

TOWN OF SOUTHBOROUGH



PLANNING BOARD

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
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August 17, 2023

Ms. Katherine Miller, Planning and Programs Specialist
Mass Housing
One Beacon Street
Boston, MA 02108

RE: **Proposed 40B Development - 250 Turnpike Road, Southborough, MA**
MH ID No. 1197

Dear Ms. Miller:

The Southborough Planning Board has reviewed the application submitted to MHFA for the proposed 40B development at 250 Turnpike Road, Southborough, MA by the Ferris Development Group, LLC and its affiliate FD 250 Turnpike, LLC (property owner). We offer the following comments:

1. Legal questions as to the buildability of the lot due to conditions of approval for a Special Permit granted by the ZBA in August 1990 need to be answered. The 1990 Decision included the following conditions (see attached copy of Decision):

Condition #1. That no building shall be erected on the Residential A lot.

Condition #2. That no egress shall be allowed from the property onto Parkerville Road.

Condition #3. That 25' buffer of wooded area be maintained where residential properties meet.

What is the status of the conditions of the 1990 ZBA Special Permit, should they stay with parcel?

2. Additional Legal questions of the site need to be addressed:
 - a. Is there an issue with egress to Route 9 only through an easement?
 - b. If shared septic system of Industrial and Residential parcels, with the septic system located on the existing storage facility (Industrial zoned) site, what is the legal responsibility and feasibility of a new septic system to meet 40B infrastructure proposed?
3. The applicant should ensure there is a legal pathway for 250 Turnpike Road's proposed 40B site and adhere to the conditions of prior Southborough permitting boards. These conditions are legally binding agreements on file with the Worcester Registry of Deeds and may include variances, special permits, order of conditions, deeds, easements, etc. This should involve working with boards and committees (ZBA and Conservation Commission), abutters, and Town Counsel in advance of any determination by Mass Housing to avoid cost, complications, and possible future litigation at the expense of Southborough taxpayers.
4. Any shared service (such as septic or water) should be sorted out between residential and non-residential properties before Mass Housing determination.

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5. Access to and from Route 9 should be approved by MassDOT prior to Mass Housing determination.
6. Southborough has recently contracted an agreement to support a connection to the MWRA water line through Southborough (12" on Fairview) to provide Hopkinton (neighboring town) access to non-contaminated water supply. The developer should provide evidence that the 250 Turnpike Road's proposed 40B infrastructure will not impact the proposed 12" watermain nor place increased demands on water Southborough's water supply.
7. The site contains vernal pool(s) as indicated during Conservation Commission hearings.
8. Abutters indicated an active, running water stream on East side of property that is not reflected on plans. We have heightened concern that there are other waterbodies on most of the property which is already "Wetland" designated and the plans may not reflect actual existing conditions.
9. As proposed, a four (4) story building taller than any building in the Town does not fit with the character of the Town and the abutting neighborhoods.
10. The site plan shows the proposed 40B building is to be sited on top of 20 feet of fill which would make the building as tall as a 6-story building which would be intrusive to the abutting neighborhoods. Building height should be no more than 3 stories to fit with the character of the Town. A four (4) story building is unprecedented in Southborough for residential housing in any zone.
11. A public demonstration should be staged by floating balloons to signify the height of the proposed building on top of the proposed 20 feet of fill to give visual cues of its visibility an impact on the view of the abutting homes and the neighborhoods.
12. The proposed building will be clearly visible from several abutting neighbors without any screening offered. Significant screening should be required to screen the abutting neighborhoods.
13. As many trees as possible should be preserved and additional screenings should be provided to limit the impacts to the abutting properties. New plantings should be straight native species.
14. The applicant should ensure they comply with all applicable laws and regulations for safety welfare of humans and protection of the wetlands and more broadly the environment, including dark sky lighting, screening and noise mitigation.
15. Regarding Outdoor Lighting, to protect the health of the residents abutting the proposed 40B development, all lighting should be dark sky compliant and no lighting should trespass onto abutting properties. Southborough recently updated its Outdoor Illumination Zoning Bylaw with consideration to Dark Skies initiatives. We recommend that if the proposal proceeds, it be required to:
 - a. At a minimum, abide the Town's lighting bylaws. This should be a minimum expectation for the development.
 - b. Utilize dark sky lighting. Dark sky lighting directs light to the ground and not the sky, minimizing any light pollution.
 - c. Utilize motion detectors for lighting after 10pm. This would further limit the adverse effects of outdoor lighting.
 - d. Consult with local expert on light pollution, Dr. Destin Heilman. Southborough is lucky to have a subject matter expert locally in Dr. Heilman and we urge that he be consulted.

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16. Elevators should be installed in the proposed building to increase accessibility. There should be adherence with all applicable state and federal regulations, including ADA compliance, elevator, ramps, and wheelchair accessible apartments.
17. Electrified vehicle (EV) parking spaces should be included in the parking lot.

The list above reflects the Planning Board's current concerns and recommendations. Additional project information may lend to additional concerns and requests. On behalf of the Southborough Planning Board, thank you for your consideration.

Sincerely,



Meme Luttrell
Chair, Southborough Planning Board

cc: Planning Board
Mark Purple, Town Administrator
David Williams, Chair, Zoning Board of Appeals
Ferris Development Group, LLC

Attachments:
August 1990 ZBA Decision of Special Permit for 250 Turnpike Rd

Paul J. Berry
PAUL J. BERRY, TOWN CLERK

August 8, 1990

Paul J. Berry
Town Clerk
Town Hall
Southborough, MA 01772

DECISION ON A PETITION
FOR A VARIANCE

LEAF SYSTEMS, INC.
250 TURNPIKE ROAD (27-2A)

The Board of Appeals of the Town of Southborough held a public hearing in the hearing room on the second floor of the Southborough Town House, 17 Common Street on Wednesday, July 25, 1990 at 7:30 p.m. with regard to the petition of Leaf Systems, Inc. for a special permit as per the Town of Southborough Zoning Code, Article III, Section 174-8, Paragraph B, (3),(b), Use Regulations. The Petitioner is seeking a special permit for light manufacturing and assembly in an Industrial District.

Sitting as a Board were the members: Peter Roche, Acting Chair
Joseph F. Prior, Jr.
Thomas Starr
Joseph Gill
Salvatore M. Giorlandino

Mr. Jeffrey Grossman spoke in behalf of the petitioners.

EVIDENCE PRESENTED

1. Leaf Systems, Inc. (hereinafter referred to as Leaf) is a light assembly business currently located in the Apple Hill Office Building on Rte.9 in Natick, commonly referred to as Loehmann's Plaza.
2. Leaf designs and manufactures computer terminals and telecommunications equipment for the transmission and editing of photographs by newspaper photographers and photo editors.
3. Products manufactured by Leaf are distributed exclusively by the Associated Press.
4. The manufacturing process used by Leaf is commonly described as light assembly. Components such as printed circuit boards, chassis, and integrated circuits are manufactured by other companies and purchased by Leaf. Leaf inserts and solders the

integrated circuits into the printed circuit boards and then wires the assembled boards into the chassis.

5. The products assembled by Leaf are small in size; the largest product is the size of a typical personal computer.

6. The manufacturing process used by Leaf is clean and harmless. No noxious offensive, harmful or hazardous fumes, noise, or odors are emitted.

7. Petitioner submitted that their application for special permit deals exclusively with the existing structure and the present footprint of the building.

8. Presently, there are 193 parking spaces located on the site.

9. Petitioner presently employs 40 people at their existing site in Natick.

10. Petitioner submitted that traffic study by SEA in 1986 found that overall impact of the building would have minimum impact on the Town of Southborough. Petitioner submitted that their proposed use of the existing building will not impact traffic by more than 10 percent and quoted an afternoon peak increase of 5.6 percent.

11. Petitioner submitted that the use sought is strictly light assembly and engineering and does not involve service, sales or marketing of their product.

12. Landscaping plans will provide increased shrub development. The plan has been approved and is in the process of being implemented.

13. Petitioner stated that there are no plans to develop the residential property located on the site.

14. There are two small loading docks presently located on the site.

15. The Petitioner submitted that immediate plans are to locate the light manufacturing space on the first floor and office and common space on remaining two floors.

16. The Chairman of the Planning Board submitted that the landscape plan is much improved and that he and the City Planner personally visited the site due to abutters' concerns. The Chairman stated that the original site plan prohibits egress onto Parkerville Road from the residential property.

17. Glen Fyrberg, 242 Turnpike Road, a direct abutter, expressed concerns about the use of hazardous materials, future plans to create a second work shift, plans to work on Saturdays and the required buffer between his property and the Petitioner's

existing parking lot.

18. Jeff Page, 9 Sarsen Stone Way, expressed concern about the future use of the residential area.

19. Jack Prendegast, 3 Skylar Drive, asked if conditions could be placed on the use of the property if the special permit is granted.

20. Fred Harvey, 129 Parkerville Road, expressed concern about light fixtures existing in the parking lot. He stated that the lights were originally supposed to be smaller in size and asked if the lights could be retrofitted to lower/smaller lights, or turned off when not in use.

21. Dan Bradley, 1 Sarsen Stone Way, expressed concern about truck traffic due to the size of the building.

22. Petitioner submitted that very little truck traffic is generated due to the price of an individual unit and their monthly product sales. The price per unit is \$25,000. An average of 50 units are sold each month to one customer, Associated Press, New Jersey.

23. Margaret Fyrberg, 242 Turnpike Road, expressed concern about 10' buffer between her property and Petitioner's existing parking lot.

24. Alan Modest, 3 Sarsen Stone Way, expressed concern about the clearing of trees on the property.

25. No one spoke in favor of the special permit.

26. Jack Prendegast spoke in opposition to the special permit without protective restrictions.

27. Dan Bradley spoke in opposition to the special permit without protective restrictions.

28. Petitioner (Mr. Caspie) stated that they would agree to the buffer zone to protect the trees.

29. Petitioner stated that they would correct the buffer problem expressed by the Fyrbergs.

30. Petitioner submitted that they would correct the lighting problems expressed by Mr. Fred Harvey of Parkerville Road.

FINDINGS

1. No Town boards or commissions spoke in opposition to the special permit request.

2. Abutters expressed concerns about future plans for expansion, clearing of the existing tree buffer, present lighting in the parking lot and egress onto Parkerville Road.

3. Petitioner answered most of the neighborhood complaints and concerns in a positive fashion, showing good faith to correct existing problems and the desire to be a good neighbor in the future.

THEREFORE, THE BOARD OF APPEALS, based on the evidence presented at the hearing, including but not limited to the facts presented above, voted to: GRANT WITH FOLLOWING RESTRICTIONS: 5-0

1. That no building shall be erected on the Residential A lot.

2. That no egress shall be allowed from the property onto Parkerville Road.

3. That 25' buffer of wooded area be maintained where residential properties meet.

4. That no more than 50% of the total square footage of the building shall be used for light manufacturing and assembly.

5. That no second or third light manufacturing and assembly shifts shall be allowed.

the SPECIAL PERMIT.. The Board specifically finds that the use sought is in harmony with the intent and purpose of the zoning by-law. It is not in conflict with the public health, safety, convenience or welfare and is not detrimental nor offensive to the neighborhood.


Peter Roche, Acting Chairman