



TOWN OF HOPKINTON

OFFICE OF THE PLANNING BOARD

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

February 17, 2005

DECISION OF SITE PLAN REVIEW

Application for Site Plan Review filed by William Tetlow, 25 Hayward St., Hopkinton, MA, for an addition to a commercial building located at **25 Hayward Street**, Hopkinton.

The Planning Board held a public hearing on the application for Site Plan Review submitted by William Tetlow (the "Applicant"), on December 13, 2004, continued to February 14, 2005, pursuant to Article XX of the Zoning Bylaw, Site Plan Review. The proposal constitutes a Site Plan Review Major Project, as it involves construction of 1,500 sq. ft. or more of gross floor area, grading or regrading of land to planned elevations and/or disturbance of existing vegetation of over 5,000 sq. ft., and construction and enlargement of a parking area containing 25 or more parking spaces.

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 1.17 acre property is zoned Rural Business and currently contains O'Toole's Restaurant. The Applicant proposes to construct a 4,000 sq. ft. addition to the restaurant building and a canopy over a bank drive-through facility. The addition would contain a 2,000 sq. ft. bank and a 2,000 sq. ft. Dunkin Donuts. The original application submitted to the Board proposed a 5,000 sq. ft. addition. However, because the premises would not have complied with the parking requirements contained in Zoning Bylaw Section 210-124, Off-Street Parking, the Applicant decided to eliminate 1,000 sq. ft. of retail space and reduce the number of seats in O'Toole's Restaurant to 100.

Review Standards

The 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

The Applicant submitted the materials required by the Planning Board. At the hearing, the proposed construction on the property was discussed, including the design and function of the building, proposed parking lot layout, parking requirements, signage, site lighting, stormwater management system, screening to abutting property, and traffic. Abutting properties consist of one residence and some commercial properties, zoned Residence-Lake Front or Industrial.

The submitted Site Plan shows an increase in the number of parking spaces on the premises, from 48 to 79. A stormwater management system would be constructed on the property. The Site Plan shows that the new 4,000 sq. ft. addition would be connected to the existing building by a canopy over the bank drive-through facility. The Applicant stated that the existing site lighting would be replaced by the lighting as shown on the plan. The submitted plan also showed the proposed exterior of the building, landscaping, and other site improvements.

Written comments and recommendations on the Site Plan were received from: Michael Shepard, Director of Municipal Inspections; Hopkinton Design Review Board; Hopkinton Fire Department; Ellen Chagnon, Conservation Scientist; and Fay, Spofford & Thorndike, LLC (FST), the Planning Board's consulting engineer.

The Zoning Board of Appeals has issued a variance allowing a reduction in the front setback requirement for the addition, and has permitted the drive-through window for the bank.

Findings and Votes of the Board

The Planning Board conducts its review of Site Plans in accordance with the 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 determined that with the conditions of approval listed below, the following Criteria are 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. The required variances and special permits have been obtained from the Zoning Board of Appeals.
- H. The project is not a use referred to in MGL c.40A, §3 of the General Laws.

The Board voted at its meeting on February 14, 2005 to approve the Site Plans, entitled: 1) "Site Plan – Proposed Building Addition – 25 Hayward St.", prepared by Faist Engineering, dated Jan. 25, 2005; 2) "Proposed Commercial Shops – Additions to O'Toole's Restaurant", prepared by dimensions Architecture/Design, dated Jan. 27, 2005; 3) "O'Toole's Restaurant", prepared by Hadco Architectural Outdoor Lighting, dated Jan. 28, 2005; and 4) "Landscape Design", prepared by D.J. Landscaping, received on Feb. 10, 2005, with the following conditions:

- 1. Pursuant to Section 210-138 of the Zoning Bylaw, the Applicant shall provide a performance bond in the amount of \$10,000 to guarantee completion of improvements shown on the plan, including lighting and landscaping. The amount shall be delivered to the Planning Board office prior to the commencement of construction.
- 2. During construction, the owner shall make every effort to ensure that soils are not tracked onto South Street and Hayward Street by vehicles.
- 3. All exterior lighting shall be directed downward, not upward or outward. Lights shall be off when the building is unoccupied, with the exception of lighting necessary for security purposes. If desired, the pole mounted lights in the parking lot may be on motion sensors.
- 4. All mechanical equipment shall be screened from view from the ground.
- 5. The building owner shall institute a signage program for the building with control over sign size, style, placement, lighting, and colors. The building signage shall be coordinated with respect to each other and the style and architecture of the building. Signs on the building shall be carved wood with exterior illumination, as indicated by the Applicant.

6. The Applicant shall meet with the Design Review Board before or during construction to discuss color selections for the building.
7. The entrance to the bank drive-through lane shown on the plan is not wide enough to accommodate vehicles turning into it from the southbound travel lane of South St. Therefore, the Applicant shall widen the lane entrance by relocating the nearest parking space elsewhere on the property. At the public hearing, the Applicant indicated it would be relocated to be adjacent to the Hayward St. driveway. A revised plan showing the change shall be submitted to the Board and the Director of Municipal Inspections prior to the commencement of construction.
8. Six months after completion of construction, the owner shall review with the Police Department safety issues or any problems with regard to the use of the South St. driveway for left turns, to determine whether they should continue to be permitted.

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

Mark Abate	Yes
John H. Coolidge	Yes
Pamela Duffy	Yes
Jaime Goncalves	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.

John H. Coolidge
Chairman

Cc: William Tetlow
Faist Engineering
Director of Municipal Inspections
Director of Public Works
Fire Department
Board of Selectmen
Design Review Board

Board of Health
Fay, Spofford & Thorndike, LLC