

2023 DEC -4 P 3:08

**Town of Southborough
PLANNING BOARD**

**17 Common Street
Southborough, Massachusetts 01772-1662
508-495-0710**

**DECISION of MAJOR SITE PLAN APPROVAL
25 MARLBORO ROAD
ST. MARK'S SCHOOL PARKING LOT (off Marlboro Rd)**

November 29, 2023

Procedural History

- 1) An application for Major Site Plan Approval (MSPA) was filed in the office of the Southborough Town Clerk on August 23, 2023.
- 2) The Major Site Plan Approval is sought under Southborough Zoning Bylaw §174-10 for a new parking lot with 35 parking spaces to be located on the northwest side of the new St. Mark's Street layout intersection with Marlboro Road, along with associated access drives, walkways, stormwater management, landscaping and lighting. The access to the parking area is from St. Mark's Street with walkways proposed at the northern end to facilitate pedestrian travel from the parking area to the crosswalk at Marlboro Road.

Due to the project disturbing an area less than one acre, the project did not require a Special Permit for Lower Impact Development (LID).
- 3) The owner of the property is the Trustees of St. Mark's School, with address of 25 Marlboro Road, Southborough, MA 01772.
- 4) The applicant is Robert Kuklewicz, CPA, Chief Financial & Operations Officer (as authorized by the Trustees of St. Mark's School/St. Mark's School of Southborough, Inc. Board of Trustees) with address of 25 Marlboro Road, Southborough, MA 01772.
- 5) The project is located to the east of and adjacent to 32 Marlboro Road, Southborough, MA 01772, identified on a portion of Southborough Assessor's Map 54 Parcel 8 and consisting of approximately 0.69 acres [0.38 acres conveyed from Town to St. Mark's School (Worcester Registry of Deeds Book 69380 Page 44) and 0.311 acres retained by St. Mark's School (Worcester Registry of Deeds Book 2541 Page 94)], and ANR Plan dated May 10, 2023 endorsed by the Planning Board on June 27, 2023, recorded at the Worcester Registry of Deeds Plan Book 971 Plan 123. The parcels are located in the Residence A (RA) zoning district.
- 6) The Zoning Act, having been duly complied with regarding notice, a public hearing was opened on September 18, 2023. The public hearing was continued to October 2, 2023, October 16, 2023, November 6, 2023, and November 27, 2023. Copies of the meeting minutes for each session of the public hearing are available at the Planning Department.
- 7) The application was accompanied by plans entitled "MARLBORO ROAD PARKING LOT & LANDSCAPE EDGE IMPROVEMENTS, ST. MARK'S SCHOOL, 25 MARLBORO ROAD, SOUTHBOROUGH, MA 01772" dated August 7, 2023 and revised through November 28, 2023, consisting of fourteen (14) sheets total, including Existing Conditions Plan of Land Sheet Sv-1

dated August 8, 2023 prepared by VHB, 101 Walnut St, Watertown, MA 02471, stamped by Russel J. Bousquet, PLS; Sheets C1.01, C1.02, LP1.1, LP1.2 and LP1.3 prepared by Haley Ward (Engineer), 510 Mechanic Street, Leominster, MA 01453, stamped by Brian F. Milisci, PE; and Sheets L1.00, L1.01, L1.02, L1.03, L1.04, L2.00, and L2.01 prepared by A. T. Leonard & Associates (Landscape Architects), 675 Jones Hill Road, Ashby, MA, 01431, stamped by Andrew T. Leonard, RLA.

8) Other materials received with the application and during the project review:

- Cover letter for application by Haley Ward Engineering (HW) dated 08.18.23 with application and peer review fees, Certificate of Signature Authority, copy of property Deeds and recorded ANR Plans endorsed 06.27.23 and 06.01.78, Certified Abutters List dated 08.10.23
- Stormwater Report by HW dated 08.07.23 revised through 11.08.23
- Stormwater System Operation & Maintenance Plan by HW dated 08.07.23 revised 10.13.23
- Lighting Fixture and Pole Specifications, originally by Sternberg Lighting received 09.08.23, replaced with Kim Lighting Fixtures [Model ALT1 28L-40 Type III (total of one) & Type IV (total of four) and Valmont Structures Light Post (Model DS340 Round Non-Tapered Steel Post, 16' height) received 10.17.23
- Response to peer review Comments letters by HW dated 10.25.23,
- Waiver Request letter by HW dated 10.25.23 and revised
- Cover letter for Plan Updates for peer review response by HW dated 11.09.23
- Overall Plan Rendering of St. Mark's School Marlboro Road Parking Lot by HW and A.T. Leonard & Associates (Landscape Architect) dated 11.09.23

9) The following correspondence was received during the project review:

- Building Commissioner, Casey Burlingame, email dated 10.02.23 with review comment indicating project not subject to ZBA Special Permit in reference to private parking for more than three vehicles per §174-8.2 B(12)
- Conservation Agent, Melissa Danza, email dated 11.15.23 indicating outstanding peer review comments on Total Phosphorus/Total Nitrogen item was resolved
- DPW Superintendent, William Cundiff, email dated 11.02.23 with review comment requesting a stop sign for vehicles leaving the site
- Fire Department Captain Chris Dano email dated 09.01.23 with review comment indicating no concerns with this site
- Town Administrator, Mark Purple, email dated 09.15.23 indicating no concerns
- Fuss & O'Neill (Town's engineering consultant) peer review and follow up letters to Planning dated 09.25.23, 11.02.23, and 11.13.23 of MSPA application
- Fuss & O'Neill (Town's engineering consultant) peer review follow up letters to Conservation dated 11.02.23 and 11.13.23 of Stormwater Management Permit (SMP) application

10) The Planning Board and the applicant signed Request for Continuation/Extension of a Public Hearing Forms on the following dates: -

- October 16, 2023, to extend decision due date for MSPA from October 22, 2023 to December 1, 2023.

Findings

- 1) The proposal is for the redevelopment of an existing gravel parking area of St. Mark's School at the intersection of St. Marks Street and Marlboro Road to a new 35 space paved parking lot to coincide with the new roadway layout and Town improvements of St. Mark's Street. The access to the parking area is from St. Mark's Street, consistent with the Town roadway improvement

plans. Walkways are also proposed at the northern end to facilitate pedestrian travel from the parking area to the crosswalk at Marlboro Road. The subject area is comprised of the former easterly end of St. Mark's Street and a former gravel parking area of St. Mark's School. Land transfers recently occurred to accommodate Town roadway improvements within this area.

- 2) At the Annual Town Meeting on March 25, 2023, the Town voted in favor of two transactions for conveyance of properties between the Town of Southborough and St. Mark's School including the conveyance of a portion of St. Mark's Street for the roadway intersection improvement of St. Mark's Street at Marlboro Rd, and to acquire a parcel of land from The Trustees and St. Mark's School to facilitate the reorientation of St. Mark's Street and the development of a park. The Town also voted to discontinue the subject portion of St. Mark's Street as a public way. An ANR dated 05.10.23 was submitted and endorsed by the Planning Board on 06.27.23, and recorded at the Worcester Registry of Deeds Plan Book 971 Plan 123.
- 3) Upon review of the project, the Building Commissioner/Code Enforcement Officer indicated that the project was not subject to a ZBA Special Permit in reference to private parking for more than three vehicles per §174-8.2 B(12).
- 4) Under the Town of Southborough Zoning Bylaws, Site Plan Review is an administrative review of the site design for uses that are allowed in the underlying zoning district, and not a review of a proposed or existing use.
- 5) The Planning Board, Fuss & O'Neill, the Town Planner and other Town departments have reviewed the applications, plans, design documentation, correspondence and other submission material. Throughout the public hearing process, the Planning Board has been mindful of the statements and comments of the applicants, their representatives, Town staff, the abutters, and the general public.
- 6) The Decision Criteria for Approval of a Site Plan are contained in §174-10. D of the Zoning Bylaw, which states that site plan approval shall be granted by a majority vote upon determination by the Planning Board that the following are complied with. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment; shall provide adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land; shall be so designed that for the given location, type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:
 - Minimize the volume of cut and fill, the number of removed trees six (6) inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.
 - Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.
 - Minimize obstruction of scenic views from publicly accessible locations.
 - Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening, minimizing lighting intrusion through use of such devices as cutoff luminaries confining direct rays to the site; fixture

mounting height not higher than twenty (20); and avoiding unreasonable departure from the character of building in the vicinity.

- 7) The applicant and the project representatives demonstrated on the plans, in reports, through correspondence and during the public hearing that the proposed development is in conformance with the Zoning Bylaws.
- 8) The Planning Board found that the plan, subject to conditions listed herein, is in conformance with the standards required by the Southborough Zoning Bylaw and that the proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.

Waiver Requests

- Waiver from Zoning Bylaw §174-12.1.F & Rules and Regulations for Outdoor Illumination—Total Site Lumen Limit. *(The Allowed Total Initial Lumens Per Site for Outdoor Lighting by Hardscape Area in the LZ-1 Residential A/B Zone is 1.25 lumens per SF of Hardscape. Considering a proposed hardscape of 11,037 SF, the allowable total lumens is 13,796. The project provides for 21,218 lumens. To reduce the lumens below the requirement, a reduction in the number of lights would be necessary. Reducing the number of lights results in insufficient illumination for safety and security of a parking area.)* The Planning Board grants this waiver as being in the public interest and not inconsistent with the intent of the Zoning By-law.
- Waiver from the Rules and Regulations for Outdoor Illumination Non-Residential BUG rating Maximum Allowable Glare. *(The Allowed Glare Rating in the LZ-1 Residential A/B Zone is G1. The proposed parking lot fixture (P1-T4) has a glare rating of G2. To reduce the glare rating, additional fixtures and increased pole height would be necessary resulting in an increase of lumens.)* The Planning Board grants this waiver as being in the public interest and not inconsistent with the intent of the Zoning By-law.

Decision and Vote of the Board

At its meeting on November 27, 2023, the Southborough Planning Board voted (5/0) to determine that the Approval Criteria contained in §174-10.D of the Zoning Bylaw had been met and grant the Major Site Plan Approval to allow the construction of the St. Mark's School Parking Lot located east of and adjacent to 32 Marlboro Road at the intersection of St. Mark's Street and Marlboro Road, and along with the with associated access drives, walkways, stormwater management, landscaping and lighting; and

In accordance with the plans entitled "MARLBORO ROAD PARKING LOT & LANDSCAPE EDGE IMPROVEMENTS, ST. MARK'S SCHOOL, 25 MARLBORO ROAD, SOUTHBOROUGH, MA 01772" dated August 7, 2023 and revised through November 28 2023, consisting of fourteen (14) sheets total, including Existing Conditions Plan of Land Sheet Sv-1 dated August 8, 2023 prepared by VHB, 101 Walnut St, Watertown, MA 02471, stamped by Russel J. Bousquet, PLS; Sheets C1.01, C1.02, LP1.1, LP1.2 and LP1.3 prepared by Haley Ward (Engineer), 510 Mechanic Street, Leominster, MA 01453, stamped by Brian F. Milisci, PE; and Sheets L1.00, L1.01, L1.02, L1.03, L1.04, L2.00, and L2.01 prepared by A. T. Leonard & Associates (Landscape Architects), 675 Jones Hill Road, Ashby, MA, 01431, stamped by Andrew T. Leonard, RLA; and "STORMWATER REPORT FOR ST. MARK'S STREET PARKING LOT" dated August 7, 2023 and revised through November 8, 2023, prepared by Haley

Ward (Engineer), 510 Mechanic Street, Leominster, MA, 01453, stamped by Brian F. Milisci, PE; incorporated herein by reference; and

Subject to the Following Conditions

- 1) The project shall be constructed in conformance with the approved plans and submittals. All restrictions and conditions from other Boards and Commissions required pursuant to other permits related to the project shall be complied with.
- 2) Except for specific waivers granted, the Applicant shall comply with all provisions of the General Bylaws, Zoning Bylaws, and all the rules and regulations applicable thereto. The Applicant shall pay all fees of the Town of Southborough imposed generally for construction projects and for the purposes of monitoring compliance of the construction and occupancy of the Project in accordance with the Site Plan Approval, as applicable, unless expressly waived in this Decision.
- 3) The Town's Engineering Consultant shall provide construction phase services during construction to ensure compliance with approved plans and for the review of Asbuilt Plans for acceptance by Planning Board.
- 4) Allowed lighting for the project will be as shown in the approved plans, lighting specifications, photometric plan, and in accordance with Zoning Code §174-12.1 Outdoor Illumination. The Planning Board shall be notified upon completion of site lighting installation. After said notification, the Planning Board shall have one year to review illumination. During this review period, the Planning Board reserves the right to require adjustment of the number and/or intensity of exterior fixtures, if it determines illumination is insufficient or spill-over onto adjacent property is excessive. This is subject to the understanding that lighting levels will not go below standard safety requirements.
- 5) Lights shall be turned off no later than one (1) hour after event ends.
- 6) Landscaping shall be in conformance with the Landscaping Plans as submitted by the Applicant and approved by the Planning Board, except as otherwise provided in these Conditions. Such landscaping shall be maintained, repaired, or replaced by the Owner as needed to maintain compliance with such plans.

Plantings materials will be 100% straight species native to New England, cultivars will not be used. Planting materials and substitutions, including substitutions to replace plants that die, shall be approved by the Town Planner prior to installation.

The following is also required as part of the Landscaping Plan approval for landscaping/vegetation establishment:

- Plants treated with Neonicotinoid chemicals and/or other systemic pesticide shall not to be used; plants to be certified Neonicotinoid and other systemic pesticide free. All plant materials shall be Neonicotinoid and other systemic pesticide free, including documentation from the material supplier. If any plant on the plan cannot be sourced Neonicotinoid and other systemic pesticide free, the plant shall be replaced with another straight species, Neonicotinoid and other systemic pesticide free plant native to New England or another size Neonicotinoid and other systemic pesticide free plant of the same species as approved by Town Planner and Landscape Architect. Copies of the documentation shall be submitted to the Planning Department.

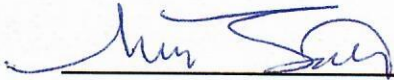
- Any nonorganic chemical weed control to be done by a licensed applicator in possession of all required permits.
 - Planning Board through the Town Planner shall be consulted prior to construction and notified of any replacement materials which shall also be native straight species, as applicable, and approved by Town Planner.
- 7) All utilities serving the Project shall be installed underground, including any extensions from existing lines or poles external to the Property.
 - 8) No bus parking on St. Mark's Street
 - 9) Upon Site Plan Approval and prior to the lapse of the permit appeal period, two (2) sets of the final approved plans shall be submitted to the Planning Board for endorsement along with AutoCAD files of all plan sheets, followed by an electronic pdf file of the Plans after Planning Board endorsement.
 - 10) This Major Site Plan Approval Decision and Planning Board endorsed Plans (letter size copy of the approved Plans attached as Exhibit to the Decision) shall be recorded at the Registry of Deeds with written proof of recording provided to the Planning Board within 10 days after the appeal period lapses.
 - 11) A pre-construction meeting with the Planning Department shall be held prior to any construction activity on the site. At least fourteen (14) days before the start of construction, the Applicant shall provide written notice to the Planning Board of the anticipated construction start date and construction schedule.
 - 12) Prior to initiating site disturbing activity and construction, the Applicant shall provide in writing the name of the person responsible for the site disturbing activity and the responsible person on site during construction to the Town Planner and Building Commissioner.
 - 13) After construction is completed, two (2) hardcopies and pdf file of complete as-built plans for the project reflecting all of the project's site plan approved features, also including lighting, landscaping and all structural stormwater controls and treatment BMPs required for the site, as well as identified deviations from the approved plans, if any, shall be submitted to the Planning Department. The as-built plan shall be stamped by a professional land surveyor/civil engineer and accompanied by a letter from a professional engineer certifying that construction was completed substantially in accordance with the approved plans. Asbuilt plans shall be reviewed by the Town's Engineering Consultant for compliance with the approved plans and per Zoning Bylaw §174-10.J for acceptance by the Planning Board. Once accepted by the Planning Board, the final Asbuilt Plans shall be provided to the Planning Board, Department of Public Works, Building Department and Board of Health.

On the motion to grant the Major Site Plan Approval for St. Mark's School Parking Lot at the northwest corner of the intersection of St. Mark's Street and Marlboro Road, the vote of the Board is as follows:

Meme Luttrell	YES
Jesse Stein	YES
Marnie Hoolahan	YES
Deborah DeMuria	YES
Lisa Braccio	YES

Pursuant to Section 174-10.F, this Decision shall lapse one (1) year from the date of issuance if substantial use thereof has not sooner commenced except for good cause shown.

Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17, as provided in Section 174-10.G of the Zoning By-law.



Meme Luttrell, Chair
On Behalf of the Southborough Planning Board

12.4.23

Date

****NOT VALID FOR RECORDING UNTIL CERTIFIED BY THE TOWN CLERK OF
SOUTHBOROUGH****

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Southborough Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest:

James F. Hegarty, Town Clerk

Date