

**Application for Special Permit  
Groundwater Protection District  
75 Plain Street, Hopedale, MA**



Submitted to:

**Town of Hopedale  
Zoning Board of Appeals**

Submitted by:

**75-131 Plain Street, LLC**

**December 1, 2022**

# MAYER, ANTONELLIS, JACHOWICZ & HARANAS, LLP

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December 1, 2022

Scott Savage, Chairperson  
Hopedale Zoning Board of Appeals  
Hopedale Town Hall  
Hopedale Street  
Hopedale, MA 01747

Lisa M. Pedroli  
Town Clerk  
Town of Hopedale  
Hopedale Street  
Hopedale, MA 01747

Re: 75-131 Plain Street, LLC; Application for Special Permit pursuant to Section 17 of the Hopedale Zoning By-Laws. Hand delivered (cover letter only via email to [zoning@hopedale-ma.gov](mailto:zoning@hopedale-ma.gov) )

Dear Chairperson Savage and Madame Clerk Pedroli:

On behalf of 75-131 Plain Street, LLC, I hereby submit a Application for a Special Permit (for the Construction of Phase II of the Project) pursuant to Section 17.6 (c) (6) of the Hopedale Zoning By-Laws. In compliance with the Board's "Checklist for Zoning Board of Appeals Hearing Application" you will find the following:

- 1) Abutters List
- 2) Application for a Hearing (original and ten (10) copies for distribution)
- 3) Narrative of Project's scope and compliance with the By-Laws
- 4) Application Fee of \$375.00 payable to the Town of Hopedale
- 5) Original Supplemental Information (including 10 copies of each for distribution) of:

- A. Order from Massachusetts Land Court dated October 27, 2022
- B. Site Development Plans (subset) dated January 14, 2022
- C. Decision and Certificate of Action from Planning Board dated May 11, 2022
- D. Graves Engineering Peer Review Letter dated February 2, 2022
- E. Review letter from Town of Hopedale W&S Manager dated February 11, 2022
- F. Order of Conditions issued by Conservation Commission July 27, 2022
- G. Phased Site Development Plans dated July 15, 2022
- H. Decision and Certificate of Action from Planning Board dated September 7, 2022
- I. Graves Engineering Peer Review Letter dated August 2, 2022
- J. Board of Health Meeting Minutes from September 15, 2022

It is the Applicant's understanding that the Board or Town Clerk, as the case may be, will distribute copies of the above to the Planning Board, Board of Health, Conservation Commission, and the Highway Department. If I am mistaken in this assumption, or to the extent that additional application packets are required, please contact me on my cell phone at 508-654-0503.

Very truly yours,

*Joseph M. Antonellis*

Joseph M. Antonellis

**75-131 Plain Street, LLC**

**Application for Special Permit to Hopedale ZBA**

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## **Application for Special Permit Project Narrative**

**Proposed Warehouse Facility  
75 Plain Street  
Hopedale, MA**

**Applicant: 75-131 Plain Street, LLC**

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### **Introduction**

This Application is submitted to the Hopedale Zoning Board of Appeals (Special Permit Granting Authority – SPGA) for approval of a special permit under the Hopedale Zoning Bylaw (the Bylaw), Section 17 Groundwater Protection District (GWPD), Subsection 17.6.(c)(6): Uses and Activities requiring a Special Permit - To permit a use that will render impervious more than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot, whichever is greater.

The underlying proposal is for a warehouse facility at the current Rosenfeld Concrete property located at 75 Plain Street (the Project). The site is located within the Limited Industrial (LI) zoning district and the proposed warehouse use is allowed as a matter of right. The site is also located within the GWPD, as depicted on pg. 17-12 of the Bylaw.

The underlying project will consist of two phases. Phase I of the Project will construct 411,075 GSF and will not render the site more than 15% impervious. Accordingly, a special permit is not required per Order of the Commonwealth of Massachusetts Land Court dated October 27, 2022 (Exhibit A).

The Applicant, 75-131 Plain Street, LLC requests the special permit only with respect to Phase II of the project which will bring the total building area to 616,875 GSF, which will result in an exceedance of the 15% impervious area threshold.

Phase I of the Project will result in 941,785 SF of impervious cover or 14.9% of the lot and is not subject to a special permit. Construction of Phase II of the Project will result in an additional 600,886 SF of impervious cover, an additional 9.5% of the lot. The construction of Phase II will result in a total lot coverage of 1,528,461 SF or 24.4% of the entire lot. Phase II of the Project will therefore require a special permit under Section 17.6(c)(6), to exceed 15% impervious cover within the GWPD. In accordance with the Order of the Land Court dated October 27, 2022, this application to construct Phase II is submitted for review under Section 17 of the Hopedale Zoning Bylaw.

### **Property Description**

The Project site is approximately 144.6 acres and is presently occupied by the Rosenfeld Concrete industrial/manufacturing facility. The site has served as a sand and gravel mining resource and industrial site supporting Rosenfeld Concrete's business operations since 1932, producing redi-mix and precast concrete products for the regional construction industry. At its peak, approximately 109 acres (75% of the site) were

utilized for the concrete operations. Rosenfeld and its parent company, Boston Sand and Gravel, continue to operate the facility.

The central and southern portions of the property have been significantly altered to support the current business operations, including mined and filled areas, precast product stockpiles, industrial equipment and operation/staging sites, support buildings, and concrete driveways. The Mill River flows north along the west property line, and three ponds (natural and man-made) historically used as source water for industrial operations, are located throughout this area. The northern portion of the Project site has been altered in some locations but is predominately wooded with mature forest. The southern portion of the site abuts an existing industrial park.

It is well documented that the site at 75 Plain Street has been the subject of past releases of hazardous materials during its use as an aggregate mine and concrete manufacturing plant. Three historic releases of petroleum are associated with former underground storage tanks (USTs) at the site. A 20,000-gallon UST still exists at the site, within the GWPD, which will be removed in conjunction with the development of the Project. A portion of the site operates under an Activity and Use Limitation (AUL) due to past spills of hazardous materials. While the site is currently in compliance with MassDEP regulations due to these conditions being pre-existing, much of the current activity at the site would be prohibited under today's regulations.

### **Project Description & Permitting Review**

The Applicant proposes to abandon and remove the Rosenfeld Concrete operation, clean and restore the site, and construct Phase I and Phase II of a 616,875 GSF warehouse facility located within the previously developed central and southern portions of the site (Exhibits B and G for Site Development Plans and subsequent Phased Site Development Plans). The location will operate as a traditional warehouse facility providing temporary product storage, handling, and supply/distribution throughout the region. The Project will leave more than 103 acres (71%) of open space at the site.

As required in the *Checklist for Zoning Board of Appeals Hearing Application*, the Project has received Site Plan Approval from the Planning Board. The Project also received an Order of Conditions from the Hopedale Conservation Commission and was favorably reviewed by the Hopedale Board of Health for compliance with their regulations. During the site plan review process, the Project was also reviewed by the Water & Sewer Department, Department of Public Works, Fire Department and Police Department.

The Project received Site Plan Approval from the Town of Hopedale Planning Board on May 11, 2022 (Exhibit C). The site plan review process included an exhaustive review of the Site Development Plans (Exhibit A) and Stormwater Management Analysis for the Project. The Town of Hopedale hired Graves Engineering, Inc. (GEI) for a professional engineering peer review of the plans and supporting materials. The review included compliance with the relevant sections of the Town of Hopedale Zoning By-law, including the Groundwater Protection District, the MassDEP Stormwater Management Handbook, and standard engineering practices. The GEI peer review of the Project's Stormwater Management Analysis concluded, in the letter dated February 2, 2022 (Exhibit D), that "compliance with the MassDEP Stormwater Standards and Stormwater Handbook is reasonable."

The scope of work for the GEI peer review made specific reference to review of the Project for compliance with the GWPD and Section 17 of the Zoning By-laws. The intent of this specific review was to not only provide the Planning Board with this analysis, but also to prospectively provide professional engineering review services to the Zoning Board of Appeals for any special permit required under Section 17. GEI, in its original review letter

dated December 14, 2021, stated, “GEI has no issues relative to compliance with Section 17.6(c)(6): Use rendering impervious more than (15) percent or two thousand five hundred (2,500) square feet of any lot. The plans propose lined forebays for pre-treatment of pavement runoff, and open infiltration basins (for pavement runoff) and subsurface infiltration systems (generally for roof runoff) for the attenuation of peak runoff rates and for the infiltration of stormwater. GEI gleaned information from the hydrology computations; the information indicates that the proposed project will result in a reduction of surface water runoff volume, hence an increase in on-site infiltration, of 2.7 acre-feet or 76% during a two-year storm event and 8.1 acre-feet or 72% during a ten-year storm event. Long-term maintenance of the stormwater systems, site maintenance and site housekeeping will be required to address stormwater quality after the construction phase of the project. Appendix D of the Stormwater Management Analysis addresses construction phase and long-term operation and maintenance requirements. (§17.6(b)(6)).” The GEI letter of February 2, 2022, following review of the Plans of Record and the revised Long-Term Operation and Maintenance Plan, affirmed this statement acknowledging “No further comment necessary.”

The Town of Hopedale Water & Sewer Department Manager also reviewed the Project from a utilities, stormwater, and well-field perspective during site plan review. A review letter for the Project dated February 11, 2022 (Exhibit E) stated, “I am comfortable with the protection provided to the Mill Street Well Field. Each catch basin has an oil separator and sump, all parking lot drainage has pretreatment and there are no direct catch basins, I have also been informed that there will be two emergency spill sheds on the property to store the necessary spill containment if a spill does occur.” The Manager also added that “the property owner will also be fully responsible for any environmental remediation on site, which includes a 20,000-gallon UST, and any other areas identified during construction. The removal of this ground contamination, as well as any others that may be identified, will be beneficial to all.” The letter added in closing, “I agree with the Peer Review from Graves Engineering that the SWP will reduce the surface water runoff and increase the on-site infiltration as stated on page 2. This new infiltration, with proper treatment could in fact be beneficial to the Water & Sewer aspects.”

The Site Plan Approval by the Planning Board made several findings in its Decision (Exhibit C). Specific to the GWPD, the Planning Board made the following General Findings Nos. 11 & 12 on pages 7 & 8 of the Decision:

11. Pursuant to By-Law § 17.7(a), this Board finds that the intent and specific criteria of the Ground Water Protection (GWP) By-Law is met by this Application and that the Applicant’s application materials include sufficiently detailed, definite, and credible information to support positive findings in relationship to the standards set forth within the GWP By-Law. More specifically, pursuant to By-Law § 17.7(c), the Board finds:
  - a. 17.7(c)(1): The proposed use will not adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District. Based upon comments from the Water & Sewer Departments and the Planning Board’s peer reviewers, snow removal/storage/plowing plans have been altered so that snow will be stored on the south side of the property, thereby alleviating concerns of possible drinking water contamination. In his correspondence of February 11, 2022, Water & Sewer Department Manager Timothy J. Watson states, among other things, “[a]fter reviewing the storm water plan, I am comfortable with the protection provided to the Mill Street Well Field.” (Watson Correspondence, p.1, ¶14.)
  - b. 17.7(c)(2): The proposed use 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. According to Manager Watson, “[t]he property owner will also be fully responsible for any environmental remediation on site, which includes a 20,000-gallon UST, and any other areas identified during construction.” (Watson correspondence, p.1, ¶15.) “The removal of this ground contamination, as well as others that may be identified, will be beneficial to all.” (*Id.*, at pp.1-2.) The



following concluding remarks in Mr. Watson's correspondence, cement this Board's conclusion that the requirements of the GWP By-Law are met, if not exceeded:

"In closing, I agree with the Peer Review from Graves Engineering that the SWP will reduce the surface water runoff and increase the on-site infiltration.... This new infiltration, with proper treatment could in fact be beneficial to the Water & Sewer aspects. I do not believe I would have the same opinion if this were undeveloped forestland or "clean site" and not a defunct cement yard...."

(Watson correspondence, p.2, ¶3.)

12. To the extent the GPD By-Law requires this Board make a recommendation to the ZBA, this Board recommends that the ZBA issue a GPD Special Permit to the Applicant.<sup>1</sup>

The Project also received an Order of Conditions from the Town of Hopedale Conservation Commission dated July 27, 2022 (Exhibit F). A Notice of Intent was filed with the Conservation Commission and the Project was reviewed for compliance with the Commonwealth of Massachusetts Wetlands Protections Act, including a review of the stormwater management system, landscaping restoration plans, and erosion and sediment controls. The Project was approved with conditions including that the Project will meet the Board of Health's Groundwater Protection Regulations and long-term maintenance of the stormwater management system.

On September 7, 2022, the Planning Board issued a Decision and Certificate of Action for Approving Request for Minor Modification of the Site Plan Approval, dated May 11, 2022 (Exhibit H). This Decision approved the Applicant's phasing plans as proposed in the July 20, 2022, correspondence and accompanying plans (Exhibit F). Prior to the approval, the Town of Hopedale again hired Graves Engineering, Inc. (GEI) for a professional engineering peer review of the plans and supporting materials, for compliance with the relevant sections of the Town of Hopedale Zoning By-laws, including the Groundwater Protection District, and for the adequacy of utilities, drainage, and stormwater infrastructure to serve the Phase I portion of the project. GEI, in a letter dated August 2, 2022 (Exhibit I), stated that "GEI has no issues relative to compliance with the Zoning By-Law."

The Project (including the phased plans) was reviewed by the Town of Hopedale Board of Health for compliance with the Board of Health Groundwater Protection Regulations and Surface Water Protection Regulations. Said regulations dovetail with the corresponding GWPD zoning bylaw. At its regular meeting on September 15, 2022, the Hopedale Board of Health voted affirmatively that the Project complies with the Board of Health Regulations (Exhibit J).

The Hopedale Conservation Commission, at its regular meeting on September 20, 2022, discussed and reviewed the changes shown in the phased plans and it was determined that the changes constituted an insignificant change, and no further documentation was necessary.

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<sup>1</sup> This Board is not aware of any rules or regulations adopted by the ZBA under the GWP By-Law and thus has not made findings pursuant to By-Law § 17.7(d). To the extent the ZBA is concerned with this Board's lack of findings under § 17.7, we reserve the right to conduct further proceedings to make and report findings under § 17.7.



## Compliance with the Purpose of the Groundwater Protection District

In accordance with Paragraph No. 5 of the Order from the Massachusetts Land Court dated October 27, 2022, the “special permit review of the Proposed Project under the ZBL is limited to the criteria under Section 17 thereof...” (Exhibit A)

As referenced in Section 17.1, the purpose of the Groundwater Protection District is:

- 17.1(a) – to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and business of the Town of Hopedale;
- 17.1(b) – to preserve and protect existing and potential sources of drinking water supplies;
- 17.1 (c) – to conserve the natural resources of the Town; and,
- 17.1(d) – to prevent temporary and permanent contamination of the environment.

The Project will significantly improve site conditions over the intensive industrial/manufacturing use of the property as it exists today and, by extension, meet the purpose of the Groundwater Protection District. The following are highlights of the Project as it pertains to the purpose of the GWPD:

1. The Project will remove all current industrial buildings, manufacturing/process equipment, and debris stockpiles throughout the site. Building and equipment removal will include any required environmental remediation of contaminated soils in accordance with applicable MassDEP regulations. Eliminating the current industrial/manufacturing use on the site will avoid any future manufacturing activities performed in an uncontrolled environment that could potentially impact water resources and drinking water supplies. The potential for future gravel mining and industrial manufacturing that is a pre-existing, non-conforming use under current zoning regulations will be eliminated.
2. The Project will remove all gasoline/diesel fueling facilities, including an existing 20,000-gallon underground fuel storage tank, and conduct any required environmental remediation in accordance with applicable MassDEP regulations. A Licensed Site Professional (LSP) will oversee all remediation of any existing contamination. Fueling stations are not proposed for the Project.
3. The Project will remove debris from environmentally sensitive areas including bordering/isolated vegetated wetlands and their respective buffer zones. Restoration of these areas to a natural condition will be completed in accordance with the Order of Conditions issued by the Hopedale Conservation Commission (see Exhibit E). The result will enhance the previously degraded areas, improving the natural environment that is contiguous to the Mill River, the site ponds, and the groundwater/drinking water resource.
4. The Project will remove industrial pump houses, equipment, and intake process water pipes adjacent to or within environmentally sensitive areas associated with the site ponds. Restoration of these areas to a natural condition will improve the natural environment in and adjacent to the site ponds and eliminate hydraulic connections to the site ponds that could pose a risk of inadvertent discharges.
5. The Project will institute a stormwater collection and treatment system design in accordance with the MassDEP Stormwater Management Handbook and its guiding principles and eliminate existing uncontrolled and untreated stormwater discharges. The Project will collect, pretreat, and attenuate stormwater discharges prior to infiltration/recharge or surface discharge by implementing passive and proprietary stormwater Best Management Practices (BMP's) in accordance with the Handbook. Pretreatment will remove a minimum of 80% Total Suspended Solids (TSS) for 1.0" total rainfall for

recharge/discharge to a Critical Area (defined as the Zone II – Wellhead Protection Area), preserving and protecting the groundwater/drinking water resource.

6. The Project will implement Stormwater Infiltration Practices including subsurface recharge of roof runoff and surface recharge via detention/retention infiltration basins. Stormwater recharge volume far exceeds minimum required under MassDEP Stormwater Management Permit requirements and will be beneficial to the public water supply.
7. The Project will restore previously disturbed areas located outside the Project limits by installing landscape and meadow grasses to stabilize the site and minimize erosion. Providing permanent site stabilization and introduction of plant materials will improve the ecological environment and enhance water quality through natural infiltration processes.
8. The Project will maintain a minimum of 4' vertical separation between the proposed site grades and the estimated seasonal high groundwater levels at the Project site in accordance with the Bylaw and Hopedale Board of Health regulations. This separation provides for rainfall filtration through natural processes within landscape areas prior to recharge that do not otherwise discharge to the stormwater management system.
9. The Project provides a Long-Term Operation and Maintenance Plan and Spill Prevention, Containment, and Countermeasures Plan for management of site and stormwater facilities, providing perpetual protection of the Town Public Water Supply.

#### **Compliance with the use provisions of the Groundwater Protection District zoning bylaw**

Regarding the Use Regulations in Section 17.6 of the Groundwater Protection District and the Permitted Uses in 17.6(a), the Order of the Land Court dated October 27, 2022 (Exhibit A), Declared in Paragraph No. 1 “That warehouses are a by-right use in the Light Industrial and Ground Water Protection zoning districts in the Town.”

The Project is not one of the Prohibited Uses identified in 17.6(b)(1-16) as it is not a landfill or dump. It will not store liquid petroleum products as prohibited and will not landfill or store sludge or septage. The Project will be connected to the Town sewer system and will not have an individual sewage disposal system. The Project will not store deicing chemicals per the Bylaw and will not store animal manure. Earth removal in violation of the prohibition is not required and the facility will not generate, treat, store, or dispose of hazardous waste. The Project will not be an automobile graveyard or junkyard and treatment works are not required for the Project. The Project will not store hazardous materials per the Bylaw and will not discharge processed wastewater on-site. There will be no stockpiling of snow and ice from outside the district or storage of commercial fertilizers in violation of the Bylaw. The use of septic system cleaners which contain toxic or hazardous chemicals is not required.

The construction of Phase II of the Project does require the issuance of a special permit under Section 17.6(c)(6). This was Declared in Paragraph No. 3 of the Order of the Land Court dated October 27, 2022, “That the Proposed Project, as a whole, will require a special permit under 17.6(c)(6) of the ZBL if it exceeds 15% of impervious cover.” (Exhibit A) This Application is filed under this Section and Order to comply with the use regulations of the Groundwater Protection District zoning bylaw.

### **Compliance with the Standards of the Groundwater Protection District**

The standards to be met for the granting of a special permit in the Groundwater Protection District are provided in Section 17.7(c) of the Bylaw. The SPGA may grant a special permit upon finding that the proposed use meets the following standards. The proposed use must:

1. In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District, and
2. Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

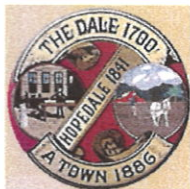
As has been documented throughout this Application, the engineering experts hired by both the Applicant and the Town of Hopedale have independently found that the Project meets the requirements of the Groundwater Protection District. These findings have been further supported by the approvals of the Project by the Town of Hopedale Planning Board, the Hopedale Conservation Commission and the Hopedale Board of Health. The Project was also supported by the review of the Town of Hopedale Water & Sewer Department Manager. Each recommendation or approval made specific references and/or recommendations to the Groundwater Protection District in their findings. In fact, after extensive peer review by the Town's own consultants, the Planning Board made favorable findings to these specific standards in Section 17.7(c) and recommended the ZBA issue the special permit to the Applicant per Section 17.7(a). The Water & Sewer Department Manager stated that the Project "could, in fact, be beneficial to the Water & Sewer aspects." The engineering reviews identified specific improvements that will be made by the installation of stormwater management systems that will increase on-site infiltration and implement long-term operation and maintenance requirements.

It is clear from the reviews and approvals highlighted throughout this document that the Project will not adversely affect the potential quality or quantity of water in the Groundwater Protection District, and it is evident that the design measures of the site reduce the area of disturbance from prior uses and restore many of the natural characteristics of the site. The Project meets the standards in Section 17.7(c) of the Bylaw.

### **Conclusion**

Based upon the evidence provided in this narrative and supporting documentation, including the findings of the Town's experts, Planning Board, Conservation Commission and Board of Health, and the Order of the Commonwealth of Massachusetts Land Court dated October 27, 2022 (Exhibit A), 75-131 Plain Street, LLC respectfully requests the Town of Hopedale Zoning Board of Appeals find that the construction of Phase II of the Project meets the standards and use regulations of the Town of Hopedale Groundwater Protection District and grant the special permit.

**END**



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

Application for Zoning Board of Appeals Hearing

Please provide the information below and attach additional sheets when needed:

**APPLICANT INFORMATION**

Applicant Name(s) 75-131 Plain Street, LLC	Applicant Mailing Address 133 Pearl Street, Suite 300 Boston, MA 02110
Applicant Telephone Number (617) 292-0101 / (978) 265-8550	Applicant Email Address wbuckley@gfipartners.com

**PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)**

Property Owner Name(s) Rosenfeld Concrete Corp.	Property Owner Mailing Address P.O. Box 9187 100 N. Washington Street Boston, MA 02114
Property Owner Telephone Number (508) 473-7200	Property Owner Email Address rcorriveau@bostonsand.com

**ATTORNEY INFORMATION**

Attorney Name(s) Joseph M. Antonellis Mayer, Antonellis, Jachowicz & Haranas, LLP	Attorney Mailing Address 439 Worcester Road P.O. Box 966 Framingham, MA 01701-0966
Attorney Telephone Number (508) 473-2203	Attorney Email Address jma@majhllp.com

**ENGINEER/CONSULTANT INFORMATION**

Engineer/Consultant Name(s) Douglas Hartnett, PE Highpoint Engineering, Inc.	Engineer/Consultant Mailing Address 980 Washington Street, Suite 216 Dedham, MA 02026
Engineer/Consultant Mailing Address (781) 770-0973	Engineer/Consultant Email Address dhartnett@highpointeng.com

**PROPERTY INFORMATION**

Property Address 75 Plain Street Hopedale, MA	Zoning District Limited Industrial (IL)	Assessor Parcel ID No. Map 22, Lot 28	Deed Book and Page or Land Court Certificate No. Book 8780, Page 110 Book 11502, Page 280 (merger deed)
Present Use of Property Concrete manufacturing, sand and gravel mining, contractor storage			
Proposed Use of Property Warehouse			

**REQUESTED RELIEF AND PRIOR PROCEEDINGS (CHECK ALL THAT APPLY)**

<input checked="checked" type="checkbox"/> X	I am requesting a <b>special permit</b> as provided in section(s) <u>17</u> of the Hopedale Zoning By-Laws.
<input type="checkbox"/>	I am requesting a <b>variance</b> as provided in section(s) _____ of the Hopedale Zoning By-Laws.
<input type="checkbox"/>	I am <b>appealing a decision</b> of the Hopedale Building Commissioner. (attach copy of decision)
<input type="checkbox"/>	I am requesting a <b>comprehensive permit</b> under Massachusetts General Laws c. 40B (subsidized housing).
<input type="checkbox"/>	I am requesting <b>other relief</b> described as _____.
<input type="checkbox"/>	I have applied for a building permit in connection with the application, and the application is pending.
<input type="checkbox"/>	I have applied for a building permit in connection with the application, and the application has been denied.
<input type="checkbox"/>	I previously applied for zoning relief in connection with this application, and the Zoning Board of Appeals denied relief.

**REASON FOR REQUESTING RELIEF**

Please briefly summarize why you are seeking relief from the Zoning Board of Appeals:

Applicant is seeking a Special Permit in the Groundwater Protection District in accordance with Section 17.6(c)(6) for a use that will render impervious more than fifteen percent (15%) of the lot at 75 Plain Street, Hopedale. Please see the attached narrative and exhibits in support of the Special Permit Application.

**ADDITIONAL INFORMATION IF REQUESTING A VARIANCE**

Please state circumstances relating to the shape, topography, or soil conditions of the subject property, which do not generally affect other properties in the zoning district. (See Massachusetts General Laws c. 40A, § 10):

N/A

Please describe the substantial hardship that is caused by application of the Hopedale Zoning By-Laws to the circumstances listed above:

N/A

Please explain why granting relief will not nullify or derogate from the intent of the Hopedale Zoning By-Laws:

N/A

**CERTIFICATION OF ALL APPLICANTS**

I hereby certify under the penalties of perjury that the above statements and all testimony and documents to be presented by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

Applicant(s) Signature(s) and Date

75-131 Plain Street, LLC

Steve Goodman, Manager





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

### Checklist for Zoning Board of Appeals Hearing Application

The Zoning Board of Appeals (ZBA) is pleased to offer the following checklist to help you prepare an application for a hearing. This checklist is offered for guidance only, and is not intended as legal advice or a promise to grant relief. Please review the ZBA website for additional helpful information including references to the governing Massachusetts General Laws, detailed rules of procedure, the current zoning map, and the Hopedale Zoning By-Laws.

<input checked="" type="checkbox"/>	Complete "Request for Abutters List" from the Hopedale Assessor's Office. This "Request for Abutters List" is available on the ZBA website.
<input checked="" type="checkbox"/>	File "Request for Abutters List" with the Hopedale Assessor's Office. Allow 10 business days for the list to be prepared.
<input checked="" type="checkbox"/>	Submit check for \$25.00 payable to the "Town of Hopedale" to the Assessor's Office. This fee pays for the preparation of the "Abutters List."
<input checked="" type="checkbox"/>	Complete the "ZBA Application for a Hearing." This "ZBA Application for a Hearing" is available on the ZBA website.
<input checked="" type="checkbox"/>	File the "ZBA Application for a Hearing" with the Town Clerk. Please file one (1) original and seven (7) copies of <u>any</u> documents filed with the Town Clerk. These additional copies allow for efficient and timely distribution of your application to members of the ZBA.
<input checked="" type="checkbox"/>	File the "Abutters List" prepared by the Assessor's Office with the Town Clerk.
<input checked="" type="checkbox"/>	Submit a check for \$375 payable to the "Town of Hopedale" to the Town Clerk. This fee pays for the cost of newspaper advertising and postage required for public hearing notices.
<input checked="" type="checkbox"/>	File any supporting documents you wish to include with your "ZBA Application for a Hearing." Remember that you are seeking relief with legal consequences. You want this matter clearly documented with as much detail as possible. (see ZBA rules for more information). Please remember the seven (7) copies.
<input checked="" type="checkbox"/>	If site plan review is required, you MUST seek site plan approval before the Planning Board before any relief is sought before the ZBA (e.g., 10 or more parking spaces). For more information, see Hopedale Zoning By-Laws § 18.

Thank you for your cooperation in preparing for your ZBA hearing. Once your complete application package is filed, the ZBA will schedule a hearing within 65 days and will notify you. Members of the ZBA look forward to meeting you and reviewing your application.

Christopher P. Hodgens  
Chairman  
Hopedale Zoning Board of Appeals



## CRE Acquisition, LLC

133 Pearl Street  
Boston, MA 02110First Republic Bank  
One Post Office Square  
Boston, MA 02110

948

\*\*\*\* THREE HUNDRED SEVENTY FIVE AND 00/100 DOLLARS

TO THE  
ORDER OF

11/16/2022

\$375.00\*\*\*\*\*

TOWN OF HOPEDALE  
78 Hopedale Street  
Hopedale , MA 01747DATE:11/16/2022 CK#:948 TOTAL:\$375.00\*\*\*\*\* BANK:CRE Acquisition-First Republic(creacqfr)  
PAYEE:TOWN OF HOPEDALE(v0001953)

Job(Prop)	Categ(Acct)	Invoice - Date	Description	Amount
75plain-a(creacq)	G0001007(62050)	11.15.2022 2-11/15/22	Newspaper Advertising & Postage Nove	375.00
				<u>375.00</u>

DATE:11/16/2022 CK#:948 TOTAL:\$375.00\*\*\*\*\* BANK:CRE Acquisition-First Republic(creacqfr)  
PAYEE:TOWN OF HOPEDALE(v0001953)

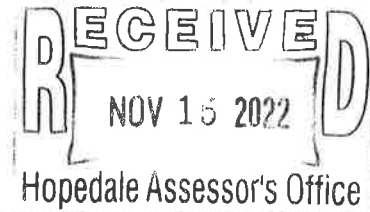
Job(Prop)	Categ(Acct)	Invoice - Date	Description	Amount
75plain-a(creacq)	G0001007(62050)	11.15.2022 2-11/15/22	Newspaper Advertising & Postage Nove	375.00
				<u>375.00</u>



Office of the Board of Assessors  
P.O. Box 7  
74 Hopedale Street  
Hopedale, MA 01747  
Principal Assessor Cheryl Hanly  
Tel. (508) 634-2203 x 224  
Email: chanly@hopedale-ma.gov

Office of the  
Board of Assessors

## REQUEST FOR ABUTTER'S LIST



Today's Date: November 15, 2022

Requester's Name: William Buckley

Mailing Address of Requester: 133 Pearl Street, Suite 300, Boston, MA 02110

Requester's Contact Number: (978) 265-8550

Address of Subject Property: 75 Plain Street, Hopedale

Subject Property Parcel ID: Map: 22 Block:        Lot: 28

Requester's Signature: *William Buckley*

Do you wish the Abutter's List to be?

Emailed to: wbuckley@gfipartners.com

Mailed to:        or Picked up: X

Purpose: Building/ZBA (300' Radius) ☒

ConCom (100' Radius) ☐

Other (please specify) ☐       

Do Not write below this line

Date Completed: 11/17/2022

Completed By: *Cheryl Hanly*

Cost: \$25.00 per report type and or per address - checks payable to Town of Hopedale. Lists will not be emailed/mailed until payment is received.

**PLEASE ALLOW TEN (10) BUSINESS DAYS FOR  
COMPLETION**



Office of the Board of Assessors  
74 Hopedale Street-P.O. Box 7  
Hopedale, MA 01747  
Principal Assessor Cheryl Hanly  
Tel. (508) 634-2203 x 224  
Email: [chanly@hopedale-ma.gov](mailto:chanly@hopedale-ma.gov)

**Ellen Murphy, Chair**

**Matthew M. Dailey**

November 17, 2022

William Buckley  
133 Pearl St. Suite 300  
Boston, MA 02110

Re: Abutters list for 75 Plain St  
Parcel ID = 22-28-0

Dear William,

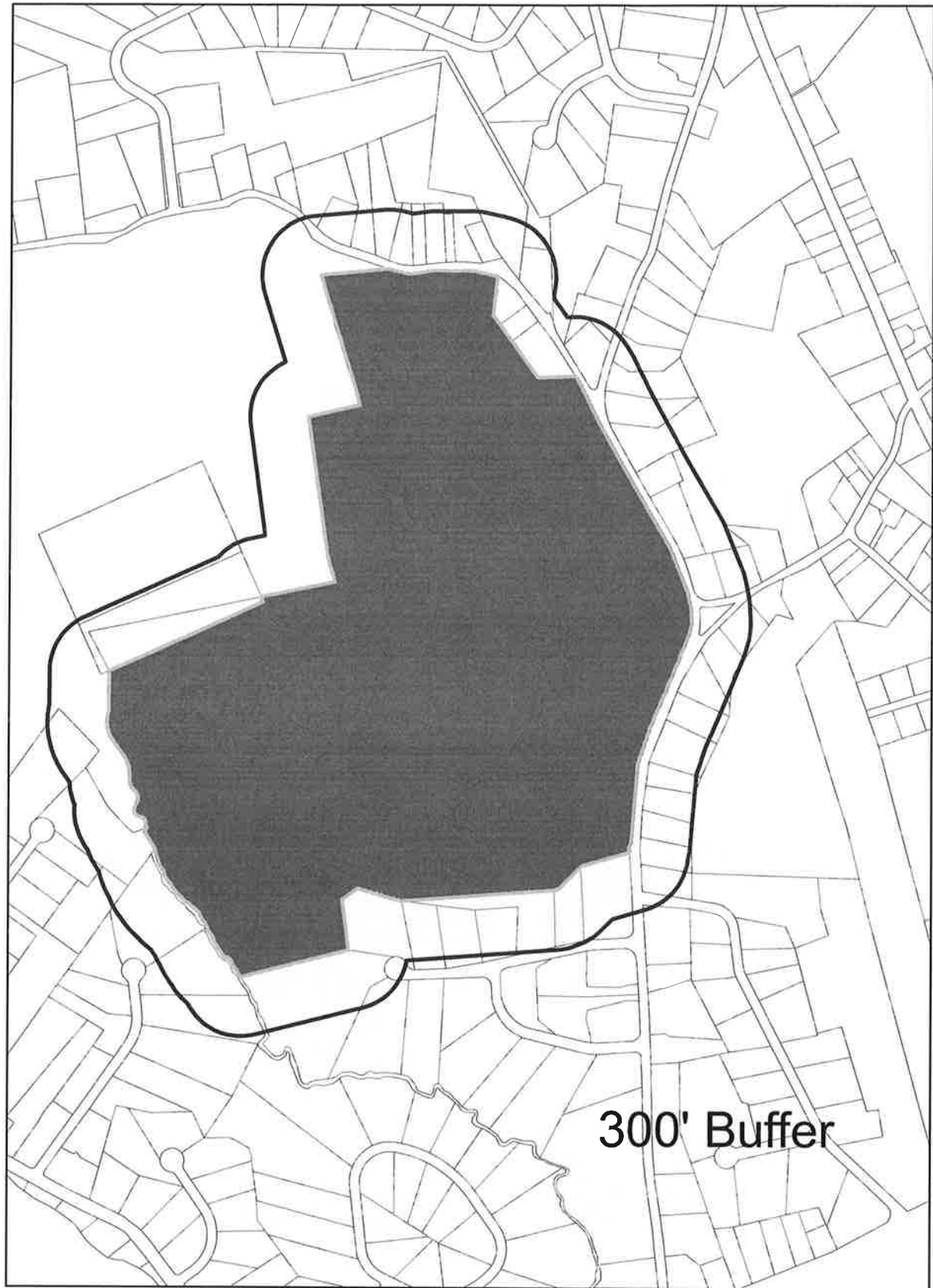
Per your request, I have comprised an abutter's list for the above property. The list is authentic and is calculated on a 300-foot radius of the subject property.

If you have any questions, please contact this office.

Respectfully,

Renee Polechronis  
Hopedale Assessor's Office

# 75 Plain St Parcel 22-28-0





Patriot Properties

11/17/2022

2:55:46PM

# Town of Hopedale

## Abutters List

**Filter Used:** DataProperty, AccountNumber in

(1569,2416,2415,2414,1567,1518,2413,1546,1505,1566,1504,1541,1415,1373,1512,1276,1208,1503,1502,1540,1501,1539,1528,1530,1529,1526,1527,1406,1523,1524,1288,1500..

Town of Hopedale  
Abutters List

Subject Parcel ID:

Subject Property Location:

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
17-138-2	5 MILL ST	BOUVIER BRETT A		5 MILL ST	HOPEDALE	MA	01747
17-52-0	6 MILL ST	WINEGARDNER NORMAN E	WINEGARDNER TAMBBI	6 MILL ST	HOPEDALE	MA	01747
17-53-0	12 MILL ST	PUTNEY III WILLIS P	PUTNEY AMY L	12 MILL ST	HOPEDALE	MA	01747
17-54-0	16 MILL ST	SARAVARA, JR STEPHEN TR & JA	JANET M SARAVARA RAMIL	16 MILL ST	HOPEDALE	MA	01747-2102
17-55-0	25 MILL ST	WEBSTER ADAM	WEBSTER KERRI LYNN	25 MILL ST	HOPEDALE	MA	01747
17-56-0	21 MILL ST	LONG DAVID P	LONG LISA C	21 MILL STREET	HOPEDALE	MA	01747-2101
17-59-0	1 MILL ST	GLOCKNER ARLENE F L/E	GLOCKNER RICHARD M L/E	1 MILL ST	HOPEDALE	MA	01747-2101
17-60-0	35 PLAIN ST	WHYTE CRAIG T	WHYTE ERMELINDA	35 PLAIN ST	HOPEDALE	MA	01747-1407
17-62-0	31 PLAIN ST	WHYTE JOANNE D	WHYTE FAMILY IRREVOCAL	196 FREEDOM ST	HOPEDALE	MA	01747-1407
18-20-0	65 MILL ST	DAWSON HEATHER		65 MILL ST	HOPEDALE	MA	01747
18-20-1	1 LARKIN LN	MILL STREET REALTY TRUST	NORMANDIN DAVID W - TRU	61 MILL ST	HOPEDALE	MA	01747
18-26-0	45 MILL ST	GERMAGIAN REALTY TRUST	GERMAGIAN JEFFREY C - T	45 MILL ST	HOPEDALE	MA	01747-2101
18-27-0	41 MILL ST	DRAPER FAMILY TRUST	SILVA PATRICIA M - TRUSTE	41 MILL ST	HOPEDALE	MA	01747-2101
18-28-0	37 MILL ST	ANDERSON ADAM B	ANDERSON DANIELA L	37 MILL ST	HOPEDALE	MA	01747-2101
18-29-0	35 MILL ST	DESMEULE TIMOTHY A		35 MILL ST	HOPEDALE	MA	01747
18-30-0	33 MILL ST	HERNANDEZ YENIFER A		33 MILL ST	HOPEDALE	MA	01747
18-31-0	31 MILL ST	DOUGLAS MARILYN H	DOUGLAS RLTY FAMILY TRU	31 MILL ST	HOPEDALE	MA	01747-2101
18-32-0	29 MILL ST	BARRERA IVAN		29 MILL ST	HOPEDALE	MA	01756
18-33-0	27 MILL ST	CARLEY JAMES T	MCLAUGHLIN MARY K	27 MILL ST	HOPEDALE	MA	01747-2101
18-34-0	90 MILL ST	HOPEDALE, TOWN OF	C/O COUNTRY CLUB, ERIK I	P O BOX 126	HOPEDALE	MA	01747-0126
18-34-1	90 A MILL ST	HOPEDALE, TOWN OF	WATER DEPT.-C/O TOWN H	P. O. BOX 7	HOPEDALE	MA	01747
18-39-0	92 MILL ST	HOPEDALE, TOWN OF	WATER DEPT./TOWN HALL	P.O. BOX 7	HOPEDALE	MA	01747-0007
21-1-10	44 PLAIN ST	FERNANDES ALAN		44 PLAIN ST	HOPEDALE	MA	01747
21-1-11	46 PLAIN ST	D & F AFONSO REALTY TRUST	AFONSO DOMINGOS & FATI	189 MAIN ST	MILFORD	MA	01757
21-1-15	4 MELLEN ST	AFONSO DOMINGOS - TRUSTEE	AFONSO FATIMA- TRUSTEE	189 MAIN ST	MILFORD	MA	01757
21-123-0	3 MELLEN ST	ZICOLELLA SHELLEY E		3 MELLEN ST	HOPEDALE	MA	01747
21-1-6	40 PLAIN ST	MULLER DANIEL	MULLER KATHERINE	40 PLAIN ST	HOPEDALE	MA	01757
21-1-7	42 PLAIN ST	AFONSO DOMINGOS & FATIMA -TI		189 MAIN ST	MILFORD	MA	01757
21-1-8	4 A MELLEN ST	HOPEDALE, TOWN OF		78 HOPEDALE STREET	HOPEDALE	MA	01747
21-2-0	2 MELLEN ST	GUIDO JULIE M	HOWARD CHRISTINE	2 MELLEN ST	HOPEDALE	MA	01747
22-1-0	50 PLAIN ST	D & F AFONSO BUILDERS, INC		189 MAIN ST	MILFORD	MA	01757
22-10-0	92 PLAIN ST	HODGDON DAVID	HODGDON LISA	92 PLAIN ST	HOPEDALE	MA	01747
22-11-0	94 PLAIN ST	HURLEY DONNA L TR	94 PLAIN STREET REALTY	94 PLAIN ST	HOPEDALE	MA	01747-2106
22-12-0	98 PLAIN ST	MANTIA HOLLY		98 PLAIN ST	HOPEDALE	MA	01747
22-13-0	100 PLAIN ST	VITALI RICHARD P. TRUSTEE	VITALI PHILIP J. TRUSTEE	100 PLAIN ST	HOPEDALE	MA	01747-2106
22-14-0	102 PLAIN ST	D & G FAMILY REALTY TRUST	COSTANZA SCOTT -TRUSTE	102 PLAIN ST	HOPEDALE	MA	01747-2106
22-2-0	60 PLAIN ST	HOPEDALE, TOWN OF	SOUTH HOPEDALE CEMETE	P O BOX 7	HOPEDALE	MA	01747-2106
22-25-0	110 PLAIN ST	MOREIRA LUCIANA A.P	PASCOAL MARCUS A.J.G.O	110 PLAIN ST	HOPEDALE	MA	01747
22-28-0	75 PLAIN ST	ROSENFELD CONCRETE CORP		P. O. BOX 9187	BOSTON	MA	02111
22-28-1	90 B MILL ST	HOPEDALE TOWN OF	WATER DEPT/TOWN HALL	78 HOPEDALE STREET	HOPEDALE	MA	01747

# Town of Hopedale Abutters List

## Subject Parcel ID:

## Subject Property Location:

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
22-29-0	1 SPACEWAY LN	INDUSTRIAL PARK CORPORATION		1 AIRPORT RD	HOPEDALE	MA	01747-1529
22-3-0	1 NEWTON ST	ROSENFELD CONCRETE CORP		PO BOX 9187	BOSTON	MA	02114
22-32-10	12 ROSENFELD DR	MOE COELHO II, LLC		12 ROSENFELD DRIVE	HOPEDALE	MA	01747
22-32-2	1 ROSENFELD DR	CANNAPRENEUR PARTNERS LLC		110 TURNPIKE RD #114	WESTBOROUGH	MA	01581
22-32-3	3 ROSENFELD DR	ROSENFELD DRIVE, LLC		3 ROSENFELD DR	HOPEDALE	MA	01747
22-32-4	5 ROSENFELD DR	WHITEHALL REALTY GROUP LLC		11 ROSENFELD DR	HOPEDALE	MA	01747
22-32-5	7 ROSENFELD DR	HOPEDALE ASSOCIATES, LLC		11 ROSENFELD DR	HOPEDALE	MA	01747
22-32-6	9 ROSENFELD DR	NICE ENTERPRISES INC		106 MENDON ST	HOPEDALE	MA	01747
22-32-7	11 ROSENFELD DR	HOPEDALE ASSOCIATES LLC		11 ROSENFELD DR	BELLINGHAM	MA	02019
22-32-8	13 ROSENFELD DR	13 ROSENFELD DRIVE, LLC		13 ROSENFELD DR	HOPEDALE	MA	01747
22-32-9	14 ROSENFELD DR	TSE REALTY LLC		7 BERKELEY DRIVE	FRANKLIN	MA	02038
22-40	2 NEWTON ST	HOPEDALE, TOWN OF		P.O. BOX 7	HOPEDALE	MA	01747
22-5-0	1 MELLEN ST	ZERSKY FRANK F	ZERSKY HELEN R	1 MELLEN ST	HOPEDALE	MA	01747-1508
22-9-0	88 PLAIN ST	ABRAM ROSENFELD TRUST	ROSENFELD ABRAM - TR	88 PLAIN ST	HOPEDALE	MA	01747
22-9-1	1 B MELLEN ST	EVERS KEVIN M		1B MELLEN ST	HOPEDALE	MA	01747
22-9-2	84 PLAIN ST	AYAZ ADNAN	AYAZ SARA	84 PLAIN STREET	HOPEDALE	MA	01747
22-9-3	86 PLAIN ST	SILVER HEIGHTS DEVELOPMNT C		88 PLAIN ST	HOPEDALE	MA	01747
23-15-0	20 BEN'S WY	REICKERT R LEE	REICKERT LINDA	20 BEN'S WY	HOPEDALE	MA	01747-2008
23-16-0	21 BEN'S WY	STONE BRYAN J	STONE COLLEEN M	21 BEN'S WY	HOPEDALE	MA	01747-2008
23-17-0	19 BEN'S WY	PAULK RAYMOND C	PAULK JANET	19 BEN'S WY	HOPEDALE	MA	01747-2008
23-20-0	25 OFF BEN'S WY	LIMA RICARDO		3 WHITNEY RD	HOPEDALE	MA	01747
23-38-0	15 RICHARD RD	ZUROMSKI VICKI L		15 RICHARD RD	HOPEDALE	MA	01747-2007
23-39-0	13 RICHARD RD	RUSSELL CARLTON T	RUSSELL JEANNE	13 RICHARD RD	HOPEDALE	MA	01747-2007
23-40-0	11 RICHARD RD	DEMATTIA ADAM	DEMATTIA ANN B	35 SOUTHOLD RD	WORCESTER	MA	01607

Parcel Count: 64

End of Report



CRE Acquisition, LLC

133 Pearl Street  
Boston, MA 02110First Republic Bank  
One Post Office Square  
Boston, MA 02110

947

\*\*\*\* TWENTY FIVE AND 00/100 DOLLARS

TO THE  
ORDER OF

11/16/2022

\$25.00\*\*\*\*\*

TOWN OF HOPEDALE  
78 Hopedale Street  
Hopedale , MA 01747DATE:11/16/2022 CK#:947 TOTAL:\$25.00\*\*\*\*\* BANK:CRE Acquisition-First Republic(creacqfr)  
PAYEE:TOWN OF HOPEDALE(v0001953)

Job(Prop)	Categ(Acct)	Invoice - Date	Description	Amount
75plain-a(creacq)	G0001007(62050)	11.15.2022-11/15/2022	Abutters List November 2022	25.00
				<u>25.00</u>

DATE:11/16/2022 CK#:947 TOTAL:\$25.00\*\*\*\*\* BANK:CRE Acquisition-First Republic(creacqfr)  
PAYEE:TOWN OF HOPEDALE(v0001953)

Job(Prop)	Categ(Acct)	Invoice - Date	Description	Amount
75plain-a(creacq)	G0001007(62050)	11.15.2022-11/15/2022	Abutters List November 2022	25.00
				<u>25.00</u>

**75-131 Plain Street, LLC**

**Application for Special Permit to Hopedale ZBA**

**List of Exhibits**

- A. Order from Massachusetts Land Court dated October 27, 2022**
- B. Site Development Plans (subset) dated January 14, 2022**
- C. Decision and Certificate of Action from Planning Board dated May 11, 2022**
- D. Graves Engineering Peer Review Letter dated February 2, 2022**
- E. Review letter from Town of Hopedale W&S Manager dated February 11, 2022**
- F. Order of Conditions issued by Conservation Commission July 27, 2022**
- G. Phased Site Development Plans dated July 20, 2022**
- H. Decision and Certificate of Action from Planning Board dated September 7, 2022**
- I. Graves Engineering Peer Review Letter dated August 2, 2022**
- J. Board of Health Meeting Minutes from September 15, 2022**

# Exhibit A

**COMMONWEALTH OF MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE TRIAL COURT**

WORCESTER, ss.

22 MISC 000497 (JSDR)

ROSENFELD CONCRETE CORP.,

Plaintiff,

v.

THE TOWN OF HOPEDALE,

Defendant.

**DEFAULT JUDGMENT**

This matter was commenced with the filing of a complaint pursuant to G. L. c. 240, § 14A, by plaintiff Rosenfeld Concrete Corp. (“Plaintiff”) on September 22, 2022, in which Plaintiff sought a declaration as to the applicability of various provisions of the town of Hopedale (“the Town”) zoning bylaw (“ZBL”) to Plaintiff’s proposed construction of a warehouse (“the Proposed Project”) on a 144-acre parcel located at 75 Plain Street (map 22, parcel 28), Hopedale, owned by it. On October 3, 2022, the summons and return of service on the Town was filed and docketed, it being noted thereon that acceptance of service by the Town’s counsel would not serve as a notice of appearance on behalf of the Town. It was subsequently reported to the court that the Town did not intend to appear and defend in this action. The Town was defaulted on October 27, 2022. At the request of the court, the Plaintiff supplemented its Motion For Entry Of Default Judgment (“Motion”) with the filing of a Memorandum In Support Of Motion For Entry Of Default Judgment (“Memorandum”) and the Affidavit Of Jason R. Talerman, Esq., sworn to on October 27, 2022, authenticating attachments to the Memorandum. After review of the complaint, the Motion, the Memorandum and the attachments thereto, it is

**ORDERED, ADJUDGED and DECLARED:**

1. That warehouses are a by-right use in the Light Industrial and Ground Water Protection zoning districts in the Town;
2. That the warehouse, as proposed by the Plaintiff on the Property is not an enlargement or alteration of a pre-existing use as described in Section 17.6(c)(1) of the ZBL;
3. That phase 1 of the Proposed Project, if not exceeding 15% impervious coverage, does not require a special permit under Section 17.6(c)(6) of the ZBL;
4. That the Proposed Project, as a whole, will require a special permit under Section 17.6(c)(6) of the ZBL if it exceeds 15% of impervious cover; and
5. That special permit review of the Proposed Project under the ZBL is limited to the criteria under Section 17 thereof and is not subject to the general special permit criteria under Section 10.6 of the ZBL.

And it is further

**ORDERED** and **ADJUDGED** that, upon payment of all required fees, this Default Judgment, or a certified copy of it, may be recorded with the Worcester County Registry of Deeds and marginally referenced on all relevant documents.

SO ORDERED.

By the Court (Roberts, J.)

/s/ Jennifer S.D. Roberts

Attest:

/s/ Deborah J. Patterson  
Deborah J. Patterson, Recorder

Dated: October 27, 2022.

# **Exhibit B**

**Site Development Plans (excerpt) 1-14-22**

# **Exhibit C**



**TOWN OF HOPEDALE PLANNING BOARD**  
**DECISION AND CERTIFICATE OF ACTION FOR 75-131 Plain Street, LLC/GFI PARTNERS, LLC**  
**75 PLAIN STREET, HOPEDALE, MA**  
**SITE PLAN REVIEW**

RECEIVED HOPEDALE TOWN CLERK  
MAY 18 2022 AM 11:41

May 11, 2022

**Site & Procedural Information**

Project Name: Proposed warehouse distribution facility – 616,875 sf.  
75 Plain Street, Hopedale, MA

Owner: Rosenfeld Concrete Corp., f/k/a DMJ Concrete Corp.  
100 North Washington Street, P.O. Box 9187  
Boston, MA 02114

Applicant: 75-131 Plain Street, LLC  
c/o GFI Partners, LLC  
133 Pearl Street, Suite 300  
Boston, MA 02110

Designer: Highpoint Engineering, Inc.  
980 Washington Street, Suite 216  
Dedham, MA 02026

Traffic Engineer: Bayside Engineering Inc.  
600 Unicorn Park Drive  
Woburn, MA 01801

Acoustic Consultant: Tech Environmental, Inc.  
Hobbs Brook Office Park  
303 Wyman Street, Suite 295  
Waltham, MA 02451

Property Location: Assessor's Parcel ID 22-28-0

Deed Reference: Book 8780 Page 110

Zoning District: LI – Light Industry District  
Ground Water Protection District

Relief Sought: Site Plan Review and Approval (By-Law § 18.2)<sup>1</sup>

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<sup>1</sup> The project also requires a Ground Water Protect District Special Permit from the Zoning Board of Appeals ("ZBA") under By-Law, § 17.6(c)(6). The scope of work described also requires relief from the Conservation Commission. The Applicant currently has open proceedings with the ZBA and Conservation Commission.

Dates:	Submittal:	09/09/2021
	Public hearings:	10/06/2021 (Testimony taken – Continued)
		11/03/2021 (Testimony taken – Continued)
		12/01/2021 (Testimony taken – Continued)
		01/05/2022 (Testimony taken – Continued)
		02/02/2022 (Testimony taken – Continued)
		02/23/2022 (Testimony taken – Continued)
		03/02/2022 (Testimony taken – Continued)
		03/23/2022 (Testimony taken – Continued)
		04/06/2022 (Testimony taken – Continued)
		04/25/2022 (Testimony taken – Continued)
		05/04/2022 (Testimony taken – Continued)
		05/11/2022 (Testimony taken – Closed)

Submittal Information:

- a. Transmittal letter from Mayer, Antonellis, Jachowicz & Haranas, LLP dated September 9, 2022.
- b. Abutters list – 300 feet.
- c. Application for Site Plan Review of Proposed Warehouse Building dated September 1, 2021, and prepared by Highpoint Engineering, Inc. (including identification of project team, project narrative, application forms, and technical appendices which are listed separately below)
- d. Plans entitled “Definitive Site Development Plans” dated September 1, 2021, prepared by Highpoint Engineering, Inc. (consisting of 45 sheets)
- e. “Stormwater Management Analysis” dated September 1, 2021, prepared by Highpoint Engineering, Inc. (consisting of 16 numbered pages of analysis, more than 500 pages of figures, tables, analyses, charts and graphs, a Department of Environmental Protection checklist form, a six-page “Construction-Phase Operation and Maintenance Plan,” and a seven-page “Long-Term Operation and Maintenance Plan”)
- f. “Traffic Impact and Access Study” prepared by Bayside Engineering dated August 24, 2021 (consisting of a 10-page executive summary, a nine-page summary of existing traffic conditions, an 11-page projection of future no-build and build conditions, a nine-page analysis section, five pages of recommendations and conclusions, and 361 pages of supplemental figures, analyses, motor vehicle crash reports, calculation worksheets, and calculations)
- g. “Local Fiscal Benefits” analysis dated September 27, 2021, prepared by Mark J. Fougere, AICP (consisting of four pages)
- h. Correspondence from Highpoint Engineers dated November 30, 2021, enclosing (a) a five-page Sound Study authored by Tech Environmental, (b) a two-page Transportation Demand Management Plan authored by Bayside Engineering, and (c) a 13-page document illustrating what the Applicant believes to be comparable properties to the Applicant’s proposed use at the project site
- i. Transportation Peer Review correspondence authored by MDM Transportation Consultants, Inc. dated December 10, 2021

- j. Site Plan Peer Review correspondence authored by Graves Engineering, Inc. dated December 14, 2021
- k. Email correspondence from Colleen Stone dated November 2, 2021
- l. Email correspondence from Kevin Evers dated November 3, 2021
- m. Email correspondence from Paul Butcher dated November 17, 2021
- n. Email correspondence from Heather Lewis dated November 22, 2021
- o. Email correspondence from Heather Lewis dated December 8, 2021
- p. Email correspondence from Bruce Howe dated December 14, 2021
- q. Correspondence from Highpoint Engineering dated January 14, 2022, enclosing (a) Revised Site plans entitled, "Proposed Warehouse Building – 75 Plain Steet | Definitive Site Development Plans", revised 01-14-2022 prepared by Highpoint, (b) Report entitled, "Long Term Operation and Maintenance Plan", revised 01-14-2022 prepared by Highpoint, and (c) Letter entitled, "Response to Peer Review Comments", dated 01-14-2022 prepared by Highpoint and addressed directly to Graves Engineering.
- r. Single-spaced document referred to throughout the proceedings as "the petition" or the "warehouse opposition letter"<sup>2</sup>
- s. Document entitled "Opposition of Proposed Warehouse at 75 Plain Street" submitted by the Lewis (17 Bens Way), Stone (21 Bens Way), Bird (15 Bens Way), and Machado (4 Richard Road) households under the name "Preserve Hopedale"
- t. Peer review correspondence authored by Graves Engineering, Inc. dated February 2, 2022
- u. Correspondence from Timothy J. Watson, Manager of the Water & Sewer Departments, dated February 11, 2022
- v. Email correspondence from Christopher Menge of HMMH providing Sound Study Peer Review comments, dated February 17, 2022
- w. Transportation Peer Review Supplemental Comments of MDM Transportation Consultants, Inc. dated February 18, 2022
- x. Email correspondence from Ricky Lima dated February 21, 2022
- y. Email correspondence from Jesse Brytowski dated February 21, 2022
- z. Email correspondence from Mark Rizoli dated February 22, 2022
- aa. Correspondence from David Thompson (undated but sent February 23, 2022)
- bb. Correspondence from Tech Environmental regarding Sound Study (and peer review comments) dated March 1, 2022, enclosing a revised study (the revised study and enclosures total 34 pages)
- cc. Correspondence from Tech Environmental regarding "Air Quality Assessment for 75 Plain Street, Hopedale, MA" dated March 1, 2022
- dd. Email correspondence from Kevin Evers dated March 2, 2022

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<sup>2</sup> The petition/opposition letter objects to the Applicant's proposed use on the basis of concerns titled as "general," "noise," "pollution," and "traffic." The document was separately signed by several residents and separately submitted to various Town Departments, but clarification on the record established that all documents so submitted were identical. Also included in the record are multiple iterations of a spreadsheet which certain residents have testified represents a summary of all persons having signed a copy of the petition/opposition letter. The Board makes no finding as to the accuracy of the spreadsheets but has considered the concerns raised by residents, including but not limited to, those concerns articulated in the petition/opposition letter.

- ee. Technical Memorandum from HMMH dated March 9, 2022 concerning peer review of sound study
- ff. Correspondence from Bayside Engineering regarding revisions following MDM Transportation Consultant's 2/18/22 peer review comments
- gg. Single sheet draft plan of intersection improvements at Harford Avenue and Plain Streets submitted by Bayside Engineering
- hh. Email correspondence from Mark Andolina dated March 23, 2022
- ii. Email correspondence from Michael Hyland dated March 23, 2022
- jj. Correspondence from GFI Partners authored by William Buckley dated March 23, 2022
- kk. Document submitted by the Lewis, Stone, Bird, and Machado households under the name of "Preserve Hopedale" entitled "Restrict & Condition Requests for Proposed Warehouse/Distribution Center at 75 Plain Street," dated April 5, 2022
- ll. Undated correspondence from Steven and Vicki Zuromski
- mm. Memorandum of GFI Partners authored by William Buckley dated April 25, 2022

### **Background**

The Applicant proposes to construct a 616,875 square foot warehouse building with ancillary business offices included. The locus contains 141<sup>3</sup> acres and is on a parcel that has historically been used as a concrete manufacturing and sand and gravel plant.<sup>4</sup> The property is adjacent to Plain Street on the East, Hopedale Country Club and drinking water well fields of the Town of Hopedale on the north, the mill river to the west, and the Plain Street Industrial Park (i.e., Rosenfeld Drive and Condon Way) to the south. The site is located in the LI (Light Industry) Zoning District. The entire site lies in the Groundwater Protection District. Major issues of concern raised during the public hearings included the impacts of traffic and trucks, noise, fumes from idling, hours of operation, impacts on the surrounding neighborhood and streets (i.e., Harford Avenue, Rt. 140, as well as side streets like Newton Street, Mellen Street, Warfield Street, Bens Way, Richard Road, and Neck Hill Road), and clarification as to the actual use of the building, since the final tenant is unknown. Changes to the proposal were made in response to comments from the Board, peer reviewers, and abutting owners to help reduce community impacts. These changes are reflected in the final plan set and the conditions set forth herein.

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<sup>3</sup> The acreage stated herein is taken from the Hopedale Assessors records. The Applicant states that the property consists of 144.6 acres. This Board makes no finding as to which measurement is more accurate, as the less than 3% difference in land area is not material to this Board's decision.

<sup>4</sup> "Concrete manufacturing and washed sand and gravel plants" are allowed only in the Industrial Zoning District (By-Law Table 11.4). The use is not allowed within the Light Industry Zoning District where the subject property is located, neither by special permit nor otherwise. This Board assumes without deciding, based upon credible historical research and corresponding aerial photographs presented by the Applicant, that the historic non-conforming use of the project site predated the Zoning By-Law. Notably, the historic sand and gravel use may well be prohibited by By-Law § 17.6(b)(8), although such a determination is not material to the Board's Site Plan Review, and accordingly, presentation was not made (nor was testimony solicited) as to whether the historic earth removal activities at the site came within six feet of historical high groundwater. Therefore, while this Board does not decide whether the historic use failed to conform to the requirements of the Ground Water Protection By-Law, the Board does find that the historic use was non-conforming.

### General Findings

1. The site lies in the LI (Light Industry) Zoning District and the Groundwater Protection District (GPD). The site does not lie within a FEMA flood zone. The site was used in the past as a concrete manufacturing and sand and gravel plant.
2. Warehouse uses are allowed by right in the LI District. Site Plan Review is required because the Applicant seeks to construct more than 6,000 square feet of gross floor area and requires the provision of ten or more parking spaces. (See By-Law § 18.2.)
3. A Special Permit under Groundwater Protection District is required because the project proposes to render more than 2,500 square feet of land impervious. (See By-Law, § 17.6(c)(6).)
4. Conservation: According to the Applicant's plans, significant wetlands exist on the site. The Applicant also informs the Board that significant environmental cleanup will be required due to the historic use of the property. Therefore, the Applicant must obtain all applicable Orders of Conditions from the Conservation Commission and must comply with all state and federal common law, statutes, regulations, administrative rulings/guidance, and other applicable legal standards when performing work at the property.
5. ZBA: No variances from zoning have been requested but the Applicant must obtain a Ground Water Protection District Special Permit from the ZBA.
6. A peer review of the civil/site issues has been performed on behalf of the Town by Graves Engineering. In accordance with a letter submitted by Graves Engineering, Inc. dated 02/02/2022 and corresponding adjustments made to Sheet C803 by the Applicant,<sup>5</sup> all civil/site issues identified by Graves have been resolved by the Applicant.
7. A peer review of the traffic issues has been performed on behalf of the Town by MDM Transportation Consultants, Inc.
8. A peer review of the Applicant's sound study was performed on behalf of the Town by HMMH.
9. The warehouse as submitted shows 139 loading spaces, 206 trailer parking spaces, 300 passenger car parking spaces, and expansion area for an additional 100 trailer spaces as shown on plans (if needed). The average number of weekday vehicle trips (car and truck combined) is expected to be 1,074. The conditions set forth herein refer to the building as a whole.
10. The review of this application has taken into consideration the criteria required for site plan review, as set forth in By-Law § 18.5, subject to the conditions listed herein, as described below:
  - a. § 18.5(a): As conditioned, this project will be of social, economic and community benefit to the Town. The proposed warehouse use is allowed "by right" in this zoning district, with a special permit from the ZBA being required for rendering more than 2,500 sf impervious within the Ground Water Protection Zoning District (as stated previously, the Applicant must apply for and obtain this Special Permit from the ZBA). The building façade and construction are similar to what would be expected for a building of this type of use. The project should realize aesthetic and environmental

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<sup>5</sup> To the extent this revision has not been made, such a revision is a condition of this Board's approval of the project.

improvements as compared to existing conditions. The tax revenue is estimated to be around \$1,000,000/year. The Town has zoned this area for industrial use in hopes of obtaining tax revenue from commercial development, which this project will provide. Demand on municipal utilities is minimal. Approximately 300 permanent local jobs will be created to operate this facility, in addition to numerous shorter term construction jobs.

- b. § 18.5(b): A Traffic Impact and Access Study (TIAS) was prepared for the Applicant by Bayside Engineering and was peer reviewed by MDM Transportation Consultants, Inc. for the Town. The TIAS and plans of the Applicant demonstrated compliance with the By-Law's minimal requirements of "safe vehicular and pedestrian movement within the site," for "convenient and safe" driveway openings in relationship the adjacent street network, and for "adequate emergency vehicle access."
- c. § 18.5(c): The Applicant's presentation has satisfied the Board that provisions have been made for adequate parking and loading spaces and for the minimization of visual intrusion of these areas from public ways. The building is located 672 feet from the nearest abutter on Plain Street and 997 feet from the nearest abutter on Neck Hill Road or Ben's Way. Additionally, the location of the building, the length of the entrance way and other factors ensure that there will be no need for on street parking. The site has been designed to allow trucks approaching and using the facility to do so without idling or parking on any public way in Hopedale.
- d. § 18.5(d): The Applicant's revised plans and renderings show landscaping measures and overall site design which sufficiently screen the appearance of off-street parking areas from abutting properties, and which create acceptable visual and noise buffers intended to minimize encroachment upon the residential property uses to the east, west, and north of the project site. More specifically, the use of grading, berms, sound walls and the like, as shown on the Applicant's revised plans, accomplish that which is required by By-Law § 18.5(d).
- e. § 18.5(e): The Applicant's plans and other application materials, including its peer-reviewed Stormwater Management Plan, make adequate provision for controlling surface water runoff so as to minimize impacts on neighboring properties and streets and to prevent soil erosion and sedimentation of the Town's surface waters. According to Graves Engineering, the Town's peer review consultant, the proposed development will not only meet the Town's regulations, but it will also significantly improve the existing site conditions by decreasing untreated runoff from the site by 76% in a two-year storm and 72 % in a 10-year storm.
- f. § 18.5(f): The Applicant's plans do not call for sewage disposal nor the use, storage, handling, or containment of hazardous substances in any form, and therefore, the proposed activities do not create a risk of groundwater contamination as contemplated by By-Law § 18.5(f). The site will be served by municipal sewer and the Applicant's plans are to the satisfaction of the Water & Sewer Department's Manager.

g. § 18.5(g): The project, as conditioned, contains appropriate safeguards and monitoring with respect to the risk of excessive or unreasonable, noise, smoke, vapors, fumes, dust, glare, and the like. Impacts are addressed as follows:

- i. Odors/Vapors/Fumes: The actual facility is not anticipated to create any objectionable odors, vapors, or fumes. Fumes from vehicles will be reduced via the use of electric vehicles as specified in the Applicant's plans and presentation. Observance of Massachusetts' anti-idling law on site as well as the site layout should serve to minimize the impact of diesel fumes on nearby residences.
- ii. Dust and Glare: Based on testimony during the hearings, no dust or glare is expected to be generated from the facility.
- iii. Noise: Provisions to limit noise impacts on the surrounding neighborhood have been incorporated into the conditions set forth herein, including the installation of berms/sound barriers to the west of the site adjacent to the mill river and along the north and south of the site driveway.
- iv. Visual: The building will be the largest in the Town, but screening in the form of shrubs, berms, wooded buffer areas, and landscaping will be provided, and in addition, the building will be set back from the street significantly. The view of the site from the public way post-construction will represent a significant improvement as compared to the current view of the significantly disturbed property.
- v. Other: The applicant represents that truck traffic volumes will be minimal during the overnight hours, which will reduce overall impacts from the development.

§ 18.5(h): The project does not implicate structures listed in the State Register of Historic Places.

11. Pursuant to By-Law § 17.7(a), this Board finds that the intent and specific criteria of the Ground Water Protection (GWP) By-Law is met by this Application and that the Applicant's application materials include sufficiently detailed, definite, and credible information to support positive findings in in relationship to the standards set forth within the GWP By-Law. More specifically, pursuant to By-Law § 17.7(c), the Board finds:

- a. 17.7(c)(1): The proposed use will not adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District. Based upon comments from the Water & Sewer Departments and the Planning Board's peer reviewers, snow removal/storage/plowing plans have been altered so that snow will be stored on the south side of the property, thereby alleviating concerns of possible drinking water contamination. In his correspondence of February 11, 2022, Water & Sewer Department Manager Timothy J. Watson states, among other things, "[a]fter reviewing the storm water plan, I am comfortable with the protection provided to the Mill Street Well Field." (Watson Correspondence, p.1, ¶4.)
- b. 17.7(c)(2): The proposed use 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. According to Manager



Watson, "[t]he property owner will also be fully responsible for any environmental remediating on site, which includes a 20,000-gallon UST, and any other areas identified during construction." (Watson correspondence, p.1, ¶5.) "The removal of this ground contamination, as well as others that may be identified, will be beneficial to all." (*Id.*, at pp.1-2.) The following concluding remarks in Mr. Watson's correspondence, cement this Board's conclusion that the requirements of the GWP By-Law are met, if not exceeded:

"In closing, I agree with the Peer Review from Graves Engineering that the SWP will reduce the surface water runoff and increase the on-site infiltration.... This new infiltration, with proper treatment could in fact be beneficial to the Water & Sewer aspects. I do not believe I would have the same opinion if this were undeveloped forestland or "clean site" and not a defunct cement yard...."

(Watson correspondence, p.2, ¶3.)

12. To the extent the GPD By-Law requires this Board make a recommendation to the ZBA, this Board recommends that the ZBA issue a GPD Special Permit to the Applicant.<sup>6</sup>
13. The proposed use, as conditioned, is not noxious, harmful or hazardous, is socially and economically desirable, meets an existing or potential need and the Applicant has no reasonable alternative available to accomplish the purpose of the application in a manner more compatible with the character of the immediate neighborhood. As part of its proposed work, the Applicant has committed to "reclaiming" previously disturbed wooded areas and removing above ground and underground fuel storage tanks, as well as to remove existing industrial debris from the site's previous use.
14. The advantages of the proposed use, as conditioned, outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development which could occur if the site plan were denied. The Applicant projects that the project, once built, will result in a real estate assessment of \$34,873,803.11, resulting in annual real estate tax revenues in excess of \$1,000,000, in addition to 300 jobs to the local economy and a building permit fee expected to exceed \$700,000.

#### **Administrative Conditions**

1. The provisions of this permit shall be binding upon the Applicant, the Owner, and their successors and assigns, including any future tenants, and the authorizations and obligations hereunder shall run with the land. Any instrument for sale or transfer of rights or interest in all or any part of the site shall reference this Decision and shall include a notice that the successors are bound to its terms and conditions.

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<sup>6</sup> This Board is not aware of any rules or regulations adopted by the ZBA under the GWP By-Law and thus has not made findings pursuant to By-Law § 17.7(d). To the extent the ZBA is concerned with this Board's lack of findings under § 17.7, we reserve the right to conduct further proceedings to make and report findings under § 17.7.

2. All site work and future project operations shall be in substantial conformance with the latest submitted plans and information listed above and with the final site plans required in Condition #3 below. Minor changes required by other municipal boards and commissions during the permitting process are allowed, subject to revised plans incorporating all changes being submitted to the Board for the record file. The determination as to whether a change is considered minor shall be made by the Building Commissioner, subject to confirmation by the Planning Board at the request of the Applicant.
3. Prior to the endorsement of the site plan, the following shall be complete:
  - a. Final revised plans, with a revised plan set date, incorporating all conditions and changes listed herein shall be stamped by the appropriate professional engineers and/or land surveyors and submitted to the Board. A block for Planning Board endorsement shall be placed on the cover sheet.
  - b. All invoices for consulting or other services employed by the Town in connection with the project, this decision and enforcement thereof, including without limitation engineering and legal fees, shall be paid in full within fourteen (14) days of request by the Town. Failure to pay any such invoice(s) shall automatically result in suspension of this approval, and all construction activities and/or operation of the facility shall cease until the Town receives payment of such invoice(s).
4. The owner shall submit three (3) full sized copies, three (3) 11" by 17" copies and a pdf electronic file of the endorsed site plans and all final submittal documents to the Planning Board.
5. All applicable laws, by-laws, rules, regulations, and codes shall be complied with, and all necessary permits and approvals shall be obtained by the Owner/Applicant.
6. Approval is subject to the rules, regulations and approvals of the Board of Health, Building Department and Department of Public Works. Permits from each Department/Commission must be received, where applicable, prior to the issuance of a building permit.
7. Any new drainage, paving or other excavation or disturbance that is performed within the public way is required to be inspected by the Department of Public Works, and/or the Planning Engineer, as it is performed, and at the expense of the Applicant.
8. A pre-construction meeting shall be held with the Planning Board's Consulting Engineer and Building Commissioner prior to the start of construction. The Board may require the services of a peer review engineer to inspect portions of the work both during and after construction. The costs for these inspections shall be borne by the Applicant. Based on the results of the pre-construction conference, a review deposit may be required from the Applicant at that time, but failure to require a deposit at that time shall not preclude the Board from requiring a deposit at a later date if it deems additional inspections are needed. All plan changes, documents, bonds and other items required under these conditions shall be submitted as one package at the time of this meeting, and prior to a signoff for a Building Permit, unless the Building Commissioner, in his discretion, agrees to issue the Building Permit subject to conditions that some or all of such documents be provided to him on an alternative schedule.
9. If surety is necessary to protect the interests of the Town, it shall be held in a form acceptable to the Town Treasurer.
10. An as-built plan shall be prepared by a registered professional engineer or land surveyor and submitted to the Building Commissioner and Planning Board prior to the issuance of an

Occupancy Permit. The plan shall show all construction, utility installations, landscaping and other site features that were installed on-site. The Applicant shall provide a certification from the design engineer stating that all construction has been installed in conformance with the approved plans, and, if not, provide a list of changes for review and approval by the Board and its Consulting Engineer. Any modifications or substitutions shall be reviewed and approved by the Board. The performance bond may be held until all work is satisfactorily completed.

11. The Planning Board shall also receive final as-built plans in electronic format compatible and/or able to be converted for use with the Town's GIS. A copy shall also be submitted in pdf format for more general use.
12. The Planning Board reserves the right to require the Applicant to pay consultant fees as allowed under MGL Ch. 44 § 53G for engineering, legal and any other professional review services that may be needed to adequately review this project, monitor construction activities and impacts, and review final as-built plans.

### **Earth Removal Conditions**

13. Adequate provisions shall be made for drainage during and after completion of operations. Drainage disturbances during construction shall not block flows from upstream or cause flooding on neighboring parcels.
14. No banks of excavated or filled materials shall be left after completion of daily operations with a slope which exceeds one (1) foot vertical rise in two (2) feet horizontal distance.
15. Provisions shall be made to adequately control dust during the operations – without oil or other chemicals.
16. During the operations, any excavation, quarry, bank, or work face having a height or depth of ten (10) feet or more and/or creating a slope of more than (30) degrees downward shall be fenced. Such fence shall be located ten (10) feet or more from the edge of said excavation and shall be at least six (6) feet in height.
17. All topsoil shall be stockpiled on the property and, as operations proceed, areas brought to grade which will remain as open space or landscaping shall be covered with at least four (4) inches of topsoil and/or loam and seeded with a perennial cover crop. Such areas shall be re-seeded as necessary to assure uniform growth and soil surface stabilization.
18. All debris, stumps, boulders, etc. shall be removed from the disturbed areas and disposed of in an approved location. Boulders may be disposed of on-site after approval of the Building Commissioner.
19. All existing rules and regulations governing the Earth Removal shall be observed.
20. No earth work operation shall be conducted, maintained, and/or left in a condition so as to alter the natural drainage flow beyond the property; or cause dust, silt, soil, or other materials to be deposited on adjacent properties; or to otherwise cause nuisances, hazards, or other objectionable conditions detrimental to health, safety, or property values in adjacent areas.
21. Any earth material removed from the site shall be removed only during permitted construction hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load. In the event that debris is carried onto any public way in connection with the construction or operation of the Project, the Applicant shall be responsible for all cleanup of the roadway. All cleanup shall occur as soon as practicable and, in any event, within twenty-four (24) hours after first notification by the Board or its

designee. Failure to complete each cleanup may result in the suspension of construction on the site until such public way is clear of debris.

22. Prior to the commencement of any site work, the Applicant shall submit to the Board a final construction phasing schedule which also identifies the designated route for construction vehicles, and their anticipated hours of travel. The installation of hay bales, compost socks and silt fence, and the clearing and grubbing necessary for such installation, shall not be considered "site work" for purposes of compliance with this condition. The plan shall clearly explain the building construction and utility sequencing and the provisions for safe access during construction. The Applicant shall ensure that, during construction, the design engineer, or its qualified representative, visits the Site regularly and, at a minimum, twice a month during peak activity periods, and provides regular reports to the Building Commissioner, Planner and Board's Consulting Engineer to advise of the status of the work, erosion control measures and any special circumstances which may arise in connection with the construction of the Project. The Applicant shall direct construction vehicles to avoid Mellen Street, Newton Street, and Warfield Street.

#### **Stormwater & Sediment Control Conditions**

23. A copy of the final Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Planning Board and its peer reviewer for review and approval prior to the issuance of a building permit. The Board and its peer reviewer shall review the SWPPP for compliance with the terms of the conditions set forth in the approved plans and these conditions, and the adequacy of the on-going monitoring and reporting requirements needed for compliance with these conditions. Monitoring and maintenance of the stormwater management system is required for the life of the facility. Failure of the proposed sediment control system during construction will require additional remediation to be installed to prevent erosion and siltation.
24. The stormwater management system shall be permanently maintained in full working order by the Owner of the property. As required by the Storm Water Pollution Prevention Plan (SWPPP) on-going inspection reports shall be submitted to the Town and be kept on-site for random inspection as a continuing condition of approval. All components of the system must be properly maintained for the life of the proposed facility.
25. A "Stormwater Declaration of Covenant" from the Owner shall be submitted to the Board, with a copy to the Hopedale Board of Health, to ensure that the stormwater management system will be maintained by the owner of the property. The Covenant shall "run with the land" and be enforceable by the Town of Hopedale. The Covenant shall be in a form to be approved by Town Counsel and the Board, and recorded at the Worcester County Registry of Deeds prior to the start of construction.
26. Failure of the proposed sediment control system during construction will require additional remediation to be installed to prevent erosion and siltation.
27. During construction, all construction material, debris, fill and excavated material shall be stockpiled in areas at the Site designated by the Applicant. Said material shall be stabilized to prevent erosion and to control dust. All excess fill and excavated materials that are not used in conjunction with construction shall be removed from the Site and disposed of in accordance with applicable state laws and regulations. At no time shall any debris or other construction material be buried or disposed of at the Site.

28. The Applicant shall keep the Site clean during construction.
29. All catch basins and drainage structures shall be cleaned at the end of construction and thereafter in accordance with best management practices.

### General Conditions

30. All building signs shall be installed in conformance with the requirements of Section 7 of the Zoning By-Law.
31. All Landscaping, berms, walls and fencing shown on the approved plans shall be permanently maintained by the owner, and landscaping shall be replaced as needed to maintain the buffer to neighboring parcels and compliance with the requirements of the zoning bylaws and approved plans. At a minimum, all excavated disturbed areas shall be loamed (4" minimum) and seeded with a hardy grass mix.
32. All outdoor refuse collection dumpsters shall be screened from public view from the street and shall have covers. Trash shall be controlled and picked up daily if not contained in the dumpster.
33. Parking lot lighting shall be turned off or dimmed during the hours the facility is closed for operation, unless otherwise deemed necessary by the Hopedale Police Department for safety reasons. All sign illumination shall also be turned off during these hours except for the illumination of signs regarding hours of operation, truck idling, and wayfinding for the purpose of directing truck access and egress in accordance with the conditions in this decision. Lighting and illumination levels shall be in compliance with the submitted lighting plan. All fixtures shall have LED bulbs and adjustable shields so that none of the site lighting extends beyond all property lines adjacent to the residential neighborhood. The shields shall prevent direct viewing of all lighting bulbs from adjacent parcels. Increased lighting is permitted at the driveway entrance to provide adequate public safety.
34. Hours of Construction shall be as follows:
  - Interior Building Fit Out: Monday through Friday 7:00am to 7:30pm; Saturdays 8:00am to 5:00pm; Sundays – no work allowed
  - Exterior Building Construction and Site Work: Monday through Friday 7:00am to 6:30pm; Saturdays 8:00am to 5:00pm; Sundays – no exterior work allowed.
  - Holidays: No work is allowed on the following legal holidays: New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas.
  - Exceptions: These hours of operation may be expanded, by approval of the Building Commissioner, after a review of neighborhood impacts.
  - Contractors: No contractors are allowed on site more than 15 minutes prior to the permitted start of construction.
35. Prior to the issuance of the Building Permit (BP) or Certificate of Occupancy (CO) for the Project, as indicated below, the Applicant shall satisfy the following requirements of the Hopedale Fire Department:
  - a. Submit to the Fire Department for review and approval a fire protection/detection plan and sprinkler plan. The plan shall include detailed information for the water distribution system and anticipated water flow data, building sprinkler details and hydrant locations. (*before BP*)

- b. The Applicant shall confirm with the Department that the proposed driveway configuration provides adequate 360-degree access for fire apparatus around the building. *(before BP)*
  - c. The Applicant shall install a fire alarm radio box providing a direct connection to the Fire Department. It should be compatible with the current Fire Department receiving equipment. The Applicant may choose its own equipment, provided it is approved in advance by the Fire Department, and the receiving equipment and programming software are provided by the Applicant to the Fire Department in an acceptable manner. *(before CO)*
  - d. A fire department connection shall be installed at a location approved by the fire department, if required. *(before CO)*
  - e. Bidirectional radio amplifiers shall be installed unless an alternate method is agreed to by the Department. This will include two Fire Department radio channels and one Police Department channel, as specified by each department. *(before CO)*
36. The Applicant shall submit to the Fire Department for review and administrative approval the proposed use of, and methods for, blasting at the Site, if any such blasting is proposed. Any conditions imposed on the Project as part of the Fire Department Blasting Permit, if any, shall be strictly followed and enforced. The use of blasting materials containing perchlorate shall be prohibited.
37. The Applicant shall coordinate with Hopedale Police and Fire to provide adequate access for public safety personnel to the site.
38. The Applicant shall be responsible for litter control both during and after construction.
39. During construction, the Applicant shall install construction fencing adequate to ensure public safety.
40. No fuel oil or potentially hazardous or flammable materials shall be stored on-site in excess of that allowed under the Groundwater Protection District of the By-Laws.
41. All concrete washouts shall occur at a washout pit constructed in conformance with the design plans.
42. All infrastructure (utilities, driveways, sidewalks, drainage, etc.) to service the building shall be constructed as shown on the Final Site Plan prior to occupancy of the building. If all work is not completed, the Building Commissioner may issue a temporary Certificate of Occupancy, after consultation with the Planning Board. In such instance, surety acceptable to the Board may be required to ensure completion.
43. A Performance Bond, or other suitable surety in a form acceptable to the Town Treasurer, in the amount of \$20,000.00 shall be required prior to the start of construction. Because work is being performed in an environmentally sensitive area (Zone II), the specific purpose of this bond is to ensure that adequate funding is available to restore the site to an environmentally safe condition if all stormwater management related work is not completed. The bond shall be released upon completion of such stormwater management work and certification by the Board's peer reviewer that such work was in compliance with the approved plans.

**Special Conditions** – The following conditions pertain to the operation of the facility after a Certificate of Occupancy has been issued.

44. Hours of Operation:

- a. Activities inside the building and on the lot are not restricted as to hours of operation.
- b. Operation and emptying of the trash containers shall be between the hours of 7:00am and 9:00pm.
- c. The loading bay doors shall be closed when the bays are not operational (active loading/unloading of cargo) to prevent noise leaving the building from interior operations.

45. Vehicle Limitations:

- a. The impact of vehicles on the surrounding neighborhood, Hartford Avenue, and Route 140 was of major concern to the Board and residents, although the Board understands that Hartford Avenue and Rt. 140 provide transportation access to the interstate highway system. Predicted typical traffic flows based on the proposed use were provided by Bayside Engineering, and are as follows:

**TABLE 4**  
**TRIP GENERATION SUMMARY**

	Automobile Trips <sup>a</sup>	Truck Trips <sup>a</sup>	Total Warehouse Trips
Average Weekday Daily Traffic	704	370	1,074
<i>Weekday Morning Peak Hour:</i>			
Entering	75	6	81
Exiting	18	6	24
Total	93	12	105
<i>Weekday Evening Peak Hour:</i>			
Entering	22	10	32
Exiting	76	9	85
Total	98	19	117

<sup>a</sup>Based on ITE LUC 150 – Warehousing; 614,875 sf

(TIAS, p.25.)

- b. Total daily truck and other vehicle traffic generated by the facility shall not substantially deviated from these numbers on a regular or sustained basis.
- c. The facility shall not produce traffic consistent with a Fulfillment Center (ITE Land Use Code 155) or Parcel Hub (ITE Land Use Code 156). Any commercial delivery vans utilizing the facility shall be included in the truck count when calculating the daily cap, with the exception of delivery vans for building supplies or operations, which shall count

toward the total vehicle cap only. To the extent the Applicant or any tenant wishes to change the use of this property to something other than ITE Land Use Code 150 (Warehousing) and the proposed use will, in the opinion of the Planning Board's peer review consultant (the reasonable cost of which shall be borne by the applicant), have a greater projected traffic impact, including but not limited to a so-called "last mile distribution center," the Applicant must apply to this Board for a Site Plan Modification and must obtain approval of this Board prior to commencing any use other than said ITE Land Use Code 150, which approval may be denied or granted subject to additional conditions and/or mitigation measures by the Applicant. In addition to the foregoing, to the extent the Applicant has agreed in a prior written submission to the Board or to a peer review consultant to greater restrictions than those set forth in this Decision, such additional restrictions shall be deemed incorporated into this Decision by reference, and such restrictions shall be binding upon the Applicant, as if set forth fully herein.

- d. Monitoring: Enforcement of these vehicle caps is of vital importance to ensure the protection of the health, safety and welfare of the neighboring residences. The Applicant shall develop a Traffic Monitoring Program (TMP) to begin six months after initial occupancy and be completed once full (85% or higher) occupancy of the site is achieved and include the following:
- i. Monitoring will include turning movement counts at the TIAS study area intersections and site driveway between the hours of 5:00 AM and 9:00 AM, and between 4:00 PM and 7:00 PM to capture warehouse peak generating periods.
  - ii. Initiation of monitoring will allow for early identification of operational deficiencies that may require immediate action/countermeasures by the Applicant.
  - iii. Automatic traffic recorder counts with classification, utilizing video-based equipment, on the site driveway to include a continuous 48-hour period over two (2) weekdays.
  - iv. Evaluating motor vehicle crash data at the Project site driveway and TIAS study area intersections.

The results of the monitoring program will be summarized in a report to be provided to the Town of Hopedale upon completion of the data collection. The report will document the traffic volumes associated with the project and any delays, queuing and crash rates at the TIAS study intersections.

If any of the following conditions are documented as part of the monitoring program: 1) traffic volumes of the project exceed the predicted traffic volumes by more than 10% on a regular and sustained basis; 2) there is a material increase in the number of motor vehicle crashes at the project study intersections that are attributable to the Project; or, 3) delays and queuing at the study intersections materially exceed predicted levels due to the impact of the Project, the Applicant will identify and undertake corrective measures to offset the additional project traffic impacts, subject to the reasonable approval of the



Planning Board's peer review consultant (the reasonable cost of which shall be borne by the Applicant). Such corrective measures may include, for example:

- i. Installation of additional signage and pavement markings.
- ii. Implementation of signal timing improvements to account for new traffic impacts.
- iii. On-site operations and management strategies to include:
  1. Expansion of TDM elements.
  2. Scheduling of employee and truck operations to minimize impacts.
  3. Other measures designed to reduce traffic impacts generated by the Project.

In addition to the foregoing, to the extent the Applicant has agreed in a prior written submission to the Board or to a peer review consultant to greater monitoring than that which is set forth in this Decision, such additional monitoring shall be deemed incorporated into this Decision by reference, and such monitoring protocols shall be binding upon the Applicant, as if set forth fully herein.

46. Traffic Mitigation:

- a. Vehicle patterns shall be as follows:
  - i. Trucks travelling to the site shall access the site by taking a right-hand turn onto Plain Street from Hartford Avenue and then a left turn into the site from Plain Street.
  - ii. Trucks may only take a right-hand turn out of the site and may not utilize Mellen Street, Newton Street, or Warfield Street. "Right turn only" shall be visibly and conspicuously posted at the site.
  - iii. The Applicant will consult with the Planning Board to determine the need for further review/analysis if the Monitoring Program indicates that the site generates project traffic that exceeds the predicted traffic volumes identified in the submitted TIAS by more than 10% on a regular and sustained basis for mitigation as provided in the TMP.
  - iv. The Applicant shall, at its own expense, improve the intersection at Hartford Avenue and Plain Street as described in these proceedings and as shown on the proposed intersection improvement plan submitted by Bayside. Such construction shall be designed to accommodate WB-67 tractor trailer trucks, shall be completed with oversight by the Town's peer review consultants, the reasonable expense of which shall be paid by the Applicant, and shall be constructed in a manner that does not preclude future sidewalks and "complete streets" design elements.
  - v. The Applicant shall apply to Mass DOT on behalf of the Towns of Hopedale and Mendon for Heavy Commercial Vehicle Exclusions for Newton Street, Mellen Street, Warfield Street, and Neck Hill Road. (The respective Towns will be the applicant for these exclusions. If the Select Board or appropriate authority of either Town does not approve the application and/or directs the Applicant in writing not to undertake these applications, then failure to do so will not constitute a violation of this Decision. It will be the responsibility of the Town(s) to secure the approval from the Select Board or appropriate authority for the application.)

- vi. The Applicant shall work with the Town of Mendon to modify the location of the STOP bar for the exclusive left-turn on the Cape Road northbound approach to the Route 140/Hartford Avenue intersection. If monitoring shows a more than 5% change in total volume at this intersection, the Applicant shall work with the Towns of Hopedale and Mendon to provide a more detailed evaluation and identify potential mitigative actions consistent with the traffic monitoring program.

In addition to the foregoing, to the extent the Applicant has agreed in writing, either via written submission to the Board or to a peer review consultant, to undertake additional mitigation measures not specified herein, including without limitation all commitments contained in the Memorandum to the Board submitted by the Applicant on April 25, 2022, such additional mitigation measures shall be deemed incorporated herein by reference and shall be binding upon the Applicant, as if set forth fully herein.

- b. Signage shall be posted at the exit directing traffic in the direction described above. It shall be the Applicant's responsibility to notify all users of these site restrictions to the extent such notice reasonably can be provided.
- c. Applicant shall remove the existing signage on South Main Street directing traffic to the Rosenfeld Concrete facility.
- d. Vehicles exiting the Project site shall be placed under STOP-sign control with a marked STOP-line provided.
- e. All traffic signs and pavement markings shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) standards.
- f. All recommendations in the submitted Transportation Demand Management plan by Bayside Engineering and the peer review of same by MDM Transportation are hereby incorporated by reference as conditions of this permit.

47. Noise Impacts:

- a. No-idling signs shall be placed around the building so as to be clearly visible to all trucks. No vehicles shall be allowed to idle for more than 5 minutes. For purposes of clarity, the provisions of G.L. c. 90, § 16A (the "Anti-idling Law") shall be enforceable on the site, and to the extent such statute may be deemed to only apply to public ways in the Commonwealth of Massachusetts, the Applicant agrees that its tenants, licensees, and invitees shall be bound by the terms set forth within the statute when on the site. Furthermore, the exemptions listed under the Anti-idling Law relative to delivery of goods and the need for alternative power sources shall not apply to vehicles at the Facility. It shall be the responsibility of the Applicant to ensure that adequate infrastructure is available at the Facility to allow trucks to utilize the Facility without the need to idle.

- b. Implementation of and observance of the Applicant's self-imposed "Good Neighbor" mitigation shall be a condition of this approval, including:
- a. Requiring tenants to designate a person responsible for the on-site compliance of the conditions of this Decision, as well as state, local and federal environmental laws and regulations;
  - b. Posting signage and requiring tenants to enforce the Anti-idling Law to reduce idling vehicles, noise, and air emissions whenever possible;
  - c. Requiring all rooftop equipment to comply with MassDEP Noise Regulations;
  - d. Actively promoting and encouraging the use of "white noise" backup alarms to the fullest extent permitted by law;
  - e. Providing an on-site break room to minimize vehicle trips and provide a lounge area for drivers;
  - f. Prohibiting refrigerated storage or refrigerated trucks unless they can meet the sound requirements of this Decision and of the HMMH's peer review analysis;
  - g. Requiring that dock doors and exterior doors be closed when not in use to minimize any interior noise from exiting the building;
  - h. Requiring facility tenants to train managers and employees on efficient scheduling and load management to eliminate queuing and idling of trucks;
  - i. Requiring the use of electric powered yard trucks during established "quiet hours" and provide charging stations for their use;
  - j. Posting signs and educating drivers on approved truck delivery routes to the nearest highway system and clearly designating site entrance and exit points to prevent any truck traffic through residential streets;
  - k. Prohibiting any parking of vehicles on Plain Street and overnighting on-site;
  - l. Prohibiting any tenant installed speed bumps on site;
  - m. Prohibiting the use of so-called "jake breaks" or "jake breaking" on Plain Street or anywhere in the facility, except when required for safety purposes;
  - n. Prohibiting any alterations of buildings that would locate any additional dock doors on the Plain Street or Mill River sides of the building;
  - o. Maintaining site paved areas to reduce truck noise from uneven pavement;
  - p. Performing preventative maintenance of all rooftop equipment to minimize sound from mechanical equipment; and
  - q. Prohibiting the use of any exterior public address systems that are audible at the property line.
- c. Idling reduction technologies, including electric parking spaces (anti-idling plugs) shall be available at all operational loading bays throughout the building as needed.

- d. The site plans have been revised to include: (a) a sound berm/barrier to mitigate impacts to Bens Way and Richard Road which will be 715 long with a top elevation of 248 feet; (b) maintaining an existing precast concrete block wall to the east of the property which is 446 feet long with top elevation of 266 feet; and (c) berms to the north and south of the site driveway with top elevations of 268 and 270 feet, respectively. Design of the berms/barriers shall be approved by the Building Commissioner prior to installation and may be subject to peer review at the Building Commissioner's discretion and the Applicant's expense, in accordance G.L. c. 44, § 53G.
- e. Plans also reflect the stated intent of the Applicant that, during the overnight hours, terminal tractors (i.e., yard truck or hostler) used to transport trailers to and from the warehouse building and the trailer storage areas will be electrically powered (i.e., substantially quieter than diesel-powered tractors).
- f. The Board may require post-occupancy sound monitoring, at the Applicant's expense, within six months of building occupancy, but not sooner than two months after building occupancy to allow time to establish routine procedures within the facility. Upon completion of the post-occupancy sound monitoring, the Applicant's sound engineer shall submit a report to the Planning Board summarizing the results of the monitoring. The report shall provide a description of the methodology, the data collected, the results of the monitoring, and a comparison between pre-construction ambient sound levels and post-occupancy ambient sound levels. Additional information may be requested by the Board or its consultant if needed to ensure compliance with these conditions. Post-occupancy sound monitoring will be performed for those continuous sound sources regulated under the Massachusetts DEP Noise Policy.
- g. The sound barrier shall be installed as early as possible during construction in order to reduce construction impacts to the abutters.
- h. If the ZEO deems there may be good reason to believe that these acoustical conditions are not being met, the Applicant shall be required to monitor and report on actual noise levels after facility operation commences, at reasonable intervals using reasonably customary methodology, to ensure that the facility operation is consistent with the sound conditions listed above. Should sound levels exceed the conditioned levels, the Applicant shall cease or reduce operations until such time that adequate sound mitigation is provided to meet these standards.

#### 48. Use Limitations:

The use of this building is limited to warehouse, with ancillary business offices. These uses are permitted "by right" under the local zoning bylaws. The warehouse traffic patterns correspond to ITE (Institute of Transportation Engineers) Land Use Code 150, which anticipates an average daily traffic generation rate of 1,074 total vehicle trips per day for a building of this size. Traffic volumes that correlate to ITE Land Use Codes 155 (Fulfillment Center) and LUC 156 (Parcel Hub) are not permitted for this site. The vehicle cap numbers listed above are provided to allow appropriate daily fluctuations from the average vehicular volumes expected for the permitted

warehouse and business office uses, but, as a whole, traffic trips are expected to closely mimic the anticipated trip numbers provided by the Applicant. The use of aerial drones for building operational purposes is not permitted on the site. No refrigerated storage is allowed in the facility unless it meets the noise restrictions contained in this decision.

49. Water impacts:

- a. The existing municipal water service is sufficient to service the property. In addition, the Applicant has agreed to, at the Applicant's expense, construct an extension of an existing water line and meter pit on Plain Street approximately 500' from an existing fire hydrant to the Town line with Mendon at the intersection of Plain Street and Hartford Avenue, which shall be completed in conjunction with the above-stated intersection improvements. All such work shall be reviewed and approved in advance with the Water & Sewer, Highway, Roads and Building Departments, and the Applicant shall provide such departments and their consultants reasonable plans and shall conform with all applicable, federal, state, and local laws, rules, and regulations. All such work shall be completed prior to the issuance of a Building Permit.
- b. Hydrants are proposed around the building, and the Applicant will demonstrate to the Fire Department that the required fire flow and pressure will be provided sufficient to meet the operational requirements of the building sprinkler system. Specific details of this system have not been provided to the Board.
- c. The Applicant shall provide access easements to the Town in areas agreed upon between the Applicant and the Water & Sewer Department for accessing potential off-site well locations, provided that said easements shall not unreasonably interfere with construction or operations of the site.
- d. The Applicant agreed to be bound by four (4) to one (1) removal of inflow and infiltration for the calculation of its sewer mitigation fee, equaling \$238,500, even though the Town's current standards may be lesser.

50. Visual impacts:

Berms, plantings, fencing and other landscape features designed to screen the site from neighboring parcels shall be maintained in good condition for the life of the facility.

51. Financial impacts/Mitigation:

The Applicant has submitted a proposed mitigation package, which in addition to the intersection improvements, sound barriers, water line extension, and water-sewer easements referenced above, consists of payment to the Town the sum of \$625,000, which monies are intended (subject to municipal finance laws) to be applied as follows:

- a. \$200,000 intended to be used for upgrades, improvements or repairs to the Town's existing parks and recreation areas;
- b. \$200,000 intended to be used for improvements or expansion of existing Town services;

- c. \$200,000 intended to be applied towards expenses associated with the construction of a new water tank for the Town; and
- d. \$25,000 for the DPW to use for engineering and construction costs necessary to mitigate pre-existing drainage concerns on Plain Street.

The above sum of \$625,000 shall be payable to the Town prior to the issuance of a Certificate of Occupancy.

### **Enforcement**

52. The Board may work in coordination with the Zoning Enforcement Officer ("ZEO") to ensure compliance with these conditions. As an alternative, or in addition, to the authority of the ZEO under G.L. c.40A, §7 and the Zoning Bylaw, the Board may reopen this decision if, in its discretion, it determines such action appropriate to address any alleged violations:

- a. The ZEO shall provide the Board with copies of all violation orders and notices issued to the Applicant.
- b. The Board may determine to hold a public meeting to review such violations; in such event, the Board shall provide written notice to the Applicant and/or its authorized representatives, who shall appear before the Board at such public meeting to respond to and address said allegations.
- c. The Board shall review the applicable information and make findings with respect to the alleged violations.
- d. The Board shall require the Applicant to take any reasonable corrective and preventative action measures to mitigate impact from the violations and to prevent reoccurrence of similar violations in the future. The Board may impose reasonable additional conditions upon this Decision to ensure compliance and mitigate impacts of the project.
- e. The Board's administrative process is not intended to preclude any enforcement action that may be taken by the ZEO, or to discourage the Applicant from taking self-corrective action prior to Board review. It is expected that if the ZEO raises areas of potential non-compliance, the Applicant will work expeditiously with the ZEO to resolve the issues raised, without requiring Board action.
- f. The Board or ZEO may require the Applicant to pay any reasonable costs associated with addressing any violation, such as police detail, peer review, legal or administrative costs.
- g. In addition to the above, the ZEO may also issue fines to enforce compliance following notification to the Applicant/Owner and providing a reasonable opportunity to cure the alleged violation in a manner consistent with this Decision. Each violation of these conditions shall constitute a separate offense. For example:
  - i. Each daily vehicle trip that exceeds the conditioned cap shall constitute a separate violation.
  - ii. Each day where noise exceeds the conditioned threshold shall constitute a separate violation.
  - iii. Each day where the hours of operation exceed the conditioned threshold shall constitute a separate violation.

- h. This decision is binding on the building in its entirety and all tenants therein. If the building is utilized by multiple tenants, it is not the responsibility of the Board to determine which tenant is in violation. Rather, all tenants shall be deemed in non-compliance until such time as the issues for the building as a whole are resolved.
- i. The ZEO may additionally seek enforcement of the conditions through judicial means in any Massachusetts court of competent jurisdiction, and the Applicant shall reimburse the Town for its reasonable attorney fees and litigation incurred in any such enforcement action.

### **Deadlines**

53. The construction of the approved Site Plan shall commence within two (2) years from the date of recording of this decision with the Town Clerk, exclusive of such time required to pursue or await the determination of an appeal. At the discretion of the Planning Board, an extension may be granted. Absent an extension, failure to commence construction of the approved Site Plan within the specified two (2) year period shall be deemed by the Planning Board to be grounds for rescission of its approval of the plan. Applicant shall employ commercially reasonable efforts to complete construction once commenced.

### **Decision of the Board**

The Planning Board, at its meeting held on 05/11/2022, upon motion duly made and seconded voted to APPROVE, subject to the findings and conditions listed above, the construction and operation of a warehouse facility located at 75 Plain Street, Hopedale, MA and to recommend to the ZBA that it issue a Special Permit for the rendering of more than 2,500 square feet impervious within the GPD.

### **Vote on Development Permit for Site Plan Review, pursuant to By-Law § 18.3(e):**

	<u>In favor</u>	<u>Opposed</u>	<u>Abstain</u>	<u>Absent or Ineligible</u>
Stephen Chaplin	✓			
Kaplan Hasanoglu		✓		
Jimmy Khokhar	✓			
Michael Costanza	✓			
Christopher Cody Chase				✓

A complete record of these proceedings is on file with the Town Clerk and with the records of the Planning Board.

This decision and all plans referred to in the decision, have been filed with the Building Commissioner, Board of Health, and Town Clerk.

Signed this the 11<sup>th</sup> day of May, 2022 by:

Members of the Hopedale Planning Board:



Stephen Chaplin



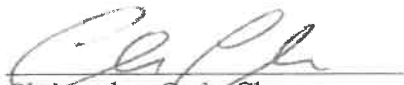
Kaplan Hasanoglu



Jimmy Kolikar Jimmy KHOKHAR



Michael Costanza



Christopher Cody Chase

cc: Town Clerk                      Building Commissioner  
Applicant                      Zoning Board of Appeals



# **Exhibit D**



100 GROVE ST. | WORCESTER, MA 01605

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gravesengineering.com

February 2, 2022

Hopedale Planning Board  
78 Hopedale Street  
P.O. Box 7  
Hopedale, MA 01747

**Subject: 75 Plain Street  
Site Plan Review**

Dear Planning Board Members:

We received the following documents in our office via e-mail on January 17, 2022 and in hard-copy format on January 18, 2022:

- Correspondence from Highpoint Engineering, Inc. to Hopedale Planning Board dated January 14, 2022, RE: 75 – 131 Plain Street LLC – Application for Site Plan Approval – 75 Plain Street, Response to Peer Review Comments.
- Correspondence from Highpoint Engineering, Inc. to Graves Engineering, Inc. dated January 14, 2022, RE: 75 Plain Street, Hopedale, MA, Site Plan Review Application, Response to Peer Review Comments.
- Plans entitled Proposed Warehouse Building, 75 Plain Street, Hopedale, Massachusetts, Definitive Site Development Plans dated September 1, 2021 and revised January 14, 2022, prepared by Highpoint Engineering, Inc. for 75 – 131 Plain Street, LLC. (54 sheets)
- Document entitled Long-Term Operation and Maintenance Plan, Proposed Distribution Facility, 75 Plain Street, Hopedale, MA dated August 25, 2021 and revised January 14, 2022, prepared by Highpoint Engineering, Inc.

Graves Engineering, Inc. (GEI) has been requested to review the plans and supporting materials for compliance with Section 8: Off -Street parking Area Requirements, Section 17:Ground Water Protection District and Section 18: Site Plan Review of the Zoning By-laws, Town of Hopedale, Massachusetts, Massachusetts Department of Environmental Protection (MassDEP) Stormwater Handbook, and standard engineer practices. As part of our initial review GEI performed a reconnaissance site visit on November 9, 2021.

This letter is a follow-up to our previous review letter dated December 14, 2021. For clarity, comments from our previous letters are *italicized* and our comments to the design engineer's responses are depicted in **bold**. Previous comment numbering has been maintained.

**Our comments follow:**

**Zoning By-Law**

1. *The number of individuals present during the largest shift needs to be included on the plans to confirm compliance with the number of parking spaces requirement set in the Section 8 Table of Requirements.*

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**Acknowledged.** Sheet G101 was revised to include Note 3 indicating that 300 employees would be present, presumably for the largest shift, with no more than 360 employees expected to be working at any given time. GEI interpreted the 360-employee count to represent an overlap of employees during a shift change. The plans propose 300 parking spaces, which is equivalent to 1.2 employees per parking space for the 360-employee count. GEI has no issues with the proposed number of parking spaces.

2. *GEI has no issues relative to compliance with Section 17.6(c)(6): Use rendering impervious more than (15) percent or two thousand five hundred (2,500) square feet of any lot. The plans propose lined forebays for pre-treatment of pavement runoff, and open infiltration basins (for pavement runoff) and subsurface infiltration systems (generally for roof runoff) for the attenuation of peak runoff rates and for the infiltration of stormwater. GEI gleaned information from the hydrology computations; the information indicates that the proposed project will result in a reduction of surface water runoff volume, hence an increase in on-site infiltration, of 2.7 acre-feet or 76% during a two-year storm event and 8.1 acre-feet or 72% during a ten-year storm event. Long-term maintenance of the stormwater systems, site maintenance and site housekeeping will be required to address stormwater quality after the construction phase of the project. Appendix D of the Stormwater Management Analysis addresses construction-phase and long-term operation and maintenance requirements. (§17.6(b)(6))*  
**No further comment necessary.**
3. *The site plans need to specify the datum used. (§18.3(b))*  
**Acknowledged.** The plans were revised to include a note on the north arrow stating the datum is NAD83.
4. *All traffic signs and their construction details need to be included on the site plans. (§18.3(b)(5))*  
**Acknowledged.** Sheets C401 through C406 were revised to include traffic sign locations, and Sheet C804 was revised to include the Typical Sign Detail.
5. *Any proposed exterior building lighting and construction details of any proposed lighting need to be included on the site plans. (§18.3(b)(5))*  
**Acknowledged.** The plan set was revised to include a Site Lighting Plan that shows proposed lighting locations and luminaire model numbers.
6. *The sizes of plants to be used in site landscaping (exclusive of the wetland replication area) need to be included on the site plans. (§18.3(b)(6))*  
**Acknowledged.** The plan set was revised to include Sheet C708, which contains the Site Plant List detailing the quantity, species, and size of the plants.
7. *The underground and overhead electric utilities, as well as the generator and transformer pads at the northeast corner of the proposed building need to be included on Sheet C500. (§18.3(b)(7))*  
**Acknowledged.** Sheet C500 was revised to include the electric utilities, generator, and transformer pads.
8. *The volumes of earth material to be removed needs to be included on the site plans. (§18.3(b)(9))*  
**Acknowledged.** Sheet C400 was revised to include a note concerning the earthwork volume. It was estimated that 15,000 cubic yards of earth material will be imported to

**the site. The estimated volume of cut/fill is to be finalized after completion of geotechnical studies to determine the suitability of reusing onsite fill piles.**

9. *The coordinate system used needs to be included on the site plans. (§18.3(b)(11))*

**Acknowledged. The plans were revised to include a note on the north arrow stating the coordinate system is Massachusetts State Plane.**

#### **Hydrology & Stormwater Management Review**

10. *GEI Reviewed the hydrology computations and found them to be in order except as noted in the following comment.*

**The hydrology computations are in order.**

11. *The hydrology calculations for the pipe in IB-2 show that the pipe has a diameter of 15 inches, however Sheet C401 shows the pipe has a diameter of 12 inches. The information needs to be consistent.*

**Acknowledged. Sheet C402 was revised to show the diameter of the pipe as 15 inches.**

12. *The top of stone, top of pipe, and bottom of pipe elevations for UPS 3 are not consistent between the construction detail and Sheet C402. The information needs to be consistent and consistent with the hydrology computations.*

**Acknowledged. Sheet C402 was revised to show elevations consistent with those in the construction detail and hydrology computations.**

13. *Compliance with the MassDEP Stormwater Standards and Stormwater Handbook is reasonable provided that the following comment is addressed.*

**Compliance with the MassDEP Stormwater Standards and Stormwater Handbook is reasonable.**

14. *To prevent scour at stormwater discharge points, on Sheets C401 – C406 riprap aprons need to be added at the flared end sections and the applicable text for these flared end sections needs to be darkened in the “Flared End Section with Riprap” construction detail on Sheet C802.*

**Acknowledged. Sheets C401 through C406 were revised to show riprap aprons at the flared end sections and the text on the construction detail was darkened where necessary.**

15. *If the plans are revised for any other reason, then it would be helpful if the soil test pit locations were added to the grading and drainage sheets (Sheets C401 – C406).*

**Acknowledged. Sheets C401 through C406 were revised to include soil testing pit locations.**

#### **General Engineering Comments**

16. *The symbol used for proposed site lighting needs to be included in the legends of Sheets C301 and C501.*

**Acknowledged. Sheets C301 and C501 were revised to include the Proposed Light Pole symbol in the legend.**

17. *On Sheet C304, traffic direction arrows and a stop line need to be added to the northern end of the “dedicated vehicular access” on the northwest side of the project site.*

**Acknowledged.** Sheet C304 was revised to include a stop line, stop sign, directional arrows, and directional signs. "Truck Traffic Only" signs were added at the western side of the intersection.

18. *Relative to Sheet C306, GEI defers to the traffic engineer and/or traffic peer reviewer whether the four-way intersection within the site needs signage and pavement marking to define which approaches have the right of way.*

**Acknowledged.** The southbound and northbound approaches to the intersection were revised to be under stop control.

19. *Sheet C505 needs to include the symbols for SMH 1 and E-One DH272 Pump Station.*

**Acknowledged.** Sheet C505 was revised to include the SMH 1 and E-One DH272 Pump Station symbols.

20. *The existing elevations need to be labeled on Sheets C600 and C601.*

**Acknowledged.** Sheets C600 and C601 were revised to include existing elevation labels.

21. *On Sheet C602 along the proposed force main, the sewer manhole at Station 24+41.18 on the site plans states the invert elevation for the proposed force main is 296.0, however this elevation is listed as 295.0 on the road profile. The information needs to be consistent.*

**Acknowledged.** Sheet C602 was revised to list the force main invert elevation as 295.00 feet on the plan view. GEI understands that the pipe invert configuration within the manhole will be addressed with the Hopedale Sewer Department.

22. *On Sheet C801, the Water, Drain and Sewer Trench construction detail needs to clarify what the 12-inch label is measuring.*

**The construction detail was revised to a Water Trench detail and the 12-inch label was deleted. However, construction details now need to be provided for the sewer and drainage pipe trenches.**

23. *On Sheet C802, the Typical Water – Sewer Crossing construction detail references a note, however no note was provided.*

**Acknowledged.** The Typical Water – Sewer Crossing construction detail on Sheet C802 was revised to exclude references to a note.

24. *On Sheet C803, the construction detail for Manhole (OCS B) does not appear to apply to the project. If the construction detail is for the outlet control structure at Infiltration Basin 2, then the construction detail needs to be updated.*

**Sheet C803 was revised to update the construction detail for Manhole (OCS B) to the Outlet Control Manhole (IB 2) construction detail. However, the construction detail shows the manhole is round with a five-foot diameter, has a 24-inch outlet pipe, and has a 24-inch diameter inlet pipe as well as a 3-inch diameter inlet pipe. Sheet C401 shows the manhole as a four-foot-by-four-foot square with a 15-inch outlet pipe and no inlet pipes. The information needs to be consistent.**

25. *On Sheet C803, the top of berm elevation for IB 3 is listed as 238.5, however Sheet C402 shows this elevation as 238.0.*

**Acknowledged.** Sheet C803 was revised to list the top of berm elevation for IB 3 as 238.0.

26. On Sheet C803, the top of berm elevation for IB 6 is listed as 237.9, however Sheet C404 shows this elevation as 238.7.

**Acknowledged.** The design engineer responded that the spot elevation 237.9 at the southwestern side of the basin was used to determine the lowest top of berm elevation.

27. Sheet C804 includes a construction detail for bollards. The locations of the proposed bollards should be identified on the plan view sheets.

**Acknowledged.** Sheet C804 was revised to include a Concrete Filled Steel Pipe Bollard construction detail. Additionally, Sheets C305, C306, C405, C406, C505, C506, C705, and C706 were revised to include bollards around the propane tank, generator, and transformer pads.

28. Signs designating whether a road is trailer or passenger vehicle accessible need to be placed throughout the project site to alert drivers of vehicle restrictions.

**Acknowledged.** Sheets C304 and C306 were revised to include signs stating "truck traffic only" and "car parking".

29. On Sheet C304, the snow storage areas at the exit from the western passenger vehicle parking lot need to be relocated to avoid blocking sight distances for vehicles exiting the parking lot.

**Acknowledged.** The limit of the snow storage area was moved away from the driveway edge.

30. On Sheet C305, the snow storage areas in the swales north of the north parking lot, to the west of the western parking lot, and along the entrance road north of Infiltration Basin 1 need to be relocated to avoid impeding stormwater flow.

**Acknowledged.** Sheet C305 was revised to relocate the snow storage areas to south of IB 7. The snow storage areas were spaced apart to allow stormwater to flow to the swale upgradient of Forebay 6B.

### General Comments

31. GEI did not receive a copy of Sheets C100 and C101.

**Acknowledged.** Sheets C100 and C101 were included in the revised plan set.

32. The existing contour elevations need to be labeled on Sheets C401 through C406.

**Acknowledged.** The elevation contour labels have been added to Sheets C401 through C406.

33. On Sheets G101 and G102 the text in the northeast corner of site parking is illegible.

**Acknowledged.** Sheet G101 was revised to legibly show the text and Sheet C102 was revised to remove the text.

34. On Sheet C203, the arrow from the label reading 100' Buffer Zone (TYP.) needs to be adjusted to point at the 100-foot buffer zone line.

**Acknowledged.** Sheet C203 was revised to point the label arrow at the 100-foot buffer zone line.

35. On Sheet C401 there is a straw wattle and limit of work label that doesn't point to any features on this plan sheet. The labels should be eliminated from this plan sheet.

**Acknowledged. Sheet C401 was revised to exclude the straw wattle and limit of work label.**

36. *On Sheet C402, Forebay 3B is mislabeled as Forebay 3A.*

**Acknowledged. Sheet C402 was revised to correctly label Forebay 3B.**

37. *The matchline labels on Sheet C405 referencing Sheets C401, C403, and C405 need to be corrected.*

**Acknowledged. The matchline labels on Sheet C405 were revised to reference the correct sheets.**

38. *Sheet C500 has a bar scale of 1" = 40', however the plans scale to 1" = 100'.*

**Acknowledged. Sheet C500 was revised to include a bar scale of 1" = 100'.**

39. *GEI understands the water and sewer utility providers will review their respective utilities.*

**No further comment necessary.**

40. *GEI understands the Hopedale Fire Department and the water utility provider will review the proposed fire hydrant locations.*

**No further comment necessary.**

41. *GEI did not review for compliance with the Wetlands Protection Act Regulations (310 CMR 10.00)*

**No further comment necessary.**

**Additional Comments February 2, 2022**

42. **On Sheet C803, in the Forebay and Infiltration Basin Elevation Summary table the top of berm elevation for Infiltration Basin IB 3 was revised from 238.5 feet to 238.0 feet; the basin will now only have 0.5 feet of freeboard. Whereas the MassDEP Stormwater Handbook requires one foot of freeboard, the former elevation of 238.5 feet needs to be reinstated.**

We trust this letter addresses your review requirements. Feel free to contact this office if you have any questions or comments.

Very truly yours,  
**Graves Engineering, Inc.**



Jeffrey M. Walsh, P.E.  
Principal

cc: MDM Transportation Consultants, Inc.

Douglas Hartnett, P.E.; Highpoint Engineering, Inc.

Joseph Antonellis, Esq.; Mayer, Antonellis, Jachowicz & Haranas, LLP

# **Exhibit E**





## TOWN OF HOPEDALE

78 Hopedale Street - P.O. Box 7  
Hopedale, Massachusetts 01747

Tel: 508-634-2203 ext. 212  
Fax: 508-634-2200

Board of Water & Sewer  
Commissioners

Ed Burt, Chair  
James Morin  
Donald Cooper

February 11, 2022

To: Planning Board  
Zoning Board  
Conservation Commission

From: Tim Watson, Manager  
Water & Sewer Departments

Subj: 75 Plain Street site plan review

Dear Boards and Commissions,

I am writing in response to questions directed to the Water & Sewer Departments regarding the 75 Plain Street site plan review, provided by Graves Engineering, and to address comments regarding the Storm Water Plan that will abut the Hopedale Water Department's well-field.

The Planning Board specifically asked questions about items 21 & 23 in the Graves report. The elevation differences on the plans will be corrected on the force main sheets. In-field adjustments during construction are common and are not of a concern. The overall sewer system design, with a usage of 4,500 gallons per day (GPD), associated lift station and piping size, is acceptable to transfer the waste in a manner to ensure that it does not become septic before entering the Town's collection system, nor will it have an effect on the Town's pump station downstream.

Question 23, in reference to utility crossings, will be required to follow American Water Works Association standards. When a crossing is required, a separation of 18 inches is required with no bell joints within 10 feet either side of the crossing. If this cannot be accomplished, the sewer line is required to be encased in flowable fill.

After reviewing the storm water plan, I am comfortable with the protection provided to the Mill Street Well Field. Each catch basin has an oil separator and sump, all parking lot drainage has pretreatment and there are no direct basins. I have also been informed that there will be two emergency spill sheds on the property to store the necessary spill containment if a spill does occur. Additionally, the report states that no calcium / salt products for de-icing will be allowed. Within the storm water maintenance plan, all basins and infiltration systems will be inspected and cleaned twice a year. My understanding is that Hopedale has adopted the EPA's MS4 storm water regulations, which will ensure that the maintenance plan is adhered to.

The property owner will also be fully responsible for any environmental remediating on site, which includes a 20,000-gallon UST, and any other areas identified during construction. The

removal of this ground contamination, as well as others that may be identified, will be beneficial to all.

W&S Departments have also requested the following of the developer:

- The extension of the water main on Plain Street to the Mendon town line.
- A commitment to a 4 to 1 removal of I&I (which W&S is in the process of adopting as part of our policies).
- Financial assistance in the construction of a new water storage tank (which would assist in the Town's ability to provide fire protection needs to a facility of this size).

If the Boards do approve this development, I recommend that the Town hire, at the Developer's expense, an outside inspector for the Storm Water Construction and Water & Sewer Installation. This same firm could also oversee any Conservation Commission requirements to ensure that they are also properly adhered to.

In closing, I agree with the Peer Review from Graves Engineering that the SWP will reduce the surface water runoff and increase the on-site infiltration as stated on page 2. This new infiltration, with proper treatment could in fact be beneficial to the Water & Sewer aspects. I do not believe I would have the same opinion if this were undeveloped forestland or 'clean site' and not a defunct cement yard,

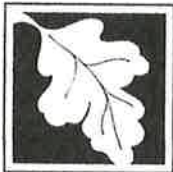
Sincerely,



Timothy J. Watson, Manger  
Town of Hopedale  
Water & Sewer Departments

Cc Diana Schindler, Town Administrator  
Hopedale Board of Water & Sewer Commission  
Chris Nadeau, Highway Superintendent  
Tim Aicardi, Building Inspector

# **Exhibit F**



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

187-0256

MassDEP File #

eDEP Transaction #

Hopedale

City/Town

**A. General Information**

**Please note:**  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

1. From: Hopedale  
Conservation Commission
2. This issuance is for (check one):  
a. ☒ Order of Conditions      b. ☐ Amended Order of Conditions

3. To: Applicant:

Steven

Goodman, Manager

a. First Name

b. Last Name

75-131 Plain St LLC

c. Organization

133 Pearl Street, Suite 300

d. Mailing Address

Boston

MA

02110

e. City/Town

f. State

g. Zip Code

4. Property Owner (if different from applicant):

Dean M.

Boylan, Jr. Authorized Agent

a. First Name

b. Last Name

Rosenfeld Concrete Corp. c/o Boston Sand & Gravel Company

c. Organization

PO Box 9187, 100 North Washington St

d. Mailing Address

Boston

MA

02114

e. City/Town

f. State

g. Zip Code

5. Project Location:

75 Plain Street

Hopedale

a. Street Address

b. City/Town

22

28

c. Assessors Map/Plat Number

d. Parcel/Lot Number

Latitude and Longitude, if known:

42d6m37.188s

71d30m52.524s

d. Latitude

e. Longitude

**Important:**  
When filling  
out forms on  
the  
computer,  
use only the  
tab key to  
move your  
cursor - do  
not use the  
return key.





**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Worcester

a. County

8780

c. Book

b. Certificate Number (if registered land)

110

d. Page

7. Dates: 9/13/2021 6/21/2022

a. Date Notice of Intent Filed

b. Date Public Hearing Closed

c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Proposed Warehouse Building, Definitive Site Development Plans, 75 Plain Street

a. Plan Title

High Point Engineering, Inc.

Douglas J. Hartnett

b. Prepared By

c. Signed and Stamped by

January 2022

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- |  |  |   |
|--|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish          | c. <input checked="" type="checkbox"/> Prevention of Pollution        |
| d. <input type="checkbox"/> Private Water Supply           | e. <input type="checkbox"/> Fisheries                          | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply  | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control                  |

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**B. Findings (cont.)**

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)                      a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>3430 (perm)</u> <u>450 (temp)</u>	<u>3430 (perm)</u> <u>450 (temp)</u>	<u>5400</u> c. square feet	<u>5400</u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
	<u>                    </u> e. c/y dredged	<u>                    </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
Cubic Feet Flood Storage	<u>                    </u> c. cubic feet	<u>                    </u> d. cubic feet	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet





**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment <sup>cu yd</sup>	d. nourishment <sup>cu yd</sup>
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment <sup>cu yd</sup>	d. nourishment <sup>cu yd</sup>
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

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**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

**The following conditions are only applicable to Approved projects.**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 7/26/2025 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.





**Massachusetts Department of Environmental Protection  
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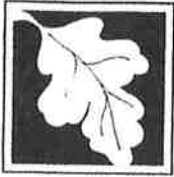
Hopedale

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            187-256            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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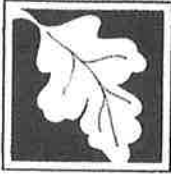
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
  - (1) ☒ is subject to the Massachusetts Stormwater Standards
  - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
  - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**SEE ATTACHED**

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

## **Findings of Fact**

### **Approved Work:**

Construction of a 616,875ft<sup>2</sup> warehouse with associated grading, utilities and parking. An existing water line will be cut and capped. A new water line will tie into the existing line within Plain Street. A 4-inch sewer force main will be connected to the existing sewer line in Mill Street. Erosion Control will be installed along the extent of work. Existing infrastructure, buildings, equipment, foundations and underground storage tanks will be removed from site. 68,000ft<sup>2</sup> portion of the Buffer Zone to the 2 series, 9 series, and 13-series BVWs will be restored to natural conditions. Existing material and fill piles located outside the project footprint will be removed by hand. The existing landscape and Buffer Zone restoration areas will be restored to native meadow. Regular mowing and irrigation of turf grass areas will occur as part of regular lawn maintenance. Stormwater basins and other BMP's will be created as shown on the approved plan and maintained per an Operations and Maintenance Plan. There will be a total of seven separate stormwater basins, four subsurface stormwater detention and infiltration systems, in addition to roof drain collection systems, deep dump and hooded catch basins, and vegetated swales as shown on approved plans.

Stormwater BMPs will be seeded with an erosion control and restoration mix. The existing site entrance will be shifted south by 150 feet as shown on the plans. Area immediately north and south of the proposed entrance will be graded. An earthen berm will be installed 8 feet above ground elevations. The entrance area will be loamed, seeded, and landscaped.

Wetland Replication will measure at 5,200ft<sup>2</sup> located between wetland flags 9-20 and 9-28. The Replication will include site preparation of excavation, grading, and introduction of organic soils, and will follow the approved plan. Construction of the Replication Area will include use of heavy machinery and trucks.

**Area of Work:** 3,430ft<sup>2</sup> of permanent impacts and 450ft<sup>2</sup> of temporary impacts will occur in Bordering Vegetated Wetlands with 5,400ft<sup>2</sup> of replacement. 2,100ft<sup>2</sup> of permanent disturbance will occur within 100-foot Buffer Zone. Some existing pump house equipment and infrastructure will be removed from Bank and Land Under Water. No work will occur within 200-foot Riverfront Area of the Mill River.

## **Special Conditions:**

1. This Order shall apply to the applicant, any successors, heirs, or assigns.
2. A copy of this Order shall be kept on site in a central location such as an office trailer, and distributed to all workers and employees.
3. The DEP File Number will be posted on a sign at the entrance to the project site.
4. The regulations issued by the Board of Health effective February 21, 2002 known as the "Groundwater Protection Regulations" will be met and included as part of the Operations and Maintenance Plan.
5. If the existing conditions on site are found to be contrary to those submitted as part of the NOI in areas jurisdictional to the Commission, the Commission will receive notification of a minor field change in writing or a Request for an Amended Order of Conditions. The Commission will

- determine what constitutes a minor field change and reserves the right to require an Amended Order for any changes in jurisdictional area.
6. If another Board, Commission, or Committee requires any changes or alterations to the plans in jurisdictional areas or that would affect stormwater, that were not approved by the Conservation Commission, the applicant will submit a written petition requesting a determination on if the plan changes are insignificant or if they require an Amended Order of Conditions.
  7. Pre-Construction Meeting
    - a. Erosion and Sediment Controls will be installed prior to any work beginning, and the Commission notified.
    - b. Once erosion controls are installed, there will be a pre-construction meeting with the applicant, construction manager, and at least one member of the Conservation Commission to ensure the conditions in this Order are understood.
  8. A final construction sequence will be provided to the Conservation Commission. Any changes to this sequence will be provided in an updated sequence to the Commission.
  9. Use of hay and hay-bales will be prohibited on the site, and any erosion controls mentioning hay will substitute with seed free straw wattles, mulch socks, coir log, or similar control.
  10. Extra erosion controls shall be kept on site at all times in an easily accessible location. All workers and employees will be informed of where the extra erosion control is stored and will have access.
  11. A Rock Construction Entrance will be created and maintained using  $\frac{3}{4}$ " - 1  $\frac{1}{2}$ " crushed stone
  12. All catch basin on site and within 100 feet of the entrance will have silt sacks installed and maintained with regular cleaning.
  13. Construction of the "proposed future lots" noted in the plans for future trailer storage, will require notification to the Conservation Commission prior to work, if they are planned at an expanded size, or modified layout. The Commission reserves the right to require a permit if deemed necessary. It is noted that the construction of these lots as designed on the approved plans will not affect the stormwater systems approved.
  14. A Wetland Scientist will be employed at the expense of the applicant who will be on site while wetland replication work is performed. The Wetland Scientist will submit a written status report to the Commission at the start of excavation of the replication area; when final grades are established; when plantings are complete; and at the beginning and end of each growing season for a minimum of 2 full growing seasons.
  15. The proposed vegetative community will be those as outlined on Plan Sheet C707 Wetland Replication Plan. Any changes to the approved vegetative community, species, density, or planting location must be approved by the Commission prior to work.
  16. At least 75% of the vegetative community within the replication area will be established at the end of two full growing seasons. This must be met prior to a COC being requested. If 75% is not established at the end of two complete growing seasons, the hired wetland scientist shall provide a corrective plan of action to be implemented in the next growing season with conservation approval, which will be monitored per the conditions of this order as outlined.
  17. The replication area must meet or exceed the General Performance Standards of 310 CMR 10.55 (4)(b) 1-7. If these conditions are not met, the Commission may require measures necessary to achieve compliance.

***Perpetual Conditions: Conditions 18-26 will be continuing conditions that will survive the issuance of the Certificate of Compliance.***

18. Absorbent material will be kept on site and available for duration of work and thereafter for accidental spills per the Operations and Maintenance Plan (OMP) and Stormwater Report.
19. Snow will not be pushed into or piled in any wetland resource area, stream channel, or detention basin on site and will be kept at least 100 feet from any wetland resource area.
20. Salt and other de-icing agents or chemicals shall not be stored within 100 feet of any wetland resource area.
21. Stormwater BMPs and Post-Construction BMPs will be maintained in accordance with the written OMP.
22. A Stormwater Maintenance Log will be kept and maintained by the responsible party listed in the OMP, and will be available upon request by the Conservation Commission or MassDEP.
23. Sediment and contaminants will be disposed of in accordance with all applicable laws.
24. Responsibility of maintenance and repair of detention basins and drainage systems shall be that of the applicant, property owner, their heirs or assigns in accordance with the OMP.
25. No landscape debris, manmade debris, or other materials will be dumped within any wetland resource areas.
26. No further alteration beyond that approved in this Order, will occur within the wetland resource areas, buffer zone, Riverfront Area, or other resource areas without a permit from the Conservation Commission.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
187-0256

MassDEP File #

eDEP Transaction #

Hopedale

City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☒ No
2. The \_\_\_\_\_ hereby finds (check one that applies):

Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):





**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

187-0256

MassDEP File #

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Hopedale

City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

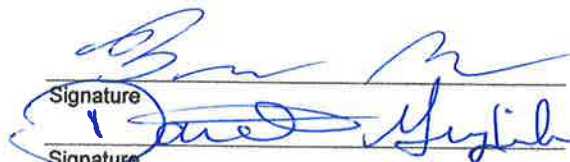
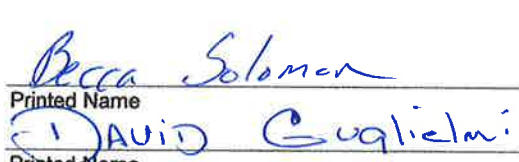
This Order must be signed by a majority of the Conservation Commission.

1. Date of Issuance

2

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

	
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name

☐ by hand delivery on

Date

☐ by certified mail, return receipt requested, on

Date

7-25-2025



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

## **WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
187-0256

MassDEP File #

eDEP Transaction #

Hopedale

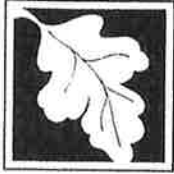
City/Town

### **F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
187-0256

MassDEP File #

eDEP Transaction #

Hopedale

City/Town

## G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

DEP File Number: \_\_\_\_\_

**Request for Departmental Action Fee**  
**Transmittal Form**

Provided by DEP \_\_\_\_\_

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

1. Location of Project

a. Street Address \_\_\_\_\_ b. City/Town, Zip \_\_\_\_\_  
 c. Check number \_\_\_\_\_ d. Fee amount \_\_\_\_\_

2. Person or party making request (if appropriate, name the citizen group's representative):

Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Phone Number \_\_\_\_\_ Fax Number (if applicable) \_\_\_\_\_

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Phone Number \_\_\_\_\_ Fax Number (if applicable) \_\_\_\_\_

4. DEP File Number: \_\_\_\_\_

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**B. Instructions**

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP \_\_\_\_\_

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

# **Exhibit G**

**Phased Development Plans 7-15-22**

# **Exhibit H**

**TOWN OF HOPEDALE PLANNING BOARD**  
**DECISION AND CERTIFICATE OF ACTION FOR APPROVING REQUEST FOR MINOR**  
**MODIFICATION OF SITE PLAN APPROVAL, DATED MAY 11, 2022**  
**75-131 Plain Street, LLC/GFI PARTNERS, LLC**  
**75 PLAIN STREET, HOPEDALE, MA**

September 7, 2022

On May 11, 2022, the Planning Board issued a decision (“Decision”) conditionally approving a site plan for the construction of a 616,875 square foot warehouse building with ancillary business offices included on property located at 75-131 Plain Street (“Project”).

By letter dated July 20, 2022, the Applicant requested that the Board approve a minor modification of the approved site plan to allow the Project to be constructed in two phases. The first phase would involve construction of 411,000 square feet of warehouse space, with associated parking facilities, as well as all required drainage, utilities and other infrastructure required for the Project, including all onsite and offsite improvements. The second would entail construction of the remainder of the warehouse space and associated parking.

The proposed phasing plan does not result in any change in the location, footprint, parking, internal roadways, sound mitigation, drainage infrastructure or any other aspect of the Project. Rather, it simply proposes to construct the building and associated parking in two separate phases.

Pursuant to Condition 2 of the Decision, the Building Commissioner is authorized to determine whether a proposed site plan modification constitutes a minor modification (not requiring a new public hearing). The Building Commissioner testified to the Board that he has determined the proposed phasing plan is a minor modification. The Board agrees. Indeed, the Board notes that the Decision actually contemplates that there may be phased construction (see Decision, Condition 22). Arguably, therefore, the Applicant’s proposed phasing plan does not require modification of the Decision at all. To the extent such modification is required, the Board determines that such modification is minor in nature and will not result in any new or increased impacts.

Accordingly, the Board hereby approves the Applicant’s phasing plan, as proposed in the July 20, 2022 correspondence and accompanying plans from the Applicant’s counsel. Such approval is conditioned upon:

1. The Applicant shall complete all drainage, stormwater management systems and other onsite and offsite improvements required under the Decision as part of the first phase of construction. No Certificate of Occupancy shall be issued until all such improvements have been completed to the satisfaction of the Board or its designee.
2. The Applicant has agreed to make all payments and complete all mitigation measures set forth in the Memorandum to the Board submitted by the Applicant on April 25, 2022 in



- connection with the first phase of construction. All such mitigation measures shall be completed prior to issuance of a Certificate of Occupancy for the first phase of the Project.
3. Other than the phased construction of the building and associated parking, as set forth in the July 20, 2022 letter from the Applicant's counsel, and the accompanying plans, all provisions of the original Decision shall continue to have full force and effect. No other changes to the Project are authorized hereunder. Any further modifications shall require review and approval in accordance with Condition 2 of the Decision.
  4. The phasing plan proposed by the Applicant is optional. The Applicant may choose to proceed with construction of the Project in a single phase.
  5. The Applicant shall make every reasonable effort to minimize the extension and intensity of construction-related impacts on the neighborhood as a result of the phasing of construction. The Building Commissioner is authorized to impose reasonable requirements to accomplish this purpose.
  6. If the Phase 2 portion of the site is not to be constructed immediately following Phase 1 construction, then the subgraded areas in Phase 2 should be temporarily stabilized to minimize the potential for water-borne and wind-borne erosion.

	<u>In favor</u>	<u>Opposed</u>	<u>Abstain</u>	<u>Absent or Ineligible</u>
Stephen Chaplin	X			
Kaplan Hasanoglu				X
Jimmy Kohkar	X			
Michael Costanza	X			
Christopher Chase	X			

A complete record of these proceedings is on file with the Town Clerk and with the records of the Planning Board.

This decision and all plans referred to in the decision, have been filed with the Building Commissioner, Board of Health, and Town Clerk.

Signed this the 7<sup>th</sup> day of September, 2022 by:

Members of the Hopedale Planning Board:

/s/ Stephen J. Chaplin  
Stephen Chaplin

\_\_\_\_\_  
Kaplan Hasanoglu

/s/ Jimmy Khokhar  
Jimmy Khokhar

/s/ Michael Costanza  
Michael Costanza

/s/ Christopher Chase  
Christopher Chase

cc:      Town Clerk                      Building Commissioner  
            Applicant

# **Exhibit I**



100 GROVE ST. | WORCESTER, MA 01605

August 2, 2022

Hopedale Planning Board  
78 Hopedale Street  
P.O. Box 7  
Hopedale, MA 01747

T 508-856-0321

F 508-856-0357

gravesengineering.com

**Subject: 75 Plain Street  
Phasing Plan Review**

Dear Planning Board Members:

We received the following documents in our office via e-mail on July 21, 2022:

- Correspondence from Mayer, Antonellis, Jachowicz & Haranas, LLP to the Hopedale Planning Board and the Hopedale Town Clerk dated July 20, 2022, Re: GFI Partners, LLC – Request for Minor Modification to the Site Plan Approval dated May 11, 2022, 75 Plain Street.
- Plans entitled Phase 1 and Phase 2 Construction Plans, Proposed Warehouse Building, 75 Plain Street, Hopedale, MA dated July 15, 2022, prepared by Highpoint Engineering, Inc. for GFI Partners Inc. (3 sheets)

Graves Engineering, Inc. (GEI) has been requested to review the phasing plans and supporting materials for compliance with Section 8: Off -Street parking Area Requirements, Section 17:Ground Water Protection District and Section 18: Site Plan Review of the Zoning By-laws, Town of Hopedale, Massachusetts; for the adequacy of utilities, drainage and stormwater infrastructure to serve the Phase 1 portion of the project and standard engineering practices. GEI was authorized to proceed with this review on July 28, 2022.

**Our comments follow:**

**Zoning By-Law**

1. GEI has no issues relative to compliance with the Zoning By-Law.
2. The Phase 1 plans include truck and trailer parking on the northern and southern sides of the Phase 1 portion of the building and passenger vehicle parking on the eastern side of the building as previously proposed on the approved plans. The Phase 1 plans also include a temporary passenger vehicle parking area consisting of 123 parking spaces on the western side of the building. GEI has no issues with the amount of parking proposed to serve Phase 1.
3. The phasing plans propose to construct the entirety of the utilities and the stormwater management systems during Phase 1 construction. These utilities and stormwater management systems will support both the Phase 1 and Phase 2 portions of the project.
4. Phase 1 includes a paved driveway to allow emergency vehicle access around the perimeter of the Phase 1 portion of the building.

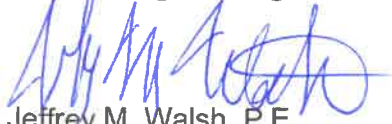
5. Phase 1 construction will also include earth work to bring the Phase 2 portion of the site to subgrade. This will further allow for access throughout the site.

**General Engineering Comments**

6. If the Phase 2 portion of the site is not to be constructed immediately following Phase 1 construction, then the subgraded areas in Phase 2 should be temporarily stabilized to minimize the potential for water-borne and wind-borne erosion. Whereas various forms of temporary stabilization exist, and the developer may utilize a form of temporary stabilization based upon the availability of materials (e.g., the availability of topsoil or stump grindings derived on-site), the Planning Board may wish to condition approval of the phasing plan (if the proposed phasing is approved) upon the developer temporarily stabilizing the subgraded portions of Phase 2 "...in a manner acceptable to the Planning Board."

We trust this letter addresses your review requirements. Feel free to contact this office if you have any questions or comments.

Very truly yours,  
**Graves Engineering, Inc.**



Jeffrey M. Walsh, P.E.  
Principal

cc: Douglas Hartnett, P.E.; Highpoint Engineering, Inc.  
Joseph Antonellis, Esq.; Mayer, Antonellis, Jachowicz & Haranas, LLP

# **Exhibit J**

**Board of Health Meeting  
Regular Meeting Minutes  
September 15, 2022**

The Hopedale Board of Health held a regular meeting on Thursday, September 15, 2022, at 6:00 p.m., in the Draper Room, Town Hall, 78 Hopedale Street, Hopedale, MA. Those in attendance included: Walter Swift, Jason MacDonald and Mary Watson. The meeting was videotaped and held on Zoom.

**A. CALL TO ORDER**

Mr. Swift called the meeting to order at 6:00 p.m., noting that all members were present.

**B. PUBLIC COMMENTS**

Ms. Heather Lewis of 17 Ben's Way and Ms. Colleen Stone of 21 Ben's Way both expressed their concerns for the 75 Plain Street Development project noting that there were over 70 private drinking wells in the area and the impact on the health and safety of residents as it relates to clean air and clean drinking water.

**G. ACTION ITEMS**

**1. Decision of 75 Plain Street Development**

Mr. Swift thanked residents for their comments on the project and thanked the petitioners for setting up the site visit at which he learned a great deal about the property. He noted that he put a lot of thought into this project and what concerned him the most was that the process was not followed as it related to notifying the Board of Health further noting that the project information should have come from the petitioners or the planning board.

Mr. MacDonald stated that he was under the impression that the project was in compliance with the Groundwater Protection and Surface Water Regulations and anything that could be done to clean up the site, while abiding by these regulations, would be a benefit to the town.

Ms. Watson stated that if the property stays with the current owners, the site may never get cleaned up. She also stated that she would like to see enforcement of traffic at the site.

Mr. Swift stated that, if the project does not go forward, the Board of Health could compel the current owners of the property to clean up the site. Mr. Swift noted that the planning board has already voted on the project and hearings on this project are closed. In closing, he stated that he believed the chain of information distribution was flawed and not followed and residents in town need to know what is going on.

It was moved by Ms. Watson, seconded by Mr. MacDonald, that the 75 Plain Street Development plan is in compliance with the Board of Health's Groundwater Protection Regulations and the Surface Water Regulations. Voting in favor: Ms. Watson and Mr. MacDonald. Mr. Swift abstained as he was not comfortable with the entire review process.

**C. APPROVAL OF MINUTES**

**1. Draft Minutes: August 25, 2022 Regular Meeting**

It was moved by Mr. MacDonald, seconded by Ms. Watson, to approve the regular meeting minutes of August 25, 2022. All voted in favor.

**D. REPORT OF THE CHAIR – None.**

**E. REPORTS OF BOARD MEMBERS**

Ms. Watson stated there were no reportable COVID-19 cases as of Wednesday, as people are testing at home. She encouraged residents to get the next round of booster shots.

**F. DISCUSSION ITEMS**

**1. Procedure for reviewing Health Agent Applications**

As a brief discussion, it was the consensus of the board that Ms. Watson would review the health agent applications and bring forward finalists for the entire board of interview.

**G. ACTION ITEMS - *continued***

**2. Award of Contract to Waste Zero**

After discussion, it was moved by Mr. MacDonald, seconded by Ms. Watson, to award the contract for overage trash bags to Waster Zero and set the price per roll of 5 bags and \$7.50 and \$275 per case of 40rolls. All voted in favor.

**3. Scope of Work for Ed Caracino/Excavating Solutions**

At its August 25<sup>th</sup> meeting, Ed Caracino was approved to review and give initial approval/denial of disposal works/septic plans.

After discussion, it was moved by Ms. Watson, seconded by Mr. MacDonald, to include in Ed Caracino's scope of work, in addition to the review



and initial approval/denial of disposal works/septic plans, to review/approve Title 5 Inspection Reports, review/approve disposal works septic as-built plans, and review/approve well plot plans. All voted in favor.

**4. Other – None.**

**H. INFORMATIONAL ITEMS**

- a. R.I. Analytical Report on Spindleville Pond: 9/6/22
- b. Notes on Rat Issue
- c. Letter re: 332D South Main Street

**I. FUTURE AGENDA ITEMS**

- 1. Household Hazardous Waste Collection Day

**J. NEXT MEETING**

- 1. October 20, 2022

**K. ADJOURNMENT**

**I. FUTURE AGENDA ITEMS**

- 1. Household Hazardous Waste Day

**J. NEXT MEETING**

- 1. Regular Meeting: October 20, 2022

**J. ADJOURNMENT**

At 7:26 p.m., it was moved by Mr. MacDonald, seconded by Ms. Watson, to adjourn the meeting. All voted in favor.

Respectfully submitted,

*Carol A. Villa*

Carol A. Villa  
Recording Secretary

**Approved: October 20, 2022**

**Board of Health  
September 15, 2022  
Regular Meeting  
Documents List**

1. Draft Minutes: August 25, 2022 Regular Meeting
2. Email from D. Schindler re: 75 Plain Street
3. Waste Zero Overflow Supplies and Services Agreement
4. Email from Ed Caracino re: Scope of Work
5. Informational Items
  - a. R.I. Analytical Report on Spindleville Pond: 9/6/22
  - b. Notes on Rat Issue
  - c. Letter re: 332D South Main Street