



TOWN OF HOPKINTON

OFFICE OF
THE PLANNING BOARD

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Findings and Decisions

DATE: February 25, 2014

RE: Application of Lenity Architecture for an Open Space Mixed Use Development (OSMUD) Overlay District Special Permit pursuant to § 210-169.D, of the Hopkinton Zoning Bylaw

APPLICANT: Lenity Architecture, 3150 Kettle Ct. SE, Salem, OR

OWNER: Legacy Farms, LLC, 21 Center Street, Weston, MA

SITE ADDRESS: **0 East Main Street (Hopkinton Assessors Map R14 Block 9 Lot D)
Legacy Farms**

A. Procedural History

1. An Application for an Open Space Mixed Use Development (OSMUD) Overlay District Special Permit was filed by the referenced Applicant for 0 East Main Street on December 11, 2013. The Site is within Legacy Farms.
2. A public hearing on the Application was held on January 6, 2014, January 27, 2014 and February 10, 2014.
3. The Applicant concurrently filed an Application for Open Space Mixed Use Development (OSMUD) Overlay District Site Plan Review with the Planning Board ("Board") for 0 East Main Street, which proposed the construction of a building and other site improvements on the Site (the "Site Plan"). The public hearings for both Applications were held concurrently by the Board.
4. The submission materials were reviewed by the Board and its consultants and were submitted for comment to Town departments and officials as required. Throughout its deliberations, the 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.

Special Permit Criteria

Section 210-169.D of the Zoning Bylaw states:

The Planning Board may, by Special Permit, approve an amount of parking less than applicable minimum requirements of § 210-124B(1), as modified by this section, if it finds that the lesser amount of parking will not cause excessive congestion or endanger public safety, and that the lesser amount of parking will provide positive environmental or other benefits.

Pursuant to § 210-169.F, the Board must determine that the provision of the parking spaces proposed will be in harmony with the general purpose and intent of the Zoning Bylaw and adequate for all needs, and that all parking spaces associated with a use are within practical walking distance thereof.

C. General Findings of Fact

1. The Site is located in a Commercial Subdistrict of the OSMUD Overlay District and a portion of the site is also within the Water Resources Protection Overlay District.
2. The Site contains 5.89 acres of land, upon which would be constructed a 127-suite retirement residence.
3. In accordance with § 210-169.A of the Zoning Bylaw, the proposed retirement residence use on the Site requires 96 parking spaces. The proposed Site Plan would provide 82 parking spaces. The Applicant requests a reduction in the required number of parking spaces to 82.
4. The parking spaces provided on the Site Plan are directly adjacent to the proposed use. The Site Plan further provides for 7 additional spaces (“parking bank”) which may be constructed at a later date if needed.
5. The Applicant provided information which demonstrated that the proposed retirement home use will not require 96 parking spaces, based on the needs of the residents, staff and visitors.
6. The reduction in the number of parking spaces results in more impervious surface, landscaped area and open land.

D. Decisions and Conditions

In view of the foregoing, the Board voted on February 10, 2014 to find that:

1. The reduction to 82 parking spaces will not cause excessive congestion or endanger public safety, and the lesser amount of parking will provide positive environmental and other benefits;
2. The parking spaces proposed will be in harmony with the general purpose and intent of the zoning bylaw and adequate for all parking needs, and all parking spaces associated with the use are within practical walking distance.

On a motion to make the above findings, the vote of the Board is as follows:

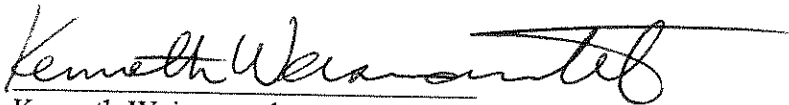
Kenneth Weismantel	Yes
John Coutinho	Yes
John Ferrari	Yes
Todd Holbrook	Yes
Richard MacDonald	Yes
Deborah Thomas	Yes
Claire Wright	Yes

The Board voted on February 10, 2014 to grant the Special Permit to reduce the parking requirement to 82 parking spaces subject to the following condition:

1. The parking lot and parking spaces shall be constructed as depicted on the approved Site Plan for the Hopkinton Retirement Residence.

On a motion to grant the Special Permit with the condition, the vote of the Board is as follows:

Kenneth Weismantel	Yes
John Coutinho	Yes
John Ferrari	Yes
Todd Holbrook	Yes
Richard MacDonald	Yes
Deborah Thomas	Yes
Claire Wright	Yes



Kenneth Weismantel
Chairman

Appeals of this Special Permit, if any, shall be made pursuant to MGL. c.40A, § 17 and shall be filed within twenty (20) days after the date of filing of this Special Permit with the office of the Town Clerk. This Special Permit shall not be effective until filed with the Registry of Deeds by the Applicant.