



# TOWN OF HOPKINTON

## OFFICE OF THE PLANNING BOARD

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

January 10, 2007

### DECISION OF SITE PLAN REVIEW

Application for Site Plan Review filed by the Department of Public Works of the Town of Hopkinton, P.O. Box 209, Hopkinton, MA, for Major Project Site Plan Review, consisting of a Wastewater Treatment Facility at **66 Fruit Street**, Hopkinton.

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The Planning Board held a public hearing on the application submitted by the Department of Public Works of the Town of Hopkinton (the "Applicant") for Site Plan Review on January 8, 2007, pursuant to Article XX of the Zoning Bylaw, Site Plan Review (the "Bylaw"). The proposal constitutes a Site Plan Review Major Project, as it involves construction of 1,500 sq. ft. or more gross floor area and grading or re-grading of land to planned elevations and/or disturbance of existing vegetation over an area of 5,000 sq. ft. or more. The property is owned by the Town of Hopkinton.

Under the Town of Hopkinton Zoning Bylaws, Site Plan Review is an administrative review of site design for uses that are allowed in the underlying Zoning district, and is not a review of a proposed or existing use.

The property contains 257 acres and is zoned Agricultural. Portions of the property are also within the Water Resources Protection Overlay District and the Floodplain District. The Wastewater Treatment Facility ("WWTF") itself is not located within either of these overlay districts, and would occupy about five acres of the property. The property was purchased by the Town in 2003. Prior to that, much of the site was used for a gravel removal operation for many years. The Applicant proposes to construct 4,100 gross square feet of building for the WWTF, subsurface disposal beds and an access road/driveway.

The Site Plan showed proposed lighting, building location and design, traffic circulation, stormwater management facilities, access roadway details and parking spaces. The access roadway to the facility would follow existing cart paths/old haul roads within the property and would not be paved. The width of the traveled way and shoulders would be variable depending on the location, but the traveled way would generally be 16 ft. wide. The plan showed not only the WWTF facilities to be constructed at the present time, but the design for future expansion as well. The WWTF would initially treat 100,000 gallons per day (gpd) of flow, with capability of expansion up to 350,000 gpd.

## **Review Standards**

The Decision Criteria for approval of a Site Plan are contained in Section 210-136 of the Zoning Bylaw and are as follows:

- A. The Site Plan conforms to the purpose and intent of the bylaw and proposes an appropriate and beneficial development of this site;
- B. The surrounding area will be protected from the proposed use on the site by provision of adequate surface water drainage, buffers against light, sight, sound, odors, dust and vibration and the preservation of adequate light and air;
- C. The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas and public ways is ensured;
- D. Environmental features of the site and surrounding areas are protected;
- E. The Site Plan is consistent with the Master Plan;
- F. The proposed building scale and/or site development plan is consistent with the surrounding neighborhood;
- G. All variances or special permits required from the Zoning Board of Appeals have been granted;
- H. Notwithstanding the above, regulation of uses and structures referred to in MGL c.40A, §3 shall be limited to the extent allowed under said section of the General Laws.

The Bylaw further states that Site Plan approval may be made subject to conditions, modifications and restrictions as the Planning Board may deem necessary.

Site Plan Review is for uses permitted in the underlying zoning district, and is not a review of the use but of the design of the site to serve a permitted use.

### **Discussion at the Public Hearing and Information Received**

In addition to the initial application package, the Applicant submitted supplemental information requested by the Planning Board's consulting engineer, Fay, Spofford & Thorndike, LLC (FST).

The Board received letters of comment and recommendation from FST dated January 4, 2007 and January 8, 2007, and the following Town departments and officials: Hopkinton Conservation Commission and Design Review Board.

At the hearing, the proposed development of the WWTF was discussed, including the design and function of the buildings, traffic circulation, site lighting and stormwater management system. The location of the WWTF would be located well within the property and would not be visible from abutting properties or other municipal uses proposed for the property. Much of the site was cleared and mined in the past.

Concerns were raised at the hearing with the location of portions of two of the subsurface disposal beds within the 200 ft. Riverfront zone of Whitehall Brook, the boundary of which is concurrent with a future conservation restriction area and open space, and portions of the access roadway within a conservation restriction area. It was stated that the location of small portions

of the beds within the Riverfront area was within the jurisdiction of the Conservation Commission and would be addressed in that process. Correspondence received from the Commission indicated that since the beds would be located within the previously disturbed area, the impact on the Riverfront zone would be minimal. In addition, the Applicant stated that under State regulations, WWTFs are permitted within Riverfront zones. The Board discussed with the Applicant the possibility of moving or changing the shape of the disposal beds to avoid incursion into the conservation restriction/Riverfront area. It was stated that the space available for the facility is limited due to wetland buffer zones, the desire not to increase the overall disturbed area any more than is shown on the Site Plan, and that changes would be costly to the Town.

During the plan review process with FST prior to the public hearing, modifications were made to the Site Plan to address issues raised. Correspondence from FST on January 8, 2007 indicated that all outstanding items had been addressed, and recommended that the issue of easements for the utilities shown on the plan be discussed by the Board with the Applicant. The issue was discussed, and it was stated that as the Town further develops municipal uses on the property and the final location of utilities is determined, easements would be created for any utilities as necessary.

### **Findings and Votes of the Board**

The Planning Board conducts its review of Site Plans in accordance with the Decision Criteria contained in the Bylaw. The review is of the design and functionality of the site elements and not of the proposed use. With respect to the Criteria, the Board voted on January 8, 2007 to determine that the following Criteria were met:

- A. The Site Plan conforms to the purpose and intent of the bylaw and proposes an appropriate and beneficial development of this site;
- B. The surrounding area will be protected from the proposed use on the site by provision of adequate surface water drainage, buffers against light, sight, sound, odors, dust and vibration and the preservation of adequate light and air;
- C. The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas and public ways is ensured;
- D. Environmental features of the site and surrounding areas are protected;
- E. The Site Plan is consistent with the Master Plan;
- F. The proposed building scale and/or site development plan is consistent with the surrounding neighborhood;
- G. No special permits or variances are required of the Zoning Board of Appeals.
- H. The project is not a use referred to in MGL c.40A, §3 of the General Laws.

On the Motion to determine that the Decision Criteria in Zoning Bylaw Section 210-136 were met, the vote of the Board was as follows:

Mark Abate	Yes
Scott Aghababian	Yes
Evan Ballantyne	Yes
John H. Coolidge	No

R. J. Dourney	Yes
Jaime Goncalves	Yes
Joseph Markey	Yes
Claire Wright	Yes

The Board voted at its meeting on January 8, 2007 to approve the Site Plan, entitled: “Planning Board Site Plan Review Permitting Drawings for Fruit Street WWTF and Subsurface Disposal Beds”, prepared by EarthTech, dated November, 2006 with modifications made during the consultant review process; with the following condition:

1. The Site Plan shall be modified to show an additional light mounted on the last utility pole entering the WWTF site operated by a motion detector, which will provide adequate visibility for police officers entering the area.

On the Motion to Approve the Site Plan with the foregoing condition, the vote of the Planning Board was as follows:

Mark Abate	Yes
Scott Aghababian	Yes
Evan Ballantyne	Yes
John H. Coolidge	No
R. J. Dourney	Yes
Jaime Goncalves	Yes
Joseph Markey	Yes
Claire Wright	Yes

This Decision shall become void two (2) years from the date of issue if the actions authorized hereby are not exercised.

Any person aggrieved by this Decision may appeal in accordance with Article XX, Section 210-135 F. of the Hopkinton Zoning Bylaw within 30 days of the filing of the decision with the Town Clerk.

Mark A. Abate  
Chairman

Cc: Town Clerk  
Director of Municipal Inspections  
Director of Public Works  
Fire Department  
Board of Selectmen  
Board of Health  
Fay, Spofford & Thorndike, LLC  
EarthTech