

TOWN OF SOUTHBOROUGH  
ZONING BOARD OF APPEALS  
August 24, 2016

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SOUTHBOROUGH, MA JK

The Residences at Park Central

FINDINGS AND DECISION OF COMPREHENSIVE PERMIT

RE: Application of Park Central, LLC, William Depietri, Manager, d/b/a Capital Group Properties, LLC of 259 Turnpike Road, Suite 100, Southborough, MA 01772, for Comprehensive Permit pursuant to M.G.L. c. 40B.

DATE: August 2016

PROCEDURAL HISTORY

1. On February 12, 2014, Park Central, LLC, William A. Depietri, Manager<sup>1</sup> applied for a Comprehensive Permit pursuant to G.L. c. 40B for the construction of a one hundred eighty (180) for sale condominium units of which forty (45) units were to be deemed affordable. The project was to be located on approximately 13.28 acres of a contiguous 101.25 acre parcel owned by Park Central at the intersection of Turnpike Road (Route 9 West), I-495 (North), Tara Road, Bantry Road and Flagg Road, Map 33, Lot 4; Map R5, Lot 5 (the "Overall Site"). The one hundred eighty apartment style "for sale" condominium units were to be situated in five (5) three (3) story buildings adjacent to single family dwellings on Tara Road and Bantry Road. Access to and egress from the "for sale" condominium units would be from Tara Road, Bantry Road and a new, to be constructed, connector road extending Park Central Drive with a connection to Flagg Road. The Overall Site was to be developed as a single condominium pursuant to M. G. L. c. 183A, constituting the entire proposed development at that time.
2. The parcel owned by Applicant is situated primarily in the Industrial Park Zoning District with a lesser area in the Industrial and Residential A Zoning Districts.
3. The following materials were appended to the original Application:
  - (a) Comprehensive Permit Application Form
  - (b) Certified Abutters Lists
  - (c) MassHousing Site Approval Letter
  - (d) MassHousing Notification Letters
  - (e) Department of Housing & Community Development Notification Letter
  - (f) Southborough Board of Selectmen Notification Letter
  - (g) SHOPC Notification Letter

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<sup>1</sup> William A. Depietri as Manager of Capital Group Properties, LLC was also identified as project developer throughout the permitting process. Park Central, LLC and Depietri will hereinafter be referred to as the "Applicant".



- (h) Letter from Capital Group Properties to the Selectmen
- (i) Capital Group Properties Response to Selectmen's Comments
- (j) Tax Analysis Letter from Paul Cibelli
- (k) MassHousing Housing Starts Project Eligibility Application
- (l) Smart Growth Evaluation Self-Assessment Form
- (m) Copy of Application Fee Payment
- (n) Attachment 1 – Evidence of Site Control
  - (1) Recorded Deed for the Subject Property
  - (2) P&S Agreement (Park Central LLC & Southborough Residential LLC)
- (o) Attachment 2 – Market Analysis & Community Information
  - (1) Real Estate Broker's Market Value Opinion Letter
  - (2) Driving Directions
  - (3) Driving Distances to Public Services
  - (4) Community Map with Site Location
  - (5) Tax Assessor's Map
- (p) Attachment 3 – Site Development Plans
  - (1) Aerial Photo of the Project Site Showing the Proposed Development
  - (2) Enlarged Plan of the Project Site
  - (3) Site Plan with Access Road
  - (4) Office Building "By-Right" Subdivision Plan (3 Lots)
  - (5) Traffic Study by Green International Affiliates, Inc. (separate attachment)
  - (6) Proposed Improvement Section of I-495/I-90 Interchange Study
  - (7) Mass DEP Treatment Plant Permit
  - (8) Phase I Environmental Site Assessment
- (q) Attachment 4 – Architectural Information & Home Features
  - (1) Schematic Architectural Design
    - (i) Conceptual Front Elevation
    - (ii) Conceptual Floor Plans (3 Floors)
  - (2) Home Features
    - (i) Market Rate Home Features
    - (ii) Affordable Home Features
  - (3) Condominium Documents
    - (i) Draft Master Deed of Park Central Residential Condominium
    - (ii) Draft Park Central Residential Condominium Trust

4. A duly advertised public hearing was opened on March 26, 2014 and continued to the following dates:

04/23/14, 05/28/14, 06/25/14, 07/15/14, 08/06/14, 08/27/14, 10/01/14, 10/29/14, 12/3/14, 01/7/15, 04/29/15, 07/29/15, 08/26/15, 09/23/15, 10/07/15, 11/09/15, 11/18/15, 12/02/15, 12/09/15, 01/06/16, 01/20/16, 02/24/16, 03/24/16, 06/16/15, 06/29/16, 8/3/16, 8/8/16, 8/17/16 and 8/24/16.



5. On April 9, 2014, the Board notified the Department of Housing and Community Development (“DHCD”) that the Board considered a denial of the Application as being consistent with local needs. The Board’s denial was announced at the public hearing held on April 23, 2014.
6. On May 15, 2014, DHCD determined that the denial of the Comprehensive Permit filed by Applicant was not consistent with local needs. The Board resumed the public hearing on May 28, 2015.
7. During the public hearing process, in response to concerns and requests advanced to the Applicant by the Board, residents and Town officials, the Applicant agreed to review and discuss its proposal directly with the twenty-seven (27) families who owned homes in the immediate adjoining neighborhood. The residents were represented by Attorney Daniel C. Hill who appeared before the Board on behalf of the residents. A list of the residents represented by Attorney Hill was provided to the Board and is attached hereto as **Exhibit 1**. The resident review process, which was mediated by special c. 40B Town Consultant Edward Marchant, initially resulted in a revised plan reducing the number of buildings from five (5) to three (3), and ultimately resulted in a modification of the project proposal from three (3) three story buildings to two (2) five (5) story buildings which were relocated to a 9.03 acre portion of the Overall Site situated adjacent to I-495. The access to the adjoining neighborhood through Tara Road or Bantry Road was eliminated and the connection to Blackthorn Drive changed to an emergency access only. The Applicant also agreed, at the request of the Board, to change the tenure of the proposed housing development from a “for sale” condominium to rental apartments. The modified 180-unit Chapter 40B rental housing proposal (the “Project”) was conditioned upon the Applicant being granted a Use Variance for the construction of townhome condominiums (the “Townhome Condominium”) on approximately 56.75 acres of the 101.25 acre parcel which would share a connector road (the “Connector Road”) and stormwater and drainage infrastructure and WWTP, as defined below (the “Shared Stormwater and Wastewater Infrastructure”) with the affordable housing apartment complex. The Project, the Townhome Condominium, the Connector and the Shared Stormwater and Wastewater Infrastructure are collectively referred to in this Decision as the “Overall Project.”
8. On May 27, 2015, the Board granted a Use Variance to the Applicant for the 158 unit Townhome Condominium. The Notice of Decision on a Use Variance was duly recorded at the Worcester District Registry of Deeds in Book 54060, Page 303 and with the Land Court on Certificate 17001 Book 00086 Page 1. The Notice of Decision on a Use Variance approved the site integration of the modified 180 unit Project with the 158 unit Townhome Condominium and required that the Applicant provide fully engineered site plans for the Overall Project to the Board for approval under both its c. 40B and Use Variance jurisdictions. The Notice of Decision incorporated a site Concept Plan dated April 8, 2015, a copy of which is attached hereto as **Exhibit 2** (the “Concept Plan”). The Use Variance is effective upon and conditioned on the granting of this Comprehensive Permit to the Applicant in substantial compliance with the Concept Plan.



9. On or about June 10, 2015, the Applicant and six of the residents with single family homes on Tara Road, Bantry Road and Blackthorn Drive which directly abut the Overall Site (the "Neighborhood Property Owners"), executed an Agreement and Declaration of Restrictive Covenants, the essential terms of which had been provided to the Board during the public hearing process on the Use Variance and were included in the Use Variance Notice of Decision which also incorporated the Concept Plan. The Agreement and Declaration of Restrictive Covenants was duly recorded at the Worcester District Registry of Deeds in Book 16972, Page 172 and with the Land Court on Certificate 17001 Book 00086 Page 1. Through the Agreement and Declaration of Restrictive Covenants, the Neighborhood Property Owners agreed not to object to the Project and the Townhome Condominium proposal, as modified.
10. By correspondence dated June 19, 2015, attached hereto as **Exhibit 6**, the Massachusetts Housing Financing Agency ("MassHousing") confirmed that the site eligibility approval contained in MassHousing's Project Eligibility Letter of February 11, 2014, attached hereto as **Exhibit 5**, was applicable to the Project as modified.
11. Following the issuance of the Notice of Decision on Use Variance and the execution of the Agreement and Declaration of Restrictive Covenants, and in furtherance thereof, the Applicant prepared fully engineered revised Plans of Record (as defined in paragraph 22 below) which (a) relocated the placement of the Chapter 40B rental housing apartment complex to the northwest side of the site adjacent to I-495 (the "Project Site"); (b) reduced the number of the c. 40B apartment buildings from five (5) to two (2); (c) eliminated non-emergency access to the adjacent neighborhood; (d) dedicated 21.4 acres of land as perpetual conservation restricted open space subject only to possible utility easements; (e) reduced the number of townhome condominium units from 158 to 139, as shown on the Plans of Record; and (f) presented a drainage, storm water, waste water treatment, utility and roadway infrastructure fully integrated so as to allow for the development of the Project, the Townhome Condominium and future development areas within the Overall Site as one cohesive project. (For the avoidance of doubt, the development and operation of the Project shall not be contingent on the development or operation of any other portion of the Overall Site except to the extent expressly set forth in this Decision.) The components of the Overall Project are shown on the Site Plan attached hereto as **Exhibit 7** (the "Overall Project Component Plan").
12. During the public hearing process extensive materials were submitted to, reviewed, considered and maintained by the Board. A partial Schedule of Submittals is attached hereto as **Exhibit 3**. The original Application with attachments and all materials submitted to the Board have been and are available for public review at the office of the Board.
13. The Board received and reviewed the following technical reports and comments, among others, during the course of the public hearing process:

Conservation Related Issues





1) Lucas Environmental, LLC. July 12 2016. Memorandum #2 to Southborough Conservation Commission Re: Project review for the notice of intent, 4 Pages;

2) Fuss & O'Neil. July 12, 2016. Letter to Ms. Beth Rosenblum, Conservation Commission; Re: Park Central 40B Storm water Review, 4 Pages

3) Goddard Consulting, LLC. June 14 2016 Letter to Southborough Conservation Commission Re: Park Central Alternative Analysis

#### Traffic

4) TEC. June 28, 2016 Memorandum to Mr. Leo Bartolini, Jr.  
Re: Request Information- Redistribution of Existing Traffic. 2 Pages

5) Toole Design Group. May 9, 2016 Letter to: Mr. Leo Bartolini, Jr.  
Re: Flagg Road/Deerfoot Road Safety Study. 87 Pages

6) TEC. February 1, 2016 Memorandum to Mr. William Depietri  
Re: Traffic Impact Assessment Salisbury Hill-Residential Development. 14 Pages

7) TEC. January 19, 2016 Memorandum to: Mr. Leo Bartolini, Jr.  
Re: Response to Comments-Traffic Impact & Access Study. 10 Pages

8) TEC. December 4, 2015. Memorandum to Mr. William Depietri  
Re: Proposed Mixed-Use Residential Development, Updated Traffic impact and access study for proposed master plan. 309 Pages

9) Greenman-Pedersen, Inc. October 1, 2014. Letter to Mr. Leo Bartolini, Jr.  
Re: Proposed Residence at Park Central TIAS Peer Review- Review of TEC Response to Comments. 6 Pages.

10) TEC. August 21, 2014, To Mr. William Depietri  
Re: Residences at Park Central 40B Development- Southborough, MA. Traffic impact and Access Study-Response to Peer review comments. 170 Pages

11) TEC. August 19, 2014 Memorandum to Mr. Leo Bartolini, Jr. 169 Pages  
Re: Response to Comments-Traffic Impact & Access Study Residences at Park Central

12) TEC. Memorandum August 18, 2014 Memorandum to Mr. Leo Bartolini, Jr.  
Re: Alternative Build Program Sensitivity Analysis Residences at Park Central-Southborough, MA. 4 Pages

13) TEC. May 19, 2014 Memorandum to Mr. William Depietri  
Re: Residences at Park Central 40B Development, Second Traffic Impact and Access Study, 311 Pages



14) Green International Affiliates, Inc. June 2013 Traffic Impact & Access Study, Updated Analysis Blackthorn Access. 40 Pages

15) Green International Affiliates, Inc. March 2013 Traffic Impact & Access Study. 154 Pages

16) Commonwealth of Massachusetts, Department of Public Works Permit 4/19/99

17) TEC. Crash Data Summary Table for Flagg and Deerfoot Road. 1/1/2012-1/31/2014

### Engineering

18) Fuss & O'Neil. December 3, 2015 Letter to Mr. Leo F. Bartolini Jr. Re: Park Central 40 B Comprehensive Permit review. 12 Pages.

14. The Board utilized the services of Edward Marchant, a c. 40B consultant, to assist in the review of the Chapter 40B application.
15. The Board utilized the services of the following engineering and technical consultants to assist in the review of the application, the site design and the site plans: **[Confirm this list of consultants is complete.]**
  - (1) Fuss & O'Neil
  - (2) Toole Design Group
  - (3) Joseph Giniewicz
16. During the public hearing process the Board considered and granted waivers from compliance with certain local bylaws, rules and regulations as set forth in **Exhibit 4** attached hereto.
17. During the course of the public hearing process the Applicant submitted progress copies of Plans of Record as changes were made in response to Board or other official or public comments. The Plans of Record dated April 6, 2016 which were filed with the Board in April 2016 were substantially complete. Plans of Record dated August 15, 2016 were presented to the Board on August 17, 2016. These plans incorporated minor changes to the Plans of Record dated April 6, 2016.
18. The public hearing was closed on August 24, 2016.

### FINDINGS

19. The Applicant is qualified pursuant to 760 CMR 31.01 in that
  - (a) it is or will become a "limited dividend corporation" as that term is used in G.L. c. 40B, § 21 and 760 CMR 31.01 (1);



- (b) it has a funding commitment from a subsidizing agency as evidenced by the Project Eligibility Letter from MassHousing dated February 11, 2014, attached hereto as **Exhibit 5**, as amended and confirmed by letter from MassHousing dated June 19, 2015, attached hereto as **Exhibit 6**;
  - (c) it has “control of the site” as that term is used therein in that it has legal and/or equitable interests in the Project Site as demonstrated by the fact that the Project Site is owned by Park Central, LLC, William A. Depietri, Manager; Park Central, LLC is designated as the Owner and Capital Group Properties, LLC as the Developer during the Application and public hearing process.
20. The Applicant has provided evidence that there exists a regional need for low and moderate income housing and that the Town of Southborough has not met the statutory minima set forth in G.L. c. 40B § 20 or 760 CMR 31.04:
- (a) Qualified Chapter 40B units do not exceed ten (10%) percent of its total housing units, pursuant to M.G.L. c. 40B §20;
  - (b) Nor is affordable housing located on sites comprising one and one-half (1.5%) percent or more of the total land area zoning for residential, commercial or industrial use; and
  - (c) Nor will the development of affordable housing consistent with this application result in the commencement of construction of such housing on sites comprising more than three-tenths of one percent of such land area.
21. The Overall Site consists of approximately 101.25 acres of land situated between Turnpike Road (West), I-495 (North), Park Central Drive, Flagg Road, Tara Road, Bantry Road and Blackthorn Drive and is shown on Exhibit 7. The Project Site is situated on a 9.03 acre section of the Overall Site. The Project consists of the rental housing apartment component of the Overall Project as shown on the Plans of Record, together with the portions of the Connector Road and the Shared Stormwater and Wastewater Infrastructure shown on the Plans of Record, as referenced below, as serving such rental housing apartment component.
22. The Project is shown on a plan entitled: “Comprehensive Permit Plans Pursuant to Notice of Decision on a Use Variance, Town of Southborough Board of Appeals for Park Central in Southborough, Massachusetts (Worcester County) Date: November 4, 2015, Revised: January 6, 2016, January 26, 2016, April 6, 2016, August 15, 2016 (the “Plans of Record”).
23. Access to the Project Site is from Flagg Road (a public way) and Park Central Drive (a private road which connects to Turnpike Road (Route 9, West). The Project Site has frontage of approximately 202.87 feet on Flagg Road and frontage of approximately 70.20 feet on Park Central Drive. The Project’s two apartment buildings will be serviced by the private Connector Road connecting the Project to both Flagg Road and Park



Central Drive. The length of the Connector Road from Flagg Road to the Project's two apartment buildings is approximately 2,950 feet; the length of the Connector Road from the Project's two apartment buildings to the intersection of Park Central drive is approximately 2000 feet. The Project is serviced by an internal driveway and parking facility. The Plans of Record provide for an emergency access/egress driveway from the Project Site to Blackthorn Drive. The emergency access/egress driveway is approximately 479.35 feet from the entrance of the Project's two apartment buildings and is approximately 490.19 feet in length.

24. [Intentionally omitted]
25. Each unit within the Project will be serviced by a public water supply and private on site wastewater treatment plant (the "WWTP"). The water supply is adequate to service all units within the Project. As shown on the Plans of Record, the Applicant will install a dedicated water pump to assure sufficient water pressure for the Project. The WWTP is subject to approval by the Department of Environmental Protection ("DEP").
26. The Town consultants prepared detailed reports indicating that the development of the Project would not endanger public health or safety or the environment, subject to the conditions set forth below.
27. Forty-five (45) of the Project's units will be restricted for rental by households at or below eighty (80%) percent of the applicable Area Median Income ("AMI") adjusted for household size as set forth below and in accordance with the requirements of c. 40B.
28. The Project is consistent with local needs.
29. The Board finds that the concerns about the Project expressed by Board members, members of other Town Boards, town consultants and residents have been adequately addressed by the conditions set forth below that are part of this Decision.

## DECISION

Pursuant to M.G.L. c. 40B, the Zoning Board of Appeals of Southborough, after Public Hearings and findings of fact, hereby grants a Comprehensive Permit to the Applicant for the construction of 180 apartment units in two four-story buildings with associated infrastructure improvements, subject to the following conditions:

### Conditions of Approval

#### A. Regulatory Conditions

1. The total number of dwelling units that may be constructed on the Project Site shall be limited to a maximum of 180 rental units, as shown on the Plans of Record.





2. 25% of the dwelling units shall be and shall remain affordable and shall be marketed to eligible households whose annual income may not exceed 80% of AMI, adjusted for household size as determined by the United States Department of Housing and Urban Development (the "Affordable Units"); and, subject to approval by the Project subsidizing agency (the "Subsidizing Agency"), the Affordable Units and the remaining units shall be eligible to be included in the Town's Subsidized Housing Inventory ("SHI"), as maintained by DHCD.
3. The Applicant shall notify the Board and the Town Administrator when building permits are issued and cooperate with the preparation of request forms to add the units to the SHI.
4. The Applicant shall notify the Board and the Town Administrator when occupancy permits are issued and cooperate with the preparation of request forms to add the units to the SHI permanently.
5. All units within the Project shall remain rental units in perpetuity. For purposes of this Decision, "perpetuity" shall mean for so long as the Property does not comply with applicable zoning or other local requirements without the benefit of this Comprehensive Permit.
6. The Affordable Units shall be dispersed throughout the Project, and not segregated from the market rate units, as designated by the Applicant by agreement with the Subsidizing Agency. To the extent possible and subject to the approval of the Subsidizing Agency, affordable and market rate units shall be allocated on a pro rata basis, including number of bedrooms and floor location. The Affordable Units shall not be distinguishable from the market rate units in accordance with all applicable regulations and guidelines of DHCD and the Subsidizing Agency.
7. The Applicant shall execute a Regulatory Agreement that shall be countersigned by the Subsidizing Agency as required under M.G.L. c. 40B and submit annual reports to the Subsidizing Agency in accordance with the Regulatory Agreement.
8. The Applicant shall annually recertify to the Subsidizing Agency, or less frequently as may be required by the Subsidizing Agency, the continuing eligibility of any tenant in an Affordable Unit. Upon request, the Applicant shall provide the Town with copies of all filings made with the Subsidizing Agency with respect to the compliance of the Project with the Project's required affordability levels.
9. If and when the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another Regulatory Agreement with another Subsidizing Agency and the legal requirements in effect at that time require a replacement regulatory agreement in order to maintain the units in the Project on the SHI or as otherwise required to maintain compliance with c.40B regulations, the Applicant shall enter into a Permanent Restriction/Regulatory Agreement with the Town, in a form and substance reasonably acceptable to the Board and its



counsel (the “Town Regulatory Agreement”), which shall be recorded with the Worcester District Registry of Deeds against the Property and signed by all necessary parties, including all mortgagees and lien holders of record. The Town Regulatory Agreement shall, so long as the Project does not conform to local zoning: (i) require that the Project shall remain a rental project and (ii) require that at least twenty five percent of the dwelling units in the Project shall be affordable to low and moderate income households as that term is defined in M.G.L. c. 40B, §§20-23.

10. Any such Local Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the Town and shall require that the Affordable Units shall remain affordable rental units in perpetuity, meaning, specifically, for so long as the Project does not conform to the Town’s Zoning Bylaws.
11. While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all compliance and monitoring reports that are provided to the Subsidizing Agency.
12. When the Local Regulatory Agreement, if any, is executed and takes effect, the affordability requirements shall be enforceable by the Town or its designee, to the full extent allowed by M.G.L. c. 40B, §§20-23.
13. Paragraphs 9 to 12 above, shall not be used or construed or otherwise exercised in conflict with the holdings in *Board of Appeals of Amesbury v. Housing Appeals Committee*, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to M.G.L. c. 40B, §§20-23, nor shall the foregoing be deemed to limit the Town’s authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. At such time, if any, as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall provide the Town with a reasonable monitoring fee. Said monitoring fee shall be reasonably consistent with the monitoring fees required by the Subsidizing Agency.
14. To the extent allowed under G.L. c. 40B and the regulations promulgated thereunder and other applicable laws, with respect to at least 70% of the affordable units, the Applicant shall provide local preference categories as requested by the Town during the initial lease-up to the greatest extent allowable by the Subsidizing Agency. The foregoing local preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. If approved by the Subsidizing Agency, this preference shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town for compliance with the local preference set forth herein. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Decision to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof.



If the Board or its designee does not provide proof of approval by the Subsidizing Agency within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency or DHCD, then this condition shall be void. The Applicant shall provide reasonable assistance in a timely manner to the Town to prepare any documentation required for approval by the Subsidizing Agency of the local preference categories. If approval of such local preference by the Subsidizing Agency is not obtained prior to the time the Applicant is prepared to market the Affordable Units, the Applicant may offer the Affordable Units for rental to all eligible parties in accordance with the requirements of the Regulatory Agreement and the Subsidizing Agency.

15. The Applicant shall develop a marketing plan for the Affordable Units for review and approval of the Subsidizing Agency, said plan to conform to any and all affirmative action requirements or other requirements as imposed by federal or state regulation and shall conform with the local preference requirement set forth above (to the extent applicable).
16. The Applicant shall annually provide the Board or its designee with copies of any and all material compliance documentation provided by the Applicant to the Subsidizing Agency or its designated auditor of the Applicant's costs and revenues for informational purposes upon request by the Town.
17. The Town, by and through the Board or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision, but only to the extent of the Board's authority pursuant to and in accordance with Condition A.13 above.
18. Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to 760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Commissioner and the Board.

#### **B. General Conditions**

1. The Board hereby grants all the waivers set forth in **Exhibit 4** attached hereto, which waivers are unconditional notwithstanding any language to the contrary contained in said Exhibit 4. In addition, to the extent any other waivers of the requirements of local laws or other local rules and/or regulations are required to construct the Project as shown on the Plans of Record, those waivers are also hereby granted. Except for the relief granted by the Board relative to specific waivers granted and as set forth in the preceding sentence, the Applicant shall comply with all provisions of the General Bylaws, Zoning Bylaws, the Rules and Regulations of the Zoning Board for 40B comprehensive permits, and all the rules and regulations applicable thereto, including but not limited to the Conservation Commission, Planning Board, and Board of Health generally applicable to a project. Any fees that are to be waived are as specifically set forth in Exhibit 4, with all other fees as may be generally applicable to such projects in the Town being applicable to the Project.



2. The project shall be constructed in substantial conformance with the following Plans: “Comprehensive Permit Plans Pursuant to Notice of Decision on a Use Variance, Town of Southborough Board of Appeals for Park Central in Southborough, Massachusetts (Worcester County) Date: November 4, 2015, January 6, 2016, January 26, 2016, April 6, 2016” Revised August 15, 2016, and the Architectural plans dated August 14, 2015(collectively, the Plans of Record), were submitted to the Board and are attached hereto as **Exhibit 8**.
3. Any deviation from the Plans of Record may require a modification of this Decision by the Board as set forth in 760 CMR 56.05(11).
4. The Applicant has proposed, and the Board hereby requires, that all infrastructure shown on the Plans of Record as serving the Project (with the exception of the improvements to the intersection of the Connector Road to Flagg Road and of Flagg Road to Turnpike Road), including but not limited to the following aspects of the development, shall be and shall remain forever private, and that the Town shall not have, now or ever, any legal or financial responsibility for operation or maintenance of same:
  - a. All roadways, parking areas and emergency access (including sweeping and line marking)
  - b. Stormwater management system
  - c. Snow plowing and ice control
  - d. Landscaping
  - e. Trash and recycling removal
  - f. Street lighting
  - g. Septic, wastewater treatment and drain utilities (all as located on As-Built plans)
  - h. Electric car chargers (to the extent provided)
  - i. Water utility lines for both domestic and fire protection uses

In this regard, the Connector Road shall never be dedicated to or accepted by the Town of Southborough as a public way.

5. In accordance with 760 CMR 56.05 (12) (c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time substantial use of the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law. This three (3) year time period shall be tolled for any time required to pursue or await the determination of any appeal of any other state or federal permit or approval required for the Project. For purposes of this decision “substantial use” shall mean the commencement of actual site construction with no periods of interruption greater than 120 continuous days (except to the extent caused by matters outside of the Applicant’s reasonable control). This decision is deemed to have become final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later.





6. The Applicant shall prohibit trailers, boats, trucks (excluding personal SUVs and personal pick-up trucks) and unregistered vehicles from being stored or parked outside on an overnight basis within the Project's parking area or on the portion of the Connector Road within the Project Site.
7. The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers or assigns any of its interest in the affordable housing apartments, this Comprehensive Permit shall be binding upon and benefit the purchaser, transferee or assignee and any successor purchasers, transferees or assignees. Prior to substantial completion of construction, this Decision may be transferred pursuant to the provisions of 760 CMR 56.05(12)(b), upon approval of the Subsidizing Agency, and after submission of notice to the Board. After substantial completion, this Decision shall be deemed to run with the land pursuant to 760 CMR 56.05(12)(b).
8. The Project Site infrastructure shown on the Overall Project Component Plan and associated with a building within the Project shall be substantially completed prior to the issuance of a certificate of occupancy for that building.
9. The Applicant shall copy the Board on all material correspondence between the Applicant and any federal, state or Town official, board or commission that concerns the design and/or conditions set forth in this Decision.
10. If, at any time after the date of this Decision prior to the commencement of construction, the Subsidizing Agency rescinds or revokes its project eligibility determination for the Project, this Comprehensive Permit shall be deemed null and void and have no further effect unless, within a reasonable time period after such rescission or revocation, the Applicant procures a substitute project eligibility determination from a replacement subsidizing agency.
11. [Intentionally omitted]
12. The Project shall conform to all applicable state and federal laws, codes and regulations, including, but not limited to, DEP Stormwater management regulations (except where more stringent standards are imposed herein) for construction of the drainage infrastructure.
13. All utilities located on the Project Site shall be installed underground, subject to support by the Town in applications to MassDOT for any utilities that must be located within the State right of way. Further, the requirement for any such underground utilities, if located within the State right of way, shall be subject to review and approval by MassDOT. If MassDOT does not allow such underground utilities within the State right of way, then those utilities may remain above ground.



14. All buildings and structures shall be constructed substantially as represented in the Application, as revised, and on the Plans of Record.
15. The Project shall be served by municipal water, at the Applicant's sole expense, in accordance with the Southborough Department of Public Works (DPW) and Engineering Department requirements. All facilities shall be installed as shown on the Plans of Record.
16. [Intentionally omitted]
17. Water service booster pumps for the Project shall be designed, installed, and maintained at Applicant's exclusive expense, to the satisfaction of the Director of Public Works.
18. All exterior lighting for the Project, as detailed on the Plans of Record, shall be maintained in such a way that lights shall be shielded and directed so as to avoid light trespass exceeding 0.5 foot candles at the property line or unshielded point sources of light visible from Town public ways or adjacent properties outside of the Overall Site unless otherwise noted on the Plans of Record.
19. [Intentionally omitted]
20. All utility work and any other roadwork performed by the Applicant in connection with the Project within any public right of way shall be performed and conducted in conformance with the regulations of the Town and MassDOT, if applicable, including requirements for street opening permits and trench permits.
21. Contractors shall be duly licensed as required by the Town of Southborough. All such work shall be performed in accordance with current engineering and construction standards.
22. All internal sidewalks and street trees within the Project and along the portion of the Connector Road with the Project Site shall be installed before issuance of the first occupancy permit for a residential unit within the Project unless a suitable performance guarantee is in place.
23. The Applicant shall provide 24/7 monitoring of the Project, during and after construction, either by on-site management or an off-site management entity, that is available by phone 24/7. In the event the Applicant engages a management company, the Applicant shall post the name and telephone number of the management company on the front door of the Project's leasing office in a prominent place. The phone number of the construction supervisor shall be provided to the Town Manager and Town Police.
24. Fire hydrants shall be located consistent with the locations shown on the Plans of Record and as required by the Fire Chief.



25. The Applicant shall submit in its building permit application final fire alarm/sprinkler plans to the Fire Chief solely to ensure that the same comply with NFPA 13 standards and any other applicable state requirements.
26. The Applicant shall equip each unit with water saving plumbing fixtures in every bathroom, kitchen, and laundry area within the rental housing apartment buildings and all underground water pipes shall have water tight joints.
27. Prior to the commencement of construction, the Applicant shall obtain a National Pollutant Discharge Elimination System General Permit (NPDES) from the United States Environmental Protection Agency, as and to the extent required for construction of the Project. For the purposes of this Comprehensive Permit, "commencement of construction" shall mean grubbing and clearing.
28. Prior to issuance of any building permit for the Project, the Applicant shall conduct, or submit a report if completed, a hydrant flow test to determine available flow and pressure to fight a fire at the Project Site, and provide the results of such test to the Water Superintendent and Fire Chief. In the event that there is insufficient water pressure or volume for fire protection at the Project Site, plans shall include on-site improvements such as a fire pump or if on-site improvements do not correct the water pressure issue, off-site improvements to the municipal water distribution system as required to maintain a residual pressure of 20 psi in the municipal water distribution system. The procedure for flushing, disinfecting and pressure testing of the water mains serving The Project shall be approved by the Town's Water Superintendent.

**C. Construction Conditions**

1. To the extent required under any Order of Conditions issued for the Project, erosion controls and tree protection measures shall be continuously maintained throughout the course of construction, adjacent public streets shall be swept as needed to remove sediment and debris and disturbed areas shall be brought to final finished grade and stabilized permanently against erosion as soon as practicable.
2. The Project Site infrastructure shown of the Plans of Record and associated with a building within the Project (including all appurtenant site drainage and utility work, and installation of a binder course of pavement on driveways and parking areas serving such building) shall be substantially completed prior to the issuance of a certificate of occupancy for that building. Prior to the issuance of the first certificate of occupancy for any residential building within the Project, a reasonably satisfactory surety instrument, that shall not expire unless and until it is satisfactorily replaced or released, shall be provided to the Town, in an amount to be determined by Board's consulting civil engineer performing the construction inspections sufficient to ensure the completion of the top coat of paving and completion of all trench repair work. The surety shall be held in accordance with the Town's normal procedures and any surety release that occurs shall be made only upon the satisfactory completion of the work in question as voted by majority vote of the Board after receiving the recommendation of the Board's



consulting civil engineer. Such surety shall be held by the Town Treasurer until the Applicant provides commercially reasonable evidence of the Applicant's substantial completion of the work secured thereby.

3. To the extent that all landscaping for the Project shown on the Plans of Record is not completed prior to the issuance of the first certificate of occupancy, the Applicant shall provide to the Board a reasonably satisfactory surety instrument, that shall not expire unless and until it is satisfactorily replaced or released, and shall be in an amount to be determined by the Board in consultation with all relevant Town officials and other consultants based upon the Applicant's reasonable estimate of the costs to complete such landscaping work. Such surety shall be held by the Town Treasurer until the Applicant provides commercially reasonable evidence of the Applicant's substantial completion of the work secured thereby.
4. Requests to reduce the surety required under Conditions C.2 and 3 above may be submitted as the applicable work progresses and shall include the amount of requested reduction, a list of work outstanding and a cost estimate of the same. The amount of the surety retained shall be based on the cost estimate of the remaining work, and the surety shall be fully released upon the completion of the applicable work.
5. Prior to the commencement of construction of the Project, the Project site and engineering plans, finalized as necessary as provided in this Decision, shall be signed and sealed by a Massachusetts Professional Engineer and a Massachusetts Registered Landscape Architect and filed with the Board and the Building Inspector, and shall include the following:
  - a. Utilities, including on-site utilities and connections to utilities in adjacent public ways, which shall conform to all requirements of municipal departments or private utility companies having jurisdiction and to all applicable codes;
  - b. Stormwater Pollution and Prevention Plan (SWPPP) notes that address mitigation of sedimentation and erosion, including details relating to any temporary drainage basins;
  - c. Letter from the Project architect confirming that the Project complies with applicable Architectural Access Board (AAB) Regulations; and
  - d. Details of any temporary construction signs.
6. Prior to starting any construction activity in connection with the Project, the Applicant and the general contractor shall hold a Project preconstruction meeting with the Building Inspector and DPW Director to review this Decision.
7. Prior to starting any construction activity in connection with the Project, the Applicant shall provide to the Building Commissioner:





- a. The company affiliation, name, address and business telephone number of the construction superintendent available 24/7 who shall have overall responsibility for construction activities on site;
  - b. A copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Project Site have been paid;
  - c. Certification from the Applicant that all federal, state and local licenses and permits required for the Project's construction have been obtained;
  - d. Proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work on the Project Site;
  - e. Proof that street signage is in place to ensure that emergency personnel can locate the Project Site to provide emergency services to protect and secure the Project Site and construction personnel; and
  - f. At least 48 hour written notice. If activity on the Project Site ceases for longer than one month, 48 hour written notice prior to restarting work.
8. During construction of the Project, at the end of each work day, the Applicant shall cause all Project Site erosion control measures required under any Order of Conditions issued for the Project to be in place and shall cause all materials and equipment to be reasonably secured. Prior to issuance of a final certificate of occupancy for the Project, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations.
  9. Blasting, if any, shall be performed in accordance with applicable law. Blasting shall be prohibited on Saturdays.
  10. Within ninety (90) days after issuance of a final certificate of occupancy for the Project, the Applicant shall submit to the Board two sets of draft as-built plans for all infrastructure improvements serving the Project and located on the Project Site. The as-built plans shall, at a minimum contain the following (1) the location, size, and type of all stormwater infrastructure located on the Project Site, including (where applicable) the number and bottom elevation of infiltration units or stormwater storage chambers, the bottom elevation, depth, length, and width of crushed stone surrounding underground infiltration systems; the actual dimensions of any inlet/outlet control structures, and the invert elevation, size, slope, and type of all orifices, weirs, inlet and outlet control pipes, structures and headwalls; (2) location of Project building foundations; (3) location, size, and type of all water services serving the Project and located on the Project Site, including gate valves, tees, and hydrants; (4) rim elevations, location, size, type, and inverts for all drainage and sewer structures and pipes serving the Project and located on the Project Site; and (5) layout of all surface driveways, parking areas, and pedestrian paths serving the Project and located on the Project Site. The site engineer of record, retained by the Applicant, shall provide a certification that the project was constructed in



substantial conformance with the Plans of Record, and where appropriate, a written description of any material deviations from the building permit plans shall be provided, along with documentation as to how these changes meet the original intent of the plans. After review by the Board, the Applicant shall provide an electronic copy of the as-built plans, stamped by a Registered Professional Engineer, to the Town Engineer.

11. All catch basins, detention basins, infiltration systems, and other stormwater management system shall be cleaned at the end of construction. Thereafter, the Applicant and/or Applicant's successor shall be responsible for maintaining the site's storm-water management system in accordance with generally accepted practice, as the same may, from time to time, change.
12. Any further soil testing shall be done by a Massachusetts DEP Certified Soil Evaluator who shall observe soil conditions in the subsurface stormwater and sewer disposal areas and shall relocate or modify the design of the facility if impervious soils or bedrock are present within the limits of the excavation and the observations shall be witnessed by the Town Engineer or his designee and if he deems it necessary for a licensed soil evaluator to be present, the Applicant shall pay for the cost of this expense.
13. During construction, the location of any and every stormwater disposal area shall be protected to prevent compaction by heavy equipment and to prevent contamination of the area with soils and material that may reduce infiltration rates for the existing soils. Where these areas will be used as sediment basis during construction, all sediment shall be removed and basin bottom area excavated to loosen compacted areas prior to the construction of the infiltration basin as noted on the Plans.
14. Prior to commencing construction the Applicant's final construction plans shall provide that the construction of the Project shall be performed in accordance with all applicable laws and regulations regarding noise, vibration, dust, sedimentation control and blocking of Town roads and the Applicant shall install aprons at entry points and provide for dust control in the form of sweeping and spraying of water whenever necessary.
15. There shall be no exterior construction activity, including fueling of vehicles and delivery of construction materials and equipment, on the Project Site before 7:00 a.m., or after 6:00 p.m., Monday through Friday and before 8:30 a.m. or after 4:30 p.m. on Saturday. There shall be no construction on the Premises on the following days unless a special approval for such work has been issued by the Southborough Police Department: Sundays or the following legal holidays: New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas. The Applicant agrees that the hours of operation shall be enforceable by the Southborough Police Department.
16. During construction of the Project, all Project construction access and egress, including the removal or delivery of materials, to or from the Project Site shall be limited to Park Central Drive and the Applicant will arrange for reasonably necessary police traffic control and construction signage in connection with the foregoing. Notwithstanding the foregoing, during initial construction of John Boland Road from Flagg Road to the culvert crossing, construction vehicles and equipment shall be allowed to access the



project site on that portion of Flagg Road between Route 9 and the new John Boland Road and Flagg Road intersection. No construction vehicles or equipment shall be allowed to use Flagg Road north of the John Boland Road intersection. \*

17. Any portion of Flagg Road or Blackthorn Road that is damaged by the Project's construction activities shall be repaired to substantially the same conditions as existed prior to such damage.
18. During the period of construction of the Project, the Applicant shall sweep that portion of Flagg Road or Blackthorn Drive adjacent to the Project Site whenever reasonably necessary due to dust and debris caused by the Project's construction activities.
19. During the period of construction of the Project, no Project vehicles of construction workers and no Project construction vehicles or equipment shall be parked on Flagg Road or Blackthorn Drive or any other public way of the Town.
20. During the period of construction and marketing of the Project, notwithstanding any pre-conditions for the issuance of a Building Permit or Certificate of Occupancy otherwise set forth herein, the Applicant shall be entitled to designate, construct and operate one of the apartment units as a decorated, model unit. The model unit and sales office shall be subject to the usual requirements of the Building Inspector with respect to building and fire code compliance.
21. During the period of construction of the Project, the Applicant shall be allowed to locate two construction trailers on the Project Site, provided, however, that the trailer shall not be located within any zoning-related setback area.
22. During the period of construction of the Project, the Property shall be secured in a manner approved by the Building Inspector so as to prevent personal injury or property damage.
23. During the period of construction of the Project, no construction materials (including, but not limited to, building materials, fill material or landscaping materials) shall be stored on the Project Site during construction of the Project in excess of those materials to be used for the construction of the Project during the next 365 days, unless otherwise approved by the Building Inspector.
24. During the period of construction of the Project, the Applicant shall employ industry-best-practices dust control procedures on a daily (or more frequently, as necessary) basis to minimize construction-related dust moving off of the Project Site.
25. During the period of construction of the Project, the Applicant will ensure that no construction activity occurs on any abutting property outside of the Overall Site.
26. As part of the construction process the Applicant shall conduct appropriate tests of the water system to confirm that the necessary water flow is available to meet applicable ISO



and NFPA-13 standards. Such tests shall be conducted during peak demand times, and the results of such tests shall demonstrate that the applicable requirements are met.

27. The Town Fire Chief will conduct the standard plan review prior to issuance of a building permit for the Project, and any deficiencies with NFPA-13 standards identified during this review shall be corrected by the Applicant as and to the extent required pursuant to such standard. In addition, the Town Fire Chief shall perform the standard inspection for smoke detectors, carbon monoxide detectors and oil burner and/or propane inspections before the issuance of any certificate of occupancy for any building in the Project, and any deficiencies with applicable requirements identified during this review shall be corrected by the Applicant.
28. Design and construction of the Project shall fully comply with all applicable federal and state laws and regulations, including, but not limited to, the Massachusetts State Building Code. The Project shall be designed and constructed on the Project Site in accordance with the Plans of Record, except as otherwise provided in this Decision.
29. Construction documents for the Project shall undergo the usual and customary review and approvals of the Building Inspector, the Board of Health, the Fire Department, or any other applicable Town Board or commission solely to ensure compliance with this Decision. Construction of the Project shall be subject to on-site compliance inspections by the Building Department in the customary manner
30. Landscaping of the Project shall be substantially in conformance with the Plans of Record, except as otherwise provided in the Conditions. Landscaping on the Project Site as shown on the Plans of Record shall be maintained, repaired, or replaced by the Applicant or his successor, as needed to maintain substantial compliance with the Plans of Record.
31. Design of the project should be substantially in conformance with the architectural plans attached on Exhibit 8.
32. All drainage, culverts, underground utilities and chambers located under any roadway on the Project Site shall be designed to AASHTO H-20 and HS-20 weight loading standards in order to safely accommodate emergency vehicles.
33. All roads within the Project shall have a minimum clearance height of fifteen feet (15') to allow for proper ingress/egress of emergency vehicles.
34. Building address and numbering shall be as reasonably specified by the Applicant in consultation with and with the approval of the Town Fire Chief.
35. Fire lanes denoted on the Plans of Record shall be marked "No Parking, Fire Lane" by signs and/or by marking on the pavement. Such markings shall be maintained so as to be clearly readable by residents and visitors. Restrictions on resident and guest parking at any time in any area designated as a fire lane, and specific penalties for violation of such





restrictions, shall be included in the Leasing and Condominium Documents. In addition to Town of Southborough officials, Applicants shall also enforce these provisions.

36. Project resident pedestrian access to Conservation land shall be provided.

#### **D. Wetlands and Stormwater**

1. The Project requires the issuance of an Order of Conditions by the Southborough Conservation Commission (and/or Superseding Order of Conditions issued by MassDEP) pursuant to the Massachusetts Wetlands Protection Act, and implementing regulations (310 CMR 10.00 et seq.), and shall comply with the DEP Stormwater Policy. Any changes required in the Project as a result of the issuance of an Order of Conditions or Superseding Order of Conditions shall be reviewed by the Board pursuant to applicable DHCD regulations.
2. The Project's stormwater drainage system shall be operated and maintained in accordance with the Plans of Record and the stormwater drainage report and analysis submitted by the Applicant to the Conservation Commission and as approved in the final Order of Conditions or Superseding Order of Conditions.
3. The Applicant shall provide a Stormwater and Erosion Control Management Plan for the Project satisfactory to the Conservation Commission or its Designee before issuance of a building permit for any work on the Project Site, as and to the extent required under the Project's final Order of Conditions or Superseding Order of Conditions.
4. The use of sand, environmentally friendly salt substitute, or other similar treatments shall be minimized to the extent practicable, considering public safety, consistent with the Project's final Order of Conditions or Superseding Order of Conditions.
5. Prior to issuance of the first building permit for any building within the Project, the Applicant's registered professional engineer shall prepare a "Stormwater Operations and Maintenance Plan for Final Commissioning and Long-Term Maintenance Program," as and to the extent required under the Project's final Order of Conditions or Superseding Order of Conditions.

#### **E. Wastewater Treatment Facilities**

1. Prior to construction of the Project, the Applicant shall provide the Board with a copy of a valid Groundwater Discharge Permit issued by DEP for the WWTP.
2. The location of the WWTP and related appurtenances shall be where so indicated on the WWTP plans approved by DEP, with all process-related equipment contained within buildings.
3. Access to the WWTP for maintenance and emergency access shall be provided and maintained as shown on the Plans of Record.



4. Any hazardous materials used in conjunction with WWTP operations shall be subject to a spill containment plan approved by the Fire Department and/or DEP.
5. The design of the WWTP shall provide for the elimination of detectable odors in or from occupied residential buildings, as determined by DEP.
6. The Fire Department shall be notified immediately by phone and the Board of Health shall be notified forthwith in writing of any inadvertent release of contaminants or untreated effluent from the WWTP.
7. No WWTP construction shall commence until detailed construction plans and specifications have been reviewed and have received final approval from Mass DEP.

**F. Special Conditions:**

1. Applicant shall install "No Right Turn" as well as "No-Through Street" directional signs at the exit from the both the Red Roof Inn and Cumberland Farms onto Park Central Drive so as to discourage customers/employees of both businesses from using John Boland Road as a cut through to Flagg Road North.
2. The Project's Park Central Drive entry shall include signage indicating that such entry is subject to use only by the Overall Site's residents, guests, prospective residents and other invitees, signs to be appropriately located immediately North of the Office Building.
3. The Applicant shall contribute \$25,000 to the Town for use by the Town to design and construct traffic calming measures (such as sipped humps, sidewalks, street lighting and signage) on Flagg Road. The \$25,000 shall be paid to the Town prior to the issuance of the initial Building Permit for the Project.
4. Forty-eight (48) hours' notice shall be given to all affected parties before any water/utility disruptions are to occur.
5. The Project is subject to a Certificate or Waiver or, alternatively an Acceptance of Project Change issued under the Massachusetts Environmental Policy Act ("MEPA").
6. The Project is subject to the changes of the Plans of Record as recommended by Fuss & O'Neill as identified in letters dated May 12, 2016, July 8, 2016, and August 24, 2016.
7. The Applicant shall install No-Left Turn signs in order to prohibit left-hand turns from John Boland Road onto Flagg Rd between the hours of 7am and 9am Monday through Friday, with the exception of school buses. Sign location and installation shall be subject to DPW direction with all costs paid by the Applicant.
8. Waste and refuse collection vehicles shall be prohibited from entering the property on John Boland Road. When exiting, waste and refuse collection vehicles shall exit via a right-hand turn only onto Flagg Road.



9. The Applicant shall name the proposed pond for the project "John H. Leed Jr. Fish Pond".
10. The Applicant shall pay all of the Board's and Town's prior and outstanding peer review and consulting fees, if any, within 30 days of the issuance of the Comprehensive Permit. The Applicant shall pay for all post Comprehensive Permit peer review, post Comprehensive Permit inspections, and post Comprehensive Permit legal fees by establishing or continuing the escrow account now established pursuant to G.L. c.44, s.53g. No occupancy permit shall issue if an outstanding bill for any fee is 30 days overdue.
11. During the construction period, all construction Personnel to the Project shall be required to enter the property via Park Central Drive via Rt. 9. Said Personnel shall be prohibited from entering and exiting the property from Flagg Rd.



RECORD OF VOTE

The following members of the Board of Appeals vote to grant a comprehensive permit subject to the above-stated terms on this 24 day of August 2016.

P. Drepanos  
Paul Drepanos

[Signature]  
David Eagle, Chairman Pro Tem

[Signature]  
Leo F. Bartolini,

The following members of the Board of Appeals are in opposition to the grant of the comprehensive permit:

\_\_\_\_\_

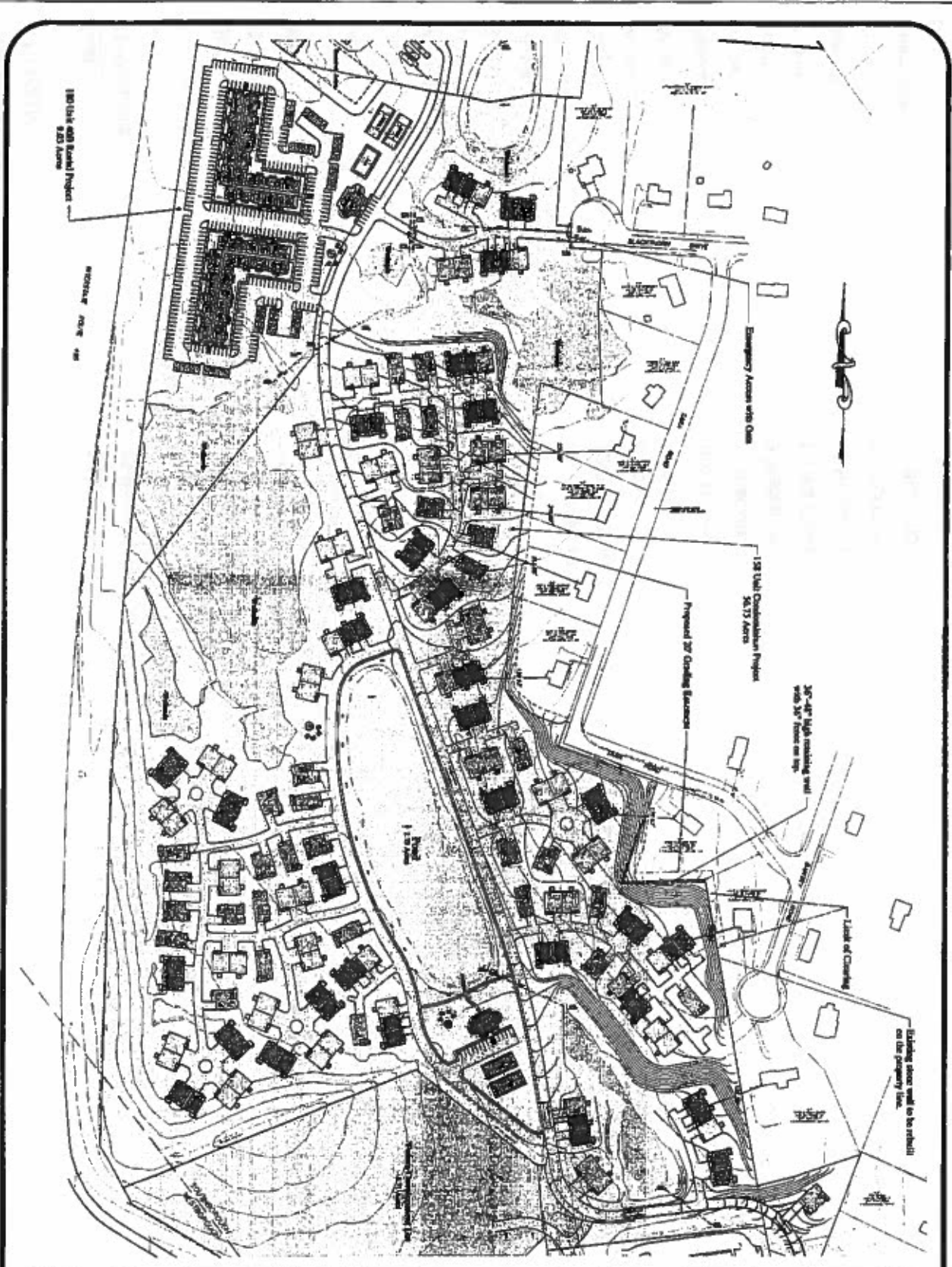
Dated : August 24, 2016

Filed with the Town Clerk on 8/25, 2016.

[Signature]  
Town Clerk







Park Central  
 April 8, 2015  
 1-1100

Capital Group Properties  
 299 Thompson Point, Suite 100  
 Southborough, MA 01772

Capital Group Properties  
 299 Thompson Point, Suite 100  
 Southborough, MA 01772

NO.	REVISION/DATE	BY

# Capital Group Properties

## Park Central - Condominium Plan

Park Central, Southborough

**EXHIBIT**

2

**40B Park Central Development Legal Fund**

**Neighborhood Contributors**

11/11/2014

<b><u>Name</u></b>	<b><u>Address</u></b>
Demichaelis	15 Bantry
Akus	14 Bantry
Van Laarhoven	4 Tara
Jain	11 Blackthorn
Denapoli	19 Blackthorn
Martel	7 Bantry
Liu/Ding	11 Bantry
Wu	7 Tara Road
Gray	17 Tara
MacDonald	4 Bantry
Vare	1 Bantry
Sweeler	10 Blackthorn
Lowell	6 Tara
Whitney	23 Blackthorn
Foster	12 Blackthorn
Ruthfield	5 Tara
Wfnand	18 Bantry
Yazdani	16A Bantry
Officer	17 Blackthorn
Shah	9 Blackthorn
Perkins	1 Tara Road
Genest	21 Blackthorn
Conti	6 Blackthorn
Dhamdere	15 Blackthorn
Blondin	6 Bantry
Fantozzi	14 Blackthorn
Binswanger	16 Bantry Road

**EXHIBIT**

1

**Exhibit \_\_\_\_\_**

**The Residences at Park Central:      Schedule of Submittals**

**Binder A:**

**PP1: Mass Housing Ed Marchant**

**1. June 19, 2015**

**Letter to: Mr. Leo Bartolini Chair, ZBA**

**Letter From: Gregory Watson, Manager, Comprehensive Permit Programs**

**Re: The Residences at Park Central, PE-523, Intended to reaffirm the filings made by mass housing**

**2. February 11, 2014**

**Letter to: Mr. Depietri, Park Central LLC**

**Letter from: Thomas R. Gleason, Executive Director of Mass Housing**

**Re: The Residences at Park Central Southborough, P- 523, and Project Eligibility (site approval application)**

**Attachment: 760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency (4) findings and determinations**

**3. January 5, 2016**

**Email to: Karen Finelli**

**Email from: Edward Marchant**

**Re: Continuance of tomorrow evenings meeting**

**4. April 17, 2014**

**Letter to: Massachusetts Department of Housing and Community Development**

**Letter From: Kevin P. O'Flaherty, Goulston & Storrs**

**Re: Park Central LLC. Vs. Town of Southborough Board of Appeals**

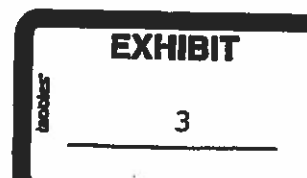
**\*"Safe Harbors"**

**5. June 10, 2015**

**Letter to Gregory Watson and Michael Busby, Mass Housing**

**Letter From: Leo Bartolini, Chair ZBA**

**Re: The Residences at Park Central, Southborough, MA PE-523 \*modification**



6. March 22, 2016

Email to: Karen Finelli

Email from: Edward Marchant

Re: 40 B Permit Questions

**Binder A PP2- Park Central Email**

7. June 14, 2016

Email to: Paul Cimino, Brian Shea, Bonnie Phaneuf, Daniel Kolenda, Mark Purple, John Rooney

Email from: Jonathan Green

Re: Park Central Traffic overview and next steps

\*Request peer review of town water supply, request information from ZBA

8. June 8, 2016

Email to: Paul Cimino, Brian Shea, Bonnie Phaneuf, Daniel Kolenda, Mark Purple, John Rooney

Email from: Jonathan Green

Re: Park Central traffic overview and Next steps

\*Mr. Bartolini needs to be replaced

9. June 14, 2016

Email to: Aldo Cipriano

Email from: Karen Finelli

Re: Forwarding to you per Leo Bartolini's request

Attachment: Jonathan Green email June 14<sup>th</sup> & 8<sup>th</sup> 2016

10. June 10, 2016

Email to: Angelo Catanzaro

Email from: Karen Finelli

Re: Park Central "Proposed Draft Decision"

**11. June 13, 2016:**

**Email to: David Eagle; Paul Drepanos**

**Email from Karen Finelli**

**Re: Possible Decision soon for Park Central 40 B**

**Attachments: email Angelo Catanzaro regarding park central 40B Decision**

**13. May 18, 2016**

**Email to: Mark Purple, Kenneth Paulhus, Joe Mauro, Karen Finelli**

**Email from: Karen Galligan**

**Re: Final Flagg & Deerfoot safety study**

**Attached: Flagg & Deerfoot Road safety study**

**Attached to email: Memorandum dated: May 9, 2016**

**To: Mr. Leo Bartolini**

**From Jason DeGray-Toole Design Group**

**14. December 3, 2015**

**Email to: Edward Marchant**

**Email from: Angelo Catanzaro**

**Re: Park Central, Southborough**

**\*Communications to/from ZBA/Mass Housing, Feb eligibility letter**

**15. February 22, 2016**

**Email to: William Depietri; Daniel Ruiz**

**Email from: Karen Finelli**

**Re: Another memo for your records**

**Attached: MAPC Park Central Feb 2016**

**16. February 22, 2016**

**Email to: Karen Finelli**

**Email from: Beth Rosenblum**

**Re: Town of Southborough Ma, Park Central EENF-MAPC comment letter**

**Attached: Comment letter**

**17. March 22, 2016**

**Email to: Karen Finelli**

**Email from: Edward Marchant**

**Re: 40 B Permit Questions**

**18. March 22, 2016**

**Email to Gregory Watson, Mass Housing**

**Email from: Edward Marchant**

**Re: 40B Permit questions**

**19. March 15, 2016**

**Email to: Gregory Watson, Manager of Comprehensive Permit Programs (Mass Housing)**

**Email from: Carl Guyer, Southborough, MA**

**Re: 40 B permit question (initial email)**

**20. January 28, 2016**

**Email to: Mark Purple;Karen Galligan**

**Email from: Beth Rosenblum**

**Re: Park Central MEPA Site Visit**

**21. February 9, 2016**

**Email to: Jason DeGray**

**Email from: Karen Finelli**

**Re: Southborough ZBA \*Contracts**

**22. February 9, 2016**

**Email to: Karen Finelli**

**Email from: Jaosn DeGray**

**Re: Southborough ZBA**

**22. February 25, 2016**

**Email to: Karen Galligan**

**Email from: Jason DeGray**

**Re: Flagg/Deerfoot road safety & traffic calming study**

**Attachment: Safety study, scope of services, etc.**

**23. February 25, 2016**

**Email to: Bill Depietri, Karen Finelli**

**Email from: Karen Galligan**

**Re: Flagg/Deerfoot road safety & traffic calming study**

**Attachment: Safety study, scope of services, etc.**

**24. February 26, 2016**

**Email to: Karen Finelli**

**Email from: Jaosn DeGray**

**Re: Scope of work and invoice attached \*: Amendment to our contract for additional services**

**Binder A PP3**

**25. November 9, 2015**

**Fuss & O'Neil**

**Town of Southborough on-call engineering consulting services task authorization**

**Task title: Park Central 40 B Comprehensive Permit review**

**Scope of services and estimated costs**

26. November 10, 2015

Email to: William Depietri

Email from: Karen Finelli

Re: Fuss & O'Neil Task Authorization Letter and payment

Attached: Task Authorization

27. November 11, 2015

Email to: Karen Finelli

Email from: William Depietri

Re: Task Authorization and payment

28. November 24, 2015

Email to: David Birri

Email from: Heidi Kriger

Re: Capital Group deposit

Binder A PP 4 Park Central Traffic

29. January 19, 2016

Email to: Jason Degray

Email from: Sam Gregorio

Re: Southborough response to peer review comments

Attachment: Response to GPI comments

\*\*Attached to email: TEC Memorandum

To: Mr. Leo Bartolini, Chair, ZBA

From: Kevin R. Dandrade, Principal & Samuel Gregorio, Project engineer

Re: Response to comments-Traffic impact & access study



**30. February 24, 2016**

**Toole Design Group Amendment follow-on review services**

**Proposed mixed-use residential development, Park Central**

**31. April 21, 2016**

**To: Mr. Leo Bartolini**

**Toole Design Group Invoices for Task 1: meetings and follow-on services and Task 2: Roadway safety & Traffic calming study**

**32. May 3, 2016**

**Email to: Karen Finelli**

**Email from: Karen Galligan**

**Re: Toole Design Group Invoice**

**Attached: Invoice**

**33: May 3, 2016**

**Email to: William Depietri**

**Email from: Karen Galligan**

**Re: Toole Design Group Invoice**

**Attached: Toole Design Group Invoice**

**34. May 4, 2016**

**Email to: Paul Drepanos; David Eagle**

**Email from: Karen Finelli**

**Re: Attached Toole Design Information**

**Attachments: Toole Design task information and invoice K. Galligan confirmed**

**35. February 9, 2016**

**Toole Design Group, LLC Agreement**

**36. October 15, 2014**

**GPI Greenman- Pederson, inc – Engineering and construction services Invoice #0190616**

**Attention: Leo F. Bartolini, Chair ZBA**

**37. February 3, 2016**

**GPI Greenman- Pederson, inc – Engineering and construction services Invoice #0211109**

**Attention: Leo F. Bartolini, Chair ZBA**

**38. July 24, 2014**

**GPI Greenman- Pederson, inc – Engineering and construction services Invoice #0186693**

**Attention: Leo F. Bartolini, Chair ZBA**

**39. August 18, 2014**

**TEC Memorandum**

**To: Mr. Leo Bartolini, Chair ZBA**

**From Rebecca L. Brown, Senior Traffic Engineer, Douglas S. Halpert, Project engineer**

**Re: Alternative build program sensitivity analysis, Residences at Park Central**

**40. May 23, 2012**

**Mass DOT Highway Division Permit number 3-2012-0056**

**\*Permission granted to Cumberland farms to enter state layout in town of Southborough**

**Signed: District Highway Director**

**41. August 27, 2014**

**Letter to: Zoning Board of Appeals, Town of Southborough**

**Letter from: Dino DeThomas, Sr. Vice President and Chief Real-Estate officer for Cumberland Gulf Group of Companies**

**Re: Application for comprehensive permit- The Residences at Park Central**

**Binder A PP 5-Park Central Traffic**

**42. February 24, 2014**

**Toole Design Group Amendment-Scope of Work**

**To: Mr. Leo Bartolini**

**Project: Amendment follow-on review services-proposed mixed use residential development at Park Central**

**43. December 23, 2016**

**Technical Memorandum GPI**

**Ref: MAX-2014067.01**

**To: Mr. Leo Bartolini**

**From: Mr. Jason DeGray**

**Re: Proposed mixed use residential development at Park Central**

**Traffic impact and access study peer review**

**44. December 14, 2015**

**Greenman-Pederson, Inc, Scope of Services**

**To: Mr. Leo Bartolini, Chair, ZBA**

**Project: mixed-use at Park Central-updated peer review**

**Prepared by: Jason DeGray**

**45. Vanasse& Associates-Transportation Engineers and Planners**

**To: Mr. Leo F. Bartolini, Chair, ZBA**

**From Jeffery S. Dirk**

**Re: Traffic Engineering peer review, Residences at Park Central**

**Binder A PP 6**

46. December 16, 2014

Letter to: William Boland, Chair, Board of Selectman

Letter from: Leo F. Bartolini

Re: The Residences at Park Central

\*No official plans submitted, cannot approve or deny

47. September 9, 2015

Park Central residential building plan- Submitted by Capital Group Properties

48. March 31, 2014

Letter to: Leo Bartolini, Mark Purple

Letter from: Susan Connelly, Director, Community Housing Initiatives

Re: Residences at Park Central, 40B

**Binder A PP 7 Worcester Registry of Deed Documents**

49. September 14, 2015

Worcester District Registry of Deeds

Document type: Covenant

Number of pages: 27

Re: Park Central Drive

**Binder A PP 8**

50. September 9, 2015

Copy of Park Central Residential Building Plan

**Binder A (Left Folder)**

51. April 6, 2015

Town of Southborough Board of Assessors Abutters List

Address: 0 Turnpike Road- Route 495

52. April 17, 2014

Letter to: Massachusetts Department of Housing and Community Development

Letter from: Kevin P. O'Flaherty, Goulston & Storrs

Re: Park Central, LLC V. Town of Southborough board of appeals

\*Application for Comprehensive permit, "Safe Harbors"

53. May 9, 2014

Letter to: Massachusetts Department of Housing and Community Development

Letter from: Kevin P. O'Flaherty, Goulston & Storrs

Re: Park Central, LLC V. Town of Southborough board of appeals

\*Application for Comprehensive permit, "Safe Harbors"

54. April 9, 2014

Letter to: William Depietri

Letter from: Leo F. Bartolini, Chair, ZBA

Re: Notice of Southborough Zoning Board of Appeals' Decision Pursuant to 760 Code of MA regulations, section 56.03 (8) (A), Park Central Project Application

Attached: ZBA decision

55. April 2, 2014

Letter to: Mr. Daniel L. Kolenda, Chairman, Southborough Board of Selectman

Letter from: Leverett Wing, Associate Director, Department of Housing & Community Development MA

Re: Housing Production plan- Certification approved

Attachment: Department of Housing and community development CH 30b, Subsidized housing inventory

56. Undated

Letter to: Jennifer Burney, Town Planner, Town of Southborough

Letter from: Aldo Cipriano

**Re: Opinion request and response, DHCD certification Issue, pending application Park Central, TOC # 14-302**

**Binder B PP 1 40 B: Application Continuation/ Extension**

**57. March 24, 2014**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B**

**58. February 24, 2016**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B**

**59. January 20, 2016**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B**

**60. January 6, 2016**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B**

**61. January 7, 2016**

**Email to: Bill Depietri**

**Email from: Karen Finelli**

**Re: Park Central Approved and stamped request for continuance attached**

**Attachments: Park Central Continuance until 1.6.16**

**62. November 10, 2015**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B**

**63. October 7, 2015**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B**

**64. September 24, 2015**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B Town of Southborough-Request for continuation/ extension of a hearing process**

**65. August 18, 2015**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B**

**66. July 30, 2015**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B**

**67. November 19, 2014**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B Application for a Comprehensive Permit**

**68. October 29, 2014**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B**

**69. February 12, 2014**

**Town of Southborough, Comprehensive Permit Application form**

**Re: Park Central Drive**

**70. Letter to: Southborough Zoning Board of Appeals**

**Letter from: Martin E Loiselle**

**Re: Park Central- Comprehensive Permit continuance request**

**71. July 7, 2014**

**Letter to: Leo F. Bartolini, Zoning Board of Appeals**

**Letter from: Angelo P. Catanzaro**



**Re: Park Central C. 40B Application request for continuance of public hearing**

**72. August 28, 2014**

**Letter to: The Southborough ZBA (Handwritten)**

**Letter from: Capital Group Properties**

**Re: Extension**

**73. July 17, 2014**

**Letter to: Leo F. Bartolini, Zoning Board of Appeals**

**Letter from: Angelo Catanzaro**

**Re: Park Central C. 40B Application**

**Re: Continuance request**

**74. November 18, 2014**

**Letter to: Southborough Zoning Board of Appeals**

**Letter from: Martin E. Loiselle, Capital Group Properties**

**Re: Park Central C. 40B Application, Request for continuance of public hearing**

**75. April 7, 2015**

**Letter to: Leo F. Bartolini, Zoning Board of Appeals**

**Letter from: Angelo P. Catanzaro**

**Re: Park Central C. 40B Application, Request for continuance of public hearing**

**76. April 29, 2015**

**Town of Southborough-Request for continuation/ extension of a hearing process**

**To: Chairman, Southborough ZBA**

**From: Capital Group Properties**

**Re: Park Central 40B**

**Binder B PP2**

**77. March 21, 2016**

**Memorandum to: Southborough Zoning Board of Appeals and Chairman Leo Bartolini**

**Memorandum from: Mark S. Possemato, Chairman, Southborough Conservation Commission**

**Re: The Residences at Park Central Walvers**

**78. February 18, 2016**

**Letter to: Secretary Beaton, Secretary of Energy and Environmental Affairs**

**Letter from: Mark S. Possemato, Chairman, Southborough Conservation Commission**

**Re: Comments on the ENF for the proposed park central project**

**79. February 19, 2016**

**Tax income from housing units per the tax assessor's letter**

**\*Document gives overview on potential tax revenue generation per Park Central Properties**

**80. January 28, 2016**

**Memorandum to: Zoning Board of Appeals**

**Memorandum from: Karen Galligan, DPW Superintendent**

**Re: Park Central, Review and comment on project**

**81. December 28, 2015**

**Letter to: Police Department, Fire Department, DPW**

**Letter from: Leo F. Bartolini, Chairman ZBA**

**Re: Request no parking of commercial vehicles on flag Rd**

**82. January 5, 2016**

**Email to: Karen Galligan**

**Email from: Karen Finelli**

**Re: Traffic Peer Review**

**Attachment: Park Central Mixed –Use Traffic Impact Review**

**83. October 28, 2015**

**Letter to: Mr. Leo Bartolini, Chair Zoning Board of Appeals**

**Letter from: Joseph C. Mauro, Fire Chief**

**Re: Approval of Access/egress to the site, Park Central**

**84. November 10, 2015**

**Email to: Kenneth Paulhus**

**Email from: Karen Finelli**

**Re: New Plans for Park Central 40B**

**85. November 13, 2015**

**Email to: Karen Finelli**

**Email from: Kenneth Paulhus**

**Re: New Plans for Park Central 40 B, Concern w/ security gate**

**86. November 12, 2015**

**Southborough Fire Department site plan review Location: Residences at Park Central**

**Reviewers: Joseph C. Mauro, Fire Chief**

**87. March 26, 2014**

**Letter to: Leo Bartolini, Chairman of the Zoning Board of Appeals**

**Letter from: Jennifer Burney, Town Planner**

**Re: Park Central and Affordable housing**

**Attachment: Department of housing and community development CH 40B Subsidized housing inventory**

**88. December 2, 2014**

**Letter to: Chairman Bartolini**

**Letter from: Donald C. Morris, Planning Board Chairman**

**Re: Proposed 40B- Requesting project denial**

**89. October 1, 2014**

**Letter to: Leo Bartolini, Chair, Zoning Board of Appeals, Board Members**

**Letter from: Jennifer Burney, Town Planner**

**Re: Park Central, Clarification on quantity of proposed units**

**90. September 25, 2014**

**Letter to: Leo Bartolini, Chair of Zoning Board of Appeals**

**Letter from: Jennifer Burney, Town Planner**

**Re: park Central, Talking points made at meetings, Discussions**

**Attachments: Proposed concept plan for Park Central, Zoning Map, Site plan for west ridge & Red Mill Village, Photos of amenities**

**91. October 5, 2015**

**Letter to: Leo Bartolini, Chair, Zoning Board of Appeals**

**Letter from: The Planning Board, Donald Morris, Chair and Kathleen Bartolini, Andrew Mills, Philip Jenks, Jessie Stein**

**Re: The Residences at Park Central, William Depietri/Capital Group Properties, (Send Plans)**

**92. November 13, 2015**

**Letter to: Leo Bartolini, Chair, Zoning Board of Appeals**

**Letter from: The Planning Board, Donald Morris, Chair**

**Re: The Residences at Park Central, William Depietri/Capital Group Properties**

**93. November 23, 2015**

**Letter to: Board/ Committee members and department heads**

**Letter from: Donald C Morris, Chair Planning Board**

**Re: The Residences at Park Central, William Depietri/Capital Group Properties**

94. September 9, 2015

Letter to: Zoning Board of Appeals

Letter from: Craig Nicholson, Chair Southborough Housing Opportunity Partnership Committee (SHOPC)

Re: Park Central, Comments and recommendations

95. December 1, 2015

Memorandum to: Southborough Zoning Board of Appeals and Chair Leo Bartolini

Memorandum from: Beth Rosenblum, Conservation Commission

Re: The Residences at Park Central, Comments

96. January 4, 2015

Letter to: Zoning Board of Appeals Members

Letter from: Don Morris, Chairman, Planning Board

Re: Comprehensive Permit Park Central, LLC, Comments +Recommendations

**Binder B PP 3- Letters from boards + departments**

97. May 20, 2016

Public Hearing Notice for site plan approval

Letter to: James Hegarty, Town Clerk

Letter from: Donald C Morris, Chairman

98. January 12, 2016

Letter to: Zoning Board of Appeals Chair

Letter from: Jennifer Burney, Town Planner

Re: Comprehensive permit, Park Central LLC

99. January 4, 2016

Letter to: Zoning Board of Appeals

**Letter from: Don Morris, Chairman**

**Re: Comprehensive Permit Park Central, LLC, Comments + Recommendations**

**100. December 17, 2015**

**Draft Comments Town Planner**

**101. November 23, 2015**

**Draft, overview of sight, Zoning, open space, etc.**

**To: Planning Board**

**From: Jennifer Burney, Town Planner**

**Re: Park Central LLC**

**102. December 1, 2015**

**Memorandum to: Southborough Zoning Board of Appeals and Chairman Leo Bartolini**

**Memorandum from: Beth Rosenblum, Conservation Commission**

**Re: The Residences at Park Central, Comments on Comprehensive Permit Plans**

**103. February 19, 2016**

**Letter to: Matthew A. Beaton, Secretary, Executive Office of Energy & Environmental Affairs**

**Letter from: Marc D. Draisen, Executive Director, Metropolitan Area Planning Council (MAPC)**

**Re: Park Central, MEPA #15472**

**104. March 8, 2016**

**Letter to: Southborough Conservation Commission**

**Letter from: Leo F. Bartolini, Chair, Zoning Board of Appeals**

**Re: Waiver requests from Park Central Development**

**105. January 11, 2016**

**Letter to: Mr. Bartolini, Chair, Zoning Board of Appeals**

**Letter from: William Depietri, Capital Group Properties**

**Re: The Residences at Park Central-Response to the Planning Boards Comments**

**106. January 4, 2016**

**Letter to ZBA Members**

**Letter from: Don Morris, Planning Board**

**Re: Comprehensive Permit Park Central, LLC. Review of Park Central**

**107. February 19, 2016**

**Letter to: William Depietri**

**Letter from: Paul T. Cibelli, Board of Assessors**

**Re: Estimated real estate tax revenue, Residences at Park Central-Proposed 40 B (180 rental units) and 141 market rate condominiums**

**108. February 19, 2016**

**Email to: Anne Canaday (MEPA)**

**Email from: Hillary Young Carney**

**Re: Comments on the ENF- Park Central**

**Attachments: Planning Board Comments**

**109. February 19, 2016**

**Email to: Karen Finelli; Mark Purple; Beth Rosenblum; Karen Galligan**

**Email from: Hillary Young Carney**

**Re: Comments on the ENF, Park Central**

**Attachments: Planning Board Comments**

**110. February 4, 2016**

**Notice of MEPA Site Visit**

**EEA No: 15472 Park Central, Southborough**

**Scheduled for February 4, 2016**

**Binder B PP 4- Capital Group**

**111. March 23, 2016**

**Letter to: Mr. Bartolini, ZBA**

**Letter from: William Depietri, Capital Group Properties**

**Re: The Residences at Park Central, Timeline of Events**

**112. February 12, 2016**

**Letter to: ZBA**

**Letter from: William A. Depietri, Manager, Park Central LLC**

**Re: Waiver Request for Affordable Housing Integrated Development Project**

**113. October 29, 2015**

**Letter to: Craig Nicholson, SHOP**

**Letter From: Daniel Ruiz, Capital Group Properties**

**Re: The Residences at Park Central. Response to the Southborough Housing Opportunity Partnership Council**

**114. January 9, 2015**

**Letter to: Michael Busby, Mass Housing**

**Letter from: Martin E Louiselle, Capital Group Properties**

**Re: The Residences at Park Central- A Capital Group Properties Development, Size of Buildings and abutters**

**115. August 6, 2014**

**Letter to: ZBA Members**

**Letter from: William Depietri, Capital Group Properties**

**Re: Park Central-Rental Vs. For sale Project**



116. June 13, 2014

Letter to: Southborough Conservation Commission

Letter from: Scott Goddard, Principal

Re: Response to comments made about gravel/ sands stock pile w/ buffer zone

117. June 13, 2014

Letter to: Leo Bartolini & ZBA members

Letter from: Angelo P. Catanzaro

Re: Residences at Park Central 40. B project, Earth Removal, Permit Park Central

118. March 18, 2014

Letter to: Jonathan Gulliver, District Highway Director

Letter from: William A. Depietri, President, Capital Group Properties

Re: Park Central-Proposed Access

Attachments: Park Central, Potential Site Buildout

**Binder B PP 5**

119. March 7, 2016

Letter to: Leo Bartolini, ZBA

Letter from: Howard Rose, 2 Bantry Rd

Re: Concerns at Park Central

120. February 23, 2016

Letter to: Leo Bartolini, Chairman ZBA

Letter from: Janel McDonald, 4 Bantry Rd

Re: Park Central Project

**121. January 21, 2016**

**Letter to: ZB, Board of Selectman, Planning Board**

**Letter from: Jonathan Green, 10 Tara Rd**

**Re: Concerns, additional comments**

**122. January 20, 2016**

**Letter to ZBA**

**Letter from: Dmitry & Ekaterina Stadnik, 9 Lovers Lane**

**Re: Concern about proposed expansion of Flagg Rd**

**123. Undated**

**Letter to: ZBA**

**Letter From: Michael and Nina Kositsky, 40 Flagg Rd**

**Re: Concerns about Flagg Rd**

**124. January 15, 2016**

**Letter to: ZBA**

**Letter from: Barbara Ramsdell, 26 Deerfoot Rd**

**Re: Concerns about Flagg Rd**

**125. January 19, 2016**

**Email to: Karen Finelli**

**Email from: Tom Gittins**

**Re: Email to ZBA**

**Attachments: Don't Widen Flagg Rd Petition**

**126. January 14, 2016**

**Letter to: Leo Bartolini, ZBA**

**Letter from: Susan Linehman Beaumont, 49 Flagg Rd**

**Re: Proposed Mixed use Residential Development at Park Central-Traffic Impact**

**127. January 15, 2016**

**Email to: Bill Depietri; Danny Ruiz**

**Email from: Karen Finelli**

**Re: Park Central Letter from Neighbor**

**Attached: Letter from Susan Beaumont**

**128. January 5, 2016**

**Letter to: ZBA**

**Letter from: Jason and Monica Akus, 14 Bantry Rd**

**Re: Peer review for Park Central Project, Concerns**

**129. January 4, 2016**

**Letter to: Leo Bartolini, ZBA**

**Letter from: Todd Miller, 8 Hickory Rd**

**Re: Park Central Development Concerns**

**130. January 2, 2016**

**Letter to: Leo Bartolini, ZBA**

**Letter from: Marnie L. Hoolahan, 26 Clifford Rd**

**Re: Park Central Development Concerns**

**131. December 29, 2015**

**Letter to: Leo Bartolini, ZBA**

**Letter from: Stephen T. Boldin, Bantry Rd**

**Re: Proposed Park Central Development-Traffic Study**

**132. January 3, 2016**

**Letter to: Leo Bartolini, ZBA**

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Letter from: Marnie L. Hoofahan

Re: Concerns, Traffic Study

133. December 27, 2015

Letter to: Board of Selectman

Letter from: Christopher and Linda Perkins, 1 Tara Rd

Re: Traffic concerns, Park Central

134. December 20, 2015

Letter to: ZBA

Letter from: Howard Rose, 2 Bantry Rd

Re: Concerns, Park Central Development

135. December 17, 2015

Email to: Karen Finelli

Email from: David Winard, Resident

Re: Peer review Letter, Park Central

136. December 17, 2015

Email to: David Winard

Email from: Karen Finelli

Re: Peer review letter, Response

137. December 17, 2015

Email to: Jennifer Burney; Karen Finelli

Email from: Jonathan Green

Re: ZBA Request for traffic comments

Attachments: Zoning Board of Appeals (Letter from Jonathan Green)

138. September 28, 2015

Letter to: Leo Bartolini, ZBA

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**Letter from: The Bantry/Blackthorn and Tara Neighborhood**

**Re: Comprehensive Permit, The Residences at Park Central**

**139. April 1, 2014**

**Email to: Mark Purple; Jessica Baptista**

**Email from: Jonathan Green**

**Re: Recent ZBA meeting Park Central**

**140. October 30, 2014**

**40 B Park Central Development Legal Fund, Neighborhood Contributors 2014**

**141. January 5, 2016**

**Emails to: Bill Depietri**

**Emails from: Karen Finelli**

**Re: Letters Pertaining to Park Central**

**142. January 7, 2016**

**Email to: Bill Depietri**

**Email from: Karen Finelli**

**Re: Park Central approved and stamped request for continuance attached**

**Attached: Continuance approval**

**143. January 5, 2016**

**Email to: Bill Depietri; Daniel Ruiz**

**Email From: Karen Finelli**

**Re: Copy of Letter from planning board**

**Attachment: Planning board letter to ZBA**

**144. January 11, 2016**

**Email to: Bill Depietri; Danny Ruiz**

**Email from: Karen Finelli**

**Re: More memos regarding traffic concerns**

**145. December 21, 2015**

**Email to: Jason Degray**

**Email from: Karen Finelli**

**Re: Another letter from resident**

**Attachment: Memo from H Rose Traffic Park Central**

**146. December 21, 2015**

**Email to: David Eagle; Paul Drepanos**

**Email from: Karen Finelli**

**Re: Letter from Park Central neighborhood, Howard Rose**

**Attached: Memo from H. Rose**

**147. January 4, 2016**

**Email to: Paul Drepanos; David Eagle**

**Email from: Karen Finelli**

**Re: More Letters from neighbors regarding Park Central**

**148. January 4, 2016**

**Email to: Bill Depietri; Danny Ruiz**

**Email from: Karen Finelli**

**Re: Letters from Neighbors regarding traffic**

**Attached: Letters**

**149. December 17, 2015**

**Email to: Bill Depietri**

**Email from: Karen Finelli**

**Re: Attached please find a letter from Jonathan Green regarding Park Central traffic**

150. January 19, 2016

Email to: Jason DeGray

Email from: Karen Finelli

Re: Letter from Park Central Abutter

Attached: Letter to ZBA Jason & Monica Akus- Park Central

**Blnder B PP 6**

151. February 16, 2016

Email to: Karen Finelli

Email from: Angelo Catanzaro

Re: Park Central C. 40 B Waiver Request

Attachments: Waiver Request for Affordable Housing Integrated Development Project

152. December 9, 2014

Town of Southborough Board of Appeals

To: Bill Boland, Chairman, Board of Selectman

From: Leo Bartolini, Chairman ZBA

Re: Letter from Attorney Hill

153. June 18, 2014

Letter to: ZBA

Letter from: John T. Smolak, Esq

Re: Application for Comprehensive permit-The Residences at Park Central

154. June 25, 2014

Letter to: ZBA

Letter from: Patrick L. Garner, Wetlands Hydrologist

**Re: The Residences at Park Central**

**155. November 3, 2014**

**Email to: Daniel C. Hill; Karen Finelli**

**Email from: Angelo P. Catanzaro**

**Re: Southborough/Park Central 40B/Meeting**

**156. August 27, 2014**

**Letter to: Leo Bartolini, ZBA**

**Letter from: Angelo Catanzaro**

**Re: Park Central; C. 40B Affordable Housing Project, Summary of conditions of amending application from "for sale units" to "rental units"**

**157. June 24, 2014**

**Letter to: Leo Bartolini, ZBA**

**Letter from: Angelo P. Catanzaro**

**Re: Residences at Park Central 40 B project. Cumberland farms park central drive/ Route 9 Egress**

**158. May 5, 2014**

**Letter to: Massachusetts Department of Housing and Community Development**

**Letter from: Aldo A. Cipriano**

**Re: Park Central LLC, V. Town of Southborough Zoning Board of Appeals**

**Attached: Supplemental statement, Notice of Appearance**

**159. June 18, 2014**

**Letter to: ZBA**

**Letter from: John T. Smolak-Cumberland Farms ATTY**

**Re: Application for comprehensive permit- The Residences at Park Central**

**Attachments: Exhibit A-Letter from Jonathan Gulliver, District Highway Director and exhibit B- Letter, Dated June 17, 2014 to John Smolak**



**160. December 3, 2015**

**Email to: Edward Marchant**

**Email from: Angelo P. Catanzaro**

**Re: Park Central, Southborough, follow up communications**

**161. December 18, 2014**

**Letter to: Donald Morris, Planning Board Chair**

**Letter from: Robert B Gibbons**

**Re: Capital Group Properties, LLC/ Chapter 40 B proposed project**

**\*Addresses Morris claims**

**162. June 24, 2014**

**Letter to: ZBA**

**Letter from: Daniel C. Hill**

**Re: Application for comprehensive permit- The Residences at Park Central, Concerns**

**163. October 27, 2014**

**Email to: Jennifer Burney**

**Email from: Daniel C. Hill**

**Re: Southborough/Park Central 40B**

**164. December 9, 2014**

**Email to: Bill Boland; Karen Finelli; Mark Robidoux; Aldo Cipriano**

**Email from: Mark Purple**

**Re: Special Council**

**Attached: Previous email from Dan Hill**

165. October 30, 2014

Letter to: Leo Bartolini, ZBA

Letter from: Daniel C. Hill

Re: Application for comprehensive permit- The Residences at Park Central

166. December 3, 2014

Letter to: Leo Bartolini, ZBA; William Boland; Board of Selectman

Letter from: Daniel C. Hill

Re: Application for comprehensive permit- The Residences at Park Central, includes attorney recommendations for 40 B

167. May 28, 2014

Letter to: ZBA

Letter from: Daniel C. Hill

Re: Application for comprehensive permit- The Residences at Park Central concerns + guidelines

168. April 4, 2014

Letter to: Leo F. Bartolini

Letter from: Angelo Catanzaro Re: Park Central 40 B application

Attached: Town of Southborough board of appeals, comprehensive application form, Methods to measure progress toward local affordable housing goals

**Binder B PP 7 – Park Central waiver request**

169. April 7, 2016

Draft, Notice of Decision on C. 40B Initial waiver request. William A Depietri and Park Central LLC

170. March 18, 2016

Email to: Karen Galligan; Joe Mauro

Email from: Jonathan Green

**Re: Park Central Safety Study**

**171. January 21, 2016**

**Email to: Beth Rosenblum**

**Email from: Christopher M. Lucas**

**Re: Park Central ANRAD review**

**Attached: Project Review for the Abbreviated Notice of Resource Area Delineation, Park Central**

**172. February 24, 2016**

**Waiver Request for Affordable Housing Integrated Development Project**

**From: William Depietri**

**Binder B PP 8**

**173. November 30, 2015**

**Letter to: Donald C. Morris**

**Letter from: Angelo P. Catanzaro**

**Re: Application for comprehensive permit, Park Central LLC**

**Attached: Notice of decision on a use variance**

**Binder B PP 9**

**174. Undated**

**Letter to: Donald C. Morris, Chairman**

**Letter from: Edward Marchant**

**Re: Application for Comprehensive permit, Park Central, LLC**

**175. November 9, 2015**

**Letter to: Leo F. Bartolini, Chair, ZBA**

**From Edward Marchant**

**Re: Southborough Housing Opportunity Partnership Committee (SHOPC)**

176. December 2, 2015

Letter to: Leo F. Bartolini, Chair, ZBA

From Edward Marchant

Re: Southborough Housing Opportunity Partnership Committee (SHOPC)

177. September 9, 2015

Letter to: Zoning Board of Appeals

Letter from: Craig Nicholson, SHOPC

Re: Park Central, LLC

178. April 24, 2015

Invoice- Edward Marchant, Real-Estate advisor

179. June 25, 2014

Letter to: ZBA

Letter from: John Bartolini

Re: Park Central Development

180. October 1, 2014

DRAFT Letter to: Leo Bartolini, ZBA

Letter from: Jason DeGray, Greenman-Pederson

Re: Proposed Residences at Park Central, TIAs Peer review-Review of TEC response to comments

**Binder B Folder 1**

181. June 20, 2016

Letter to: Board of Selectman

Letter from: Jonathan Green

Re: Response to letter from Mr. Catanzaro titled Park Central

**Binder B Folder 2**

182. Undated

Comprehensive permit rules- Easthampton ZBA

**Green Folder 1**

183. June 18, 2014

Letter to: Zoning Board of Appeals

Letter from: John T. Smolak

Re: Application for comprehensive permit- Residences at Park Central

184. Undated

Ch.: 40 B Technical Review Assistance Application

**Green folder 4**

185. May 15, 2014

Letter to: Aldo A. Cipriano

Letter from: Leverett Wing, Division of Community Services

Re: Decision on Grounds for Denial of Comprehensive permit Application-Park Central, LLC

186. May 22, 2014

Letter to: William Boland; Leo Bartolini; Mark Possemato; Donald Morris; Mark Purple; Jennifer Burney; Vanessa Hale

Letter from: Angelo P. Catanzaro

Re: Residences at Park Central 40-B Project Earth Removal, Permit Park Central

187. March 26, 2014

Letter to: Leo F. Bartolini

Letter from: Jennifer Burney, Town Planner Re: Park central and affordable housing

Miscellaneous e-mails and unindexed documents



Add to Exhibit 3

Letter from Southborough Planning Board, dated August 24, 2016  
Letter from Conservation Commission, dated August 22, 2016  
Letter from Yan Huang, 75 Flagg Rd dated August 22, 2016  
Letter from Benjamin Keyes, Lynbrook Rd dated August 22, 2016  
Letter from Marnie Hoolahan, 26 Clifford St, dated August 22, 2016  
Letter from Kristie & Michael Dameri, 18 Flagg Rd. dated August 22, 2016  
Letter from Edward & Catherine Webb, 1 Deerfoot Rd. dated August 22, 2016  
Letter from Howard Rose, 2 Bantry Rd., dated August 22, 2016  
Letter from Carrie J. DeBlois-Mello, 21 Flagg Rd. dated August 22, 2016  
Letter from Yan Huang, 75 Flagg Rd., dated August 17, 2016  
Letter from Southborough Police Chief Kenneth Paulhus, dated August 23, 2016  
Letter from Southborough Fire Chief Joseph Mauro, dated August 23, 2016  
Letter from Southborough Fire Chief Joseph Mauro, dated August 24, 2016  
Letter from Jonathan Green, 10 Tara Rd., dated August 23, 2016  
Letter from Meme Luttrell, Planning Board, dated August 23, 2016  
Letter from Southborough Planning Board, dated August 23, 2016  
Letter from Debbie DeMuria, 58 Flagg Rd., dated August 21, 2016  
Letter from Debbie DeMuria, 58 Flagg Rd., dated August 22, 2016  
Letter from Debbie DeMuria, 58 Flagg Rd., dated August 23, 2016  
Letter from Wendy DeMichaelis, 15 Bantry Rd., dated August 22, 2016  
Letter from Brian Shea, 17 Pinecone Lane, dated August 23, 2016  
Letter from Jonathan Green, 10 Tara Rd., dated August 23, 2016  
Letter from Kathy & Tom Gittens, 73 Flagg Rd., dated August 23, 2016  
Letter from Allan Bezanson, 20 Deerfoot Rd, dated August 23, 2016  
Letter from David Coombs, 61 Deerfoot Rd., dated August 23, 2016  
Three Letters from Karen Hanlon Shimkus, 8 Lynbrook Rd, dated August 23, 2016  
Letter from Waterman Design Associates Inc. dated August 18, 2016  
Two letters from Karen Hanlon Shimkus, 8 Lynbrook Rd., dated August 17, 2016  
Letter from Karen Galligan, Southborough DPW, dated August 24, 2016  
Letter from Dale and Elizabeth Veeneman, 10 Flagg Rd., dated August 21, 2016  
Letter from John Rooney, 35 Edgewood Rd., dated August 22, 2016  
Letter from David Schwartz, 55 Flagg Rd., dated August 24, 2016





**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
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**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 extent 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 its 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 ½ 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*



Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1081  
VP: 866.758.1435 | [www.masshousing.com](http://www.masshousing.com)

February 11, 2014

Park Central, LLC  
259 Turnpike Road, Suite 100  
Southborough, MA 01772  
Attention: Mr. William Depietri

**Re: The Residences at Park Central  
Southborough  
PE- 523  
Project Eligibility (Site Approval) Application**

Dear Mr. Depietri:

This letter is in response to your application as "Applicant" or "Developer" for a determination of Project Eligibility (Site Approval) pursuant to Massachusetts General Laws Chapter 40B, 760 CMR 56.00 and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development ("DHCD") (the "Guidelines") (collectively, the "Comprehensive Permit Rules"), under the following programs (the "Programs"):

- Housing Starts Program of the Massachusetts Housing Finance Agency ("MassHousing")
- New England Fund ("NEF") Program of the Federal Home Loan Bank of Boston.

The proposal is to build 180 condominium units (the "Project") on 13.28 acres of land located off Park Central Road (the "Site") in Southborough (the "Municipality").

This letter is intended to be a written determination of Project Eligibility ("Site Approval") in accordance with the Comprehensive Permit Rules, establishing fundability by a subsidizing agency under a low or moderate-income housing subsidy program pursuant to the Guidelines which may be found at [www.mass.gov/hed/economic/eohed/dhcd/legal](http://www.mass.gov/hed/economic/eohed/dhcd/legal). To the extent that Project funding is provided by a non-governmental entity such as a Federal Home Loan Bank, this letter is also intended to be a determination of Project Eligibility ("Site Approval") by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, "Housing Programs In Which Funding Is Provided By Other Than A State Agency."

MassHousing staff has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information for the Project

Deval L. Patrick, Governor | Ronald A. Homer, Chairman  
Thomas N. O'Brien, Vice Chair | Thomas R. Gleason

**EXHIBIT**

5

**The Residences at Park Central  
Southborough, MA  
PE-523**

submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules. As a result of our review, we have made the following findings as required pursuant to 760 CMR 56.04(1) and (4): (a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to Final Approval under 760 CMR 56.04(7) ("Final Approval"); (b) that the Site of the proposed Project is generally appropriate for residential development taking into consideration the information provided by the Municipality regarding actions previously taken to meet affordable housing needs; (c) that the conceptual project design is generally appropriate for the Site on which it is located; (d) that the proposed Project appears financially feasible within the housing market in which it will be situated based on comparable sales; (e) that an initial pro forma, including a land value determination consistent with the Guidelines, has been reviewed, and the Project appears financially feasible and consistent with the Guidelines for cost examination and limitations on profits and distributions on the basis of estimated development costs, and the Project is fundable under the Program; (f) that the Applicant would be eligible to apply as a Limited Dividend Organization in connection with an application for financing under the Program; and meets the general eligibility standards of the Program; and (g) that the Applicant controls the Site. Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto.

As noted, MassHousing staff has determined that the Project appears generally eligible under the requirements of the Programs, subject to final review of eligibility and to Final Approval. In order to maintain eligibility under the Programs the following requirements must be addressed as part of your Final Approval application submission:

1. The Applicant must offer a minimum of 25% of the units for sale to households earning no more than 80% of the area median income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development (HUD). The most recent HUD income limits indicate that 80% of the current median family income for a 4-person household for the Municipality is \$64,400. Note, however, that in order to attract a sufficient number of qualified buyers for the affordable units, the initial maximum sales price for the affordable units will be calculated by MassHousing to enable a household earning not more than 70% of area median income of an appropriate size household (appropriate size equals number of bedrooms in the unit plus one) to qualify to purchase the unit under generally accepted mortgage loan underwriting standards.
2. An Affordable Housing Restriction ensuring the units remain affordable to future buyers in perpetuity will govern the affordable units.
3. The Applicant must be a limited dividend organization and agree to limit the profit on the development to not more than 20% of the Project's total development costs as determined by MassHousing.
4. The Applicant must comply with the Land Value Policy described in section IV (B) (1) of the Guidelines and, if applicable, MassHousing's Acquisition Value Policy. The maximum permissible acquisition value that can be included in the Development Budget

The Residences at Park Central  
Southborough, MA  
PE-523

approved at Final Approval and at the time of Cost Examination/Cost Certification, for limited dividend purposes, is the "As Is" value (determined by the MassHousing commissioned independent appraisal) of \$1,030,000 plus reasonable and verifiable carrying costs (where permitted by the Guidelines) from the December 12, 2012 date of your Site Approval application.

5. The Applicant must enter into a Regulatory Agreement with MassHousing, in the form for the applicable Program, ensuring compliance with the requirements of the Comprehensive Permit Rules and the Program. The legal description of the Site attached to the Regulatory Agreement must be recordable.
6. In order to satisfy the Program requirements, financing for the Project must originate from a subsidizing lender such as MassHousing or a bank that is a member of the Federal Home Loan Bank of Boston ("FHLBB"). Should you choose to finance the Project through a member bank of the FHLBB, financing for a minimum of 25% of the construction costs must be obtained from the NEF Program. Evidence of a firm commitment for financing for the Project must be provided during your request to MassHousing for Final Approval. The Regulatory Agreement shall provide that any transfer of all or a portion of the NEF lender's interest (including participations or sale of servicing rights) during the entire term of the construction financing shall be subject to the approval of the Subsidizing Agency.
7. The Project must comply with the Commonwealth's Sustainable Development Principles embraced by DHCD (formerly implemented by MassHousing by its use of the Smart Growth Criteria).

The Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. Based on MassHousing's site and design review, and its review and consideration of comments received from the Municipality, the following issues should be addressed in your application to the Zoning Board of Appeals ("ZBA") for a Comprehensive Permit and fully explored in the public hearing process prior to submission of your application for Final Approval:

1. Compliance with all statutory and regulatory restrictions and conditions relating to protection of drainage, wetlands, vernal pools and wildlife habitats and nearby conservation areas, if applicable to this Site. You should provide evidence of such compliance prior to the issuance of the building permit for the Project.
2. Compliance with Title V regulations regarding the design and construction of individual wells, septic systems and wastewater treatment plants, if applicable to this Site, except to the extent waived pursuant to Title V. You should provide evidence of such compliance prior to the issuance of the building permit for the Project.

The Residences at Park Central  
Southborough, MA  
PE-523

3. The Municipality is concerned that residents living on the proposed development's access and egress roads will be subject to an increase in traffic through their neighborhood. Residents expressed concern during hearings that additional vehicles will create pedestrian vs. vehicle and vehicle vs. vehicle conflicts. You indicated that you would be willing to put sidewalks in the Bantry and Tara Road neighborhood in order to provide safer pedestrian travel within the neighborhood. In addition, you have indicated that in order to alleviate some traffic through the abutting neighborhood you would direct residents leaving the Park Central development to the Park Central/Flagg Road exit and you would install driver feedback signs on Flagg Road as requested by the Police Chief to help with traffic control. Please be prepared to discuss this issue with municipal officials during the public hearing.
4. The Municipality would "prefer that the small amount of parcels zoned commercial and industrial in the Town, including this one" be utilized only for that use. You have indicated that you cannot guarantee the future use of the remaining portions of the larger 102 acre parcel on which the Site lies, but it is your intention to develop those parcels as office, flex space, warehouse or some other commercial use. In addition, you have agreed to reserve an area on the Site for a future water storage tank for the Municipality's water system. Please be prepared to discuss this issue with municipal officials during the public hearing.
5. The Municipality requested a delay on this development in order to analyze the effects other 40B developments have had on Municipal services and infrastructure. While this concern is outside the scope of findings MassHousing is required to make at Site Approval, this issue is likely to be raised by municipal officials during the public hearing.

This approval is expressly limited to the development of no more than 180 homeownership units under the terms of one of the Programs, with not less than 45 of such units restricted as affordable homeownership units for low- and moderate-income persons or families as required under the terms of the Housing Starts Program or the Guidelines, as applicable. It is not a commitment or guarantee of MassHousing or NEF financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a Comprehensive Permit, the use of any other housing subsidy programs, the construction of additional units or a reduction in the size of the Site, you will be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type (rental/homeownership) or a change in building type or height, you may be required to submit a new Site Approval application for review by MassHousing.

For guidance on the Comprehensive Permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations, 760 CMR 56.00.

This approval will be effective for a period of two years from the date of this letter. Should the Applicant not apply for a Comprehensive Permit within this period or should MassHousing not

The Residences at Park Central  
Southborough, MA  
PE-523

extend the effective period of this letter in writing, this letter shall be considered to have expired and no longer be in effect. In addition, the Applicant is required to notify MassHousing at the following times throughout this two year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a Comprehensive Permit be issued, please note that prior to ( i ) commencement of construction of the Project or ( ii ) issuance of the building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project, as it may have been amended, in accordance with the Comprehensive Permit Rules (see 760 CMR 56.04(7) and the Guidelines). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of Final Approval as required at Site Approval.

**Further Opportunities for Assistance from MassHousing:** Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the applicable housing subsidy program (MassHousing's Housing Starts Program or the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency), as reflected in the applicable regulatory documents. Without limitation, we note that if the Comprehensive Permit will contain any local preference conditions, the Guidelines require that the community demonstrate that a local preference is needed and can be implemented in a way that will not have a disparate impact on protected classes. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

**Notice Regarding Monitoring Agent:** Under current procedures, MassHousing intends to delegate responsibility for monitoring compliance with the minimum affordability requirement to an entity which MassHousing deems qualified to perform the services required. Please contact MassHousing to discuss the selection of a Monitoring Agent.

If you have any questions concerning this letter, please contact Michael Busby at 617-854-1219 or Greg Watson at 617-854-1880.

Sincerely,



Thomas R. Gleason  
Executive Director

**The Residences at Park Central  
Southborough, MA  
PE-523**

**cc: Mr. Aaron Gornstein, Undersecretary, Department of Housing and Community  
Development  
Mr. Daniel L. Kolenda, Chairman, Southborough Board of Selectmen  
Mr. Mark J. Purple, Southborough Town Administrator  
Mr. Brian P. Ballantine, Chairman, Southborough Zoning Board of Appeals**



The Residences at Park Central  
Southborough, MA  
PE-523

## Attachment 1.

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency  
Section (4) Findings and Determinations

### **The Residences at Park Central, Southborough, MA PE-523**

After the close of a 30-day review period and extension, if any, MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

*(a) MassHousing finds that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);*

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income. A letter of financial interest was provided by Mutual One Bank of Framingham.

*(b) MassHousing finds that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);*

Southborough does not have a DHCD Certified Housing Production Plan. Southborough does have a Housing Production plan on file at DHCD. Southborough has 102 Subsidized Housing Inventory (SHI) units (7.5 % of its housing inventory), which is 86 SHI units shy of the 10% SHI threshold.

*(c) MassHousing finds that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);*

#### **Relationship to adjacent building typology**

The Developer has proposed building a 180 unit residential complex with 5 buildings, a community building and a pool. The units will feature between 967 to 1,267 square feet of living

**The Residences at Park Central**  
Southborough, MA  
PE-523

space. The adjacent building types include a mix of commercial properties and, to the east of the subject Site, single family residential housing.

#### **Building Massing**

The developer proposes deeper setbacks in the five locations along Park Central Drive frontages in order to break up the massing of the buildings into a series of smaller nearly aligned buildings. While the vast majority of the facade materials will be Hardie panels, brick/concrete is being proposed for the 1<sup>st</sup> floor facing the resident parking areas. Multiple dormer style roofing techniques are proposed to enhance the residential nature of the proposed development and to create visual interest.

#### **Relationship to adjacent streets/Integration into existing development patterns**

The subject property is located off Turnpike Road (Route 9) and Park Central Drive just east of Interstate 495 and the Westborough town line. The immediate neighborhood is commercial in the vicinity of Route 9. These uses include an office building, a motel, and gasoline station. Single family residential uses abut the subject Site to the east.

#### **Density**

The Developer intends to build 180 units on 13.28 acres, 12.94 buildable acres. The resulting density is 13.91 units per buildable acre, which is appropriate given the housing type proposed and its location on the Site.

#### **Site Plan**

The Project will include five 3-story garden apartment-style buildings with a total of 180 one-and-two-bedroom condominium units, a 1-story clubhouse and an outdoor pool. The site plan is laid out to take advantage of the tree lined areas that serve as a natural buffer to the residential neighborhood to the east, which effectively screen the proposed project from view of abutters. The site plan also takes advantage of the views to the west for future property owners. In addition, the Site plan has adequate ingress/egress as well as emergency exits. There are potential uses on the site for residential trails connecting the larger parcels.

#### **Environmental Resources**

It does not appear that any portion of the Site is located within a Flood Zone or in an Aquifer Protection Overlay District, and no significant natural or cultural resources or endangered species habitats have been identified. The Site plan has been designed to minimize the building impact on the approximately ½ acre of wetlands located on the Site.

#### **Topography**

The subject property is gently rolling vegetated with coniferous and deciduous trees with some ledge outcroppings. The 13.28 acre parcel is irregular in shape with street frontage access from the extension of Park Central Drive.

The Residences at Park Central  
Southborough, MA  
PE-523

#### **Proposed Use**

Based on MassHousing staff's site inspection, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses.

*(d) MassHousing finds that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);*

The Project appears financially feasible based on a comparable sales letter submitted by realtor Joyce Torelli of Key Realty Services of Marlborough.

*(e) MassHousing finds that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's guidelines, and the Project appears financially feasible and consistent with the Department's guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;*

The initial pro forma has been reviewed for the proposed residential use and the Project appears financially feasible with a projected profit margin of 19.8 %. In addition, a third party appraisal commissioned by MassHousing has determined that the "As Is" land value for the Site of the proposed Project is \$1,030,000.

*(f) MassHousing finds that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and*

The Applicant must be organized as a Limited Dividend Organization prior to applying for Final Approval. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program.

*(g) MassHousing finds that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.*

The Applicant controls the entire 13.28 acre Site under a deed of ownership.



Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

Tel: 617.854.1000 | Fax: 617.854.1091  
Vp: 866.758.1435 | www.masshousing.com

Leo F. Bartolini, Chairman  
Zoning Board of Appeals  
Town of Southborough  
17 Common Street  
Southborough, MA 01772-1662

June 19, 2015

Re: The Residences at Park Central, PE-523

Dear Mr. Bartolini:

Thank you for your letter dated June 10, 2015 regarding proposed changes to the site plan for The Residences at Park Central (the "Project"). This letter is intended to reaffirm the findings made by MassHousing regarding the Determination of Project Eligibility (Site Approval) letter dated February 11, 2014 (the "Project Eligibility Letter").

In accordance with 760 CMR 56.04(5) MassHousing has reviewed preliminary information regarding the proposed changes to the Project and has determined that they are substantial. However, the changes proposed to the site plan have not altered any of the findings required to be made by MassHousing when it issued the Project Eligibility Letter.

Since the site changes outlined in your letter are prior to the issuance or denial of a Comprehensive Permit, 760 CMR 56.04(5) narrowly limits the Subsidizing Agency's review to changes which affect the project eligibility requirements set forth at 760 CMR 56.04(1). Since compliance with those eligibility requirements will not be affected by the proposed changes, MassHousing is able to reaffirm the Project Eligibility Letter.

MassHousing will carefully review the plans again once the Project is approved by the ZBA and submits an application for Final Approval, and at that point will determine whether the approved plans still meet the requirements of the 40B regulations and guidelines.

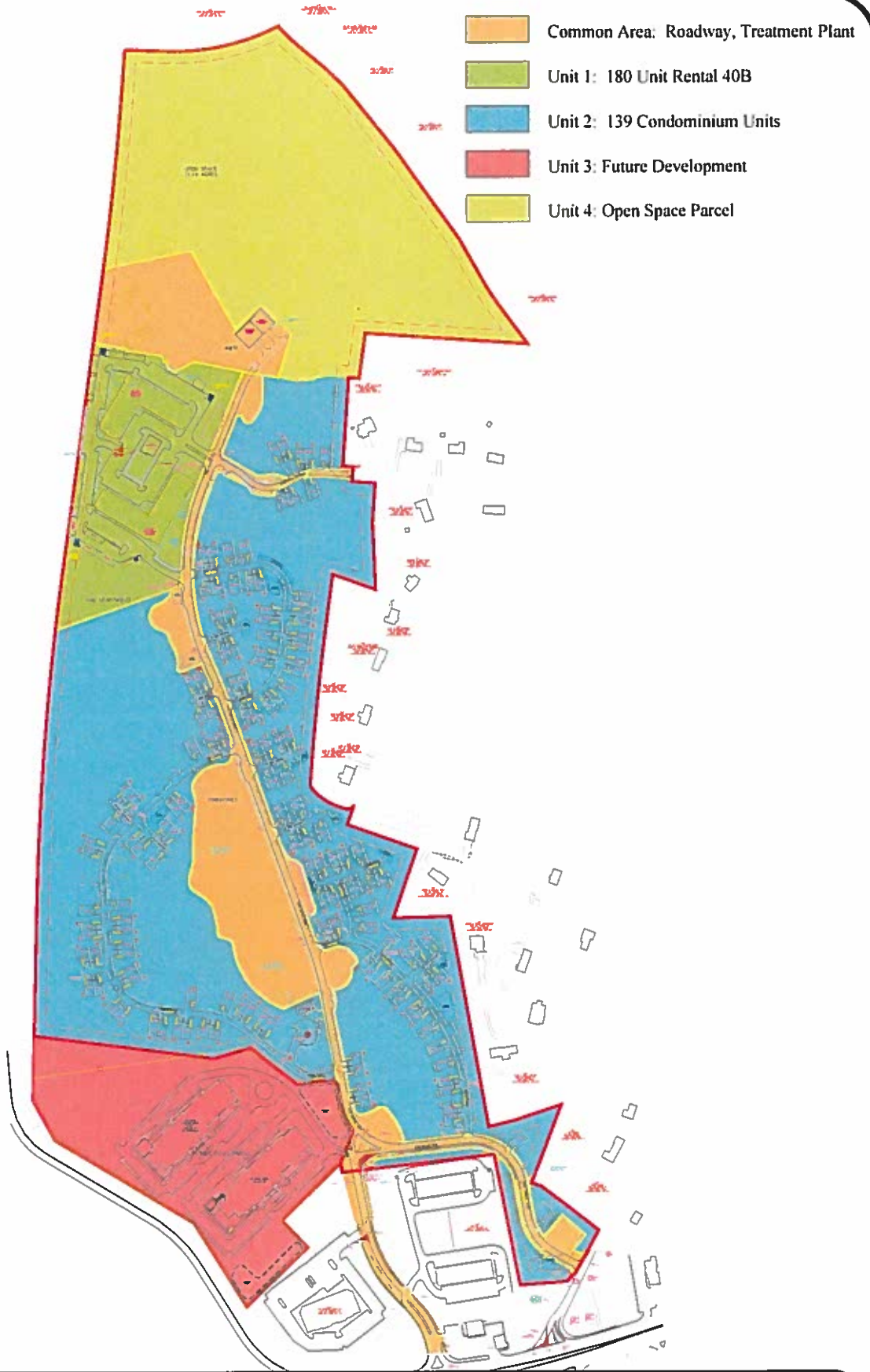
If you have any further questions regarding this project, please contact me at 617-854-1880.

Very truly yours,

Gregory P. Watson  
Manager, Comprehensive Permit Programs

cc: John F. Rooney, Chair, Town of Southborough Board of Selectmen  
Mark J. Purple, Town Administrator, Town of Southborough





- Common Area: Roadway, Treatment Plant
- Unit 1: 180 Unit Rental 40B
- Unit 2: 139 Condominium Units
- Unit 3: Future Development
- Unit 4: Open Space Parcel

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">Project Name</td> <td style="font-size: 8px;">Park Central</td> </tr> <tr> <td style="font-size: 8px;">Date</td> <td style="font-size: 8px;">Aug 21, 2016</td> </tr> <tr> <td style="font-size: 8px;">Scale</td> <td style="font-size: 8px;">1" = 150'</td> </tr> </table>	Project Name	Park Central	Date	Aug 21, 2016	Scale	1" = 150'		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">Client Name and Address</td> <td style="font-size: 8px;">Capital Group Properties 259 Temple Road, Suite 100 Southborough, MA 01772</td> </tr> </table>	Client Name and Address	Capital Group Properties 259 Temple Road, Suite 100 Southborough, MA 01772	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">No.</td> <td style="font-size: 8px;">Revision/Issue</td> <td style="font-size: 8px;">Date</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Revision/Issue	Date				<h2 style="margin: 0;">Capital Group Properties</h2> <h3 style="margin: 0;">Park Central - Full Site</h3> <p style="margin: 0;">Park Central, Southborough, MA</p>	Capital Group
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Date	Aug 21, 2016																		
Scale	1" = 150'																		
Client Name and Address	Capital Group Properties 259 Temple Road, Suite 100 Southborough, MA 01772																		
No.	Revision/Issue	Date																	

Exhibit 7





SOUTH ELEVATION



EAST ELEVATION



PARKSIDE COMMONS  
RESIDENTIAL



Exhibit 8







NORTH ELEVATION



WEST ELEVATION



PARKSIDE APARTMENTS  
 RESIDENTIAL DEVELOPMENT  
 12345 AVENUE







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PROPERTY





BUILDING 1  
FIRST FLOOR



SEPTEMBER 9, 2015



**PARK CENTRAL**  
RESIDENTIAL  
BUILDING PLAN

**C**  
**CAPITAL GROUP**  
PROPERTIES



BUILDING 1  
SECOND FLOOR



SEPTEMBER 9, 2015



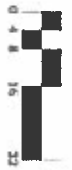
**PARK CENTRAL**  
RESIDENTIAL  
BUILDING PLAN







BUILDING 1  
TYPICAL FLOOR



SEPTEMBER 9, 2015

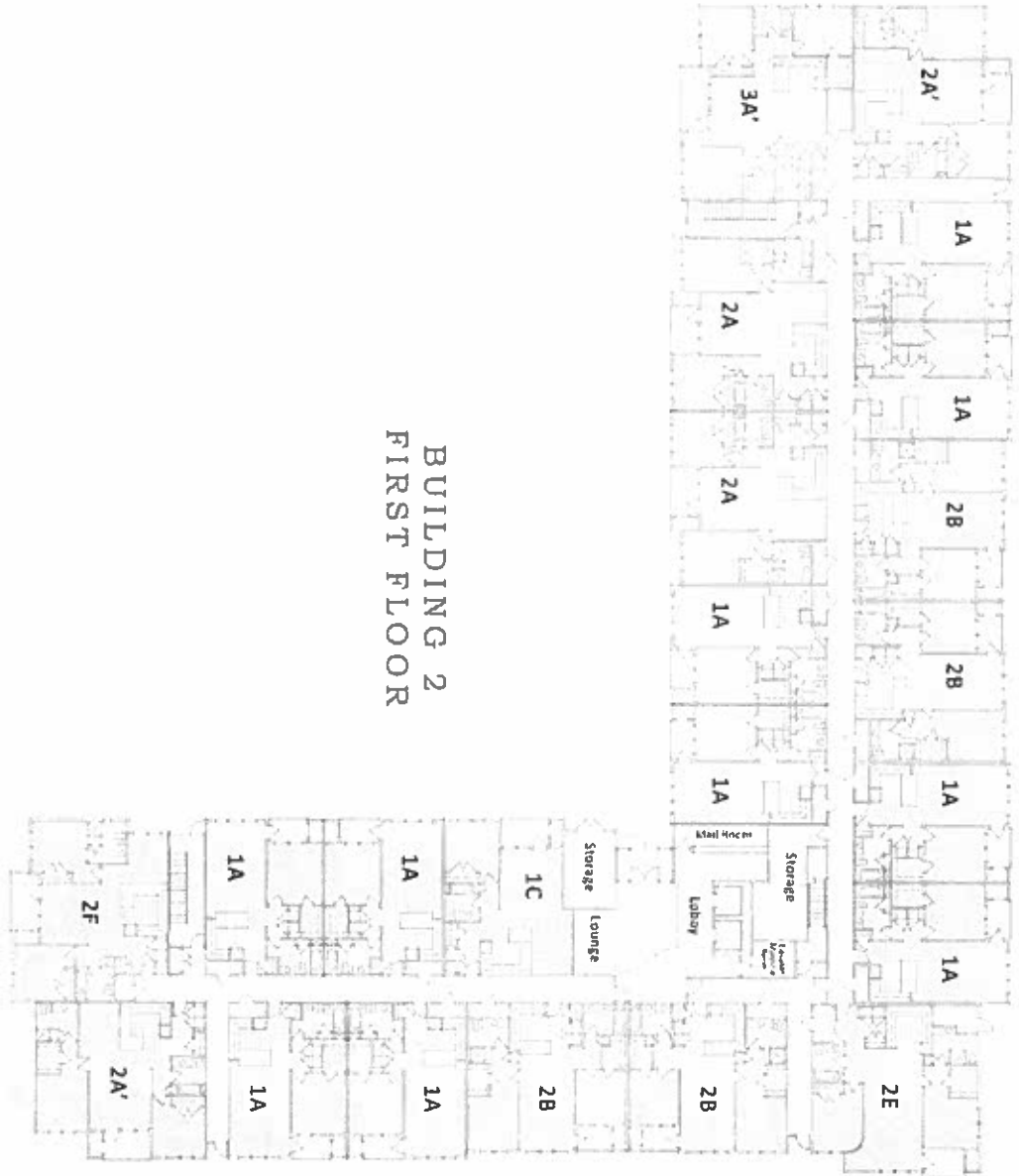


**PARK CENTRAL**  
RESIDENTIAL  
BUILDING PLAN





BUILDING 2  
FIRST FLOOR

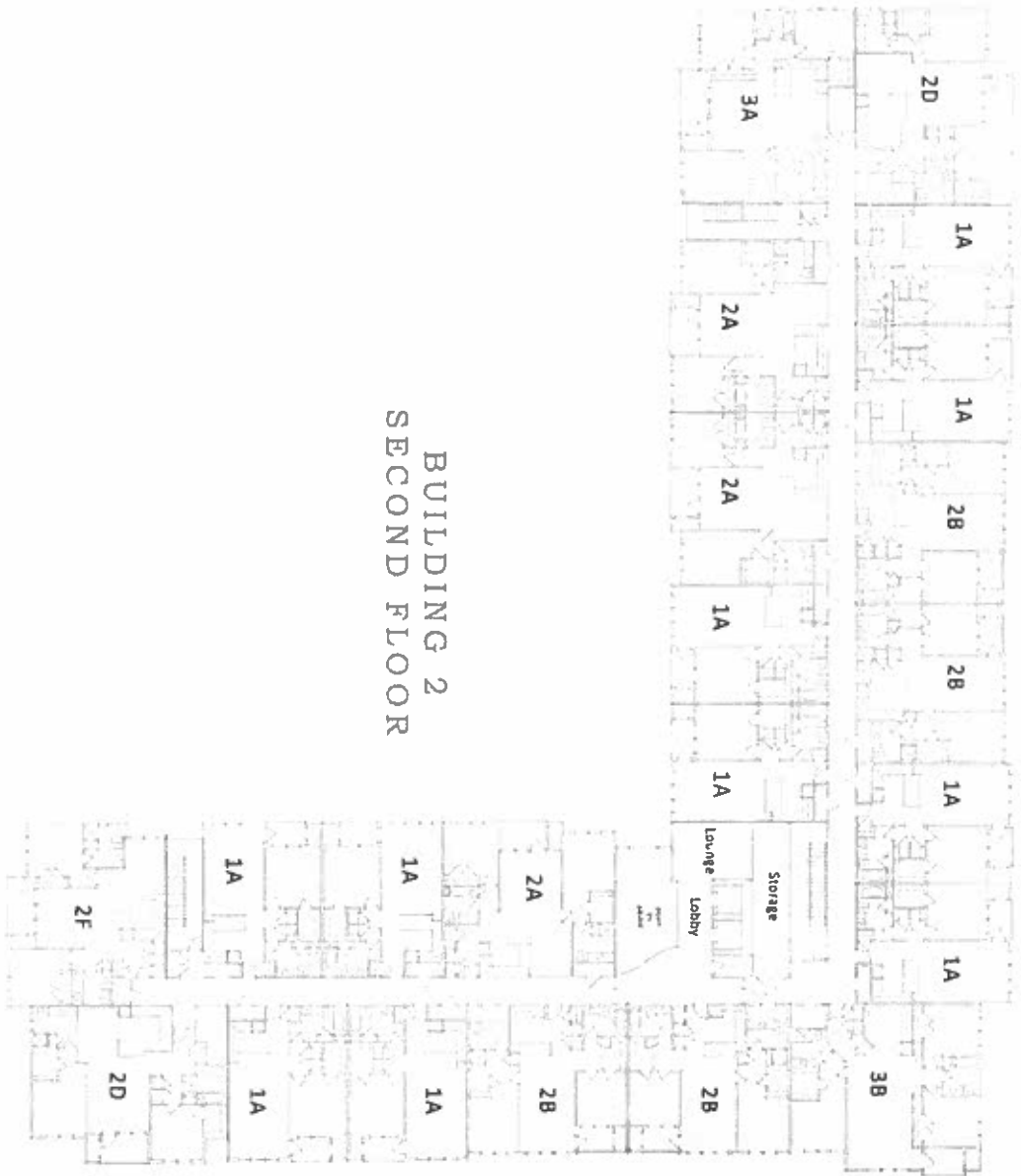


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PARK CENTRAL  
RESIDENTIAL  
BUILDING PLAN

**C**  
CAPITAL GROUP  
PROPERTIES



BUILDING 2  
SECOND FLOOR



SEPTEMBER 9, 2015



**PARK CENTRAL**  
RESIDENTIAL  
BUILDING PLAN





BUILDING 2  
TYPICAL FLOOR



SEPTEMBER 9, 2015



**PARK CENTRAL**  
RESIDENTIAL  
BUILDING PLAN

**C**  
**CAPITAL GROUP**  
PROPERTIES



August 14, 2015

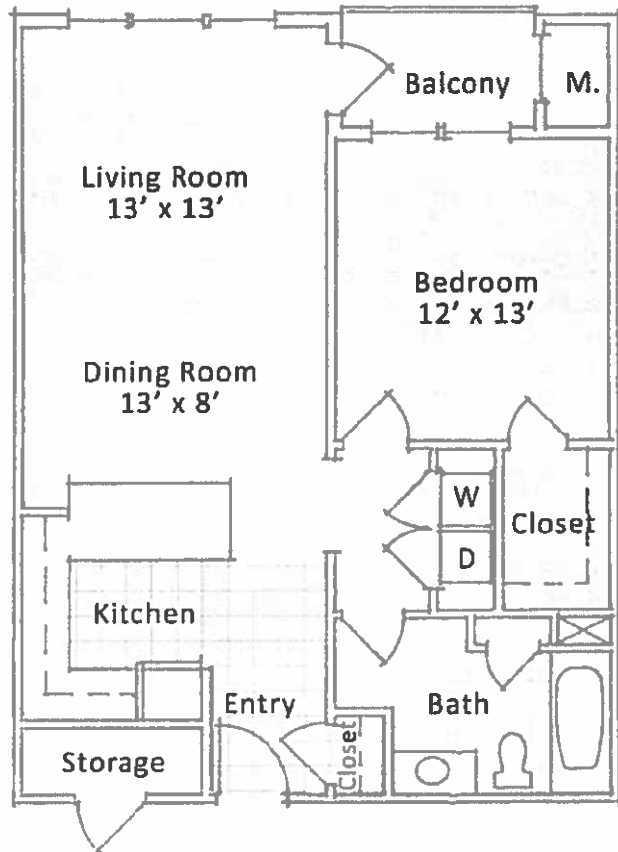
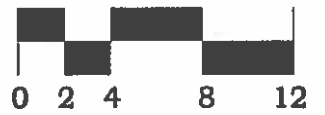
Unit Types	One Bedrooms			Two Bedrooms						Three Bedrooms			Total Units
	1A	1B	1C	2A	2A'	2B	2D	2E	2F	3A	3A'	3B	
<b>BUILDING 1</b>													
Fourth Floor	9	1		4		4	2			2		1	23
Third Floor	9	1		4		4	2			2		1	23
Second Floor	9	1		4		4	2			2		1	23
First Floor	9	1		4	2	4		1			2		23
Total by Unit Type	36	4		16	2	16	6	1		6	2	3	92
Subtotal by Bedrooms	40			41						11			
<b>BUILDING 2</b>													
Fourth Floor	10			3		4	2		1	1		1	22
Third Floor	10			3		4	2		1	1		1	22
Second Floor	10			3		4	2		1	1		1	22
First Floor	10		1	2	2	4			1		1		21
Total by Unit Type	40		1	11	2	16	6	1	4	3	1	3	87
Subtotal by Bedrooms	41			40						7			
<b>Total by Bedrooms</b>	81			81						18			180



**PARK CENTRAL**  
RESIDENTIAL  
UNIT STUDIES



August 14, 2015



UNIT 1A  
825 sf.  
Buildings 1 and 2  
All Floors  
76 Total

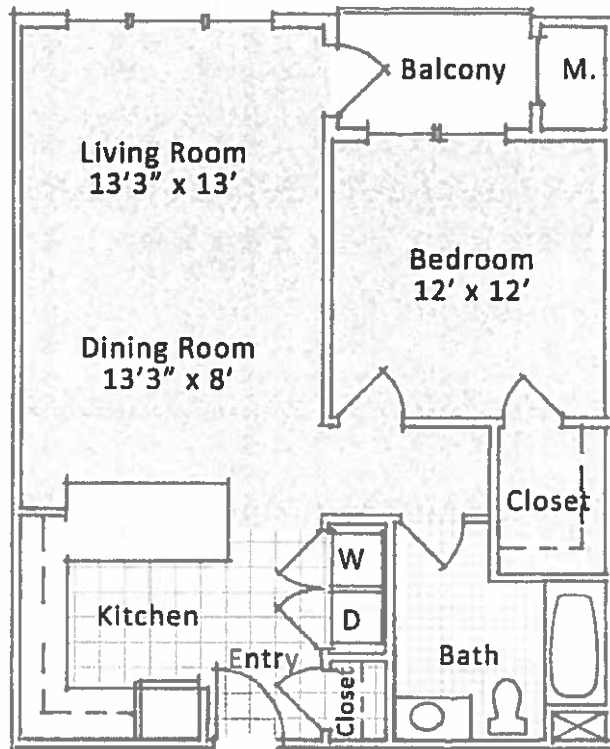


PARK CENTRAL  
RESIDENTIAL  
UNIT STUDIES

  
CAPITAL GROUP  
PROPERTIES



August 14, 2015



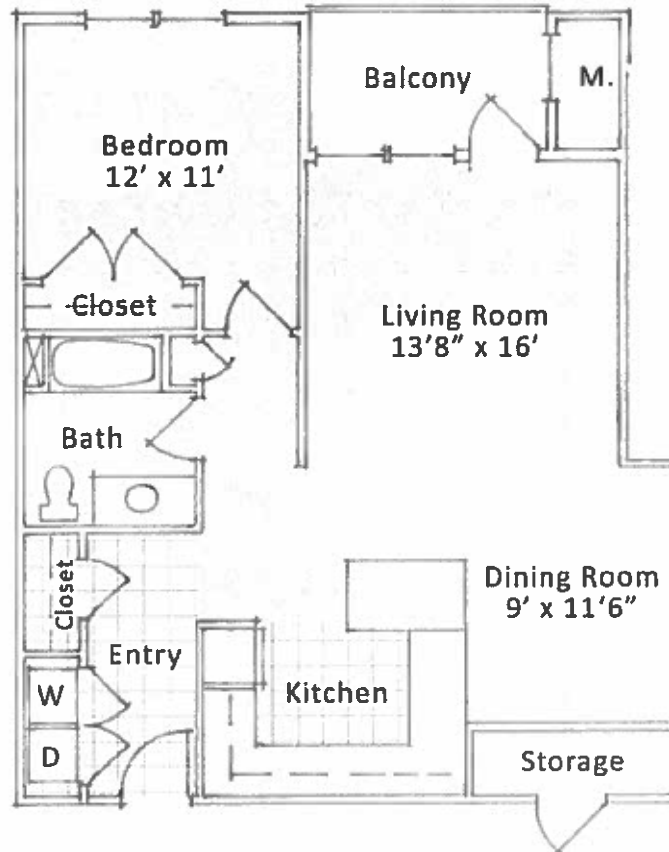
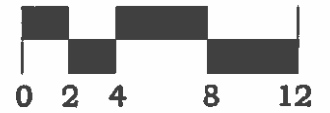
UNIT 1B  
760 sf.  
Building 1  
All Floors  
4 Total



**PARK CENTRAL**  
RESIDENTIAL  
UNIT STUDIES

**C**  
**CAPITAL GROUP**  
PROPERTIES

August 14, 2015



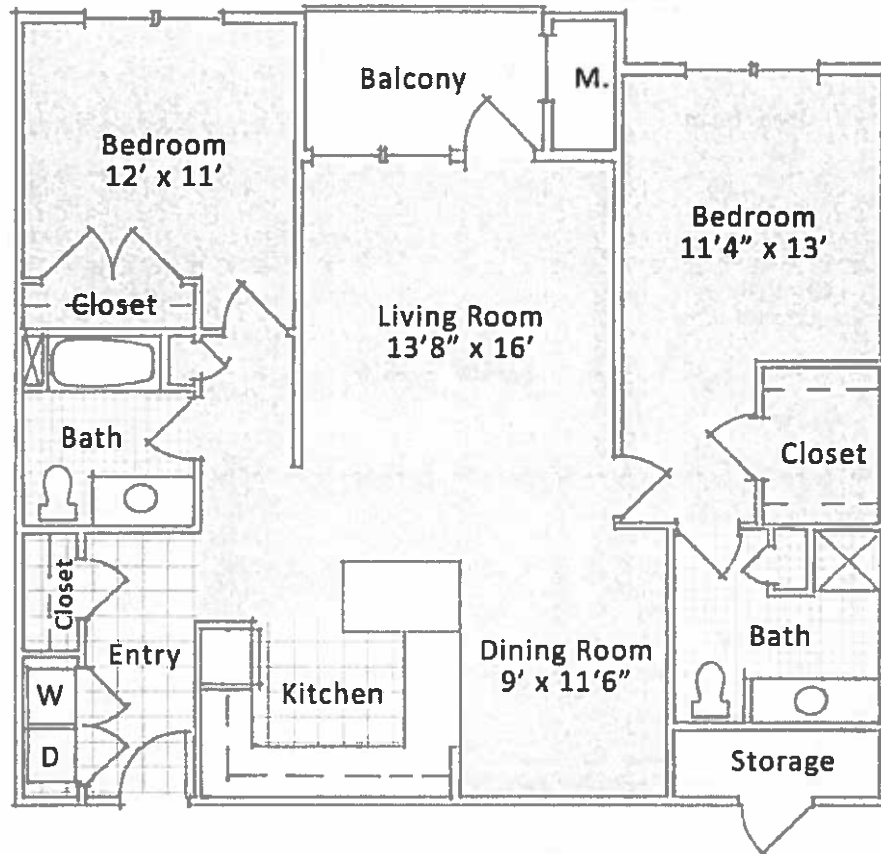
UNIT 1C  
835 sf.  
Building 2  
First Floor  
1 Total



PARK CENTRAL  
RESIDENTIAL  
UNIT STUDIES



August 14, 2015



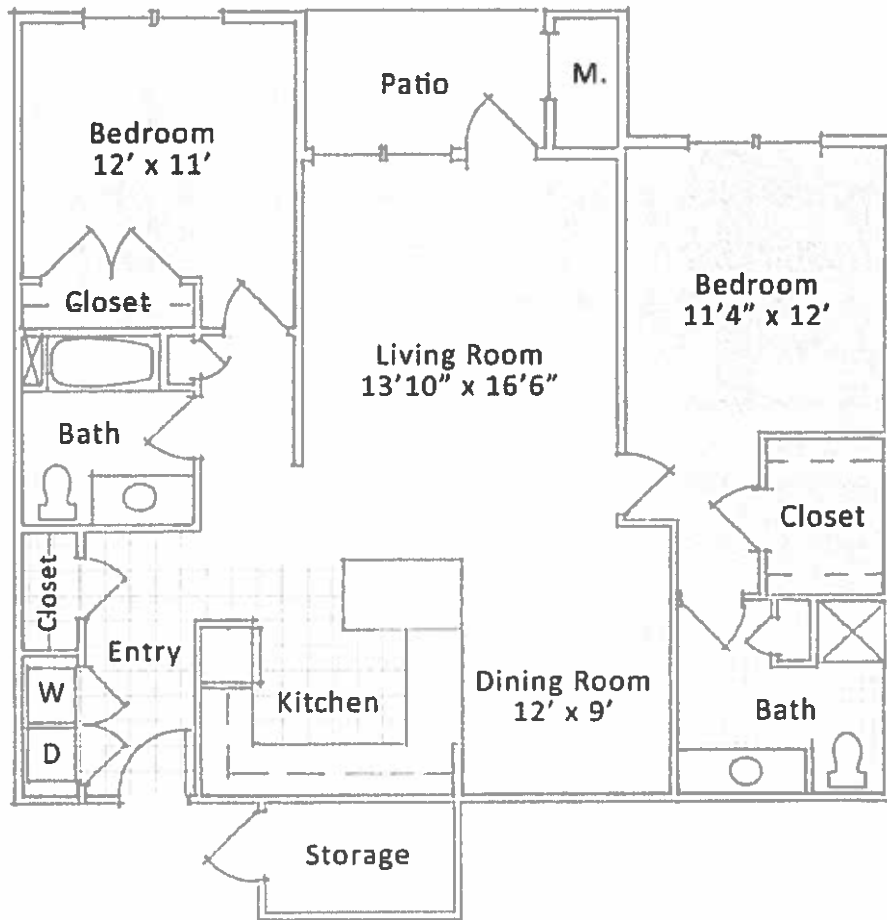
UNIT 2A  
1170 sf.  
Buildings 1 and 2  
All Floors  
28 Total



**PARK CENTRAL**  
RESIDENTIAL  
UNIT STUDIES



August 14, 2015



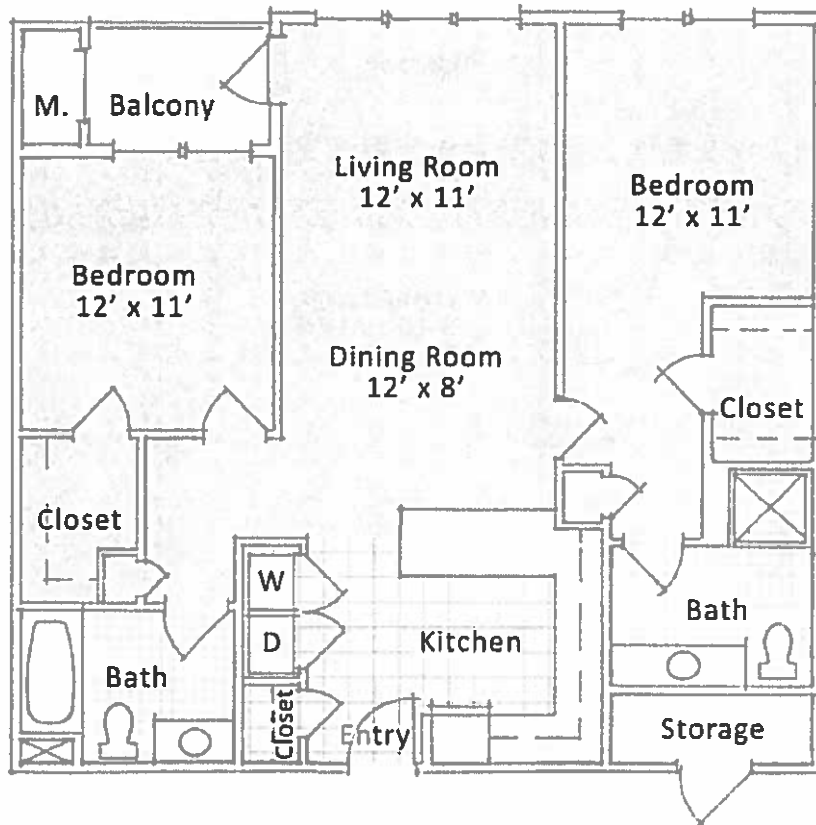
UNIT 2A'  
1160 sf.  
End Unit Buildings 1 and 2  
First Floor  
4 Total



PARK CENTRAL  
RESIDENTIAL  
UNIT STUDIES



August 14, 2015



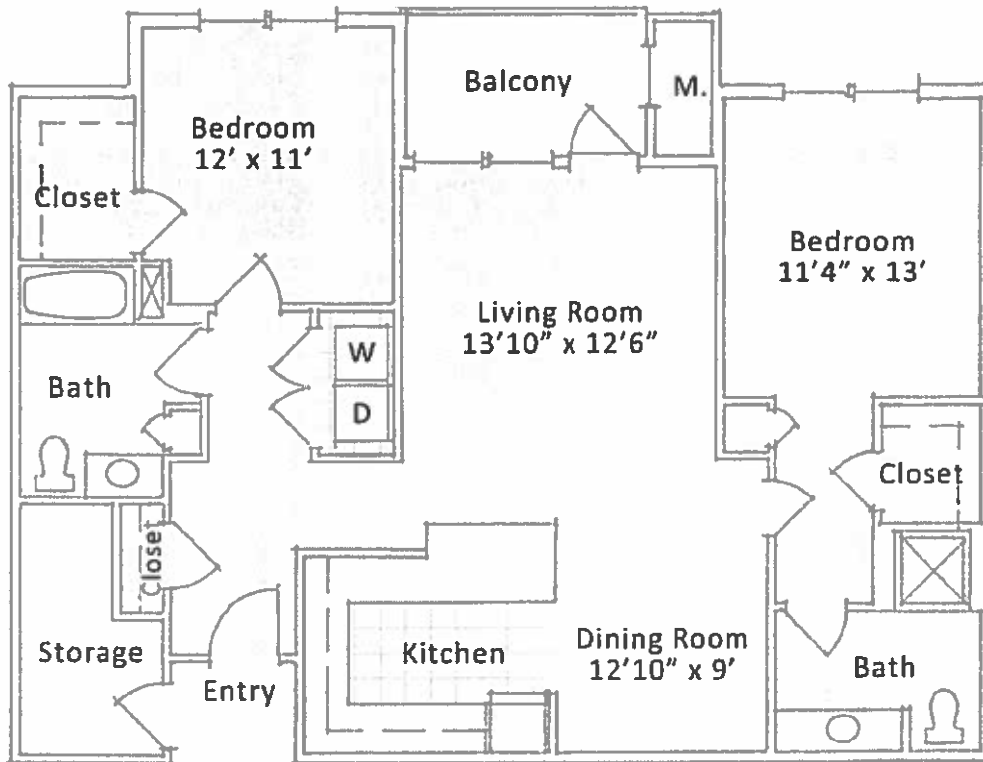
UNIT 2B  
1075 sf.  
Buildings 1 and 2  
All Floors  
32 Total



**PARK CENTRAL**  
RESIDENTIAL  
UNIT STUDIES



August 14, 2015



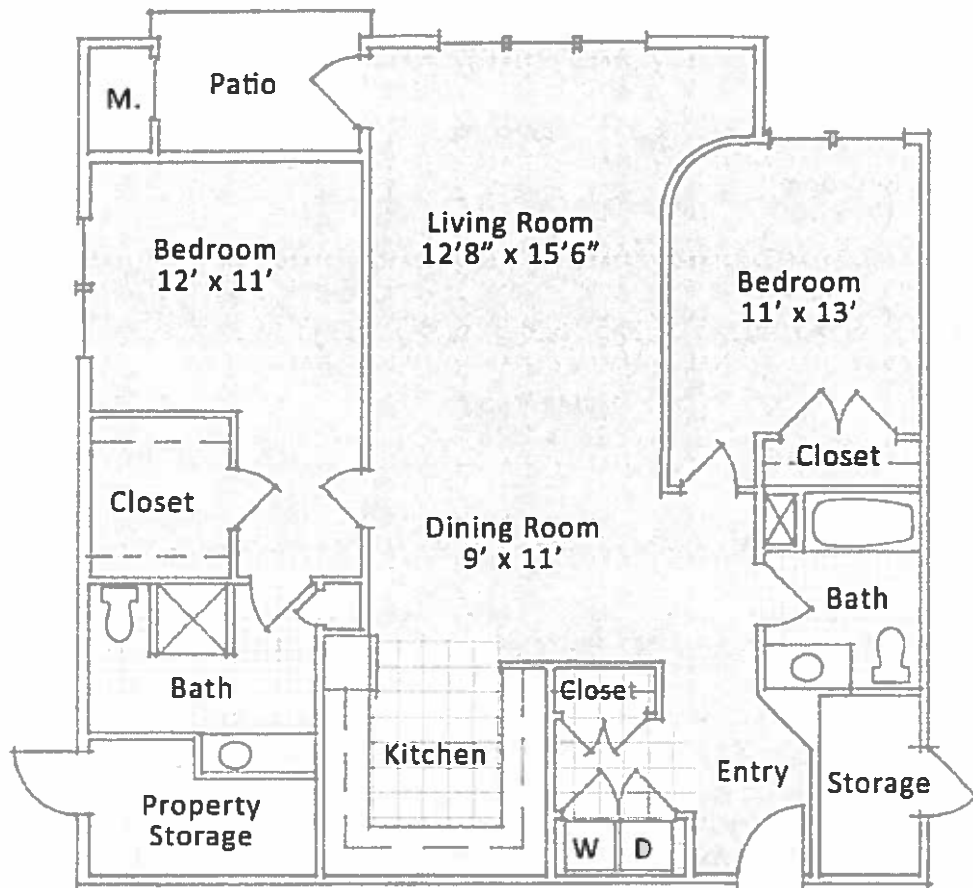
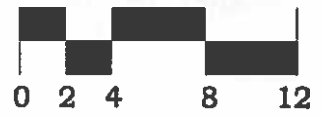
UNIT 2D  
1185 sf.  
End Units in Buildings 1 and 2  
Floors 2, 3 and 4  
12 Total



**PARK CENTRAL**  
RESIDENTIAL  
UNIT STUDIES



August 14, 2015



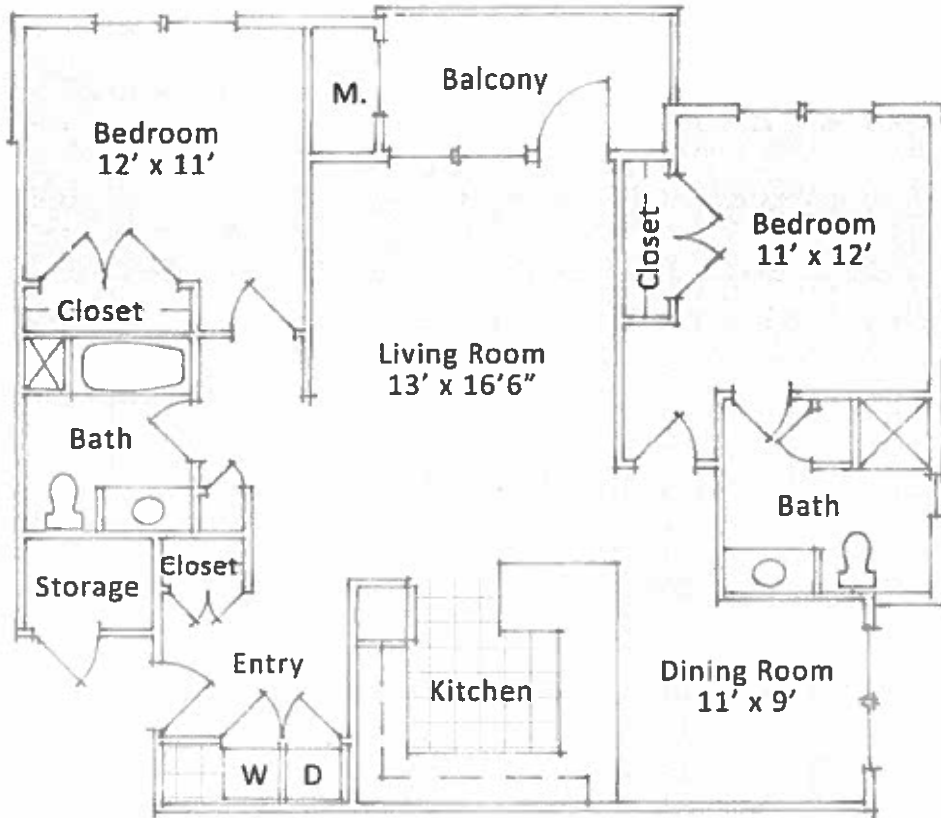
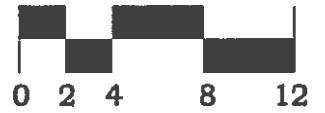
UNIT 2E  
1195 sf.  
Outside Corner Buildings 1 & 2  
Ground Floor  
2 Total



**PARK CENTRAL**  
RESIDENTIAL  
UNIT STUDIES



August 14, 2015



UNIT 2F  
1160 sf.  
End Unit Building 2  
All Floors  
4 Total

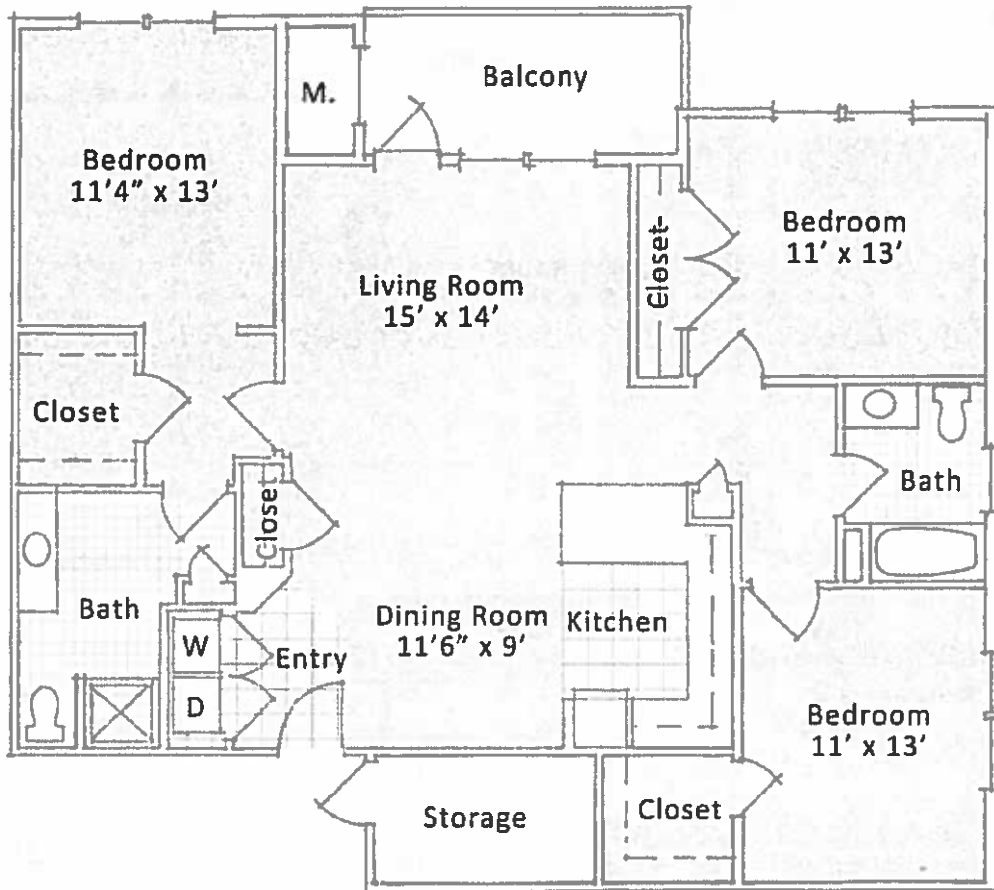


**PARK CENTRAL**  
RESIDENTIAL  
UNIT STUDIES

**C**  
**CAPITAL GROUP**  
PROPERTIES



August 14, 2015



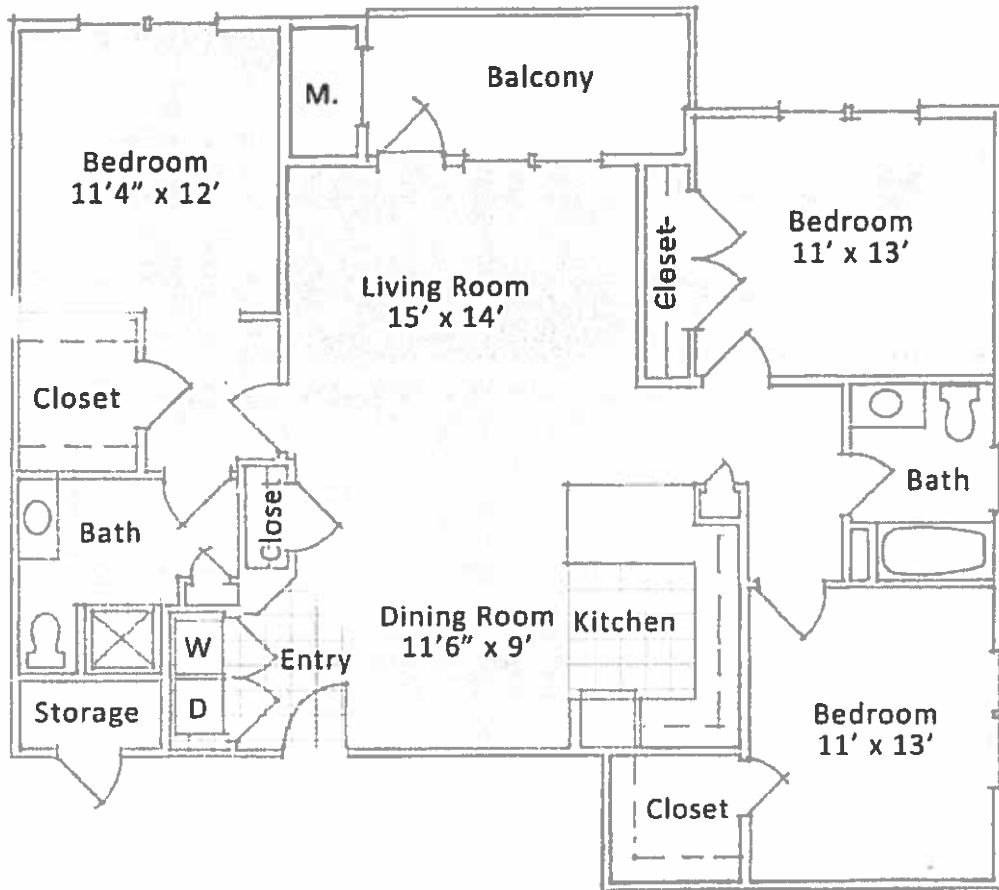
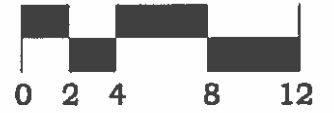
UNIT 3A  
1365 sf.  
End Units Buildings 1 and 2  
Floors 2, 3 and 4  
9 Total



**PARK CENTRAL**  
RESIDENTIAL  
UNIT STUDIES



August 14, 2015



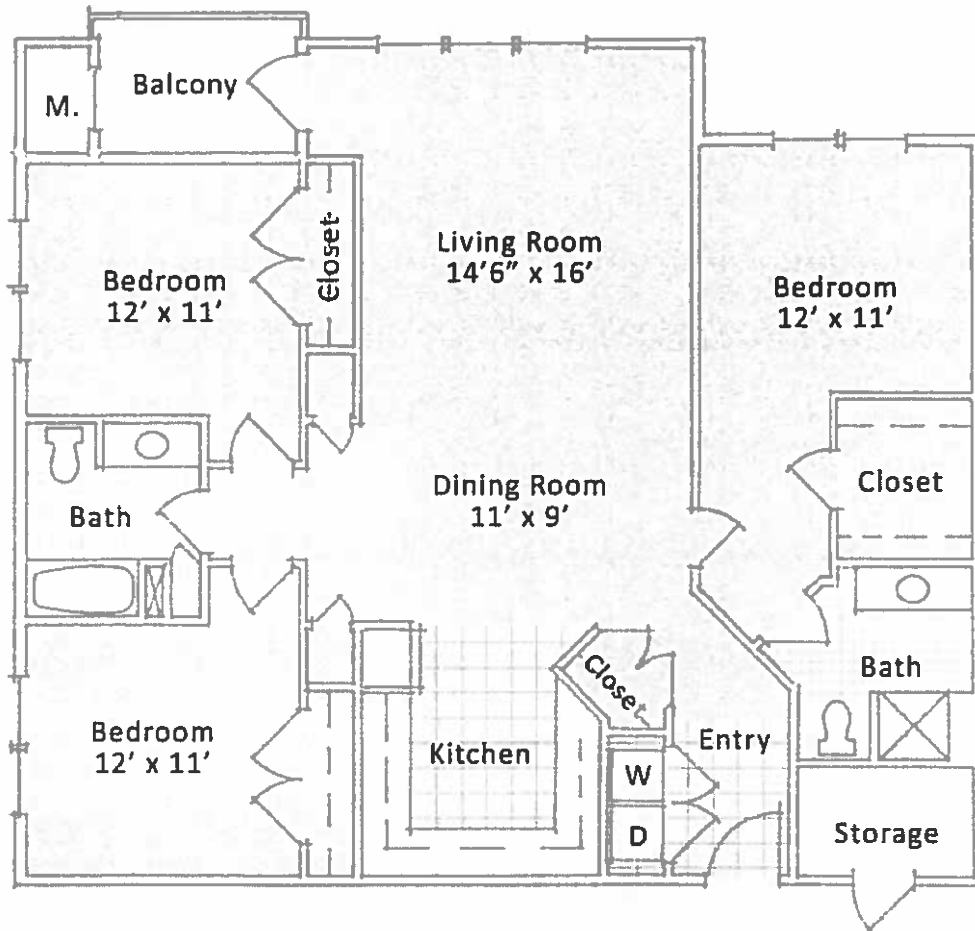
UNIT 3A'  
1305 sf.  
End Units Buildings 1 and 2  
Floor 1  
3 Total



**PARK CENTRAL**  
RESIDENTIAL  
UNIT STUDIES



August 14, 2015



UNIT 3B  
1395 sf.  
Outside Corner Buildings 1 and 2  
Floors 2, 3 and 4  
6 Total



**PARK CENTRAL**  
RESIDENTIAL  
UNIT STUDIES



