

AMB
RECEIVED
TOWN CLERK
2024 AUG 14 P 2:45

**Town of Southborough
PLANNING BOARD**

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

DECISION of MAJOR SITE PLAN APPROVAL

**337 TURNPIKE ROAD
ADULT DAY CARE (Change of Use)**

August 13, 2024

Procedural History

- 1) An application for Major Site Plan Approval (MSPA) was filed in the office of the Southborough Town Clerk on July 2, 2024.
- 2) The Major Site Plan Approval (MSPA) is sought under Southborough Zoning Bylaw §174-10 for a change of use from Office to an Adult Day Care facility operated out of an approximately 14,545 square rental unit located on the first floor of the existing building at 337 Turnpike Road. There is no proposed exterior site work.
- 3) The owner of the property is WD Southborough LLC (Jeffrey Walker, Manager), with address of 5 Mount Royal Ave, Suite 40, Marlborough, MA 01752.
- 4) The applicant is Gracious Home Adult Day Health Care Center, LLC (Qingshan Tony Zheng, Manager), with address of 2 Ray Ave, Burlington, MA 01803.
- 5) The project is located on the property of 337 Turnpike Road, Southborough, MA 01772, identified on Southborough Assessor's Map 25 Parcel 12B consisting of approximately 3.744 acres, and Worcester Registry of Deeds Book 70029 Page 31. The parcel is located primarily in the Industrial Park (IP) zoning district with a very small section in the north west corner in the Industrial (ID) zoning district.
- 6) The Zoning Act, having been duly complied with regarding notice, a public hearing was opened and closed on July 22, 2024. Copies of the meeting minutes for each session of the public hearing are available at the Planning Department.
- 7) The application was accompanied by plans entitled "SITE DEVELOPMENT PLANS FOR GRACIOUS HOME ADULT DAY HEALTH CARE CENTER, LLC, PROPOSED DEVELOPMENT MAP 25 LOT 12B, 337 TURNPIKE ROAD, WORCESTER COUNTY, TOWN OF SOUTHBOROUGH, MA" consisting of one (1) sheet total, including Existing Conditions Plan, Major Site Plan Application, Change of Use Plan Sheet C-001 dated June 27, 2023 and revised through July 22, 2024, prepared by Bohler Engineering, 352 Turnpike Road, 3rd Floor, Southborough, MA 01772, stamped by Matthew J. Mrva, RLA.
- 8) Other materials received with the application and during the project review:
 - Cover letter for application by Bohler Engineering (BE) dated 06.27.24 with MSPA application and fee (peer review fee not required), MSPA Checklist, Business Entity Summaries for Gracious Home Adult Day Health Care Center, LLC (applicant) and WD Southborough LLC (property

owner) for Signature Authority, copy of property Deed, copy of portion of Lease agreement dated 03.28.24, and Certified Abutters List dated 05.07.24

- Site Plan Criteria Analysis, Gracious Homes Adult Day Care, MSPA review Criteria Southborough Bylaw Section 174-10(B)(2) identifying waiver requests dated 06.27.24 prepared by applicant's Attorney Neal Bingham
- Aerial Image (Google Map) of the Subject Site dated 05.14.24
- Copy of "Grant of Easements" recorded at Worcester Registry of Deeds Book 55322 Page 291 dated 05.12.16 indicating shared parking between 333 Turnpike Rd and 337 Turnpike Rd, and including exhibit A of ANR Plan dated 06.22.07 revised 03.07.16 and endorsed by the Planning Board on April 11, 2016 subdividing the existing parcel into two lots
- Email from Attorney Neil Bingham, Law Offices of Jerry C. Effren, dated 06.24.24 regarding septic system information
- Architectural Floor Plan Layout, Adult Day Care 337 Turnpike Road, Progress Print, Floor Plan Layout Sheet A-201 with revision date 03.14.24 prepared by J. Ferrera Associates Inc. (JFA), stamped by John A. Ferrera, Jr., RA
- First & Second Floor BOMA (Building Owners and Managers Association) Plan Exhibits dated 03.26.24 for 337 Turnpike Rd depicting building space use prepared by Mangel Destefano Architects
- Cover Letter dated 07.18.24 for revised submission
- Supplemental Memorandum in Support of Site Plan Approval for 337 Turnpike Rd received 07.22.24 prepared by Bohler Engineering with responses to Building Commissioner's questions in email dated 07.12.24
- Copy of Septic System Design Plans (2 sheets) prepared by BSC Robin & Fox and approved by BOH 05.15.1989

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

- Building Commissioner, Chris Lund, letter dated 07.12.24 regarding his opinion, concurring with former Building Commissioner Peter Johnson's 05.09.2007 letter, that the proposed Adult Day Care is an allowed use via ZBA special permit most resembling "home for the aged", and as currently referred to in §174-8.6.C(7). In addition, the letter cited no apparent issues per Captain Chris Dano, Fire Department
- Building Commissioner, Chris Lund, email dated 07.12.24 with questions related to the proposed Adult Day Care's operation
- Email from Lara Davis, ZBA Principal Assistant, and dated 07.18.24 regarding ZBA granting two Special Permits at their 07.17.24 meeting to allow two principal uses on one lot, and to allow an adult day care use

Findings

- 1) The proposal is for the change of use of approximately 14,545 SF of office space to an Adult Day Care Facility on the 1st floor of the existing building, with no exterior site development activities proposed beyond the installation of a sign on an existing pylon.
- 2) Based on the sites allocation of uses (proposed adult day care, existing offices and warehouse) of the existing 42,539± square foot building, the existing conditions site plan provided indicates 106 parking spaces required and 137 parking spaces existing at the site. There is an existing Grant of Easements recorded at the Worcester Registry of Deed Book 55322 Page 291 in 2016 around the time when an ANR for 333-337 Turnpike Rd was endorsed by the Planning Board on 04.11.16 subdividing the property that contained the two buildings into two separate lots. The

Grant of Easements in part allocated 25 parking spaces on the 333 Turnpike Rd lot for 337 Turnpike Rd parking as well as 3 parking spaces intersected by the newly created property line.

The proposed adult day care facility itself requires 51 spaces. The applicant indicated no impact to other tenants within the existing building, as the need for onsite parking will be significantly less due to the fact that customers will be transported to the facility by the approximately ten (10) company shuttle vans anticipated for use at the Premise; and on average, those vans will make a total three trips per day each for a total of approximately 30 customer-related trips in the course of day. The Applicant expects that it will have ten (10) shuttle vans parking on the site. The facility will typically have approximately 15 total employees on site during any work shift.

- 3) On 07.17.24, the proposed Adult Day Care was granted ZBA Special Permits to allow two principal uses on a lot and to allow an adult day care use in the Industrial Park (IP) zoning district that allows "Hospital, Nursing Home, Home for the Aged" by special permit under Southborough Zoning bylaw §174-8.6.C(7). The ZBA Notice of Decision of an Application for a Special Permit dated 07.24.24 was filed with the Town Clerk on 07.24.24.
- 4) Under the Town of Southborough Zoning Bylaws, Site Plan Review is an administrative review of the site design for uses that are allowed in the underlying zoning district, and not a review of a proposed or existing use.
- 5) Based on only interior work and no exterior site work proposed for the change in use to Adult Day Care, peer review by the Town's Engineering Consultant of the Major Site Plan Approval application was not required.
- 6) The Planning Board, Town Planner and other Town departments have reviewed the applications, plans, design documentation, correspondence and other submission material. Throughout the public hearing process, the Planning Board has been mindful of the statements and comments of the applicants, their representatives, Town staff, the abutters, and the general public.
- 7) The Decision Criteria for Approval of a Site Plan are contained in §174-10. D of the Zoning Bylaw, which states that site plan approval shall be granted by a majority vote upon determination by the Planning Board that the following are complied with. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment; shall provide adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land; shall be so designed that for the given location, type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:
 - Minimize the volume of cut and fill, the number of removed trees six (6) inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.
 - Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.
 - Minimize obstruction of scenic views from publicly accessible locations.
 - Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing

glare from headlights through plantings or other screening, minimizing lighting intrusion through use of such devices as cutoff luminaries confining direct rays to the site; fixture mounting height not higher than twenty (20); and avoiding unreasonable departure from the character of buildings in the vicinity.

- 8) The applicant and the project representatives demonstrated on the plans, in reports, through correspondence and during the public hearing that the proposed development is in conformance with the Zoning Bylaws.
- 9) The Planning Board found that the plan, subject to conditions listed herein, is in conformance with the standards required by the Southborough Zoning Bylaw and that the proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.

Waivers

- Waiver from Zoning Bylaw §174-10.B(2)(a) plans shall show ownership, zoning, use and the general location of structure and topography within 300 feet of the property lines of the site or adjacent land contiguously owned with the site. *(Applicant indicated plan will provide current zoning and reference to the change of use, adult day care. Applicant will be leasing 14,545 square feet on the first floor of an existing building. The Applicant indicated there will be no changes to the exterior Building structure for the Adult Day Care use and no exterior construction or development.)* The Planning Board grants this waiver as being in the public interest and not inconsistent with the intent of the Zoning By-law.
- Waiver from Zoning Bylaw §174-10.B(2)(b)[8] plans shall show landscaping designation, specific plantings. *(The Applicant indicated no exterior work therefor no new landscaping or plantings for this use.)* The Planning Board grants this waiver as being in the public interest and not inconsistent with the intent of the Zoning By-law.
- Waiver from Zoning Bylaw §174-10.B(2)(b)[11] plans shall show lighting, including plan location and detail information, size, type and wattage. *(The Applicant indicated no exterior work therefor there will be no change to the lighting design at the Premises.)* The Planning Board grants this waiver as being in the public interest and not inconsistent with the intent of the Zoning By-law.
- Waiver from Zoning Bylaw §174-10.B(2)(b)[13] plans shall show existing trees on the site which are a caliper of six inches or larger. *(The Applicant indicated no exterior work therefor no trees on the site will be impacted by the Adult Day Care use.)* The Planning Board grants this waiver as being in the public interest and not inconsistent with the intent of the Zoning By-law.
- Waiver from Zoning Bylaw §174-10.B(2)(b)[15] plans shall show drainage, including detailed design data, pipe sizing, etc. *(The Applicant indicated there will be no exterior construction or development impacting drainage on the subject Property.)* The Planning Board grants this waiver as being in the public interest and not inconsistent with the intent of the Zoning By-law.
- Waiver from Zoning Bylaw §174-10.B(2)(b)[17] plan shall show topography at two-foot contour intervals. *(The Applicant indicated there will be no exterior construction or development.)* The Planning Board grants this waiver as being in the public interest and not inconsistent with the intent of the Zoning By-law.

Decision and Vote of the Board

At its meeting on July 22, 2024, the Southborough Planning Board voted (5/0) to determine that the Approval Criteria contained in §174-10.D of the Zoning Bylaw had been met and grant the Major Site Plan Approval to allow the Adult Day Care Facility project consisting of interior work related to the change of use at the existing building located at 337 Turnpike Road; and

In accordance with the plans entitled "SITE DEVELOPMENT PLANS FOR GRACIOUS HOME ADULT DAY HEALTH CARE CENTER, LLC, PROPOSED DEVELOPMENT MAP 25 LOT 12B, 337 TURNPIKE ROAD, WORCESTER COUNTY, TOWN OF SOUTHBOROUGH, MA" consisting of one (1) sheet total, including Existing Conditions Plan, Major Site Plan Application, Change of Use Plan Sheet C-001 dated June 27, 2023 and revised through July 22, 2024, prepared by Bohler Engineering, 352 Turnpike Road, 3rd Floor, Southborough, MA 01772, stamped by Matthew J. Mrva, RLA; and incorporated herein by reference; and

Subject to the Following Conditions

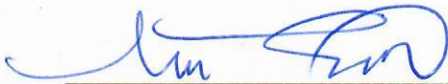
- 1) The project shall be constructed in conformance with the approved plans and submittals. All restrictions and conditions from other Boards and Commissions required pursuant to other permits related to the project shall be complied with.
- 2) Except for specific waivers granted, the Applicant shall comply with all provisions of the General Bylaws, Zoning Bylaws, and all the rules and regulations applicable thereto. The Applicant shall pay all fees of the Town of Southborough imposed generally for construction projects and for the purposes of monitoring compliance of the construction and occupancy of the Project in accordance with the Site Plan Approval, as applicable, unless expressly waived in this Decision.
- 3) All requirements and conditions of the original Site Plan Approval for 337 Turnpike Road shall remain in effect as applicable.
- 4) Prior to Planning sign off on Building Permit, the Applicant or Owner shall provide written confirmation to the Planning Department from the Southborough Board of Health indicating approval of the septic system for the change of use at the site.
- 5) Upon Site Plan Approval and prior to the lapse of the permit appeal period, two (2) sets of the final approved plans shall be submitted to the Planning Board for endorsement along with AutoCAD files of all plan sheets, followed by an electronic pdf file of the Plans after Planning Board endorsement.
- 6) This Major Site Plan Approval Decision and Planning Board endorsed Plans (letter size copy of the approved Plans attached as Exhibit to the Decision) shall be recorded at the Registry of Deeds with written proof of recording provided to the Planning Board within 10 days after the appeal period lapses.
- 7) Per Zoning Bylaw §174-10.J Compliance, prior to the Planning Board recommending the issuance of a certificate of occupancy, the Applicant shall provide a letter to the Planning Board, for acceptance by the Planning Board, stamped by a professional engineer, land surveyor, architect or landscape architect registered to practice in the Commonwealth of Massachusetts certifying, confirming and indicating that all the requirements, elements and conditions of this Major Site Plan Approval have been met.

On the motion to grant the Major Site Plan Approval for the Adult Day Care on the first floor of 337 Turnpike Road, the vote of the Board is as follows:

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

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

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



Meme Luttrell, Chair
On Behalf of the Southborough Planning Board

8.14.24

Date

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

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

Attest: _____
James F. Hegarty, Town Clerk

Date