



# TOWN OF HOPKINTON

## OFFICE OF THE PLANNING BOARD

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

November 1, 2007

### DECISION OF SITE PLAN REVIEW

Application for Site Plan Review filed by Hallmark Ventures, Inc., 11 Grove St., Hopkinton, MA, for Major Project Site Plan Review, consisting of a mixed use retail, office and residential development at **25 and 35 Main Street**, Hopkinton, shown on Assessors Map U16 Block 218 Lot 0 and Block 219 Lot 0.

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The Planning Board held a public hearing on the application submitted by Hallmark Ventures, Inc. (the "Applicant") for Site Plan Review on September 10, 2007, continued to October 1, 2007, October 15, 2007 and October 29, 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, 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, and construction of a parking area containing 25 or more parking spaces. The property is currently owned by 25 Main Street Realty Trust and 35 Main Street Realty Trust.

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 development site, currently consisting of two parcels which will be combined, contains 2.87 acres and is zoned Downtown Business. The front of the parcel, to a depth of approximately 180 feet, is within the Hopkinton Center Historic District. The two existing historic buildings on the property at 25 and 35 Main St. are currently in commercial use and are within the Historic District. The Applicant proposes to construct a new building behind the existing buildings and outside the Historic District, with 42,000 sq. ft. of floor area. The new building will have underground parking, retail uses on the first floor, office uses on the second floor, and nine residential condominium units on the third floor. The Site Plan shows 152 parking spaces, consisting of 32 under the building and 120 surface parking spaces. The Hopkinton Village Center project consists of all three buildings which will be located on one parcel.

The Site Plan showed proposed lighting, building location and design, landscaping, stormwater management facilities, driveways and parking spaces. The site would be served by the municipal water and sewer systems, and the stormwater management system is designed to comply with the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy

and Guidelines, as required by the Site Plan Review Submission Requirements and Procedures adopted by the Planning Board pursuant to the Bylaw.

### **Review Standards**

Section 210-136 of the Bylaw contains the following Decision Criteria:

The Planning Board shall approve an application for Site Plan Review if it finds that:

- 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) and the Planning Board. The Applicant and the design engineer also submitted responses to FST's reports and issues raised by the Board during the public hearing process.

The Board received letters of comment and recommendation from abutters, FST dated September 6, 2007 and September 28, 2007, and the following Town departments and officials: Hopkinton Conservation Commission, Design Review Board, and Fire Department.

At the hearings, all aspects of the proposed development of the site were discussed, including the design, use and location of the proposed building, traffic circulation interior and exterior to the site, parking lot design, landscaping and screening, site lighting and the stormwater management system. Also discussed was the wider context of how the project would fit into its downtown

setting and the Historic District, the Town's goals for downtown revitalization, pedestrian connections to the project, and the relationship to existing on-street parking spaces.

Several general areas of concern were discussed during the hearing process:

### Traffic

The site is located on the south side of Main St., between Grove St. and Church St. Because of its downtown setting and proximity to the Main St./Grove St./Cedar St. intersection, traffic flow was an area of concern discussed extensively at the public hearing. Of particular concern was the possible interruption of traffic flow, safety concerns, and potential backups when vehicles exiting the site try to take a left turn during the peak traffic hours of Main St.

The site presently has three driveways, about 12 feet wide, accessing the two existing buildings. The Site Plan submitted showed a 15 ft. wide one-way entrance drive in the same location as the existing westerly driveway, a 15 ft. wide one-way exit drive in the same location as the existing easterly driveway, and the center driveway remaining as is for use by emergency vehicles and tenants of the existing buildings at 25 and 35 Main St. After discussion at the public hearings, it was decided that the center drive should be eliminated to avoid confusion and related safety issues, and to allow the length of Main St. between the two outer driveways to be used for on-street parking.

The Applicant submitted information on the anticipated traffic trips generated by the site and other information requested. The materials were reviewed by FST and were discussed at the public hearings. The Applicant proposed to restrict left turns out of the site between the hours of 4:00 PM and 6:00 PM as mitigation of the concerns discussed.

### Parking

The submitted Site Plan shows 152 parking spaces on the development site, which exceeds the 139 spaces required by Zoning Bylaw Section 210-124, Off-Street Parking, for the retail, office and residential uses anticipated on the site. Municipal on-street parking spaces line Main St. on both sides of the street. In order to provide the required turning radius for SU-30 vehicles (i.e. a 30 ft. long fire truck) at the two site drives, two existing on-street parking spaces at the entrance and one at the exit will be eliminated. The owner of the abutting property at 43-45 Main St. expressed concern about the loss of the parking space in front of that business, so that there would only be one space where there are presently two. It was noted that the present spaces, both in this location and elsewhere along Main St., are undersized, both from a practical standpoint given the actual size of vehicles and the amount of space needed to parallel park and also because they do not conform to the parking space dimensional requirements of Section 210-124. This results in vehicles blocking driveways and using more than one space to park one vehicle. After discussion, it was noted that shifting the location of the on-street spaces in this area and blocking off the center driveway should result in the net loss of only one existing municipal parking space, but 152 additional parking spaces would be added in the downtown area.

### Screening

A review of the screening provided to properties, both residential and commercial, abutting the development site was conducted by the Planning Board. The owner of 17 Grove St. expressed concern about the loss of mature trees on the development site immediately adjacent to the property line. After discussion at the public hearings, the Applicant modified the Site Plan by designating some smaller compact car parking spaces in the parking lot behind 17 Grove St., thereby creating a larger area between the resident's property and the parking lot retaining wall so that the trees could be saved and/or replaced. The abutter expressed a preference for retaining the existing trees.

### Stormwater Management

The stormwater management system shown on the Site Plan was discussed in relation to compliance with the Mass. DEP Stormwater Management Policy and Guidelines and the existing infrastructure in the area. All aspects of the system were reviewed by the Board's consulting engineer, additional information provided, and modifications to the Site Plan were made as requested.

The abutter at 17 Grove St. requested that the Site Plan be modified to direct stormwater which flows toward the property at the present time and would also after construction, into the new stormwater management system on the development site and then into the Town's drainage system in Main St. It was noted that if that were to occur, a violation of the Mass. DEP Stormwater Management Policy and Guidelines would result, as the post-development volume of runoff would exceed the pre-development volume. The Applicant also noted that the Hopkinton Department of Public Works had indicated that no increase in volume into the Town system would be allowed. An alternative plan was proposed by the Applicant, to pipe the runoff to a system with a level spreader on the development site directly adjacent to the 17 Grove St. property, on which an easement would be required, similar to the system proposed behind 11 Grove St. The owner of 17 Grove St. declined to grant an easement for that purpose.

The Planning Board noted that the Site Plan as designed conforms to the Mass. DEP Stormwater Management Policy and Guidelines, and that no increase in stormwater runoff volume to abutting property should result.

Throughout the Site Plan review process, modifications were made to the Site Plan to address issues raised. Abutters, interested citizens, representatives of the Downtown Revitalization Committee and the Police Chief attended public hearings, at which the outstanding engineering and site design items were thoroughly discussed.

### **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. The Board voted on October 29, 2007 to determine that the Decision 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 adopted January 22, 2007;
- 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 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
Sandy Altamura	Yes
John Coolidge	Abstain
Carol DeVeuve	Yes
Joseph Markey	Yes
Ken Weismantel	Yes
Claire Wright	Yes

The Board voted at its meeting on October 29, 2007 to approve the Site Plan entitled “Hopkinton Village Center”, prepared by Level Design Group and Gorman Richardson Architects, dated through September 24, 2007 with modifications made during the consultant review and public hearing process; with the following conditions:

1. The Applicant shall review any significant proposed modifications to the building facade before or during construction with the Design Review Board prior to the commencement of construction of those items, to maintain consistency with the overall design concept.
2. The following conditions are required as mitigation of new traffic trips generated by the development and traffic impacts created by the development:
  - (a) The Applicant shall close the center driveway, match the stone wall along Main St. in this location, and restore the area to lawn, with the exception that a handicapped space and its access from the new parking lot shall be retained, plus any walkways to the existing buildings that are necessary. The Site Plan shall be revised to show these modifications.
  - (b) The Applicant shall be responsible for re-alignment and re-striping of on-street parking spaces on Main St. between Grove St. and Church St. The spaces should be adjusted so that they conform to standard parking space dimensions, provide adequate space for vehicles to turn at driveway radii, and add on-street parking where the center driveway was located. The Applicant shall work with the Hopkinton Department of Public Works (DPW) in this regard, and the work shall be done under the supervision of the DPW.

- (c) The sidewalk and curbing on Main St. along the frontage of the development site shall be repaired and improved. The Applicant shall work with the Downtown Revitalization Committee and DPW with respect to the scope, design and timing of the work to be done.
  - (d) Left turns out of the site exit driveway shall be prohibited between the hours of 4:00 PM and 6:00 PM on weekdays. Pavement markings and low-key signage shall be used to notify drivers of the one-way and turning restrictions. After the site's retail and office space is 75% occupied, the Applicant shall evaluate the operational functionality of the turning movements at both driveways during the morning and evening peak hours of traffic on Main St. for Planning Board review. Adjustments and additional restrictions on turning movements to address public safety issues may be made at that time.
3. The design of the parking lot behind 17 Grove St. was modified as an attempt to save existing trees along the property line. If any of the trees are damaged during construction and a certified arborist certifies that the tree will not survive and/or any of the trees do not survive during a three year period beginning on the date of the start of site construction, the Applicant shall remove said trees. The Applicant shall plant new trees in that location to replace ones that are removed on a one-for-one basis. The species and size of the tree shall be determined after consultation with the Hopkinton Tree Warden. The Applicant shall provide surety to the Town in a form selected by the Planning Board as a performance guarantee to ensure that the trees are replaced if required. The amount of the guarantee shall be established by the Planning Board after review of an estimate submitted by the Applicant. The performance guarantee shall be delivered to the Planning Board prior to the commencement of construction. This surety is in addition to the performance guarantee required in condition #11.
  4. In a report dated September 28, 2007 from FST, items are identified as remaining to be addressed. The Applicant shall address these items to the satisfaction of the Planning Board prior to the commencement of construction.
  5. In response to the reports from FST and discussions during the public hearing process, several modifications were made to the submitted plans. A complete set of plans revised in accordance with this approval and discussed/reviewed at the public hearings shall be submitted to the Planning Board for review by FST and the Planning Department to ensure that all items are included in this final design plan. Once it is determined that the plans are complete, three full sets shall be provided to the Planning Board and one full set shall be provided to the Director of Municipal Inspections prior to the commencement of construction.
  6. The Director of Municipal Inspections inspects Site Plans under construction for compliance with the approved Site Plan. If the Director of Municipal Inspections determines at any time before or during construction that a registered professional engineer or other such outside professional is required to assist with the inspections of the stormwater management system or other component of the Site Plan, the Applicant shall be responsible for the cost of those inspections.

7. All dumpsters on the property shall be screened from view from the ground by a six foot tall solid fence or other effective means, adequate in the opinion of the Planning Board. Due to the location of residences on-site and directly adjacent to this property, dumpsters shall not be emptied between the hours of 10:00 PM and 7:00 AM.
8. All exterior lighting shall be directed downward, not upward or outward, and shall not spill onto adjacent property unless such lighting is shown on the Site Plan. Light levels shall be reduced at night to only that which is necessary for safety and security.
9. A revised Landscape Plan shall be submitted within 90 days of this Decision which incorporates all of the modifications contained in this approval.
10. All mechanical equipment shall be screened from view from the ground.
11. In accordance with Zoning Bylaw Sec. 210-138, the Applicant shall provide a performance guarantee in the amount of \$5,000 to the Town prior to the commencement of construction. The guarantee shall consist of a deposit of money or negotiable securities in a form selected by the Board to guarantee completion of improvements to be made in compliance with the approved plans. The funds will guarantee that any unforeseen problems which arise, such as erosion and sedimentation, visual screening of abutting property, and the correction of site lighting problems, will be addressed. The funds will be held by the Town and returned to the Applicant upon completion of the project.

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

Mark Abate	Yes
Sandy Altamura	Yes
John Coolidge	Abstain
Carol DeVeuve	Yes
Joseph Markey	Yes
Ken Weismantel	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  
Hallmark Ventures, Inc.  
Director of Municipal Inspections  
Director of Public Works  
Fire Department  
Police Chief  
Board of Selectmen  
Board of Health  
Fay, Spofford & Thorndike, LLC