



TOWN OF HOPKINTON

OFFICE OF
THE PLANNING BOARD

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PLANNING BOARD OFFICE

February 10, 2011

CERTIFICATE OF PLANNING BOARD ACTION

Application for approval of a definitive subdivision plan entitled "**LEGACY FARMS ROAD SOUTH**" filed by Legacy Farms, LLC, 21 Center Street, Weston, MA, located off East Main Street, Clinton Street, Curtis Road and Linden Street, Hopkinton Assessors Map R14 Block 9 Lot 1A, Map R14 Block 11 Lot 0, and Map R19 Block 10 Lot 0.

The Planning Board of the Town of Hopkinton (the "Planning Board") held a duly noticed public hearing on November 15, 2010, continued to December 6, 2010, December 20, 2010, January 10, 2011, January 24, 2011 and February 7, 2011, on the application of Legacy Farms, LLC (the "Applicant"), submitted on October 25, 2010, for approval of an 11-lot definitive subdivision plan entitled "Legacy Farms Road South" (the "Subdivision Plan"). The land is owned by Mezitt Agricultural Corporation. The Subdivision Plan was prepared by Vanasse Hangen Brustlin, Inc., dated October 28, 2010 and revised through January 21, 2011.

The land shown on the Subdivision Plan is subject to a Special Permit issued by the Planning Board dated May 13, 2010, granting a Master Plan Special Permit pursuant to Article XXVI of the Hopkinton Zoning Bylaw, Open Space Mixed Use Development Overlay District ("OSMUD").

The 268.96 acre site is located within the Residence B and Open Space Mixed Use Development Overlay zoning districts. The Subdivision Plan shows a new 5,200 foot long roadway between East Main Street and Clinton Street. The site consists of open land that was farmed for many years by Weston Nurseries, wooded land and wetland resource areas. The new roadway has been designed to follow the existing farm road as much as possible, in order to minimize site disturbance.

Written comments and recommendations on the Subdivision Plan were received from the Fay, Spofford & Thorndike, LLC (FST), the Board's consulting engineer, and the Hopkinton Public Works Director, Conservation Commission and Board of Health.

The stormwater management system shown on the Subdivision Plan is designed for the roadway only, and not to accommodate stormwater runoff which may be associated with individual Development Projects within the Legacy Farms development. Each Development Project is

subject to Site Plan Review in accordance with the OSMUD bylaw and the Master Plan Special Permit, and each Site Plan will provide a stormwater management system designed for the specific Development Project.

The Planning Board certifies that at a public meeting on February 7, 2011 it voted to approve the Subdivision Plan and Profile revised through January 21, 2011, drawn by Vanasse Hangen Brustlin, Inc. and submitted by the Applicant, subject to the following conditions:

1. After finding that it was in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law, the Planning Board waives strict compliance with the following provisions of the Subdivision Rules and Regulations ("Subdivision Regulations"), in accordance with Section 81-R of the Subdivision Control Law and Section 7.1 of the Subdivision Regulations:
 - a) Section 5.4.1.N – The definitive plan shall provide a typical cross section and additional cross sections only at critical areas, such as the roundabout, wetland crossing and areas with cuts or fills greater than 8 feet.
 - b) Section 8.2.2 – The requirement for curbing is waived where shown on the definitive subdivision plan in order to achieve low impact development objectives.
 - c) Section 8.2.4 – The maximum grade shall be as provided in Section E.2. of the Design Guidelines, Appendix D of the Master Plan Special Permit issued for the Legacy Farms development by the Planning Board on May 13, 2010.
 - d) Section 8.2.6.A – The 3:1 maximum grade for side slopes is waived as shown on the definitive subdivision plan in order to minimize site disturbance, preserve existing vegetation, topography, environmental resources and the rural character of the site.
 - e) Section 8.2.7 – The definitive subdivision plan shows road and infrastructure construction on 25% or greater slopes in order to achieve low impact development objectives and so that the road may be located on previously disturbed portions of the site.
 - f) Section 8.4.5 and 8.4.6 – Catch basins and manholes shall be provided at selected roadway locations as shown on the subdivision plan in order to achieve low impact development objectives. The requirements of the DEP Stormwater Management Regulations will be met.
 - g) Section 8.4.8 and 8.4.10 – The drainage system shall be constructed as shown on the subdivision plan, with stormwater collected through roadside swales and other low impact development techniques which are consistent with the DEP Stormwater Management Regulations.
 - h) Section 9.6.2 – GPS receivers may be used in lieu of grade stakes.

- i) Section 9.11.1 – Stone or reinforced concrete bounds may not be less than 4 feet in length and not less than 4 inches square.
 - j) Section 9.11.2 – The permanent monumentation installed may consist of iron rods with a metal stamped cap.
2. Development of the land shown on the definitive subdivision plan (lots C-1-A, C-1-C, C-1-D, C-1-E, C-1-F, C-1-H, C-1-I, C-1-J, C-2-B, C-2-C and C-2-D) shall be consistent with the Master Plan Special Permit issued by the Planning Board on May 13, 2010. This condition shall be written on the Subdivision Plan prior to endorsement.
 3. In accordance with the Subdivision Rules and MGL c.41 § 81-M, the Planning Board must exercise its subdivision approval powers with due regard for adequate access to the subdivision by ways that will be safe and convenient for travel, for reducing danger to life and limb in the operation of motor vehicles and for coordinating the roadway in this subdivision with the public ways in Hopkinton and in neighboring subdivisions. Section 8.11 of the Subdivision Regulations states that the Planning Board may determine that the developer shall be responsible for the construction or funding of public improvements which are directly related to the impact of the subdivision on the community and the surrounding area, and that such public improvements may include intersection improvements. The East Main Street/Legacy Farms Road South intersection will eventually become a four-way intersection upon approval of a definitive subdivision plan for Legacy Farms Road North, as shown on sheet OS-2 (Off-Site Improvement Plan – Route 135 & Legacy Farm Road) of the approved Master Plan. In addition, planned improvements to sight distance for drivers on East Main Street will require that the crest curve west of the new intersection will be lowered and lengthened. The Planning Board and residents expressed concerns at the public hearing relative to the need to minimize traffic disruption and coordinate construction of the roadways, infrastructure and off-site improvements in East Main Street.

The following work within East Main Street shall be completed by the Applicant: 1) widen East Main Street to provide for a westbound left turn lane into Legacy Farms Road South; 2) remove the crown in East Main Street at the intersection so that a smooth transition to the future Legacy Farms Road North across East Main Street is provided, and 3) lengthen and lower the crest curve in East Main Street. The construction details for the work, as conceptually shown on sheet OS-2 of the Master Plan set and the Traffic Impact and Access Study and supplemental submissions, shall be developed by the Applicant and approved by the Hopkinton Department of Public Works prior to the commencement of its construction. Construction details shall allow for the addition of an eastbound left turn by means of revised pavement marking and shall include all underground improvements necessary to support the full build-out conditions as required in Condition #59 of the Master Plan Special Permit.

Completion of the work required in this condition in conjunction with the construction of Legacy Farms Road South is intended to provide for public safety and to minimize construction disturbances to East Main Street, a major roadway in Hopkinton, such that no additional major road work should be required until or unless the new intersection is signalized.

4. Access to the site by construction vehicles and equipment shall only be from Clinton Street and East Main Street. The Applicant shall be responsible for ensuring that these access points are utilized by all contractors, subcontractors and workers accessing any portion of the subdivision. The Applicant shall maintain all portions of any public way used for construction access free of soil, mud or debris deposited due to use by construction vehicles associated with the subdivision, and shall regularly sweep such areas as necessary.
5. All potential safety hazards that may exist in the subdivision from time to time during the period of construction shall be adequately secured prior to the end of each work day.
6. Construction work shall be conducted in accordance with the restrictions contained in Condition #38 of the Master Plan Special Permit and the provisions of Chapter 141 of the Bylaws of the Town of Hopkinton, Noise.
7. The sidewalk along the roadway may meander to accommodate site features, in accordance with the Design Guidelines. In locations where the sidewalk will be outside the road right of way, an easement to the Town for access and maintenance shall be shown on a plan and conveyed to the Town prior to acceptance of the street as a public way.
8. The Landowners Association for the Legacy Farms development shall be responsible for maintenance and landscaping of the roundabout. Such landscaping shall not obstruct sight distance for drivers within the roundabout.
9. The properties at 84 and 90 East Main Street will essentially become corner lots after construction of Legacy Farms Road South. The Applicant shall provide adequate year-round buffering/screening along the side of each lot abutting Legacy Farms Road South. The Applicant shall submit a plan showing such buffering/screening to the Board for approval either as a separate buffering/screening plan for the intersection or on a Site Plan submitted for a Development Project which includes the land on which the buffering/screening will be located. In any event, the approved buffering/screening shall be installed no later than the fall of 2012.
10. Roadway and infrastructure construction shown on the Subdivision Plan shall be completed within five (5) years from the start of construction or this approval shall be automatically rescinded unless such time is extended by the Board at the request of the Applicant. If construction has not commenced within five (5) years from the date of this approval, such approval shall be automatically rescinded.
11. Prior to the Planning Board's endorsement of the Subdivision Plan, the Applicant shall execute an Agreement with the Planning Board, that no lot depending on Legacy Farms Road South (or other such street name approved by the Board of Selectmen) for their legal frontage shall be sold, or buildings or structures erected or placed on, or building permits issued with respect to any such lot, until:
 - a) The work on the ground necessary to adequately serve such lot has been completed in accordance with the contents of the Subdivision Plan and Profile of Legacy Farms Road

South and with the Subdivision Rules and Regulations and that all other requirements of the Subdivision Rules and Regulations have been fully complied with; or

- b) The Applicant has executed a contract with the Planning Board, accompanied by appropriate security to secure performance, to complete construction of Legacy Farms Road South in accordance with the Subdivision Rules and Regulations, on or before a date specified in the contract;
 - c) The Applicant has recorded in the Registry of Deeds (or Land Court) a certificate executed by the Planning Board that the above conditions with respect to any such lot have been completed or have been amended, modified, revoked, waived or released by the Planning Board.
12. An additional amount shall be added to the performance guarantee for this subdivision to cover potential remedial work required in the event that any element of the stormwater management system shown on the Subdivision Plan does not function as intended during construction.
 13. In order to facilitate compliance with Section 12.1.4 of the Subdivision Rules, the Applicant shall provide the Board with an estimate of the cost to maintain the stormwater management system for a period of five (5) years from the date of street acceptance. Such estimate shall be provided to the Board for review at the time a performance guarantee estimate is submitted in accordance with Section 7.6 of the Subdivision Rules.
 14. Street trees shall be planted as shown on the subdivision plan and in accordance with the Subdivision Rules and Regulations and the Design Guidelines. The Board encourages the Applicant to retain trees in the road right of way when possible. The Applicant shall consult with the Tree Warden with regard to species and location, prior to planting.
 15. Tree stumps and building scrap materials shall be removed and shall not be buried on the site. However, material intended for future use may be stockpiled on the Site and maintained in a neat and workmanlike manner.
 16. No earth products shall be delivered to the site which are not for use on the property. No earth shall be stripped or excavated and removed from areas of the site unless for road, infrastructure, home or lawful accessory use construction. No earth processing operations shall occur on the site, unless earth products are to be combined and/or mixed for use on the property. All piles of stockpiled earth shall be stabilized with adequate dust and erosion controls. All piles of earth shall be removed from the subdivision upon completion of construction of the road and infrastructure. Any piles remaining after that time shall be solely in conjunction with an active permit for construction of sewage disposal system, building or lawful accessory use. Any violation of this provision may result in a stop work order or plan rescission.
 17. Erosion control measures to prevent siltation onto wetlands, neighboring properties and roads during construction shall be implemented. Erosion and sediment control provisions are

shown on the definitive subdivision plans. The erosion control documentation submitted shall be implemented and followed during construction. During construction, if these plans are found to be inadequate by the Planning Board, a new erosion and sediment control plan shall be submitted to the Board for review and approval. In the event that erosion and sedimentation problems arise during construction, the Planning Board may require that all work cease until measures necessary to ensure prevention are implemented.

18. No building permits shall be issued or any construction in the subdivision allowed until approval for such work has been obtained from the Conservation Commission for areas affected by the Wetlands Protection Act and the Hopkinton Wetlands Protection Bylaw (Chapter 206 of the Bylaws of the Town of Hopkinton).
19. Drain easements shown on the subdivision plan shall be defined by metes and bounds, deeded to the Town, recorded at the Registry of Deeds (or Land Court) at the Applicant's expense, and copies furnished to the Town Clerk, Department of Public Works and Planning Board.
20. Disturbed areas for roadway and infrastructure construction shall be loamed and seeded during construction as soon as possible.
21. The street name shall be approved by the Board of Selectmen prior to endorsement and recording of the Subdivision Plan. The street sign shall be erected by the Applicant prior to the issuance of building permits.
22. During construction, streets shall be swept and catch basin sumps shall be cleaned regularly, at least twice a year.

Prior to its endorsement of the Subdivision Plan, the Planning Board expects that there will be minor revisions to adjust the location of small portions of the sewer line within the roadway and to address any of the remaining items contained in the memo to David Glenn, FST, from Deb Duhamel, FST, dated February 2, 2011, Subject: Stormwater Management Review.



Joseph M. Markey
Chairman

This decision is subject to appeal in accordance with MGL c.41, § 81-BB within 20 days after the decision is filed with the Town Clerk.

cc: Town Clerk
Fay, Spofford & Thorndike, LLC

Mezitt Agricultural Corp.
Legacy Farms, LLC

Vanasse Hangen Brustlin, Inc.
Conservation Commission
Board of Health
Board of Selectmen

Director of Municipal Inspections
Police Chief
Fire Chief
Public Works Director