

MEETING MINUTES

September 22, 1981

The Planning Board of the Town of Southborough held a meeting on Tuesday, September 22, 1981 at 7:30 PM at the Town House. Board members present were Mr. Foley, Mr. Morris, Mr. Scattergood, and Mr. Denman.

Approval of Minutes

The minutes of the meeting of September 8, 1981 were approved as written.

Approvals Not Required

Mr. Ewald presented an ANR for Robsham Realty which changed the lot line between lots 2B and 3B on Edgewood Road. This was necessary because of ledging on Lot 2B. The plan was signed and Mr. Ewald took his plan.

An ANR was not signed for property owned by Metcalf on High Street because the zoning classification was not on the plan and the town designation was incorrect. Mr. Sullivan agreed to correct the plan.

Site Plans

The Board reviewed the site plans for the Red Roof Inn on Route 9. Mr. Scattergood said issues he raised were parking spaces, height of the building, signs, nearest distance to structures, exterior lighting, and frontage. The plan was expected to be approved.

Subdivisions

Town Lyne - Steve Pflug was present to review the subdivision as was John Boland and Fred Busconi. Fire protection was again the basic issue discussed. Mr. Busconi said he would further research the law; Mr. Pflug suggested a loop/easement to provide emergency access; Mr. Denman suggested a holding tank for water. It was suggested that in order to preserve open space, portions of lots 19, 20 and 21 be deeded to the town as a perpetual open space easement. Following further discussion, it was moved and unanimously

VOTED: to allow the developer to go ahead with the definitive plans providing the developer comes up with a definite fire protection plan; that some thought be given to making portions of lots 19, 20 and 21 perpetual open space; and subject to the agreements in Mr. Connor's letter of July 8, 1981.

Warren, Vail Terrace - Mr. Ray Warren presented sketches of a subdivision off Vail Terrace and asked the Board's feelings about decreasing the width of the road from 60 feet to 50 feet. When the Board pointed out that only 50 feet is required, he asked they consider a 40 foot width, since the subdivision would provide access to Mr. McCarthy's Woodbury Subdivision. At the Board's request, Mr. Warren agreed to have the plan drawn up more formally, showing the ramifications of both a 40' and 50' road.

Woodbury at Southborough - Mr. Barnett reminded the Board of its promise to get back to the residents of Woodbury Road and Ted Lane regarding the background of the court case for the subdivision. Following some discussion about requesting Mr. Busconi to review the file, Mr. Morris agreed to write a narrative for the next meeting, the Board would review it, have it checked out by Mr. Busconi, then send it to the residents.

Flatley/Leucasia, off Route 9 - Mr. Flatley, Mr. James Molloy of the Flatley Co., Mr. Richard Cook of BSC Engineering, and another gentlemen presented preliminary sketches of a proposed office park behind the Red Roof Inn, between Route 9 and Route 495. Mr. Flatley explained the relationship between the two companies, with Leucadia being the silent partner. It was explained that there is a Conservation Commission Order of Conditions on the plan for drainage, and that they would want a waiver from the 500' roadway, with an emergency access to the end of Blackthorn Drive. Mr. Cook explained the developers planned a 10 acre recreation site with jogging track, waterfall, etc. Mr. Flatley said he likes boulevard-effect roadways, but this would negate the Conservation Commission order and new regulations would then be in effect. Mr. Cook cited a "Weatley vs. Planning Board (1977)" court case regarding the granting of waivers on a dead-end street. Traffic manifestations were discussed and the developers said they felt there was no chance of a new interchange going through on Route 495. Mr. Barnett brought up the comparison of this design and that of the Wellesley Office Park. Mr. Cook said they envision five to six buildings to be used for office and technical use (not warehousing and trucking), with buildings to be 50,000 to 100,000sf, with a campus setting. He said they would probably lease buildings, but would sell them off to the right client. Better than 50% of the space would be left open.

The subsurface disposal of wastewater was discussed and they said they are investigating two main avenues: 1) creating a disposal plant on site to be used by all the buildings (causing a disposal system to be located on a lot other than where the building is located, should some properties be sold off); and 2) tie in with the Westborough system. Total square footage of the property is 4,502,963, with 3,386,522sf coming from Parcel A, and 1,116,441sf from land formerly owned by Jacobs.

Mr. Morris requested that the next time the developers meet with the Planning Board they provide several options (i.e. boulevard, where buildings would be located, etc.). The developers said there were no plans for hotel space. Mr. Barnett asked about how plowing of the emergency road would be handled. Following the meeting, Mr. Morris suggested the Planning Board get together with the I.D.C. so that better communications can be fostered.

Releases were signed for Lots 22A (formerly 22B) and Lot 19 on Skylar Drive.

Flatley Development - Mr. Dick Cook of BSC Engineering, and Mr. Joe Molloy of the Flatley Company were present to further discuss their plans for an office complex behind the Red Roof Inn on Route 9. Mr. Cook said they had until May 5, 1985 to comply with the Conservation Commission's order of conditions. He explained they had eliminated the connections to the residential properties, and had created a "double-barrelled" roadway with two 20 foot pavements with a 14 foot green median strip to eliminate access problems in an emergency. The roadway, however, from Route 9 to the end of the cul-de-sac, is 3300 feet.

Mr. Cook said they have met with the Board of Health regarding the wastewater and said there is a possibility that they could tie in with the Westborough sewer system in several years. They are investigating an on-site disposal system, and are providing temporarily for one or two buildings to be serviced by the same leach field with a common collector. If the Westborough system were used, they would use a gravity pipe from Route 9 to the end of the cul-de-sac, then pump the effluent out to Route 9.

There were questions about what would be done with the property beyond the cul-de-sac, and the Board was told it would be used for retention basin runoff, and for a roadway (which would not be part of the subdivision) to provide access to the recreation areas. In response to a question from Mr. Ross, the Board was told this roadway would be constructed according to the Rules and Regs. Mr. Cook stated a baseball diamond could be built over the septic system, and pointed to an area where tennis courts would be built. They suggested that recreation areas would be available to the public on weekends, etc.

Mr. Cook said the water main which runs from the tower along the cart path to Route 9 would be relocated into the roadway. He requested they be allowed to use 40-scale on the alignment plans, and 100-scale for the property plans.

There was discussion about what would happen to the land upon which the septic system is built should a tie-in with the Westboro system ever occur, and it was suggested that eventually this would become a buildable lot. Mr. Cook stressed that, under Subdivision Control laws, they were under no obligation to disclose further plans for development.

Mr. Morris suggested perhaps there could be some way to utilize the entrance ramp of 495 as an access for those who would be using Route 495. It was suggested that acceleration and deceleration lanes be constructed on Route 9 to facilitate traffic flow.

Mr. Cook said he was bringing the plans to the Board purely for informational purposes; that he would be asking for waivers of one sidewalk and the length of the roadway to the cul-de-sac. Mr. Barnett suggested an informational meeting with the Conservation

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Commission be set up. Mr. Russell Millholland, a former chairman of the Industrial Development Commission who was present at the meeting, said he could see a potential for upwards of one million square feet of office space. It was suggested they send a set of plans to John Boland for his approval.

Woodbury - Mr. and Mrs. Russell Millholland were present to talk with the Board about the traffic problems which will be created on Woodbury Road as a result of the Woodbury at Southborough subdivision. They were told that there is no progress to date with resolving the water problem, and Mr. Binder has indicated they may have to take an easement by eminent domain. Mr. Millholland asked whether it was appropriate for the town to aid a developer by taking land for him. Mr. Foley said the town is trying to improve the whole water system. Mr. Barnett suggested that perhaps some of the problems could be solved by making the Heather Lane one way, with a second roadway further down Woodbury Road. Mrs. Millholland said she is quite certain that there is not adequate width to accommodate Heather Lane and it was suggested the Board write a letter to John Boland asking him to verify this.

Other Business

Master Plan - Mr. Foley said he has spoken to Selectman Cipriano regarding the progress on the Master Plan and was told they were trying to appoint a few more members. It was moved and unanimously VOTED the Board forward the names of Larry Susskind and Charles Gaffney to the Board of Selectmen, with Phil Jenks as an alternate.

Zoning By-Laws - The Board was asked to review the list of suggested changes for the Zoning By-Law so that work can begin on the changes.

Warrant Articles - Suggestions for warrant articles were for a part-time planner for the Board, common driveways, and "Rule 22". Since the deadline for submission is December 14, the Board should start work immediately on these suggestions. Mr. Ross suggested the Board investigate whether a percentage of growth formula could be developed for the town.

Site Visits - The Board agreed to meet on Saturday morning, November 17 at 9:00 to walk the Flatley site with the Flatley people, then visit the proposed Wolfpen and Stub Toe Lane sites.

Planned Residential Developments - The Board agreed to meet Saturday, December 1 at 9:00 so that Mr. Pflug could escort the members on a tour of planned residential developments in the area.

The next Planning Board meeting will be Monday, November 19, 1984.

Respectfully submitted,

Ellie Stoddard
Ellie Stoddard, Secretary

MEETING MINUTES

November 19, 1984

The Planning Board of the Town of Southborough held a meeting on Monday, November 19, 1984. Planning Board members present were Mr. Foley, Mr. Barnett, Mr. Ross, Mr. Scattergood, and Mr. Morris.

Subdivisions

Flatley - Mr. Molloy from the Flatley Company, and the following abutters and neighbors to their proposed office park off Route 9 were present for discussions: Mr. Joe Russo, Mr. Jack Henningson, Mr. Don Heaton, Ms. Cyd Ostrovsky, Mr. and Mrs. Ray Butler, Ms. Jan DiNapoli, Ms. Ellie O'Rourke, Ms. Millie Ellis, and Ms. Kay Dunning. Mr. Molloy reviewed the plans to date for the complex: that the 3350 foot road will be double barreled; that they are discussing on-site sewer treatment vs. a hookup with the Westboro system; that there are plans for tennis courts, jogging trails, etc. on the land set aside for recreation.

It was related that John Boland has said that the roadway would not be considered a public road, but would be built to town specifications. Abutters expressed concern that the developers were proceeding with the roadway without Planning Board approval; however, abutters were informed that the developers were merely complying with Conservation Commission order of conditions. Mr. Molloy committed his firm to replant the area next to Tara Drive back to its original condition in the spring.

Mr. Foley emphasized that there has been no approval of the Planning Board to this plan and that the Board is focusing on two areas: the length of the roadway, and land use. Mr. Molloy presented a sketch of five possible building lots and there was further discussion regarding the clearing of trees. Mr. Morris emphasized the importance of leaving trees in the median area. Mr. Molloy agreed to have the developers' engineers prepare a plan detailing the treed area.

There was discussion regarding the requirement for a 100 foot buffer zone, and it was stated that the 100 foot buffer doesn't appear in the Zoning By-Law; that the 100 foot buffer may have been a deed restriction. Abutters said there was a zoning change in 1968, and at that time it was stated there would be no access to Blackthorn Drive.

Mr. Barnett again emphasized that there is no approved plan before the Planning Board and that the developer is going ahead with his roadway at his own risk. Mr. Russo said he would be against any development in the area east of the Pond A2, and abutting Tara Road. Mr. Molloy said he would reinstate screening so that residents of Tara and Blackthorn would not see any of the buildings.

It was agreed that Joe Russo (485-6762) would be spokesman for the neighborhood group, with Don Heaton (481-2251) and Cyd Ostrovsky (481-7399) as backups should the Planning Board want to contact them.

In later discussions, the process for approval of this development was brought up; that the Planning Board would go through with a subdivision approval process, then site plans would be held on each individual lot being developed. Mr. Busconi said he thought the developer would bring in a subdivision plan with just the road, probably not individual lots. He said the Planning Board should get a legal promise that they will replant what has been cleared. Mr. Busconi further said that they can legally go out to Lovers Lane and Tara. Mr. Phaneuf said that limiting the length of the cul-de-sac in a residential zone is a safety issue, and the Flatley development doesn't impact on residential roads.

Stub Toe Lane - The Board again discussed the possible development of two additional lots at the end of Stub Toe Lane. Mr. Foley said he had spoken with Mr. Boland regarding putting a 40 foot road at the end of a 30 foot road, and he said "no comment". Mr. Morris said he has learned that there is a septic system under the cul-de-sac, that all development would be inside the mounded area. Mr. Ross said he felt there was a problem having any discussion of development without any official information.

Stonehenge - Mr. Foley said he had discussed the Summit/Skyilar connector with Mr. Bartolini and Mr. Boland and drainage will be put in, with a plan submitted to John Boland. He said that Mass. Electric and NET have said they will put poles above ground unless Mr. Barolini wants to dig up the road. There was discussion regarding putting two dead-end poles instead of carrying lines. It was stated that the road will be built to John Boland's satisfaction.

Wolfpen - It was MOVED and unanimously VOTED to request that Mr. Robinson grant the Planning Board a time extension for approving the preliminary subdivision plan, since data from Schofield will take time to review.

Other Business

The Board agreed it should review the definitions for secondary road, etc. in the Rules and Regs.

The Board looked at the proof of the Zoning Map, and with the help of Mr. Phaneuf, will pass on suggestions for changes. Mr. Pflug will also study the map for correctness.

The Board will meet on Saturday, December 1 at 9:00 AM to go on a tour of cluster zoned developments with Mr. Pflug. The next regularly scheduled meeting will be Monday, December 3 at 7:30 PM.

Respectfully submitted,

Ellie Stoddard, Secretary

modify, amend or rescind approval of plans or make changes in the conditions set forth. Mr. Clement said his group is trying to propose an alternative which will provide greater safety.

Mr. Ross said the Planning Board would back the group if there is a well-thought out alternative, and it would be best to work with a small group. He referred to the failing of negotiations for a water easement onto Ted Lane.

In response to a question from Mr. Scattergood regarding whether the group had a suggestion for a second access, Mr. Clement suggested the yet-to-be proposed Woodbury Fields Subdivision, which would provide access out to Southville Road. Mr. Scattergood said it is difficult to deal with future undeveloped subdivisions, but that the Planning Board would obtain the legal opinion of Town Counsel regarding the legal issues involved., then set up a meeting with Mr. Millholland, Mr. Clement, Mr. McCarthy, and the Planning Board.

Mr. Barnett stressed that Mr. McCarthy does not yet have a formal waiver to eliminate the Loop A roadway. Mr. Clement suggested that the Planning Board notify Mr. McCarthy as soon as possible about Town Counsel's opinion in order to lessen the town's liability in the event the subdivision does not go ahead as planned.

In later discussions, Mr. Binder said the one lot near the subdivision which has not been built upon is in no better a location than the access road proposed. He said he had talked with Mr. McCarthy who says he wants to go ahead with the subdivision now, but build about ten houses a year. (It was stated that street construction costs are now near \$200/foot.) Mr. Binder said manual topos are being done during Christmas week on the Woodbury Fields property.

Still later, it was stated that the difference between the legal opinion proposed by Mr. Clement and this case is that this subdivision was signed under order of the court; that it is not as simple as a regular subdivision approval. In any case, however, Town Counsel's opinion will be obtained.

Flatley/Leucadia - Mr. Jim Molloy of the Flatley Company brought a plan showing where trees have been cut on the property--cutting has taken place to the west of the red line shown on the plan. He said he would get a copy of the plan to the Planning Board. It was later stated that, according to Town Counsel's opinion stated at the Zoning By-Law meeting, that the Planning Board can require the developer to get full site plan approval before giving subdivision approval. It was MOVED and unanimously VOTED that, based on information received from Town Counsel, that the Planning Board write a letter to Leucadia and Flatley that under Town Counsel's advice, the Board will seek site plan approval before approval is given to the subdivision.

Mr. Binder requested that the Board not approve anything before the Water Department has given its approval to the plans. He said there is poor water pressure in the area and wants the developer to pay its share. He said the department can create a high pressure area with a pumping station at Blackthorn Drive, but the developer should absorb some of the cost. For fire protection, he said, there should be a 12" water line. Mr. Binder indicated that a preliminary survey of the problem will cost \$1500, which the department does not have. He urged the Planning Board to meet with the Water Commissioners before approval is considered. Mr. Barnett requested that concerns of the Water Department be put in writing so that there will be a record of them in the files.

Mr. Phaneuf, who was present during the discussions, said that if they wanted to develop the whole parcel, they would only need site plan approval, not subdivision approval. Mr. Scattergood said it is reasonable for the Board to request more information. Mr. Barnett said originally the developers would not state the number of buildings they propose; however the Worcester Telegram quotes the developer as saying there will be nine.

Wolfpen - Mr. Dooley, Mr. Nation and Mr. Tracy were present to discuss progress with the Wolfpen subdivision. Mr. Pflug reviewed the November 30th letter from Schofield Brothers which commented on the preliminary plans for the subdivision. Aside from comments noted on the letter, discussion centered primarily on the proposed easement off to the left of the subdivision plans. Contrary to the Board's assumption that the easement was left so that there could be an access to a not-yet-proposed subdivision to the north, the developers said this access was their way of getting to land they hoped to be for their own use. They were opposed to access to another subdivision, saying that the exclusive feature of the subdivision is that it will contain only twenty or so homes and they did not want traffic from another 70 or so homes travelling through their subdivision.

Mr. Binder said he would require the easement for water purposes. The developers said they are anxious to get town water to the subdivision, but other developers in the area do not seem to want to cooperate with sharing costs. Mr. Binder recommended one of three alternatives: through Hilltop subdivision, up Sears Road, or from Wyndemere Drive. He said there is not enough pressure presently at School Street on Marlboro Road and the town may have to reinforce the system at Marlboro Road. He said a water main is important to the development for fire protection.

Mr. Binder said that in general wells have not been successful in the western part of Southborough. He said there is a lot of ledge, and that blasting causes problems of interaction between the wells and septic systems. He said the Town would eventually have to bear the cost of installing water, should wells be contaminated from septic systems.

from Firmin Avenue, with access off Willow Street. The total of the buildings located in Southborough in both zones would equal 80,000 s.f. They said there was still a good amount of work to be done, including meetings with the Selectmen, the I.D.C., Valley Road residents, Conservation Commission, and traffic studies.

Mr. Barnett questioned the traffic count figures presented in their EIR, and Mr. Scattergood questioned the proposed traffic pattern for the development, and the two-way exit and entrance on Willow Street.

Mr. Mark Davis of the Strehlke Company who was also present, and who said he is part of the transportation study being done along Route 30, said Route 30 is to be widened in Framingham, and hopefully they would have some short-term traffic solutions within six months. It was stated that the Strehlke Co. "would be willing to do anything we have to to get the support of the town". They said they would be willing to donate land should Firmin Avenue be widened. Mr. Mark Davis said that land values will be enhanced, and eventually other unattractive businesses along that roadway will find it not economical to stay.

When it was suggested that Strehlke change the zoning classification to Industrial Park, they said that they build only office buildings, which do not have any industrial uses. Mr. Morris suggested that developing a less intensive development would be in their best interests. The Planning Board then MOVED and VOTED 3-1 (Mr. Ross opposing) in favor of supporting presentation of the article at Town Meeting. Mr. Barnett stated he is not in favor of the project, but does not believe he should act as a censor and feels the townspeople have the right to decide the issue.

Flatley/Leucadia - Mr. L. Ross Merrow of Westborough introduced himself as counsel for the Flatley/Leucadia project. He asked the Board for their preference to the submittal of a preliminary plan versus a definitive plan, and discussion ensued regarding whether the project should go through the subdivision approval process at all; rather, that it should be handled through the site plan process. It was also stated that it is important the roadway be put in to comply with the order of conditions. The Board stated that if the project went through the subdivision process that a preliminary plan presented in person would definitively be preferable. Mr. Ross said he would rather see the lot lines; that there is more revenue to the town when lots are divided. Mr. Scattergood said he would like to see where the buildings are going. Mr. Morris said he wanted to see buildings, lot lines, roads, and where trees will be. Mr. Barnett said the town wants to know up front what will be going in the development. Mr. Phaneuf who was present said there is no flexibility when going with the site plan route; he said to make sure the Planning Board requires the developers to develop the road to the maximum capability of development for the site.

In later discussions the Board agreed areas needing resolution are the 10% open space, berms and catch basins, and trees. The Board spoke to Mr. Bartolini by telephone and he agreed to a two-week extension in time for approval of the subdivision and a letter will be written to that effect for his signature.

Leucadia: Mr. Ross Merrow, attorney for Leucadia, Mr. Jim Molloy, project manager for the Flatley Co., and Mr. David Crispin, engineer for BSC Engineering were present to discuss the buffer zone agreements reached with abutters to the site. He displayed a plan of the area showing a buffer zone approximately 100 feet wide, and explained where they would build up a mound and plant trees to provide screening to the neighbors. Mr. Molloy said the berm height in one area would be six feet, and in another area 8-10 feet. He explained they would fill in some areas and plant pine trees for additional screening.

When Mr. Gaffney suggested a smaller berm with larger trees planted, Mr. Molloy explained that the development is expected to be phased in over the next 10-15 years. Mr. James Butler of Blackthorn Drive asked what the developers would do about the land near Route 495 and Mr. Molloy agreed to visit the site in question with Mr. Butler.

Mr. Sharp asked why the buffer zone was not continued in an easterly direction and Mr. Molloy said this could be discussed. Mr. Molloy said the conservation area would be covenanted to be used only for office park people and abutters.

Mr. Molloy said they still have not determined what the designation of the roadway would be: a secondary road with 5.6% grade, or a secondary Road with 6.0 grade. The Board noted that the Schofield recommendatin is that the roadway be considered a major road. He said they only own 50 feet of right of way at the entrance which would preclude a double barrelled roadway until past the Red Roof Inn. Mr. Scattergood said the Board was not prepared to discuss the roadway at this meeting, but suggested they contact the Red Roof Inn to see if they can acquire enough land to make the roadway wider for the whole length.

Abutters Ray Butler and Joe Russo asked questions about the berms and planting of trees. Mr. Binder said they could not bury a water main too deeply and trees cannot be planted on top of a main.

Mr. Cipriano said he has continued concern about the buffer/screening issues and said he had visited the site both by vehicle and by air. He said he was concerned about the width of the buffer zone and suggested this area be addressed early on in the site approval process.

The Board agreed to allow a copy of the Schofield engineering report on the preliminary submission be sent to Mr. Crispin.

for approval will begin once subdivision fees and more copies of the plans are received. The plan shows the owners to be Johnson Trust & One Westec Realty Trust; the applicant to be Paul J. Maggiore; and the Contractor Paul Maggiore Builders Corp.

Country Hills Estates - Mr. Pflug said the report on the subdivision sent by Schofield was a preliminary report sent out in his absence; an amended report will be forthcoming.

Wolfpen - The appointment for the Board to receive the definitive plans for the Wolfpen subdivision was cancelled at the request of Mr. Robertson, and a new appointment set up for Monday, March 25, 1985.

Stonehenge II - The Board discussed at length how to proceed with the Stonehenge Subdivision, since it will now be revised. According to a letter from Town Counsel Busconi dated March 13, 1985, "the Petitioner can amend its plan and your Board can legally act on the Amended Definitive Plan." However, Mr. Ross expressed the opinion that Mr. Bartolini should withdraw the subdivision without prejudice, and resubmit it with a cul-de-sac. Mr. Scattergood spoke of the importance of complying with the Rules and Regs and of listening to input from various town boards. Mr. Morris said he felt the concerns of the abutters exceeded those of the town boards. Various safety issues were discussed with the road going through versus a cul-de-sac. Mr. Pflug said if Mr. Bartolini is allowed to amend the plan, another hearing should be held. It was agreed that a letter would be sent to Mr. Bartolini which acknowledges receipt of a letter from Attorney Davidson, which letter says that the Board is waiting for an amended plan; that once the amended plan is received it will be sent out to various boards and the Planning Board engineer again, new fees will be charged; and that the sixty day clock will start again upon such receipt.

Mr. Scattergood suggested the Rules & Regs be changed regarding cul-de-sacs; Mr. Pflug said most towns have a 500 foot requirement for cul-de-sacs.

Park Central-Southborough (Leucadia) - Attorney Merrow's letter of March 11, 1985 was discussed. It was agreed that the subdivision roadway should be considered a "Major" street. An appointment will be set up with Mr. Merrow after Town Meeting for a lengthy discussion on the subdivision.

Warrant Articles

Ekberg - A report of the hearing on the Ekberg warrant article to increase zoning in Residential A district from one to two acres is reported separately. Later in the evening it was MOVED and VOTED to support the rezoning article. Mr. Ross opposed; all others voted in favor.

Hendrie's Rezoning - It was MOVED and unanimously VOTED that the Board take a vote on the Hendrie's rezoning article. It was

said they have left two areas for perpetual open space, and would leave the required 10% for the three year period. Mr. Connors said he was not able to provide as yet the runoff calculations, and would supply two more copies of the plan.

Ledge Hill Too, Sarkisian - Mr. Sarkisian came before the Board for a general discussion of his proposed Ledge Hill Too subdivision. Mr. Morris said he would not like to see another dead-end street added onto what is now a dead-end street. Mr. Ross suggested that Mr. Sarkisian sign a covenant to the effect that he would not build Ledge Hill Too until Ledge Hill Road goes through to Sears Road; Mr. Sarkisian said that would leave his options too restricted. There was discussion about the possibility of completing Ledge Hill Road, then installing a chain so that the security of the subdivision is not affected while he is building. It was suggested that Mr. Busconi be consulted as to the ramifications of a chain at the end of Ledge Hill Road, at Sears Road.

Westec - A revision of the plans for the industrial subdivision called Westec were presented. The plans showed the roadway to be shorter by 100 feet, and with two lots in Southborough as opposed to three. The subdivision shows a 770 foot cul-de-sac off D'Angelo Drive in Marlboro. Mr. Liston said the water issues are still being discussed between the water departments of Marlboro and Southborough, as are the public safety issues. It was noted that the drainage calculations are still not ready for the subdivision. It was suggested that Mr. Busconi be contacted to see about the legal ramifications of the Planning Board approving a road which does not originate in Southborough; that the revised plans be sent out to Southborough boards, and that the Marlboro Planning Board be contacted regarding this proposed subdivision.

Park Central/Southborough - Sketches of the revisions to the entrance of the subdivision were submitted by Mr. Molloy.

OTHER BUSINESS

Engineering - Mr. Pflug said he is unable to work on the Wolfpen and Ledge Hill Too subdivisions because of a conflict of interest. He suggested the Board contact Mr. David Juszynski of the Perkins Engineering firm in Clinton; Bob Drake; and Cullinan in Auburn.

SOLE - Mr. Sharp reported that the steering committee had met last Thursday, and the next meeting is scheduled for May 16th. An informational packet is being prepared, and work on the by-laws will begin. Mr. Mark Pederson is working on the geographical distribution of the Steering Committee, and Mr. Larry Kimball has agreed to write a letter to the Villager.

Miscellaneous - There was general discussion regarding Town Meeting, about the Board's regular meetings, and responsibilities of the Board regarding subdivisions. The affect of an increased

MEETING MINUTES

April 29, 1985

The Planning Board of the Town of Southborough held a meeting on Monday, April 29, 1985 at 7:30 PM at the Town House. Board members present were Mr. Morris, Mr. Scattergood, Mr. Sharp, Mr. Ross, and Mr. Gaffney. Mr. Pflug was also present.

Approval of Minutes

The minutes of the Planning Board meeting of April 22, 1985 were approved as written.

Subdivisions

Mr. Ross Merrow, Mr. James Molloy, and Mr. David Crispin, representing the Flatley Company met with the Board to discuss the preliminary Park Central/Southborough office park subdivision plan. The Board reviewed its March 5, 1985 letter to Attorney Merrow, item by item, as follows:

1) Roadway Width: Mr. Merrow said Flatley only owns 50 feet for the roadway at the beginning. They are negotiating with Red Roof Inns to purchase the remaining frontage, but as yet to no avail. The pavement will consist of two twenty foot lanes for the entire length of the roadway. Mr. Merrow said there are two temporary twenty-five foot construction easements on both sides. The center island widens to fourteen feet at the end of the roadway. Mr. Sharp was told that with 108 rooms from the Red Roof Inn, there could be a possible 100-200 cars a day, or 200-300 maximum trips per day.

There was discussion regarding the traffic generated by the subdivision, and the fact that the developers were requesting a site plan for only one 60,000sf building. Mr. Molloy said they have no problems building the roadway as if it were a major road, but they do not own the 60 feet required. Mr. Pflug said the width of pavement for a major road is 40 feet; the ROW is 60 feet.

Mr. Boland said he would prefer there be only one lane in each direction to facilitate the flow of traffic onto Route 9. He said he was not happy with the length of the dead end, although he realized this subdivision is unique in that the developers will retain ownership of the roadways after construction. He said regardless of what the classification of the road is, it must be constructed as if it were a major road

Acceleration and deceleration lanes within the subdivision were discussed; they will be required to be shown as part of the site plan process.

Mr. Merrow stressed that the developers are prepared to build and maintain the road as if it is a major road; he said he did not

know whether the subdivision would carry 1500 cars per day. The Board agreed not to make a decision at this meeting regarding this waiver request, and said they wished to consider the waivers for the subdivision as a whole.

2) Acceleration and Deceleration Lanes: It was explained that a curb cut was granted to Leucadia in 1982. Mr. Molloy said acceleration and deceleration lanes are already on Route 9 and are owned by the state. Flatley does not own any other land on which they could construct any further lanes. Mr. Boland said the state's right of way is 120 feet, and Mr. Gaffney said some of this right of way could be used to increase the size of the lanes.

Mr. Boland said that if we require the developer to do something about the acceleration lanes we might make matters worse. He said his traffic engineer indicates that probably the best approach to solving that problem would be through the site plan process. When statistics are available regarding how large the subdivision will be, then we can decide on what needs to be done with the road systems. Mr. Pflug said there appears to be a deceleration lane on Route 9, but not an acceleration lane. Mr. Molloy said he would have their engineer study this issue.

3) Buffer Zone: Mr. Molloy said they would like to discuss the buffer zone with the neighbors, and they would covenant whatever agreement is eventually reached. A copy of the easement covenant was given to Town Counsel.

4) Cutting of Trees in Buffer Zone: The Flatley people agreed to not cut any more trees in the buffer zone.

5) Agreed.

6) Mr. Crispin agreed to send a complete list of waivers requested.

7) Discussed below.

8) The Flatley people said the total drainage design was approved by the ZBA, which would negate any potential problems of industrial land draining onto residential land. Mr. Crispin agreed to provide a copy of the ZBA decision to the Board.

The Board next discussed the Schofield Brothers letter of February 25, 1985, as follows:

Paragraph 1: Mr. Crispin said they were testing the roadway to see if it meets specifications; if it doesn't, it will be reconstructed.

Paragraph 2, d: Data has been submitted to Town Counsel Busconi. Specifics will be shown on the definitive plans.

know whether the subdivision would carry 1500 cars per day. The Board agreed not to make a decision at this meeting regarding this waiver request, and said they wished to consider the waivers for the subdivision as a whole.

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Paragraph 2, d: Data has been submitted to Town Counsel Busconi. Specifics will be shown on the definitive plans.

Paragraph 2: The Conservation Commission approved construction on the land in 1983 when the regulations required a ⁶~~24~~ hour storm; new requirements are for a 24 hour, 100 year storm. Mr. Crispin said the system will work in either case, assuming a 72% ground cover imperviousness. Mr. Crispin said he will draft a letter to Schofield and the Planning Board regarding this.

Paragraph 3: Mr. Merrow said they were entitled by law to treat the parcel of land in Westboro as an ANR.

Paragraph 4: Agreed. This will be incorporated into the letter to the Planning Board.

Paragraph 5: Agreed.

Paragraph 6: Agreed.

Paragraph 7: The road will be private; therefore, the road easements don't apply.

Paragraph 8: Already covered.

Paragraph 9: This will be covered in the definitive plan and in a letter to the Board.

Paragraph 10: BSC will check and respond.

Paragraph 11: Mr. Molloy said they may be better off with catch basins; he agreed they can flare at the end of the headwall. He said they would incorporate this into the design.

Paragraph 12: Will be incorporated into definitive plans.

Paragraph 13: Will be part of definitives.

Paragraph 14: Perc tests will be done until May 7th and will be incorporated into the design.

Paragraph 15: Mr. Molloy said he has been told by Mr. Binder that there is a bad valve in the water system. He said the matter will be resolved with Mr. Binder and discussed in a letter to the Planning Board.

Mr. Scattergood asked from what point would the roadway be a private road; what rights does Red Roof Inn have to use the road. Mr. Scattergood was told that Red Roof has the right to pass and repass over the roadway.

The Board was told the maximum grade of the roadway is 5.65%, for a distance of approximately 300 feet. Mr. Morris let the developers know that grades will be checked by the Board.

It was agreed that the developers would send the Board a complete list of waivers requested, as well as a letter responding to the items mentioned in the Schofield letter of February 25th. Mr. Merrow asked for an extension for approval of the preliminary plan until ~~May~~^{June} 7th; he was asked to confirm this in writing.

Stonehenge II - The Board agreed, in the absence of a letter listing waivers requested by the developer, to send Mr. Davidson a letter outlining major areas not resolved with the subdivision, as follows:

- A waiver of granite curbing will be allowed where grade exceeds 5%; regular asphalt berm will be otherwise required. .
- Streetlight wiring and pole bases must be installed.
- A waiver of one sidewalk will be allowed.
- Perc tests will be required per Board of Health regulations.
- Granite curbing at catch basins will be required.
- In a 4-1 vote by the Board (Mr. Scattergood abstaining), the Board agreed to allow a waiver of the 500 foot maximum requirement on the cul-de-sac length.

Further issues which need to be resolved are:

- The water easement to Deerfoot Road, and fire hydrant installed at the end of the line.
- The 10% open space requirement.
- An agreement in writing with Eagle Leasing approving drainage onto his property.
- A copy of the covenant has not been provided.
- Monumentation must be provided on the plans.
- The Board would like a response to the suggestion that a levelling area be provided at the base or top of driveways, as applicable, to provide for off-street parking during storms.
- Flow tests for water pressure will be required.
- A roadway width of 26 feet will be required.

Site Plans

The former Route 85 ostomy products warehouse site plan, which amends the size of their parking area, was discussed. Mr. Phaneuf

assumes he is building the subdivision according to the plans which have been approved. Mr. Millholland requested a copy of the letter and whatever resolution evolves. He was advised that other avenues he can pursue regarding safety issues in the area are talking with Town Counsel and the Selectmen, and that residents of the area can prepare a warrant article to request funds to improve the condition of Woodbury Road.

Park Central - Mr. Malloy and Mr. Merrow met with the Board to discuss the Park Central subdivision. Mr. Malloy said Mr. Flatley has no opposition to extending the buffer zone (this is in opposition to a previous letter from Mr. Merrow). A plan will be drawn to confirm this.

Mr. Merrow suggested another one month extension, and the Board agreed. This will be confirmed in writing.

The Board reviewed the June 3, 1985 letter from Schofield. Regarding the issues raised in Section 1 of that letter, Mr. Malloy said the curb cut has already been approved by the DPW. Mr. Merrow said there are no changes from the original curb cut approved in 1982; the only changes which would require approval are those in the layout on Route 9. Mr. Crispin will respond directly to Bryan Bakis to resolve this issue.

Mr. Gaffney said he is concerned for the potential development of the site and said MEPA should be involved. Mr. Malloy said that the marketing of the project is such that they can't address the total development at this point. Mr. Sharp stressed the need for the Board to have a master plan for the site. Mr. Merrow said the Selectmen have the power to control development through the site plan process. Mr. Gaffney reemphasized the importance of the overall plan and said he wanted to see the full potential of the project, with at least 750,000 sf of buildings. Mr. Malloy said Mr. Flatley does not want to deal with the project in that manner.

Mr. Morris said the Board would like to grant an extension for another month. During that time the Board will have an opportunity to discuss requiring a master plan, and the developers will have an opportunity to think about what they can do. The latest letters will be reviewed, and hopefully some common ground can be found.

Grasslands - The Board received word from Mr. Boland and Mr. Binder that they have no problems with the revised plans for Grasslands. Mr. Boland said that no lots should be released until all the base coat is down and the first \$10,000 has been put up. Mr. Binder said that Mr. Clark will be valving off both intersections. It was MOVED, SECONDED AND UNANIMOUSLY VOTED to approve the amendment to the approved subdivision plans for the Grasslands Subdivision, dated July 22, 1960 and redated March 18, 1985.

Revised
Approved 8/1/85

MEETING MINUTES

July 1, 1985

The Planning Board of the Town of Southborough held a meeting on Monday, July 1, 1985 at 7:30 PM at the Town House. Board members present were Mr. Gaffney, Mr. Morris, Mr. Scattergood, Mr. Sharp, and Mr. Ross. Mr. Pflug was also present.

Approval of Minutes

The minutes of the Planning Board meeting of June 17, 1985 were approved as written.

Subdivisions

Park Central - Attending the meeting for the Flatley Co. were Mr. Ross Mellow, Mr. Jim Molloy, Mr. David Crispin. Attending for Schofield Brothers was Mr. Bryan Backus.

Mr. Molloy explained that he and Mr. Backus had set up an appointment to discuss the language of conditions, but because of the letter sent by Mr. Grossman of the Selectmen's Office to Mr. Holmes of the DPW, the meeting was cancelled. He said he hoped the issue of the curb cut would be settled by a future meeting between the Flatley Co. and the DPW in Boston. Mr. Molloy said they wanted to discuss at this meeting with the Planning Board the issues raised in the May 21st letter from BSC Engineering, i.e. Flatley's agreeing to the buffer zones, the agreement that there will not be any building in the recreation area, and the list of waivers.

Mr. Molloy said Flatley has agreed that the town will not take over the maintenance of the road; Flatley will build and maintain it. They are prepared to file a definitive subdivision plan, and are asking for comments from the Planning Board at this meeting.

Mr. Morris said the major issue to be resolved is the curb cut. Mr. Backus said the curb cut does not appear to be suitable for a major roadway, and it is important to know how much traffic can be expected. Mr. Mellow said that first of all, there is an existing access here. If the state says we cannot use that access, then we will say you have taken our land and must pay us. Mr. Grossman did not take into account the affect of his letter; that if access to their land is denied, then it is inverse condemnation.

Mr. Backus said the curb cut process makes sure that the cut is adequate; a filing of an ENF and EIR will address the safety issues. This is clearly not a denial, only an effort to ensure that the access is adequate. Mr. Mellow said curb cuts have

nothing to do with the Planning Board; he said they would work with the DPW regarding the curb cut; that they did not own enough land for another curb cut.

Mr. Gaffney said the Board has repeatedly asked for a MEPA report, and the potential for 7,000 cars a day as a result of the development of the parcel is an important issue. Mr. Merrow said that according to Chapter 30, Section 62F, MEPA does not have jurisdiction in a case like this.. Mr. Molloy said he had discussions with MEPA in February and they indicated the same; that if we were to file with the state, what would we file, since we don't have a subdivision, nor do we know what we can put on the site. Mr. Ross said the curb cut is inadequate for this subdivision.

Mr. Backus said major issues to be resolved are the slope of the road and the width of the right-of-way, other than those addressed in letters from Mr. Ross and BSC. In response to a query from Mr. Merrow, Mr. Morris said the Board considers this to be a major street. Mr. Molloy said where they can, they will construct the roadway as a major street. There was discussion about not being able to address the traffic issue until it is known what will be developed on the site. Mr. Merrow said the Selectmen will address traffic under the site plan process; they can modify and disallow whatever is presented under that review. Mr. Sharp said there is a real public safety issue involved. Mr. Molloy said there are other uses for the site involving less traffic. Mr. Scattergood said a lack of a scenario for the total project hampers the Board; that it is inconceivable that they did not an idea of what will be developed. Mr. Gaffney said the Board is not asking that much; an ENF for the Corcoran project was not that costly. In response to a question from Mr. Gaffney, Mr. Molloy said that all promises to neighboring residents would be valid if only one 55,000 s.f. building is built.

Mr. Gaffney said the Board is merely asking for the potential of the site; if it is necessary to go through the state, we are going to do it that way. The curb cut is for a driveway, and is not adequate for the full potential of the site. Mr. Merrow said that if the state says we cannot use that acreage, then it is in affect being taken away. Mr. Molloy said Flatley is willing to work with the town. He said if and when they are required to file an ENF, they will file. If they are required to file now, however, the economics are not there. When asked by Mr. Gaffney whether they would drop the project because of a \$50,000 study, Mr. Molloy said they would change the project.

Mr. Boland was asked for his comments and said, since Flatley has indicated in writing that they intend to maintain and retain ownership of the road, the Highway Department is not so involved. Regarding the entrance on Route 9, Mr. Boland says it comes back to the issue of how many vehicle trips there will be per day.

Mr. Merrow said there are two ways to deal with the problem; either efforts with Schofield can be renewed, or approval for the definitives can be given and unresolved issues can be dealt with through the site plan process, with a traffic study required for each site plan review. Mr. Scattergood suggested the Board take the 700,000 sf maximum potential, estimate the number of vehicle trips, and use those figures for a feeling of the safety issues.

Mr. Morris said the Board has four options: sign and approve the preliminary plans; disapprove the preliminary plans; do nothing and let the time lapse; have the developer ask for an extension in time. Mr. Ross added that a fifth option is to approve the plan and require a traffic study on the definitive plans. Mr. Morris said that in view of the important meeting with the DPW on the 16th of July, it would not be appropriate for the Board to approve the plans at this time, and the best option seems to be to grant an extension. Mr. Molloy said this is not a good option at this time; it is time to move forward to the definitive plans. When reminded by Mr. Gaffney that they had just suggested more time to work with Schofield, Mr. Molloy said there was now no need for an extension.

Mr. Backus said that as a result of his meeting with Mr. Molloy there were several options he could recommend to deal with the traffic issues: to limit the length of the roadway, or go ahead with traffic studies.

Mr. Sharp MOVED: that because of unresolved safety issues, the Planning Board take no action on the definitive subdivision plans for the Park Central/Southborough subdivision. In discussing the motion, Mr. Gaffney said it is important to get opinions from the state of the safety factors. VOTING FOR THE MOTION were Mr. Gaffney, Mr. Sharp and Mr. Scattergood. VOTING AGAINST THE MOTION were Mr. Ross and Mr. Morris.

Mr. Jim Ross of Blackthorn Drive said that Flatley has indicated certain things will be done for neighboring residents, and because of what has transpired at this meeting, are these promises still valid? Mr. Morris said that it was his understanding that Mr. Flatley will stand behind his promises. Mr. Gaffney said the Board has no problems with what has been proposed; we are taking action because of the traffic safety issues; that questions have to be resolved up front.

In response to comments from Mr. Merrow regarding lack of direction from the Board, Mr. Sharp insisted the Board has given direction on the project from the beginning. Mr. Molloy said from the start they have said they would work through the town's processes, but they can't go forward until they have resolved the subdivision issue. In response to a question from Mr. Merrow, Mr. Morris said that the next step is for the developer to come back to this Board.

Later in the evening, Mr. Backus explained that an answer can be obtained in ten days as to whether an ENR is required. MEPA may say they don't have jurisdiction. It was agreed that Mr. Busconi and Mr. Gaffney would attend the July 16th meeting with the DPW. Mr. Backus was also asked to attend. Mr. Backus said that the DPW may have acted incorrectly in granting the previous curb cut. It was agreed that Mr. Gaffney will follow up regarding that meeting.

Woodbury - The Messrs. Richard McCarthy met with the Board to update them with progress on the subdivision. Mr. Morris reviewed the status of the subdivision Loop A Road Kimberly Drive and said that the developer has indicated he did not wish to build it. Mr. McCarthy must either build it as it stands, or request a change in subdivision plans. Mr. McCarthy said the roadway is over a brook and doesn't serve any useful purpose, and that a traffic engineer from Wayland has indicated a second roadway is more dangerous than one. He said he would rather delete the roadway and put in a emergency gravel access with a gate off Michael Circle

Mr. Boland says he does not like any of the access plans to the subdivision; the gravel road satisfied the previous fire chief, but the current chief should have some involvement to make sure that conditions are satisfactory.

Mr. Ross suggested moving the cul-de-sac closer to Southville Road; Mr. Gaffney suggested making both accesses one way in opposite directions. Mr. Ross suggested that Michael Circle be eliminated, and a waiver be granted so that the road could have a width of 26 feet and go straight out to Southville Road.

Mr. Renfrew of 24 Ted Lane asked whether the court decision is written down and was told it was. Mr. Dick Dinjian of Ted Lane asked about a potential tie-in with other developments and suggested that a condition of this development could be a tie in with a future development.

Regarding Mr. Ross' suggestion of having Michael Circle go out to Woodbury Road, Mr. Boland said he did not feel that was a good solution, and it means an approval of a subdivision with a substandard road. He said there are some rough grades there. He said he would be willing to look at it, however. Mr. McCarthy said he would rather put in a gravel access, which hopefully would never be used. In response to questions from Mr. Renfrew, Mr. Boland said the Highway Department would have no intention of plowing the emergency access.

Mr. Scattergood asked if there were an emergency, would the plow have to go through first before an emergency vehicle, and was told by Mr. Boland that it would.

Mr. Morris asked Mr. McCarthy if he had to connect with another future subdivision, which lots would he go through. Mr. McCarthy that it would be one of the lots 25 - 37.

options for types of lighting: One is a 4,000 lumen mercury light at a cost of \$72/year; a second is a 8,000 lumen mercury light at a cost of \$92/year; the third option is a 9600 lumen sodium light at a cost of \$113/year. According to Mr. Swenson at Mass. Electric, the whole system is being evaluated and rates rewritten, and the sodium lights will be preferred. It was agreed that a letter will be written to the Selectmen asking that general policy issues be discussed for lighting for all subdivisions in the future at their meeting of July 23. Mr. Gaffney agreed to attend that meeting.

Wolfpen - It was reported that Perkins Engineering had checked the Wolfpen subdivision plans and stated that all changes were on them. The 20 day appeal period will start as of this date.

Park Central - Mr. Gaffney reported that he had had conversations with Mr. McAuliff and Mr. Grossman, and both had indicated that it would be best for Southborough not to send a representative to the meeting between Mr. Holmes of the DFW and the Flatley people. In a telephone conversation with Mr. Grossman, he said that Mr. Holmes wanted the meeting on July 16 to be an informational meeting between the DFW and Flatley lawyers, and that Mr. Holmes believes that the Flatley Company will have to reapply for a curb cut.

Mr. Gaffney said he had made an on-site visit to the proposed subdivision and there was some excavating being done to redrain surface water. Mr. Gaffney confirmed that the Flatley Company does indeed rent ducks for ponds in its developments.

Country Hills Estates - Country Hills Estates is being resubmitted in definitive form. The submission will be complete when the correct number of copies is supplied, and subdivision fees have been submitted.

Sears Estates - The name of the subdivision originally submitted A.J. Lane as Country Estates is being changed to Sears Estates.

Site Plans

Harvard Community Health Plan - Mr. Gaffney said he was disappointed the Planning Board did not have a chance to voice its opinion on changes made to the site plan.

Dennis Doyle, Middle Road - The Board discussed the problem which has occurred because of the Planning Board's request to move the roadway off residential property, and the Conservation Commission's requirement that the road not be placed on wetlands. Mr. Morris suggested that the Board approve the site plan on the condition the Conservation Commission allows him to move it. He later stated it is more important to preserve wetlands than to have the roadway moved for the sake of paperwork. He said that based on advice from Town Counsel who says the road is basically legal, and the impact of moving it on the wetland would be totally undesirable, we should withdraw our request to have the roadway moved. The secretary agreed to talk with other Planning Board members about this problem.

Mr. Gaffney brought up the question of how taxes will be assessed. Mr. Scattergood said he no problems with the concept but wants to see more detail. Mr. Morris said the Board feels there are no major objections to them going ahead with definitive plans, based on the major elements presented: that the road will dead-end in Marlborough; that the major portion of one building will be sited in Southborough with services coming from Marlborough.

It was suggested that Marlborough be invited to the site plan hearing for the Southborough building.

Park Central/Southborough - There was discussion regarding the meeting held between the Flatley attorneys and the DPW attorneys regarding the curb cut for the subdivision. Mr. Morris said the DPW is requiring a covenant to the State that only one 55,000 square foot building will be allowed without requiring an EIR. Mr. Gaffney said Mr. Holmes has agreed to give the Planning Board a copy of this agreement between the DPW and Flatley. Mr. Ross suggested that they then be allowed only a 500 foot roadway; there was discussion then of access to the promised recreational facilities. It was decided to wait for a copy of the agreement before a letter be written to the Selectmen regarding this situation. Mr. Gaffney reported that during the heavy rains the overflow basins were not affected.

Break Neck Hill Road - Mr. Hampton Smith and Mr. Larry Sabean of Connorstone presented a preliminary subdivision plan for a 19 lot subdivision off Break Neck Hill Road. The subdivision, with approximately 23 acres, showed two temporary cul-de-sacs (one 1290 feet, and the other 770 feet), and one permanent cul-de-sac of 500 feet. There was discussion of the advisability of more than one access. Mr. Morris said he would like to see one loop rather than two temporary cul-de-sacs. There was also concern expressed about drainage and steep grades. Mr. Smith said he intends to bring in town water, which is now 600-700 feet away at the intersection of Break Neck Hill and Woodland Roads. He was told that the Planning Board has never waived underground utilities. Mr. Gaffney suggested a second egress out to Route 85, and said he would like to get the Chief of Police's opinion on the plan.

Subdivision Responsibility - Responsibility for new subdivisions was assigned (list attached).

Subdivision Lighting - The results of a meeting with the Selectmen and Mass. Electric was reported, with the end result being that the Planning Board was asked to prepare a study on subdivision lighting, along with recommendations for future policy. It was suggested that the Police Chief's recommendation be an integral part of the study.

\$180-\$220,000 price range. Another project by the same developer is the Eastleigh Farms on Pine Hill Road.

The attendees were thanked for their participation in this hearing and were advised to check when the subdivision will be on future agenda.

Blendon Woods (Walckner) - Mr. James Walckner and Ms. Cynthia McCarthy of Schofield presented definitive plans for a fourteen and one-half acre, ten lot subdivision on Southville Road, east of Woodbury Road. Ms. McCarthy explained the plans conform to all the Rules and Regs, except for a requested waiver of granite curbing everywhere except behind catch basins, and a waiver for cul-de-sacs more than 500 feet. She explained that they are requesting a condominium-type septic system where all lots would share one system. The system would entail gravity flow to a wet well, with a pumping station and underground disposal. Ms. McCarthy explained the balance of the design documentation would be available the following day, August 20, when the submission would be considered complete.

Ms. McCarthy explained the septic plans have not yet been approved by the Board of Health, but they plan to have a master deed which creates a body responsible for maintenance, replacement, and performance. Mr. Gaffney expressed concern that such a system would open up every unpercable parcel land in Southborough. He requested a copy of a sample deed used in other communities.

Mr. Nemensky in the audience asked who would own the roadway, and was told that detail has not yet been worked out. Ms. Capone of The Villager asked whether a state condomium law can be invoked in a town which does not allow them. Mr. Morris said the whole scheme would be reviewed by Town Counsel.

Park Central/Southborough (Flatley) - Mr. Gaffney said he would attend a meeting in Worcester on August 20th with Mr. Holmes of the DFW, Mr. Busconi, Mr. McAuliff, and Mr. Grossman regarding the curb cut for the development.

Other Business

Planning Board Planner - Mr. Gaffney reported that Mr. Cipriano has stated he is against having a planner for the Board until the Master Plan is completed. Mr. Grossman is applying for a grant in November, and if successful, funding would be in January. The grant would be a 50/50 matching grant.

The next Planning Board meeting will be Monday, September 9, 1985.

Respectfully submitted,

Ellie Stoddard
Ellie Stoddard, Secretary

Meeting with Alexander Zaleski

Mr. Alexander Zaleski met with the Board to discuss the revision of the Rules and Regs by the MAPC. Regarding the role of a planner for the Board, Mr. Zaleski suggested the town approve a sum of money to be used by the Board who would have a planner on call, or in the office for a half day a week.

Regarding the Rules and Regs revision, Mr. Zaleski suggested that several changes be made right away, with changes suggested by the Master Plan Committee made later. He said he would go through the R&R for inconsistencies and for format. Ms. Conlin said all the town's regulations are being recodified and will be in loose-leaf form, so that future changes will be easier to accomplish.

Mr. Zaleski said one of the issues which needs to be addressed is the length of dead-end streets. He suggested limiting the number of lots allowed on a dead-end street, instead of limiting the length of the street. He said the Board should also consider its regulations regarding maximum and minimum grades. Other items which should be looked at are lateral support of roadways and the advisability of underground wiring, especially when considering long-term costs.

Ms. Conlin said she would coordinate with Sharon Wason the integration of recommendations by the Master Plan with the MAPC. Mr. Zaleski said he should have completed a review and recommendations by the December 2nd meeting; he would try to mail material to the Board before that time. He should have an idea of what is forthcoming from the Master Plan Committee by November 18.

Subdivisions

Bonding - The bonding process was discussed with Mr. Busconi. He said he would like to review any releases prior to the Board's signing them.

Hilltop - A letter will be sent to Mr. Sarkisian saying that as a result of the Board's recent joint inspection of the end of Ledge Hill Road, the Board feels there is sufficient area for turnaround of emergency vehicles, provided it is adequately plowed.

Ledge Hill Top - The Fire and Police Chiefs will be consulted regarding having a cul-de-sac versus a through road to the A.J. Lane subdivision.

Park Central - A letter will be sent to Mr. Mygatt following up on the Board's 9/19/85 letter to him.

Country Hills Estates - A hearing will be set up on December 2. Abutters will be notified, but the hearing will not be advertised in the newspaper.

Southborough Estates - A one-month time extension will be requested. The Board would like to see profiles on the roadway, and safety aspects addressed.

Revised

Meeting Minutes

-2-

November 4, 1985

Southborough Estates - The developer will be requesting an extension in time for approval of the preliminary subdivision plans.

Park Central - A follow-up letter has been sent to Mr. Mygatt regarding the need for a M.E.P.A study.

Stonehenge I - The hydrant on Summit Road extension has been raised at a cost to the Town of Southborough of \$450. Mr. Bartolini has installed double catch basins on the roadway. Hay bales are still in place.

Stonehenge II - Mr. Ross reported that a house has been started at the entrance to the subdivision; it may be fronting on Skylar Drive, however.

Town Lyne Village - Mr. Sellow, who was presenting an ANR to the Board, was asked about the status of the fire tanks in the subdivision. Chief Aspinwall said pumps were not operable on the tanks and expressed concern for the town's liability should a fire occur. Mr. Sellow said Mass. Electric needs to install underground wiring so that tanks can be refilled. Mr. Pharieuf suggested that 4-6" of styrofoam be placed on top of the tanks, that plastic be placed over the styrofoam, then two feet of sand topped by loam be placed over that to prevent the tanks from freezing. He said no building permits would be issued until the tanks are taken care of satisfactorily. Mr. Sellow said he would try to have the matter taken care of within thirty days. A letter confirming agreements made at this meeting will be sent to Mr. Paul.

Blendon Woods - The Board discussed the impending suit against it by Walkner Realty Trust. Mr. Busconi will be preparing the Board's defense. The case is expected to come up sometime in December.

Special Permits -

Eagle Leasing - The Board listened to a presentation by Attorney Swartwood regarding the proposed Eagle leasing facility on Route 9. Attorney Swartwood explained that a special permit was denied by the ZBA a year ago, which decision was appealed to the Superior Court. He said Mr. Bartolini had sent an affidavit to court which stated he had no objections to the proposal. Mr. Swartwood explained the type of business which would be operating at the site. Presented to the Board was a letter from the Office of Environmental Affairs which said the proposal is excluded from the M.E.P.A. process; a letter from the Board of Health stating that all required filings have been done; a copy of the Order of Conditions from the Conservation Commission; an approval from the D.P.W. for the curb cut; and a traffic study which estimated 12 trips per day from the site.

Mr. Ross was told that approximately 10,000 sf would be used for shop area, and two 2600 sf floors would be for office area. Mr. Scattergood was told there was a minimum lease period of six months or more. Mr. Gaffney was told there would be no mobile homes or offices, but there would be some trailers without wheels. The site would have a capacity of storage of 75 trailers. Mr. Morris questioned the traffic study and why a facility with a capacity of 75 was being planned if there was a maximum of 25 trailers to be stored on the property.

Hilltop - Nothing new to report.

Park Central - Mr. Gaffney said Mr. Grossman has been informed that a letter will be coming from M.E.P.A. saying they will require Park Central to do a M.E.P.A. report. It still has not been determined whether we will let them go in with one building. Mr. Gaffney said there are questions about the adequacy of the roadway and curb cuts for the Red Roof Inn, as well as for Park Central.

Stonehenge I - Mr. Ross said the roadway and sidewalks are finished, but he is not certain if the markers are installed. If Mr. Bartolini is requesting the road be accepted at the special January Town Meeting, then a letter will be written to Mr. Boland to ask him whether the roadway meets his requirements.

Town Lyne Village - No action has been taken by the developer to date on the water tanks for fire protection, which are to be installed by December 4.

Southborough Estates - The deadline for the preliminary plans for the subdivision is December 7th. Mr. Scattergood will ask for a commitment from Mr. Smith before the next meeting to do work on Break Neck Hill Road; otherwise the preliminary plans will be rejected.

Runaway Hills - The developer is requesting the Planning Board update its signatures on the subdivision plans at the next Board meeting. Mr. Busconi will be contacted to confirm the correct procedure for this.

Graystone Way - Mr. Millholland asked if he could contact our consulting engineer for suggestions on how to alleviate the drainage problems in the subdivision. It was suggested the Board first wait to see what proposals the developer brings forth. The Board will be aware of possible problems which might occur because of a right of way easement which Mr. Lebewohl says he has onto Graystone Way.

Site Plans

Eagle Leasing - The Board may be requested to reconsider its vote on the Eagle ZBA request. The Board will wait to see a copy of the ZBA decision before it makes any such reconsideration.

Charter Development - Mr. Millholland will review the proposed Charter Development site plan for Route 9, for which a hearing has not yet been scheduled.

Other Business

MetroWest - Mr. Gaffney said MetroWest is proposing funding for a second year grant. This year their focus was on traffic; next year it will be on affordable housing. He requested Planning Board input on what has been accomplished to date.

Mr. Gaffney reported that Aldo Cipriano has proposed legislation which would increase the time a Planning Board has to review a subdivision. MetroWest is supporting this legislation.

Town Lyne Village - It was reported that the fire protection systems for the subdivision will be tested on 12/4/85. (Discussions the following day with Mr. Paul indicated that the electrical hookups have not yet been accomplished.)

Park Central - Apparently a land swap with the Red Roof Inn will be finalized by next week. (A letter was received on December 3, 1985 from the Commonwealth's Executive Office of Environmental Affairs stating that a M.E.P.A. report will have to be filed by Flatley on the project.)

Woodbury - Mr. Millholland asked about the adequacy of the requested bonding for the Woodbury at Southborough subdivision, as well as whether bonding is necessary for the repair of Woodbury Road following the completion of the subdivision. (Mr. Boland said the following day that bonding is predicated on the degree to which roadway construction has been completed when bonding is requested. He said that a separate bond is requested for repairs to public roads when the developer requests permission from the Selectmen to open the road.)

Southborough Estates - The Board discussed the status of the Southborough Estates subdivision, noting that the deadline for approval of the preliminary plans is December 7th. They noted that the developer has not responded to the Perkins letter dated October 18th, public safety issues have not been resolved, and there are engineering problems with exceeding approach slopes. It was MOVED and

VOTED: that the Board approve the preliminary plans of Southborough Estates, but only on the basis that the issues raised in the Perkins Co. letter of October 18, 1985 and the obvious safety issues, both within the subdivision and on Break Neck Hill Road must be resolved, or the definitive plans will not be approved.

AYE: Messrs. Millholland, Ross, Scattergood, Morris.

ABST: Mr. Gaffney

A letter will be written to Mr. Hampton Smith telling him of the Board's decision.

Ledge Hill Top - The Highway Superintendent and the Fire and Police Chiefs will be asked their opinion of the three options for cul-de-sacs at the end of Whisler Lane, as well as the length of the roadway. (As of 12/3/85 none of the above had received a copy of the sketches for the three alternatives.)

Site Plans

Charter Development - Mr. Millholland reported he had found 16 reasons to disapprove the site plan of Charter Development. The Board said they would indicate disapproval of the site plan, with a note saying there were numerous comments and questions regarding the plan which would be addressed when the site plan hearing is scheduled, and requesting a floor plan and elevation sketch of the building.

Approved 1/6/86

MEETING MINUTES

December 30, 1985

The Planning Board of the Town of Southborough held a meeting on Monday, December 30, 1985 at 7:30 PM at the Town House. Board members present were Mr. Millholland, Mr. Gaffney, Mr. Ross, and Mr. Morris.

Meeting with Town Counsel Busconi

Park Central/Southborough - Attending the meeting were Mr. Jim Molloy of the Flatley Co. and Mr. Arthur Bergeron, Flatley's attorney. Regarding the two ANR plans previously submitted to the Board, and for which an extension in approval time has been requested by the developer, Mr. Molloy said the plan for the Flatley Co. is to protect the land, and for the Red Roof Inn to protect the land and facilitate a possible land swap. Mr. Busconi requested the developers write a letter to the Planning Board, with a copy to him, indicating what their intentions are and what they intend to have their engineer put on the plan. If the purpose of the plan is to protect them under Chapter 40A, then that should be on the plan. Mr. Morris said the Planning Board would not endorse the plan as an ANR plan.

Regarding the Red Roof Inn plan, there appears to be a problem of access, and a question as to where the legal frontage is on the plan. Mr. Busconi asked for a copy of the conveyances and a statement that, based on the status of the title, that there is access over the roadway for abutters. Mr. Busconi asked that the ANR designation on this plan be changed also. Mr. Bergeron reiterated that this plan is being filed solely for zoning protection.

Regarding the Park Central Subdivision plan, Mr. Molloy and Mr. Bergeron explained they were submitting a revised subdivision plan so that they would not have to request any waivers from the Board. The revised plan shows a road connecting through to Blackthorn Drive, and from industrial to residentially zoned property. Mr. Molloy said the property could be developed strictly as industrial property.

Mr. Morris said he felt the developer has misunderstood the Board's position on the previously submitted plan. He said the Board decided to take no position on the approval of the previous plan because of the possibility of action by M.E.P.A. Mr. Morris said he felt this plan to be a step in the wrong direction and not in the best interest of the developer, and he assumes that there is misunderstanding to be cleared up.

Mr. Bergeron said he felt that any plan presented to the Board which requires waivers would take two years of negotiations, but Mr. Flatley has always wanted to work problems through.

Mr. Morris expressed concern for the neighbors on Blackthorn, in view of the developer's promises that the roadway will not go through. In response to a question from Mr. Morris, Mr. Busconi said the Board can take action on this plan, at the same time that Mr. Flatley is addressing

M.E.P.A.'s concerns. Mr. Busconi said the two processes are independent of each other.

Mr. Gaffney told Mr. Molloy and Mr. Bergergon that the primary concern of the Board in the past has not been waivers and the length of the cul-de-sac, but the impact of traffic on Route 9. Mr. Molloy said they can't answer questions about the size of the development; that these issues will be resolved later. Mr. Busconi told Mr. Molloy they should take the worse case as far as the size of the development is concerned. When asked by Mr. Ross if they intend to have the road go through to Blackthorn, Mr. Molloy said they did. Mr. Molloy told Mr. Millholland they would not indicate the buildings on the plan until the site plan process with the Selectmen.

Mr. Morris ended the discussion by suggesting that another appointment be set up so that these issues could be discussed.

Rolex Fees - Mr. Busconi agreed to contact the secretary regarding the status of the fees due on the Rolex subdivision.

Westec - Mr. Busconi said it was within the Board's rights to request an agreement in writing from the developer that no municipal services would be requested by the Town of Southborough.

Country Hills Estates - Items which still need attention on this subdivision are:

- Revisions showing drainage plans
- Another meeting with abutters to discuss revised plans
- Agreement in writing from Mr. Boland regarding revised plans
- Copy of the final agreement between the developer and the Wolcott's to be filed with Registry
- Assurance that the Conservation Commission does not have problems with additional flow into water basin across Route 30.
- Pursue with abutters the possibility of their sharing cost of bringing water up High Street.
- Given the time restraints, another time extension should be obtained.

SOLF - Mr. Busconi requested a copy of the documents pertaining to SOLF.

The next Planning Board meeting will be Monday, January 6, 1985 at 7:30 PM at the Town House.

Respectfully submitted,

Ellie Stoddard

Ellie Stoddard, Secretary

Approved 1/6/86

MEETING MINUTES

December 16, 1985

The Planning Board of the Town of Southborough held a meeting on Monday, December 16, 1985 at 7:30 PM at the Town House. Board members present were Mr. Millholland, Mr. Gaffney, Mr. Scattergood, Mr. Morris, and Mr. Ross.

Approval of Minutes

The minutes of the Planning Board meeting of December 2, 1985 were approved as written.

Approvals Not Required

Redmond, Pine Hill Road - Mr. Pflug presented an ANR plan for property on Pine Hill Road, previously signed by the Board on 6/29/81(#360). The redevision of land is necessary to accomodate a septic system. Lines were changed on Lots 2 and 3, and Lot 3 becoming Lot 6; and Lot 2 becoming Lot 7, with a different configuration. The outside dimensions of the lots and the square footage are the same. The plan was signed.

Park Central Realty Trust, Route 9 and 495 - Mr. Joe Molloy of the Flatley Co. was present to explain two ANR plans presented to the Town Clerk on December 5 and 6. The first, for Park Central Realty Trust was a perimeter plan with two purposes: to protect the zoning; and to identify the boundaries for financial purposes. Mr. Molloy said this is the first time the land has been shown all on one plan. He said easement B is owned in fee, and easement A, which is 60 feet wide, runs to the first part of the property. He said the easement has been taken by the Commonwealth of Massachusetts for the benefit of the property owner, in conjunction with the curb cut.

The ANR filed for Red Roof Inns, Inc., shows 1.61 acres on the west side and is being filed for the same purposes as the Flatley plan, and also to facilitate the swapping of parts of easements between the Red Roof Inn and Park Central. The Red Roof lot was created in the 1970's by Cosmo-Lindsey. The plan does not reflect any changes.

Mr. Morris asked Mr. Molloy why it was necessary for the Board to sign the plan which is no different than a plan signed by a previous Planning Board. Mr. Molloy said he understood there were no differences and he would find out if there were any changes from BSC, their engineers. Mr. Scattergood suggested it would be impossible for the Board to sign the plans within the 14 day period required and Mr. Molloy agreed to request an extension in time for the Board to review the plans until January 21st.

Subdivisions

Park Central/Southborough - Mr. Joe Molloy said he has submitted preliminary subdivision plans for the subdivision; and definitive plans should be submitted sometime after the first of the year. He explained

that frontage for the subdivision is obtained by virtue of the easements. The attorney for the subdivision is now Arthur Bergeron of Marlborough.

The Board agreed it would like to set up an appointment with Town Counsel Busconi to discuss the two previous ANR plans, as well as the submission of the subdivision plans, especially in view of the decision from the Commonwealth that a M.E.P.A. report is required for the subdivision. (Meeting scheduled for Monday, December 30th at 7:30 PM.)

Westec - Mr. Frank Dougherty of Thompson-Liston met with the Board to discuss their proposal. He said they have designed the site for Building #2, and the road is now entirely in Marlboro, and all Marlboro services will be used. Mutual aid has been discussed with both towns. He said he feels it is not necessary to go through the Southborough subdivision procedures since they now have two non-building lots in Southborough, but rather the ANR procedure will be requested. When asked by Mr. Ross if they did not need frontage in Southborough in order to building a building in Southborough, Mr. Dougherty replied they did not. They will be incorporating one small lot in Marlboro with two large lots in Southborough to make one large lot with frontage in Marlboro.

Mr. Scattergood suggested the Board require a covenant that Southborough would never provide services. Mr. Busconi will be contacted regarding the legality of this.

Mr. Dougherty said there was a 8" water main now on St. Martin Drive. The building will be one story, 24 feet high, with 201,360 s.f. He said he would be requesting a reduction in the number of parking spaces required as part of the site plan procedure. They are looking for several tenants and plan to start construction in the spring.

Southborough Estates - Mr. Scattergood said he had spoken with Mr. Hampton Smith who seemed agreeable to those items listed in the certificate of approval of his preliminary subdivision plans.

Greystone Way - It was requested that a follow-up telephone call be made to Mr. Lebewohl regarding the easement he says he has on Greystone Way.

Blendon Woods - Copies of Mr. Busconi's reply to the Court regarding the court case will be sent to the Board when they are received.

Country Hills Estates - The Board is waiting for revised drainage plans.

Town Lyne Village - Mr. Paul missed his first deadline for completing the installation of the fire protection pumps in the subdivision. They are waiting for the electric company to install the wiring.

Southville Estates - Mr. Millholland, Mr. Gaffney, and Mr. Ross walked the subdivision. They reported the developer is considering breaking through to the Woodbury subdivision. Mr. Millholland will check on the history of the parcel of land.

Rolex - Mr. Millholland, Mr. Gaffney, and Mr. Ross walked the Rolex property, which contains much wetland. Mr. Busconi will be contacted regarding the status of fees for the subdivision.

Mr. Morris said it was important to get town water into Sears Road. The Board wants to obtain a happy medium between doing nothing and creating a boulevard. He suggested another meeting with residents when the plan is finished, and will propose to developers that trees or stone walls to be removed be identified.

Site Visits for Subdivisions - In an effort to tighten up the inspection procedures for subdivisions in progress, it was suggested that the Planning Board engineer be requested to quote an additional time (three man-days, for instance) to be used to inspect subdivisions being constructed. This amount would be billed to the town's "engineering account", but the inspection would be directed by the Highway Department. Clarification will be obtained to see if this type of procedure can be followed.

Skylar Drive/Summit Road - Mr. Ross will check to make sure the monuments have been installed before the Planning Board makes a recommendation that the town approves the acceptance of these streets.

Sears Estates - Definitives are expected on February 3rd. It is clear that an extension will have to be obtained.

Southville Road - Definitives are expected on February 3rd. It is clear that an extension will have to be obtained.

Blendon Woods - There is no further word on the court case.

Westec - A follow-up note will be sent to Fred regarding whether this subdivision can be treated as an ANR.

Wolfpen Estates - Building is progressing slowly. Mr. Boland will be contacted to see about the status of the backfill which was improperly installed.

Ledge Hill Top - Mr. Ross will follow up with the chiefs of police and fire regarding their preference for length and style of the cul-de-sac.

Park Central - Mr. Gaffney said Mr. Grossman wanted to attend the next Planning Board meeting concerning Park Central. Mr. Gaffney will check on legal agreements made previously regarding going through to Blackthorn Drive. The issue of whether the road will be publically accepted will be investigated. It was agreed the Board would meet with Flatley officials next Monday evening at 7:30.

Town Lyne Village - The installation of the fire protection tanks is almost finished. One pump works, but there are no meters as yet. Chief Aspinwall is suggesting a fence around the area to secure it.

Presidential Estates (Rolex) - Copies of the Water Department consultant's report will be sent to Connorstone and Perkins.

Country Hills Estates - A report on the revised subdivision plans from Schofield is forthcoming. Mr. Anastos will meet with the Board and residents on February 10th at 9:00.

MEETING MINUTES

January 13, 1986

The Planning Board of the Town of Southborough held a meeting on Monday, January 13, 1986 at 7:30 PM at the Town House. Board members present were Mr. Gaffney, Mr. Millholland, Mr. Morris, and Mr. Ross. Mr. Busconi was present for discussion with the Flatley Co.

Approval of Minutes

The minutes of the Planning Board meeting of January 6, 1986 were approved as written.

Subdivisions

Park Central/Southborough - Mr. Jim Molloy, Project Manager for the Flatley Co., Mr. Arthur Bergeron, Attorney for the Flatley Co., and Mr. Ralph Shea and Mr. Mark Donovan, Vice Presidents for the Flatley Co. were present to discuss the proposed development between Route 9 and Route 495. Mr. Bergeron gave an overview of the project to the Board and residents present, and outlined activity with the subdivision plans with the Board to date. He explained that because the Flatley had not received approval on their first plan they decided to submit a second plan with no waivers required, and thus the plan with the through street to Blackthorn was submitted. He said the first plan is really the one that Flatley wants to develop, but they can't afford to do nothing, and the second plan will be submitted if the company and the Board cannot come to agreement.

Mr. Bergeron said it is Mr. Flatley's position that he will withdraw or amend the second plan. Regarding the problems with traffic, he said Mr. Flatley is prepared to give the Board all traffic information it has on the site, including a study it bought from Leucadia. He said it is Flatley's intention to file a site plan application with the Selectmen within the next two weeks, with a traffic impact study provided as part of the site plan. Mr. Bergeron said it was never the Flatley Co.'s intention to develop 700,000 square feet, but merely that that was the maximum potential of the site.

Mr. Morris suggested the Flatley Co. leave the second plan on the table, and modify it according to discussions with the Planning Board. A time extension will be given. If agreement can't be reached on the first plan, then the second plan can be pursued.

Mr. Molloy then distributed a copy of a 1982 traffic study. He said the preference of the company is to build office space. He showed the Board and audience a drawing of the site, showing constraints of a buffer zone and wetland areas which comprise approximately 20 acres, recreation areas of over 20 acres, and approximately 40% of the site left to be developed after setbacks, etc. are taken into consideration. He estimated that the first building would be approximately 66,000 sf and located in the area on the west side of the first pond. A maximum potential of 300,000 sf could be developed into office space, but not until site plans are submitted and improvements are made to Route 9.

Mr. Gaffney questioned whether there is not really a potential of 6-700,000 sf. Mr. Molloy said he felt the potential of the site is limited by traffic considerations. Mr. Gaffney asked if Mr. Molloy could guarantee there would be no more than 300,000 sf, with Mr. Molloy saying he didn't want to pin it down to that extent, but they don't want to develop any further than the capacity of Route 9.

Mr. Millholland asked why the developer did not just withdraw the second plan, and Mr. Bergeron said there were legal reasons. Mr. Millholland countered that he didn't want to negotiate with the Flatley Co. with a dark cloud over his head, and he had no intention of negotiating or discussing a plan which puts the Board in a bad position.

However, after discussion with Mr. Donovan, Mr. Bergeron said that within two weeks the Flatley Co. would submit a definitive plan based on the original submission, with the second plan being withdrawn. This time estimate was revised so that the definitive plan would be submitted before March 3, 1986, on which date there will be a meeting of the Flatley Co. and the Board. Mr. Pflug was requested have Schofield stop its engineering work on the subdivision.

An extension will be requested for the two Approval Not Required plans still outstanding.

Town Lyne Village - The developers will be requested to secure the pump area of the water tanks with a chain link fence.

Sears Road - Mr. Gaffney will attend the Water Department meeting on January 21st at 9:00 at which time the plans for improvements to the road will be discussed.

Road Acceptance - The Board discussed the portions of Skylar Drive and Summit Road for which a road acceptance hearing will be held on January 14th. Mr. Ross said the bounds are all installed on Skylar Drive and he has no problems with the Board's recommending acceptance of it, but Summit Drive is still not completed satisfactorily and he finds it difficult to recommend acceptance at this time.

Master Plan

Mr. Robert Dumont, Mr. Phil Herr, and the Master Plan Committee met with the Board to discuss their proposals for warrant articles for Town Meeting. Mr. Dumont explained the Master Plan Committee Report will take two forms: a preliminary report to satisfy the contractual arrangements for the planning grant to be submitted within two months; and a final report which will come later. It was explained that there were four warrant articles currently in draft form which will be discussed tonight, seven articles to be drafted by the consultant this month, two to be drafted by the committee, and two more to be drafted by Mr. Herr later.

Mr. Herr explained that the Creative Residential Development article creates a flexible system for managing land development. It allows for alternative development and can control the rate of development. Any

MEETING MINUTES

February 18, 1986

The Planning Board of the Town of Southborough held a meeting on Tuesday, February 18, 1986 at 7:30 PM at the Town House. Board members present were Mr. Gaffney, Mr. Millholland, Mr. Ross, and Mr. Morris.

Approval of Minutes

The minutes of the Planning Board meetings of February 3, 1986 and February 10, 1986 were approved as written.

Subdivisions

Park Central/Southborough - Mr. Jim Molloy dropped of a copy of the revised Flatley subdivision plans which the Board will review on March 3, 1986.

Greystone Way - The Board agreed another extension will be necessary on the Greystone Way subdivision.

Country Hills Estates - Mr. Peter Anastos and Mr. George Connors were present to discuss revisions to drainage, sidewalks, width of roadway, and the addition of water mains on the Country Hills Estates subdivision plan.

The revised plans showed a meandering sidewalk, a 24-foot roadway instead of 26 feet, and an 8" water main with three hydrants, one at High Street, one at the end of the cul-de-sac, and the intersection of the new roadway. The Water Department has requested, and was given, an easement from the end of the cul-de-sac towards land of Jacobs and Uhlman. Mr. Anastos said he would be willing to change to a 12" water main after the plans are signed if an agreement were worked out with Jacobs.

Mr. Connors said a sidewalk shown on sheet 4 on the downhill side of the plans is in error. He said the drainage plan shows catch basins coming out into the street. Mr. Morris was told the drainage pipe out to Route 30 drops about eight feet and would be self-cleaning.

The Board went over comments in the 2/2/86 Schofield letter, as follows:

Item 1: Mr. Anastos is creating a swail and depressing driveways on Lots 2 and 5.

Item 2: O.K.

Items 3-4: Taken care of.

Page 2, Item 1: They have changed to an 18" pipe.

NOTES ON INFORMAL MEETING

February 26, 1986

Mr. Charles Gaffney and Mr. Bryan Backus of the Schofield Company met informally on Wednesday, February 26, 1986 at the Town House for the purpose of reviewing the proposed Park Central/Southborough subdivision plans.

Mr. Backus was shown the two ANR plans which the Board has yet to sign and suggested that the following be shown clearly on the plans:

- which are legal building lots
- which are not legal building lots
- a note to the effect that no new lines of ownership and no new lots are being created
- lots should be clearly identified with a designation and ownership


Regarding the subdivision plans, Mr. Backus said the frontage can be either on a public or private roadway. He noted that acreage shown on the subdivision plan is different than that shown on the ANR plan. Mr. Backus cited the Nantucket court case (Tristin's Landing ?) which states that any frontage which does not provide access to the lot cannot be considered legal frontage.

Mr. Gaffney and Mr. Backus noted that there were questions about frontage at access points of Bantry Road, Tara Road, and Blackthorn Drive. There is a question as to whether there has ever been a covenant to prevent access off Bantry Road.

Mr. Backus said the Board should dismiss the 1982 traffic study as being too old. Some of the information which should be provided by a traffic study is Level of Service (LOS), i.e., how long does a car have to wait before it can pull out onto Route 9, and is the site distance adequate. Mr. Gaffney said he would try to get more updated data for comparison purposes.

Mr. Backus said the Board could ask the developers to covenant to limit the amount of square footage in buildings and the number of buildings. He said it is up to the developers to prove that they would be constructing an adequate way.

Because of the meeting scheduled with the Flatley people for Monday night, March 3rd, Mr. Busconi or his designate will be requested to attend.


E.B. Stoddard

Westec - Mr. Busconi will be consulted as to the status of whether the development can be treated as an ANR or subdivision.

Grasslands - A covenant and bonding information will be sent to Mr. Clark. Bonding for \$150,000 will be required.

Ledge Hill - A hearing has been scheduled for April 7, 1986.

Park Central - Mr. Gaffney said he would like to go over the subdivision plans with our engineer, Bryan Backus, from Schofield. Mr. Busconi will be consulted regarding the status of the two outstanding ANR plans.

Presidential Estates - The Board discussed the outstanding matter of drainage for the subdivision. They noted a reply from the Perkins letter is still awaited from Mr. Connors. A letter will be sent to Mr. Connors which states that although the Board has decided to neither approve or disapprove the subdivision, they have decided that waivers for drainage and granite curbing at catch basins will not be allowed.

Country Hills Estates - Information promised on the subdivision is still forthcoming.

Southborough Estates - The plans are still not ready. Mr. Smith has requested that he and a road engineer be able to meet with the Board within a few weeks to discuss the plans.

Greystone Way - New information is promised within a day or so. Mr. Swartwood has requested an appointment with the Board for March 10, 1986.

Other Business

Mr. Grossman or Ms. Conlin will be consulted regarding the MDC's request for a waiver in procedure for approval of the hydroelectric power project at the Fayville Dam site.

It was requested that agendas show a summary of activities for the month ahead.

The next Planning Board meeting will be Monday, March 3, 1986 at 7:30 PM.

Respectfully submitted,

Ellie Stoddard

Ellie Stoddard, Secretary

Approved 3/24/86

MEETING MINUTES

March 3, 1986

The Planning Board of the Town of Southborough held a meeting on Monday, March 3, 1986 at 7:30 PM at the Town House. Board members present were Mr. Gaffney, Mr. Morris, and Mr. Ross.

Approvals Not Required

Bigelow, Bigelow Road - Mr. Harvey Bigelow, Bigelow Road, came before the Board to ask its advice regarding the breaking up of his property for his four children. Since he does not have adequate frontage for four lots, he was advised to go before the ZBA for a variance of the frontage requirement. Mr. Bigelow expressed concern to the Board because of the possibility of additional runoff onto his land from the "Country Hills Estates" subdivision. Mr. Morris said the Board would be looking into that possibility.

Subdivisions

Park Central/Southborough - Before the Board to discuss their proposed subdivision were Mr. Ralph Shea, Flatley V.P.; Mr. Jim Molloy, Project Manager; Mr. Arthur Bergeron, Attorney for the Flatley Co.; and Mr. David Crispin, engineer. A number of abutters to the project were also present.

Mr. Molloy made a brief presentation to the Board, saying the Flatley Co. anticipated not more than 5-7% coverage of buildings on the 100+ acre site, with development over the next 10-12 years. He said the project would not be a dense one, and would contain amenities such as child care, a club house, etc.

Mr. Bergeron said the Flatley Co. has agreed to withdraw Plan #2 which shows a through road to Blackthorn Drive. He said Plan #1 has been revised and would be submitted to the Town Clerk on Tuesday morning. He said they had met with a number of abutters to the site, gave them a copy of a sample covenant and agreed to pay for an attorney for the neighborhood group so their interests would be provided for. Mr. Bergeron said a proposed covenant with abutters should be prepared by the following Monday.

Mr. Bergeron said the definitive subdivision plan before the Board at this time contains only one waiver for the length of roadway. He said that if the MEPA studies show that less than 600,000sf of office space can be built, they would have to do further site work. Even with state approvals, development will not proceed at a rate of more than 50,000 s.f./year.

Mr. Crispin then proceeded to go through the subdivision plans page by page, as follows:

- Page 1: Cover sheet showing abutters, locus, etc.
- Page 2: Same as above, but showing key for sheets 7,8,9, and 10.
- Page 3: Shows land area of Lots 1, 2, and 3, and shows the IP line. Land parcels need to be purchased to make a 70 foot right of way. The plan now meets the minimum centerline radius.
- Page 4: Shows the other half of the property line plan. Mr. Crispin noted that the connection to Blackthorn Drive has been removed.
- Page 5 & 6: Master Drainage Plan. Was prepared for special permit several years ago. It is now nearly 98% complete; they are waiting for Conservation Commission approval. Ponds and elevations are the same; the road is at the same location and depth. Mr. Crispin said the "as built" are not yet completed nor been submitted.
- Page 7: Shows the entry into the subdivision, with no change or curb. The plans show existing catch basins at the foot of the hill at the entrance to the Red Roof Inn, with a six-foot wide median strip. He said the distance from the driveway to Route 495 was 350 feet.
- Page 8: Shows a continuation of the plans past the 70 foot strip, showing grading and entries to future driveways. He said all lots have two entryways with the exception of Lot 1.
- Page 9: Shows the high point of the roadway, at 17+50. Catch basins are shown every 300 feet.
- Page 10: This sheet shows the cul-de-sac geometry, with opening in the nose for snow removal. It is in the same location as the original plan. Mr. Crispin said all amenities originally promised will be built; all negotiated issues with abutters will be before the Board before the hearing.
- Page 11: Shows the details of the utilities. A portion of the water main is being relocated. All utilities will be underground.
- Page 12: A continuation of the above. Gas mains are planned from Route 9, not Blackthorn.
- Mr. Joe Russo of 11 Tara Road asked about potential problems with water pressure. Mr. Crispin said there would be two loops. Ms. Ostrovsky was told they would check on any potential problems with quantity of water.
- Page 13 & 14: Show standard details; subdrains are detailed on Page 14.
- Page 15: Shows the registered portion of the subdivision. Lot 139 is the Land Court portion (part of Lot 3); and Lot 138 is part of Lot 2; shown for informational purposes only. The developers said they would agree to separate covenants regarding not creating new lots (Lots 138 and 139).

Page 15 & 16: Show the storm drainage work sheets.

Mr. Bergeron said the Flatley Co. would be willing to covenant and append to the subdivision agreement that Blackthorn would not be used as an access way; the width of the buffer zone; location of parking lots; deflected lighting. Covenants will run with the land and cannot be amended without approval of neighbors and abutters.

In response to a question from Mr. Gaffney, Mr. Bergeron said they would guarantee 600,000 s.f. with not more than 50,000 s.f. built a year through subdivision approval and also with a covenant.

When asked by Mr. Ross whether they would have more than one building per lot, Mr. Molloy said they could addition to some of the 50,000 s.f. buildings; there could be several phases (for instance a four-pod building). Mr. Bergeron then emphasized that Flatley committed to an average of 50,000 s.f. per year.

Mr. Gaffney asked whether a commitment had been made to residents regarding the height of buildings: Mr. Bergeron said issues such as this would be a starting point for negotiations. Mr. Molloy said Flatley would have an engineer look at screening for residents of Tara.

When asked if there was a master plan for the property, Mr. Shea said there would be a building plan by the time of the hearing. Mr. Morris said he understood there was a master plan for the property. Mr. Shea said there are no plans yet; they are still negotiating with neighbors. Mr. Scattergood asked if they has a concept of what the buildings would look like. Mr. Molloy said they would be red brick, with bronze glass in a ribbon. Rooftop equipment would be screened. Elevations and photos could be provided later. Mr. Molloy said building presentations would not be provided at the hearing, but at a site plan hearing later. Mr. Flatley could covenant as to the appearance of the building.

In response to a question from Mr. Gaffney regarding the MEPA process, Mr. Bergeron said that once we have Planning Board approval, before we can obtain a curb cut from the Mass. DPW, it will be required that we apply to MEPA; other issues have to be resolved first. When asked by Mr. Gaffney whether additional buildings would be asked for without going first to MEPA, Mr. Molloy said we may apply. Once we have obtained subdivision approval, but before we apply for site plan approval we will file with MEPA.

Mr. Bryan Bakis, engineer from Schofield and representing the Board, asked about whether there would be an emergency secondary access. Mr. Molloy said Blackthorn Drive has been discussed as a possibility for an emergency road. Mr. Heaton, an abutter, said the neighbors feel there should be no access. Mr. Bakis expressed concern with the acceleration land and the problems with getting onto Route 9 westbound. Mr. Molloy said they haven't yet met with MEPA.

Mr. Bergeron said they would request further extensions on the ANR plans.

Mr. Morris said the Board wanted an updated traffic study on the project which would show the maximum development on the site. They agreed to a bifurcated study addressing the entire parcel and Lot #1.

Mr. Bergeron said the Flatley Co. has tried to put its cards on the table. He gave a verbal extension on Plan #2 (going through to Blackthorn) until March 10, 1986. The checks for the two ANR plans were returned.

As the meeting was ending, Mr. Molloy said they were submitting a low intensity project with a density of no more than 15% (as opposed to 5-7% stated at the beginning of the meeting).

Titus Subdivision - Mr. Robert Titus brought before the Board his preliminary subdivision plans for a five-lot subdivision off Atwood Road. He said he has decided to call the road "Moore Road" after an early resident of Southborough. He said he was not requesting any waivers, except for the offset of the street. There will be a total outflow of .766 cfs. He will provide two street lights. After further discussion, Mr. Titus said he would consider asking for a waiver of one sidewalk and a reduction in the width of roadway.

Greystone Way - New preliminary subdivision plans were submitted.

Presidential Estates - The Board should return 25% of fees collected for the subdivision. Only 75% of the fees were due, not 100%.

Other Business

The next Planning Board meeting will be Monday, March 10, 1986 at 7:30 PM.

Respectfully submitted,

Ellie Stoddard

Ellie Stoddard, Secretary

MEETING MINUTES

March 24, 1986

The Planning Board of the Town of Southborough held a meeting on Monday, March 24, 1986 at 7:30 PM at the Town House. Board members present were Mr. Gaffney, Mr. Scattergood, Mr. Morris, Mr. Ross, and later, Mr. Millholland.

Approval of Minutes

The minutes of the Planning Board meetings of March 3, March 10, and March 18, 1986 were approved as written.

Approvals Not Required

McCarthy, Clemmons Road - Mr. George McCarthy returned with his ANR plan for Clemmons Road with some of the changes requested at the last meeting. However, the Board asked that he change the wording on Lot 2B to read, "Lot 2B is not to be construed as a building lot". Mr. McCarthy will come back to the Board when the changes has been made.

Site Plans

"Hong Chow", Route 9 - The Board met with Mr. Peter Humphres and Mr. David Porter of Somerset, Massachusetts who are planning to purchase and renovate the former "Hong Chow" property on Route 9. Mr. Humphreys said the deep well test has failed and they will be meeting again with the Board of Health. Their intent is to renovate the building, have a sales office there, and rent out space to professionals in the building industry. The exterior will be left basically the same, and they will have 8,000 s.f. of office space. They estimate the cost to renovate the building will be about \$250,000. Mr. Scattergood reminded them of the historical significance of the building; that it was originally a stage stop on the Boston to New York run. Mr. Morris said the Board's biggest concerns would be for the traffic impact on the neighborhoods, the historical significance of the building, the Board of Health's concerns, lighting, and the exterior appearance of the building.

Subdivisions

Sears Road Improvements - Sears Road residents will be asked to meet with the Board at 7:00 PM, not 7:30 PM on Monday, March 31 to go over the improvements to Sears Road.

Park Central - The secretary will call The Flatley Co. to see what is the status of their subdivision submittal.

Country Hills Estates - Mr. Gaffney reported he met with Mr. Harvey Bigelow of Bigelow Road who expressed his concerns regarding drainage and the fact that the MDC has not cleaned brooks and drains. He wants to submit letters from the Board of Selectmen and the Planning Board to the MDC asking them to clean out the drains. Mr. Pflug said the additional runoff from the

the definitive hearing on April 28th, and asking whether he will have the items in the Perkins report addressed by them. If he is able to address them then Mr. Bryan Lynch of Perkins will be asked to attend the hearing.

Wolfpen - No action at this time.

Woodbury at Southborough - The question was raised about how far the first road should be built before the second access road is built. It was agreed that the Board should specify how many homes can be built before the second access road must be built, and that this is an item which should be addressed in a subdivision's covenant. It was reported that the roadway is now cut through to about 10-15 homes and four lots have been sold.

Grasslands - A letter will be sent to Mr. Clark reminding him that the bonding agreements still have not been signed.

Hilltop - No action on this subdivision.

Ledge Hill - The Board is still waiting for a response from Highland Engineering to our letter from Perkins and a letter will be written as a reminder. The Board requested that a written letter be obtained from both the Fire and Police Chiefs regarding their opinions of cul-de-sacs in general. It was suggested that approval of the subdivision be contingent upon the approval of A.J. Lane's subdivision; that he be allowed to build only to the 500 foot point. Mr. Gaffney said he was concerned with having a dead-end cul-de-sac off a dead-end cul-de-sac, which will be in affect creating a 3000 foot dead-end.

Park Central/Southborough - There is still no response from Flatley to the Board's request that the third definitive subdivision plans, which have not been filed, be picked up. A follow-up letter to Mr. Molloy will be sent, and the Town Clerk's office will be checked to make sure no plans have been filed without the Board's being aware of it.

Presidential Estates - A site walk was held with Mr. Connors and members of the Conservation Commission on April 12, 1986. Mr. Millholland reported that the roadway is not where the Board was lead to believe initially. The Conservation Commission has some concerns with some of the lots and some roadway crossings. Mr. Connors will be contacted to see if when he will respond to outstanding items on the subdivision.

Country Hills Estates - The 20-day appeal period will be over on the 25th of April. Copies of Mr. Anastos' letter regarding cleaning the brook will be sent to Messrs. Johnson, Bigelow, Hanna, and O'Connell. Still to be resolved is how many feet will be cleaned. Mr. Pflug said he would plot out the distance. The subdivision plans will be signed on the 28th.

Break Neck Hill Road - Definitive subdivision plans are due to be submitted on May 5th. Mr. Connors will be contacted to see if he would consider a double-barrelled entrance road instead of two separate entrances.

Titus - Mr. Morris^{لبن} review the Titus subdivision and make a recommendation as to whether it should be approved to go to definitives.

consider purchasing an extra five feet from land of Fletcher so that the roadway could be a more uniform width and provide a better looking entrance. Mr. Pflug was requested to provide to the Board a copy of the previous plan for Vale Terrace from around 1960.

Park Central/Southborough - Mr. Busconi reported he had had conversations with Attorney Bergeron who reported that both he and Mr. Garahan were working for Flatley. Mr. Busconi suggested the Board write a letter to both attorneys and request they meet with the Planning Board next Monday to discuss the status of the subdivision.

Stonehenge I and II, Lot Release - Mr. Jack Bartolini met with the Board to explain the lot release he is requesting. The lot is designated as Lot 10 on the Stonehenge I plan, Lot 1 on the Stonehenge II plan, and Lot 1A on an ANR signed by the Board on May 5th. His lot release form was edited by Mr. Busconi to make clear that only one lot was being released, then signed by the Board.

Blendon Woods - Mr. Busconi reported that there has been no action on the legal suit for this subdivision.

Sears Estates - Mr. Robertson brought in a revised preliminary plan for Sears Estates which showed two large lots (approximately five acres) where the two cul-de-sacs once were. Mr. Robertson said Mr. Lane would be keeping one lot and selling the other to a friend, and would covenant that the two large lots would not be subdivided further. The plan showed a 30-foot easement between the lots for a utilities easement to the Ledge Hill subdivision. Mr. Parry suggested that at the least there should be a pathway over the easement for bicycles.

Mr. Scattergood said the Planning Board has had the clear impression that this subdivision and the Ledge Hill subdivision would be joined, and asked for an opinion from Town Counsel whether the Board could force them to be joined. Mr. Busconi said the Board could not force it legally, unless there were specific and well-documented reasons that they must be joined for safety reasons. Mr. Gaffney said it was important that Mr. Lane be aware of the Board's feelings about linking up the two lots.

Mr. Millholland was told by Mr. Robertson that Mr. Lane will probably build the whole roadway at once so that a long dead-end situation would not occur. Waivers requested will probably be for lighting, sidewalks and berms. Mr. Robertson said that Lane may also combine several lots once the subdivision is approved to make larger lots. The plans now show 56 lots.

When asked whether Mr. Lane would consider a 50 feet easement, Mr. Robertson said he would not, and will put in a 30 foot easement. Mr. Scattergood said the Board should give a lot of thought to mandating the connection for safety reasons. Mr. Morris said it was important to respect Town Counsel's opinion in this matter, but he feels it is within the Board's power to make them connect. Mr. Millholland recommended that

NOTES ON INFORMAL MEETING

June 18, 1986

Mr. Gaffney, Mr. Parry, Ms. Wason, and Ms. Stoddard met informally at the Town House on Wednesday, June 18, 1986 for an update on the Park Central/Southborough subdivision.

Mr. Parry said from his review of the files, it seems clear that there are two major issues to be dealt with:

1) Flatley must file an ENF before the Planning Board will approve the subdivision plan. The Board should disapprove the plans before the deadline if they do not agree to do this. Mr. Parry said the slate should be wiped clean--the Board should not get hung up on what has happened in the past, and start dealing with them with a fresh approach.

Mr. Parry said the Board should also address what is the best use of the land. He suggested that perhaps the best use might be to rezone some of the land to the rear residential.

2) The capacity of the site must be considered with respect to the amount of traffic it can handle. The Hagan traffic analysis report submitted to the Board dealt with only the capacity of one building, and therefore the traffic which will be exiting to Route 9 has not been adequately addressed.

Mr. Parry said that 75% of the traffic entering the site will be coming from the west and will have to make a U-turn at Crystal Pond Road, increasing traffic at that point to Level D, which is unacceptable to the state. He said there is a maximum potential of 180,000 sf at the site; 300,000 sf if the developer foots the bill for a jug handle type of redesigned turnaround (these are 1982 figures). These issues need to be addressed with the ENF, which the developer does not want to do until the subdivision plans have been approved.

It is the duty of the Planning Board to take safety into consideration off-site as well as on-site.

Regarding both the ANR and subdivision plans which are on file as of record, there were several questions raised which need to be asked at our meeting with Flatley people Monday night:

- What is the extension shown on the plans off Bantry Road?
- Why are the construction easements shown on the subdivision plans shown as temporary.
- The ponds should be shown on the ANR's.
- Why are there three acreages shown on the subdivision plans; the designations do not seem to conform to land court designations for parcels of land (SW will check on this.)
- Assurances should be shown on the ANR plans that there is nothing

Informal Meeting
The Flatley Co.

-2-

June 18, 1986

shown on the plans that is not already in existence and recorded at the Registry of Deeds; all that is being accomplished is a consolidation of information on the plans. Proof should be presented that there are legal documents to back up any information shown on the plans.

- The relationship between Red Roof Inns and The Flatley Co. should be clarified.


EBS -

NOTES ON INFORMAL MEETING
June 18, 1986
Park Central/Southborough

Mr. Gaffney, Mr. Parry, Ms. Wason, and Ms. Stoddard met informally at the Town House on Wednesday, June 18, 1986 to review the status of the plans for the Park Central/Southborough subdivision, prior to their scheduled appointment on June 23rd (later delayed). Two plans are now pending: a preliminary subdivision plan and two Approval Not Required plans..

Mr. Parry, a new Planning Board member and recently assigned to the subdivision, said from his review of the files there seems to be two major issues which need to be addressed:

1) Environmental Notification Form (ENF) and Environmental Impact Review (EIR). It is clear that the subdivision requires the filing of an ENR, and automatically requires the further filing of an EIR because it falls under certain "thresholds" in the State regulations (size over 500,000 sf; potential impact, 1000 parking spaces, etc.[Env. Policy Act, MEPA Regulations, Section 10.32: Categorical Inclusions]).

It is clear that the Planning Board should not approve any plans whatsoever until the proper filings have been made according to State procedures. Plans should be rejected before the deadline if procedures are not followed.

2. Potential Capacity of the Site/Optimum Site Utilization. Any sensible plan for the site must take into consideration the total/eventual carrying capacity of the site. Normally this would have been done through the EIR (above). Materials in the file prepared by the developer's consultants provide indications of the probably capacity, but they do not spell it out clearly. This issue must be faced squarely, and if necessary, a new approach taken to the site use if there is to be any resolution.

The site was zoned Industrial Park many years ago, and development since that time along the frontage of Route 9 has severely constrained what the rear site can hold in terms of industrial/office uses. What should be done now is to find out just how much industrial use the site can take, and then consider other use options for the remainder of the site. In this regard, the established town policy of requiring all road access for industrial sites fronting on Route 9 to come from Route 9 and not from other streets to the side or rear (e.g. subdivision roads or Flagg Road, Main Street, etc.), should be strictly adhered to.

There are two traffic conditions which severely constrain the amount of industry on site: (a) Exit to West along Route 9 and 495; and (b) Entry from the East, for traffic making U-turns on Route 9 at Crystal Pond Road.

(a) Exit to West on Route 9 and 495. A consultant's report to the developer (Hagan Vanesse, 1985) examined the impact of one 53,000 sf building on site, using the Red Roof Inn exit. This one building caused a level of service (LOS) "C" at the exit in the afternoon rush hour. LOS "C" is marginal. From this, we can assume that two buildings, totally around 100,000 sf will probably have a LOS "D"--the limit just acceptable to the DPW.

(b) Entry to Site Via U-Turn on Route 9 at Crystal Pond Road. An earlier consultant study (BSC, 1982) showed that 75% of the traffic coming to the site in the morning will be from the West along Route 9 (feeding off Route 495). All of this traffic must make the U-turn at Crystal Pond Road. If the traffic conditions at the U-turn are allowed to reach LOS "D", the site could hold 180,000 sf of office space. If the U-turn was rebuilt in the form of a "jug handle" at the developer's expense, the site could hold about 300,000 sf. Since these figures are 1982 based, the site capacity is probably reduced even further.

Conclusion: The exit conditions limit the site to around 100,000 sf. The entry conditions limit the site to around 180,000 sf, or 300,000 sf if the developer pays for Route 9 improvements. Under no circumstances could the site hold 500,000 sf or more, based on the developer's own consultants' reports.

Attempts to increase the scale of commercial development on-site by placing entry and exit points on Flagg Road or Route 30 are not acceptable. The Town has consistently required all other developers to access only onto Route 9. Flagg Road is a winding road with narrow pavement. If access was placed on this road, it is probable that a high percentage of commercial traffic will travel north on Flagg to Route 30, etc., instead of out to Route 9, in order to avoid congestion on Route 9, or to avoid having to make a U-turn on Route 9 at 495, or at Crystal Pond Road.

In this regard, safety off-site influenced by a development is just one consideration the Planning Board can take into account, and can be used as a basis for rejection.

Maximum Utilization of the Site

It is in the Town's interest to maximize commercial development on site to the extent it can be adequately handled in terms of traffic, etc. More tax revenue will result. Having found that the capacity is probably in the range of 100,000-300,000 sf, the issue is then how to utilize the remainder of the site.

The site is zoned Industrial Park, a use which does not allow residential use (oddly, Industrial zoning does allow residential use). The option of residential use of the remainder of the site could be considered, and if found reasonable, the Town could support a rezoning of part of the site.

Some considerations for residential use of the rear part of the site include:

- revenue to developer: lots are now commanding a premium in Southborough.
- revenue to Town: large lots and expensive homes produce a larger tax gain to the Town.
- road layout: the shape (width/length) of the site lends itself well to such a plan. (Roads could parallel Tara Road and have access off Tara, Blackthorn, restricted solely to residential traffic, with no connection to the office complex near Route 9.

Next Steps

What has been missing from this project is a comprehensive approach. If an ENF/EIR had been filed originally, these issues might have been faced by now and resolved. It is NOT too late to start this process. On the contrary, an ENF is required and the Town should insist on a thorough planning analysis before locking into yet another unacceptable subdivision layout.

This comprehensive approach could also be in the developer's own interest, in terms of time, income, and political support necessary for approvals at Town Meeting (A Concept Plan will be necessary if more than 200,000 sf Commercial; and rezoning if changing rear property to Residential.)

However, with the continuing delays in confronting the major issues, the possibility of getting these proposals to next Town Meeting are receding. The sooner we can discuss these issues in a frank and open setting and in a spirit that doesn't harp on past mistakes but aims for a comprehensive solution, the better.

Approval Not Required (ANR) Plans

Two ANR plans are on file (one for Flatley Co. and one for Red Roof Inns), and are apparently intended to show the land holdings on a consolidated sheet. Ms. Wason reviewed the content of the plans.

Given the very unclear status of the total project, and even its use solely for commercial purposes, it may not be in the best interest of all parties to have this plan approved at this time. At the very least, some thought should be put to how these plans (if approved) might influence or complicate planning efforts for the site. If some of the land is rezoned, would these ANR plans help or hinder?

In any event, there are several issues needing to be addressed on the ANR plans:

Easements:

- The easement along Route 9: what is it, why doesn't it extend beyond the stone wall?

- Construction easements: why are they shown as temporary, when the issue has been to get a permanent major roadway of adequate width.
- Explanations need to be given for Easement A and Easement B.

Also

- Ponds should be shown on the plans.
- What is the extension shown at the end of Bantry Road?
- Assurances should be obtained that there is nothing shown on these plans that is not already in existence and already recorded at the Registry of Deeds. Proof should be presented that there are legal documents to back up any information shown on the plans.
- There needs to be clarification of which are legal building lots and which are not. Ownership needs to be made clear.
- A note needs to be added that no new lines of ownership and no new lots are being created.
- Acreages shown on the plans may not conform to Land Court designations for parcels of land.
- Clarifying tables or notations need to be added for parcel acreages, for all parcels and totals.

Finally

- Full disclosure should be obtained on the relationship of Flatley/Leucadia to Red Roof Inns. Is there any financial or business relationship whatsoever? Has there ever been? This may affect ability to obtain proper access to Route 9.

DWP

added that the land is not to be considered a building lot.

Subdivisions

Ledge Hill Subdivision - Mr. Sarkisian came before the Board to have it sign his subdivision plan, but because calculations for the drainage basins were not available, the plans were not signed. Mr. Sarkisian left a copy of a covenant, but was told the Planning Board's standard covenant would be prepared and sent to him for approval.

Mr. Parry asked Mr. Sarkisian about the coordination of the bicycle path/footpath between his subdivision and A.J. Lane's, and Mr. Sarkisian said he would be willing to put in an easement, once the Planning Board approves Mr. Lane's subdivision plan.

The Board agreed Ms. Wason would act as go-between between the developers' engineers to coordinate the meeting of the pathways between the two subdivisions. Mr. Scattergood reminded the Board that the pathways should be designated for passive, non-motorized vehicles.

Presidential Estates - The covenant for the Presidential Estates subdivision will be prepared so that the subdivision plans can be approved. A letter will be sent to the Conservation Commission requesting copies of past minutes wherein the subdivision was discussed, and all future minutes of the commission.

Park Central/Southborough - It was reported that Mr. Garahan has requested an extension in approval time until August 12th because their agreements with abutters have not been finalized as yet. Mr. Parry urged the Board to take an active planning role with this subdivision. He said the capacity of the site has not been addressed and should be before the new deadline is upon us. Mr. Busconi suggested the Board send a letter to Flatley and tell them that the subdivision will be discussed on a certain date irrespective of whether or not they attend. The notes on the informal briefing on the subdivision will be recirculated.

Southville Estates - It is rumored that Mr. Giblin will be purchasing the subdivision once it has been approved.

Wolfpen Estates - There are rumors that the ownership on this subdivision has changed as well.

Woodbury - It was noted that it appears the developer has gone beyond 1600 feet on the roadway. Mr. Garfield will check this out.

Grasslands - The bonding documents have not been returned by Mr. Clark.

Hilltop - Ms. Wason will follow-up on the bonding. A new figure is needed for completion of Ledge Hill Road.

Country Hills Estates - It was reported the subdivision is being sold.

MEETING MINUTES

July 21, 1986

The Planning Board of the Town of Southborough held a meeting on Monday, July 21, 1986 at 7:30 PM at the Town House. Board members present were Mr. Gaffney, Mr. Parry, Mr. Millholland, and Mr. Morris. Ms. Wason was also present, as was Mr. Busconi.

Approval of Minutes

The minutes of the Planning Board meeting of July 14, 1986 were approved as written.

Subdivisions

Park Central/Southborough - Meeting with the Board to discuss the Park Central/Southborough subdivision were Mr. Peter Barbieri of the law firm Sheridan, Garrahan & Lander, Mr. Joe Molloy of the Flatley Company, and Mr. Brownie Swartwood representing a group of abutters to the site.

Mr. Swartwood said for the past 6-8 weeks they have been working on a restriction and covenant, and a final draft should be finalized shortly. Mr. Barbieri said they would be willing to extend the approval deadline for the ANR and subdivision plans to October 10, 1986.

Mr. Busconi said there are still significant problems with the subdivision and suggested Mr. Barbieri go through the Planning Board records for an update on issues still unresolved. Mr. Parry said there were a number of major issues which still have not been addressed. He said both Flatley and the Town will benefit if the slate is wiped clean and Flatley addresses both the traffic issues on Route 9 and the inherent limitations of the site itself. He insisted that an EIR be prepared. Mr. Molloy confirmed that one had not yet been filed.

In response to a question from Mr. Morris, Mr. Swartwood said the issues the abutters are dealing with are a 100 foot buffer on all abutting property to the east, access of the project through a residential zone; building height on Lot 3; gross floor area; uses and noise limitations; dumping, radiation, lighting, and screening; and hours of operation of the recreational facilities.

Mr. Barbieri said for now the Flatley Co. plans to leave on record the plan with access through Blackthorn Drive pending whether issues can be worked out. The agreement with the neighbors is conditional upon final approval of the site. Mr. Parry suggested the whole process would be a good deal quicker in the end if they faced the technical issues on the project. He suggested they should get a consultant to review the site from a capacity standpoint, and perhaps one of the alternative solutions might be a rezoning of some of the back acreage for residential use. Mr. Molloy said one of the difficulties they encountered with the site previously was unpercable land to the rear.

Mr. Busconi suggested that Mr. Barbieri review the two ANR plans

which are on record. Mr. Molloy said they are hopeful they can pull the project together and will bring the Board's comments and suggestions back to Mr. Flatley.

The Board MOVED and UNANIMOUSLY

VOTED: to accept the developer's request for a time extension to October 9th for the two ANR plans and the subdivision plan.

Vale Subdivision - Mr. Pflug first clarified a statement made previously regarding litigation pending against the Planning Board. He said the Planning Board is not being sued by Schofield Brothers, but by their client.

Mr. Pflug said there had been an error on the preliminary subdivision plan previously submitted. He said they have now taken the corner lot to the south, added Lot 1 to the plans and widened the roadway. He said they do not have enough room for a 50 foot right-of-way and are proposing a 45 foot right-of-way. There are now nine lots to the subdivision.

Mr. Morris asked if there would be a way to curve the roadway leading up to the cul-de-sac. Mr. Pflug said it was not likely because of the site configuration and problems with percs, but he would work on the possibility. Mr. Pflug said part of the large lot at the end would probably be proposed as the open space. He agreed to provide a copy of the old subdivision plan for Vale Terrace dating from the 1950's. Waivers requested will be for one sidewalk, length of the sidewalk, and a 45 foot right-of-way instead of 50 feet. Mr. Morris will take responsibility for this subdivision.

Westec - There will be a meeting on this subdivision with the Water Department at their request. Mr. Parry will take on the responsibility for this subdivision.

Oak Hills - The secretary will follow-up on the Perkins report on this subdivision.

Southborough Estates - The Board has asked the Water Department to provide input on this subdivision in writing.

Southville Estates - Revisions to this subdivision were delivered to the meeting by Mr. Robertson's representative.

Stonehenge II - A cease and desist order from the Selectmen was delivered to Mr. Bartolini because without a permit he improperly brought water from the cul-de-sac of Sarsen Stone Way across Deerfoot Road.

Sears Road Developments - Mr. Gaffney reported on a meeting with developers wherein they verbally agreed on arrangements for installation of water on Sears Road. Nothing has yet been put into writing.

Woodbury at Southborough - Forms for release of lots have been sent to Mr. McCarthy; the Board is waiting for a reply. Mr. Morris said the

Subdivisions

Equestrian Estates - Mr. Vahan Sarkisian and Mr. Pflug and Mr. Cockcroft of Schofield Brothers brought preliminary sketches of land to be subdivided behind the ANR lots on Pine Hill Road. Mr. Pflug said they were presenting the three schemes under the new Flexible Development by-law passed at Town Meeting. Scheme #1 showed a longer cul-de-sac (1000') with proper frontage; Scheme #2 had a 900' cul-de-sac with some frontage conforming, others not; and Scheme #3 showed less frontage, more open space and a 700' cul-de-sac. Driveways for each scheme would be common and would cross the brook. Ms. Wason explained that open space could be held in common by the home owners, could be deeded to the Town's Conservation Commission, or given to a land foundation.

Mr. Parry suggested that remaining open land be delineated and dealt with the subdivision plan as a whole. Mr. Sarkisian said some of the land may be deeded to individual existing home owners, some may be given to the Sudbury Valley Trustees. Mr. Busconi suggested Mr. Sarkisian show the difference in open space between the 10% which the Rules and Regs require and what might be given under Flexible Development. Ms. Wason suggested he show the access to the race track acreage. In response to Mr. Morris' questions about trees, Mr. Sarkisian said he intends to plant trees; he wasn't sure how many. Primarily, trees would be planted along the Framingham town line.

It was agreed that Mr. Sarkisian's appointment scheduled for September 15th would be used to iron out the following issues; another appointment set up for September 29th would be for submitting the preliminary plans. Some of the issues which need to be addressed are;

- 1) Where will trees be planted, and how many?
- 2) What are the proposal's boundaries?
- 3) Can a Flexible Development legally be done with fewer than ten lots?
- 4) What are the advantages of 150' frontage versus 80'?
- 5) Open space: how much will there be, and what is its definition? What will be the public's right of access to it? (The Board must decide its philosophy regarding open space.)
- 6) Can the existing bridge be used for a common driveway?
- 7) What will be the development's fire protection?
- 8) How will the development be serviced by water?

The Board agreed the above issues needed to be discussed as a Board. Ms. Wason will look at the plans in the meantime, however, to gather information for the Board.

Southville Estates - Ms. Stoddard said she would make sure an extension for the Southville Estates subdivision is in hand by tomorrow.

Park Central/Southborough - Ms. Wason said she would try to get a copy of the EIR which was supposed to be filed by last Friday.

Mr. Farrell confirmed to Mr. Scattergood that the Volvo operation would be split between two locations. There was discussion about using wooden timbers instead of asphalt curbing and the Mr. Gracelon said they felt it was more aesthetically pleasing to use wood throughout, and it easier to repair.

Regarding runoff from the site, Mr. Grossman said hopefully SEA will be able to review any potential increase before the site plan next Tuesday. When asked by Mr. Gaffney whether the applicants would be willing to put in dry wells to contain any additional drainage, Mr. Grossman said they would be willing to do whatever it takes to rectify any drainage problem.

Mr. Morris was told that lights would be ten feet high, except for existing lights on the building which are approximately 22' high. Mr. Farrell said the lights would be shut off at about 11:00 PM. Mr. Grossman said the sign is about 25' high, is lighted internally, and will also have an automatic shutoff. Mr. Grossman said he would verify the wattage to be used for the lighting. Mr. Scattergood suggested the applicants move the base of the sign back off Route 9 so that no part of it will overhang Route 9.

Mr. Koetteritz said the landscaping now meets all the Town's requirements; they will provide 1406 sf of landscaping. Mr. Scattergood suggested some of the deciduous trees be moved back to provide greater visibility for their sign. Mr. Grossman confirmed that all existing vegetation will remain except for some scrub brush, etc. Plantings to the front of the building have also been increased, and there will be additional landscaping on the entrance island. Existing plantings on the state right-of-way will be maintained. They will paint the white siding of the building a color which will be compatible with the brick. Mr. Farrell said they would not remove any existing vegetation or develop the site further unless they first come back to the Planning Board for an additional site review.

It was MOVED and UNANIMOUSLY

VOTED: to recommend to the Selectmen that the amended site plan for Farrell Volvo be approved with the changes agreed upon at this meeting.

Subdivisions

Park Central/Southborough - Mr. John Garrahan, attorney for the Flatley Company, and Mr. Jim O'Neill, Vice President for Flatley as well as Mr. Charles Swartwood, attorney for abutters to the site met with the Board to review progress with the subdivision. Attorney Garrahan said there were three things which they had to report:

- Flatley filed under MEPA on August 15th.
- The attorneys have at last prepared an instrument which they can recommend to their respective clients in regard to this site, which document will be reviewed by abutters after Labor Day;
- Letters requesting extensions have been sent to the Planning Board.

Regarding the ENF filed, Mr. Garrahan said the scoping will be dealing with the entrance to Route 9, and not to any other road. They are not intending to connect with any existing roads and will modify the definitive plan to eliminate the connecting road into residential areas. Mr. Garrahan and Mr. Swartwood's attention was drawn to the Figure 1 in the ENF which showed a connecting roadway.

In response to Mr. Parry's questions, Mr. Garrahan said they expect to have to prepare a full environmental report for traffic on Route 9; he said there were no other areas which would need such a report. They will be meeting with MetroWest sometime in October. Mr. Garrahan said the applicant comments to the state on what we think should be scoped, the state makes a decision on what is required, the state will meet on the site; a determination will be made; and in the meantime we will go forward at the town level with the approval process. Any decisions made on the subdivision approval will have to be made in accordance with state recommendations.

Mr. Garrahan said his office has been going through the Planning Board's records and the Flatley Co. will adhere to any statements they have made. Once there is an agreement between the neighbors, we will come forward with an amended definitive plan.

Mr. Gaffney said the first phase is proposed to be for 180,000 sf. Mr. Scattergood asked how we got from 50,000 sf to 180,000 sf. Mr. Garrahan said they are not asking for 50,000 sf, but are requesting 180,000 sf. Regarding Mr. Scattergood's comments regarding the applicant's comments on page four regarding open space, Mr. Garrahan said they are not addressing any public recreation areas. Other recreation areas will be addressed once agreement has been reached with the neighbors. Mr. Gaffney said the EIR lists 2,000 parking spaces; our regulations require 3,000. Mr. Swartwood said there will be a 100' buffer around the whole perimeter of the property which abuts residential areas.

Mr. Garrahan said Flatley's application is under the Subdivision Control Law. After approval, they will come back and tell the Board how many square feet they will be putting on each lot. Mr. Gaffney said the Board could not address the traffic impact until they know what the potential traffic will be. Mr. Garrahan said the traffic experts should handle what that intersection can handle through the scoping process.

Mr. O'Neill said he did not know why the Mass. Aeronautical Commission was on the distribution list for the EIR. Mr. Garrahan said Mr. Molloy was still with the Flatley Company.

In response to questions on why the Flatley Company would not wait for subdivision approval until the EIR process is completed, Mr. Garrahan said the Flatley Company did not want another four to five month delay. Parry reminded those present that none of the delays to date have been the fault of the Town. Mr. Gaffney reiterated his concern that the impact of the traffic must be addressed. It was agreed that Ms. Wason would write a letter regarding the status of the subdivision.

Southborough Estates - Mr. Hampton Smith met with the Board to further discuss his Southborough Estates subdivision. Mr. Gaffney

explained that the he, Mr. Scattergood, and Ms. Wason had met with Mr. Smith earlier and Ms. Wason suggested a revision to the plan which involves the newly voted Flexible Development zoning. Two lots would have only 80' frontage in exchange for greater than 10% open space. Abutters to the lower portion of Heather Lane would acquire that roadway's right-of-way. There was discussion as to what the Town would gain from allowing the Flexible Development and if he could, in fact, have 21 lots under a conventional subdivision. It was agreed that Ms. Wason would meet with Mr. Smith to request he specify a specific percentage of open space, preferably 15-20%; that he provide easements to abutter's land to the north; and that street trees be increased. Suggestions were brought forward for a park-like area on Parcel A, currently owned by Mr. Smith. It was noted that Lot #4 was deficient in square footage. Curb cuts for the center island will be created once driveways locations are established.

Regarding the use of the Flexible Development by-law; several questions were raised:

- Is it the intent of the Master Plan Committee that it applies to less than ten lots?;
- Buildability of all areas must be proven;
- Is there a question of buildability on any of the lots?

It was agreed that Ms. Wason would call Mr. Herr and Mr. Dumont to go over this application very carefully. Town Counsel Busconi said he would also review the by-law.

Other Subdivisions - The Board was reminded of the impending deadlines for several subdivisions. Ms. Wason will call developers' engineers about what is being done on the subdivisions. Mr. Parry agreed to be the representative for the Equestrian Estates subdivision.

Other Business

The next Planning Board meeting will be Monday, September 8, 1986.

Ellie Stoddard

Ellie Stoddard, Secretary

- Granite curbing throughout (Cape Cod berms to be utilized with transitions).
- Streets "F" and "B" greater than a 60 degree angle.

Fees will be calculated and bonding figures prepared.

Mason Subdivision, Northborough Road - Mr. Richard Sewell and Mr. Paul Ciesluk presented a preliminary subdivision for Northborough Road. The plans showed a 500' cul-de-sac with four lots. Mr. Ciesluk said individual septic systems will be used. Runoff calculations have not yet been prepared. The plan will need Conservation Commission approval. He said water is between 1200' and 1500' away. The Board told the applicants that 10% open space easements must be shown, and suggested the preliminary plans be withdrawn until they reviewed the new revised Rules and Regs.

Vale Terrace - Ms. Wason related discussions held on September 5, 1986 with various town boards regarding the Vale Terrace subdivision. It was MOVED and UNANIMOUSLY

VOTED: to not approve the preliminary subdivision plan for Vale Terrace subdivision based on, but not limited to the fact that the cul-de-sac in the subdivision exceeds the 500' requirement; that the developer has not adequately explored the possibility of bringing the roadway out to Southville Road; Water Department concerns have not been addressed; nor have the concerns expressed in the Chas. A. Perkins Co. letter of July 28, 1986 regarding drainage been reflected on the plans.

Southborough Estates - Mr. Hampton Smith will be requesting an extension on the approval of his subdivision because his engineer has not completed the latest revisions to the plan.

Oak Hills - Mr. Morris said he talked with Mr. Titus and advised him to redesign the drainage for the subdivision.

Equestrian Estates - Ms. Wason related that Ann Leavitt of the Conservation Commission feels that a substantial portion of the subdivision property can be developed, and that showing seven houses on thirty acres is not inappropriate. The assistance of the trustees of the Sudbury Valley Trustees will be solicited. A major issue to be discussed is the number of houses to be allowed on a common driveway. It was agreed that Ms. Wason and Mr. Parry would work on this subdivision.

Park Central/Southborough - It was reported that responses to the ENF are due by September 15th, and that Ms. Wason will coordinate the effort with Janice Conlin. Mr. Busconi will review the input before Monday.

Country Hills - Mr. Busconi said the covenant stays with the purchaser of the property. The purchaser should sign both the bonding and covenant documents. It was agreed that Ms. Wason will contact the regional M.D.C. person to find out if work by them has been approved; if

Revised and
approved 9/22/86

MEETING MINUTES

September 15, 1986

The Planning Board of the Town of Southborough held a meeting on Monday, September 15, 1986 at 7:30 PM at the Town House. Board members present were Mr. Millholland, Mr. Gaffney, Mr. Parry, and Mr. Morris. Ms. Wason was also present.

Approval of Minutes

Minutes of the Planning Board meeting of Monday, September 8, 1986 and Monday, August 25, 1986 were approved as written.

Approvals Not Required

McCarthy, Latisquama Road - An ANR plan for Thomas J. and Margret A. McCarthy for 13 Latisquama Road was signed after Mr. McCarthy corrected a misleading lot line. The plan showed their lot with 43,400 sf and was presented to the Planning Board so that it could be recorded prior to their building a garage on the property.

Radler, Pine Hill Road - Mr. and Mrs. Stanley Radler of Pine Hill Road presented an ANR plan for Lot 3A, 535,255 sf, and Lot 3B, 104,838 sf. on Pine Hill Road. The Board requested they have their engineer show wetlands and streams on the plan before it is signed.

Subdivisions

Park Central/Southborough - Mr. Parry voiced his concern regarding Mr. Holmes' comments on the Park Central ENR that another entrance be sought to the Park Central project. It was suggested that Ms. Wason contact Mr. Holmes and inform him of that under no circumstances will the Town allow access onto the site from residential land. Mr. Parry also voiced concern with the developer requesting common septic systems because of the site work already done on the project.

In later discussions, Mr. Parry stressed several conditions which would need to be specified if:

- Alternate uses for the site were to be explored: perhaps with residential uses at the rear with access to residential streets.
- One acre minimum lots should be used with individual septic systems on each lot.
- The feasibility of sewerage from Westboro may be an alternative.

A scoping session is being held on Friday, September 19th at 11:00 AM at the Red Roof Inn, preceded by a meeting at the Town House with SEA at 9:30 AM. The scoping should be looked at based on easements which are currently in affect. The Board will focus on four specific areas for the scoping:

- 1) Traffic access for industrial uses must be restricted solely to Route 9.

2) There must be sewerage studies to analyze the capacity of the site to handle 600,000 sf of use.

3) Covenants and easements which have been agreed upon by the neighbors and the developer shall be abided by.

4) Site use should be restricted to uses allowed under the Industrial Park District of the Zoning By-Law.

Oak Hills Subdivision - Mr. Titus and Mr. Kosmo of Schofield met with the Board to discuss engineering changes to the plans. Several abutters and neighbors were also present. Mr. Titus said there is still some work to be done on the drainage system, specifically addressing the issue of the velocity of flow in the pipes which has been raised by Perkins and discussed with Mr. Morris. Other waivers requested will be the street offset and curb radii. Mr. Parry requested Mr. Titus retitle the easement to indicate that it will also be a pedestrian easement. Mr. Gaffney said he wanted a four foot hottop bikeway and requested Mr. Titus calculate whether the easement constituted 10% for open space. Mr. Parry suggested there be plantings at the entrance to the bikeway.

Mr. Kosmo said he would send revisions of the plan directly to the Perkins Co. Mr. Monaghan, an abutting neighbor, said he would like to see the existing tree line left as it is. He requested the Board investigate his suggestion of catch basins at the beginning of the subdivision and expressed concern with surface runoff at Atwood Road.

Mr. Mike Capoli of Atwood Road asked if Mr. Boland had done a traffic study for the subdivision. He asked if minutes were available to the public and whether the Board had addressed questions raised by the public at other meetings. Mr. Monaghan was told that engineering changes would be done in a day or so, and an extension on the approval time for the subdivision would be requested.

Equestrian Estates - Mr. Sarkisian and Mr. Cockroft of Schofield met with the Board to go over their pre-preliminary subdivision plans. A copy of a memo to the Board from Ms. Wason regarding this subdivision was provided to Mr. Sarkisian. Mr. Parry said he was confident the By-Law intended Major Residential Developments to be for more than ten lots, but that he could use this By-Law if he could show that he had eleven buildable lots under conventional zoning. He said it was clear to him that an amendment to the By-Law would be necessary to clarify the wording of the By-Law. The Board agreed this was an issue which needed to be discussed at a later time.

Mr. Sarkisian said he could put more than eleven lots on the land. Mr. Morris said he felt it was unnecessary for the developer to go to the expense of providing complete sets of plans for a conventional subdivision; Mr. Millholland concurred. Mr. Busconi suggested Mr. Sarkisian provide documentation already available to show that eleven lots could be built on the land. Mr. Sarkisian said he intended to sell some of the open space land to abutters, some to the Sudbury Valley Trustees or Conservation Commission, or to an association of residents.

Sears Estates - Definitives are nearly complete and should be submitted soon.

Wolfpen Estates - Mr. Gaffney informed the Board of the status of the negotiations regarding telephone poles on Sadie Hutt Lane. Ms. Donahue has now staked her property line and Mr. Robertson has promised to stake his line by Wednesday. There appears to be a problem with either the lot line or the construction of the road which must be resolved quickly. A follow-up call to Mass. Electric will be made to see if they have found easements on Ms. Donahue's property. The issue of where sidewalks are to be placed is yet to be resolved.

Woodbury at Southborough - Mr. Gaffney informed the Board of SEA's recommendation that this subdivision be connected to Ted Lane. Discussion followed regarding the advisability of this and Mr. Morris recommended the Board first ask Mr. McCarthy to come in to discuss whether he would be willing to do it. Mr. Busconi recommended SEA be invited to that meeting also so the Board could hear more about the basis for their recommendation. Mr. Scattergood said he felt connecting the two subdivisions would increase traffic through areas with young children and he was categorically against linking the two subdivisions. Mr. Morris said the Board must look for ways to resolve the second access road problem; Mr. Parry concurred. It was agreed Ms. Wason would first contact SEA to get more background information on their recommendation.

Park Central - Mr. Parry said he was pleased with the way the scoping session went on Friday. The state will confine the scope of work for the EIR to finding a means of access to Route 9 only, and will not access any residential land. A letter has been sent to Flatley recommending they request an extension past the time the EIR is completed.

Country Hills - Mr. Busconi recommended the Board sign the Release of Covenant for the subdivision to facilitate the purchase of the property by a new owner. The covenant released Lots 1-6; with Lot 6 being set aside as open space for a three year period. The Board will not return Mr. Anastas' bond until it is assigned. Covenants are automatically in affect for the new owner.

Southborough Estates - A meeting was held Monday afternoon with representatives of the Water, Fire, Highway, Health, and Selectmen's offices regarding this subdivision. Those attending the meeting said they would like to have easements increased to 50' between Lots 20 and 21 and the cul-de-sac moved to the edge of the property line. Still not resolved are the placement of hydrants and curb breaks. It was agreed that the above items would be placed on hold until engineers from the new Rolling Acres subdivision contacts Mr. Smith about the possibility of connecting their two subdivisions.

Mr. Scattergood stressed the importance of getting input from departments in a timely manner, and not at the last minute. It was agreed Ms. Wason would prepare a new time schedule for all subdivisions so that reviews can be accomplished more promptly. Recommendations from the

- Underground wiring and bases will be installed. Probable locations will be at the end of the cul-de-sac, at the intersection of Davis and Ashley Road, and at the bend of Davis Road.

Mr. Scattergood MOVED, and by a majority it was

VOTED: to approve the Southborough Estates definitive subdivision plans dated June 2, 1986 and revised to October 27, 1986 provided the developers abide by conditions, waivers granted, and covenants discussed at the Planning Board meeting of October 27, 1986, and comply with comments in the August 4, 1986 letter to the Water Department from Whitman & Howard.

Site Inspections for Subdivisions - The Board discussed with Bryan Lynch of the Chas. A. Perkins Co. the necessity of site visits for subdivisions in progress and the following rough checklist was drawn up for his review. He will attempt to give the Board some indication of cost for the following work:

- Initial survey--is the roadway in position as it is shown on the plans?
- Is the land cleared as little as possible?
- Check that stumps are pulled and properly disposed.
- What is the soil material?
- Spot checks for rough grading (subgrade compaction, etc.)
- Drainage system and water system checks
- Utility installation and location
- Physical installation of class of pipe for water system, gate valves, etc.
- Check grades for finish courses.
- Check sidewalk finish course.
- O.K. to pave roadway base; depth of thickness and temperature of asphalt.
- Check drainage grates, manhole adjustments, etc.
- Check landscaping, curbing, etc.

Park Central - The Board was informed that Park Central/Southborough had requested another month's extension, and that the Board previously requested an extension beyond the completion of the EIR.

MEETING MINUTES

January 12, 1987

The Planning Board of the Town of Southborough held a meeting on Monday, January 12, 1987 at 7:30 PM at the Town House. Board members present were Mr. Gaffney, Mr. Millholland, Mr. Morris, and Mr. Parry. Ms. Wason was also present.

Approval of Minutes

In separate motions, it was MOVED and VOTED to approve the minutes of the Planning Board meetings of December 10, 1986; December 29, 1986; and January 5, 1987. Mr. Parry abstained from voting on the last two minutes since he was not present at those meetings.

Approvals Not Required

Davis, Breakneck Hill Road - The Board MOVED and VOTED to approve the ANR plan presented to it by Mr. Sabien of Connorstone, with the provision that a legal covenant be approved by Town Counsel Busconi that the loading dock which has been covered over by dirt by never used. The plan, for Ray and Eleanor Davis on Breakneck Hill Road showed Lot 28B - 1.10A; Lot 28C - 3.90A; and Lot 28D - 1.01A. The secretary will hold the plan until the covenant is signed.

The Board expressed the opinion that they would rather see Mr. Davis apply for a variance. Mr. Garfield said he had visited the site at the Board's request and it appears there are two businesses being conducted there: one for three years, and another for seven. Mr. Busconi said they would have to go to the ZBA if there is a change of use. Mr. Grossman, who was in the audience, said the new proposed use is for office and storage; the applicant is scheduled to go before the ZBA on January 28th.

Subdivisions

Park Central/Southborough - Attorney John Garrahan representing the Flatley Co., Mr. Flatley, and Attorney Swartwood representing abutters to the proposed project met with the Board to discuss the Flatley Co.'s proposed subdivision. Mr. Garrahan set he would like to share ideas with the Board and get their feeling on what type of use the Town would like to see for the site. He said, assuming the Town will approve a longer than 500 foot cul-de-sac, there are two alternatives Flatley can pursue: a project similar to that on record with five individual lots and several buildings, but without the roadway going through to Blackthorn; or a single 500,000 square foot distribution center with a shortened roadway, but without all the amenities proposed with the first scheme. Mr. Garrahan said that Mr. Swartwood has a proposed covenant that would create a 100 foot buffer strip; the Flatley Co. has agreed that the site would not contain over 600,000 square feet.

Mr. Flatley said his company has spent over \$2 million for site work to satisfy the Conservation Commission, and has invested another \$2 million on the site, and they must now move to get the project started. He said they have a potential customer for the distribution center containing 500,000 square feet with approximately 350 cars. The building would be one story, 24-25' high, with loading docks in the rear. An EIR would not be required for the distribution center, but the Flatley Co. would be willing to do a "mini-EIR" to satisfy the Town and MetroWest.

Mr. Gaffney stressed that all along the approval process the Board has only been trying to do what is best for the Town and its concern for traffic and abutting residents.

Mr. Swartwood said he has prepared two covenants for the residents: one which would create the 100' buffer strip in perpetuity; the other affects the use of the property. Both documents have been accepted by his clients, but they will need to be revised once the residents see the plan for the distribution center.

Mr. Morris asked why the roadway for the distribution center plan is shown going to the edge of the Jacobs property; he was told it was an engineer's error, and the Board could choose where it wished the road to end. Mr. Millholland was told the distribution center shows 500,000 square feet instead of the 600,000 square feet the site can handle because that is what his potential client indicated he wanted. Mr. Garrahan said Flatley would be willing to covenant that the rest of the site would remain in an open state, and the internal roadway would not be connected to any local streets (Lovers Lane, Lynbrook Road, Main Street, etc.). Mr. Parry was told that an EIR would be required if the Board agreed it preferred the site plan with five lots. Mr. Parry questioned whether a warehouse would be allowed in this district, and was told the proposal is for a distribution center, which is allowed.

Mr. Garrahan said they would file the definitive subdivision plan and site plan at the same time, in about four months, and requested the Board grant a four month extension. It was MOVED and UNANIMOUSLY VOTED to grant the request for an extension, and Mr. Garrahan was requested to submit the request in writing.

Stub Toe Lane - Mr. Bill Robertson and his attorney, Mr. Dittami, presented a five-lot subdivision off Middle Road near Stub Toe Lane. The property contains 3.33 acres and showed a 20' buffer strip along the east and in affect cuts off access to Stub Toe Lane. Mr. Robertson said the existing water problems on Stub Toe Lane could be helped by his proposed drainage. He is requesting no sidewalks; a maximum grade of 5%, minimum 3%; Cape Cod berms to granite inlets; and two leaching catch basins on the cul-de-sac.

Abutter Paul Henderson said he would like to see topos for abutters land and what the finished topos of the subdivision would be. Ms. Catherine Alsterlund said she had concern with her well and the amount of ledge in the area, and how the drainage plan will affect her property. Mr. Robertson requested permission to go on the Mason property to do the topos. Mr. Mason expressed concern with his leaching fields and basement.

Southville Estates - Because the Board has heard allegations that the roadway is located incorrectly in the Southville Estates subdivision, it was MOVED and UNANIMOUSLY VOTED to request Mr. Garfield to run a tape for the location of the road. If it is off, Mr. Busconi will be requested to issue a cease and desist on the subdivision.

Blendon Woods - The secretary will follow up with Mr. Busconi regarding this subdivision.

Park Central - The status of this subdivision will be reviewed.

Stonehenge II - An appointment has been set up with Mr. Bartolini to discuss his request for road acceptance.

Town Lyne Village - There are still issues with this subdivision which must be resolved. An appointment has been set up with the developer.

Country Hills - A copy of the curb cut from the state has been provided.

Oak Hills - Apparently Mr. Titus will be presenting an ANR plan for his house shortly.

Stub Toe Lane - Mr. Morris expressed his opinion that Stub Toe Lane should be rebuilt instead of adding another access of Middle Road. This could be accomplished without any loss of lots for the developer.

Site Plans

Westec, D'Angelo Drive - Mr. Paul Maggiore and Mr. Frank Dougherty were present to explain the changes to their site plan. Mr. Maggiore explained the building will be used as warehousing, light manufacturing, and office space. It will be leased in 5500 sf increments. The building will be of three masonry services, will be 21 feet high.

Mr. Dougherty said lighting has been shown on the plans. The types of fixtures have been specified, and wattage will be added. The building lights will be 14' high. Mr. Morris stated that the wattage must be only the minimum required for security, with no lights pointing upwards. Details for baffles must be supplied.

Regarding drainage, they have changed from two or three basins to one larger basin. Calculations are based on a ten year storm. Construction easements for the detention basins are necessary. No grading will occur on M.D.C. land. The wall shown is 9' high. The control relief emergency spillway shown on the plans is sized for a 100 year storm. Mr. Maggiore will maintain the basin.

The Board agreed it would prefer a guardrail rather than landscaping boulders, to be located 6-8' beyond the berm. Landscaping has been added. The driveway will be one-way; the center island which is being set aside for reserved parking will be landscaped.

Park Central - The secretary will write a follow-up letter to the developer asking for confirmation of agreements reached at the last meeting, and suggesting an appointment be set up to discuss the status of the subdivision, well before the deadline date.

Presidential Estates - The secretary will follow-up with the Selectmen's office regarding the repair and repaving of Sears Road, and with Mr. Berkowitz regarding the status of proposals to do engineering checks in the subdivision.

Stonehenge II - A check will be made as to whether we have an engineering quote on this subdivision.

Town Lyne Village - Mr. Millholland reported that a new home heating oil tank has been placed on the site. Board members will check on the status of the roadways during the weekend and a vote will be made prior to Town Meeting on next Monday night as to whether or not the Board will support approval of the subdivision roads.

Southborough Estates - Mr. Gaffney reported that Mr. Smith has offered to help to finish the carpentry work on the gazebo downtown. The secretary will check with Mr. Mauro to ensure that more trees than necessary are not removed from the right-of-way.

Graystone - Mr. Lynch of Perkins Co. will be contacted to see where his report on the subdivision is, and whether the calculations submitted to him took into consideration an additional width of roadway.

Stub Toe Lane - A meeting with Mr. Robertson is scheduled for May 11, 1987. Abutters will be notified.

Vale Terrace - The Board will need to make a decision on this subdivision Thursday, once engineering results are received from Perkins Co.

Warrant Articles

Mr. Carl Kooyoomjian of the Advisory Committee met with the Board to ask questions regarding warrant articles it is proposing at Town Meeting. The secretary agreed to inform Mr. Kooyoomjian the results of the Board's vote to support or not support the rezoning article, as well as whether it will support the road acceptances. He requested to know the Board's opinion of Article 45 which creates an easement for Ms. Karen Tamarin of Valade Court. Mr. Kooyoomjian reported that a Planning Board budget of \$47,950 has been approved.

Septic Systems

A copy of Sharon Wason's memo on septic systems will be forwarded to Mr. Morris and Mr. Parry to get their opinion of discussing the memo with the Board of Health, either in public session or private, and possibly with the Selectmen and Town Counsel present. The matter will be discussed at the meeting on Thursday.

Blendon Woods - Mr. John Garrahan met with the Board to discuss the Blendon Woods subdivision. He said revisions to the plans were made in accordance with the Planning Board's decision to not approve the previous definitive plans and have been submitted to the Perkins Co. for their review. He said they would be willing to do whatever necessary to answer any questions the engineers have. Mr. Gaffney told Mr. Garrahan the Board has instructed its engineers not to review the plans until the question of fees to be collected has been negotiated. Mr. Garrahan said his client would pay engineering fees, but not new definitive fees. Board members explained that subdivision fees are based not only on engineering costs, but also administrative costs, and costs can vary depending upon the quality of the submission and revisions to it. Mr. Gaffney agreed the Board would get an estimate of engineering fees which could be used as a basis for negotiation.

Park Central - Mr. Garrahan explained that Mr. Flatley wishes to go forward with the NEPA process. He requested a meeting be set up with the Planning Board, and informed the Board that a meeting will be set up soon with neighbors. He said there is a possibility of a 150,000 sf building going in nearest to Route 495.

Wolfpen Estates - The Board met with Attorney Gerald Cournoyer, Mr. Brian Besso of Quality Homes, and Mr. Brad Bates who has done some construction work in the subdivision. At the request of Mr. Busconi, Mr. Pflug explained his assumptions for surveying the beginning portions of the subdivision roadways and found a not-too-significant error in the horizontal alignment of the roadway, and a significant error in the topography of the southerly entrance. The roadway was designed for a 1% grade, but because a ten foot contour is missing from the plans, the grade is in excess of 5%, which puts it into noncompliance with the Planning Board's Rules and Regs. Mr. Bates said he noticed the problem immediately, he checked with the engineer and was given a new set of plans. This set of plans, dated October, 1985, were never received by the Planning Board.

Mr. Cournoyer explained that Ms. Donahue made a modification to the slope after the street was installed.

Mr. Besso said underground utilities are within inches of the pavement, within the right-of-way. Mr. Gaffney talked about the meandering sidewalk which should have been constructed amongst the trees, the location of which was to be determined by the Highway Superintendent, a Planning Board member, and the Planning Board engineer. Mr. Bates said Mr. Binder did not want the sidewalk over his water main. Mr. Morris reminded Mr. Bates that Mr. Binder was not one of the individuals who was authorized to determine the location of the sidewalk. Mr. Besso said representatives of the Highway Department were present during the construction of the sidewalks during several occasions. Mr. Cournoyer said if the developer is in error, they would ask the Board to accept the sidewalks as they stand. Mr. Bates said there are still 100' of sidewalks to be installed in wet areas.

than ten lots on the property, and therefore the plan falls under the Major Residential Development by-law. Mr. Bemis said he understood the section of the By-Law which Mr. Morris referred to, but feels they are creating large good-looking lots in the best interest of the Town. Mr. Busconi concurred that the property would fall under the Major Residential category. Mr. Morris reiterated that they would need to provide a basic development plan and a substantially different alternate plan. There was discussion about whether they could cut out the one lot containing the Taylor property. It was agreed they would return to the Board on June 22nd with altered plans.

Subdivisions

Park Central/Southborough - Mr. Flatley, Mr. Garrahan and several of the Flatley representatives met with the Board to discuss progress with the subdivision to date. Mr. Garrahan reviewed previous agreements and layouts for the subdivision. He said they had just met with abutters and neighbors and Mr. Flatley has decided it would be in the best interest of the site and the area to build R&D instead of distribution buildings, and on June 15th will be submitting definitive plans for the subdivision which will show the road layout. At the same time, a site plan for Lot #1 will be submitted showing a 66,000 sf R&D and office building. Mr. Garrahan said they are filing with Mr. Hoyte a waiver of the EIR process with respect to Lot #1. He explained that if all they were doing on the site was this one building, then the EIR process would not be needed. The NEPA process, however, will continue as it would for the whole potential of the site.

A schematic was presented showing a typical building. Mr. Garrahan said the road is now shorter than it was two years ago. The total square footage of the whole site will be 500,000 - 600,000 sf. A second half of the 66,000 sf building will be added later, for a total of 135,000 sf for Lot #1. He said their traffic specialists have assured them that the LOS for the first building would not change from what it is currently.

Mr. Morris asked about the tennis courts and swimming pools which have been promised to the Board for the past two years. Mr. Flatley said the abutting neighbors would be granted a membership to use whatever recreational facilities are built. All amenities will be built on the northern part of the site. Mr. Morris said he did not want to see the MEPA process proceed on a piece-meal basis. Mr. Flatley said if it is that important to the Town he would go through the MEPA process. He told Mr. Gaffney that the Flatley Company would assume the risk of starting construction before the MEPA process is completed. Mr. Gaffney asked about the impact of traffic on Route 9 and said the Town has to look at the impact of traffic on the whole development.

When asked about the two ANR plans which the Board is holding, Mr. Garrahan said they would both be taken care of by the subdivision plan. The two sets of plans were returned to the developer. Mr. Garrahan said he would send a letter of extension for the subdivision plan which is still on file.

McDonald, Granuaile Road - Mr. Donald McDonald returned to the Board with his ANR for two lots on Granuaile Road: Lot 1 - 1.07 A; and Lot 2 - 3.63 A. As requested by the Board, the plan showed the designation of the lots as well as ownership, the wetlands were delineated, and existing stonewalls were added. Since the Board saw the plan at its last meeting, the frontage of the lot to be conveyed to Mr. Breen was increased so that there would be 150' of frontage shown on Granuaile Road. It was MOVED and UNANIMOUSLY VOTED to sign the plan.

Subdivisions

Park Central/Southborough - Early in the evening, the Board reviewed the status of Flatley's Park Central/Southborough subdivision, starting in 1983 when the Conservation Commission issued an Order of Conditions for Leucadia, Inc. to cut trees and put in a dirt road. Mr. Gaffney said since that time one of the outstanding issues with the proposed subdivision is the legality of the curb cut, which was granted as a driveway cut for the Red Roof Inns. Another important issue is the adequacy of the roadways which will have to accept traffic from a potential of 600,000 sf of buildings.

Later in the evening, Mr. Peter Barbieri of Garrahan law firm, Mr. Jim O'Neill representing Mr. Flatley, Mr. John Thomas, Mr. John Sullivan, and Mr. Tony Covaco representing Beals & Thomas, and Ms. Melissa Mintz representing Vanasse-Hangan, traffic consultants met with the Board for submittal of revised definitive subdivision plans.

The revised plans showed four lots on the 103 acre site, with one two-phase building to total 132,000 sf on one of the lots. Mr. Barbieri said the Flatley Co. would ask for two waivers: one for the scale of some of the plans, and one for a waiver from MEPA for Phase 1. He said a full traffic report would be done for Phase 1, however. It was explained that instead of the 1"=100' required for the index sheet, the developers would like to submit a 1"=200' plan. On the definitive plan which will be registered, they would like to submit at 1"=100' instead of 1"=40'. The plan showing the entrance area will be submitted at 1"=40' as will other drawings showing engineering details, etc. They said they would file the plans with the Town Clerk and Board of Health on Tuesday.

In response to questions from the Board, it was stated that the plans reflect agreements with neighbors and abutters, and although amenities are not physically shown on the plans, they have been listed, and will become part of the agreement by the neighbors, which will be part of the subdivision plan and be filed as an incumbrance on the land.

Mr. Morris asked about the status of the previously submitted subdivision plan and was told it would stay on record. Mr. Gaffney told the proponents that a promise was made to the Planning Board by Mr. Garrahan that the previous subdivision plan and two ANR plans would be withdrawn once a revised submission was received by the Town. Mr. Morris said the Planning Board has never entertained two plans for the same property at the same time, and requested the developers withdraw the

previous plans so the Board can concentrate on one plan. He was told that sewerage for the first phase would be an on-site system. The remainder of the development requires MEPA approval which will be completed in the fall. The Board was told a substantial amount of testing has already been done on the site.

Mr. Gaffney asked why they were asking for a waiver for the curb cut requirements under MEPA, and was told by Mr. O'Neill that the issue is one of timing, and the quickest they could get a MEPA decision is late in the fall, and they will certify to the MEPA people that they will not build anything which will affect the MEPA decision.

Mr. Morris was told that Leucadia is still involved in the project as a partner. After being told the roadway will be 2500' long, Mr. Morris reminded the developers that this too will require a waiver. Mr. Barbieri said they would submit a letter listing waivers once the Board has had a chance to review the plans.

Mr. Bellotti said he found their proposed request for a waiver from the MEPA process to be completely unacceptable; the developers could have started the MEPA process a year ago. He expressed concern that because of a turnover in representatives of Flatley, no one seems to have the answers to all the questions. Mr. Barbieri said the sole purpose of meeting with the Board tonight is to submit the plans, and not to elicit any response from the Board. He said he is hoping a plan can be developed which will satisfy all concerned, including the abutters and the town. Mr. Bellotti said he had no problems with the waivers on the scale of the plans being submitted.

Mr. Bartolini was told that Flatley would own and maintain any recreational areas. He requested that "cut and fill" plans be shown and was told they are not currently required by the Rules and Regs, but some of this information is included in the site plans which will be filed with the Selectmen's office.

Mr. Gaffney reminded the proponents that because of recent legislation all non-residential subdivisions must file a preliminary subdivision plan. Mr. Barbieri said the preliminary plans were filed years ago, and the lot lines are basically the same as that plan. Mr. Gaffney asked if the curb cut granted is valid, and was told by Mr. Barbieri that that question would be answered later. He said the traffic analysis was done for the first 150,000 sf, and the waiver request will be acted upon by MEPA within two weeks. Mr. Bellotti was told that the traffic study is on-going and will be done in time for a full submission of the 500,000 - 600,000 sf.

Later in the evening it was agreed that a letter would be sent to MEPA requesting that a waiver not be granted, and that the developer be required to do a full MEPA study on the full potential of the site.

Park Central - Ms. Stoddard related information from a discussion she had had with a Planning Board member from another town. She said he advised the Board to reject the first preliminary subdivision plan because of access through a residential subdivision. The Board will first notify the developers of their intention to do this, however. Ms. Wason will contact MAPC's legal counsel for advice on this subdivision, since the Town has not used its quota of time available to it this year. Specific issues which will be raised with MAPC are the legality of the curb cut, and the waiver being requested from the MEPA process.

Quotes will be obtained from SEA and Perkins for this subdivision.

Presidential Estates - The Board was notified that the binder course has been installed. Mr. Pflug will be requested to shoot the grades on this subdivision.

A.J. Lane Subdivision, Jericho Hill Road - Quotes will be obtained from G.P.I., Whitman & Howard, and SEA.

Country Hills - Ms. Wason will send Mr. Getman of the M.D.C. information about drainage work to be done by the developer of this subdivision.

Zoning Code

Areas which need to be worked on for the 1988 Town Meeting are common driveways, pork chop lots, and perhaps the sign by-law.

Ellie Stoddard, Secretary

Mr. Morris suggested the Board follow Town Counsel's advice in signing the ANR, but keep the background information on the alternate plans as part of the record. It was MOVED and UNANIMOUSLY VOTED that the Board sign the Fisher Road ANR plan.

Flatley/Red Roof Inns, Route 9 - It was MOVED and VOTED BY A MAJORITY VOTE that since the two ANR plans were taken by the engineering firm of Beals and Thomas and the Planning Board does not physically have the two ANR plans before it, the Board considers the plans to be withdrawn and therefore no action can be taken on them. A letter will be written to the Flatley Co. saying the Board considers the plans to be withdrawn and asking them to formalize the withdrawal by notifying the Town Clerk that the plans are withdrawn, sending a copy to this Board. A copy of the receipt signed by Beals and Thomas will be enclosed with the letter.

Subdivisions

Woodbury - The Board met with members of the Conservation Commission to discuss the Woodbury Subdivision. Mr. McCarthy was to have met with the Board but did not keep his appointment. Ms. Leavitt said at their meeting Tuesday night Mr. McCarthy indicated he wanted to connect through to the Liberty Estates subdivision through the end of Darlene Drive, creating a very sharp curved roadway. She said she has spoken to the MACC who says if there is really no other way to make the connection, it could be allowed under a "special projects" provision.

Ms. Wason told the Conservation Commission that an alternative is to connect between Lots 20 and 21. Mr. Morris suggested the Planning Board and Conservation Commission unite and tell him there is only one option at this time: the adjustment of lot lines and connection to Liberty Estates in the area of Lots 20 and 21. Mr. Bellotti concurred with Ms. Wason who said the chances are good that Mr. McCarthy will not lose any lots because he gains frontage on the connecting roadway.

Mr. Bartolini asked members of the Conservation Commission whether Mr. McCarthy would use up his 5,000 sf of fill quota if he doesn't build the Loop Road A. Ms. Leavitt said she would have to ascertain that from DEQE.

Both the Board and the Conservation Commission agreed they would urge Mr. McCarthy to reconfigure Lots 20, 21, 22, and 23 so that a roadway could be made between Lots 20 and 21.

Southborough Estates - Mr. Hampton Smith met with the Board, along with Mr. Joe Harrington and Doug Jones of the J.J. O'Brien Co., and Mr. Richard Strehlke and Mr. Tony Cipriano of the Strehlke Co. Mr. Smith responded to the Board's letter expressing concerns with construction progress as follows:

1) Damage to the trees: as a result of the Tree Warden's request, damaged trees have been painted and wrapped.

2) Slopes: Slopes are not finished, and work is proceeding. Hopefully, within the next week there will be a meeting on site to work out problems with the slopes.

Morris said the detail cross sections should be used as the criteria for slope easements, not the typical cross sections. Mr. Boland suggested a meeting be held so everyone can look at what we are dealing with, before plans are done. Mr. Gaffney agreed. Mr. Bellotti said he is willing to work with the developer, but not make recommendations.

Mr. Bartolini said he knows what the slopes will look like and does not think the Board will like them. Mr. Busconi recommended the Board go out to look at the slopes, recommendations can be made, corrections made, then work can proceed. Mr. Smith said he would have a plan made before the next meeting showing slopes and trees. The Board agreed to meet at the site of the subdivision at the beginning of their meeting on July 6.

Presidential Estates - It was reported that the Conservation Commission has written a letter to the developer regarding his noncompliance with the Order of Conditions for the subdivision.

Park Central - The Board discussed the two subdivision plans before it: the preliminary subdivision plan showing a connection to Blackthorn Drive, and the definitive subdivision plan which was recently filed, and for which there is a 2500' cul-de-sac. Mr. Morris asked Mr. Busconi whether the Board can legally have two subdivision plans before it at the same time, and Mr. Busconi advised that the developer must choose which plan he would like the Board to deal with.

It was MOVED and SECONDED: that the Southborough Planning Board approve the Preliminary Subdivision Plan for Park Central/Southborough dated November, 1985. The motion failed for lack of aye votes. The Board agreed to send the developer a letter saying the subdivision was being disapproved including, but not limited to the following reasons:

- 1) Curb Cut: The Planning Board believes the curb cut is incorrectly granted and the ability of the Flatley Co. to utilize the curb cut will not be determined until the EIR process is complete.
- 2) Engineering: The Board feels the drainage for the subdivision is inadequate, there may be insufficient water for fire protection, and the adequacy of the sewage disposal system is questionable and requires a state permit issued at the conclusion of the EIR.
- 3) Neighborhood Covenant: The covenant between the Flatley Co. and the neighbors has not been executed. The preliminary subdivision plan as submitted violates promises made to neighbors and the Planning Board that no connection will be made to adjoining neighborhoods.

Sears Estates - The Board discussed the Southborough Housing Authority meeting attended by several Board members and personnel from the A.J. Lane Co. The Housing Authority is now waiting for word from the state as to how much money will be available to purchase any affordable units which will be built in the Sears Estates subdivision. Mr. Lane has

stated that he would like to have both rental and ownership units in the subdivision.

Mason Subdivision - Mr. Bartolini stated that the Conservation Commission has concerns about this subdivision and the lowering of the level of the pond on the property. The Board of Health is apparently retesting some of the holes. A public hearing will be held on this subdivision.

Wolfpen Estates - A packet of information will be sent to Board members in preparation with the appointment at the next meeting with Attorney Cournoyer, representing Mr. Maillet, the developer of the Wolfpen Estates subdivision.

Site Plans

Framingham 9/90 Project - Mr. Strehlke, present for discussions on the Southborough Estates subdivision, explained the recently disclosed sale of their upper parcel of land to the developers of the 9/90 project. He explained the 2-1/2 acre parcel is mostly in Framingham, although a portion is in Southborough, and was sold as a result of pressure of the land being taken by eminent domain.

Other Business

Strategic Planning Grant - Mr. Bellotti agreed to review the strategic grant application prepared by Ms. Wason before the next meeting. The grant application is for \$30,000 to study housing needs of the Town.

MetroWest Strategic Planning Grant - The Board agreed to authorize the chairman to sign the MetroWest Strategic Planning Grant application on behalf of the Planning Board.

IBM Equipment - Ms. Wason and Ms. Stoddard explained to the Board the quotes received for IBM equipment to be used at the Town House by the Planning Board and the Capital Budgets Committee. It was MOVED and UNANIMOUSLY VOTED that money be set aside from the Planning Board budget to finance 50% of the cost of purchasing an IBM XT computer at a price of approximately \$3,000, with the remaining 50% to be paid by the Selectmen.

Engineering - The Board discussed the bids received by engineering firms to review subdivision submissions, and agreed to award SEA the Park Central/Southborough subdivision, Whitman & Howard the Mason subdivision on Jericho Hill Road, and Perkins the Blendon Woods subdivision.

Planner - It was MOVED and UNANIMOUSLY VOTED to extend Sharon Wason's contract one week until the contract and her performance could be reviewed at the next meeting.

The next Planning Board meeting will be Monday, July 6, 1987. The Board will meet at 7:00 at the Town House so a site visit can be made to the Southborough Estates subdivision at 7:15 PM.


Ellie Stoddard, Secretary

conform to the Rules and Regs. Ms. Wason agreed to get copies of the alternative plans and have the Fire and Highway Departments look at them.

Vale Terrace - Mr. James Markson and Mr. Mike Kosmo of Schofield presented definitive subdivision plans for Vale Terrace. Mr. Kosmo said the subdivision now shows a 750' cul-de-sac, they have altered the layout of the road somewhat and have addressed the drainage in detail. There are now six lots instead of the eight previously shown, and the flow into the wetland is now less than before.

Mr. Morris said they will need to show the ultimate destination of the drainage and how much, if any, it will increase. The Board was told the only waivers were for the high water mark and showing of street trees. An extra set of plans was requested for Mr. Morris. It was noted that no open space was shown on the plans.

Liberty Estates - Mr. Kevin Giblin met with the Board to give them the corrections on the Liberty Estates subdivision which have been done by MetroWest Engineering. He said water will be installed in about a week.

Presidential Estates - Mr. Giblin said he is anxious to get lots released in the subdivision since so much of his money is tied up with bonding. He explained that the berms in the Presidential Estates subdivision were installed with the concurrence of the Highway Department. He said he wanted to install sidewalks and get the subdivision "dressed up" and offered to put up an amount of money equal to the difference between what was installed and what concrete berms would cost, to be used by the Town for additional paving somewhere else. Mr. Morris asked that his requests for waivers be put in writing.

Park Central - There is still no word on DEQE waivers as yet. It was suggested another letter be written to see if we can get a decision.

Country Hills - Conservation is being asked to look at straightening out the "L" in the drainage. It was reported that work so far on cleaning the ditches has been done beautifully.

Southborough Estates - Mr. Smith cancelled his appointment for lot releases. It was agreed Mr. Pflug will be asked to check the grade at the entrance to the subdivision

Other Business

The next Planning Board meeting will be Monday, August 10, 1987. The whole meeting will be devoted to the Brentwood Comprehensive Permit proposal. It is anticipated that the developers, Housing Committee, EOCD, etc. will be present at this meeting.

Ellie Stoddard

Ellie Stoddard, Secretary

Sears Estates - The secretary reviewed the meeting held on Thursday, August 6th to which she and Mr. Gaffney were requested to attend at the Perkins Co. with Mr. Lynch and Ms. Carter, and with Mr. Williamson and Mr. Robertson present. She explained the Board was requested to attend because of the number of problems encountered by the Perkins review. At that meeting it was agreed that Mr. Robertson would make corrections and provide additional information and hand-deliver revisions to the Perkins Co. and the Planning Board as quickly as possible. Mr. Williamson gave a verbal extension in the subdivision review time until August 18th.

The Board requested the secretary to contact Ms. Carter on Wednesday to see if she had received revisions from Robertson, and to request a full report on the errors and omissions of the submission.

Vale Terrace - An O.K. will be given to G.P.I. to review the definitive subdivision plans for Vale Terrace.

Liberty Estates - The Board read a letter from Mr. Giblin which described his time table for installation of water mains in the Liberty Estates subdivision. Ms. Wason said she has reviewed their revised plans and it looks like the subdivision road is in a different place than what is shown on the approved plans. It was agreed that Mr. Morris would look over the revised plans to ascertain whether the changes should be considered major and whether the Board should send them out for engineering review.

Country Hills - Ms. Stoddard told the Board of a visit from Mr. Anastas, former owner of the subdivision, who inquired as to the status of the check he had posted with the Treasurer to ensure the cleaning of the drainage passages (the check is unusable). The Conservation Commission has ruled that any further work on the "L" near Brigham Street will require a Notice of Intent and an Order of Conditions. Mr. Morris said it sounds like this extra work is beyond the scope of work we requested. Ms. Wason said she would take pictures of the work completed. The Board requested a letter from Mr. Boland confirming that the work done is to his satisfaction.

Wolfpen - The secretary will follow-up with Attorney Cournoyer as to the status of his requested changes to the approved plans. Mr. Bartolini reported that a fence has been installed around the retention pond.

Park Central - The site plan for the Park Central subdivision is scheduled for September 22nd. Ms. Stoddard reported the conversation she had with Mr. Foster of MEPA, who said a waiver is being requested and should be advertised in the Environmental Monitor. Ms. Wason has written a letter on behalf of the Planning Board objecting to the granting of any waivers for this project.

Town Lyne Subdivision - Ms. Conlin said she has received electric bills for the subdivision. The secretary will ascertain the status of the lighting in the subdivision, as well as whether the spare pump has been received.

taken care of, but a new issue of the high water table in the retention basins has been raised. Mr. Williamson said this issue has not been mentioned before, but can be taken care of with a condition of approval.

Mr. Morris strongly suggested that the Board does not take any action on the Sears Estates subdivision at this meeting, except to grant a time extension if requested. He said he felt some of these items need to be addressed, and the Board should vote on approval next week. Mr. Williamson agreed to request a time extension until September 2nd.

Park Central/Southborough - The formal public hearing for the Park Central/Southborough subdivision was held and is reported separately.

Rolling Acres - The secretary explained to the Board the request of Rolling Acres' engineer Paul Cincotta that he not be required to install the one sidewalk or extra screening near the police barracks since he will have to expend more money to tie in with the Mass. Coordinate System. Mr. Cincotta has been requested to put his request in writing to the Board.

Albro/Brentwood - Mr. Gaffney and Ms. Stoddard gave the Board an overview of that afternoon's meeting of the SHOFC. Mr. Gaffney stressed his concern for traffic improvements on Route 85 and Route 9 at Middle Road. In response to Mr. Morris' question about how many units the site could carry with a traditional subdivision, Mr. Gaffney said the consultant has said this is difficult to determine because he doesn't know all the figures. Mr. Gaffney urged that the Town insist there be only four units/acre, and the units be only two stories high. He explained that SHOFC recommended a maximum of 180 units, but the number could go down.

Mr. Bellotti said if the Town recommends less than 40% affordable, it will be making a big mistake. He said they should go for 180 units, with 40% affordable.

Mr. Morris MOVED and it was UNANIMOUSLY VOTED:

that the Planning Board recommend to the Zoning Board of Appeals that the public hearing be continued until sufficient hydrogeologic data is received by the Town's engineering consultant and the Board of Health agent so that they can make a determination regarding the appropriate loading rate of the site. This hydrogeologic data is critical to the determination of the project, and a recommendation as to the number of units on the site should be deferred until the septic system capability is determined more specifically, OR

if a continuance is not granted by the developer, the Planning Board

PUBLIC HEARING

Park Central/Southborough Subdivision

On Monday, August 24, 1987 at 8:10 PM, Chairman Charles Gaffney called the Planning Board's public hearing on the Park Central/Southborough subdivision to order in the Hearing Room of the Town House. The public hearing notice was read. Board members present were Mr. Morris, Mr. Bellotti, and Mr. Bartolini. Representing the developers were Mr. John Garrahan, attorney, Mr. Thomas Flatley, Mr. James O'Neill of the Flatley Co., Mr. John Sullivan of Beals and Thomas, and Mr. Robert Vanass of Vanass-Hangan Traffic Consultants.

Mr. Garrahan said his client's only request for a waiver is for the roadway longer than 500 feet. He said the connecting roadway to Blackthorn shown on previous plans has been eliminated. Mr. Garrahan explained that a Site Plan Hearing has been scheduled for the 22nd of September and at that hearing a covenant will be available which will restrict the gross square footage to no more than 600,000 sf. They have been meeting with neighbors and abutters and restrictive agreements are about ready. Within the 100 foot area shown as dark green on their maps there will be no building or disturbances; the light green area shown on their maps will be restricted for recreational use.

Mr. Garrahan requested the Board approve the subdivision subject to a waiver as to the MEPA process or until the MEPA process has been completed. Mr. Garrahan said the second phase of their building will not be started until the MEPA process has been completed. The waiver they are requesting from MEPA is for the first 150,000 sf, or first stage.

Mr. John Sullivan of Beals and Thomas told the Board there will be 2500' of roadway. He said they met with SEA and have modified the plans according to SEA's comments. Most of the changes are in the drainage calcs and existing pipes placed in the area for the original drainage. He explained that the pipes were measured wrong in the field and the plans have now been corrected. Mr. Sullivan said the other concern is in the calcs for flow into the drainage system which goes out to Route 9, which now show that they are decreasing the flow into that system. Mr. Sullivan said SEA has stated that they have complied with all Rules and Regs requirements except for the dead-end street.

Regarding Water Department concerns, Mr. Sullivan said they looked at three options: 1) putting a booster pump on the existing tank; 2) putting booster pumps in individual buildings; and 3) putting a single booster pump on their property. Mr. Sullivan said their preference is to install booster pumps in individual buildings.

Conservation Commission concerns are being addressed by a revision in the Order of Conditions which show changes in the roadway drainage pipes. They will have to raise the embankment by 2'-4' in areas where it is low. Verification is in process that all other conditions are being met.

Mr. Vanass described traffic considerations for the first 150,000 sf, saying there will be approximately 200 trips in the morning and 200 in the afternoon, with a 1500 per day total. The traffic analysis mandated by the EIR will be for an expanded area beyond the immediate site. Their analysis showed a level of B, C or better for Phase I development.

Mr. Garrahan referred to a letter to the Board from the Board of Health, saying that any decision by the Planning Board would be subject to the conditions stated in the letter.

Mr. James O'Neill of the Flatley Co. explained that the building can be divided into two 66,000 sf sections. It will be a two-story building, typical of the architecture throughout the area. Mr. O'Neill explained that the third building will be on Lot 4, and the fourth will be on Lot 3 which will also contain the conservation and recreation areas.

Mr. Flatley gave a brief review of the project's history, saying they have been dealing with it for four years. He said he feels it is a great site, originally planned for an industrial site. He said he takes great pride in his projects and plans a campus-like setting for the high-tech and service industries. Mr. Flatley said he has always fulfilled his agreements and is willing to work with traffic concerns, Water Department and other agencies. The athletic facilities on the site will include a 1/4 mile track, and he hopes to have tennis courts, basketball court, etc. which will be good for both the workers and abutters.

Mr. O'Neill said they have submitted a waiver request for Phase I for the first 150,000 sf. He said they have submitted the information requested under the waiver request stating the traffic does not require any improvements beyond the exits. Building I can stand on its own on the site. It will have its own septic system on the site which will be adequate for that building.

Mr. Charles Swartwood, attorney for abutters and neighbors, said if Mr. Flatley would sign the covenant with the conservation restriction the neighbors feel it is a benefit to them. The neighbors use of the facilities have not been worked out as yet, and the only reason it has not been signed is that the form has not been finalized. The covenant has been agreed to and will also be signed.

Mr. Morris asked if the abutters agreement will run with the land. He was told that the green areas on the plan represent areas which are currently treed, and the gravel road is in the same area as on the plan. He requested to see a plan showing the full development of the site, and a pamphlet was presented showing 7-800,000 sf of building which was produced several years ago. Mr. Flatley said that he would estimate that 60-70% of what is shown green on the plan will remain green, and offered to prepare a current plan showing full development of the site. Mr. Garrahan said Phase II and II will be subject to MEPA. Mr. O'Neill said the Flatley Co. has agreed to replant the area behind the first house on Tara Road.

Mr. Morris asked if they are waiting for two responses from MEPA. Mr. Garrahan said that if the waiver is denied, any approval given by the Planning Board could be conditional on final approval from MEPA. Mr. Morris asked for some clarification on the traffic studies. Mr. Morris said if everything goes as it should, the first thing should be to get MEPA approval. Second is subdivision approval, then third should be site plan approval. He said the Selectmen can't give approval on the site plan hearing until subdivision approval is given.

Mr. Bellotti asked about the building of the first 150,000 sf in the first Phase. Mr. O'Neill said Building I can be built in two phases of 66,000 sf each. Amenities will not be built until the project is about half completed. In response to Mr. Bellotti's question about the building of the road, Mr. Flatley said he hoped the entire road would have the first coat, then be finished as they build. Mr. Bellotti said the developer is stating the road can handle the entire project, yet no consideration is being given to the impact on Route 9. Mr. Flatley said if the Planning Board wishes to put a temporary turnaround near the Phase I building, he would be willing to do that.

Mr. Bellotti was told the elevation of the Phase I building would be about 40' higher than the street level. He asked about the drainage to the south and was told by Mr. Sullivan that some drainage is being redirected away from Route 9, with flow less than what exists now. Mr. Flatley said a resident has cut down trees in what was to be the buffer area at the end of Blackthorn Drive.

Mr. Gaffney said he would like to ask for a continuance of the public hearing since the Board has not had a determination from the state on the waiver requests. He said the Board has asked the state for a denial of that waiver, and until it has had an answer on the curb cut no determination should be made on the subdivision approval. Mr. Garrahan said if the Board does give a conditional approval it would give the developer a chance to start construction this fall. He asked for a commitment from the Town that if the state does grant the waiver, would the Board approve the plan.

Mr. Busconi said Mr. Garrahan's request is a correct one, and assuming that there is a waiver granted, will the Board consider a favorable vote. Mr. Gaffney said he would like to see what the state says before the Board makes any decisions.

Mr. Morris said this Board must take its vote on the entire site and for development of the entire 600,000 sf. He said the Board is working towards an approval, but he is not willing to take a vote now.

Mr. Bellotti said he is not against the site philosophically, but would like to see the entire project outlined, with traffic and environmental concerns addressed.

Mr. Bartolini said we should have more information on the layout of the project and the subdivision itself.

Chairman Gaffney asked for comments from those in the audience who were in favor of the development. Mr. Don Heaton of Tara Road told the Board that the Flatley Co. has listened to the abutters. He requested the Board not make its decision until the restrictive covenants have been signed and agree to make it one of its conditions of approval. Mr. Joseph Russo of Tara Road also expressed concern about the buffer zone.

Ms. Ann Leavitt spoke for the Conservation Commission and said they have worked with both the Flatley Co. and Leucadia to try to preserve the site. She said she is in favor of the project in the way it has been laid out to the Conservation Commission. She said they have spent a lot of money in upkeep and believes the project will be an asset to the community.

Mr. Charles Johnson spoke for the Assessors and said he is pleased that Flatley is looking at this type of development rather than warehousing space.

There being none who spoke in opposition to the development, general comments were received. Mr. Heaton of Tara Road asked about the dirt road beyond the cul-de-sac and was told that part of it will be used for one of the driveways; the rest will be landscaped and grassed at the 50% development point. He was shown the line of demarcation for the covenant which will restrict development.

Mr. Morris said that at this time the Board has given an informal indication as to where it stands. He said we need more information to take a vote. The deadline for the development is September 14, and it would be in the best interest of everyone if Flatley would request an extension.

Mr. Gaffney said he would like to ask for a continuation of the public hearing. Mr. Garrahan said that since they have worked on this development for four-five years they can continue further. He said they are looking for an approval, but are willing to talk with the Town. He said he doesn't know how they will address the waiver, and will talk extensions after he has talked to Town Counsel. Mr. Garrahan spoke with Town Counsel, then Mr. Busconi said there would be no problem as long as Flatley is willing to request an extension, and suggested the public hearing be continued.

Mr. Gaffney announced the public hearing would be continued until the 21st of September. Mr. Flatley said he is a partner with Leucadia; the time is fine as far as he is concerned, but he must consult with Leucadia. He said he appreciated the comments from the audience. Mr. Garrahan requested an extension in the approval time for the subdivision until September 28th.

Ellie Stoddard
Ellie Stoddard

Approved 9/28/87

MEETING MINUTES

September 14, 1987

The Planning Board of the Town of Southborough held a meeting on Monday, September 14, 1987 at 7:15 PM at the Town House. Board members present were Mr. Gaffney, Mr. Bartolini, and Mr. Bellotti, and later, Mr. Morris and Mr. Millholland.

Approval of Minutes

The minutes of the Planning Board meeting of September 8, 1987 were approved as written.

Subdivisions

Park Central/Southborough - Attorney John Garrahan, representing the Flatley Co., met with the Planning Board at his request to discuss the progress of the subdivision approval. He said he felt the Planning Board has not given them a waiver for the first 500' of roadway, and in order to proceed they need to have some indication whether they will be given a waiver, and he also expressed his feeling that there is an element of mistrust by the Board; that the Board is placing an unreasonable burden on the Flatley Co. He suggested the Flatley Co. limit the length of the roadway to the first building until the state requirements under the MEPA process are completed. Under these conditions the Planning Board would approve the full road length, but the Flatley Co. would covenant that they would not build more than 500' until the MEPA determination has been made.

Mr. Gaffney asked Mr. Garrahan why he was coming before the Board tonight rather than at the public hearing next week, and Mr. Garrahan said it was because they wanted a feeling of how the Board will decide before the hearing. Mr. Gaffney explained that the Planning Board has not yet made a determination on the waiver for 500', and is more concerned with the entrance to Route 9 and whether the curb cut is legal. The Board wants to wait to see whether the State will grant the waiver before making a determination on the subdivision approval.

Mr. Garrahan said his clients cannot use the property unless there is a legal curb cut. As to frontage, there is legal frontage on Route 9.

Mr. Bellotti said he had concerns with problems previously expressed, as well as the lack of traffic data for the 600,000 sf being proposed. He said it is too difficult to approve a complete subdivision when it is being piecemeal. Mr. Garrahan said the final EIR is before the State, and in the event that the state says they cannot use Route 9 as an access, they will have to abide by it. Mr. Garrahan confirmed to Mr. Bellotti that the waiver for the roadway is the only waiver being requested. He said it will take the state 3-4 months before the final waiver is granted, and said he has the impression that the Planning Board does not trust the Flatley Co.

Mr. Busconi said there is no conflict between Red Roof Inns and the Flatley Co. as far as the curb cut is concerned, and unless the DFW can show him otherwise, there is no clear impediment to that curb cut. Mr. Garrahan requested the Planning Board consult with Town Counsel as to whether or not the roadway is done in accordance with the law.

Mr. Gaffney said the impact of the traffic is a major concern, and if the curb cut is legal, then the Board can make a determination. He stressed that the Board's position has not changed in 2-1/2 years, and it seems reasonable to wait until September 25th for the determination to be made.

Rolling Acres - Mr. Bartolini excused himself from the meeting while discussions of the Rolling Acres subdivision occurred. Representing the developer, Wellen Construction, was Tom Wellen, and his engineer from Central Mass. Engineering, Bob Parente.

Mr. Parente went through the letter from the Board's engineer, G.P.I. dated 8/14/87, and said all items have been done. The remaining issue is landscaping, and he requested that he be allowed to decrease the spacing of the trees from 40' to 60' in the rest of the subdivision in order to provide the requested screening for the police barracks. The Board discussed his request and finally requested the 4-5' trees be planted 6' on center, or four evergreen between every shade tree planted at 40' intervals. The revised landscaping will be added to the plans which will be presented to the Planning Board for approval at their meeting on September 21st.

Mr. Wellen confirmed that the plans still show a sidewalk on the right side. Street light stanchions will be installed, and coach lights will be placed at each driveway entrance.

Vale Terrace - The formal public hearing for the Vale Terrace Subdivision was held and is reported separately.

Wolfpen Estates - Mr. Ken Sundberg and Mr. Brad Bates representing the developer, met with the Board to discuss progress on the Wolfpen Estates subdivision. Mr. Bates showed the Board a redesign of the intersection, which showed a lowering of the roadway by 3'-4' for 400' into the subdivision, and seriously impacting of the Donahue and Kim driveways. He provided cost estimates which included lowering water, excavating, regravelling, sidewalks, slopes, etc. of \$92,000.

In response to Mr. Morris' suggestion that they look at raising Sears Road, Mr. Bartolini said Sears Road is high on the north side of the road, and raising it further would create a bump. Mr. Busconi suggested this would cause more of a grade problem on Sears Road than in the subdivision itself.

Mr. Bartolini asked why the Board can't go along with the road as it is currently built? Mr. Morris said he thinks the Board should look at other alternatives, including changing the radius and length of the vertical curve.

Approved 9/28/87

MEETING MINUTES

September 21, 1987

The Planning Board of the Town of Southborough held a meeting on Monday, September 21, 1987 at 7:30 PM at the Southborough Town House. Board members present were Mr. Gaffney, Mr. Bartolini, Mr. Millholland, Mr. Bellotti, and Mr. Morris. Mr. Bellotti left the meeting at 8:45 PM

Approvals Not Required

Able Realty, Woodland Road - The Board signed an ANR plan which changed a lot line on a plan previously signed by the Board in July, 1986. The plan, which was prepared for Joe Tassia of Able Realty, now shows Lot 4 with 38,163 sf, and remaining land of 5.49 acres labelled "not a buildable lot".

Subdivisions

Park Central/Southborough - At 8:00 PM Mr. Gaffney opened the continuation of the public hearing for the Park Central Subdivision and read a letter from the developer's attorney asking for a continuation of the public hearing until October 5, 1987. Mr. Bartolini MOVED and it was UNANIMOUSLY VOTED:

to continue the public hearing for the Park Central Subdivision until October 5, 1987.

Sears Estates - Mr. Jim Williamson of A.J. Lane & Co. met with the Board to discuss the conditions of the Board's approval for the Sears Estates subdivision. He said that Perkins has received all the revisions and everything looks good. The Lane Co. bank's attorney, however, has questioned the Board's approval and says that the Zoning Code for Southborough says all subdivisions over ten lots must be given a special permit. The Certificate of Approval issued by the Planning Board shows an approval for a conventional subdivision. Mr. Williamson requested that the Board alter the Certificate of Approval by adding the words "special permit" to the approval.

Town Counsel Busconi said the problem with the By-Law is that it abrogates the state law; Section 17413-2 of the Zoning Code says that the Board cannot grant any definitive subdivision approvals for ten or more lots any more.

Mr. Morris said what the Board voted a couple of weeks ago was a conventional subdivision plan. The Zoning By-Law says the developer must also come before the Board for a special permit. Mr. Busconi said the Planning Board must give a special permit no matter which plan is approved.

Subdivisions

Presidential Estates - The Board was informed that Mr. Boland would not meet with the Board to discuss trees in this subdivision because he has not completed discussions with the developer on this matter. Ms. Wason presented the Board with a memo on the subject. Mr. Morris MOVED and it was UNANIMOUSLY VOTED:

to ask the Tree Warden his opinion as to where street trees are required in the Presidential Estates subdivision.

Town Lyne Village - Mr. Bartolini MOVED and the motion was subsequently withdrawn :

that nothing be done with the layout plans for Powdermill and Garrison Lanes until the problem with the water tanks and pumps is resolved.

Mr. Busconi reminded the Board there are two separate issues involved: one is the signing of the layout plans for the two roads accepted at the last town meeting; and the other is the fire protection system for the subdivision.

Mr. Gaffney asked that Mr. Boland be consulted to see if the conditions of acceptance of the roadways have been met. Mr. Bartolini said there are two lots in the subdivision which Mr. Paul still owns. Mr. Busconi said the people who are hurt by withholding permits are the people who are trying to sell their homes.

Mr. Morris MOVED and the MOTION subsequently WITHDRAWN:

that the Planning Board sign the layout plans.

It was agreed the signing of the plans would be put on the agenda for the meeting of October 19th

Mr. Busconi agreed to handle the electric bills for the pumps which have been forwarded to the Planning Board by the Selectmen for payment.

Park Central/Southborough - At 9:15 PM the continuance of the formal public hearing for the Park Central/Southborough subdivision was opened, and it was MOVED and UNANIMOUSLY VOTED:

to continue the public hearing until November 2, 1987 as requested by the developer.

Southborough Estates - Estimates for bonding for completion of the subdivision were received from Mr. Boland. It was agreed the developer would be again advised that the Board will take no action on releasing lots until revised plans are signed showing changes to the approved subdivision.

Graystone Way - Mr. Gaffney reported that revisions by Highland Surveyors to the Graystone Way subdivision were received by the Board, and

Park Central - At the developer's request, the continued public hearing for the Park Central/Southborough subdivision is being delayed until December 7, 1987.

Sears Estates - The Board will seek professional advice for the review of the draft of the special permit for Sears Estates which will allow reduced lot frontage and acreage in exchange for fourteen affordable homes to be made available to the Southborough Housing Authority.

Site Plans

The Board will have a revised draft of the letter on the Sun Oil Site Plan for its next meeting.

Other Business

Personnel - The Board will advertise for a replacement for its planner. Mr. Bellotti will draft a letter to the Personnel Board on the secretary's behalf.

The next Planning Board meeting will be Monday, November 9, 1987.

Ellie Stoddard

Ellie Stoddard, Secretary

the considerations is that Sears Road must be upgraded, and everyone has so far been very generous in terms of that upgrading. In response to Mr. Dooley's question of how much would he have to pay, Mr. Busconi said the Town is just starting to work with Mr. Giblin. Mr. Vrabel insisted that these concerns were building permit issues. Mr. Dooley said what would be involved is one-half mile of paving, plus one-half mile of water, plus straightening out Sears Road.

Mr. Millholland said he would prefer to defer more discussion until a full Board is present. Mr. Dooley affirmed that he had officially submitted the ANR to the Town Clerk that afternoon. Mr. Vrabel said he would submit restrictive covenants and other documents to the Town for review. He said the developers intend to keep the development quiet and private. Mr. Gemma confirmed that all septic systems will be individual. Mr. Millholland requested that he meet with the Fire Department, Water Department, Highway Department and Town Counsel before he comes back to the Board.

Subdivisions

Vale Terrace - The Planning Board continued its public hearing on the Vale Terrace subdivision, which is reported separately.

Sears Estates Special Permit - The Board discussed the draft of the Special Permit and requested that Mr. Bassett be sent a copy. The Board was reminded that it will need four members to vote on the permit. Mr. Millholland asked about the mix of housing specified, and whether in fact A.J. Lane had agreed to that mix. It was requested that Chief Aspinwall be contacted to see how he feels about the mix, as well as the requirements of EDCD.

Park Central - Copies of the Draft EIR were received by the Board. The Board discussed its options with respect to approval of the subdivision: it can approve with a covenant not to build beyond the first phase; it could disapprove the subdivision because of inadequate information presented; or it could be presented with an ANR plan for a distribution center. Mr. Millholland requested that at the public hearing next Monday night the developers give an overview of the subdivision submission. The Board was reminded that the site plan hearing is scheduled with the Selectmen for Tuesday night.

Site Plans

Williams Trailer, Route 9 - The Board addressed the letter from Mr. Williams which requests the Selectmen allow the billboard located on his property to remain, since the removal would cost him or the Town \$40,000. Mr. Bartolini MOVED, the MOTION SECONDED, and it was UNANIMOUSLY VOTED:

to support Mr. Williams' requested waiver for leaving the billboard as it is.

MEETING MINUTES

Monday, December 14, 1987

The Planning Board of the Town of Southborough held a meeting on Monday, December 14, 1987 at 6:30 PM at the Town House. Board members present were Mr. Millholland, Mr. Bellotti, Mr. Bartolini, Mr. Gaffney, and Mr. Morris.

Subdivisions

Wolfpen - Board members were informed that Mr. Sundberg had cancelled his 7:00 PM appointment with the Planning Board.

Park Central - The Board discussed its strategy for the public hearing, as well as a draft of a subdivision approval. The formal public hearing on the subdivision was held and is reported separately.

Stub Toe Extension - The formal public hearing for this subdivision was held and is reported separately. Later in the evening, the Board again discussed outstanding issues with the developer, Mr. William Robertson, his attorney, Mr. Dittami, and his engineering, Mr. Bates, which are keyed to the G.P.I. letter of December 14, 1987, as follows:

Section 244-10 B

The developer will provide a 100-scale index sheet for the Assessors' use, which will become part of the subdivision package.

6. Mr. Morris MOVED, the MOTION SECONDED, and it was UNANIMOUSLY VOTED: to grant a waiver from the 50 foot right-of-way to a 30-foot right of way.

7. Mr. Robertson said it would be cost prohibitive for him to tie in with the Mass. Coordinate System. Mr. Morris suggested the Board give him a list of developers who have already tied in. Mr. Gaffney suggested Mr. Robertson go back and look to see what is actually involved. Mr. Bartolini said he would like to waive this requirement if it involves too much work. Mr. Morris agreed, saying he would like to have it tied into something other than the MDC bounds, and suggested he contact Mr. Boland. Mr. Bellotti asked how the Board would determine what is actually cost prohibitive. Mr. Bartolini MOVED, the MOTION SECONDED, and VOTED BY A 3 to 2 VOTE: that the developer would not be required to tie his subdivision into anything.

9. Mr. Robertson said Middle Road is labelled as being of variable width on the latest revisions. The Board asked that he have a copy of the latest set of plans showing all revisions available to the Board and its engineer.

13. Mr. Morris MOVED, the MOTION SECONDED, and UNANIMOUSLY VOTED: that the Planning Board waive the required scale for the road profile plan. Mr. Robertson agreed to label the existing profile lines.

CONTINUED PUBLIC HEARING

Park Central Subdivision

Monday, December 14, 1987

The Planning Board of the Town of Southborough continued its public hearing on the Park Central/Southborough subdivision on Monday, December 14, 1987 at 9:15 PM. Board members present were Mr. Gaffney, Mr. Morris, Mr. Millholland, Mr. Bellotti, and Mr. Bartolini. Representing the Flatley Co. were Mr. John Garrahan and his team of consultants.

Mr. Garrahan told the Planning Board that the MEPA report has been filed. He provided a copy of the curb cut for the Red Roof Inn driveway which Mr. Gaffney reminded him was supposed to be submitted that afternoon, as well as a summary of findings for the first 132,000 sf of office space. He explained if the Planning Board approves the subdivision plan then the agreement for a buffer zone for residential neighbors will be executed, and a request will be made to the Selectmen to postpone the site plan hearing currently scheduled for December 22, 1987.

Mr. Gaffney asked for clarification as to the date of the plan with which the Board is dealing and was told that the plans are dated June 15, 1987, with revision dates as follows:

Cover Sheet	August 24, 1987
Sheet 2	June 15, 1987
Sheet 3	August 24, 1987
Sheet 3A	August 24, 1987
Sheet 4	August 24, 1987
Sheet 5	September 16, 1987
Sheet 6	August 24, 1987
Sheet 7	August 24, 1987
Sheet 8	August 24, 1987
Sheet 9	June 15, 1987
Sheet 10	June 15, 1987
Sheet 11	September 16, 1987
Sheet 12	August 24, 1987
Sheet 13	August 24, 1987
Sheet 14	September 16, 1987
Sheet 15	August 24, 1987
Sheet 16	June 15, 1987
Sheet 17	June 15, 1987
Sheet 18	June 15, 1987

Mr. Garrahan said the only waiver The Flatley Co. is requesting is for the length of roadway which is proposed for 2500'. Phase I of the project ends at 1400'. Mr. Garrahan said they would only build from Sta. 0 to Sta. 1400' and a 132,000 sf building until MEPA has approved the EIR.

Mr. Garrahan submitted copies of the Covenant and Restrictive Abutters

Agreements and said the only changes on the documents will be some of the abutters' names. Mr. Morris said he would not like to give approval on the subdivision if part of the approval contains documents which have not been executed and which could be changed. Mr. Swartwood, attorney for neighbors, suggested that approval for the subdivision could be given provided the documents were executed during the appeal period.

Mr. Gaffney asked Mr. Garrahan for clarification as to what he would be willing to agree to. Mr. Garrahan said they are not going to go beyond the first 132,000 sf until all items in the EIR have been addressed. Mr. Gaffney again asked if the developer was asking the Planning Board to allow the developer to proceed up to the first 132,000 sf before certification of the EIR, and Mr. Garrahan said insofar as it is applicable to the subdivision control laws, the answer is yes.

Mr. Morris said if the Board approves the subdivision tonight, then the developer would have an approved subdivision with five lots, an approved 2500' roadway, only 1400 of which will be covenanted to build. Mr. Garrahan said they would only put structures on Lot 1. Mr. Morris asked if their intent was to proceed with the site plan to develop the first building. Mr. Garrahan he would be willing to give a 30-day extension in the site plan approval, and is not asking for approval under the site plan review at this time. Mr. Gaffney reminded Mr. Garrahan that the Planning Board has been waiting for 2-1/2 to 3 years for the EIR and that the first phase be clarified through the EIR. Mr. Garrahan said he intends to go ahead with the first phase before the EIR is complete. Mr. Gaffney said the Town needs the site developed and has always been willing to work with the developer. He said January 13th is the date to respond to the DEIR, which was only received last week by the Planning Board, and the Board needs time to have it reviewed.

Mr. Gaffney asked if Mr. Garrahan would care to comment on other options The Flatley Co. might pursue for the site. Mr. Garrahan said it would not be appropriate at this time. He said the developers felt that what the State said was that they would not waive the filing as to the entire project, and the state did not say they could not develop Lot 1 once the EIR is filed. He said they would give the Planning Board a reasonable amount of time to respond to the site plan, and the two processes can go on simultaneously.

Mr. Millholland asked Mr. Garrahan what would happen if MEPA fails to give them approval. Mr. Garrahan said that might affect the abutters agreement, and they might say the site only warrants 300,000-350,000 sf of development. Mr. Millholland was told they were requesting a waiver for the full length of the roadway.

Mr. Bellotti asked if the developers had received a copy of the letter from the Water Department and Mr. Garrahan said they had. Mr. Bellotti said he was in favor of the conceptual plan, but did not like to piecemeal the project, and said he had problems with granting approvals prior to the EIR being certified.

Mr. Bartolini said if the Board approves the subdivision, it would be dividing the parcel into five lots, and the configuration could then not be changed without Board approval.

Mr. Charles Swartwood, attorney for the abutters, spoke of the neighbor's frustration. He suggested the Board give the developer a waiver for the 2500' of roadway and be able to tell him "that's it". That would stop him from extending the roadway.

Mr. Donald Eaton, 5 Tara Road received clarification on the 2500' of roadway and five lots.

Mr. Bob Bradley, representing Data General, expressed concern about the public and his employees safety and access to Route 9, Route 495 and the Mass. Turnpike.

Mr. Gaffney asked Mr. Garrahan how he could justify asking the Planning Board to go forward with this first phase after it has asked MEPA to not grant a waiver for the first phase so that important issues can be addressed. Mr. Garrahan said if the Planning Board were to approve the subdivision, that would not be an approval for the site plan or the building of the first 132,000 sf. He said they would never ask for more than 132,000 sf until the completion of the MEPA review. Mr. Gaffney said it would be a contradiction to approve the first phase when the Board has asked for MEPA to deny the waiver. He said there are still problems with the curb cut. Mr. Morris concurred.

At 10:20 PM, Mr. Gaffney asked for a five minute recess, and Mr. Garrahan agreed. Board members discussed statements made by Mr. Garrahan and a draft approval.

After reconvening the meeting at 10:30 PM, Mr. Morris made a statement to the effect that the Planning Board thinks very highly of the concept of what the developer is trying to do with this land. He said we will continue to work together. The developer has made very professional presentations. He complimented the abutters for their unified approach to the development, and said the Board is appreciative of their efforts.

Mr. Morris then MOVED, the MOTION SECONDED, and it was UNANIMOUSLY VOTED:

that the Southborough Planning Board approve the definitive subdivision plans for the Park Central/Southborough subdivision dated June 15, 1987 with revisions to August 24, 1987 and September 16, 1987 up to Phase I only, subject to the following conditions:

- 1) no construction, including roadways, begins on the Phase I or Phase II buildings until the final EIR has been certified by MEPA;
- 2) a determination must be made by the MEPA office that the curb cut is legal, acceptable, and safe before any construction begins;
- 3) the open space covenant and abutters agreement must be executed within the 20 day appeal period. No changes other than abutters' names will be made on the documents submitted to the Planning Board on December 14, 1987.

December 14, 1987

- 4) that a covenant be executed that there will be no further subdivision of the five lots showed on the definitive subdivision plan.
- 5) that the developer must address all concerns of the Water Department in their letter of December 14, 1987;
- 6) that the developer must address all concerns of the Board of Health as noted in their letter of December 14, 1987.
- 7) that no request for a site plan hearing with the Board of Selectmen be made until fifteen days after the Final EIR has been certified and accepted.
- 8) that the developer must satisfactorily resolve all issues in SEA's letter of October 6, 1987 to the Southborough Planning Board.

Both Attorney Garrahan and Attorney Swartwood thanked the Planning Board for their efforts. At 10:40 PM the public hearing was adjourned.

Ellie Stoddard
Ellie Stoddard,
Administrative Assistant