

2 Mr. Javad said the lighting will be in the same location; they are only changing the fixtures.
4 The canopy lights are to be replaced.

6 Mr. Hart said the landscape plan has taken into account Mr. Harrison's comments from the
8 last meeting. There will be buffers between the bottomless sand filter and Mr. Harrison's
10 property.

12 Mr. DiOrio said the plan shows the dumpster and sand filter are sheltered from Mr.
14 Harrison's property.

16 Mr. Lamphere said the Planning Board is the review body for a project of this nature.

18 Mr. Levesque said design standards should be considered in this decision.

20 MR. WALKER MOVED TO APPROVE THIS PROJECT SUBJECT TO THE FOLLOWING CONDITIONS AND WITH THE
22 FINAL TO BE DONE ADMINISTRATIVELY:

- 24 1. THAT THERE WILL BE NO AUTO REPAIR ON THE PREMISES AND THAT THERE WILL BE THE
26 ABANDONMENT OF AUTO REPAIR AS A PRIOR NON-CONFORMING USE. THIS ABANDONMENT IS
28 TO BE NOTED ON THE FINAL RECORDED PLAN;
- 30 2. THE LIGHTING WILL COMPLY WITH THE TOWN'S DARK SKY ORDINANCE AND THE LIGHTING
32 PLAN SUBMITTED SHALL BE MODIFIED TO INCORPORATE THE COMMENTS OF PLANNING BOARD
34 MEMBER, MR. SIMMONS, WHICH WERE READ INTO THE RECORD;
- 36 3. THE HOURS OF OPERATION WILL BE LIMITED TO 6 A.M. TO 10 P.M.;
- 38 4. THERE WILL BE NO FOOD PREPARATION ON THE PREMISES;
- 40 5. THERE IS NO PUBLIC RESTROOM;
- 42 6. THERE WILL BE A PRIVATE WELL ONLY; NOT A PUBLIC WELL;
- 44 7. UPDATE LANDSCAPING TO SCREEN THE BOTTOMLESS SAND FILTER OWTS FROM ABUTTING
46 PROPERTY OF MR. HARRISON;
- 48 8. THERE WILL BE THE REQUIRED DEM APPROVALS FOR THE FUEL TANKS AND FOR THE SEPTIC,
50 INCLUDING SETBACK FROM NEIGHBOR'S WELL;
- 52 9. THE DOT WILL APPROVE THE PHYSICAL ALTERATION PERMIT; AND
- 54 10. THE FINAL PLAN WILL BE RECORDED IN THE TOWN CLERK'S OFFICE.

MR. WALKER SAID THIS MOTION IS BASED ON THE FOLLOWING FINDINGS OF FACT:
THE PROPOSED DEVELOPMENT

1. IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN;
2. COMPLIES WITH THE STANDARDS AND PROVISIONS OF THE TOWN'S ZONING ORDINANCE, TO
THE EXTENT THEY APPLY TO THIS PARCEL;
3. WILL CAUSE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS IF BUILT AS SHOWN ON
THE FINAL PLAN, WITH ALL REQUIRED CONDITIONS FOR APPROVAL;
4. HAS ADEQUATE AND PERMANENT PHYSICAL ACCESS TO A PUBLIC STREET, NAMELY ASHAWAY
ROAD;
5. PROVIDES FOR SAFE CIRCULATION OF PEDESTRIAN AND VEHICULAR TRAFFIC, FOR SURFACE
WATER RUN-OFF CONTROL, AND FOR THE PRESERVATION OF NATURAL, HISTORICAL OR
CULTURAL FEATURES THAT CONTRIBUTE TO THE ATTRACTIVENESS OF THE COMMUNITY;
AND
6. THE DESIGN AND LOCATION OF THE SITE, INCLUDING PROPOSED UTILITIES, DRAINAGE
IMPROVEMENTS AND OTHER IMPROVEMENTS, SHALL MINIMIZE FLOODING AND SOIL EROSION.

MS. DOUTHITT SECONDED THE MOTION.

MR. WALKER AND MS. DOUTHITT AND MS. DOYLE APPROVE. MR. DIORIO ABSTAINS.
MOTION PASSES.

MR. DiOrio recuses and Mr. Walker assumes the Chair.

2 Preliminary – Pelloni Residential Compound – Plat 4, Lots 121DD & 121EE – Diamond Hill Road. Anthony Pelloni, applicant.

4 Mr. Pelloni said he owns sixty (60) acres on Diamond Hill Road and is planning a family compound with one lot for his family and the balance to be sold to the Hopkinton Land
6 Trust. He has DEM approval and a wetland permit.

8 Mr. Levesque said they should go through the document the attorney prepared to address the right-of-way.

10

Mr. Lamphere said there are eight declarations of covenants in our Subdivision Regulations. This is a two lot compound with a one lot homeowners' association. Lot two does not front on the proposed right-of-way so it is not relevant to be part of the homeowners' association. One house could be built on the 52 acre lot. The Town of Hopkinton is removed from the homeowners' association. Mr. Pelloni owns Lot 121EE which contains the right-of-way. They may create a second residential compound in the future and it is set up so that could be accommodated. The 52 acre lot could not be further subdivided. First must be an administrative subdivision and then the compound. Both will be recorded with the residential compound which has provisions for the owners of 121EE to share the private drive.

12

14

16

18

20

22 Blanche Stevens asked if there could be other owners of this family compound within a few years.

24

Mr. Lamphere said it is not a family compound; it is a residential compound. In the future, Lot 121EE could be a second residential compound.

26

28 Lady in audience applauds giving the property to the Land Trust and saving the wildlife.

30 Mr. Pelloni said there are existing walking trails on the property which will be maintained and improved.

32

MR. WALKER ASKS FOR A MOTION FOR PRELIMINARY PLAN APPROVAL, WITH FINAL TO BE APPROVED ADMINISTRATIVELY, SUBJECT TO THE FOLLOWING CONDITIONS:

34

- 36** 1. THE RECORDING OF COVENANTS AND HOMEOWNER'S ASSOCIATION BYLAWS; AND
2. THE COMPLETION OF ADMINISTRATIVE SUBDIVISIONS REGARDING SWAP OF SMALL AREAS BETWEEN LOTS 121DD AND 121EE.

38

THE MOTION IS BASED ON THE FOLLOWING FINDINGS OF FACT:

40

1. THE PROPOSED RESIDENTIAL COMPOUND IS IN THE BEST INTEREST OF THE TOWN;
- 42** 2. HELPS PRESERVE THE TOWN'S RURAL CHARACTER;
3. PROVIDES FOR MODERATE DEVELOPMENT AROUND VILLAGE CENTERS AND MAKES IT AFFORDABLE FOR MORE PERSONS TO OWN LARGER PARCELS OF LAND SUITABLE FOR SMALL FARMS OR HOMESTEADS.

44

MS. DOYLE SO MOVES AND MS. DOUTHITT SECONDS THE MOTION.

MR. WALKER, MS. DOYLE AND MS. DOUTHITT APPROVE. MOTION PASSES.

46

Mr. DiOrio returns and resumes Chair.

48

Setting Bond – Cardinal Lane – Women's Development Corporation, applicant.

50

The applicant was not present.

2 Mr. Lamphere said the Board has received in their packets the bond amount, \$171,640.
4 There is not as much ledge as previous believed. Women’s Development Corporation has
6 also assured us that they can get insurance for bond. He sees no reason not to set the bond
8 in that amount, or at 20% higher, which is allowed. There should be a thirty (30) day limit
for the bond to be in place. Ms. Aitcheson has told Mr. Lamphere that Cardinal Lane will
be built in a couple of months, along with two duplexes which are now before the State of
Rhode Island for approval. The road is to be completed before summer is half through.

10 Mr. Levesque said completion of the road was tied to completion of the units.

12 Mr. Lamphere said he was previously told, two more duplexes and they will finish the road.
14 Ms. Aitcheson has now said she wants to complete the road before the next duplexes are
put in. He has cautioned her, that before Calson begins work, they should work with the
Planning Board and arrange inspections.

16 Ms. Capalbo said it sounds like a lot of hope and not reality. The road should be completed
18 before the houses. She asked if the bond covers Hopkinton Hill Road for damage that has
been caused, and if it includes utilities, etc.

20 Mr. Walker asked if \$171,600 is sufficient to cover all the work or just the road; does it
22 cover other improvements.

24 Mr. DiOrio said he does not see any line items.

26 Mr. Lamphere said the temporary berm has to be taken down to complete the work. The
28 bond is for damage. Hopkinton Hill Road does not seem to be damaged. The road is
adjacent to the berm which created a temporary detention basin.

30 Mr. Levesque said the bond anticipates it will capture all public improvements in Phase 3.
32 He does not know what that means as Cardinal Lane is Phase 1. The bond also says it is in
effect for one year until released. Mr. Levesque said it needs to be watched and should be
open ended. He asked if Mr. Tefft’s estimate captured all public improvements.

34 Mr. Lamphere said the estimate covers complete construction of Cardinal Lane. If Lot 34
36 erodes, it is Women’s Development’s problem.

38 Mr. Walker asked what utilities and public improvements are included.

40 Mr. Lamphere said the bond says roadway, utilities, and public improvements which are
42 owned by the public. Erosion control is not a public improvement. Drains will be owned by
the Town of Hopkinton. The bond includes ledge, base, pavement, landscape, and erosion
control. The \$171,000 covers everything within the public right-of-way.

44 Ms. Douthitt said there is nothing in it about drainage.

46 Mr. Lamphere said drains are already in place; they only need the remaining stretch of
48 Cardinal Lane.

2 Ms. Capalbo said that if this is adequate to protect the town, we are still dealing with the
4 road being built before the houses. Mr. Duhamel has said Hopkinton Hill's problems were
because Cardinal Lane was not created.

6 Mr. DiOrio would like Mr. Tefft to elaborate on his estimate.

8 Mr. Lamphere said Mr. Tefft reviewed it thoroughly and is foremost about protecting the
10 town.

12 Mr. DiOrio said Mr. Tefft should be made aware of the concern for other issues.

14 Mr. Lamphere said we could hold building permits until the road is built, as it will have an
effect on the road.

16 Mr. Walker said the issues are the amount of bond and deadline. The required bond should
18 be enacted within thirty (30) days or on commencement of construction of the road.

20 Ms. Capalbo asked if the road will be totally constructed before they build.

22 Mr. Levesque said he does not know of such an agreement; when a unit is sold, they will
build the road.

24 Mr. Lamphere said that if the Board is more comfortable with getting more information
26 from Mr. Tefft at the May meeting, Ms. Aitcheson could then also be here and address the
issues.

28 Mr. DiOrio asked if there was any objection that we postpone the decision for another
30 month while sending the bond to Ms. Aitcheson to be reworded. He asked if there were any
revised design plans since 2006.

32 MR. WALKER MOVES TO CONTINUE TO THE MAY 2 MEETING.

MS. DOUTHITT SECONDS THE MOTION.

34 MESSRS. WALKER AND DIORIO AND MS. DOUTHITT AND MS. DOYLE APPROVE. MOTION PASSES.

36 **Community Development Block Grant Application – CDBG – Consistency with the
Comprehensive Plan**

38 Mr. Lamphere has received 16 applications for this year. Tonight the Board is to determine
40 if there is any conflict with the Comprehensive Plan. He read through the list of the 16
42 items. Representatives from four of the groups who had submitted an application were
present. There will be a workshop with the Town Council solely on CDBG on Monday night
at 6:30.

44 MR. WALKER MOVED THAT THE SIXTEEN (16) REQUESTS IN THE MEMO DATED MARCH 28, HAVE BEEN
REVIEWED, AND THE BOARD FINDS NOTHING IN CONFLICT WITH THE COMPREHENSIVE PLAN.

46 MS. DOYLE SECONDED THE MOTION.

48 MS. DOYLE, MS. DOUTHITT AND MESSRS. WALKER AND DIORIO APPROVE.

MOTION PASSES.

50 **Comprehensive Plan – Zoning Consistency**

52 Mr. Lamphere presented Revision Four of the Future Land Use Map. He has made forty-
five (45) changes to the Future Land Use Map and thirty (30) changes to zoning.

2 Mr. DiOrio wants is comfortable with moving this forward to the Town Council.

4 The Board agrees.

6 MR. WALKER MOVES THAT THE PLANNING BOARD REQUEST A JOINT WORKSHOP, AT THE COUNCIL'S
8 CONVENIENCE, FOR THE THOROUGH DISCUSSION OF CONSISTENCY WITH OF THE FUTURE LAND USE MAP
WITH THE ZONING ORDINANCE.

MS. DOYLE SECONDS THE MOTION.

10 MESSRS. WALKER AND DIORIO AND MS. DOUTHITT AND MS. DOYLE AGREE.
MOTION PASSES.

12 Mr. DiOrio asked if the map will have legend data on the parcel to scale the individual lots.

14 Mr. Lamphere said the new State law has zoning trump the Future Land Use Map.

16 Mr. DiOrio would like to see a map with both elements on it.

18 **PLANNER'S REPORT:** None

20 **CORRESPONDENCE AND UPDATES:** None

22 **PUBLIC COMMENT:** None

24 **DATE OF NEXT REGULAR MEETING:** May 2, 2012

26 **ADJOURNMENT:**

28 MR. WALKER MOVED TO ADJOURN THE MEETING.
MS. DOUTHITT SECONDED THE MOTION. ALL APPROVE.

30 The meeting was adjourned at 9:00 p.m.

32
34 Attest: _____
Lynda St. Amour, Planning Board Clerk

36
38 Approved: May 2, 2012