

Memorandum

To: Scott Savage, Chair
Members of Town of Hopedale Zoning Board of Appeals
From: William Buckley, GFI Partners
Date: February 10, 2023
CC: Attorney Joseph Antonellis
Attorney Jay Talerman
Douglas Hartnett, Highpoint Engineering
Robert Bird, EnviroTrac
RE: Groundwater Protection District Special Permit at 75 Plain Street, Hopedale, MA

On behalf of 75-131 Plain Street, LLC (“Applicant”), we are pleased to provide this memorandum to the Town of Hopedale Zoning Board of Appeals (“Board”). As we approach the closing of the hearing, this memorandum provides an overview of the application and public hearing process for the project and provides the Board and the public with a summary of our responses to the primary questions and concerns raised during the public hearing. It has been our intent to provide the Board with a comprehensive Application, a thorough presentation, and a detailed response to comments so as to leave no doubt that the project meets the standards and use regulations of the Town of Hopedale Groundwater Protection District Bylaw and allow the Board to grant the special permit with the confidence that the project will protect the interests advanced under the Bylaw. We appreciate the role of the Board in the review of our project, and we believe your diligence and input during this process has resulted in an improved project.

The Application for Special Permit (“Application”) dated December 1, 2022, was filed with the Hopedale Town Clerk for review under Section 17 of the Hopedale Zoning Bylaw, and in accordance with the Order of the Land Court dated October 27, 2022. The Application included all the materials required in the Checklist for Zoning Board of Appeals Hearing and included a comprehensive set of supporting documents as Exhibits to the Application. The Applicant provided additional copies of the Application to allow for distribution to other boards and commissions, many of whom have already approved the project, as well as municipal departments for comment. It should be noted that the documents submitted for this Application have also been made available on the Zoning Board of Appeals webpage and the Planning Board webpage.

The public hearing for the Application commenced on January 11, 2023, during which time the Applicant made a PowerPoint presentation to the Board and the public. The Applicant’s attorney, Joseph Antonellis, civil engineer, Douglas Hartnett, and hydrogeologist, Robert Bird, provided detailed information pertaining to the project and its compliance with the Groundwater Protection District Bylaw. The presentation included: a summary of the Application contents; a description of the existing property at 75 Plain Street; a description of the project including the approved phase 1 and phase 2 site plans; a summary of the permitting process including the approvals and findings by the Planning Board, Conservation Commission, and Board of Health; a summary of the favorable peer review and department review process; and, detailed project measures evidencing compliance with the standards and use regulations of the Town of Hopedale Groundwater Protection District. A copy of the presentation was provided to the Board and has been posted on the ZBA webpage.

At the conclusion of the presentation, the Applicant's team of experts listened to comments from the Board and the public and provided responses when available. There was also a draft list of proposed conditions read to the Applicant for consideration and a request to explore options to improve stormwater treatment beyond the standards required by MassDEP (paraphrased). It was determined at the hearing that appropriate next steps for the review of the Application should include the ability for the respective legal and engineering professionals to discuss the proposed conditions and review the stormwater treatment system before the next public hearing. The Board made a request to the Applicant to provide peer review fees for engineering and legal reviews to the Town of Hopedale. Shortly after the public hearing, a deposit in the amount of \$5,000.00 was provided to the Town by the Applicant to supplement an existing account balance.

The Applicant's legal team and Town Counsel are finalizing a set of conditions to the special permit that will require the Applicant to take additional measures to support groundwater protection. It is anticipated that the conditions will be complete before the next public hearing.

Regarding the request for private well quality and quantity testing, following the cleanup of the Rosenfeld industrial site and construction of the project, there will not be a requirement for monitoring wells at the site and the new project will be prohibited from storing hazardous materials, in accordance with the Groundwater Protection District Bylaw. The vast majority of the direct abutters to the project receive Town water and the private wells are across the Mill River. The Applicant sees no reason to impose this condition.

In support of this position, the Applicant's hydrogeologist provided the following additional information:

- The private water supply wells on Ben's Way and Richard Road are on the opposite side of the Mill River from the proposed project site. The Mill River, similar to most New England rivers, is a "gaining stream", which means that groundwater from the surrounding area discharges to the river to maintain its flow.
- As a "gaining stream", the Mill River provides a horizontal barrier to groundwater flow and would intercept any potential contamination originating from the east side of the river and migrating toward the Ben's Way and Richard Road areas.
- According to available public records, the private water supply wells serving the residences on Ben's Way and Richard Road are all bedrock wells ranging in depth from 100 to several hundred feet deep. As required by BOH regulations, each well is constructed with a steel casing sealed at least 20 feet into bedrock to prevent intrusion of shallow surface water into the well.
- Documented historic releases of petroleum have occurred at the former Rosenfeld site. None of the documented releases have impacted the public water supply wells, the Mill River, or private water supply wells.
- The proposed project will include the remediation of historic petroleum spill areas and eliminate any potential migration of existing contamination.
- The site work and construction of the proposed project will not involve the use of oil and/or hazardous materials in quantities that could potentially impact the public water supply or private water supply wells. Therefore, no well testing is necessary.

In response to the Board's request that the Applicant consider opportunities to further enhance runoff water quality, above and beyond what the MassDEP requirements are under the Stormwater

Management Handbook and Standards, the Applicant's civil engineer, Highpoint Engineering, submitted a plan and the following description to Graves Engineering for review.

The current stormwater management design approved by the Planning Board and Conservation Commission provides the required pre-treatment for the 1" water quality volume due to the site being located within the Zone II/Critical Area ($\frac{1}{2}$ " typically required). In addition to meeting the water quality treatment standards, the current design also provides significantly more stormwater recharge than what is required in the Standards. Taken together, the water quality improvements and recharge volumes in the current design greatly improve existing runoff and recharge conditions of the degraded nature of the property and promote the interests of groundwater protection outlined in the Bylaws.

Highpoint considered various Best Management Practice (BMP) options to achieve a higher TSS removal efficiency than the Standards require. The study set design parameters include maintaining the surface and subsurface infiltration basin elevations to preserve the required groundwater separation, maintaining the design stormwater recharge volumes provided by the current infiltration design, maintaining site grades, and maintaining the limit of work. We considered bioretention as a retrofit to the stormwater treatment train for surface runoff, but there is not sufficient elevation difference across the treatment train for the 2'-4' profile requirement to avoid surcharging of the bioretention cells from the infiltration basins. We also considered pocket wetlands which would need to be lined and would be difficult to achieve the required geometry for meandering flow path in addition to the forebay/plunge pools, mosquito control concerns, etc. Regarding both options, the footprint and depth of either BMP to treat the 1" water quality volume given the size of the contributing watershed is not reasonable or feasible within the context of the design parameters. Lastly, we also considered additional upstream BMPs such as filter strips, but the length of the watershed and current layout does not allow for implementation of these practices.

What we concluded is that retrofitting the existing treatment train for select watersheds with hydrodynamic separators is a solution that can be implemented. We've accomplished this in the following ways:

1. For the building roof, rather than connect roof leaders individually to the UG infiltrations system, we can collect roof drainage with a nominally sloped header pipe at 2 - 200' lengths connected to a Contech CDS 2020-5 hydrodynamic separator at the north and south end of the building. This will provide at least 80% TSS removal prior to recharge, where pretreatment is not required under the current design as the roof runoff is considered clean under the Standards.
2. For the site surface runoff, intercept conveyance swales where feasible at downstream locations with headwalls and drain-pipe that can connect to Contech CDS 2020-5 hydrodynamic separators placed in-line of the conveyance path, prior to discharge to the infiltration basins. This should provide at least 80% TSS removal prior to recharge, where the current pretreatment is designed to provide 44% TSS removal prior to recharge as required under the Standards.

The northwest area of the site has grade limitations that do not allow us to retrofit this area, but still meet the TSS removal requirements in the Standards. In total, the stormwater BMP retrofits proposed enhance the water quality for over 90% of the Phase 2 impervious area.

It should also be noted that these separators will be added to the stormwater operation and maintenance plan for regular maintenance to ensure proper performance. The Applicant is also willing to increase the frequency of site inspections already required in the maintenance plan as requested.

In closing, we have provided the Board with a comprehensive Application, a thorough presentation and a detailed response to comments. Based upon the evidence provided in the Application, presentation, and response, 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, 75-131 Plain Street, LLC respectfully requests the Town of Hopedale Zoning Board of Appeals close the public hearing, 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!