

# Attachment "A"

## SOUTHBOROUGH ZONING BOARD OF APPEALS MEETING ADMINISTRATIVE MINUTES

**MEETING DATE/LOCATION:** Wednesday, March 24, 2015; McAuliffe Hearing Room, Town Offices

**MEMBERS SITTING/PRESENT: TOWN OFFICIALS (& OTHERS) PRESENT:**

R/A/C		255 Turnpike Rd, RMD	Bartolini Builders Southville Parkerville	352 Turnpike Rd Ferris Dev	Park Central
R	Mr.Bartolini, Chair	S		S	S
R	Mr.Dennington	S	S	S	A
R	Mr.Bhisitkul	S	S	S	A
R	Mr.Eagle	P	S	S	S
R	Mr.Drepanos	S	S	S	S
A	Mr.Walker	A	A	A	A
A	Mr. Williams	S	A	A	A
C	Karen Finelli	P	P	P	P
C	Joe Giniewicz	P	P	P	A

Regular/Alternate/Clerk

Sitting/Present/Absent

Mr. Valerio Romano, Esq.  
Mr. Marc Rosenfeld, CEO CommCan Inc.  
Mr. John Bartolini Jr., Bartolini Builders  
Mr. Peter Bemis, Engineer  
Mr. Jose Martins, Ferris Development  
Mr. William Depietri, Capital Group  
Mr. Aldo Cipriano, Town Counsel  
Mr. Mark Possemato, Chair ConComm  
Mr. Angelo Catanzaro, Esq.  
Mr. Don Morris, Chair Planning Board

**ZBA Administrative Minutes:**

**Continued Public Hearing: – 255 Turnpike Rd. Special Permit, Marijuana Dispensary**

**Sitting as a board: Bartolini, Bhisitkul, Dennington, Drepanos, Williams**

The Public Hearing for 255 Turnpike Rd opened at 6:35PM

Chairman Bartolini made an exit announcement

At the board's request both Mr. Romano and Mr. Rosenfeld provided rebuttals to Dr. Medina's presentation made on March 23, 2016. Discussed diversion, buffer zone, public safety, cash only business and state regulations.

Mr. Bhisitkul expressed concern of diversion, Mr. Romano stated that patients will be required to sign documentation explaining safe guards and required storage of medical marijuana.

Mr. Bartolini asked if amount of marijuana dispensed to patients will be limited, Mr. Romano stated CommCan Inc. will be live with the website at Public Department of Health which will track sales.

Mr. Williams asked the applicant if they could provide current trends of diversion in the state. Mr. Romano responded that the first dispensary opened last June in Salem, Ma. and there is no data.

Mr. Matthew Rhine, 53 Deerfoot Rd. expressed concern that the board is rushing into a decision.

Mr. Howard Rose, 2 Bantry Rd. commented that he agrees with Mr. Rhine and asked that this matter be presented to the town for another vote by the people of the town.

Mr. John Megan, 8 Fitzgerald Ln., expressed concern as well that the decision is being rushed, why a dispensary in our town, what is the value of having one and its proximity to a neighborhood with children.

Mr. Gwam, 36 Meadow Lane concerned with diversion of marijuana, substance abuse and for the safety of our children we should oppose this dispensary.

Ms. Mudderidge, 15 Parmenter Rd. stated that she feels a 500 ft. buffer zone is sufficient and that zoning approval for marijuana dispensaries was not rushed at prior town meetings. Having a legal dispensary will alleviate patients from cultivating at home using dangerous lamps.

Mr. Qi, 3 Presidential Dr. expressed concern that the marijuana will be easy for children to obtain and feels that another location is better suited for this type of business.

Mr. Robert Jancowski, 4 Strawberry Hill Rd. asked the applicant if the penalties are statutory and expressed concern that there is a rush to approve.

Dr. Yazdani, 16A Bantry Rd. asked how opening a dispensary would benefit the town and why does it need to be approved at this time. He also commented that there is a limited pool of patients who will benefit from medical marijuana.

Mr. Cimino, requested that town counsel clarify for the audience the timing of the decision of the application before them with relation to this same matter being presented for changes at town meeting. Town Counsel stated that the Board has a responsibility to act upon the application before them within the time permissible to either deny or approve.

Ms. Milisits, 1 Boswell Ln. expressed concern that this type of facility will have a negative effect on our neighborhoods and asked why we can't say no to this type of business as other surrounding towns have done.

Ms. Connelly, 26 Oak Hill Rd. expressed concern that the zoning is not by right for this type of business. She asked the board to consider health, harmony, real estate values and she feels there is no reason to approve the application and urged the Board to deny the application.

Ms. Wheatley, 22 Clifford St. presented pictures of edibles to the Board and expressed concern about edibles and the proximity of them to children.

Mr. Drepanos asked for clarification as to whether or not current patients with hardship permits to cultivate at home will expire if there is an approved local dispensary. Mr. Romano stated if patients have access then the hardship cultivation permits will not be approved from the Department of Public Health.

Mr. Williams asked if it would be appropriate to set a condition for edibles in order to address the resident's concerns.

Mr. Bhisitkul stated that maybe the Board consider defining which forms of edibles be available for sale such as those in the form of candy.

Mr. Dennington expressed concern that any conditions the board puts in place the building inspector is required to enforce.

Mr. Rosenfeld commented that cannabis in the form of food digests differently and is necessary for some patients, he opposes wiping out all forms of edibles.

Clerk read a letter from Mr. Brian Shea dated March 24, 2016 pertaining to including a host agreement into the final decision.

Chairman Bartolini discussed a letter from Ms. Bonnie Phaneuf which included recommendations for the Board's decision.

On a motion made by Mr. Dennington, seconded by Mr. Drepanos to close the public hearing for a special permit at 255 Turnpike Rd. CommCan Inc. RMD, all in favor (5-0) Bartolini, Bhisitkul, Dennington, Williams and Drepanos

Mr. Bhisitkul stated that the Board is not boxed into permitting this use then they should determine if this is an appropriate use for this location. Also, the criteria is objective and although this business meets the criteria he does have concern about the proximity to the Neary School.

Mr. Dennington stated he is in favor of granting the special permit with conditions previously discussed as well as those conditions recommended by Mr. Shea and Ms. Phaneuf.

Mr. Williams stated he believes that converting this site to sell recreational marijuana would require coming before the boards again for approval. He also agrees with Mr. Bhisitkul and Mr. Dennington that this use is zoned appropriately for this location.

Mr. Drepanos stated that the applicant is credible and feels that the use fits the criteria.

Chairman Bartolini agreed with the member's comments regarding granting the special permit.

The Board discussed setting the following conditions: setting a host community agreement, lighting and landscaping to be set by planning board, no vehicles parking on route 9, special permit will not be transferable, patients will be required to read and sign documentation pertaining to directions in and out of the facility, no loitering at location, the applicant required to meet with police to review safety matters, exclude all edibles which appear like a candy product to the extend allowed by applicable law.

On a motion made by Mr. Dennington, seconded by Mr. Williams to approve the Special Permit to CommCan Inc. for a RMD at 255 Turnpike Rd. due to conditions set by the board.

Vote of (4-1), (4) In Favor: Bartolini, Dennington, Williams, Drepanos, (1) Opposed: Bhisitkul

The board took a 5 minute recess at 8:55PM

The board reconvened at 9:07PM

**Continued Public Hearing: 141-143 Southville Rd & 251-253 Parkerville Rd.- Special Permit**

**Sitting as a board: Bhisitkul, Dennington, Eagle, and Drepanos. Walker absent (3/24/16)**

Vice Chairman Bhisitkul explained that the full board is not available to sit on this matter this evening.

The applicant presented a request for both an extension of the application until April 21, 2016 as well as a request to continue the public hearing until April 20, 2016 at 7:30PM.

On a motion made by Mr. Bhisitkul, seconded by Mr. Eagle the board voted to continue the public hearing until April 20, 2016 at 7:30PM. All in favor: Bhisitkul, Dennington, Eagle and Drepanos.

On a motion made by Mr. Bhisitkul, seconded by Mr. Eagle the board voted to approve the extension of the application for special permit at 141-143 Southville Rd & 251-253 Parkerville Rd. until April 21, 2016. All in favor: Bhisitkul, Dennington, Eagle and Drepanos

**Public Hearing: 352 Turnpike Rd. – Ferris Development – Special Permit**

**Sitting as a board: Bartolini, Bhisitkul, Dennington, Eagle, Drepanos**

Hearing opened at 9:10PM

Clerk read into the record a letter of recommendation from the Planning Board.

Mr. Jose Martins of Ferris Development stated the purpose and need for the sign, it is difficult for emergency personnel and customers to find the building.

Mr. Drepanos asked for further clarification as to the location of the sign on the building.

Mr. Eagle stated that many people often stop at his place of business looking for 352 Turnpike Rd.

Both Mr. Bartolini and Mr. Bhisitkul had no questions.

On a motion made by Mr. Drepanos, seconded by Mr. Dennington to close the public hearing of 352 Turnpike Rd. All in favor (5-0). Bartolini, Bhisitkul, Dennington, Eagle and Drepanos

On a motion made by Mr. Drepanos, seconded by Mr. Bhisitkul to grant the special permit for a sign to be located 22' to 27' feet above finish grade on the building at 352 Turnpike Rd. All in favor (5-0) Bartolini, Bhisitkul, Dennington, Eagle and Drepanos.

On a motion made by Mr. Eagle, seconded by Mr. Dennington that the board supports the recommended zoning bylaw change to the over 55 housing provision. All in favor (5-0) Bartolini, Bhisitkul, Dennington, Eagle and Drepanos.

#### **The Residences at Park Central**

**Sitting Members: Bartolini, Eagle and Drepanos**

Clerk read into the record a letter from Conservation Commission dated March 21, 2016.

Mr. Depietri read into the record a summary of 9 meeting dates as well as documentation in which both the Planning Board and Conservation were provided.

On November 5, 2015, Ms. Paula Thompson, Waterman Design Assoc. submitted 27 sets of plans dated November 4, 2015 which were at 70% completion. A partial list of waivers they would be seeking was submitted with these plans.

On November 19, 2015 Conservation had the opportunity to review plans submitted and confirmed they did review plans per their letter dated December 1, 2015.

On December 3, 2015 meeting was held at town house, present: town planner, building commissioner, conservation agent, DPW superintendent and two abutters. Conservation agent asked the applicant if they plan to seek waivers. The applicant confirmed they would be seeking waivers from storm water management and the 20 foot no disturb bylaw.

On December 7, 2015 applicant attended Planning Board meeting and gave a full presentation, many questions asked by members pertaining to scope of the project as well as a request for an

updated list of waivers. Scheduled another meeting was for December 21, 2015 to provide updated list of waivers.

On December 10, 2015 applicant attended an advertised public hearing with Conservation meeting regarding ANRAD application.

On December 21, 2015 applicant attended a second meeting with Planning Board further discussed project as well as the partial list of waivers they would be requesting.

On January 6, 2016 applicant attended Planning Board meeting to discuss comment letter submitted to ZBA. The letter requested the list of waivers which were discussed previously with the Planning Board at the December 21, 2015 meeting.

On January 28, 2016 applicant met with Conservation and they approved ANRAD plan.

On February 4, 2016 applicant had a MEPA meeting at 257 Turnpike Rd, conservation agent and commissions consultant were present and the topic of waiver request was discussed.

The Board stated that they have given appropriate consideration to the applicant's waiver requests.

Town Counsel recommended that the Board provide a formal request for the Conservation Commission to be able to provide a response to the applicants request for waivers as well as rescind their prior vote regarding the waivers.

Mr. Possemato stated they expected the applicant to seek waiver requests however, the Conservation Commission would have liked to provide feedback.

Mr. Catanzaro stated the applicant plans to file a Notice of Intent under the Wetlands Protection Act but will not file a Notice of Intent under the local bylaws. Nor do they intend to comply with the 20 foot buffer rule.

Mr. Eagle stated that the Board will take the comments of Conservation Commission very seriously.

Mr. Catanzaro stated that he will put into writing details pertaining to the waivers requested and provide them to the Board.

Mr. Howard Rose, 2 Bantry Rd. asked when the Board will discuss the Chapter 40A part of the project.

Town Counsel explained that granting a Use Variance is the highest form of zoning relief which may be obtained and its jurisdiction is under the Zoning Board of Appeals. However, the Planning Board does have some authority and jurisdiction under a portion of the project as well.

Mr. Michael Scott, engineer with Waterman Design read and explained each of the waiver requests.

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant the waiver request of section 174-8.2 (RA residence A district), section 174-8.6 (IP industrial park district), section 174-8.7 (ID industrial district) use regulations and the dimensional requirements set forth within each section 174-8 through 174-8.10 including but without limitation section 174-8.6E (4) as the 40B rental building height will exceed 45' but not to exceed 55' feet at four stories. All in favor, vote (3-0)

Mr. Morris, chairman Planning Board stated that the planning board has jurisdiction pertaining to common driveways within the Chapter 40A portion of the project and requested that the Board not vote on the matter this evening.

Ms. Wendy DeMichaelis, 15 Bantry Rd stated that the abutters did not request in the neighbors agreement that the Planning Board not be involved. The Board and applicant disagreed with Ms. DeMichaelis.

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant the waiver request of section 174-9.1 common driveways, section 174-9.1A (1)-(2) to waive the requirement that each lot served by a common driveway must have its own full required frontage on a public way and to waive the requirement of a turnaround provision in all seasons. The subject development is proposed on one lot which obtains it's frontage on Flagg Rd, a public way. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant the waiver request of section 174-10 site plan approval subject to special condition that the waiver applies only to the affordable housing component of the project as residual site plan approval as set forth in the Use Variance is under the jurisdiction of the Planning Board. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant the waiver request of the regulations under section 174-11 signs. The sign at the entrance of the 40B buildings will be illuminated past 10pm. The sign at the entrance of the 40B buildings and the sign on route 9 will be illuminated from within. An illuminated pylon sign will be located at Flagg Rd. Additional directional and informational signs to be presented by applicant as part of a signage request for Board approval. Subject to special condition that applicant provided detailed lighting drawings and further reservation that Board may impose conditions as to duration and intensity of signs. All in favor, vote (3-0).

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 174-12 parking and loading regulations waiver of the requirement of section 174-12C (2) is specifically made so as to allow for 9'x 18' parking spaces in lieu of 9 1/2 x 18' spaces throughout the integrated project so as to reduce impervious areas on site. Waiver of the requirements of section 174-12E (I) as to the 40B component so as to allow for 260 surface spaces and 44 garage spaces in lieu of 378 spaces. Waiver of the requirement of three spaces for townhouses

containing more than 2 bedrooms is requested. Subject to special condition that the waiver applies only to the affordable housing component of the project. All in favor, vote (3-0).

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 174-12.1 outdoor illumination. Waiver of strict compliance with Night Sky Compliant fixtures so as to allow for 14' poles in the Townhouse component with 18' in affordable housing component subject to special condition that applicant provided detailed lighting plan. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 174-13. Waiver of compliance with landscaping requirements so as to allow for (i) reduced number of trees and shrubs in lieu of the 40' tree spacing and 3' shrub spacing; (ii) landscape buffer of less than 10' along route 495 right of way where garages are located and retaining walls are required; and (iii) eliminate the requirement of tree planting within 60' of every parking space. Subject to special condition that applicant provided detailed planting plan with a minimum of 62 trees. All in favor, vote (3-0).

Mr. Morris requested that the Board not grant a waiver for lower impact development (LID) since it's an important bylaw to adhere to.

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 174-13.3, waive compliance with the LID requirements subject to reconsideration or special conditions based on Planning Board comments. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13A (3) to allow for design and construction of site access driveways as private drives without connection to Tara Road and Bantry Road subject to special condition that entrance design to project properly addresses safety concerns to the satisfaction of the Board. All in favor, vote (3-0).

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 244-13(5) to allow for street jogs with center line offsets of less than 150 feet between two streets joining the third street from the opposite side. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13(7) allow for leveling area of more than 2% and less than 75 feet from the side line of the intersecting street right of way where the street grade exceeds 4% so as to accommodate road design at the following intersections: Webber Circle (south) with Park Central Drive – 3.6% for 55 feet, then 4.5%, Phaneuf Drive with Park Central Drive – 3.6% for 55 feet, then 8%, Holmes Drive with Phaneuf Drive – 3% for 20 feet, then 6.7%, Berry Circle (south) with Park Central Drive – 3.3% for 60 feet, then 5.3% subject to special condition that road/intersection design properly address safety concerns to the satisfaction of the Board. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13(9) to allow for construction of Park Central Drive with an 840 foot straight (tangent) section and pavement width of 22 feet. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13b (3) to allow for location of townhouse driveway openings within 65 feet of the intersection of the center line of intersecting site driveways so as to accommodate density approved in the use variance subject to the special condition that the Board may reconsider upon review of updated site plans. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13b (4) to allow for the site access driveways and common driveways (which are not public ways) to have grades of more than 8% within 10 feet of the edge of travelled way. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to waive section 244-21a to allow for sidewalk construction only as shown on the site plan with sidewalks not being provided on both sides of Park Central Drive or John Boland Road; with no sidewalk connection to existing sidewalks and with no sidewalks on Phaneuf Drive, Holmes Drive, Berry Circle and Blackthorn Drive extension subject to special conditions that proposed sidewalk located within the townhouse component shall be subject to Planning Board review and approval. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-23 to allow for sidewalk construction directly adjacent the curb (Park Central Drive) or directly adjacent to the roadway (Webber Circle). All in favor, vote (3-0).

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 244-24b so as to allow for the removal of existing trees within the right of way; the removal of trees larger than four inches in caliper and located outside the shoulders and the planting of road trees along John Boland Road and Blackthorn Drive Extension at intervals greater than 40' so as to accommodate necessary retaining walls.

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to extend the application of Park Central 40B until June 30, 2016.

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to continue the public hearing until May 25, 2016 @ 7PM.

The meeting adjourned at 11:53 PM.

*Respectfully submitted by: Karen Finelli, Clerk*

## Attachment "B"

To: Zoning Board of Appeals  
From: William A. Depietri, Manager *Park Central LLC* (c. 40B Applicant/Developer)  
Re: Waiver Request for Affordable Housing Integrated Development Project  
Date: February 24, 2016

In connection with the pending c. 40B application for Comprehensive Permit, and so as to allow for integrated site development *as required* by the Board in its May 27, 2015 Notice of Decision on a Use Variance, Applicant hereby requests that compliance with the following local Bylaws and Regulations be waived as part of the Comprehensive Permit Decision, as enforcement of these local Bylaws and Regulations is inconsistent with local needs in view of the regional need for low and moderate income housing. The requested waivers can be granted without adverse effect on the future residents of the affordable housing project, the adjacent and approved townhouse condominium as well as residents of adjoining properties and will operate to preserve open space and promote better site and building design in relation to the surrounding neighborhoods and existing roadway and highway network. In addition, the requested waivers allow for the development of this site consistent with the Town's Master Plan and recognized need for diversified housing including three bedroom homes. The term "integrated project" shall mean the entire Park Central site as shown on the Site Plan approved in connection with the Use Variance and as will be shown on final engineered Site Plans to be approved by the Board.

The subject locus, including the major spine or connector road and the integrated stormwater drainage system, branch roads and infrastructure are located in the Industrial Park, Industrial and Residence A Zoning Districts. Multifamily Housing is not an allowed use in these Zoning Districts.

Waiver of the literal enforcement from compliance with the requirements of the following local Bylaws and Regulations is requested. Unless otherwise indicated, waiver of the entire section noted is requested, subject to such reasonable conditions as the Board may impose. Granted waivers shall apply to all aspects of both the 40B and Townhouse components wherever integration has been previously required by the Use Variance Decision.

*Applicant reserves the right to amend or supplement this request or to make additional waiver requests prior to the final decision on the Comprehensive Permit.*

**A. Chapter 174 of the Town Code of the Town of Southborough. Sections 174-1 through 174-28 (Zoning). Waiver from Compliance with "Article III. Use Regulations"**

1. Section 174-8.2 (RA Residence A District), Section 174-8.6 (IP Industrial Park District) and Section 174-8.7 (ID Industrial District) use regulations and the dimensional requirements set forth within each Section 174-8 through 174-8.10, including but without limitation Section 174-8.6 E (4) as the 40B building heights will exceed the 45' and three stories requirement.

2. Section 174-9.1 Common Driveways. Section 174-9.1A (1)-(2). To waive the requirement that each lot served by a common driveway must have its own full required frontage on a public way and to waive the requirement of a turnaround provision in all seasons.
3. Section 174-10. Site Plan Approval.
4. Section 174-11. Signs. The sign at the entrance of the 40B Buildings will be illuminated past 10pm. The sign at the entrance of the 40B Buildings and the sign on Route 9 will be illuminated from within. Additional directional and informational signs to be presented by applicant as part of a signage request for Board approval.
5. Section 174-12. Parking and loading regulations. Waiver of the requirement of Section 174-12 C (2) is specifically made so as to allow for 9'x18' parking spaces in lieu of 9 1/2 x 18' spaces throughout the integrated project so as to reduce impervious areas on-site, thereby reducing detention areas and increasing landscaped areas throughout the development. To waive the requirements of Section 174-12 E (1) as to the 40B component so as to allow for 260 surface spaces and 44 garage spaces in lieu of 360 spaces. In addition, waiver of the requirement of three spaces for townhomes containing more than 2 bedrooms is requested. The overall reduction in spaces is consistent with the number of spaces required by the anticipated end users and serves to reduce impervious area and increases open space for the entire integrated project.
6. Section 174-12.1 Outdoor Illumination.
7. Section 174-13. Landscaping. On-site irrigation well(s) will be provided for the 40B component only so as to limit the volume of water withdrawal. Landscaping is designed with native and drought tolerant vegetation to reduce watering requirements and increase the success of survival and growth. Waiver of compliance with landscaping requirements is necessary so as to allow for a reduced number of trees and shrubs in lieu of the 40' tree spacing and 3' shrub spacing; to provide a finite number of shade and ornamental trees in lieu of the 62 required; to allow for a Landscape buffer of less than 10' along Route 495 right of way where garages are located and retaining walls area required; and to waive the requirement for a tree within 60' of every parking space. Trees are grouped in larger planting areas to increase the diversity and color of the vegetation. Maintaining landscaping in larger end islands and along the outside of the parking areas provides easier maintenance for both the landscaping and the parking areas, including snow plowing and removal. In addition, waiver of the requirements of Section 174-13 F IP district (50' buffer is necessary as a landscaped buffer of 40' (including existing trees, proposed evergreens, and lawn areas) is proposed along the eastern property boundary in accordance with the Decision. The integrated project proposes shade and ornamental trees along with shrubs, perennials, and grasses throughout.
8. Section 174-13.3.<sup>2</sup> Lower Impact Development
8. Section 174-13.4 Water Protection

9. Section 174-13.5 Stormwater and erosion control

**B. Chapter 244 of the Town Code. Subdivision of Land. *Waiver from Compliance with Subdivision Rules and Regulations.***

Although neither the 40B component nor the Townhouse component of the integrated project are subject to Chapter 244 of the Town Code pertaining to the Subdivision of Land (as the integrated project will be developed as a condominium pursuant to M. G. L. c. 183A) the Applicant has offered reasonable compliance with those regulations. Notwithstanding such intended compliance, as site conditions and permitted and proposed uses will not allow strict compliance with various technical requirements waivers from the various Sections are requested:

1. *Section 244-13A (3). All streets shall be designed and constructed to the end of the layout or to the boundaries of the subdivision, so as to provide a continuous, connecting network with other existing and proposed streets. Where an existing street ends within 250 feet of the subdivision border, and a connection is necessary for the safety and convenience of traffic, the Board may require that a subdivision street be extended to connect to such existing street. Reserve strips preventing access to a street from the adjacent property shall not be permitted, except where, in the opinion of the Planning Board, such reserve strip is in the public interest.*

The primary project road does not connect to the neighboring streets, Tara Road and Bantry Road. The connection to Blackthorn Drive is only an emergency exit.

2. *Section 244-13(5). Street jogs with center-line offsets of less than 150 feet between two streets joining the third street from the opposite sides shall be avoided.*

As shown on the Site Plan Phaneuf Drive, Park Central Drive and Holmes Drive have offsets of 131 feet.

3. *Section 244-13(7) Where the street grade exceeds 4%, a leveling area of not more than two-percent grade shall be provided for a distance of 75 feet from the side line of the intersecting street right-of-way.*

As shown on the Site Plan the following roadways do not comply with this requirement.

Webber Circle (south) with Park Central Drive – 3.6% for 55 feet, then 4.5%  
Phaneuf Drive with Park Central Drive – 3.6% for 55 feet, then 8%  
Holmes Drive with Phaneuf Drive – 3% for 20 feet, then 6.7%

Berry Circle (south) with Park Central Drive – 3.3% for 60 feet, then 5.3%

4. *Section 244-13(9). Residential streets defined as minor, local and minor collector shall conform to the topography of the land and avoid straight segments of more than 400 feet which encourage high speeds and detract from the appearance of residential areas.*

Park Central Drive includes an 840 foot straight section along the existing pond. Speeds are discouraged by limiting the roadway width to 22 feet.

5. *Section 244-13b (3). No driveway openings shall be located within 65 feet of the intersection of the center lines of intersecting streets.*

So as to provide for unit density allowed by the Use Variance and as shown on the Concept Plan as part of that approval driveways are located within 65' of intersections. Safe turning areas and queuing are provided into side streets and common driveways.

6. *Section 244-13b (4). Between the side line of the street right-of-way and the edge of the pavement or gutter line, driveway grades shall be not less than 1%, nor more than 8%.*

At various locations in the Townhouse component and the main road off-grading exceeds 8% which is necessary in order to meet existing grades as quickly as possible so as to limit the area proposed to be cleared and limit potential work in buffer zones.

7. *Section 244-21a. Sidewalks shall be constructed within the subdivision and, when the board determines it is necessary, outside the subdivision to connect to the existing sidewalks. The sidewalks shall be constructed in accordance with the standard street cross section as shown on the approved plans for the full length of the street layout on one or both sides, as required by the board, except that in turnarounds the sidewalk shall terminate at the last driveway entrance.*

Sidewalks are not proposed along Phaneuf Drive, Holmes Drive, Berry Circle, and Blackthorn Drive to reduce proposed impervious areas on site. In lieu of sidewalks, additional unpaved walking trails are provided around the existing pond.

8. *Section 244-23. The entire area between the gutter or curb and the side line of street right-of-way on each side not occupied by a sidewalk shall be graded to within six inches of the finished grade, shall have six-inch depth of well-compacted loam installed, graded to slope down not less than 3/8 inch per foot toward the gutter or curb, and shall be seeded with a high-quality grass seed. The area shall be maintained and reseeded if necessary.*

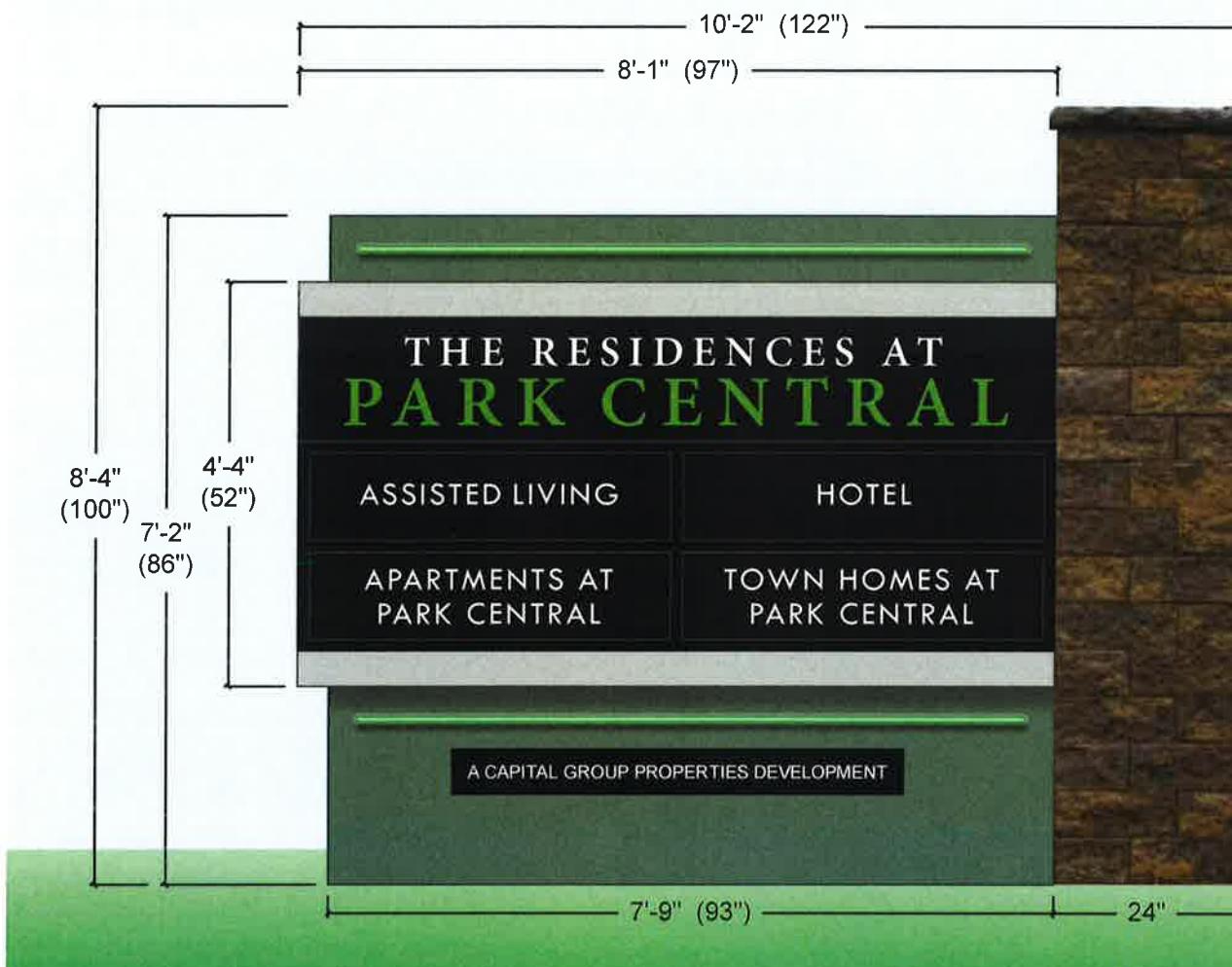
So as to limit of the area of clearing and grading, Applicant is proposing a sidewalk directly adjacent the curb (Park Central Drive) or directly adjacent to the roadway (Webber Circle). Webber Circle is proposed as a low impact development (LID) roadway with open drainage and has lower traffic volumes.

9. *Section 244-24b. Suitable existing trees within the right-of-way approved by the tree warden, if larger than four inches caliper and located outside the shoulders, shall be preserved. Trees to be retained shall not have grade changes over their root areas more than 12 inches. Where suitable trees do not exist at intervals of less than 40 feet on each side of the street, they shall be provided by the developer.*

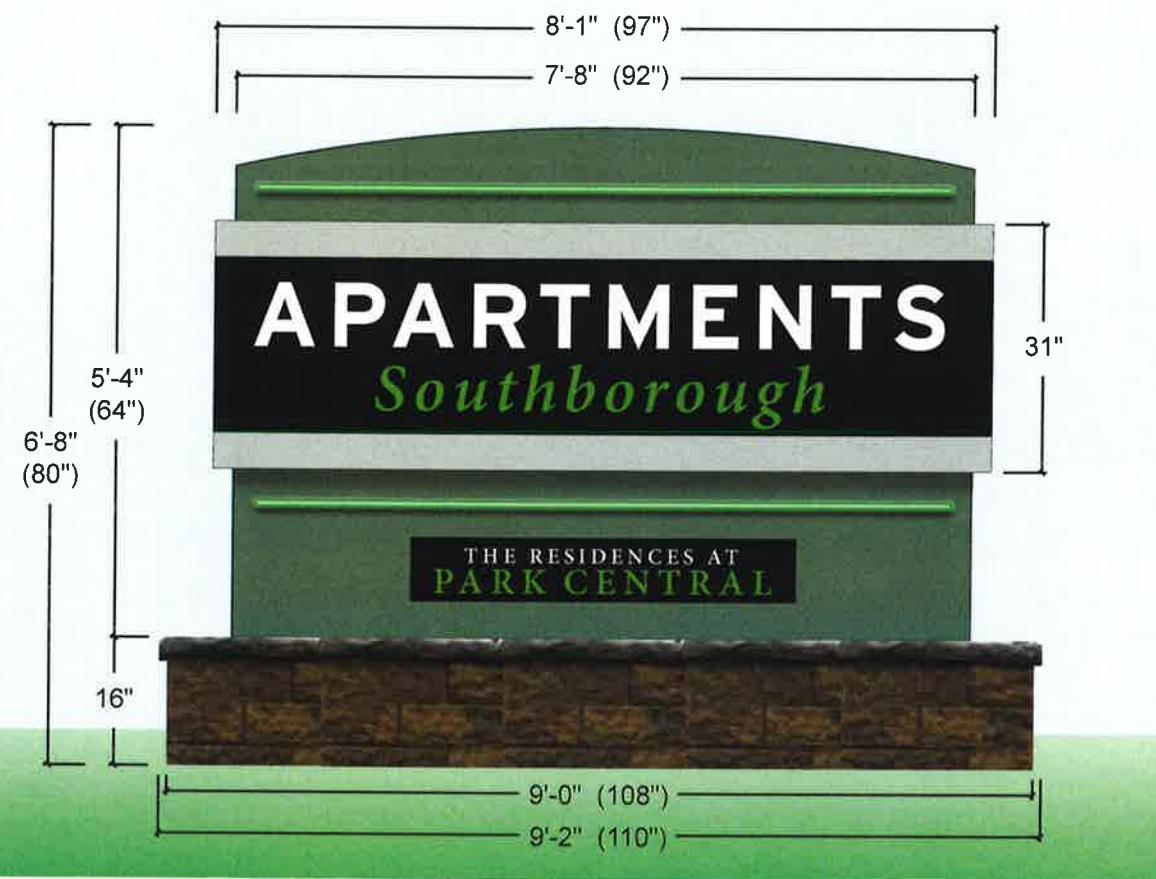
Retaining walls are proposed along John Boland Road and Blackthorn Drive; in these locations trees cannot be planted at the top of the retaining walls along the roadway every 40-feet. Additional trees are planted throughout the project, along buffer areas, and adjacent to units to achieve the intent of the Regulations. Mature woodland vegetation below the retaining walls will be preserved as shown on the drawings.

- C. **Chapter 170 of the Town Code. Wetlands Protection. Waiver from Compliance with Wetlands Regulations.** The integrated roadway and drainage infrastructure as well as the approved density of the Townhouse component will not allow for full compliance with the Town's local Wetlands Protection Bylaw, Chapter 170 of the Town Code or the Wetland Regulations (revised as of November 19, 2015) promulgated thereunder. Applicant can and will comply with the requirements of the Wetlands Protection Act, M. G. L c. 13, and its regulatory scheme. Waiver of the requirements of Chapter 170 generally and specifically Section 3.2 through 3.23 of the Wetlands Regulations (Activities within the Buffer Zone) is requested so as to allow for integrated infrastructure and density.

Sign A



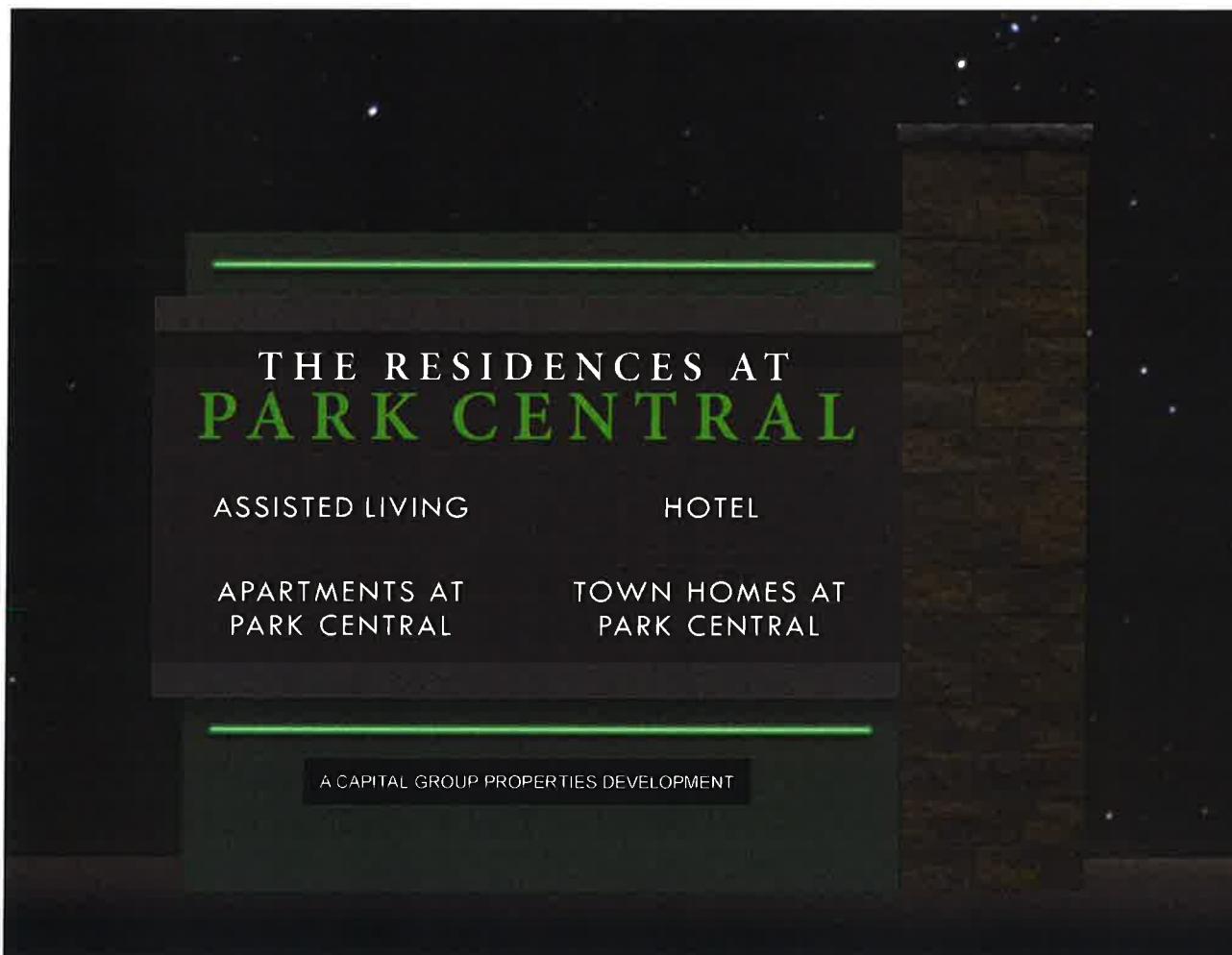
Sign B



E1

Elevation: #7342 Monument Signs  
 Scale: 1/2" = 1'

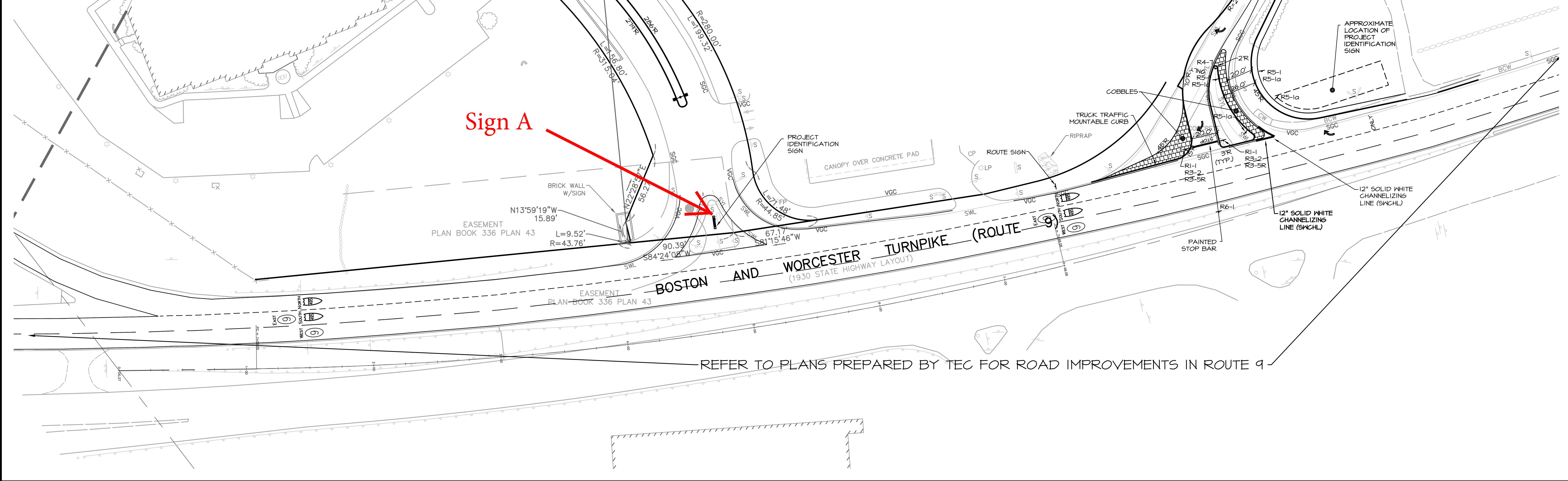
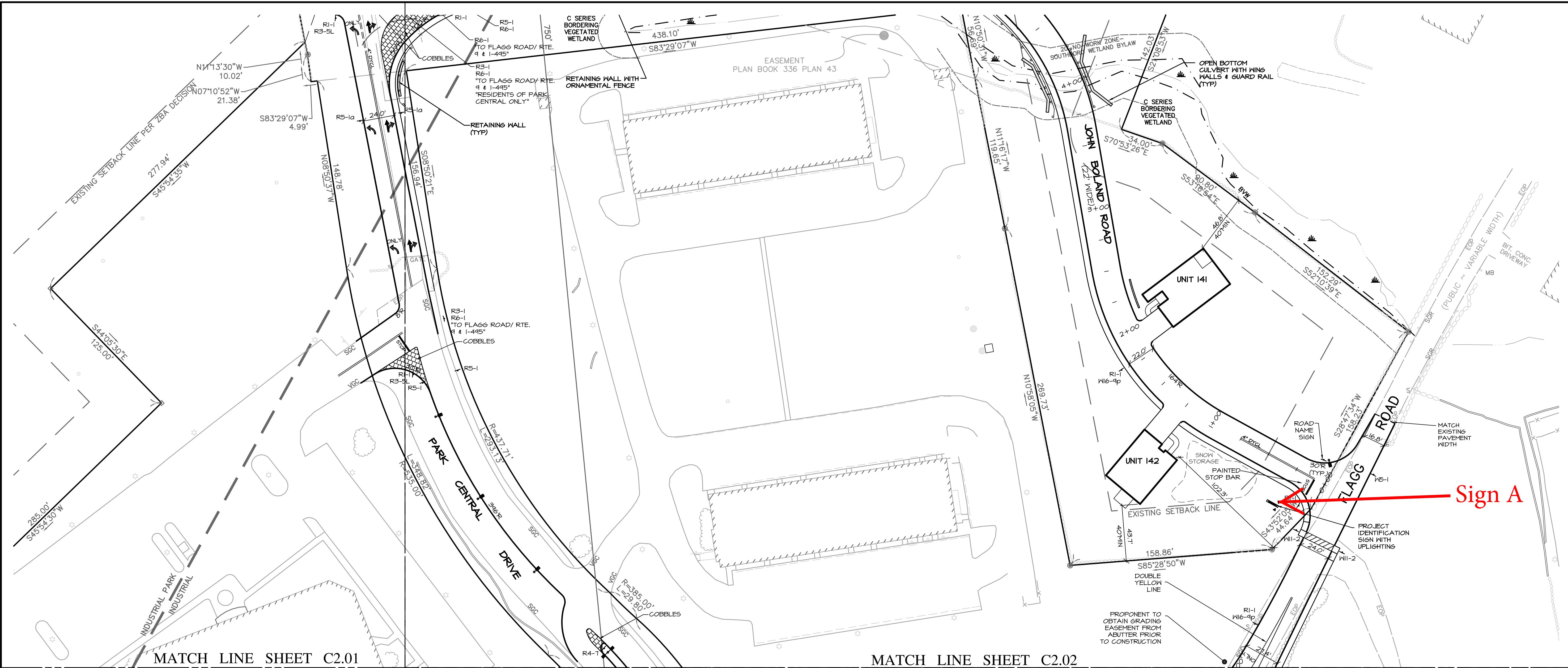
Sign A



Sign B



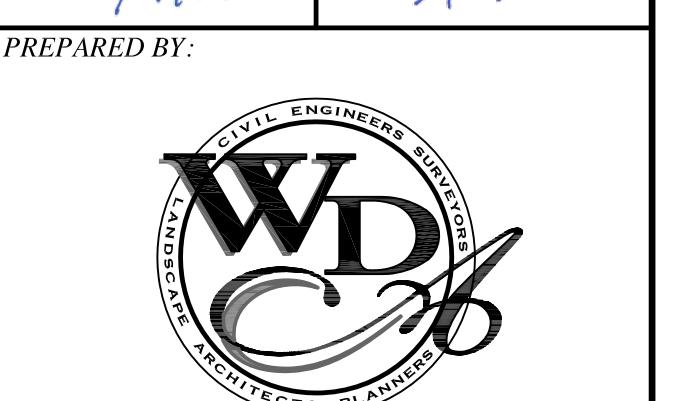
E1 Elevation: #7342 Monument Signs  
 Scale: 1/2" = 1'



CONDITIONALLY APPROVED SOUTHBOROUGH ZONING BOARD OF APPEALS	
BASIS OF BEARINGS:	MASSACHUSETTS STATE PLANE COORDINATE SYSTEM
DATE: _____	

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REV	DATE	DESCRIPTION	APP'D
E	08/15/16	TOWN COMMENTS	
D	04/06/16	INITIAL ISSUE NOTICE OF INTENT	
C	01/26/16	NOT ISSUED	
B	01/06/16	NOT ISSUED	
A	11/04/15	PROGRESS SET	



**WATERMAN DESIGN  
ASSOCIATES, INC.**  
31 East Main Street  
Westborough, MA 01581  
508.366.6552  
508.366.6506 (fax)  
watermandesign.com wda@wdassoc.com

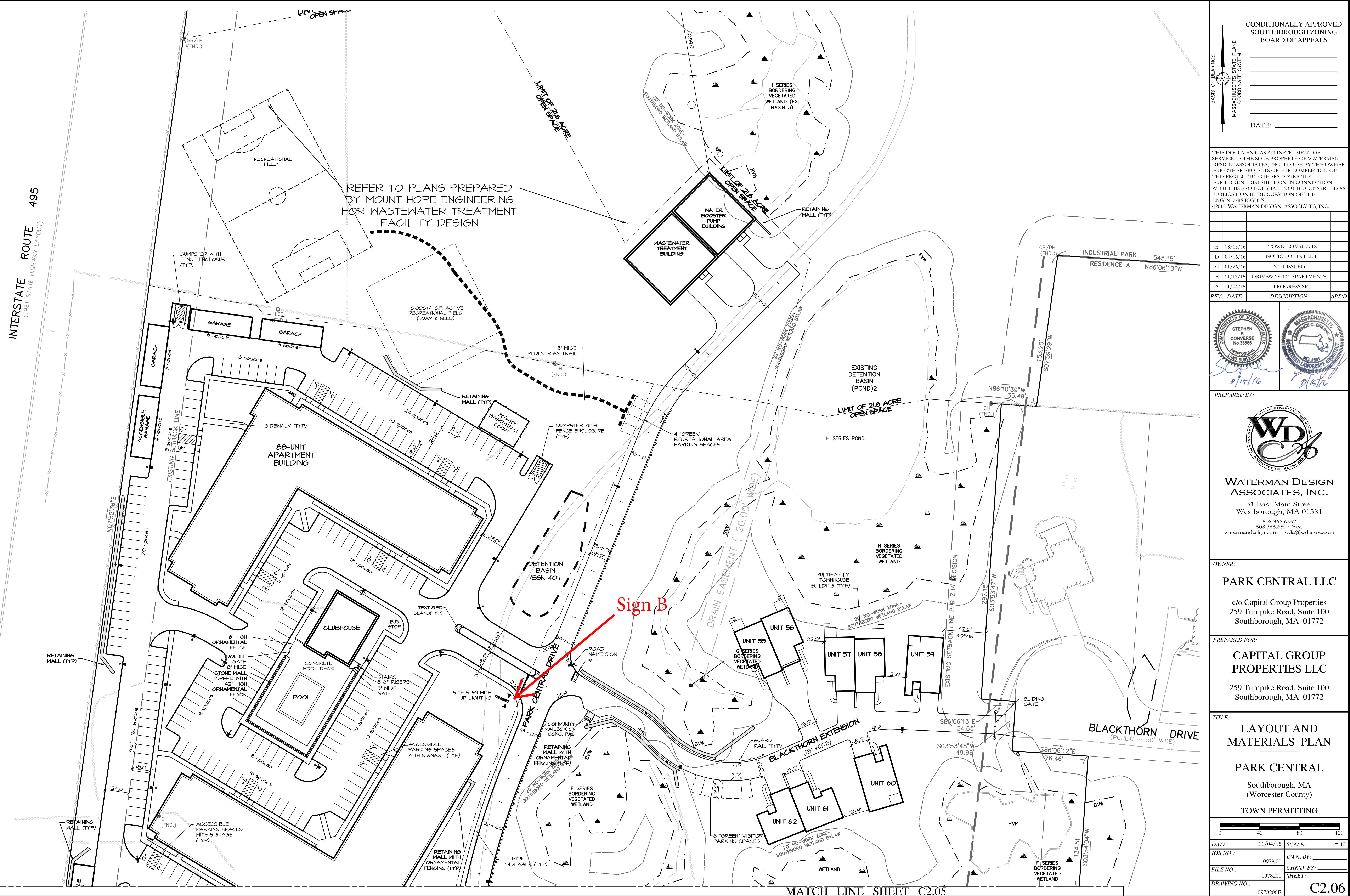
**OWNER:**  
**PARK CENTRAL LLC**  
c/o Capital Group Properties  
259 Turnpike Road, Suite 100  
Southborough, MA 01772

**PREPARED FOR:**  
**CAPITAL GROUP  
PROPERTIES LLC**  
259 Turnpike Road, Suite 100  
Southborough, MA 01772

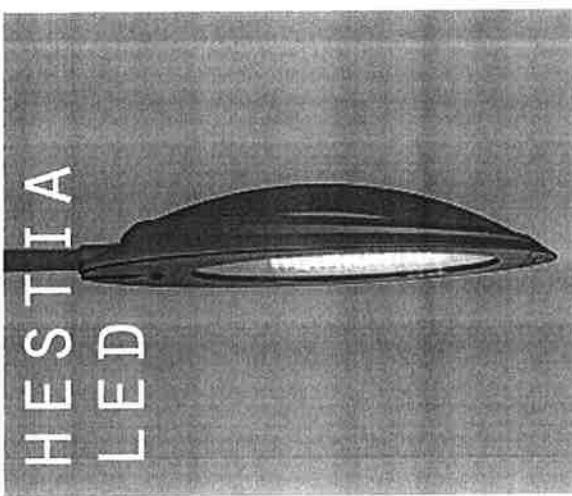
**TITLE:**  
**AYOUT AND  
ATERIALS PLAN**  
**PARK CENTRAL**  
Southborough, MA  
(Worcester County)  
TOWN PERMITTING

DATE:	11/04/15	SCALE:	1" = 40'
JOB NO.:	0978.00	DWN. BY:	
FILE NO.:	0978200	CHK'D. BY:	
DRAWING NO.:	0978207E	SHEET:	

**C2.07**



# Attachment "D"



## CHARACTERISTICS - LUMINAIRE

Tightness level:	IP 65 (*)
Impact resistance (glass):	IK 07 (**)
Nominal voltage:	198V-277V - 50Hz
Electrical class:	I or II (*)
Operating temperature ( $T_a$ ):	-40°C to +40°C
Weight:	Mini: 7.8kg Midi: 9.1kg
Installation height:	4 - 8m
Standard colour:	Pearl Light Grey (RAL 9022), Textured finish
Material:	High-quality die-cast aluminium

### LED light sources

Correlated colour temperature (CCT):	Neutral white (4000K)
Wattage:	18W - 76W
Flux:	2360lm - 10233lm

(\*) according to SANS 60598

(\*\*) according to IEC 62262

## APPLICATIONS

- Urban streets and roads
- Squares and pedestrians areas
- Boulevards and avenues
- Bridges

## KEY ADVANTAGES

- A classical shape luminaire with the advantages of LED technology
- Low energy consumption
- True range with two sizes and numerous lumen packages
- LensoFlex®2 photometric engine with photometry adapted to various applications
- Robust materials
- Surge protection 10kV
- Designed to incorporate Schréder's range of control solutions

## ELEGANT SOLUTION WITH CUTTING-EDGE LED TECHNOLOGY

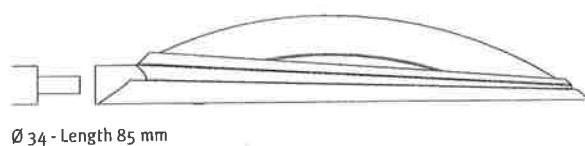
The Hestia LED has been designed by Elizabeth de Portzamparc to create a fluid, light and elegant LED luminaire.

Hestia LED offers an economical lighting solution based on state-of-the-art LED technology. This luminaire is available in two sizes – Mini and Midi – with different power versions all characterised by low energy consumption for high-quality photometric performance.

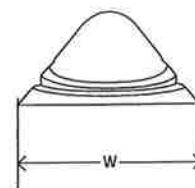
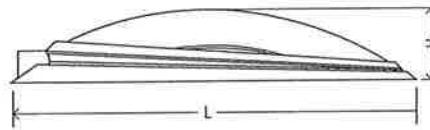
The luminaire is power factor correct to ≥0,95.

## DIMENSIONS - MOUNTING

The Hestia LED luminaires offer slip-over mounting onto any bracket with a 34mm diameter spigot (of length 85mm) by the tightening of 2 M8 screws. For flush mounting of the Hestia LED, the main bracket arm should be 60mm outside diameter.

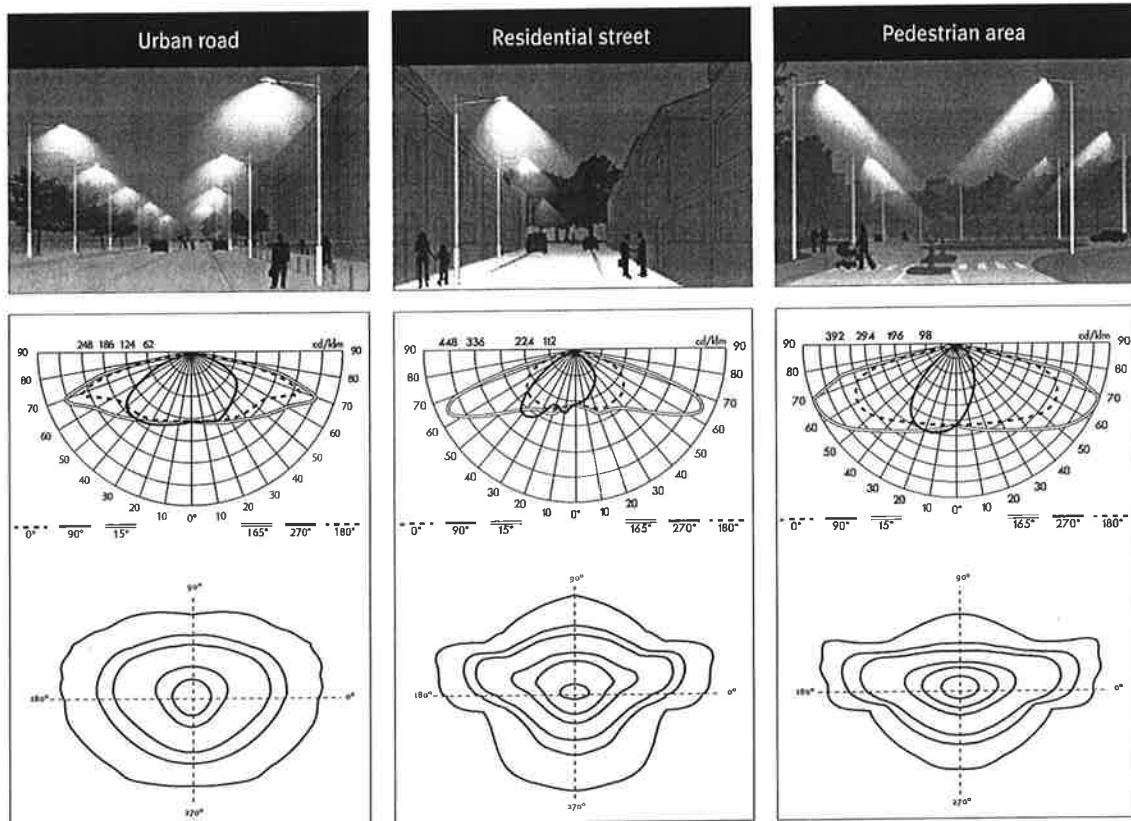


Ø 34 - Length 85 mm



	Hestia Mini LED	Hestia Midi LED
L	780 mm	924 mm
H	163 mm	170 mm
W	266 mm	324 mm

## APPLICATIONS



## PHOTOMETRY

		HESTIA LED					Lifetime residual flux @ $T_f = 25^\circ\text{C}$ <sup>**</sup>
		Mini			Midi		@100,000h
Number of LEDs	Neutral white (4000K)	16 LEDs	24 LEDs	32 LEDs	48 LEDs	64 LEDs	
Current: 350mA	Nominal flux (lm)*	2360	3786	5048	7572	10097	90%
	Power consumption (W)	18	26	36	52	69	
Current: 500mA	Nominal flux (lm)*	3240	5116	6822	10233	-	90%
	Power consumption (W)	26	38	52	76	-	
Current: 700mA	Nominal flux (lm)*	4128	-	-	-	-	90%
	Power consumption (W)	36	-	-	-	-	

<sup>\*</sup>The nominal flux is an indicative LED flux @  $T_f = 25^\circ\text{C}$  based on LED manufacturer's data. The real flux output of the luminaire depends on environmental conditions (e.g. temperature and pollution) and the optical efficiency of luminaire.

Nominal flux depends on the type of LED in use and likely to change in accordance with the continuous and rapid developments in LED technology.

The type of LED used is subject to change due to the ongoing rapid progress taking place in LED technology.

To follow the progress of the luminous efficiency of the LEDs used, please visit our website.

<sup>\*\*</sup>In accordance with LM-80 - TM-21

## ORDERING DATA

DESCRIPTION	LEDs	CURRENT (mA)	LUMEN	MASS (KG)
Hestia Mini LED 18W	16	350	2 360	7.8
Hestia Mini LED 26W	16	500	3 240	7.8
Hestia Mini LED 36W	16	700	4 128	7.8
Hestia Mini LED 26W	24	350	3 786	7.8
Hestia Mini LED 38W	24	500	5 116	7.8
Hestia Mini LED 36W	32	350	5 048	7.8
Hestia Mini LED 52W	32	500	6 822	7.8
Hestia Midi LED 52W	48	350	7 572	9.1
Hestia Midi LED 76W	48	500	10 233	9.1
Hestia Midi LED 69W	64	350	10 097	9.1

Standard optic: 5102

Standard colour: Pearl Light Grey (RAL 9022), Textured finish

Standard CCT: Neutral white (4000K)

## OPTIONS

### ELECTRICAL

Downward facing daylight switch

### Switching/dimming control

Pre-programmable stand-alone dimming

Owlet remote management

### MECHANICAL

Other RAL colour, Matt finish

### Colour

Other RAL colour, Brilliant finish

Other RAL colour, Textured finish

### PHOTOMETRICS

5068	5103	5137
5091	5117	5138
5094	5118	5139
5098	5119	5140
5102	5136	5141

Manufactured by BEKA Schréder (Pty) Ltd - South Africa  
**Manufacturers of Luminaires and Glass Fibre Poles**

07/16



BEKA Schréder (Pty) Ltd | 13 West View Road | P.O. Box 120 | Olifantsfontein | 1665 | South Africa

T: +27 11 238 0000 | F: +27 11 238 0180

info@beka-schreder.co.za | www.beka-schreder.co.za

HEST LED

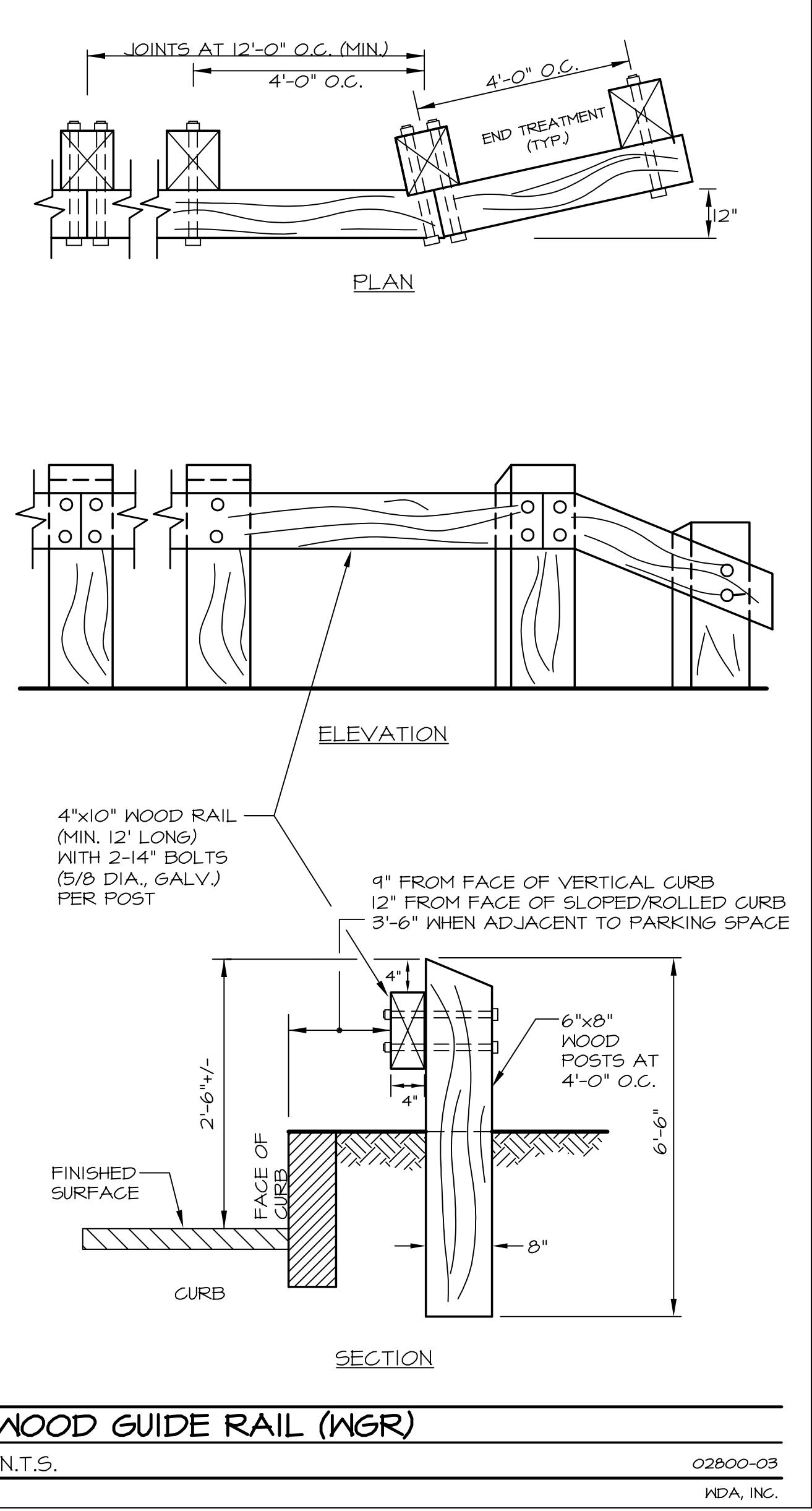
LED

BEKA  
Schréder S

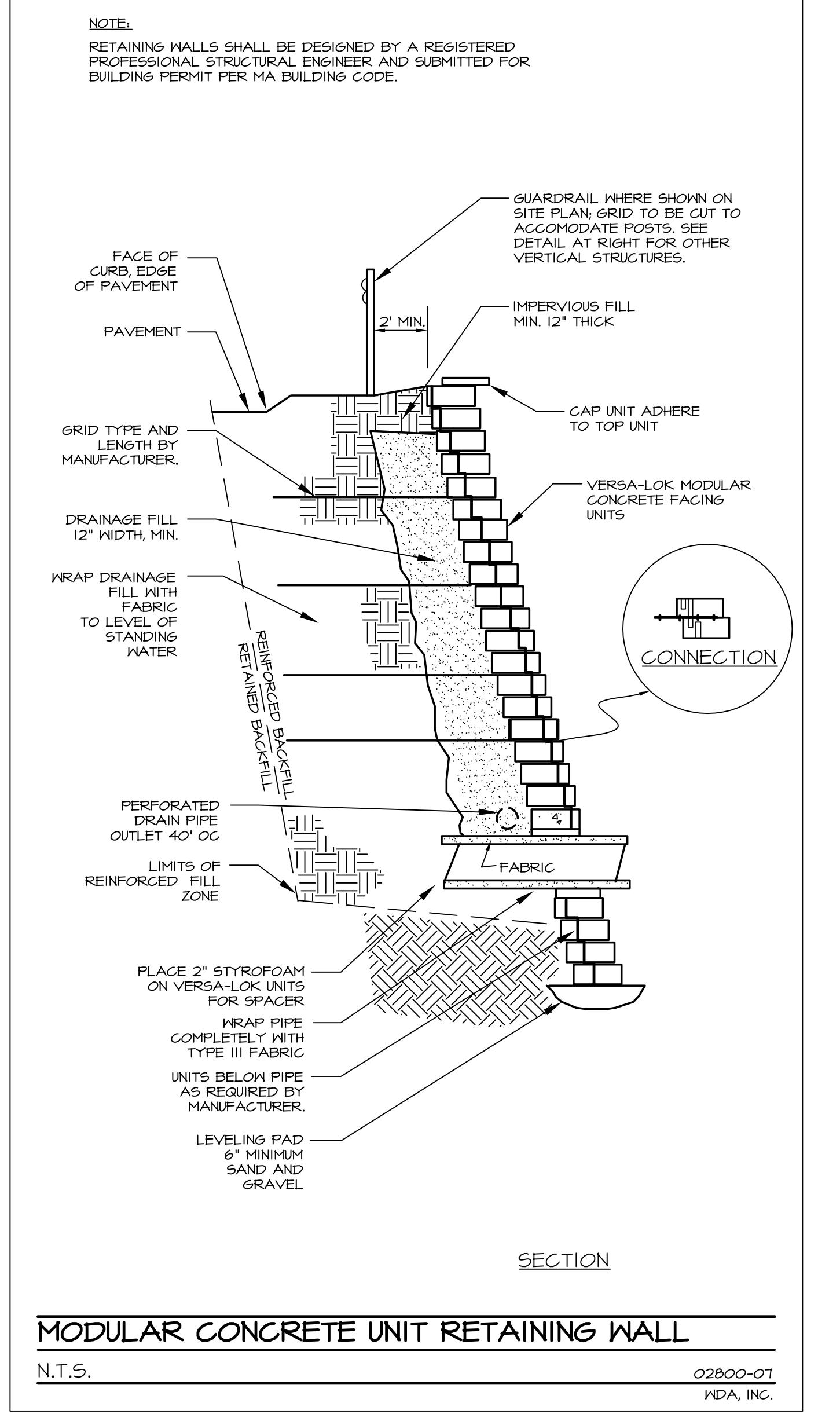




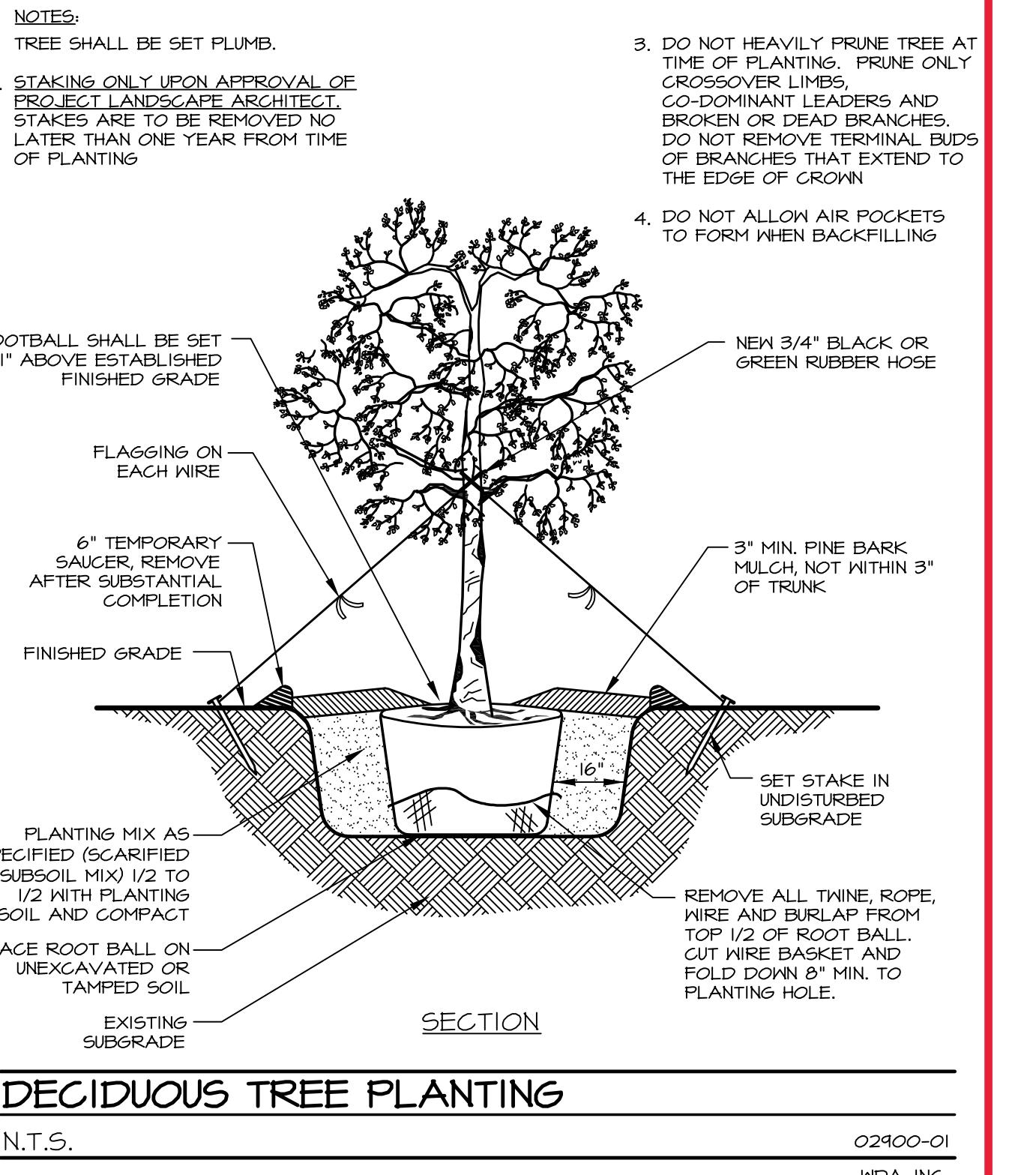
# Attachment "F"



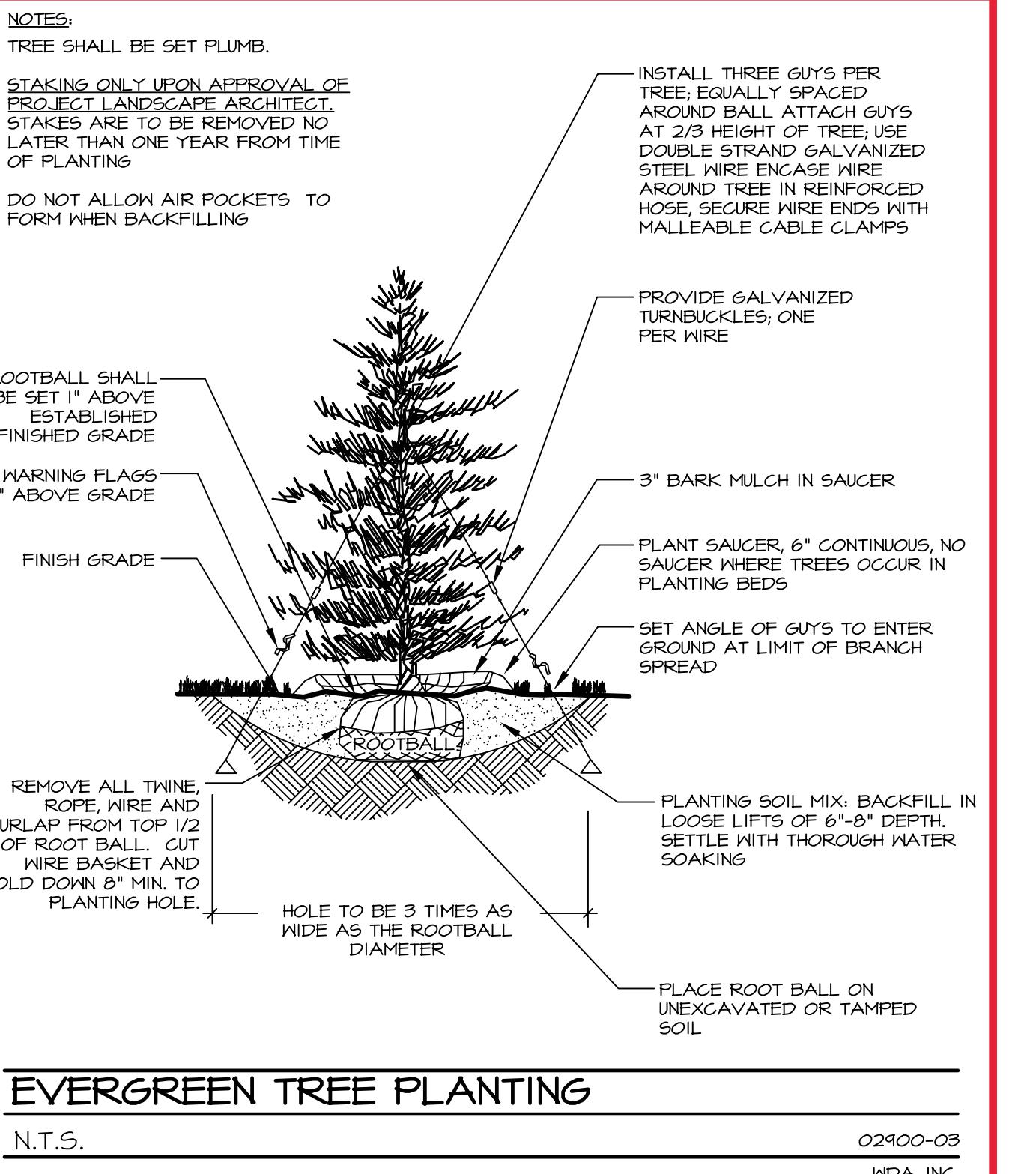
**WOOD GUIDE RAIL (WGR)**  
N.T.S. 02800-03  
WDA, INC.



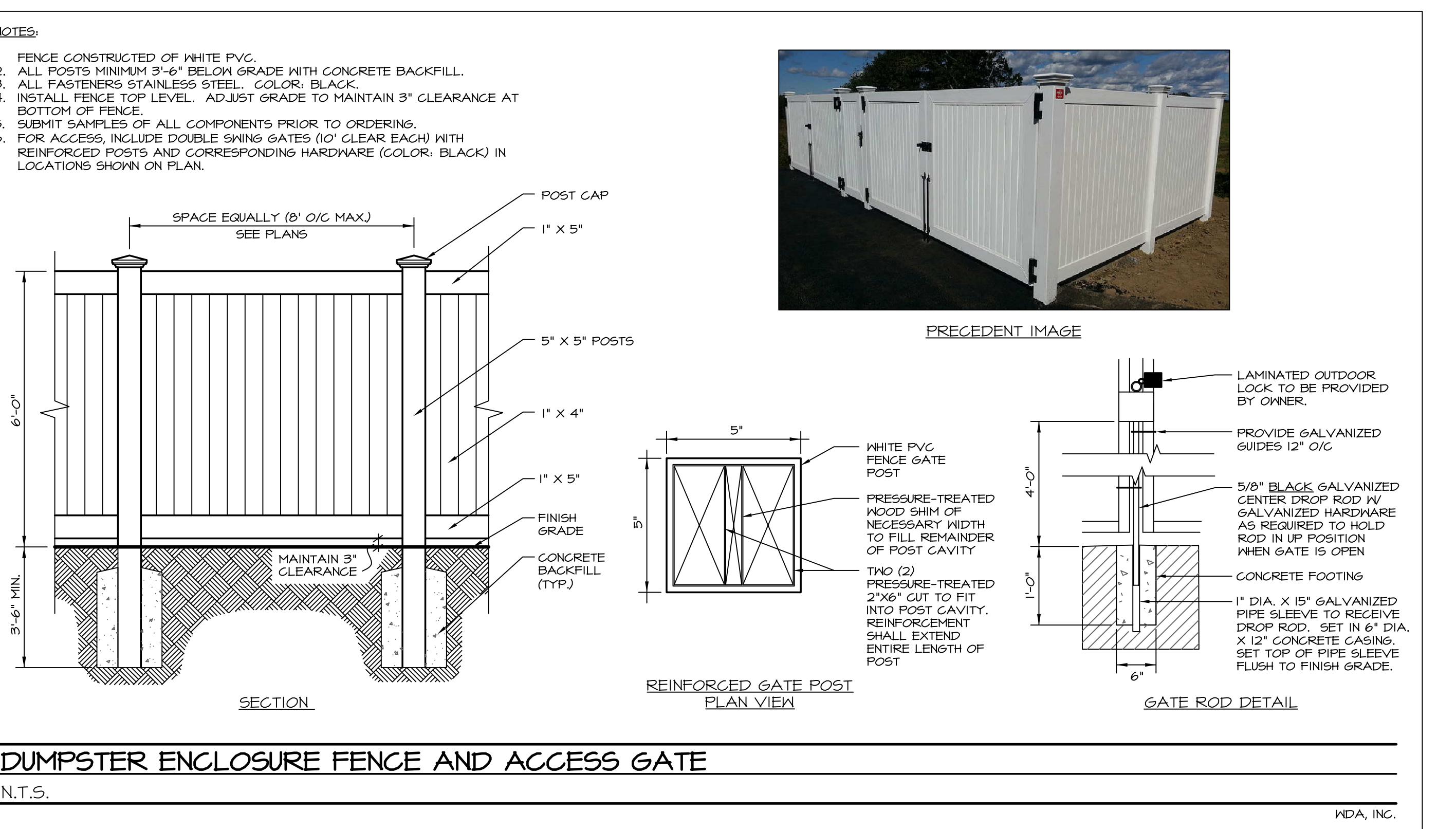
**MODULAR CONCRETE UNIT RETAINING WALL**  
N.T.S. 02800-07  
WDA, INC.



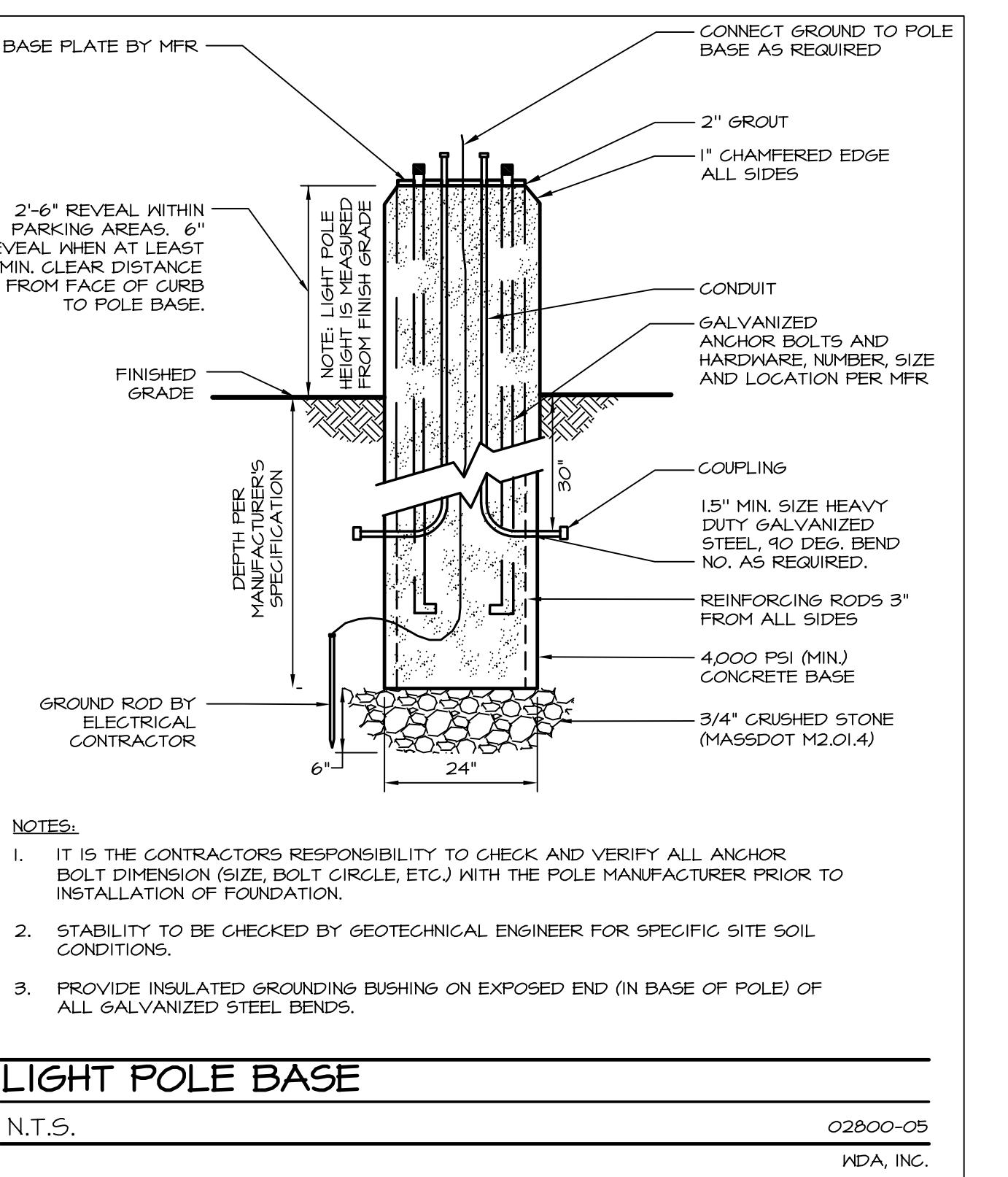
**DECIDUOUS TREE PLANTING**  
N.T.S. 02400-01  
WDA, INC.



**EVERGREEN TREE PLANTING**  
N.T.S. 02400-03  
WDA, INC.



**DUMPSTER ENCLOSURE FENCE AND ACCESS GATE**  
N.T.S. 02800-04  
WDA, INC.



**LIGHT POLE BASE**  
N.T.S. 02800-05  
WDA, INC.

**PARK CENTRAL**  
Southborough, MA  
Worcester County

**TOWN PERMITTING**

**CAPITAL GROUP PROPERTIES LLC**  
259 Turnpike Road, Suite 100  
Southborough, MA 01772

**SITE DETAILS**

**PARK CENTRAL LLC**  
c/o Capital Group Properties  
259 Turnpike Road, Suite 100  
Southborough, MA 01772

**PREPARED FOR:**

**WATERMAN DESIGN ASSOCIATES, INC.**  
31 East Main Street  
Westborough, MA 01581  
508.366.6552  
508.366.6506 (fax)  
watermandesign.com wda@wdass.com

**PREPARED BY:**



**CONDITIONALLY APPROVED**  
**SOUTHBOROUGH ZONING**  
**BOARD OF APPEALS**

**DATE:** \_\_\_\_\_

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REV.	DATE	DESCRIPTION	INIT.
E	08/15/16	TOWN COMMENTS	
D	04/06/16	NOTICE OF INTENT	
C	01/26/16	NOT ISSUED	
B	01/06/16	NOT ISSUED	
A	11/04/15	PROGRESS SET	

**C6.07**

Attachment "G"

MATCH LINE SHEET C2.06



CONDITIONALLY APPROVED  
SOUTHBOROUGH ZONING  
BOARD OF APPEALS

BASIS OF BEARINGS: MASSACHUSETTS STATE PLANE COORDINATE SYSTEM  
DATE: \_\_\_\_\_

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REV.	DATE	DESCRIPTION	APP'D
E	08/15/16	TOWN COMMENTS	
D	04/06/16	NOTICE OF INTENT	
C	01/26/16	NOT ISSUED	
B	11/13/15	DRIVeway TO APARTMENTS	
A	11/04/15	PROGRESS SET	



PREPARED BY:



WATERMAN DESIGN  
ASSOCIATES, INC.

31 East Main Street  
Westborough, MA 01581

508.366.6552  
508.366.6506 (fax)

watermandesign.com wda@wdassoc.com

OWNER:

PARK CENTRAL LLC

c/o Capital Group Properties  
259 Turnpike Road, Suite 100  
Southborough, MA 01772

PREPARED FOR:

CAPITAL GROUP  
PROPERTIES LLC

259 Turnpike Road, Suite 100  
Southborough, MA 01772

TITLE:  
LAYOUT AND  
MATERIALS PLAN

PARK CENTRAL

Southborough, MA  
(Worcester County)

TOWN PERMITTING

DATE:	11/04/15	SCALE:	1" = 40'
JOB NO.:	097800	DWN. BY:	
FILE NO.:	0978200	CHK'D. BY:	
DRAWING NO.:	0978205E	SHEET:	C2.05

# Attachment "H"



Daniel Ruiz <permitting@cgpllc.net>

---

## Privet

1 message

---

**Larry Greene** <lcg@wdassoc.com>  
To: Daniel Ruiz <permitting@cgpllc.net>

Mon, Sep 19, 2016 at 9:49 AM

Sir Daniel:

Per the Mass DOT website:

Border Privet-Ligustrum obtusifolium-Listed as a Likely Invasive

Our Plans call out for California Privet-Ligustrum ovalifolium which is not listed as invasive

---

Per the Mass-Gov website-Prohibited Plant list

Border Privet-Ligustrum obtusifolium-

Our Plans call out for California Privet-Ligustrum ovalifolium which is not listed as invasive

Is that sufficient?

**Lawrence C. Greene, Jr. RLA**

Waterman Design Associates, Inc.

31 East Main Street

Westborough, MA 01581

Phone: [508.366.6552](tel:508.366.6552)

# Attachment "I"

**Karen Finelli**

---

**From:** Joe Mauro  
**Sent:** Wednesday, August 24, 2016 9:36 AM  
**To:** Karen Finelli  
**Cc:** Karen Galligan; Mark Purple; Kenneth Paulhus  
**Subject:** Re: Park Central

Karen,

I spoke with Dan Ruiz this morning in regards to the width of blackthorn extension and he stated that it will be widened back to 22' with the exception of the bridge over the wetlands which will remain at 18'. This will not change the current location or number of townhouses as shown on the plan.

I do not have an issue with this and I am satisfied with the resolve. If you could pass this on to the ZBA that would be appreciated. If you have any further questions please let me know.

Joe

*Sent from my Verizon Wireless 4G LTE Droid*

On Aug 23, 2016 4:22 PM, Joe Mauro <jmauro@southboroughma.com> wrote:

Karen,

Attached is a memo for the ZBA in regards to the access width for Blackthorn Dr ext. It appears that the width has been reduced from 22' to 18' as indicated on the latest plan dated August 15, 2016.

If you have any questions let me know.

Joe

Joseph C. Mauro

Fire Chief/Emergency Management Director

Southborough Fire Department

21 Main Street

Southborough, MA 01772