

**TOWN OF HOPKINTON
PLANNING BOARD MEETING**

January 4, 2012

7:00 P.M.

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

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CALL TO ORDER

The January 4, 2012 meeting of the Hopkinton Planning Board was called to order at 7:01 P.M. by Chairman Alfred DiOrio.

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MEMBERS PRESENT

Present were: Alfred DiOrio, Hazel Douthitt, Joseph Escher and Donald Simmons.
Absent: Howard Walker.

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

APPROVAL OF MINUTES

MR. SIMMONS MOVED TO APPROVE THE MINUTES OF THE DECEMBER 7, 2011 MEETING.

MS. DOUTHITT SECONDED THE MOTION.

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MESSRS. DIORIO, SIMMONS, ESCHER AND MS. DOUTHITT APPROVE.
MOTION PASSES.

Bond Reduction Request - Canonchet Woods - Plat 14 - Lots 46B, 46C, & 46D. Robert Carr, applicant.

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Mr. Lamphere has received two letters from Attorney Resnick representing Mr. Carr. Two bonds are in place for a total of \$1.3 million. Attorney Resnick has asked to be placed on the Town Council agenda for the acceptance of Hopkinton Hill Road. Mr. Lamphere can not do that until all public improvements have been certified complete by the Director of Public Works. To reduce the bond, the final report from the engineer is needed, the result of the inspection made on December 16. The final report should be completed for the February 1 meeting. The second letter was the request for an inspection of the final improvements.

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Rick Ogren, 12 Hopkinton Hill Road, asked the status of water that goes into his driveway.

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Mr. Lamphere said he has not seen the final report but made note of this at the last meeting. It was discussed on the inspection.

Mr. Ogren asked who will plow the snow this winter and was told Mr. Carr.

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Mr. Ogren has seen kids riding their bikes around the top of the berm of the retention pond on Lot 34.

Ms. Capalbo suggested Mr. Lamphere send a note to the owner that this was brought up at the Planning Board meeting and is an issue.

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Claudia Peduzzi, 50 Hopkinton Hill Road, said the new construction has caused ruts and dirt in the road again.

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Development Plan Review – Renovation of Property Formerly Known as Charlie’s Mobil – Plat 23, Lot 48, Ashaway Road. Hajvari, LLC, applicant.

Mr. Lamphere received a letter from DiPrete Engineering requesting an extension of the review of the project to allow it to be noticed for the February 1 Planning Board meeting.

5 Mr. Buford said the Conservation Commission questions whether the use of the gas station had been abandoned.

Mr. Levesque said that is an issue generally handled by the Zoning Board, brought to the applicant to respond, and to the Zoning Official for input.

10 Mr. Lamphere said Mr. Ward will have something for their packets for the next meeting addressing the Conservation Commission's concern.

Growth Management Ordinance Extension – Chapter 159. Building Permit Cap.

15 Mr. Lamphere said his memo includes the consultant's Growth Management Report in which the building cap is premised on the availability of seats in the Chariho School District. That differs from the impact fee which is centered on the cost of educating children. Mr. Lamphere reviewed the table done ten years ago which projected a thirty percent (30%) increase in the number of seats as the result of the bond issue; that did not occur. Based on those figures, we allowed eleven (11) building permits, per quarter, over a ten year period.
20 He updated the numbers with no projected increase in capacity; the available capacity is 366 seats with 176 for Hopkinton students. Using the original data suggests we should be issuing four (4) permits per quarter over the next ten years. Projections are based on assumptions; the worse case scenario comes out to eleven (11) permits which is what we have been operating under for the last ten years. This suggests, if we do anything, we should
25 lower the number of permits we give out. At eleven (11) permits per quarter, we have never run out of building permits or space at the schools.

Ms. Douthitt suggested another influence is less job opportunity which will impact the number of children.
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Mr. Lamphere does not see any indication on an increase the school population at this time.

Ms. Capalbo said the elderly population has gone up. Children from Hopkinton in the middle and high schools go to charter schools or private schools.
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Mr. Buford commented that there could have been a surge of development with Brushy Brook, had it happened; the building cap was to take care of such a surge. He asked if a project with an affordable housing component is exempt of if every building permit is covered by this.
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Mr. Lamphere said that on a large project like Brushy Brook, or any other major subdivision, the Planning Board has the ability to phase the subdivision which would serve as a de facto building cap. There are provisions in that ordinance such that one builder does not consume and inordinate amount of permits.
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Mr. Buford said that may be a reason to support growth management; the unanticipated that could come up.

Mr. DiOrion noted that Brushy Brook envisioned a build-out in two to three years and asked if the Planning Board can mandate phasing.
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Mr. Levesque said the Board has the ability to phase projects and to make it mandatory, but, if it makes the project unfeasible, it creates an issue for appeal.

55 Mr. Lamphere commented that Brushy Brook is also a comprehensive permit.

Discussion ensued regarding reinstating the ordinance for another ten (10) years with a review of the ordinance in five (5) years.

5 Mr. Lamphere said the ordinance states the Zoning Official is to get data from the school district every year and recalculate the number of permits based on the available capacity of the school system, and is to bring that information to the Town Clerk.

10 Mr. DiOrio said then the recommendation of ten years is the structure of the ordinance and it is to be reviewed and adjusted accordingly every year.

Ms. Capalbo added that the census is every ten years which gives us real numbers.

15 Mr. Escher asked if this assumes they will keep the external classrooms in Ashaway and Hope Valley. Could we lower the numbers and try to use this as a mechanism to eliminate or cut them back?

Mr. Lamphere said the external classrooms are now factored into capacity.

20 MR. SIMMONS MOVES THAT WE RECOMMEND THAT THE ORDINANCE STAYS IN EFFECT FOR ANOTHER TEN (10) YEARS.

MS. DOUTHITT SECONDS THE MOTION.

MESSRS. SIMMONS, ESCHER, DIORIO AND MS. DOUTHITT APPROVE.

MOTION PASSES.

25 **Comprehensive Plan – Zoning Consistency**

30 Mr. Lamphere said the Comprehensive Plan was approved in September and included the Future Land Use Map. We now need to ensure that zoning allows the Future Land Use plan to be implemented and asked for policy direction from the Board. Our Zoning and Land Development and Subdivision Regulations all must be consistent with the Future Land Use Map and our Comprehensive Plan.

35 Mr. Levesque said the old law had the Comprehensive Plan trump everything. The legislature changed the law such that now zoning will continue to trump until existing zoning conforms to the Comprehensive Plan.

Discussion ensued regarding Exit One.

40 Mr. DiOrio suggested we get our vision together and not let business change it, avoiding a Granite Street or a Route 2. He said we should develop a vision, hold on to it, and when a request for a zone change comes in, we say no.

Mr. Lamphere said that is the function of the Planning Board and the Town Council to do just that, but in practice, individual projects can alter visions.

45 Mr. DiOrio said the vision can be altered when the triangle is not thinking the same way; the Zoning Board, the Planning Board, and the Town Council.

50 Mr. Lamphere said the second area of concern is the creation of an open space/conservation zone and what it should be called.

Mr. Levesque said open space and conservation have different uses; some will be restricted to very limited use and others may be opened up to more expansive use. The Board has to draw the line.

55 Discussion ensued.

Mr. Lamphere said the third area is privately owned parcels that are not consistent with the map, and will have to be reviewed individually.

5 Mr. DiOrio requested a map only for the Board's indicate the different uses of open space.

Mr. Levesque added that the Zoning Map would also have to reflect those changes

Discussion ensued.

10 Mr. Levesque said that as the Chairman previously stated, if we make the Future Land Use Map consistent with the existing, we create a map that has no vision. The intent is the vision you want to see the Town go in the future, not where it is now. Once you start pulling out properties randomly you start to lose the vision.

15 Mr. Lamphere said he has identified 62 parcels with issues.

Mr. Levesque asked him to put a quick summary in his next memo, of those properties for the Board to review and familiarize themselves with, and come back with solutions to resolve the issues.

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PLANNER'S REPORT

Mr. Lamphere said the Gravel Bank Ordinance will be before the Town Council for a Public Hearing on February 6.

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Mr. Lamphere anticipates bringing the Development Plan Review statute before the Board for changes in the next couple of months.

CORRESPONDENCE AND UPDATES: None

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PUBLIC COMMENT: None

DATE OF NEXT REGULAR MEETING: February 1, 2012

ADJOURNMENT

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MR. SIMMONS MOVED TO ADJOURN.
MR. ESCHER SECONDED THE MOTION.
ALL APPROVE.

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The meeting adjourned at 9:20 P.M.

Attest: _____
Lynda St. Amour, Planning Board Clerk

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Approved: February 1, 2012