



TOWN OF HOPKINTON

OFFICE OF
BOARD OF APPEALS

TOWN HALL
18 MAIN STREET - ROOM 207
HOPKINTON, MASSACHUSETTS 01748-3209

WAYNE R. DAVIES, Chairman
ROBERT W. FOSTER, Vice Chairman
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WWW.HOPKINTON.ORG
ZBACHair @ Hopkinton.org
ZBAClerk @ Hopkinton.org

December 18, 2003

Eric J. Carty
Water / Sewer Manager
Department of Public Works
Town of Hopkinton
18 Main Street
Hopkinton, MA 01748

**Re: Stagecoach Heights, LLC
Application for Comprehensive 40B Special Permit**

Dear Mr. Carty:

The Board of Appeals is currently engaged in public hearings on the application for a Comprehensive 40B Special Permit filed by Stagecoach Heights, LLC for property located off Wood Street in Hopkinton. On October 22, 2003, at the request of the Applicant, the public hearing was continued to January 28, 2004 at 8:00 PM at Town Hall.

Under Sections 20-23 of Chapter 40B of the Massachusetts General Laws, the Board of Appeals conducts a "comprehensive review" of the application, and has the power to issue all permits or approvals of all "local boards" within the town, including those of the Department of Public Works. In addition, the statute provides that the Board of Appeals shall request the appearance at said hearing of such representatives of said local boards as are deemed necessary or helpful in making its decision upon such application.

It appears that from a review of our files that the DPW has never provided written comments to the Board of Appeals on this project. If this is not correct and we have overlooked your comments, please advise.

In addition, at your earliest opportunity, please conduct a review of the project and provide your initial or updated written comments to the Board of Appeals. Please provide one

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hard copy for our file, along with an e-copy to ZBAClerk@Hopkinton.org so that your comments may be distributed to the Board members and posted to the Board's web site.

I ask that you contact our secretary Ms. White, and ask for copies of any documentation on file with the Board that you deem necessary or advisable to allow you to conduct your review. The applicant has provided significant information and documentation to the Board and Ms. White can assist you with respect to your needs.

You will note that the applicant has requested that the Town provide water to the project. In addition to all the other issues you wish to address, please include in your written comments to the Board the following:

1. The current town policy with respect to the availability of water for new projects,
2. All previous policies regarding the availability of water that have been maintained by the town for the past five years, and,
3. A detailed listing of exceptions to these policies that have occurred within the past five years, and the reasons therefore.
4. Your recommendations / comments on whether, and how, the Board of Appeals should modify town policy with respect to 40B projects pursuant to the Board's authority under MGL c. 40B s. 21.

In addition, I ask that you, or your representative, appear before the Board of Appeals on January 28, 2004 so that we may make further inquiry.

Thank you for your anticipated cooperation.

Very truly yours,

Wayne R. Davies,
Chairman

cc: J. T. Gaucher, Director
Department of Public Works
Ronald Clark, Chairman
Board of Selectmen