



# TOWN OF HOPKINTON

## OFFICE OF THE PLANNING BOARD

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

February 25, 2004

### DECISION OF SITE PLAN REVIEW

Application for Site Plan Review filed by T&T Realty Trust, 87 Elm St., Hopkinton, MA for construction of a concrete pad at **87 Elm Street**, Hopkinton.

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The Planning Board held a public hearing on the application submitted by T&T Realty Trust (the "Applicant") for Site Plan Review on January 12, 2004, continued to January 26, 2004 and February 23, 2004, pursuant to Article XX of the Zoning Bylaw. The proposal constitutes a Site Plan Review Minor Project, as it involves a change in the outside appearance of a building or premises, visible from a public or private street, requiring a building permit.

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 is zoned Rural Business and contains an existing office building and parking areas. The Applicant proposes to construct a concrete pad for a refrigerator/freezer unit on the southwest side of the building, between the parking lot and a ramp to Rt. 495. The construction of the pad requires a building permit. The Applicant simultaneously filed an application for a Special Permit with the Hopkinton Board of Appeals, as the pad would not meet the side setback requirement. The Special Permit was granted, and filed with the Town Clerk on February 23, 2004.

### 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.

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 public hearing the proposed change to the premises was discussed, which is limited to the construction of the concrete pad for the refrigerator/freezer unit. The Applicant stated that the unit would be moved from the previous business location in Natick, and there would be no other modifications to the premises. The Board noted that since the unit will be directly adjacent to parking spaces, bollards should be erected to protect the unit from potential damage. The Applicant agreed to erect the bollards. The public hearing was continued until the Board of Appeals filed its decision on the side setback application, as the Site Plan criteria for approval require that the Special Permit be granted first.

### **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 Zoning Board of Appeals has issued the Special Permit allowing the side setback distance shown on the plan.

The Board voted at its meeting on February 23, 2004 to approve the Site Plan, entitled “Special Permit Plot Plan”, prepared by Guerriere & Halnon, Inc., dated December 10, 2003, with the following conditions:

1. Bollards shall be placed between the unit and parking spaces, to avoid the unit being damaged by vehicles.
2. The Decision of the Board of Appeals, dated February 20, 2004, states that the Applicant must comply with any screening plan the Planning Board may condition to the site during Site Plan Review. The Planning Board did not feel that any additional screening was necessary in this location.

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

Mark Abate	Yes
Scott Aghababian	Yes
John Coolidge	Yes
Pamela Duffy	Yes
Brian Herr	Yes
Tina Rose	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: T&T Realty Trust  
Director of Municipal Inspections  
Board of Selectmen  
Board of Appeals