



**Town of Southborough
BUILDING DEPARTMENT**

9 Cordaville Road— Southborough MA. 01772
(508) 485-0717 FAX (508) 480-0161
www.southboroughtown.com



Laurie Livoli, CBO
Building Commissioner /
Zoning Officer

Administrative Assistant
Julieann Lamy

February 27, 2019

Mr. William Depietri
144 Turnpike LLC
259 Turnpike Road, suite 100
Southborough MA 01772

RE: 144 Turnpike Road

NOTICE OF VIOLATION

Dear Mr. Depietri,

In 1996 a special permit was issued for the construction of 144 Turnpike Road and in 2003 for 154 Turnpike Road. During both Planning Board site plan approval and the Zoning Board of Appeals public hearings, it was reiterated that there shall be "No egress onto Breakneck Hill Road" (Please see attached).

In addition plans submitted and approved do not indicate access to each above mentioned property. Each are clearly delineated with required parking spaces, landscaping, etc. In neither approval is there an access to each property by way of a driveway, there is indication of an existing walkway to remain only. (Please see attached)

In letters dated November 27 and 30, 2018 (see attached) you were notified by the Planning Board of apparent non-compliance with Site Plan Approvals and asked to meet with the Planning Board which you did on January 28, 2019. At the meeting, it was discussed that possible options regarding this issue were to remove the non-compliant driveway connection and reestablish the approved site plan conditions; close off the access and submit applications for Modifications to Approved Site Plans in which case the Zoning Enforcement Officer/Building Commissioner would review and if found to be in non-compliance notify you in writing as to possible remedies; or do nothing and continue operating the driveway connection and cause an Enforcement Letter to be issued. Your response was to leave the access open until you hear from the Zoning Enforcement Officer.

This letter is to inform you that your property or property you are in Own or Supervise, at 144 Turnpike Road is in violation of the following section/s of the Town of Southborough Zoning Code. 174.9 Special Permit and 174.10 Site Plan Approval.

In accordance with the statutory provisions for enforcement, whoever violates any provision of this by-law shall be punished by a fine not exceeding \$300 for each offense. Each day that such violation continues shall constitute a separate offense.

Failure to comply with an agreed upon endorsed remediation with the Building Commissioner and Planning Board, and others if required, within (30) seven business days may result in fines and or possible Court action.

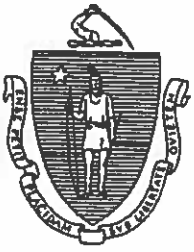
You can contact this office at 508-485-0717 during the business hours of Monday-Thursday 7:30-5PM, Fridays 8-12PM.

Your immediate attention to this matter is appreciated.

Respectfully,

Laurie Livoli
Building Inspector/ Zoning enforcement Officer

CC: Donald Morris, Planning Board Chair
Karina Quinn, Town Planner



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Building Commissioner /
Zoning Officer

Administrative Assistant
Julieann Lamy

February 27, 2019

Mr. Frank Rossi Jr.
259 Turnpike Road, suite 100
Southborough MA 01772

RE: 154 Turnpike Road

NOTICE OF VIOLATION

Dear Mr. Depietri,

In 1996 a special permit was issued for the construction of 144 Turnpike Road and in 2003 for 154 Turnpike Road. During both Planning Board site plan approval and the Zoning Board of Appeals public hearings, it was reiterated that there shall be "No egress onto Breakneck Hill Road" (Please see attached).

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In letters dated November 27 and 30, 2018 (see attached) you were notified by the Planning Board of apparent non-compliance with Site Plan Approvals and asked to meet with the Planning Board which you did on January 28, 2019. At the meeting, it was discussed that possible options regarding this issue were to remove the non-compliant driveway connection and reestablish the approved site plan conditions; close off the access and submit applications for Modifications to Approved Site Plans in which case the Zoning Enforcement Officer/Building Commissioner would review and if found to be in non-compliance notify you in writing as to possible remedies; or do nothing and continue operating the driveway connection and cause an Enforcement Letter to be issued. Your response was to leave the access open until you hear from the Zoning Enforcement Officer.

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Respectfully,


Laurie Livoli
Building Inspector/ Zoning enforcement Officer

CC: Donald Morris, Planning Board Chair
Karina Quinn, Town Planner

Laurie Livoli

From: Laurie Livoli
Sent: Wednesday, March 27, 2019 4:59 PM
To: 'William Depietri'
Subject: RE: 144/154 Jersey barrier location and cur=t sheets

Hi Bill,

No problem on the 30 days, I will keep at that for a reminder for me. I will let Karina know.

Thank you~

Sincerely,

Laurie

Laurie Livoli
Building Commissioner/Zoning Enforcement Officer
Town of Southborough
9 Cordaville Road
Southborough, MA 01772
llivoli@southboroughma.com
508-485-0717

From: William Depietri <wad@cgpllc.net>
Sent: Wednesday, March 27, 2019 4:41 PM
To: Laurie Livoli <llivoli@southboroughma.com>
Subject: Re: 144/154 Jersey barrier location and cur=t sheets

Hi Laurie,

I will go with the revised approvals, not sure it will get done in 30 days, but will try

Bill

Bill Depietri
Capital Group Properties
259 Turnpike Road, Suite 100
Southborough, MA 01772
Direct: [508-229-1810](tel:508-229-1810)
Cell: [508-326-1810](tel:508-326-1810)
Fax: [508-357-6859](tel:508-357-6859)
wad@cgpllc.net



On Wed, Mar 27, 2019 at 4:38 PM Laurie Livoli <llivoli@southboroughma.com> wrote:

Hi Bill,

The Planning Director stated that the Planning board, based on a meeting you had in January would like the property either brought back to the approved site plans in the past or to revise those approvals at the next meeting as discussed in January.

Please let me know if you have any questions. I can extend for another 30 days. Let me know your thoughts.

Thank you~

Sincerely,

Laurie

Laurie Livoli

Building Commissioner/Zoning Enforcement Officer

Town of Southborough

9 Cordaville Road

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On Thu, Mar 21, 2019 at 3:21 PM Laurie Livoli <llivoli@southboroughma.com> wrote:

Hi Bill,

Thanks for getting back to me. I passed along your proposal to Karina Quinn and am waiting to hear back from her. I will let you know as soon as possible.

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Building Commissioner/Zoning Enforcement Officer

Town of Southborough

9 Cordaville Road

Southborough, MA 01772

llivoli@southboroughma.com

508-485-0717

From: William Depietri <wad@cgpllc.net>
Sent: Wednesday, March 20, 2019 11:14 AM
To: Laurie Livoli <llivoli@southboroughma.com>
Cc: WAD MASS Email <wad@cgpllc.net>
Subject: Fwd: 144/154 Jersey barrier location and cur=t sheets

Hi Laurie,

In refence to your letter dated February 27, 2019 in regard to vehicles traveling from 144 Turnpike Rd thru the parking lot of 154 Turnpike Rd to access Breakneck Hill Rd. In order to alleviate this we propose to add "jersey barriers" between the two parking lots as per the attached plan.

Should you have any questions please feel free to give me a call

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----- Forwarded message -----

From: **Katie Keefe** <propertymgr@cgpllc.net>
Date: Tue, Mar 19, 2019 at 2:25 PM
Subject: Re: 144/154 Jersey barrier location and cur=t sheets
To: William Depietri <wad@cgpllc.net>

attached

- plan
- spec sheet

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Katie Keefe
Property Manager

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24 HR EMERGENCY LINE: 508-357-8825 PLEASE FOLLOW THE PROMPTS FOR AN EMERGENCY

Report Maintenance

<https://requests.onupkeep.com/#/publicrequest/vITjmCA1Y>

Check Request Status

<https://requests.onupkeep.com/#/vITjmCA1Y/login>



On Tue, Mar 19, 2019 at 1:55 PM William Depietri <wad@cgpllc.net> wrote:

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Laurie Livoli

From: Laurie Livoli
Sent: Thursday, April 25, 2019 1:42 PM
To: 'William Depietri'
Subject: FW: 144/154 Jersey barrier location and cur=t sheets

Hi Bill,

As a reminder, your thirty day period expires tomorrow. Can you update me to the status of your approval process? Meeting date? Etc.?

thank you~

Sincerely,

Laurie

Laurie Livoli
Building Commissioner/Zoning Enforcement Officer
Town of Southborough
9 Cordaville Road
Southborough, MA 01772
llivoli@southboroughma.com
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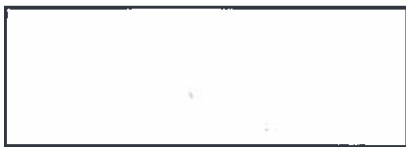
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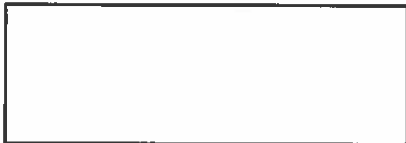
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Laurie Livoli

From: Laurie Livoli
Sent: Wednesday, April 24, 2019 11:34 AM
To: Karina G. Quinn
Subject: RE: 144-154 Turnpike Rd - non-compliance

Hi Karina,

Thank you for the information. I will send you a copy of letter/e-mail I send to Bill D. Hope you are feeling better!

Sincerely,

Laurie

Laurie Livoli
Building Commissioner/Zoning Enforcement Officer
Town of Southborough
9 Cordaville Road
Southborough, MA 01772
llivoli@southboroughma.com
508-485-0717

From: Karina G. Quinn <kquinn@southboroughma.com>
Sent: Tuesday, April 23, 2019 2:47 PM
To: Laurie Livoli <llivoli@southboroughma.com>
Subject: RE: 144-154 Turnpike Rd - non-compliance

Hi Laurie:

Thanks for meeting with me earlier this afternoon to discuss 144 & 154 Turnpike Rd non-compliance. The jersey barriers are not on the driveway connection itself. See attached pictures. Once you go back to site you will see the jersey barriers in the parking area for 144 Turnpike Rd with their intent to allow for over flow parking from 154 Turnpike Rd. They are separated enough in places that you can drive through them. The owner has not yet submitted applications for Modifications to each site plan but indicated he intends to by 5/9/19 in order to be scheduled for PB public hearings on 6/3/19.

Thanks,

Karina G. Quinn, P.E.
Town Planner
Town of Southborough
17 Common Street
Southborough, MA 01722
T: (508) 485-0710 ext.3028
www.southboroughtown.com

Be advised that the MA Secretary of State considers email a public record.

From: Laurie Livoli <llivoli@southboroughma.com>
Sent: Tuesday, April 23, 2019 12:55 PM
To: Karina G. Quinn <kquinn@southboroughma.com>
Subject: RE: 144-154 Turnpike Rd - non-compliance

Hi Karina,

The jersey barriers are in place? I drove in and was able to pass through from one property to another. Where are they located?

I can either have him remove the barriers now, since PB will not allow (as I understand) or keep in place while he is going through the process or did the PB have any other suggestions? Was the meeting continued or closed out with requirement to return to full compliance?

If someone is going through the Process and has responded I am not going to fine if they are actively pursuing a modification. If that changes, then I will.

Sincerely,

Laurie

Laurie Livoli
Building Commissioner/Zoning Enforcement Officer
Town of Southborough
9 Cordaville Road
Southborough, MA 01772
llivoli@southboroughma.com
508-485-0717

From: Karina G. Quinn <kquinn@southboroughma.com>
Sent: Tuesday, April 23, 2019 12:02 PM
To: Laurie Livoli <llivoli@southboroughma.com>
Subject: 144-154 Turnpike Rd - non-compliance

Hi Laurie:

I updated the Planning Board on the status of the Notice of Violation at 144 & 154 Turnpike Road and your approach to extending in 30 day increments if the owner is actively pursuing Modification applications. Based on the Planning Board's last meeting on April 8, 2019, my understanding is that the consensus of the PB members is that they have no problem with you telling Mr. Depietri to close off the driveway connection. Also, in no way is the PB indicating agreement/approval of the jersey barrier layout prescribed temporarily or otherwise, their preference being that that Mr. Depietri close off the driveway connection and return to full compliance with the approved site plans immediately, this being their official position on the matter.

It has also come to my attention that the gaps in between the jersey barriers that the owner has placed on the 144 Turnpike Rd parking area are spread out in such a fashion that allows cars to pass through, therefore not meeting their intent.

Mr. Depietri and his assistant Dan Ruiz met with me on 4/11/19 to review the requirements of submitting applications to the Planning Board for the Modifications to Approved Site Plans. At the meeting they indicated their intent to submit the applications to Planning by 5/9/19 for PB public hearings on 6/3/19.

Please let me know if this information changes your approach to enforcement so that I can update the Planning Board.
Thanks,

Karina G. Quinn, P.E.
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From: Karina G. Quinn
Sent: Thursday, March 28, 2019 3:33 PM
To: Laurie Livoli <llivoli@southboroughma.com>
Subject: RE: 144-154 Turnpike Rd - non-compliance

Excellent, I will keep you updated and let you know when he submits his applications.
Thanks,

Karina G. Quinn, P.E.
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From: Laurie Livoli <llivoli@southboroughma.com>
Sent: Thursday, March 28, 2019 3:30 PM
To: Karina G. Quinn <kquinn@southboroughma.com>
Subject: RE: 144-154 Turnpike Rd - non-compliance

Hi Karina,

I gave him that time frame but if he actively pursuing, I will keep extending in 30 day increments. Easier to keep track of.

Sincerely,

Laurie

Laurie Livoli

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llivoli@southboroughma.com
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To: Laurie Livoli <llivoli@southboroughma.com>
Subject: 144-154 Turnpike Rd - non-compliance

Hi Laurie:

Thanks for the feedback. Sounds like Bill Depietri is opting to submit applications for Modification to Approved Site Plans. I appreciate his temporary solution but the PB wants to see this addressed through the official process. The applications will require public hearings/public notice and updated plans. The time frame for submitting applications is approximately 3.5 week lead time before a PB meeting. That being said, I will follow up with him to find out when he plans to submit. What is your criteria for the extended 30 days? Does he need to submit applications within 30 days or have the problem resolved? Let me know.

Thanks,

Karina G. Quinn, P.E.

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CAPITAL GROUP

PROPERTIES

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From: **Katie Keefe** <propertymgr@cgpllc.net>

Date: Tue, Mar 19, 2019 at 2:25 PM

Subject: Re: 144/154 Jersey barrier location and cur=t sheets

To: William Depietri <wad@cgpllc.net>

attached

- plan

- spec sheet

the guy is working on a proposal for me now (they dont give you pricing online) and will send it to me with pricing and said 15 day lead time. have to order a min of 12 in one color. so I said all grey- and 12 will be perfect to fill the gap leaving about 5 feet in between each one.

Katie Keefe

Property Manager

Capital Group Properties

259 Turnpike Road, Suite 100

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On Tue, Mar 19, 2019 at 1:55 PM William Depietri <wad@cgpllc.net> wrote:

Bill Depietri
Capital Group Properties
259 Turnpike Road, Suite 100
Southborough, MA 01772
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Cell: [508-326-1810](tel:508-326-1810)
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Laurie Livoli

From: Laurie Livoli
Sent: Wednesday, April 24, 2019 11:34 AM
To: Karina G. Quinn
Subject: RE: 144-154 Turnpike Rd - non-compliance

Hi Karina,

Thank you for the information. I will send you a copy of letter/e-mail I send to Bill D. Hope you are feeling better!

Sincerely,

Laurie

Laurie Livoli
Building Commissioner/Zoning Enforcement Officer
Town of Southborough
9 Cordaville Road
Southborough, MA 01772
llivoli@southboroughma.com
508-485-0717

From: Karina G. Quinn <kquinn@southboroughma.com>
Sent: Tuesday, April 23, 2019 2:47 PM
To: Laurie Livoli <llivoli@southboroughma.com>
Subject: RE: 144-154 Turnpike Rd - non-compliance

Hi Laurie:

Thanks for meeting with me earlier this afternoon to discuss 144 & 154 Turnpike Rd non-compliance. The jersey barriers are not on the driveway connection itself. See attached pictures. Once you go back to site you will see the jersey barriers in the parking area for 144 Turnpike Rd with their intent to allow for over flow parking from 154 Turnpike Rd. They are separated enough in places that you can drive through them. The owner has not yet submitted applications for Modifications to each site plan but indicated he intends to by 5/9/19 in order to be scheduled for PB public hearings on 6/3/19.

Thanks,

Karina G. Quinn, P.E.
Town Planner
Town of Southborough
17 Common Street
Southborough, MA 01722
T: (508) 485-0710 ext.3028
www.southboroughtown.com

Be advised that the MA Secretary of State considers email a public record.

From: Laurie Livoli <llivoli@southboroughma.com>
Sent: Tuesday, April 23, 2019 12:55 PM
To: Karina G. Quinn <kquinn@southboroughma.com>
Subject: RE: 144-154 Turnpike Rd - non-compliance

Hi Karina,

The jersey barriers are in place? I drove in and was able to pass through from one property to another. Where are they located?

I can either have him remove the barriers now, since PB will not allow (as I understand) or keep in place while he is going through the process or did the PB have any other suggestions? Was the meeting continued or closed out with requirement to return to full compliance?

If someone is going through the Process and has responded I am not going to fine if they are actively pursuing a modification. If that changes, then I will.

Sincerely,

Laurie

Laurie Livoli
Building Commissioner/Zoning Enforcement Officer
Town of Southborough
9 Cordaville Road
Southborough, MA 01772
llivoli@southboroughma.com
508-485-0717

From: Karina G. Quinn <kquinn@southboroughma.com>
Sent: Tuesday, April 23, 2019 12:02 PM
To: Laurie Livoli <llivoli@southboroughma.com>
Subject: 144-154 Turnpike Rd - non-compliance

Hi Laurie:

I updated the Planning Board on the status of the Notice of Violation at 144 & 154 Turnpike Road and your approach to extending in 30 day increments if the owner is actively pursuing Modification applications. Based on the Planning Board's last meeting on April 8, 2019, my understanding is that the consensus of the PB members is that they have no problem with you telling Mr. Depietri to close off the driveway connection. Also, in no way is the PB indicating agreement/approval of the jersey barrier layout prescribed temporarily or otherwise, their preference being that that Mr. Depietri close off the driveway connection and return to full compliance with the approved site plans immediately, this being their official position on the matter.

It has also come to my attention that the gaps in between the jersey barriers that the owner has placed on the 144 Turnpike Rd parking area are spread out in such a fashion that allows cars to pass through, therefore not meeting their intent.

Mr. Depietri and his assistant Dan Ruiz met with me on 4/11/19 to review the requirements of submitting applications to the Planning Board for the Modifications to Approved Site Plans. At the meeting they indicated their intent to submit the applications to Planning by 5/9/19 for PB public hearings on 6/3/19.

Please let me know if this information changes your approach to enforcement so that I can update the Planning Board.
Thanks,

Karina G. Quinn, P.E.
Town Planner
Town of Southborough
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Be advised that the MA Secretary of State considers email a public record.

From: Karina G. Quinn
Sent: Thursday, March 28, 2019 3:33 PM
To: Laurie Livoli <llivoli@southboroughma.com>
Subject: RE: 144-154 Turnpike Rd - non-compliance

Excellent, I will keep you updated and let you know when he submits his applications.
Thanks,

Karina G. Quinn, P.E.
Town Planner
Town of Southborough
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Southborough, MA 01722
T: (508) 485-0710 ext.3028
www.southboroughtown.com

Be advised that the MA Secretary of State considers email a public record.

From: Laurie Livoli <llivoli@southboroughma.com>
Sent: Thursday, March 28, 2019 3:30 PM
To: Karina G. Quinn <kquinn@southboroughma.com>
Subject: RE: 144-154 Turnpike Rd - non-compliance

Hi Karina,

I gave him that time frame but if he actively pursuing, I will keep extending in 30 day increments. Easier to keep track of.

Sincerely,

Laurie

Laurie Livoli

Building Commissioner/Zoning Enforcement Officer
Town of Southborough
9 Cordaville Road
Southborough, MA 01772
llivoli@southboroughma.com
508-485-0717

From: Karina G. Quinn <kquinn@southboroughma.com>
Sent: Thursday, March 28, 2019 1:42 PM
To: Laurie Livoli <llivoli@southboroughma.com>
Subject: 144-154 Turnpike Rd - non-compliance

Hi Laurie:

Thanks for the feedback. Sounds like Bill Depietri is opting to submit applications for Modification to Approved Site Plans. I appreciate his temporary solution but the PB wants to see this addressed through the official process. The applications will require public hearings/public notice and updated plans. The time frame for submitting applications is approximately 3.5 week lead time before a PB meeting. That being said, I will follow up with him to find out when he plans to submit. What is your criteria for the extended 30 days? Does he need to submit applications within 30 days or have the problem resolved? Let me know.

Thanks,

Karina G. Quinn, P.E.

Town Planner
Town of Southborough
17 Common Street
Southborough, MA 01722
T: (508) 485-0710 ext.3028
www.southboroughtown.com

Be advised that the MA Secretary of State considers email a public record.

From: Laurie Livoli <llivoli@southboroughma.com>
Sent: Wednesday, March 27, 2019 4:59 PM
To: Karina G. Quinn <kquinn@southboroughma.com>
Subject: FW: 144/154 Jersey barrier location and cur=t sheets

FYI

Sincerely,

Laurie

Laurie Livoli

Building Commissioner/Zoning Enforcement Officer
Town of Southborough
9 Cordaville Road
Southborough, MA 01772

llivoli@southboroughma.com

508-485-0717

From: William Depietri <wad@cgpllc.net>

Sent: Wednesday, March 27, 2019 4:41 PM

To: Laurie Livoli <llivoli@southboroughma.com>

Subject: Re: 144/154 Jersey barrier location and cur=t sheets

Hi Laurie,

I will go with the revised approvals, not sure it will get done in 30 days, but will try

Bill

Bill Depietri

Capital Group Properties

259 Turnpike Road, Suite 100

Southborough, MA 01772

Direct: [508-229-1810](tel:508-229-1810)

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wad@cgpllc.net

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On Wed, Mar 27, 2019 at 4:38 PM Laurie Livoli <llivoli@southboroughma.com> wrote:

Hi Bill,

The Planning Director stated that the Planning board, based on a meeting you had in January would like the property either brought back to the approved site plans in the past or to revise those approvals at the next meeting as discussed in January.

Please let me know if you have any questions. I can extend for another 30 days. Let me know your thoughts.

Thank you~

Sincerely,

Laurie

Laurie Livoli

Building Commissioner/Zoning Enforcement Officer

Town of Southborough

9 Cordaville Road

Southborough, MA 01772

llivoli@southboroughma.com

508-485-0717

From: William Depietri <wad@cgpllc.net>

Sent: Thursday, March 21, 2019 4:28 PM

To: Laurie Livoli <llivoli@southboroughma.com>

Subject: Re: 144/154 Jersey barrier location and cur=t sheets

Thanks Laurie

Bill Depietri

Capital Group Properties

259 Turnpike Road, Suite 100

Southborough, MA 01772

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Cell: 508-326-1810

Fax: 508-357-6859

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CAPITAL GROUP
PROPERTIES

On Thu, Mar 21, 2019 at 3:21 PM Laurie Livoli <llivoli@southboroughma.com> wrote:

Hi Bill,

Thanks for getting back to me. I passed along your proposal to Karina Quinn and am waiting to hear back from her. I will let you know as soon as possible.

Sincerely,

Laurie

Laurie Livoli

Building Commissioner/Zoning Enforcement Officer

Town of Southborough

9 Cordaville Road

Southborough, MA 01772

llivoli@southboroughma.com

508-485-0717

From: William Depietri <wad@cgpllc.net>
Sent: Wednesday, March 20, 2019 11:14 AM
To: Laurie Livoli <llivoli@southboroughma.com>
Cc: WAD MASS Email <wad@cgpllc.net>
Subject: Fwd: 144/154 Jerisy barrier location and cur=t sheets

Hi Laurie,

In refence to your letter dated February 27, 2019 in regard to vehicles traveling from 144 Turnpike Rd thru the parking lot of 154 Turnpike Rd to access Breakneck Hill Rd. In order to alleviate this we propose to add "jersy barriers" between the two parking lots as per the attached plan.

Should you have any questions please feel free to give me a call

Thanks

Bill

Bill Depietri
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To: William Depietri <wad@cgpllc.net>

attached

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