



TOWN OF HOPKINTON

OFFICE OF
THE PLANNING BOARD

TOWN HALL
18 MAIN STREET
HOPKINTON, MA 01748
(508) 497-9755

RECEIVED
TOWN OF HOPKINTON
2012 MAR 27 AM 11:27
TOWN CLERK'S OFFICE

Decision of Site Plan Review

DATE: March 27, 2012

RE: Application of Legacy Farms, L.L.C. for Open Space Mixed Use
Development Overlay District Site Plan Review pursuant to Article XXVI
of the Hopkinton Zoning Bylaw

APPLICANT: Legacy Farms, L.L.C., 21 Center Street, Weston, MA

SITE ADDRESS: 29 Clinton Street; Hopkinton Assessors Map R14 Block 8 Lot B, Map
R14 Block 11 Lot 0 and Map R19 Block 10 Lot 0.

OWNER: Mezitt Agricultural Corp. Inc., 21 Center Street, Weston, MA

DEVELOPMENT PROJECT: Legacy Farms Private Wastewater Treatment Facility

A. Procedural History:

1. An Application for Open Space Mixed Use Development Overlay District ("OSMUD District") Site Plan Review, pursuant to Article XXVI of the Hopkinton Zoning Bylaw, was filed with the Hopkinton Planning Board (hereinafter "the Board") by the referenced Applicant on January 26, 2012.
2. The property subject to the application (the "Site") is shown on the Hopkinton Assessors Map as Map R14 Block 8 Lot B, Map R14 Block 11 Lot 0 and Map R19 Block 10 Lot 0.
3. The Board issued a Master Plan Special Permit (MPSP) on May 13, 2010, approving a Master Plan for Legacy Farms, which includes the Site. Although this Application is termed a Development Project within the Legacy Farms project, it contains no dwelling uses or commercial uses. This Development Project contains the Private Wastewater Treatment Facility and provides Restricted Land for the Legacy Farms development.
4. A public hearing on the Application was held on March 12, 2012.

5. The Application included a proposed Site Plan, consisting of the following plans: 1) A plan set entitled "Wastewater Treatment Facility at Legacy Farms", prepared by Vanasse Hangen Brustlin, Inc. (VHB), dated January 20, 2012 and revised through March 8, 2012; 2) a plan entitled "Sketch to Accompany Site Plan Review Submission – Accounting of Restricted Land", dated March 12, 2012; 3) an unnamed and undated plan depicting proposed landscaping on the site; and 4) elevation drawings of the proposed building entitled "29 Clinton Street" prepared for Legacy Farms, all of which are attached to this Decision. The Site Plan was accompanied and augmented by supporting documentation including 1) a Site Plan Project Narrative; 2) Restricted Land Covenants; 3) a Memo dated January 26, 2012 from Richard Hollworth, VHB, entitled "Legacy Farms Private Wastewater Treatment Facility"; 4) "Addendum to Hydrogeological Report – Groundwater Mounding Analysis for Proposed Subsurface Disposal System (June 17, 2008)" prepared by Geosphere Environmental Management, Inc. During the course of the approval process, certain modifications were made to the Application, Site Plan and other submission material, which, as modified, shall supersede the material originally submitted with the Application.
6. The Application and other submission materials were reviewed by the Planning Board and its consultant and were submitted for comment to Town departments and officials as required.
7. Throughout its deliberations, the Planning Board has been mindful of the statements of the Applicant, its consultants and representatives, and the comments of the general public, all as made at the public hearings.

B. OSMUD Site Plan Review Decision Criteria:

Section 210-173.D of the Hopkinton Zoning Bylaw states that the Planning Board shall approve an application for site plan review if it finds that:

- (1) The Site Plan complies with the Master Plan Special Permit;
- (2) The Site Plan meets all of the requirements and standards set forth in Article XXVI, the Master Plan Special Permit, and applicable Design Guidelines;
- (3) The convenience and safety of vehicular and pedestrian movement within the Development Project and in relation to adjacent areas and public ways is ensured;
- (4) Substantial adverse potential impacts of the Development Project have been adequately mitigated.

C. General Findings:

1. The Applicant proposes the construction of a 3,190 square foot building which will house the operation of the private wastewater treatment facility. The Site Plan also shows an access driveway, parking area, stormwater management facilities, subsurface leaching fields and Restricted Land.

2. The wastewater treatment facility will be privately owned and operated and will not be owned or operated by the Town of Hopkinton.
3. The proposed buildings and parking area will comply with the dimensional and parking requirements applicable in the OSMUD District.
4. The private wastewater treatment facility will have direct access to Clinton Street.
5. The Site contains 29.5 acres, which is located in the Residence B Zoning District, the OSMUD District, and the Water Resources Protection Overlay District. The Development Project consists of 0.34 acres of Buildable Area and 29.16 acres of Restricted Land, as those terms are defined in the OSMUD District.
6. In accordance with Section 210-170 of the Zoning Bylaw, applications for Site Plan Review of Development Projects shall designate 1.80 acres of area to remain as Restricted Land for every 1 acre of Buildable Area within the Development Project. The Restricted Land may be located within the Development Project for which Site Plan Review is being sought or may be located elsewhere within the OSMUD District. The Private Wastewater Treatment Facility Development Project consists of 0.34 acres of Buildable Area, thereby requiring 0.612 acres of Restricted Land in total. The Site Plan shows 29.16 acres of Restricted Land.
7. The 29.16 acres of Restricted Land has been designated and designed in accordance with Section 210-170 of the Zoning Bylaw and is anticipated to be subject to a Restored or Landscaped Restricted Land Covenant.
8. The Applicant has complied with the filing and submission requirements set forth in the OSMUD Regulations.

D. Findings and Conditions:

In view of the foregoing, the Planning Board voted on March 12, 2012 to:

1. Find that pursuant to Condition #14 of the MPSP, the submitted documents satisfy all applicable requirements of the Zoning Bylaw and the Host Community Agreement dated May 1, 2008 and as subsequently amended;
2. Find that each existing intersection and roadway providing access to the Site will continue to operate at an acceptable level of service based on the anticipated impact of vehicular traffic from previously approved uses within the Site that will remain, plus this Development Project, pursuant to MPSP Condition #49;
3. Find that the four Decision Criteria are met with the imposition of reasonable conditions as set forth below; and,
4. Approve the Site Plan subject to the conditions contained herein.

Decision Criterion #1

The Site Plan complies with the Master Plan Special Permit.

The wastewater treatment facility is an integral part of the Legacy Farms development and it complies with the MPSP. Construction of the facility allows the development of Legacy Farms to occur as set forth in the MPSP.

MPSP Condition #24 requires that all site plans for Development Projects shall conform to the Design Guidelines attached to the MPSP. The proposed Site Plan requires a waiver of parking lot driveway width for two-way traffic, from 24 feet to 16 feet. The Board hereby finds that:

- (a) The development and design objectives of the bylaw will be protected. The wastewater treatment facility will not be visited by anyone other than plant operators and occasional service vehicles and it is unlikely that there will be any opposing traffic.
- (b) Strict application of the requirement would undermine the public interest. A wider driveway or a looped driveway would result in more impervious surface and less Restricted Land, which are not in the public interest.
- (c) A sixteen foot wide driveway will be sufficient as only plant operators and service vehicles will be accessing the site.
- (d) No provisions of the MPSP will be violated by reducing the driveway width.

MPSP Condition #8 states that each site plan approval for a Development Project involving Restricted Land that is to be restored or landscaped shall specify a required completion date for all restoration and landscaping work within the Restricted Land. Condition 1 of this approval establishes the completion date.

MPSP Condition #43 requires that with each application for site plan approval, the Applicant shall submit a description of its efforts to incorporate renewable energy technologies into the Development Project. Such information has been submitted to the Board.

MPSP Condition #54 requires that with each application for site plan review, current data from the traffic monitoring plan and a warrant analysis for a traffic signal at the intersection of Legacy Farms Rd. and East Main St. is required to be submitted by Legacy Farms, LLC, the master developer, provided that such information shall not be required more than once in a calendar year. Such information is anticipated to be provided in 2012 in conjunction with another Site Plan Review application for dwelling uses recently received by the Board, and is therefore not required as part of this submission.

The Applicant shall comply with the following conditions:

1. The restoration and landscaping work shown on the Site Plan shall be completed by November 15, 2013.

2. The Restricted Land shown on the Site Plan shall be subject to one of the Restricted Land Covenants contained in Appendix B of the Master Plan Special Permit. At this time it is anticipated that the land will be subject to the Restored or Landscaped Restricted Land Covenant.

Decision Criterion #2

The Site Plan meets all of the requirements and standards set forth in this Article, the Master Plan Special Permit, and applicable Design Guidelines.

The Board has reviewed the Site Plan and the requirements set forth in the OSMUD District, the MPSP and the Design Guidelines. The Site Plan, as conditioned in this Decision, meets all of the requirements and standards set forth in the referenced documents.

The Applicant shall comply with the following condition:

3. The Applicant indicated in correspondence dated February 29, 2012 that they would like to work with the Tree Warden and the Hopkinton Dept. of Public Works to “determine the necessary clean up of the Clinton Street right of way trees and understory” in order to affect a naturalized and appropriate streetscape. The Board hereby requires that such work be undertaken as directed by the Tree Warden and the Hopkinton Dept. of Public Works.

Decision Criterion #3

The convenience and safety of vehicular and pedestrian movement within the Development Project and in relation to adjacent areas and public ways is ensured.

The private wastewater treatment facility will generate very little traffic, consisting only of plant operators and service vehicles. The movement of vehicles and pedestrians will not be negatively impacted by the activities anticipated to occur at the private wastewater treatment facility.

Approval Criterion #4

Substantial adverse potential impacts of the Development Project have been adequately mitigated.

Substantial adverse potential impacts of this particular Development Project have been adequately mitigated as shown on the approved Site Plan, as provided for in the MPSP and by the conditions of this approval. Visual impacts are mitigated by the design of the building, which will resemble a barn, and by vegetative screening and landscaping. Potential impacts related to odors will be mitigated by the design of the facility and by the imposition of reasonable conditions.

The Applicant shall comply with the following conditions:

4. In accordance with the Mass. Department of Environmental Protection (DEP) and Ground Water Discharge Permit 874-0 and this condition of Site Plan approval, the Applicant shall furnish, install and maintain an effective odor control system.

Effective odor control shall be appropriately sized, commercially available equipment and materials such as activated carbon absorbers/blowers (or equivalent) and provide a means necessary to mitigate the level of noxious odor (if any), so the private wastewater treatment facility's noxious odor generation shall not be substantial as detected (in the opinion of the Director of Municipal Inspections) at the property's boundary with the Restricted Land. At a minimum, the vents from the following process equipment will be collected and treated by the odor control system to mitigate odors:

- Headworks (screen room)
- Flow Equalization tanks
- Pre-anoxic tanks, Aerobic tanks and Post Anoxic tanks
- Sludge holding tanks

Any waste from the screening room shall be collected in a tightly covered trash receptacle and kept in the screening room except on trash day.

Odor Control Equipment sizing and operation plans shall be approved by the Director of Municipal Inspections. If the Director of Municipal Inspections requires technical assistance in reviewing the sizing, the odor control installation or monitoring the operation of the odor control system, such technical assistance shall be paid for by the Applicant or the owner of the facility.

5. Construction of the dwelling uses in Legacy Farms is planned to commence in 2012, resulting in connections to the private wastewater treatment system. The Applicant noted that until the flows from the uses in Legacy Farms reach a volume that the system can treat and/or until any startup phase is complete and the facility becomes fully operational, the material will be pumped out on a regular basis and treated elsewhere. Such pumping out and removal of material shall only occur during regular business hours.
6. All fixed mechanical equipment on the Site shall be screened from view from the ground.
7. The Applicant shall ensure that the exterior generator includes lockable panels, and that the enclosure provides appropriate noise dampening.
8. In accordance with Section 210-138 of the Zoning Bylaw, the Applicant shall provide a performance guarantee in the amount of \$5,000 to the Town prior to the commencement of construction pursuant to this Decision. The guarantee shall consist of a deposit of money or negotiable securities in a form selected by the Planning Board to guarantee that any unforeseen problems which arise, such as erosion and sedimentation and the correction of site lighting problems, are addressed. The funds will be held by the Town and returned to the Applicant upon completion of the project.
9. All exterior lighting on the site, whether shown on the Applicant's submissions or required by the Mass. State Building Code, shall be shielded, directed downward and not upward or outward, and shall not spill onto adjacent property.


10. The site development shown on the Site Plan shall conform to the DEP Stormwater Management Regulations. At the hearing, it was noted that contradictory standards relative to TSS removal require clarification from DEP relative to the design of Exfiltrating Bioretention Basin B-1, which is within the Zone II of a public water supply. The Applicant shall provide documentation to the Board and to Fay, Spofford & Thorndike, LLC, the Board's consulting engineer, that the basin complies with the DEP Regulations. If such documentation is not provided or is not available, the basin shall be redesigned to clearly conform and shall be submitted for approval.
11. Erosion and sedimentation control measures shall be implemented during the construction period. If they are found to be inadequate, the Applicant shall immediately correct any deficiencies.
12. The Director of Municipal Inspections inspects projects under construction for compliance with the approved Decision of Site Plan Review. If the Director of Municipal Inspections determines at any time before or during construction that a registered professional engineer or other such outside professional is required to assist with the inspections of any component of the site plan, the Applicant shall be responsible for the cost of those inspections.
13. The Applicant shall be responsible for mitigating all construction-related impacts, including erosion, siltation and dust control in accordance with the provisions of the MPSP.

E. Record of Vote

The following members of the Planning Board voted in favor of each of the motions to make the findings and to grant the approvals as listed in this Decision, including a vote to approve the Application for Site Plan Review and the Site Plan set, subject to the above-stated terms and conditions:

Mark Abate	Christian Ollenborger
John Coutinho	Deborah Thomas
Carol DeVeuve	Kenneth Weismantel
Brian Karp	Claire Wright

No members of the Planning Board voted in opposition to the motions to make the findings and to grant the approvals contained in this Decision.


Kenneth Weismantel, Chairman

F. Right of Appeal

Any person aggrieved by this Decision may appeal such Decision to the Board of Appeals within 30 days of the date of the Decision, as provided for in §§210-146 to 210-148 of the Zoning Bylaw, and in *M.G.L. c. 40A*, §§ 8 and 15.

Site Plans

Issued for: **Site Plan Approval**

Date Issued: **January 20, 2012**

Latest Issue: **March 5, 2012**

Sheet Index

Number	Drawing Title	Latest Issue
C-1	Legend and General Notes	1/20/2012
C-2	Overall Site Plan	3/5/2012
C-3.1	Layout and Materials Plan	3/5/2012
C-3.2	Layout and Materials Plan	1/20/2012
C-4.1	Grading, Drainage, Utility, and Erosion Control Plan	3/5/2012
C-4.2	Grading, Drainage, Utility, and Erosion Control Plan	1/20/2012
C-5	Site Details	3/5/2012
C-6	Site Details	3/5/2012

Owner:

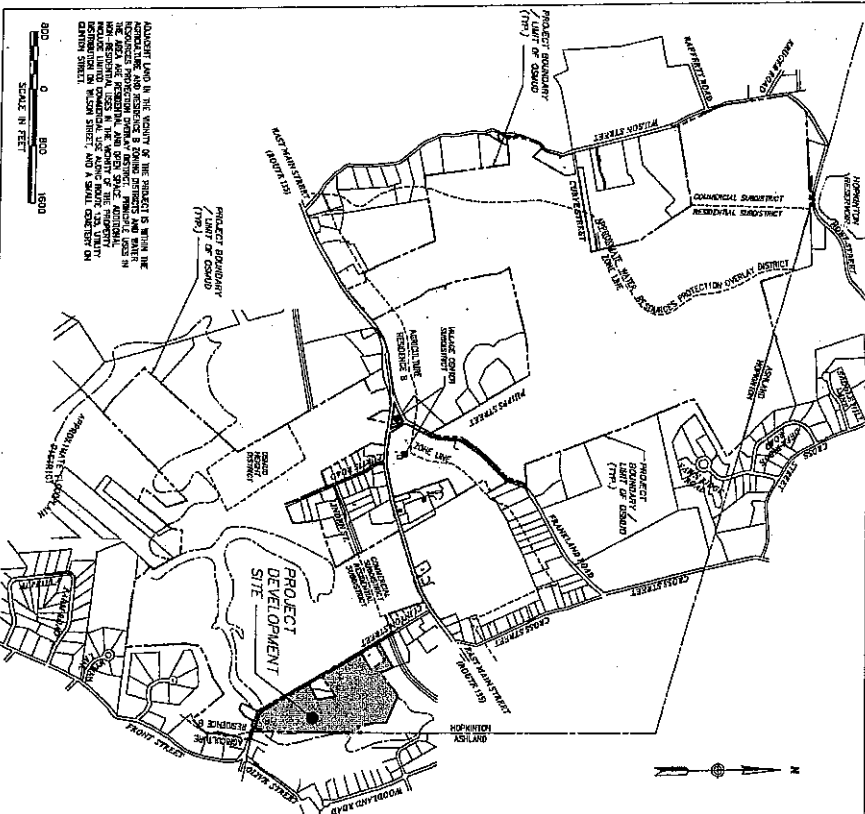
Mazitt Agricultural Corporation
 21 Center Street
 Weston, Massachusetts 02493
 P 781.894.1000 • F 781.899.4222

Applicant:

Legacy Farms LLC
 c/o Baystone Development
 21 Center Street
 Weston, Massachusetts 02493
 P 781.894.1000 • F 781.899.4222

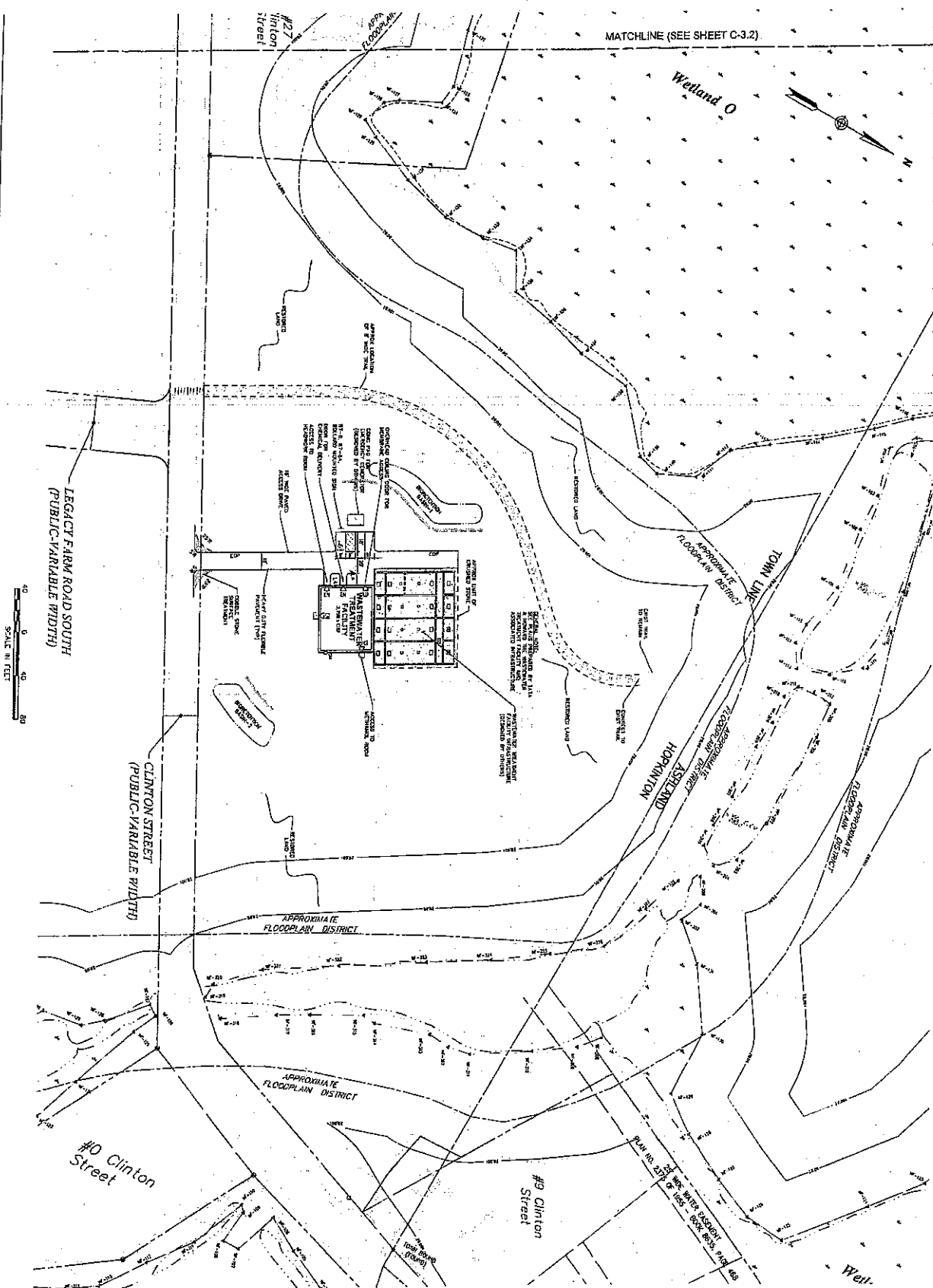
Wastewater Treatment Facility at Legacy Farms Clinton Street Hopkinton, Massachusetts

VHB
Vermasse Hangen Brastoff, Inc.
 Transportation
 Land Development
 Environmental Services
 101 Walnut Street, P.O. Box 9131
 Watertown, Massachusetts 02471
 617.924.1770 • FAX 617.924.2286



Locus Map and Zoning

Scale: 1" = 800'



MATCHLINE (SEE SHEET C-3.2)

Wetland 0

LEGACY FARM ROAD SOUTH
(PUBLIC-VARIABLE WIDTH)

SCALE IN FEET
0 40 80

CLINTON STREET
(PUBLIC-VARIABLE WIDTH)

#10 Clinton Street

#19 Clinton Street

Well

Vinasse Hangen Bruhlin, Inc.
 Transportation
 Land Development
 Environmental Services
 1111 Walnut Street, 2nd Floor, Suite 515
 St. Louis, MO 63101
 618.241.1700 FAX 618.241.1702



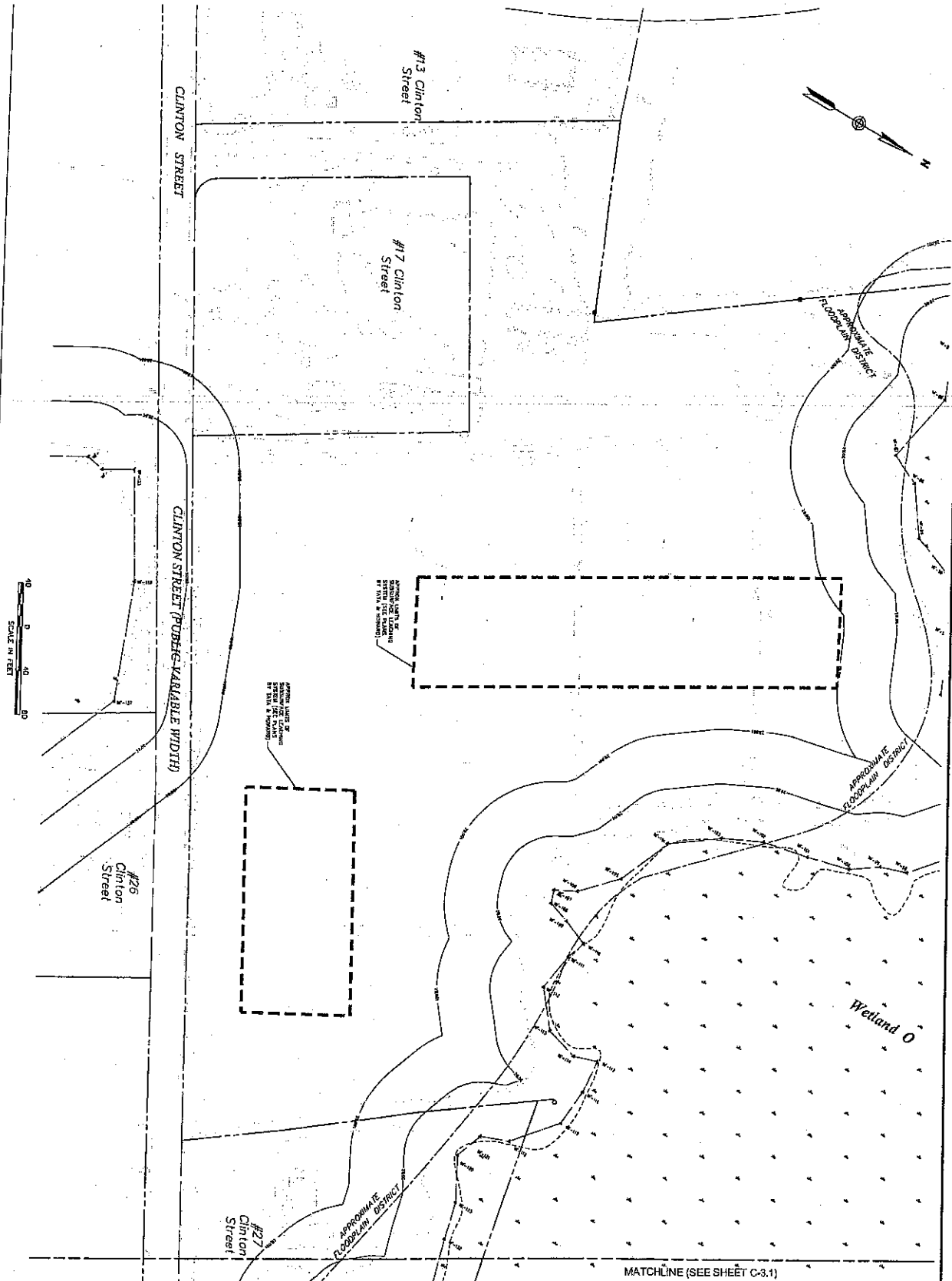
NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMITS	12/17/11	MB	MB
2	REVISED PER COMMENTS	1/10/12	MB	MB
3	REVISED PER COMMENTS	1/10/12	MB	MB
4	REVISED PER COMMENTS	1/10/12	MB	MB
5	REVISED PER COMMENTS	1/10/12	MB	MB
6	REVISED PER COMMENTS	1/10/12	MB	MB
7	REVISED PER COMMENTS	1/10/12	MB	MB
8	REVISED PER COMMENTS	1/10/12	MB	MB
9	REVISED PER COMMENTS	1/10/12	MB	MB
10	REVISED PER COMMENTS	1/10/12	MB	MB
11	REVISED PER COMMENTS	1/10/12	MB	MB
12	REVISED PER COMMENTS	1/10/12	MB	MB
13	REVISED PER COMMENTS	1/10/12	MB	MB
14	REVISED PER COMMENTS	1/10/12	MB	MB
15	REVISED PER COMMENTS	1/10/12	MB	MB
16	REVISED PER COMMENTS	1/10/12	MB	MB
17	REVISED PER COMMENTS	1/10/12	MB	MB
18	REVISED PER COMMENTS	1/10/12	MB	MB
19	REVISED PER COMMENTS	1/10/12	MB	MB
20	REVISED PER COMMENTS	1/10/12	MB	MB

Wastewater Treatment Plant at Legacy Farms
 Clinton Street
 Jeffersonville, Massachusetts

C-3.1

SCALE IN FEET
0 40 80

Wetland 0



MATCHLINE (SEE SHEET C-3.1)



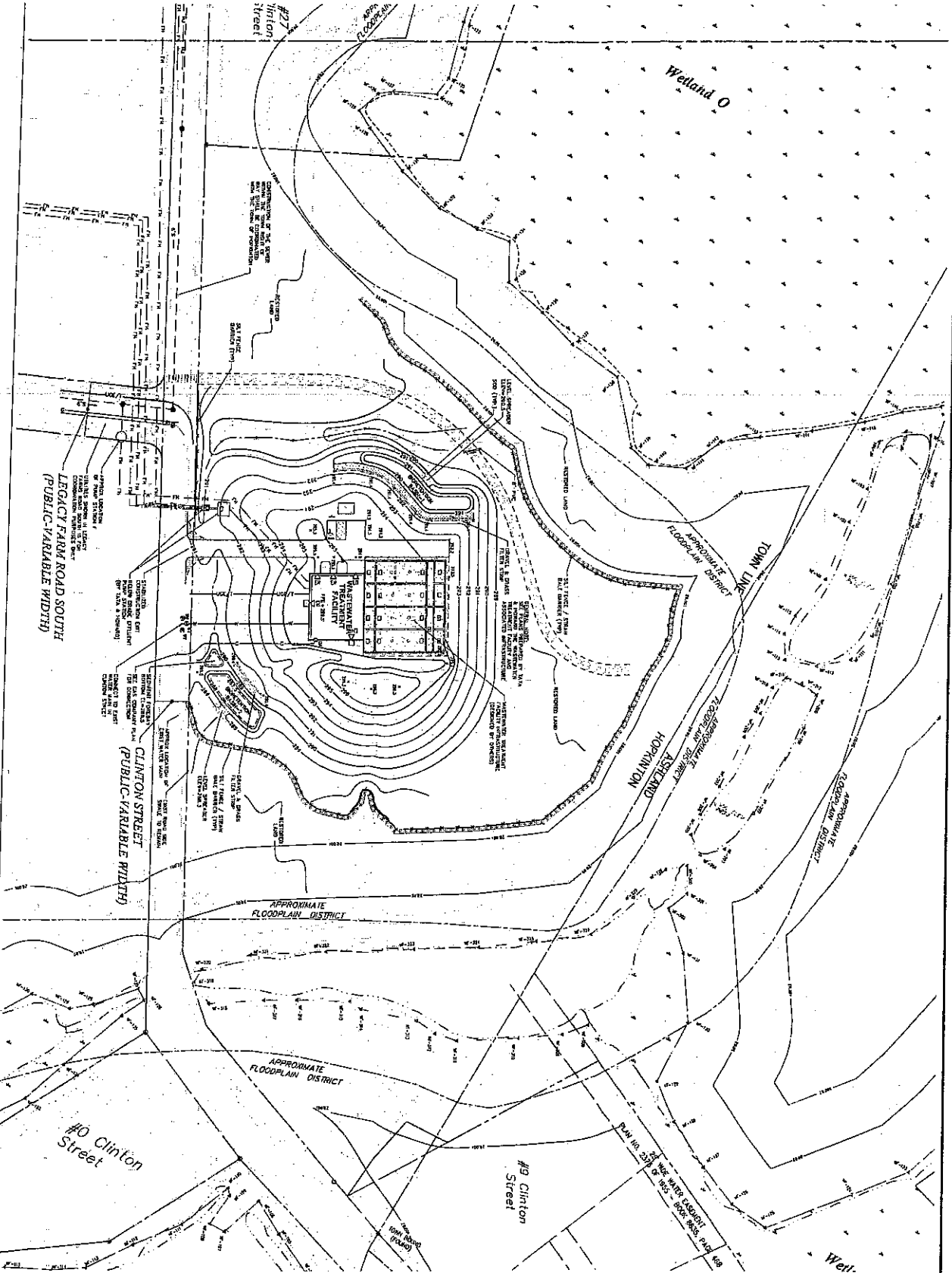
Vermont Hydrogen Brattle, Inc.
 Transportation
 Land Development
 Environmental Services
 181 Village Street, P.O. Box 6151
 Waterbury, Vermont 05671
 802.244.1770 • FAX 802.244.2286

NO.	DATE	DESCRIPTION	BY	CHECKED BY
1	03/05/13	ISSUED FOR PERMIT	...	...
2	03/05/13	REVISED	...	...
3	03/05/13	REVISED	...	...
4	03/05/13	REVISED	...	...
5	03/05/13	REVISED	...	...
6	03/05/13	REVISED	...	...
7	03/05/13	REVISED	...	...
8	03/05/13	REVISED	...	...
9	03/05/13	REVISED	...	...
10	03/05/13	REVISED	...	...

Clinton Street
 Hingham, Massachusetts
 Site Plan Approval
 Not Approved for Construction
 Layout and
 Materials Plan

C-3.2

Scale: 1" = 40'
 Date: 03/05/13



VHB
 Vermont Hanigan Brustin, Inc.
 100 Water Street, 12th Floor, Suite 1215
 Montpelier, Vermont 05602
 817.241.1776 • FAX: 817.241.2289

Wastewater Treatment Plant at Legacy Farms

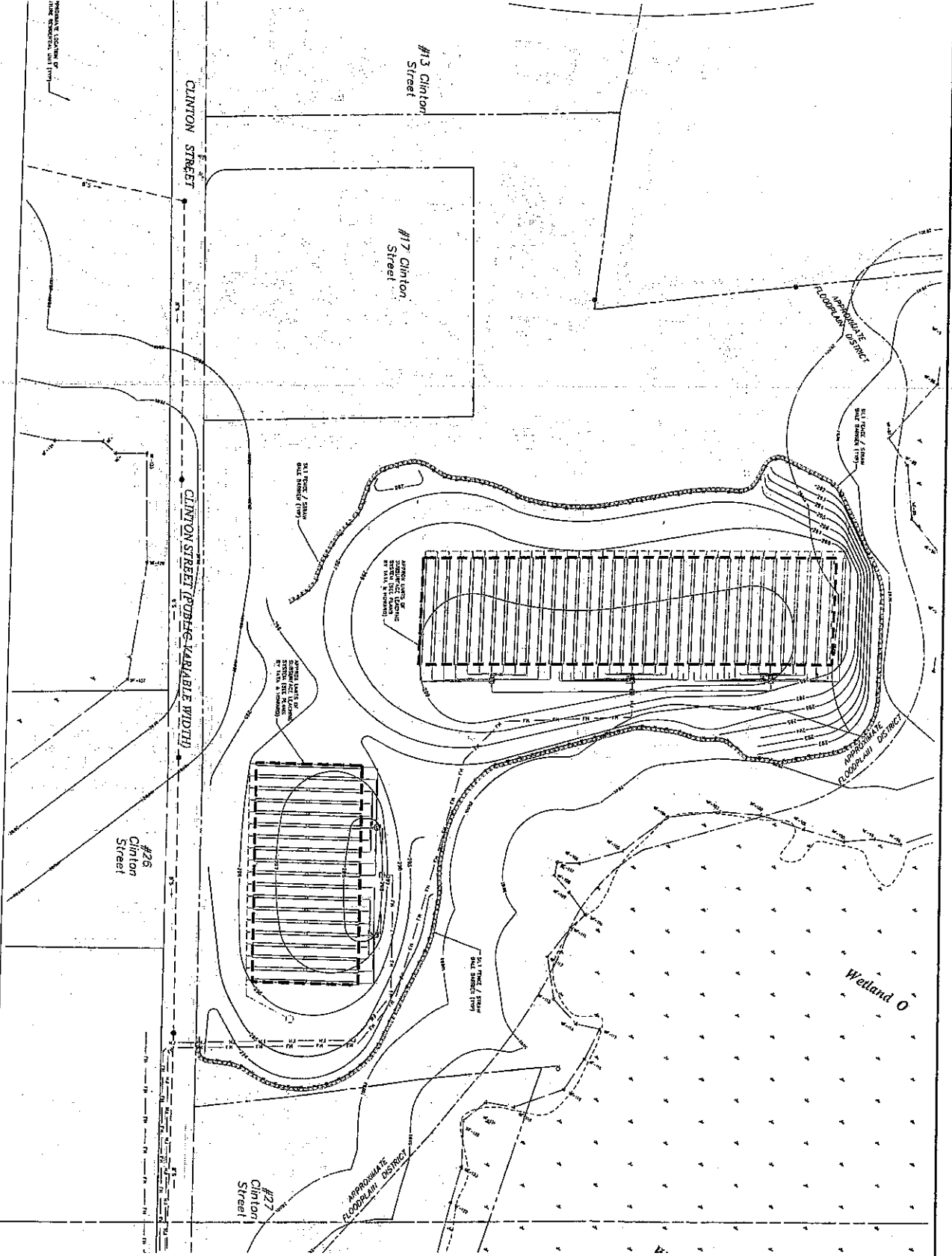
Client:	Legacy Farms
Project:	Wastewater Treatment Plant
Location:	Legacy Farms, Vermont
Scale:	As Shown
Date:	January 20, 2011
Drawn by:	JTB
Checked by:	JTB
Approved by:	JTB

Clinton Street
 Hanigan, Massachusetts

Site Plan Approval
 Not Approved for Construction

Grading, Drainage,
 Utility, and Erosion
 Control Plan

C4.1
 1/1
 1/11/11



Vermont Hengen Brattin, Inc.
 Engineers
 Land Development
 Environmental Services
 101 Walnut Street, 8th Fl., Box 8151
 Worcester, Massachusetts 02711
 617-753-3770 • FAX 617-753-2288

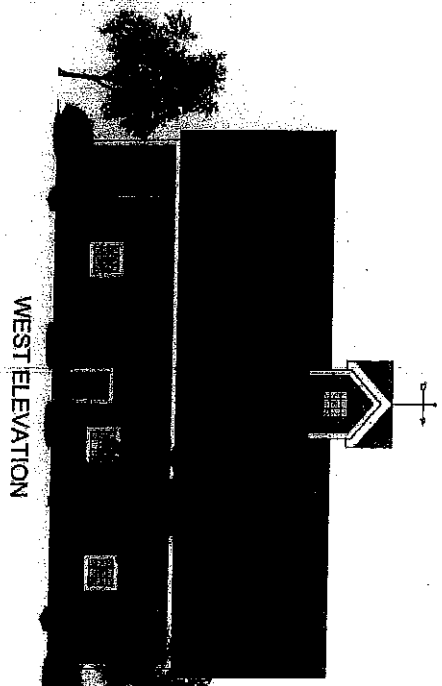
NO.	DATE	BY	DESCRIPTION
1	08/17/11	DB	ISSUED FOR PERMIT
2	08/17/11	DB	ISSUED FOR PERMIT
3	08/17/11	DB	ISSUED FOR PERMIT
4	08/17/11	DB	ISSUED FOR PERMIT
5	08/17/11	DB	ISSUED FOR PERMIT
6	08/17/11	DB	ISSUED FOR PERMIT
7	08/17/11	DB	ISSUED FOR PERMIT
8	08/17/11	DB	ISSUED FOR PERMIT
9	08/17/11	DB	ISSUED FOR PERMIT
10	08/17/11	DB	ISSUED FOR PERMIT

Clinton Street
 #13 Clinton Street
 #17 Clinton Street
 #26 Clinton Street
 #27 Clinton Street
 Wastewater Treatment Plant at Legacy Farms
 Site Plan Approval
 Not Approved for Construction
 Grading, Drainage, Utility, and Erosion Control Plan

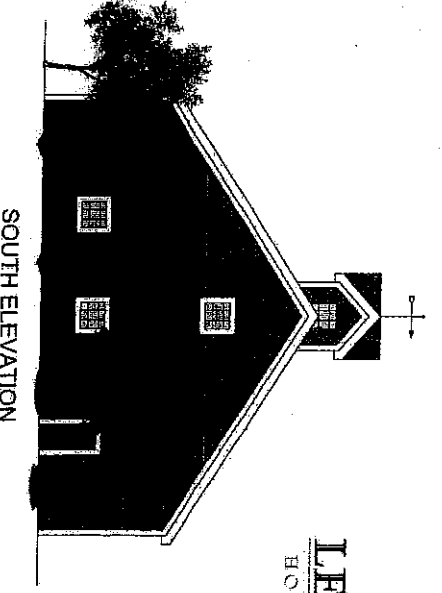
C42

DATE: 08/17/11
 SCALE: 1" = 40'

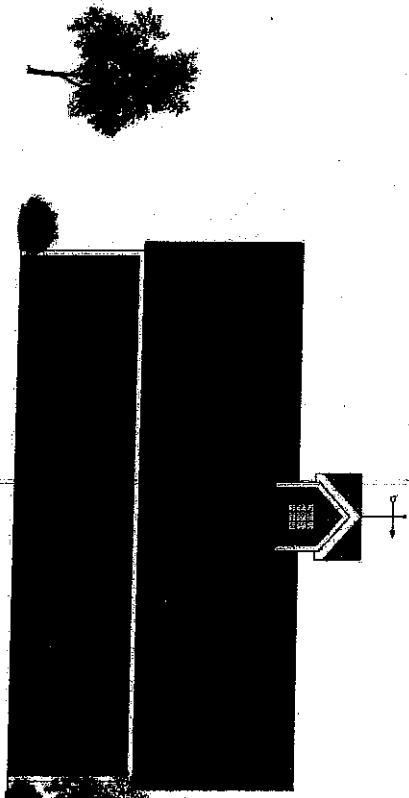
LEGACY FARMS
HOPKINTON MASSACHUSETTS



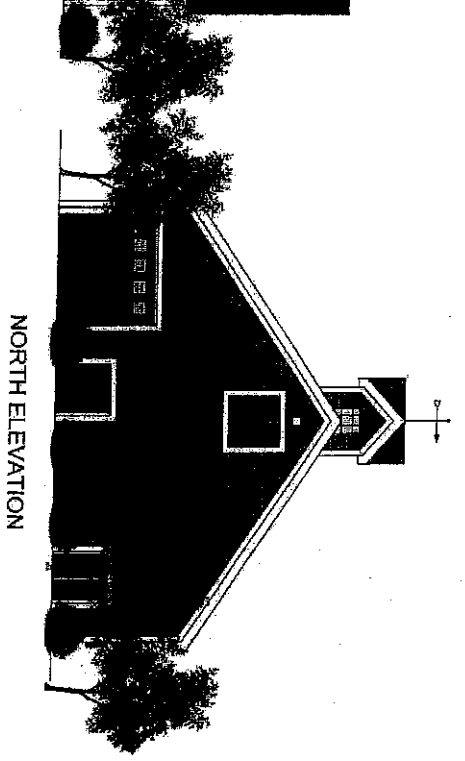
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

29 CLINTON STREET