TOWN OF HOPKINTON
PLANNING BOARD

REGULAR MEETING

Wednesday, January 5, 2022
6:00 p.m.
Hopkinton Town Hall
1 Town House Road, Hopkinton, RI 02833

CALL TO ORDER:

Planning Board Vice Chair Ron Prellwitz called the meeting to order at 6:02 p.m.

MEMBERS PRESENT:

Planning Board Vice Chair Ron Prellwitz, Planning Board members Carolyn Light and Keith Lindelow, Planning Board alternates Cecil Wayles and John Pennypacker, as well as Planning Board Solicitor Maggie Hogan, Town Planner Jim Lamphere, and Senior Planning Clerk Talia Jalette were in attendance. Planning Board Chair Al DiOrio, Planning Board Vice Chair Emily Shumchenia, Conservation Commission Liaison Deb O'Leary, and Town Council Liaison Sharon Davis were absent.

PRE-ROLL FOR FEBRUARY 2, 2022 PLANNING BOARD MEETING:

Mr. Prellwitz, Ms. Light, Mr. Lindelow, Mr. Pennypacker, and Mr. Wayles all stated that they would be in attendance at the Feb. 2nd meeting.

MINUTE APPROVAL EXTENSION REQUEST, PURSUANT TO RI GENERAL LAW 42-46-7(b)(1): December 1, 2021 Regular Meeting Minutes

Ms. Jalette appeared before the Board and explained that she needed "additional time to complete the minutes". She explained that she was "about 10 minutes away from being done with the minutes from the October meeting", and that recording the minutes for that four-and-a-half-hour long meeting, where "a lot of very important stuff was said", had consumed her time. She said that at their next meeting, she hoped to have a "flurry" of minutes for the Board to approve. The Board accepted Ms. Jalette's explanation.

Ms. Light made a motion to accept Ms. Jalette's request. It was seconded by Mr. Lindelow.

In Favor: Prellwitz, Light, Lindelow, Pennypacker, Wayles
Abstain: None.
Opposed: None.

5-0, the motion passed.

Mr. Prellwitz congratulated Ms. Jalette on "all the good work" that she did, and joked that they were looking "forward to the *War and Peace* novel you're going to present us with." Ms. Jalette laughed.

OLD BUSINESS:

Continuance Request - Preliminary Plan – Public Hearing – <u>Brushy Brook</u> – 140-Unit Comprehensive Permit – Plat 32, Lots 1, 4, 6, 8, 10, 12, 14, 16, 17, 21, 23, 25, 27, 30, 32, 34, 36, 38, 40, 41, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 63, 65, 67, 68, 69, 70, and 71, located at 130 and 0 Dye Hill Road, 0 Brushy Brook Drive, 0 Wedge Road, 0 Green Lane. LR6-A Owner, LLC., and Realty Financial Partners, applicants.

Mr. Prellwitz asked Mr. Lamphere about the extension request that had been made by the applicant. Mr. Lamphere stated that their packets included an e-mail exchange with William Landry, the attorney for the applicant, who was "requesting a continuance of this Preliminary Plan Public Hearing to the March 2nd agenda." He said that he would suggest that the Board make a motion to approve the continuance, and state that that meeting would begin at 7:00 p.m., as the Board had expressed interest in returning to their previous start time. He said that they would also need an extension of the decision deadline, and suggested April 6th.

Ms. Light made a motion to continue the Public Hearing on the Brushy Brook Comprehensive Permit Preliminary Plan until March 2nd, at 7:00 p.m., at the Town Hall. She also made a motion to extend the decision deadline through to April 6th, 2022. Mr. Lindelow seconded. There was not any further discussion.

In Favor: Light, Lindelow, Pennypacker, Wayles, Prellwitz
Abstain: None.
Opposed: None.

5-0, the motion passed.

NEW BUSINESS:

Request to Release Escrow Funds – <u>Rockville Mill</u> – Comprehensive Permit – Plat 30, Lot 43, 332 Canonchet Road. Rockville Mill Hopkinton, LLC., applicant.

Mr. Lamphere explained that the Rockville Mill Comprehensive Permit project had been approved by the Planning Board on Nov. 3rd, 2010. He stated that on March 3rd, 2013, "the developer came back to the Planning Board, seeking an amendment to that final approved plan." The Board had approved the amendment, but incorporated "several conditions". The first condition was that the applicant had to "post, in escrow, $6,000 to put in the correct fence, that should have been put in initially". The second condition was to post in escrow "$3,000 for lighting bollards that needed to be put in". The third condition was that the applicant had to post $500 in escrow for "one bench that needed to be put in there". The total amount that the applicant had to place in escrow was $9,500, and the Planning Board had dictated that that money would not be released "until those things were accomplished." Mr. Lamphere stated that

those conditions had been satisfied by the applicant, and that he had provided the Board with "a whole bunch of background information" on the subject, including an e-mail from the direct neighbor, commending the applicant on the fence that they installed. He recommended that the Board "authorize the Finance Director to release the $9,500 that the Town is holding in escrow for those items" to Rockville Mill Hopkinton, LLC. He explained that Rockville Mill Hopkinton, LLC "is now the new owner of that project."

Mr. Prellwitz thanked Mr. Lamphere, and said that it was his understanding that the conditions had been satisfied and that the work had been "completed to the satisfaction of everyone". Mr. Lamphere said that that was correct. Ms. Light had a question.

She said that she was "familiar with that structure", as it houses the "smallest Post Office in the United States". She said that there were "water issues" in the past, "which actually kind of forced their, um, low-income funding to come to an end, and the place was emptied out". She said that she knew that "it's occupied now", and that there was "no way to confirm that the issues with the water are resolved." She wanted to know if Mr. Lamphere had "heard anything about that." Mr. Lamphere replied that, to his knowledge, "the water issue had been resolved". He reiterated that the project had "quite a history behind it", as it had gone into receivership, and come out of receivership with the current owner. He explained that when it was in receivership, "it was even without a building manager for quite some time." He also said that they "have trouble heating the place, because it's poorly insulated", and Rhode Island Historic Preservation "wouldn't allow them to insulate" the stone structure "because of historical reasons". He said that they "run through propane gas trying to heat that thing like, like it's goin' out of style." He said that the earlier management company that had been in place "walked away", and that he had gotten "involved with the press" and the owner, who was "having trouble". Mr. Lamphere said that he "dove into it", and "worked with Rhode Island Housing" and Northeast Water Solutions at the time to provide a resolution. He repeated that it was his "understanding that the, that the water situation had been resolved – otherwise, they, they wouldn't have people populated in there." He said that, at one time, Rhode Island Housing "was encouraging people to take their vouchers and seek housing elsewhere". Ms. Light replied that that was what they did. Mr. Lamphere said that, as a result, they had "a building that was almost, almost vacant for a long period of time." He said that the current developer "went through the building pretty well", and "they put a lot of improvements in there." Ms. Light said that it was now "viable for people to live in", and Mr. Lamphere agreed. They confirmed that it is affordable housing, and Ms. Light mentioned "the concern that that dropped off the face of Hopkinton's list of affordable housing for that period of time was problematic in the back of [her] mind, because it screws up where we were at with it, because it's such a big, big place." She said that that was why she was "inquiring about the water", and she was glad that Mr. Lamphere was "so intimate with that project, because it means that it's stable", and they could "depend on it being there" in the future. Mr. Lamphere said that the Building and Zoning Department had "worked with the new developer, uh, very closely, and they are, they are obviously satisfied with the work that's done there", and that it was in "much better shape than it was previously." Ms. Light agreed, and said that it was "good to hear". Ms. Light said that it was now time for a motion, unless other Board members had questions or comments. The rest of the Board did not have any further questions.

Ms. Light made a motion for the Planning Board to approve authorization for the Finance Director to release a total of $9,500, being held in escrow, for the lighting bollards, playground benches and the abutters' fence to Rockville Mill Hopkinton, LLC. It was seconded by Mr. Lindelow.

In Favor: Prellwitz, Light, Lindelow, Pennypacker, Wayles
Abstain: None.
Opposed: None.

5-0, the motion passed.

Ms. Light thanked Mr. Lamphere for his work, and asked Ms. Jalette if Mr. Lamphere was going to leave his "cheat notes" behind upon his retirement. Ms. Jalette said that he was, and that she already had access to some of those documents, and then laughed.

Pre-Application – Roy Dubs Ramrod Farms, LLC – 7-Lot Major Residential Compound Subdivision – Plat 9, Lot 1H, 0 Dormar Road. Roy Dubs Ramrod Farms, LLC., applicant.

The applicant was not in attendance when the agenda item was presented. Mr. Prellwitz asked Mr. Lamphere if they should "table this for a time when they can actually be here." He replied that he did not know if that was "necessary", as he thought that he could "handle a little bit of it." Mr. Prellwitz said that it seemed "pretty straightforward". Mr. Lamphere explained that it was a pre-application, so the applicant would appear before the Board again with a preliminary plan, and that they would "most likely have a representative here" at that time. Mr. Lamphere explained that Mr. DiOrio had done the work on the proposal, and that he couldn't be there to propose it anyway, as he was absent from the meeting. Mr. Lamphere said that it was his understanding that Mr. Dubs was going to attend, and that he would assist Mr. Dubs if necessary, but that it was fairly straightforward.

Mr. Lamphere said that he had received an e-mail from Mr. DiOrio where he sought input from the Board on "three questions."

Mr. Lamphere: "The first is, uh, seeing that this is a residential compound, which relies on a private roadway, which was created for the earlier residential compound - the Ordinance allows for the arrangement, although it's not often implemented – the applicant wants to ensure that the Planning Board acknowledges that this is acceptable. Basically, whether it's acceptable to have two residential compounds share a private roadway. Yes, it's in the Ordinance. It can be done. That's, that's my opinion to you, so, so that's, that's the first question that, that Mr. DiOrio is interested in. Second one is, uh, just to summarize it, uh, they want to know if any upgrade of the existing private roadway would be a part of this application. Again, that would be up to the Planning Board to decide that. I would suggest – I would recommend to the Planning Board that, because of the length of this private driveway, and the number of housing units off of it, that at least we have it peer reviewed by Crossman Engineering, happens along here, take a look and see if there's any, um, any engineer, engineering issues that need to be addressed up there, as far as drainage and whatnot. So, I – that would be my recommendation to the Planning Board on that one. And then the third one is whether they have to, uh, do a perimeter survey of the entire

100-acre property that this is coming out of. Now, as a, as a general practice, I have never required developers to do perimeter surveys of, of anything close to a hundred acres when they're only carving one lot out for a house, two lots out for a house. It's really irrelevant, um, for the purposes of something like that, to do a whole boundary, uh, survey, so I've never required it on anything that, that I had to do, for example – administrative subdivisions, or, or whatnot."

Mr. Prellwitz began to speak, but then deferred to Mr. Lamphere. Mr. Lamphere said that was his "general rule", and "if somebody was gonna develop the entire 100 acres and maximize it, then, certainly, yes", an entire perimeter survey would be necessary. He explained that "the types of subdivisions that have come before" the Board in "recent years" were one-lot or two-lot subdivisions, "coming out of a large tract of land", so he "never saw the necessity to incur those types of costs on someone, on a landowner, to, to survey a hundred acres, when all they're doing is" something small. He said that he "never asked anybody to do anything that didn't make perfect, logical sense, and that wasn't in the regulation."

Mr. Prellwitz replied that the Board knew "the quality of work that Al [DiOrio] does in his profession", and, as Mr. DiOrio had surveyed "all the lots there", he said that "to add anything else to it seems counterproductive in the long run". He thanked Mr. Lamphere for his comments. Mr. Prellwitz then asked Mr. Lamphere if that meant that the Board could say that the "pre-application is fine, and they can move on to the next step." Mr. Lamphere replied that if that was the opinion of the Board, they could proceed in that fashion. He reminded them votes were not taken at the pre-application stage, and that the "pre-application is an informal exchange of ideas" between the applicant and the Planning Board. He explained that that if the applicant was in attendance, there would have been such an exchange between the parties, and then "the applicant, in turn, would take those comments" from the Board and "factor that into the development of their preliminary plan." He said that the Board had heard his "little spiel here", and they had seen their packets, so, if there were any comments that the Board members had individually, they should "express them now and they'll be incorporated in the minutes and they will get to the developer, um, for the next time." He said that he thought that the second point that Mr. DiOrio had raised was the "most important" – if there were going to have to be upgrades to Dormar Road, "which is a private road". He said that he didn't know if the Board had seen the roadway yet. Mr. Prellwitz said that it was his personal opinion that they should have Crossman Engineering "come in and peer check it". Mr. Prellwitz then said that Ms. Hogan had a comment. She said that she "would be very hesitant to give, uh, an applicant, you know, a consensus or feel that they're not going to be required to upgrade an existing private roadway under the information that we have." She said that there was "absolutely no information on the condition of the road", and Ms. Light suggested that they follow Mr. Lamphere's recommendation. Ms. Hogan said that the applicant should "file what [they] want to file", and the Board would "address it at that time, but there are no assurances from a pre-application meeting that anything is going to happen – particularly when the applicant's not here to have a conversation with you, um, and this, you know, 'wants to ensure that the Planning Board acknowledges this is acceptable' – again, I'm not quite sure what he's referring to here." She continued.

Ms. Hogan: "Again, if there's some implication that, 'Alright, well, we showed that to you at pre-app, and, you know, we get to do this,' um, there, there's no votes taken, so I don't know

how you can give that kind of assurance at a pre-app. I would say that, um, you know, the issues of the road are clearly going to be something that's gonna be considered at the next stage of review, so, I, I'd just be cautious."

Mr. Prellwitz asked Ms. Hogan if it would be "inappropriate for us to suggest, or to request a peer review for the road." Ms. Hogan replied that it was "absolutely not inappropriate", and he replied that it seemed like "the prudent maneuver right now". Ms. Hogan replied that she thought the message the Board was sending to the applicant was that when they file their application, they would "be looking for" a peer review. Mr. Prellwitz thanked her, and said he understood. Ms. Light said that she thought that the Board would "want to make sure that any changes that might occur as a result of the Council's requests for, uh, review by the Planning Board" wouldn't "impact what's going on there too." Mr. Pennypacker said that those were proposals, not rules yet, and Mr. Prellwitz said that he thought that the proposal would be "kind of grandfathered". They turned to Ms. Hogan for advice. She said that he understanding of what the Town Council was "looking to do here is" was to "basically create a list" of the roads in Town. She said that she didn't "see how that would impact any applications". She said that the second proposal was related to 911, and that they could discuss it at that time. Ms. Hogan noted that Ms. Jalette had "identified some concerns" with the proposals. Mr. Pennypacker said that he "had a couple of thoughts" on the proposal. He said that he had looked at the documents online, so he didn't have the other accompanying documents, so he didn't know if this proposal was "Phase B or Phase C", or if there would be proposals after the one before them on the property. He noted that there were 105 acres of open space remaining, and he wanted to know if that was "going to stay open space" or if that would be "developed kind of willy-nilly as needed." He asked what the "trajectory of this" would be in the "long-term". Mr. Lamphere replied that some of the land "would be consumed by this residential compound", and that what they had out there now was Dormar Road, a private road with a residential compound on it. He said that the guidance Mr. DiOrio was looking for was whether or not the Planning Board would have an objection to putting a second compound off of that existing road. Mr. Lamphere said that that information was included in the narrative, and that he stated that the design may be reconfigured if the Board was not amenable to an extension over Dormar Road. Mr. Lamphere said that the proposal was going to have to abide by the Inclusionary Zoning Ordinance, so they would need eight units. He stated that what had been provided to the Board was a concept plan "which is going to change somewhat" between now and when the preliminary plan would be presented. Mr. Lamphere summed it up by stating that this was a second compound. Mr. Pennypacker said that there wouldn't be any "assurances that this will remain open space". He continued.

Mr. Pennypacker: "So, as soon as these eight houses are sold, they could come in and put in another residential compound that surrounds the perimeter of that cul-de-sac, and when – and that's just that, that could be the way they do it. So, this could end up being a very dense development that kind of trickling in. I, I, I would like to sort of know what the, the grand scheme of this is – what's it going to look like when it's done? Um, versus just sort of like, 'Well, you know, let's just carve off a little bit here and carve up a little bit there willy-nilly', because it's, it's evident that this is an industrial enterprise designed to, to, to commercialize this land and sell it for a profit with homes on it – which is totally fine. I, I, I would rather know that they're going to put in 15 homes now than say, 'Okay, we'll do eight, and then we'll see what happens down the road.' You know what, what these people were promised, this nice country

setting in a cul-de-sac in the woods – turns out to be not that, I don't, I, I'm not comfortable, sort of, with the way that's going forth."

Mr. Lamphere said that if Mr. Pennypacker looked at the residential compound ordinance, it included "almost like a form of a contract as to what the entirety of this parcel is going to end up" being. He said that it also says "that no more than two residential compounds can share a private road, so, they would probably have to put in another private road somewhere to get the third compound". He then noted that the way the residential compound ordinance was interpreted was that, in terms of density, "if you have hundreds of acres of land", he would "look at the minimum numbers of acres that you would need for a certain" project. He gave the example that if there were seven lots, with a five-acre average, that would require 35 acres of the 100 acres. He said that when a person has "an abundance of acreage, we've never held them to, 'Okay, you cannot subdivide that property anymore", as "nobody would ever go along with that" because they would be "giving away far too much acreage". He said that the applicant could put the remainder of the land in open space, and that he would try to make it clear to Mr. DiOrio when the applicant appeared before the Board for preliminary that the Board wanted to see what was proposed for the remaining land in the future. Ms. Hogan interjected that Sheet 2 seemed to show that "the balance of the land, outside of the proposed lots [was] proposed to be open space." Mr. Pennypacker replied that it was labeled as open space. Ms. Hogan said that once the Board accepted it as open space, it would remain in that condition. Mr. Pennypacker said that that was what he was asking – if it was open space "because it's undeveloped, or is it open space because there's going to be some sort of commitment to preserving it". Ms. Hogan said that "in the absence of any other information, [she] would interpret this plan" as a "cluster kind of subdivision with open space, that will remain open space", but that she hadn't read the notes on the plan because they were "too tiny." Mr. Pennypacker said that that was where he was "looking for clarity". Ms. Light said that she would interpret that "open space" label as "this is the open space that'll be remaining after that development goes in". Mr. Pennypacker said that this discussion "matters" because of the perimeter survey request. He said that if the second compound was the final development, he didn't think that a perimeter survey would be necessary, but if the applicant was going to propose "putting in seven more houses somewhere", he thought that the perimeter survey would be necessary. He noted that there were wetlands on the property, and that they were "estimated, subject to mapping". He said that he thought that "those should be mapped out as well before we start making decisions." Mr. Lamphere said that he would concur with Ms. Hogan and Ms. Light – that what the Board was reviewing was a compound "with open space surrounding it". Mr. Pennypacker said that it would be fair to characterize that statement as his "expectation" for the project. Mr. Lamphere reiterated that the applicant was "kind of boxed into 'no more than two compounds'" can share a residential compound road, and rhetorically asked "how would that be developed, really". He said that Dormar Road would have to be turned "probably into a, a Town road", and Mr. Lindelow said that that would "end up being quite another conversation". Mr. Wayles said that the applicant could "bring in another road somewhere else", but "that plan would be on its own, and we'd have to approve or deny that one". Ms. Light concurred that that would be another, separate proposal. Ms. Hogan asked if there was an open space requirement for that first developed phase. Mr. Lamphere replied that "there is no open space requirement for a compound." Ms. Hogan noted that the remaining land that was being developed is "a very large parcel" with a "funny layout, given the size of the property, and the irregular shaped lots and whatnot". She said that

she didn't know "what's kind of driving that design". Mr. Pennypacker was also concerned about the irregular shape of the lots. He noted that on the plans, "to the right of the new road, there's that weird sort of space that's – it's, it's difficult", and said that they were "supposed to make roughly square lots", which were not depicted on the plan. Ms. Hogan then referenced a "squiggly line" that was going down into the cul-de-sac, and she asked if that was an existing driveway. Mr. Pennypacker said that it said "existing trail", and Ms. Hogan replied that that was why the project had been designed in that manner. Mr. Wayles said that he wanted to be sure that he understood the process – that the pre-application was where the Board told to the applicant "whether or not we're amenable to the idea of adding a second - or an extension - to this private road, or a second private road, not whether we're amenable to this private road, but just the idea of adding another private road to another private road."

Mr. Wayles: "We can still opt to get out of it, or disagree with it later -"
Ms. Light: "I think -"
Mr. Wayles: "But – that we have no issue with the idea of that?"
Ms. Hogan: "Well, if, if it's allowed by the regulations, it's allowed by the regulations, and that kind of ends the discussion."
Mr. Wayles: "Mhm."
Ms. Light: "And, Jim [Lamphere], I think that they're going to extend Dormar -"
Mr. Lamphere: "Yes."
Ms. Light: "Not – so it won't be a second, it'll just be an extension to the existing private road."
Mr. Lamphere: "Yes."

Mr. Wayles said that it looked like it "comes off the middle of it", and that it continued. Mr. Pennypacker said that he thought that the existing "spur would become a driveway". Ms. Light asked Mr. Pennypacker if he was familiar with the site. He said that he was familiar with Woodville Road. She asked if he knew where Foster Parrots is, and he said that he did. Ms. Light said that, based on the area, she didn't "see a fun, easy way for them to get a second road" for further development outside of what was being presented. Mr. Prellwitz said that it would be "definitely problematic" to bring a new road in. Ms. Light said that the open space on the plan "could very well just be protected because that's not a realistic option." She said that, based on that, and the guidance that had been provided by Mr. Lamphere, the Board couldn't "object to it", and that the project looked "great – it just needs to be tweaked, according to these concerns. Mr. Lamphere reiterated Ms. Hogan's earlier point, which was that the applicant had presented a pre-application, so the Board could "tweak this" to their satisfaction at the preliminary stage. He said that they could "issue any orders" that they wanted to, like "peer review", or that they could "suggest reconfiguration". He said that the pre-application was "to get the Board's impression", their "off-the-cuff impressions", for the applicant. He said that the applicant wanted to know what the Board was "thinking, basically."

Then, Mr. Pennypacker asked who owned the private road, and who was responsible for the maintenance of it. He asked if it was Mr. Dubs or a Homeowners' Association. Mr. Lamphere replied that it should be a Homeowners' Association. Mr. Pennypacker said that those were the questions that went through his head as he reviewed the proposal. Ms. Light said that she had the same question. She asked if there had been any maintenance done to the private road since it had been put in, and who was responsible for it. She said that the Board knew, "from other projects,

that just with the heavy construction equipment, there could be, um, damages." Mr. Lindelow asked what the roads would look like once the project was complete versus what they looked like now. Mr. Pennypacker said that if people wanted to "live on a Jeep trail", he didn't care. Mr. Wayles had a question about compound roads. Mr. Lamphere reiterated that two residential compounds could share the same private road. Mr. Wayles asked what would happen in 2030 – would "they know that this is two residential compounds, and not one residential compound, because it's all Dormar Road at that point". Ms. Light joked that Ms. Jalette would be around to "remind" the Board. Those assembled laughed. Mr. Lamphere said that they would have to do their research, and that all of this information would be recorded in the Clerk's Office.

Mr. Lamphere: "So you can go back and trace the history of how, you know, the genesis of all these lots."

Mr. Wayles asked if they would have to pull the history to ensure that. Mr. Prellwitz said that as it was a private road, that would give some indication anyone researching it. Mr. Lindelow asked who would pull the history. Ms. Light said that that was where the Planning Department came in. Mr. Lamphere returned to the Board's earlier question about who currently maintains Dormar Road. He wondered if there was an active Homeowners' Association right now. He asked where the new homeowners would fit in, and if would they join the existing Homeowners' Association.

Mr. Lamphere: "Because, there is – you can't just let these people maintain – pay and maintain – their little leg of this, because the people up front are gonna be complaining, 'Say, hey, listen – these people traverse across, across my road here', so, I think what we need to have here is, probably, one Homeowners' Association that's gonna chip in for the whole, the whole roadway – I would think."

Ms. Light agreed. Mr. Lamphere said that there should be a single Homeowners' Association, instead of two, to prevent disagreements on who would maintain the road and how it would be maintained. He referenced the difficulty that property owners with shared driveways face when it comes to maintenance. Ms. Hogan weighed in.

Ms. Hogan: "So, it could be that the developer has retained the ownership rights to the roadway, knowing that, in the future, he was gonna propose, you know, Phase II, and then incorporate it all into one Homeowners' Association. That's a possibility – I have no idea how long this other one's been existing, um, but, in order to be able to convey rights to the phase that they're proposing, he has to have retained sufficient rights to convey them to the parties that are gonna be buying these lots, and etcetera."

Mr. Lindelow asked if the existing property owners on Dormar Road would receive notification, or if there was "any process that they need to be involved in". Mr. Lamphere said that they would receive notice, as it was a major subdivision. He said that that would be done at the Master Plan stage. Mr. Lindelow said that "part of this" would be the applicant alerting the existing homeowners. Mr. Lamphere said that he was sure that they "would have something to say". Mr. Lindelow resurrected Mr. Pennypacker's earlier point about the perimeter survey. He said that if the new development was limited "just to this cluster", the Board would be "okay, under [Mr. Lamphere's] guidance" with not requiring the complete perimeter survey. Ms. Light

interjected that they could "ask that question" of the applicant when they appeared before them again. The Board members seemed to agree with that course of action. They said that they wanted "more details" on the proposal. Ms. Light asked Mr. Pennypacker if there was anything else that he had thought of. Mr. Pennypacker replied in the negative, and explained that he had just been "looking at the layout of the lots, and the access places". He said that he saw "a vision here that's not written down", and that "somebody is planning for the future here" that the Board needed more information on. Mr. Prellwitz asked if they were looking at a peer review for the proposal, and Ms. Light and Mr. Lindelow said that they were suggesting one, to investigate the "condition of the road". Ms. Light said that she wanted the applicant to "get input from the Homeowners' Association" – and Mr. Lindelow interjected, "If they have one" - or "whoever manages that road." Ms. Hogan said that the Board was "sending a message to the applicant – 'be prepared to address those questions, in-depth" at the Master Plan stage. Ms. Light said that that was correct, and that they also wanted to "find out what the final footprint is going to be". Mr. Prellwitz said that it seemed like they were "coming to a close" on that discussion.

The Board then discussed the weather as they waited for the next agenda item.

ADVISORY OPINION:

Advisory Opinion to the Town Council – Proposed Amendments to Chapter 17 – Streets, Sidewalks, and Other Public Places, Article II - Streets, Division 5 – Official Street Map. Proposed and sponsored by Town Councilor Bob Marvel.

Mr. Prellwitz asked if Mr. Marvel was in attendance. He was not. Ms. Jalette explained that she had "dove into this pretty heavily". Ms. Hogan jokingly asked her to approach the microphone, but Ms. Jalette was already sitting in front of the microphone that Mr. Lamphere had been using.

Ms. Jalette: "So, with the first Advisory Opinion – what I did was I explained what each of these sections says, in basic terms. Uh, the, the main thrust of this new div-, new division, within Chapter 17, is to create a list of streets in the Town of Hopkinton that are owned, managed, and maintained by the Town, as well as ones that are private. This one focuses more on private roads. Um, if you look at the draft that was put together, it does list, on the final page - the final two pages, actually, scratch that - the private roads that we have in Town, at this time. So, first, I want to begin by asking you if you have any questions about either my memo, or about the proposed, uh, amendments, for this particular division."

Mr. Pennypacker did. He said that there were "a lot of documents" and "some duplication here", and he asked Ms. Jalette if Division 5 dealt "with the map". Ms. Jalette said that that was correct. Mr. Pennypacker continued.

Mr. Pennypacker: "This is just about the Town creating an official map record and the streets?"
Ms. Jalette: "Yes."
Mr. Pennypacker: "And Division 4 deals with the, the enhanced 911 street signs?"
Ms. Jalette: "That is correct."

Mr. Pennypacker replied that he was "up to speed" if that was the case. Ms. Jalette stated that they were "two separate things", and that Division 5 was "going to be an entirely new division within Chapter 17". She then said that there were proposed amendments to Division 4 that would "add more language about having an E911 Coordinator, and how streets and places on streets are demarcated."

Ms. Light asked if the Town had an E911 Coordinator, and Ms. Jalette replied that they did. She explained that Sherri Desjardins, the Zoning Official, was the Town's E911 Coordinator. Ms. Jalette explained that Ms. Desjardins was the person who assigned house numbers for newly constructed buildings. Ms. Light asked if Ms. Desjardins had "knowledge of these recommended changes." Ms. Jalette said that she believed that that was the case, and then asked the Board to "hold off" on discussing Division 4, as she wanted to focus on Division 5, and have the Board make their recommendations, before moving on to Division 4. She explained that "comingling them makes it a little bit more complicated" when providing "an Advisory Opinion to the Town Council." The Board agreed.

Mr. Pennypacker said that he had "one thought" as he read through Division 5. He said that it "makes sense to know what roads are in Town", and that they "probably already have that document, but, great, they want to make it official." He continued.

Mr. Pennypacker: "The process for, for amending – like, adding a road, changing a road, uh, removing a road, whatever – the process that they've outlined is that 'there will be a hearing before the Town Council', and it strikes me that it is really a Planning activity, not a Town Council activity. I'm – I would, of course, value their input, and I think it's, it's nice that they want to weigh in, but I – take, for example, you know, we, we just talked about a project with, that involved a new road. In order for that to even come before the Planning Board, it would have to go before the Council. The Council would say, 'Okay, we're gonna add this road to the map', and so now it comes before the Planning Board – 'Look, there's this brand new road with no houses on it.' I, I don't like that workflow, personally. Am I crazy?"
Ms. Light: "No. I, I, I, personally, I, personally thought it was unusual that the Town Council would want to take up that responsibility, but the Town Council wants what they want. What can I say? What, what's the process now, Jim, or?"

Mr. Lamphere said that the Board "approves subdivisions – many of which have roads" that were either Town or private roads. He said that "as far as the Official Street Map goes, which would probably include, you know, public roads and private roads", the map was "a document", an "official" document "that has to be adopted by the Town Council, like all Ordinances". He said that even when the Board approves a subdivision with a Town road – "and we go through it, and it's built to Town specs", and the applicant has posted their bonds and other fees, plus "whatever legal things need to go along with it, which are in our Subdivision Regulations", the Planner would still review it and make a "recommendation to the Town Council" for their acceptance. Mr. Lamphere explained that the "Town Council has to accept ownership of infrastructure, like a, like a Town road", and that it would not become "Town-owned until the Town Council accepts it". He said that their approval was "a necessary step to go through." He said that it wasn't that the Town Council wouldn't consider what the Planning Board had voted on, and that the Council would be "hard pressed" to not accept a road that had been built to

Town specifications and had gone through the subdivision process, but they didn't have to. He said that Town Councils could do what they wanted to do, "for whatever reason". He reiterated that any Ordinance has to be adopted by the Town Council. He said that the Town had never had an Official Street Map before, and that it was "something that the Town Council has to decree – and any additions or changes, deletions or whatever from that map has to go through that Council for, for changes – the same as the Zoning Map." Mr. Lamphere said that it was "not to take anything away from the Planning Board", as they had "an important job to do", but that the Board was "the first step" and the Council was "the last step in the process."

Ms. Light said that when she had read the document, she "felt that the Town Council expects" applicants – for example, Mr. Dubs with his proposal for an extension to Dormar Road – to appear before the Town Council "with his proposed extension to his private road, and have them approve it." Mr. Lamphere said that they wouldn't, as it was a private road. Ms. Jalette interjected.

Ms. Jalette: "So, I understand where John [Pennypacker]'s confusion is coming from, because it's not really clearly delineated in this dr-, draft, as it stands, when, in the process, the Town Council would be voting on that. My knee-jerk reaction would be that this would be after a subdivision has been approved by the Planning Board. So, one thing that you could recommend to the Council in this Advisory Opinion is to add language to the adoption section that makes it clear that this is being done after a subdivision has taken place -"
Mr. Pennypacker: "Mhm."
Ms. Jalette: "And not before, because you, you wouldn't want to have just a phantom road, that's been approved, that has nothing to do with any development that's actually being proposed out there in the world."
Mr. Pennypacker: "Right, and that's, that's, that's exactly the – yeah, so you hit the nail on the head – that, that -"

Ms. Light asked what could stop the Town Council from rejecting a road. Ms. Hogan replied, "Practical reality." Ms. Light jokingly doubled down. Ms. Hogan replied that if the "developer has been through the process here – conceptual, Master, Preliminary, Final, they build the road, etcetera, everything's done, and the Town then refuses to accept it as a Town road", the Council would "be in Superior Court momentarily." She explained that she had almost been in that situation in Charlestown. Ms. Hogan said that a Town Council member had been "so mad" that Ms. Hogan had won a lawsuit that the Councilor "voted against accepting the road that was completely built." She said that that Councilor had been outvoted.

Mr. Lindelow brought up the list of "uncertified roads", and asked if the process that they were going through was created so that they "don't end up getting a list like this again", or if they would "need that further discussion so we don't end up with another conversation five years from now". Ms. Jalette replied that she thought that "this street map would be updated periodically", and that when the various Departments were "formulating the list that is included in here", Mr. Lamphere had met with the Building and Zoning Department, and they "discussed the existing roads that we have". Mr. Lindelow understood. She said that the Board would notice that "there's one that the Planning Board actually approved" recently – the road for Fairview

Estates, known as Jack's Trail. She reiterated that she thought that the Council would, periodically, update this list to add "additional roads".

Mr. Wayles began to ask a question about Division 4, but Mr. Lindelow and Ms. Hogan said that they were still on Division 5. Ms. Jalette asked if the Board had "any other concerns" about Division 5 that they wanted the Council to hear. Mr. Lindelow said that he "just wouldn't want to get in this position again" in the future. The Board came to the conclusion that they were done with Division 5, and moved on to Division 4. Mr. Lindelow said that Division 5 was "reasonable", and that one should always do "what's reasonable", and Ms. Light said that it was "the smart thing to do".

Ms. Jalette asked Ms. Hogan if they needed a motion to provide the Council with the comments made by the Board in relation to Division 5. Ms. Hogan asked if they were "looking for a motion, a recommendation for the Town Council to accept" or "move forward with the Ordinance." Ms. Jalette replied that the Town Council was asking for "a report" from the Planning Board, as well as recommendations from the Board, "on whether this should be approved as it is, whether it should be changed, whether it should be rejected." Ms. Light said that she didn't think the Board was going to reject Division 5, "so that one's off the table." Ms. Hogan said that she thought the Board "could have a motion" that the Planning Board "recommends the Town Council adopt this Ordinance, and take under advisement the Planning Board's comments". Mr. Prellwitz said that that sounded good. Ms. Hogan said that they could say "so moved".

Ms. Light: "So moved."

It was seconded by Mr. Lindelow.

In Favor: Prellwitz, Light, Lindelow, Pennypacker, Wayles
Abstain: None.
Opposed: None.

5-0, the motion passed.

Advisory Opinion to the Town Council – Proposed Amendments to Chapter 17 – Streets, Sidewalks, and Other Public Places, Article II - Streets, Division 4 – Building Numbers and Streets. Proposed and sponsored by Town Councilor Bob Marvel.

Mr. Prellwitz asked Ms. Jalette if she wanted to walk them through Division 4. She replied, "Of course." She explained that she had done "something different" for Division 4 than she had for Division 5, as "Division 5 was a new division", so "it didn't have anything that you could compare it to." Ms. Jalette said that "Division 4 actually already exists, so there are quite a few changes that, uh, Mr. Marvel has proposed." She suggested that she could "go through what those changes are" if the Board was inclined. She then said that she "ultimately concluded this memo with some concerns" that she had had "with elements of this, uh, these new amendments", but that she wanted to "hear what [the Board] would like [her] to do." She reiterated that she

could “go through” the amendments if the Board wanted her to, or merely “delineate [her] concerns” – it was the Board’s choice.

Mr. Pennypacker asked Ms. Jalette which document had her recommendations and concerns, and she replied that it was the document that had the blue and red fonts. He said that he didn’t think that he had looked at that memo, as he had “just finished reading” Division 5. The Board elected to proceed based on the concerns that Ms. Jalette had had, as it would “everybody up to speed”.

They first discussed Sec. 17-132., “Compliance Required”. Ms. Jalette began by explaining what the existing section contained before introducing what had been added. She said that the amendments in this section had “a great deal of additional information, which is about who is responsible for, uh, maintaining the 911 letters” on the requisite structures. She continued.

Ms. Jalette: “So, the amendment, as it’s written says, ‘A written notice of violation is received by the owner’, yet later in that paragraph, it says that it’s the ‘responsibility of each and every property owner, trustee, lease, agent and occupant of each residential structure, business, or industry to post and maintain, at all times, address numbers as required under this division.’”

Ms. Jalette explained that her concern was that if a party rented or leased their building from the property owner – who would receive the notice of violation – “how would that leaser, or the renter, know if they were in violation of these amendments?” She said that the renter or leaser would not have received notice of the violation, and while “one can reasonably assume that if you are renting a property from someone, you probably have some degree of communication with them”, she asked if that was something that the Board wanted to “bet on.” Ms. Light that she did not, as there are “absentee landlords all over the place”. Ms. Jalette said that another problem with the amendment was that it “raises the question of who is responsible for addressing the violation”, and asked if it would be the owner of the property or the person renting it who would be responsible. She wondered who would be “responsible for putting up those letters, or numbers, or defining their location”.

Ms. Jalette then brought up another concern that she had had with proposed amendments, which was “who is responsible for the enforcement of these amendments”, which was “not delineated” in the amendments. She continued.

Ms. Jalette: “Who reports violations? That’s not delineated in this. Does the 911 Coordinator have to go to every building in Town, to determine who is in compliance and who is not in compliance? To be frank, being the 911 Coordinator is not Sherri [Desjardins]’s only job. She’s also – she also works in the Building and Zoning Department. I don’t know – I guess my question is, I don’t know how big of a problem this is in Town. I don’t know how many people are out of compliance, or would be out of compliance if this was approved.”

Ms. Light asked if she could make a “general comment”. Ms. Jalette replied in the affirmative. Ms. Light asked if those assembled were “aware of the fact” that the Post Office “finds people if their properties are not documented the way that they’re supposed to be, and some of the language in here mirrors what the Post Office’s requirement is.” She said that people could be fined by the Post Office, and that that was “where [she] got stuck” as she looked at the proposal.

Mr. Lindelow asked if there was a "different standard for public or private roads", or if the same standard applied regardless of the status of the road. Ms. Light said that she understood the purpose of the amendments, "in the capacity of the 911 potential", in that "every property needs to be identified with numbers", but before the current amendments that they were examining existed, "there was the Post Office law saying that you have to have numbers – two and a half, whatever the dimensions were that were in there." Mr. Lindelow said that he thought that the "mailboxes need to be marked more than the house", and gave the example of a house that is a quarter mile off the road. Ms. Light said that they were supposed to be marked on both sides, and said that her neighbor would be in violation, as she uses a P.O. box, and does not mark her house. Ms. Light joked that she and her husband were going to mark the house in question. Mr. Lindelow said that a number could be on someone's door, but it could be "covered by a wreath or something", which would make it "pointless anyway". Ms. Light said that there were standards set by the Post Office, and that she thought that the Town should "mirror what they're doing – or accept the fact that they're already doing it". Ms. Hogan interjected here.

Ms. Hogan: "So, the, the 911 coordination, coordinator's, need for identification of a building is very different from that -"
Ms. Light: "Correct."
Ms. Hogan: "Of the Post Office."
Ms. Light: "Correct."
Ms. Hogan: "Public health, safety, and welfare."
Ms. Light: "Correct."
Ms. Hogan: "So, for instance, if there's a lessee, in a home that is not adequately marked, and the rescue can't get to them, you know, who's, who's liable here, if, is there any liability? Is it the property owner, who didn't mark the property? Uh, is it the Town because the Town didn't make sure the properties were marked? So, I think that the Post Office's stuff is separate and apart. There's not a problem to continue to, to, to create, or, or, or amend the Ordinance to address 911 concerns."

Ms. Hogan said that her recommendation to the Board, if they wanted it, would be that the property owner should be responsible for marking their properties. She rhetorically asked why it would be the lessee's responsibility when it should be the property owner's. She said that that would eliminate "the concern that Talia [Jalette] has, uh, rightfully raised". She rhetorically asked how "if there's a violation, and it goes to the property owner, how the heck can you take somebody else to municipal court if they never received notice of" a violation. She said that if they left it with the property owner as an "obligation on their part, that resolves all those issues." Ms. Jalette interjected that that point related to some concerns she had with the fee schedule. Mr. Prellwitz asked if he could comment on something before they moved onto another topic. Mr. Prellwitz said that when he pulled a building permit, Ms. Desjardins had told him that the numbers on his home had "to be visible from the street", "either on the mailbox, or a signpost that explains what the house number is, what the actual address is – and it has to be visible coming from both ways." He said that Ms. Desjardins had stated to him that that was "a regulation that has to be upheld". He said that it was like speed limit signs, where "the State and the Town says, 'That's what we want you to do.' If you don't do it, well, you're takin' a chance – you know, you could be held responsible for fines or whatever, and it's the same" with this proposal. He reiterated that, as it was explained to him, the property owner was responsible for

marking their property appropriately with a "visible designation", or a sign of some kind. Ms. Jalette replied that she had brought the issue up "because the new language assigns that responsibility to other various parties", which was the cause of her concern. Mr. Prellwitz said that he agreed with Ms. Hogan, as "it's their property, it's their responsibility to maintain the property and keep it up." Ms. Light returned to an earlier question raised by Ms. Jalette, which was who was going to be the "property number police – who's going to execute that task?" Ms. Hogan said that she did not think that that was a "concern with the Ordinance itself", and that "typically, in most Towns, the, that's going to fall to the Building Official office" for enforcement. She said that if the Town had a rescue department or a Fire Chief, "they might make a complaint" about a property owner's noncompliance, and "now they have a mechanism" that the E911 Coordinator could use to "begin to notify these property owners" about the complaint and that it needed to be resolved. Ms. Hogan said that, "in creating the Ordinance, it's not really our concern as like, how are they going to implement this Ordinance", as that went beyond the Board's scope. Ms. Light said that the scenario that Ms. Hogan had just described sounded "extremely feasible", and that she had imagined someone going around the Town of Hopkinton, "making sure that everybody had a number" on their structures.

Ms. Hogan said that if the concern was that the role of enforcement would fall to the Planning Department, they could "certainly make that well-known" that such an activity was not in their purview. Mr. Prellwitz said that he thought that a lot of the "responsibility would fall on the, the Fire Department and the rescue", and that there are "a lot of people in the volunteer Fire Department", so they would see who is or is not in compliance. He said that to "put all of this responsibility" on Ms. Desjardins, who is "jammed right up, every day" with work, didn't "seem fair". Ms. Hogan said that "implementing something like this give the, um, the Fire Departments and public safety people a tool by which they can, um, advertise and educate the public of, of the Town" that this system is in place and it should be used, as it is for their personal benefit and safety. She said that it gave them "an opportunity to have a vehicle by which they can promote and educate the citizenry on it."

Mr. Prellwitz then turned to the topic of notification. He said that there's a "free newspaper" that is published periodically, but none of the other Board members were familiar with it. Ms. Jalette said that that was related to some of the later concerns that she expressed in her memo to the Board, chief amongst them being how the Town would "let people know that this is a rule that's been enacted." Mr. Prellwitz said that there was a mechanism in Hopkinton called the "Redneck Grapevine". He said that that term was not used in a derogatory sense, as he had lived in Town for 70 years. He explained that "whatever we say here is gonna be throughout this Town by lunchtime tomorrow – and that's just the way it is." He said that Hopkinton is a "very tight community". Mr. Lindelow said that Ms. Jalette's question was more about how that was going to be communicated, but said that maybe this question was in "the same line of who's going to enforce it". He said that he didn't know "if that's part of this discussion." Ms. Hogan said that that was the "same concept" as the enforcement question that Ms. Jalette had posed earlier, and that it was up to the Town Council to determine how they were going to implement the new amendments. She said that people were "presumed to know the law". Ms. Light said that she could "appreciate" sending someone who was in violation a note that explained that the Council had adopted an Ordinance, but that she thought that it needed to be available on the website as well. Ms. Hogan said that she was sure that the Council would do that, and that the process

would likely begin with a "warning" that would give the violator a certain amount of time to comply with the new amendments, followed by a follow-up to ensure that compliance had been achieved.

Mr. Pennypacker asked if the Board could return to Section 17-131. He said that Ms. Jalette had asked "what's the problem we're trying to solve" and that he couldn't "figure that out." He continued.

Mr. Pennypacker: "Because, Number 1, provide a means for locating stuff in Town – I, yes, we have maps – I, I don't know how much of a problem it is. I know that there are about 8,400 people that live in Town. I also counted, and we have fewer than 3,000 single-family homes in Town. Pizza guy makes it to my house, and I, I I can't imagine that this is a widespread problem, so I guess what I would want to know is how many people are having a hard time – how much, how many of our emergency services are having a hard time finding properties, and do we have a sense of how many that is, because if it's just one or two outliers, I think that's worth noting."

Mr. Lindelow replied that Amazon finds houses, and Mr. Pennypacker replied that that element was featured in Number 4 – "assisting in proper delivery of utility and other delivery services", and he said that his electricity – and his electricity bill – came to his house, "and it doesn't get lost." Mr. Wayles joked that "people who want your money will find you." Mr. Pennypacker said that he was going to go on a "tear here", and continued.

Mr. Pennypacker: "Number 2, they bring up, 'will serve as the E911 locator and/or mail delivery locator.' E911 is enhanced 911. It is an FCC [Federal Communications Commission] regulation, specifically designed to map cell phones to physical addresses. Has nothing to do with little green, shiny signs on your mailbox, so, I just wanna kinda start with that. Why are we coming up with a paper solution to a digital problem? It doesn't make any sense to me. Um – and what's the last one – 'providing properly', 'providing property owners in the Town with a systematic and accurate means of identifying and locating property'. We have a GIS [Geographic Information System] system. Like, all of this exists. I don't, again, I, I really don't see how signage - of any sort – is going to facilitate electronic communications. So, I think this is a lark. I think that there are certain people in Town who are, uh, arguing in favor of having shiny, reflective signs every 100 feet on our country roads, and I think it's a terrible idea. Sorry. That's my problem with, with the first part."

Mr. Prellwitz replied that Mr. Pennypacker's comments were "all valid points", and that the Town's emergency services "know where everybody is", as they had "been here many years." He gave the example that if someone called into the Fire Department and told them that Mr. Pennypacker's house was on fire, emergency personnel would "know where to go, right now."

Mr. Prellwitz: "Chief Sposato would be there before the Fire truck – you know what I mean?"

Mr. Prellwitz said that Hopkinton is not like New York City. Ms. Light said that she didn't want to be the person who threw a wrench into the conversation, but that they had to consider that there may be other entities, outside of the Town of Hopkinton, who could be looking for residents, like the State Police. She said that that was the "extreme", and began to continue

before she turned to Ms. Hogan. Ms. Hogan said that, based on Mr. Pennypacker's concerns, she wondered if there was "a statutory requirement for every municipality to adopt such an Ordinance". She said that she was looking that up as they spoke, and that, "typically, it would say, in the preamble" that the purpose of the Ordinance was to "comply with RIGL [Rhode Island General Law] such-and-such". She said that this Ordinance did not include that language, so she was "not entirely sure whether there is a requirement". She explained that she had "pulled up some" regulations, "which seem to suggest that there is some kind of a requirement", but it was "hard to tell", as the 39-page document was difficult to read on a cell phone. Mr. Pennypacker said that he understood, and that he didn't see any of what Ms. Hogan had brought up. He said that he "did see that many municipalities are electing to do this, um, but the 911 system has been around for decades". He continued.

Mr. Pennypacker: "The 911 system has been mapping telephone numbers to addresses for decades, so this is not a new E911 thing, and I think, I, I feel like this is smoke and mirrors designed to, to put shiny, green and white numbers that are all the same size, all the same shape, in all the same spots on every single house, and I don't – I mean, if I wanted that, I'd move to Cranston."

Mr. Wayles asked if that was the problem that emergency services were running into – that "nobody's got a, a home phone anymore – they have cell phones, and then they use Wi-Fi calling, and they don't know to set their E911 address in their phone", so when they called into an emergency line, their address was not linked with their phone number. Mr. Pennypacker said that that was what E911 was all about, and Mr. Wayles replied that if someone did not set their E911 up, they wouldn't be able to use that function. Ms. Light said that Mr. Wayles, who has an 860 area code with E911 set up could contact the authorities and state that Mr. Pennypacker had set Mr. Wayles' home on fire, and emergency services would be able to find Mr. Wayles' house. Mr. Wayles said that he would tell the emergency personnel his address when calling, and that his phone had his address linked to it.

Mr. Wayles said that his concern related to Mr. Pennypacker's. He said that "it seems like they're adding a bunch of specificity about how we're going to label our signs", and that in his own "personal house situation, they don't make a lot of sense". Ms. Light asked Mr. Lamphere if he had any insight as to why the Council wanted to implement the amendments, like if there had been an incident in Town that precipitated it. Mr. Lamphere said that he knew that Ms. Desjardins and the Police Department had been working on the E911 system for "quite some time, so this is probably an offshoot from that." He said that he suspected that "somebody, somewhere along the line must have had trouble identifying where a house is." He said that when someone is driving down a street, they may not know where a house on a private street is. He said that he was not an emergency responder, and he didn't know what technology those groups used. He said he knew that there had been issues due to a lack of street signs in some areas, and that they still needed "some locational direction" on the road, "unless you're going to be drawn by some electronic beam to some, to some house". He said that people need points of reference. Ms. Light said that if a street sign was down, she "would have bigger problems with that" if she worked for emergency services. Mr. Pennypacker noted that the tax maps had a picture of his house, and that a pin could be placed on a digital map to demarcate where his house was. He said, "Who cares where my numbers are?" Mr. Lamphere said that "there are

some situations that do arise, in an emergency situation, where it does make it tough, and sometimes you have to go old school, and rely on paper stuff to get, to, to really get the job done", and gave the examples of when electronics fail, or when a power outage takes place. Mr. Pennypacker replied.

Mr. Pennypacker: "Well, they could print out a book and keep it in their truck, right, rather than, rather than expecting everyone to comply with this. They could, they could go old school and have a paper back-up. But, expecting 8,400 people to individually label their homes -"
Mr. Lamphere: "Yeah, ult-"
Mr. Pennypacker: "At their expense."

Mr. Lindelow said that that was covered in Section 136, and Mr. Wayles said that that was the section he was waiting for, and that he was "gonna jump all over that". Mr. Prellwitz said that all of the Town's Police and Fire Department have access to cell phones, so "they can find us." Mr. Lindelow said that the State Police would contact the local Police if they needed help finding someone, and Mr. Prellwitz said that he was pretty sure that the State Police wouldn't need it. Mr. Pennypacker jokingly suggested that someone could create a digital system and call it "Google Maps", and that the Police could use that. Mr. Wayles joked that that was a catchy name. Ms. Light joked that she would love to invest in Mr. Pennypacker's Google Maps idea. She then asked the Board if they were okay with Section 131, and asked where the Board would go with it. Mr. Pennypacker said that he thought that they were "just going to ask the Council to review the conversation at the end of this." Ms. Light asked if they had to make a motion, and Mr. Pennypacker asked if they had to write everything down. Ms. Jalette responded.

Ms. Jalette: "So, you can either make specific changes to what has been proposed, or you can have me transcribe what you've said thus far, and communicate that. It's really up to you, as a Planning Board, to make a determination on how you want this information conveyed to the Town Council – what changes you want to have made."

Ms. Light said that the Board would have to "agree", or finish their comments before documenting it in a motion. Ms. Jalette replied that the Board did not need to "do each section as a motion", and that she could "go through each section" and "demarcate" the changes that the Board wanted to make. She said that they could "cumulatively have a motion at the end" about the changes that they wanted. Mr. Prellwitz asked that the Board return to Section 17-131 "and put it right to bed." He said that, in his opinion, Section 17-131 "was fine the way it was", and that the additional information that had been inserted in that section was simply "spinning [their] wheels". Mr. Pennypacker said that he agreed. He asked the rest of the Board how they felt.

Mr. Wayles said that if they were "going to keep any part of the, the red type, would be the addition of the E911 Coordinator". He said that he thought that "they were just trying to add them to this section", but noted that other responsible parties like police and fire were already included. He said that they could fit under the umbrella of "emergency services", but if they wanted to "delineate them out, so be it, but it just doesn't matter." Mr. Lindelow said that he agreed. The Board said that they were "in agreement" that "all of the red goes away" in Section 17-131. Ms. Jalette confirmed that the Board preferred the current version over the proposed version, and read it into the record. They then moved on to Section 17-132.

Mr. Wayles said that the additions in Section 17-132 were "more than adequately questioned by the concerns at the end" that had been written by Ms. Jalette. He said he thought that Ms. Jalette "did a good job of writing down what the problem with the red is" and that what she had written was how he felt about it. Mr. Prellwitz said that he agreed with Mr. Wayles. Mr. Lindelow agreed. Mr. Pennypacker and Ms. Light said that it should "only be the property owner" responsible for demarcating the numbers on their property. Mr. Pennypacker also said that he did not "have any objection to the fee schedule". Ms. Light said that she did have objections to the fees, as there were "absentee landlords". Mr. Pennypacker said that that person would "rack up a bill", to which Ms. Light replied that she did not think that that was fair. She continued, and said that she didn't think it was "fair, uh, that somebody who lives out of state is gonna have to, most certainly, fall out of compliance" with the proposed amendments, which would cause them to incur fines. Mr. Pennypacker said that it was $25.00, but the other Board members chimed in that that was per violation. Mr. Prellwitz said that it didn't matter if it was a $25.00 fine or a $2,500 fine – "they own the property, they're responsible for it." Ms. Light said that it could be "25 cents", and that "good intentions would be everybody is willing to comply as soon as possible, but if you're not in the position – if you are elderly, um, and, and, you have property located on the other side of Town, and your car is broken", there had "to be more time and space for people to respond, perhaps, maybe respond". Mr. Lindelow said that it would be "after receipt of notice of violation", and said that "just 'cause you cite somebody on the first of the month, if they don't see it for two months, then that's when they receive the notification." Mr. Pennypacker asked if he could "flip around" and provide another sample case. He said that if there was a Hopkinton landlord who lived in Virginia who was failing to number their homes, "and they rent them out to people, and they're putting their, their tenants' lives at risk", that situation would be unacceptable. Mr. Pennypacker said that there needed to be "some teeth behind this" Ordinance, and that "$25.00 is not a whole lot". He said that the didn't want "out-of-state slumlords in Hopkinton, so, if you're an out-of-state landlord who takes care of your property, great – but I don't want people leaving things derelict." He said that he didn't want to "bully people", or "take advantage of people". Mr. Prellwitz said that if they didn't comply, "they're taking advantage of us as a Town." He said that "they bought the property, they should be responsible for maintaining it and keeping up with the current laws and regulations." Ms. Light asked if "that paragraph in red is supposed to stay where it is". Ms. Jalette said that she could "make a recommendation."

Ms. Jalette: "I would say 'All buildings in the Town shall display street numbers in accordance with the provisions of this division. Subsequent to the adoption of this Ordinance, it shall be the responsibility of each and every property owner to post and maintain at all times addresses, address numbers as required under this Division.' So, then it's clear that it is incumbent upon the property owner to do that."
Mr. Prellwitz: "Excellent."
Mr. Pennypacker: "It works."
Ms. Light: "Agreed.

They then discussed the topic of fines. Ms. Jalette said that she "was kind of confused by the fee schedule", and wondered how they would determine what the fee would be, as the amendment read that a violator would "'be subject to a fine of not more than twenty-five ($25.00) for each violation'". She said that she was "not comfortable with that vague language". She said that she

wasn't going to "weigh in on whether or not $25.00 is appropriate or not", as the Town already has "a variety of different fees" at "all different levels", and that "some are being changed to increase", while "some are decreasing". She said that she did not have a problem with the $25.00 fine personally, "but that could be a hardship for someone", though she thought that maybe that was "kind of the point", as the aim was to "have enforcement" of the amendments. She asked the Board if they were "interested in this element of this division." She asked if they wanted to have a fine or if they didn't, if they wanted to decrease or cap the fine", and Ms. Light asked if someone would want to go to court, and object to "resolve the problem". Ms. Light said that it could be resolved by spending $7.00 at Home Depot on the materials needed to bring a site into compliance. Mr. Prellwitz said that his "thoughts about the fine" were the same thoughts that he "had about [the fine for when] somebody [was] not mowing their lawn in appropriate time." He said that "someone may have a broken lawn mower, and they haven't got an opportunity to get it repaired, either financially or physically", and they were going to fine them for it. Mr. Lindelow said that that was a "different story". Mr. Wayles said that he was "a little nervous about $25.00 for each violation, because when we get to the part where we list the violations", his house, personally "has five of them". He asked if he was going to get hit with a $125.00 fine because he couldn't put his mailbox where the proposed regulations would have him place his mailbox. He rhetorically asked if he needed to hire someone to "blast [his] driveway to save $25.00 bucks." Mr. Prellwitz said that the "whole fine business is a slippery slope". Mr. Pennypacker said that he would "just have to put faith in the Court", as "they have the jurisdiction over it, so if somebody came in and said, 'Look, I can't, because there's a boulder there, and I can't move it", he would "hope that the Court" would say that they were "going to waive the fines, do your best". Mr. Wayles said that there had to be something. Mr. Lindelow asked if they were okay with the section because of the mention of the Municipal Court's role, and Mr. Pennypacker said that that was what made him "okay with it". Ms. Jalette asked if they were okay with keeping the paragraph about the fines. Mr. Lindelow said he was good, but Ms. Light said that "clarification" was required. Ms. Jalette asked her to elaborate on that.

Ms. Light: "We want the definition of the fine – we want a schedule that's gonna outline how the fines are accrued."

Ms. Jalette said that that would be sufficient. They then turned to the next section, Sec. 17-133. She explained that the changes merely eliminated "Town Council" and replaced that with "E-911 Coordinator". She said that this was really just going to reflect what is presently occurring in Town, as the Town Council does not engage in these activities – the E911 Coordinator does. The Board did not have any issue with those amendments. They then moved onto Sec. 17-134.

Ms. Jalette explained that the only addition to this section was language about identifying units within a structure with different suffixes – numbers for commercial units and letters for residential units. She asked if they were going to force sites that were not in compliance to restructure their addresses to comport with the regulation. She asked if certain structures would be grandfathered, or if this would apply exclusively to new development. She said that it would make more sense to her if it was applied to new development, rather than imposing these rules on "someone who's had a house for 30 years" where they used a number instead of a letter to mark the unit. She said that she didn't think it was "very realistic to ask people" to do that. Ms. Light and Mr. Prellwitz agreed with grandfathering, while Mr. Lindelow suggested that they remove it.

Mr. Prellwitz gave the example of "places in Town where people have been living there for 40 or 50 years, and they've always been 125 High Street, Apartment A. Now you're going to say, 'Well, you're going to change it to Apartment 1.' Well, that's not gonna happen. That person is still gonna be Apartment" A. Mr. Lindelow said that he didn't think it was necessary, and Mr. Prellwitz said that it was fine to have "them remain the way they are." Ms. Light said that she thought of condominium units, and how they would have to create new addresses. Mr. Pennypacker asked if there was an apartment over West's Bakery. Mr. Prellwitz replied in the affirmative. Mr. Pennypacker asked if the apartment above would get a letter while the business below would get a number. He asked, "What's the problem we're trying to solve?" He said that if it was "some sort of systemic issue" that they had to deal with, or else it would "crash the delivery system in Town", that would be "great", but he didn't know "why" it was being imposed. Mr. Prellwitz jokingly asked if they were going to re-letter their shoes instead of calling them "left" and "right", and Mr. Wayles jokingly replied that if they were work boots, they would be renumbered. Mr. Lindelow suggested that they remove the paragraph. The Board was in agreement. Mr. Pennypacker said that the Town Council was going to do what it wanted anyways. Ms. Jalette suggested that the Board could make it clear that that amendment would apply to new development, but they rejected that recommendation. Mr. Lindelow said that if it was meant to demarcate between commercial and residential structures, grandfathering would defeat that purpose. Mr. Pennypacker said that it was like how area codes had "devolved into a meaningless set of numbers". Mr. Wayles said that he thought that for new development, there should be some way to determine if the structure housed a commercial or residential use, but that he didn't really care how that was accomplished. Ms. Light said that structures are "uniquely identified now". Ultimately, they decided to strike that language. The Board then turned to the next section, Section 17-135.

Ms. Jalette explained that the amendment here was to change "shall" to "may". Ms. Light said that she did not like the word "may", as "'shall' is more definitive than 'may'". Ms. Jalette asked if Ms. Light would rather choose a name based on a related location or not. She gave the examples of Hopkinton Hill Road and Maxson Hill Road as two examples of location-based street names. She said that if someone wanted to name a road after their child or their cat, they could do so with that "may". Ms. Light said that that has "been done all along". Ms. Jalette said that that was true, but that the regulation had not been enforced. She said that she thought that it would "give people more leeway to do what has already been done", and Ms. Light asked how someone could have "more leeway to do what's been done." Mr. Lindelow said that it was all about enforcement. Mr. Pennypacker asked "who decides which ones are unacceptable". Mr. Lindelow said that he thought that "may" was fine. Ms. Light said that there was "more flexibility in the 'may' part", and Mr. Wayles said he did not think that they would be "locked into picking a historical name". Mr. Pennypacker joked that with "may", he could name a street "Sunset Boulevard" or "Rodeo Drive". Ms. Jalette asked if they were accepting or rejecting "may". Ms. Light said that they were accepting it. Mr. Lindelow joked that they "may accept it". Mr. Pennypacker then said as an aside that the Department of Motor Vehicles had gotten a "little bit of heat for their, uh, scrutiny" of names, which could be a "quagmire". He said that he wouldn't go further. The Board then turned to Section 17-136.

Mr. Wayles began. He explained that his house is "more than 50 feet from the edge of the street", and that he was not able to "put [his] mailbox on the right-hand side" of his driveway

was “there’s a ledge there”. He said that he didn’t “know why it had to be to the right of” his driveway. He brought up other examples of various driveway configurations that would preclude the placement of a mailbox, and said that he didn’t understand why someone “would do this”. He then said that his front door couldn’t be seen until someone was “about four feet from it”, so affixing numbers there in compliance with the new proposal wouldn’t work. He said that someone could “find [his] house” and “see it from both directions”, but he would be “in violation of this.” He continued to explain the layout of his property, which was not conducive to compliance with the proposed amendments. He joked that he could put the winning lottery numbers on his front door, “and no one would get ‘em”. Mr. Prellwitz said that he was in violation of the proposed amendments as well. He said that his driveway is “450 feet long”, and “there’s trees and bushes the whole way”, though he had the marking on the street, on his mailbox. Mr. Wayles asked what people were going to do if they were in a similar situation. Ms. Light said that she thought that “there should be an appeal option here, for property owners who have issues” with the contents of the amendments, as “there’s a lot of long driveways”. Mr. Wayles said that they could put in elements for appeal, but that he couldn’t “believe that [he had] to come in and defend the idea that [his] mailbox is on the left side of [his] driveway”. He thought that that would be a “waste of everybody’s time”. Ms. Hogan weighed in and noted that it said “requested”, not “required”. Mr. Pennypacker said that that was interesting. Mr. Wayles asked if any of what had been added “matters” because of that word. Mr. Lindelow and Ms. Hogan reiterated that it said “requested” and not “required”. Ms. Hogan said that she thought that they understood that “there’s going to be a wide variety of situations out there”, and that, “to the extent that people could comply, please do”.

Mr. Wayles: “So, ‘any person failing or refusing or neglecting to procure an affixed address numbers as required shall be -’, so there is no requirement?”

Ms. Hogan asked where it said that. Mr. Wayles and Mr. Pennypacker replied that that language was included in the section about the fines. Mr. Wayles said that if they put a fine, “but none if it’s required, then what are we doing here?” Ms. Light said that that would be a “nice waste of time for Municipal Court”. Ms. Hogan said that they had found the “lawyer loopholes”, but that there is “still a requirement” that the property owner “post something”, and that they “prefer you do it in this manner”. The Board came to the conclusion that the “as required” pointed to the fact that something had to be posted, but not the exact location or form. They noted that Section 17-132 said that they had to have something, while Section 17-136 was how it could be done. They decided that as long as it said “requested”, it was acceptable. Mr. Wayles said that as long as there wasn’t “any teeth” in Section 17-136, he was amenable to it. Ms. Jalette mentioned that they needed to change “town council” under “size and color of number” to read “E911 Coordinator”. Mr. Lindelow noted that it should say “just the owner”, not the rest of the parties listed. Ms. Jalette said that that was correct. Ms. Jalette asked if the Board was accepting the changes “because it says ‘requested’ instead of ‘required’”, and they replied that that was “key”. Mr. Pennypacker asked if they should “call it out” that they were “okay with it only because it says ‘requested’ and not ‘required’”, so the Council would know the Board’s concerns. The Board continued to reiterate that it was a request, and not a requirement. Mr. Wayles said that he didn’t “want anybody to miss this” was a request and not a requirement. Ms. Jalette said that she would be sure to highlight that in her Advisory Opinion. Mr. Pennypacker said that it would be

"a hardship otherwise", and listed some ways in which a person would be unable to comply. The Board then turned to Section 17-137.

Ms. Jalette explained that the one change was to change "town building official" to "E911 Coordinator." The Board accepted that change. They then moved on to Section 17-138.

Ms. Jalette explained that there were changes made to Section 17-138 that were not reflected in the draft that was presented to the Board by Mr. Marvel. She said that she did not know if the Council even know about the unannounced changes. She said that she wanted to "raise that as a point and let the Town Council know that there were things that were not delineated in this" that appeared in what had been presented to the Board. Mr. Lindelow asked who was approving the street names. The Board discussed that. Mr. Lindelow asked if they should add language to Section 17-135 that would say that the street names were approved by the Planning Board. Mr. Pennypacker said that that was "in there", and that "it's the same division". Mr. Lindelow said that they were fine with Section 17-138.

Mr. Lindelow moved to accept the changes. It was seconded by Ms. Light.

In Favor: Prellwitz, Light, Lindelow, Pennypacker, Wayles
Abstain: None.
Opposed: None.

5-0, the motion passed.

SOLICITOR'S REPORT:

Ms. Hogan said that she hoped that the "on again, off again, on again, off again, continuing appeal" for Stone Ridge at Hopkinton was going to be heard that Friday evening. She said that she had argued before the Zoning Board on behalf of the Planning Board, and that the objector had also argued. She said that the only remaining person to argue was Mr. Landry, the attorney for the applicant. She explained that some of the difficulty was related to the fact that the Zoning Board had not had a quorum.

PLANNER'S REPORT:

The Planner did not have anything to report.

CORRESPONDENCE AND UPDATES:

The Board did not receive any correspondence or any updates.

PUBLIC FORUM:

Roy Dubs said that he was in attendance to discuss his proposed residential compound. Ms. Jalette informed him that the Board had heard that application at 6:19 p.m. He asked what time the meeting started. The Board explained that the meeting had started at 6:00 p.m. Ms. Hogan

and the Board invited Mr. Dubs to speak before the Board about his proposal. The Board explained that they had been doing 6:00 p.m. meetings to deal with the workload that they had, but that they would be returning to 7:00 p.m. meetings. Mr. Dubs said that he felt very silly, but the Board said that he didn't need to. He said that he had some things that he wanted to cover about his project, and asked if he could speak about them. The Board told him that he could. He began by saying that the Board deserved "commendations" for how they dealt with all of the "minutiae" involved in the Planning process. He explained that "Dormar" was "Ramrod" backwards, as it was the "back way out of Ramrod Farm". He said that the first residential compound on Dormar Road had been done around 1998, and that it had comprised of six lots for development and a remainder lot that was "always this hundred-acre piece" that had been reserved for the future. He said that it was the future now, so he wanted to build another residential compound. He said that the Ordinance allowed for two residential compounds on a private road, and he said that he wanted to make sure that was "okay with the Planning Board". Mr. Prellwitz replied in the affirmative. Mr. Dubs said that he would ask the Board if the road needed any upgrades, but unless they had been out there, they wouldn't really know the status of the road. He then explained that the road itself had been there for over 100 years, and that it had led to the original farm on the property. He explained that the house had been on one of the lots that was part of the earlier residential compound, and that it had been "done over" and "modernized", and that all of the lots from the original residential compound encompassed more than 5 acres. He said that he wanted to know if the "road is acceptable to receive the other residential compound." He explained that he was working with Mr. DiOrio, the Planning Board Chair, on the project, and that Mr. DiOrio had told him to appear before the Board to ask these questions.

Ms. Light said that Ms. Hogan wanted to give Mr. Dubs "some input". She then spoke.

Ms. Hogan: "Um, so, the Planning Board, at this stage, can take no votes, so you can get no assurances, no votes, or anything of that nature, okay? That's, that's number one. Number two is – and you've already alluded to it – the Planning Board has no idea what the condition of this road is, whether – how long it's been there is, is not really relevant, so when you come back, at, with your application, at your stage of review, at your Master Plan, that is when the analysis of whether the road, in its present condition, would be adequate for adding these additional homes, or whether, um, something needs to be upgraded. Typically, the Board does refer those kinds of questions to the consulting engineer for the Town, and relies upon his expertise, and report back to the Board, so I would think you would anticipate that that's the process that will be followed at that time."

Mr. Dubs said that one of the other points Mr. DiOrio had directed him to ask about was the survey. He explained that he had a survey, but that it had not been completed by Mr. DiOrio, and it did not encompass the entire subject parcel. He said that as they were "not really going to be near the border of any" of the abutting properties, he wanted to know if it would be "acceptable" to to forgo the perimeter survey, with the understanding that they were "going to have to have a proper survey done on the lots that are going to be created." Ms. Hogan replied that the Planner had addressed that issue, and she asked him if he wanted to communicate his policy to Mr. Dubs. Mr. Lamphere explained that it had been his policy to "not to request anybody to do anything that doesn't make sense". He said that the new lots would need to meet a Class I standard, but

that it would not be "necessary to do a, a perimeter, a boundary [survey] on such a large piece of property as that." Mr. Dubs said that was good, and that he wanted to "make it clear" that there was "a lot of, uh, property here that is going to be left the way it is, hopefully forever." He said that the "only thing" that he would "need to take from that property, um, is to make it permanent, the extension that goes from Ramrod Farm to Dormar Road, uh, for safety, for Ramrod having a way out, and for the people at Dormar, just in case something should happen to block the road up", so that they could "have a way out." He said that an acre or two would be used for that extension. Ms. Hogan explained that when the Board had reviewed the application earlier, "they did have some questions, uh, about the road, the proposed new road, and, um, the rights of the, of the existing residents on the road". She asked if Mr. Dubs "retain[ed] the rights to that existing roadway that then can be expanded to the new property", and told him that he would "need to be prepared to address those" concerns expressed by the Board.

Mr. Dubs replied that there was "sort of" a Homeowners' Association, "however, since the very beginning, for the past 20 years", Mr. Dubs has maintained the road himself. He explained that as he had to "take care of Ramrod Farm and all", he took "care of the road" as well as "the snow" because he owns the equipment. He said that the would-be members of the Homeowners' Association didn't "have to really vote on a whole lot" because Mr. Dubs would "just take care of it". He said that until he got "to the point in life where maybe [he] can't, the Homeowners' Association doesn't have to have a whole lot of meetings to try to figure out who's going to be hired to do the routine things that" he does. Ms. Hogan responded.

Ms. Hogan: "I think what we'll be looking for is, um, that you have retained the lawful rights to expand the use of that road to that back property. We'll be lookin' for so-, for some assurances that you have, actually have the legal right to do that."

Mr. Dubs replied that he pays taxes on the roadway, but that he would "confirm that". Ms. Hogan said that it would be for "title purposes". He apologized for the "mix-up" related to his belated arrival. Ms. Hogan told him not to worry. Ms. Light wanted to ask Mr. Dubs a question "just for clarification". She said that on the plan set, they had Dormar Road, as well as a "dog leg" for the new proposal, and that she wanted to return to Mr. Dubs' comments about the additional acreage that would be necessary to create another road to and from Ramrod Farms. He explained that one could go to the right if they were driving down Dormar Road, or to the left, which would go "on to, and into, Ramrod Farm." He said that the Fire Department was "very happy that that road was there", and that he had "upgraded [it] a little" so a truck could go down it. He said that it should be deeded into the property so that that path would remain in place. He said that it could be made into part of Dormar Road. Ms. Hogan approached Mr. Dubs and asked him to locate that area on the map. He pointed out the right of way that he had that continued to Ramrod Farms, which was situated between Parcel 1 and Parcel 1A. He explained that that could be driven on with a car or a pickup truck, or even his 10-foot high camper, which he took "down the road every day."

Mr. Pennypacker said that they had spent a great deal of time earlier in the evening talking about "emergency services", and he asked Mr. Dubs if he thought that there would be any problems that would arise from splitting Dormar Road. He asked if Mr. Dubs thought that emergency services personnel would have any trouble finding a home in that area. Mr. Dubs replied, "No."

He said that he had a name for the road, but that he had "not formally put it on" the plan set. He said that when he did name it, it was going to be "Shanti Road" or "Shanti Drive" or "Shanti Way". He said that he had "made that road long enough so you can do all the way around and go past" the historic cemetery, and that it was "very necessary" for safety – whether he was required to do it or not. He said that "everything else will be, uh, kept as it is". Mr. Pennypacker asked if the open space would belong to the Homeowners' Association. Mr. Dubs replied in the affirmative. Ms. Light questioned that, and asked if the Homeowners' Association existed. Mr. Dubs replied, "Not really." She asked if they would merge two Homeowners' Associations together – the existing one and the new one. Mr. Dubs said that they would. Ms. Light said that while it was "great" that Mr. Dubs was "still lovin' movin' snow around on this private road", "but, at the end of the day", she could "see a big disaster happening because [Mr. Dubs was] not doing it anymore." Mr. Dubs explained that he had to "take care of Ramrod Farm", as well as the bird sanctuary, and when he had completed those tasks, if he saw someone with a shovel in their driveway, he would ask them which side they wanted the snow on. He said that with the new residential compound, the Homeowners' Association would be "combined, absolutely." Ms. Light countered that by saying that Mr. Dubs had informed them "that the first one doesn't really exist". Mr. Dubs said that he knows the people, and that all of the lots within the first residential compound were "taken", so he had "simply allowed them not to have to do anything because [he took] care of it, so they don't have to say, 'Okay, well, um, every quarter, we're going to be paying someone to come'" to fix the roads. He said that due to the rain and the gravel surface of the road, "there's holes, or just things that happen – no matter how hard you try", and that "it takes work". He said that he owns a backhoe, a grader, and that he had "somebody that works for me that's really get-, good at it". Ms. Light said she thought that those people were "very fortunate – up until this point", but that if she "was a homeowner" on Dormar Road, "and all of a sudden [Mr. Dubs] said, 'Screw this. I'm going to Florida. I'm not gonna do it anymore.' Okay? And there's nobody left behind to do it", she wanted to know "what are those people going to do." Mr. Dubs replied that they were "going to have to have that meeting that they should have been having for, for years". He said that when the new residential compound was completed, there would "absolutely be a real Homeowners' Association, um, with proper meetings". Ms. Light said that she was bringing this to Mr. Dubs' attention because they had been discussing emergency services. She said that "if something happened, and, you know, for whatever reason, all of a sudden, there is nobody plowing that street, or, you know, that little pothole is now three feet deep, wh-, for emergency purposes, that would be a huge violation, um, a huge incident that would be incurred by the homeowners." She said that if that property was in Mr. Dubs' name, "whoever's handling it after that is gonna be on the hook", and that it could be "troublesome" for him. Mr. Dubs said that there could be a Homeowners' Association where the members didn't get along and had disagreements, "so the road could still, um, have a problem". He said that he put "faces to all the different houses", and that "everybody would be there to help", but that Ms. Light was right, and that in "20 years, they're all different faces again". He said that a Homeowners' Association "would be a smart thing to address", and that it had been his "plan" that when he went forward with this project, he would move forward with a Homeowners' Association as well. Ms. Light said that the Board had been "questioning that whole scenario, and how it would play out". She said that "because it's a private road that's being privately maintained, um, you would want to give those property owners, uh, the responsibilities that they should have", so there would be a "guarantee". She said that she was fortunate as she lives on a road maintained by the Town.

Mr. Dubs rhetorically asked "how often" someone got "an opportunity to do something nice for somebody", like plow their driveway. He said that when it snows, he got "that chance." Mr. Wayles joked that the residents "should just get together and vote that you continue to do it." Ms. Light said that they should "get together once a year and vote that" Mr. Dubs would get a "really great Christmas present." Mr. Dubs reiterated his earlier rhetorical question, and asked "how many days go by, and you don't have a chance to do anything nice for anybody." He said that when it snows, he gets a "chance to do nice things that really are meaningful to some people." Mr. Dubs said that he was 70 years old, and that he thought he would still be active at 90. He noted that his property was not "marked properly", but Amazon still managed to find him. He thanked the Board for their work, and said that it was a "thankless job". He said that the minutiae that the Board dealt with would drive him crazy. Mr. Prellwitz joked that it was a social event for the Board members. Mr. Dubs asked the Board what the next step would be for him in the process. He said that he had picked Mr. DiOrio because "he would know better than anyone" what he would have to do to move the project forward. Mr. Prellwitz said that Mr. DiOrio had been involved for a long time, and Mr. Dubs said that it had been over 20 years since he last appeared before the Board. He explained that he "didn't ask anybody for the permission for Dormar Road" - his attorney at the time "just went to Town Hall and registered" it. He said that he "didn't have to ask the Planning Board" at the time, and asked how anyone would "have to ask the Planning Board for" road approval. Ms. Hogan replied that "things change." Mr. Dubs responded.

Mr. Dubs: "At what point do I ask if the road, the new road's gonna be Shanti Road?"

Ms. Light and Mr. Prellwitz said that they thought that it was going to be an extension of Dormar Road. Mr. Dubs said that he thought that "the extension to Dormar should be the part that goes to Ramrod Farm", and that he didn't "want to make the mistake of having everybody at Ramrod Farm, and/or everybody in Dormar Road to choose to use that", as he wanted it to be "an emergency kind of road". He said that he used that to get to Ramrod Farm every day with his dogs and his camper, and that the Fire Department had inspected the road and said that they were okay with it. Ms. Light said that the Board had some minor concerns, but that she did not "see any obstruction" to installing the road for the compound. She said that it would "get tweaked at the next level" of review. Mr. Dubs reiterated that the road that is there now "has been there for over 100 years", and acknowledged that it has "some angle" and "some pitch", but that "it's been that way forever, and it's, it's held up just fine." He said that the potholes were not where the road pitched, but where it was level. Ms. Light said that Mr. Dubs had "answered a question that was raised by John [Pennypacker] about the open space". Mr. Dubs said that his plan was to "contact the right people" who could facilitate the sale of the "development rights of Ramrod Farm", as it has "always had therapeutic riding for the disabled, since the very beginning", and that he would "like to see it go on that way forever". He said that he didn't want to "develop it", as he wanted it to "stay as Ramrod Farm forever." He explained that one could find horses in the forest, and to use caution, as they could "startle a horse". He invited the Board to visit him and "enjoy the property anytime during daylight hours", as there are "lots of trails" across the property that could be walked or driven on. He said that it was a "nice place", and that he wanted to "keep it that way forever." Mr. Dubs asked if the Board had any other questions for him. Mr. Prellwitz said that he did not think that they did. Ms. Hogan said that they would see Mr. Dubs for the Master Plan stage. Ms. Light mentioned that the meetings were going to begin at 7:00 p.m. again at "sometime in the near future". Mr. Dubs again expressed regret that he had arrived late, and the Board jokingly agreed to blame Mr. DiOrio for not

alerting Mr. Dubs to the meeting start time. Mr. Dubs joked that Mr. DiOrio had "broad shoulders", so he could take it.

After Mr. Dubs left, Mr. Prellwitz asked if there had been any progress made on arranging a site walk for Brushy Brook. Ms. Jalette said that she had not "arranged anything as of yet", but that she would be "happy to work with Mr. Landry to accomplish that." Mr. Prellwitz said that he was "just curious". Ms. Light said that she hoped that it would be closer to their next meeting. Ms. Jalette said that, frankly, the Board would "have quite a bit of time to discuss Brushy Brook" before they would be making a decision. She suggested that they could conduct a site walk in the "warmer months", and the Board concurred.

DATE OF NEXT REGULAR MEETING: February 2, 2022

ADJOURNMENT:

Ms. Light made a motion to adjourn. It was seconded by Mr. Lindelow. There was not any further discussion.

In Favor: Prellwitz, Light, Lindelow, Pennypacker, Wayles
Abstain: None.
Opposed: None.

5-0, the motion passed. The meeting was adjourned at 8:31 p.m.

By: Talia Jalette, Senior Planning Clerk, 2-23-22 (Extension Request for filing minutes granted by the Planning Board at their February 2, 2022 Meeting).