

## **Hillary Young Carney**

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**From:** Davis, Steven C. [REDACTED]  
**Sent:** Monday, July 13, 2015 1:59 PM  
**To:** Jennifer Burney  
**Cc:** Hillary Young Carney; Meg Buczynski  
**Subject:** SYS/Fay Field Amended Site Plan Decision and Amended Lower Impact Development Special Permit

Planning Board Members:

I write on behalf of Lisa Keefe, Shirley Davis, and myself, abutters to the proposed project residing at 10 Stowe Road and Donald Folkes, an abutter to the proposed project residing at 22 Stowe Road. Since the last session of the public hearing, we have met with representatives of Southborough Youth Soccer (SYS) and Fay School. Unfortunately, that meeting raised more questions than it answered. Therefore, we continue to have concerns with the project, suggest further review of some items, and suggest conditions that might allay some those concerns, if the Planning Board approves the new SYS artificial turf field. I hope that the Planning Board will consider these as it deliberates on the Amended Site Plan Decision and the Amended LID Special Permit (the "Approvals").

### **Users and Use Violation**

In the original 2008 applications by Fay School, the users of the fields were described as "Fay School athletic teams and staff, visiting athletic teams and staff, and spectators." Use was characterized as "predominantly on weekday afternoons, based on Fay School's athletic programming for spring and fall sports." These user and use limitations were incorporated into the 2008 Approvals by making the "Fay School Athletic Field Access and Egress Protocol" (October 28, 2008) a part of the 2008 Site Plan Decision. Since 2008, there has been a sea change in Fay School's use of the fields. Instead of Fay School and visiting teams, the School now allows non-affiliated teams, including adult league teams, to use the existing fields for a rental fee. This use extends throughout the snow-free months and often is seven days a week. Field use starts as early as 7:30 a.m. on Saturday and Sunday and extends until dark (and sometimes beyond dark with the aid of car headlights). The current users and use violate the 2008 Approvals. Fay School will program and schedule the new SYS field and has stated its intention to continue this practice, if the new field is approved. The increased number of fields, the expanded catalogue of users, and the increased intensity of use will make this existing violation worse. And, this more intensive use already often denies us the quiet enjoyment of our property.

The Southborough Zoning Bylaw allows "non-commercial recreation" and "private non-profit membership club" uses in the Residence A zone. Even so, the current and proposed use appears, at least in part, to be "commercial recreation" and may not be allowed. In addition, many current and proposed users are affiliated neither with Fay School nor with SYS. This raises the question as to whether these commercial users and uses can be allowed, even by an academic institution, since many of the current and proposed users are not within the ambit of Fay School's academic purpose (grammar school education) or within the membership of SYS.

These violations should be cured before the Planning Board acts on this matter. Further, in any decision, I ask that the Planning Board affirm and re-impose the user and use restrictions that the Fay School adopted in 2008, extended to include only members of SYS and their opponents, to prohibit non-affiliated users (especially adult leagues), and to restrict hours of field use to start no earlier than 10:00 a.m. on Saturdays, Sundays, and Holidays.

### **Nuisance and Trespass**

With the more intense use and inadequate restroom facilities, another problem has arisen. Players and others on the southerly fields often cross the bridge over the brook and trespass on our property to relieve themselves. This problem might be alleviated by requiring Fay School to construct centrally-located, well-marked restroom facilities. The School has indicated that it intends to do so, but no application for a restroom has been made, and it is not included in the Site Plan under review. In addition, it would be helpful to provide better access control and

discourage trespass on and along Phipps Road, which is a private way largely over our land and is to be used only for Emergency Access.

I ask that the Planning Board require Fay School to construct its proposed centrally-located bathroom facility, to move the internal gate from its current position near the parking lot to the north end of the bridge, and to sign it clearly as "Emergency Access" and "No Trespassing" prior to first use of the new field. In addition, the proposed restroom facilities, the relocated gate, and emergency access and no trespass signage should be added to the Site Plan and reviewed by the Planning Board prior to its decision on the Approvals.

### **Storm Water Management**

Storm water management is within the appropriate subject matter for the LID Special Permit. Since the construction of the Fay Fields in 2008, flooding of the rear portion of our property at 10 Stowe Road has increased both in frequency (from once or twice a year to several times a year) and in depth (by as much as a foot). During the recent Conservation Commission site walk, the condition of the brook between the bridge and the railroad track was examined. There is no obvious blockage that would account for the increased frequency and depth of flooding. It may be that the outlet from the detention basin on the Fay Field site is delaying peak flow from the site so that it coincides with peak flow from the upstream parts of the watershed. No examination of this has been made, since only the site flow is assessed in the Stormwater Management Report.

A revised Stormwater Management Report providing a full analysis of the brook at the bridge and the railroad culvert and of the detention basin contribution to peak flow at both points should be prepared by the Applicant and reviewed by the Planning Board prior to its decision on the Approvals. I also ask that the Planning Board require post construction monitoring of storm water flow in the brook and from the detention basin to determine whether the timing of the peak detention basin flow coincides with peak stream flow, increasing peak flow and downstream flooding. If it does, require adjustments to the outlet structure to avoid this combined peak and reduce peak flow and downstream flooding.

### **Parking Management**

I believe that the current site plan has 111 parking spaces, intended to serve up to five active fields. Adding parking demand for one (or two for cross-field practice) active fields may exceed the parking capacity. We already have noticed overflow parking along the Marlborough access during periods of intense use. This may increase the temptation for users to park along Stowe Road and walk along Phipps Road to the fields. This has not been observed yet, but the increased number of fields and increased simultaneous use of fields may lead in this direction.

A Parking Management Plan should be prepared and reviewed by the Planning Board prior to its decision on the Approvals. I ask that the Planning Board determine an adequate amount of parking and assure that Fay School provides it either on site or through parking management and arrangements for off-site parking in Marlborough or on the main campus of Fay School.

### **Access Agreement Violation**

The "Fay School Athletic Field Access and Egress Protocol" (October 28, 2008) requires, among other things, that a gate be provided on Phipps Road at Stowe Road, that the gate be locked at all times except during specified emergency conditions, and that its use be attended by a Fay School designee.

At present, the gate is open (and has been since last fall), there is no lock (it disappeared a few years ago), and no Fay School designee has seen to the closure and locking of the gate.

I respectfully ask the Planning Board to require that the current violations be cured promptly and that, if it acts on any Amended Approval, it affirm and re-impose the access restrictions that Fay School adopted in 2008.

### **Other Matters**

The 2008 Decision limits lighting to emergency lighting only and limits field use to daylight hours. I ask that the Planning Board, if it acts on the Approvals, affirm and re-impose these restrictions, with additional restrictions on



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MEMORANDUM

Delivery: via email

Date: 07 July 2015

To: Planning Board Members
c/o Ms. Jennifer Burney
Southborough Planning Department

By: Meg Buczynski, P.E.
Principal / Project Manager

cc: Colin Hynes, Southborough Youth Soccer
(via email) Alan Clarence, Fay School

Project: Fay School / Southborough Youth Soccer Athletic Field Renovations

re: Planning Board Update

Dear Planning Board Members,

I apologize that I personally will not be able to attend the meeting on Monday, July 13th. In my place will be Patrick Maguire, President of Activitas, Inc who is up-to-date with the project's permitting process. With my absence in mind, I want to provide this letter to help summarize where the Fay School / Southborough Youth Soccer Athletic Field project is to date and provide additional information for your consideration.

This project is currently in its sixth month of review. The project was originally filed to both Planning Board and Conservation in December of 2014. Following initial meetings with both Boards and receiving peer review comments from both Lucas Environmental and Fuss & O'Neill, the project team revised the plan layout to minimize field dimensions, which reduced the footprint of the field within riverfront area. We are happy to report that we have settled all comments with both reviewing parties and just recently closed the public hearing with the Conservation Commission for both the Notice of Intent and the Stormwater permit. We anticipate receiving the draft Order of Conditions from Conservation this week with the final Order being issued at our 26 July 2015 Conservation Commission Hearing.

In addition to the peer review comments, we have met with the abutting neighbors at 10 Stowe Road and 12 Stowe Road to discuss perceived implications of the project on their properties, which we believe are minimal. Members of the Planning Board attended a site walk with the neighbors on 22 May 2015 where we reviewed the basic layout of the field and discussed the drainage characteristics of the playing field as have been previously explained in the original filings and supplemental materials. Comments received at this meeting included:

- a desire to maintain the conditions set forth by the Planning Board during the original construction of the Fay School Athletic Campus;
- address concerns related to parking with the use of this field;
- and address issues that the abutters have noted are of concern on the existing property, namely drainage, noise, and field users coming onto their properties.

The project team has discussed the concerns presented and provide the following:

- We do not have any issues maintaining the conditions set forth in the original Conditions set forth by the Board. Specifically, we will maintain the current time constraints at the site as well as the restriction of the access off of Sears Road for emergency use only and in the case that a train is blocking the primary site exit.
- As it relates to parking, we maintain that the addition of this field will not increase peak parking requirements in comparison to the existing conditions. The current site has four (4) multi-purpose athletic fields. It should be known that Fay School is planning to reduce that number based on the addition of a bathroom facility at the field adjacent to the parking drive. When this building is constructed, there will be one less field than existing conditions. With the addition of the proposed field, the site will be net neutral to field quantities.
- In regards to drainage, the proposed project has been peer reviewed by Fuss & O'Neill and has been shown to comply with the MA Stormwater Standards. In addition a site walk was completed with the abutters, members of the Conservation Commission and members of the Project Team on 20 June 2015 and no blockages of any kind were found on-site within the river area. As the project meets the Stormwater Standards we maintain that the project is in compliance with all requirements in regards to drainage.
- In regards to noise, the abutters voiced dislike over sounds from the field, namely the ice cream truck, and noise from weekend morning use. The proponent will request that the ice cream truck turn off its music when on-site and will alert its weekend users that no activity should be occurring on-site prior to the hours permitted to these groups.
- In regards to field users coming close to or on to the neighboring properties, it was discussed during the first site walk that it may be helpful to relocate the existing swing gate on the site-side of the existing bridge. This will help delineate where participants should be going on the site. In addition, the proponent will post additional signage noting restriction of site access, both vehicular and pedestrian, over the bridge area. It should be noted again that Fay School is planning to construct a bathroom building over near the parking area, which should also minimize people from coming over to the bridge area.
- One other item that came up was that the abutters wanted to limit the use of the site to non-adults and in-town groups only. While the primary use of the site will still be children and in-town groups, the site is currently used by other outside groups, such as a men's soccer league. We cannot agree to limitations of outside groups using the field space.

We hope these comments satisfy the Board and the abutters. We understand that in this instance all parties may not be satisfied, but we believe we have met the concerns of all to the extent practicable and allowable by the Town.

At the meeting on Monday, July 13<sup>th</sup> we request that this hearing be closed. We believe that all information has been provided to the Town and as such the Board has the information needed to make a decision.

Patrick from my office looks forward to discussing any other concerns with you at the upcoming meeting. Should you have any comments in the interim, please feel free to reach out to me

Memorandum  
12 June 2015

Fay School / Southborough Youth Soccer  
Athletic Field Renovations

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Page 3 of 3

directly. Thank you for your review and comments during this process, we believe this project will be a great addition for the Southborough youth sports programs.

Should you have any questions or further comments, please feel free to call me at 781-375-8663.

Thank you and we look forward to presenting at the next meetings.



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