning Board.

Mr. Sardone: Could the use be allowed at this site without being permitted town-wide?
Ms. Williams: The applicant would still be required to appear before the Zoning Board for an Aquifer Protection Permit in order to use the property.

Mr. McAllister: The applicant would likely not be interested in getting only one of the requests and not both. He stated that not changing the use table would be vulnerable to an argument being made for spot zoning. It made sense that the bank would seek the second part of the request, and that they probably wouldn’t pursue further if they only obtained the first half of the request.

Ms. Capalbo: I’m concerned about allowing a repair shop over an aquifer protection zone. There are many cars on the small lot, and that the aquifer could be damaged by spills and pollutants.

Ms. Williams: Is the property located in a flood zone?
Ms. Douthitt: No, the property has elevation. Are there any other possible uses for the property?
Ms. Capalbo: The property could support many other uses, being in a neighborhood business zone.

Mr. McAllister: I think the Planning Board would have a difficult time making most of the findings required for the request, most notably the environmental findings.

MR. SARDONE MOVED THAT THE PLANNING BOARD ADVISE THE TOWN COUNCIL AGAINST APPROVING THE APPLICANT’S REQUEST FOR A ZONING TEXT AMENDMENT.
MS. DOUTHITT SECONDED THE MOTION
ALL MEMBERS APPROVE. MOTION PASSES.

OLD BUSINESS:
None

SOLICITOR’S REPORT:
State Housing Appeals Board Brushy Brook decision.
Planner's Report:
Comprehensive Plan Amendment approval
Swanick Administrative Subdivision

Correspondence and Updates:
None

Public Comment:
None

Date of Next Regular Meeting: June 1, 2016

Adjournment:
Mr. Sardone moved to adjourn the meeting
Ms. Douthitt seconded the motion
All members approve. Motion passes.

The meeting adjourned at 8:45.

Attest: __________________________
Sean Henry, Planning Board Clerk

Approved: