

LAW OFFICES OF JERRY C. EFFREN

Jerry C. Effren

Andrea W. McCarthy

Paralegals

Margaret L. Burchard

RECEIVED
TOWN OF HOPKINTON

2015 JUN -8 AM 10:38
TOWN CLERK'S OFFICE
25 West Union Street
Ashland, Massachusetts 01721
(508) 881-4950 – Telephone
(508) 881-7563 – Telecopier
E-Mail Address: info@effren.net

*Original
Luppi
Ok. 21902
for \$500.00*

June 8, 2015

Hand Delivered

Town of Hopkinton
Zoning Board of Appeals
18 Main Street
Hopkinton, MA 01748

Re: Application for Special Permit
Property: 34-40 Hayden Rowe Street, Hopkinton, Massachusetts
Applicant RPI Hopkinton LLC

Dear Sir or Madam:

Enclosed please find one original and ten copies of Applicant RPI Hopkinton LLC's Application for Special Permit. We also include a check for the filing fee in the amount of \$500.00 and the certified abutters list.

Attached to the Application is a Memorandum ("Supplement") in support of the Application, containing the following exhibits:

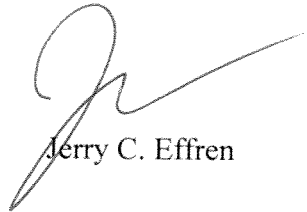
Exhibit 1:	Deed into Hayden Rowe Realty Corp.
Exhibit 2:	Special Permit dated March 12, 2001
Exhibit 3:	Special Permit dated August 8, 2002
Exhibit 4:	Special Permit dated March 25, 2003
Exhibit 5:	Special Permit dated October 4, 2005
Exhibit 6:	Special Permit dated July 3, 2014
Exhibit 7:	Site Plan J.D. Marquedant & Associates dated June 1, 2015
Exhibit 8:	Building Layout Plan Peter Quinn Architects June 8, 2015
Exhibit 9:	Landscape Plan
Exhibit 10:	Traffic Study Ron Müller & Associates April 20, 2015

Please place this matter on your agenda for the next possible date. If possible we would like to make the July 8th meeting. In any event please let us know the date and time of hearing.

Thank you for your cooperation.

Very truly yours,

LAW OFFICES OF JERRY C. EFFREN

A handwritten signature in black ink, appearing to be 'J. Effren', with a long, sweeping horizontal stroke extending to the right.

Jerry C. Effren

cc: RPI Hopkinton LLC

TOWN OF HOPKINTON BOARD OF APPEALS

RPI HOPKINTON LLC'S SUPPLEMENT TO APPLICATION FOR MODIFICATION OF EXISTING SPECIAL PERMIT

INTRODUCTION AND STANDARD OF REVIEW

RPI Hopkinton LLC ("RPI" or "the Applicant") submits this Supplement in support of its Application for an Amendment to the Special Permit dated March 12, 2001 and October 4, 2005 to convert the use of and increase the square footage of the portion the premises located at 34-40 Hayden Rowe Street ("the Property"), currently dedicated for industrial/warehouse space and commercial office space to a residential use, namely to construct and sell seventeen (17) residential condominiums (the "Project"). In addition, the Project will require paving of the existing parking area, installation of a subsurface on-site drainage system, and certain modifications to the exterior of the Building. This Supplement responds to Questions 3, 11, and 18 of the Uniform Application for Special Permit/Variance and Questions 2, 3, and 4 and 19 of the Supplemental Information for Pre-Existing Non-Conforming Uses and Structures. It also contains such supplemental information that the applicant deems necessary to present in support of the requested relief.

Relief is sought pursuant to the provisions of Section 210-128D of the Hopkinton Zoning Bylaw for alteration of prior non-conforming uses at the Property, namely industrial /warehouse and commercial office use to a substantially different use, the creation of 17 residential condominium units. Under the Bylaw and accompanying state statutory and decisional law, such change "shall require the issuance of a special permit by the Board of Appeals, upon a finding **that the proposed use is not substantially more detrimental to the neighborhoods and that the proposed use is a similar or more restricted use.**" (emphasis added) (210-128D (2)).

The particular details and requirements pertaining to the Project will also be the subject of Site Plan Review and Design Review by the Planning Board. The application for such review has been filed, and will proceed should this Board grant the discretionary relief in the form a Special Permit Modification to the existing Special Permits. Copies of the Proposed Site Plan and Building Plans, a Landscape Plan and a Traffic Study are submitted to the Board herewith as Exhibits 7 -10 respectively to this Supplement.

BACKGROUND

The Subject Property

The subject property consists of 2.3 acres of land improved by a two-story light industrial/office building consisting of approximately 46,159 square feet of interior space ("the Building"). It was acquired by the applicant, RPI on May 31, 2013. The Building fronts 371.40 linear feet on Hayden Rowe Street and 298.94 linear feet on Church Street.

The original Building was constructed circa 1840 with additions added from time to time. The property is serviced by municipal water and sewer, is fully sprinklered and is secured by a fire alarm system connected directly to the Town fire department. The right side and rear of the Property consists of open concrete and graveled areas that have been used for parking since well before the date of the first Town Zoning Ordinance in 1954. The Property is located in the RA Zoning District.

The Building was originally used as a boot factory. From the 1930's until the mid 1950's, it housed a thread mill. In 1958 the Building was remodeled as a food packaging plant with office and warehouse additions. From 1969 through 2001 then owner Dino DiCarlo leased the Building to various tenants for light manufacturing, retail sales and general office uses. From 1994 through 1999 the Building housed a licensed day care facility as well as offices and warehouse space for several construction companies.

By the time RPIs predecessor in title, Hayden Rowe Realty ("Hayden Rowe"), purchased the Property in 2001, the building had fallen into disrepair and was unoccupied and the exterior and yard area was a mess. The Property has been completely renovated since that time and has been occupied by tenants who have used the Property for manufacturing and assembly of computer memory boards, warehousing and distribution of tea, storage of snow sport equipment, office space and the before and after school and summer childcare program operated by Kidsborough.

The Existing Non-Conforming Use Special Permits And Related Approvals

From 1954 to 1959 the Property was zoned industrial. Since 1959 the Property has been located in the Residential A zoning district. The Property and the Building conform in all respects to the dimensional requirements of the Zoning Bylaw.

On March 12, 2001, the Board of Appeals granted Hayden Rowe a non-conforming use extension Special Permit under Section 210-128 of the ByLaw, authorizing the use of the Property by Hayden Rowe, Clearpoint Enterprises, Inc., and Upton Tea Imports. The Special Permit followed an appeal to this Board by several neighbors from the Building Inspector's decision in September, 2000 to authorize manufacturing and warehouse uses as protected 'non-conforming uses', a decision from which these neighbors sought administrative review in an appeal to that Board. That appeal was dropped when the owner decided to prosecute the application for a non-conforming use special permit.

In granting the Special Permit, the Board made detailed findings of fact documenting the basis for a determination that Property benefited from a number of protected non-conforming uses. Specifically, the Board found:

1. **There exists a protected pre-existing non-conforming use for the manufacturing of paper food containers, for the manufacturing of equipment needed for the business of General Packets Corporation and the General Packets corporate offices as such existed in 1959.**

3. There were other manufacturing uses subsequent to 1959 that were not materially different from the protected use.
4. That several building permits were issued by the town since 1954, including permit number 250-90, issued on September 12, 1990 for alterations for tenant spacing. Such permit continued floor plans that reflected storage and storage rooms, manufacturing rooms including blending, and office space. That since the permit was issued more than 6 years prior hereto, the use under the permit is protected pursuant to MGL, Chapter 40A, Section 7.

(Exhibit 2-March 12, 2001 Special Permit Decision, p. 1-2)

Based on such findings, the Board upheld the right of the Owner to lease portions of the Property to Clearpoint and Upton Tea for manufacturing, warehouse, office, and sales, and allowed the Owner to occupy and use a portion of the Property for office space for his real estate and construction business.

Condition #3 to the 2001 Special Permit provided that “[n]o other portion of the property shall be rented, leased or occupied by any other person, firm or entity, without a Special Permit issued by the Board of Appeals.” Similarly condition 8(k) required that “Petitioner shall notify the Board of Appeals upon termination of the existing tenancies. No future tenants shall utilize the spaces designated for the existing tenant, without the approval of the Board of Appeals, other than an assignee of the existing tenant, whose use is the same use as that of the existing tenant.” These conditions, taken together, are what required the Board of Appeals to review and approve each stage of the redevelopment of the Property through the most recent Special Permit, issued on July 3, 2014 by this Board, which authorized an expansion by Kidsboroguh, at tenant operating a portion of the premises as an early childhood learning center and before and after school program.

On August 8, 2002, the Board of Appeals approved a second Special Permit for the use of an additional 4,018 square feet of exclusive space and 608 square feet of common space, along with the shared use of existing parking, for the operation of a before and after school education program and summer day program operated by Four Rowhers, Inc. The Board characterized its decision as a Modification of the original March 12, 2001 Special Permit. (See Exhibit 3, August 8, 2002 Special Permit Decision). Because Hayden Rowe proposed the installation of a berm and planting strip in the parking areas, the Board conditioned the Special Permit upon Minor Site Plan approval. The berm and planting strip provided for the orderly flow of traffic in the historic parking area and accounted for planned additional future parking in the areas of the Site Plan entitled “Reserved for Future Parking”. On August 27, 2002, the Planning Board approved the Site Plan in its entirety.

On March 25, 2003, the Board of Appeals approved a third Special Permit, authorizing the conversion of 6,857 square feet of space previously used for manufacturing to be used for twenty-four individual offices, ranging in size from 10 feet by 12 feet to 14 feet by 20 feet, for short and long-term lease. The Board also allowed the use of an additional 21 parking spaces on the Site Plan which had approved by the Planning Board in the parking area of the Plan and marked "reserved for future use". (See Exhibit 4, March 23, 2003 Special Permit Decision).

On October 4, 2005, the Board of Appeals approved a conversion of 3,765 square feet of former manufacturing space to additional office space. It also granted zoning approval for the use of the remaining additional parking spaces that had been approved by the Planning Board in the 2002 Site Plan Approval. (See Exhibit 5, October 4, 2005 Special Permit, Decision, p.3.)

Most recently, on July 14, 2014, The Board of Appeals issued its most recent Special Permit for the property, providing for the conversion of 3,956 square feet formerly used as warehouse space and 454 sq. feet formerly used as common area for the expansion of Kidsborough. (See Exhibit 6, July 14, 2014 Special Permit Decision). In its findings supporting the Decision, the Board found that the Property had been used for non-residential uses since the mid 1800's, recited, and incorporated the prior existing Special Permits.

Proposed Modification for Conversion of Manufacturing/Warehouse and Office Space and Creation of New Place for 17 Residential Condominium Units

RPI seeks to complete the re-development of the Property and Building to once and for all terminate the use of the property for industrial/warehouse use by seeking permission to construct 17 residential condominium units on the second and third floors of the Building, the existing space for which was previously used as warehouse space, and some office space. In addition to the relief sought herein, the Project will require Site Plan Approval of the Planning Board. An application for such review has been filed and is pending and hearings on the application shall commence, but if and only if, the relief requested herein to authorize the residential use, is granted.

The current and proposed site conditions are depicted on those certain plans by J.D. Marquedant and Associates dated June 1, 2015 (the "Site Plan") submitted with the Application. (See Exhibit 7, Site Plan of J. D. Marquedant dated June 1, 2015 First 2 pages attached)

Access to the newly constructed residential areas will be via a reconfigured entrance on the Church Street side of the Property, through the parking area. (See Exhibit 7, Site Plan, Page 2)

The renovation project will also entail changes to the parking area, but no increase in the previously authorized 105 parking spaces; rather there will be a decrease to 96 total spaces. The allocation of spaces to the residential uses, the office uses, and the use by

Kidsborough conform to the specific requirements of the Zoning Bylaw. (See parking calculations shown on Site Plan. Exhibit 7, Site Plan, Page 2)

The parking lot will now be completely paved, spaces will be marked, and parking areas for each use will be clearly delineated. Parking will be available in the common, pre-existing parking lot to the right and rear of the Building, with 17 of the residential spots contained close to the Building in a covered “car-port” which will be open on all sides. In addition, signs within the parking area will direct users to the appropriate areas and directional signs will be utilized to properly regulate safe traffic flow, including but not limited to the provisions for the pickup and drop off of children at Kidsborough. In connection with the re-design of the parking area, a new on-site drainage system will be installed which will capture all run off, and as designed will allow all such water to infiltrate into the Property with no off-site run-off.¹

The seventeen two-bedroom residential units will be constructed entirely on the second and third floors of the Building, using 9,615 square feet on the second floor and 15,228 on the third floor.. The first floor will contain the Business Center and a portion of the early learning facility, the remainder of which will continue to be located on the 2nd floor pursuant to the July 3, 2014 Special Permit. A portion of the third floor residential space (3,138 square feet) is newly created space, being the former “high bay” area used by Upton Tea whose pallets of stored tea rose over two stories which were moved by large cranes and forklifts. The locations of the residential units, their unit areas, and areas of square footage and use of all other areas of the Building if the Project is approved, are shown on Building Layout Plans. (See Exhibit 8, Building Layout Plans of Peter Quinn Architects, pages A1.1, A1.2 and A1.3)

Certain additional changes will be designed to make the Building more aesthetically pleasing and functional while maintaining its basic architectural and historic character. (See Exhibit 8, renderings, p. A0.1 and A0.2) New windows will be placed conforming to the requirements of the State Building Code serving all of the newly created residential units. An open atrium will be installed between the second and third floors. Changes will also be made to the façade. (See Exhibit 8, Building Layout Plans,)

Finally additional landscaping on all sides of the Property will be added, in type and quality consistent with the residential character of the surrounding neighborhood. Details, including preserving specific landscape features, removing dead vegetation and proposed new plantings are contained in the plan of Radner Design Architects, Inc. Landscape Architect (See Exhibit 9, Landscape Plan.)

THE BOARD SHOULD GRANT THE SPECIAL PERMIT

The Board should grant the requested Special Permit because the proposed use, in combination with the existing uses, will not be “substantially more detrimental to the neighborhood” than the existing use at the time zoning changed from Industrial to

¹ A complete drainage analysis will; be submitted to the Planning Board in connection with the required Site Plan review for this Project.

Residential (1959). As explained and documented in connection with the prior Special Permits, in 1959, General Packets Corporation used the entire Building (which included a third story at the time) over two eight-hour shifts per day for the manufacturing, packaging and sales of food and for the manufacturing of its own heavy machinery and materials. Following the issuance of the 2001 Special Permit and the following 4 special permits, a portion of the second floor and the high bay area of what would comprise the third floor remains authorized for industrial uses, including manufacturing and warehouse storage. The replacement of this space with 17 residential condominium units will be less intrusive and less impactful, as it will eliminate some of the impacts which necessarily are involved with on-site manufacturing, and/or other industrial or warehouse uses including truck traffic for deliveries or pick-ups and noise.

Alteration of the manufacturing use to a residential use also satisfies the Bylaw's requirement that any change to a non-conforming use be to a similar use or a more restricted use. In this case, the proposed change of use is clearly more restricted. This has historically been of importance to the Board and it should be. As this Board noted in the 2005 Special Permit Decision approving a conversion of space authorized for manufacturing to office space,

"The Director of Municipal Inspections will be allowed to approve new tenants provided the use does not involve anything but office space and the applicant will be relieved of the burden of filing subsequent applications for special permits in those specific circumstances.

The Zoning Board of Appeals reserves the right to approve any further change in the use of the property that would represent *a less conforming use* than the current office space use and to require that the applicant seek a special permit in that circumstance".

(See Exhibit 5, October 4, 2005 Special Permit, Decision, page 3, emphasis added.)

Clearly if going from manufacturing to office use is regarded as more conforming, than going from manufacturing to 17 residential units in Residential A District is even more conforming.

Applicant contends that as proposed, the Project also satisfies the general criteria for issuance of a Special Permit under Section 210-152C. The use as proposed combined with the remaining uses of the land is an appropriate use of the land. It will not be injurious, noxious, offensive, or detrimental to the neighborhood. It will be a plus, not a minus.

With regard to concerns about traffic or congestion, the Property is big enough to handle the onsite flow of traffic and parking. As far as off-site traffic, the conversion of the space to residential use will decrease, not increase the number of potential vehicle trips from that which would occur if the building was to be used as presently authorized at full capacity. Also the quality of the traffic consisting of cars, not cars and trucks is an

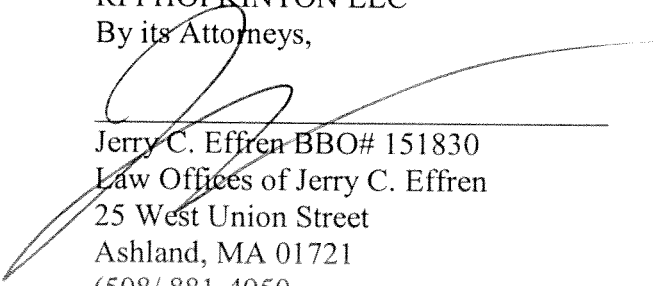
improvement. (See generally, Exhibit 10, Traffic Report prepared by Ron Müller & Associates dated April 20, 2015)

Further support for the proposition that the use is suitable and appropriate is because the proposed Project also is consistent with multiple aspects of Hopkinton's Master Plan (2007). Located approximately ¼ mile from downtown Hopkinton, the Project will make downtown more accessible for pedestrians and promote relief from traffic and congestion. It will sustain a healthy and vibrant mixed use property for the long-term which will, if approved, consist of residential units, the Kidsblorough early learning center, the executive office suite business center and some remaining office space, in a property which was specifically targeted in the Master Plan for long-term mixed use. The residential units proposed in a building built before the Civil War, in what was once a boot factory will be a unique architecture and style of living area not found anywhere else in Hopkinton and this will serve the Master Plan's articulated goal of developing a variety of housing types in the community. Finally, by ensuring the long-term viability and vitality of this Hayden Rowe Street location, it will promote the down re-vitalization by increasing the long-term usefulness of the Property.

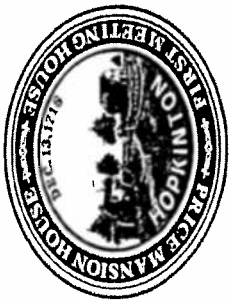
CONCLUSION

For the above stated reasons, RPI requests that this Board issue a Special Permit in modification of the two Special Permits issued in 2001 and 2005 and authorize the construction of 17 residential units and other alterations to the Property as set forth on Site Plan, Bulking Plan and Landscape Plans. If such relief is granted, RPI suggests and requests that in addition to any conditions imposed by the Board, that the decision require that RPI adhere to all conditions imposed by the Planning Board during its Site Plan Review.

RPI HOPKINTON LLC
By its Attorneys,



Jerry C. Effren BBO# 151830
Law Offices of Jerry C. Effren
25 West Union Street
Ashland, MA 01721
(508/ 881-4950)



Town of Hopkinton
300 ft from : 34 HAYDEN ROWE ST

Certified for 90 Days from

Date: 6/1/2015

By: 

SUBJECT

Parcel ID	Abutter Owner 1	Abutter Owner 2	Address	Town	State	Zip	Book/Page	Property Location
U16 184 0	RPI HOPKINTON LLC		34 HAYDEN ROWE ST STE 100	HOPKINTON	MA	01748	61915-421	34 HAYDEN ROWE ST

ABUTTERS

Parcel ID	Abutter Owner 1	Abutter Owner 2	Address	Town	State	Zip	Book/Page	Property Location
U16 177 0	TOUSSAINT, ROBERT C.	TOUSSAINT, CLAUDIA M.	23 HAYDEN ROWE ST	HOPKINTON	MA	01748	35714-213	23 HAYDEN ROWE ST
U16 178 0	CALDERWOOD, STUART	CALDERWOOD, LAURA	25 HAYDEN ROWE ST	HOPKINTON	MA	01748	1417-29	25 HAYDEN ROWE ST
U16 179 0	SULLIVAN, THOMAS F.	MULLINS, JUDITH	27 HAYDEN ROWE ST	HOPKINTON	MA	01748	1406-7	27 HAYDEN ROWE ST
U16 180 0	ROBERTS, DAVID A.	ROBERTS, JANICE E.	29 HAYDEN ROWE ST	HOPKINTON	MA	01748	62459-371	29 HAYDEN ROWE ST
U16 181 0	TRACEY, JOHN B	TRACEY, LENORE V	31 HAYDEN ROWE ST	HOPKINTON	MA	01748	17423-347	31 HAYDEN ROWE ST
U16 182 0	CHARTERS, CONSTANCE RUTH		33 HAYDEN ROWE ST	HOPKINTON	MA	01748	26801-350	33 HAYDEN ROWE ST
U16 183 0	VERIZON NEW ENGLAND INC.	C/O DUFF AND PHELPS	PO BOX 2749	ADDISON	TX	75001	00000-000	35 HAYDEN ROWE ST
U16 184 0	RPI HOPKINTON LLC		34 HAYDEN ROWE ST STE 100	HOPKINTON	MA	01748	61915-421	34 HAYDEN ROWE ST
U16 185 0	WRIGHT, PAUL JAMES	WRIGHT, CLAIRE B.	28 HAYDEN ROWE ST	HOPKINTON	MA	01748	14640-401	28 HAYDEN ROWE ST
U16 186 0	CAMBOURELIS, DIANE		26 HAYDEN ROWE ST	HOPKINTON	MA	01748	37226-186	26 HAYDEN ROWE ST
U16 187 0	BECK, DAVID K.		96 VERNON ST	GARDNER	MA	01440	25327-049	22-24 HAYDEN ROWE ST
U16 203 0	ROMAN CATHOLIC ARCHDIOCESE/BOS	C/O	20 CHURCH STREET	HOPKINTON	MA	01748	10689-22	21 CHURCH ST
U16 204 0	MCGRAW, ROBERT F & MARGARET C	C/O STUART MCGRAW	2246 CARIBOU RD	NEPERLAND	CO	80466	7543-314	27 CHURCH ST
U16 205 0	ONEILL, JOHN F	ONEILL, DOROTHY M	29 CHURCH ST	HOPKINTON	MA	01748	13298-435	29 CHURCH ST
U16 206 0	HAGBERG, GEORGE E.	HAGBERG, KARA S.	31 CHURCH ST	HOPKINTON	MA	01748	51447-522	31 CHURCH ST
U16 207 0	LISNOW, SHARON	TRUSTEE OF CHURCH REALTY TRUST	112 MAIN STREET	HOPKINTON	MA	01748	29694-188	33 CHURCH ST
U16 208 0	CALLANAN, F. H.	C/O CRONIN	34 CHURCH ST	HOPKINTON	MA	01748	9474-35	34 CHURCH ST
U16 210 0	TUITE, GERALD E.	TUITE, ANN L.	4 PRICE ST	HOPKINTON	MA	01748	22916-064	4 PRICE ST
U16 211 0	PUIG, DAVID	PUIG, KIMBERLY A.	30 CHURCH STREET	HOPKINTON	MA	01748	62465-243	30 CHURCH ST
U16 212 0	ROMAN CATHOLIC ARCHDIOCESE/BOS	C/O	20 CHURCH STREET	HOPKINTON	MA	01748	00000-000	20-28 CHURCH ST

U17 12 0	HIKON, CHARLES D.	HIKON, DENISE C.	5 FENTON ST	HOPKINTON	MA	01748	934-106	5 FENTON ST
U17 13 0	SANTUCCI, ROBERT A	SANTUCCI, FRANCES A	3 FENTON ST	HOPKINTON	MA	01748	13177-360	3 FENTON ST
U17 14 0	VERIZON NEW ENGLAND INC.	C/O DUFF AND PHELPS	PO BOX 2749	ADDISON	TX	75001	12653-413	1 FENTON ST
U17 15 0	DEWAR, DOUGLAS C.		39 HAYDEN ROWE ST	HOPKINTON	MA	01748	25534-041	39 HAYDEN ROWE ST
U17 16 0	MURPHY, JEANETTE J.		5 WARREN ST	WESTBOROUGH	MA	01581	48973-24	41 HAYDEN ROWE ST
U17 17 0	UNDERDAH, MARK	UNDERDAH, CELIA	2 FENTON STREET	HOPKINTON	MA	01748	27701-018	2 FENTON ST
U17 18 0	JOYCE, ROBERT M.		4 FENTON ST	HOPKINTON	MA	01748	27701-205	4 FENTON ST
U19 111 0	STAAB, JEFFREY S.	STAAB, JANET E.	3 PRICE ST	HOPKINTON	MA	01748	31809-555	3 PRICE ST
U19 112 0	BARIL, STEVEN M.	BARIL, DIANA D.	5 PRICE ST	HOPKINTON	MA	01748	51499-42	5 PRICE ST
U19 123 0	KOHL, DALE J.	KOHL, BRIANLEY	14 MAPLE ST	HOPKINTON	MA	01748	24114-019	14 MAPLE ST
U19 124 0	FOWLER, AIMEE K.		12 MAPLE ST	HOPKINTON	MA	01748	57054-241	12 MAPLE ST
U19 125 0	MCNERNEY, DAWN M.	MCNERNEY, KYLE J.	10 MAPLE ST	HOPKINTON	MA	01748	61149-198	10 MAPLE ST
U19 126 0	HERLIHY, LAURIE		8 MAPLE ST	HOPKINTON	MA	01748	51605-103	8 MAPLE ST
U19 127 0	MORRISON, AARON E.	CONAWAY-MORRISON, MIRIAM E.	46 CHURCH ST	HOPKINTON	MA	01748	43561-267	46 CHURCH ST
U19 128 0	KLOCEK, JAMES M.	EVANS, BRITTANY	44 CHURCH ST	HOPKINTON	MA	01748	51917-268	44 CHURCH ST
U19 129 0	MURPHY KATHERINE E., TRUSTEE	MURPHY JAMES E., TRUSTEE	42 CHURCH ST	HOPKINTON	MA	01748	30872-299	42 CHURCH ST
U19 130 0	RICHELEW, MERYL JAMES	RICHELEW, SUSAN MCCONNELL	40 CHURCH ST	HOPKINTON	MA	01748	14226-492	40 CHURCH ST
U19 131 0	CRONIN, THOMAS F	CRONIN, ELIZABETH J.	38 CHURCH ST	HOPKINTON	MA	01748	22903-114	38 CHURCH ST
U19 132 0	CALLERY, JAMES P.	CALLERY, CHERYL T.	4 MAPLE STREET	HOPKINTON	MA	01748	36264-521	4 MAPLE ST
U19 133 0	LAZOTT, PETER, TRUSTEE	THE 44 HAYDEN ROWE STREET REALTY TR	44 HAYDEN ROWE ST	HOPKINTON	MA	01748	56694-384	44 HAYDEN ROWE ST
U19 134 0	SNYDER, TODD H.	SNYDER, DENA B.	48 HAYDEN ROWE RD	HOPKINTON	MA	01748	47843-175	48 HAYDEN ROWE ST
U19 135 0	BOWKER, PETER, TRUSTEE	BOWKER, CHERI A., TRUSTEE	5 MAPLE ST	HOPKINTON	MA	01748	61949-472	1 MAPLE ST
U19 137 0	BOWKER, CHERI, TRUSTEE	MARKARIAN, JOANNE, TRUSTEE	5 MAPLE ST	HOPKINTON	MA	01748	34562-001	5 MAPLE ST
U19 138 0	GREENO, PASQUALE D.	GREENO, MARILYN A.	7 MAPLE ST	HOPKINTON	MA	01748	28839-238	7 MAPLE ST
U19 139 0	MADIGAN, JOHN W.		9 MAPLE ST	HOPKINTON	MA	01748	61331-302	9 MAPLE ST
U19 140 0	LEAVY, SHANE P.		11 MAPLE ST	HOPKINTON	MA	01748	49894-296	11 MAPLE ST
U20 13 0	MARTEL, CHRISTOPHER B.	MARTEL, CYNTHIA A.	51 HAYDEN ROWE ST	HOPKINTON	MA	01748	27334-410	51 HAYDEN ROWE ST
U20 3 0	DEWOLFE, DOUGLAS G.	DEWOLFE, KAREN N.	50 HAYDEN ROWE STREET	HOPKINTON	MA	01748	64508-174	50 HAYDEN ROWE ST
U20 4 0	FIELD, JOHN A.	FIELD, LISA A.	43 HAYDEN ROWE ST	HOPKINTON	MA	01748	1256-157	43 HAYDEN ROWE ST
U20 5 0	LOWELL, ARTHUR R.	LOWELL, BARBARA R.	45 HAYDEN ROWE ST	HOPKINTON	MA	01748	1177559	45 HAYDEN ROWE ST
U20 6 0	TUMBLETON, KEIRON	MAGUIRE, MAUREEN	49 HAYDEN ROWE ST	HOPKINTON	MA	01748	31611-560	49 HAYDEN ROWE ST
U20 7 0	BENNETT, DANIEL F.	BENNETT, MAUREEN B.	3 PIKE ST	HOPKINTON	MA	01748	53157-438	3 PIKE ST
U20 8 A	FREDERICK C. OEHLEY SUPPLEMENTAL TR		43 ELM STREET	HOPKINTON	MA	01748	19161-329	0 PIKE ST



TOWN OF HOPKINTON

OFFICE OF BOARD OF APPEALS

TOWN HALL
18 MAIN STREET – 3RD FLOOR
HOPKINTON, MASSACHUSETTS 01748-3209
(508) 497-0012

WEB SITE
WWW.HOPKINTONMA.GOV

E-MAIL
ZBA@hopkintonma.gov

Uniform Application for Special Permit / Petition for Variance Under MGL c. 40A s. 9, 9A, 10

The undersigned hereby applies to / petitions the Board of Appeals for the Town of Hopkinton to grant relief consisting of a Special Permit and/or Variance for the reasons hereinafter set forth and in accordance with the applicable provisions of the Zoning Bylaw pertaining to the herein described premises.

Applicant(s) /
Petitioner(s): RPI Hopkinton LLC Address: 27 Mica Lane, Suite 201
Wellesley, MA 02481

Owner(s) of
Record: RPI Hopkinton LLC Address: 27 Mica Lane, Suite 201
Wellesley, MA 02481

Address of Premises: 34-40 Hayden Rowe Street Hopkinton, MA 01748

Registry Book/Page: 61915/421 Land Court Certificate: _____

Tax Assessors Property ID No: _____ Map: U16 Block: 184 Lot: 0

Where indicated, please place an "X" in the appropriate boxes (). Answer all questions.

Preliminary Questions

1. Is Applicant / Petitioner the owner of record of the subject premises? Yes ☒ No ☐
2. Attach a copy of the recorded deed to the premises. Attached? Yes ☒ No ☐
If the deed refers to any covenants and/or restrictions that affect the subject premises, attach a copy of the covenants and/or restrictions. Attached? Yes ☐ No ☐
3. Did the Board of Appeals previously grant a Special Permit or Variance with respect to the premises? Yes ☒ No ☐
Has the Planning Board previously granted a Special Permit with respect to the premises? Yes ☐ No ☒

Town of Hopkinton Board of Appeals
Hopkinton, Massachusetts
Uniform Application for Special Permit / Petition for Variance

If the answer is yes to either question, attach a copy of the recorded instrument(s) on file at the Middlesex Registry of Deeds.

Attached? Yes ☒ No ☐

4. In which Zoning District is the premises located? RA
Check if overlay also applicable: Water Resources Protection ☐ Floodplain ☐
Hotel ☐ Open Space Mixed Use Development ☐ Historic District ☐

5. Are all real estate taxes and other assessments to the Town current and not in arrears?
Yes ☒ No ☐ If no, provide an explanation as an attachment.

6. Attach a statement that details the present use of the property. Be specific. If the lot is currently vacant, specify former use, if any, on the lot. Attached? Yes ☒ No ☐

7. A. Is there a pre-existing non-conforming use on the property? Yes ☒ No ☐
B. Is the lot undersized not meeting existing area requirements? Yes ☐ No ☒
C. Does the lot fail to meet the existing frontage requirements? Yes ☐ No ☒
D. Is there a structure on the lot that does not meet current set back requirements? Yes ☐ No ☒

If you answer "Yes" to any question, then please complete "Supplemental Information for Pre-existing Non-conforming Uses and Structures."

Attached? Yes ☒ No ☐

8. Have you discussed your project with the Dir. of Municipal Inspections? Yes ☒ No ☐

9. Has a building permit been denied or refused? Yes ☐ ¹ No ☒
If yes, please attach copies of your application for building permit and the Director's response.
Attached? Yes ☐ No ☐

10. Have you discussed your project with the Planning Board? Yes ☒ No ☐

11. Will your project be subject to site plan review by the Planning Board? Yes ☒ No ☐
If a Decision of Site Plan Review has been issued for the proposed project or a prior project on the subject premises, attach a copy.
Copy attached? Yes ☒ No ☐

12. Have you discussed your project with the Conservation Commission? Yes ☐ No ☒

13. Will your project be subject to an Order of Conditions from the Con. Comm.? Yes ☐ No ☒
If an Order of Conditions has been issued for the proposed project or a prior project on the subject premises, attach a copy.
Copy attached? Yes ☐ No ☐

14. If the property is the subject of any applicable decision or permit issued by a Town of Hopkinton entity which is not included in questions 1 through 13, please attach copies of those decisions.
Copy attached? Yes ☐ No ☒

¹ Note: The filing of a Uniform Application for Special Permit / Petition for Variance does not constitute a MGL s. 40A s. 8 appeal of a determination of the Director of Municipal Inspections / Zoning Enforcement Officer.

Special Permits

15. Are you applying for one or more Special Permits? Yes ☒ No ☐
If yes, complete Questions 16 to 18. If no, skip to Question 19.

16. How many Special Permits are you applying for? Specify number of permits requested (1) and reference the Hopkinton zoning bylaw section for each permit requested:

1: 210- 128 2: 210- _____ 3: 210- _____
4: 210- _____ 5: 210- _____ 6: 210- _____

Please review the Hopkinton Zoning Bylaws. If more than six, attach list on separate paper.
Complete the appropriate sections in Question 24 to determine filing fees for Special Permits.

17. Have you included a request for relief from side or rear set back dimensional requirement under § 210-119? Yes ☐ No ☒ If yes, answer "Yes" to Question 22 in the Variance section and complete the dimensional requirement section (A, B, C) of Question 22, then complete Question 18.

18. Why are you applying for a Special Permit?

Attach a statement that specifically includes your objectives and why you believe the Board of Appeals should grant the relief you request. Be specific. Attached? Yes ☒ No ☐

Variances

19. Are you applying for one or more Variances? Yes ☐ No ☒
If yes, complete Questions 20 to 24. If no, skip to Question 25.

20. Specifically, from which Zoning Bylaw do you seek relief? Specify number of variances requested (_____) and reference the Hopkinton zoning bylaw section under which relief is requested:

1: 210- _____ 2: 210- _____ 3: 210- _____
4: 210- _____ 5: 210- _____ 6: 210- _____

Please review the Hopkinton Zoning Bylaws. If more than six, attach list on separate paper.
Complete the appropriate sections in Question 23 to determine filing fees for Variances.

21. Are you applying for one or more "Use" variances?² Yes ☐ No ☐

22. Are you applying for one or more "Dimensional" variances? Yes ☐ No ☐
For all requests for dimensional variances, provide the following information:

² Review the Uniform Instructions for explanation of difference between "use" and dimensional" variances.

Town of Hopkinton Board of Appeals
Hopkinton, Massachusetts
Uniform Application for Special Permit / Petition for Variance

	(A)	(B)	=	(C)
<u>Dimensional Requirements</u>	<u>Required Under</u>	<u>Proposal for</u>		<u>Requested</u>
<u>Area</u>	<u>Current Bylaw</u>	<u>Structure</u>		<u>Relief³</u>
Lot Coverage	_____	_____		_____
Frontage on Way	_____	_____		_____
Setback from Street	_____	_____		_____
Setback from Side Lot ⁴	_____	_____		_____
Setback from Rear Lot ⁵	_____	_____		_____

**** Note: the figure in column C will be negative if a variance is required. ****

23. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?
Attach a statement which specifically includes your objectives and why you believe the Board of Appeals should grant the relief you request. Be specific. Attached? Yes ☐ No ☐

24. How do you meet the minimum requirements for a Variance under Zoning Bylaw section 210-152?
Attach a statement which specifically includes why, owing to conditions (soil, shape, or topography) especially affecting the premises, but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning Bylaw would result in a **substantial hardship** to you.⁶
Attached? Yes ☐ No ☐

Calculation of Filing Fee & Filing Information

25. Calculation of filing fee. Please complete the following to calculate the filing fee.

<u>Special Permits</u>		<u>Filing Fee per</u>	
<u>Zoning Bylaw</u>	<u>Description</u>	<u>Type of Permit</u>	<u>Filing Fee</u>
210-07	RA Uses	\$500	\$ _____
210-10	RB Uses	\$500	\$ _____
210-13	RLF Uses	\$500	\$ _____
210-16	A Uses	\$500	\$ _____
210-19	B Uses, except residences	\$1,000	\$ _____
210-19	B Uses, residences	\$250	\$ _____
21-20.3	BD Uses	\$250	\$ _____
210-24	BR Uses	\$250	\$ _____
210-35	IA Uses	\$1,000	\$ _____
210-37.9	IB Uses	\$1,000	\$ _____
210-40	P Uses	\$1,000	\$ _____
210-53	Floodplain District	\$250	\$ _____
210-70	WRPOD Uses	\$1,500	\$ _____
210-91	Adult Uses	\$1,500	\$ _____
Article XVI	Wireless Communications Facilities	\$1,500	\$ _____
210-119	Setbacks (Side, Rear)	\$100	\$ _____
210-125	Residential Conversions	\$250	\$ _____

³ Requested relief is required dimension less proposed dimension. Therefore A - B = C (negative #)

⁴ Relief from side set back requirements is also available through a Special Permit under 210-119.

⁵ Relief from rear set back requirements is also available through a Special Permit under 210-119.

⁶ Failure to adequately explain and document "substantial hardship" is fatal to a Petition for Variance.

Town of Hopkinton Board of Appeals
Hopkinton, Massachusetts
Uniform Application for Special Permit / Petition for Variance

210-126	Accessory Dwellings	\$250	\$	
210-126.2	Duplexes	\$500	\$	
Article XIX	Nonconforming Lots, Uses and Structures	\$750	\$	
210-180 B	Signs	\$250	\$	
Article XXX	Wind Energy Systems	\$500	\$	
All other	All other Special Permits	\$500	\$	
A. Filing Fee Required with this Application for Special Permit(s)**			\$	<u>500.00</u> A
** Enter ONLY the Highest Special Permit Filing Fee regardless of the number of permits requested				

Variances

B. Filing Fee Required with this Petition for Variance⁷

All Use & Dimensional Variances (*street, side, rear set backs, area, etc.*) are \$500
** Enter ONLY \$500 as filing fee for 1 or more Variances **

+ \$ **B**

C. Total Filing Fee Required with this Application / Petition

Add Special Permit Filing Fee (line A) to Variance Filing Fee (Line B) for Total Filing Fee (Line C) = \$ 500.00 **C**

26. Did you obtain a list of abutters from the Town Assessors Office, along with two sets of mailing labels for each abutter? Yes ☒ No ☐
27. Did you have the list of abutters certified by the Town Assessors Office and attach that certified list of abutters to this Application/Petition? Yes ☒ No ☐
28. Did you also attach two sets of mailing labels for each abutter? Yes ☒ No ☐
29. Every Application/Petition shall be accompanied by the following plans. All plans shall include a title block containing the property address and/or project name, and shall be dated.
- A locus plan sufficient to identify the subject premises and those immediately adjacent to it. All structures within 50 feet of the property line located on other property shall be shown, with the distance to the property line of the subject premises noted.
 - A plan of the subject premises with lot dimensions, the location of all existing structures, and existing setback distances shown. Include other information relevant to the particular application, such as location of wetland buffer zones, driveways, parking lots, septic systems, steep topography, etc.
 - A plan showing all structures and modifications proposed on the subject premises, whether or not Board of Appeals relief is required. Proposed setback distances shall be noted.
 - If new structures are proposed, elevation drawings of all sides of the proposed structure(s), with dimensions, including height, noted.

All plans and drawings shall be to-scale and clearly legible. All plans shall be provided on paper and electronically, in pdf format, either via email to zba@hopkintonma.gov or on a CD.

Are the required plans attached? Yes ☒ No ☐

⁷ Relief from side and rear set backs is available via Special Permit per Zoning Bylaw 210-119 or via Variance.

30. Did you enclose a check for the total reflected in Question 25? Yes ☒ No ☐
Note: All checks are payable to the "Town of Hopkinton". Upon receipt of your application, the Clerk of the Board of Appeals shall determine if the filing fee is correctly calculated. If additional filing fees are due, you shall be contacted. All filing fees must be paid in full prior to the first public hearing. Do you understand and agree to your responsibility in this regard? Agree ☒ Initial: JCE, Atty for Petitioner
31. Upon receipt of your application, the Board of Appeals shall determine if it is necessary to retain one or more outside consultants to render assistance and advice to the Board. If the Board so determines, it shall impose an additional consultant review fee and you shall be contacted. All consultant review fees must be paid in full within ten (10) days of your receipt of notice of imposition of the review fee. Failure to pay this consultant review fee may result in denial of an Application / Petition. Do you understand and agree to your responsibility in this regard? Agree ☒ Initial: JCE, Atty for Petitioner
32. You shall receive a billing statement directly from MetroWest Daily News for publication of the Notice of Public Hearing associated with this filing.⁸ You must pay this expense directly to the newspaper at least 5 business days prior to the date of the public hearing. Failure to make timely payment to the newspaper may result in denial of your Application / Petition. Do you understand and agree to your responsibility in this regard? Agree ☒ Initial: JCE, Atty for Petitioner

Informational Survey Questions

33. Did you review the Board of Appeals General Filing Instructions and obtain a copy of the Zoning Bylaws before completing this application? Yes ☒ No ☐
34. Did you review the Questions/Answers section of the Board of Appeals web site at www.hopkintonma.gov before completing this application? Yes ☒ No ☐

Certification and Required Signatures

*The original Uniform Application for Special Permit / Petition for Variance, with ten (10) complete copies,⁹ must be filed with the **Office of Town Clerk** with the certified list of abutters, labels, and copy of the deed. Plans are required to be submitted in support of the Application / Petition. No Application / Petition will be accepted unless it shall be properly signed by all Applicant(s) / Petitioner(s) and Owner(s) of Record, completely filled out (use additional sheets if necessary) with all accompanying plans and/or documents and accompanied with the appropriate filing fee payable to the Town of Hopkinton. Failure to pay the filing fee, consultant review fee, answer all questions, or file a complete Application / Petition shall constitute sufficient grounds to reject or deny the Application / Petition with prejudice.*

⁸ Costs of publication in the newspaper generally run from \$250.00 to \$350.00.

⁹ For a total of 11 complete Applications / Petitions, plus an electronic copy of the plan.

Town of Hopkinton Board of Appeals
Hopkinton, Massachusetts
Uniform Application for Special Permit / Petition for Variance

I (We) hereby certify that I (we) have read the Board of Appeals General Filing Instructions and that the statements within my Application / Petition and attachments are true and accurate to the best of my (our) knowledge and belief.

x [Signature], Manager
1. Signature(s) of Applicant/Petitioner Date
{Required Signature by All Applicants / Petitioners}

617-285-4337
Telephone Number

(781) 239 0009
Fax Number

blevy@riversideprop.com
e-mail Address

x [Signature], Manager
2. Signature of Owner(s) of Record Date
{Required Signature by All Owners of Record}

617-285-4337
Telephone Number

(781) 239 0009
Fax Number

blevy@riversideprop.com
e-mail Address

Note -Signatures of Applicant(s)/Petitioner(s) and Owner(s) of Record are required.

If Applicable:

Jerry C. Effren, Esquire
Name of Attorney for Applicant/Petitioner

25 West Union Street
Address of Attorney - Line 1

508-881-4950
Phone Number of Attorney

Ashland, MA 01721
Address of Attorney - Line 2

508-881-7563
Fax Number of Attorney

info@effren.net
e-mail Address of Attorney

Form Revised: February 13, 2013

Exhibits to Supplement to Uniform Application for Special Permit

34-40 Hayden Rowe Street Hopkinton, Massachusetts

RPI Hopkinton LLC

- | | |
|-------------|---|
| Exhibit 1: | Deed into RPI Hopkinton LLC |
| Exhibit 2: | Special Permit dated March 12, 2001 |
| Exhibit 3: | Special Permit dated August 8, 2002 |
| Exhibit 4: | Special Permit dated March 25, 2003 |
| Exhibit 5: | Special Permit dated October 4, 2005 |
| Exhibit 6: | Special Permit dated July 3, 2014 |
| Exhibit 7: | Site Plan J.D. Marquedant & Associates dated June 1, 2015 |
| Exhibit 8: | Building Layout Plan Peter Quinn Architects June 8, 2015 |
| Exhibit 9: | Landscape Plan |
| Exhibit 10: | Traffic Study Ron Müller & Associates April 20, 2015 |

Law Offices of Jerry Effren
25 W. Union Street
Ashland, MA 01721
Attorney for RPI Hopkinton, LLC

Exhibit 1



2013 00115521

Bk: 61915 Pg: 421 Doc: DEED
Page: 1 of 2 05/31/2013 11:21 AM

BOTH WAYS

QUITCLAIM DEED

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 05/31/2013 10:34 AM
Ctrl# 185941 13005 Doc# 01842168
Fee: \$5,472.00 Cons: \$1,200,000.00

Hayden Rowe Realty Corporation a Massachusetts corporation having an address of 34
Hayden Rowe Street, Suite 100, Hopkinton, Middlesex County, Massachusetts,

In consideration of One Million Two Hundred Thousand and 00/100 (\$1,200,000.00)
Dollars received,

grants to RPI HOPKINTON LLC, a Massachusetts limited liability company having its
principal place of business at Riverside Properties, Inc. at 27 Mica Lane, Suite 201,
Wellesley, Norfolk County, Massachusetts,

with QUITCLAIM COVENANTS:

Two parcels of real estate, situated on Hayden Rowe Street in Hopkinton, Middlesex
County. Parcel One being registered land and Parcel Two being recorded land each of
which is described below:

Parcel One (Registered Land):

A certain parcel of land in Hopkinton, Middlesex County, Massachusetts being shown as
Lot 1 on a plan entitled, "Land Court Plan of Land in Hopkinton, MA, Prepared for: Eastland
Partners," Scale: 1" = 40,' Date: April 20 1998, Prepared by J.D. Marquedant & Associates,
Inc., Land Surveying & Engineering, 6 Walcott Street, Hopkinton, MA 01748, filed with
Land Registration Office in Land Court, Boston as Plan No. 18941-B.

For title, see Deed dated June 20, 1998, Document No. 1072099, noted on Certificate of
Title No. 0212071 at Middlesex South Registry of Deeds Book 1190, Page 121.

Parcel Two (Recorded Land)"

Parcel A as shown on a plan entitled, "Plan of Land, Hopkinton, MA, Prepared for G.F.
Homes Corporation, 33 Chestnut Street, Hopkinton, MA Scale: 1" = 40,' Date: August 2,
2001, Prepared by: J.D. Marquedant & Associates, Inc. Land Surveying & Engineering, 6
Walcott Street, Hopkinton, MA," and recorded with the Middlesex South District Registry of
Deeds as Plan No. 309 of 2002, and to which plan references may be had for a more
particular description of said parcel.

For title, see Deed dated June 21, 2002, recorded in Middlesex South Registry of Deeds
Book 36264, Page 521.

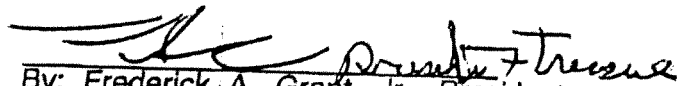
Carle.
THIS SALE CONSTITUTES THE SALE OF ALL OR
SUBSTANTIALLY ALL OF THE ASSETS OF THE
HAYDEN ROWE REALTY CORPORATION.

Shoreline vote recorded in (Land Reg)

Property Address: 34-40 Hayden Rowe, Hopkinton, MA

IN WITNESS WHEREOF, HAYDEN ROWE REALTY CORPORATION has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Frederick A. Grant, Jr., it's President and Treasure, this 29th day of May, 2013.

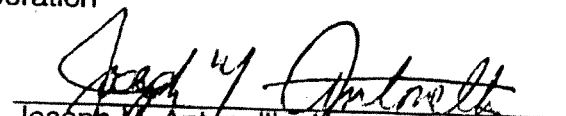
Hayden Rowe Realty Corporation


By: Frederick A. Grant, Jr., President
And Treasurer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 29th day of May, 2013, before me the undersigned notary public, personally appeared the above-named Frederick A. Grant, Jr. who proved to me to be the person whose name is signed on the foregoing Deed by providing a driver's license, and acknowledged to me that he signed it voluntarily for its stated purpose as President and Treasurer of Hayden Rowe Realty Corporation


Joseph M. Antonellis, Notary Public
My Commission Expires: March 16, 2018

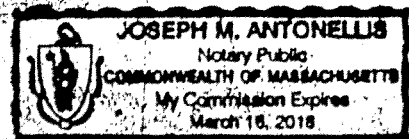
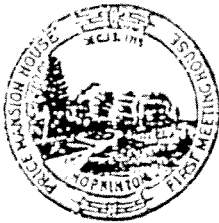


Exhibit 2



TOWN OF HOPKINTON

OFFICE OF BOARD OF APPEALS

HOPKINTON, MASSACHUSETTS 01903

RECEIVED

MAR 12 AM 8:06

TOWN CLERK'S OFFICE

March 12, 2001

DECISION

RE: Petition for a Special Permit and a Variance filed Hayden Rowe Realty Corporation, 33 Chestnut Street, Hopkinton for property located at 34-40 Hayden Rowe Street, Hopkinton.

The Massachusetts Zoning Act having been duly complied with regarding notice, a Public Hearing was held on February 28, 2001, simultaneously on both the Special Permit and Variance Petitions in the Hopkinton Town Hall. These Petitions are filed in response to an Administrative Appeal of the Decision of the Inspector of Buildings with regard to this property.

The Petitioner, represented by Atty. Jerry Effren, seeks to use two portions of the building at 34-40 Hayden Rowe Street, Hopkinton. These uses would be for Clearpoint Enterprises, Inc., for manufacturing and assembling of computer memory boards, utilizing 3,765 s.f. of leased space for office and 1,087 s.f. for storage space, located in the basement level and first floor level of the structure. The other tenant would be Upton Tea Imports, a company which imports and exports specialty teas, and they would utilize 17,191 s.f. on the second floor and 12,812 s.f. on the third floor. The owner of the property will utilize an area in the building for office space for his construction company, G.F. Holmes Corporation. These spaces are defined on attached Exhibit A. Both tenants currently have a small number of employees, totaling approximately 23. The Petitioner submitted a revised site plan which showed a double-barreled access/egress to and from the site onto Hayden Rowe Street, with a five (5) ft. island separating them, which will have planting in it. The revised plan also eliminates any access onto Church Street or Maple Street. The revised landscape plans calls for maple trees and low shrubery to be planted along the perimeter of the site.

The Board of Appeals made the following findings with regard to the Special Permit application:

1. There exists a protected pre-existing non-conforming use for the manufacturing of paper food containers, for the packaging, sale and shipment of food containers, for the manufacturing of equipment needed for the business of General Packets Corporation and the General Packets corporate offices as such existed in 1959.

1-9

2. There is insufficient evidence that such protected use was abandoned pursuant to the test of the Supreme Judicial Court in *Derby Refining v. City of Chelsea*, 407 Mass. 703 (1990) which requires 1) the intent to abandon and 2) voluntary conduct, whether affirmative or negative, which carries the implication of abandonment. Mere non-use or sale of property does not, by itself, constitute an abandonment. Additional facts must be present before a finding of abandonment is warranted.
3. There were other manufacturing uses subsequent to 1959 that were not materially different from the protected use.
4. That several building permits were issued by the town since 1954, including permit number 250-90 issued on September 12, 1990 for alterations for tenant spacing. Such permit contained floor plans that reflected storage and storage rooms, manufacturing rooms including blending, and office space. That since the permit was issued more than 6 years prior hereto, the use under the permit is protected pursuant to MGL Chapter 40A Section 7.
5. That the proposed uses for Clearpoint Enterprises for manufacturing and assembling of computer network boards and Upton Tea Imports for sorting, blending and packaging of teas are not substantially more detrimental to the neighborhood.

Motion for Special Permit

A motion was made and seconded to grant a Special Permit, pursuant to zoning by-law 210.128A, to allow the existing non-conforming uses to be changed and altered to the following uses: 1) with respect solely to existing tenant Clearpoint Enterprises, Inc., the use of 3,765 square feet of the existing building for the manufacturing and assembling of computer network boards plus and additional 1,087 square feet for the storage of parts and inventory related to such use, and for office space incidental to the manufacturing and assembling of computer network boards; 2) with respect solely to proposed tenant Upton Tea Imports, the use of 30,003 square feet of the existing building for the sorting, blending and packaging of teas, for the storage of supplies, raw materials and finished goods related to such uses, and for office space incidental to the business of Upton Tea Imports; 3) with respect to G.F. Homes Corporation, the use of a portion of the remaining area of the building for general corporate offices; and 4) no other uses, unless such are allowed through a similar Special Permit issued by the Board of Appeals, on the following conditions:

1. Clearpoint Enterprises, Inc. shall occupy and use that portion of the building consisting of two contiguous areas of the basement comprising approximately 3,765 s. f. as shown on that certain plan entitled "Building Layout Plan" (Exhibit A), plus another 1,087 s.f. on the first floor. Clearpoint shall utilize the space in the basement for the purpose of manufacturing and assembling computer network boards, for storage of parts and inventory, and for office space incidental to its business. Clearpoint shall utilize the space on the first floor for storage.

- 1 1 3 7 0 0 2
2. Upton Tea Imports shall occupy and use that portion of the building located on the second and third floors comprising a total of approximately 30,003 s.f. as shown on "Building Layout Plan" (Exhibit A). Upton Tea shall utilize such space for the sorting, blending and packaging of teas, for storage of supplies, raw materials and finished goods, and for office space incidental to its business.
 3. The present owner of the property may utilize an area in the building to house its corporate offices and those of its building company, G. F. Homes Corporation. Upon the commencement of such use, the owner shall file an amended "Building Layout Plan" with the Building Inspector designating the area being occupied by the owner. No other portion of the property shall be rented, leased or occupied by any other person, firm or entity, without a Special Permit issued by the Board of Appeals.
 4. No revocation, construction or other work for which the Hopkinton Zoning By-law requires issuance of a building permit shall be commenced at the premises without such building permit.
 5. The Petitioner shall perform exterior renovations to the property in accordance with the Site Plan entitled "34 Hayden Rowe Building Renovations" prepared by the Carell Group, dated November 15, 2000, and the Decision of the Hopkinton Planning Board dated November 29, 2000 which granted Petitioner's application for Minor Site Plan Review. Petitioner's performance shall be subject to the conditions enumerated in such decision as follows:
 - (a) Lighting on the site shall not shine on abutting property or onto abutting streets. The level of lighting on the site shall be reduced at night when the building is unoccupied. Lights mounted on the building shall be directed downward and not outward toward streets or abutting properties.
 - (b) All mechanical equipment on the roof shall be screened from public view.
 - (c) The dumpster shall be screened from public view.
 6. Petitioner shall plant and maintain vegetative plantings as described in that certain landscape Plan, entitled "Landscape Plan for Hayden Rowe Realty Corporation", dated February 26, 2001 to provide visual screening to abutting properties. The Petitioner, its successors and assigns shall maintain the landscaping in good condition and any plant material that dies or becomes diseased shall be replaced with similar material as soon as practicable.
 7. The Petitioner shall maintain the access and egress to the property and parking areas as set forth on that certain plan entitled "Existing Site Plan, Plan of Land in Hopkinton, MA", Prepared for Hayden Rowe Realty Corporation, scale 1" = 40", dated February 27, 2001, prepared by J. D. Marquedant & Associates, Inc., Land Surveying and Engineering, 6 Walcott Street, Hopkinton, MA.

8. The tenants at the property shall utilize the property subject to the following terms and conditions:
 - a. All employees and visitors of the tenants shall park on the site in either the paved or graveled parking areas and not on neighborhood streets.
 - b. General business hours for operations shall be Monday through Friday, 7:00AM to 7:00PM and Saturdays from 7:00AM to 5:00PM. No regular Sunday operations. Tenants may use the building outside of general business hours as needed, provided such use does not involve any use outside of the building, no equipment is to be utilized which is visible or which can be heard from the abutting properties.
 - c. No equipment, machinery, inventory, products or material of any kind shall be regularly stored outside of the building.
 - d. All deliveries to the Upton Tea shall be made by use of the loading dock located on the side of the property as shown on the Site Plan.
 - e. All pickups and deliveries to Clearpoint shall be made by use of the Clearpoint delivery entrance located on the northerly side of the property abutting the paved parking lot.
 - f. All rubbish shall be disposed of by the tenants in the dumpster(s) located behind the building on the southerly side of the loading docks of the property. The dumpsters shall be kept closed and the site shall be kept free from waste or litter including debris or paper.
 - g. Tenants shall not use or store materials which would be considered as Hazardous Waste under any applicable federal or state law or regulation and shall dispose of any hazardous waste only in strict conformity of such law or regulations.
 - h. Tenants shall not generate any dust, offensive odors, or excessive noise from the operations.
 - i. Deliveries to and from the premises shall be regularly by common carrier vehicles of the size of a van or panel truck. Occasional (not more than twice a week) deliveries may be by a larger truck. Petitioner shall take appropriate steps to ensure that all commercial vehicles arriving at the site operate with regard to the surrounding residential neighborhood.
 - j. The Petitioner shall designate a person responsible for the conduct of each tenant and for the Petitioner and shall provide such designee's telephone numbers, both day and evening to the Building Inspector, Police and Fire Departments.
 - k. Petitioner shall notify the Board of Appeals upon termination of the existing tenancies. No future tenants shall utilize the spaces designated for the exiting tenant, without the approval of the Board of Appeals, other than an assignee of the existing tenant, whose use is the same use as that of the existing tenant.
9. Upon the expiration of the statutory appeal period, the Petitioner shall record this Special Permit with the Middlesex South Registry of Deeds with appropriate reference to the Petitioner's Title Deed and any Notices of Lease pertaining to the property. A certified copy of such recorded permit shall be filed with the Board of Appeals and the Building Inspector.
10. A stipulation that all access and egress with regard to this property shall be from Hayden Rowe Street as indicated on the revised site plan dated February 27, 2001. In addition, with

17 a

1 1 3 7 1 5 2

regard to the site plan, the Petitioner indicated that the gravel area will be graded and re-graveled and that there shall be no more than 50 parking spaces at this time.

On the motion to grant this Special Permit, the vote of the Board is as follows:

Robert W. Foster	Yes
Mary E. Harrington	No
Wayne R. Davies	Yes
Russell H. Ellsworth	Yes
Thomas J. Garabedian	Yes

The Petition for Special Permit is granted.

Motion for Variance

A motion was made and seconded to grant a Variance with reference to use of a portion of the property located at the corner of Maple and Church Street (Assessors Map U19, Lot 132) to be combined with the larger parcel, known as 34-40 Hayden Rowe Street, to be used in conjunction with the manufacturing use as granted by the Zoning Board of Appeals pursuant to a Special Permit granted on February 28, 2001, provided that such lot remain undeveloped as green open space and will not be improved with any structure or parking area.

On the motion to grant the Variance, the vote of the Board is as follows:

Robert W. Foster	No
Mary E. Harrington	No
Wayne R. Davies	Yes
Russell H. Ellsworth	No
Thomas J. Garabedian	No

The Petition for Variance is denied.

Mary E. Harrington
Mary E. Harrington
Clerk

April 3, 2001

I hereby certify that 20 days have elapsed from the date this decision was filed in this office and that no appeal has been filed in this office.

A True Copy, ATTEST;

Ann M. Click
Ann M. Click
Town Clerk

5-9

Hayden Rowe Realty Corporation

Building Layout Plan
Basement And First Floor

Exhibit A

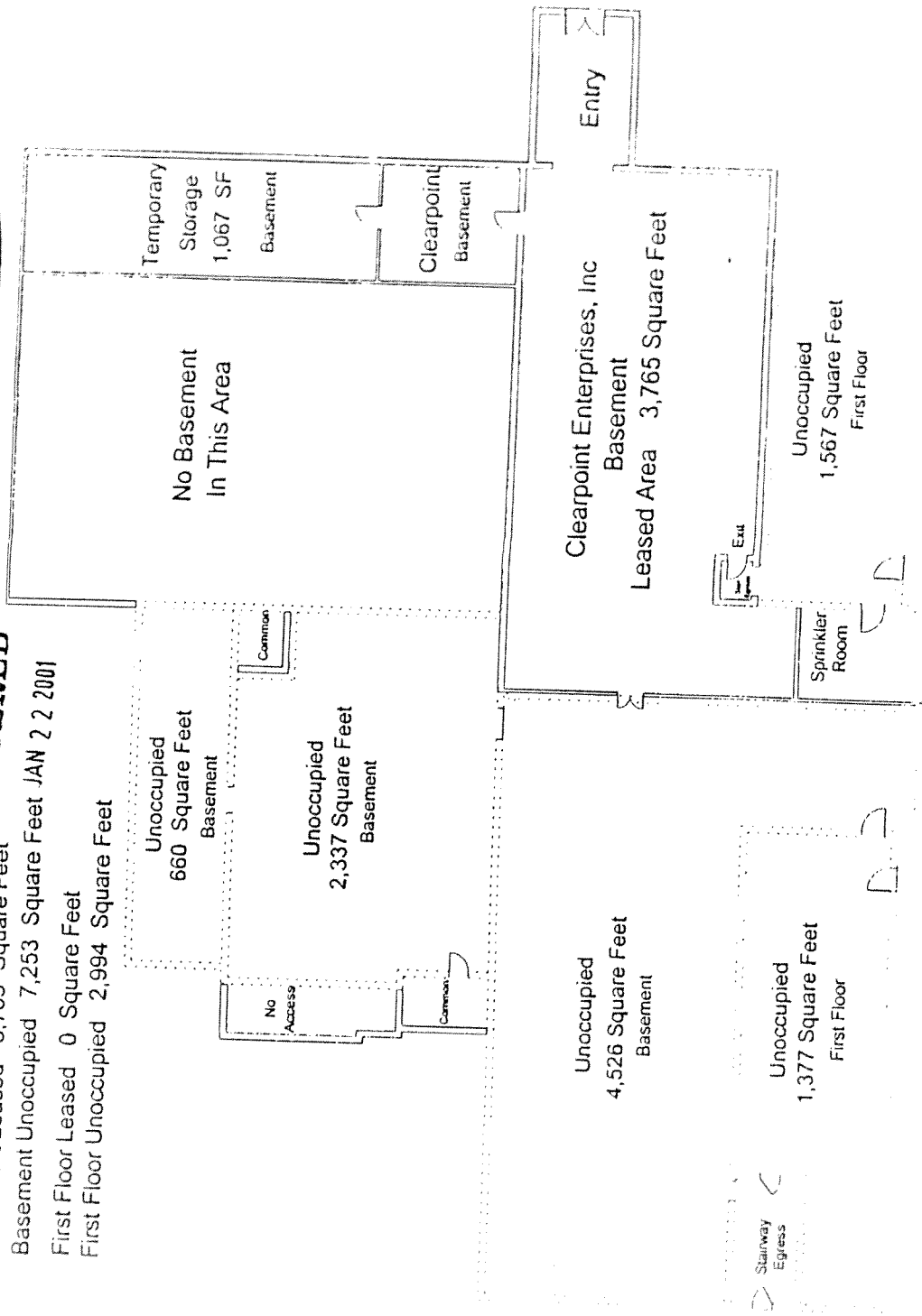
ENTERED

Basement Leased 3,765 Square Feet

Basement Unoccupied 7,253 Square Feet JAN 2 2 2001

First Floor Leased 0 Square Feet

First Floor Unoccupied 2,994 Square Feet



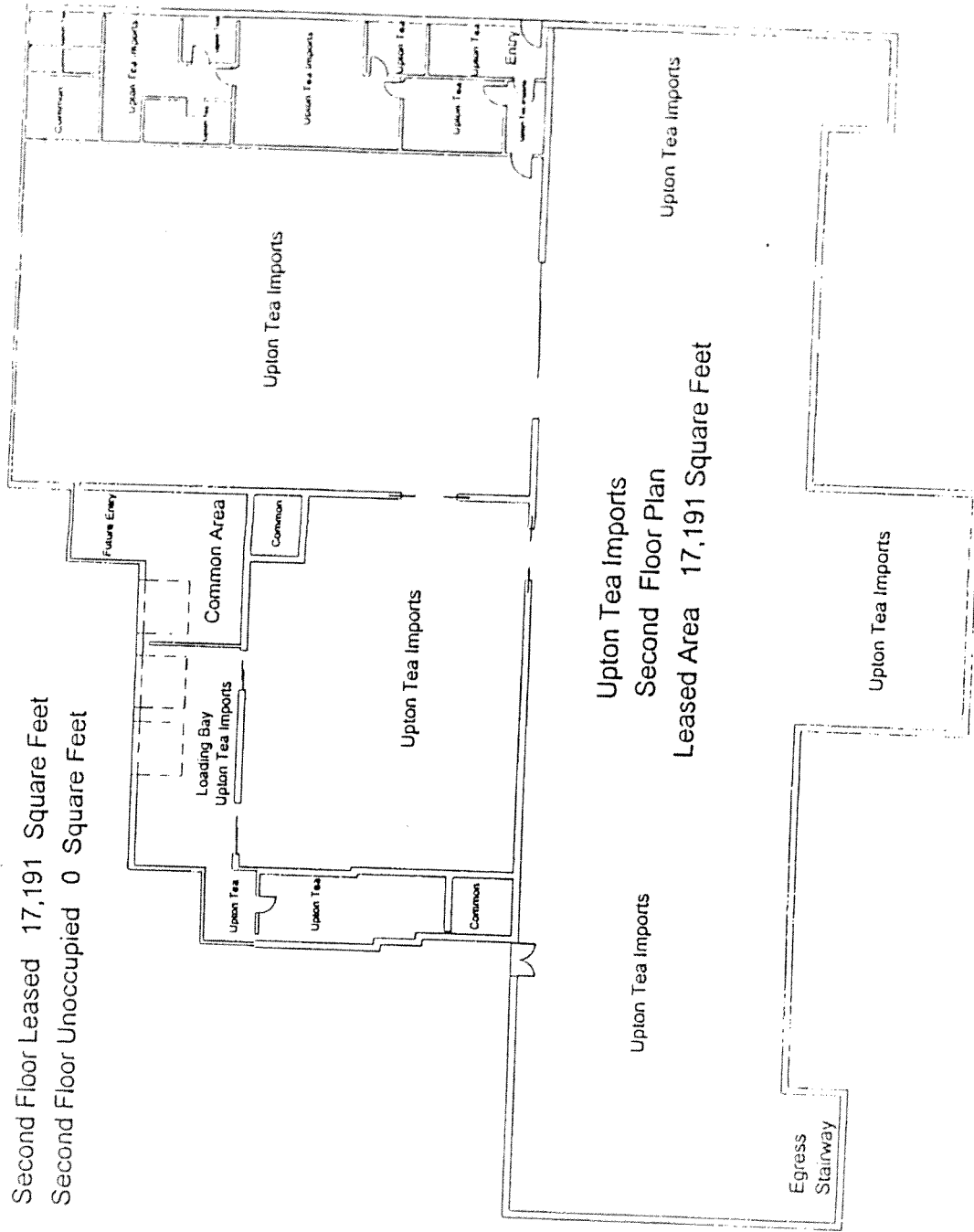
6-9

Building Layout Plan
Second Floor

Hayden Rowe Realty Corporation

Page 2 of 3

Second Floor Leased 17,191 Square Feet
Second Floor Unoccupied 0 Square Feet



Upton Tea Imports
Second Floor Plan

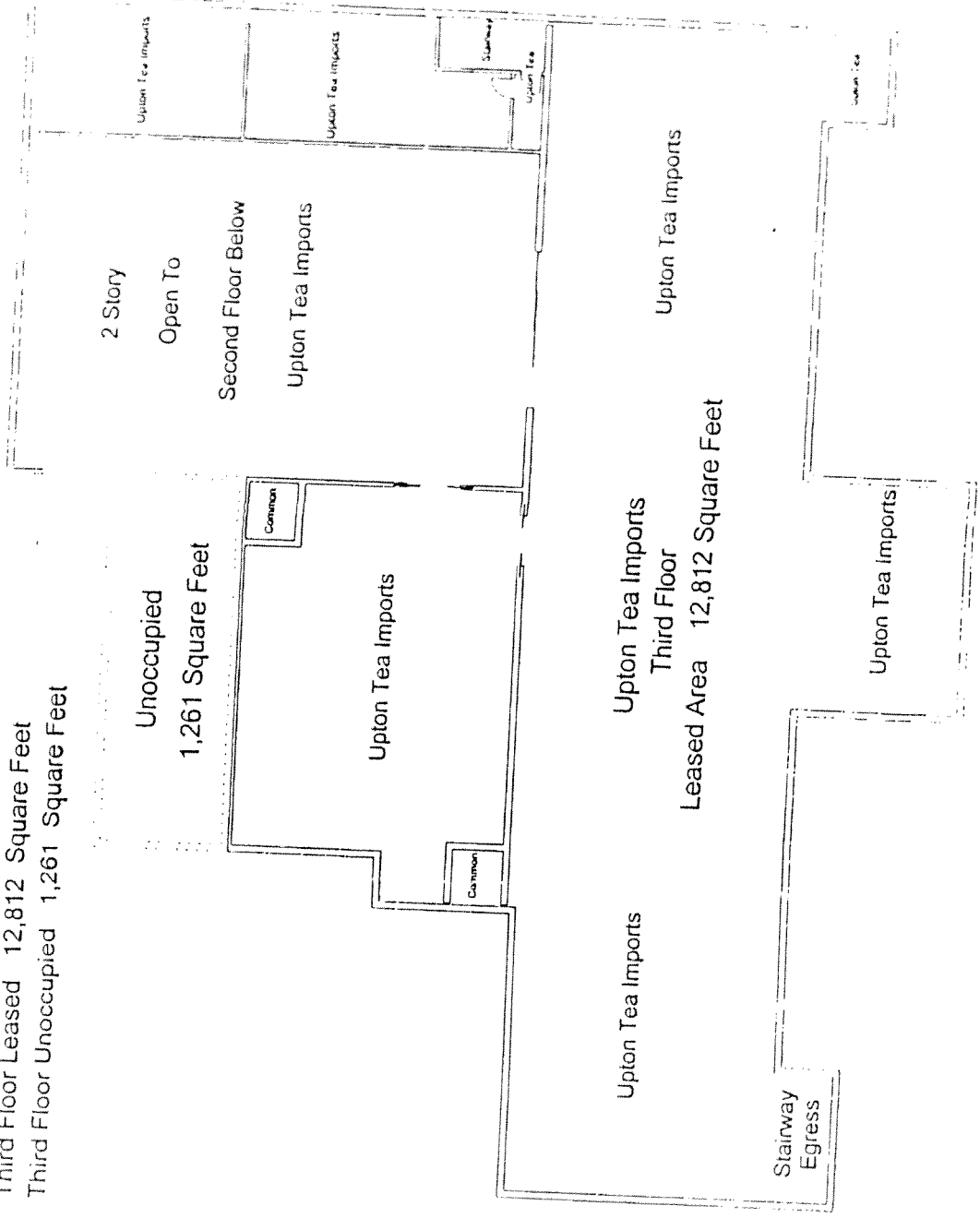
Leased Area 17,191 Square Feet

7-4

Building Layout Plan
Third Floor

Hayden Rowe Realty Corporation

Third Floor Leased 12,812 Square Feet
Third Floor Unoccupied 1,261 Square Feet



8-91

DOCUMENT 1167068

SO. JUDICIAL DISTRICT COURT
REGISTERED DISTRICT
RECEIVED FOR REGISTRATION
ON 04/05/01 AT 08:51:20 50.00 T90
WILLIAM
-ENR 04/05/01 2K 11:00 05:121

Return To:

LAW OFFICES OF JERRY C. EFFREN

25 West Union Street
Ashland, Massachusetts 01721
(508) 881-4950 - Telephone

To:

Exhibit 3



By: Hayden Rowe

1225473
Page 1 of 7

TOWN OF HOPKINTON
OFFICE OF BOARD OF APPEALS

HOPKINTON, MASSACHUSETTS 01748

August 8, 2002

RECEIVED
TOWN OF HOPKINTON
02 AUG -9 AM 8:41
TOWN CLERK'S OFFICE

Re: Application for Special Permit filed by Hayden Rowe Realty Corporation of 34-40 Hayden Rowe Street, Hopkinton, MA 01748, regarding property located at 34-40 Hayden Rowe Street, (Lot 0, Assessors Map Block 184, Map U16, Middlesex South Registry of Deeds Book 1190 at Page 121) Hopkinton, MA 01748.

*LOT 1
119 P121*

AMEND

Decision

The Massachusetts Zoning Act having been duly complied with regarding notice, a Public Hearing was held on July 24, 2002 at 7:30 PM in the Hopkinton Town Hall. Jerry C. Effren, Esq. of Ashland, Massachusetts represented the Applicant.

Requested Relief

The Applicant Hayden Rowe Realty Corporation (hereinafter "Hayden Rowe") is before the Board of Appeals pursuant to MGL c. 40A a. 9 and the Hopkinton Zoning By-laws to request a modification to a special permit granted by the Board of Appeals on March 12, 2001 to change and modify a protected pre-existing non-conforming use or structure. The Applicant prays that the Board of Appeals will modify the permit to allow use of 4,018 square feet of private space and 608 square feet of common area on the lower level of the building for the use as a "child care facility", and until such time as a certificate of occupancy issues, for the temporary use of 1,567 square feet of separate lower level space for the same purposes.

AFFECTING DOC 1167060

212071-1190-121

Law

Chapter 40A s. 3, Paragraph 3

No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. As used in this paragraph, the term "child care facility" shall mean a day care center or a school age child care program, as those terms are defined in section nine of chapter twenty-eight A.

Dover Amendment

The Dover Amendment bars the adoption of a zoning ordinance or by-law that seeks to prohibit or restrict use of land for certain exempt purposes. However, a proviso to the statute authorizes a municipality to adopt and apply "reasonable regulations" concerning bulk, dimensions, open space, and parking, to land and structures for which an exempt use is proposed. The whole of the Dover amendment, as it presently stands, seeks to strike a balance between preventing local discrimination against an exempt use and honoring legitimate municipal concerns that typically find expression in local zoning laws. Rogers v. Town of Norfolk, 432 Mass. 374 (2000)

Burden of Proof

The question of the reasonableness of a local zoning requirement, as applied to a proposed exempt use, will depend on the particular facts in each case. Because zoning laws are intended to be uniformly applied, an exempt user making challenges ... will bear the burden of proving that the local requirements are unreasonable as applied to its proposed project. Requirements that do not facially discriminate against exempt uses (parking, setback and dimensional regulations) are presumptively valid under the proviso

to the Dover Amendment. Trustees of Tufts College v. City of Medford, 415 Mass. 753 (1993)

Exercise of Zoning Authority

The exercise of zoning authority calls for balancing rights or privileges of use with the character of neighborhoods, a task which necessarily calls into play issues of size, location, setback, traffic, and the sundry other matters addressed in local land use and zoning bylaws and ordinances. Rogers v. Town of Norfolk, 432 Mass. 374 (2000)

Hopkinton Zoning By-law – Minor Site Plan Review

Minor Project – Any construction project or change of use, not included within the definition of a "major project" which involves either or both of the following:

- A. A change in the outside appearance of a building or premises, visible from a public or private street or way, requiring a building permit; or
- B. Construction, enlargement or alteration of a parking area containing five or more parking spaces. Zoning By-law 210-134

Discussion

The Applicant prays that the Board of Appeals will modify its special permit to allow a "child care facility" on the premises. According to testimony and a written brief submitted at the public hearing, the proposed facility is a "before and after school educational and summer day program" to be administered by the proposed tenant, Four Rohwers, Inc. (hereinafter "Four Rohwers"). Counsel for the Applicant pointed out that Four Rohwers was afforded limited protection from zoning under the Dover Amendment (MGL c. 40A s. 3). However, counsel also acknowledged and conceded that the Applicant holding the Special Permit was a realty corporation, not a "child care facility", and therefore was not entitled to such protection. Since Four Rohwers was not the Applicant and no request was made by either the Applicant or Four Rohwers for a review

under the Dover Amendment, the Board of Appeals did not consider issues relating to the exemption provided child care facilities under MGL c. 40A s. 3.

On March 12, 2001, the Board of Appeals granted the Applicant a Special Permit allowing 1) the use of 3,756 square feet of office/manufacturing space and 1,087 square feet of storage space located in the basement and first floor levels by tenant Clearpoint Enterprises, Inc. for the manufacture and assembly of computer memory boards; 2) the use of 17,191 square feet on the second level and 12,812 square feet on the third level by tenant Upton Tea Imports for the sorting, blending, packaging, and shipping of imported tea; and 3) the use of other portions of the building by the Applicant and its building company G. F. Homes, Inc. for corporate offices.

The Special Permit is subject to ten conditions relating to such concerns as renovations, tenants, hours of operations, deliveries, parking, and refuse disposal. Condition #3 states, in part, "No other portion of the property shall be rented, leased or occupied by any other person, firm, or entity, without a Special Permit issued by the Board of Appeals."

Condition #5 stated, in part, "The Petition shall perform exterior renovations to the property in accordance with the Site Plan entitled '34 Hayden Rowe Building Renovations' prepared by the Carell Group, date November 15, 2000, and the decision of the Hopkinton Planning Board dated November 29, 2000 which granted Petitioner's application for Minor Site Plan review."

Condition #7 stated, in part, "The Petitioner shall maintain the access and egress to the property and parking areas as set forth on that certain plan entitled 'Existing Site Plan ... dated February 27, 2001...'".

Condition #10 allowed up to fifty parking spaces on the concrete and gravel areas historically used for parking and required all access and egress from Hayden Rowe Street as shown on the Applicant's site plan.

According to testimony submitted, Four Rohwers is a Massachusetts corporation that currently operates "Kidsborough" before and after school program in Southborough, Massachusetts. Four Rohwers seeks to expand to Hopkinton and pursuant to its negotiated lease, operate only on a weekday program from 7:00 AM to 6:30 PM. The Applicant anticipates that all vehicular parking and traffic will be within the existing parking areas to the right and rear of the building. The Applicant submitted a new plan by J.D. Marquedant & Associates dated July 19, 2002 that reflected the parking and traffic flow. The Board of Appeals finds that plan includes "construction, enlargement or alteration of a parking area containing five or more parking spaces" and that such change triggers "Minor Project" site plan review under Zoning By-law 210-133 to 140.

Decision of Board of Appeals

Based on the evidence submitted at the hearing, the Board of Appeals voted by a 5-0 majority as follows:

To Enter Findings of Fact that 1) the plan submitted by the Applicant includes "construction, enlargement or alteration of a parking area containing five or more parking spaces" and that such change triggers "Minor Project" site plan review under Zoning By-law 210-133 to 140; 2) the proposed change is not substantially more detrimental to the neighborhood, and 3) the current non-conforming use, building, or structure may be changed to a similar use pursuant to Hopkinton Zoning by-law 210-128A; and,

To Modify the Special Permit as follows:

1. Subject to the condition contained in paragraph #3 below, to allow the use of approximately 4,018 square feet of private space and 608 square feet of common area space on the lower level of the building, along with the shared use of existing exterior parking, for the operation of a "child care facility" by Four Rohwers, Inc.
2. Subject to the condition contained in paragraph #3 below, to allow until such time as a certificate of occupancy issues to Four Rohwers, Inc. or October 15, 2002, whichever shall first occur, the temporary use of 1,567 square feet of separate lower level space for the operation of a "child care facility" by Four Rohwers, Inc.
3. Approval by the Hopkinton Planning Board under Minor Site Plan Review of the proposed changes as reflected in the plan (dated July 19, 2002) submitted by J.D. Marquedant & Associates to the Board of Appeals is a condition precedent to the modification to the Special Permit as specified in paragraphs #1 and #2 above.
4. All other allowed uses, conditions, and requirements as stated in the Special Permit dated March 12, 2001 are hereby affirmed and remain in effect.

The vote of the Board of Appeals is as follows:

Robert W. Foster, Chairman	Yes
Mary E. Harrington, Clerk	Yes
Wayne R. Davies	Yes
Thomas J. Garabedian	Yes
Sarah L. Shepard	Yes

Appeal of this Decision, if any, shall be made pursuant to MGL c. 40A s. 17 and shall be filed within twenty (20) days after the date of filing of this Decision with the office of the Town Clerk.

DATE: August 29, 2002

I hereby certify that 20 days have elapsed from the date this decision was filed in this office and that no appeal has been filed in this office.

A True Copy, Attest



Maxine E. Adams, Assistant Town Clerk


Mary E. Harrington, Clerk

DOCUMENT 1225473

SO. MIDDLESEX LAND COURT
REGISTRY DISTRICT
RECEIVED FOR REGISTRATION

ON 08/29/02 AT 12:02:01 50.00 JED

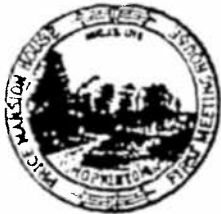
NOTED ON:

CERT 0212071 BK 1190 PG 121

C + E

NAME Jerry C. Egan
STREET ADDRESS 25 West Elm Street
CITY OR TOWN Codman ZIP 02142

Exhibit 4



TOWN OF HOPKINTON

OFFICE OF BOARD OF APPEALS

HOPKINTON, MASSACHUSETTS 01748

March 25, 2003

34-40 Hayden Rowe

RECEIVED
TOWN OF HOPKINTON

MAR 25 PM 3:52

TOWN CLERK'S OFFICE

1267907

Page 1 of 2

AND

DECISION

RE: Petition to amend a Special Permit filed by Hayden Rowe Realty Corporation, 33 Chestnut Street, Hopkinton for property located at 34-40 Hayden Rowe Street, Hopkinton.

The Massachusetts Zoning Act having been duly complied with regarding notice, a Public Hearing was held on February 26, 2003 in the Hopkinton Town Hall.

This petition is submitted to amend a Special Permit granted by the Board of Appeals and dated August 8, 2002. This request is for the use of the remaining 6,857 s.f. space at 34-40 Hayden Rowe Street, Hopkinton as executive office space. The request is for 24 individual executive offices, ranging in size from 10 ft. by 12 ft. to 14 ft. by 20 ft. Each office will be furnished, contain telephone, computer and data hook-ups and will share a common conference room and kitchen. A receptionist and a secretary, employed by Hayden Rowe Realty, will be available to each tenant. With this amendment to the Special Permit, this will allow for total utilization of the building. The Petition also requests an increase in the allowed parking spaces to be 71. The current parking lot is more than adequate to allow for this increase.

There was concern expressed regarding the lighting at the property and the applicant states that all exterior lighting is being changed and timers placed on them.

On the motion to grant this Special Permit, the Board of Appeals unanimously votes to grant this amendment to the Special Permit with the following conditions:

- All conditions in the original Special Permit dated March 12, 2001 shall remain in place.
- The lighting will be changed as stated by the applicant.

On the motion to grant, the vote of the Board is as follows:

Robert W. Foster	Yes
Mary E. Harrington	Yes
Henry J. Kunicki	Yes
Russell H. Ellsworth	Yes
Thomas J. Garabedian	Yes

Mary E. Harrington

April 18, 2003

I hereby certify that 20 days have elapsed from the date this decision was filed in this office and that no appeal has been filed in this office.

A True Copy, Attest;

Mary E. Harrington
Clerk

Ann M. Click
Ann M. Click, Town Clerk

Affected Document # 1167060
MODN 1225473

2/20/11-1190-1021

DOCUMENT 1267907

①

17 +

30. MIDDLESEX LAND COURT
REGISTRY DISTRICT
RECEIVED FOR REGISTRATION

ON 04/24/03 AT 12:20:12 75.00 JMG

NOTED ON:

CERT 0212071 BK 1190 PG 121

Jerry C Effren
25 West Union St.
Ashland MA 01921

Exhibit 5



TOWN OF HOPKINTON
OFFICE OF
BOARD OF APPEALS

TOWN HALL
18 MAIN STREET - 3RD FLOOR
HOPKINTON, MASSACHUSETTS 01748-3209
(508) 497-0012

WAYNE R. DAVIES, Chairman
ROBERT W. FOSTER, Vice Chairman
THOMAS J. GARABEDIAN, Clerk



Bk: 1190 Pg: 121 Cert#: 212071
Doc: DECIS 10/27/2005 02:54 PM

RECEIVED
TOWN OF HOPKINTON
05 OCT -4 AM 9:45
TOWN CLERK'S OFFICE

WWW.HOPKINTON.ORG
ZBChair@Hopkinton.org
ZBAClerk@Hopkinton.org

October 4, 2005

DECISION

RE: Application for Special Permits filed by **Hayden Rowe Realty Corp.** ^{OPERATION} of 34 Hayden Rowe Street, Hopkinton, MA, 01748 regarding property at 34-40 Hayden Rowe Street, Hopkinton, MA, 01748 (Assessors' Map 184, Block 416 Lot 0; Middlesex South District Registry of Deeds Book 1190 at Page 121), Hopkinton, MA, 01748 (hereinafter the "Property").

lot 1

Introduction

The Massachusetts Zoning Act having been duly complied with regarding notice, a Public Hearing was held on July 27, 2005 at 8:45 PM in the Hopkinton Town Hall.

Requested Relief

The Applicant seeks relief to divide 3765 square feet of space formerly occupied by Clearpoint into 17 additional individual office suites. The former tenant, Clearpoint whose lease had expired has vacated the space. This relief would represent a change to the nonconforming use originally approved by the board for this space.

Section 210-128 of the Hopkinton Zoning Code bars any change in a pre-existing, nonconforming use, except through the grant of a special permit by the Zoning Board of Appeals upon finding that the proposed change is not substantially more detrimental to the neighborhood.

Section 210-128A of the Hopkinton Zoning Code allows a finding that a proposed use is not more detrimental if it is a similar or more restrictive use.

The applicant requests a Special Permit for relief under this Section 128.

The applicant has also requested that the Board of Appeals activate the remaining parking spaces which the Planning Board originally authorized (representing expansion of the total number of parking spaces from 71 presently authorized to 105).

Special Permit Review Standard

Special Permits, where granted, must be in harmony with the general purpose and intent of the zoning by-laws. Special Permits are granted for those specific uses which are deemed necessary or desirable but which are not allowed as of right because of their potential for incompatibility with the characteristics of the zoning district. Special Permits are granted only after weighing the benefits and detriments of a proposal. No one possesses a "right" to a Special Permit and the Board may deny an application for such relief in its discretion. In all matters on which it has jurisdiction to act, the Board of Appeals shall give due consideration to promoting the public health, safety, convenience and welfare, shall encourage the most appropriate use of land, and shall permit no building or use injurious, noxious, offensive, or detrimental to the neighborhood. To this end, it may prescribe appropriate conditions and safeguards in each case.

Discussion

The Applicant, Fred Grant, owner of Hayden Rowe Realty Corp., appeared at the public hearing and presented his proposal for a change in the use of this space. Applicant was represented by Mike O'Brien, Esq. The applicant intends to convert approximately 3765 square feet from a manufacturing use to individual office suites. These office suites will conform to the suites already in existence at the site. There was no objection from the public or any abutters at the hearing. The board received testimony that the proposed use represents a change to a more conforming use of the space.

Decision

Based on the application, presentation of the applicant, documentation and testimony presented at the Public Hearing, the Zoning Board of Appeals finds that the proposed use is a more conforming use. The applicant will be allowed to lease the space to Hopkinton Executive Suites LLC. The board also grants relief allowing the applicant to expand the number of parking spaces to the amount allowed by the original site review by the Planning Board.


1. A special permit was granted under Section 210-128 to allow a change in the existing nonconforming use of this portion of the property as requested and to allow use of the total number of parking spaces authorized by the Planning Board under site plan review in accordance with the Plans attached hereto and incorporated herein by reference as "Exhibit A".
2. The Director of Municipal Inspections will be allowed to approve new tenants provided the use does not involve anything but office space and the applicant will be relieved of the burden of filing subsequent applications for special permits in those specific circumstances.
3. The Zoning Board of Appeals reserves the right to approve any future change in use of the property that would represent a less conforming use than the current office space use and to require that the applicant seek a special permit in that circumstance.

On a motion to grant, the Special Permit was granted as aforesaid by the following vote:

Wayne R. Davies, Chairman	Yes
Thomas J. Garabedian, Clerk	Yes
Vascen J. Bogigian	Yes
Rory Warren	Yes

The Application for Special Permit is hereby **GRANTED**.

Board of Appeals – Decision
Hayden Rowe Realty Corp *Oratio*
34-40 Hayden Rowe Street, Hopkinton, MA (Book 1190, Page 121)


Thomas J. Garabedian, Clerk

Any and all plans or specifications submitted to the Board of Appeals that detail construction or improvements to be undertaken or performed in conjunction with the relief granted hereunder, are hereby made express conditions of the issuance of this Decision and are incorporated herein by reference. Unless this Decision expressly provides otherwise, the rights and privileges granted under a Variance run with the land; and the rights and privileges granted under a Special Permit and Appeal are personal to the Applicant or Appellant and do not run with the land; except for a Special Permit issued pursuant to Zoning By-law 210-119 for relief from side and rear set back requirements, which shall run with the land.

No Variance or Special Permit, or any extension, modification, or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed, shall be recorded at the Middlesex District Registry of Deeds in Cambridge, Massachusetts in accordance with MGL c. 40A s. 11. Appeal of this Decision, if any, shall be made pursuant to MGL c. 40A s. 17 and shall be filed within twenty (20) days after the date of filing of this Decision with the office of the Town Clerk.

10/25/2005

I hereby certify that 20 days have elapsed from the date this decision was filed in this office and that no appeal has been filed in this office.

A True Copy, Attest


Ann M. Click, Town Clerk

Hayden Rowe Realty Corporation

Page 1 of 1

Existing EXECUTIVE OFFICE SPACE

4029 SQ FT

Basement Leased FOUR ROWERS

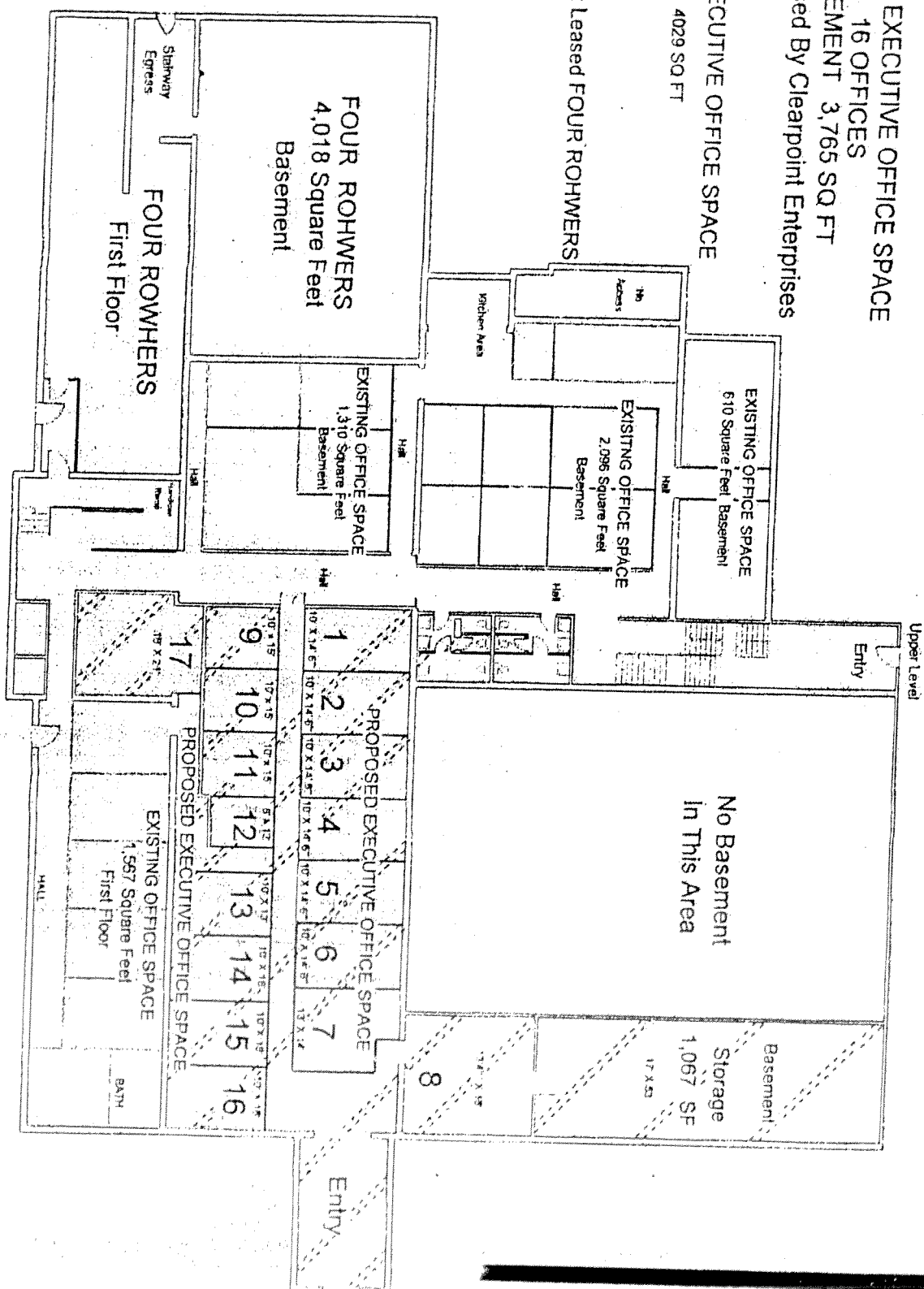


EXHIBIT A

1. The following information was obtained from the investigation of the premises of the above named person, and is being furnished for your information.

2. The premises are located at the corner of Church Street and Main Street, in the City of New York.

3. The premises are occupied by the above named person, who is the owner of the same.

4. The premises are used for the purpose of a dwelling house.

5. The premises are situated on a lot of 100 square feet.

6. The premises are situated on a lot of 100 square feet.

7. The premises are situated on a lot of 100 square feet.

8. The premises are situated on a lot of 100 square feet.

9. The premises are situated on a lot of 100 square feet.

10. The premises are situated on a lot of 100 square feet.

1. The following information was obtained from the investigation of the premises of the above named person, and is being furnished for your information.

2. The premises are located at the corner of Church Street and Main Street, in the City of New York.

3. The premises are occupied by the above named person, who is the owner of the same.

4. The premises are used for the purpose of a dwelling house.

5. The premises are situated on a lot of 100 square feet.

6. The premises are situated on a lot of 100 square feet.

7. The premises are situated on a lot of 100 square feet.

8. The premises are situated on a lot of 100 square feet.

9. The premises are situated on a lot of 100 square feet.

10. The premises are situated on a lot of 100 square feet.

1. The following information was obtained from the investigation of the premises of the above named person, and is being furnished for your information.

2. The premises are located at the corner of Church Street and Main Street, in the City of New York.

3. The premises are occupied by the above named person, who is the owner of the same.

4. The premises are used for the purpose of a dwelling house.

5. The premises are situated on a lot of 100 square feet.

6. The premises are situated on a lot of 100 square feet.

7. The premises are situated on a lot of 100 square feet.

8. The premises are situated on a lot of 100 square feet.

9. The premises are situated on a lot of 100 square feet.

10. The premises are situated on a lot of 100 square feet.

1. The following information was obtained from the investigation of the premises of the above named person, and is being furnished for your information.

2. The premises are located at the corner of Church Street and Main Street, in the City of New York.

3. The premises are occupied by the above named person, who is the owner of the same.

4. The premises are used for the purpose of a dwelling house.

5. The premises are situated on a lot of 100 square feet.

6. The premises are situated on a lot of 100 square feet.

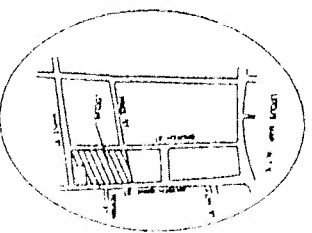
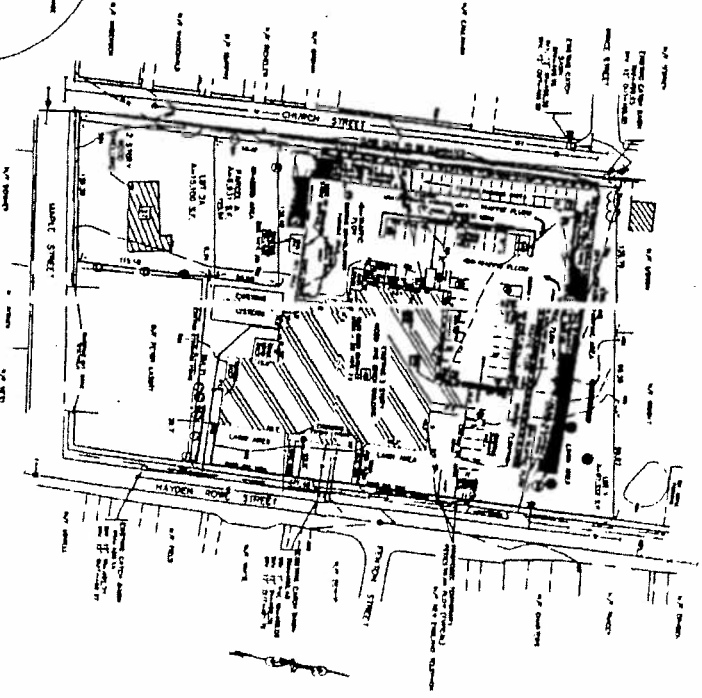
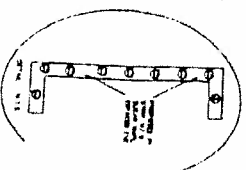
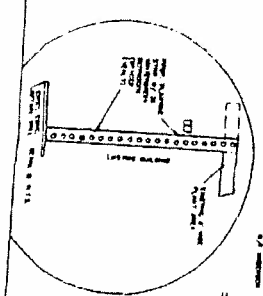
7. The premises are situated on a lot of 100 square feet.

8. The premises are situated on a lot of 100 square feet.

9. The premises are situated on a lot of 100 square feet.

10. The premises are situated on a lot of 100 square feet.

No.	Description	Quantity	Unit	Value
1	Land	100	Sq. Ft.	
2	Buildings	1	Sq. Ft.	
3	Improvements	1	Sq. Ft.	
4	Other			
5	Total			



1. The following information was obtained from the investigation of the premises of the above named person, and is being furnished for your information.

2. The premises are located at the corner of Church Street and Main Street, in the City of New York.

3. The premises are occupied by the above named person, who is the owner of the same.

4. The premises are used for the purpose of a dwelling house.

5. The premises are situated on a lot of 100 square feet.

6. The premises are situated on a lot of 100 square feet.

7. The premises are situated on a lot of 100 square feet.

8. The premises are situated on a lot of 100 square feet.

9. The premises are situated on a lot of 100 square feet.

10. The premises are situated on a lot of 100 square feet.

DOCUMENT

01392681

①

Southern Middlesex LAND COURT

REGISTRY DISTRICT

RECEIVED FOR REGISTRATION

On: Oct 27, 2005 at 02:54p

Document Fee:

75.00

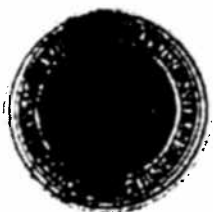
Receipt Total:

\$75.00

CERT: 212071 BK: 01190 Pg: 121

Felton *508-881-4950*
NAME TEL.
STREET ADDRESS
CITY OR TOWN ZIP

Exhibit 6



TOWN OF HOPKINTON
OFFICE OF
BOARD OF APPEALS

TOWN HALL
18 MAIN STREET - 3RD FLOOR
HOPKINTON, MASSACHUSETTS 01748-3209
(508) 497-0012

RECEIVED
TOWN OF HOPKINTON
2014 JUL -3 AM 10:07
TOWN CLERK'S OFFICE

RORY WARREN, Chairman
G. MICHAEL PEIRCE, Vice Chairman
TINA M. ROSE, Clerk

WWW.HOPKINTONMA.GOV
ZBA@Hopkintonma.gov

#14-030

Findings and Decisions

Subject Property: **34-40 Hayden Rowe Street**
Assessors Map U16, Block 184, Lot 0;
Middlesex South Registry of Deeds Book 61915 Page 421
Applicant: RPI Hopkinton LLC, 27 Mica Lane, Suite 201, Wellesley, MA
Property Owner: RPI Hopkinton LLC, 27 Mica Lane, Suite 201, Wellesley, MA

Re: **Application of RPI Hopkinton LLC for an Amendment to a Special Permit.**

Date: July 3, 2014

Procedural History

The Massachusetts Zoning Act having been duly complied with regarding notice, a public hearing was held on May 28, 2014 on the application of RPI Hopkinton LLC ("Applicant"), filed on May 2, 2014, to amend a Special Permit dated August 8, 2002.

*Decis
1167060
Amend
122547*
The Applicants filed a Uniform Application for Special Permit/Petition for Variance requesting an amendment to a Special Permit granted by the Board dated August 8, 2002, in order to expand the nonconforming use (child care facility) of a portion of the premises, pursuant to Zoning Bylaw Section 210-128.D.

The Application was accompanied by the following plans: 1) plan entitled "Site Plan of Land", prepared by J.D. Marquedant & Associates, Inc., dated April 25, 2014; and 2) a plan entitled "Preliminary Layout Options, Kidsborough", prepared by Gorman Richardson Lewis Architects, dated May 1, 2014.

Throughout its deliberations, the Board of Appeals ("Board") has been mindful of the statements of the Applicant, and the comments of the general public, all as made at the public hearing.

*Cert 254020
BK 1435 p 58*



Bk: 01435 Pg: 58 Cert#: 254020
Doc: DEC19 07/25/2014 02:49 PM

[Handwritten signature]

Discussion

At the public hearing, the Applicant described the request to increase the square footage of the child care facility from 4,018 square feet to 7,974 square feet of rentable space. It was noted that all of the existing space is on the first floor of the building, and the new space would be on the second floor. The Applicant noted that the first floor space is used primarily for before and after school programs for children in grades K-5, and the program would be expanded to include 6th graders. It was noted that the area in which the facility would be expanded is presently warehouse space, and would be used for the children in grades 4-6. The Applicant stated that enrollment would not exceed 130 students in the before and after school program, and that summer enrollment would not exceed 70 children. It was noted that the building was originally constructed as a boot factory in the mid 1800's and has been added to over time. It was noted that the building was constructed prior to the adoption of zoning in Hopkinton, and has housed nonconforming uses since then. The Applicant stated that the only exterior changes to the building would be a new handicap accessible ramp to a rear door, and the walkway leading to it. Residents in attendance expressed both support for the change and concerns about increased noise, traffic and activity on the site.

Special Permit Criteria

Section 210-128.D, Nonconforming Uses, states in subsections 1 and 2:

- (1) Alteration, reconstruction, extension or structural change (collectively "alteration") to a nonconforming use to provide for the use in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent shall require the issuance of a special permit by the Board of Appeals upon a finding that the proposed use is not substantially more detrimental to the neighborhood.*
- (2) A change from one nonconforming use to another nonconforming use shall require the issuance of a special permit by the Board of Appeals, upon a finding that the proposed use is not substantially more detrimental to the neighborhood and that the proposed use is a similar or more restricted use.*

Section 210-152.A states that special permits, where granted, must be in harmony with the general purpose and intent of the Zoning Bylaw, and shall be subject to whatever appropriate conditions and safeguards the Board of Appeals may prescribe.

Section 210-152.C states that in all matters on which it has jurisdiction to act, the Board of Appeals shall give due consideration to promoting the public health, safety, convenience and welfare, shall encourage the most appropriate use of land and shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood. To this end, it may prescribe appropriate conditions and safeguards in each case.

The Board of Appeals has considered all of the above-referenced standards and criteria.

General Findings

1. The Subject Property is located within the Residence A (RA) District.
2. The building was constructed prior to the adoption of zoning in Hopkinton in 1954, and has been used for non-residential uses since the mid-1800's.
3. The lot is 2.3 acres in area. The property currently contains 80 parking spaces, and includes land set aside for an additional 25 parking spaces which could be constructed if needed. With the additional floor space designated for the proposed use, the number of parking spaces required for all uses on the site is 98. The number of parking spaces permitted for the property exceeds the number required for all permitted uses plus the proposed use.
4. The number of children on the site will increase by a maximum of 65, with a maximum increase of 8 additional staff associated with the increase.
5. The Subject Property has been the subject of prior decisions of the Board, including the following: 1) Special Permit dated March 12, 2001 allowing changes and alterations to uses, with conditions; 2) Amendment to the March 12, 2001 Special Permit, dated August 8, 2002, allowing for the operation of a child care facility in 4,018 sq. ft. of private space and 608 sq. ft. of common space in the building on the property; 3) Amendment to the August 8, 2002 Special Permit amendment, dated March 25, 2003, to allow a portion of the building space to be used for executive office space; and 4) Special Permit dated October 4, 2005 allowing additional space to be used as office space and to expand the number of parking spaces on the property.
6. The property is subject to Site Plan approval decisions of the Planning Board dated November 29, 2000 and August 27, 2002.
7. Child care uses are exempt from special permit regulation pursuant to MGL c.40A s. 3, and the Applicant has chosen to be subject to and bound by this Special Permit rather than claiming an exemption.

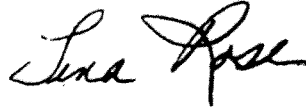
Findings and Decisions

After review of the information received and in light of the findings above, the Board voted on May 28, 2014 to find that the alteration of 3,956 sq. ft. of private space from warehouse to child care use will not be substantially more detrimental to the neighborhood than the existing use of the space, and to amend the Special Permit dated August 8, 2002 pursuant to § 210-128.D allowing an additional 3,956 sq. ft. of private space and 454 sq. ft. of common area to be used for a child care facility, subject to the following condition:

1. There shall be no use of the outdoor playground by children before 9:00 A.M.

On a motion to make the findings and grant an amendment to the Special Permit with the condition, the vote of the Board is as follows:

Rory Warren	Yes
Michael Peirce	Yes
Tina Rose	Yes
John Savignano	Yes
June Clark	Yes



Tina M. Rose, Clerk

Appeal of this Decision, if any, shall be made pursuant to MGL c.40A s. 17 and shall be filed within twenty (20) days after the date of filing of this Decision with the office of the Town Clerk.

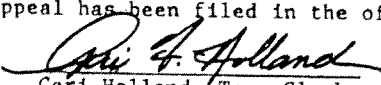
The Special Permit shall not take effect until a copy of the Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed (or the date of the final resolution of any appeal of such decision), shall be recorded at the Middlesex District Registry of Deeds and/or the Land Court by the Applicant in accordance with MGL c.40A sec. 11.

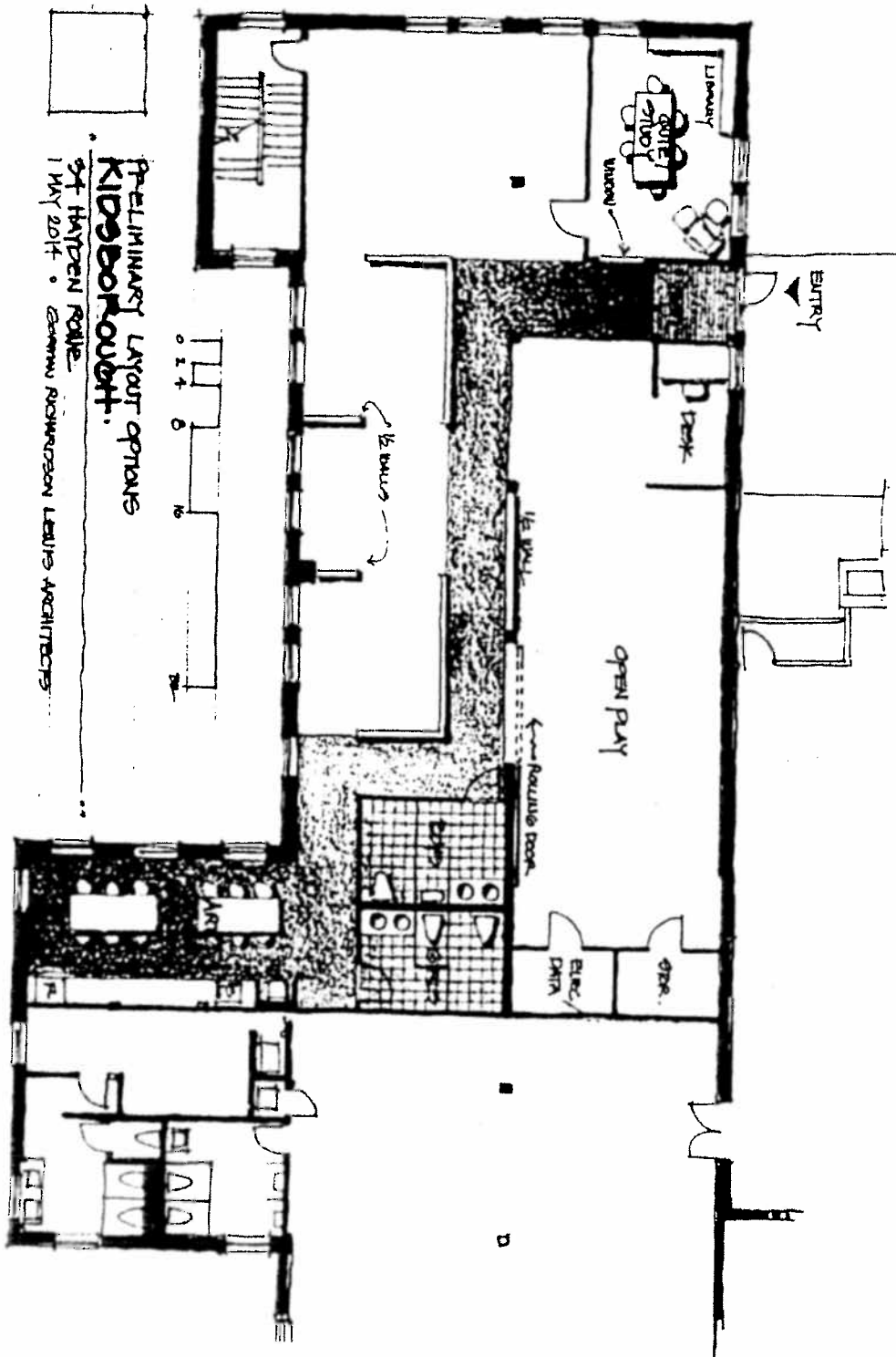
Any and all plans or specifications submitted to the Board of Appeals that detail construction or improvements to be undertaken or performed in conjunction with the relief granted hereunder, are hereby made express conditions of the issuance of this Decision and are incorporated herein by reference.

July 25, 2014

I hereby certify that 20 days have elapsed from the date this decision was filed and that no appeal has been filed in the office.

A True Copy Attest:


Geri Holland, Town Clerk

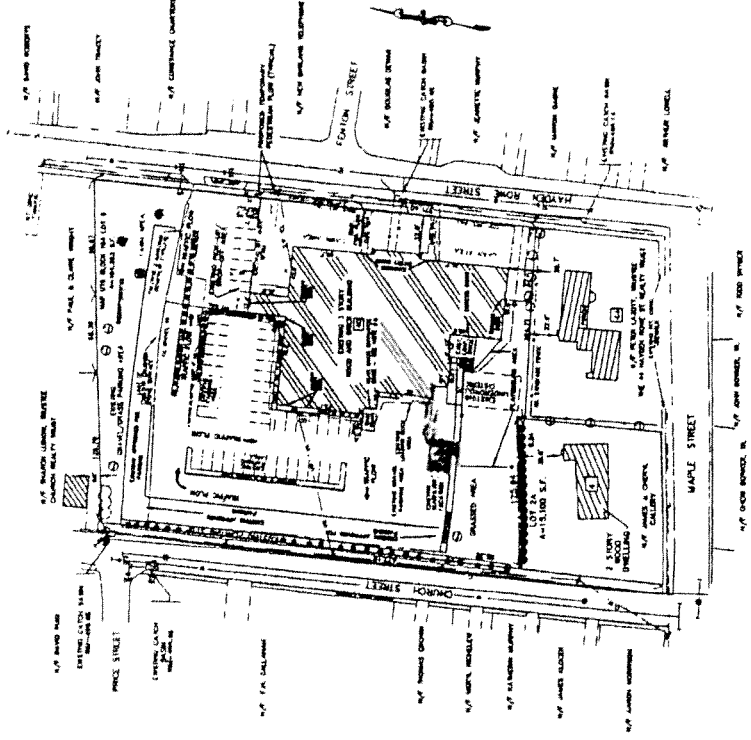
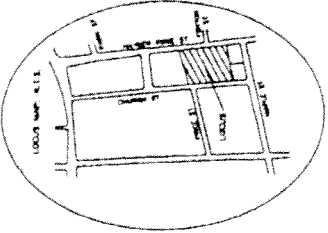


PRELIMINARY LAYOUT OPTIONS
 KIPPOBOROUGH.
 ST. HAYDEN ROAD
 1 MAY 2014 • GERRARD RICHMONDSON LEWIS ARCHITECTS

Sl. No.	Name of the person	Address	Signature	Date
1	Mr. A. K. Singh	123, Main Road, Lucknow		10/10/2023
2	Mr. B. C. Sharma	45, Park Road, Lucknow		10/10/2023
3	Mr. C. D. Singh	78, Market Road, Lucknow		10/10/2023
4	Mr. D. E. Singh	90, Station Road, Lucknow		10/10/2023
5	Mr. F. G. Singh	101, Canal Road, Lucknow		10/10/2023
6	Mr. H. I. Singh	112, Airport Road, Lucknow		10/10/2023
7	Mr. J. K. Singh	123, Railway Road, Lucknow		10/10/2023
8	Mr. L. M. Singh	134, College Road, Lucknow		10/10/2023
9	Mr. N. O. Singh	145, Hospital Road, Lucknow		10/10/2023
10	Mr. P. Q. Singh	156, Court Road, Lucknow		10/10/2023

THREE AND A HALF INCHES
IN LENGTH
DURING THE MONTH OF

Small-Scale (Case)
 1. A small-scale case study of a single individual or a small group of individuals.
 2. The study is conducted in a natural setting.
 3. The study is conducted over a long period of time.
 4. The study is conducted by a single researcher.
 5. The study is conducted in a specific context.



Doc 01676627

Southern Middlesex Land Court
Registry District

RECEIVED FOR REGISTRATION

On: Jul 25, 2014 at 02:49P

Document Fee

75.00

Receipt Total: \$75.00

NOTED ON: CERT 254020 BK 01435 PG

58

ALSO NOTED ON:

Terry Effren, Esq

508-881-4950

Exhibit 7

Exhibit 8

PETER
QUINN
ARCHI
TECTS

ARCHITECT
COMMUNITY DESIGN
PETER QUINN ARCHITECTS LLC
708 STATE STREET, SUITE 201
BOSTON, MA 02118
617.552.1234
PQ@PQARCH.COM
PQ 12.10.14.004



CONSULTANT

PROJECT
HAYDEN
ROWE LOFTS
34 HAYDEN ROWE STREET
WINTHROP, MA

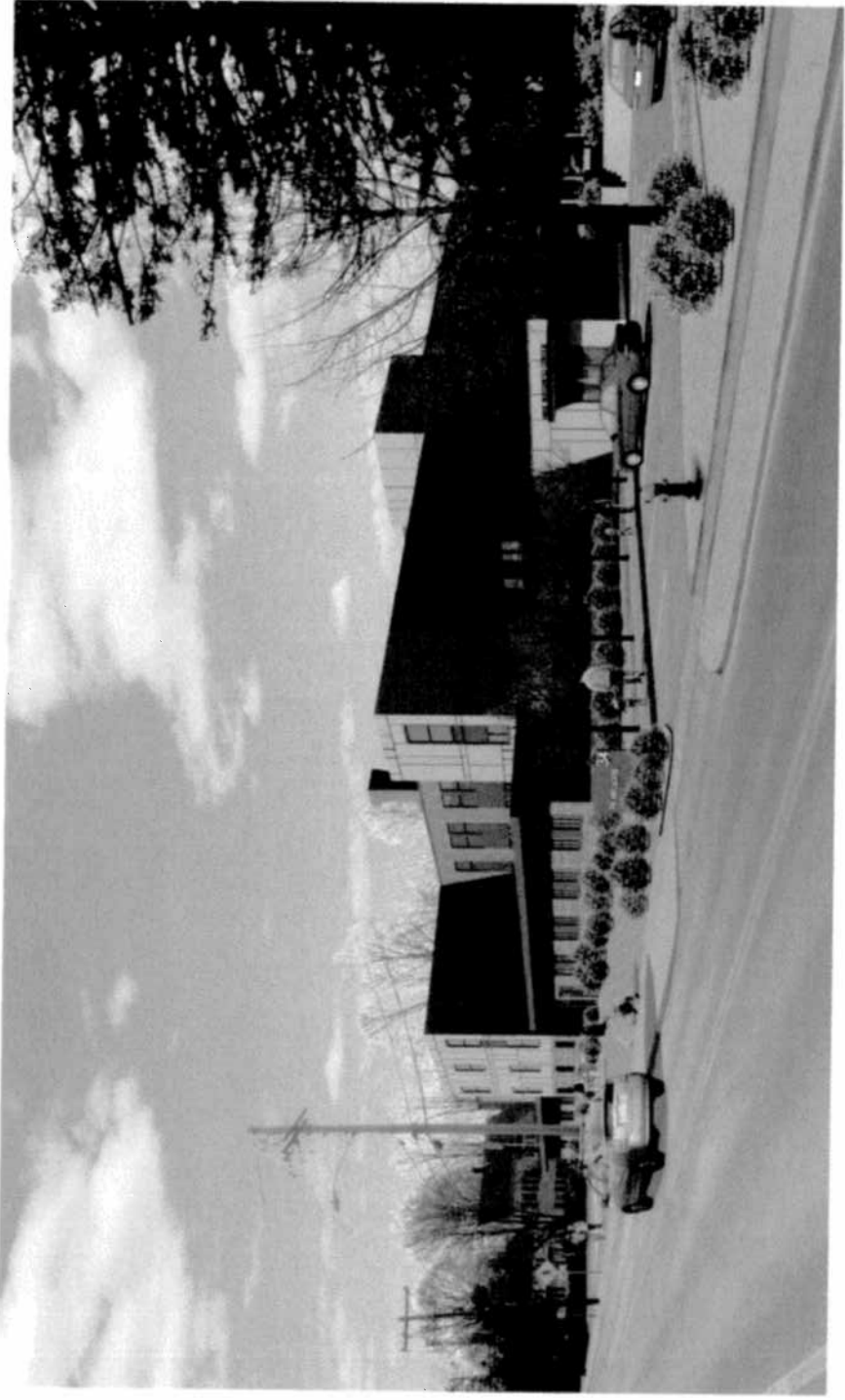
ARCHITECT OF RECORD

3D VIEW FROM
HAYDEN ROWE

SCALE AS NOTED

REVISION	DATE
PS MTG	6 JUN 2015
NEIGH. MTG	12 MAY 2015
PS MTG	30 MAR 2015
MTG	21 JAN 2015
CONCERN #1	16 NOV 2014
AC	10
PS MTG	

A0.1



PETER
QUINN
ARCHI
TECTS

ARCHITECTS
PLANNERS
COMMUNITY DESIGN
PETER QUINN ARCHITECTS, LLC
208 ELM STREET, SUITE 201
WACONVILLE, MA 02144
PHOTO: DAVID BROWN



CONSULTANT

PROJECT
HAYDEN
ROWE LOFTS
34 HAYDEN ROWE STREET
HAVERHILL, MA

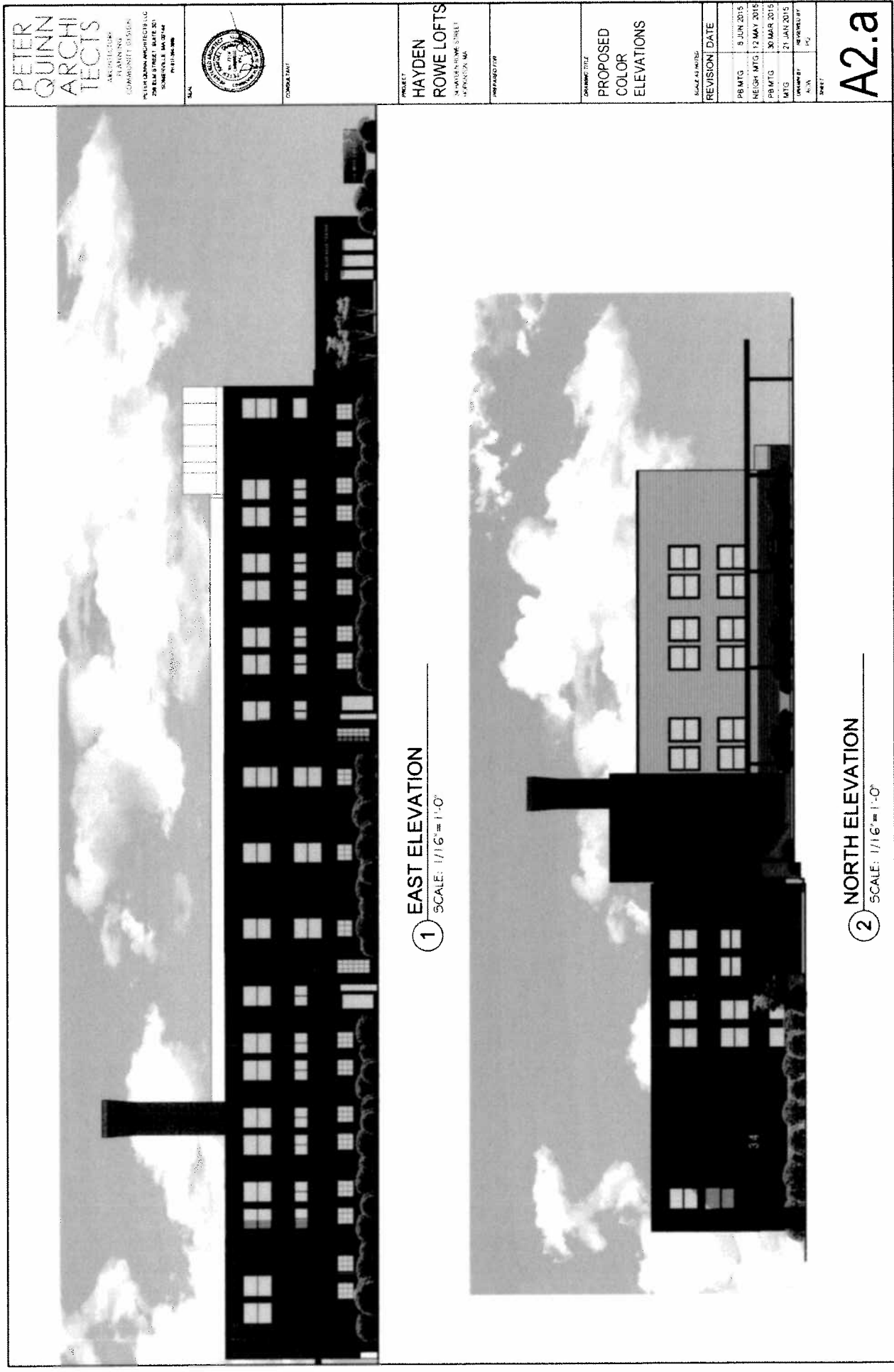
PREPARED BY

DRAWING TITLE
3D VIEW FROM
CHURCH ST.

SCALE AS NOTED		REVISION DATE	
PHOTO	8 JUN 2015		
NEIGH. MTS	12 MAY 2015		
PHOTO	30 MAR 2015		
MTS	21 JAN 2015		
UNAPPROVED BY			
Y.C.			
PHOTO			
PHOTO			

SHEET
A0.2





PETER QUINN ARCHITECTS
ARCHITECTS
PLANNING
COMMUNITY DESIGN
PETER QUINN ARCHITECTS LLC
200 ELM STREET, SUITE 201
BOSTON, MA 02111
TEL: 617.366.9000

CONSULTANT

PROJECT
HAYDEN ROWE LOFTS
NEWARK AVENUE, SUITE 1
NEWTON, MA

PREPARED BY

DESIGNING TITLE
PROPOSED COLOR ELEVATIONS

REVISION	DATE
P8 MTG	9 JUN 2015
NEIGH MTG	12 MAY 2015
P8 MTG	30 MAR 2015
MTG	21 JAN 2015
DESIGNED BY	AK/VA
DATE	PG

A2.a

PETER
 QUINN
 ARCHITECTS
 ARCHITECTS
 COMBINATION DESIGN
 PETER QUINN ARCHITECTS LLC
 200 CLARK STREET - SUITE 301
 BOSTON, MA 02114
 TEL: 617.552.1000



COURTESY

PROJECT
 HAYDEN
 ROWE LOFTS
 100 WASHINGTON STREET
 BOSTON, MA

PREPARED FOR

DRAWING TITLE
 PROPOSED
 COLOR
 ELEVATION

SCALE IN METERS

REVISION	DATE
PB MTG	8 JUN 2015
NEIGH MTG	12 MAY 2015
PB MTG	30 MAR 2015
MTS	21 JAN 2015
DRAWN BY	REVIEWED BY
AYW	PQ
SHEET	

A2.b



1 WEST ELEVATION
 SCALE: 1/16" = 1'-0"



CONSULTANT

PROJECT
HAYDEN ROWE LOFTS
34 HAYDEN ROWE STREET
CAMBRIDGE, MA

PREPARED FOR

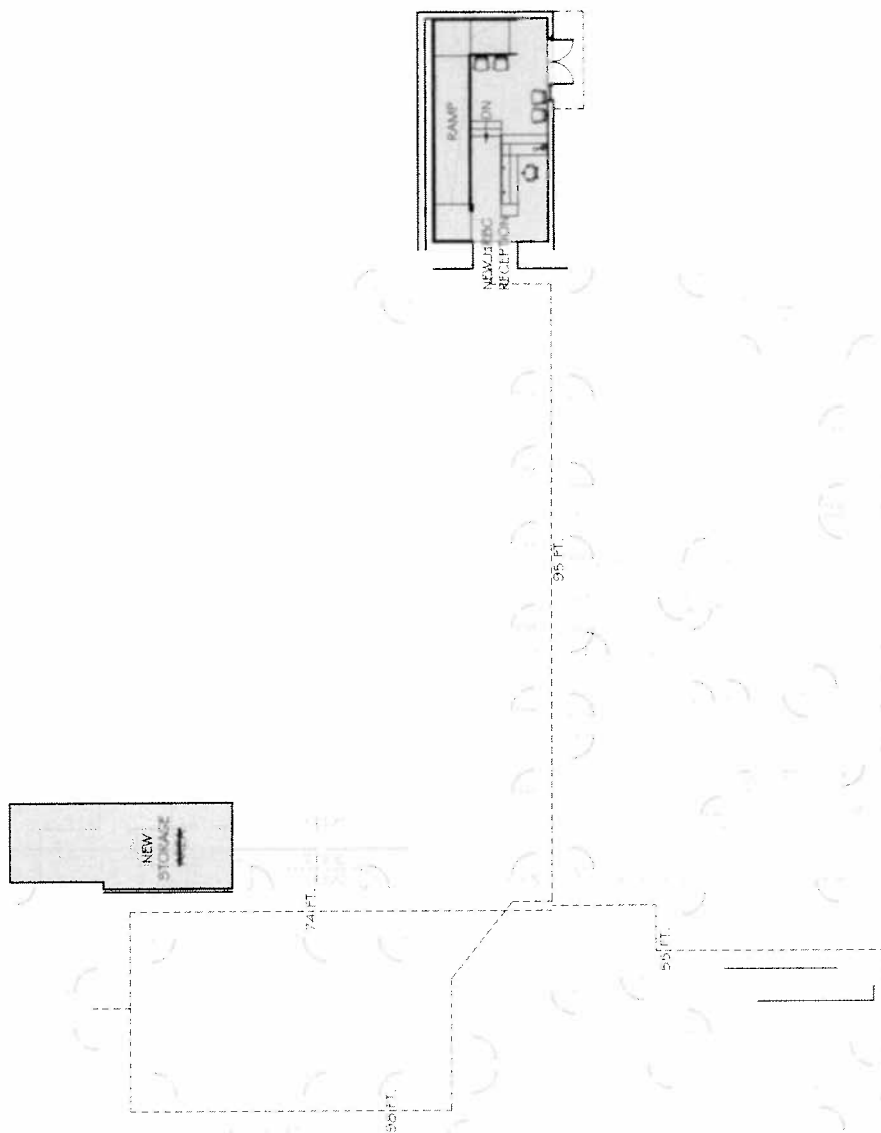
DRAWING TITLE

**PROPOSED
FIRST FLOOR
PLAN**

SCALE AS NOTED

REVISION	DATE
1	8 JUN 2015
2	12 MAY 2015
3	30 MAR 2015
4	21 JAN 2015
5	REVISED BY
6	APR
7	PG
8	SHEET

A1.1



1 PROPOSED FIRST FLOOR PLAN

SCALE 1/16" = 1'-0"

LEGEND	UNIT AREA
EXISTING WALL	CIRCULATION AREA
PROPOSED DEMISING WALL	OTHER COMMON AREA A



CONTRACT

HAYDEN ROWE LOFTS
350 GARDEN STREET
BOSTON, MA

PREPARED FOR

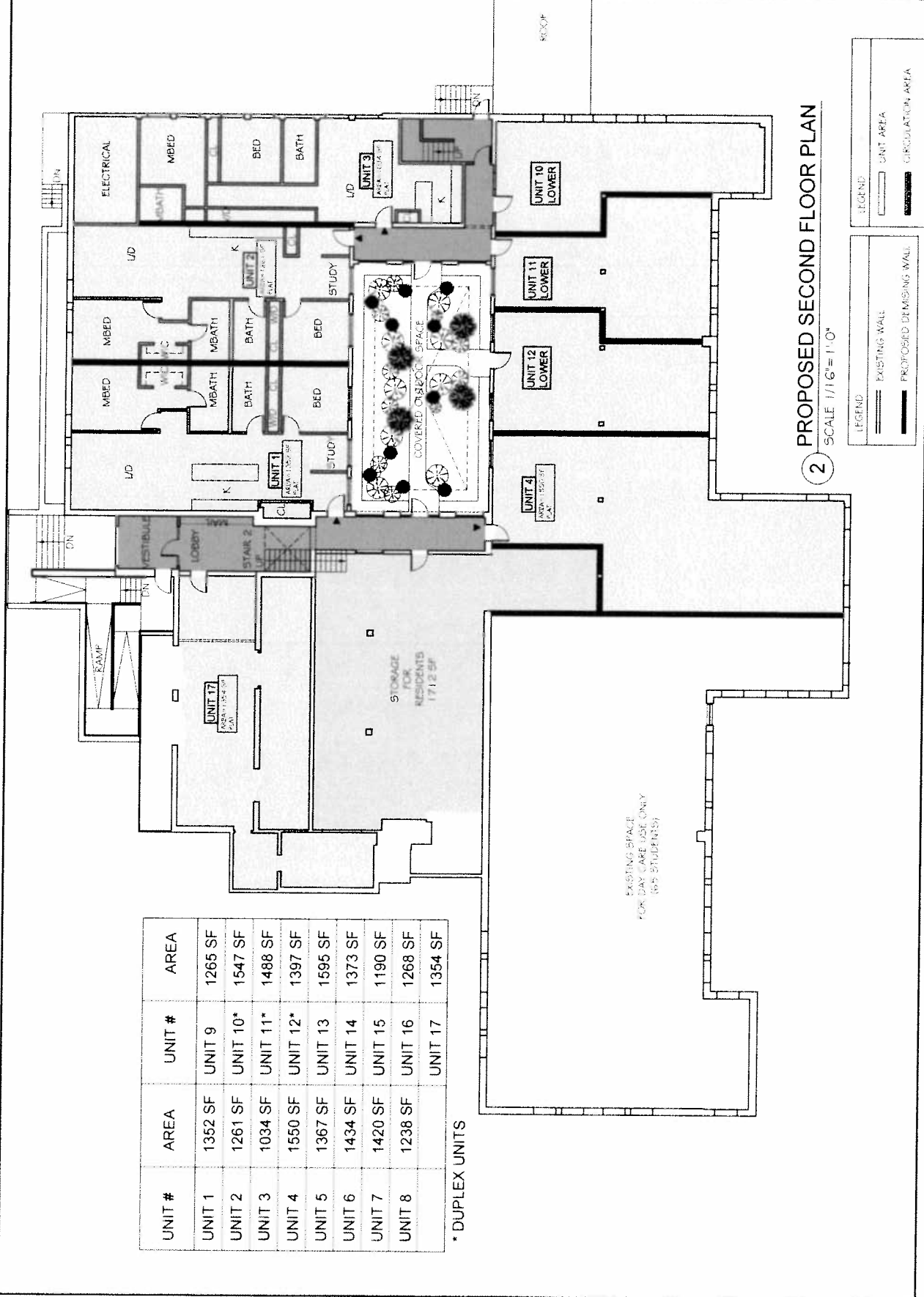
PROPOSED SECOND FLOOR PLAN

SCALE AS NOTED

REVISION DATE

PM MTG	8 JUN 2015
NEIGH MTG	12 MAY 2015
PM MTG	30 MAR 2015
MTG	21 JAN 2015
DESIGNED BY	ALQ
REVIEWED BY	ALQ
SHEET	

A1.2



* DUPLEX UNITS



Exhibit 9

Hayden Rowe Lofts
34 Hayden Rowe
Hopkinton, MA

Owner
RPI Hopkinton LLC
27 Maca Lane
Hopedale, MA 01841

Landscape Architect



**Radner Design
Associates, Inc.**
945 Concord Street, Suite 100
Framingham, MA 01701
508/735-6144
www.RadnerDesign.com

Revision:

Drawn: MR

Scale: 1" = 30'-0"

Key Plan:

Sheet Name:

Landscape Plan

Project No.: 15-04

Issue Date:
May 8, 2015

Sheet No.:

—

For more information, contact **Intertek** at **1-800-368-5768**.



Exhibit 10



Ron Müller & Associates
Traffic Engineering and Consulting Services

56 Teresa Road
Hopkinton, MA 01748
Tel.: (508) 395-1576
Fax: (508) 435-2481
www.RonMullerAssociates.com

Ref.: 15018

April 20, 2015

Mr. Joseph Marquedant
J.D. Marquedant & Associates, inc.
6 Walcott Street
Hopkinton, MA 01748

Reg.: 34 Hayden Rowe Street
Hopkinton, Massachusetts

Dear Joe:

Ron Müller & Associates (RMA) has prepared this letter to document the anticipated change in traffic generation resulting from renovation and re-use of the existing Hopkinton Rowe Business Center located at 34 Hayden Rowe Street in Hopkinton, Massachusetts. The existing building contains 46,800 square feet in gross floor area and includes the Kidsborough day care center, approximately 15,000 square feet of mostly occupied office space, and approximately 22,100 square feet of currently vacant warehousing space. The day care center currently cares for 95 children, but has received approvals to increase its capacity to 130 children.

The building is proposed to be renovated and slightly expanded to a footprint area of nearly 50,000 gross square feet. The existing warehousing space and a portion of the office space will be converted to residential units. Upon completion, the proposed building will continue to house the Kidsborough day care center (at a maximum capacity of 130 children), 10,925 square feet of office space, and 17 condominium units.

The traffic to be generated by the proposed project was estimated using trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*.¹ The ITE has conducted hundreds of studies at numerous land use types and provides trip rates that can be applied to proposed new development to estimate the volume of traffic to be generated on a daily and peak hour basis. In this case, Land Use Code (LUC) 230 - Residential Condominium trip rates were applied to the proposed number of condominium units; LUC 710 - General Office trip rates were applied to the proposed office square footage; and LUC 565 - Day Care Center trip

¹ *Trip Generation Manual*, 9th Edition; Institute of Transportation Engineers; Washington, DC, 2012.

rates were applied to the proposed number of children. A summary of the anticipated trips for the proposed project is provided in Table 1 and the trip-generation worksheets are attached to this letter. As shown, the proposed project will generate approximately 850 daily trips (total of both entering and exiting vehicles) of which 130 trips (70 entering and 60 exiting) will occur during the weekday AM peak hour and 125 trips (57 entering and 68 exiting) will occur during the weekday PM peak hour.

Table 1
Trip Generation Comparison

Time Period	Existing Building		Proposed Building		
	Current Uses ^a	By-Right Reoccupancy ^b	Proposed Uses ^c	Change over Current Uses	Change over By-Right Uses
Weekday Daily	580 ^d	890	850	+270	-40
Weekday AM Peak Hour					
Enter	44	101	70	+26	-31
Exit	<u>39</u>	<u>58</u>	<u>60</u>	<u>+21</u>	<u>+2</u>
Total	83	159	130	+47	-29
Weekday PM Peak Hour					
Enter	44	55	57	+13	+2
Exit	<u>61</u>	<u>85</u>	<u>68</u>	<u>+7</u>	<u>-17</u>
Total	105	140	125	+20	-15

^a Based on traffic counts conducted April 16, 2015.

^b ITE LUC 710 (General Office) applied to 15,000 sf; LUC 150 (Warehousing) applied to 22,100 square feet; and LUC 565 (Day Care Center) applied to 130 students.

^c ITE LUC 230 (Residential Condominium) applied to 17 units; LUC 710 (General Office) applied to 10,925 sf; and LUC 565 (Day Care Center) applied to 130 children.

^d Estimated using ITE LUC 710 (General Office) applied to 14,500 sf of occupied office space and LUC 565 (Day Care Center) applied to 95 children.

To provide a comparison to the traffic currently generated at the site, manual turning movement counts were conducted at the existing site driveway during the weekday AM peak period (7:00 to 9:00 AM) and the weekday PM peak period (4:00 to 6:00 PM). The count data revealed that the weekday AM peak hour occurs from 7:00 to 8:00 AM and the weekday PM peak hour occurs from 5:00 to 6:00 PM. A summary of these counts is also shown in Table 1 and the traffic count data are attached for reference.

As shown, the site currently generates 83 trips during the weekday AM peak hour and 105 trips during the weekday PM peak hour. Therefore, the increase in traffic from renovation and re-use

of the building will be 47 more trips during the AM peak hour and 20 additional trips during the PM peak hour. Using the observed distribution of traffic onto Hayden Rowe Street, the project will add between 11 and 26 peak hour trips to Hayden Rowe Street to/from the south and between 9 and 21 peak hour trips to Hayden Rowe Street to/from the north. These increases represent approximately one additional vehicle on Hayden Rowe Street every 2 to 6 minutes, on average, during the peak hours. Smaller increases in traffic would be expected during all other hours of the day.

All of the warehousing space and some of the office space within the existing building are currently vacant, but could be re-occupied again without the need for permits by the Town of Hopkinton. Table 1 therefore also provides a comparison to the traffic that could be generated at the site if all of the space were occupied. The trip-generation worksheets for the by-right uses in the building are attached for reference. As shown, the proposed project would actually generate between 15 and 29 fewer trips than full occupancy of the existing building. More important, however, is that a portion of the traffic generated by the warehouse component would likely be truck traffic that would have far greater impact on abutting residences.

Please feel free to contact me should you have any questions regarding this information.

Sincerely,

Ron Müller & Associates



Ronald Müller, P.E.
Principal

Attachments

Institute of Transportation Engineers (ITE); 9th Edition
Land Use Code (LUC) 230 - Residential Condominium/Townhouse

Average Vehicle Trips Ends vs: Dwelling Units
Independent Variable (X): 17

AVERAGE WEEKDAY DAILY

$$\ln T = 0.87 \ln (X) + 2.46$$

$$\ln T = 4.92$$

$$T = 137.00$$

$$T = 140 \quad \text{vehicle trips}$$

with 50% (70 vpd) entering and 50% (70 vpd) exiting.

Use Avg. Rate for < 50 Units:

$$T = 5.81 * (X)$$

$$T = 98.77$$

$$T = 100 \quad \text{vehicle trips}$$

with 50% (50 vpd) entering and 50% (50 vpd) exiting.

WEEKDAY MORNING PEAK HOUR OF ADJACENT STREET TRAFFIC

$$\ln T = 0.80 \ln (X) + 0.26$$

$$\ln T = 2.53$$

$$T = 12.55$$

$$T = 13 \quad \text{vehicle trips}$$

with 17% (2 vph) entering and 83% (11 vph) exiting.

WEEKDAY EVENING PEAK HOUR OF ADJACENT STREET TRAFFIC

$$\ln T = 0.82 \ln (X) + 0.32$$

$$\ln T = 2.64$$

$$T = 14.01$$

$$T = 14 \quad \text{vehicle trips}$$

with 67% (9 vpd) entering and 37% (5 vpd) exiting.

SATURDAY DAILY

$$T = 3.62 (X) + 427.93$$

$$T = 489.47$$

$$T = 490 \quad \text{vehicle trips}$$

with 50% (245 vpd) entering and 50% (245 vpd) exiting.

Use Avg. Rate for < 50 Units:

$$T = 5.67 * (X)$$

$$T = 96.39$$

$$T = 100 \quad \text{vehicle trips}$$

with 50% (50 vpd) entering and 50% (50 vpd) exiting.

SATURDAY MIDDAY PEAK HOUR OF GENERATOR

$$T = 0.29 (X) + 42.63$$

$$T = 47.56$$

$$T = 48 \quad \text{vehicle trips}$$

with 54% (26 vph) entering and 47% (22 vph) exiting.

Use Max. Rate for < 50 Units:

$$T = 0.93 * (X)$$

$$T = 15.81$$

$$T = 16 \quad \text{vehicle trips}$$

with 54% (9 vph) entering and 47% (7 vph) exiting.

Institute of Transportation Engineers (ITE); 9th Edition
Land Use Code (LUC) 710 - General Office Building

Average Vehicle Trips Ends vs: 1,000 Sq. Feet Gross Floor Area
Independent Variable (X): 10.925

AVERAGE WEEKDAY DAILY

$$\ln T = 0.76 \ln (X) + 3.68$$

$$\ln T = 5.50$$

$$T = 244.01$$

T = 240 vehicle trips

with 50% (120 vph) entering and 50% (120 vph) exiting.

WEEKDAY DAILY AVG. RATE

$$T = 11.03 * (X)$$

$$T = 121$$

$$T = 121$$

with 61 entering and 60 exiting

WEEKDAY MORNING PEAK HOUR OF ADJACENT STREET TRAFFIC

$$\ln T = 0.80 \ln (X) + 1.57$$

$$\ln T = 3.48$$

$$T = 32.55$$

T = 33 vehicle trips

with 88% (29 vph) entering and 12% (4 vph) exiting.

WEEKDAY AM PEAK AVG. RATE

$$T = 1.56 * (X)$$

$$T = 17$$

$$T = 17$$

with 15 entering and 2 exiting

WEEKDAY EVENING PEAK HOUR OF ADJACENT STREET TRAFFIC

$$T = 1.12 * (X) + 78.45$$

$$T = 90.69$$

T = 91 vehicle trips

with 17% (15 vph) entering and 83% (76 vph) exiting.

WEEKDAY PM PEAK AVG. RATE

$$T = 1.49 * (X)$$

$$T = 16.3$$

$$T = 16$$

with 3 entering and 13 exiting

SATURDAY DAILY

$$T = 2.03 * (X) + 31.75$$

$$T = 53.93$$

T = 50 vehicle trips

with 50% (25 vpd) entering and 50% (25 vpd) exiting.

SATURDAY DAILY AVG. RATE

$$T = 2.46 * (X)$$

$$T = 26.9$$

$$T = 27$$

with 14 entering and 13 exiting

SATURDAY MIDDAY PEAK HOUR OF GENERATOR

$$T = 0.43 * (X)$$

$$T = 4.70$$

T = 5 vehicle trips

with 54% (3 vph) entering and 46% (2 vph) exiting.

SATURDAY MIDDAY PEAK AVG. RATE

$$T = 0.43 * (X)$$

$$T = 4.7$$

$$T = 5$$

with 3 entering and 2 exiting

Institute of Transportation Engineers (ITE); 9th Edition
Land Use Code (LUC) 565 - Day Care Center

Average Vehicle Trips Ends vs: Students
Independent Variable (X): 130 Students

AVERAGE WEEKDAY DAILY

$T = 4.79 * (X) - 33.46$
 $T = 589.24$
 $T = 590$ vehicle trips
with 50% (295 vpd) entering and 50% (295 vpd) exiting.

WEEKDAY MORNING PEAK HOUR OF ADJACENT STREET TRAFFIC

$T = 0.73 * (X) + 4.67$
 $T = 99.57$
 $T = 100$ vehicle trips
with 53% (53 vph) entering and 47% (47 vph) exiting.

WEEKDAY EVENING PEAK HOUR OF ADJACENT STREET TRAFFIC

$\ln T = 0.88 \ln (X) + 0.27$
 $\ln T = 4.55$
 $T = 94.96$
 $T = 95$ vehicle trips
with 47% (45 vph) entering and 53% (50 vph) exiting.

SATURDAY DAILY

$T = 0.39 * (X)$
 $T = 50.70$
 $T = 50$ vehicle trips
with 50% (25 vpd) entering and 50% (25 vpd) exiting.

SATURDAY PEAK HOUR OF GENERATOR

$T = 0.11 * (X)$
 $T = 14.30$
 $T = 14$ vehicle trips
with 63% (9 vph) entering and 37% (5 vph) exiting.

SUNDAY DAILY

$T = 0.37 * (X)$
 $T = 48.10$
 $T = 50$ vehicle trips
with 50% (25 vpd) entering and 50% (25 vpd) exiting.

SUNDAY PEAK HOUR OF GENERATOR

$T = 0.11 * (X)$
 $T = 14.30$
 $T = 14$ vehicle trips
with 54% (8 vph) entering and 46% (6 vph) exiting.

Institute of Transportation Engineers (ITE); 9th Edition
Land Use Code (LUC) 710 - General Office Building

Average Vehicle Trips Ends vs: 1,000 Sq. Feet Gross Floor Area
Independent Variable (X): 14,500

AVERAGE WEEKDAY DAILY

$$\ln T = 0.76 \ln (X) + 3.68$$

$$\ln T = 5.71$$

$$T = 302.58$$

T = 300 vehicle trips

with 50% (150 vph) entering and 50% (150 vph) exiting.

WEEKDAY DAILY AVG. RATE

$$T = 11.03 * (X)$$

$$T = 160$$

$$T = 160$$

with 80 entering and 80 exiting

WEEKDAY MORNING PEAK HOUR OF ADJACENT STREET TRAFFIC

$$\ln T = 0.80 \ln (X) + 1.57$$

$$\ln T = 3.71$$

$$T = 40.83$$

T = 41 vehicle trips

with 88% (36 vph) entering and 12% (5 vph) exiting.

WEEKDAY AM PEAK AVG. RATE

$$T = 1.56 * (X)$$

$$T = 22.6$$

$$T = 23$$

with 20 entering and 3 exiting

WEEKDAY EVENING PEAK HOUR OF ADJACENT STREET TRAFFIC

$$T = 1.12 * (X) + 78.45$$

$$T = 94.69$$

T = 95 vehicle trips

with 17% (16 vph) entering and 83% (79 vph) exiting.

WEEKDAY PM PEAK AVG. RATE

$$T = 1.49 * (X)$$

$$T = 21.6$$

$$T = 22$$

with 4 entering and 18 exiting

SATURDAY DAILY

$$T = 2.03 * (X) + 31.75$$

$$T = 61.19$$

T = 60 vehicle trips

with 50% (30 vpd) entering and 50% (30 vpd) exiting.

SATURDAY DAILY AVG. RATE

$$T = 2.46 * (X)$$

$$T = 35.7$$

$$T = 36$$

with 18 entering and 18 exiting

SATURDAY MIDDAY PEAK HOUR OF GENERATOR

$$T = 0.43 * (X)$$

$$T = 6.24$$

T = 6 vehicle trips

with 54% (3 vph) entering and 46% (3 vph) exiting.

SATURDAY MIDDAY PEAK AVG. RATE

$$T = 0.43 * (X)$$

$$T = 6.24$$

$$T = 6$$

with 3 entering and 3 exiting

Institute of Transportation Engineers (ITE); 9th Edition
Land Use Code (LUC) 565 - Day Care Center

Average Vehicle Trips Ends vs: Students
Independent Variable (X): 95 Students

AVERAGE WEEKDAY DAILY

$T = 4.79 * (X) - 33.46$
 $T = 421.59$
 $T = 420$ vehicle trips
with 50% (210 vpd) entering and 50% (210 vpd) exiting.

WEEKDAY MORNING PEAK HOUR OF ADJACENT STREET TRAFFIC

$T = 0.73 * (X) + 4.67$
 $T = 74.02$
 $T = 74$ vehicle trips
with 53% (39 vph) entering and 47% (35 vph) exiting.

WEEKDAY EVENING PEAK HOUR OF ADJACENT STREET TRAFFIC

$\ln T = 0.88 \ln (X) + 0.27$
 $\ln T = 4.28$
 $T = 72.05$
 $T = 72$ vehicle trips
with 47% (34 vph) entering and 53% (38 vph) exiting.

SATURDAY DAILY

$T = 0.39 * (X)$
 $T = 37.05$
 $T = 40$ vehicle trips
with 50% (20 vpd) entering and 50% (20 vpd) exiting.

SATURDAY PEAK HOUR OF GENERATOR

$T = 0.11 * (X)$
 $T = 10.45$
 $T = 10$ vehicle trips
with 63% (6 vph) entering and 37% (4 vph) exiting.

SUNDAY DAILY

$T = 0.37 * (X)$
 $T = 35.15$
 $T = 40$ vehicle trips
with 50% (20 vpd) entering and 50% (20 vpd) exiting.

SUNDAY PEAK HOUR OF GENERATOR

$T = 0.11 * (X)$
 $T = 10.45$
 $T = 10$ vehicle trips
with 54% (5 vph) entering and 46% (5 vph) exiting.

Institute of Transportation Engineers (ITE); 9th Edition
Land Use Code (LUC) 710 - General Office Building

Average Vehicle Trips Ends vs: 1,000 Sq. Feet Gross Floor Area
Independent Variable (X): 15.000

AVERAGE WEEKDAY DAILY

$$\ln T = 0.76 \ln (X) + 3.68$$

$$\ln T = 5.74$$

$$T = 310.48$$

T = 310 vehicle trips
with 50% (155 vph) entering and 50% (155 vph) exiting.

WEEKDAY DAILY AVG. RATE

$$T = 11.03 * (X)$$

$$T = 165$$

$$T = 165$$

with 83 entering and 82 exiting

WEEKDAY MORNING PEAK HOUR OF ADJACENT STREET TRAFFIC

$$\ln T = 0.80 \ln (X) + 1.57$$

$$\ln T = 3.74$$

$$T = 41.95$$

T = 42 vehicle trips
with 88% (37 vph) entering and 12% (5 vph) exiting.

WEEKDAY AM PEAK AVG. RATE

$$T = 1.56 * (X)$$

$$T = 23.4$$

$$T = 23$$

with 20 entering and 3 exiting

WEEKDAY EVENING PEAK HOUR OF ADJACENT STREET TRAFFIC

$$T = 1.12 * (X) + 78.45$$

$$T = 95.25$$

$$T = 95 \text{ vehicle trips}$$

with 17% (16 vph) entering and 83% (79 vph) exiting.

WEEKDAY PM PEAK AVG. RATE

$$T = 1.49 * (X)$$

$$T = 22.4$$

$$T = 22$$

with 4 entering and 18 exiting

SATURDAY DAILY

$$T = 2.03 * (X) + 31.75$$

$$T = 62.20$$

$$T = 60 \text{ vehicle trips}$$

with 50% (30 vpd) entering and 50% (30 vpd) exiting.

SATURDAY DAILY AVG. RATE

$$T = 2.46 * (X)$$

$$T = 36.9$$

$$T = 37$$

with 19 entering and 18 exiting

SATURDAY MIDDAY PEAK HOUR OF GENERATOR

$$T = 0.43 * (X)$$

$$T = 6.45$$

$$T = 6 \text{ vehicle trips}$$

with 54% (3 vph) entering and 46% (3 vph) exiting.

SATURDAY MIDDAY PEAK AVG. RATE

$$T = 0.43 * (X)$$

$$T = 6.45$$

$$T = 6$$

with 3 entering and 3 exiting

Institute of Transportation Engineers (ITE); 9th Edition
Land Use Code (LUC) 150 - Warehousing

Average Vehicle Trips Ends vs: 1000 Square Feet Gross Floor Area
Independent Variable (X): 22,100

AVERAGE WEEKDAY DAILY

$$\ln T = 0.86 \ln (X) + 2.24$$

$$\ln T = 4.90$$

$$T = 134.59$$

$$T = 130 \text{ vehicle trips}$$

with 50% (65 vpd) entering and 50% (65 vpd) exiting.

WEEKDAY MORNING PEAK HOUR OF ADJACENT STREET TRAFFIC

$$\ln T = 0.55 \ln (X) + 1.88$$

$$\ln T = 3.58$$

$$T = 35.97$$

$$T = 36 \text{ vehicle trips}$$

with 79% (28 vph) entering and 21% (8 vph) exiting.

WEEKDAY EVENING PEAK HOUR OF ADJACENT STREET TRAFFIC

$$\ln T = 0.64 \ln (X) + 1.14$$

$$\ln T = 3.12$$

$$T = 22.67$$

$$T = 23 \text{ vehicle trips}$$

with 25% (6 vpd) entering and 75% (17 vpd) exiting.

SATURDAY DAILY

$$T = 1.23 * (X)$$

$$T = 27.18$$

$$T = 30 \text{ vehicle trips}$$

with 50% (15 vpd) entering and 50% (15 vpd) exiting.

SATURDAY MIDDAY PEAK HOUR OF GENERATOR

$$T = 0.13 * (X)$$

$$T = 2.87$$

$$T = 3 \text{ vehicle trips}$$

with 64% (2 vph) entering and 36% (1 vph) exiting.

Ron Müller & Associates

Traffic Engineering and Consulting Services

File Name : 15018 Hayden Rowe-Hayden Rowe Business Ctr AM

Site Code : 15018

E-W Street: Hayden Rowe Bus. Ctr. Dvwy Start Date : 4/16/2015

N-S Street: Hayden Rowe Street

Page No : 1

Groups Printed- Cars - Trucks

Start Time	Hayden Rowe Street From North				Hayden Rowe Street From South				Hayden Rowe Business Ctr. Dvwy From West				Int. Total
	Thru	Right	Peds	App. Total	Left	Thru	Peds	App. Total	Left	Right	Peds	App. Total	
07:00 AM	56	8	0	64	4	75	0	79	8	4	0	12	155
07:15 AM	25	4	0	29	7	69	0	76	5	6	0	11	116
07:30 AM	25	4	0	29	3	64	0	67	4	2	0	6	102
07:45 AM	26	6	0	32	8	78	0	86	7	3	0	10	128
Total	132	22	0	154	22	286	0	308	24	15	0	39	501
08:00 AM	30	3	0	33	1	82	0	83	1	8	0	9	125
08:15 AM	25	2	0	27	2	68	0	70	0	2	0	2	99
08:30 AM	57	2	0	59	1	84	0	85	0	1	0	1	145
08:45 AM	33	1	0	34	2	92	0	94	0	0	0	0	128
Total	145	8	0	153	6	326	0	332	1	11	0	12	497
Grand Total	277	30	0	307	28	612	0	640	25	26	0	51	998
Apprch %	90.2	9.8	0		4.4	95.6	0		49	51	0		
Total %	27.8	3	0	30.8	2.8	61.3	0	64.1	2.5	2.6	0	5.1	
Cars	253	30	0	283	28	571	0	599	25	26	0	51	933
% Cars	91.3	100	0	92.2	100	93.3	0	93.6	100	100	0	100	93.5
Trucks	24	0	0	24	0	41	0	41	0	0	0	0	65
% Trucks	8.7	0	0	7.8	0	6.7	0	6.4	0	0	0	0	6.5

Ron Müller & Associates

Traffic Engineering and Consulting Services

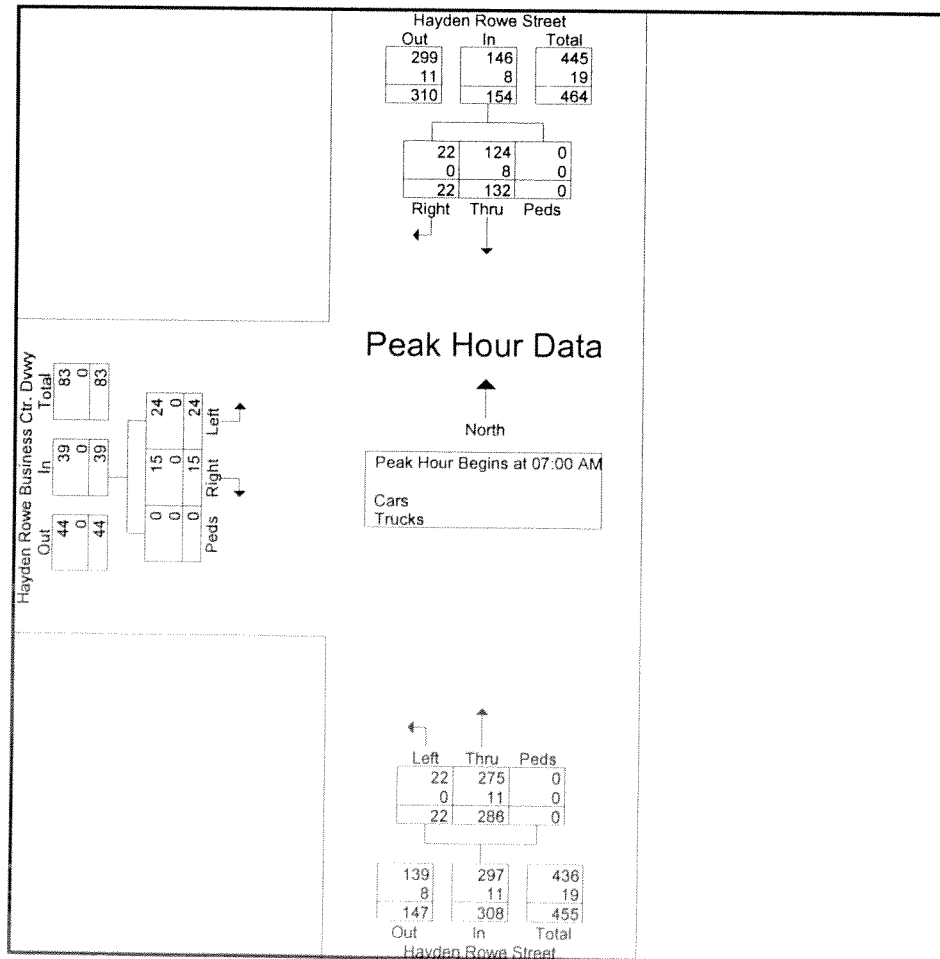
File Name : 15018 Hayden Rowe-Hayden Rowe Business Ctr AM

Site Code : 15018

E-W Street: Hayden Rowe Bus. Ctr. Dwyv Start Date : 4/16/2015

N-S Street: Hayden Rowe Street Page No : 2

	Hayden Rowe Street From North				Hayden Rowe Street From South				Hayden Rowe Business Ctr. Dwyv From West				
Start Time	Thru	Right	Peds	App. Total	Left	Thru	Peds	App. Total	Left	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1													
Peak Hour for Entire Intersection Begins at 07:00 AM													
07:00 AM	56	8	0	64	4	75	0	79	8	4	0	12	155
07:15 AM	25	4	0	29	7	69	0	76	5	6	0	11	116
07:30 AM	25	4	0	29	3	64	0	67	4	2	0	6	102
07:45 AM	26	6	0	32	8	78	0	86	7	3	0	10	128
Total Volume	132	22	0	154	22	286	0	308	24	15	0	39	501
% App. Total	85.7	14.3	0		7.1	92.9	0		61.5	38.5	0		
PHF	.589	.688	.000	.602	.688	.917	.000	.895	.750	.625	.000	.813	.808
Cars	124	22	0	146	22	275	0	297	24	15	0	39	482
% Cars	93.9	100	0	94.8	100	96.2	0	96.4	100	100	0	100	96.2
Trucks	8	0	0	8	0	11	0	11	0	0	0	0	19
% Trucks	6.1	0	0	5.2	0	3.8	0	3.6	0	0	0	0	3.8



Ron Müller & Associates

Traffic Engineering and Consulting Services

File Name : 15018 Hayden Rowe-Hayden Rowe Business Ctr PM

Site Code : 15018

E-W Street: Hayden Rowe Bus. Ctr. Dvwy Start Date : 4/16/2015

N-S Street: Hayden Rowe Street Page No : 1

Groups Printed- Cars - Trucks

Start Time	Hayden Rowe Street From North				Hayden Rowe Street From South				Hayden Rowe Business Ctr. Dvwy From West				Int. Total
	Thru	Right	Peds	App. Total	Left	Thru	Peds	App. Total	Left	Right	Peds	App. Total	
04:00 PM	59	3	0	62	3	31	0	34	0	0	0	0	96
04:15 PM	67	3	0	70	0	31	0	31	6	6	0	12	113
04:30 PM	68	2	0	70	3	38	0	41	0	5	0	5	116
04:45 PM	50	8	0	58	6	34	0	40	0	4	0	4	102
Total	244	16	0	260	12	134	0	146	6	15	0	21	427
05:00 PM	59	9	0	68	4	16	0	20	2	15	0	17	105
05:15 PM	58	5	0	63	9	23	0	32	1	9	0	10	105
05:30 PM	52	6	0	58	5	52	0	57	2	15	0	17	132
05:45 PM	58	4	0	62	2	38	0	40	6	11	0	17	119
Total	227	24	0	251	20	129	0	149	11	50	0	61	461
Grand Total	471	40	0	511	32	263	0	295	17	65	0	82	888
Apprch %	92.2	7.8	0		10.8	89.2	0		20.7	79.3	0		
Total %	53	4.5	0	57.5	3.6	29.6	0	33.2	1.9	7.3	0	9.2	
Cars	465	40	0	505	32	252	0	284	17	65	0	82	871
% Cars	98.7	100	0	98.8	100	95.8	0	96.3	100	100	0	100	98.1
Trucks	6	0	0	6	0	11	0	11	0	0	0	0	17
% Trucks	1.3	0	0	1.2	0	4.2	0	3.7	0	0	0	0	1.9

Traffic Engineering and Consulting Services

Site Code : 15018

N-S Street: Hayden Rowe Street

Page No : 2

Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1
Peak Hour for Entire Intersection Begins at 05:00 PM

