

September 20, 2022

Mr. Michael Busby  
Relationship Manager  
Massachusetts Housing Finance Agency  
One Beacon Street  
Boston, MA 02108

**Re: Proposed 40B: Residences at Park Central**  
**Project Eligibility/Site Approval Application**

Dear Mr. Busby:

We appreciate this opportunity to provide comments relative to the Project Eligibility/Site Approval application for the above-referenced project (the “Project”). The Southborough Select Board has reviewed the currently available information for the Project. We have also solicited and received numerous comments from Town boards and departments, as well as from our residents [see attachments]. We support the need for housing development, and particularly the need for affordable housing—and we would like to be able to support this Project. However, we believe that there are a number of issues that need to be addressed as part of any MassHousing project eligibility determination/site approval for the Project.

Our first concern relates to an “Agreement and Declaration of Restrictive Covenants” document (the “Agreement”) signed in 2015 by the applicant and a group of neighbors abutting the Project site. This Agreement relates to a development containing buildings similar to those proposed with the current Project. The Agreement is recorded at the Worcester County Registry of Deeds in Book 54292, Page 18. The Agreement, among other things, prohibits “any connection or access from the Project Site to, through or on Tara Road, Bantry Road, and Blackthorn Drive (except for emergency access from Blackthorn Drive to the Project as shown on the Concept Plan)”. The Agreement also states that “After terminating this Agreement pursuant to this Section 9, the Developer, PCLLC, and any party financially-related thereto shall not submit any application for any permit or approval from a local, state or federal governmental entity for the development of the Project Site in the same or substantially similar manner as set forth in the Concept Plan for a period of two years commencing on the date of the termination notice.” The Town is not a party to this Agreement, but we understand that termination of the Agreement has not occurred. We believe that an important first step for MassHousing’s review of the Project application is to confirm that the Project is currently allowable pursuant to this Agreement. It appears that if the Agreement is still in effect, this prohibition of local neighborhood access remains in place, or if the Agreement has been terminated, there may be a development restriction currently in place for the Project site. Either of these possibilities can have significant impact on the MassHousing determination, but we leave any legal evaluation of this issue for MassHousing and others.

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In addition to the above concern, our current assessment is that construction of this 200-unit Project as proposed would have a significant adverse impact on our community as a whole and on the abutting neighborhoods particularly. Specifically, our Select Board strongly requests that MassHousing not issue a project eligibility /site approval letter for this Project unless any such letter includes, at a minimum, the following “Key Requirements”:

- Public health and safety risks are mitigated by not allowing any Project site traffic to have ingress or egress access using Flagg Road (either directly or indirectly via Blackthorn or Tara);
- Abutting residential neighborhoods are protected via substantial Project building setbacks for the “4-story building” massing from the “2-story building” neighborhood property lines (and possibly by reducing the number of buildings/units), with this protection including appropriate visual and sound screening along the property line;
- The applicant provides plans for use of the remaining 83± acres of site, with sufficient detail to allow the Town to conduct appropriate impact review and provide additional responses relative to the entire 100± acre site;
- The applicant is responsible for installation of any necessary upgrades/modifications to public utility services (particularly relative to water supply); and
- The applicant complies with any Southborough Conservation Commission recommendations relative to wetlands protection and stormwater management.

As additional context for the above points, we offer the following, more detailed, comments:

### ***Traffic***

The Project site is adjacent to Route 495, a six-lane divided highway, and its intersection with Route 9, a major east/west commuter artery. The traffic congestion, noise and rush hour volume already existing in this area, combined with the new traffic from the 420 parking spaces planned for the Project, will certainly exacerbate the existing bottleneck in this area. Previous traffic studies for a prior project on the Project site can be used to estimate the project’s incremental traffic burden to be approximately 1,000 trips per day (and very possibly more than this number according to other traffic data presented as part of this prior project). This traffic volume estimate does not include additional traffic from other uses of the remaining 83± acres of the Project site that the applicant may be considering—which could be multiples of this number.

For at least 10 years, MassDOT has been examining different approaches to alleviate the traffic congestion at this 495/9 intersection. During the prior project filing in 2013, there were additional discussions with MassDOT about traffic alternatives that could help to mitigate the proposed increase in traffic. To the best of our knowledge, no progress has been made to improve this intersection nor are there any current State plans to do so. This already significant traffic problem would only get worse with additional traffic from the proposed Project, and even worse from future development of the full 100± acre site. This long-standing congestion and traffic safety concern was a factor when MassDOT imposed the current prohibition on the flow of additional traffic from Park Central Drive on to Route 9 (as one of the conditions for the original connection of Park Central Drive to Route 9). This MassDOT traffic access limitation, together with the Town’s unwillingness to jeopardize public safety for our Flagg Road area residents by allowing traffic from the Project (and from future development of the remaining 83±

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acres of the full site) to use Flagg Road, means that all of this traffic will need to access Route 9 directly from the applicant's property—but this direct access to Route 9 is not allowed by the existing MassDOT restriction! This appears to create a significant challenge for the applicant to address, and for MassHousing to address as part of any project approval.

During our Special Town Meeting in October 2016, a citizen petition warrant article was approved to request that the Select Board close Flagg Road near the Route 9 end (with gated access for emergency vehicles)—if the previously proposed project on this site was built. Subsequently, the Select Board voted to limit the previously proposed project's access onto Flagg Road. Although the current Project is a new application, these same traffic concerns and possible responses remain available for consideration.

#### ***Unsuitability of Project Site for Residential Units***

The Project site is located in the Town's Industrial Park Zone—in which residential uses are not permitted. This zoning classification for this property was done very deliberately, recognizing that this site is not suited for residential use. The site location at the intersection of two very busy highways, Route 9 and I-495, produces a significant amount of traffic noise and vehicle exhaust emissions 24 hours per day. Residents seeking quiet enjoyment of their property would not likely choose this location, so this site is therefore much better suited for commercial or industrial use as its zoning implies.

Any project approval should include the requirement for specific plans for mitigation of traffic noise impacts. This process should start with acoustical measurements to determine existing noise levels at the Project site and in the residential properties in the abutting neighborhoods. Based on this measurement process and recognized standards for "acceptable" noise levels, the appropriate screening or other noise barriers can be designed. This modeling should assess the impact of traffic noise for the entire site, including the impact of possible future development of the remaining parts of the full 100± acres. Project plans should include appropriate screening or building siting that does not allow noise levels in the abutting neighborhood in excess of recognized safe levels.

Additionally, the massing of the 4-story buildings proposed for the Project can also cast shadows on abutting neighborhood properties, so building siting should provide for sufficient set-backs from property lines to minimize this effect.

#### ***Environmental Impacts***

As our Conservation Commission has commented, the Project plan does not indicate if mature trees will be preserved on this property. The maintenance and enhancement of trees and shade protection are a priority in Southborough, which has been designated as a Tree City. The Conservation Commission has also noted that stormwater management is an area of concern, although we understand that a formal stormwater management application has not yet been filed (see attached 8/4/22 letter from Conservation Agent Melissa Danza).

Consistent with the Town's efforts to support use of electric and hybrid vehicles, we would ask that the applicant make accommodations for EV charging stations for electric and hybrid vehicles for Project residents.

### ***Roadway Infrastructure***

The application euphemistically describes Flagg Road in Southborough as a "gently winding roadway". In reality, Flagg Road is a narrow, tree-lined, two-lane road with no sidewalks and in some places, it is so narrow that two cars can barely pass at the same time. This road is also designated as a "scenic road". This type of road is one of the primary reasons Southborough has been able to retain its bucolic character. We maintain that because of the existing characteristics of Flagg Road and its related feeder roads, the traffic which would be directed from the Project to Flagg Road (and similar roads in this neighborhood) would create unacceptable public safety risks for drivers, cyclists and pedestrians. This is a particularly important issue because these neighborhood roads are a primary pedestrian route between these neighborhoods and the two local schools' campuses at the eastern end of Flagg Road.

Even without additional Project traffic, Flagg Road capacity is stressed because this is one of the few streets in Southborough that serves as a "spine" road, connecting Route 9 and Route 30. The Select Board is currently reviewing a plan to revise our Heavy Vehicle Exclusions for Town roads, to keep larger commercial vehicles on larger capacity roads that can better manage this type of traffic, and shift traffic off smaller, narrower roads such as Flagg Road. This study was initiated long before the current Project application was produced, specifically as a result of concerns expressed by residents of the Flagg Road neighborhoods and as an effort by the Select Board to address traffic-related public safety risks in these neighborhoods.

### ***Additional Comments***

- The proposed Project covers 17± acres of the 100± acre site. The total scale of planned development on the full 100± acre site is currently unknown to the Town. The applicant, when asked about this, responded that he has no firm plans for additional development. It is therefore very difficult for the Town to evaluate the impact of the Project without understanding the applicant's development plans for the remaining 83± acres of the site. This additional development will significantly impact many factors of concern for the Town, particularly including traffic and public services. If the Project moves forward, the construction of any new roads and access points will need to be based on the plans for the entire site. It is therefore imperative that the Town has knowledge of plans for the remaining site acreage in order to comment appropriately on the Project plans.
- The Town needs approximately 57 additional affordable housing units to reach the State's "Safe Harbor" threshold of 10% affordable housing units, and thereby allow the Town to have a more active role in the location and approval of any future 40B projects. We ask that the applicant take this into consideration in the assignment of the number of affordable units out of the total 200 units for this project and increase the number of affordable units in the Project to at least 60 affordable units.
- On August 2, 2022, members of the Select Board (and representatives from a number of other Town entities) attended a "site visit" event for the proposed Project. Unfortunately, the

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Massachusetts Housing Finance Agency  
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applicant would not allow the participants at this event to walk around the actual site, so this discussion of the proposed Project took place at a location near the proposed site. Due to the topography and vegetation, none of the actual site was visible to the participants. This limitation makes it more difficult for the Town to adequately evaluate the details of the application, so the Select Board would like to reserve the option to provide additional comment until a time after an actual site walk occurs. We continue to look forward to the applicant's scheduling this site walk, so all parties have appropriate Project information and detail.

- In the previous project filing for this site, it was noted that the applicant would reserve a parcel of land on the site for the Town to locate a new water tank to improve water flow for the Project site and improve the efficiency of the overall water system. The Town remains interested in this possibility with the current Project.
- One of the permits granted for the previous project was a use variance, allowing construction of residential units in a zoning district not allowing this use. The Town believes that this use variance has now lapsed and is no longer in effect. The Town asks that MassHousing confirm that the Project does not intend to rely on the expired use variance for any project planned for the entire 100± acre site including the Project currently before you.

In closing, we reiterate the importance of first dealing with any issues related to the 2015 Agreement, and second, including our Key Requirements listed above and addressing the concerns that we have highlighted in the "Additional Comments" above, as part of any MassHousing "Project Eligibility/Site Approval" determination. With this consideration from MassHousing, we look forward to working with the applicant to move the Project forward.

Please feel free to reach out to our Select Board if you have questions about any of the above comments.

Respectfully,

Kathryn M. Cook, Chair  
Southborough Select Board

# TOWN OF SOUTHBOROUGH



## OFFICE OF THE BOARD OF SELECTMEN

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662  
(508) 485-0710 · FAX (508) 480-0161 · [selectmenoffice@southboroughma.com](mailto:selectmenoffice@southboroughma.com)

September 19, 2016

Mr. Jonathan Gulliver, Director  
MassDOT, District 3  
403 Belmont Street  
Worcester, MA 01604

### **RE: Accessibility to Flagg Road from Park Central project**

Dear Mr. Gulliver:

On Monday, September 12, 2016, the Board of Selectmen convened a public forum to discuss a safety study of Flagg Road that was conducted by Toole Design Group (copy attached), including the estimated traffic from the proposed Park Central Development (but not the existing businesses on Park Central Drive). Approximately 100 citizens joined the Selectmen and other Town officials to express their concerns regarding the safety of Flagg Road as it currently exists, and the increase in danger for vehicles, pedestrians, and bicyclists with the anticipated Park Central traffic. Several Selectmen, as well as the Chairman of the Planning Board, and the Public Safety Chiefs and Public Works Superintendent, conducted a site walk on Flagg Road to better understand the current condition of the road, and the challenges it presents.

Flagg Road is one of the few "spine" roads that we have connecting Route 30 with Route 9. Therefore, it is used as a cut-through for commuters and commercial traffic, in addition to the residents who live on Flagg and connecting streets. It is a narrow, winding road with varying widths, due to the scenic nature of the road and the limitations of mature trees and stone walls. It presents challenges for vehicles trying to navigate oncoming traffic, and pedestrian traffic who otherwise has nowhere to walk (there are no "bailout" areas, so to speak). While traffic reports may suggest that Flagg can safely handle more traffic than it currently does, we maintain that the road is already challenged to handle its current level of traffic.



At their August 24, 2016 meeting, the Zoning Board of Appeals approved the special permit for the Park Central Development, with several conditions. One of those conditions was to limit left hand turns out of the development from John Boland Road onto Flagg Road daily from 7:00 AM to 9:00 AM, thereby requiring the existing traffic to use Route 9 exclusively during this time. There have been requests from the residents to further enhance this condition by eliminating ALL left hand turns onto Flagg Road from John Boland Street, one which the Board of Selectmen may consider moving forward. There has also been a citizen's petition submitted for our October 18, 2016 Special Town Meeting that asks the Selectmen to gate the end of Flagg Road just to the north of the John Boland Road intersection, essentially routing all Park Central traffic onto Route 9 westbound.

We understand that MassDOT would like to limit or eliminate all traffic exiting onto Route 9 from Park Central Drive, in order to eliminate entering onto Route 9 so close to the Route 495 on-ramp. This action would result in all of the traffic coming out onto Flagg Road. And it would include not only traffic from the proposed Park Central Development, but also the existing businesses on Park Central Drive. It is unfathomable to the Board that the State seeks to solve their traffic problem by creating one for the community.

We also understand that MassDOT will not issue an access permit for the Park Central Development until the conclusion of the MEPA process AND after the concerns of all parties have been addressed and/or remedied. Given the tenor of the residents, and the concerns that we have for the local roads and impacted neighborhoods, we cannot yet see that light at the end of the tunnel.

To that end, we are requesting that MassDOT join the Board of Selectmen at the table to explore avenues that will address these concerns, as both local and State thoroughfares are impacted. Only through such a collaborative effort can we achieve a successful result that does not jeopardize Southborough and its residents. This request is consistent with the comment offered by Secretary Beaton in his August 12, 2016 Certificate on the Draft Environmental Impact Report for the Park Central Project.

Appreciate your consideration of this request in advance. Thank you.

For the Board of Selectmen, I am

A handwritten signature in black ink, appearing to read "Brian E. Shea", with a long, sweeping horizontal line extending to the right.

Brian E. Shea, Chairman

cc: James Eldridge, State Senator  
Carolyn Dykema, State Representative

# TOWN OF SOUTHBOROUGH



## OFFICE OF THE BOARD OF SELECTMEN

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662  
(508) 485-0710 · FAX (508) 480-0161 · [selectmen@southboroughma.com](mailto:selectmen@southboroughma.com)

September 30, 2013

Mr. Michael Busby  
40B Project Coordinator  
Mass Housing Finance Agency  
One Beacon St.  
Boston, MA 02108

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

Dear Mr. Busby:

The Town of Southborough has reviewed the proposed layout plans and project information for The Residences at Park Central. The Town's understanding is that the proposed project is a 180 unit, residential development on a 13.28 acre parcel located on Park Central Drive, a private road, in Southborough, Massachusetts. The proposed project also includes a sewerage treatment plant which is sized to meet the needs of future development on Park Central Drive.

The Town has had two public hearings regarding this project. At these hearings, the developer presented the project and the related traffic study. Residents were allowed to ask questions about the project and the traffic study and to voice their concerns about the project and its related traffic. After listening to Southborough's residents' concerns at the first hearing, the developer redesigned the project layout, performed a traffic study for the new layout and presented it at the second hearing. The developer also met with the Public Safety Chiefs and the Public Works Superintendent to listen to their concerns regarding the proposed project and its layout.

Currently, access to and egress from Park Central Drive, and therefore the site, is via Route 9 westbound. As part of MassDOT's Route 9 and Route 495 interchange improvement plan, the Park Central Drive egress onto Route 9 must be closed. MassDOT is requiring that the Park Central Drive egress be moved from Route 9 onto Flagg Road.

The developer met with the Fire Chief regarding access to the proposed project. The Fire Chief's main concern was that there be two access routes to the proposed project. The layout plan accommodates this with the current access from Route 9 and the planned egress onto Flagg



Road and the planned access and egress through the abutting neighborhood streets, Tara Road and Bantry Road.

The main issue that arose from the residents during the public hearings concerned increased traffic on local roads. Residents living on the proposed access and egress roads, Tara and Bantry Roads, are concerned about moving 1,074 vehicle trips through their neighborhood each day. Even though Bantry Road was developed with a right of way connecting to the proposed project, the road has been maintained as a cul-de-sac and children and older pedestrians have always enjoyed the roads' limited traffic and dead end. The neighborhood is worried that the additional vehicles will create pedestrian vs. vehicle and vehicle vs. vehicle conflicts as well as create traffic delays.

The developer understood the neighborhood's concerns and met with the Police Chief and DPW Superintendent to discuss the Town's and the residents' traffic concerns. The developer indicated that he was willing to put sidewalks in the Bantry and Tara Road neighborhood in order to provide safe pedestrian travel within the neighborhood. In order to address the quantity of vehicles moving through the neighborhood, the developer agreed that he could direct vehicles leaving the Park Central Residences, wanting to head west, to the Park Central/Flagg Road exit, and only direct residents wishing to head north on Flagg Road through the Tara and Bantry road neighborhood.

Residents have concerns about increasing traffic on Flagg Road, a narrow, winding, country road. Flagg Road's right-of-way does not allow for mitigation such as sidewalks and breakdown lanes. However, the developer indicated that he was willing to install driver feedback speed signs on Flagg Road, as requested by the Police Chief, to help with traffic control on Flagg Road.

The developer has also agreed to hold a parcel on Park Central Drive for the Town's use that has been identified as a potential water storage tank site if the Town needs it to improve water quality and/or water pressure in the area. This potential tank parcel is not part of the proposed project but it will continue to be available to the Town as the remainder of Park Central Drive is developed.

The Town would prefer that the small amount of parcels zoned commercial and industrial in the Town, including this one, be utilized for commercial and/or industrial use. Southborough is working to encourage commercial and industrial development by streamlining its permitting processes. The Town also recently formed an Economic Development Committee (EDC) to help attract businesses and to give them a voice in the Town. Commercial and Industrial businesses will expand the Town's tax base without burdening most of the Town's services.

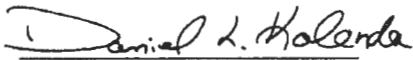
Finally, we would like to see a delay on this proposed project as we have not been able to see the results of the large 40B currently under construction on the other side of Route 9, known as Madison Place. This complex is also currently looking to add additional units under 40B. Because this project is not yet complete, it is necessary for the Town to understand the effects this large project will have on our municipal services and infrastructure before another 40B project is permitted. Are the actual impacts as projected by the developer, or are we seeing additional students in our schools, decreased water pressure for neighboring properties, and/or

significantly more public safety responses than expected? It should also be noted that our Subsidized Housing Inventory (SHI) increased by more than 2% over the past year, and now stands at 7.49%. The Town feels that this extreme growth in our affordable housing deserves some consideration, despite the fact that our request for certification of our Housing plan was denied by DHCD this past January.

With that being said, a town is only the sum of its property owners and residents. Southborough's local officials believe that part of their duty is to work with property owners to ensure the safety of Southborough's residents and the motoring public as well as preserve the property owners' development rights when they decide to invest in the Town and develop their land. Included with this letter are comments from Town Officials as well as a variety of correspondence from the neighborhood which have been submitted to the Selectmen's Office.

We appreciate the opportunity to provide comments.

Sincerely,



Daniel Kolenda, Chairman



John Rooney



William J. Boland

Southborough Board of Selectmen

CC: DPW, Fire Chief, Planning Board, Police Chief, ZBA

DAVID J. OFFICER  
17 BLACKTHORN DRIVE  
SOUTHBOROUGH, MA 01772

September 8, 2022

Southborough Select Board  
17 Common Street  
Southborough, MA 01772

Dear Select Board Members:

I write concerning the 40B Park Central proposal ("the Proposal"). I have grave concerns regarding the Proposal and the plan for routing traffic to and from the proposed development.

First, as far as I can tell, the Proposal routes all traffic through Blackthorn Drive. Routing this traffic through a subdivision road will overload this road from both design and performance perspectives. Blackthorn Drive is not designed to provide an access to the proposed project. The road is already in poor condition, and more daily traffic, as well as use by construction vehicles, will further degrade the road.

Second, and more important than the impact on Blackthorn Drive, is the safety concern raised by adding traffic to and from two hundred condominium units. The increase in traffic to town roads will be detrimental to the Fiddler's Green neighborhood and will cause excessive delays for all motorists using Flagg Road for access to Route 9.

Furthermore, the increase in traffic accessing Route 9 west will exacerbate an already dangerous condition as motorists seek to (a) access the Cumberland Farms service station/convenience store from Route 9; (b) enter and exit from the existing Park Central Drive onto Route 9; (c) enter Route 495 North from Route 9; and (d) continue west on route 9. The roads and the intersections are already congested and dangerous with motorists jockeying for position to their destination. Simply put, there are too many exits and entrances in this section of route 9. More traffic in this area will prove to be dangerous to those who travel Route 9. If the major ingress and egress were through Park Central Drive alone, with no increased traffic through Blackthorn Drive and Flagg Road, the danger may be somewhat mitigated. However, I feel it is irresponsible to increase traffic into this congested and dangerous section of Route 9.

The Proposal should be rejected.

Very truly yours

*/s/ David J. Officer*  
David J. Officer

## Melanie Otsuka

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**From:** [REDACTED]  
**Sent:** Tuesday, September 13, 2022 9:53 AM  
**To:** SelectmenOffice  
**Subject:** comments on the Park Central 40B application

[EXTERNAL]

Dear Southborough Select Board,

My comments on the Park Central application include two topics: Traffic Infrastructure and Wildlife preservation. First, I didn't not see any improvements to the roads in which all the new traffic from these 200 units would travel. 200 units means roughly 200 new cars traveling Southborough roads on a regular basis. One of the main entrances to this new complex is on Flagg road right next to the One-Lane bridge. There is no mention of this bridge or how this new traffic would affect travel across the narrow bridge. Currently cars have to wait in queue to cross when there is on-coming traffic. This waiting area is right in front of the new proposed entrance to the complex. This is a traffic safety hazard waiting for an accident to happen.

Second is wildlife preservation. One of the reasons I moved to Southborough is all the wildlife that is in the area and we get to see in our yards. In the Park Central area has a wetland area and a natural lake. This area is home to many species of animals including the wild turkeys we get to see often in the Flagg road area. There is plan on how to maintain the natural home of these animals during and after construction. Instead this project is removing natural open space that these animals use as their home for shelter and for hunting and gathering food. By building the Park Central project Southborough is eliminating another open area for our wildlife to thrive.

Thanks,  
-Shawn Rose  
-3 Lovers Ln

## Melanie Otsuka

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**From:** Mark Purple  
**Sent:** Monday, August 29, 2022 11:49 AM  
**To:** Melanie Otsuka  
**Subject:** FW: Comments on Proposed 40B - Residences at Park Central, Southborough (MH ID No. 1155)  
**Attachments:** ParkCentralComments\_Perkins\_20220826.pdf

For the Park Central folder, please. Email and attachment. Thx.

Mark

**From:** [REDACTED]  
**Sent:** Friday, August 26, 2022 11:20 PM  
**To:** SelectmenOffice <selectmenoffice@southboroughma.com>  
**Subject:** Comments on Proposed 40B - Residences at Park Central, Southborough (MH ID No. 1155)

[EXTERNAL]

Please find attached a letter containing our comments on the Proposed 40B - Residences at Park Central, Southborough (MH ID No. 1155).

Thank you,

Chris and Linda Perkins

August 26, 2022

Michael Busby, Relationship Manager  
MassHousing,  
One Beacon Street,  
Boston MA 02108

Re: Proposed 40B - Residences at Park Central, Southborough (MH ID No. 1155)

Dear Mr. Busby,

We would like to offer the following comments regarding the proposed Residences at Park Central development.

In this proposal, Blackthorn Drive is one of the main access roads to the development. The developer is planning to use some of the 100 acres for commercial and industrial development (stated twice in Section 1.4 Development Narrative). Blackthorn Drive is a small road in a three-road cul-de-sac neighborhood. This road is ill-suited for anything but neighborhood traffic. The traffic from the 200 residences will be more than Blackthorn Drive can handle, and it certainly is not equipped to handle commercial and industrial traffic. All that traffic will pose safety issues for people living in the small neighborhood. In a previous application, the developer planned to use Blackthorn Drive as an emergency access only. In this proposal Blackthorn Drive should be used as emergency access only.

There are five vernal pools on this property, as identified by Goddard Consulting in a letter to Southborough Conservation Commission dated April 26, 2019. None of these vernal pools is identified in the proposal. In fact, it appears that the road connecting the proposed project to Blackthorn Drive is immediately adjacent to one of the vernal pools.

The developer is planning to build four 50-unit 5-story buildings on 17 acres on the 100-acre property. These 17 acres are immediately adjacent to the abutters' homes, and in some cases the buildings are within 25 feet of the property lines. The buildings will tower over the single-family homes in the neighborhood, so much as to block out the sun. Approximately half of the units will have the abutters' properties as their primary view from their balcony or patio area, causing a gross invasion of the abutters' privacy. These huge buildings are too close to the abutters' property lines.

The development will have a large negative impact on the existing neighborhood, and this application should be denied.

Sincerely,

Handwritten signatures of Chris Perkins and Linda Perkins in black ink.

Chris Perkins and Linda Perkins  
1 Tara Rd  
Southborough MA 01772



Howard Rose  
2 Bantry Rd.

14 September 2022

Mass Housing  
One Beacon Street  
Boston, MA 02108  
Attn: Michael Busby, Relationship Manager  
[mbusby@masshousing.com](mailto:mbusby@masshousing.com)

RE: Proposed 40B— Residences at Park Central, Southborough (MH ID No. 1155)

Mr. Busby,

I am writing you today to voice my serious concerns about the proposed Residences at Park Central, in Southborough currently under consideration for funding by Mass Housing. To be clear this is not a “not in my backyard” scenario, and for the record, I am not apposed to the project, if, and only if the current challenges of the project and project site can be resolved. Unfortunately, none of the past projects proposed for this site adequately resolved them.

**Safety:** Specifically, pedestrian, and vehicular safety continue to be a challenge for this site. Please note that the address of this project is **0 Turnpike Road**. It is not lost on the citizens of Southborough, that this project is located on RT 9, is being requested through a state mandated housing law, yet the state (MassDOT) has denied access to the project from the road it is on.

To circumvent this denial by the state, the developer is attempting to use a small local road, originally designed for horse and buggy. This road is already considered unsafe, has no sidewalks, and provides access to two schools. It simply was not designed for the additional traffic this project will produce.

It is interesting that MassDOT has accepted this current scenario. I believe this acceptance is with the expectation that a majority of the traffic will flow down the local road, and not onto Rt 9 (the last traffic study showed 80% of the traffic leaving the current neighborhoods went away from Rt 9, to avoid the challenges of the intersection.

Before approval of this project, may I suggest you reach out to MassDOT and have them voice their opinion of the project if 100% for the traffic from it was directed to Rt 9? The town will likely express such a desire as a condition of the project, as it is certainly not appropriate to put the safety of residents at risk simply because MassDOT does not desire the added traffic.

For this project to be considered MassDOT **MUST** be brought in as a partner to establish safe access to and from this site on Rt 9.

From the [Traffic Study](#) ([https://www.southboroughtown.com/sites/g/files/vyhlf7351/f/uploads/flagg\\_deerfoot\\_road\\_safety\\_study.pdf](https://www.southboroughtown.com/sites/g/files/vyhlf7351/f/uploads/flagg_deerfoot_road_safety_study.pdf)) produced for the town in May 2016, it is noted that the road is already unsafe, has an above average crash rate for the type of road it is (rural collector), is lacking basic safety features of modern

roads, such as clear zones, shoulders, appropriate sight distances, etc. Note these challenges and unsafe conditions exist today, without the addition of the significant traffic that will be produced by this proposed development.

**Environmental Noise:** In recent years, the Massachusetts Department of Public Health, as well as legislatures have realized the impact of environmental noise and the effect of the health of people exposed to high levels. The current Proposed project shows 4 buildings, 5 stories tall (4 residential floors over a podium of covered parking) within 100 ft of the existing housing in the Blackthorn – Tara neighborhood. I can only image the effects, not only of the construction, but of the residual noise from the proposed building mechanical systems as well as the noise from 200 units of people and 420 cars on these residents. Just on this health concern alone, should be enough to disqualify this project. For this project to move forward the buildings must be relocated to a satisfactory distance from the existing residences to ensure the current residents continued health, safety, and way of life.

**Application irregularities, corrections, and clarifications:**

There are several inconsistencies and omissions within this application that I feel must be addressed, answered, or corrected before this application can even be considered. On page 7 of 24 of the MHFA application (page 36 of the PDF), when asked *“To the best of your knowledge, has this site ever been rejected for project eligibility/site approval by another subsidizing agency or authority?”* The applicant responded “No”. I believe this to be incorrect. In fact, in section 2.6 – Previous Development Efforts, the applicant calls out the last development effort that was stuck down in court. In fact, there were other previous efforts to develop this site that never came to fruition for a variety of reasons. Although from before my time in town, it is my understanding that many of the site attributes, like the lake, are the results of previous site work on the property. I suggest a more detailed history of the site be researched and the existing challenges, particularly access be reviewed in more detail.

In section 2.6, the applicant also makes the claim *“The use variance for the market rate project was not appealed and remains in effect.”* I believe this to be incorrect. When the court annulled, the comprehensive permit, all subsequent rulings and variances issued for the project were nullified with it.

The larger question is why was this statement made to begin with? The applicant is showing a 200-unit project on just over 17 acres of property on a 100-acre site. To move forward with this project, given the known access challenges, I believe Mass Housing must ask the question as to what will be done with the remaining 83 acres of property. Are they planning a 2<sup>nd</sup> 40b project, knowing the current project will fall short of meeting the 10% requirement? Will a hotel and other commercial offerings be explored as originally shown? While not part of this project, I think this information must be included in the application as the traffic and safety concerns will play a critical role in the roads and access ways for this project.

**Economic Impacts on Southborough:**

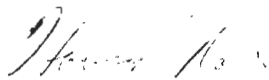
While perhaps not a normal consideration in your process, it must be mentioned that Southborough is a town of under 10,000 people. A significant portion of our town area is under water as we are the home

of several reservoirs that are the back up water supply for Boston. No tax is collected on this land. Another significant portion of our land is taken up by private schools (Fay, St. Marks, Harvard, and New England school for Children). None of these entities pay taxes either. The parcel of land being prosed for this 40B project is one of the last significant industrial zoned properties left in Southborough. While I appreciate the need for affordable housing, special circumstances for a town this small must be taken into consideration. If this project does go through, it will significantly limit the corporate tax possibilities for the town, that will in turn make even the affordable housing units no longer affordable. I am confident this is not the intent of this program.

In conclusion this project is wrought with significant challenges, specifically in safety, environmental and health, and simple economics. While I am not apposed to adding housing, especially affordable housing to Southborough, without significant buy in and area restructuring from MassDOT, this project must not be funded. I again encourage you to bring MassDOT to the table for safe access on Rt 9, or you must deny the application.

Thank you for your time.

Respectfully,

A handwritten signature in cursive script, appearing to read "Howard Rose".

Howard Rose

2 Bantry Rd  
Southborough, MA

**RE: Proposed 40B Residences at Park Central, Southborough, MA, MH ID No. 1155 --  
Opposition**

- Mike Busby, 40B Relationship Manager, Mass Housing (MBusby@masshousing.com)
- Mark Purple, Southborough Town Administrator (MPurple@southboroughma.com)
  - Southborough Select Board (selectboard@southboroughma.com)
  - Southborough Building & Zoning Department (LLivoli@southboroughma.com)
  - Southborough Zoning Board of Appeals (DWilliams@southboroughma.com)
  - Southborough Planning Board (MLuttrell@southboroughma.com)
  - Southborough Public Works Department (KGalligan@southboroughma.com)
  - Southborough Conservation Commission (MPossemato@southboroughma.com)
  - Southborough Board of Health (CMalinowski@southboroughma.com)
  - Massachusetts DOT, District 3, Barry Lorion (Barry.Lorion@state.ma.us)

Dear Southborough Town Committees and Interested Stakeholders:

My name is Grant Whitney and with my wife Elizabeth, we own and have lived at 23 Blackthorn Drive since 2002. Given the locus of our home to the proposed project, we have standing to comment on this second permit filed by Park Central LLC, through William Depietri, its named principal. As long-time residents, we have knowledge of the decades of previously attempted development efforts and the long-standing concerns related to the Park Central parcel of land. We urge the permit application be rejected in its entirety for reasons elaborated on below.

**35+ Years of Development Effort:**

The location of the subject property is well defined in Section 1.1, pages 7 and 8 of the latest Comprehensive Permit application, and well-known given the decades of attempted development efforts extending long before the ruling in *YAN HUANG & others v. LEO BARTOLINI, JR. & others, Worcester County Superior Court Action No. 16-01359*, annulling Southborough ZBA action and revoking the previously issued permit. This ruling has not been appealed.

Every real estate parcel is unique. Efforts to develop the full ~110-acre parcel have been put forward multiple times for at least 35 years, since the **mid 1980's**, at minimum – when Thomas Flatley (d. 2008), founder of the private, family owned Flatley company, held title. They have failed because of the parcel's landlocked characteristics; town and state infrastructure realities; and because of conservation and environmental obstacles. Rationales, then and now, include health and safety and other legitimate needs of Southborough and its residents.

These longstanding embedded, and intractable issues persist. Many of them are specific to the land or are attributes that run with the land and cannot be cured. The applicant proffers

“solutions” that consider outside real property, easements over other lands, distinct and separate from the parcel itself. Without detail and transparency to bring these “solutions” fully to light, a full and fair review by all stakeholders is impossible.

It follows that a decision based on imperfect and/or flawed information, where relevant stakeholders have been blocked and prevented from upholding their public charge to fully vet the application is a decision essentially based on a “*House of Cards*”. Moreover, a basic requirement of the application is to provide information that is true to the best of the proponent’s knowledge and belief. As long time residents it is our opinion, informed by prior knowledge, and observable patterns of behavior by the applicant, that many application assertions are either unsupported by fact, or disingenuous responses at least. (See *Town of Southborough Planning Board comments, Table 1.*) In the end, just as with this applicant’s first attempt, and those of predecessor owners that have failed over more than 35 years, the current permit application in the instant case must fail.

### **Project Scale relative to Existing Population and Infrastructure**

The 2020 census<sup>1</sup> indicates that Southborough has 3,535 housing units. These housing units are spread over Southborough’s 9,844 acres<sup>2</sup>.

1. <https://censusreporter.org/profiles/06000US2502763165-southborough-town-worcester-county-ma/>
2. [https://www.southboroughtown.com/sites/g/files/vyhlf7351/f/uploads/land\\_use\\_and\\_zoning.pdf](https://www.southboroughtown.com/sites/g/files/vyhlf7351/f/uploads/land_use_and_zoning.pdf)

The 2022 Park Central 40B proposal, which includes 200 housing units, is on a landlocked parcel. Of course, in order to move forward, ingress and egress is necessary. There are the inescapable and immovable boundaries of Routes 9 and 495 imposed by state and the Town. No curb cuts and no new exits are being considered due to state determined health and safety concerns of the commuters who use those arteries. Thus, the only way to access any local or state road is to punch a hole through residential neighborhoods. Those, in turn, will empty onto a single existing local codified scenic narrow roadway, Flagg Road.

Based on the 200 proposed units and the projected unit size, it is reasonable to expect population increases in this one section of Southborough on the order of 900 to 1,000 individuals. In turn, it is reasonable to assume approximately 800 vehicular trips will be daily injected through narrow country roads that already exceed capacity (see *Merrihew*, pages 2-3, 8-9, 10, 12-18).

Further, the addition of 200 units would represent 5.7% of Southborough’s housing units; however, these units would be located on only 0.17% of Southborough’s acreage (17 acres). To allow this is irresponsible at best, and deadly at worst. Because Mass DOT has denied egress from this development onto Route 9 (a major state roadway) because of safety issues, all traffic from this development would, instead, funnel onto Flagg Road, a historic narrow roadway with blind corners, **no** shoulder, and **no** sidewalk. During the school year, children walk and ride their bicycles on Flagg Road in order to access two of Southborough’s schools (Neary Elementary School and Trottier Middle School). Residents have concerns about the safety of Flagg Road

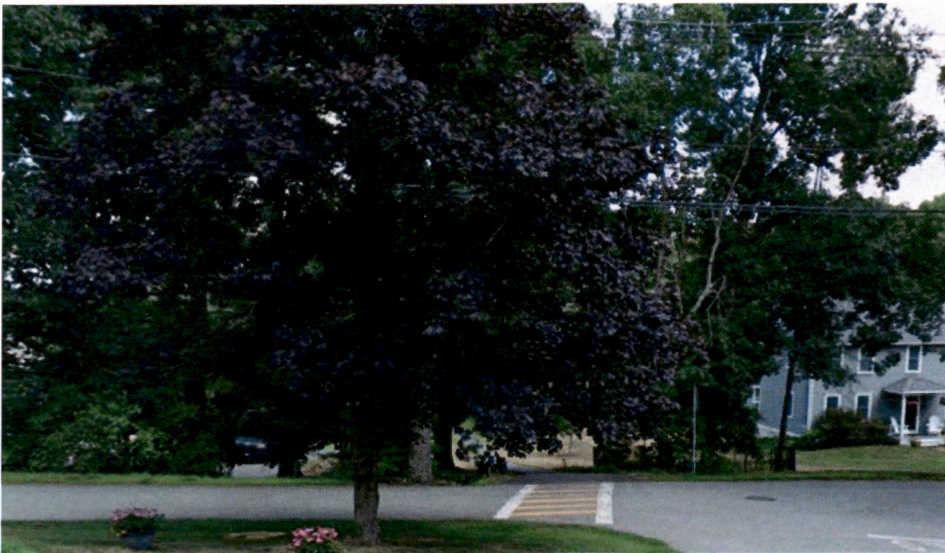


with the current density; to accept this proposal threatens the safety of current residents including our school-aged children, mothers walking their children, etc. Additionally, Flagg Road is the only conduit for several dead-end and cul-de-sac neighborhoods. The homes in these neighborhoods are situated on a minimum of one-acre lots and include the following:

- Eastbrook Farm Rd – 8 housing units
- Blackthorn Dr./Tara Rd./Bantry Rd. - 44 housing units
- Red Gate Ln./Hickory Rd. – 31 housing units
- Orchard Rd. – 16 housing units
- Strawberry Hill Rd. – 19 housing units

The housing units indicated in the above list contribute to the traffic of 118 housing units onto Flagg Road. The addition of 200 units from the proposed development, almost triples the forced egress onto one of Southborough's most dangerous roadways. At its most narrow point, the total width of Flagg Road is only 15 feet. If that is not concerning enough, less than one-half mile from the footpath entrance to both Nearly Elementary and Trottier Middle Schools, Flagg Road narrows to 19 feet (total width) around a blind corner (see images below). This clearly places the lives of school-aged children at risk. If this development moves forward the question isn't, if there will be a fatality but rather, when will there be a fatality? The responsibility of such a tragedy will be on any individual turning a blind eye to the perils of this project.

Footpath entrance to to both Nearly Elementary and Trottier Middle Schools





Blind corner along a narrow section of Flagg Road situated less than 1/2 mile from the footpath entrance to both Nearly Elementary and Trottier Middle Schools



Egregiously, the developer asserts that increased traffic will be minimal due to “availability of mass transit.” The Park Central site is not walkable to any public transportation. Thus, any commuter wishing to access public transportation must use their own vehicle to do so and, in doing so, will drive along some portion of Flagg Road.

#### Roads: Town and State.

The only way to ameliorate these risks is to widen roads and install sidewalks which in turn create additional challenges. Southborough code has designated many of these roads as scenic and that designation carries with them rights and responsibilities for the Town and property owners alike.

At a balcony level, even if it is possible to widen the roadways, significant expense will be incurred, one that the applicant ignores. Even if it is possible, consider the following kinds of questions that will need to be addressed:

- How many years, and at what kind of expense will the town be in litigation challenging Eminent Domain claims arising from the taking of real property from property owners up and down Flagg, Lovers, Lynbrook, Deerfoot, and Clifford Roads?
- What legal/constitutional justification does Southborough have to pursue an approach at the behest of, or in order to satisfy the pecuniary interests of the one individual/corporate entity?
- What about the conflict between scenic road status and the Town’s pursuit of Eminent Domain?
- How will Town Meeting respond?

- How will these efforts be funded?

Financing one way or the other will rest on backs of residents through assessments, long term borrowing and debt service. In aggregate these realities do not “benefit” Southborough and despite being necessary and proximate to this application, and the project itself, we believe they must be considered.

#### The Parcel and Wastewater concerns:

Rather than confining development attempts to real estate the developer owns – especially the remaining 90+ acres of surrounding property on the parcel -- the applicant suggests a solution from an **unnamed location off site, via easement**. See *Permit Application page 36*, to address singularly important environmental concerns of wastewater treatment. This begs the question of what prohibits wastewater treatment proximate to the proposed building, within the developer’s orbit of ownership on the full parcel. It raises more questions than it answers and by asserting it, extends the line of development failures going back more than 35 years based on attributes of the land itself. It calls into question the suitability of the project on those specified acres and the larger parcel.

Even thinly supported, unsubstantiated proposed wastewater plant plan, the application is silent on where the treated effluent will go. Nothing in the permit application addresses that essential next step, i.e., connection of the treated waste to existing water and sewer infrastructure. There is only one option.

A distinguishing feature of Southborough construction; commercial and residential alike, is its long time reliance on property specific, septic systems. There is no contemplated construction of a town sewer system in any Town master plan. We will leave the details required, dimensions and sizing required for such a system to others to comment on. That said we believe it reasonable to infer that a system large enough to service 900 to 1,000 residents for decades to come will be costly, and those costs rightly should be attached to the Development itself rather than the Town.

Given this developer’s in-town reputation and past behavior, without more transparency and information, there is no good faith reason to assume that a proper easement has been obtained, that there is a right to access the specific land, for that specific purpose, and/or that its location is proximate to the project, to minimize other health, safety, environmental impacts. Similarly, the lack of information on scale offers no assurance that whatever is contemplated will be large enough to service a development of this size.

The Developer has several options utilizing the land he owns, around these 17 acres, but has chosen not to raise them, notwithstanding wastewater realities and the impossibility of bifurcating conservation concerns from the wastewater issue. As suggested earlier the application lacks transparency in fleshing out these possibilities. Because that transparency is

lacking, the applicant effectively handicaps necessary review by town committees and other interested stakeholders. Without the opportunity for thorough review of real plans and details, at Mass Housing, at Mass DOT, and all related Town committees, any decision taken by any and stakeholders is predicated on an incomplete information at best. It is therefore impossible for town officers, elected or appointed, to fulfill their responsibilities to act in the best interests of the community.

The Parcel and Conservation Concerns:

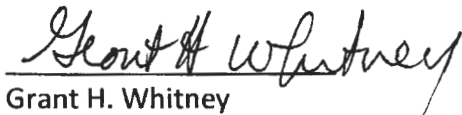
The parcel contains one large pond and bisects half of a second smaller body. The habitats, flora and fauna embodied in these two ponds are put at risk by this Development for the simple reason that wastewater treatment is proximate to these bodies of water and adjacent wetlands. It is foreseeable that negative implications will result. 900 to 1,000 individuals generate substantial effluent daily. In the absence of a sewer, very real questions arise about the feasibility of septic system leach field that cannot fail prematurely, and still accomplish the desired ends. It is also a matter of record that construction of wastewater treatment requires stripping the land of trees, plants, and ground cover. It is a matter of record that this land contains rock, ledge, and clays that work **against** penetrability, limiting the effectiveness of leach fields and the soils to absorb waste. In turn this enhances the risk of leakage to marsh and, open water.

In a related vein, of concern is the developer's attempt to cherry pick data to contend that these environmental and conservation concerns are non-issues because during the incredibly flawed, Park Central 1 process, were vetted by "Town Consultants". This 2022 plan is new. It is a new application, for a new permit, for a new plan radically different in size, scope, and location on the parcel.

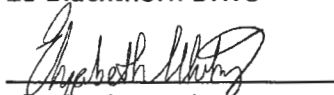
Any reliance on the previous plans should be considered **void ab initio**, having no legal effect from inception. and has no legal basis to be considered based on the ruling of the Land Court in March 2022. and technology over the intervening seven (7) may lead to radically different results.

For these reasons, we urge all stakeholders to summarily deny this 2022 Park Central 40B MH # 1155, comprehensive permit application.

Respectfully submitted,

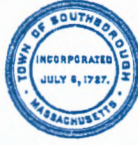


Grant H. Whitney  
23 Blackthorn Drive



Elizabeth R. Whitney  
23 Blackthorn Drive

# TOWN OF SOUTHBOROUGH



## CONSERVATION COMMISSION

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662  
(508) 281-8984 · FAX (508) 480-0161 · [mdanza@southboroughma.com](mailto:mdanza@southboroughma.com)

August 4, 2022

Massachusetts Housing Finance Agency  
One Beacon Street  
Boston, MA 02108

**Subject: Proposed 40B – Residences at Park Central, Southborough  
MH ID No. 1155  
Conservation Commission Comment Letter**

To Whom it May Concern,

The Conservation Commission is in receipt of the request from MassHousing and application submitted on behalf of the Residences at Park Central project. As a Local Board, as defined in 760 CMR 56.02, the Commission would like to offer the following comments pertaining to their jurisdiction under the Wetlands Protection Act (WPA) 310 CRM 10.00.

Since the preliminary plans that have been submitted with the Park Central application do not have stormwater management designs and information, the following comments are based off previous items and reasonings that the Commission has denied the project for noncompliance with the WPA during the last two iterations of the project:

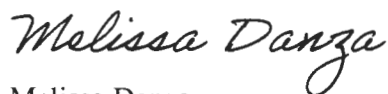
1. Previous projects, as proposed, have not met the Massachusetts Stormwater Management Standards (primarily Standards 1, 2, 3, and proper analysis points for discharge points). The Applicant has previously utilized existing resource areas on site for stormwater management, which was the Commission found to be in direct violation of MassDEP's Wetland Regulations which prohibit a stormwater management system from impounding or detaining stormwater in a BVW. 310 CMR 10.05(6)(k) states that "No Area Subject to Protection...may be altered or filled for the impoundment or detention of stormwater, the control of sedimentation, or the attenuation of pollutants in stormwater discharges."
2. The resources area on the site are not stormwater management features as they were not designed, constructed, installed, and/or improved after November 18, 1996 in accordance with the 1996 Stormwater Management Policy or 310 CMR 10.05 (6)(k) through (q). The Applicant has not provided any evidence of maintenance since their construction in the 1980's. Therefore, the exemptions for constructed stormwater management Best

Management Practices (BMPs), sections 310 CMR 10.02(2)(c), 310 CMR 10.02(3), 310 CMR 10.02(4), and 310 CMR 10.02(4) of the WPA Regulations do not apply to the existing wetland resource areas.

3. The Applicant has previously not adequately demonstrated that the proposed work within the Buffer Zone areas proximal to known vernal pools on site will contribute to the protection of the interests listed in the Wetlands Protection Act.
  - a. Submitted plans do not appear to have vernal pools labelled
4. The Applicant will need to demonstrate that they have met the performance standards for all resource area types impacted on the site.
5. For any wetland mitigation areas, the Applicant will be required to provide an analysis and determine if mature trees can be preserved during construction and a description provided to the Commission of the tree preservation efforts.
6. If any resource areas are to be temporarily impacted, the Applicant shall provide a plan and detail specifying how these areas will be restored in situ during the public hearing process.
7. In previous applications, the Commission has been concerned with evaluating the continuing hydrology of vernal pools on site.
8. The Commission recommends the Applicant provide landscaping within the parking areas to provide shading to limit the warming of stormwater.
9. The Commission suggests implementing alternatives to stormwater management such as 'blue roof stormwater technology.' Flat roofs have the ability to have a riser added to the drains on the roof to impound water for detention. Since it is roof runoff, no pretreatment would be necessary and could limit stormwater infrastructure and ground disturbance.

If you have any questions or concerns, please do not hesitate to reach out via email or phone at [mdanza@southboroughma.com](mailto:mdanza@southboroughma.com) or 508-281-8984.

Sincerely,



Melissa Danza  
Conservation Agent



75 Flagg Rd  
Southborough, MA 01772

August 4, 2022

Select Board  
Town of Southborough  
17 Common St  
Southborough, MA 01772



RE: Comprehensive Permit Site Approval Application Homeownership – Park Central

Dear Select Board:

My name is Yan Huang and I am an abutter to the proposed Park Central project. Thank you for offering me and rest of the public a chance to provide some comment. I am worried saying the project site is accessible via Blackthorn Dr, Tara Rd, and/or Bantry Rd is very misleading because the 3 roads form a little closed loop and all traffic has to enter or exit via Flagg Rd ultimately to go/come from anywhere else. My larger concern, as I quickly scan thru the many pages in application, is the claim that “[t]he use variance for the *market rate project* was not appealed and *remains in effect*” (my *emphasis*).

I don’t know if any progress has been made between applicant and MassDOT regarding access via Park Central Dr but, from previous public hearing, no egress from project site is allowed via Park Central Dr. In effect, all egress of the entire ~100 acres site will need to egress via Flagg Rd.

At this time, I am particularly concerned by the use variance claim because of all the implication and ramifications that come along with it. Condition 1 of use variance states:

“The **entire site** shall be developed and constructed in substantial conformity with the Concept Plan dated April 8, 2015 submitted to the Board as part of the Variance Application.” (my **emphasis**)

Additionally condition 2 of use variance states:

“The Variance shall be effective only following the final Board approval of Applicant’s c. 40B Comprehensive Permit Application for a 180 unit *rental* housing project with buildings and infrastructure located in substantial compliance with the April 8, 2015 concept Plan...”

I strongly disagree that use variance “remains in effect” and even if it was, I think in order for applicant to exercise use variance, something with “substantial conformity” to old plans for entire ~100 acres site would be needed but 2016 Comprehensive Permit using those plans was just annulled this year.

I believe the affordable housing/40B project does NOT require use variance (further evidenced by all the waivers in application) and only market rate project would need it. As such, I am concerned that applicant seems to be thinking about/have plans for a market rate project but is not offering plans on that as I believe they are required to. I wish/hope/encourage the applicant start fresh on a standalone affordable housing/40B project.

Sincerely,

Yan Huang



**Melanie Otsuka**

---

**From:** H [REDACTED]  
**Sent:** [REDACTED]  
**To:** SelectmenOffice  
**Subject:** Opposition to Park Central

[EXTERNAL]

Dear Selectboard,

I am a resident of Lovers Lane. I respectfully oppose the Park central project . The project , as proposed, will negatively impact Lovers Lane creating an imminent hazard with traffic counts that are unsustainable for a historic and scenic road.

--

Heidi Davis  
[REDACTED]

**Vanessa Hale**

---

**From:** [REDACTED]  
**Sent:** Sunday, August 14, 2022 9:01 PM  
**To:** SelectmenOffice  
**Subject:** Letter of concern related to the Park Central proposed project

[EXTERNAL]

Dear Members of the Board of Selectmen,

As a 54 year resident of 26 Deerfoot Road, I am deeply worried about the threatening increase in traffic on Flagg Road and Deerfoot Road created by the current proposed development of The Capital Group Park Central project. Here on these two roads there are no sidewalks, only narrow, rural passages with old trees and unforgiving stonewalls limiting consistent visibility and easy travel under the best of driving conditions. Since the completion of Trottier Middle School, these roads are also full of kids biking and walking to school. Thoroughfare traffic is more than these already heavily used streets can safely handle.

Before any final approval is granted, I am requesting a meeting of affected neighbors, Park Central representatives an appropriate state and town officials.

Thank you for your attention to this matter.

Barbara Ramsdell  
26 Deerfoot Rd  
Southborough



**Melanie Otsuka**

---

**From:** [REDACTED]  
**Sent:** Friday, August 26, 2022 11:20 PM  
**To:** SelectmenOffice  
**Subject:** Comments on Proposed 40B - Residences at Park Central, Southborough (MH ID No. 1155)  
**Attachments:** ParkCentralComments\_Perkins\_20220826.pdf

[EXTERNAL]

Please find attached a letter containing our comments on the Proposed 40B - Residences at Park Central, Southborough (MH ID No. 1155).

Thank you,

Chris and Linda Perkins

August 26, 2022

Michael Busby, Relationship Manager  
MassHousing,  
One Beacon Street,  
Boston MA 02108

Re: Proposed 40B - Residences at Park Central, Southborough (MH ID No. 1155)

Dear Mr. Busby,

We would like to offer the following comments regarding the proposed Residences at Park Central development.

In this proposal, Blackthorn Drive is one of the main access roads to the development. The developer is planning to use some of the 100 acres for commercial and industrial development (stated twice in Section 1.4 Development Narrative). Blackthorn Drive is a small road in a three-road cul-de-sac neighborhood. This road is ill-suited for anything but neighborhood traffic. The traffic from the 200 residences will be more than Blackthorn Drive can handle, and it certainly is not equipped to handle commercial and industrial traffic. All that traffic will pose safety issues for people living in the small neighborhood. In a previous application, the developer planned to use Blackthorn Drive as an emergency access only. In this proposal Blackthorn Drive should be used as emergency access only.

There are five vernal pools on this property, as identified by Goddard Consulting in a letter to Southborough Conservation Commission dated April 26, 2019. None of these vernal pools is identified in the proposal. In fact, it appears that the road connecting the proposed project to Blackthorn Drive is immediately adjacent to one of the vernal pools.

The developer is planning to build four 50-unit 5-story buildings on 17 acres on the 100-acre property. These 17 acres are immediately adjacent to the abutters' homes, and in some cases the buildings are within 25 feet of the property lines. The buildings will tower over the single-family homes in the neighborhood, so much as to block out the sun. Approximately half of the units will have the abutters' properties as their primary view from their balcony or patio area, causing a gross invasion of the abutters' privacy. These huge buildings are too close to the abutters' property lines.

The development will have a large negative impact on the existing neighborhood, and this application should be denied.

Sincerely,

Handwritten signatures of Chris Perkins and Linda Perkins in black ink.

Chris Perkins and Linda Perkins  
1 Tara Rd  
Southborough MA 01772

## Mark Purple

---

**From:** [REDACTED]  
**Sent:** Tuesday, August 30, 2022 7:03 PM  
**To:** MBusby@masshousing.com  
**Cc:** Mark Purple; Select Board; Laurie Livoli; Meme Luttrell; Mark Possemato; Karen Galligan; Chelsea Malinowski; barry.lorion@state.ma.us; David Williams; Andrew Mills; Marnie Hoolahan; Deborah DeMuria; Jesse Stein  
**Subject:** Request to Deny 40B Permit for Park Central Residences, Southborough, MA, MH ID 1155  
**Attachments:** 2022-08-30 Proposal Against Park Central 40B V3 Southborough - MH ID 1155 LMerrihew FINAL.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[EXTERNAL]

Hi Mike

I hope you had a good Tuesday. I am sending the attached as detailed reasoning on why the requested 40B application for the Park Central Residences (MH ID 1155) should be denied. I live in the area.

The primary reasons I am requesting that Mass Housing deny the permit are:

1. Imperilment of current and proposed residences from increased vehicular risks
2. Imperilment of current and proposed residences from increased pedestrian risks
3. Engagement of the environment related to site overall and specifically the proposed off-site, but adjacent, wastewater treatment plant

The attachment is detailed ideally to make your job easier by capturing as much as possible in one document. It leads off with background information, then goes into the specifics of each of the three items above.

The email CC's above are the same ones listed at the top of page 1, so you can match email address to person and title. I am sending this to all at once so everyone has the same information at the same time.

I think the 40B concept is a good one, but feel that the proposed location in this case creates more risk than it does provide benefits. I'm not sure how the process works from here but if needed and allowed I'd be happy to connect on a call or zoom.

Thanks very much for the consideration.

Lincoln

--

Lincoln Merrihew

[REDACTED]  
[REDACTED]  
[REDACTED]



August 30, 2022

To:

- Mike Busby, 40B Relationship Manager, Mass Housing (MBusby@masshousing.com)
- Mark Purple, Southborough Town Administrator (MPurple@southboroughma.com)
- Southborough Select Board (selectboard@southboroughma.com)
- Southborough Building & Zoning Department (LLivoli@southboroughma.com)
- Southborough Zoning Board of Appeals (DWilliams@southboroughma.com)
- Southborough Planning Board (MLuttrell@southboroughma.com)
- Southborough Public Works Department (KGalligan@southboroughma.com)
- Southborough Conservation Commission (MPossemato@southboroughma.com)
- Southborough Board of Health (CMalinowski@southboroughma.com)
- Massachusetts DOT, District 3, Barry Lorion (Barry.Lorion@state.ma.us)

**Re: Proposed 40B Residences at Park Central, Southborough, MA, MH ID No. 1155**

From: Lincoln Merrihew, 32 Flagg Road, Southborough, MA

Dear Parties:

The below information is related to the second iteration of the proposed Park Central Housing Development, located at 0 Flagg Road, submitted July 2022, MH ID No. 1155. The first iteration was annulled in court and the permit revoked<sup>1</sup>. My standing is that I am a resident of the area, so am well versed in the project's surroundings. Each of the parties above is receiving this same document in the same format at the same time to ensure everyone is equally informed.

I am requesting that the proposed project be denied in its entirety. The reasons follow, as does background information supporting that conclusion. In summary, the primary reasons are:

1. **Imperiling the health and safety of residents of the proposed project**
2. **Imperiling the health and safety of current residents**
3. **Endangering the environment**

My understanding is that these three are among the core reasons that HAC cannot overturn a ZBA denial of a 40B project (meaning valid reasons that 40B projects can be denied).

"When a ZBA denies a comprehensive permit, the sole issue before HAC is whether the decision was **consistent with local needs**. Consistent with local needs means balancing the regional need for affordable housing with **local public health, safety and welfare concerns**. HAC regulations establish high thresholds to establish consistency with local needs, including the degree to which the **health and safety of occupants or town residents is imperiled, the natural environment is endangered,...**"<sup>2</sup>

<sup>1</sup> [www.mysouthborough.com/2022/03/28/court-annuls-zba-approval-of-park-central-orders-permit-be-vacated/](http://www.mysouthborough.com/2022/03/28/court-annuls-zba-approval-of-park-central-orders-permit-be-vacated/)

<sup>2</sup> [https://www.stoneham-ma.gov/DocumentCenter/View/1421/local40b\\_reviewdecisionguidelines](https://www.stoneham-ma.gov/DocumentCenter/View/1421/local40b_reviewdecisionguidelines), page 5

## 1.0 Introduction and Background

The following sections summarize the proposed project and the details on the roads surrounding the project. These elements are what create the state of imperiling the health and safety of residents of the proposed project and current residents of the area as outlined in Section 2.0 and Section 3.0, and endangering the environment as covered in Section 4.0.

### 1.1 Details of Proposed Project

The following is drawn from the application documents<sup>3</sup> and elsewhere. See also Exhibit 0.

- A. Zoning and Adjoining: The proposal is on land zoned industrial<sup>4</sup> (Exhibit 1). The land is about 600 feet from Route 495 North and highway noise is loud and present, particularly during rush hour.
- 495 is by far the loudest road in the area—it's the only one with 6 lanes of traffic and speed set at 65 mph (though drivers regularly travel at 75 mph or more)
  - 495's elevation relative to the project also means light pollution<sup>5</sup> at night impacts the area of the proposed residences
  - Worcester County overall is growing in terms of homes and businesses, so the volume of traffic on 495 will only increase over time (more noise pollution, more light pollution, more traffic).<sup>6</sup>
- B. Traffic 400+ vehicles: Per the proposal documents, there will be 200 units and slightly over 400 parking spaces (or about two vehicles per unit on average). The units are a mix of 2- and 3-bedrooms so highly likely to have several drivers in each (parents and young adults over age 16).
- It's likely that working families would reside in the project, so a significant share of the 400 vehicles will be used for commuting to and from work daily
  - 400 vehicles to and from work means up to **800 user trips daily, concentrated during rush hours**. In addition, there will be traffic for deliveries, maintenance, visitors, etc.
- C. 1000+ New Residents: With a mix of 2-bedroom and 3-bedroom units, it's fair to assume at least 2.5 people per unit on average. A 3-bedroom unit could have as many as 4 people or more (two parents sharing one bedroom, one child in each of the remaining bedrooms). 200 units x 2.5 people per unit = 1,000 incremental people in the neighborhood.
- D. Building height of 4- to 5-stories: The building will be 4 stories of residences over one story of parking. Because of the topography, the building will have 5 visible stories from all except the front (4 stories)<sup>7</sup>.
- E. Flagg Road the only Net Access point: Per the application, the access points are Flagg Road directly as well as the neighborhood of Bantry Road, Tara Road and Blackthorn Road
- Point of Clarification: The Bantry/Tara/Blackthorn neighborhood has **only one access point out: Flagg Road** (Exhibit 2, purple highlights).



<sup>3</sup> "The Residences at Park Central-Proposed Ownership Housing Development," as submitted by the Applicant

<sup>4</sup> [https://www.southboroughtown.com/sites/g/files/vyhlif7351/f/uploads/zoning\\_map\\_11\\_x\\_17.pdf](https://www.southboroughtown.com/sites/g/files/vyhlif7351/f/uploads/zoning_map_11_x_17.pdf)

<sup>5</sup> [https://en.wikipedia.org/wiki/Light\\_pollution](https://en.wikipedia.org/wiki/Light_pollution)

<sup>6</sup> Interstate 495 & Route 9 Interchange Improvement Study, Chapter 2, page 2, <https://www.mass.gov/doc/i-495-chapter-2/download>

<sup>7</sup> 2022 Park Central Application Book, page 199, shows elevations of 5-stories on three sides and 4-stories on the front entrance side.

- Point of Clarification: There is **no direct access to Route 9 for the proposed project** despite that page 100 of the application shows a connection to Park Central Drive (Exhibit 0).
    - Context: The project application is **incorrect in stating that the project has Roadway Access to Park Central Drive.**<sup>8</sup> Park Central Drive access is limited to an existing office building and the existing Red Roof Inn Motel. So, again, all traffic from the project will feed onto Flagg Road and nowhere else<sup>9</sup>.
  - In other words, **all traffic from the proposed project will funnel on to a short stretch of Flagg Road** between Lover's Land and Route 9; this is labeled the Compression Corridor for point of reference (Exhibit 2, pink box)
- F. Area Traffic Already Deemed Dangerous: The State of Massachusetts effectively denied access for the first version of this project via the existing Park Central Drive (immediately adjacent to the proposed project) because allowing more traffic on Park Central Drive would be too dangerous<sup>10</sup> because Park Central Drive feeds on to Route 9 in a dangerous area, noting "the predecessor of...Mass DOT conditioned or limited vehicular access to the overall site from Route 9. Accordingly, the use of **Park Central Drive is currently limited for access to the Red Roof Inn Motel (an abutting property) and an office building.**"
- The Park Central office complex feeds directly on to Route 9 via the current Park Central Drive, wedged between a Cumberland Farms (gas station, convenience store, fast food), the 495 northbound on-ramp, and the nearby access lane for 495 South (Exhibit 3)
  - The point where Flagg Road meets Route 9 is only 400 feet away from the exact location that the State said was too dangerous (when it denied Park Central residential to use the same access point as Park Central office) (Exhibit 3)
  - The Route 9/495 intersection is already recognized as one of the worst in the state and has been the subject of several major improvement studies.<sup>11</sup> and that intersection has not improved since the first Park Central Residence proposal. And traffic in that intersection will only worsen as development continues along the Route 9 and 495 corridors. In fact, there is a regional chamber of commerce dedicated to developing the businesses in the area.<sup>12</sup>
  - The application incorrectly states that there is access to transit.<sup>13</sup> There are "few options besides travelling by automobile in the study area."<sup>14</sup>
- G. Off-site Wastewater Treatment Plant: Through an easement, the project proposes a nearby, but **off-site wastewater** treatment plant (Exhibit 0) dedicated to the project<sup>15</sup> and that treatment plant is not connected to any "existing water/sewer infrastructure."<sup>16</sup>

<sup>8</sup> 2022 Park Central Application Book, page 36

<sup>9</sup> <https://www.mysouthborough.com/wp-content/uploads/2022/03/Park-Central-Order-for-Judgement.pdf>

<sup>10</sup> <https://www.mysouthborough.com/wp-content/uploads/2022/03/Park-Central-Order-for-Judgement.pdf>

<sup>11</sup> <https://hopkinton.digitalgov.us/imageapi.php?docid=Qmx1ZVJpdmUyMzE5ci1TeXN0ZW1zIDF3IDQ%253D>

<sup>12</sup> <https://www.corridornine.org/>

<sup>13</sup> 2022 Park Central Application Book, page 214 (listed as page 19 of 24 of an included document)

<sup>14</sup> "There are few options besides travelling by automobile in the study area. The study area is located on the boundary of two Regional Transit Authority (RTA) service areas. Westborough is in the Worcester RTA and Southborough in the MetroWest RTA. Neither currently provides any fixed-route service in the study area," Interstate 495 & Route 9 Interchange Improvement Study, Chapter 2, page 2, <https://www.mass.gov/doc/i-495-chapter-2/download>

<sup>15</sup> 2022 Park Central Application Book, page 36 (listed as page 7 of 24 of an included document)

<sup>16</sup> 2022 Park Central Application Book, page 215 (listed as page 20 of 24 of an included document)

- Note that the plan includes approaches for both storm water and wastewater. These are **two very different kinds of discharges**. Wastewater contains outflow from things like toilets (i.e., human waste), sinks, showers and washing machines. Storm water is simply rainfall runoff from areas like roads and parking lots.
- With no existing sewer infrastructure to connect to, the effluent from the proposed wastewater treatment plant would have to be discharged locally, such as through a leach field<sup>17</sup>.
  - The application makes no mention of a septic system or leach field, so it is **unclear how the sewage treatment plant effluent would be disposed of** (see Exhibit 0). Even with pre-processing, the system would have to manage the effluent from 1,000 people or more (see below).
    - On-site discharge, whether surface or underground, would be proximate to surface water bodies and wetlands on and near the site (see below).
  - And as the **proposed wastewater treatment plant is outside of the proposed 40B plotline**, and because the majority of the proposed project land is occupied with buildings and roadways, the **leach field would also have to be offsite and therefore outside of the 40B plotline** (Exhibit 0).
    - To install a drainfield trench, typically the land must be cleared of all trees, then the native soil removed and replaced with material with better percolation (i.e., seeping into the ground). That material is often sand and/or gravel.
    - Likewise, any by-products of the wastewater treatment plant (solids, liquids, or slurries) will need to be also disposed of on-site or trucked off down Flagg Road.
  - How big is the leach field? The size and location are not specified in the proposal, so for context:
    - A typical 2-bedroom home requires between 125 feet and 333 feet of drainfield trench (that's how the effluent enters the ground).<sup>18</sup>
    - There are 200 units in the proposed project, meaning between 25,000 and 66,600 feet of drainfield trench. Those numbers may be understated given that a large share of the proposed units are 3-bedrooms rather than all 2-bedrooms.
    - Even 25,000 feet is 4.7 miles of drainfield trench.
      - Many trenches can be run parallel to one-another but even with 10 parallel trenches, each would be nearly half a mile long.
- Further, any such system is likely to require a special permit from the town of Southborough in general and in particular because the wastewater treatment plant and assumed leach field are outside the proposed 40B property line:
  - Uses requiring special permit in Southborough include: "On-site sewage disposal having an estimated sewage flow greater than 15,000 gallons per day, regardless of location, or greater than 1,500 gallons per day if within 500 feet of any surface water body."<sup>19</sup>

<sup>17</sup> <https://www.mrrooter.com/about/blog/2020/may/what-is-a-leach-field/>

<sup>18</sup> <https://inspectapedia.com/septic/Septic-Drainfield-Size.php>

<sup>19</sup> Southborough Town Regulations §174-13.4 Water Resource Protection section (B) (1) (b)



- The average wastewater per person is 50-75 gallons per day.<sup>20</sup> With 1,000 residents, the treatment plant discharge would be **50,000 to 75,000 gallons per day**, well above the 15,000-gallon threshold.
- The application does not note the process for securing such a permit not who would apply (as it's offsite it is not necessarily the builder).
  - And again, the wastewater treatment plant and related leach fields may be within 500 feet of an existing body of water and/or wetlands.
- The application notes that the builder has already secured an easement for the wastewater treatment **facility** but does not mention from whom the easement was granted, not whether the entity granting the easement has the right to do so for the use specified without an environmental impact assessment in general and given that it is outside the 40B property line (Exhibit Q).
  - Further, the easement appears to be only for the **wastewater treatment building and componentry**, and not for any leach fields.
  - And as the wastewater treatment facility will be off-site (though adjacent to the project) and based on the share of the proposed 17-acre site used for roads and building, the effluent for the proposed wastewater treatment plant would also have to be off-site.
- The likelihood of premature treatment system failures is real. Two communities in Southborough (Vickery Hills Condominiums and Carriage Hill) each just experienced premature system failures in which systems spec'ed for 20-30-year lifespans failed after 10 years.<sup>21</sup>



<sup>20</sup> <https://doh.wa.gov/sites/default/files/legacy/Documents/Pubs/337-103.pdf>, Page 4

<sup>21</sup> <https://www.metrowestdailynews.com/story/lifestyle/health-fitness/2012/08/09/southborough-board-oks-fixes-to/37910695007/>

- H. Pond and Wetlands: The proposed project is on or adjacent to an existing pond and related wetlands<sup>22</sup> (Exhibit 4). The proposed project is likely to endanger those because of its positioning and land use. The project application notes that 10% of the total property is wetlands (1.72 acres out of 17.38 acres).<sup>23</sup>
- I. Drinking Water: The project proposes to tap into the existing drinking water infrastructure on Flagg Road and Blackthorn Drive<sup>24</sup>. Adding an additional burden of 1,000 people (2.5 people per 200 units) will overly tax these systems and will require substantial expenditures to upgrade. And that much additional water may not even be available at a time when global warming is already limiting area water supplies, forcing town to reduce water use, and causing record-breaking droughts.
- J. Use of the Development as a Buffer: The application's supporting documents describe the development as a "buffer"<sup>25</sup>
- A buffer is defined "as any of various devices or pieces of material for reducing shock or damage due to contact."<sup>26</sup>
  - If the proposed units are a buffer between existing and potential commercial and industrial development and the existing neighborhoods, that means the proposed units themselves would be even close to said commercial and industrial developments—with no buffer by definition.
- K. Current Development Status: The application correctly notes that the current site is undeveloped.
- The reason it is undeveloped is that there is no safe access or right of way to the site and because it is located next to 495 (sound pollution, noise pollution).
  - Reminder that the state has denied additional developments that use park Central Drive already due to safety concerns (see above).
- L. Scale Too Large: Southborough needs between 45 and 60 additional 40B units and the proposed project is three- to four-times larger than needed. Abutting homes are 2-stories, while the proposed development consists of 5-story buildings.

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<sup>22</sup> <https://www.mapsonline.net/southboroughma/index.html#x=-7977315.225615,5200074.221046,-7952855.376567,5210947.388318>; toggle on "DEP Wetlands" on left menu

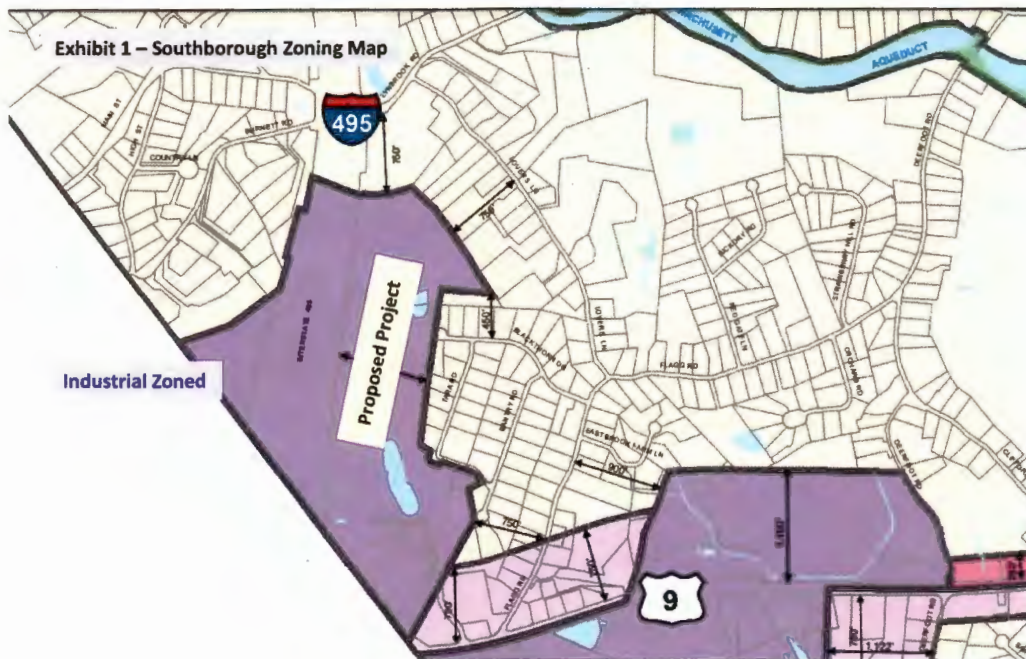
<sup>23</sup> 2022 Park Central Application Book, page 35 (listed as page 6 of 24 of an included document)

<sup>24</sup> 2022 Park Central Application Book, page 36 (listed as page 7 of 24 of an included document)

<sup>25</sup> 2022 Park Central Application Book, page 21 (page 2 of a 4-page insertion) as submitted by the Applicant: "...also to serve as a...buffer between and among those existing and potential industrial and commercial developments and the single family neighborhoods."

<sup>26</sup> <https://www.merriam-webster.com/dictionary/buffer>





**Exhibit 2- Overview of Flagg Road Danger**



Exhibit 3 – Proximity to Existing Interchange Already Ruled Too Dangerous



Exhibit 4 – Open Water and Wetlands Proximate to Proposed Project



## 1.2 Details on Flagg Road: Already Outdated, Sub-standard, Unsafe

As noted in Section 1.1, **ALL traffic from the project will have to access Flagg Road** (because the Bantry/Tara/Blackthorn neighborhood has a single exit and that's on to Flagg Road). Also as noted above, that could be 800 vehicle trips or more every day. Further, as outlined below multiple dead-end streets feed on to Flagg Road. Together that means that Flagg is the single conduit for (1) vehicles and (2) pedestrians of residents that live on those dead-end streets and that live on Flagg itself. Some additional context on Flagg Road:



- A. Horse and Carriage Road: Flagg Road appears on maps as old as **1831**<sup>27</sup> (Exhibit 5), so it is approaching **two centuries old and was by definition built for horses and carriages** (70 years *before* the launch of the Model T) and as such is deficient in several ways:
1. No sidewalks: Flagg has zero sidewalks anywhere along its entire length.
    - a. The nearest road with any sidewalks is Route 30/Main Street, over a mile from the proposed project's Flagg entry points
    - b. Other than the sidewalks on Route 30/Main Street, there are no sidewalks within miles other than Parkerville Road (about 1.5 miles from the proposed project). Parkerville has sidewalks because there is access to two different schools off of Parkerville (Neary and Trotter) (Exhibit 6, blue dotted lines).
    - c. Route 9 also has no sidewalks either and at 6 lanes wide in some places is not safe for pedestrians
    - d. The applicant **incorrectly states that there are sidewalks on Tara/Blackthorn/Flagg Roads**.<sup>28</sup> There are no sidewalks on any of these roads.
  2. No shoulders: There are no shoulders on Flagg Road nor on the adjacent Lovers Lane and Deerfoot Road. And worse in many cases there are large trees immediately at the sides of Flagg Road, so no safe areas into which a pedestrian or bicyclist could dart to avoid being hit by a vehicle.
  3. Sub-standard width: At its narrowest going towards Route 9, Flagg Road is only **15 feet wide**<sup>29</sup> (Exhibit 2, lower red box). That's **the total width, not the width of each lane**
    - a. Like a crimped garden hose, the **smallest** dimension is what limits its flow and creates hazards, not the **average** width
    - b. Cars often need to pull over before crossing the small bridge on Flagg Road just before Route 9 because two vehicles are not able to pass one-another due to the narrow width of the bridge.
    - c. Going Northeast on Flagg Road (away from Route 9) the road minimizes at **19 feet wide** (total width)<sup>30</sup> (Exhibit 2, middle red box)
    - d. Southborough Street Classification and Widths: With over 200 units (proposed plus existing), Flagg Road would then by definition be classified as a **Major Residential Collector**<sup>31</sup>. Southborough's standards for such a road are **38 feet wide**, so more than **2.5 times** as wide as Flagg Road's narrowest point.
      - i. Southborough is not unique: Standard widths for other Massachusetts towns when addressing major "Collector" roads (over 30 homes) are typically around 34 feet<sup>32</sup>.
  4. Substandard visibility: Flagg Road, being so old, in addition to being narrow, is undulating and curving. There are several blind corners and hills around/over which drivers cannot see.
    - d. The poor visibility is likely a function of the road being originally placed between farms and around mills, and visibility was not a danger in 1831 because of horse and carriage use (slower, fewer trips)

<sup>27</sup> <https://southboroughhistory.org/historic-maps-of-southborough/>

<sup>28</sup> 2022 Park Central Application Book, page 36

<sup>29</sup> Measured August 14, 2022

<sup>30</sup> Measured August 14, 2022

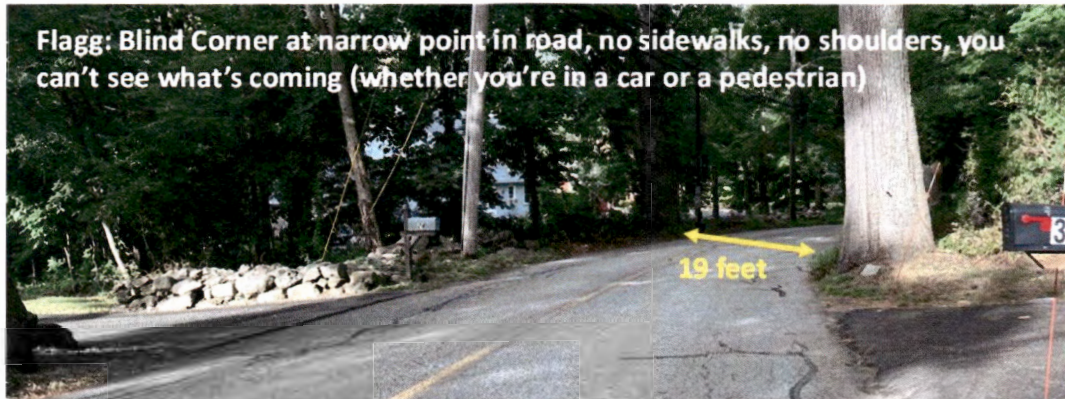
<sup>31</sup> A street expected to serve more than two hundred (200) dwelling units and/or nonresidentially zoned land and to have an estimated daily traffic volume of fewer than five thousand (5,000) trips; source:

[http://www.masshousingregulations.com/pdf/width\\_roads.pdf](http://www.masshousingregulations.com/pdf/width_roads.pdf) page 153.

<sup>32</sup> [http://www.masshousingregulations.com/pdf/width\\_roads.pdf](http://www.masshousingregulations.com/pdf/width_roads.pdf) - review of data for all included towns.



- e. Straightening Flagg Road would be extremely expensive and likely not even possible given the amount of land that would have to be taken to address all the safety deficiencies.

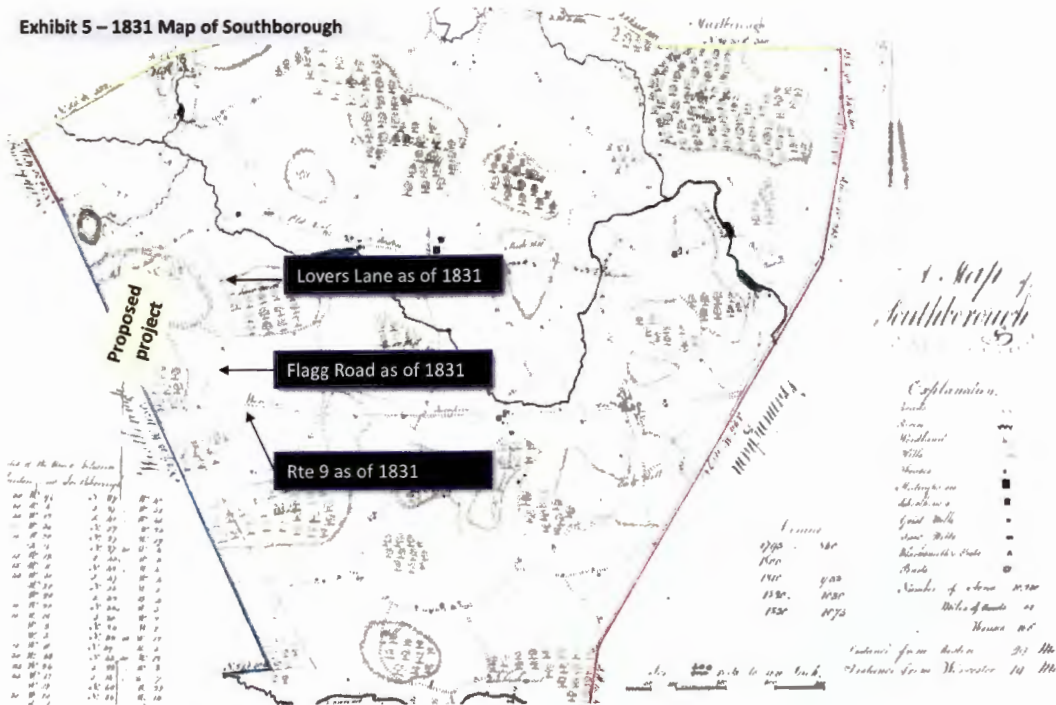


- B. Flagg Road as the Only Area Conduit: There are many dead-ends and cul-de-sacs off of Flagg Road (Exhibit 6). That means that all **vehicular and pedestrian traffic** from those roads has to feed on to Flagg Road, with no other options. Those roads are:
  1. Eastbrook Farm Road
  2. Red Gate Lane
  3. Hickory Road (dead-end off of Red Gate)
  4. Strawberry Hill Road
  5. Orchard Road
  6. Blackthorn Drive
  7. Tara Road via Blackthorn Drive
  8. Bantry Road via Blackthorn Drive
- C. Flagg Road as School Access: The Trottier Middle School and Neary Elementary School are each located just South of the northeast end of Flagg Road with access to both from Flagg Road. Trottier Middle School is just 300 feet off of Flagg Road. (Exhibit 6, blue dotted lines)
  1. Because of all the dead-end streets, all children walking or biking to those schools from the neighborhoods must do so along Flagg Road
  2. Because of all the dead-end streets, all school buses picking up children to take to school must use Flagg Road, with many stops actually on Flagg Road, again with no sidewalks and no shoulders
- D. Nearest Road is Even More Narrow: The through street closest to the proposed project is Lovers Lane, which via Lynbrook Road leads to Route 30/Main Street
  1. Lovers Lane is equally old (on the same 1831 map, Exhibit 5) and also lacks sidewalks and shoulders
  2. Lovers Lane is as narrow as 14 feet<sup>33</sup> (**total width**, not the width of one lane) and as such so narrow that in many places two vehicles cannot pass each other (one car has to pull over) (Exhibit 2, top red box)
    - a. This is relevant as Lovers Lane is one of the access roads from the project to Route 30 /Main Street



<sup>33</sup> Measured August 14, 2022

- E. Flagg Road Truck Exclusion: Flagg Road already has a truck exclusion for the same reason: safety concerns regarding accidents and pedestrian safety.
- F. Southborough Scenic Road: The age of the road and its prominent stone walls and older trees spurred Southborough to declare Flagg Road a scenic road<sup>34</sup>
  - a. The builder's proposal notes that Flagg is a "gently winding road," which overlooks the presence of sharp curves and several points of zero visibility.



<sup>34</sup> [www.southboughtown.com/sites/g/files/vyhli7351/f/uploads/080516\\_ltr\\_to\\_mepa\\_with\\_comments.pdf](http://www.southboughtown.com/sites/g/files/vyhli7351/f/uploads/080516_ltr_to_mepa_with_comments.pdf)



### 1.3 Details on the Area's Dangerous Traffic Flow in General

Route 9 is a major commuter access point. As noted in the Park Central recent application, the area provides access to Route 9, Route 495, the Mass Pike, Route 290, and the commuter rail to Boston. The logical way to get to all of those is Route 9, where the Flagg Compression Corridor meets Route 9. Route 9 feeds directly on to 495 North and South. 495 South is the access to the Mass Pike and 495 North is the access to 290. The alternative is Route 9 eastbound, but drivers entering Route 9 from Flagg Road can only go westbound

Added on top of that is traffic going into and out of Cumberland Farms on Route 9 (which includes a gas station and a convenience store which sells fast food). Added further on top of that Route 9 is the sole entrance to the Park Central Office driveway via Park Central Drive.

Chapter 2 of the Interstate 495 & Route 9 Interchange Study notes the following about the Route 9/495 intersection—again the same one that is only 400 feet from where Flagg Road enters Route 9, and which will be the primary commuting conduit for residents of the proposed development:<sup>35</sup>

- None of the I-495/Route 9 ramps, nor the four weaving areas on I-495 at the Route 9 interchange, meet current highway design speed standards.
- On Route 9, there is...sub-standard driveway spacing for businesses on Route 9 westbound east of I-495.
  - Reminder: Flagg Road is in the middle of the area with sub-standard driveway spacing

The proposal application **incorrectly** states that the project's residents will have access to mass transit. There is none as the project area is between two mass transit systems (Westborough is in the Worcester RTA and Southborough in the MetroWest RTA). Therefore, "there are few options besides travelling by automobile in the study area."<sup>36</sup>

Current Scenario for someone driving down Flagg wanting to get to 495 South and/or the Mass Pike via 495 South:

- Drive southwest on Flagg Road through the 15-foot wide area in the Compression Corridor
- Merge onto Route 9, carefully avoiding traffic flowing into Cumberland Farms and Route 9 West traffic in the right lane seeking to access 495 North
- Also avoid traffic coming out of Park Central Drive, which may cross lanes moving left to avoid getting on 495 North.
- After Merging onto Route 9, quickly jump to the middle lane, avoiding traffic on Route 9 westbound doing the opposite—merging from the middle lane to the right lane—to get onto 495 North
- After passing the 495 North ramp, quickly dart back to the right lane, avoiding traffic coming on to Route 9 exiting off 495 North from the south
- Do all of this in a distance of about 2000 feet
- At a speed of 50 mph, **you must cover this 2000 feet and complete all of those maneuvers safely in 27 seconds, which is dangerous.** If you drive slower than 50 on Route 9, you'll likely be hit from behind by vehicles on Route 9.

<sup>35</sup> <https://www.mass.gov/doc/i-495-chapter-2/download>, page 2-1

<sup>36</sup> Interstate 495 & Route 9 Interchange Improvement Study, Chapter 2, page 2, <https://www.mass.gov/doc/i-495-chapter-2/download>



When the Flagg/Route 9 intersection backs up with traffic, the next logical place is the other direction northeast on Flagg Road approaching the other narrow point/pinch point of Flagg Road (19-feet wide) and closer still to the two schools. Drivers would then get on Deerfoot Road to Route 9, sending them right back toward the Flagg Road / Route 9 intersection (Exhibit 6, Deerfoot Road meets Route 9 just west of the CommCan Dispensary).

All these situations exist today, and all are dangerous today, without any incremental traffic from the proposed project. The proposed project will simply push an already safety-deficient situation past the breaking point, increasing the risk of vehicular accidents (Section 2.0) and increasing the risks of pedestrian injuries and deaths (Section 3.0).

## 2.0 Increased Risk of Vehicular Injury & Deaths from the Proposed Project

As noted above, all traffic from the project as proposed will **ultimately end up on Flagg Road**. Also as noted above, Flagg Road is nearly 200 years old (or more) with no sidewalks or shoulders, and in places as narrow as 15 feet wide. Hence the moniker of The Corridor of Compression for the area of Flagg between Blackthorn Road and Route 9.

Adding up to 400 more vehicles/800 more vehicle trips per day—most of them likely during rush hour as they go to work—will overwhelm an already dangerous and undersized road, increasing the risk of accidents and injuries to drivers and passengers. Adding stop signs and speed bumps on Flagg *may* reduce the speed on Flagg Road but does **nothing to decrease the volume of traffic**.

Exacerbating this risk is that the Flagg/Route 9 intersection is already dangerous—so dangerous as noted above that the State denied the project access to the current Park Central Office access to Route 9.<sup>37</sup> The Flagg/Route 9 intersection is only about 400 feet from the park Central office access (Exhibit 3). Route 9 and the related traffic is no safer as a result of those 400 feet. In fact, arguably it is **more dangerous** because the Cumberland Farms entrance and exit is within those 400 feet.

Route 9 is dangerous in part because it is used to access 495, and thus the Mass Pike and Route 290. Also, most of Southborough's light industrial land is located primarily on Route 9, so entailing people driving to and from work.<sup>38</sup> That means that in addition to the vehicular risks to drivers living in the proposed project and local drivers, there will be **greater risk of accidents to drivers currently traveling west on Route 9** as they go past Flagg Road to enter Cumberland Farms, 495 North, 495 South, Park Central Drive.



There is a risk that the above noted dangers to proposed residents and existing residents will be **exacerbated even more by future developments** that use the same access road(s) as the proposed project.

- That's because with no access allowed via Park Central Drive and no other access points, the proposed access roads for the 40B project would become the de facto entrance for new development.

<sup>37</sup> <https://www.mysouthborough.com/wp-content/uploads/2022/03/Park-Central-Order-for-Judgement.pdf>

<sup>38</sup> [https://en.wikipedia.org/wiki/Southborough,\\_Massachusetts](https://en.wikipedia.org/wiki/Southborough,_Massachusetts)

- The project application documents are **already anticipating that de facto access** as they mention “potential industrial and commercial developments”<sup>39</sup>
- Those developments would create **incremental vehicular risks** to those described above, that would be enabled by the proposed project’s access road itself.

Thus, the **health and safety of (1) residents of the proposed project and (2) current areas residents will be imperiled by the project by increased vehicular risks**. This is an important distinction, see Section 5.0.

*Clarification: I am not requesting that the proposer address the safety deficiencies of Flagg Road, Lovers Lane, nor the Flagg Road/Route 9 interchange because doing so is likely beyond the proposer’s purview. I am asking that all parties simply **acknowledge that said gross deficiencies exist**, and therefore **already pose a health and safety risk**, which will be **materially worsened** by allowing the proposed project.*

### 3.0 Increased Risk of Pedestrian Injuries & Deaths from the Proposed Project

Given the above limitations of road size, age, poor visibility, and preponderance of dead-ends that feed on the Flagg Road (see Section 1.2), adding 400 vehicles/800 vehicle trips per day to the mix will increase the risk of pedestrian injuries and deaths. Traffic (both vehicles and pedestrians—including those walking to the nearby schools) peaks at the same time in the morning.



Exacerbating this is that the residents of the proposed project themselves will be at risk: As the proposed project can only exit via Flagg Road (see Exhibit 2, purple box), residents there seeking to take a walk or run, ride bikes, walk to the schools, walk their dogs etc. will also be forced to do so on Flagg Road. With 200 units split between 2- and 3-bedroom units, one can expect at least 1,000 new people in the proposed development. Like the current residents in the area around the project, the **only option these 1000+ people** have to walk, ride their bikes, run, and walk to local schools is on Flagg Road. There is no alternative.

So, the risk will be higher from both the greater number of vehicles from the project and the 1000+ additional number of pedestrians, also from the project, that those vehicles may hit.

Worse, there is a risk that the above dangers to proposed residents and existing residents will be exacerbated by future developments that use the same access road(s) as the proposed project.

- That’s because with no access allowed via Park Central Drive and no other access points, the proposed access roads would become the de facto entrance for any new development in the area (as noted above).
- The project application documents themselves are anticipating that de facto access as they mention “potential industrial and commercial developments”<sup>40</sup> Meaning developments in the same areas beyond what’s needed for the 40B-related residences.

<sup>39</sup> “The Residences at Park Central-Proposed Ownership Housing Development, Page 2 as submitted by the Applicant: “...also to serve as a...buffer between and among those existing and potential industrial and commercial developments and the single family neighborhoods.”

<sup>40</sup> “The Residences at Park Central-Proposed Ownership Housing Development, Page 2 as submitted by the Applicant: “...also to serve as a...buffer between and among those existing and potential industrial and commercial developments and the single family neighborhoods.”

- Those developments would create an entirely new set of **incremental pedestrian risks** to those described above, that would be enabled by the proposed project itself.

As an aside, making part of Flagg one-way does not help reduce the risk to pedestrians. In fact, it may make it worse as it will concentrate traffic on the remaining one way that's allowed. It will also not reduce the number of pedestrians.



Thus, the health and safety of **residents of the proposed project and current areas** **residents will be imperiled by the project by increased pedestrian risks**. This is an important distinction, see Section 5.0.

*Clarification: As noted above, I am not requesting that the proposer address the safety deficiencies of Flagg Road, Lovers Lane, nor the Flagg Road/Route 9 interchange because doing so is likely beyond the proposer's purview. I am asking that all parties simply **acknowledge that said gross deficiencies exist, and therefore already pose a health and safety risk, which will be materially worsened by allowing the proposed project.***

## 4.0 Increased Environmental Damage

As noted in Section 1.1 above, the project includes a proposed on-site wastewater treatment plant. Building and operating that plant endangers the environment because of the volume of waste, the nature of that waste, the proximity to wetlands and expected damage from creating a drainfield trench system big enough to handle the volume—even with pre-treatment.

The project will have an estimated 1,000 (or more) residents. That means that the wastewater treatment plant will need to manage the effluent from 1,000+ people per day. Further, with no proposed connection to any existing sewer systems, said treatment plant will need to discharge its by product waste on-site into the ground, such as through a leaching field or similar. As notes in Section 1.1, it is estimated that the project will produce 50,000 to 75,000 gallons of wastewater per day.

The risk of **endangering the environment** is from the both the volume leachate (up to 75,000 gallons per day) and its makeup, which contains human waste, bacteria, etc.. There are wetlands within the project area and there is open water within the project area. Plus, the area is notable for the rocks and clays in the soils, which inhibit the soil's ability to absorb wastewater safely. With increases the risk that the effluent will reach those wetlands and open water.

There is also the factor of the size of the system and how even installing it will entail **endangering the environment**. A typical 2-bedroom home requires between 125 feet and 333 feet of drainfield trench (that's how the effluent enters the ground).<sup>41</sup> There are 200 units in the proposed project, meaning between 25,000 and 66,600 feet of drainfield trench. Those numbers may be understated given that a large share of the proposed units are 3-bedrooms. Even 25,000 feet is 4.7 miles of drainfield trench. Many trenches can be run parallel to one-another but even with 10 parallel trenches, each would be nearly half a mile long.

To install a drainfield trench, typically the land must be cleared of all trees, then the native soil removed and replaced with material more amenable to percolation (i.e., seeping into the ground). That material

<sup>41</sup> <https://inspectapedia.com/septic/Septic-Drainfield-Size.php>



is often sand and/or gravel. So without some other means to manage all the wastewater—and even with a wastewater treatment plant, there is likely to **be large-scale environment damage (trees and habitats) from land clearing and related** that is not identified anywhere on the plans.

The application notes that “stormwater, traffic, sewer tie-ins, utility connections, design and other items were per reviewed by Town consultants” as part of the earlier permitting process in 2015.<sup>42</sup> As that permit was annulled in court, the entire scope of the project—including wastewater and sewer—needs to be reviewed anew out of a good faith effort review and to account for all the changes to the site and surrounding areas in the seven years since.

Lastly, the drinking water from the 1,000 incremental residents will have to come from local connections to the Southborough water system. With already grave concerns about water use and availability, particularly in New England, there is the risk to people from a lack of water. Lack of adequate water also **imperils current and proposed residents.**

## 5.0 Formal Request for Denial of Park Central Residences

The only logical and respectful conclusion is to deny the proposed Park Central residence project (MH ID No. 1155). It is ill-founded, dangerous, will imperil people, increase the risk of endangering the environment, and has extremely poor optics for the Mass Housing program (see Section 6.0). It is simply a poor location and setting for any type of residence, 40B or otherwise. That’s why it is zoned industrial and why it has not been developed.

But more specifically, it is dangerous to the **health and safety of the proposed residents** and increases the **danger to the health and safety of current area residents**. These are valid local concerns that must be considered. The Massachusetts 40B Guidelines note that valid “local concerns” for a proposed 40B project include:

*“Local Concern – means the need to protect the health or safety of the occupants of a proposed Project or of the residents of the municipality...”<sup>43</sup>*

Per the increased vehicle accident risks noted in **Section 2.0** above and increased pedestrian risks notes in **Section 3.0** above (each based on the pre-existing dangers associated with Flagg Road (see Section 1.2 above)), the proposed project will put the **health and safety of the occupants at risk**. Further, it will greatly increase the **health and safety risks to the nearby current residents**. The proposed development will therefore **imperil the health and safety of (1) the proposed residents and (2) current neighborhood residents.**

The **endangerment of the environment** (see **Section 4.0**) comes from the proximity of the development to a pond and wetlands (**Exhibit 4**) and the proposed onsite wastewater treatment facility that will need to process, then dispose of, the effluent from 1000+ people in an area with proximate open water and wetlands. In addition, the leach field required to support 200 homes/1000 residents would have to be so large that it would mandate massive clearcutting of woodlands and replacing native soils with percolation materials, thereby destroying natural habitats.

<sup>42</sup> 2022 Park Central Application Book, page 95

<sup>43</sup> <https://www.mass.gov/doc/guidelines-gl-c40b-comprehensive-permit-projects-subsidized-housing-inventory/download>, page 8, defining “Local Concern.”

As an aside, given that the proposed wastewater treatment plant (via an easement) and assumed leach field (location and means not specified) are outside of the proposed 40B property line and covered only by easement, they may fall **outside of the 40B jurisdiction of Mass Housing/40B requirements**.<sup>44</sup> And as such would fall into the jurisdiction of the town of Southborough. And if the town denied such a permit, the project would have no viable means to dispose of human waste effluent generated from the site, which by definition would endanger the residents of the complex.

Further, local zoning boards of appeal can weigh in:

“Chapter 40B provides that the **local zoning boards of appeals (ZBA) must review and make decisions** (approve, approve with conditions or deny) on comprehensive permits. The Housing Appeals Committee (HAC) hears appeals from denials and conditional approvals of comprehensive permits in communities that have less than ten percent of their housing affordable to low- and moderate-income households.”<sup>45</sup>

“When a ZBA denies a comprehensive permit, the sole issue before HAC is whether the decision was **consistent with local needs**. Consistent with local needs means balancing the regional need for affordable housing with **local public health, safety and welfare concerns**. HAC regulations establish high thresholds to establish consistency with local needs, including the degree to which the **health and safety of occupants or town residents is imperiled, the natural environment is endangered**,...”<sup>46</sup>

The above language makes it clear that **projects that imperil health and safety of occupants and residents or that endanger the natural environment are valid reasons for Mass Housing to deny a 40B permit and for HAC to uphold that denial.**

Southborough does need more 40B units. But there are better options that are not such blatant and undeniable health and safety risks. For context, over a third of land in Southborough is open space.<sup>47</sup>

## 5.1 Validation and Due Diligence

To verify the above information, I recommend that all interested parties do the following to make a truly informed decision:

1. **Pedestrian Risk:** Parties should **walk** Flagg Road (do not drive it, walk it as so many residents do) That’s how to see and experience the full scope of the risks. Walk it at peak traffic times to see the traffic and pedestrian conditions. If you feel walking at that time is too dangerous, that’s how the residents feel today with the current traffic, and it will be worse with another 400 cars/800 drives and up to 1,000 or more additional pedestrians.

<sup>44</sup> <https://www.natlawreview.com/article/supreme-judicial-court-sets-limitation-chapter-40b-s-broad-grant-authority-to-local>

<sup>45</sup> [https://www.stoneham-ma.gov/DocumentCenter/View/1421/local40b\\_reviewdecisionguidelines](https://www.stoneham-ma.gov/DocumentCenter/View/1421/local40b_reviewdecisionguidelines), page 5

<sup>46</sup> [https://www.stoneham-ma.gov/DocumentCenter/View/1421/local40b\\_reviewdecisionguidelines](https://www.stoneham-ma.gov/DocumentCenter/View/1421/local40b_reviewdecisionguidelines), page 5

<sup>47</sup> [https://en.wikipedia.org/wiki/Southborough,\\_Massachusetts](https://en.wikipedia.org/wiki/Southborough,_Massachusetts): “In 2021, 43% of land use is residential, with 35% open space...”

2. Vehicular Risk: In your own cars, try pulling out on to Route 9 from Flagg during **morning and evening rush hour**. Try merging on to Route 9 and head west to, say, the Starbucks in Westborough. Please be careful.
3. Vehicular Risk: Parties should drive from the proposed project entrance east on Flagg Road to the entrance to the schools. Please obey the speed limits (25 mph). Then do a second drive, from the proposed project north onto Lover's Lane, then to Lynbrook Road, the left on Route 30/Main Street,
4. Environmental Risk: Parties should walk up **into the property itself** and evaluate the proximity to the open water and wetlands, noting the exact location of the proposed wastewater treatment plant and all leaching fields or other means to dispose of liquids, solids and slurries that are the by-products of the treatment system. There is access to the property from Flagg Road, from the end of Park Central Drive, and from the intersection of Tara Road and Bantry Road. It is overgrown; wear appropriate clothing.

## 6.0 Ancillary Point: Proposed Location and Messages It Sends

Separate from imperiling people and endangering the environment, the project itself could be poor optics for Mass Housing and the message allowing the project would send.

- Putting 40B next to the **noisiest road in the area in an industrial-zone area** sends a bad message from Mass Housing to the project's residences
- Using the Proposed Units as a **"buffer"** between the industrial-zoned area and 495 regarding the existing residences sends a bad message from Mass Housing the project's residents. Again, "buffer" was the word chosen by the applicant.<sup>48</sup> Using 40B residents as a "buffer" ends a bad message."
- The lack of alternative access roads means residents of the proposed area will have to use Flagg Road for walking, running, biking, etc. As an old and undersized road with no sidewalks or shoulders, that sends a bad message from Mass Housing to the project's residents because of the **pedestrian danger for the residents of the proposed development and will imperil those residents**
  - That risk will be worsened by more vehicle and pedestrian traffic from the project itself
  - There are no sidewalks or roads with shoulders for miles other than one road 1.5 miles away (Exhibit 6)
  - The risk will be exacerbated further but any "potential industrial and commercial developments" as noted by the applicant
- The lack of alternative access roads means residents of the proposed area will use Flagg Road for getting to work (495, Mass Pike, 290, Route 9 east, Route 9 West, MBTA commuter rail access).
  - Putting drivers from the proposed residences into those pre-existing dangerous conditions there sends a bad message from Mass Housing to the project's residents.
  - Those residents' traffic will overwhelm Flagg Road's ability to absorb the increased traffic and the already Flagg/Route 9 interchange will become more dangerous—for resident drivers living the proposed project, existing residents, and drivers in traffic moving west on Route 9. **As such, all three of these driver types will be imperiled by the project.**

<sup>48</sup> "The Residences at Park Central-Proposed Ownership Housing Development, Page 2 as submitted by the Applicant: "...also to serve as a...buffer between and among those existing and potential industrial and commercial developments and the single family neighborhoods."