



# TOWN OF HOPKINTON

## OFFICE OF THE PLANNING BOARD

TOWN HALL  
18 MAIN STREET  
HOPKINTON, MASS. 01748  
(508) 497-9755

May 25, 2004

Wayne R. Davies, Chairman  
Zoning Board of Appeals  
18 Main Street  
Hopkinton, MA 01748

**Re: Material Recovery & Recycling Facility- E. L. Harvey & Sons, Inc., Wood St.**

Dear Mr. Davies:

Thank you for your letter of May 20, 2004 regarding the Planning Board's desire for flexibility during the site plan review process for the Material Recovery & Recycling Facility proposed by E. L. Harvey & Sons, Inc. Your letter states that the Board of Appeals is not inclined to allow "liberal changes" to the plan being considered by the Board of Appeals during the subsequent site plan review process by the Planning Board.

The Planning Board respectfully disagrees that the Board of Appeals is considering approval or disapproval of "a plan". The Board of Appeals has received seven applications for special permits for specific uses of property. The Planning Board will receive an application for Site Plan Review, which is the design of the site on which the Board of Appeals intends to permit the specific uses (or not). It is not the role of the Board of Appeals to approve or disapprove the design of the site, merely the uses. Although the Board of Appeals may attach conditions which affect the location and function of the uses on the property and in turn affect the site design, it is not the intent of the special permit process that the Board of Appeals will approve "the plan". That is the function of Site Plan Review.

Your letter also faults the applicant for not submitting a concurrent site plan review application to the Planning Board. It is not the applicant's fault that they are making this decision based on the requirements of the Zoning Bylaw which state that the Planning Board cannot approve a Site Plan unless all special permits and variances required from the Board of Appeals have been issued first. The Board of Appeals should not expect the applicant to waste additional time and money in submitting an application to the Planning Board for uses which have not been permitted and which the Planning Board cannot approve until the Board of Appeals takes action. The applicant is only doing what the Zoning Bylaw directs them to do. The Board of Appeals approves or disapproves the uses on the site, then the Planning Board reviews and approves the site design. This is the way the process was established and it has worked well for several years,

and this is the way it should continue to work. However, the Planning Board concurs with the Board of Appeals that the sooner a Site Plan Review application is filed, the sooner the process can begin.

The Site Plan Review bylaw (Article XX) states that the purpose of Site Plan Review is “to protect the health, safety, convenience and general welfare of the public by providing a comprehensive review procedure of plans for uses and structures which may have impacts on traffic, services and utilities, environmental quality, water resources, drainage and community character.” The Board of Appeals should not expect the Planning Board to forego its obligations in this bylaw by blindly agreeing not to modify “a plan” approved by the Board of Appeals, especially when the Board of Appeals has no authority to approve “a plan”, only a use.

Therefore, the Planning Board fully intends to treat the E. L. Harvey & Sons site plan like any other. We will review the plan in accordance with the Zoning Bylaw requirements and conduct a proper and full review as required. We will not agree to do otherwise.

Please contact me if you have any questions.

Sincerely,

John H. Coolidge  
Chairman