

To: Southborough Zoning Board of Appeals

Cc: Southborough Planning Board

Re: 40B - 120 Turnpike Road 40B Apartment Bldgs. Questions and Comments

Dated: October 6, 2024

From: Paul Carter, P.E. Town Resident 6 Hillside Avenue

Board of Appeals Public Hearing 10/8/24

1. The Developer has submitted a revised list of Waivers they are requesting from the Southborough Zoning Bylaw and the Subdivision Rules and Regulations as follows:

- a. Zoning Bylaw Section 174-8.5 (E)(2) Minimum Frontage 200 feet
 - i. The 40B law states that the Zoning Board of Appeals has the power to take over the duties of the Planning Board on a 40B project. However, the Planning Board does not have the power to approve a Definitive Subdivision or Approval Not Required (ANR) plan that has less than the State Law required minimum of 20 feet of frontage. Therefore, the ZBA cannot take the power to approve an ANR without the state law minimum required frontage of 20 feet.
 - ii. The ZBA does not have the power to waive the 20 ft. minimum frontage under 40B.
- b. Zoning Bylaw Section 174-8.5(4)120 Maximum Height 45 feet, 3 Stories
 - i. Turnpike Road 60 Unit 40B Apartment Building is currently proposed to be 5 stories high. It was originally proposed to be 4 stories high than increased to 6 stories high and now proposed to be 5 stories high. The explanation that has always been given so far as to the number of stories needed is that the project becomes uneconomical with fewer stories. It is understood that there is a direct relationship between the number of stories and the size of the needed building footprint.

- ii. In order to clearly show this relationship rather than just talk about it, attached is a sketch entitled Exhibit 1 that shows exactly the additional length of the building that would be needed to attain the same desired square footage of 81,000 square feet that is proposed for the 5 story building. For a 4 story building, the building length would need to be an additional 54 feet long. For a 3 story building, the building would need to be an additional 144 feet long.
- iii. Clearly the footprint of a 4 story building would not have a cost prohibitive impact on the project site plan. The only impact of the increased footprint required for a 3 story building would be on parking which could probably worked out.
- iv. There are no other 4 story buildings in the Town of Southborough, not even the existing buildings fronting on Route 9. The Madison Place apartments are an exception located at the intersection of Route 495 and Route 9 close to the Westborough Town Line.
- v. Approving the Comprehensive Permit allowing a 5-story building would set a bad precedent for the Planning Board and Zoning Board of Appeals for any proposed developments going forward. Four (4) or Five(5) story buildings are more appropriate for a semi-urban setting than a small residential community.
- vi. All the existing zoning including Industrial and Industrial Park, Business Highway and Village, Research, Scientific and Professional and Residential are restricted to 3 story buildings.
- vii. I recommend that the building height issue be properly addressed before the project is allowed to move forward.

- c. Section 174-10(D)(1) Functional Requirements of the Subdivision Rules and Regulations
 - i. The Developer still needs to submit a Preliminary Subdivision Plan with a list and explanation of any required Waivers from the Subdivision Rules and Regulations that are needed.
 - ii. The Revised "Preliminary Plan" does not comply with the requirements of a Preliminary Subdivision Plan which are very clearly spelled out in the Southborough Subdivision Rules and Regulations.
 - iii. The revised site plans now show some additional lines, dimensions, lot labels and areas regarding the proposed lots. However, it only shows what is being called an "Easement". While an Easement is acceptable for providing access. It does not create the required 20 feet of frontage.
- 2. The revised Grading and Drainage Plan and Landscaping Plan:
 - a. The Landscaping Plan does not show any Landscaped Buffer between the Proposed Garages and the Breakneck Hill Conservation Land and the existing conservation trail despite the fact that the proposed 18 foot high 2:1 cut slope extends right up to the existing property line.
 - b. A Landscaped buffer needs to be provided or the Proposed Garages moved to the west to provided enough room for a Vegetated Buffer. The proposed Landscape Plan shows a lot of proposed plantings between the top of the hill at the Dog Park and the parking lot.

EXHIBIT "A"



