



75 Plain Street, Hopedale, MA - **SPECIAL PERMIT APPLICATION**

Hopedale Zoning Board of Appeals - January 11, 2023

## Proposed Agenda

- Introduction
- Development Team
- Application Contents – Special Permit to Construct Phase II
- Property Description – Existing Site Conditions
- Project Description – Phased Approach
- Project Permitting Summary
- Project Peer Reviews and Department Reviews
- Groundwater Protection District Regulations
- Compliance with Groundwater Use Regulations
- Compliance with Groundwater Standards
- Request for Special Permit
- Closing

Application Meets or Exceeds Section 17.7(a) Materials

Application Contents

**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**

1. Application for Special Permit Project Narrative
2. Application for Zoning Board of Appeals Hearing
3. Checklist for Zoning Board of Appeals Hearing Application & Fee
4. Abutter's List & Fee

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 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

**Application materials provide sufficiently detailed, definite, and credible information to support positive findings in relation to the standards as required in Section 17.7(a) of the Bylaw.**

### Property Description

- 75 Plain Street, Hopedale, MA
- 144.6 total acres
- Site History
- Existing Conditions
- Environmental Concerns

# 75 Plain Street, Hopedale, MA - SPECIAL PERMIT APPLICATION

## Locus Plan



# 75 Plain Street, Hopedale, MA - **SPECIAL PERMIT APPLICATION**

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## Site History

Site Aerial – Circa 1967 (109 ac. disturbance)



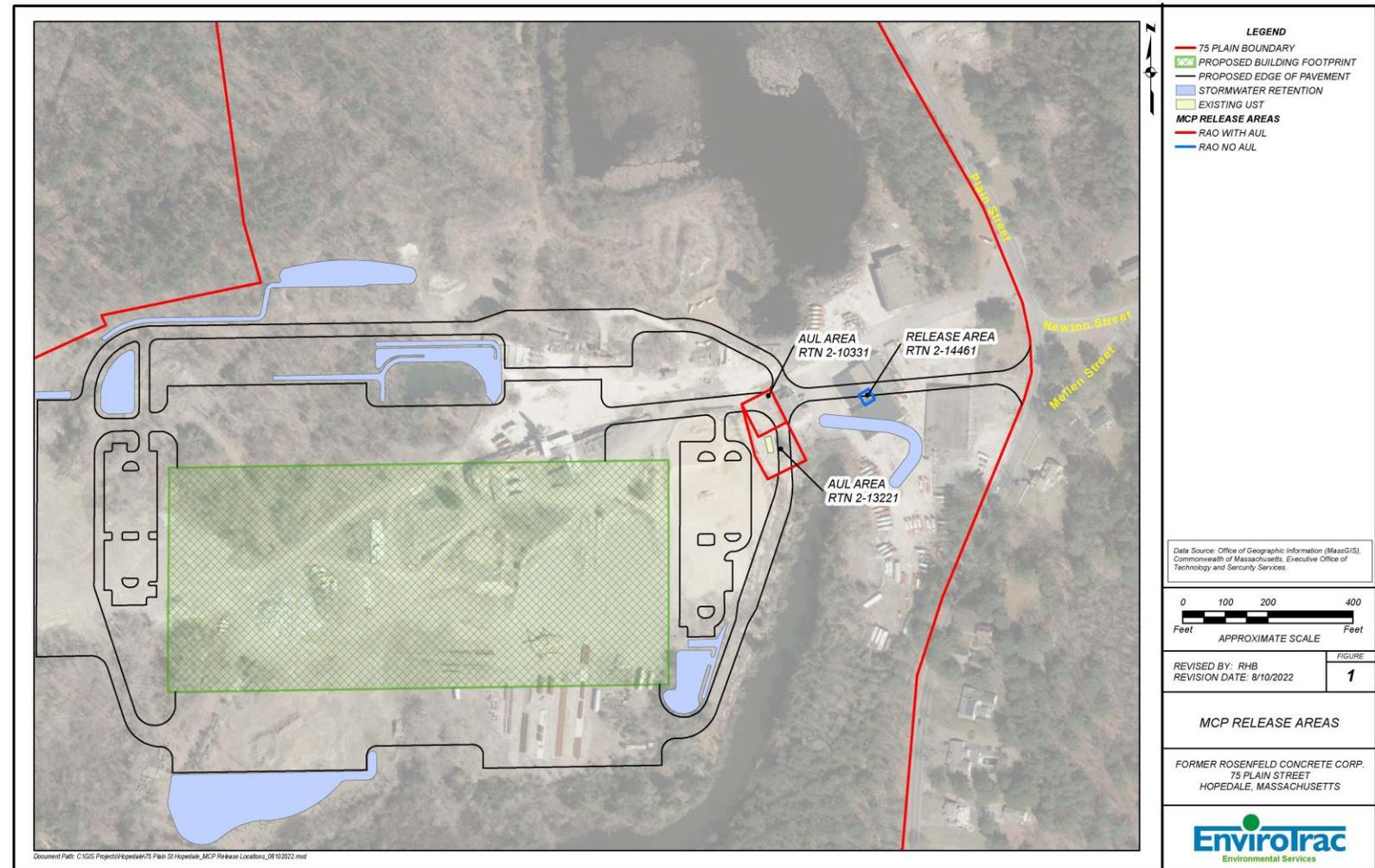
Site Aerial – Circa 2021 (42 ac. barren/67 ac. partial veg)



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## Our clean-up process will consist of:

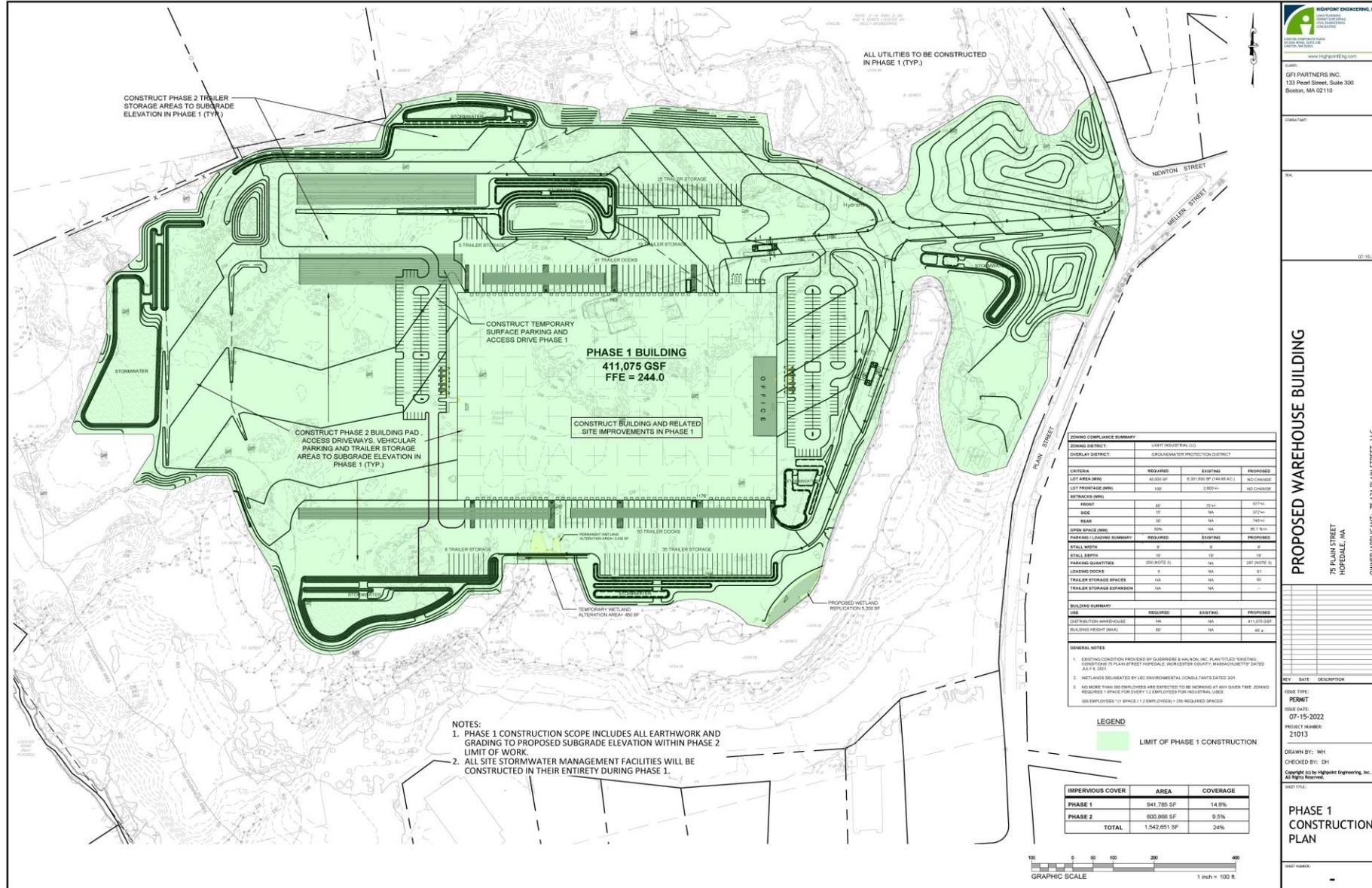
- The removal of a 20,000 gallon Underground Storage Tank (UST).
- The management/removal of contaminated soil from past releases of petroleum and diesel fuel. There are currently 2 AULs on site due to historic petroleum releases/spills (shown here).
- The management and cleanup of any newly encountered contamination on site.
- The process of removing these materials will be done in accordance with the requirement of the MCP (310 CMR 40.0000) under the supervision of a Massachusetts Licensed Site Professional (LSP).



## Project Description

- Project Overview
- Phased Approach
- Phase I Approved
- Phase II Requires Special Permit

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- NOTES:**
- PHASE 1 CONSTRUCTION SCOPE INCLUDES ALL EARTHWORK AND GRADING TO PROPOSED SUBGRADE ELEVATION WITHIN PHASE 2 LIMIT OF WORK.
  - ALL SITE STORMWATER MANAGEMENT FACILITIES WILL BE CONSTRUCTED IN THEIR ENTIRETY DURING PHASE 1.

**ZONING COMPLIANCE SUMMARY**

CRITERIA	REQUIRED	EXISTING	PROPOSED
LOT AREA (SQ. FT.)	40,000 SF	41,000 SF (PHASE 1)	NO CHANGE
LOT FRONTAGE (F.T.)	100'	230 FT	NO CHANGE
SETBACKS (F.T.)	5'	5'	5'
SE	5'	NA	5'
REAR	5'	NA	5'
OPEN SPACE (SQ. FT.)	20%	NA	81,164
STALL WIDTH (F.T.)	12'	12'	12'
STALL DEPTH (F.T.)	10'	10'	10'
PARKING QUANTITIES (SEE NOTE 3)	NA	NA	287 SPOTS (S)
LOADING DOCKS	5	NA	11
TRAILER STORAGE SPACES	NA	NA	30
TRAILER STORAGE EXPANSION	NA	NA	-

BUILDING SUMMARY	REQUIRED	EXISTING	PROPOSED
DISTRIBUTION WAREHOUSE	NA	NA	411,075 GSF
BUILDING HEIGHT (SQ. FT.)	50'	NA	47.4

**GENERAL NOTES:**

- EXISTING CONDITION PROVIDED BY GUSPERRI & HALLMAN, INC. PLAN TITLED "EXISTING CONDITIONS TO PLAIN STREET HOPEDALE WORCESTER COUNTY, MASSACHUSETTS" DATED 04/16/2011
- WETLANDS DELINEATED BY LEC ENVIRONMENTAL CONSULTANTS DATED 2011
- NO MORE THAN 300 EMPLOYEES ARE EXPECTED TO BE WORKING AT ANY GIVEN TIME. ZONING REQUIRES 1 SPACE FOR EVERY 1.5 EMPLOYEES FOR INDUSTRIAL USES. SEE EMPLOYEES: \*11 SPACE + 12 EMPLOYEES + 258 REQUIRED SPACES

**LEGEND**

■ LIMIT OF PHASE 1 CONSTRUCTION

IMPERVIOUS COVER	AREA	COVERAGE
PHASE 1	341,785 SF	14.9%
PHASE 2	800,859 SF	9.5%
<b>TOTAL</b>	<b>1,542,651 SF</b>	<b>24%</b>



**HIGHPOINT ENGINEERING, INC.**  
 133 Pearl Street, Suite 300  
 Boston, MA 02110  
 www.HighpointEng.com

DATE: 07-15-2012

PROJECT: 75 PLAIN STREET HOPEDALE, MA

OWNER/APPLICANT: 75, 131 PLAIN STREET, LLC

**PROPOSED WAREHOUSE BUILDING**

75 PLAIN STREET  
 HOPEDALE, MA

75, 131 PLAIN STREET, LLC

REV.	DATE	DESCRIPTION
1		ISSUE TYPE: PERMIT
2	07-15-2012	ISSUE DATE:
3		PROJECT NUMBER: 21013
4		DRAWN BY: WH
5		CHECKED BY: DH
6		Copyright (c) by Highpoint Engineering, Inc. All Rights Reserved.
7		ISSUE TYPE:
8		ISSUE DATE:
9		PROJECT NUMBER:
10		DRAWN BY:
11		CHECKED BY:
12		Copyright (c) by Highpoint Engineering, Inc. All Rights Reserved.
13		ISSUE TYPE:
14		ISSUE DATE:
15		PROJECT NUMBER:
16		DRAWN BY:
17		CHECKED BY:
18		Copyright (c) by Highpoint Engineering, Inc. All Rights Reserved.

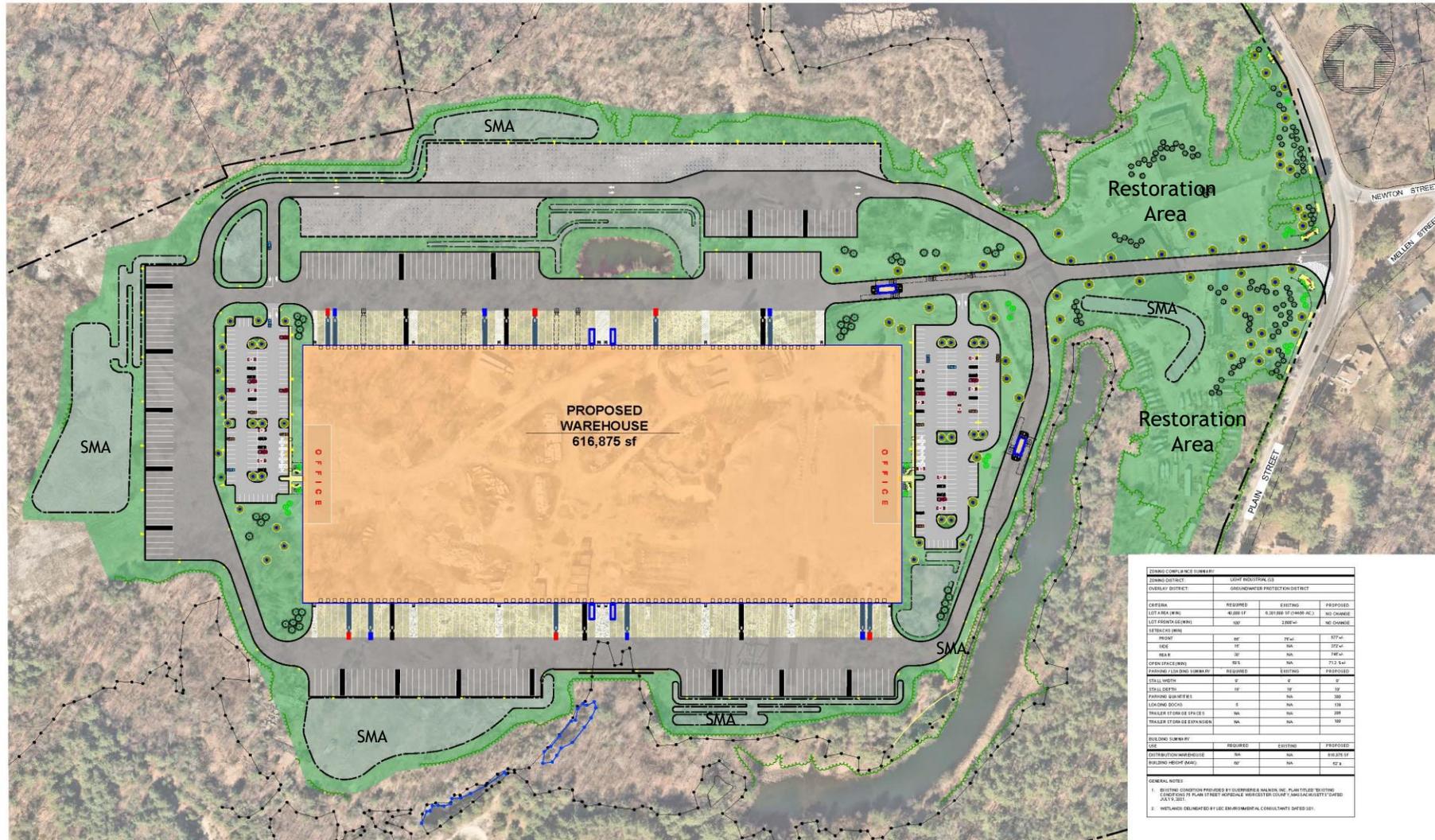
**PHASE 1 CONSTRUCTION PLAN**

ISSUED FOR: PERMIT



# 75 Plain Street, Hopedale, MA - SPECIAL PERMIT APPLICATION

## Approved Site Development Plan



ZONING COMPLIANCE SUMMARY:			
ZONING DISTRICT:	LIGHT INDUSTRIAL (LI)		
OVERLAY DISTRICT:	GREENWAYS PROTECTIVE DISTRICT		
CATEGORY:	REQUIRED	EXISTING	PROPOSED
LOT AREA (SQ. FT.):	MIN. 5,000	6,300 (AS SHOWN)	NO CHANGE
LOT FRONT (FEET):	100'	2,000'	NO CHANGE
SETBACKS (FEET):			
FRONT:	10'	NA	100'
REAR:	10'	NA	100'
SIDE:	10'	NA	100'
MAX.:	50'	NA	100'
OFF-ROADWAYS:	NA	NA	75' x 4'
PARKING (1 CAR PER 1,000 SF):	REQUIRED	EXISTING	PROPOSED
DETAILS:			
DETAIL WIDTH:	0'	0'	0'
DETAIL LENGTH:	0'	0'	0'
PARKING SPACES:	0	NA	100
LOADING DOCKS:	0	NA	100
TRAILER STORAGE SPACES:	NA	NA	100
TRAILER STORAGE SPACES:	NA	NA	100
TRAILER STORAGE SPACES:	NA	NA	100
BUILDING SUMMARY:			
USE:	REQUIRED	EXISTING	PROPOSED
DISTRIBUTION WAREHOUSE:	NA	NA	616,875 SF
PARKING (PERCENT):	0%	NA	0%

GENERAL NOTES:

1. EXISTING CONDITIONS PROVIDED BY SUBMITTER. ALL PLAN DIMENSIONS "AS SHOWN" UNLESS OTHERWISE NOTED. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
2. METALS DELIMITED BY EROSION CONTROL CONSULTANT SHOWN.

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### DEVELOPMENT PLAN 75 PLAIN STREET, HOPEDALE, MA

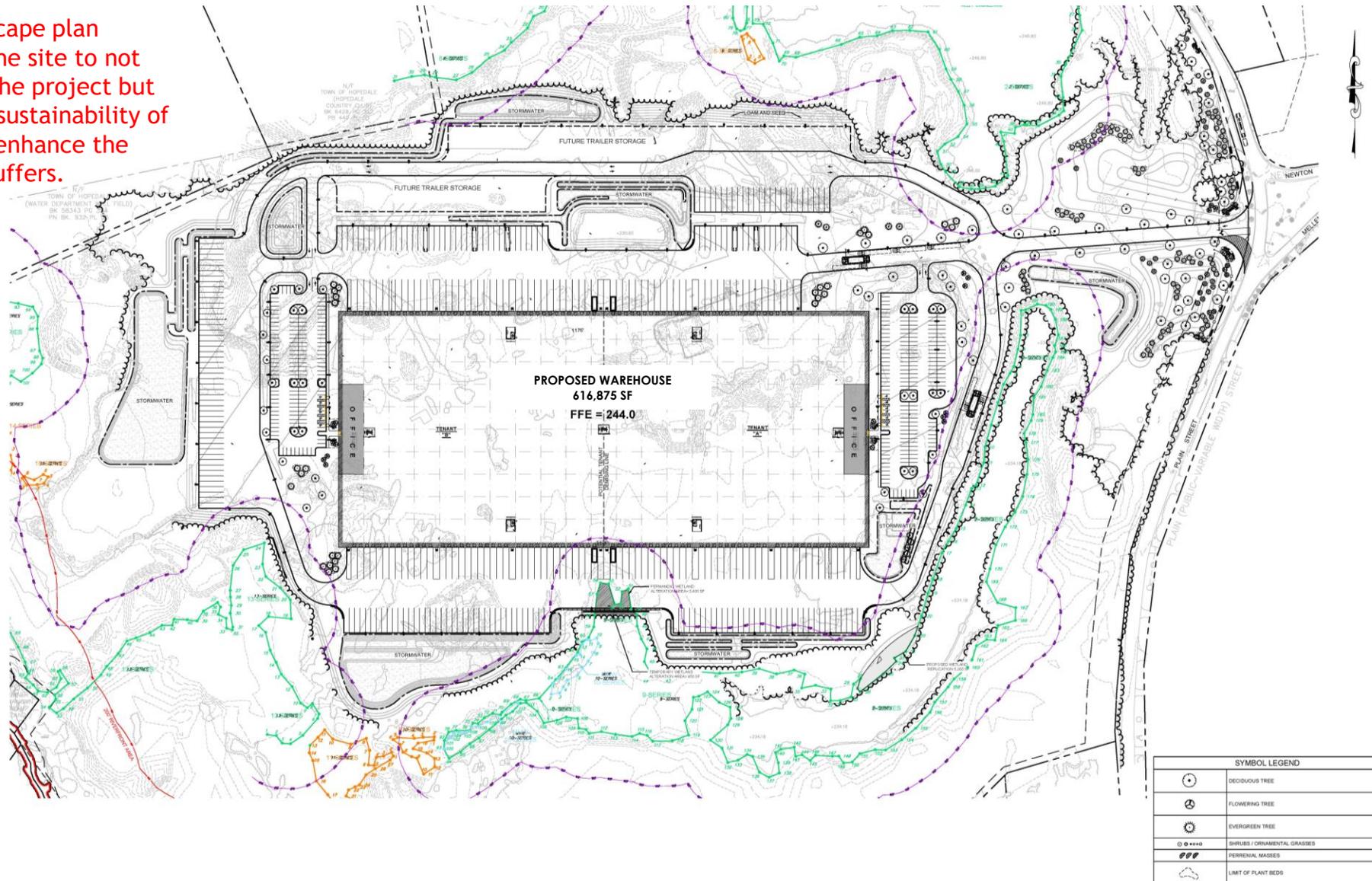


9-16-2021

# 75 Plain Street, Hopedale, MA – SPECIAL PERMIT APPLICATION

## Landscaping Plan

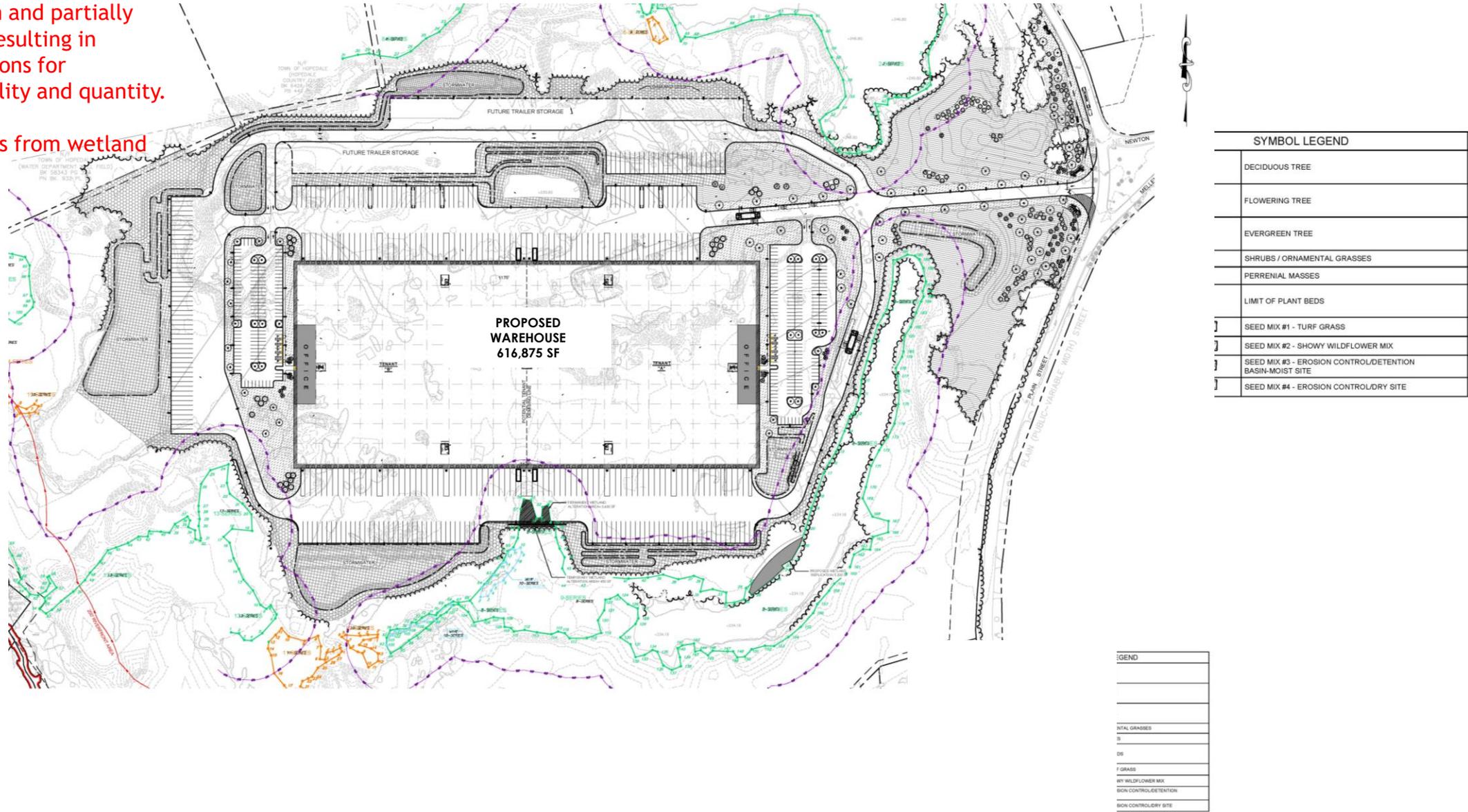
- Robust landscape plan throughout the site to not only screen the project but improve the sustainability of the site and enhance the vegetative buffers.



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## Groundcover Restoration Plan

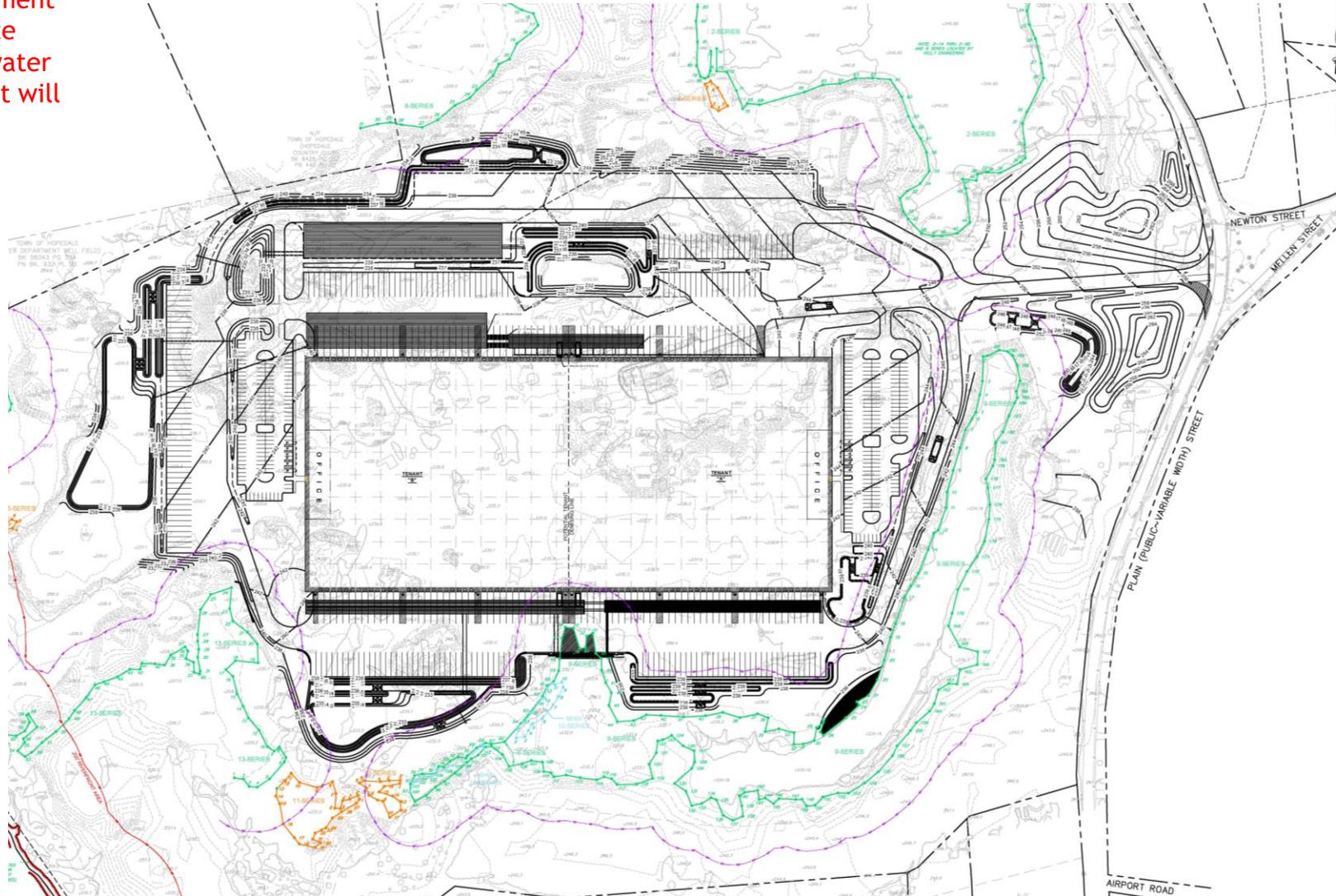
- Project will restore acres of degraded, barren and partially vegetated soils resulting in improved conditions for groundwater quality and quantity.
- Removal of debris from wetland buffer areas.



# 75 Plain Street, Hopedale, MA – SPECIAL PERMIT APPLICATION

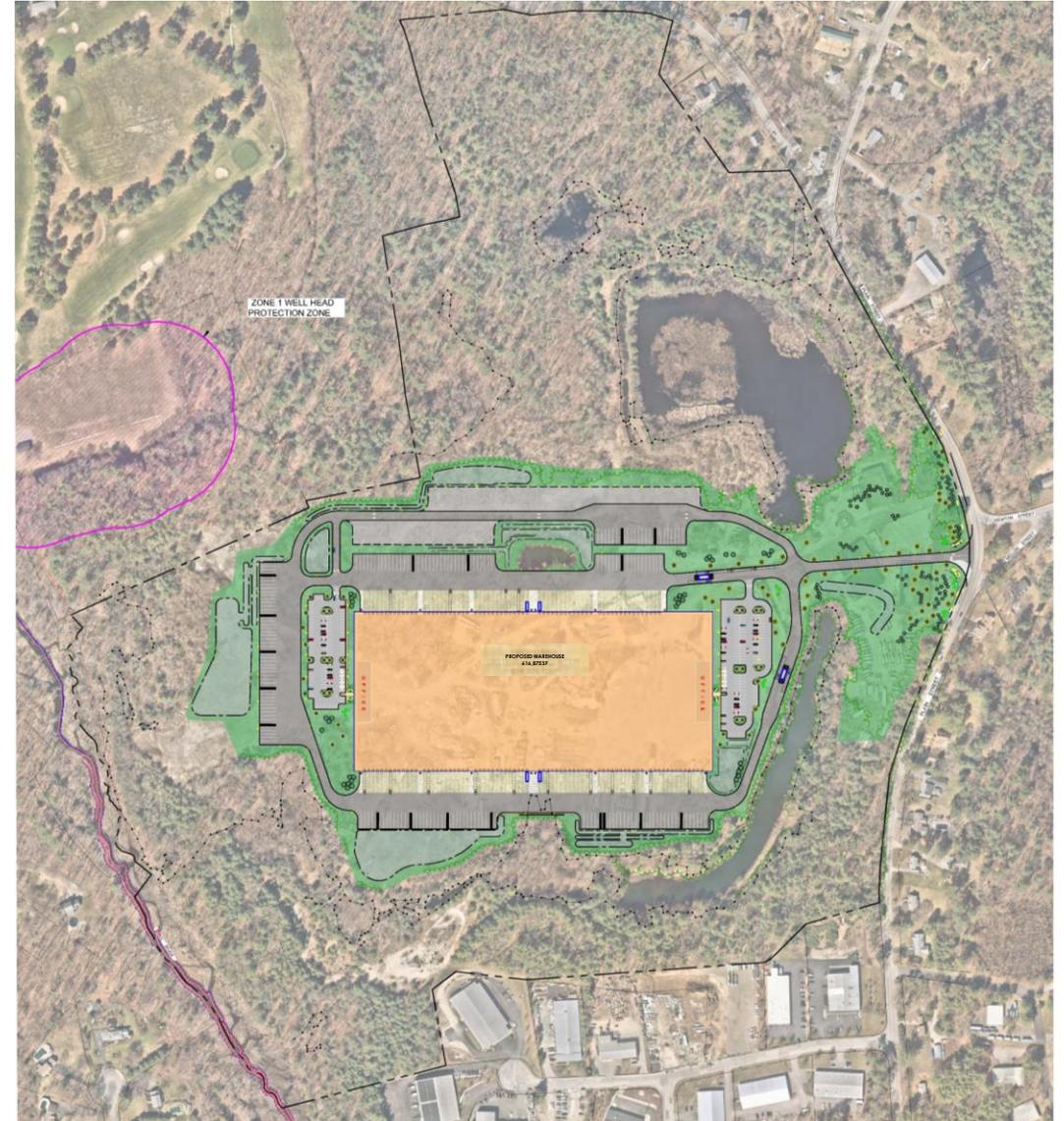
## Grading and Drainage Plan

- Stormwater Management System in compliance with MA DEP Stormwater Policy Handbook that will reduce runoff and improve infiltration.



# 75 Plain Street, Hopedale, MA - SPECIAL PERMIT APPLICATION

Existing Site vs. Proposed Site Development Plan – 103+ acres of open space





## Project Permitting Summary

### **Planning Board** – application dated 9/1/21 - **Site Plan Approval issued 5/11/22**

- Planning Board hired Graves Engineering, Inc. (GEI) to peer review the project for compliance with the Zoning Bylaw, Groundwater Protection District, and MADEP Stormwater Handbook.
- Hopedale Water and Sewer Department Review – Completed with favorable opinion regarding project mitigation and support with respect to protection of public water supply.

### **Conservation Commission** – application filed 9/14/21 - **Order of Conditions issued 7/25/22**

- Order reviewed project for compliance with MADEP Stormwater Handbook, Wetlands Protection Act and required compliance with BOH Groundwater Protection Regs.

### **Board of Health** – submittal filed 8/4/22 – **Compliance with BOH Groundwater and Surface Water Regulations approved 9/15/22**

### **Planning Board** – minor modification to phase project submitted 7/20/22 – **Approval issued 9/7/22**

- GEI peer review letter issued 8/2/22 finding no issues with compliance with the Zoning By-law.

### **Conservation Commission** – reviewed phased plans at 9/20/22 - **Determined no further action necessary**

### **Zoning Board of Appeals** – initial application dated 7/29/21 withdrawn. Application for Phase II submitted 12/1/22.

- Hopedale Water & Sewer Department review letter issued.

### **Building Permit Application** – application for Phase I building permit pending. Anticipated January 2023.

Planning Board Decision

Planning Board Site Plan Approval  
Excerpts from 5/11/22 Decision

- Board finds that intent and specific criteria of GWP Bylaw is met by this Application.
- Board finds that the proposed use will meet the standard in 17.7(c)(1) and will not adversely affect the existing or potential quality or quantity of water.
- Board finds that the proposed use meets the standard in 17.7(c)(2) and is designed to avoid substantial disturbance of soils, topography, drainage, vegetation, and other water-related natural characteristics (if any) of the site to be developed.
- Board recommends that the ZBA issue a GPD Special Permit to the Applicant.

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. 6

6 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.

Graves Engineering: Peer Review Opinion Regarding Project Compliance  
Excerpts from 12/14/21 letter; reiterated in 02/02/22 letter; and 8/2/22 letter

Compliance Opinion

- No issues with Project design with respect to compliance with Section 17.6(c)(6) rendering greater than 15% impervious. Project reduces runoff volume and provides up 72% total runoff infiltration for 10-yr storm event.
- Project complies with MADEP Stormwater Policy Handbook.
- No issues with compliance with Zoning Bylaw on phased plans per 8/2/22 letter.

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. GEI was authorized to proceed with this review on October 29, 2021. As part of this review GEI performed a reconnaissance site visit on November 9, 2021.

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))

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

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

Hopedale Water and Sewer Department Project Site Plan Review Comments  
Excerpts from 02/11/2022 letter

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.

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.

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

# 75 Plain Street, Hopedale, MA - SPECIAL PERMIT APPLICATION



## TOWN OF HOPE DALE

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  
Adan Anderson

December 9, 2022

To: Zoning Board

From: Tim Watson, Manger  
Water & Sewer Departments

Subj: 75 Plain Street, Ground Water District Special Permit

Dear Board,

As 75 Plain Street proceeds with your Ground Water Protected District Special permit review, I thought I'd pass along some additional information, expanding upon my February 11, 2022 letter.

The site is a direct abutter to the Mill Street Well Field, approximately 300 feet from the property line to the closest well. The project addresses existing site issues, while also providing the Town with an opportunity to explore the area for a future new water source.

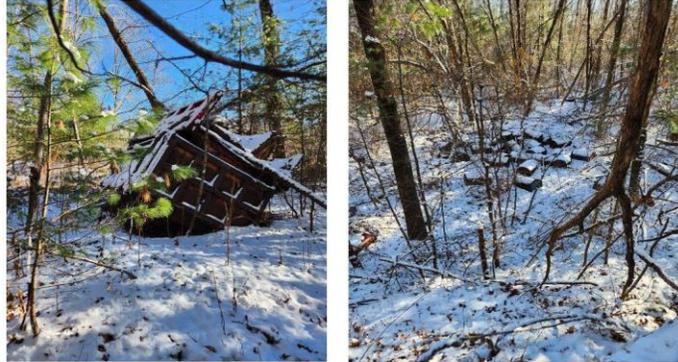
By addressing a number of existing site issues, I believe the project improves and strengthens the overall water protections, for the following reasons:

- Currently dozens of trucks that have been sitting on the site both inside and outside for years. These vehicles have been in place within the ground water protection area with no storm water protection system in place. There are also several abandoned trucks, barrels, engines, and cement mixing bodies on the property line near the Town's wellfield. These same type of materials along with precast forms, staging areas, metal sheds and parts litter the boundaries of the site. The developer has committed to cleaning up these areas.



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The pictures below are on the boundary line of the Mill Street Well field.



- **Runoff:** the site is very expansive and consists of years of cement waste that has been crushed and spread over vast area of the property. In the late 1920's, fly-ash was introduced into the cement process to enhance the strength of the concrete. Fly-Ash also has severe environmental impacts as it contains organic pollutants and toxic metals. With the site having no storm water management system in place, runoff at the site flows to the boundaries or outskirts of the property that have been filled with this material. This includes our wellfield. Water that does sit and puddle on the site slowly infiltrates into the ground. The effects of this are unknown but with a proper, regulated storm water system, with pretreatment and oversight, clean recharge into the ground water protection area will be maintained.



- **Settling pond:** for the concrete process, a settling basin or pond was created on the site. The contents of what is in this basin are unknown to me, but with a significant rain event, overflow into the ground water protection area is unavoidable. Obviously, this would be removed for site development. On my visit as you can see from below, these ponds were overflowing.

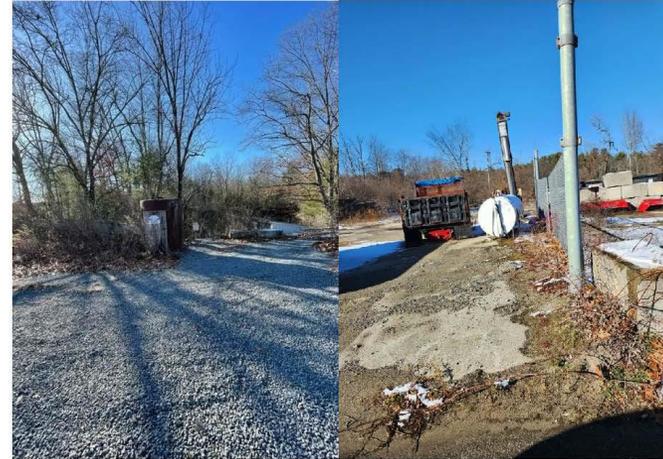


- **Contamination:** we all know of the reported contamination on the site while still being compliant is due to the conditions being pre-existing. This is a major concern and would be remediated if developed. If the current operations were to continue, remediation would not be required. We can also assume that additional areas have experienced some type of spills or contamination due to the past activities over the years on the site. The developer shared pictures of the current maintenance garage in one of their presentations. These photos were alarming and to think that those operations and truck repairs on site have been ongoing for over nine decades. This facility is scheduled for demolition if the project is approved, and all needed remediation will be required if issues are found. This is one of I believe four garages that will be removed, and the site cleaned up, along with the removal of the fuel pumps and tanks.

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- Septic: the current facility houses a septic system or septic pits/holding tanks. On my site visit, one was simply covered with a thin steel plate that did not cover the entire opening. In most cases, issues with septic systems are almost never found or reported until the sale of a property. The new facility will include the connection to the Town's collection system and alleviate the need for septic tanks and systems in the Zone II. Additionally, the developer has committed to remove 4 gallons of I&I for every gallon of sewage put into the Town's sewer system—a benefit to all Hopedale users of the system.
- Above ground fuel tanks: beside the fuel pumps above, I saw no fewer than 3 additional above ground fuel tanks. One I believe was for heating fuel the others seem to be for filling equipment. None of these systems had the required spill berms or covers.



- Chemical Barrels: there are also dozens of poly chemical barrels on site. I have no idea what could have been in these barrels or if they were washed out prior to being dumped on the site. If they were rinsed out prior to being thrown out, where did they wash them out to.



- General Hazards: there are sections of the site that have over the years been demolished but the foundations remain. Some of these are pose a safety threat. The picture below has an approximate height of 30 feet with no fencing above which is at grade level. These hazards will also be removed according to the plans submitted.

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- Water usage: as we are aware, certain types of water use is of great concern. Usage with high demands times such as morning or night become problematic for us. Consistent low usage is much more bearable. The facility proposed will only consist of bathrooms and a break room. I have also suggested to the developer to avoid the Town's water for irrigation, instead utilizing one of the many natural or man-made ponds.
- Naturally wooded areas: the proposed facility is being constructed on the same material as stated in the runoff sections of my comments. Removal and disposal of this material for clean gravel and fill for the foundation and parking construction will have a positive effect. The natural wooded areas of the site that provide the best filtration and recharge to the ground water will see very little disturbance.
- Future water exploration: the developer has also indicated that they would provide access to the Water Department for future water exploration on the far east/west portion of the property—towards the end of Rosenfeld Drive and the Mill River in an area that has not been disturbed by the gravel operations.

Regarding section 17 of the Zoning By-laws, I believe the plan to utilize greater than 15% of impervious service, in this specific situation, will not impact the ground water protection district negatively. In fact, due to the current site conditions and proposed placement of the facility it may actually improve the recharge from the removal and remediation of the compromised areas of disturbance. Thus providing greater wellhead protection and when constructed, bring the entire 145 acre site into modern compliance with local and state requirements as well as provide the Town with needed oversight of a Storm Water Management System that currently does not exist.

If you have any questions, please do not hesitate to contact me.

Sincerely,  
Tim Watson

“Regarding section 17 of the Zoning By-laws, I believe the plan to utilize greater than 15% of impervious service, in this specific situation, will not impact the ground water protection district negatively. In fact, due to the current site conditions and proposed placement of the facility it may actually improve the recharge from the removal and remediation of the compromised areas of disturbance. Thus providing greater wellhead protection and when constructed, bring the entire 145 acre site into modern compliance with local and state requirements as well as provide the Town with needed oversight of a Storm Water Management System that currently does not exist.”

Tim Watson, Hopedale W&S Manager

Section 17 – Groundwater Protection District Regulations

Section 17.6 - Uses and Activities Requiring a Special Permit:

Subsection 17.6(c)(6)

Any use that will render impervious more than fifteen (15) percent or two thousand and five hundred (2,500) square feet of any lot, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For non-residential uses, recharge shall be by storm water infiltration basins or similar systems covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

**Applicant seeks approval of a Special Permit to construct Phase II of the project which will result in a total of 24.4% impervious cover on a 144.6 ac. previously developed and altered site. Phase II will create 9.5% of impervious area on the site. More than 75% of the site will remain open.**

Section 17 – Groundwater Protection District Regulations

Section 17.7(c) – Standards

The SPGA may grant the required special permit only upon finding that **the proposed use meets the following standards, those specified in Section 17.6 (USE REGULATIONS)** of this by-law, and any regulations or guidelines adopted by the SPGA. 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.

Section 17 – Groundwater Protection District Regulations

17.6 – Use Regulations:

17.6(a) Permitted Uses:



Warehouses are a by-right use in the Light Industrial Zoning District and the GWP District in the Town of Hopedale. (Confirmed by Order of the Land Court dated October 27, 2022)

Section 17 – Groundwater Protection District Regulations

17.6 – Use Regulations:

17.6(b) Prohibited Uses:

- The Project is not one of the Prohibited Uses identified in 17.6(b)(1-16)
- The Project 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.

Section 17 – Groundwater Protection District Regulations

Section 17.7(c) – Standards

The SPGA may grant the required special permit only upon finding that **the proposed use meets the following standards, those specified in Section 17.6 (USE REGULATIONS)** of this by-law, and any regulations or guidelines adopted by the SPGA. 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.

## Section 17 – Groundwater Protection District Regulations – Standards

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

- 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.
- 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.
- 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. 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.
- 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.

## Section 17 – Groundwater Protection District Regulations – Standards cont'd

- 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.
- 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.
- 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.
- 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.
- 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.

Request for Special Permit & Closing

Based upon the evidence provided in this presentation and supporting documentation provided in the application, 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.



Thank you!



75 Plain Street, Hopedale, MA - **SPECIAL PERMIT APPLICATION**

Hopedale Zoning Board of Appeals - January 11, 2023