

2 Claudia Peduzzi, 50 Hopkinton Hill Road, asked, if the bond is only for the right-of-
way, what about the rest?

4

Mr. Lamphere explained that the bond we are setting tonight is for the construction
6 of public improvements that will be done in the right-of-way. This bond does not
cover any issues that may be on individual lots or Hopkinton Hill Road. This bond
8 covers Cardinal Lane.

10 Ms. Peduzzi asked if the right-of-way of Cardinal Lane is the whole area where the
rest of the condos are going to be put up, or just a small piece.

12

Mr. Lamphere said it is the whole road bed, a fifty (50) foot wide strip of land that
14 intersects Hopkinton Hill Road in two places, and is about seven hundred (700) feet
long. The first point is when you immediately come in on the right. That little stub
16 is going to be continued up the hill and come out on to Hopkinton Hill Road where
the temporary berm is. The first berm at the end of the stub will have to come out to
18 allow access for the next duplex which is going to be built. Ultimately, the berm
near Mr. Ogren's property is going to come out when Cardinal Lane is built to plan;
20 it will no longer be needed.

22 Ms. Capalbo asked if they are building the whole road or are they building it in parts
that we will not accept.

24

Ms. Aitcheson responded that the bond is for the entire road, which will be built at
26 one time. They do not know at this time when the road will be built. When they are
ready, they will meet with the Department of Public Works. The bond will be in
28 place as of tomorrow.

30 Ms. Capalbo said that also means that the bond will be in place and the road will not
be built. She asked, how long does that bond last?

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Ms. Aitcheson said the road will be built as soon as she gets the funds, and hopes to
34 build it this summer. If she has the funds in two weeks, she will meet with Public
Works and they will build the whole road at one time; there will be no piecemeal of
36 six pieces of road. The bond will stay in place until the road is in place.

38 Mr. Escher suggested adding a percentage for the unforeseen that may arise and
suggested an additional ten percent (10%).

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Ms. Capalbo asked, if the road is not built in six months or a year, is there a
42 provision in this bond to allow the bond to go up to cover future costs.

44 Ms. Aitcheson said it is her understanding that a bond is for the completion of the
scope of work, to complete that project. The bonding company agrees to a bond for
46 an amount to do the work. The bonding company takes the risk, like an insurance
policy, and they have to provide that road, no matter what the cost.

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Mr. Levesque said if we had a concern that the bond needed to be reassessed, we can
50 call the applicant back and renew it.

2 Mr. Capalbo asked if the road will be built before the second duplex.

4 Ms. Aitcheson said they had a meeting with Mr. Levesque, Mr. Igliazzi, Fuss &
6 O'Neill and Mr. Lamphere last September, when it was agreed they could put up
two more duplexes, or four units, before they complete the road. If she finishes two
more buildings, she has to complete the road.

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10 Mr. Levesque added that the concern at that point was to get a deadline as to when
the road was actually going to be built, meaning, walk away from, top coat is on, and
12 the Town is ready to accept it. At this point, what has to happen is to get the rest of
road in some form of development so that the condos that are being worked on have
adequate and safe access. This has not yet been discussed by this Board, or anyone.
14 This could be any measure of things, from having some kind of an access point to the
intended new sites, to requiring binder from the stub to the end of the road at
16 Hopkinton Hill.

18 Ms. Aitcheson said it was agreed that they will do whatever the Department of
Public Works wants and is needed for the access.

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22 Mr. Levesque said this Board thought that it required putting the road base and the
binder from the stub to the other end of the road, meeting with Hopkinton Hill,
before the condos go in. He does not think that has been addressed.

24

26 Ms. Aitcheson said they will start another house tomorrow if this bond is settled.
She will put up two more buildings with four units and get the road in. Her
understanding of the memo from last year was the time to finish the road was after
28 they finished the next two buildings. She will make sure the access to the road is
amenable to the Department of Public Works and the Fire Department.

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32 Mr. Levesque asked if she was suggesting they would be in agreement to put in the
rest of the road bed from the stub all the way back down to Hopkinton Hill.

34 Ms. Aitcheson said they have the road bed in. The Department of Public Works
would rather we not put the binder in but wait and do the binder all at once. They
36 will just do the gravel bed.

38 Mr. Levesque asked, can we agree tonight that they are going to put the binder in
for the entire length of the road, before they put in another condo.

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42 Ms. Aitcheson said that was not what was agreed at the last meeting; it was agreed
that she could put up two more duplexes before she finished the entire road.

44 Mr. Levesque said he understands about the finish part. He is talking about the
starting of construction and the binder.

46

48 Ms. Aitcheson said there is the base which is the ground. Then there is the gravel
which they were planning to put in. The binder coat would not go in until they could
do the whole road.

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2 Ms. Douthitt asked, you are going to have construction crews and trucks go in and
4 out on a gravel based road, building houses through the summer, kicking up a lot of
dust?

6 Ms. Aitcheson said there is no dust from a gravel base. Mr. Tefft would rather they
8 did the binder coat, the first coat of asphalt, after they have everyone coming in and
out, and do it once.

10 Mr. Levesque said I know what you are saying, I just don't understand why. That is
an issue for the Board.

12 Ms. Aitcheson said they are trying to protect the bed.
14

16 Ms. Douthitt asked, is the heavy equipment brought in to complete a couple of
buildings and to move people in, going to be on a rough based road?

18 Ms. Aitcheson said because you don't want to wreck the base.

20 Ms. Douthitt asked, and none of that will be washing into the main road or filling up
ditches or drains?

22 Ms. Aitcheson said no. They will be responsible for that.
24

26 Ms. Douthitt asked, if any of that breaks down, washes down, or fills in drains,
someone will deal with it and it will be dealt with immediately?

28 Ms. Aitcheson said yes; it will be dealt with immediately. When she meets with Mr.
30 Tefft she will see which way he wants to go, and if she can, they will have the road
finished by September.

32 Ms. Douthitt asked, the two units will be totally finished?

34 Ms. Aitcheson responded, and hopefully people living in them.

36 Ms. Capalbo said, if you build those two buildings, you will put the road in, in full,
before you sell those four condos. You may not sell them for two years and we won't
38 get our road. For the health and safety of this community, that road needs to go in.
We cannot accept Hopkinton Hill until we know it is not going to be damaged by
40 trucks going in and out on gravel.

42 Ms. Aitcheson said you will have trucks going in and out on Hopkinton Hill because
all the houses have not been built. Their street does nothing to cause damage to
44 Hopkinton Hill Road. Any time their street affects Hopkinton Hill Road, they will
be responsible and will take care of it.

46 Ms. Capalbo asked, then you plan on selling these before you build the road?
48

50 Ms. Aitcheson response was, it could be.

2 Mr. Ogren is totally confused and said it does not make sense to him to put in gravel
so you don't damage the binder. You are going to sell two houses and then finish the
4 road when you have six more condos to build. He asked, are you saying you are
going to build those and damage the binder, or, is the road not going to be done until
6 all the condos are built?

8 Ms. Aitcheson said this is normal practice on their other sites. Build the units.
Build the road. It is very likely they will sell the units before the road is finished.
10 They will meet with the Department of Public Works and do what they need to do to
be sure that the road is safe and passable. She is hoping to have the road and four
12 units done by September. Under any circumstances, it is not possible to finish the
road and get all the approvals before she sells the units. Even if the road is not
14 accepted, they will make the road acceptable to what the Department of Public
Works and the Fire Department require.

16 Mr. Levesque said there are two issues the Board needs to decide this evening.
18 First, the Board has to set the bond so we have the financial security to protect the
Town in the event this road does not get built correctly. That figure is before Board
20 to accept or adjust accordingly. Second, to what degree do we require the applicant
to construct the remainder of Cardinal Lane in order to protect the health, safety
22 and welfare of both the residents that are there now as well as potential new
residents that will go into the condos that they intend to put in?

24 Mr. Simmons said he would have liked Mr. Tefft's opinion. The argument about the
26 binder not going in until the heavy equipment is done makes some sense to him.

28 Mr. Lamphere said Hopkinton Hill Road had a binder on it for several years before
the finish coat was put on. A road can be finished with a top coat, without having
30 any houses built in a subdivision, and then have all the contractors in there with
their trucks. Or, you could build the binder and leave the finish coat for later. He
32 has had ongoing talks with Mr. Tefft as well as Ms. Aitcheson. From the Town's
perspective, we want to see a road built properly and as soon as possible. Ms.
34 Aitcheson explained that the next two duplexes are needed to generate funds so that
the road can be built. He asked the Board, do you want to help facilitate this project
36 so that we get it done as quickly as possible and in as good a manner as possible?
He said it may be to the Board's advantage to let these building permits go through.
38 The bond will be in place tonight that will protect the Town. He was at the meeting
last September and believes what was agreed to was they would build the second
40 duplex, sell the units, take the proceeds from those units for building the third
duplex, sell those two units, and at that point they assured us, they would have
42 enough money to complete Cardinal Lane with the top coat.

44 Ms. Aitcheson said, exactly. She agrees. If Mr. Tefft determines that the binder
coat is a better way to finish the road, they will do it whatever is best to keep it safe
46 until they put the final coat on.

48 Mr. Simmons said that is how he understood it for the last seven months and does
not think the argument has ever changed; you need the money from the sale of the
50 unit in order to finish the road.

2 Ms. Aitcheson said she can have someone come in tomorrow and start the new
project on Monday.

4

Mr. Walker said the basic reality is that the economy has been bad. One affordable
6 condo has already been built with a stub road and nine more duplex buildings will
be built, two of which they are hoping to put in this summer and sell. If that
8 happens, it will generate enough money to finish the road. If we have a bond in
place and they go forward and build the two more units and they don't sell, there is
10 the possibility that we can call in the bonding company to come in and finish the
road. Presumably we could get a bond in place by the end of this week for the
12 amount that we set here. He asked Ms. Aitcheson if she has any issue with adding
the ten percent (10%) Mr. Escher has suggested.

14

Ms. Aitcheson agreed with adding ten percent (10%) to the bond amount, making the
16 bond \$190,000.

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MS. DOYLE MOVES TO SET THE BOND FOR \$190,000 AND TO BE PUT IN PLACE BY THE END OF THE
NEXT WEEK.

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MR. SIMMONS SECONDS THE MOTION.

MESSRS. WALKER, SIMMONS, ESCHER, AND MSS. DOUTHITT AND DOYLE APPROVE.

22

MOTION PASSES.

24

Discussion – Drylands Bill

Mr. Walker said information on the Drylands Bill has been circulated throughout
26 the town by email and was included in the Board's packets. He spoke with Mr.
DiOrio yesterday and adopted as their personal positions, subject to discussion here
28 with the Board, that this proposed legislation would legislate a number of details,
like zoning density, the ways of calculating yield plans for proposed subdivisions, the
30 way of accounting for wetlands, deep slopes, etc., which different towns have
different regulations in place for. Their general philosophy and approach is that we
32 have had in place State Statutes, the Zoning Enabling Act and the Subdivision
Enabling Act, that we have all lived with quite satisfactorily for a number of years.
34 Under existing legislation, all the towns, exercising their own individual visions,
have adopted their own zoning ordinances and subdivision ordinances and
36 regulations to set forth a vision for how their town is going to develop and look.
Hopkinton has done it one way, Charlestown another, South Kingstown still
38 another; there are 39 different ways that the towns and cities have adapted to this
same legislation in accordance with their individual visions. Some of this legislation
40 may affect Hopkinton; maybe it wouldn't. His position would be that this legislation
ought to be rejected on principle as being an unwarranted intrusion by the General
42 Assembly on the individuality of our Town, and all of our neighboring towns, and
that the legislature has no business dictating to us what our zoning density is going
44 to be, how we are going to account for wetlands, steep slopes, etc. It is our business,
not the General Assembly's business. He and Mr. DiOrio suggest we deal with this
46 by recommending to the Town Council that they send correspondence to our General
Assembly Representatives and to anybody else from the General Assembly, the
48 Speaker, the Senate Majority Leader, and anybody else who is influential there,
telling them there is a strong sense in our Town that this legislation should be
50 rejected, that we have adequate legislation in this State already on the books, and
we don't need anymore.

2 Mr. Buford said with our zoning and subdivision regulations, our town would be one
4 of the towns not greatly affected by this piece of legislation. He is not particularly
6 happy that this legislation is coming from the state as every town has a different
8 situation. Local builders might gain something in other towns, but not in
Hopkinton, because of the way our rules are set up. He would much rather see
development in areas close to public transit, public sewers, and public water. He is
not an advocate for this but is looking for some wriggle room for a compromise to
help some builders.

10 Paul Roselli, Burrillville, Rhode Island, said since last year, when the proposed
12 iteration of the bill was before the municipal government committee and after
testimony was given, a new version of this bill was passed around. He reached out
14 to Mr. Buford, Scott Millar from DEM, the Audubon Society, URI, Clean Water
Action, Rhode Island Builders Association, and Kevin Flynn from Statewide
16 Planning and they all met twice during the past year. The economy now is in
remodeling. The Drylands Bill is not a way toward economic security or to help
18 builders. Remodeling is sustainable. There are a lot of regulations for new home
building but not many regulations for improvements. Taking away local control of
20 zoning and planning and putting it on a statewide level makes it a one size fits all.
Hopkinton may see nothing; South Kingstown's build-out has the potential to see an
22 increase of 760% showing that the bill's impact would be significant locally.

24 Mr. Walker said to consider that what is in this paper now in not necessarily what
emerges at the end of the General Assembly session.

26 Ms. Douthitt said by just skipping through the bill, she sees more harm than good.
28 She said we definitely should reject it for how it would affect our town.

30 MR. WALKER SUGGESTED THAT THE BOARD MAKE A RECOMMENDATION TO THE TOWN COUNCIL
32 THAT THIS PROPOSED DRYLANDS LEGISLATION WOULD LEGISLATE A NUMBER OF DETAILS FOR
WHICH DIFFERENT TOWNS HAVE DIFFERENT REGULATIONS IN PLACE. THE GENERAL PHILOSOPHY
34 AND APPROACH TO THIS LEGISLATION, IS THAT WE HAVE HAD IN PLACE FOR YEARS, STATE
STATUTES, THE ZONING ENABLING ACT AND THE SUBDIVISION ENABLING ACT, THAT WE ALL LIVE
36 WITH QUITE SATISFACTORILY FOR A NUMBER OF YEARS. UNDER THIS EXISTING LEGISLATION, ALL
THE TOWNS, EXERCISING THEIR OWN INDIVIDUAL VISIONS, HAVE ADOPTED THEIR OWN ZONING
ORDINANCES AND SUBDIVISION ORDINANCES AND REGULATIONS, TO SET FORTH A VISION FOR
38 HOW THEIR TOWN IS GOING TO DEVELOP. THE THIRTY-NINE TOWNS AND CITIES HAVE ADAPTED TO
THIS SAME LEGISLATION IN ACCORDANCE WITH THEIR INDIVIDUAL VISIONS. SOME OF THIS
40 LEGISLATION MAY AFFECT HOPKINTON; SOME WILL NOT. HE RECOMMENDS IT BE THE BOARD'S
POSITION THAT THIS LEGISLATION BE REJECTED ON PRINCIPLE AS BEING AN UNWARRANTED
42 INTRUSION BY THE GENERAL ASSEMBLY ON THE INDIVIDUALITY OF OUR TOWN AND ALL OF OUR
NEIGHBORING TOWNS. THE BOARD WILL THEREFORE RECOMEND TO THE TOWN COUNCIL, THAT
44 THEY SEND CORRESPONDENCE TO OUR GENERAL ASSEMBLY REPRESENTATIVES, TO THE SPEAKER,
THE SENATE MAJORITY LEADER, AND ANYBODY ELSE WHO IS INFLUENTIAL THERE, STATING A
46 STRONG SENSE IN OUR TOWN THAT THIS LEGISLATION SHOULD BE REJECTED, AND THAT THERE IS
ALREADY ADEQUATE LEGISLATION.

48 MS. DOUTHITT SO MOVES.

MR. ESCHER SECONDS THE MOTION.

50 MESSRS. WALKER, SIMMONS, ESCHER, AND MSS. DOUTHITT AND DOYLE APPROVE.

MOTION PASSES.

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2 **PLANNER’S REPORT:**

- 4 ♦ Mr. Lamphere has included in the Board’s packets, two administrative subdivisions that he has recently approved.
- 6 ♦ The Town Council will set the date for a joint workshop of the Planning Board and Town Council on zoning consistency on May 7.
- 8 ♦ On May 21, the Town Council will hold a public hearing on extending the Building Cap portion of the Growth Management Ordinance for another ten (10) years.
- 10 ♦ The CDBG materials have been submitted to the State.

12 **CORRESPONDENCE AND UPDATES:** None

14 **PUBLIC COMMENT:**

- 16 ♦ Ms. Capalbo informed the Board that from 2008 through 2011, the Town has had between 19 and 22 distressed properties each year, or approximately 1% of the Town’s dwellings.

18

DATE OF NEXT REGULAR MEETING: June 6, 2012

20

ADJOURNMENT:

22

MR. SIMMONS MOVED TO ADJOURN THE MEETING.

24

MR. ESCHER SECONDED THE MOTION. ALL APPROVE.

26

The meeting was adjourned at 8:05 p.m.

28

Attest: _____
Lynda St. Amour, Planning Board Clerk

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Approved: