## RE: ZBA meeting this evening

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To: Hopedale Zoning Board <Zoning@hopedale-ma.gov>

Dear Development and Industrial Commission and Zoning Board of Appeals

(no email address found for Development and Industrial Commission, please forward to appropriate parties if possible)

be given to said letter by the Zoning Board, or the letter sent from the interim Town Administrator himself, for two simple reasons: Board in full support of the project, ahead of this evening's upcoming Zoning Board meeting. However, at this juncture, no weight or consideration should stated (outlined below for reference). As well, it was noted that Commission was asked by the interim Town Administrator to write a letter to the Zoning During the Development and Industrial Commission meeting from February 7th, on the topic of 75 Plain Street, there was some incorrect information

- 1. Per the Zoning Board themselves, they are now only permitted to review/discuss/consider, and apply their decision-making, solely as it relates to and Industrial Commission are rooted in financials, which are irrelevant to the Zoning Board's current purview. the groundwater protection district. The letter of support from the interim Town Administrator, and presumably the letter from the Development
- 2. The Development and Industrial Commission meeting from February 7<sup>th</sup> made it clear that there is general lack for depth of knowledge on the details of this proposed project. And with the interim Town Administrator being in place only for the past few months, there is no baseline for the full history on this proposed project, which began in Fall 2021. Therefore, it seems logical that a letter of full support from either is unfounded.

Since we will be unable to attend this evening's Zoning Board meeting, due to other conflicts, the 'ask' is that the Zoning Board not give merit to the two letters of support mentioned above

And otherwise, the remaining purpose is for awareness...

Whether or not it changes any outcomes, it seems a fair ask that a Commission offering their full support ought to have correct facts to draw from. As noted above, this section notates the incorrect information stated during the referenced Feb 7<sup>th</sup> meeting, which begins at the 36:45-minute mark.

- the traditional sense (long-term storage) is allowed in a Light Industrial district "by right" (Zoning By-laws Sec. 11.4) all of the following subpoints The property at 75 Plain Street is not zoned Commercial as was stated in the 2/7 meeting. It is zoned Light Industrial. And while a "warehouse" in
- A high-volume Distribution Center such as the proposed project (the markings of which are determined by 24/7 hours of operation, Center is classified under land use code 316 by the Massachusetts Department of Revenue, which is a Commercial classification, not traffic/truck trips, number of truck bays, and number of trailer storage spots) is not listed as a permitted use. Additionally, a Distribution

industrial

- 0 expanded uses are subject to compliance with the requirements of the groundwater protection district. Regardless of a "by right" use, for any property in the groundwater protection overlay district (as is 75 Plain Street), the groundwater protection 'scope of authority' section 17.2 applies. Any new construction reconstruction, or expansion of existing buildings and new or
- Section 17.6(a) lists all the permitted uses. Nether a warehouse nor a distribution center appear on the list of permitted uses.
- While the applicant believes they only need a Special Permit as it relates to Section 17.6(c)(6), they do not conform the prerequisite of being a permitted use under 17.6(a).
- While significant weight is being placed on the land court's default decision in the case of Rosenfeld Concrete Corp. v. Town of Hopedale, recorded 10/27/2022:
- According to the Registry of Deeds, Rosenfeld did not own the land at 75 Plain St. at the time of the litigation being filed, or the date the default judgement was recorded.
- permitted uses in the Groundwater Protection District in section 17.6(a) a warehouse is not one of them. Ground Water Protection zoning districts in the Town." And as noted previously, the Town by-laws list the The first point in that default judgement is factually incorrect. On page 2, under the section entitled "ORDERED, ADJUDGED and DECLARED:", it states as point #1, "That warehouses are a by-right use in the Light Industrial and
- Given the above, (a change from one non-conforming use to another non-conforming use), this would seem to plaintiff to the court for review and they had only the plaintiff-supplied information at hand trigger section 4.5 of the by-laws. It should also be noted the full text of the by-laws was not provided by the
- Another concrete company cannot just jump in and start concrete/cement plant operations. The operations at Rosenfeld have been dormant for reestablished and any future use shall conform to the regulations of this by-law." 4.4 of the zoning by-law applies here: "A nonconforming use or structure that is abandoned or not used for a period of two (2) years shall not be many years. As those concrete/cement operations are non-conforming in the first place for the LI zoning (Section 11.4), the "Abandonment" Section
- https://outlook.office365.com/mail/inbox/id/AAQkADkxZDkwMTM5LTYwOTgtNGQ2My05MGFiLWE4ZGNjZmZINDE0MQAQAAImn9axDtFJpQS2BEC9y4A%3D?popoutv2=1&version=20230120008.13&view=printformation=20230120008.13&view=printformation=20230120008.13&view=printformation=20230120008.13&view=2023012008.13&view=2023012008.13&vieThe anticipated tax revenue from the proposed project seems to be thought of as a 'million-dollar windfall'. But once dug into, it should be noted that the estimate was generated using the FY 2021 Commercial/Industrial tax rate, which was higher than the now FY 2023 Commercial/Industrial

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being sold to the town. to all the town's fiscal problems. Also, to our knowledge the Finance Committee as not been asked to review the financial benefits of this project greater than current tax revenue would be realized from the property eventually, but it will not be the immediate 'million-dollar windfall' /answer place, which could be years away. The type of tenant, which is currently a big unknown, will play a role in the assessed value of course. So, yes, a not seek an abatement, they can make no such promises of a tenant. And the full potential of the tax revenue is not realized until a tenant is in tax rate. The estimate is also based on Assessed value, which is an estimate in-and-of itself. Additionally, while the applicant indicated they would

- gifts to the town are due, not immediately, but after construction and prior to the issuance of an occupancy permit (equating to years away). On the topic of the community gifts from the applicant, it should be noted that those were offered on a conditional basis. As well, that conditional basis applies to the entire Project Mitigation package. See page 19 of the Closing Memo from GFI – April 25, 2022. The \$625,000 total in community
- such as constant truck back-up alarms, diesel engines, loading-bay and truck doors slamming, will produce no traffic or diesel fumes, and will not make surrounding neighborhoods less safe for pedestrian and automobile traffic. to those of the new water tank, which will be visible from some homes in town, was made. The water tank, once operational, will emit no noises applicant's attorney in that scenario). Separately, another ill-fitting, almost insulting, comparison of potential undue disturbances from this project own attorneys (Jason Talerman) makes this exact argument for another case in another town (acting as the town's attorney rather than the estimates given to the town are far too conservative for the reality of what will occur from a tractor-trailer truck standpoint. One of the applicant's descriptions and classifications, a general warehouse use would generally be less than 200,000 sq feet of building, would have a maximum of 40 Comparisons made to the prior Rosenfeld operations are incredibly ill-fitting given that that business, at the height of its operations, was never a loading docks on multiple sides of the building - and given that GFI has applied for a Warehouse AND Distribution Center - it is clear that the loading dock spaces and be only on one side of the building. At double, and potentially triple 200,000 sq feet, with 300 parking spaces and 139 land use code for 'general warehousing' and not that of a high-cube distribution center (which this project most certainly is). Based upon ITE 24/7 business with over 370 trucks per day. Let it also be noted that the ITE trip generation code used for the truck traffic estimates are tied to a

Respectfully,

Heather & Tom Lewis