



# TOWN OF HOPKINTON

## OFFICE OF THE PLANNING BOARD

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

August 24, 2007

### DECISION

Petition for a Special Permit filed by LLD Land Development Corporation, 31 Whitewood Road, Milford, MA, for a 62-unit Senior Housing Development Concept Plan entitled **ROCKWOOD MEADOWS** to be located on School Street in Hopkinton (Assessors Map R32 Block 1 Lot 0) and East Street in Upton. The Special Permit is sought under Hopkinton Zoning Bylaw Chapter 210, Article XVIA, Senior Housing Development.

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The Zoning Act having been duly complied with regarding notice, a public hearing was held on August 20, 2007. The Special Permit application and Concept Plan showing 62 units was submitted by LLD Land Development Corporation (the "Applicant") on July 11, 2007. The Applicant is also the owner of the property. Plans submitted included the "Definitive Site Plan for Rockwood Meadows in Upton, Massachusetts" prepared by Allen Engineering, LLC, dated March 19, 2007.

The property is located in the Agricultural zoning district, and was once the "Amato Farm". The total Senior Housing Development site would be 78.8 acres (23.16 acres in Hopkinton, 55.64 acres in Upton), including 24.97 acres of wetlands (10.9 acres in Hopkinton, 14.07 acres in Upton) and 48.48 "useable" acres (12.16 acres in Hopkinton and 36.32 in Upton) according to the definition contained in the Senior Housing Development bylaw, Article XVIA (the "Bylaw"). Approximately 61.5 acres of the total development site would be open space.

The property abuts Peppercorn Village, an age-restricted comprehensive permit condominium complex under construction to the north, single family homes on East St. in Upton to the south and west, and Town of Upton conservation land to the east.

Senior Housing Developments, as defined by the Bylaw, are allowed by Special Permit in zoning districts where residential uses are permitted by right, if the criteria contained in the Bylaw are met.

### Review Standards

In the Commonwealth of Massachusetts, no one has an absolute right to a Special Permit. While the Planning Board must act fairly and reasonably on the evidence presented, keeping in mind the objectives and purposes of the Zoning Act and the Bylaw, the Planning Board has the

discretion to deny a Special Permit even if the facts show that such a permit could have been lawfully granted.

The Bylaw states in Section 210-105.4A(1)(d) that before the Planning Board may issue the Special Permit, it shall determine each of the following:

1. That the proposed development constitutes a desirable development in the neighborhood and in the Town.
2. That the proposed development will not be detrimental to the neighborhood or the Town.
3. That the plans generally provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, property or improvements, with the understanding that review of such items will be more detailed at the site plan stage.
4. That the plans appear to provide adequate methods of disposal of sewage, refuse and other wastes, adequate methods for drainage for surface water and seasonal flooding, if any, and adequate provision of water for domestic purposes, with the understanding that review of such items will be more detailed at the site plan stage.
5. That the plan complies with the Master Plan.
6. That the provisions of Sections 210-105.1 A and B of the bylaw have been met.

The Bylaw states that if the Planning Board does not make all of the above determinations, it shall deny the application stating its reasons for such denial.

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

In addition to the development plans, the Applicant submitted several documents and supporting data to the Board related to traffic and environmental impacts of the proposed development.

Written comments and recommendations on the application were received from the Hopkinton Fire Department, Conservation Commission, and Fay, Spofford & Thorndike, LLC, the Board's consulting engineer.

The following issues were discussed at the public hearing:

The Board discussed the sewage disposal and drinking water supply systems which will serve the development, and expressed some concern regarding water quality in view of the previous use of the property, a farm. The Board expressed concern about the traffic impacts of the development both on School St. (Hopkinton)/East Street (Upton) as well as possible mitigation for the currently problematic School St./West Main St. intersection. The Board discussed the disposition of the Hopkinton portion of the open space and asked the applicant to determine which entity will hold the Conservation Restriction.

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

At its meeting on August 20, 2007, the Planning Board voted to: 1) determine that the Approval Criteria contained in Section 210-105.4A(1)(d) had been met, and 2) grant the Special Permit and approve the Rockwood Meadows Senior Housing Development Concept Plan entitled

“Definitive Site Plan for Rockwood Meadows in Upton, Massachusetts” dated March 19, 2007, with the following conditions:

1. There shall be no dwelling units located in the Town of Hopkinton.
2. The portion of the roadway located in Hopkinton shall be designed to conform to the requirements of the Subdivision Rules and Regulations, with the exception of the following: (a) the road may be 26 ft. wide instead of 24 ft., in order to comply with the requirements of the Town of Upton; (b) a sidewalk is not required.
3. Site lighting within Hopkinton shall be minimal and shall be directed downward, not up or outward. No lighting shall spill onto the street or abutting properties.
4. Detention/retention basins in Hopkinton shall be designed to appear like natural landforms and shall be integrated with the topography of the area as much as possible.
5. The drainage system in Hopkinton shall be designed to conform to the DEP Stormwater Management Policy and Guidelines and to the applicable provisions of the Subdivision Rules and Regulations. It shall be designed to ensure that the water quality of the stormwater runoff is not detrimental to the wetlands and receiving water bodies. An Operation and Maintenance Plan for stormwater management facilities shall be submitted.
6. An Erosion and Sedimentation Control plan shall be submitted. It shall address soil erosion and sedimentation control measures at and downstream of the site.
7. Dedicated open space in Hopkinton shall not be used for storage of construction vehicles, building materials, stockpiled loam or other material during construction. The Site Plan shall show the proposed locations for stockpiling of materials.
8. No earth products shall be delivered to the Hopkinton portion of the site which are not for use on the property. No earth shall be stripped or excavated and removed from areas of the site unless for road, infrastructure, home or lawful accessory use construction. No earth processing operations shall occur on the site, unless earth products are to be combined and/or mixed for use on the property. All piles of stockpiled earth shall be stabilized with adequate dust and erosion controls. All piles of earth shall be removed from the site upon completion of construction of the roadways and infrastructure. Any piles remaining after that time shall be solely in conjunction with an active permit for construction of sewage disposal system, building or lawful accessory use.
9. The Applicant will investigate and determine which entity will hold the conservation restriction on the Hopkinton portion of the open space.
10. The Applicant has expressed willingness to provide financial assistance toward the cost of the installation of a traffic light at the corner of School St. and West Main St. in Hopkinton, the amount of which shall be determined.

On the motion to grant the Special Permit for the Senior Housing Development Concept Plan subject to the foregoing conditions, the vote of the Board is as follows:

Mark Abate	Yes
R.J. Dourney	Yes
Joseph Markey	Yes
Sandra Altamura	Yes
John Coolidge	Yes
Ken Weismantel	Yes

Claire Wright	Yes
Carol DeVeuve	Yes

Any person aggrieved by this decision may appeal in accordance with M.G.L. Chapter 40A within 20 days of the filing of the decision with the Town Clerk.

This Special Permit shall become void within two years from the date of issue in accordance with Mass. General Laws, Chapter 40A, Section 9.

This Special Permit shall not be effective until filed with the Registry of Deeds by the Applicant.

Mark A. Abate  
Chairman

cc: LLD Land Development Corporation  
Allen Engineering, LLC  
Fay, Spofford & Thorndike, Inc.  
Town of Upton  
Conservation Commission  
Director of Municipal Inspections  
Fire Department  
Board of Health  
Director of Public Works  
Town Clerk