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for five year terms; the authorization for the Town Clerk to advertise for bank run gravel, overlaying sections of town roads, washed sand for oiling of town roads, winter sand for salt delivered to the Highway Department, five 30 yard dumpsters, removal of paper & tires containers for recycling, monitoring of wells, and survey of landfill; authorization for the Town Clerk to advertise for a clerk for the Planning Board; set July 16, 1990 as a date to meet with John Loiselle of Fleet National Bank as requested by the Town Treasurer. UNANIMOUS

SO VOTED

The Council opened bids for the Hope Valley and Ashaway Tennis Courts as follows:

Cit Cape & Island Tennis

Copeland

Joyce Construction Co.

Jerry Coffee Com.

A motion was made by Councilor McGiveney and seconded by Councilor Henson to refer the bids to the Recreation Commission for a recommendation. UNANIMOUS

SO VOTED

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A motion was made by Councilor Henson and seconded by Councilor Corrigan, in accordance with our authority under 45-24-5 of the General Laws, I move that we approve the application of Brae Bern Limited Partnership and Mary Palmer and James Romanella Son, Inc. for a change of zoning district for lots 47, 47A, 47D, 38, and 39 on Assessor's Plat 11 from Light Industrial and RFR, to a mixed-use zone as requested for the following reasons and with the following restrictions and/or conditions:

1. The developer, Hal Henry, testified that he proposed

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to construct on this almost 300 acres of land just off Routes 95 and 3, a "destination resort" comprised of a golf course, a hotel and conference center with a combined maximum of 200 rooms, a country club, and 165 units of cluster residential housing. Mr. Henry provided the demographic and economic statistics that indicate the need for these services and their excellent likelihood of success in this location.

2. The proposed uses will be in accordance with the Town's comprehensive plan in that they are appropriate to the area, will not have any detrimental impact on the surrounding properties as testified to by Petitioner's expert Stephen McAndrew, and will be constructed in such a way as to preserve the rural flavor of the area. Mr. McAndrew further testified that the proposed use is more in harmony with the surrounding area than a light industrial use, and that the proposed uses would merely be expanding on current uses, not introducing entirely new uses.
3. The proposed uses will be a less intensive drain on the land, and will pose far less of an environmental risk than the currently permitted light industrial use to areas of critical concern to the town: the nearby ground water aquifer, glacial outwash and wetlands. The project's Manager, John Hart testified that approximately 90% of the site is outside any protected areas or zones of concern and that the proposed site plan was created in such a way that development

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has been directed away from these areas of concern.

4. Raymond Schwab, a civil engineer with over 30 years experience, testified with respect to the care taken to develop appropriate ISDS systems for the project, which systems have been designed in cooperation with DEM personnel who have approved the concepts. He further testified to the attention given to surface water run-off issues and intended water recirculation.
5. C. Richard Sgoglie, a turf grass agronomist for 30 years, testified that the types of pesticides, fungicides, insecticides, and herbicides necessary for maintenance of the golf course would pose no danger to either the ground water supply or other environmental concerns. John J. Kupa, the Director of graduate curriculum in Community Planning and the Environment at URI, similarly testified that the use of the land in this planned and considerate way would pose no hazards to the environment, and was sufficiently removed from the aquifer to pose no threat at all.
6. The Planning Board, while not specifically approving the project at this stage, did state that the Board approved of the concept and its application to this site, but wished the Council to adopt and subject the applicants to a Planned Unit Development Ordinance if the application is granted so that the Planning Board will have the tools necessary to appropriately evaluate and manage this project. The Board stated that if the Council

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so acted, it would have no objections to the applicants' requested zone change.

7. The Conservation Commission expressed concern with the use by the applicants of the golf course to meet their open space requirements and suggested that there may be more wetlands on the site than is shown on the applicants' diagrams. Sarah Porter stated that the Commission was not opposed but had strong reservations. The Planning Board assured the Council that an ERT would be a necessary requirement of their consideration of the specifics of this project.
8. The applicant further presented an unnotarized petition containing approximately 250 names in support of the project.
9. It is clearly in the best interest of the Town to attract beneficial and clean businesses to appropriate locations in Town. This project when completed will boost tourism in the entire South County area, will provide approximately \$720,000.00 in various types of tax revenue and add approximately 53 million dollars, and 46%, to Hopkinton tax base. It will further create 283 new jobs.
10. The project as proposed bears a reasonable relationship to the public health, welfare, and safety by promoting growth in an area ideally suited to this project without offering any associated problems for either the surrounding community or the balance of Hopkinton.

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11. This application is granted subject to the following restrictions:

- a. The applicants recognize that the Town is in the process of adopting a Planned Unit Development and a Site Plan Ordinance. If a Planned Unity Development and a Site Review Ordinance is adopted by the Town at any time during the course of this project, the applicants will be subject to all of the design and placement criteria and procedural requirements thereto contained therein.

Notwithstanding the above, the applicants shall not be required to appear before this Council again for the zone change or design aspects of this application.

- b. The maximum number of structures and the uses in this zone permitted in connection with this project shall be as proposed:
  - i. one hotel and one conference center having a combined total of 200 rooms;
  - ii one country club;
  - iii 165 units of residential housing;
  - iv one 18 hole golf course.
- c. The Planning Board, pursuant to ordinance, shall be responsible for all final decisions regarding the proposed placement, design, and implementation of the various aspects of this project in accordance with the requirements established in subsection b above. No building permits are to be issued until final detailed site plans, building layouts, traffic control plan,

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water run-off control plans, building plans, and other documentation shall be presented to the Planning Board for their consideration and approval.

- d. The text of the amendment to the zoning ordinance shall be in the form attached hereto and incorporated as Exhibit A.

Hal Henry and Attorney Naccarato expressed concern about being made subject to a PUD Ordinance, yet to be reviewed and adopted. They stated they felt comfortable with being subject to the Cluster Subdivision Ordinance and felt their compliance with that ordinance would afford the town protection and the Planning Board tools with which to work.

A motion was made by Councilor Henson and seconded by Councilor McGiveney to amend the motion and delete item 11.a. and add to item c. An ERT shall be required. The text of the Ordinance to be changed to delete the underlined portion 16, paragraph 5, to delete from the words, "or if a Planned Unit Development etc".

Councilor Corrigan stated he was being forced to vote against something he was very much in favor of since the project would not be required to comply with the proposed PUD and Site Review Ordinances. He said he had serious concerns about the Boards and Commissions not having the elements in place to control a project of this magnitude.

IN FAVOR OF THE AMENDMENT: Johanson, Henson, McGiveney

OPPOSED: Corrigan

AMENDMENT SO VOTED

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IN FAVOR OF THE MOTION AS AMENDED: Johanson, Henson,  
McGiveney

OPPOSED: Corrigan

AMENDED MOTION SO VOTED

The record is to note that Councilor Devin was not present for the Brae Bern decision.

The Council opened a hearing on Sub-division Ordinance 102 recommended by the Planning Board and the subject of a previous workshop.

A motion was made by Councilor McGiveney and seconded by Councilor Henson to adopt Chapter 102 as presented.

UNANIMOUS

SO VOTED

A motion was made by Councilor Henson and seconded by Councilor Corrigan to grant the request of the Chief of Police for use of 9 MM Semi-Automatic weapons by the Police Department subject to them being purchased by the individual members of the Police Department.

Councilor Henson explained that the request had the approval of the Police Commission, that it is done in other departments, the chief has all intentions of being sure the officers qualify with the weapons and the town would not be liable.

Councilor McGiveney stated that he did not feel weapons of this nature were required in a town the size of Hopkinton.

Joseph Fish of Evans Lane, a town resident questioned why they would buy 9 MM weapons when 10 MM is better and safer. He stated that new automatic weapons are