

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

6 **January 2, 2013**

8 **7:00 P.M.**

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

12 **CALL TO ORDER**

14 The January 2, 2013 meeting of the Hopkinton Planning Board was called to order at
7:05 P.M. by Acting Chairman Howard Walker.

16 **MEMBERS PRESENT**

18 Howard Walker, Hazel Douthitt, Joseph Escher and Carolyn J. Doyle. Mr. DiOrion
arrived later. Mr. Simmons was not present.

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

22 **APPROVAL OF MINUTES**

24 MS. DOUTHITT MOVED TO APPROVE THE MINUTES OF THE DECEMBER 5, 2012 MEETING AS
CIRCULATED.

26 MR. ESCHER SECONDED THE MOTION.

MESSRS. ESCHER, WALKER, AND MSES. DOUTHITT AND DOYLE APPROVE. MOTION PASSES.

28 *Ms. Doyle recuses.*

30 **Amendment to Approved Site Plan – Hopkinton Industrial Park – Plat 4 – Lot 9,**
32 **Gray Lane and Wellstown Road. Hopkinton Industrial Park, LLC, applicant.**

34 Attorney George Comolli represented the applicant. Ray Quinlan and Lydia
Teixeira of Hopkinton Industrial Park, were also present.

36 Mr. Comolli said future expansion was shown on the original plan. They would like
to add on to the south wing for a water supply bladder system for the company, L-3.
38 The addition would be 100 feet by 150 feet. The addition to the north wing will be
30,000 square feet and will be occupied by HGTP Meds. There will be no hazardous
40 material or petroleum on the property for either addition. The original plans show
these additions as Phase II; they are actually Phase IV. These changes will be
42 shown as an amendment to the 2008 plan which was modified in 2009.

44 Mr. Walker said the Board's purpose tonight is to decide if the amendment is a
minor or a major change.

46 Mr. Comolli said that in 2008 the applicant said they were going to do these
48 additions in 2009. At all times they have said this was forthcoming and is a minor
modification.

50

2 Mr. Walker said the proposed north addition is 200 feet by 150 feet and is somewhat
larger than indicated in 2009.

4 Mr. Quinlan said they originally had 200 foot setbacks; the state said they only
needed 50 foot setbacks as the water on the north side is not a river. They originally
6 built to 200 foot setbacks all around the property. They have purchased the Gilman
and Wilgo properties across the street in anticipation of growth. L-3 wants to put
8 their water system, which will be 26 feet in diameter and 26 feet deep, inside the
building on the southwest side, and will be used for testing hydrophones. The
10 second addition is an extension of their medical operation. They have an original
10,000 square foot white room. This year they have gone from extrusion of tubes
12 into full devices and will be doing complete assemblies. The white rooms are like
medical rooms, have a class ISO 5 with everything pristine, and are built to a
14 standard. They will need a lot more work with engineering across the street on the
new property. They are in the process of obtaining a 54,000 gallon water transient
16 permit from DOH. Since coming before the Board four years ago, they have doubled
their revenue and have doubled their employees. They have about 110-115
18 employees and four years ago they had 30. L-3 will have about 180 employees by the
end of next year with the 100 by 150 addition. He convinced L-3 that it would be
20 easier to build the tank and then build the building around it. They will need a 20
foot by 30 foot water system tank for future expansion of the water supply. The 30
22 foot by 60 foot pavilion in the back will be more permanent than what is currently
there, allowing their employees and the people in the building to host functions.
24 They are proposing a shed for their equipment. They plan to finish off the site the
way they would have done it with 50 foot setbacks originally.

26
Mr. Walker questioned the south addition with 15,000 additional square feet, asking
28 if what they were proposing to do is to dig a 26 foot deep hole, put a tank in it, and
then extend the building around that tank.

30 Mr. Quinlan responded, yes.

32 Mr. Comolli added, in the other addition you will have white rooms and technology.

34 Mr. Quinlan said he does not care if the Board decides it is a major or minor, or if it
36 takes more time.

38 Mr. Walker said the question is what procedure is required by our regulations for
the benefit of everybody in Town and that is consistent with the appropriate
40 protection of the Town. He does not want to impose any expense on the landowner
that is not necessary for the protection of the public. He would like to hear from the
42 Planner, Conservation Commission and others as to whether, in their opinion, this
amounts to a minor amendment to the plan, a major amendment, or a combination.

44 Mr. Buford asked if they will be going to the Zoning Board for anything.

46 Mr. Comolli said they will only need to go before Zoning if they don't meet the
48 setback requirements for the shed. The two wings meet all the setback
requirements.

50

2 Mr. Quinlan said everything was designed within the regulations. They are asking
4 to build their land out to what the State of Rhode Island says they can build it out
to. He has no problem with a public hearing.

6 Mr. Lamphere said what he has heard tonight has not dissuaded him from his initial
8 assessment that this would be a minor amendment. The 15,000 square foot addition
10 on the south wing will basically hold the tank. He does not know how many more
12 employees will be involved with that. With the 30,000 square foot addition on the
14 north wing, there is a total of 45,000 square feet, almost an acre under a roof. Some
of the criteria that the Planning Board can judge this by is, does this basically
16 modify the initial intent of this approval? He does not think it does and thinks it is
consistent throughout. Changes which may have a significant negative impact on
18 abutting property owners could be viewed as a major amendment. He does not know
how much additional truck traffic this would generate or how many employees there
will be as the result of these additions. Personally he would tend to think that this
is not out of character with what is going on there right now to any appreciable
degree.

20 Mr. Walker asked if they were the owners of the property across the street.

22 Mr. Comolli said there are two residential homes in the front. One of them is the
security guard. Western Mass Blasting, Mr. and Mrs. Gilman, own property further
24 on Gray Lane. Other than that, there is no immediate abutter other than the recent
purchase of the Renova factory by AZ Corporation on the corner of Wellstown and
26 Route 3.

28 Ms. Douthitt said the structure on the south is going to have the tank. That is not
going to increase any employee volume for parking.

30 Mr. Comolli said they have an enormous parking lot that they do not utilize. Most
32 deliveries are made by UPS and FedEx trucks delivering medical devices that are
sealed and have to be delivered accordingly.

34 Mr. Levesque asked if the applicant said he would need a variance for the shed.

36 Mr. Comolli said there is a possibility. If they decide to use the shed, he would have
38 to determine with the engineer and surveyor if it would meet the setback
requirements.

40 Mr. Levesque said that is an important consideration this evening based on one of
42 the principles under a major, which is changes which would be contrary to any
applicable provision of the Zoning Ordinance, or would require a variance or special
44 use permit from the Zoning Board of Review. That is specifically an element that
makes it a major.

46 Mr. Comolli they will remove the shed for the present time.

48 Mr. Levesque said that when he read the proposal he thought they were looking for
50 enlarged additions. The additions that were previously proposed were smaller but

2 proposed as a suggestion. In addition to making larger additions, there are other
things that include a shed and a cafeteria sort in the back.

4
Mr. Comolli said it is an open air pavilion with picnic tables for eating lunch, adding
6 they will remove the shed from the proposal tonight as he believes it does not meet
the setback requirements. If they were to locate the shed, they would return to the
8 Board with another minor request, and would locate it within the property setbacks.

10 Mr. Quinlan said the shed is to be for equipment used to maintain the facilities.

12 Mr. Lamphere asked if the applicant ran the shed by the Zoning Officer, as he may
not need a variance for it.

14
Mr. Walker said that if you look at the criteria for determining a major or minor, if
16 they eliminate the shed, at least for the time being, they would eliminate any change
that would require zoning approval, eliminating one part that would make it a major
18 plan. This is not going to have the effect of creating additional lots or dwelling units,
so it does not qualify as major there. He does not see how any of the proposed
20 activity is going to have a significant negative impact on abutting property or
property in the vicinity. He agrees that what is being proposed is certainly within
22 the spirit of what was originally approved with the understanding that they would
be back seeking future expansions. This was all put in the wash the first time
24 around. He hasn't heard anything that is proposed to be done that is inconsistent
with what we heard the first time or would impose a negative impact on anybody,
26 nor does he see any change that was not previously defined as minor and does not
see how this meets any definitions of a major that would preclude the Board from
28 granting Administrative approval of a minor amendment.

30 Mr. Escher saw no problem of this as a minor if they take the shed out.

32 Ms. Douthitt asked if they could add on to the end of the building rather than have a
separate shed building for now.

34
Mr. Quinlan responded, that could be.

36
Mr. Buford asked, if they came in later and just wanted to add the shed, would it
38 even get to the Planning Board?

40 Mr. Comolli said that if they add the shed, it would be a variance and they would
come before the Planning Board, as it would be a change to the development site
42 plan.

44 Mr. Lamphere said he tends to agree with Mr. Walker and does not think the virtual
size of this, the 45,000 square foot addition, is going to have an impact on abutting
46 property owners.

48 Mr. Walker said the traffic down there is nothing to be of concern to anybody right
now. These additions are large in an absolute sense but relative to what is already
50 there, look pretty small.

2 Mr. Walker said he would entertain a motion to declare the proposed amendments to
4 be minor ones that can be approved Administratively based on: the proposed
6 changes would not create any additional lots or dwelling units for development; with
8 the shed removed they will not require Zoning Variances or Special Use Permits;
and, they would not have any significant negative impacts on abutting property or
property in the vicinity of the proposed land development.

8 MS. DOUTHITT SO MOVES. MR. ESCHER SECONDS THE MOTION.
10 MESSRS. ESCHER AND WALKER AND MS. DOUTHITT APPROVE.
Motion carries.

12 *Ms. Doyle returns.*

14 **Meetings – Cancellation Policy**

16 *Mr. DiOrio arrives.*

18 Mr. Lamphere had presented the Board with a proposed “Planning Board Meeting
20 Cancellation Policy,” that reads as follows:

22 *“In advance of a Planning Board meeting, the Planner will monitor any issues that
24 may provide cause for cancellation and provide an assessment to the Planning Board
26 Chair who will determine whether a particular meeting will be cancelled. In the
event of cancellation, all meeting participants shall be notified by 2pm on the day of
the meeting.”*

28 MS. DOUTHITT MAKES A MOTION TO APPROVE THE PROPOSED CANCELLATION POLICY
AS WORDED.

30 MS. DOYLE SECONDS THE MOTION.
MESSRS. WALKER, ESCHER, DIORIO AND MS. DOUTHITT AND DOYLE APPROVE.
32 Motion passes.

34 **Subdivision Regulations Review – Articles IX and X.**

36 Discussion ensued regarding Article IX and corrections, deletions and additions were
made. The Board will continue their review of Articles IX and X at the February
meeting.

38 Mr. Levesque said that at a minimum, the Board should have a workshop with the
40 Town Council and recommends having the Council approve the entire document.

42 Mr. DiOrio suggested Mr. Walker’s changes be accepted throughout the document.
The Board agrees.

44 Articles XI, XII, XIII, XIV and XV were distributed and will be reviewed at a future
46 meeting.

48 **PLANNER’S REPORT**

50 Mr. Lamphere said he has received notice of an Affordable Housing meeting, at the
South Kingstown Town Hall, January 24, 7:00 PM and invited Board members to
attend. He believes this is an effort to get some consensus among the Washington

2 County communities as to their concerns about the Low and Moderate Income
Housing Act.

4

CORRESPONDENCE AND UPDATES

6 Mr. Levesque said Brushy Brook has been continued with SHAB to January 14 at
9:30 AM at the Pawtucket City Hall.

8

10 Mr. Levesque said there has been no new activity on Love's. The appeal of the
Platting Board of Review's decision is awaiting the Judge's decision, has been fully
12 briefed, and is the last thing that will occur. The declaratory judgment action is
dead by summary judgment but for one constitutional argument which they seem to
14 have abandoned or are not pressing at this point, though it has not been dismissed.
There has been no activity other than that.

16 **PUBLIC COMMENT:** None

18 **DATE OF NEXT REGULAR MEETING:** February 6, 2013.

20 **ADJOURNMENT**

MR. ESCHER MOVED TO ADJOURN. ALL APPROVE.

22 The meeting was adjourned at 9:45 PM.

24

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

28

Approved: February 6, 2013