



TOWN OF HOPEDALE  
Planning Board  
TOWN HALL  
78 HOPEDALE STREET  
HOPEDALE, MA 01747

Stephen Chaplin Chairman  
Kaplan Hasanoglu, Member  
Jimmy Kohkar, Member  
Michael Costanza, Member  
Christopher Chase, Member

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**Hopedale Planning Board  
Joint Meeting Minutes with Water and Sewer Commission  
Via Zoom Video Conference and In-Person at the Draper Room  
October 13, 2022**

Recorded meeting can be found on the Town of Hopedale website under meeting videos.  
The Chairman opened the meeting at 7:00 pm.

Members that were present:	Stephen Chaplin, Chair Michael Costanza Christopher Chase Kaplan Hasanoglu Jimmy Khokhar
Water & Sewer Commission and Staff:	Tim Watson, David Butler, Ed Burt, Jim Morin, Adam Anderson
Applicants and Representatives:	Attorney Eli Leino, Mark Allen, Ricardo Lima
Guests:	Denise Linder, Janice Doyle, Carole Mullen, Rob Callahan, David Cedone, Rob Fahey, Patrick Melle, Len Guertin, Chris Leduc, Walter Swift

Stephen Chaplin opened the Planning Board joint meeting at 7:00 pm. Water and Sewer Commission meeting was already in progress and Ed Burt stated that the purpose of the meeting was to discuss the background and history of why the sewer regulation in question is in place. Subdivision bylaw states that if homes are built within 2000 feet of the municipal sewer system, they are required to tie in. Stephen Chaplin stated that the Planning Board is currently reviewing a subdivision application for property on Overdale Parkway where the applicant has requested a waiver for this particular bylaw provision. The Planning Board was present to hear insights from the Water and Sewer Commission.

Ed Burt reviewed the regulation history and stated that his understanding is that the bylaw was instituted to protect the water supply while providing abutters the ability to connect to the municipal services at their own expense. The town proposed to extend the municipal services back in 2000, and it was proven to be a viable project. It was proposed to the residents at a town meeting and the capital funding of this project was not approved. The issue was whether all residents were to pay for this improvement project or only the residents who were to be benefitted. Resident Lou Costanza added his recollection of the historical sequence of events regarding this past proposed town-wide project to extend municipal utilities.

Ed Burt continued to state that when a larger, similar development was proposed back in 2000, he thought that the developer was expecting to install the sewer connections for those new 42 homes and current abutters and was a viable project at that time.

Attorney Eli Leino inquired about the price tag for this previous project. Mr. Watson stated it was approximately six million dollars for this large expansion of municipal services throughout the town and he expressed a willingness to send the documentation to Mr. Leino.

The discussion was opened to the Planning Board members at which point Jimmy Khokhar asked if the developer is required to follow this bylaw and Stephen Chaplin responded by stating that it is required unless the Planning Board agrees to waive it. Attorney Leino reminded the boards that there are only four of the 10 lots that are within this 2000-foot distance requirement. The board members discussed the reasoning for the rule, the concept of a larger development instead of a smaller subdivisions, zoning and lot sizes and the fact that the project is not in Zone 1 or Zone 2.

Jim Morin stated that when the large Harmony subdivision was planned, the developer connected residents on Mill Street and Plain Street which was outside of their project area.

Chris Chase asked about the cost and it was reported to be a very rough estimate of \$850,000 to \$1,000,000 as they do not have design details.

Stephen Chaplin asked resident Lou Costanza about the topography and soil conditions he mentioned earlier in the meeting and the effect of the installation of the sewer lines for the neighborhood. Lou Costanza responded that it is now more expensive than when the homes were originally built and his concerns were in respect to the hydraulic hammering and blasting that would be needed to install the sewer lines. Stephen Chaplin did add that Graves Engineering will be weighing in on these concerns at the Planning Board's November 2, 2022 meeting. The residents of Overdale Parkway expressed concerned about adding 10 more septic systems and how the new systems might affect their wells and water supply. These concerns have also been reviewed by Graves Engineering and the Board of Health has approved the percolation tests for each lot. Rob Fahey asked for clarification on the outstanding legal opposition of the development. Stephen Chaplin reviewed that the abutters have hired legal counsel who asserts that the Planning Board lacked legal authority to approve this subdivision. Mr. Chaplin further explained that Town Counsel was consulted and opined that the Planning Board does have authority to rule on the merits of the subdivision application, which is what the Planning Board has decided to do. Denise Linder, a resident of Overdale Parkway remarked that the legal guidance obtained from Town Counsel was only an opinion, made mention of a Land Court decision and an Appeals Court decision regarding prior proposed development in this area, and questioned why the boards were concerned with the cost for the developer as opposed to the concerns of the neighborhood. Ed Burt stated that the purpose of the meeting was to review the municipal regulations from the perspective of the Water and Sewer Commissioner so the Planning Board will have all available information when ruling upon the Applicant's waiver request. Mr. Burt expressed that he does not see the need for the waiver. Stephen Chaplin agreed that the meeting was for information gathering and reminded the public that the next Planning Board meeting regarding the proposed subdivision is on November 2, 2022, which all were invited to and encouraged to attend. Mr. Chaplin also stated that his professional experience and training as an attorney cause him to agree with Town Counsel's analysis regarding past rulings in Land Court and the Appeals Court being premised upon facts which are distinguishable from those of the present application, although it is conceivable that a judge may rule differently should the subdivision be approved and the Planning Board's legal authority to approve the subdivision be challenged.

Jim Morin restated his position that he believes the Water and Sewer Commission should stay consistent with the regulations. All member of the Water and Sewer Commission are in agreement that the sewer lines should be installed. Chris Chase asked if there were any downsides to the installation and the conversation moved to the cost to maintain and fees that the current residents would pay to connect. Attorney Eli Leino asked further questions regarding waiving these fees and Mr. Watson reported that these would be reviewed if the residents asked for a waiver.

Mr. Chaplin thanked the Water and Sewer Commission for the information provided and Mike Costanza made a motion to adjourn. Chris Chase seconded the motion and all were in favor.

Respectfully submitted,

Mary Arcudi  
Planning Board Secretary  
Recorded via Town Hall Streams