



TOWN OF HOPEDALE
ZONING BOARD OF APPEALS
TOWN HALL
78 HOPEDALE STREET
HOPEDALE, MA 01747

Christopher P. Hodgens, Chairman
Nicholas A. Alexander, Member
Sandra E. Biagetti, Member
Louis J. Costanza, Member
Scott M. Savage, Member

**Hopedale Zoning Board of Appeals
Meeting Minutes
January 11, 2023**

Chairman Scott Savage called the public hearing to order on January 11, 2023 at 7:02 pm. The meeting was held in the Town Hall Draper Room, streamed live via Zoom and on Hopedale Cable Access.

Members that were present:

Scott Savage, Chair
Sandra Biagetti
Nicole G. Small
Lou Costanza
Nick Alexander

Town Counsel:

Jonathan Silverstein

Applicants:

Attorney Joseph Antonellis, William Buckley,
Doug Hartnett, Robert Bird, Steve Goodman, Hilde
Karpawich

Guests:

Linda Ashworth, Stone Family, Walter Swift, Pat
DiPietropolo, Liz Reilly, Tim Watson, Lou Arcudi,
Jason MacDonald, David G, Bob Larochelle, Ann
DeMattis, Jacqueline Martin, Lewis Family, Jeannie
Russell, Rick Espanet, Carole Mullen, Brian Pinch,
Foley Family, Henry Gjestebly

Chair Scott Savage opened the meeting noting that the ZBA acknowledged receipt of emails from residents which have been posted as public records on the website, and copies were available at this meeting.

Sandra Biagetti made a motion to accept the minutes from September 28, 2022, seconded by Nick Alexander. Sandra Biagetti, Nick Alexander and Scott Savage voted to approved these minutes as they were the members that were present. Motion passes in favor.

Lou Costanza made a motion to approve the minutes from December 7, 2022, seconded by Sandra Biagetti. All were in favor, with Nick Alexander abstaining as he was absent. Motion passes in favor.

Case # 1-2023 7:05 PM

The applicant, 75-131 Plain St, LLC is seeking a special permit under the Hopedale Zoning Bylaw, Section 17 Groundwater Protection District, Subsection 17.6(c)(6) for a use that will render impervious more than fifteen percent or 2,500 square feet of any lot at 75 Plain Street.

Attorney Joe Antonelli, introduced the GFI team present, including Steve Goodman, founder of GFI Partners. The applicant has submitted a comprehensive ZBA application for a special permit to construct phase II of the project for a warehouse construction on the site on render more than 15% of the site impervious. The applicant amended the site plan to the Planning Board, due to

construction supply issues, to decrease the size to stay under the 15% impervious. The building permit is pending on the phase I amended site plan previously approved. This ZBA application includes all documents and exhibits that meets the town's requirements.

Doug Hartnett, Engineer for the Plain Street project, detailed the property description at 75 Plain Street, formerly the Rosenfeld Concrete site which included 144.6 acres. He reviewed the site history and existing conditions.

Bob Bird is the Environmental Consultant who will be managing the remediation and compliance for this project. He detailed the clean-up process that will consist of:

- The removal of a 20,000 underground storage tank
- The management and removal of contaminated soil from past releases of petroleum and diesel fuel. There are currently two AULs on site due to historic petroleum releases.
- The management and cleanup of any newly encountered contamination on site
- The process of removing these materials will be done in accordance of the MCP (310 CMR 40.000) under the supervision of a Massachusetts Licensed Site Professional.

Doug Hartnett shared phase one plans detailing the limit of the work. This will include the elimination of all contaminants and former buildings and the establishment of cleaner wetland areas including the restoration of the degraded area with landscaping. Phase II will include the 205,000 sq foot building additional with the associated construction of impervious area. In Phase I all stormwater facilities will be constructed up front.

Upon completion of the project there will be 616,875 square foot warehouse with a single access. All degraded area will be restored with vegetation and screening will enhance the vegetative buffers. The restoration of the groundcover will control the runoff and this improves the ground water quality. Stormwater management system has been fully designed in compliance with MA DEP Stormwater Policy Handbook, which Graves Engineering agreed with.

Mr. Hartnett reviewed the project permitting summary which includes the following:

- The Planning Board application was submitted on September 1, 2021 and site plan approval was made on May 11, 2022. During this process Graves Engineering was hired to peer review for compliance with the Zoning Bylaw, Groundwater Protection District and MA DEP Stormwater Handbook. Water and Sewer Department also reviewed the application with a favorable opinion regarding project mitigation and support with respect to protection of public water safety.
- The Conservation Commission application was filed on September 14, 2021 and the Order of Condition was issued on July 25, 2022. This order reviewed the project with compliance of MA DEP Stormwater Handbook, Wetland Protection Act and required compliance with Board of Health Groundwater Protection regulations.
- The Board of Health submittal filed on August 8, 2022 reporting the project is in compliance with Groundwater and Surface Water regulations on September 15, 2022.
- Minor modifications to phase project were submitted to the Planning Board on July 20, 2022 and approved on September 15, 2022. Graves Engineering peer review letter dated August 2, 2022 cited no issue with compliance with the Zoning Bylaws.
- The Conservation Commission reviewed the phasing plan on September 20, 2022 and determined no further action was necessary.
- The initial ZBA application was submitted on July 29, 2021 and withdrawn. The application for Phase II was submitted on December 1, 2022. Water and Sewer Department reviewed Phase II plans and submitted letter of review.

- An application for a building permit is pending approval.

Approved excerpts from the Planning Board decision were presented that included:

- The intent and specific criteria of the Ground Water Protection was met.
- The proposed use will meet the standard in 17.7 c 1 and will not adversely affect the existing or potential quantity or quality of water.
- The proposed use will meet the standard in 17.7. c 2 and is designed to avoid substantial disturbance of soils, topography, drainage, vegetation, and other water-related natural characteristics, if any, of the site to be developed.

The Graves Engineering compliance opinion was reviewed and comprised the following:

- Graves had no issue with the project design with respect to compliance of Section 17.7 c 6 rendering greater than 15 % impervious. This project reduces the runoff volume and provides up 72% total runoff infiltration for 10-year storm event.
- Project complies with MA DEP Stormwater Policy Handbook.
- Graves has no issue with compliance of Hopedale Zoning Bylaw on phased plans.

Doug Hartnett reviewed the letters received from the Hopedale Water and Sewer Department Manager regarding his review of the project site plan and in general agreed that the stormwater plan will reduce surface runoff and could be a benefit for the water and sewer aspect for the town. Tim Watson conducted a site visit and included in his letter findings that included a number of vehicles on the property, cement trucks, etc. that would be beneficial when removed. His concerns regarding the runoff are the fly ash products used in concrete production that may be in the soil and a significant benefit to remediate the soil. Contamination concerns will be taken care of by the environmental remediation. Tim Watson noted the septic systems are substandard and in eliminating those systems and connecting to municipal system is a great improvement. Overall Mr. Watson believes this project will not negatively impact section 17 of the bylaws, and this specific application will not impact the ground water protection district negatively, and it may improve the recharge from the removal and remediation of the disturbed areas. It will bring the site into modern compliance with local and state requirements.

Section 17 6.c 6 of the Zoning Bylaw was detailed and the applicant emphasized that any and all recharge areas shall be permanently maintained in full working order by the owner.

The applicant is seeking a special permit to construct Phase II of the project which will result in a total of 24.4% impervious cover on a 144.6-acre lot previously developed and altered site. Phase II will create 9.5% of impervious area on the site. More than 75% of the site will remain open.

Section 17.6 a lists warehouses as permitted uses in the Light Industrial Zoning District and the Ground Water Protection District as confirmed by the Order of the Land Court dated October 27, 2022. The project will abide by the prohibited uses as follows:

- The project is not a land fill or a dump. It will not store liquid petroleum, sludge or septage.
- The project will be connected to town municipal sewer system, not individual sewer systems.
- There will be no storage of deicing chemicals nor store animal manure.
- The facility will not generate, treat, store or dispose of hazardous waste.
- The project will not be an automotive junkyard and treatment works are not required.
- The project will not store hazardous materials and will not discharge processed waste water on site. There will be no stock piling of snow or ice from outside the district or storage of commercial fertilizer.

Doug Hartnett highlighted in detail how the project will abide by Section 17. It will significantly improve site conditions and meet the standards of the Ground Water Protection District.

Board comments

Chairman Scott Savage stated the Zoning Board's scope is limited to the Ground Water Protection District in compliance with the Order of the Land Court received on October 27, 2022 and would only take questions or concerns regarding this matter.

Sandra Biagetti asked Attorney Antonellis to clarify the proposed warehouse use and tenant. She asked if it could be used for storage and transfer of materials. Attorney Antonellis stated the tenant is unknown and the storage and transfer of materials must fit within the allowable uses. Transfer stations for solid waste must be approved by the Hopedale Board of Health and MA DEP and this site will not and cannot be a transfer station.

Scott Savage asked when testing for infiltration runoff, where all the test pits and measurements were completed. Doug Hartnett stated extensive testing was done on degraded area to verify soil and ground water levels.

Mr. Savage asked what the required percentage of preconstruction versus post construction runoff infiltration that the applicant would have to meet. Doug Hartnett replied that the applicant is obligated to peak rate of runoff and his project has achieved that.

Scott Savage stated that compared to the vegetative area, are the infiltration runoff numbers less after construction. He had concerns regarding a clean site. Doug Hartnett said the applicant is obligated to not increase the peak rate of runoff. It actually provides less runoff.

Mr. Savage asked if there is an opportunity to exceed the minimum standard requirement to go beyond to further improve the runoff control. Doug Hartnett remarked that the project is regulated by the state, the bar is what the state requires. The project needs to comply with standards regulated by the town and state regulations.

His additional question was in regards to materials being used for roadway during the winter months and those details are in the operation plan.

Mr. Savage asked if there will be requirements of trucks to be tested or cleaned prior to docking to keep the property clean to control from roads to the site. Doug Hartnett had not heard of any project having this requirement.

He asked for an explanation of the total suspended solids and was told they are constituent within runoff, including grits, oils off trucks. These solids are taken into consideration and are removed prior to the discharge. DEP assigns the rate that is applied to the site. Mr. Savage felt the applicant could exceed the 80% standard without it being a burden.

His next question was regarding the sparse vegetative in the northern area where no remediation will be performed. Doug Hartnett replied that this area is all mature forest and the project will not extend to that area.

Scott Savage inquired about contaminated soils storage during construction and was told that once you identify contaminants, it will be protected until it can be removed to the proper location.

Scott Savage asked whether the tenants will be informed of the maintenance and spill plans including monitoring the tractor trailers on site plan. There is no specific language but Mr. Buckley stated there will be strict requirements regarding the release of hazardous materials. Chairman Savage asked about if there will be oil traps underneath the building or drains in the building. Mr. Buckley stated that the plans do not include floor drains in the building.

Lou Costanza reviewed the infiltration runoff measurements and if the applicant could go surpass what the MASS DEP standards are; could the measurements be improved more than the standard.

Tim Watson, Manager of Water and Sewer Department had a few points of clarification. Snow removal cannot be brought into a site from outside the zone two to inside a zone two. It can only be transferred within a zone. Scott Savage asked about how to handle the snow piles. Tim Watson replied that with the storm water plan, snow piling within a parking lot allows proper filtration and is a best practice.

In reference to inspection, the town is obligated to ensure the applicant adheres to the storm water regulations and the town will complete inspections in the spring and fall. The applicant agreed to regular inspections. Also, floor drains regulation through the BOH, are not allowed in this zone.

Nick Alexander asked Tim Watson why the current facility does not have a storm water plan in place, to hold them accountable and it was stated that it was grandfathered as a stormwater plan was not filed.

Nicole G. Small discussed that all of the development including site leveling and ground work shown is completed on the acreage during Phase 1 which the applicant agreed, and Phase II just adds another structure along with the trailer storage. Doug Hartnett explained the Order of Condition from the Conservation Commission regulates the erosion control methodology making sure the area is fully stabilized; the enforcement is already included in Phase I. By taking care of the conditions, Phase II continues to meet the standard of the Ground Water Protection District.

Lou Costanza reviewed the land court decision ruling which is isolated to the Ground Water Protection Plan and was agreed by Scott Savage that the ZBA had no other oversight to the site plan concerns.

Tim Watson detailed in his final comments how catch basins on site have oil separators where the oil floats to the top, the water below is what is retained in the catch basins similar to being pretreated. He discussed best practices and a project can't go above in regards to storm water treatment; the standards that are in place are appropriate.

Public Comments

David Guglielmi, 11 Hammond Road, Conservation Commission member, stated the commission had very similar concerns and they came to a favorable opinion. The Order of Conditions is for the entire warehouse project.

Jason MacDonald 127 Mendon Street had questions on changes to the traffic pattern, but was not discussed as it is outside the scope of the ZBA's consideration.

Scott Savage asked if the phase two special permit is approved, does it change the phasing construction. William Buckley stated the goal is to build the 600,000 square warehouse, likely the full project would be built in conjunction with Phase 1

Rob Fahey, refused to disclose his Hopedale property address, asked about how weather events were calculated. Doug Hartnett stated rainfall data is taken into consideration and calculations on weather events are noted in stormwater management.

Ann DeMattis, 11 Richard Road, inquired why the additional 205,00 square feet being proposed would be considered and Mr. Buckley stated the original intent of the project is a proposed two tenant warehouse.

After the board completed their comments, Scott Savage suggested to continue the hearing for Graves Engineering to review his additional concerns. He considered potential conditions if a positive decision were to be made. Attorney Antonellis and Mr. Buckley both were open to hearing the possible conditions and authorized direct communication with legal counsels and

Graves Engineering. Permission was given for the applicant to confer with Graves Engineering directly. Jonathan Silverstein recommended the board vote to create a 53G for consultant fees. Nicole G. Small made a motion to create the 53G account for consultant fees, seconded by Nick Alexander. All were in favor.

The potential conditions Chairman Savage included preconstruction quality testing, abutters hardship considerations from construction, the applicant's response to remediation, the willingness to provide water source exploration for the town with rights signed over without compensation, occupancy tenant information provided to the ZBA and change in tenancy resubmitted if change is made and an insurance policy with town in event of contamination. Snow removal which has been resolved. If any board member has any other conditions to consider before the next meeting, to send these directly to Jonathan Silverstein for review.

Sandra Biagetti made a motion to continue this hearing to February 15, 2023 at 7 pm. Lou Costanza seconded the motion and all were in favor.

Motion to adjourn was made by Sandra Biagetti, seconded by Lou Costanza at 9:25 pm. All were in favor.

Respectfully submitted,

Mary Arcudi
ZBA Secretary