



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

**Hopedale Planning Board
Meeting Minutes
Via Zoom Video Conference
September 7, 2022**

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

Members that were present:	Stephen Chaplin, Chair Michael Costanza Christopher Chase Jimmy Khokhar
Member that was absent:	Kaplan Hasanoglu
Planning Board Secretary:	Mary Arcudi
Applicant and Representatives:	Joe Antonellis, William Buckley, Doug Hartnett, Jonathan Silverstein, Attorney Eli Leino, Attorney Rodolakis, Ricardo Lima, Mark Allen
Guests:	Tim Watson, Walter Swift, Pat DiPietropolo, Gentile, Chris Leduc, Lou Arcudi, Christine Howard, Rob Callahan, Linda Ashworth, Bob LaRochelle, David Butler, Denise Linder, Len Guertin, Nicole Small, Colleen Stone, Mark Bourbeau, Carole Mullen, Lewis Family, Suzanne MacNeil, Michelle Bird, Jacqueline Martin, Mike Reynolds, Patrick Melle, Jeannie Russell, Tammy Hyland, Brian Poitras, Helen Morill

75 Plain Street/ GFI Partners - Review of draft decision for amended construction sequencing plan
Stephen Chaplin stated the task for this applicant is to review the draft decision prepared by town counsel for the amended construction sequencing to construct the warehouse build in two phases. The first phase would be to construct 400,000 square feet of the warehouse and the second phase 200,000 square feet. This request was favorably reviewed by Graves Engineering. This public hearing was closed at the last meeting and the Building Commissioner, Tim Aicardi opined that this was a minor modification. Under the decision granted by the Planning Board, the applicant did not have to come to the Planning Board for this amendment as the Building Commissioner had the authority to determine if the phasing would be allowed. The Planning Board appreciates the applicant's decision to return to the board with these plans. At the last meeting, the board voted favorably to the construction sequencing plan and had a decision drafted by counsel. The Chairman asked if all members had a chance to review the draft decision and all members stated that they had except Jimmy Khokhar, who later qualified that he had reviewed the initial draft decision and provided the feedback that his name was misspelled. Both Chris Chase and Mike Costanza felt the draft decision was acceptable.

Although the underlying hearing on the project was closed months earlier and the hearing on the minor modification had been closed at the previous Planning Board meeting, Stephen Chaplin invited the Board of Health Chairman, Walter Swift to state any concerns he may have regarding the project. Mr. Swift requested that the Planning Board refrain from making any decision prior to hearing from the Board of Health, which Mr. Swift stated is part of the site plan review process. Stephen Chaplin explained that the Planning Board had already made its decision on the project by written decision dated May 11, 2022 and has already closed its hearing on the minor modification at its prior meeting. When asked to identify the Board of Health's jurisdiction and/or concerns, Mr. Swift did not provide answers. Mr. Swift reported that the Board of Health has completed a site walk of the 75 Plain Street property just recently and plans to review the project at a future Board of Health meeting and then provide an opinion. A lengthy discussion was held and Stephen Chaplin stated that if the Board of Health has compelling reason to request that the Planning Board reopen its hearing, Board of Health should submit such a request in writing to the Planning Board and the Planning Board will review the request (if any) with the assistance of town counsel.

Mike Costanza made a motion to approve the draft decision on the sequencing plan for 75 Plain Street, seconded by Chris Chase. The roll call vote was as follows:

Chris Chase	yes
Mike Costanza	yes
Jimmy Khokhar	yes
Stephen Chaplin	yes

Motion passes unanimously in favor. The board members will sign the decision.

Overdale Parkway – Review of proposed subdivision application

The discussion began on whether the Planning Board has been precluded from approving this project due to some prior litigation results.

Eli Leino, attorney for Mr. Lima, began the discussion regarding the opinion received from KP Law on the Larkin gift and the 1985 town meeting vote. This opinion stated that applicant has the perpetual right and easement to pass and repass from each lot on this plan.

Mark Bourbeau, attorney for the Overdale committee, felt this opinion was contrary to previous KP Law opinion and reviewed the history of the land and court rulings on this property including the 1985 vote, the land gift and land deeds.

Attorney Rodolakis, representing Black Brook Realty, stated the agreement drafted with town counsel created the frontage needed over the 703 feet of unimproved road of Overdale Parkway which changed the filing from an ANR previously considered, to filing for a subdivision instead.

Stephen Chaplin asked for a straw poll vote from the members if they agree the Planning Board is within their rights to make a decision on this application. Stephen Chaplin, Mike Costanza and Jimmy Khokhar felt the board has the authority to proceed and make a decision. Chris Chase stated he is conflicted regarding the data and is not convinced the land isn't owned by the Park Commission.

The majority of the straw poll indicated that the Planning Board will move forward and has authority to hear this application.

The Planning Board has received requests from the applicant for waivers from the rules and regulations governing the subdivision of land from the applicant. Preliminarily the board will hear the waivers, and continue the discussion to the October meeting so that other town boards can weigh in.

In regards to design standards, the minimum width of the street right way is 50 feet for major and secondary streets. The minimum width of pavement in all proposed streets is 30 feet.

The applicant states the following in the waiver request:

The roadway right of way owned by the Town of Hopedale is 50 feet wide and therefore compliant. Pursuant to the Agreement between the Town and the Applicants (Section 2, Upgrade of the Unimproved Roadway), the Applicants request a waiver from the minimum paved width requirement of 30 feet to 22 feet. This width matches the existing improved portion of Overdale Parkway.

Chris Chase asked how would this affect the drainage plans and Attorney Leno stated the plan as submitted show the road in this width.

The regulations state that Dead-end streets shall not be longer than 500 feet unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions.

The applicant states the following in the waiver request:

The Applicants request a conditional waiver from this requirement based on preliminary hearing comments from the Planning Board. The Applicants adamantly contend that, based on the historical maps and title record, Overdale Parkway is an existing roadway and is not a new dead-end requiring relief from the Subdivision Regulations; however, if in the opinion of the Planning Board a waiver is preferable, the Applicants would accept the prayed for relief. Further, as contemplated by the Agreement between the Town and the Applicants, the proposed subdivision is to provide improved access and parking for the Hopedale Parklands.

Newly improved street, waiver the telephone poles, keep what the road is like now.

In regards to utilities the regulations state that all utilities shall be placed underground at the time of initial construction.

The Applicants request a waiver from this requirement to facilitate continuing the above ground utility lines present on the existing improved portion of Overdale Parkway. As with the road-width waiver requested above, the Applicants' aim is to continue the existing improvements while maximizing material and visual cohesiveness with the existing neighborhood.

In regards to the sanitary regulations, whenever the existing sanitary sewers are within 2,000 feet of a proposed subdivision, the developer shall make all necessary arrangements and shall construct the

connecting sewer. Before connecting to any town sewer, the developer must enter into an agreement with the Board of Sewer Commissioners for this right.

When the Town's sanitary sewer system is not available to the proposed subdivision, the developer may be required to install a sanitary sewer system and connect it to a lot or lots, depending upon the size of the development. This system must be approved by the local Board of Health and the Massachusetts Department of Public Health.

The Applicants request a waiver from this requirement as only four of the proposed lots are located within 2,000 feet from the existing sewer line and all lots are significantly uphill from the line which will require installation of a pumping station on Overdale Parkway. In recent years, the Massachusetts DEP has promoted keeping both water and wastewater on site. This design keeps the individual wells and septic systems on the same lot. The result better equalizes the withdrawal and recharge of water on the lot, thus not depleting areas of groundwater recharge. The proposed lots have been reviewed and deemed compliant by the Board of Health as required by Subdivision Regulation Section III, C.3. "Review by Board of Health as to Suitability of the Land."

In regards to the Water Distribution, the regulations state the System Water mains shall be cement lined cast - iron pipe at least 6 inches in diameter on dead end streets not exceeding 500 feet in length and 8 inches or larger for all other streets.

The Applicants request a waiver from this requirement and propose instead to install private well-water systems on each lot. The proposed homesites have adequate slope and hydrological conditions to allow this waiver, which has the additional benefit of not further burdening the Hopedale town water system.

Fire Hydrants shall be provided every 500 running feet on one (1) side of each street unless a greater distance is approved.

The Applicants request a waiver from this requirement and alternatively propose installing a 15,000-gallon cistern compatible with the Hopedale Fire Department's current equipment and firefighting apparatus.

In regards to street and roadway regulations berms shall be of a dense mix, tack coated to the bituminous base course, machined formed of an approved configuration, eight (8) inches in height, on both sides of the roadway with and in conformance with Massachusetts Department of Public Works Standard Specifications for Highways, Bridges and Waterways.

The Applicants request a waiver from this requirement with the intent to provide swales as shown on the plan submission. This "Low Impact Development" design is in harmony with the Town of Hopedale's recent planning initiatives to limit the amount of land disturbance and impervious surfaces present in development projects.

The subgrade for five (5) foot wide sidewalks shall be compacted, shaped and rolled. A foundation of not less than six (6) inches of gravel conforming to the requirements for roadway base shall be placed in the subgrade and rolled to a grade two (2) inches below finish top of walk. The gravel foundation shall be increased to twelve (12) inches at driveways. Two one-inch (1) compacted layers of top and bottom bituminous concrete shall be placed and thoroughly rolled on the graded gravel foundation. All rolling shall be done with a self-propelled roller weighing not less than three (3) tons.

The Applicants request a waiver from the sidewalk installation requirement of the Subdivision Regulations. The Applicants' plan submission adheres to the principles of LID, whereby unnecessary impervious surfaces are reduced in favor of maintaining natural conditions whenever possible. The existing improvements on Overdale Parkway do not include sidewalks and the 10 proposed additional lots will not increase pedestrian or vehicular traffic to such a degree that sidewalks would be necessary to alleviate safety concerns. Additionally, the 12 new parking spaces shown on the plan adjacent to the Parklands trail head will eliminate outside visitors' need to walk along Overdale Parkway to enter the forest.

A four and one-half (4 1/2) foot wide grass plot shall be constructed between the back edge of berm and front edge of sidewalk. Loam topsoil shall be placed to a depth of four (4) inches after rolling with a hand roller weighing not less than one hundred (100) pounds per foot of width. The source of loam shall be inspected and approved by the Planning Board before placing. It shall have a normal amount of organic matter and be reasonably free from roots, hard dirt, heavy or stiff clay, stones larger than one (1) inch, lumps, coarse and noxious weeds, stick brush or other litter. Ground limestone, where necessary, shall be spread and thoroughly incorporated into the loam. Fertilizer shall be spread at the rate of two-tenths (0.2) of a pound per square yard and thoroughly incorporated into the loam. Seed conforming to the following proportions: Red Fescue or Chewing's Fescue 60%, Red Top 20%, Kentucky Blue 20% shall be spread

at the rate of three and six-tenths (3.6) pounds to each one hundred (100) square yards. After raking a fine layer of loam over seed, the area shall be rolled with a hand roller weighing not less than one hundred (100) pounds per foot of width.

The Applicants request a waiver from this requirement in conjunction with the requested waiver from sidewalk installation.

Granite monuments shall be installed at all street intersections, at all points of change in direction or curvatures of streets, and at other points where, in the opinion of the Board, permanent monuments are necessary. No permanent monument shall be installed until all construction which would destroy or disturb the monuments is completed. The bounds shall be set at the depth and position as directed, and they shall not project above the ground more than two (2) inches. Bounds to be located in lawns, sidewalks, or drives may be set with the top of bound flush with the finished surface. Material for backfilling shall consist of suitable excavated material or borrow carefully placed about the bound and thoroughly tamped.

Granite monuments shall be four (4) feet long with the top surface and top twelve (12) inches on the four sides pointed. Top twelve (12) inches shall be six (6) inches square with a one-half (1/2) inch diameter hole one (1) inch deep in the center of the top surface. Board bounds are set, and all excavations shall be made using hand tools, or approved auger-type excavators. When the bound points fall on ledge, the use of a wrought iron rod may be directed, in which case a one and one-half (1/2) inch hole shall be drilled to a depth of eight (8) inches and a one (1) inch wrought iron rod shall be driven and wedged in the hole and then securely grouted.

The Applicants request a waiver from this requirement and propose installation of concrete monuments throughout.

Trees shall be installed at an average spacing of 100 feet on both sides of the proposed roadways. All trees must be Norway Maples, one and one-half (1 1/2) to two (2) inches caliper, ten (10) to twelve (12) feet tall with good, straight stems. These trees shall be planted either in the sidewalks four and one half further (4 1/2) foot grass plots feet or behind the sidewalks no further than 10 (10) feet. The planting cavity shall be of sufficient depth and width to accommodate the root system without cramping. A minimum of one (1) foot of loam and sufficient fertilizer shall be placed at each planting, and a minimum of a three (3) foot circle, two (2) inches deep of woodchip mulch shall surround each tree at the surface. The trees shall be well watered when planted. Each tree shall be supported with a 2" x 2" x 8' wooden stake and shall be fastened at the top with a loop of rubber or suitable fabric hosing. All trees shall be subject to a one (1) year guarantee.

The Applicants request a waiver from the siting requirements of this provision. As the roadway is owned by the Town; the Applicant proposes alternatively to place at least two Norway Maples, or trees of similar quality and size as prescribed, on the house lots.

In regards to storm drains, the applicants request a waiver from this requirement in keeping with the goal of Low Impact Development design. Instead of the catch basins, manholes and pipes, the design alternatively uses grassy swales along the road to collect stormwater runoff. This collection design is in harmony with the Town of Hopedale's desire to limit the land disturbance and unnecessary impervious surfaces.

Stephen Chaplin asked the applicant if the waivers were reviewed by the Board of Health and Attorney Leino and Attorney Rodolakis reported that they see oversee all testing results and the passing of these tests of each lot. They were required to send a set of plans and the Board of Health did weigh in. Everything shown on the plans was incorporated with the submittal. They approved the site plans at their April 28, 2022 meeting. Although Board of Health Chair Walter Swift appeared to still be participating in the meeting (virtually via Zoom) he did not provide any comment as to the Board of Health's anticipated next steps when invited to do so by Stephen Chaplin. The Board of Health can still weigh in on the waivers as the hearing was continued for other town boards to weigh in. Manager of the Water and Sewer Department, Tim Watson asked if the septic systems will support discharge and the applicant stated that each lot gets approved on the individual lot after the subdivision has received a favorable decision.

Stephen Chaplin asked that the hearing be continued to October 5, 2022, which the applicant agreed to. Mike Costanza made a motion to continue the hearing to this date, seconded by Jimmy Kohkar. All were in favor.

The board Reviewed the meeting minutes of August 24, 2022. Stephen Chaplin made a motion to approve, seconded by Jimmy Khokhar. Nicole Small made mention that the Economic Development

Commission is actually called the Development and Industrial Commission. Stephen Chaplin amended his motion to add this correction, Jimmy Khokhar seconded the amendment and all were in favor.

Jimmy Khokhar made a statement that he incorrectly stated that he had not read the draft decision for 75 Plain Street. He thought the question was directed to other emailed documents that had come through today. He had indeed read the decision noting his name was spelled incorrectly, emailed the chair who then emailed town counsel to correct the draft. He apologized for the confusion.

Mike Reynolds made a statement thanking the Planning Board for their time, effort and diligence in these applications.

Stephen Chaplin motion to adjourn, seconded by Jimmy Kohkar at 8:09 pm. All were in favor.

The next meeting is scheduled for September 14, 2022.

Respectfully submitted,

Mary Arcudi
Planning Board Secretary