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May 20, 2004

VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

Wayne Davies, Esq., Chairman
Office of the Board of Appeals
Hopkinton Town Hall
18 Main Street
Hopkinton, MA 01748

Re: Comment on Letter to Planning Board
E.L. Harvey & Sons, Inc.
Application for Special Permits
File No. 04-005

Dear Mr. Davies:

Thank you for forwarding a copy of your letter of today to Mr. Coolidge relative to comments of the Hopkinton Planning Board on the current E.L. Harvey & Sons, Inc. applications pending before the Hopkinton Board of Appeals.

While I agree, as stated in your letter, that you have made several requests that E.L. Harvey & Sons, Inc. file an application with the Planning Board for site plan review, I wanted to reiterate our concern about filing such an application at this time.

As you know, the site plan review procedure in the Hopkinton Zoning By-Law was revised by Town Meeting in May, 2003. Both the prior and current versions of the site plan review by-law contain a specific condition precedent to the issuance of site plan review approval requiring that the Applicant have received from the Board of Appeals all necessary variances or special permits.

The Town of Hopkinton has no current form of coordinated review process for development projects. Each Board having jurisdiction over development projects proceeds at its own pace and schedule. The Planning Board has been provided several opportunities to submit comments to the Board of Appeals on the E.L. Harvey & Sons, Inc. application, and in several

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comment letters has raised substantive zoning questions that can only be properly addressed by your Board of Appeals.¹

Where the Planning Board has directly challenged the ability of the Applicant's project to move forward on grounds that the Board of Appeals must conclusively address, and where the Zoning By-Law requires that the Board of Appeals make determinations on the special permit applications that are currently pending before the Planning Board may act, we believe that it is inappropriate for the Applicant to file an application for site plan review until the Board of Appeals has rendered its decisions.

We continue to encourage the Board of Appeals to expedite its review of the pending applications and we look forward to an opportunity to appear before the Planning Board on a site plan review application containing a development proposal that has been reviewed and approved as to zoning use issues by the Board of Appeals.

Thank you for the opportunity to provide this clarification.

Sincerely yours,



Stephen M. Richmond

SMR/maf

cc: John H. Coolidge

¹ See letters of John H. Coolidge to Wayne R. Davies, dated September 18, 2003, and April 13, 2004.