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Town of Southborough
PLANNING BOARD

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



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Bk: 71342 Pg: 367
Page: 1 of 13 11/25/2024 03:21 PM WD

DECISION OF MAJOR SITE PLAN APPROVAL

40-42 CENTRAL STREET (Fayville Hall)
 (SOUTHBOROUGH HISTORICAL SOCIETY HISTORY & ARTS CENTER)

July 26, 2023

Procedural History

- 1) An application for Major Site Plan Approval was filed in the office of the Southborough Town Clerk on April 4, 2023.
- 2) The Major Site Plan Approval is sought under Southborough Zoning Bylaw §174-10 for the redevelopment of the site and restoration of the existing historic two-story building at 40-42 Central Street (also known as Fayville Hall) into the Southborough Historical Society (SHS) History & Arts Center with a primarily gravel parking lot for 28 parking spaces and including stormwater management and associated site work.
- 3) The owner of the property and applicant is the Southborough Historical Society, Inc. (represented by Michael Weishan, President of the SHS), with address of 25 Common Street, Southborough, MA 01772.
- 4) The subject 0.72-acre site is located at 40-42 Central Street, Fayville (Southborough), MA 01745, identified on Southborough Assessor's Map 38 Parcels 44 & 45 (consisting of 0.49-acre parcel at 40 Central Street & 0.23-acre parcel at 42 Central Street), and Worcester Registry of Deeds Book 68315 Page 384. The property is located within the Residence B (RB) zoning district.
- 5) The Zoning Act, having been duly complied with regarding notice, a public hearing was opened on May 8, 2023. The public hearing was continued to May 22, 2023, June 12, 2023, June 27, 2023, July 10, 2023 and July 24, 2023. Copies of the meeting minutes for each session of the public hearing are available at the Planning Department.
- 6) The application was accompanied by plans entitled "SITE PLAN FOR 40-42 CENTRAL STREET, SOUTHBOROUGH, MASSACHUSETTS" dated January 24, 2023 and revised through July 14, 2023, consisting of six (6) sheets, prepared by M.A. Elbag Engineering, Inc., 188 Glenwood Road, Rutland, MA 01543, and stamped by Mark A. Elbag, Jr., P.E.
- 7) Other materials received with the application and during the project review:
 - Cover Letter and Waiver List with applications by the Southborough Historical Society (SHS) (President Michael Weishan) dated 03.14.23, application fees, Certificate of Authority dated 03.13.23, Certified Abutters Lists dated 01.17.23, and Overview Project Narrative,
 - Response to pre-application review by M.A. Elbag Engineering, Inc. (Engineer) dated 03.13.23
 - Stormwater Control Design letter by M.A. Elbag Engineering, Inc. (Engineer) dated 03.13.23
 - Architectural Plans by John C. Lyon, RA, entitled "Renovations to Fayville Village Hall, 42 Central Street, Southborough, MA 01745", five (5) sheets, dated 02.23.23

- Letter to Planning Board from Applicant's Attorney Eric Reustle, Krokidas & Bluestein LLP, dated 04.19.23 to address the application of the Dover Amendment (MGL c.40As.3) to the project
- Response by Michael Weishan (SHS President) to Application Completeness Review (highlighted copy of Planning's Completeness Review letter dated 04.05.23) received via email dated 04.21.23
- Response by Michael Weishan (highlighted copy of Fuss & O'Neill's, Town's Engineering Consultant, review comments) received via email dated 06.25.23
- Copy of Conservation Commission Letter of Administrative Approval for 40-42 Central Street (change of design to gravel parking lot) dated 04.27.23
- Copy of Conservation Commission Notice of Decision for Stormwater Management Permit for 40-42 Central Street dated 03.29.19 (from prior project submission by Engineering Design Consultants, Inc.)
- Copy of Stormwater & Construction Details Notice of Intent Site Plan and Stormwater Pollution Prevention Plan for 40-42 Central Street revised through 03.20.19 (from prior project submission by Engineering Design Consultants, Inc.)
- Copy of Stormwater Report for 40-42 Central Street revised through 03.20.19 (from prior project submission by Engineering Design Consultants, Inc.)
- Copy of Adaptive Reuse Fayville Hall Site Development Plans, two (2) sheets, revised through 09.09.19 (from prior project submission by Engineering Design Consultants, Inc.)
- Copy of most recent Deed with reference to Town's parking easement (Worcester Registry of Deeds Book 68315 Page 384)
- BMP Stormwater System Operation and Maintenance Plan for 40-42 Central St. by M.A. Elbag Engineering, Inc. received 07.16.23 revised 07.24.23 (no PE stamp and not signed by Owner)

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

- Fire Department, Captain Christian Dano, Site Plan Review Memo dated 05.11.23
- Conservation Agent, Melissa Danza, email dated 04.27.23 re: Conservation Commission's Administrative Approval of the change to a gravel surfaced parking lot, email dated 07.17.23 re: O&M comments, email dated 07.24.23 re: recommendation for updated SWPPP and O&M
- BOH Director's, Heather Alker, email dated 05.05.23 with concerns and questions regarding a proposed food kitchen
- Open Space Preservation Commission review comments letter dated 07.23.23
- Southborough Public Accessibility Committee (ADA) Chair, William Sines, emails dated 04.08.23, 05.23.23 and 06.28.23 regarding accessibility requirements
- Fuss & O'Neill (Town's engineering consultant) peer review and follow up letters dated 05.08.23 and 07.21.23 of the MSPA application
- Planning Board member, Marnie Hoolahan, Mullin Rule letter to Town Clerk dated 05.01.23

9) The Planning Board granted Requests for Continuation/Extension of a Public Hearing on the following dates:

- May 22, 2023, to extend decision due date for Major Site Plan Approval (MSPA) from June 3, 2023 to June 16, 2023.
- June 12, 2023, to extend decision due date for MSPA from June 16, 2023 to July 14, 2023.
- July 10, 2023, to extend decision due date for MSPA from July 14, 2023 to July 28, 2023

Findings

1) The proposal constitutes a Major Site Plan Review because the redevelopment project requires 20 or more parking spaces and entails a change in use of a facility that totals 2,000 square feet

or more. The project consists of the redevelopment of the site and restoration of the existing 4,400± square foot historic Fayville Hall building (built in 1911) into the Southborough Historical Society's History & Arts Center. The project proposes a gravel parking area with 28 parking spaces (including 2 paved accessible spaces and 12 deeded parking spaces for the Town and related to park across the street) and associated stormwater management and landscaping.

- 2) The Southborough Historical Society presented itself as a Massachusetts nonprofit 501(c)(3) educational corporation formed pursuant to M.G.L. Chapter 180, and referred to M.G.L. Chapter 40A Section 3, commonly known as the Dover Amendment for this project.
- 3) As related to parking for Fayville Park located across the street from 40-42 Central Street, and the Town's parking easement per the Worcester Registry of Deeds Deed Book 68315 Page 384, "...The land is conveyed subject to a parking easement to the Town of Southborough, a municipal corporation, as reserved by the Town in deed dated October 22, 2019, and recorded in the Worcester Registry of Deeds in Book 61335, Page 220, for eight (8) designated parking spaces contiguous to Central Street together with four additional spaces, the location of which will be in the discretion of Grantee with all such spaces to be designated by signage. Grantee will be allowed to utilize all such designated spaces during evening hours commencing at 5:00 p.m. and also during arts events conducted by Grantee on the property...".
- 4) The existing parking lot that serves Fayville Hall (the site) is a pre-existing non-conforming parking lot with respect to Town Code §174-12.E, with parking within the front yard setback exceeding 25% of the required parking spaces, and to come into compliance would diminish and distract from the proposed use without advancing the Town's concerns and therefore requiring compliance with the 25% restriction would be unreasonable per M.G.L. Chapter 40A Section 3 (Dover Amendment).
- 5) On April 27, 2023, the Conservation Commission issued an Administrative Amendment approval to update the changes to the parking area and for the proposed design change to a gravel parking lot sighting higher permeability, different from a paved surface previously proposed as part of the design when the Stormwater Management Permit was issued on March 19, 2019 during the prior project's Site Plan application.
- 6) Based on the site plans, and as a pre-existing non-conforming structure, it appears that the southeast corner of the existing building, stairs/bulkhead, and proposed concrete walk at the southeast corner of the building encroaches on the right-of-way layout of Grove Street, but in accordance with the plans, they do not appear to encroach upon the paved traveled roadway surface of Grove Street, a public roadway.
- 7) Under the Town of Southborough Zoning Bylaws, Site Plan Review is an administrative review of the site design for uses that are allowed in the underlying zoning district, and not a review of a proposed or existing use.
- 8) The Planning Board, Fuss & O'Neill, the Town Planner and other Town departments have reviewed the applications, plans, design documentation, correspondence and other submission material. Throughout the public hearing process, the Planning Board has been mindful of the statements and comments of the applicants, their representatives, Town staff, the abutters, and the general public.
- 9) The Decision Criteria for Approval of a Site Plan are contained in §174-10. D of The Zoning Bylaw, which states that the Planning Board shall approve an application for Site Plan Review if it finds that any new building construction or other site alteration shall provide adequate access

to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land and shall be so designed that, for the given location, type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:

- Minimize the volume of cut and fill, the number of removed trees six (6) inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.
- Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.
- Minimize obstruction of scenic views from publicly accessible locations.
- Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening, minimizing lighting intrusion through use of such devices as cutoff luminaries confining direct rays to the site; fixture mounting height not higher than twenty (20) feet; and avoiding unreasonable departure from the character of buildings in the vicinity.

10) The applicant and the project representatives demonstrated on the plans, in reports, through correspondence and during the public hearing that the proposed development is in conformance with the Zoning Bylaws.

11) The Planning Board found that the plan, subject to conditions listed herein, is in conformance with the standards required by the Southborough Zoning Bylaw and that the proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.

Waivers

- Waiver from Zoning §174-12.B, Surfacing. Required vehicular use areas shall be paved with bituminous concrete unless serving a single-family dwelling. An alternative surface may be approved by the Planning Board upon its determination that drainage, erosion, siltation, dust and appearance will be satisfactorily controlled. (*The Applicant has requested a waiver from this requirement in order to construct a gravel parking area as designated on the Plans and will comply with the requirements for alternative surfacing outlined in the referenced Zoning Code. The accessible parking spaces and associated aisle will be paved.*) The Planning Board grants this waiver as being in the public interest and not inconsistent with the intent of the Zoning By-law.

Decision and Vote of the Board

At its meeting on July 24, 2023, the Southborough Planning Board voted (4/0) to determine that the Approval Criteria contained in §174-10.D of the Zoning Bylaw had been met and grant the Major Site Plan Approval to allow the Southborough Historical Society's History & Arts Center project along with associated walkways, parking, landscaping and stormwater management at 40-42 Central Street; and

In accordance with the plans entitled "SITE PLAN FOR 40-42 CENTRAL STREET, SOUTHBOROUGH, MASSACHUSETTS" dated January 24, 2023 and revised through July 14, 2023, consisting of six (6) sheets, prepared by M.A. Elbag Engineering, Inc., 188 Glenwood Road, Rutland, MA 01543, and stamped by Mark A. Elbag, Jr., P.E.; incorporated herein by reference; and

Subject to the Following Conditions

- 1) The project shall be constructed in conformance with the approved plans and submittals. All restrictions and conditions from other Boards and Commissions required pursuant to other permits related to the project shall be complied with.
- 2) Except for previously stated Findings and specific Waivers granted, the Applicant shall comply with all provisions of the General Bylaws, Zoning Bylaws, and all the rules and regulations applicable thereto. The Applicant shall pay all fees of the Town of Southborough imposed generally for construction projects and for the purposes of monitoring compliance of the construction and occupancy of the Project in accordance with the Site Plan Approval, as applicable, unless expressly waived in this Decision.
- 3) The Town's Engineering Consultant shall provide construction phase services during construction to ensure compliance with approved plans and for the review of Asbuilt Plans for acceptance by Planning Board.
- 4) No exterior lighting is proposed for the project at this time. This is subject to the understanding that lighting levels will not go below standard safety requirements. Any proposed future exterior lighting at the site will require a Modification to an Approved Site Plan application with the Planning Board and in accordance with Town Code §174-12.1 Outdoor illumination.
- 5) Hours of Operation: Dawn to Dusk. Hours of operation may be modified upon approval of a site plan modification for parking lot lighting.
- 6) Landscaping shall be in conformance with the Landscaping Plans as submitted by the Applicant and approved by the Planning Board, except as otherwise provided in these Conditions. Such landscaping shall be maintained, repaired, or replaced by the Owner as needed to maintain compliance with such plans.
All landscape planting shall be straight native species. Proof of species shall be provided if requested. A plant schedule shall be provided showing the specific straight native species to be planted, the size of the individual plants and the number of each species to be approved by the Planning Board.
- 7) Planting materials will be 100% straight species native to New England, cultivars will not be used. Planting substitutions, including substitutions to replace plants that die, shall be approved by the Town Planner prior to installation.
- 8) The existing trees to remain as identified on the Plan Sheet 5, Landscape Plan of the Site Plans, shall be protected during construction. Any tree removal, other than identified in the approved plans, that are three (3) inches or more in caliper shall require Town Planner review and approval.
- 9) Off-site parking shall be obtained for any events for which parking demand will exceed the on-site off-street parking capacity at the property. For any event that exceeds parking capacity there shall be an adequate means of parking provided elsewhere to be coordinated with the Southborough Police Department.
- 10) The twelve (12) deeded parking spaces referenced in the deed for the Town shall be designated with signage at each parking space immediately upon completion of the parking lot. Eight (8) of the aforementioned parking spaces shall be contiguous to Central Street.
- 11) A maintenance plan for the parking lot shall be submitted to the Planning Board for approval.

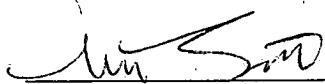
- 12) The Southborough Historical Society is responsible for the maintenance and snow removal for the entire parking lot. Snow Storage shall not be within the stormwater features.
- 13) No signage, with the exception of those denoting handicap parking spaces and deeded parking spaces referred to in condition #10, is included in this Site Plan. Any additional signage shall be approved by the Building Commissioner.
- 14) Upon Site Plan Approval and prior to the lapse of the permit appeal period, two (2) sets of the final approved plans shall be submitted to the Planning Board for endorsement along with AutoCAD files of all plan sheets, followed by an electronic pdf file of the Plans after Planning Board endorsement.
- 15) A copy of the Planning Board endorsed Approved Site Plans shall be provided to the Conservation Commission within 10 days after the appeal period lapses.
- 16) This Major Site Plan Approval Decision shall be recorded at the Registry of Deeds with written proof of recording provided to the Planning Board within 10 days after the appeal period lapses.
- 17) The Applicant shall provide in writing the name of the person responsible for the site disturbing activity and the responsible person on site during construction to the Town Planner and Building Commissioner.
- 18) A copy of the final updated SWPPP (including during and post construction requirements) stamped by Professional Engineer and signed by Owner must be filed with the Planning Board within 60 days of the permit appeal lapse date and may require review by the Town's Engineering Consultant for acceptance by the Planning Board.
- 19) A copy of the Stormwater Management Operations & Maintenance (O&M) Plan (including during and post construction requirements) as a stand-alone document, stamped by Professional Engineer and signed by Owner, including a fully executed Inspection & Maintenance Agreement, must be filed with the Planning Board within 60 days of the permit appeal lapse date.
- 20) After construction is completed, two (2) hardcopies and pdf file of complete as-built plans for the project reflecting all of the project's site plan approved features, also including lighting, landscaping and all structural stormwater controls and treatment BMPs required for the site, as well as identified deviations from the approved plans, if any, shall be submitted to the Planning Department. The as-built plan shall be stamped by a professional land surveyor/civil engineer and accompanied by a letter from a professional engineer certifying that construction was completed substantially in accordance with the approved plans. Asbuilt plans shall be reviewed by the Town's Engineering Consultant for compliance with the approved plans and per Zoning Bylaw §174-10.J for acceptance by the Planning Board prior to Planning's sign off on Certificate of Occupancy. Once accepted by the Planning Board, the final Asbuilt Plans shall be provided to the Planning Board, Department of Public Works, Building Department and Board of Health.

On the motion to grant the Major Site Plan Approval for the Southborough Historical Society's History & Arts Center at 40-42 Turnpike Road, the vote of the Board is as follows:

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

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

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



Meme Luttrell, Chair
On Behalf of the Southborough Planning Board

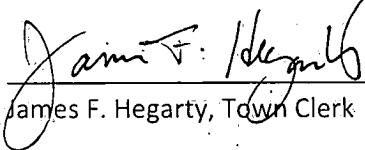
7-26-23

Date

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

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

Attest:



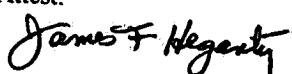
James F. Hegarty, Town Clerk

8-17-23

Date

A True Copy

Attest:

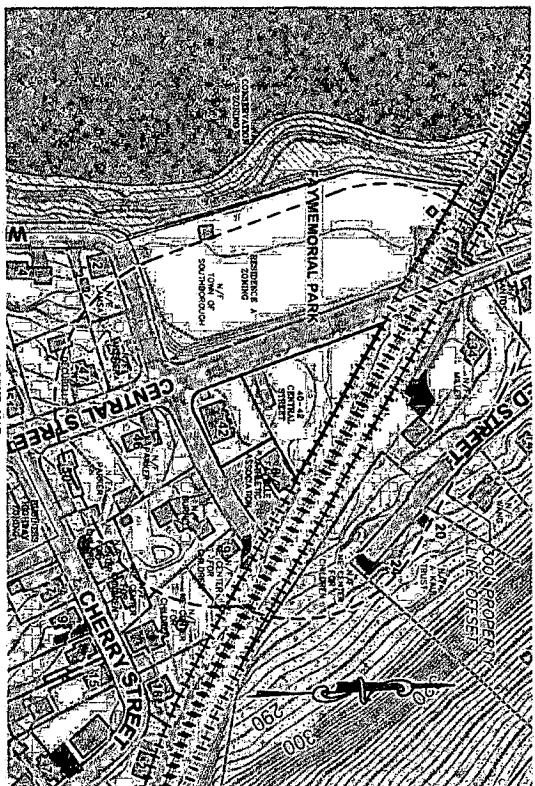


James F. Hegarty
Town Clerk, Southborough

SITE PLAN
FOR

40-42 CENTRAL STREET
SOUTHBOROUGH, MASSACHUSETTS

DATE: FEBRUARY 6, 2023
REVISED: JULY 14, 2023



GENERAL NOTES:

1. ALL WORKS SHALL BE IN CONFORMANCE WITH TOWN OF SOUTHBOROUGH DPW RULES AND REGULATIONS AND PERIODICALLY BY A LICENSED DRAIN LAYER.
2. CONTRACTOR TO CONTACT DSO-SAFE PRIOR TO CONSTRUCTION ACTIVITIES #840-505-5440.
3. THE WORK SHALL BE PERFORMED BY THE CONTRACTOR. PERM. SHALL HAVE RESPONSIBILITY FOR DETERMINING MEANS AND METHODS FOR PROPOSED WORK.
4. ELEVATIONS REFERENCE NAVD 88 U.S.G.
5. NO FLOOD ZONE EXIST ON THE SITE PER FEMA FLOOD MAPS.
6. FIELD WORK TO CONSTRUCTION.

APPROVED BY THE PLANNING BOARD
<i>[Signature]</i> Planning Board Southborough, MA
DATE: <u>July 14, 2023</u>
REASON: <u>SEND A MAJORITY</u>

W. K. A. DIAZ, # 26
PROFESSIONAL ENGINEER REG #48449

MAJOR SITE PLAN
APPROVAL

SOFTWORLD INC.
SOUTHBOROUGH HISTORICAL
SOCIETY
25 COMMERCIAL STREET
SOUTHBOROUGH, MA

PROPERTY OWNERS
40-42 CENTRAL STREET
SOUTHBOROUGH, MA
MAP 3 & PARCEL 44 & 45

PERMIT NO. *[Signature]*

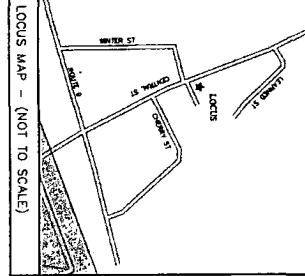
COVER

M.A. ELBAG
ENGINEERING

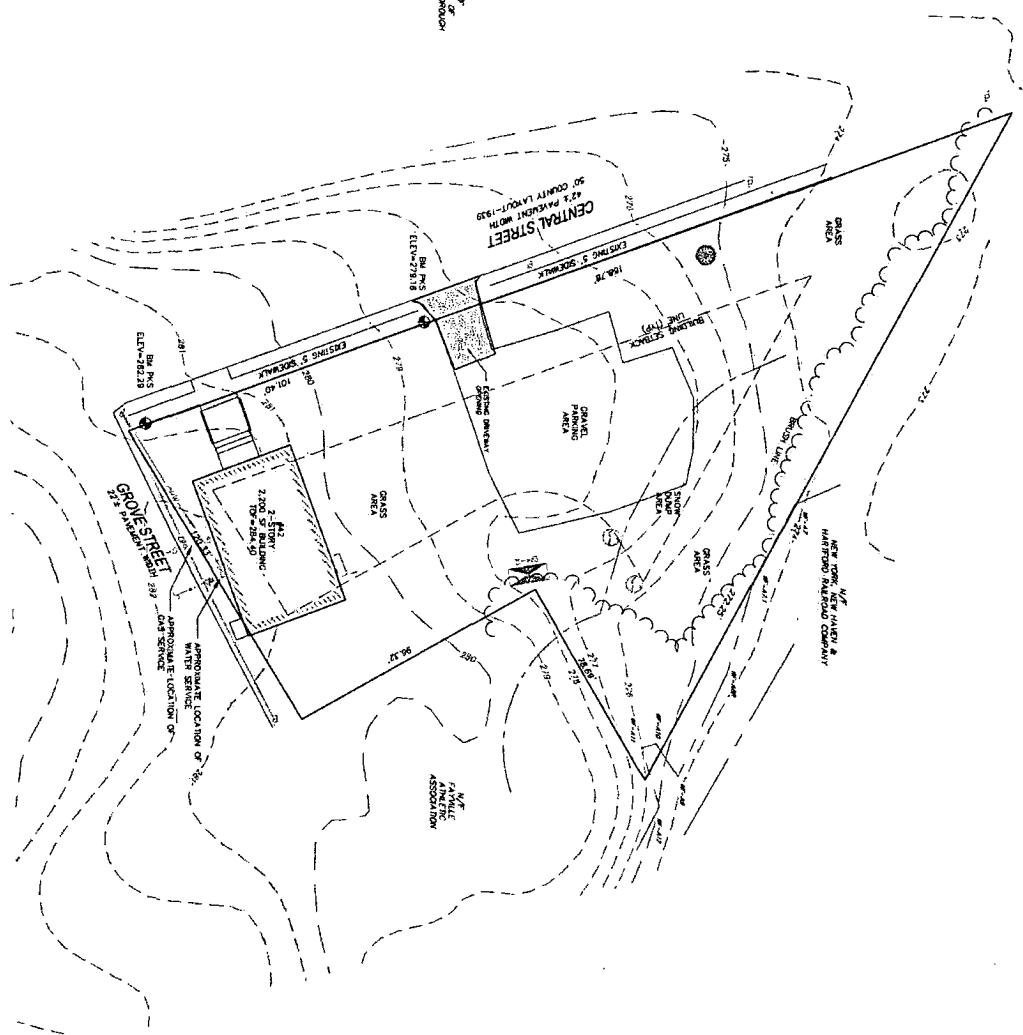
P.O. BOX 636
RUTLAND, MA 01543
Project 508/726-1199
mabag@gmail.com

TOWN OF SOUTHBOROUGH

LOCUS MAP - (NOT TO SCALE)

N/W
SOUTHBOROUGHCENTRAL STREET
SOUTH BOROUGH, MASS.

50 COUNTY LINE RD - 199

CENTRAL STREET WITH
SOUTH BOROUGHMAP X-141, SECTION 14, PLATE 1
HARPTON RAILROAD COMPANYMAP X-141, SECTION 14, PLATE 1
HARPTON RAILROAD COMPANY

GRAPHIC SCALE
1 in. = 50 ft.



DigSafe

CONTRACTOR TO
VIRTUALLY ACTUAL
LOCATION OF
EXCAVATION
SITES
TO CONSTRUCTION.

MAJOR SITE PLAN

APPROVAL

SOUTHBOROUGH HISTORICAL
SOCIETY
24 COMMON STREET
SOUTHBOROUGH, MA

PROPERTY ADDRESS
40-42 CENTRAL STREET
SOUTHBOROUGH, MA

EXISTING
CONDITIONS

NOTES:
-MODIFICATION OF PLAN FILED "ADAPTING TO USE
-FARM ALL - FRIEDRICH FED CO. LTD.
-DEVELOPMENT CO., INC. DATED MAY 29, 2019
-NO SIGN IS BEING PROPOSED AT THIS TIME
-SITE LIGHTING IS NOT BEING PROPOSED AT THIS
TIME

DEED BOOK 6515 PAGE 384
PARKING AGREEMENT
DEED BOOK 6515 PAGE 220

MAP X-141, SECTION 14, PLATE 1
HARPTON RAILROAD COMPANY



APPROVED BY PLANNING BOARD
TOWN OF SOUTHBOROUGH
Planning Board
Chairman: *John H. Higginbotham*
Date: July 24, 2023
Being a majority

MAJOR SITE PLAN

APPROVAL

SOUTHBOROUGH HISTORICAL
SOCIETY
24 COMMON STREET
SOUTHBOROUGH, MA

PROPERTY ADDRESS
40-42 CENTRAL STREET
SOUTHBOROUGH, MA

EXISTING
CONDITIONS

E.M.A. ELBAG
ENGINEERING

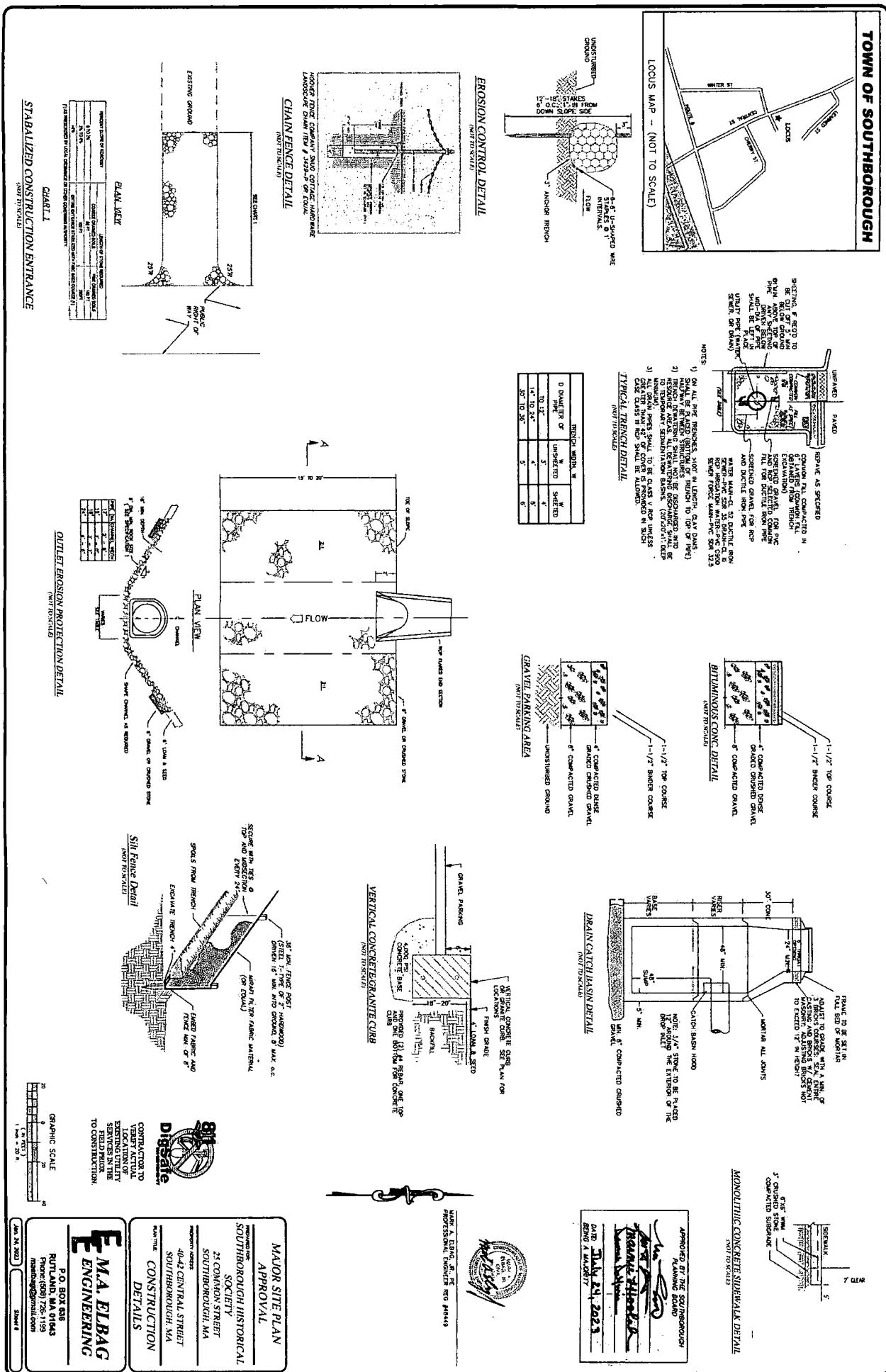
P.O. BOX 658
RUTLAND, MA 01543
Phone: (508) 726-1199
Email: mail@elbag.com

1 in. = 50 ft.

Jan. 24, 2023

Sheet 2

TOWN OF SOUTHBOROUGH



ATTEST: WORC. Kathryn A. Toomey, Register