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COMMONWEALTH OF MASSACHUSETTS SUPERIOR COURT DEPARTMENT

RECEIVED TOWN CLERK'S OFFICE

WORCESTER, SS

v.

CIVIL ACTION NOTIN SEP 14 P 2: 37

SOUTHBOROUGH, MA

SOUTHBOROUGH PLANNING BOARD Plaintiffs,

SEP 14 2016

LEO F. BARTOLINI, DAVID EAGLE, PAUL DREPANOS

as they are Members of the Southborough Zoning Board. of Appeals, AND WILLIAM DEPIETRI,

Defendants.



COMPLAINT FOR JUDICIAL REVIEW

INTRODUCTION

This is an action for judicial review pursuant to M.G.L. c. Chapter 40A, § 17, from a 1. Decision of the Zoning Board of Appeals of the Town of Southborough ("Board") which Decision granted Petitioner William Depietri a Comprehensive Permit that contains waivers pertinent to a 139 unit market rate townhouse Chapter 40A project which is adjacent to a 180 apartment units 40B project as an integrated site, and was filed with the Town of Southborough Clerk on August 25, 2016.

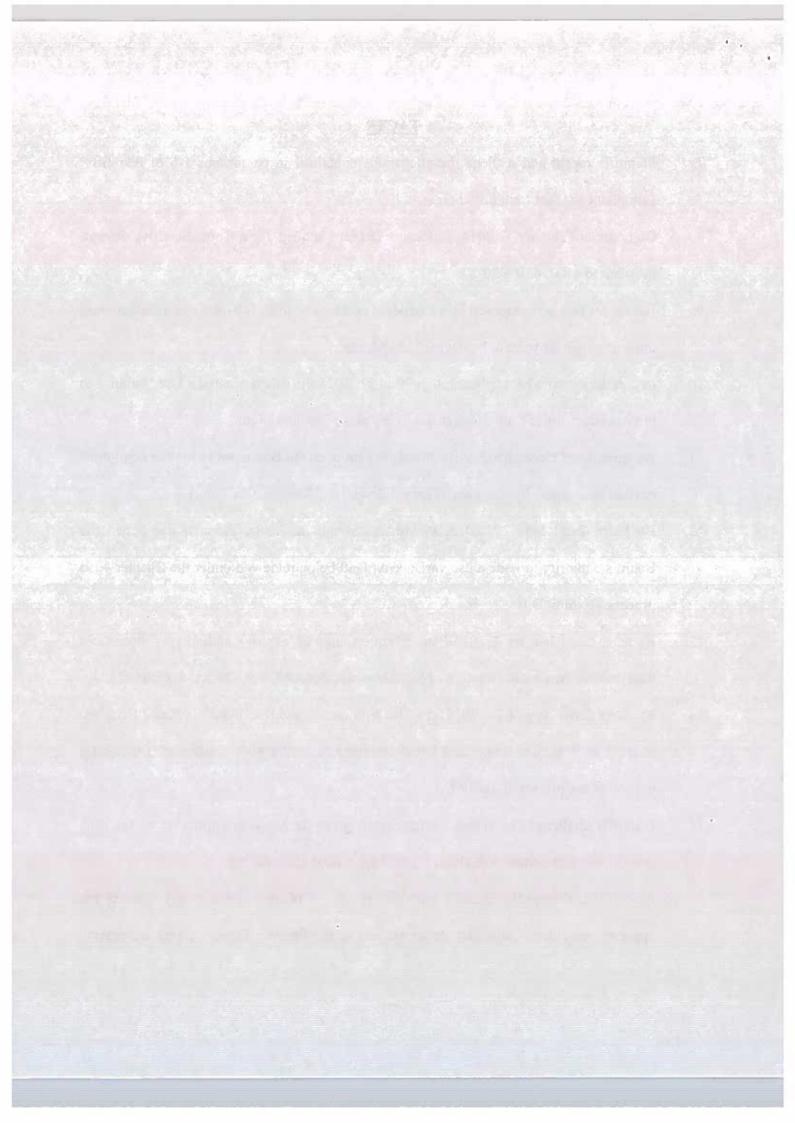
PARTIES

- Plaintiff the Southborough Planning Board is a party aggrieved by the Board's Decision. 2.
- Defendant Leo F. Bartolini is being sued in his capacity as a Member of the Board. 3.
- Defendant David Eagle is being sued in his capacity as a Member of the Board. 4.
- Defendant Paul Drepanos is being sued in his capacity as a Member of the Board. 5.
- Defendant William Depietri is a resident of Southborough and was 6. Applicant/Petitioner before the Board.

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FACTS

- Plaintiffs repeat and reallege the allegations contained in paragraphs 1-6 of Plaintiffs'
 Complaint as if set forth fully herein.
- 8. On or about February 12,2014, Defendant Depietri applied for a Comprehensive Permit, pursuant to MGL 40B § 20-23.
- 9. Defendant Depietri proposed a one hundred and eighty unit (180) for sale condominium units of which 45 were to be deemed affordable.
- 10. In connection with his application, on May 27, 2015 the Board granted a Use Variance to the Applicant for 158 unit market rate Townhouse Condominium.
- 11. By letter dated December 2, 2014 Plaintiffs cautioned the Board not to impose conditions beyond their authority in regard to the residential subdivision. (Exhibit A.)
- 12. By letter dated May 27, 2015, Plaintiffs, through the Town Planner, questioned the Board's authority to issue a use variance on land being reviewed under the Chapter 40 B process. (Exhibit B.)
- 13. By letter dated January 4, 2016 Plaintiffs questioned the Board's authority to allow more than one use on a lot in violation of Southborough Zoning Code 174-8 C 2. (Exhibit C.)
- 14. By letter dated August 24, 2016, the Plaintiffs questioned the Board's authority to grant waivers of Planning Board regulations in regards to the 40A residential Townhouse portion of the project. (Exhibit D.)
- 15. Plaintiffs challenge the Board's authority to grant the waivers applicable to the 40A portion listed in Exhibit 4 (Exhibit E.) of the Decision (Exhibit F.)
 - 16. Plaintiffs challenge the Board's authority to give a blanket grant of any waivers the applicant may deem necessary or convenient in the future. These waivers are beyond

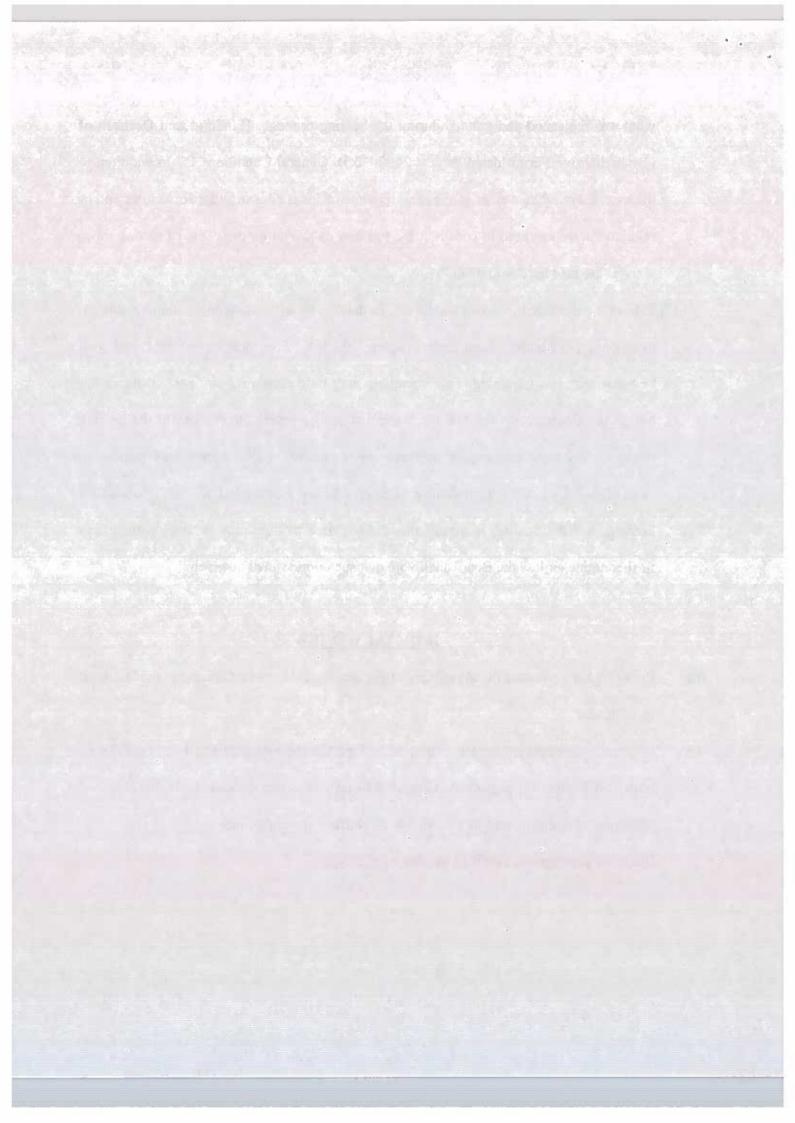


what was requested and granted during the hearing process. (Findings and Decision of Comprehensive Permit dated August 24, 2016 B. General Conditions 1." In addition, to the extent any other waiver of the requirements of local laws or other local rules and/or regulations are required to construct the projects as shown on the plans of record, those waivers are also hereby granted.")

17. Plaintiffs challenge the Board's authority in that the Board took action without a quorum as required per Southborough Code Chapter 249 §3 A. "Five members of the Board shall be present at every hearing. Four members may hold a hearing and act on the matter before the Board, provided that the interested parties assent thereto before the hearing opens. Any hearing may be adjourned for any reason by the Board, or by any member in case of the absence of a quorum, to a later date by a statement to that effect at the hearing, and the hearing as so adjourned from time to time may be held without any further notice, unless the Board shall vote that such notice shall be given."

JUDICIAL REVIEW

- 18. Plaintiffs herein restate the allegations of paragraphs 1-17 of the Complaint as if fully set forth herein.
- 19. In granting Defendant Depietri's application for a Comprehensive Permit that includes both the Chapter 40B project and Chapter 40A project as one integrated site, the Board exceeded its authority and its Decision was arbitrary and capricious.
- 20. Plaintiffs are aggrieved by the Decision by the Board.



WHEREFORE, The Plaintiffs respectfully request that this Court enter judgment reversing and vacating the decision of the Town of Southborough Zoning Board of Appeals and to grant the Plaintiffs any other relief this Court deems just and equitable.

Southborough Planning Board

Donald C. Morris - Chair

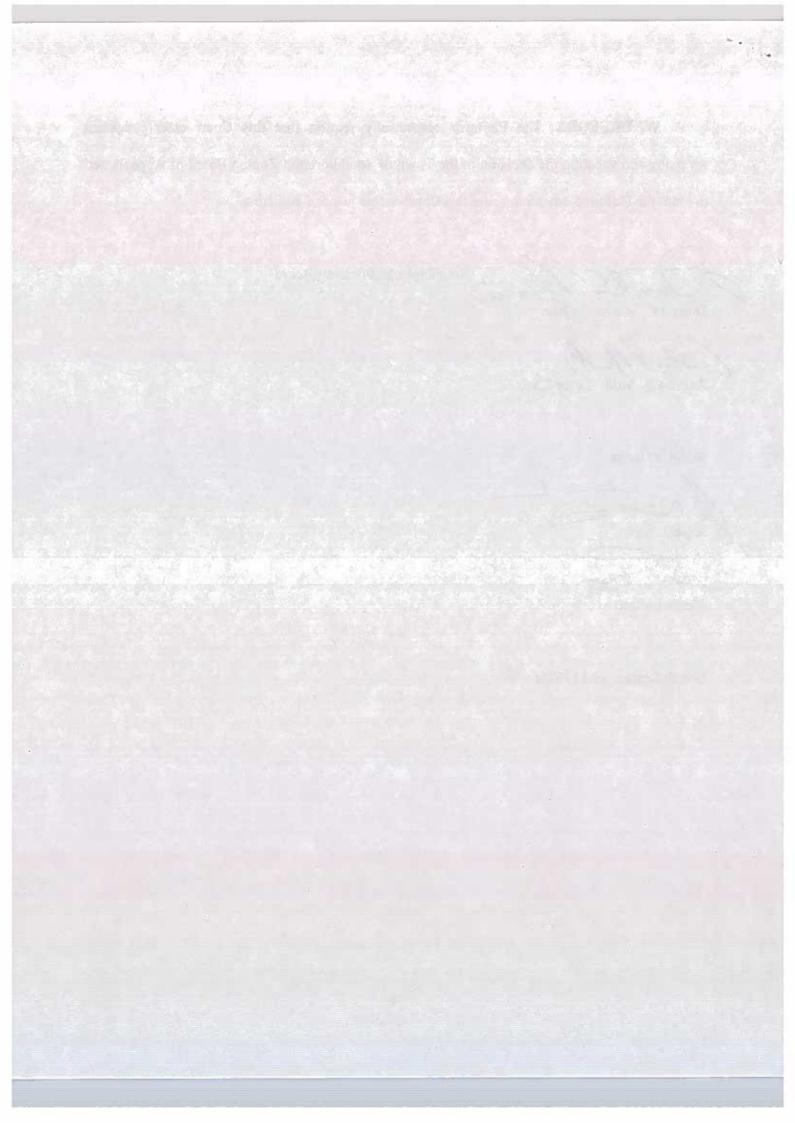
Andrew S. Mills - Vice Chair

Philip A. Jenks

Jesse T. Stein

Meme Luttrell

Dated: September 13, 2016





17 COMMON STREET SOUTHBOROUGH, MASSACHUSETTS 01772-1662 508-485-0710

December 2, 2014

Re: Use Variance Procedure

Dear Chairman Bartolini:

The Planning Board has concerns relative to the discussion of a use variance for the industrial zoned land at Park Central which is an agenda item on the Zoning Board of Appeals (ZBA) December 3, 2014 meeting.

The Planning Board acknowledges that the ZBA has the authority to grant use variances pursuant to Chapter 174-25 of the Southborough Zoning Code however in this case we question if it is appropriate to include discussion of a use variance on land being reviewed under the Chapter 408 process. Furthermore, the Planning Board is concerned that the circumstances of soil conditions, topography, and related substantial hardship are absent from this site.

If the discussion of a use variance is deemed to be appropriate and one is granted, the Planning Board understands that the ZBA may impose conditions, but those conditions must not go beyond the authority of the ZBA especially in regard to residential subdivision of land and site plan which fall under the authority of the Planning Board.

These matters are complex and sensitive. The neighbors and the proponent have legal counsel. We respectfully recommend engaging Town Counsel immediately to represent the Town and guide the ZBA, Planning Board and other town officials through this process.

The Planning Board looks forward to working with the ZBA in doing what is best for Southborough. This may include the development of a master plan of the entire site which would include broader participation of Town Boards and Committees and the public.

Sincerely,

Donald C. Morris, Planning Board Chairman Submitted on behalf of the Planning Board

Cc. Town Counsel

EXHIBIT A

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17 COMMON STREET SOUTHBOROUGH, MASSACHUSETTS 01772-1662 508-485-0710

May 27, 2015

Re: Proposed Use Variance to construct 158 single, duplex and triplex unrestricted for sale townhouse style condo units.

Dear Zoning Board of Appeals Members:

In December the Planning Board issued a letter to the Zoning Board of Appeals members, expressing concerns relative to the discussion of a use variance for the industrial zoned land at Park Central which is an agenda item on the Zoning Board of Appeals (ZBA) at tonight's May 27, 2015 meeting. I apologize that this letter is being sent on the day of the meeting.

The Planning Board acknowledged in that letter that the ZBA has the authority to grant a use variance pursuant to Chapter 174-25 of the Southborough Zoning Code however in this case the board questioned if it is appropriate to include discussion of a use variance on land being reviewed under the Chapter 40B process. And suggested to engage Town Counsel in the process and understand that Town Counsel will be there tonight. Furthermore, the Planning Board expressed concern that the circumstances of soil conditions, topography, and related substantial hardship are potentially absent from this site. The granting of a Use Variance is one of the highest zoning relieves granted.

As you know the Affordable Housing Plan recently adopted identifies goals that include:

- housing that offers various housing choices;
- creation of affordable and market-rate rental units created for older adults, families, individuals with disabilities and veterans;
- options to encourage that older adults remain in Southborough as the population ages and housing needs change;
- affordable entry-level housing sized for families;
- supports design of housing development compatible with the neighborhood context and enhances community's development patterns;
- production of permanently affordable housing units;
- Diverse housing options that include rental apartments of various sizes, duplexes, accessory
 apartments, cottage-style homes, multi-family homes and housing units in mixed use buildings with
 ground floor shops and apartments above; and
- Accessible, barrier-free ownership and rental units for handicap individuals and our aging elderly.

Town of School and annual representation of the service period is but were upported by the being established The property of the second second

Multifamily for the elderly is allowed by special permit per section 174-8 in the Industrial Park District and restricts it to only 7% of the total number of one-family houses in Southborough. The town has approximately 2,832* single family homes (per the assessors) and 182 existing over 55 units and 15 approved units not yet constructed for a total of 197 over 55 units, leaving only 1* over 55 available for approval. In addition the average per site is a maximum of 3 units per continuous acres exclusive of wetlands.

Additionally, major residential development requires an affordable housing component requiring that a minimum of 12.5% of the total number of dwelling units be provided as affordable housing.

if the discussion of a use variance is deemed to be appropriate and one is granted, the Planning Board understands that the ZBA may impose conditions, but those conditions must not go beyond the authority of the ZBA especially in regard to residential subdivision of land and site plan which fall under the authority of the Planning Board.

Conditions could include that goals of the Affordable Housing Plan are met and while I congratulate the developer for working with the abutters and agreeing to relocate the proposed 40B with the proposed single, duplex and tri-plex units, the project could also allow for the creation of housing that offers a mix of housing choices by requiring that a portion of them be income restricted for low and moderate income households as well as units that are barrier-free and handicap accessible for our aging seniors as well as handicap individuals.

The Planning Board and Planning Department are requesting to meet with the Board of Appeals to discuss elements of the Affordable Housing Plan as it relates to possible mitigation. We could accommodate this meeting on the Planning Board agenda for June 8th, 2015. I would also suggest that the Board of Appeals consult with SHOPC to solicit their feedback.

Sincerely,

Jennifer L. Burney

Jennifer Burney

Town Planner

cc. Planning Board, Town Counsel



17 COMMON STREET SOUTHBOROUGH, MASSACHUSETTS 01772-1662 508-485-0710

January 4, 2016

Southborough Zoning Board of Appeals 17 Common Street Southborough, MA 01772

Re: Comprehensive Permit Park Central, LLC

Dear Zoning Board of Appeals Members:

Thank you for the opportunity to review the 40B project. At the Planning Board meeting on December 7, 2015, the developer indicated the review currently before the Planning Board is for the "integrated infrastructure of the 40B" and after the 40B approval the applicant will formally apply for a "Residual Site Plan".

- The Planning Board encourages the Applicant to file an Application for Major Site Plan Review concurrently with the 40B and not wait until the 40B is approved to better streamline the process.
- 2) The Applicant is also required to file an Application for a Special Permit for Lower Impact Development.
- 3) The Planning Board questions two uses on one parcel. The applicant indicated that the project is not subject to subdivision as it is governed by condominium law. The Planning Board is respectively requesting that the Applicant provide condominium law that supports this.
- 4) To streamline the Planning Review Process the Board is requesting to get on the distribution list of Fuss & O'Neill and Waterman design reviews and submittals as well as any department review/comment letters.
- 5) The Property is zoned Industrial and Industrial Park Districts
- 6) The Applicant is proposing a 40B consisting of 180 unit rental unit, 2- four story buildings with 92 units in one building and 88 units.
- 7) The Planning Board's understanding of the 40B is:

	One bedroom	Two Bedrooms	Three Bedrooms	Total
Building 1:	40	41	11	92 total
Building 2:	41	40	7	88 total
Total units:	81	81	18	180 units
Total Bedrooms:	81	162	54 📖	297 bedrooms

Affordable Units

Affordable Units

- The Planning Board recommends that the ZBA require a plan that shows the location of the 25% affordable units and the number of one, two and three bedrooms that will be affordable units and recommends that this is submitted to SHOPC for review.
- The Planning Board recommends that the marketing plan is submitted to SHOPC for review.
- Affordable Housing Plan calls for more affordable family housing with 3 bedrooms.
- SHOPC and AHTFC can consider buying down rental & Use Variance units.

Impact Study - Mitigation

Require a feasibility study to determine mitigation.

- Impact on Schools
 – Determine number of students from Madison Place and number of bedrooms. Inquire with school department number of students.
- Impact to neighborhood roads: Flagg, Lovers Lane, Deerfoot, Clifford Road.
- Environmental impacts: open space/parks/recreation What is needed to support the new residents of this development?
- Tax impacts

Mobility

Trails connection to neighborhood

Water Supply

Water booster and impacts on water supply

Transportation

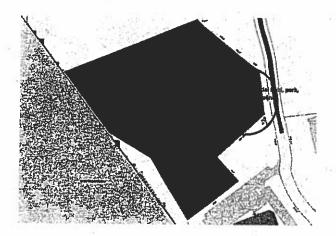
- Entrance & width of Flagg road (abutter concern)
- Parking restriction on Flagg Road (abutter concern)
- Participation in the MWRTA and bus to MBTA Station

Amenities: Open Space/Green/Recreation/Dog Park

- Open space uses: Discussions of recreation, DPW (cemetery/Water Tank) CR protection, pocket parks, trails, areas for dogs (provisions for dog waste)
- Because of the density and size of this project a park/field/playground should be considered for the residents. The corner of parcel 24-3.

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3) Recreation would like access to the pond for a fishing derby and ice skating event(s)

Massing

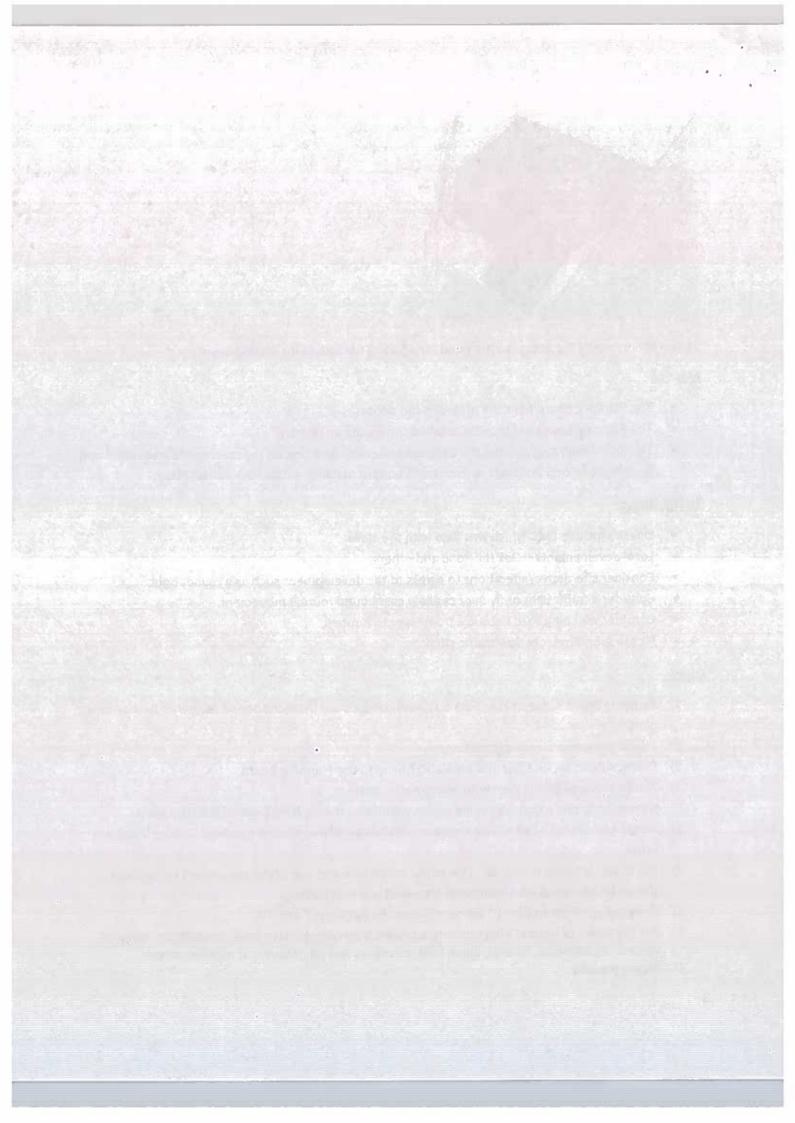
- The Planning Board feels the project is too dense.
- The Planning Board will provide detailed comments on density.
- The ZBA should request that the developer consider breaking up the mass of the two rental unit buildings to 4 or 5 buildings with 36 to 45 units in building similar to Madison Place.

Traffic Study:

- Doesn't include EMC which was filed with the state.
- Local developments Oak Hill Road and others.
- Consider alternative/alterations to egress to the development such as a roundabout.
- Consider a traffic light or fly over to allow east bound route 9 movement.
- Consider widening road entrance from Flagg to Route 9.
- Please submit peer review traffic study.

Other:

- Planning Board suggests that Fuss & O'Neill conduct site inspections and review of final as-built plan.
- 2) Please provide drainage calculations.
- 3) Please submit MEPA filing and MASS DOT filing to the Planning Board.
- 4) Please provide lighting plan with photometric plans.
- 5) Detention basins Consider using native wildflower mixes, New England wetland plants.
- 6) Please provide list of all waiver requests Subdivision Waivers listed on sheet C2.00 8 waivers listed.
- 7) The buffer set back is only 40'. Due to the magnitude and density of the project the setback should be increased with additional screening and landscaping.
- 8) The grading of the road is 10 percent. Should be between 6 and 10.
- 9) Per the Board of Appeal's Regulations, a review team should have been created consisting of various departments, boards, committee members and neighborhood representatives.
- 10) Please provide:



- a. Number of parking spaces and dimensions.
- b. Loading facilities & Service areas.
- c. Pedestrian walks, including widths and types of surface
- d. Landscaping designation, specific plantings
- e. Screening
- f. Signs, including proposed sizes, mounting heights, types and drafted design
- g. Lighting, including plan location and detail information, size, type and wattage
- h. Existing trees on the site which are a caliper of six (6) inches or larger

Construction

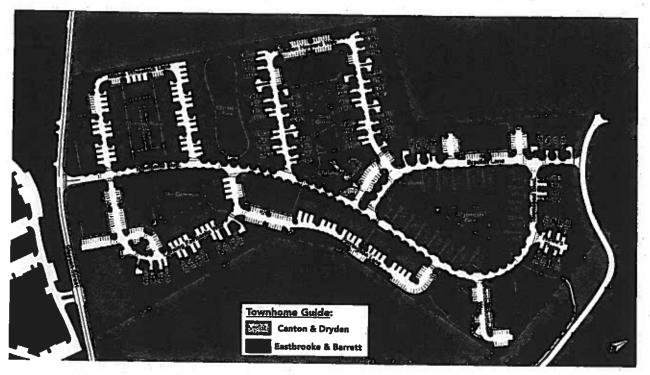
Require pre-construction meeting

- Determine construction hours
- All construction traffic should enter and exit from Route 9
- Connection to Flagg Road should only be open to emergency vehicles during construction

Examples of other projects with clustering & green space

Westborough Village which has 3 types of housing

- 18 single family with park in center
- Mix of triplex and quads with 2 and 3 story town houses with 2 car garage 2 or 3 bedrooms
- 7 large buildings with garden style units
- 5 common internal parks
- Playground
- Clubhouse with pool



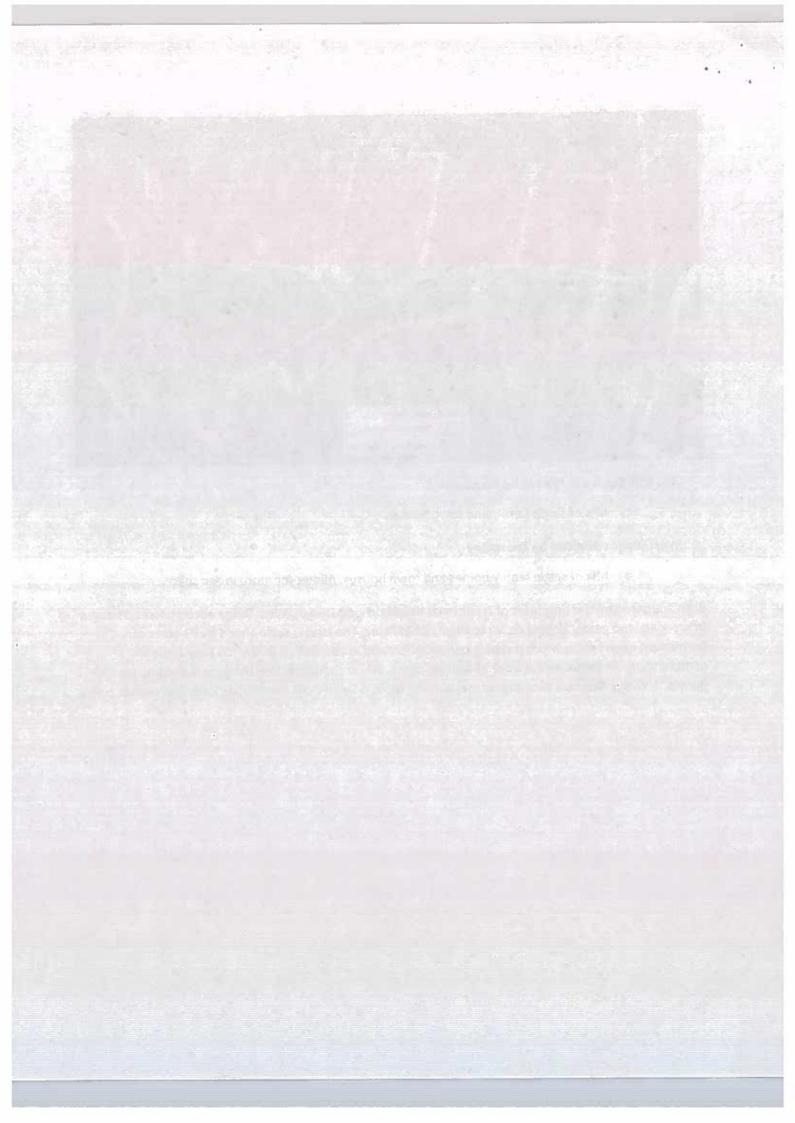
Red Mill Square in Norton by Thorndike

o Mix of single family and town houses

West Ridge - Hudson by Thorndike

o Mix of single family homes and town houses. Allows for more green space.

Both are based on the principles of Traditional Neighborhood Design, West Ridge encompasses 31 acres of wooded land gently sloping down to the Assabet River. The land is surrounded by 73 acres of permanent open space, which includes conservation land, a ball field, a lovely old New England cemetery and an extensive network of walking paths. When complete, WestRidge will encompass 135 homes, a Village Green, a Meeting House, walking trails, a Swim Pool, WestRidge Park, and pocket parks.



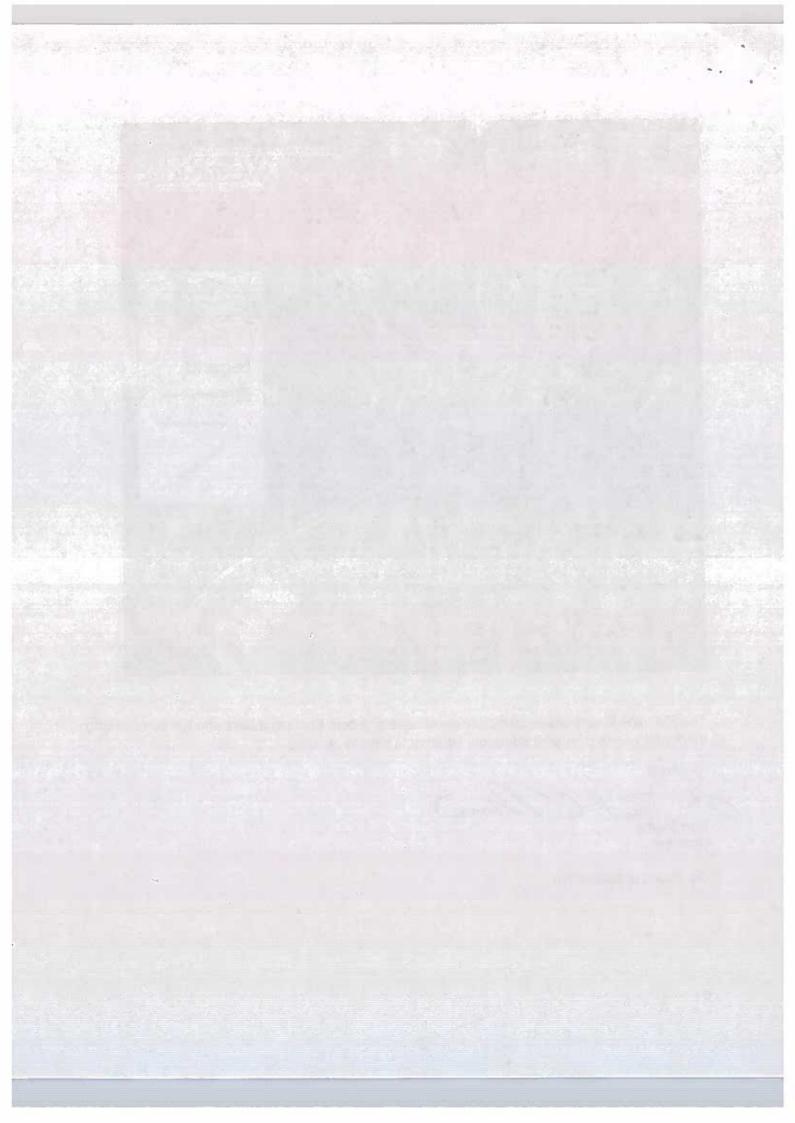


The Planning Board has received copies of several letters from neighbors and will be reviewing them and intents to submit additional comments later in January.

Sincerely,

Don Morris
Chairman

Cc. Board of Selectmen



Town of Southborough PLANNING BOARD

SOUTHBOROUGH, MASSACHUSETIS 01772

17 COMMON STREET SOUTHBOROUGH, MASSACHUSETTS 01772-1662 508-486-0710

David Eagle, Pro Tem Chair Zoning Board of Appeals Town of Southborough 17 Common Street Southborough, MA 01772

Aug 24 2016

Re: Park Central 40 B Development

Dear Mr. Eagle and Members of the Board of Appeals,

The Planning Board recognizes that this is a Chapter 40 B proceeding. However, several of the waivers as they have been written, apply to the 40 A portion as well. Our comments refer to the 40A component of the plans. We recognize that the ZBA has full jurisdiction over the 40 B component.

The Planning Board offers the following comments relative to the Findings and Decisions of Comprehensive Permit and the granting of waivers:

The conditions should be organized according to a timeline as to when they apply during the construction process. This is needed to enable the Building Inspector to clearly identify when something has to be enforced, and what can wait.

The project should comply with the LID bylaw to the maximum extent possible without the proponent facing economic hardship. It is the ZBA's responsibility to evaluate any economic hardship while supporting the request for any waivers.

Anything in these waivers that changes the Use Variance, requires a modification of the Use Variance.

Since many of the streets have been narrowed since the earlier submission, the Planning Board recommends that these waivers from the following sections be revisited to see if compliance is possible: Sec 244-13(7), Sec 244-13(9), Sec 244-13b(3), Sec 244-13b(4) and Sec 244-23.

The Planning Board received Fuss and O'Neil's comments at 3.30 this afternoon. We reviewed them very quickly and agree with the following:

#5 and #6 relative to road safety with regards to dimensions and layout.

#34 regarding the percentage of Open Space.

#39 relative to providing vertical curves.

Received ZBA
Date: 8/24/16
4:36 PM

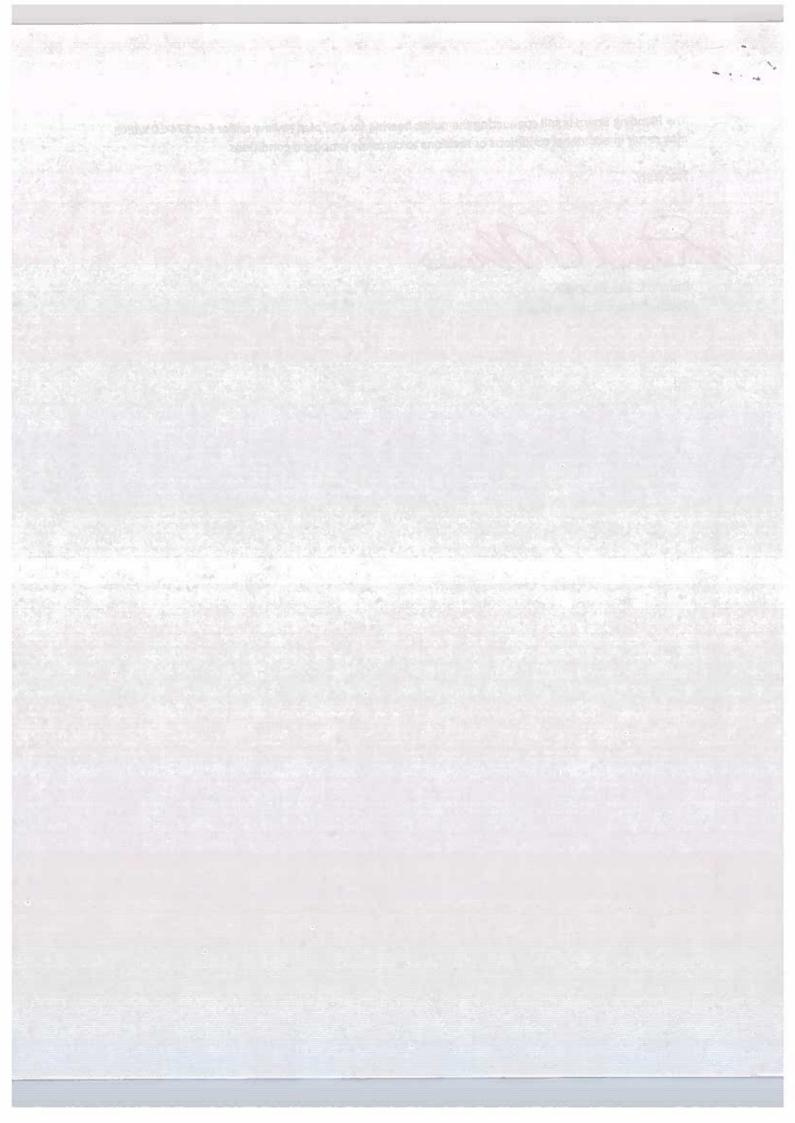
The Planning Board is still conducting the public hearing for site plan review under Sec 174-10 which may result in additional conditions or revisions to currently proposed conditions.

Memo

Sincerely,

Donald C. Morris, Chair

Southborough Planning Board



SOUTHBOROUGH ZONING BOARD OF APPEALS MEETING ADMINISTRATIVE MINUTES

MEETING DATE/LOCATION: Wednesday, March 24, 2015; McAuliffe Hearing Room, Town Offices

MEMBERS SITTING/PRESENT: TOWN OFFICIALS (& OTHERS) PRESENT:

R/A/C		255 Tumpike Rd, RMD	Bartolini Builders Southville Parkerville	352 Tumpike Rd Ferris Dev	Park Central
R	Mr.Bartolini, Chair	S		S	S
R	Mr.Dennington	S	S	S	A
R-	Mr.Bhisitkul	Smile	S	S	A
R	Mr.Eagle	P	S	S	S
R	Mr.Drepanos	S	S	S	S
A	Mr.Walker	A	A	A	A
Α	Mr. Williams	S	e. A	A	Α
С	Karen Finelli	P	P	N. P	P
C	Joe Giniewicz	P	P	T.	A

Regular/Alternate/Clerk

Sitting/Present/Albrent

Mr. Valerio Romano, Esq.

Mr. Marc Rosenfeld, CEO CommCan Inc.

Mr. John Bartolini Jr., Bartolini Builders

Mr. Peter Bemis, Engineer

Mr. Jose Martins, Ferris Development

Mr. William Depietri, Capital Group

Mr. Aldo Ciptiano, Town Counsel

Mr. Mark Possemato, Chair ConComm

Mr. Angelo Catanzaro, Esq.

Mr. Don Morris, Chair Planning Board

ZBA Administrative Minutes:

Continued Public Hearing: -255 Turnpike Rd. Special Permit, Marijuana Dispensary

Sitting as a board: Bartolini, Bhisitkul, Dennington, Drepanos, Williams

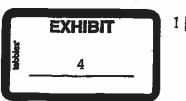
The Public Hearing for 255 Turnpike Rd opened at 6:35PM

Chairman Bartolini made an exit announcement

At the board's request both Mr. Romano and Mr. Rosenfeld provided rebuttals to Dr. Medina's presentation made on March 23, 2016. Discussed diversion, buffer zone, public safety, cash only business and state regulations.

Mr. Bhisitkul expressed concern of diversion, Mr. Romano stated that patients will be required to sign documentation explaining safe guards and required storage of medical marijuana.

Mr. Bartolini asked if amount of marijuana dispensed to patients will be limited, Mr. Romano stated CommCan Inc. will be live with the website at Public Department of Health which will track sales.



1 | Page

Binder B Folder 2

182. Undated

Comprehensive permit rules- Easthampton ZBA

Green Folder 1

183. June 18, 2014

Letter to: Zoning Board of Appeals

Letter from: John T. Smolak

Re: Application for comprehensive permit- Residences at Park Central

184. Undated

Ch.: 40 B Technical Review Assistance Application

Green folder 4

185. May 15, 2014

Letter to: Aldo A. Cipriano

Letter from: Leverett Wing, Division of Community Services

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

186. May 22, 2014

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

Vanessa Hale

Letter from: Angelo P. Catanzaro

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

187. March 26, 2014

Letter to: Leo F. Bartolini

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

Miscellaneous e-mails and unindexed documents

Mr. Williams asked the applicant if they could provide current trends of diversion in the state. Mr. Romano responded that the first dispensary opened last June in Salem, Ma. and there is no data.

Mr. Matthew Rhine, 53 Deerfoot Rd. expressed concern that the board is rushing into a decision.

Mr. Howard Rose, 2 Bantry Rd. commented that he agrees with Mr. Rhine and asked that this matter be presented to the town for another vote by the people of the town.

Mr. John Megan, 8 Fitzgerald Ln., expressed concern as well that the decision is being rushed, why a dispensary in our town, what is the value of having one and its proximity to a neighborhood with children.

Mr. Gwam, 36 Meadow Lane concerned with diversion of marijuana, substance abuse and for the safety of our children we should oppose this dispensary.

Ms. Mudderidge, 15 Parmenter Rd. stated that she feels a 500 ft. buffer zone is sufficient and that zoning approval for marijuana dispensaries was not rushed at prior town meetings. Having a legal dispensary will alleviate patients from cultivating at home using dangerous lamps.

Mr. Qi, 3 Presidential Dr. expressed concern that the marijuana will be easy for children to obtain and feels that another location is better suited for this type of business.

Mr. Robert Janeowski, 4 Strawberry Hill Rd. asked the applicant if the penalties are statutory and expressed concern that there is a rush to approve.

Dr. Yazdani, 16A Bantry Rd. asked how opening a dispensary would benefit the town and why does it need to be approved at this time. He also commented that there is a limited pool of patients who will benefit from medical marijuana.

Mr. Cimino, requested that town counsel clarify for the audience the timing of the decision of the application before them with relation to this same matter being presented for changes at town meeting. Town Counsel stated that the Board has a responsibility to act upon the application before them within the time permissible to either deny or approve.

Ms. Milisits, 1 Boswell Ln. expressed concern that this type of facility will have a negative effect on our neighborhoods and asked why we can't say no to this type of business as other surrounding towns have done.

Ms. Connelly, 26 Oak Hill Rd. expressed concern that the zoning is not by right for this type of business. She asked the board to consider health, harmony, real estate values and she feels there is no reason to approve the application and urged the Board to deny the application.

Ms. Wheatley, 22 Clifford St. presented pictures of edibles to the Board and expressed concern about edibles and the proximity of them to children.

Mr. Drepanos asked for clarification as to whether or not current patients with hardship permits to cultivate at home will expire if there is an approved local dispensary. Mr. Romano stated if patients have access then the hardship cultivation permits will not be approved from the Department of Public Health.

Mr. Williams asked if it would be appropriate to set a condition for edibles in order to address the resident's concerns.

Mr. Bhisitkul stated that maybe the Board consider defining which forms of edibles be available for sale such as those in the form of candy.

Mr. Dennington expressed concern that any conditions the board puts in place the building inspector is required to enforce.

Mr. Rosenfeld commented that cannabis in the form of food digests differently and is necessary for some patients, he opposes wiping out all forms of edibles.

Clerk read a letter from Mr. Brian Shea dated March 24, 2016 pertaining to including a host agreement into the final decision.

Chairman Bartolini discussed a letter from Ms. Bonnie Phaneuf which included recommendations for the Board's decision.

On a motion made by Mr. Dennington, seconded by Mr. Drepanos to close the public hearing for a special permit at 255 Turnpike Rd. CommCan Inc. RMD, all in favor (5-0) Bartolini, Bhisitkul, Dennington, Williams and Drepanos

Mr. Bhisitkul stated that the Board is not boxed into permitting this use then they should determine if this is an appropriate use for this location. Also, the criteria is objective and although this business meets the criteria he does have concern about the proximity to the Neary School.

Mr. Dennington stated he is in favor of granting the special permit with conditions previously discussed as well as those conditions recommended by Mr. Shea and Ms. Phaneuf.

Mr. Williams stated he believes that converting this site to sell recreational marijuana would require coming before the boards again for approval. He also agrees with Mr. Bhisitkul and Mr. Dennington that this use is zoned appropriately for this location.

Mr. Drepanos stated that the applicant is credible and feels that the use fits the criteria.

Chairman Bartolini agreed with the member's comments regarding granting the special permit.

The Board discussed setting the following conditions: setting a host community agreement, lighting and landscaping to be set by planning board, no vehicles parking on route 9, special permit will not be transferable, patients will be required to read and sign documentation pertaining to directions in and out of the facility, no loitering at location, the applicant required to meet with police to review safety matters, exclude all edibles which appear like a candy product to the extend allowed by applicable law.

On a motion made by Mr. Dennington, seconded by Mr. Williams to approve the Special Permit to CommCan Inc. for a RMD at 255 Turnpike Rd. due to conditions set by the board. Vote of (4-1), (4) In Favor: Bartolini, Dennington, Williams, Drepanos, (1) Opposed: Bhisitkul

The board took a 5 minute recess at 8:55PM
The board reconvened at 9:07PM

Continued Public Hearing: 141-143 Southville Rd & 251-253 Parkerville Rd.- Special Permit

Sitting as a board: Bhisitkul, Dennington, Eagle, and Drepanos. Walker absent (3/24/16) Vice Chairman Bhisitkul explained that the full board is not available to sit on this matter this evening.

The applicant presented a request for both an extension of the application until April 21, 2016 as well as a request to continue the public hearing until April 20, 2016 at 7:30PM.

On a motion made by Mr. Bhisitkul, seconded by Mr. Eagle the board voted to continue the public hearing until April 20, 2016 at 7:30PM. All in favor: Bhisitkul, Dennington, Eagle and Drepanos.

On a motion made by Mr. Bhisitkul, seconded by Mr. Eagle the board voted to approve the extension of the application for special permit at 141-143 Southville Rd & 251-253 Parkerville Rd. until April 21, 2016. All in favor: Bhisitkul, Dennington, Eagle and Drepanos

<u>Public Hearing: 352 Turnpike Rd. – Ferris Development – Special Permit Sitting as a board: Bartolini, Bhisitkul, Dennington, Eagle, Drepanos Hearing opened at 9:10PM</u>

Clerk read into the record a letter of recommendation from the Planning Board.

Mr. Jose Martins of Ferris Development stated the purpose and need for the sign, it is difficult for emergency personnel and customers to find the building.

Mr. Drepanos asked for further clarification as to the location of the sign on the building.

Mr. Eagle stated that many people often stop at his place of business looking for 352 Turnpike Rd.

Both Mr. Bartolini and Mr. Bhisitkul had no questions.

On a motion made by Mr. Drepanos, seconded by Mr. Dennington to close the public hearing of 352 Turnpike Rd. All in favor (5-0). Bartolini, Bhisitkul, Dennington, Eagle and Drepanos

On a motion made by Mr. Drepanos, seconded by Mr. Bhisitkul to grant the special permit for a sign to be located 22' to 27' feet above finish grade on the building at 352 Tumpike Rd. All in favor (5-0) Bartolini, Bhisitkul, Dennington, Eagle and Drepanos.

On a motion made by Mr. Eagle, seconded by Mr. Demnington that the board supports the recommended zoning bylaw change to the over 55 housing provision. All in favor (5-0) Bartolini, Bhisitkul, Dennington, Eagle and Drepanos.

The Residences at Park Central
Sitting Members: Bartolini, Eagle and Drepanos

Clerk read into the record a letter from Conservation Commission dated March 21, 2016.

Mr. Depietri read into the record a summary of 9 meeting dates as well as documentation in which both the Planning Board and Conservation were provided.

On November 5, 2015, Ms. Paula Thompson, Waterman Design Assoc. submitted 27 sets of plans dated November 4, 2015 which were at 70% completion. A partial list of waivers they would be seeking was submitted with these plans.

On November 19, 2015 Conservation had the opportunity to review plans submitted and confirmed they did review plans per their letter dated December 1, 2015.

On December 3, 2015 meeting was held at town house, present: town planner, building commissioner, conservation agent, DPW superintendent and two abutters. Conservation agent asked the applicant if they plan to seek waivers. The applicant confirmed they would be seeking waivers from storm water management and the 20 foot no disturb bylaw.

On December 7, 2015 applicant attended Planning Board meeting and gave a full presentation, many questions asked by members pertaining to scope of the project as well as a request for an

updated list of waivers. Scheduled another meeting was for December 21, 2015 to provide updated list of waivers.

On December 10, 2015 applicant attended an advertised public hearing with Conservation meeting regarding ANRAD application.

On December 21, 2015 applicant attended a second meeting with Planning Board further discussed project as well as the partial list of waivers they would be requesting.

On January 6, 2016 applicant attended Planning Board meeting to discuss comment letter submitted to ZBA. The letter requested the list of waivers which were discussed previously with the Planning Board at the December 21, 2015 meeting.

On January 28, 2016 applicant met with Conservation and they approved ANRAD plan.

On February 4, 2016 applicant had a MEPA meeting at 257 Turnpike Rd, conservation agent and commissions consultant were present and the topic of waiver request was discussed.

The Board stated that they have given appropriate consideration to the applicant's waiver requests.

Town Counsel recommended that the Board provide a formal request for the Conservation Commission to be able to provide a response to the applicants request for waivers as well as rescind their prior vote regarding the waivers.

Mr. Possemato stated they expected the applicant to seek waiver requests however, the Conservation Commission would have liked to provide feedback.

Mr. Catanzaro stated the applicant plans to file a Notice of Intent under the Wetlands Protection Act but will not file a Notice of Intent under the local bylaws. Nor do they intend to comply with the 20 foot buffer rule.

Mr. Eagle stated that the Board will take the comments of Conservation Commission very seriously.

Mr. Catanzaro stated that he will put into writing details pertaining to the waivers requested and provide them to the Board.

Mr. Howard Rose, 2 Bantry Rd. asked when the Board will discuss the Chapter 40A part of the project.

Town Counsel explained that granting a Use Variance is the highest form of zoning relief which may be obtained and its jurisdiction is under the Zoning Board of Appeals. However, the Planning Board does have some authority and jurisdiction under a portion of the project as well.

Mr. Michael Scott, engineer with Waterman Design read and explained each of the waiver requests.

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant the waiver request of section 174-8.2 (RA residence A district), section 174-8.6 (IP industrial park district), section 174-8.7 (ID industrial district) use regulations and the dimensional requirements set forth within each section 174-8 through 174-8.10 including but without limitation section 174-8.6E (4) as the 40B rental building height will exceed 45' but not to exceed 55' feet at four stories. All in favor, vote (3-0)

Mr. Morris, chairman Planning Board stated that the planning board has jurisdiction pertaining to common driveways within the Chapter 40A portion of the project and requested that the Board not vote on the matter this evening.

Ms. Wendy DeMichaelis, 15 Bantry Rd stated that the abutters did not request in the neighbors agreement that the Planning Board not be involved. The Board and applicant disagreed with Ms. DeMichaelis.

On a motion made by Mr. Eagle, seconded by Mr. Diepanos to grant the waiver request of section 174-9.1 common driveways, section 174-9.1A (1)-(2) to waive the requirement that each lot served by a common driveway must have its own full required frontage on a public way and to waive the requirement of a turnaround provision in all seasons. The subject development is proposed on one lot which obtains it's frontage on Flagg Rd, a public way. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant the waiver request of section 174-10 site plan approval subject to special condition that the waiver applies only to the affordable housing component of the project as residual site plan approval as set forth in the Use Variance is under the jurisdiction of the Planning Board. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant the waiver request of the regulations under section 174-11 signs. The sign at the entrance of the 40B buildings will be illuminated past 10pm. The sign at the entrance of the 40B buildings and the sign on route 9 will be illuminated from within. An illuminated pylon sign will be located at Flagg Rd. Additional directional and informational signs to be presented by applicant as part of a signage request for Board approval. Subject to special condition that applicant provided detailed lighting drawings and further reservation that Board may impose conditions as to duration and intensity of signs. All in favor, vote (3-0).

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 174-12 parking and loading regulations waiver of the requirement of section 174-12C (2) is specifically made so as to allow for 9'x 18' parking spaces in lieu of 9 ½ x 18' spaces throughout the integrated project so as to reduce impervious areas on site. Waiver of the requirements of section 174-12E (I) as to the 40B component so as to allow for 260 surface spaces and 44 garage spaces in lieu of 378 spaces. Waiver of the requirement of three spaces for townhouses

containing more than 2 bedrooms is requested. Subject to special condition that the waiver applies only to the affordable housing component of the project. All in favor, vote (3-0).

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 174-12.1 outdoor illumination. Waiver of strict compliance with Night Sky Compliant fixtures so as to allow for 14' poles in the Townhouse component with 18' in affordable housing component subject to special condition that applicant provided detailed lighting plan. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 174-13. Waiver of compliance with landscaping requirements so as to allow for (i) reduced number of trees and shrubs in lieu of the 40' tree spacing and 3' shrub spacing: (ii) landscape buffer of less than 10' along route 495 right of way where garages are located and retaining walls are required; and (iii) eliminate the requirement of tree planting within 60' of every parking space. Subject to special condition that applicant provided detailed planting plan with a minimum of 62 trees. All in favor, vote (3-0).

Mr. Morris requested that the Board not grant a waiver for lower impact development (LID) since it's an important bylaw to adhere to.

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 174-13.3, waive compliance with the LTD requirements subject to reconsideration or special conditions based on Planning Board comments. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13A (3) to allow for design and construction of site access driveways as private drives without connection to Tara Road and Bantry Road subject to special condition that entrance design to project properly addresses safety concerns to the satisfaction of the Board. All in favor, vote (3-0).

On a motion made by Mr. Drepanos; seconded by Mr. Eagle to grant waiver request of section 244-13(5) to allow for street jogs with center line offsets of less than 150 feet between two streets joining the third street from the opposite side. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13(7) allow for leveling area of more than 2% and less than 75 feet from the side line of the intersecting street right of way where the street grade exceeds 4% so as to accommodate road design at the following intersections: Webber Circle (south) with Park Central Drive – 3.6% for 55 feet, then 4.5%, Phaneuf Drive with Park Central Drive – 3.6% for 55 feet, then 8%, Holmes Drive with Phaneuf Drive – 3% for 20 feet, then 6.7%, Berry Circle (south) with Park Central Drive – 3.3% for 60 feet, then 5.3% subject to special condition that road/intersection design properly address safety concerns to the satisfaction of the Board. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13(9) to allow for construction of Park Central Drive with an 840 foot straight (tangent) section and pavement width of 22 feet. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13b (3) to allow for location of townhouse driveway openings within 65 feet of the intersection of the center line of intersecting site driveways so as to accommodate density approved in the use variance subject to the special condition that the Board may reconsider upon review of updated site plans. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13b (4) to allow for the site access driveways and common driveways (which are not public ways) to have grades of more than 8% within 10 feet of the edge of travelled way. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to waive section 244-21a to allow for sidewalk construction only as shown on the site plan with sidewalks not being provided on both sides of Park Central Drive or John Boland Road; with no sidewalk connection to existing sidewalks and with no sidewalks on Phaneuf Drive, Holmes Drive, Berry Circle and Blackthorn Drive extension subject to special conditions that proposed sidewalk located within the townhouse component shall be subject to Planning Board review and approval: All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanes to grant waiver request of section 244-23 to allow for sidewalk construction directly adjacent the curb (Park Central Drive) or directly adjacent to the roadway (Webber Circle). All in favor, vote (3-0).

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 244-24b so as to allow for the removal of existing trees within the right of way; the removal of trees larger than four inches in caliper and located outside the shoulders and the planting of road trees along John Boland Road and Blackthorn Drive Extension at intervals greater than 40' so as to accommodate necessary retaining walls.

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to extend the application of Park Central 40B until June 30, 2016.

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to continue the public hearing until May 25, 2016 @ 7PM.

The meeting adjourned at 11:53 PM.

Respectfully submitted by: Karen Finelli, Clerk

TOWN OF SOUTHBOROUGH ZONING BOARD OF APPEALS August 24, 2016 RECEIVED TOWN CLERK'S OFFICE

2816 AUG 25 1 P 3:00

The Residences at Park Central

SOUTHBOROUGH, MA JK

FINDINGS AND DECISION OF COMPREHENSIVE PERMIT

RE:

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

DATE: August 2016

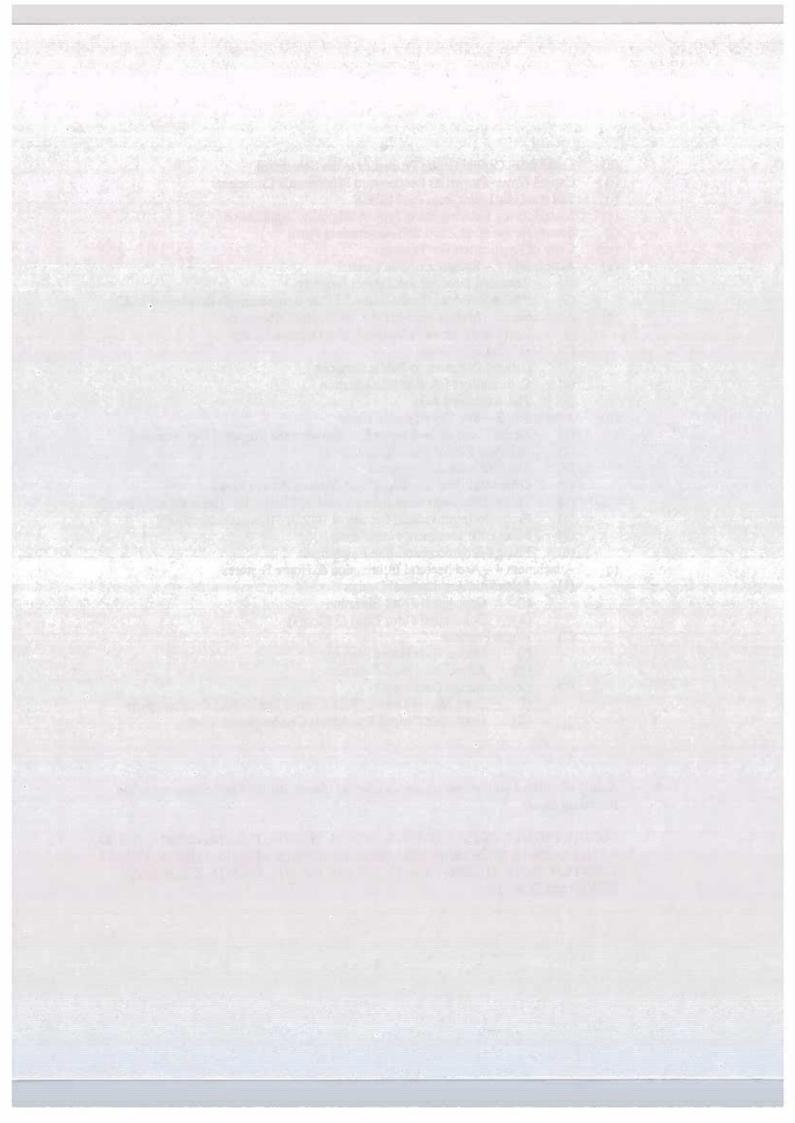
PROCEDURAL HISTORY

- 1. On February 12, 2014, Park Central, LLC, William A. Depietri, Manager¹ applied for a Comprehensive Permit pursuant to G.L. c. 40B for the construction of a one hundred eighty (180) for sale condominium units of which forty (45) units were to be deemed affordable. The project was to be located on approximately 13.28 acres of a contiguous 101.25 acre parcel owned by Park Central at the intersection of Turnpike Road (Route 9 West), I-495 (North), Tara Road, Bantry Road and Flagg Road, Map 33, Lot 4; Map R5, Lot 5 (the "Overall Site"). The one hundred eighty apartment style "for sale" condominium units were to be situated in five (5) three (3) story buildings adjacent to single family dwellings on Tara Road and Bantry Road. Access to and egress from the "for sale" condominium units would be from Tara Road, Bantry Road and a new, to be constructed, connector road extending Park Central Drive with a connection to Flagg Road. The Overall Site was to be developed as a single condominium pursuant to M. G. L. c. 183A, constituting the entire proposed development at that time.
- 2. The parcel owned by Applicant is situated primarily in the Industrial Park Zoning District with a lesser area in the Industrial and Residential A Zoning Districts.
- 3. The following materials were appended to the original Application:
 - (a) Comprehensive Permit Application Form
 - (b) Certified Abutters Lists
 - (c) MassHousing Site Approval Letter
 - (d) MassHousing Notification Letters
 - (e) Department of Housing & Community Development Notification Letter
 - (f) Southborough Board of Selectmen Notification Letter
 - (g) SHOPC Notification Letter

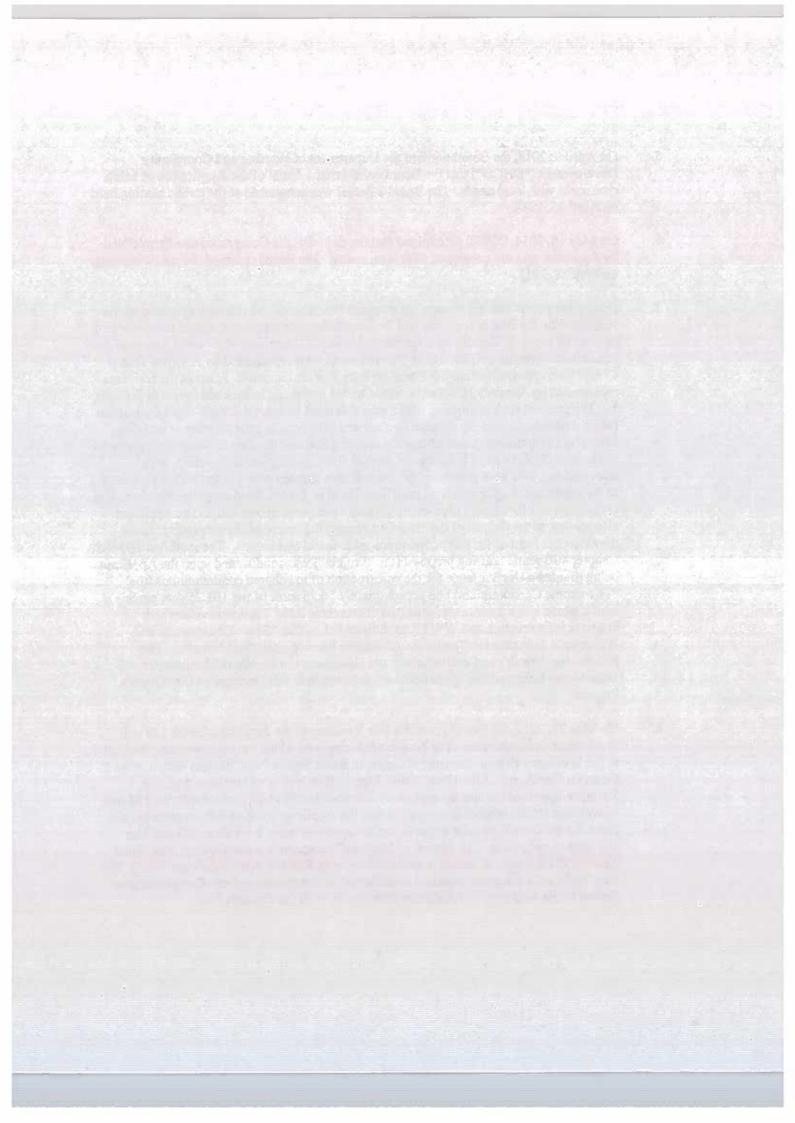
¹ William A. Depietri as Manager of Capital Group Properties, LLC was also identified as project developer throughout the permitting process. Park Central, LLC and Depietri will hereinafter be referred to as the "Applicant".

- (h) Letter from Capital Group Properties to the Selectmen
- (i) Capital Group Properties Response to Selectmen's Comments
- (j) Tax Analysis Letter from Paul Cibelli
- (k) MassHousing Housing Starts Project Eligibility Application
- (I) Smart Growth Evaluation Self-Assessment Form
- (m) Copy of Application Fee Payment
- (n) Attachment 1 Evidence of Site Control
 - (1) Recorded Deed for the Subject Property
 - (2) P&S Agreement (Park Central LLC & Southborough Residential LLC)
- (o) Attachment 2 Market Analysis & Community Information
 - (1) Real Estate Broker's Market Value Opinion Letter
 - (2) Driving Directions
 - (3) Driving Distances to Public Services
 - (4) Community Map with Site Location
 - (5) Tax Assessor's Map
- (p) Attachment 3 Site Development Plans
 - (1) Aerial Photo of the Project Site Showing the Proposed Development
 - (2) Enlarged Plan of the Project Site
 - (3) Site Plan with Access Road
 - (4) Office Building "By-Right" Subdivision Plan (3 Lots)
 - (5) Traffic Study by Green International Affiliates, Inc. (separate attachment)
 - (6) Proposed Improvement Section of I-495/I-90 Interchange Study
 - (7) Mass DEP Treatment Plant Permit
 - (8) Phase I Environmental Site Assessment
- (q) Attachment 4 Architectural Information & Home Features
 - (1) Schematic Architectural Design
 - (i) Conceptual Front Elevation
 - (ii) Conceptual Floor Plans (3 Floors)
 - (2) Home Features
 - (i) Market Rate Home Features
 - (ii) Affordable Home Features
 - (3) Condominium Documents
 - (i) Draft Master Deed of Park Central Residential Condominium
 - (ii) Draft Park Central Residential Condominium Trust
- 4. A duly advertised public hearing was opened on March 26, 2014 and continued to the following dates:

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

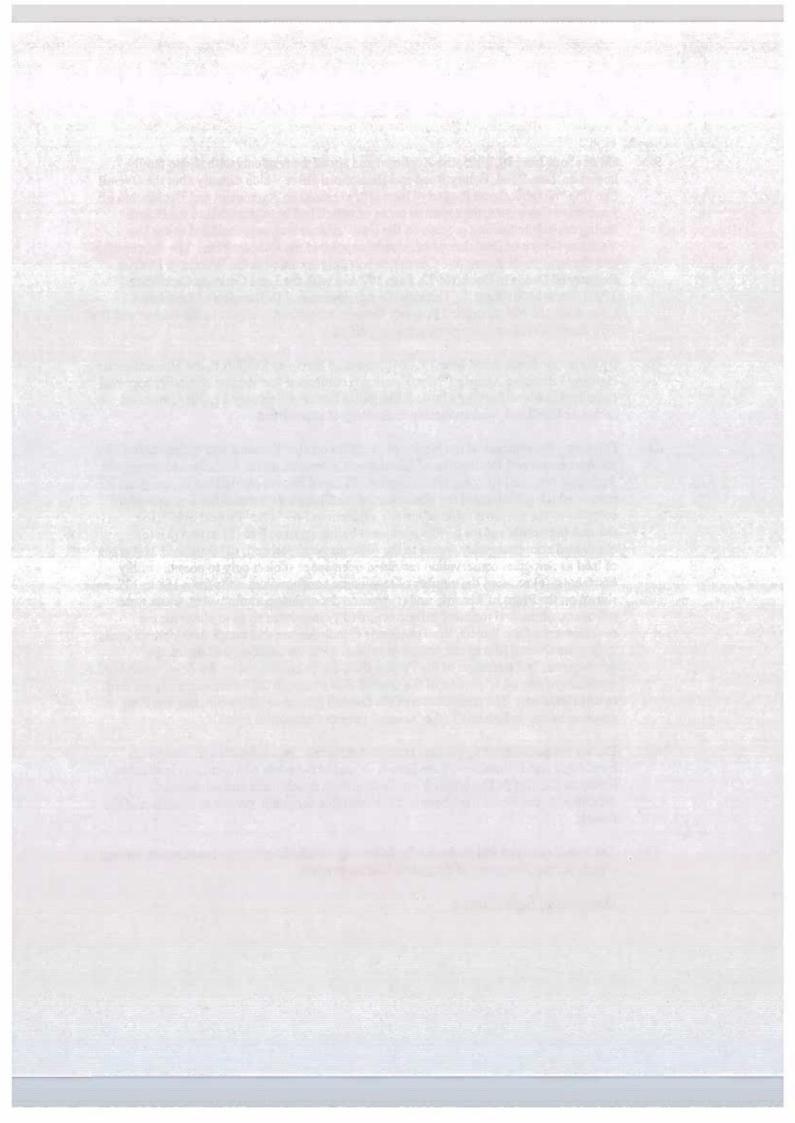


- 5. On April 9, 2014, the Board notified the Department of Housing and Community Development ("DHCD") that the Board considered a denial of the Application as being consistent with local needs. The Board's denial was announced at the public hearing held on April 23, 2014.
- 6. On May 15, 2014, DHCD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



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

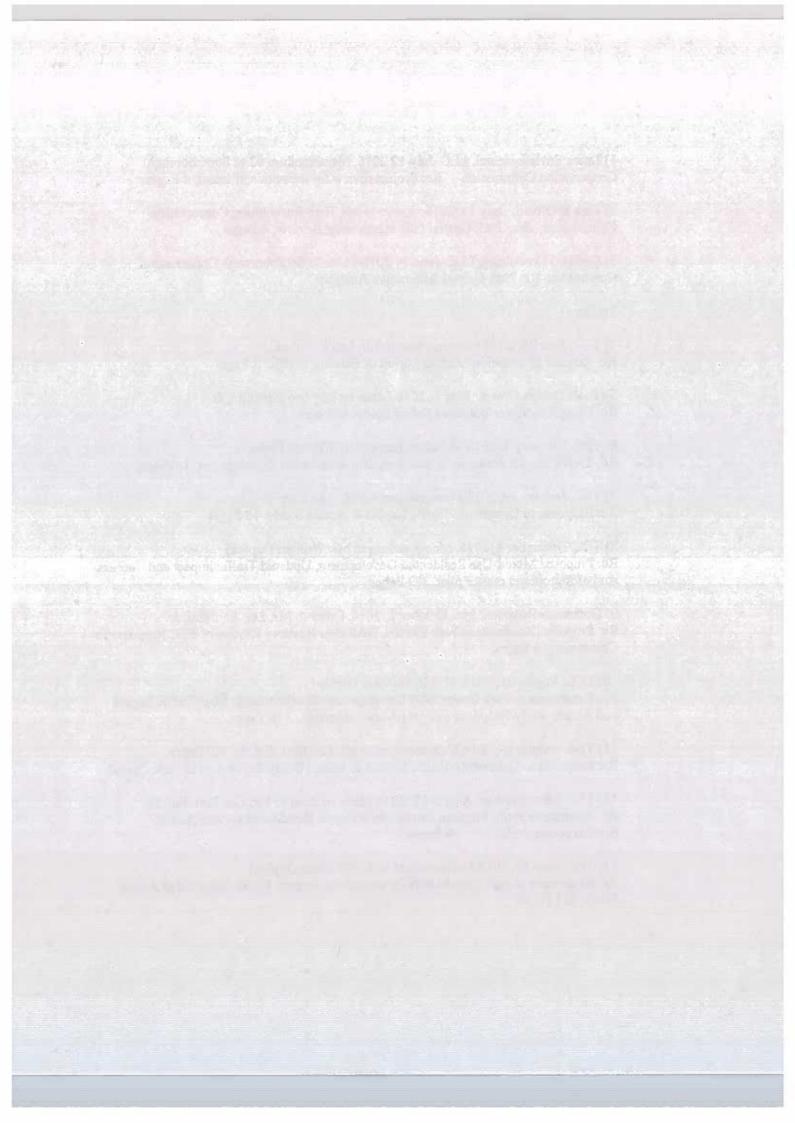
Conservation Related Issues



- 1) Lucas Environmental, LLC. July 12 2016. Memorandum #2 to Southborough Conservation Commission Re: Project review for the notice of intent, 4 Pages;
- 2) Fuss & O'Neil. July 12, 2016. Letter to Ms. Beth Rosenblum, Conservation Commission; Re: Park Central 40B Storm water Review, 4 Pages
- 3) Goddard Consulting, LLC. June 14 2016 Letter to Southborough Conservation Commission Re: Park Central Alternative Analysis

Traffic

- 4) TEC. June 28, 2016 Memorandum to Mr. Leo Bartolini, Jr. Re: Request Information- Redistribution of Existing Traffic. 2 Pages
- 5) Toole Design Group. May 9, 2016 Letter to: Mr. Leo Bartolini, Jr. Re: Flagg Road/Deerfoot Road Safety Study. 87 Pages
- 6) TEC. February 1, 2016 Memorandum to Mr. William Depietri Re: Traffic Impact Assessment Salisbury Hill-Residential Development. 14 Pages
- 7) TEC. January 19, 2016 Memorandum to: Mr. Leo Bartolini, Jr. Re: Response to Comments-Traffic Impact & Access Study. 10 Pages
- 8) TEC. December 4, 2015. Memorandum to Mr. William Depietri
 Re: Proposed Mixed-Use Residential Development, Updated Traffic impact and access study for proposed master plan. 309 Pages
- 9) Greenman-Pedersen, Inc. October 1, 2014. Letter to Mr. Leo Bartolini, Jr. Re: Proposed Residence at Park Central TIAS Peer Review- Review of TEC Response to Comments. 6 Pages.
- 10) TEC. August 21, 2014, To Mr. William Depietri Re: Residences at Park Central 40B Development- Southborough, MA. Traffic impact and Access Study-Response to Peer review comments. 170 Pages
- 11) TEC. August 19, 2014 Memorandum to Mr. Leo Bartolini, Jr. 169 Pages Re: Response to Comments-Traffic Impact & Access Study Residences at Park Central
- 12) TEC. Memorandum August 18, 2014 Memorandum to Mr. Leo Bartolini, Jr. Re: Alternative Build Program Sensitivity Analysis Residences at Park Central-Southborough, MA. 4 Pages
- 13) TEC. May 19, 2014 Memorandum to Mr. William Depietri Re: Residences at Park Central 40B Development, Second Traffic Impact and Access Study, 311 Pages



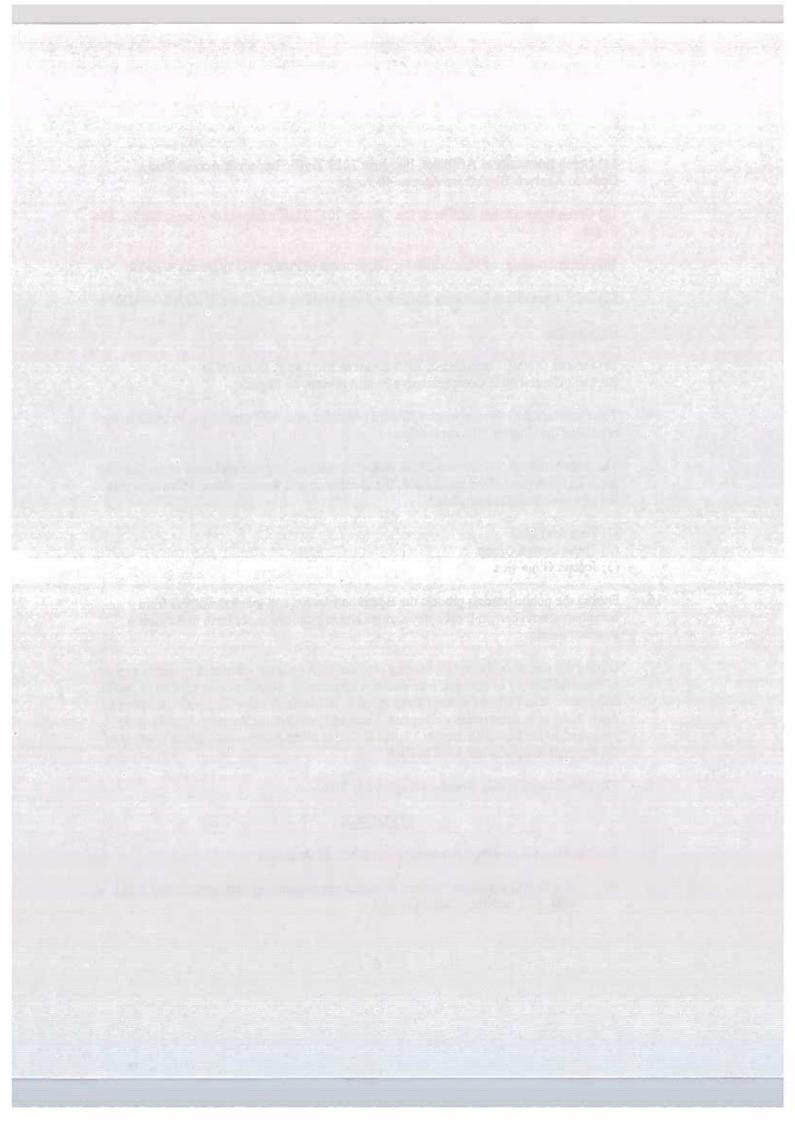
- 14) Green International Affiliates, Inc. June 2013 Traffic Impact & Access Study, Updated Analysis Blackthorn Access. 40 Pages
- 15) Green International Affiliates, Inc. March 2013 Traffic Impact & Access Study. 154 Pages
- 16) Commonwealth of Massachusetts, Department of Public Works Permit 4/19/99
- 17) TEC. Crash Data Summary Table for Flagg and Deerfoot Road. 1/1/2012-1/31/2014

Engineering

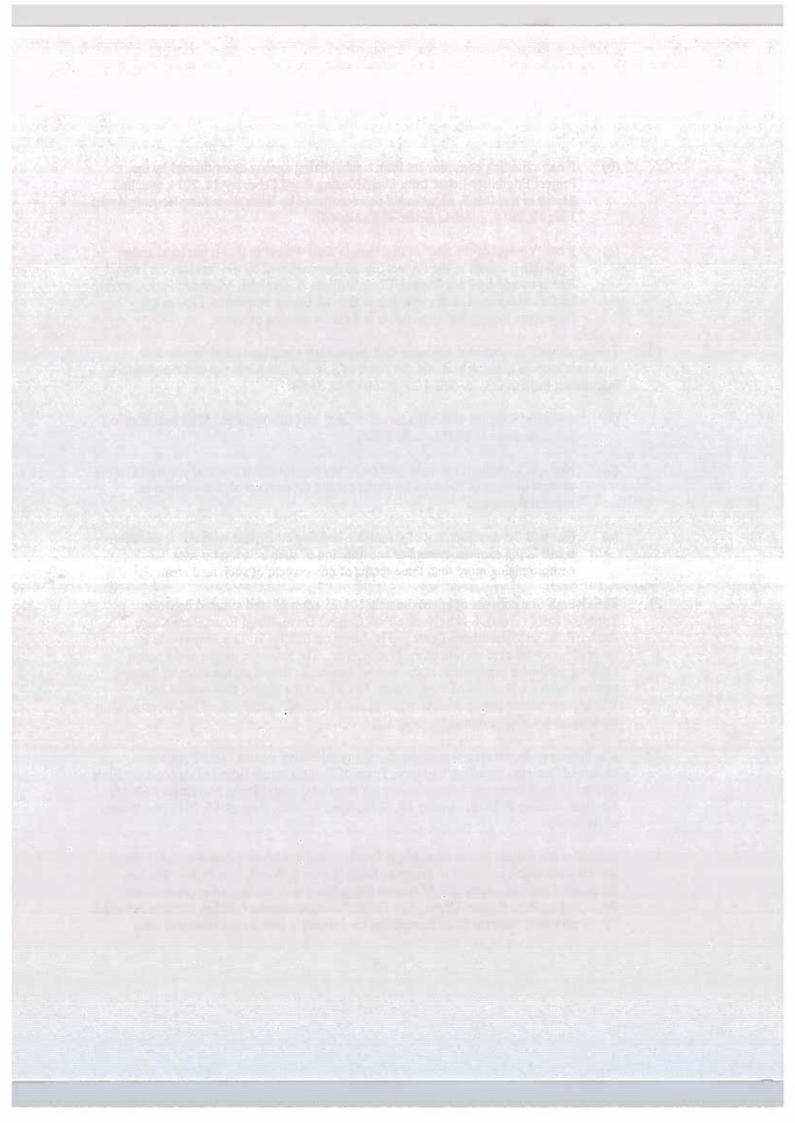
- 18) Fuss & O'Neil. December 3, 2015 Letter to Mr. Leo F. Bartolini Jr. Re: Park Central 40 B Comprehensive Permit review. 12 Pages.
- 14. The Board utilized the services of Edward Marchant, a c. 40B consultant, to assist in the review of the Chapter 40B application.
- 15. The Board utilized the services of the following engineering and technical consultants to assist in the review of the application, the site design and the site plans: [Confirm this list of consultants is complete.]
 - (1) Fuss & O'Neil
 - (2) Toole Design Group
 - (3) Joseph Giniewicz
- 16. During the public hearing process the Board considered and granted waivers from compliance with certain local bylaws, rules and regulations as set forth in Exhibit 4 attached hereto.
- 17. During the course of the public hearing process the Applicant submitted progress copies of Plans of Record as changes were made in response to Board or other official or public comments. The Plans of Record dated April 6, 2016 which were filed with the Board in April 2016 were substantially complete. Plans of Record dated August 15, 2016 were presented to the Board on August 17, 2016. These plans incorporated minor changes to the Plans of Record dated April 6, 2016.
- 18. The public hearing was closed on August 24, 2016.

FINDINGS

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



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



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

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

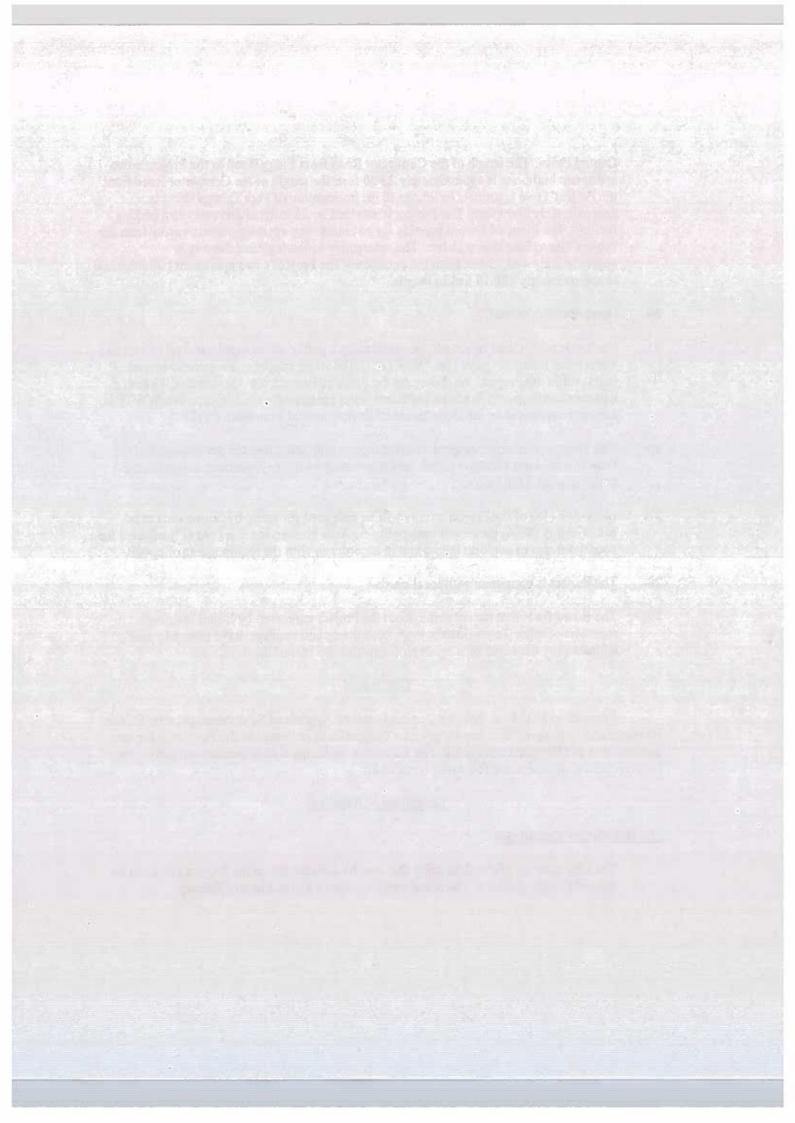
DECISION

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

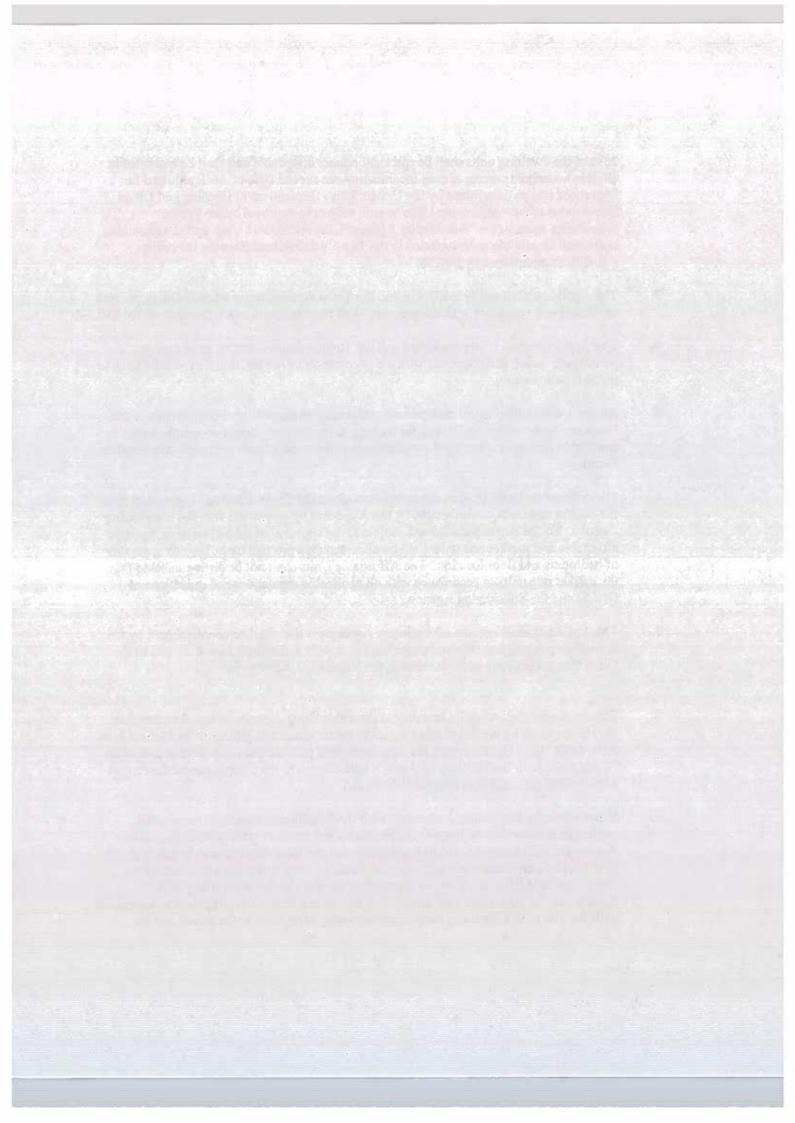
Conditions of Approval

A. Regulatory Conditions

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



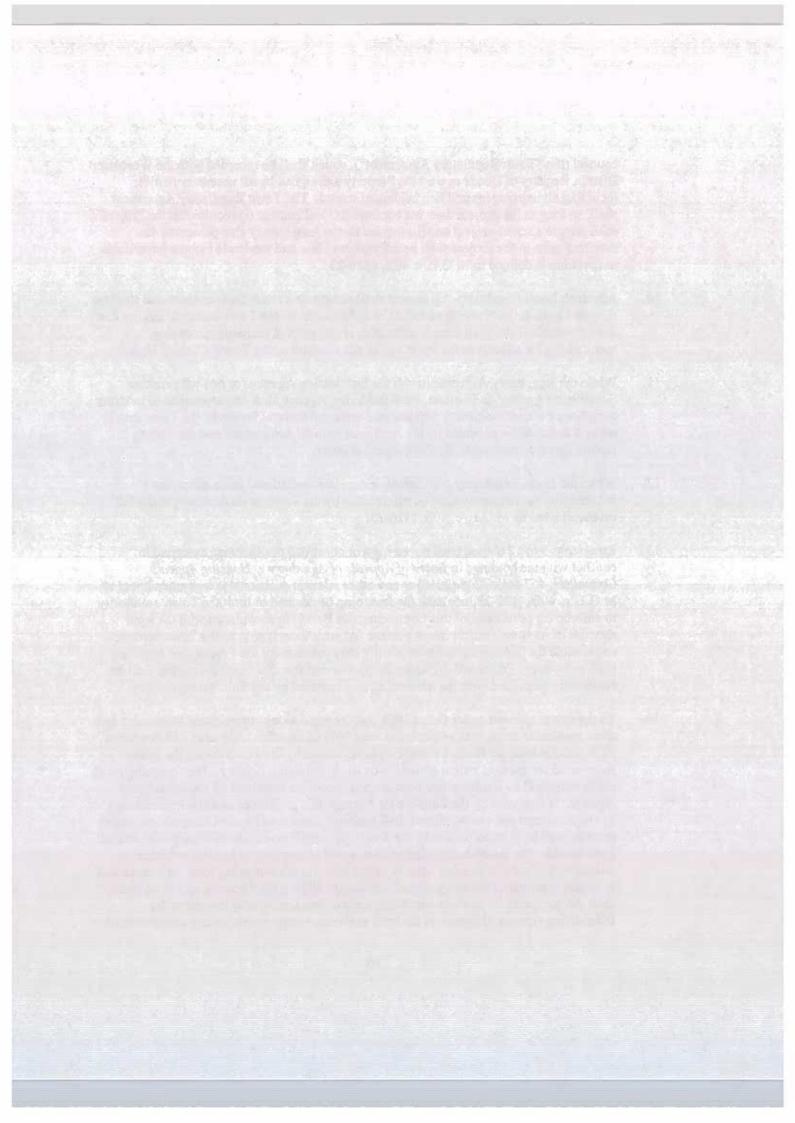
- 2. 25% of the dwelling units shall be and shall remain affordable and shall be marketed to eligible households whose annual income may not exceed 80% of AMI, adjusted for household size as determined by the United States Department of Housing and Urban Development (the "Affordable Units"); and, subject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



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

- 10. Any such Local Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the Town and shall require that the Affordable Units shall remain affordable rental units in perpetuity, meaning, specifically, for so long as the Project does not conform to the Town's Zoning Bylaws.
- 11. While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all compliance and monitoring reports that are provided to the Subsidizing Agency.
- 12. When the Local Regulatory Agreement, if any, is executed and takes effect, the affordability requirements shall be enforceable by the Town or its designee, to the full extent allowed by M.G.L. c. 40B, §§20-23.
- 13. Paragraphs 9 to 12 above, shall not be used or construed or otherwise exercised in conflict with the holdings in Board of Appeals of Amesbury v. Housing Appeals

 Committee, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to M.G.L. c. 40B, §§20-23, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. At such time, if any, as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall provide the Town with a reasonable monitoring fee. Said monitoring fee shall be reasonably consistent with the monitoring fees required by the Subsidizing Agency.
- 14. To the extent allowed under G.L. c. 40B and the regulations promulgated thereunder and other applicable laws, with respect to at least 70% of the affordable units, the Applicant shall provide local preference categories as requested by the Town during the initial lease-up to the greatest extent allowable by the Subsidizing Agency. The foregoing local preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. If approved by the Subsidizing Agency, this preference shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town for compliance with the local preference set forth herein. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Decision to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof.

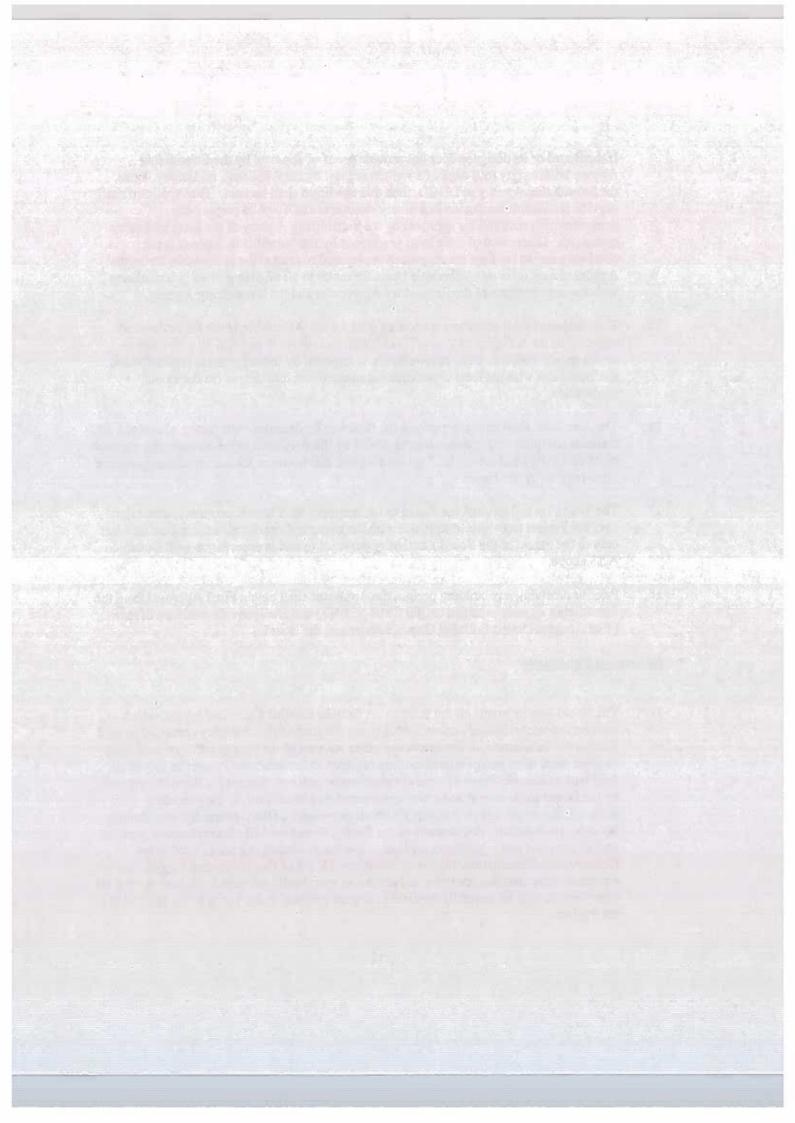


If the Board or its designee does not provide proof of approval by the Subsidizing Agency within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency or DHCD, then this condition shall be void. The Applicant shall provide reasonable assistance in a timely manner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

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

B. General Conditions

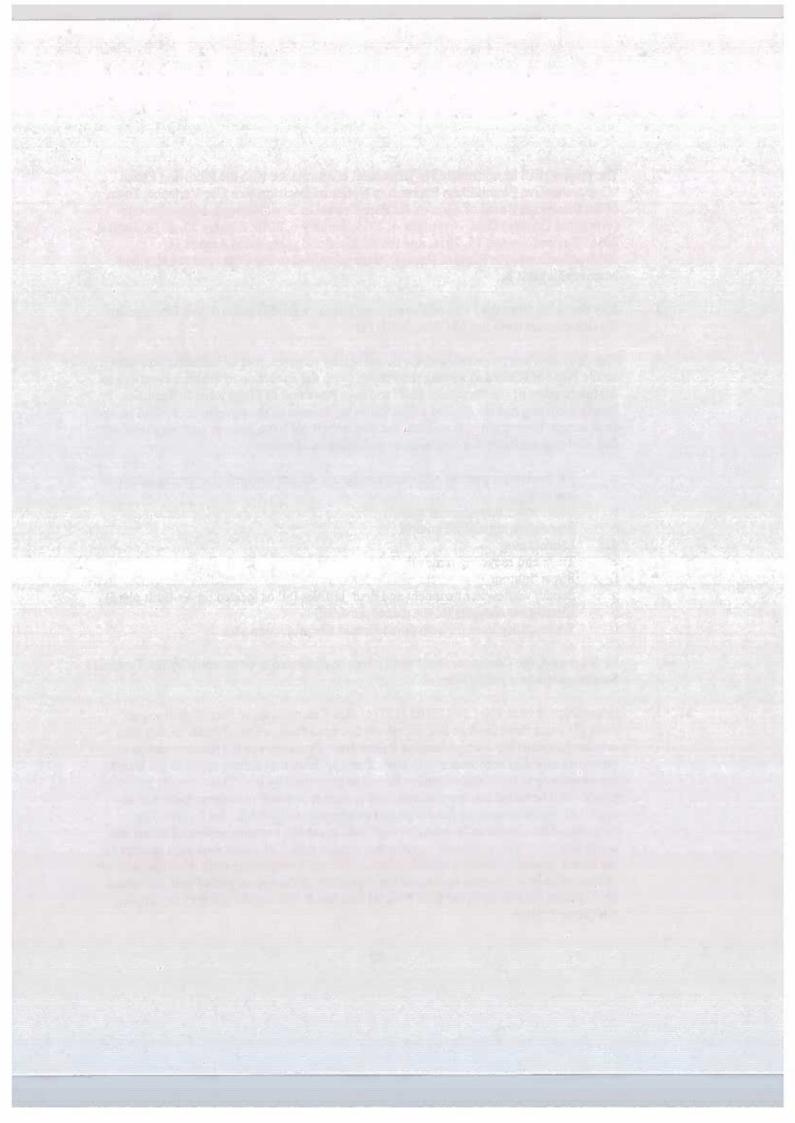
1. The Board hereby grants all the waivers set forth in Exhibit 4 attached hereto, which waivers are unconditional notwithstanding any language to the contrary contained in said Exhibit 4. In addition, to the extent any other waivers of the requirements of local laws or other local rules and/or regulations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



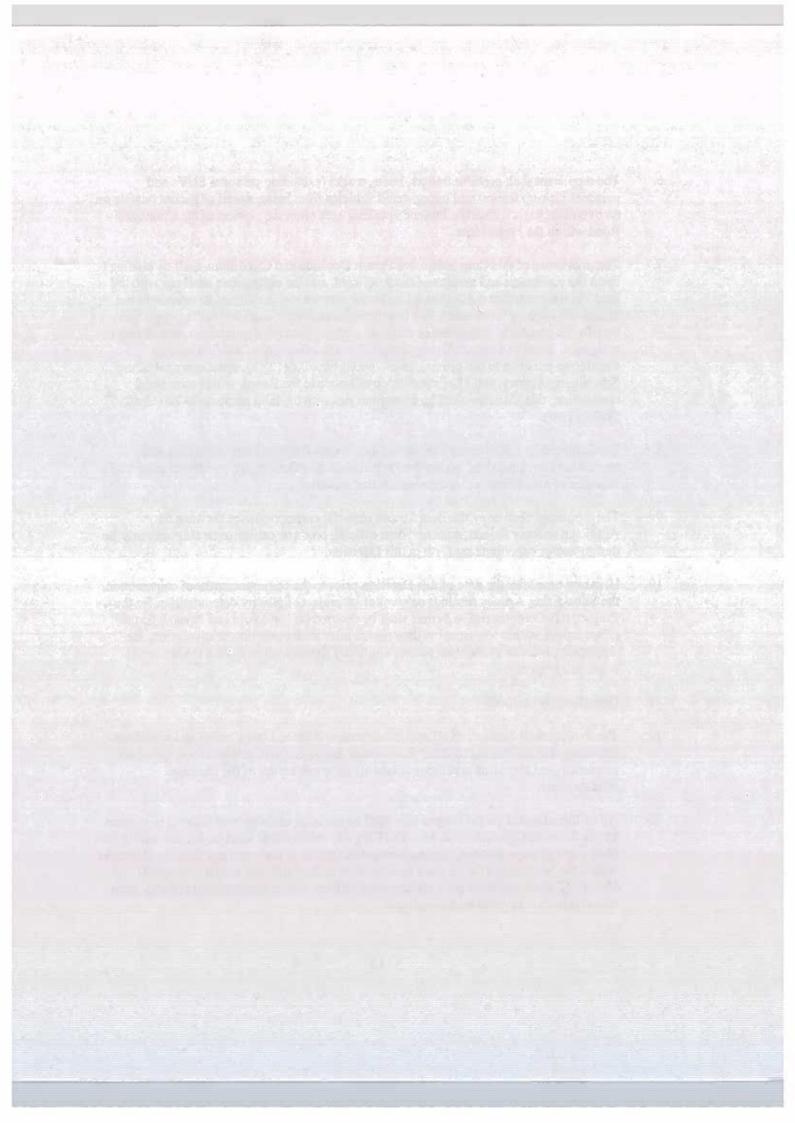
- 2. The project shall be constructed in substantial conformance with the following Plans: "Comprehensive Permit Plans Pursuant to Notice of Decision on a Use Variance, Town of Southborough Board of Appeals for Park Central in Southborough, Massachusetts (Worcester County) Date: November 4, 2015, January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

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

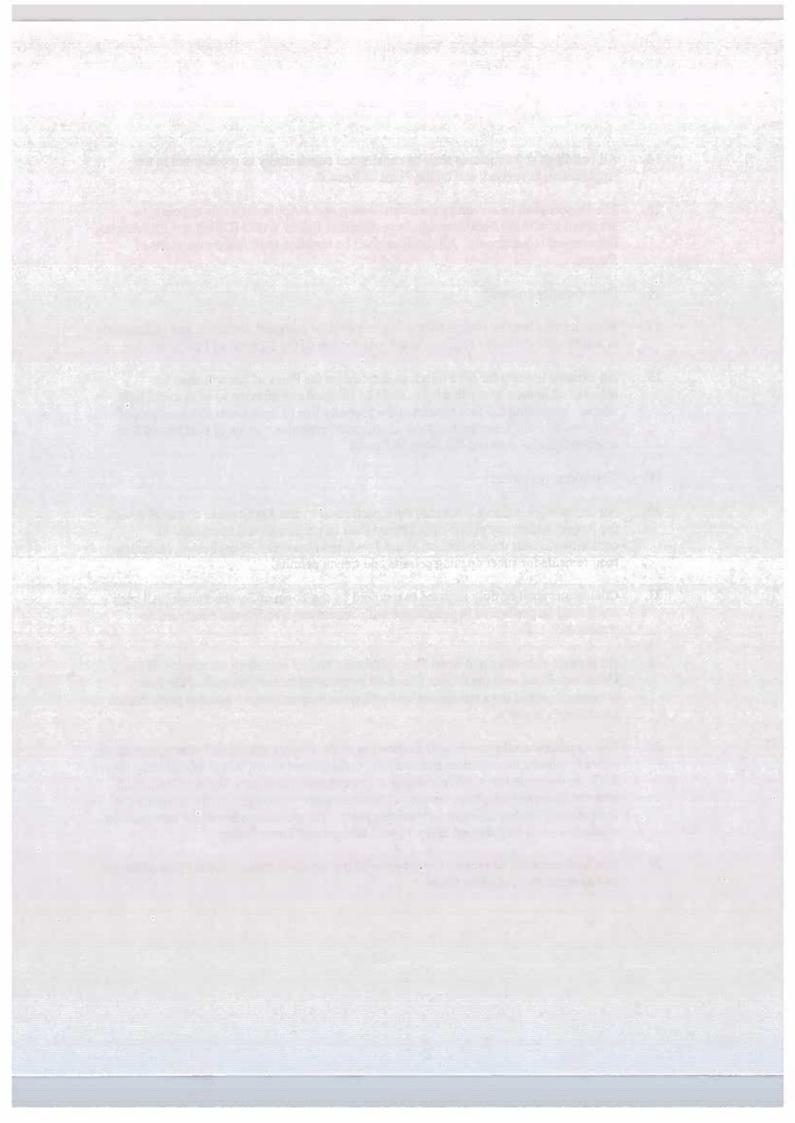
5. In accordance with 760 CMR 56.05 (12) (c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time substantial use of the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law.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



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



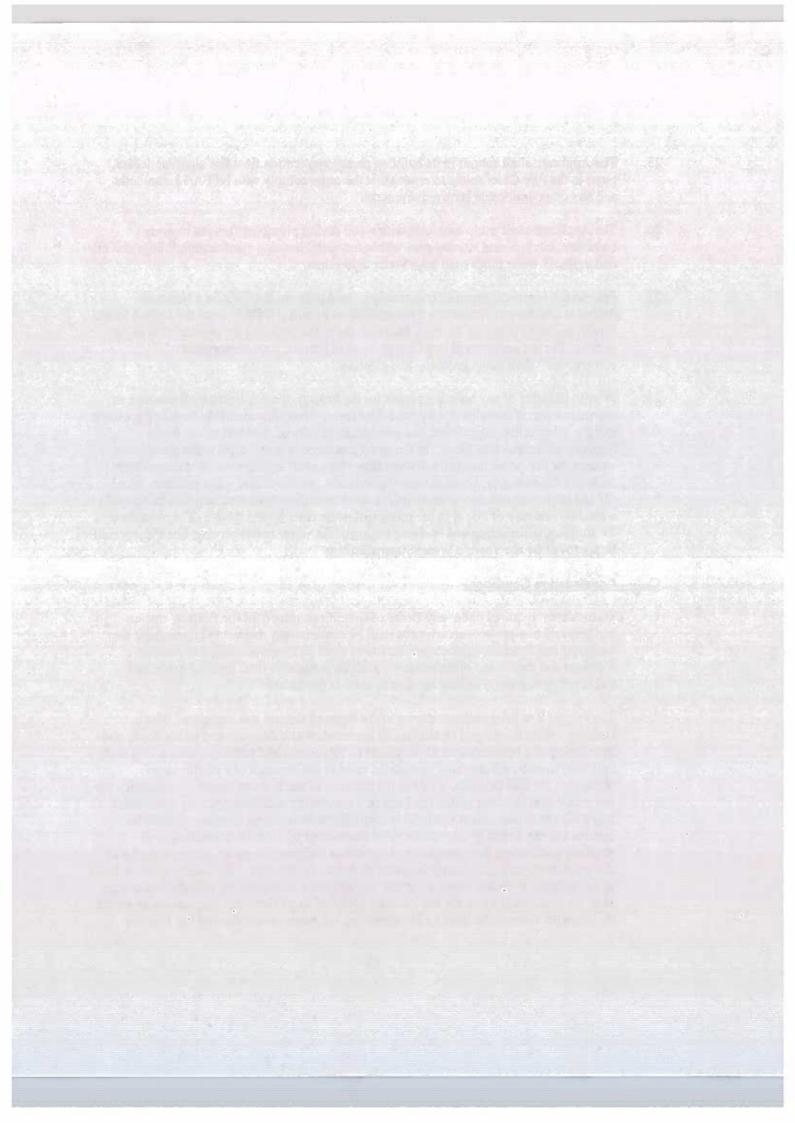
- 14. All buildings and structures shall be constructed substantially as represented in the Application, as revised, and on the Plans of Record.
- 15. The Project shall be served by municipal water, at the Applicant's sole expense, in accordance with the Southborough Department of Public Works (DPW)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



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

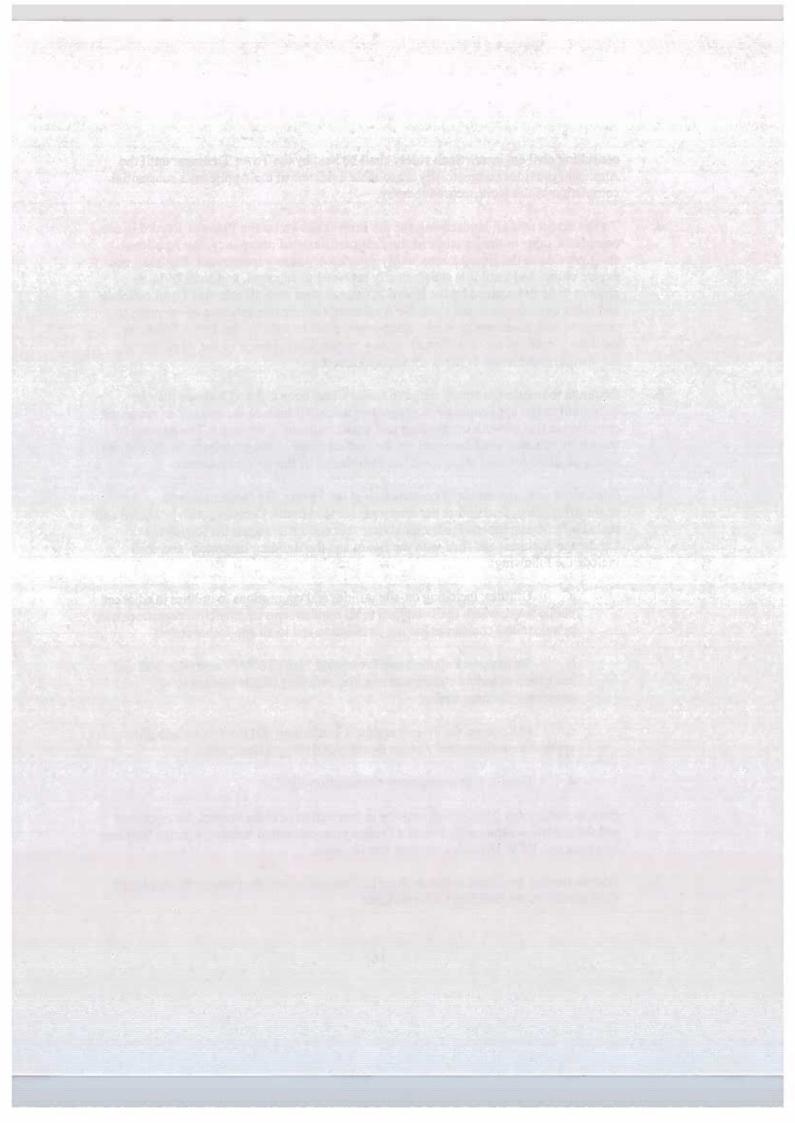
C. Construction Conditions

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

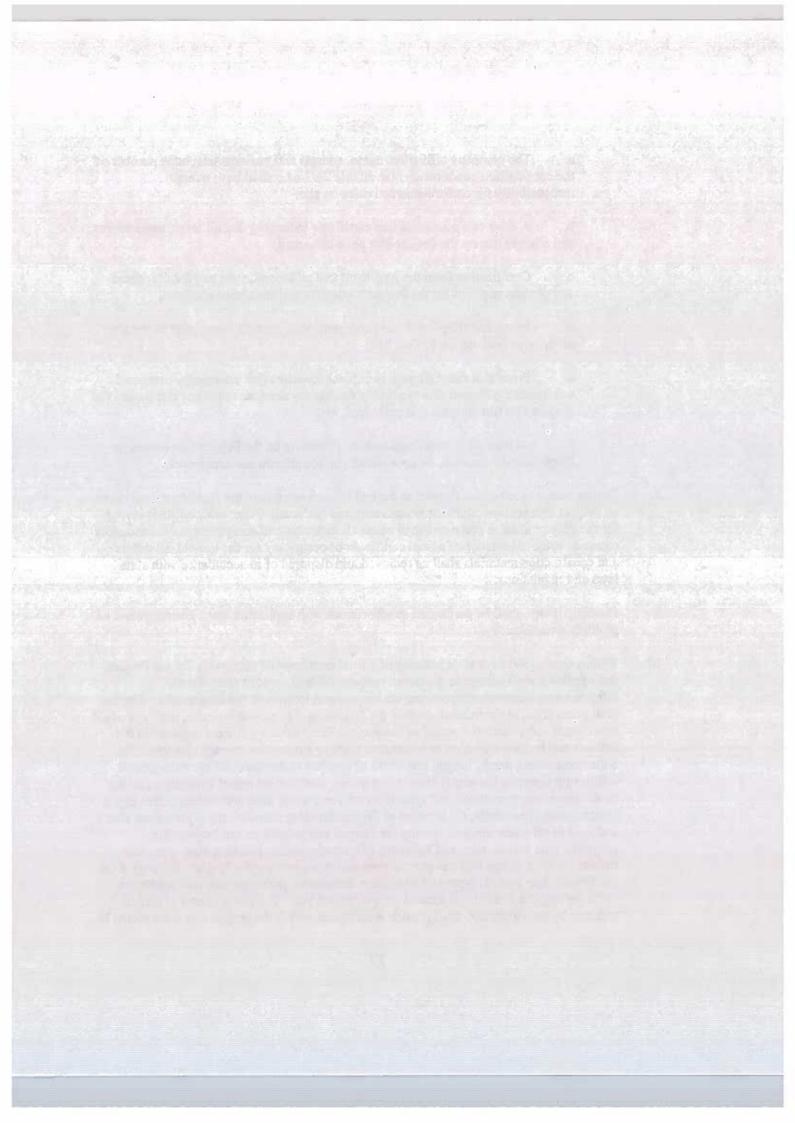


consulting civil engineer. Such surety shall be held by the Town Treasurer until the Applicant provides commercially reasonable evidence of the Applicant's substantial completion of the work secured thereby.

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

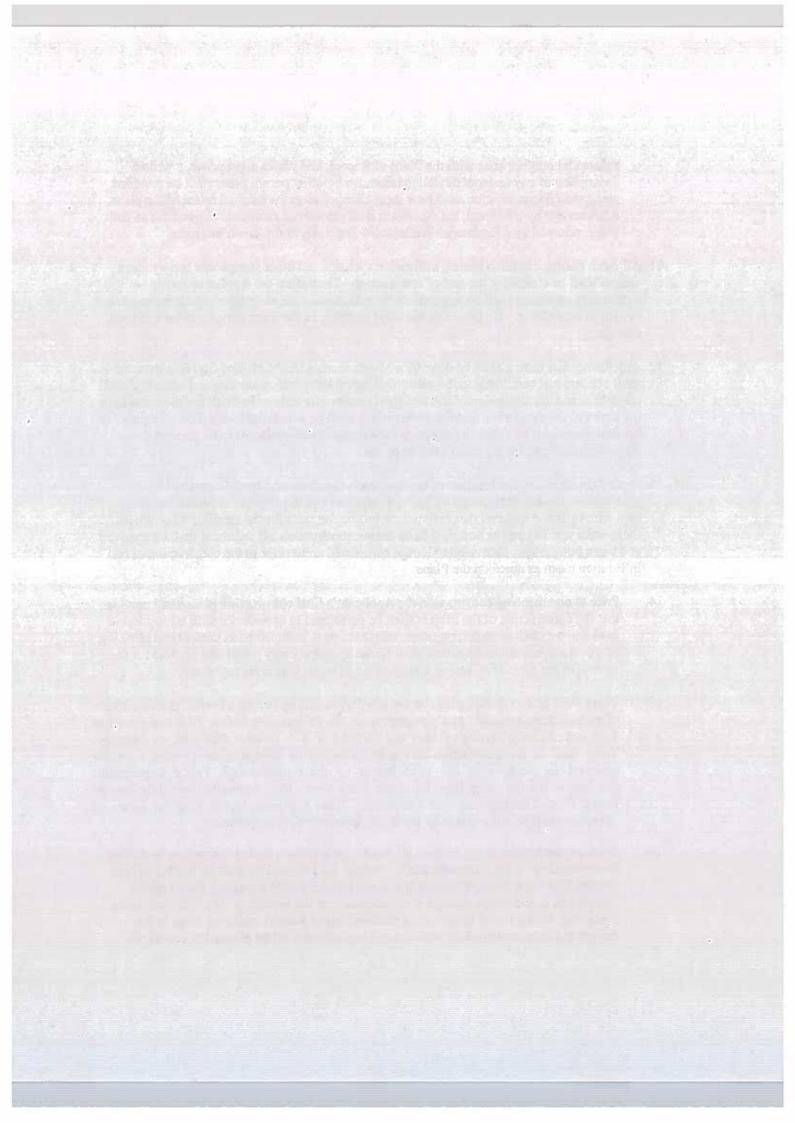


- a. The company affiliation, name, address and business telephone number of the construction superintendent available 24/7 who shall have overall responsibility for construction activities on site;
- b. A copy of a municipal lien certificate indicating that all taxes, assessments and charges due on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

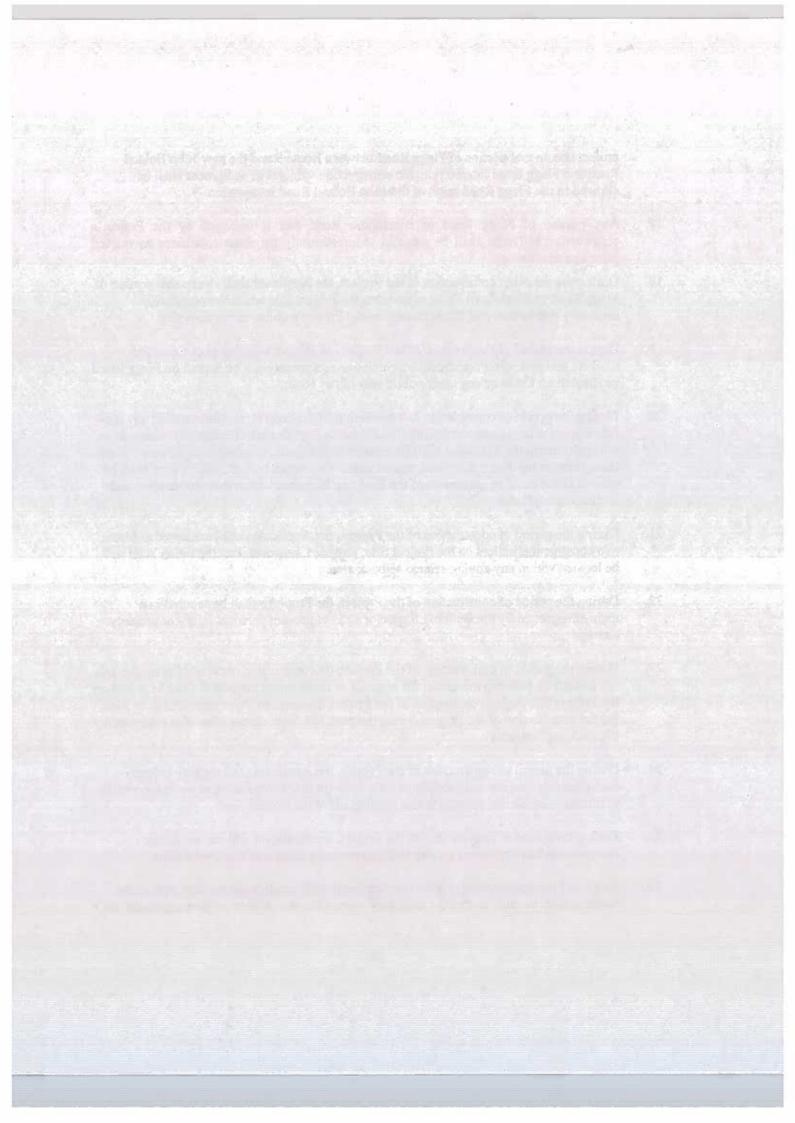


substantial conformance with the Plans of Record, and where appropriate, a written description of any material deviations from the building permit plans shall be provided, along with documentation as to how these changes meet the original intent of the plans. After review by the Board, the Applicant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

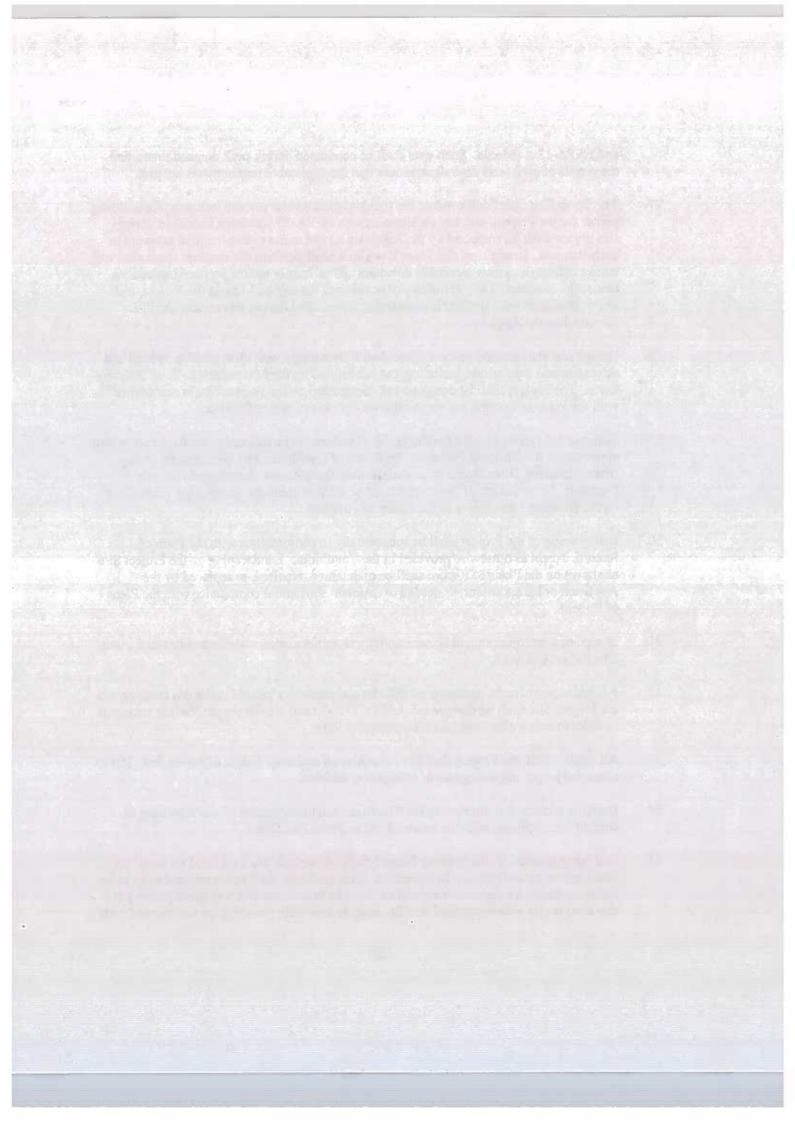
- 11. All catch basins, detention basins, infiltration systems, and other stormwater management system shall be cleaned at the end of construction. Thereafter, the Applicant and/or Applicant's successor shall be responsible for maintaining the site's storm-water management system in accordance with generally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



- project site on that portion of Flagg Road between Route 9 and the new John Boland Road and Flagg Road intersection. No construction vehicles or equipment shall be allowed to use Flagg Road north of the John Boland Road intersection. *
- 17. Any portion of Flagg Road or Blackthorn Road that is damaged by the Project's construction activities shall be repaired to substantially the same conditions as existed prior to such damage.
- 18. During the period of construction of the Project, the Applicant shall sweep that portion of Flagg Road or Blackthorn Drive adjacent to the Project Site whenever reasonably necessary due to dust and debris caused by the Project's construction activities.
- 19. During the period of construction of the Project, no Project vehicles of construction workers and no Project construction vehicles or equipment shall be parked on Flagg Road or Blackthorn Drive or any other public way of the Town.
- 20. During the period of construction and marketing of the Project, notwithstanding any preconditions for the issuance of a Building Permit or Certificate of Occupancy otherwise set forth herein, the Applicant shall be entitled to designate, construct and operate one of the apartment units as a decorated, model unit. The model unit and sales office shall be subject to the usual requirements of the Building Inspector with respect to building and fire code compliance.
- 21. During the period of construction of the Project, the Applicant shall be allowed to locate two construction trailers on the Project Site, provided, however, that the trailer shall not be located within any zoning-related setback area.
- During the period of construction of the Project, the Property shall be secured in a manner approved by the Building Inspector so as to prevent personal injury or property damage.
- During the period of construction of the Project, no construction materials (including, but not limited to, building materials, fill material or landscaping materials) shall be stored on the Project Site during construction of the Project in excess of those materials to be used for the construction of the Project during the next 365 days, unless otherwise approved by the Building Inspector.
- 24. During the period of construction of the Project, the Applicant shall employ industry-best-practices dust control procedures on a daily (or more frequently, as necessary) basis to minimize construction-related dust moving off of the Project Site.
- 25. During the period of construction of the Project, the Applicant will ensure that no construction activity occurs on any abutting property outside of the Overall Site.
- 26. As part of the construction process the Applicant shall conduct appropriate tests of the water system to confirm that the necessary water flow is available to meet applicable ISO



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



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

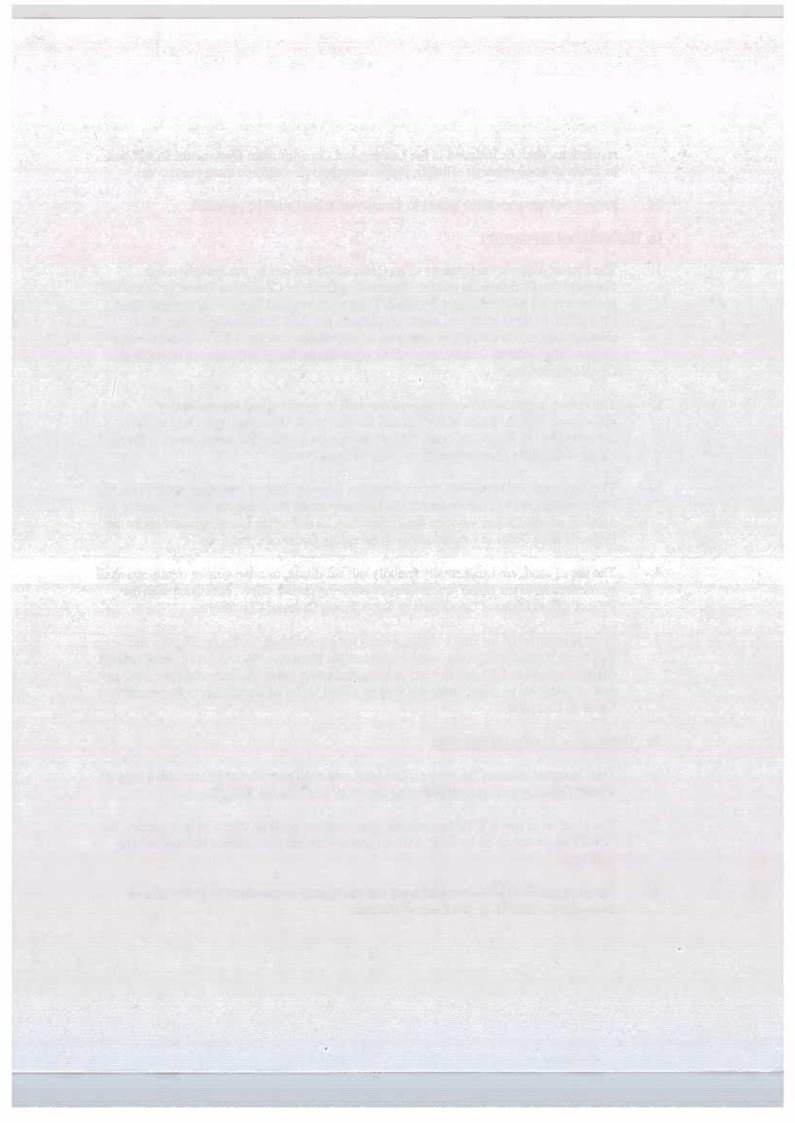
36. Project resident pedestrian access to Conservation land shall be provided.

D. Wetlands and Stormwater

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

E. Wastewater Treatment Facilities

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

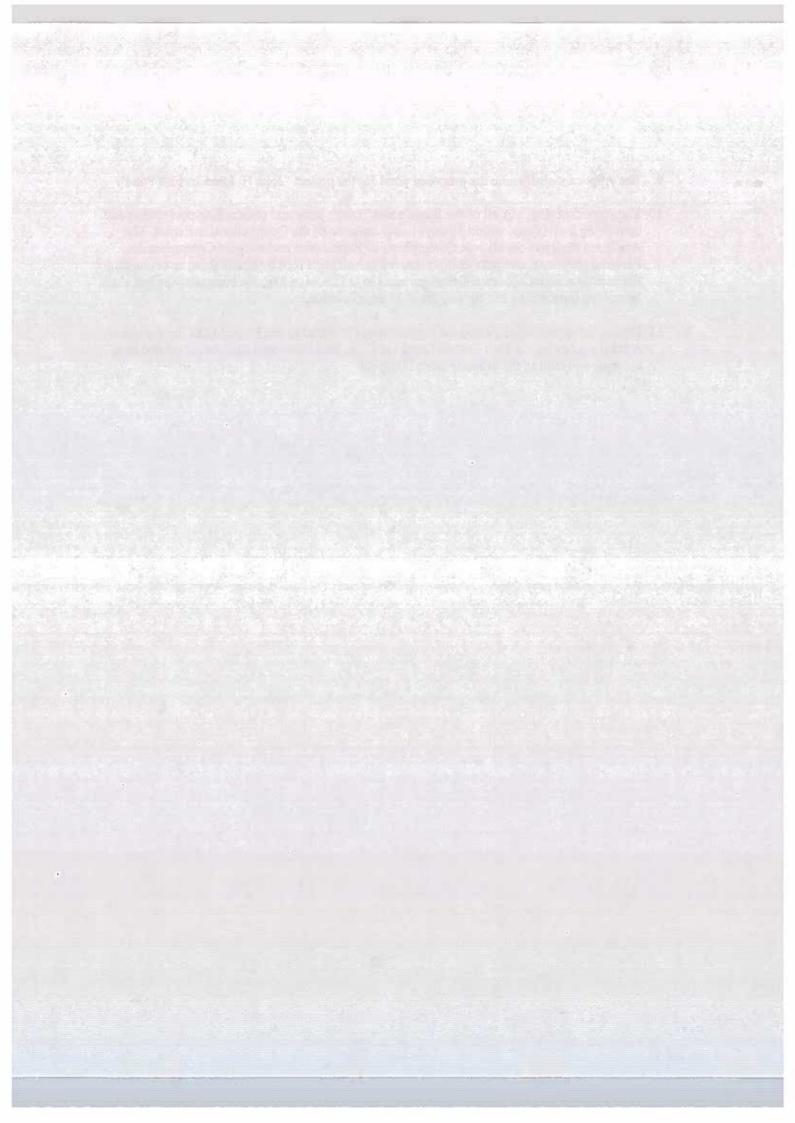


- Any hazardous materials used in conjunction with WWTP operations shall be subject to a spill containment plan approved by the Fire Department and/or DEP.
- 5. The design of the WWTP shall provide for the elimination of detectable odors in or from occupied residential buildings, as determined by DEP.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

F. Special Conditions:

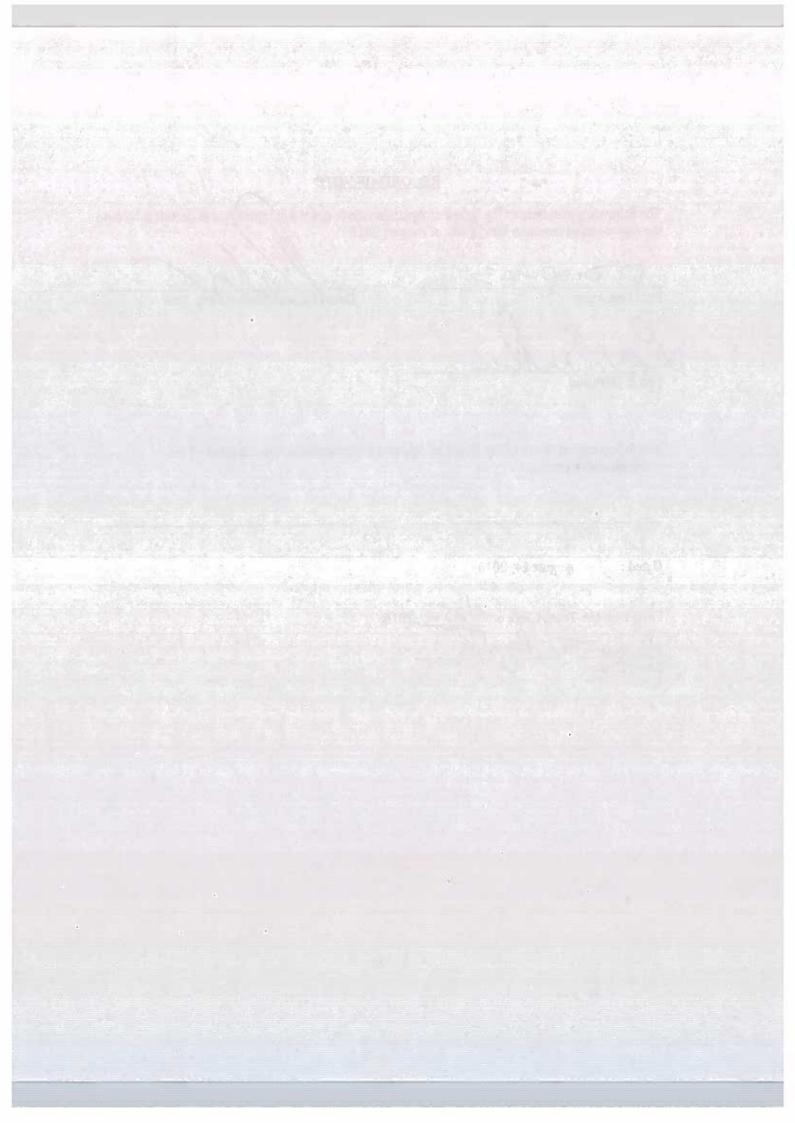
- 1. Applicant shall install "No Right Turn" as well as "No-Through Street" directional signs at the exit from the both the Red Roof Inn and Cumberland Farms onto Park Central Drive so as to discourage customers/employees of both businesses from using John Boland Road as a cut through to Flagg Road North.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

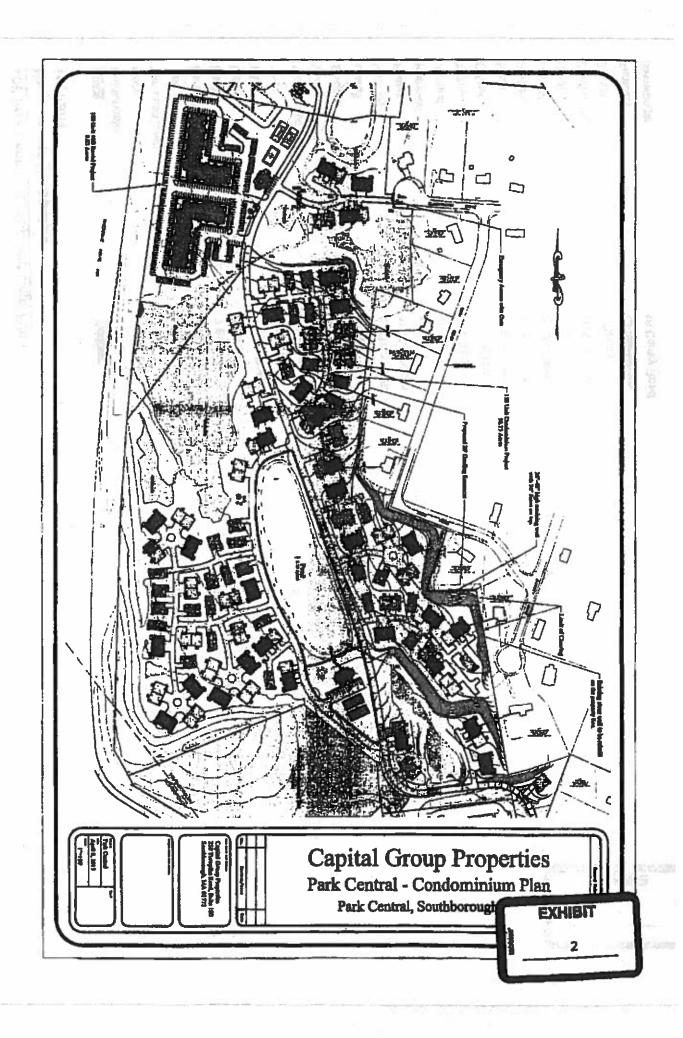
- 9. The Applicant shall name the proposed pond for the project "John H. Leed Jr. Fish Pond".
- 10. The Applicant shall pay all of the Board's and Town's prior and outstanding peer review and consulting fees, if any, within 30 days of the issuance of the Comprehensive Permit. The Applicant shall pay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



RECORD OF VOTE

The following members of the Board of Appeals with above-stated terms on this day of August 20	rote to grant a comprehensive permit subject to
Paul Drepanos	David Eagle, Chairman Pro Tem
Leo F. Bartolini,	-65
The following members of the Board of Appeals a comprehensive permit:	are in opposition to the grant of the
Dated: August 24, 2016	
Filed with the Town Clerk on 3/25, 2016. Town Clerk	





40B Park Central Development Legal Fund Neighborhood Contributors 11/11/2014

6 Bantry 14 Blackthom 16 Bentry Road	Blondin Fantozzi Binswanger
15 Blackthorn	Dhamdere
21 Blacktom	Conti
1 Tara Road	Perkins
9 Blackthom	Sheh
17 Blackthorn	Officer
16A Bentry	Yazdeni
18 Bantry	Winend
5 Tara	Ruthfield
12 Blackthorn	Fosler
23 Blackthom	Whitney
6 Tara	Lowell
10 Blackthorn	Sweeter
1 Banty	Vere
4 Bantry	MacDonald
17 Tara	Gray
7 Tara Road	Wu
11 Banty	Liu/Ding
7 Bantry	Martal
19 Blackthorn	Denapoli
11 Blackthom	
4 Tara	Van Laarhoven
14 Banby	Alcus
15 Banky	DeMichaelis
Address	25.0

Exhibit	
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The Residences at Park Central:

Schedule of Submittals

Binder A:

PP1: Mass Housing Ed Marchant

1. June 19, 2015

Letter to: Mr. Leo Bartolini Chair, ZBA

Letter From: Gregory Watson, Manager, Comprehensive Permit Programs

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

2. February 11, 2014

Letter to: Mr. Depietri, Park Central LLC

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

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

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

3. January 5, 2016

Email to: Karen Finelli

Email from: Edward Marchant

Re: Continuance of tomorrow evenings meeting

4. April 17, 2014

Letter to: Massachusetts Department of Housing and Community Development

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

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

*"Safe Harbors"

5. June 10, 2015

Letter to Gregory Watson and Michael Busby, Mass Housing

Letter From: Leo Bartolini, Chair ZBA

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

EXHIBIT 3

6. March 22, 2016

Email to: Karen Finelli

Email from: Edward Marchant

Re: 40 B Permit Questions

Binder A PP2- Park Central Email

7. June 14, 2016

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

Email from: Jonathan Green

Re: Park Central Traffic overview and next steps

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

8. June 8, 2016

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

Email from: Jonathan Green

Re: Park Central traffic overview and Next steps

*Mr. Bartolini needs to be replaced

9. June 14, 2016

Email to: Aldo Cipriano

Email from: Karen Finelli

Re: Forwarding to you per Leo Bartolini's request

Attachment: Jonathan Green email June 14th &8th 2016

10. June 10, 2016

Email to: Angelo Catanzaro

Ernall from: Karen Finelli

Re: Park Central "Proposed Draft Decision"

11. June 13, 2016:

Email to: David Eagle; Paul Drepanos

Email from Karen Finelli

Re: Possible Decision soon for Park Central 40 B

Attachments: email Angelo Catanzaro regarding park central 40B Decision

13. May 18, 2016

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

Email from: Karen Galligan

Re: Final Flagg & Deerfoot safety study

Attached: Flagg & Deerfoot Road safety study

Attached to email: Memorandum dated: May 9, 2016

To: Mr. Leo Bartolini

From Jason DeGray-Toole Design Group

14. December 3, 2015

Email to: Edward Marchant

Email from: Angelo Catanzaro

Re: Park Central, Southborough

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

15. February 22, 2016

Email to: William Depletri; Daniel Ruiz

Email from: Karen Finelli

Re: Another memo for your records

Attached: MAPC Park Central Feb 2016

16. February 22, 2016

Email to: Karen Finelli

Email from: Beth Rosenblum

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

Attached: Comment letter

17. March 22, 2016

Email to: Karen Finelli

Email from: Edward Marchant

Re: 40 B Permit Questions

18. March 22, 2016

Email to Gregory Watson, Mass Housing

Email from: Edward Marchant

Re: 40B Permit questions

19. March 15, 2016

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

Email from: Carl Guyer, Southborough, MA

Re: 40 B permit question (initial email)

20. January 28, 2016

Email to: Mark Purple; Karen Galligan

Email from: Beth Rosenblum

Re: Park Central MEPA Site Visit

21. February 9, 2016

Email to: Jason DeGray

Email from: Karen Finelli

Re: Southborough ZBA *Contracts

22. February 9, 2016

Email to: Karen Finelli

Email from: Jaosn DeGray

Re: Southborough ZBA

22. February 25, 2016

Email to: Karen Galligan

Email from: Jason DeGray

Re: Flagg/Deerfoot road safety & traffic calming study

Attachment: Safety study, scope of services, etc.

23. February 25, 2016

Email to: Bill Depietri, Karen Finelli

Email from: Karen Galligan

Re: Flagg/Deerfoot road safety & traffic calming study

Attachment: Safety study, scope of services, etc.

24. February 26, 2016

Email to: Karen Finelli

Email from: Jaosn DeGray

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

Binder A PP3

25. November 9, 2015

Fuss & O'Neil

Town of Southborough on-call engineering consulting services task authorization

Task title: Park Central 40 B Comprehensive Permit review

Scope of services and estimated costs

26. November 10, 2015

Email to: William Depietri

Email from: Karen Finelli

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

Attached: Task Authorization

27. November 11, 2015

Email to: Karen Finelli

Email from: William Depietri

Re: Task Authorization and payment

28. November 24, 2015

Email to: David Birri

Email from: Heidi Kriger

Re: Capital Group deposit

Binder A PP 4 Park Central Traffic

29. January 19, 2016

Email to: Jason Degray

Email from: Sam Gregorio

Re: Southborough response to peer review comments

Attachment: Response to GPI comments

**Attached to email: TEC Memorandum

To: Mr. Leo Bartolini, Chair, ZBA

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

Re: Response to comments-Traffic impact & access study

30. February 24, 2016

Toole Design Group Amendment follow-on review services

Proposed mixed-use residential development, Park Central

31. April 21, 2016

To: Mr. Leo Bartolini

Tool Design Group invoices for Task 1: meetings and follow-on services and Task 2: Roadway safety & Traffic calming study

32. May 3, 2016 A Property of the second sec

Email to: Karen Finelli

Email from: Karen Galligan

Re: Toole Design Group Invoice

Attached: Invoice

33: May 3, 2016

Email to: William Depietri

Email from: Karen Galligan

Re: Toole Design Group Invoice

Attached: Toole Design Group Invoice

34. May 4, 2016

Email to: Paul Drepanos; David Eagle

Email from: Karen Finelli

Re: Attached Toole Design Information

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

35. February 9, 2016

Toole Design Group, LLC Agreement

36. October 15, 2014

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

Attention: Leo F. Bartolini, Chair ZBA

37. February 3, 2016

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

Attention: Leo F. Bartolini, Chair ZBA

38. July 24, 2014

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

Attention: Leo F. Bartolini, Chair ZBA

39. August 18, 2014

TEC Memorandum

To: Mr. Leo Bartolini, Chair ZBA

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

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

40. May 23, 2012

Mass DOT Highway Division Permit number 3-2012-0056

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

Signed: District Highway Director

41. August 27, 2014

Letter to: Zoning Board of Appeals, Town of Southborough

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

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

Binder A PP 5-Park Central Traffic

42. February 24, 2014

Toole Design Group Amendment-Scope of Work

To: Mr. Leo Bartolini

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

43. December 23, 2016

Technical Memorandum GPI

Ref: MAX-2014067.01

To: Mr. Leo Bartolini

From: Mr. Jason DeGray

Re: Proposed mixed use residential development at Park Central

Traffic impact and access study peer review

44. December 14, 2015

Greenman-Pederson, Inc, Scope of Services

To: Mr. Leo Bartolini, Chair, ZBA

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

Prepared by: Jason DeGray

45. Vanasse& Associates-Transportation Engineers and Planners

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

From Jeffery S. Dirk

Re: Traffic Engineering peer review, Residences at Park Central

Binder A PP 6

46. December 16, 2014

Letter to: William Boland, Chair, Board of Selectman

Letter from: Leo F. Bartolini

Re: The Residences at Park Central

*No official plans submitted, cannot approve or deny

47. September 9, 2015

Park Central residential building plan-Submitted by Capital Group Properties

48. March 31, 2014

Letter to: Leo Bartolini, Mark Purple

Letter from: Susan Connelly, Director, Community Housing Initiatives

Re: Residences at Park Central, 40B

Binder A PP 7 Worcester Registry of Deed Documents

49. September 14, 2015

Worcester District Registry of Deeds

Document type: Covenant

Number of pages: 27

Re: Park Central Drive

Binder APP 8

50. September 9, 2015

Copy of Park Central Residential Building Plan

Binder A (Left Folder)

51. April 6, 2015

Town of Southborough Board of Assessors Abutters List

Address: O Turnpike Road-Route 495

52. April 17, 2014

Letter to: Massachusetts Department of Housing and Community Development

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

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

*Application for Comprehensive permit, "Safe Harbors"

53. May 9, 2014

Letter to: Massachusetts Department of Housing and Community Development

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

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

*Application for Comprehensive permit, "Safe Harbors"

54. April 9, 2014

Letter to: William Depietri

Letter from: Leo F. Bartolini, Chair, ZBA

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

Attached: ZBA decision

55. April 2, 2014

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

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

Re: Housing Production plan- Certification approved

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

56. Undated

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

Letter from: Aldo Cipriano

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

Binder B PP 1 40 B: Application Continuation/ Extension

57. March 24, 2014

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

Re: Park Central 40B

58. February 24, 2016

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

Re: Park Central 408

59. January 20, 2016

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

Re: Park Central 40B

60. January 6, 2016

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

Re: Park Central 40B

61. January 7, 2016

Email to: Bill Depletri

Email from: Karen Finelli

Re: Park Central Approved and stamped request for continuance attached

Attachments: Park Central Continuance until 1.6.16

62. November 10, 2015

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

Re: Park Central 40B

63. October 7, 2015

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

Re: Park Central 40B

64. September 24, 2015

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

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

65. August 18, 2015

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

Re: Park Central 40B

66. July 30, 2015

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

Re: Park Central 40B

67. November 19, 2014

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

Re: Park Central 408 Application for a Comprehensive Permit

68. October 29, 2014

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

Re: Park Central 40B

69. February 12, 2014

Town of Southborough, Comprehensive Permit Application form

Re: Park Central Drive

70. Letter to: Southborough Zoning Board of Appeals

Letter from: Martin E Loiselle

Re: Park Central- Comprehensive Permit continuance request

71. July 7, 2014

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

Letter from: Angelo P. Catanzaro

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

72. August 28, 2014

Letter to: The Southborough ZBA (Handwritten)

Letter from: Capital Group Properties

Re: Extension

73. July 17, 2014

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

Letter from: Angelo Catanzaro

Re: Park Central C. 40B Application

Re: Continuance request

74. November 18, 2014

Letter to: Southborough Zoning Board of Appeals

Letter from: Martin E. Loiselle, Capital Group Properties

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

75. April 7, 2015

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

Letter from: Angelo P. Catanzaro

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

76. April 29, 2015

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

To: Chairman, Southborough ZBA

From: Capital Group Properties

Re: Park Central 408

Binder B PP2

77. March 21, 2016

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

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

Re: The Residences at Park Central Waivers

78. February 18, 2016

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

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

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

79. February 19, 2016

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

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

80. January 28, 2016

Memorandum to: Zoning Board of Appeals

Memorandum from: Karen Galligan, DPW Superintendent

Re: Park Central, Review and comment on project

81. December 28, 2015

Letter to: Police Department, Fire Department, DPW

Letter from: Leo F. Bartolini, Chairman ZBA

Re: Request no parking of commercial vehicles on flag Rd

82. January 5, 2016

Email to: Karen Galligan

Email from: Karen Finelli

Re: Traffic Peer Review

Attachment: Park Central Mixed –Use Traffic Impact Review

83. October 28, 2015

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

Letter from: Joseph C. Mauro, Fire Chief

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

84. November 10, 2015

Email to: Kenneth Paulhus

Email from: Karen Finelli

Re: New Plans for Park Central 40B

85. November 13, 2015

Email to: Karen Finelli

Email from: Kenneth Paulhus

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

86. November 12, 2015

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

Reviewers: Joseph C. Mauro, Fire Chief

87. March 26, 2014

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

Letter from: Jennifer Burney, Town Planner

Re: Park Central and Affordable housing

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

88. December 2, 2014

Letter to: Chairman Bartolini

Letter from: Donald C. Morris, Planning Board Chairman

Re: Proposed 408- Requesting project denial

89. October 1, 2014

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

Letter from: Jennifer Burney, Town Planner

Re: Park Central, Clarification on quantity of proposed units

90. September 25, 2014

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

Letter from: Jennifer Burney, Town Planner

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

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

91. October 5, 2015

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

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

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

92. November 13, 2015

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

Letter from: The Planning Board, Donald Morris, Chair

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

93. November 23, 2015

Letter to: Board/ Committee members and department heads

Letter from: Donald C Morris, Chair Planning Board

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

94. September 9, 2015

Letter to: Zoning Board of Appeals

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

Re: Park Central, Comments and recommendations

95. December 1, 2015

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

Memorandum from: Beth Rosenblum, Conservation Commission

Re: The Residences at Park Central, Comments

96. January 4, 2015

Letter to: Zoning Board of Appeals Members

Letter from: Don Morris, Chairman, Planning Board

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

Binder B PP 3- Letters from boards + departments

97. May 20, 2016

Public Hearing Notice for site plan approval

Letter to: James Hegarty, Town Clerk

Letter from: Donald C Morris, Chairman

98. January 12, 2016

Letter to: Zoning Board of Appeals Chair

Letter from: Jennifer Burney, Town Planner

Re: Comprehensive permit, Park Central LLC

99. January 4, 2016

Letter to: Zoning Board of Appeals

Letter from: Don Morris, Chairman

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

100. December 17, 2015

Draft Comments Town Planner

101. November 23, 2015

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

To: Planning Board

From: Jennifer Burney, Town Planner

Re: Park Central LLC

102. December 1, 2015

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

Memorandum from: Beth Rosenblum, Conservation Commission

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

103. February 19, 2016

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

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

Re: Park Central, MEPA #15472

104. March 8, 2016

Letter to: Southborough Conservation Commission

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

Re: Waiver requests from Park Central Development

105. January 11, 2016

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

Letter from: William Depietri, Capital Group Properties

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

106. January 4, 2016

Letter to ZBA Members

Letter from: Don Morris, Planning Board

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

107. February 19, 2016

Letter to: William Depietri

Letter from: Paul T. Cibelli, Board of Assessors

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

141 market rate condominiums

108. February 19, 2016

Email to: Anne Canaday (MEPA)

Email from: Hillary Young Carney

Re: Comments on the ENF- Park Central

Attachments: Planning Board Comments

109. February 19, 2016

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

Email from: Hillary Young Carney

Re: Comments on the ENF, Park Central

Attachments: Planning Board Comments

110. February 4, 2016

Notice of MEPA Site Visit

EEA No: 15472 Park Central, Southborough

Scheduled for February 4, 2016

Binder B PP 4- Capital Group

111. March 23, 2016

Letter to: Mr. Bartolini, ZBA

Letter from: William Depietri, Capital Group Properties

Re: The Residences at Park Central, Timeline of Events

112. February 12, 2016

Letter to: ZBA

Letter from: William A. Depletri. Manager, Park Central LLC

Re: Waiver Request for Affordable Housing Integrated Development Project

113. October 29, 2015

Letter to: Craig Nicholson, SHOP

Letter From: Daniel Ruiz, Capital Group Properties

Re: The Residences at Park Central. Response to the Southborough Housing Opportunity Parnership

Council

114. January 9, 2015

Letter to: Michael Busby, Mass Housing

Letter from: Martin E Louiselle, Capital Group Properties

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

abutters

115. August 6, 2014

Letter to: ZBA Members

Letter from: William Depletri, Capital Group Properties

Re: Park Central-Rental Vs. For sale Project

116. June 13, 2014

Letter to: Southborough Conservation Commission

Letter from: Scott Goddard, Principal

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

117. June 13, 2014

Letter to: Leo Bartolini & ZBA members

Letter from: Angelo P. Catanzaro

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

118. March 18, 2014

Letter to: Jonathan Gulliver, District Highway Director

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

Re: Park Central-Proposed Access

Attachments: Park Central, Potential Site Buildout

Binder & PP 5

119. March 7, 2016

Letter to: Leo Bartolini, ZBA

Letter from: Howard Rose, 2 Bantry Rd

Re: Concerns at Park Central

120. February 23, 2016

Letter to: Leo Bartolini, Chairman ZBA

Letter from: Janel McDonald, 4 Bantry Rd

Re: Park Central Project

121. January 21, 2016

Letter to: ZB, Board of Selectman, Planning Board

Letter from: Jonathan Green, 10 Tara Rd

Re: Concerns, additional comments

122. January 20, 2016

Letter to ZBA

Letter from: Dmitry & Ekaterina Stadnik, 9 Lovers Lane

Re: Concern about proposed expansion of Flagg Rd

123. Undated

Letter to: ZBA

Letter From: Michael and Nina Kositsky, 40 Flagg Rd

Re: Concerns about Flagg Rd

124. January 15, 2016

Letter to: ZBA

Letter from: Barbara Ramsdell, 26 Deerfoot Rd

Re: Concerns about Flagg Rd

125. January 19, 2016

Email to: Karen Finelli

Email from: Tom Gittins

Re: Email to ZBA

Attachments: Don't Widen Flagg Rd Petition

126. January 14, 2016

Letter to: Leo Bartolini, ZBA

Letter from: Susan Linehman Beaumont, 49 Flagg Rd

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

127. January 15, 2016

Email to: Bill Depietri; Danny Ruiz

Email from: Karen Finelli

Re: Park Central Letter from Neighbor

Attached: Letter from Susan Beaumont

128. January 5, 2016

Letter to: ZBA

Letter from: Jason and Monica Akus, 14 Bantry Rd

Re: Peer review for Park Central Project, Concerns

129. January 4, 2016

Letter to: Leo Bartolini, ZBA

Letter from: Todd Miller, 8 Hickory Rd

Re: Park Central Development Concerns

130. January 2, 2016

Letter to: Leo Bartolini, ZBA

Letter from: Marnie L. Hoolahan, 26 Clifford Rd

Re: Park Central Development Concerns

131. December 29, 2015

Letter to: Leo Bartolini, ZBA

Letter from: Stephen T. Boldin, Bantry Rd

Re: Proposed Park Central Development-Traffic Study

132. January 3, 2016

Letter to: Leo Bartolini, ZBA

Letter from: Marnie L. Hoolahan

Re: Concerns, Traffic Study

133. December 27, 2015

Letter to: Board of Selectman

Letter from: Christopher and Linda Perkins, 1 Tara Rd

Re: Traffic concerns, Park Central

134. December 20, 2015

Letter to: ZBA

Letter from: Howard Rose, 2 Bantry Rd

Re: Concerns, Park Central Development

135. December 17, 2015

Email to: Karen Finelli

Email from: David Winard, Resident

Re: Peer review Letter, Park Central

136. December 17, 2015

Email to: David Winard

Email from: Karen Finelli

Re: Peer review letter, Response

137. December 17, 2015

Email to: Jennifer Burney; Karen Finelli

Email from: Jonathan Green

Re: ZBA Request for traffic comments

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

138. September 28, 2015

Letter to: Leo Bartolini, ZBA

Letter from: The Bantry/Blackthorn and Tara Neighborhood

Re: Comprehensive Permit, The Residences at Park Central

139. April 1, 2014

Email to: Mark Purple; Jessica Baptista

Email from: Jonathan Green

Re: Recent ZBA meeting Park Central

140. October 30, 2014

40 B Park Central Development Legal Fund, Neighborhood Contributors 2014

141. January 5, 2016

Emails to: Bill Depietri

Emails from: Karen Finelli

Re: Letters Pertaining to Park Central

142. January 7, 2016

Email to: Bill Depietri

Email from: Karen Finelli

Re: Park Central approved and stamped request for continuance attached

Attached: Continuance approval

143. January 5, 2016

Email to: Bill Depietri; Daniel Ruiz

Email From: Karen Finelli

Re: Copy of Letter from planning board

Attachment: Planning board letter to ZBA

144. January 11, 2016

Email to: Bill Depletri; Danny Ruiz

Email from: Karen Finelli

Re: More memos regarding traffic concerns

145. December 21, 2015

Email to: Jason Degray

Email from: Karen Finelli

Re: Another letter from resident

Attachment: Memo from H Rose Traffic Park Central

146. December 21, 2015

Email to: David Eagle; Paul Drepanos

Email from: Karen Finelli

Re: Letter from Park Central neighborhood, Howard Rose

Attached: Memo from H. Rose

147. January 4, 2016

Email to: Paul Drepanos; David Eagle

Email from: Karen Finelli

Re: More Letters from neighbors regarding Park Central

148. January 4, 2016

Email to: Bill Depletri; Danny Ruiz

Email from: Karen Finelli

Re: Letters from Neighbors regarding traffic

Attached: Letters

149. December 17, 2015

Email to: Bill Depietri

Email from: Karen Finelli

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

150. January 19, 2016

Email to: Jason DeGray

Email from: Karen Finelli

Re: Letter from Park Central Abutter

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

Binder B PP 6

151. February 16, 2016

Email to: Karen Finelli

Email from: Angelo Catanzaro

Re: Park Central C. 40 B Waiver Request

Attachments: Waiver Request for Affordable Housing Integrated Development Project

152. December 9, 2014

Town of Southborough Board of Appeals

To: Bill Boland, Chairman, Board of Selectman

From: Leo Bartolini, Chairman ZBA

Re: Letter from Attorney Hill

153. June 18, 2014

Letter to: ZBA

Letter from: John T. Smolak, Esq.

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

154. June 25, 2014

Letter to: ZBA

Letter from: Patrick L. Garner, Wetlands Hydrologist

Re: The Residences at Park Central

155. November 3, 2014

Email to: Daniel C. Hill; Karen Finelli

Email from: Angelo P. Catanzaro

Re: Southborough/Park Central 40B/Meeting

156. August 27, 2014

Letter to: Leo Bartolini, ZBA

Letter from: Angelo Catanzaro

Re: Park Central; C. 40B Affordable Housing Project, Summary of conditions of amending application

from "for sale units" to "rental units"

157. June 24, 2014

Letter to: Leo Bartolini, ZBA

Letter from: Angelo P. Catanzaro

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

158. May 5, 2014

Letter to: Massachusetts Department of Housing and Community Development

Letter from: Aldo A. Cipriano

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

Attached: Supplemental statement, Notice of Appearance

159. June 18, 2014

Letter to: ZBA

Letter from: John T. Smolak-Cumberland Farms ATTY

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

Attachments: Exhibit A-Letter from Jonathan Gulliver, District Highway Director and exhibit B- Letter,

Dated June 17, 2014 to John Smolak

160. December 3, 2015

Email to: Edward Marchant

Email from: Angelo P. Catanzaro

Re: Park Central, Southborough, follow up communications

161. December 18, 2014

Letter to: Donald Morris, Planning Board Chair

Letter from: Robert B Glbbons

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

*Addresses Morris claims

162. June 24, 2014

Letter to: ZBA

Letter from: Daniel C. Hill

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

163. October 27, 2014

Email to: Jennifer Burney

Email from: Daniel C. Hill

Re: Southborough/Park Central 40B

164. December 9, 2014

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

Email from: Mark Purple

Re: Special Council

Attached: Previous email from Dan Hill

165. October 30, 2014

Letter to: Leo Bartolini, ZBA

Letter from: Daniel C. Hill

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

166. December 3, 2014

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

Letter from: Daniel C. Hill

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

167. May 28, 2014

Letter to: ZBA

Letter from: Daniel C. Hill

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

168. April 4, 2014

Letter to: Leo F. Bartolini

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

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

Binder B PP 7 - Park Central waiver request

169. April 7, 2016

Draft, Notice of Decision on C. 408 Initial waiver request. William A Depietri and Park Central LLC

170. March 18, 2016

Email to: Karen Galligan; Joe Mauro

Email from: Jonathan Green

Re: Park Central Safety Study

171. January 21, 2016

Email to: Beth Rosenblum

Email from: Christopher M. Lucas

Re: Park Central ANRAD review

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

172. February 24, 2016

Waiver Request for Affordable Housing Integrated Development Project

From: William Depietri

Binder B PP 8

173. November 30, 2015

Letter to: Donald C. Morris

Letter from: Angelo P. Catanzaro

Re: Application for comprehensive permit, Park Central LLC

Attached: Notice of decision on a use variance

Binder B PP 9

174. Undated

Letter to: Donald C. Morris, Chairman

Letter from: Edward Marchant

Re: Application for Comprehensive permit, Park Central, LLC

175. November 9, 2015

Letter to: Leo F. Bartolini, Chair, ZBA

From Edward Marchant

Re: Southborough Housing Opportunity Partnership Committee (SHOPC)

176. December 2, 2015

Letter to: Leo F. Bartolini, Chair, ZBA

From Edward Marchant

Re: Southborough Housing Opportunity Partnership Committee (SHOPC)

177. September 9, 2015

Letter to: Zoning Board of Appeals

Letter from: Craig Nicholson, 5HOPC

Re: Park Central, LLC

178. April 24, 2015

Invoice- Edward Marchant, Real-Estate advisor

179. June 25, 2014

Letter to: ZBA

Letter from: John Bartolini

Re: Park Central Development

180. October 1, 2014

DRAFT Letter to: Leo Bartolini, ZBA

Letter from: Jason DeGray, Greenman-Pederson

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

Binder B Folder 1

181. June 20, 2016

Letter to: Board of Selectman

Letter from: Jonathan Green

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

Binder & Folder 2

182. Undated

Comprehensive permit rules- Easthampton ZBA

Green Folder 1

183. June 18, 2014

Letter to: Zoning Board of Appeals

Letter from: John T. Smolak

Re: Application for comprehensive permit- Residences at Park Central

184. Undated

Ch.: 40 B Technical Review Assistance Application

Green folder 4

185. May 15, 2014

Letter to: Aldo A. Cipriano

Letter from: Leverett Wing, Division of Community Services

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

186. May 22, 2014

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

Vanessa Hale

Letter from: Angelo P. Catanzaro

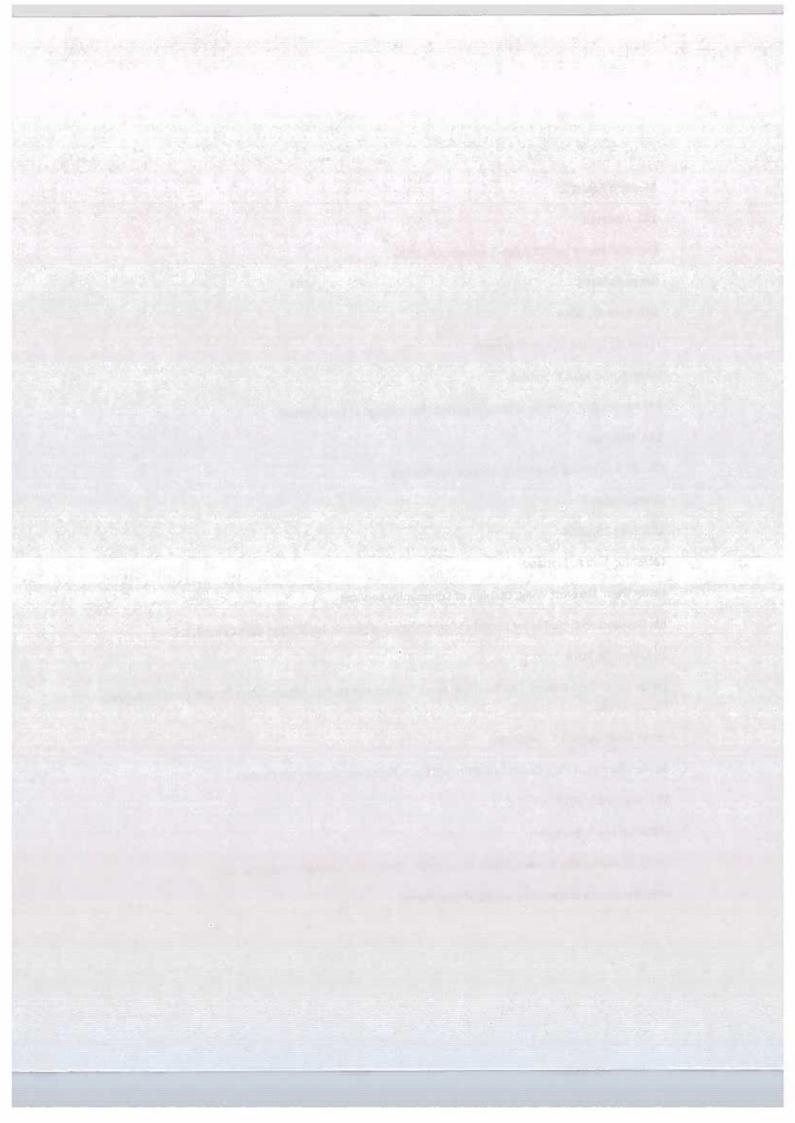
Re: Residences at Park Central 40-B Project Earth Removal, Permit Park Central

187. March 26, 2014

Letter to: Leo F. Bartolini

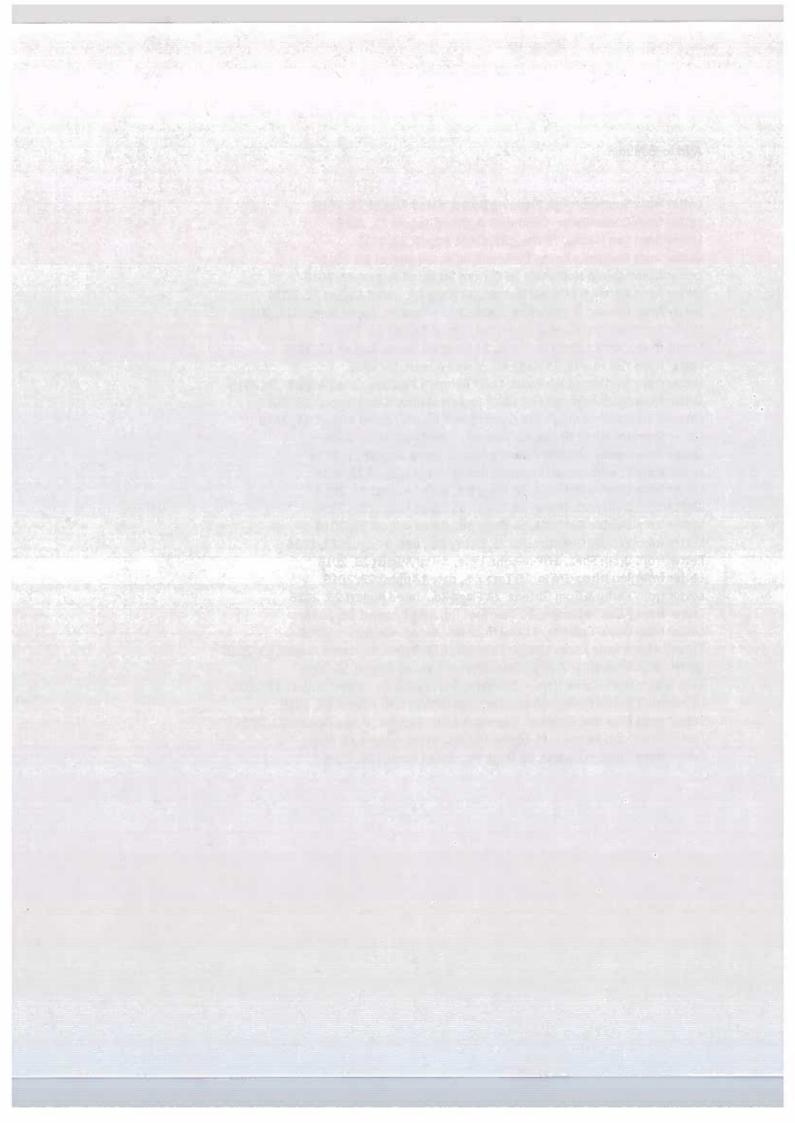
Letter from: Jennifer Burney, Town Planner Re: Park central and affordable housing

Miscellaneous e-mails and unindexed documents



Add to Exhibit 3

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



SOUTHBOROUGH ZONING BOARD OF APPEALS MEETING ADMINISTRATIVE MINUTES

MEETING DATE/LOCATION: Wednesday, March 24, 2015; McAuliffe Hearing Room, Town Offices

MEMBERS SITTING/PRESENT: TOWN OFFICIALS (& OTHERS) PRESENT:

R/A/C	- CC	255 Tumpila: R4, RMD	Bartolini Builders Southville Parkerville	352 Turaplice Rd Perris Dev	Pade
_R	Mr.Bartolini, Chair	S		S	S
R	Mr.Dennington	S	S	S	A
R	Mr.Bhisitkul	S	S	S	-A
R	Mr.Eagle	P	S	S.	S
R	Mr.Drepanos	S	S	S	25
A	Mr.Walker	Α	A	Α	A
A	Mr. Williams	S	A.	Α	Α
С	Karen Finelli	P	, b	∴ P	'n.,
C	Joe Giniewicz	P	JF.	·	A
Regula	r/Alternate/Clerk	Sitting/	resent/Abs	ant ·	

Mr. Valerio Romano, Esq. Mr. Marc Rosenfeld, CEO CommCan Inc.

Mr. John Bertolini Jr., Bartolini Builders

Mr. Peter Bemis, Engineer

Mr. Jose Martins, Ferris Development

Mr. William Depietri, Capital Group

Mr. Aldo Cipciano, Town Counsel Mr. Mark Possemato, Chair ConComm

Mr. Angelo Catanzaro, Esq.

Mr. Don Morris, Chair Planning Board

ZBA Administrative Minutes:

Continued Public Hearing: ~255 Turnoike Rd. Special Permit, Marijuana Dispensary
Sitting as a board: Battolini, Bhisitkul, Dennington, Drepanes, Williams
The Public Hearing for 255 Tumpike Rd opened at 6:35PM

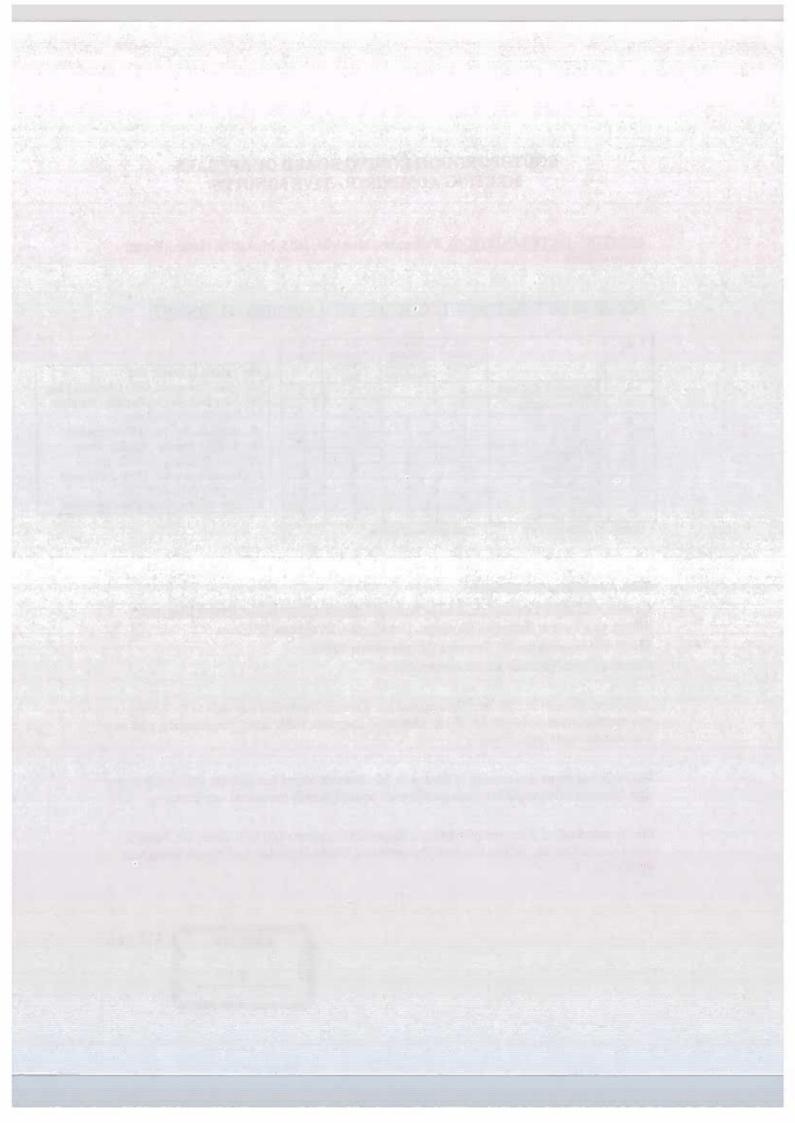
Chairman Bartolini made an exit announcement

At the board's request both Mr. Romano and Mr. Rosenfeld provided rebuttals to Dr. Medina's presentation made on March 23, 2016. Discussed diversion, buffer zone, public safety, cash only business and state regulations:

Mr. Bhisitkul expressed concern of diversion, Mr. Romano stated that patients will be required to sign documentation explaining safe guards and required storage of medical marijuana.

Mr. Bartolini asked if amount of marijuana dispensed to patients will be limited, Mr. Romano stated CommCan Inc. will be live with the website at Public Department of Health which will track sales.





Mr. Williams asked the applicant if they could provide current trends of diversion in the state. Mr. Romano responded that the first dispensary opened last June in Salem, Ma. and there is no data.

Mr. Matthew Rhine, 53 Deerfoot Rd. expressed concern that the board is rushing into a decision.

Mr. Howard Rose, 2 Bantry Rd. commented that he agrees with Mr. Rhine and asked that this matter be presented to the town for another vote by the people of the town.

Mr. John Megan, 8 Fitzgerald Ln., expressed concern as well that the decision is being rushed, why a dispensary in our town, what is the value of having one and its proximity to a neighborhood with children.

Mr. Gwam, 36 Meadow Lane concerned with diversion of marijuana, substance abuse and for the safety of our children we should oppose this dispensary.

Ms. Mudderidge, 15 Parmenter Rd. stated that she feels a 500-ft, buffer zone is sufficient and that zoning approval for marijuana dispensaries was not quished at prior town meetings. Having a legal dispensary will alleviate patients from cultivating at home using dangerous lamps.

Mr. Qi, 3 Presidential Dr. expressed concern that the marijuana will be easy for children to obtain and feels that another location is better suited for this type of business.

Mr. Robert Jancowski, 4 Strawberry Hill Rd. asked the applicant if the penalties are statutory and expressed concern that there is a statut to approve.

Dr. Yazdani, 16A Bantry Rd. asked how opening a dispensary would benefit the town and why does it need to be approved at this time. He also commented that there is a limited pool of patients who will benefit from medical marijuana.

Mr. Cimino, requested that town counsel clarify for the audience the timing of the decision of the application before them with relation to this same matter being presented for changes at town meeting. Town Counsel stated that the Board has a responsibility to act upon the application before them within the time permissible to either deny or approve.

Ms. Milisits, 1 Boswell Ln. expressed concern that this type of facility will have a negative effect on our neighborhoods and asked why we can't say no to this type of business as other surrounding towns have done.

Ms. Connelly, 26 Oak Hill Rd. expressed concern that the zoning is not by right for this type of business. She asked the board to consider health, harmony, real estate values and she feels there is no reason to approve the application and urged the Board to deny the application.

Ms. Wheatley, 22 Clifford St. presented pictures of edibles to the Board and expressed concern about edibles and the proximity of them to children.

Mr. Drepanos asked for clarification as to whether or not current patients with hardship permits to cultivate at home will expire if there is an approved local dispensary. Mr. Romano stated if patients have access then the hardship cultivation permits will not be approved from the Department of Public Health.

Mr. Williams asked if it would be appropriate to set a condition for edibles in order to address the resident's concerns.

Mr. Bhisitkul stated that maybe the Board consider defining which forms of edibles be available for sale such as those in the form of candy.

Mr. Dennington expressed concern that any conditions the board puts in place the building inspector is required to enforce.

Mr. Rosenfeld commented that cannabis in the form of food digests differently and is necessary for some patients, he opposes wiping out all forms of edibles.

Clerk read a letter from Mr. Brian Shea dated March 24, 2016 pertaining to including a host agreement into the final decision.

Chairman Bartolini discussed a letter from Ms. Bonnie Phaneuf which included recommendations for the Board's decision.

On a motion made by Mr. Dennington, seconded by Mr. Drepanos to close the public hearing for a special permit at 255 Tumpike Rd. CommCan Inc. RMD, all in favor (5-0) Bartolini, Bhisitkul, Dennington, Williams and Drepanos

Mr. Bhisitkul stated that the Board is not boxed into permitting this use then they should determine if this is an appropriate use for this location. Also, the criteria is objective and although this business meets the criteria he does have concern about the proximity to the Neary School.

Mr. Dennington stated he is in favor of granting the special permit with conditions previously discussed as well as those conditions recommended by Mr. Shea and Ms. Phaneuf.

Mr. Williams stated he believes that converting this site to sell recreational marijuana would require coming before the boards again for approval. He also agrees with Mr. Bhisitkul and Mr. Dennington that this use is zoned appropriately for this location.

Mr. Drepanos stated that the applicant is credible and feels that the use fits the criteria.

Chairman Bartolini agreed with the member's comments regarding granting the special permit.

The Board discussed setting the following conditions: setting a host community agreement, lighting and landscaping to be set by planning board, no vehicles parking on route 9, special permit will not be transferable, patients will be required to read and sign documentation pertaining to directions in and out of the facility, no loitering ar location, the applicant required to meet with police to review safety matters, exclude all edibles which appear like a candy product to the extend allowed by applicable law.

On a motion made by Mr. Dennington, seconded by Mr. Williams to approve the Special Permit to CommCan Inc. for a RMD at 255 Turnpike Rd. due to conflictions set by the logid. Vote of (4-1), (4) In Favor: Bartolini, Dennington, Williams, Drepanos, (1) Opposed: Bhisitkul

The board took a 5 minute recess at 8:55PM
The board reconvened at 9:07PM

Continued Public Hearing: 141-143 Southville Rd & 251-253 Parkerville Rd.- Special Permit

Sitting as a board: Bhisitkul, Dennington, Eagle, and Drepanes. Walker absent (3/24/16) Vice Chairman Bhisitkul explained that the full board is not available to sit on this matter this evening:

The applicant presented a request for both an extension of the application until April 21, 2016 as well as a request to continue the public hearing until April 20, 2016 at 7:30PM.

On a motion made by Mr. Bhisitkul, seconded by Mr. Eagle the board voted to continue the public hearing until April 20, 2016 at 7:30PM. All in favor: Bhisitkul, Dennington, Eagle and Drepanos.

On a motion made by Mr. Bhisitkul, seconded by Mr. Eagle the board voted to approve the extension of the application for special permit at 141-143 Southville Rd & 251-253 Parkerville Rd. until April 21, 2016. All in favor: Bhisitkul, Dennington, Eagle and Drepanos

<u>Public Hearing: 352 Turnpike Rd. – Ferris Development – Special Permit</u>
Sitting as a board: Bartolini, Bhisitkul, Dennington, Eagle, Drepanos
Hearing opened at 9:10PM

Clerk read into the record a letter of recommendation from the Planning Board.

Mr. Jose Martins of Ferris Development stated the purpose and need for the sign, it is difficult for emergency personnel and customers to find the building.

Mr. Drepanos asked for further clarification as to the location of the sign on the building.

Mr. Eagle stated that many people often stop at his place of business looking for 352 Tumpike Rd.

Both Mr. Bartolini and Mr. Bhisitkul had no questions.

On a motion made by Mr. Drepanos, seconded by Mr. Dennington to close the public hearing of 352 Turnpike Rd. All in favor (5-0). Bartolini, Bhisitkul, Dennington, Eagle and Drepanos

On a motion made by Mr. Drepanos, seconded by Mr. Bhisitkul to grant the special permit for a sign to be located 22' to 27' feet above finish grade on the building at 352 Tumpike Rd. All in favor (5-0) Bartolini, Bhisitkul, Dennington, Eagle and Drepanos.

On a motion made by Mr. Eagle, seconded by Mr. Dennington that the board supports the recommended zoning bylaw change to the over 55 housing provision. All in favor (5-0) Bartolini, Bhisitkul, Dennington, Eagle and Drepanos.

The Residences at Park Central
Sitting Members: Bartolini, Eagle and Drepanes

Clerk read into the record a letter from Conservation Commission dated March 21, 2016.

Mr. Depletri read into the record a summary of 9 meeting dates as well as documentation in which both the Planning Board and Conservation were provided.

On November 5, 2015, Ms. Paula Thompson, Waterman Design Assoc. submitted 27 sets of plans dated November 4, 2015 which were at 70% completion. A partial list of waivers they would be seeking was submitted with these plans.

On November 19, 2015 Conservation had the opportunity to review plans submitted and confirmed they did review plans per their letter dated December 1, 2015.

On December 3, 2015 meeting was held at town house, present: town planner, building commissioner, conservation agent, DPW superintendent and two abutters. Conservation agent asked the applicant if they plan to seek waivers. The applicant confirmed they would be seeking waivers from storm water management and the 20 foot no disturb bylaw.

On December 7, 2015 applicant attended Planning Board meeting and gave a full presentation, many questions asked by members pertaining to scope of the project as well as a request for an

updated list of waivers. Scheduled another meeting was for December 21, 2015 to provide updated list of waivers.

On December 10, 2015 applicant attended an advertised public hearing with Conservation meeting regarding ANRAD application.

On December 21, 2015 applicant attended a second meeting with Planning Board further discussed project as well as the partial list of waivers they would be requesting.

On January 6, 2016 applicant attended Planning Board meeting to discuss comment letter submitted to ZBA. The letter requested the list of waivers which were discussed previously with the Planning Board at the December 21, 2015 meeting.

On January 28, 2016 applicant met with Conservation and they approved ANRAD plan.

On February 4, 2016 applicant had a MEPA meeting at 257 Turnpike Rd, conservation agent and commissions consultant were present and the topic of waiver request was discussed.

The Board stated that they have given appropriate consideration to the applicant's waiver requests.

Town Counsel recommended that the Board provide a formal request for the Conservation Commission to be able to provide a response to the applicants request for waivers as well as rescind their prior vote regarding the waivers.

Mr. Possemato stated they expected the applicant to seek waiver requests however, the Conservation Commission would have liked to provide feedback.

Mr. Catanzaro stated the applicant plans to file a Notice of Intent under the Wetlands Protection Act but will not file a Notice of Intent under the local bylaws. Nor do they intend to comply with the 20 foot buffer rule.

Mr. Eagle stated that the Board will take the comments of Conservation Commission very seriously.

Mr. Catanzaro stated that he will put into writing details pertaining to the waivers requested and provide them to the Board;

Mr. Howard Rose, 2 Bantry Rd. asked when the Board will discuss the Chapter 40A part of the project.

Town Counsel explained that granting a Use Variance is the highest form of zoning relief which may be obtained and its jurisdiction is under the Zoning Board of Appeals. However, the Planning Board does have some authority and jurisdiction under a portion of the project as well.

Mr. Michael Scott, engineer with Waterman Design read and explained each of the waiver requests.

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant the waiver request of section 174-8.2 (RA residence A district), section 174-8.6 (IP industrial park district), section 174-8.7 (ID industrial district) use regulations and the dimensional requirements set forth within each section 174-8 through 174-8.10 including but without limitation section 174-8.6E (4) as the 40B rental building height will exceed 45' but not to exceed 55' feet at four stories. All in favor, vote (3-0)

Mr. Morris, chairman Planning Board stated that the planning board has jurisdiction pertaining to common driveways within the Chapter 40A portion of the project and requested that the Board not vote on the matter this evening.

Ms. Wendy DeMichaelis, 15 Bantry Rd stated that the abutters did not request in the neighbors agreement that the Planning Board not be involved. The Board and applicant disagreed with Ms. DeMichaelis.

On a motion made by Mr. Eagle, seconded by Mr. Diepanes to grant the waiver request of section 174-9.1 common driveways, section 174-9.1A (1)-(2) to waive the requirement that each lot served by a common driveway must have its own full required frontage on a public way and to waive the requirement of a turnaround provision in all seasons. The subject development is proposed on one lot which obtains it's frontage on Blagg Rd, a public way. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanes to grant the waiver request of section 174-10 site plan approval subject to special condition that the waiver applies only to the affordable housing component of the project as residual site plan approval as set forth in the Use Variance is under the jurisdiction of the Planning Board. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant the waiver request of the regulations under section 174-11 signs. The sign at the entrance of the 40B buildings will be illuminated past 10pm. The sign at the entrance of the 40B buildings and the sign on route 9 will be illuminated from within. An illuminated pylon sign will be located at Flagg Rd. Additional directional and informational signs to be presented by applicant as part of a signage request for Board approval. Subject to special condition that applicant provided detailed lighting drawings and further reservation that Board may impose conditions as to duration and intensity of signs. All in favor, vote (3-0).

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 174-12 parking and loading regulations waiver of the requirement of section 174-12C (2) is specifically made so as to allow for 9×18 parking spaces in lieu of 9×18 spaces throughout the integrated project so as to reduce impervious areas on site. Waiver of the requirements of section 174-12E (I) as to the 40B component so as to allow for 260 surface spaces and 44 garage spaces in lieu of 378 spaces. Waiver of the requirement of three spaces for townhouses

containing more than 2 bedrooms is requested. Subject to special condition that the waiver applies only to the affordable housing component of the project. All in favor, vote (3-0).

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 174-12.1 outdoor illumination. Waiver of strict compliance with Night Sky Compliant fixtures so as to allow for 14' poles in the Townhouse component with 18' in affordable housing component subject to special condition that applicant provided detailed lighting plan. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 174-13. Waiver of compliance with landscaping requirements for as to allow for (i) reduced number of trees and shrubs in lieu of the 40' tree spacing and 3' shrub spacing; (ii) landscape buffer of less than 10' along route 495 right of way where garages are located and retaining walls are required; and (iii) eliminate the requirement of tree planting within 60' of every parking space. Subject to special condition that applicant provided detailed planting plan with a minimum of 62 trees. All in favor, vote (3-0).

Mr. Morris requested that the Board not grant a waiver for lower impact development (LID) since it's an important bylaw to adhere to.

On a motion made by Mr. Drepanos, seconded by Mr. Bagle to grant waiver request of section 174-13.3, waive compliance with the LTD requirements subject to reconsideration or special conditions based on Planning Board comments. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13A (3) to allow for design and construction of site access driveways as private drives without connection to Tara Road and Bantry Road subject to special condition that entrance design to project properly addresses safety concerns to the satisfaction of the Board. All in favor, vote (3-0).

On a motion made by Mr. Drepanos; seconded by Mr. Eagle to grant waiver request of section 244-13(5) to allow for street jogs with center line offsets of less than 150 feet between two streets joining the third street from the opposite side. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13(7) allow for leveling area of more than 2% and less than 75 feet from the side line of the intersecting street right of way where the street grade exceeds 4% so as to accommodate road design at the following intersections: Webber Circle (south) with Park Central Drive – 3.6% for 55 feet, then 4.5%, Phaneuf Drive with Park Central Drive – 3.6% for 55 feet, then 8%, Holmes Drive with Phaneuf Drive – 3% for 20 feet, then 6.7%, Berry Circle (south) with Park Central Drive – 3.3% for 60 feet, then 5.3% subject to special condition that road/intersection design properly address safety concerns to the satisfaction of the Board. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13(9) to allow for construction of Park Central Drive with an 840 foot straight (tangent) section and pavement width of 22 feet. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13b (3) to allow for location of townhouse driveway openings within 65 feet of the intersection of the center line of intersecting site driveways so as to accommodate density approved in the use variance subject to the special condition that the Board may reconsider upon review of updated site plans. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to grant waiver request of section 244-13b (4) to allow for the site access driveways and common driveways (which are not public ways) to have grades of more than 8% within 10 feet of the edge of travelled way. All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to waive section 244-21a to allow for sidewalk construction only as shown on the site plan with sidewalks not being provided on both sides of Park Central Drive or John Boland Rusd; with no sidewalk connection to existing sidewalks and with no sidewalks on Phaneuf Drive, Holmes Drive, Berry Circle and Blackthorn Drive extension subject to special conditions that proposed sidewalk located within the townhouse component shall be subject to Planning Board review and approval: All in favor, vote (3-0).

On a motion made by Mr. Eagle, seconded by Mr. Drepanes to grant waiver request of section 244-23 to allow for sidewalk construction directly adjacent the curb (Park Central Drive) or directly adjacent to the roadway (Webber Circle). All in favor, vote (3-0).

On a motion made by Mr. Drepanos, seconded by Mr. Eagle to grant waiver request of section 244-24b so as to allow for the removal of existing trees within the right of way; the removal of trees larger than four inches in caliber and located outside the shoulders and the planting of road trees along John Boland Road and Blackthorn Drive Extension at intervals greater than 40° so as to accommodate necessary retaining walls.

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to extend the application of Park Central 40B until June 30, 2016.

On a motion made by Mr. Eagle, seconded by Mr. Drepanos to continue the public hearing until May 25, 2016 @ 7PM.

The meeting adjourned at 11:53 PM.

Respectfully submitted by: Karen Finelli, Clerk



Messechusetts Housing Finence Agency

Onc Bencon Street, Boston, MA 02108
Titl: 817.884.1000 | Fro: 817.864.1001 Vir. 868,758,1435 | www.chasthousing.com | 22 | Sept. 1 | 22 | Sept. 1 | 22 | Sept. 1 | 23 | Sept. 1 | 24 | Sep

Pebruary 11, 2014 and statement in the second of the second of

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

The Residences at Park Central Southborough words with the strain of the control of the strain of the PE-523 Project Eligibility (Site Approval) Application

Dear Mr. Deprietri:

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

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

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

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

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

The Residences at Park Central Southborough, MA PE-523

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

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

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

The Residences at Park Central Southborough, MA PB-523

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

and incompletely

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

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

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

The Residences at Park Central Southborough, MA PB-523

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

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

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

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

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

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

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

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

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

Sincerely.

Thomas R. Gleason

There P. Shem

Executive Director

CC: Mr. Aaron Gomatein, Undersecretary, Department of Housing and Community Development

Mr. Daniel L. Kolenda, Chairman, Southborough Board of Selectmen
Mr. Mark J. Purple, Southborough Town Administrator
Mr. Brian P. Ballantine, Chairman, Southborough Zoning Board of Appeals

Attackment 1.

760 CMR 56.04

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

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

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

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

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

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

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

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

Relationship to adjacent building typology

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

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

Building Massing

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

Relationship to adjacent streets/integration into existing development patterns

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

Density

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

Site Plan

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

Environmental Resources

It does not appear that any portion of the Site is located within a Flood Zone or in an Aquifer Protection Overlay District, and no significant natural or cultural resources or endangered species habitats have been identified. The Site plan has been designed to minimize the building impact on the approximately 14 acre of wetlands located on the Site.

Topography

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

Proposed Use

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

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

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

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

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

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

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

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

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



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

Tel: 617.854.1000 | Fax: 617.854.1091 Vr. 868.758.1435 | www.masshousing.com

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

Re: The Residences at Park Central, PE-523

Dear Mr. Bartolini:

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

June 19, 2015

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

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

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

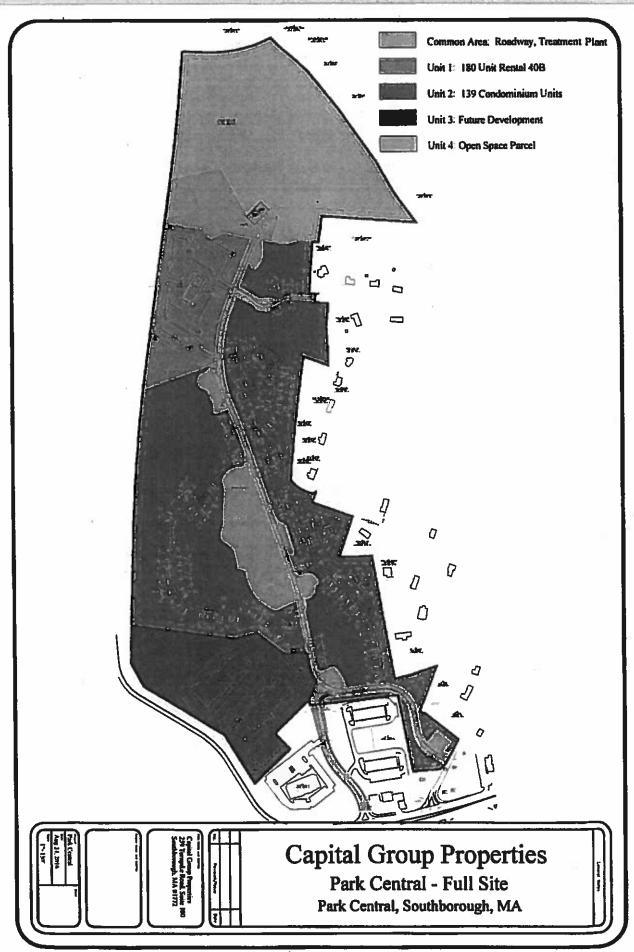
If you have any further questions regarding this project, please contact me at 617-854-1880.

Gregory P. Watson

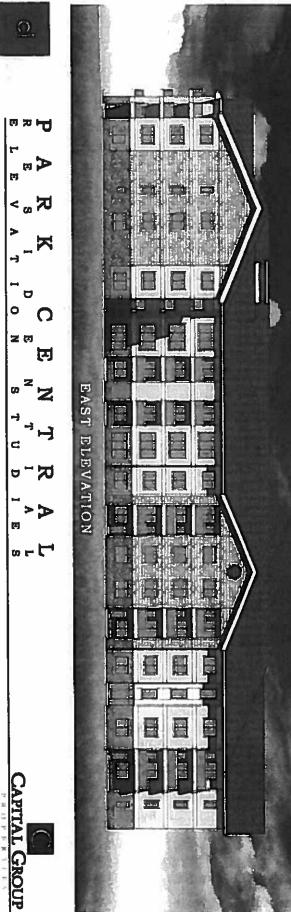
Manager, Comprehensive Permit Programs

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

EXHIBIT







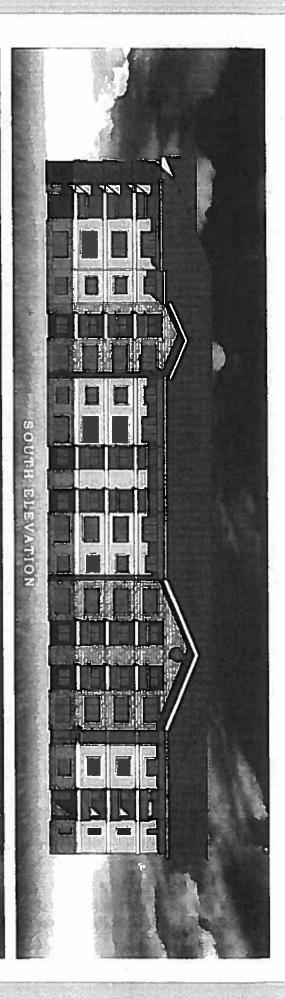
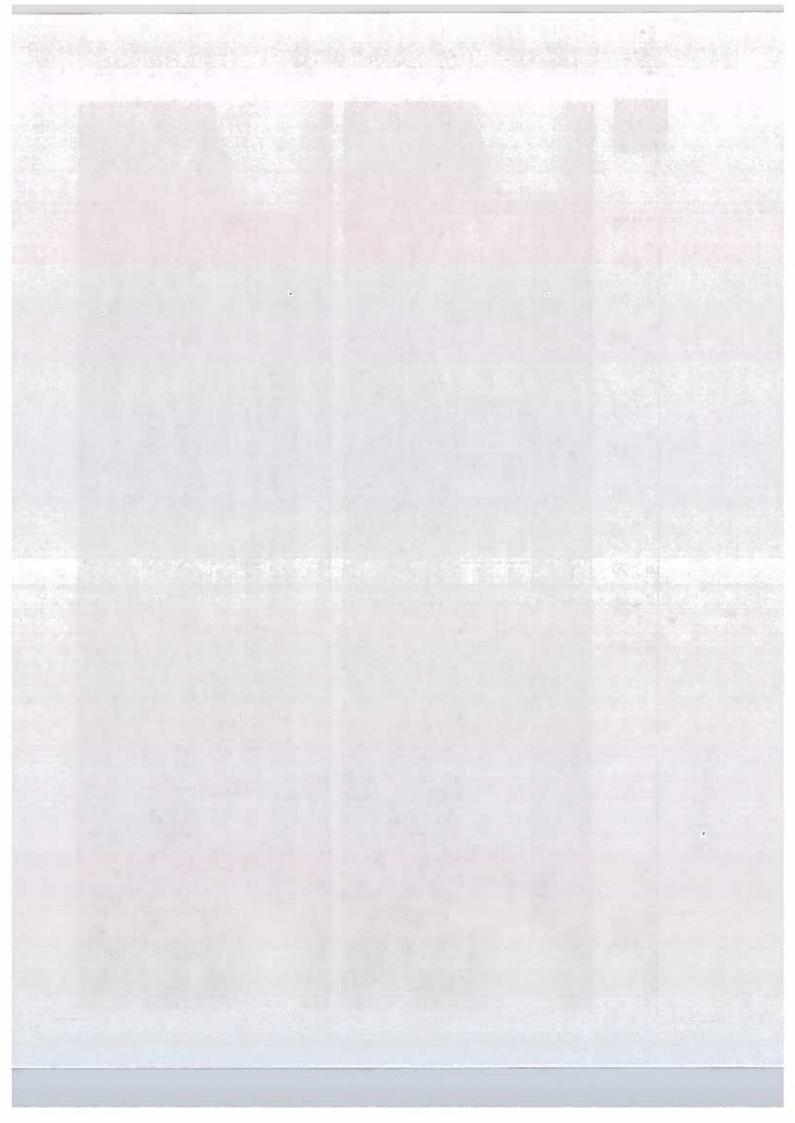


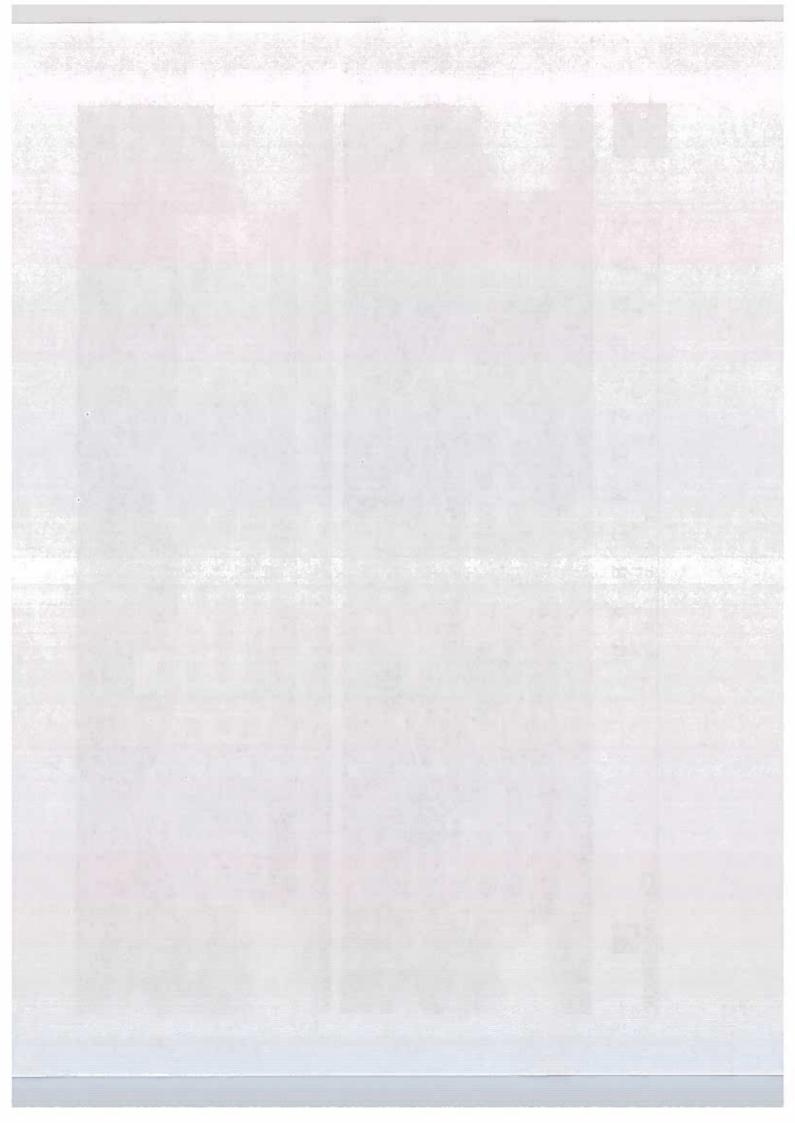
Exhibit 8



NORTH ELEVATION WEST ELEVATION

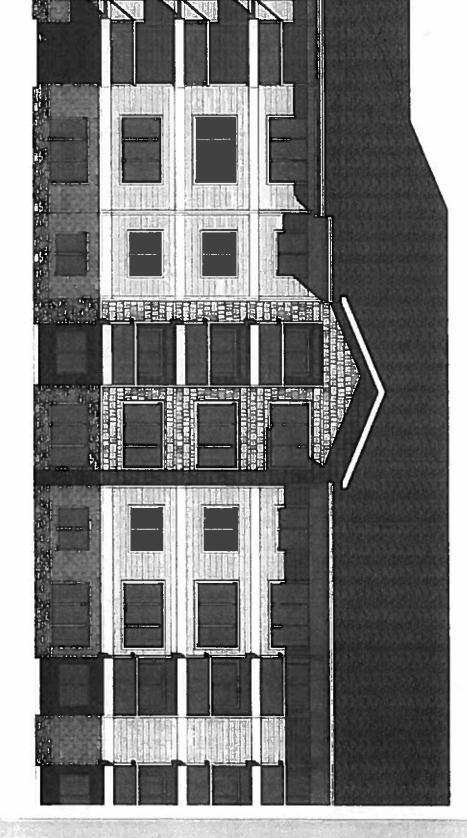
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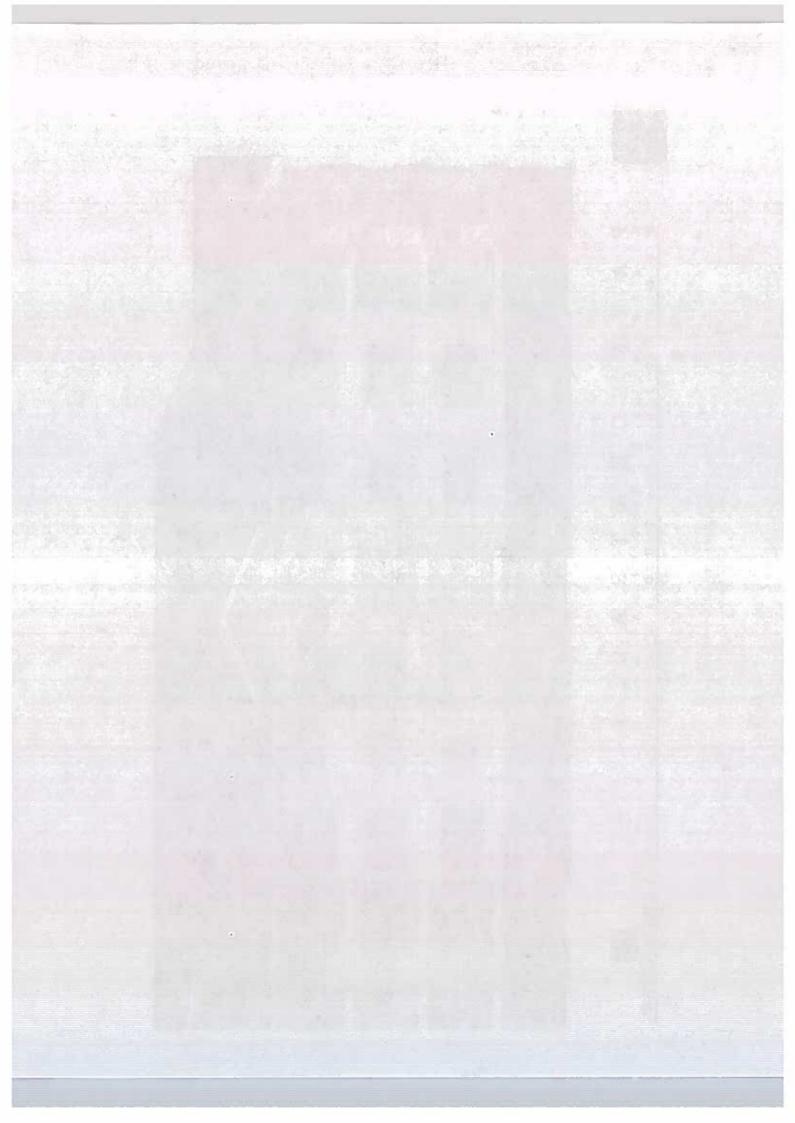
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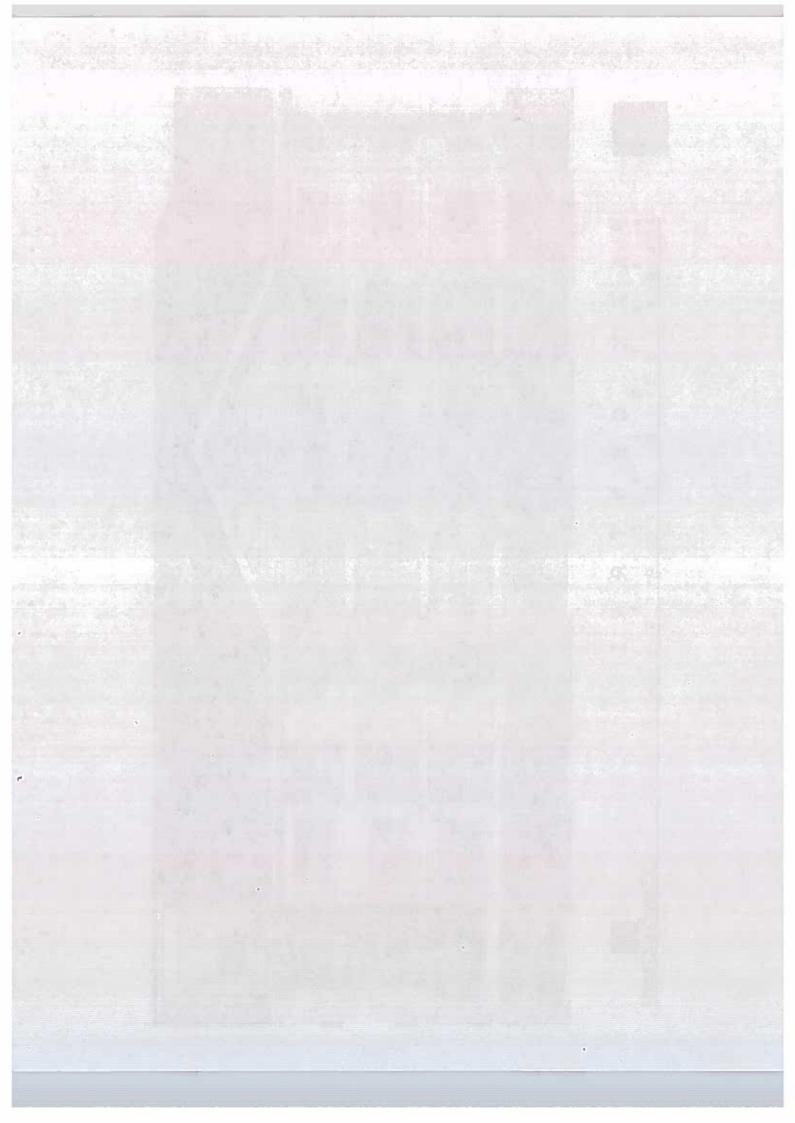
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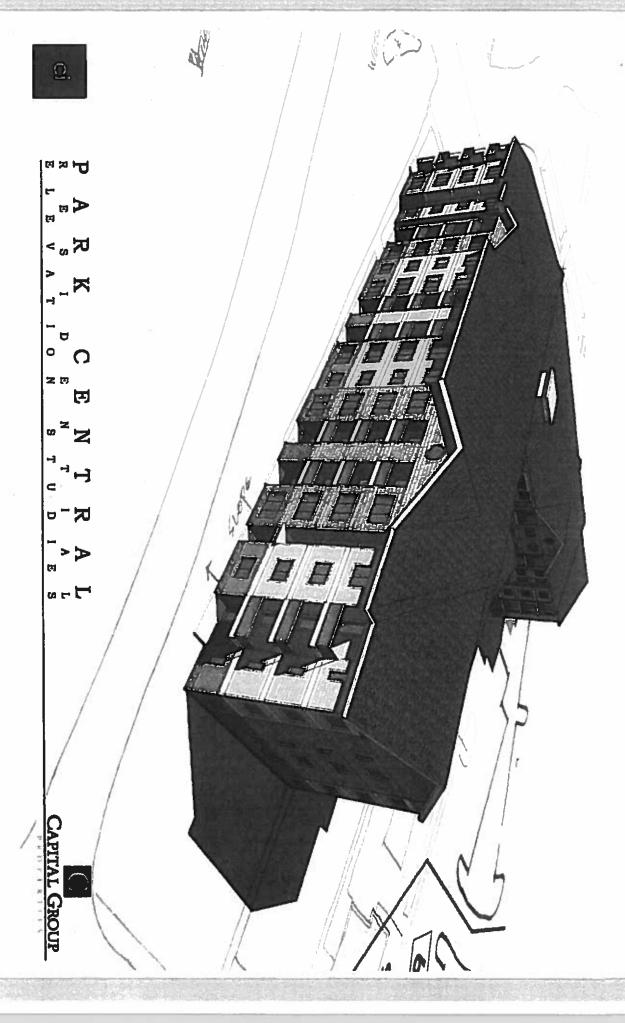
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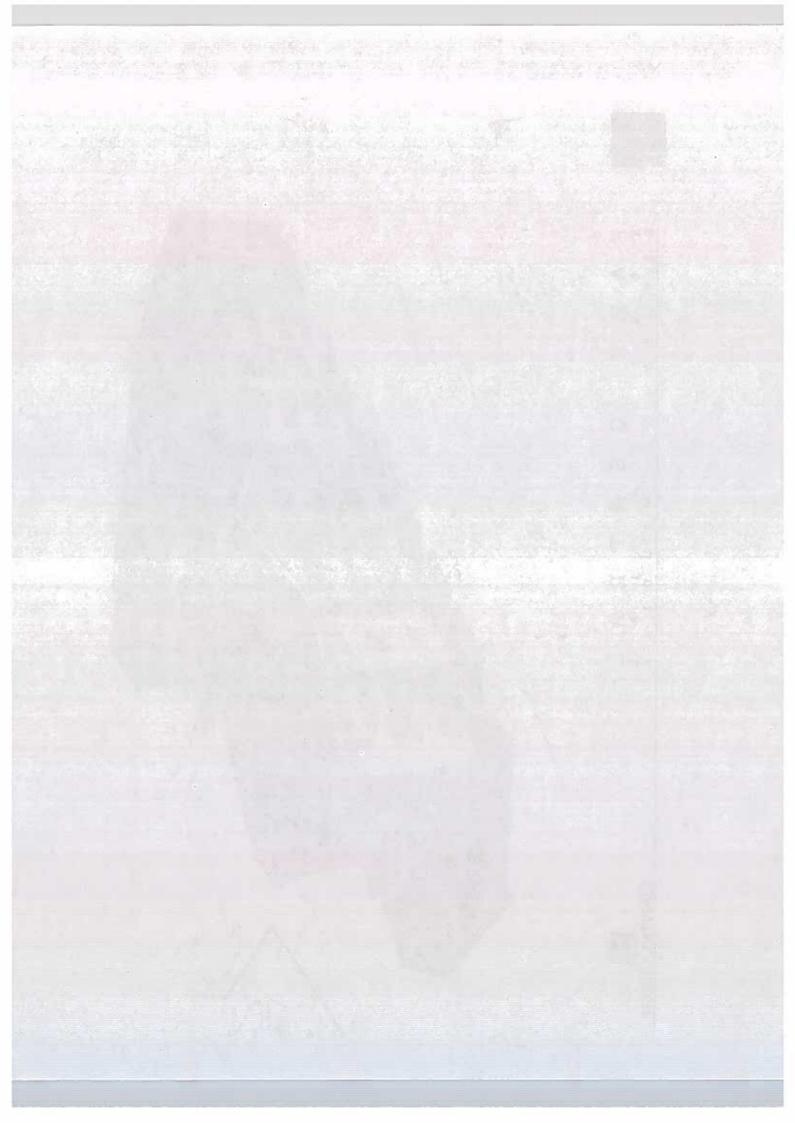


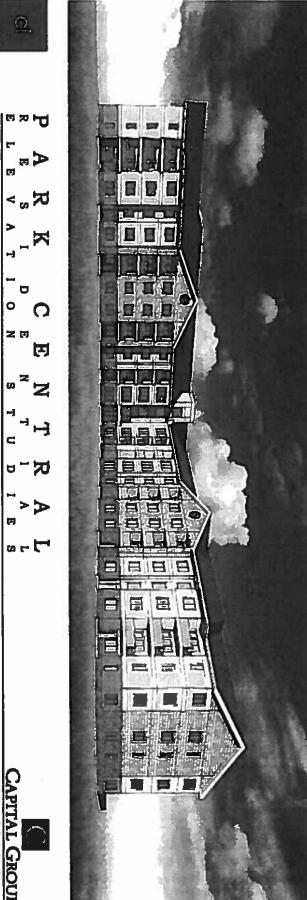


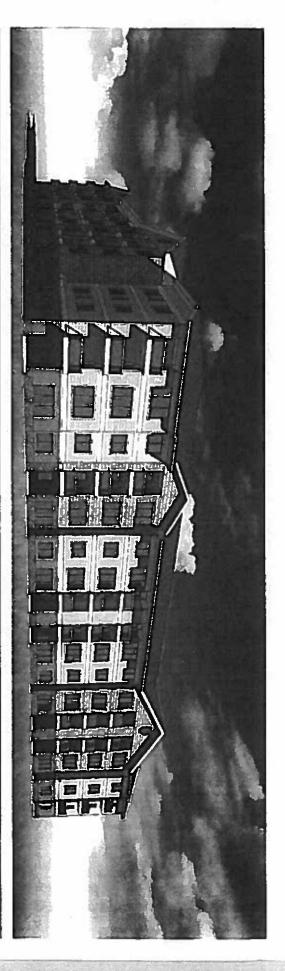
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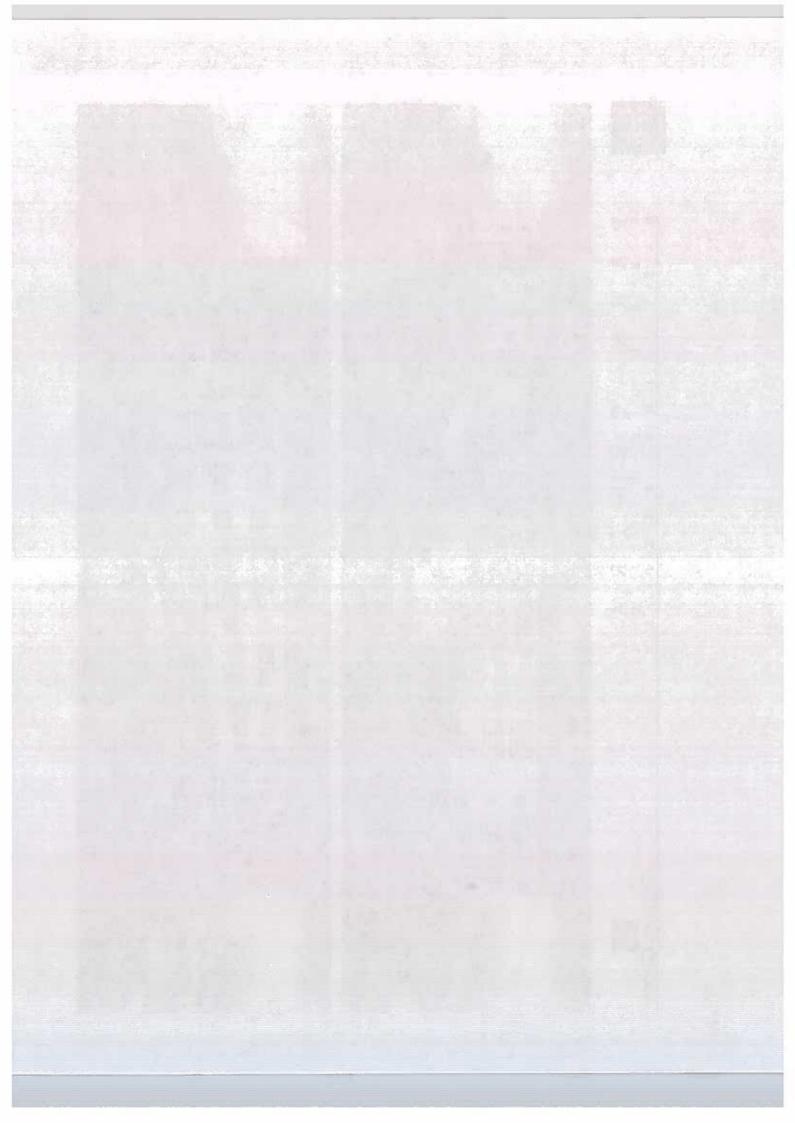


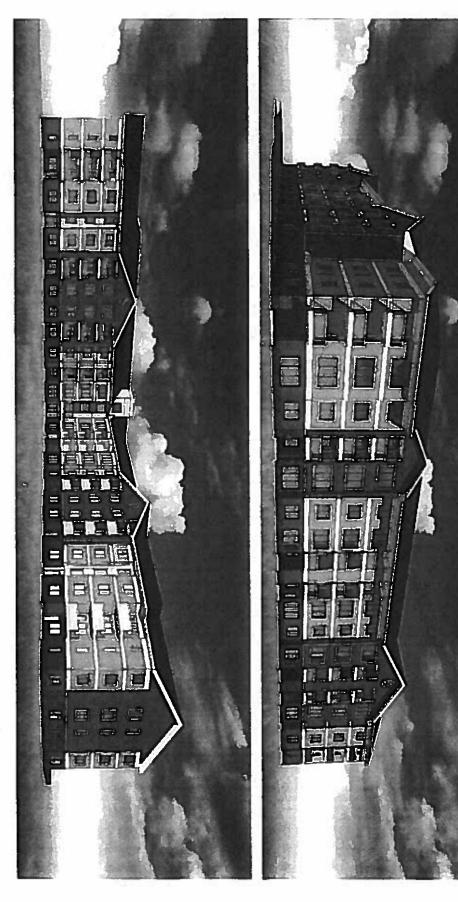


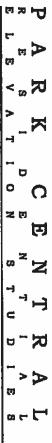


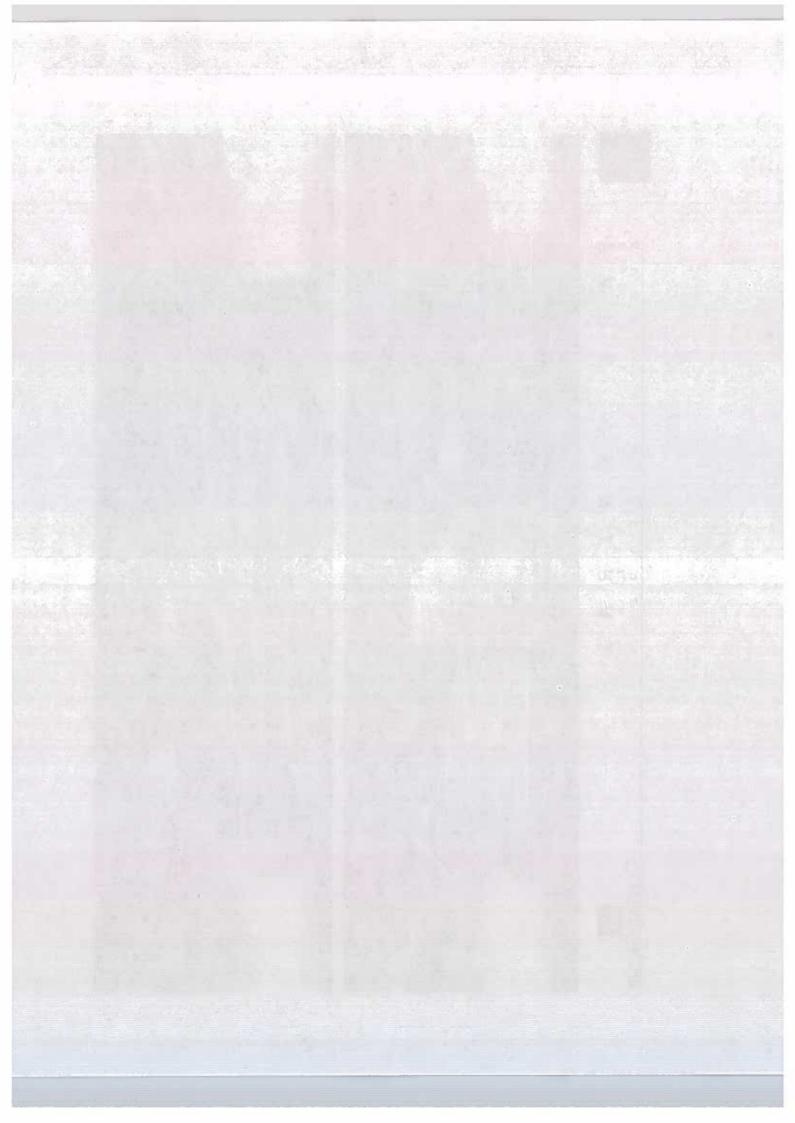


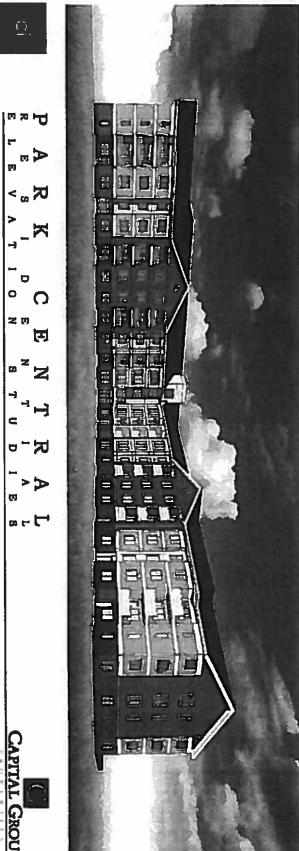




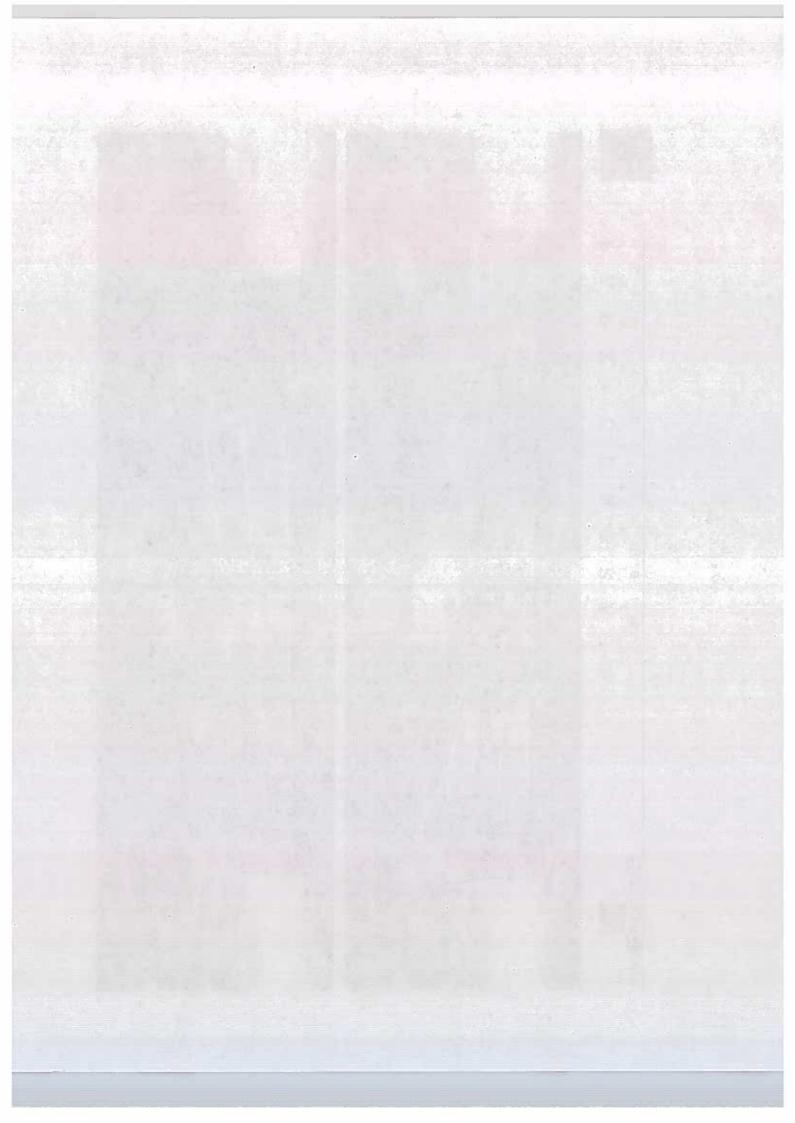






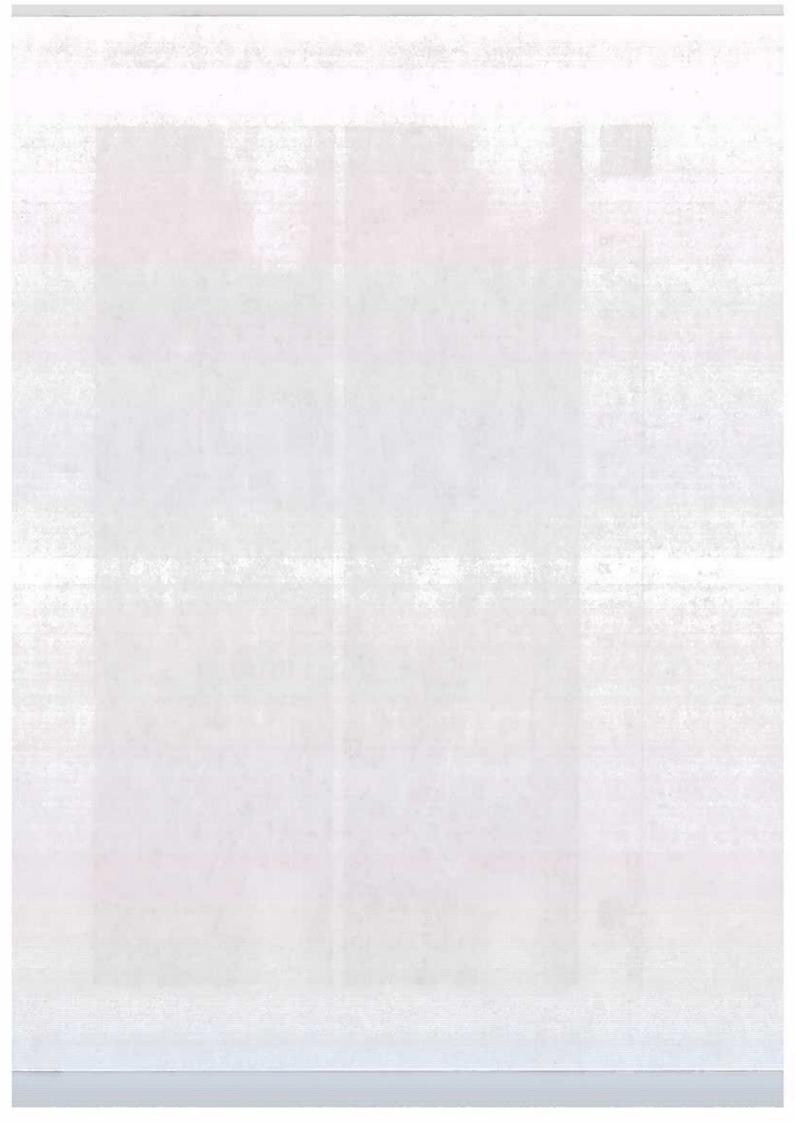




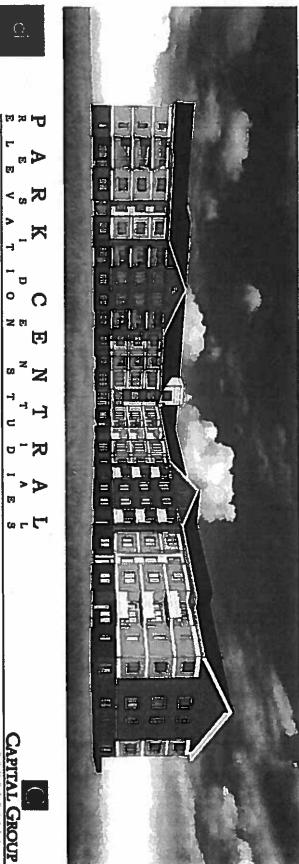


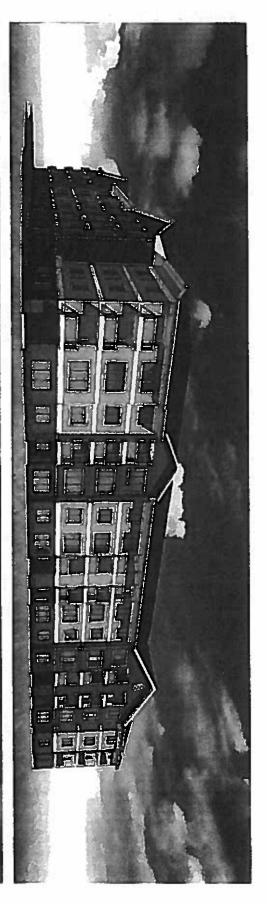
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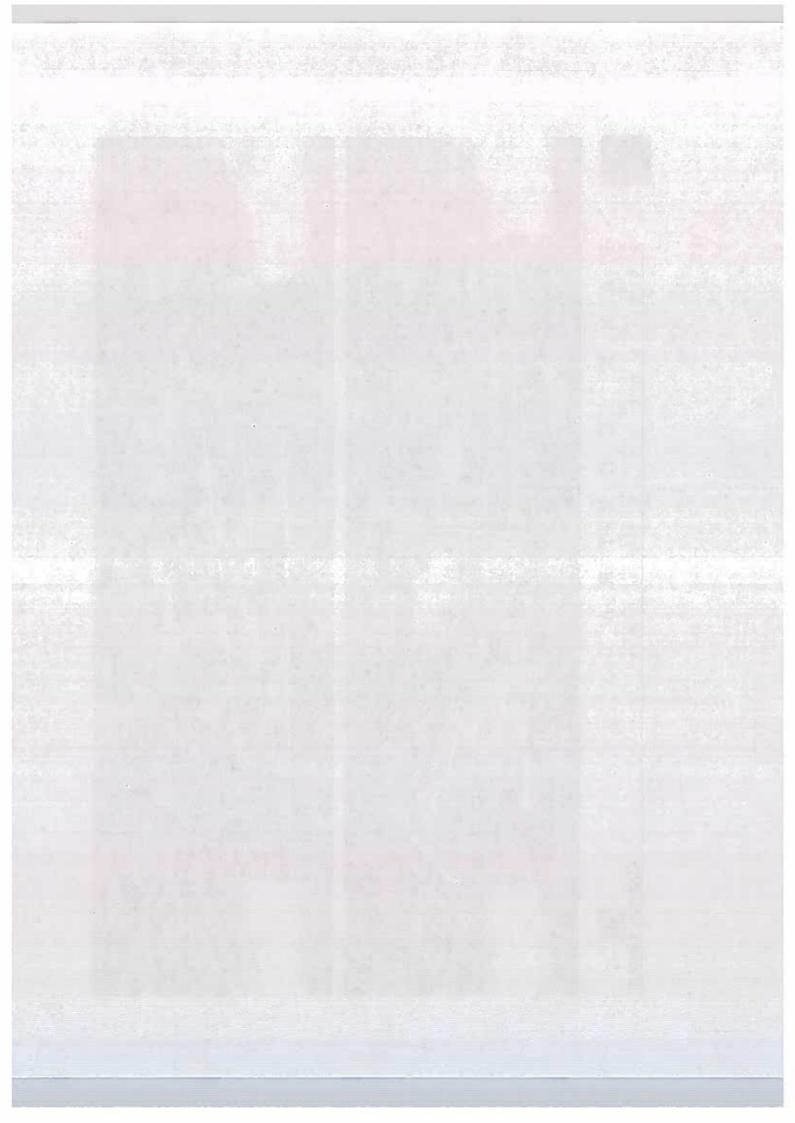


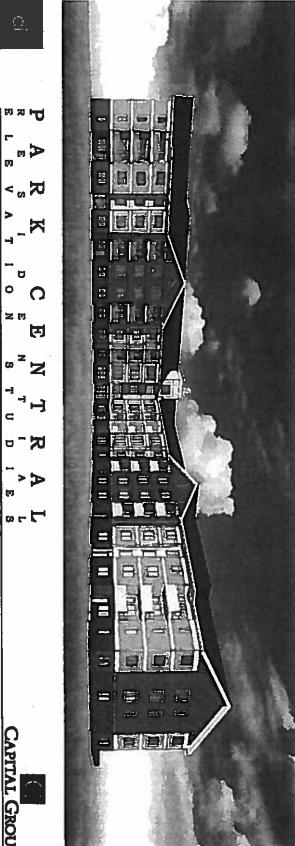


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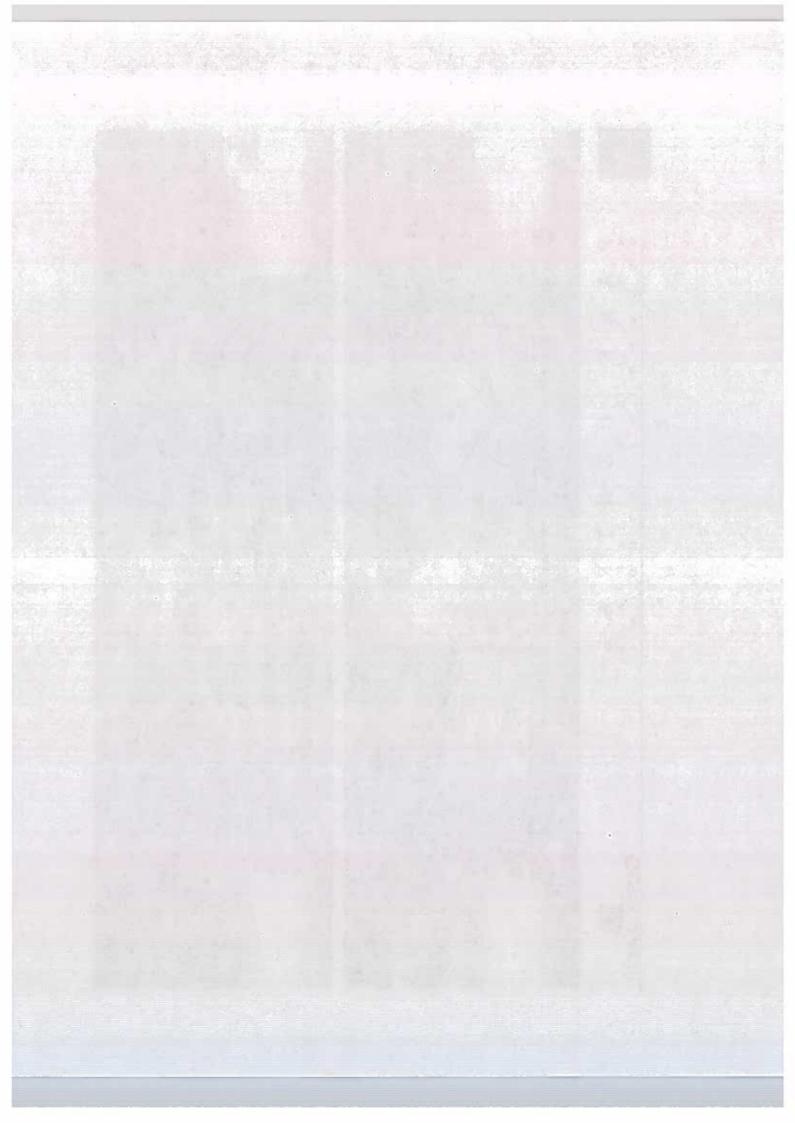




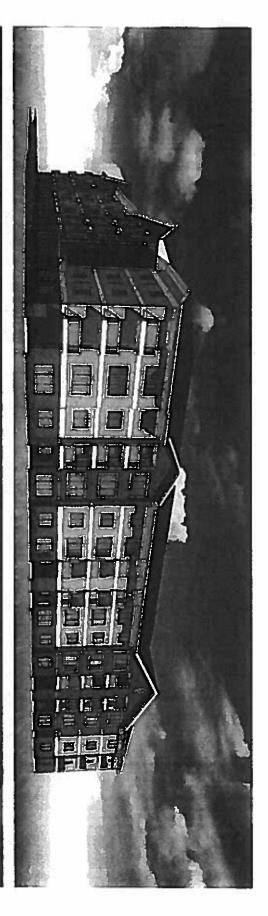


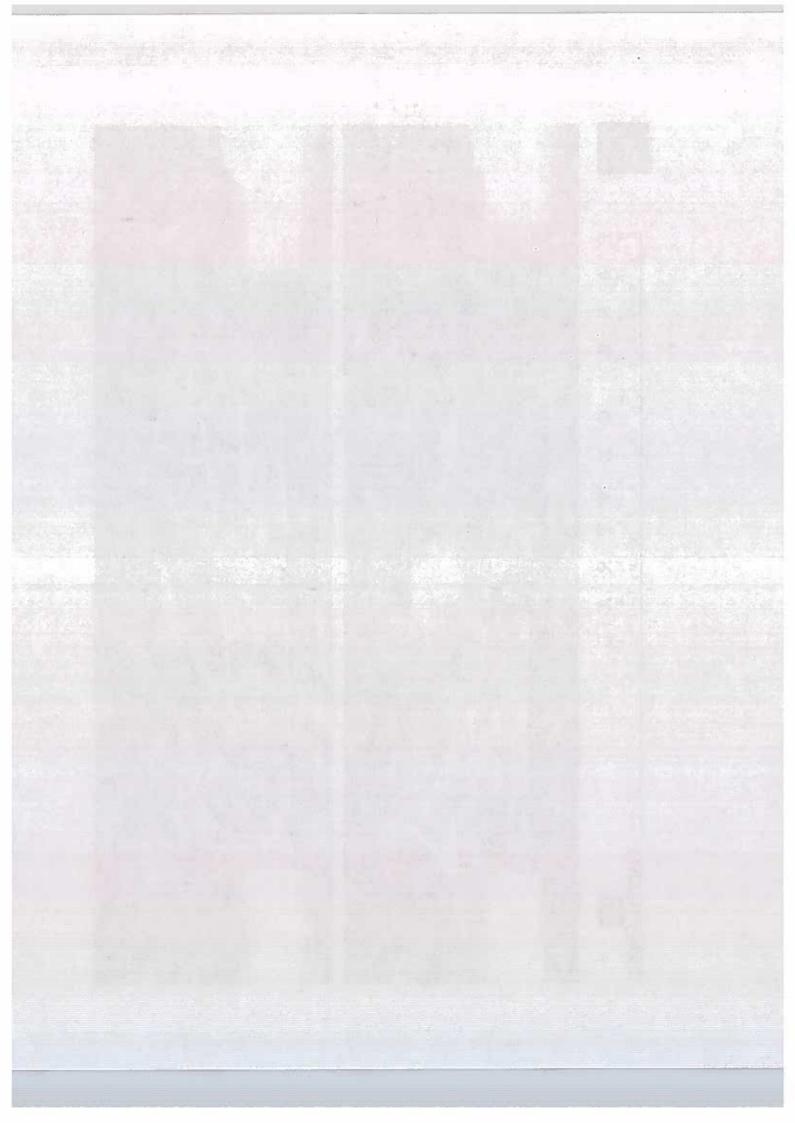


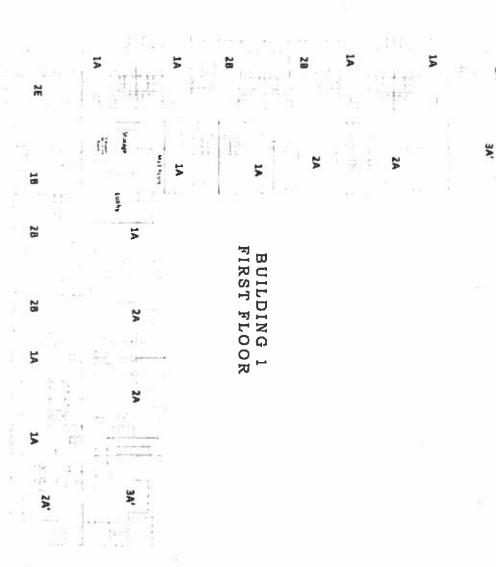




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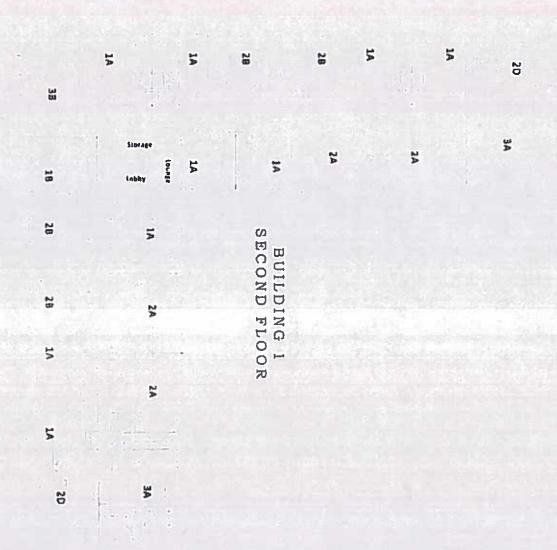


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PARK CENTRAL
RESIDENTIAL
BUILDING PLAN

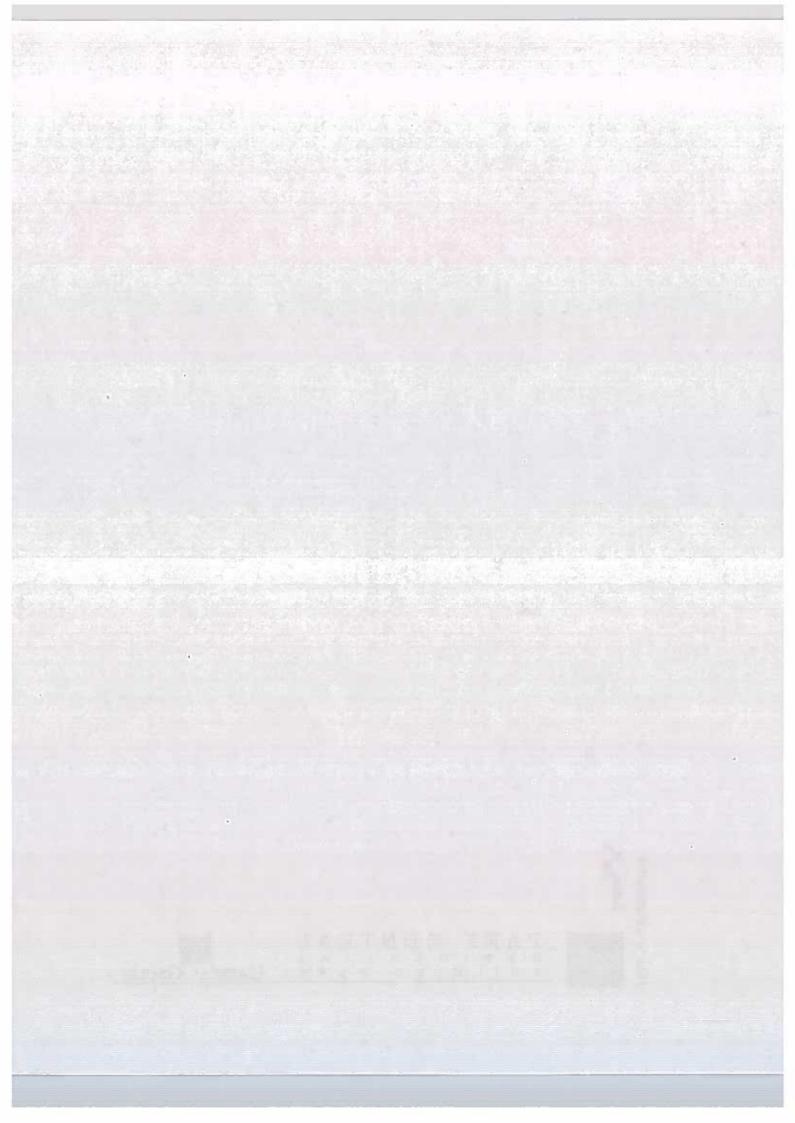


Storage BUILDING 1
TYPICAL FLOOR 2A



PARK CENTRAL
RESIDENTIAL
BUILDING PLAN





BUILDING 2 FIRST FLOOR

1A

Interest tense

1A

1A

21

1A

21

21

22

24

2 A

Ä

SEPTEMBER 9, 2015

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PARK CENTRAL
RESIDENTIAL
BUILDING PLAN

CAPITAL GROUP

20 Æ Ä 24 14 BUILDING 2 SECOND FLOOR 2A 28 Ä 28 1A 1A 14 ¥ 2F Z 38 20 14 28 A





PARK CENTRAL
RESIDENTIAL
BUILDING PLAN



BUILDING 2
TYPICAL FLOOR

1A

1A Lebby Lumpe

SEPTEME



2D

PARK CENTRAL
RESIDENTIAL
BUILDING PLAN

1A



20

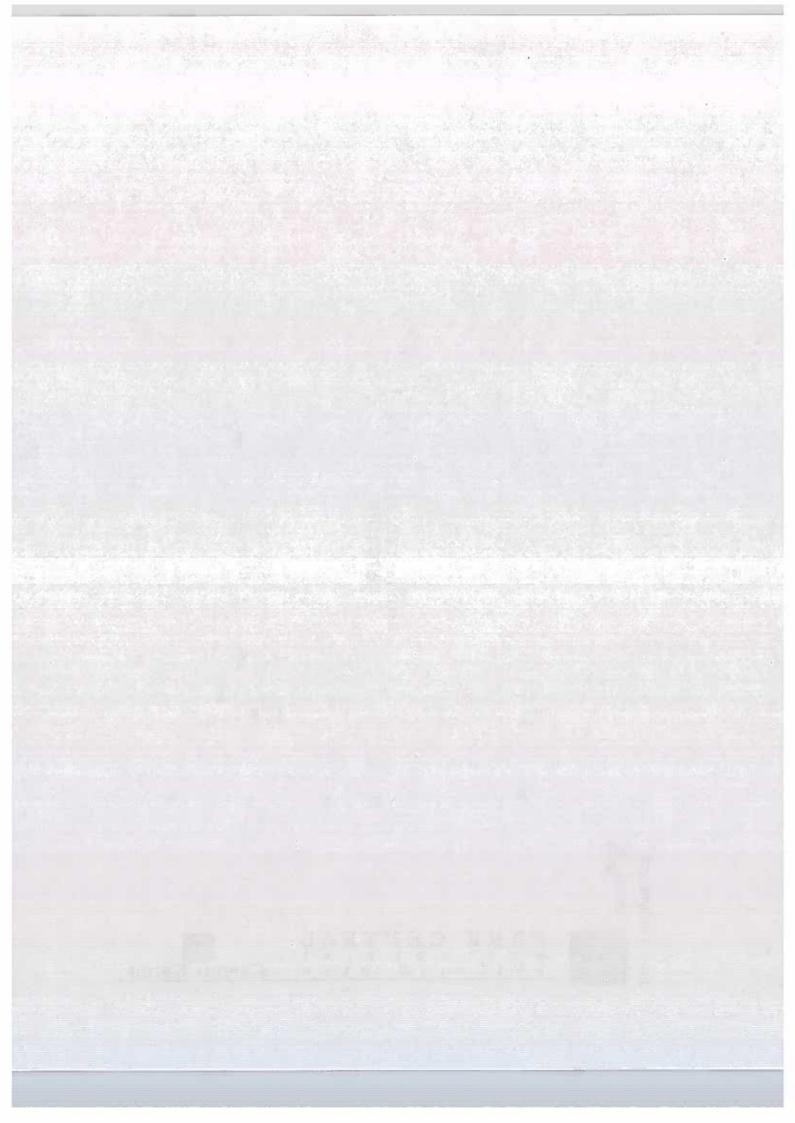
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SEPTEMBER 9, 2015

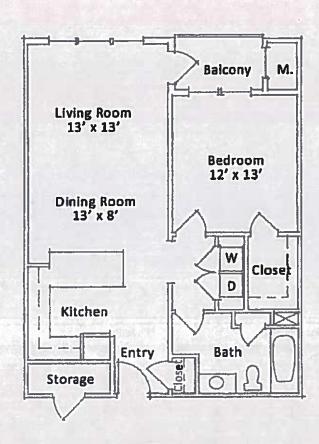


Unit Types	One Bedrooms			Two Bedrooms						Three Bedrooms			Total Units
	JA	18	10	ZA.	2A"	28	2D	2E	2F	3A	3A'	38	
BUILDING 1			1			1							
Fourth Floor	9	1		4		4	2	11		2		1	23
Third Floor	9	1		4		4	2			2		1	23
Second Floor	9	1		4		4	2			2		1	23
First Floor	9	1		4	2	4		1			2		23
Total by Unit Type	36	4		16	2	16	6	1		6	2	3	92
Subtotal by Bedrooms	40					41					11		
BUILDING 2	-	-		Secus								-	
Fourth Floor	10			3		4	2		1	1		1	22
Third Floor	10			3		4	2		1	1		1	22
Second Floor	10			3		4	2		1	1		1	22
First Floor	10		1	2	2	4			1		1	_	21
Total by Unit Type	40		1	11	2	16	6	1	4	3	1	3	87
Subtotal by Bedrooms	41				40					7			
Total by Bedrooms		81	-				31				18		180







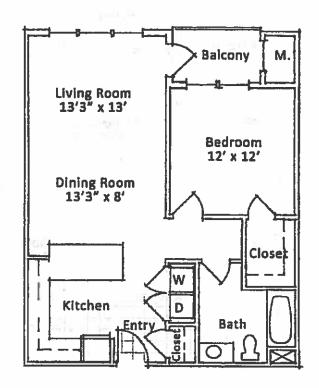


UNIT 1A 825 sf. Buildings 1 and 2 All Floors 76 Total







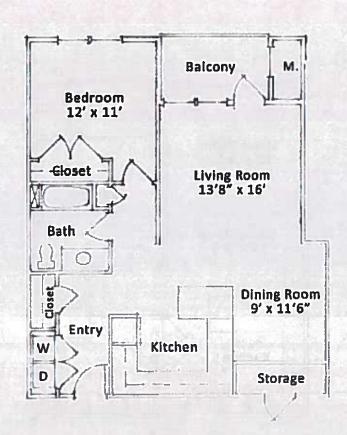


UNIT 1B 760 sf. Building 1 All Floors 4 Total







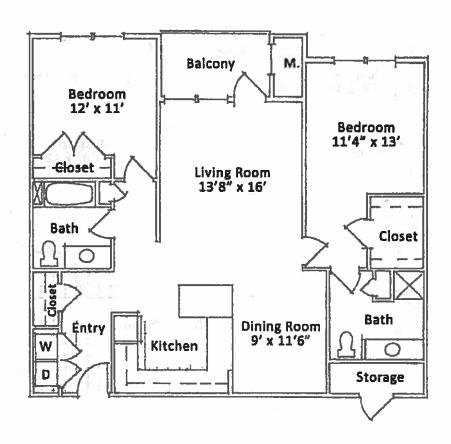


UNIT 1C 835 sf. Building 2 First Floor 1 Total







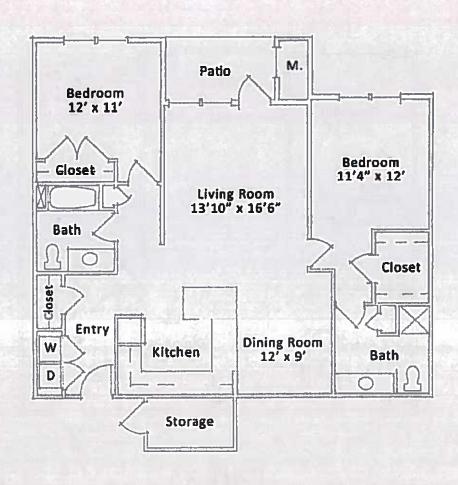


UNIT 2A 1170 sf. Buildings 1 and 2 All Floors 28 Total







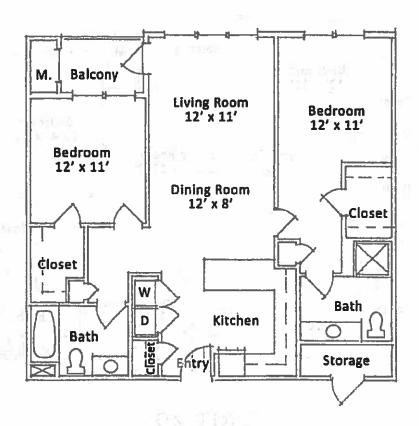


UNIT 2A'
1160 sf.
End Unit Buildings 1 and 2
First Floor
4 Total







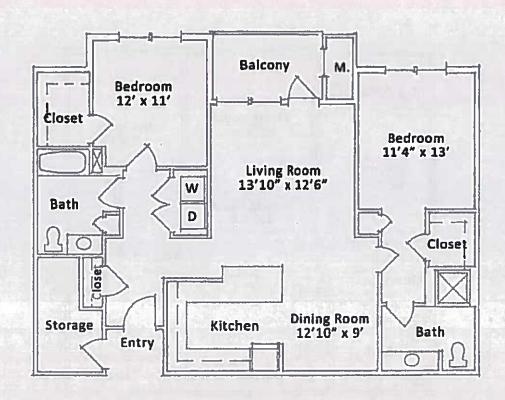


UNIT 2B 1075 sf. Buildings 1 and 2 All Floors 32 Total







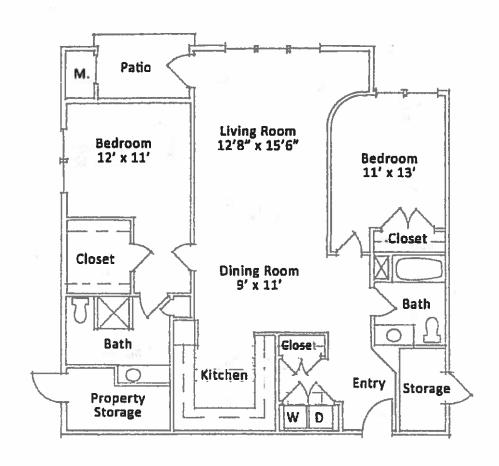


UNIT 2D 1185 sf. End Units in Buildings 1 and 2 Floors 2, 3 and 4 12 Total





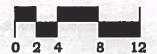


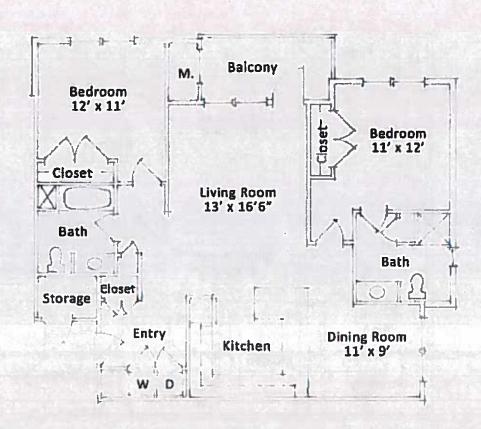


UNIT 2E 1195 sf. Outside Corner Buildings 1 & 2 Ground Floor 2 Total







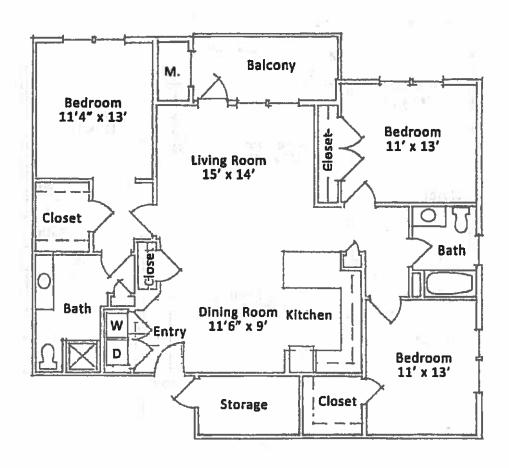


UNIT 2F 1160 sf. End Unit Building 2 All Floors 4 Total







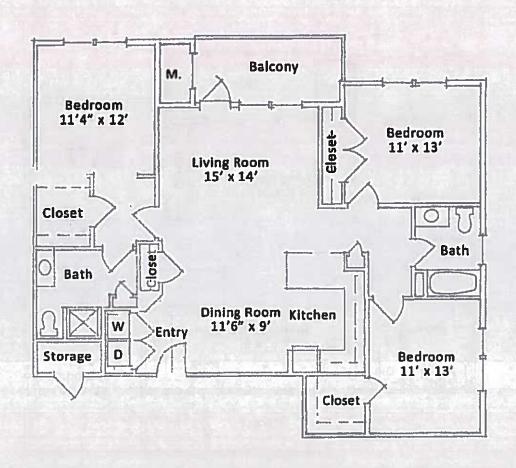


UNIT 3A 1365 sf. End Units Buildings 1 and 2 Floors 2, 3 and 4 9 Total







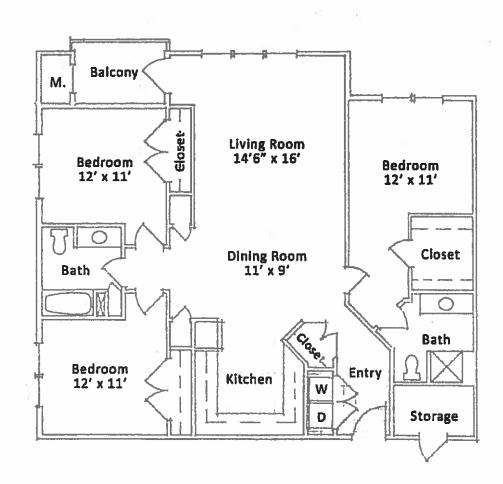


UNIT 3A'
1305 sf.
End Units Buildings 1 and 2
Floor 1
3 Total









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





