

2025 DEC -2 P 1:10
JF14

Town of Southborough
BOARD OF APPEALS
SOUTHBOROUGH, MASSACHUSETTS 01772

9 CORDAVILLE ROAD
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0717 ext. 1

James F. Hegarty
Town Clerk
Town House
17 Common Street
Southborough, Massachusetts 01772

December 2, 2025

Notice of Decision of an Application for a Special Permit

Property Address: 355 Turnpike Road, Southborough, MA 01772
Map/Lot: Map 25, Lot 13
Book/Page: Book 12755, Page 165
Petitioner: Pratts Automotive Group, 61 Pearl St, Leominster, MA 01453
Application Filed: September 2, 2025
Public Hearing: October 15, 2025 at 7:10 P.M.
McAuliffe Hearing Room, 17 Common Street

November 19, 2025 at 7:20 P.M.
McAuliffe Hearing Room, 17 Common Street

Sitting as a Board: **October 15, 2025**
David Williams, Chair
Michael Robbins, Clerk
Paul Drepanos
Doris Cahill
Jamie Mieth
Doug Manz, alternate

November 19, 2025
David Williams, Chair
Michael Robbins, Clerk
Paul Drepanos
Doris Cahill

For the Petitioner(s): Tharsis Pedroso, Pratts Automotive Group

Procedural History:

1. An application for a Special Permit was filed in the Office of the Southborough Town Clerk and the office of the Southborough Building Department on September 2, 2025.

2. The application for the Special Permit is to allow multiple uses on one lot. Relief was requested under the Southborough Zoning Bylaw Section 174-8 (C)(2).
3. The record owner of the subject property is James A. Watson, Trustee of 132 Middlesex Realty Trust, 132 Middlesex Street, Millis, MA 02054
4. A public hearing before the Zoning Board of Appeals was noticed in the MetroWest Daily News on October 2, 2025, and October 8, 2025.
5. The applicant was heard at the October 15, 2025 and November 19, 2025 Zoning Board of Appeals meeting after describing that they are seeking to allow multiple uses on one lot that include a residential apartment, fence company, granite company, and automotive sales and repair.
6. The public hearing opened on October 15, 2025 and closed November 19, 2025.

Plans/Documents:

1. Special Permit Application Form, signed by Pratts Automotive Group, New England Fence, and James Watson, dated August 20, 2025
2. Project Narrative, prepared by Pratts Automotive Group, dated August 28, 2025
3. Quitclaim Deed, Book 63088, Page 248
4. Locus Map – 355 Turnpike Road
5. Proposed Parking Plan
6. Aerial Photograph – 355 Turnpike, labeled “Screenshot 2025-08-08-21 112625”
7. Photographs of subject property
8. Commercial Lease Agreement between James Watson and Pratts Automotive Group, dated August 1, 2025
9. Certified Abutters List – 355 Turnpike Road
10. Legal Ad Billing Agreement
11. Comment Letter from Conservation Agent Melissa Danza, dated September 15, 2025
12. Letter from Anthony Medri, 349 Turnpike Road, received October 6, 2025
13. Letter from Southborough Planning Board, dated October 7, 2025
14. Email Thread re: Noise Disturbance at 355 Turnpike, sent by Deb DeMuria, dated October 8, 2025
15. Formal Statement of Record and Accompanying Email from Tharsis Pedroso, Pratts Automotive Group, dated October 16, 2025
16. Email regarding Formal Statement of Record from Tharsis Pedroso, Pratts Automotive Group, dated October 21, 2025
17. Formal Complaint from Pratts Automotive Group, LLC dated October 21, 2025, post-marked October 24, 2025

Findings:

1. The proposal requires a Special Permit under the Town of Southborough Zoning Bylaw, Section 174-8 (C)(2).
2. The property is located in the Industrial zoning district.
3. The applicant is seeking to allow multiple principle uses on one lot to include:
 - a. Pre-existing, nonconforming residential accessory dwelling unit.
 - b. New England Fence as retail sales & service
 - c. Finest Granite as retail sales & service
 - d. Pratts Automotive Group as automotive sales, service, and repair

4. The original structure was constructed in or around 1946 as a residence and attached commercial use.
5. The most recent approved Site Plan was in 1986 by the then Board of Selectmen for automotive and limousine business.
6. New England Fence and Finest Granite have been operating on the site for several years in addition to the accessory dwelling unit.
7. The Board finds that Site Plan Approval through the Planning Board, compliance with the Order of Conditions, DEP #290-1099, and the Select Board Class II license procedure are all required.
8. The proposal and evidence presented meet the criteria to grant the Special Permit:
 - a. The Board finds the use sought and its characteristics are in harmony with the intent and purpose of Chapter 174 of the Southborough Zoning Bylaw, are not in conflict with public health, safety, convenience, and welfare, and will not be substantially more detrimental or offensive to the neighborhood or destructive of property values therein. The Board makes this finding subject to compliance with any decisions issued by the Planning Board, Conservation Commission, Select Board, and others as applicable.
 - b. Location
 - i. The proposal is located near similar uses.
 - ii. Providing adequate water and drainage for this location will pose no special public problems. The Board makes this finding subject to compliance with any decisions issued by the Planning Board, Conservation Commission, Select Board, and others as applicable.
 - iii. The site is able to accommodate the proposal without substantial environmental damage due to wetland loss, habitat disturbance or damage to valuable trees or other natural assets. The Board makes this finding subject to compliance with any decisions issued by the Planning Board, Conservation Commission, Select Board, and others as applicable.
 - c. Activity Type & Mix
 - i. The proposal is nonresidential and will contribute to the diversity of services available locally.
 - d. Visual Consequences
 - i. Scenic views from public ways and developed properties will be considerably treated in the site arrangement and building design. The Board makes this finding pending compliance with any decisions issued by the Planning Board, Conservation Commission, Select Board, and others as applicable.
 - ii. Visibility of parking and service areas from public streets should be minimized through site arrangement, and such areas should be screened from abutting premises. The Board makes this finding pending compliance with any decisions issued by the Planning Board, Conservation Commission, Select Board, and others as applicable.
 - iii. Except on Route 9 and in special circumstances, domestic scale should be maintained in the building's design through massing devices, such as breaks in all and roof planes and through the design of architectural features. The Board makes this finding pending compliance with any decisions issued by the Planning Board, Conservation Commission, Select Board, and others as applicable.
 - e. Access
 - i. Access to the location should increase existing traffic by no more than 10% at any point, taking into consideration any special access provisions committed

(ride-sharing, etc). The Board makes this finding pending compliance with any any decisions issued by the Planning Board, Conservation Commission, Select Board, and others as applicable.

- ii. Pedestrian and vehicular movement to, from and within the site will be safe and convenient and arranged so as not to disturb abutting properties. The Board makes this finding pending compliance with any decisions issued by the Planning Board, Conservation Commission, Select Board, and others as applicable.
- f. The Board finds the uses are compatible and will result in improved circulation and land use patterns in accordance with the Southborough Zoning Bylaw Section 174-8 C (2). The Board makes this finding pending compliance with any decisions issued by the Planning Board, Conservation Commission, Select Board, and others as applicable.
9. There were objections from the public regarding this application:
 - a. Jack Bartolini, owner of 359 Turnpike Road and 357 Turnpike Road, spoke in opposition to the application due to concerns of overflow parking on his lot and cutting of trees on his property.
 - b. Anthony Medri, owner of 349 Turnpike Road, spoke in opposition to the application due to concerns regarding the dumping of snow and materials on his property.
 - c. The Board finds that these concerns are enforcement issues that do not fall under the jurisdiction of the Zoning Board of Appeals, but rather under the purview of other Town departments, boards, and committees.

Decision and Vote of the Board:

At its meeting on November 19, 2025, the Zoning Board of Appeals voted unanimously (4-0-0) to grant the Special Permit pursuant to the Southborough Zoning Bylaw to allow multiple uses on the same lot, to include a pre-existing, nonconforming accessory dwelling unit, retail sales and service, and automotive sales and service with the following conditions:

1. The site must comply with Site Plan Approval and the Planning Board letter to the ZBA dated October 7, 2025, hereto attached as Exhibit A;
2. The site must comply with the Order of Conditions, DEP #290-1099, hereto attached as Exhibit B; and the Conservation letter to the ZBA dated September 15, 2025, hereto attached as Exhibit C; and
3. The applicant shall comply with the Class II license requirements as set forth by the Select Board.

After review of all evidence and facts presented at this hearing, and after deliberation of the same, the Board voted unanimously (4-0-0) on a motion made by Mr. Robbins and seconded by Mr. Drepanos, with members voting by roll call as follows to grant the requested Special Permit:

Paul Drepanos	Aye
Michael Robbins	Aye
Doris Cahill	Aye
David Williams	Aye

Pursuant to the vote taken by the Zoning Board of Appeals on September 20, 2023, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Board's electronic signature authorization vote recorded on November 6, 2023, with the Worcester Registry of Deeds, Book 69850, Page 154.

/s/David Williams

David Williams, Chair

Signing on behalf of the Zoning Board of Appeals

Notice: Appeals, if any, shall be made pursuant to MGL c. 40A, Section 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Southborough Town Clerk. Further, no special permit, variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city or town clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, or that if it is a special permit or variance which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the petition for the special permit or variance accompanied by the certification of the city or town clerk stating the fact that the permit granting authority failed to act within the time prescribed, and no appeal has been filed, and that the grant of the petition resulting from such failure to act has become final, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Pursuant to the Town of Southborough Zoning Bylaws, Section 174-9, if the rights authorized by a special permit are not exercised within two years from the date of grant thereof, they shall lapse, and a new petition, notice and hearing will be required for their reestablishment.

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

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, 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: _____

Date: _____

James F. Hegarty, Town Clerk
1775196.1 09569.001

Exhibit A

TOWN OF SOUTHBOROUGH



PLANNING BOARD

TOWN HOUSE - 17 COMMON STREET - SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710, ext. 3028 - FAX (508) 983-7752 - kquinn@southboroughma.com

October 7, 2025

Mr. David Williams, Chair
Southborough Zoning Board of Appeals
Town House
17 Common Street
Southborough, MA 01772

**RE: 355 Turnpike Road – ZBA Special Permit (Multiple Uses) Public Hearing 10.15.25
Planning Board Comment Letter**

Dear Mr. Williams and Members of the Zoning Board of Appeals:

The Planning Board, as an interested party, received the Special Permit hearing notification for 355 Turnpike Road (Map 25 Lot 13) located in the Industrial (ID) zoning district. At our meeting on September 29th, we discussed the following concerns we have with the site:

- The most recent site plan for the site was in 1986. The uses listed on the 1986 site plan were car repair, limo service and an apartment. Since 1986 several different uses have been added to the site, yet the site plan was never modified to reflect the new uses and assure compliance with the zoning bylaw. Therefore, the site is currently out of compliance with our zoning bylaw.
- The Special Permit being sought under §174-8.C(2) enables the ZBA to issue a Special Permit for several different uses on the lot if otherwise permitted within the district. One of the uses on the lot, Finest Granite, is not a permitted use in the district
 - Although the project narrative claims Finest Granite is a show room only, the Facebook page and Instagram for the business states they do fabrication (copy of Facebook page attached) and the noise emanating from the site (per neighbors) refutes the show room only claim.
 - Fabrication is not an allowed use on the site and would require a Special Permit under §174-8.7.C(13) - "Light manufacturing, fabrication, assembly and processing utilizing electric or other similar quiet motive power and processes and generating no adverse impacts on the neighborhood and the properties therein", to bring the Finest Granite business into compliance with our zoning bylaw.
- The site is not in compliance with the 1986 approved site plan not only because it was never modified when the uses changed but other aspects of the site do not match the

SOUTHBOROUGH PLANNING BOARD

approved plan. It appears none of the landscaping exists as required in the 1986 plan on the site, including a buffer of large trees along the rear property line which may contribute to the adverse impacts on the surrounding neighborhood.

- The proponent should be made aware that a site plan modification will be required which will have to be in compliance with the Town's zoning bylaws, including but not limited to site plan, parking, outdoor illumination and landscaping sections, to bring the site into compliance.
- The fences displayed along Route 9 at the front of the lot appear to be in the MassDOT right of way.

The Planning Board requests that should the ZBA decide to approve the special permit under §174-8.C(2) for multiple uses, that it be conditioned on the proponent to seek a Special Permit under §174-8.7.C(13) to allow the fabrication use and to also condition the requirement for Site Plan Approval so there is no confusion on what is required to bring this site into compliance with the Southborough Zoning bylaw.

Sincerely,



Meme Luttrell
Chair, Southborough Planning Board

Attachment:

2025.10.01 355 Turnpike Rd-finest granite facebook screenshot

cc: Planning Board

Lara Davis, Principal Assistant to the Zoning Board of Appeals



FINEST GRANITE

CUSTOM SURFACES



Finest Granite

81 followers • 13 following

WhatsApp

 Message

 Follow

Posts

About

Mentions

Reviews

Reels

Photos

More ▼



Intro

Finest Granite it's a Custom Surface Fabricators and Installers.

We love to bring life to all projects that can possibly be imagined from a human being or a computer design! We are on this business for over 20 Years delivering more than just stones.

 Page · Kitchen & Bath Contractor

 353 Turnpike Road, Southborough, MA, United States, Massachusetts

 (508) 281-0076

 FINESTGRANITE@GMAIL.COM

 WWW.FINESTGRANITE.NET



Exhibit B

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:290-1099

eDEP Transaction #:1447603

City/Town:SOUTHBOROUGH

A. General Information

1. Conservation Commission SOUTHBOROUGH

2. Issuance a. ☒ OOC b. ☐ Amended OOC

3. Applicant Details

a. First Name JAMES b. Last Name WATSON
c. Organization
d. Mailing Address 353-355 TURNPIKE ROAD
e. City/Town SOUTHBOROUGH f. State MA g. Zip Code 01772

4. Property Owner

a. First Name JAMES b. Last Name WATSON
c. Organization
d. Mailing Address 353-355 TURNPIKE ROAD
e. City/Town SOUTHBOROUGH f. State MA g. Zip Code 01772

5. Project Location

a. Street Address 353-355 TURNPIKE ROAD
b. City/Town SOUTHBOROUGH c. Zip Code 01772
d. Assessors 25 e. Parcel/Lot# 13
f. Latitude 42.29003N g. Longitude 71.55748W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
WORCESTER		12755	165

7. Dates

a. Date NOI Filed : 9/29/2022	b. Date Public Hearing Closed:	11/17/2022	c. Date Of Issuance:	11/18/2022
-------------------------------	--------------------------------	------------	----------------------	------------

8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
PROPOSED SEWAGE DISPOSAL SYSTEM	CONNORSTONE ENGINEERING	VITO COLONNA NO.47635	August 24, 2022	1"=20'

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

a. <input checked="" type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
d. <input checked="" type="checkbox"/> Private Water Supply	e. <input checked="" type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:290-1099

eDEP Transaction #:1447603

City/Town:SOUTHBOROUGH

☒ g. Ground Water Supply ☒ h. Storm Damage Prevention ☒ i. Flood Control

2. Commission hereby finds the project, as proposed, is:

Approved subject to:

a. ☒ The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

b. ☐ The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). 35
a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:290-1099

eDEP Transaction #:1447603

City/Town:SOUTHBOROUGH

Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	c. c/y dredged	d. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:290-1099

eDEP Transaction #:1447603

City/Town:SOUTHBOROUGH

22.

☐ Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:290-1099

eDEP Transaction #:1447603

City/Town:SOUTHBOROUGH

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"
[or 'MassDEP']
File Number : "290-1099"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) ☐ is not (2) ☒ subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:290-1099

eDEP Transaction #:1447603

City/Town:SOUTHBOROUGH

construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:290-1099

eDEP Transaction #:1447603

City/Town:SOUTHBOROUGH

prior written approval of the issuing authority.

- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

PLEASE SEE ATTACHED.

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:290-1099

eDEP Transaction #:1447603

City/Town:SOUTHBOROUGH

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No

2. The Conservation Commission hereby (check one that applies):

a. ☐ DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. ☒ APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw

SOUTHBOROUGH
WETLANDS
BYLAW

2. Citation 3.2.3

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:
PLEASE SEE ATTACHED.

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:290-1099

eDEP Transaction #:1447603

City/Town:SOUTHBOROUGH

E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

11/18/2022

1. Date of Original Order

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

4

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Kevin Farrington

Benjamin Smith

Russell Gregory, Jr.

Elizabeth Zulick

☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:290-1099

eDEP Transaction #:1447603

City/Town:SOUTHBOROUGH

(M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

SOUTHBOROUGH

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

SOUTHBOROUGH

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

353-355 TURNPIKE ROAD

Project Location

290-1099

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner JAMES WATSON

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:290-1099

eDEP Transaction #:1447603

City/Town:SOUTHBOROUGH

Signature of Applicant

Rev 4/1/2010



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

290-1099

MassDEP File #

1447603

eDEP Transaction #

Southborough

City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

11/18/2022

1. Date of Issuance

4

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signature

Benjamin Smith

Signature

Russell Gregory, Jr.

Signature

Kevin Farrington

Signature

Elizabeth Zulick

Signature

Signature

Signature

Signature

— by hand delivery on

11/18/22 via email

Date

Mark Possemato

Printed Name

Benjamin Smith

Printed Name

Russell Gregory

Printed Name

Kevin Farrington

Printed Name

Elizabeth Zulick

Printed Name

Printed Name

Printed Name

Printed Name

— by certified mail, return receipt requested, on

Date

Pursuant to the vote taken by the Southborough Conservation Commission on January 7, 2021, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Commission's

Additional Special Conditions

**James Watson
353-355 Turnpike Road
Map 25, Lot 13**

-FINDINGS OF FACT:

1. The proposed project is construction of new compliant septic system to replace failed existing cesspool.
2. As the intermittent stream is located off-site, in which access was not given for the applicant or the Commission so stream location is approximate and is found to be generally accurate for the purposes of this application.
3. The property has an outstanding Order of Conditions, DEP #290-121 in which the applicant has submitted a Request for Certificate of Compliance.
4. Stockpiles shall be located no closer than 10' from the rear property line.
5. Materials and equipment on site or in conjunction with the project shall be located and/or stored no closer than 10' from the rear property line.
6. The stormwater outlet shall be located and repaired to the satisfaction of the Conservation Commission through it's agent and may contain, but not be limited to, uncovering outlet, cleaning pipe of sediment and debris, and armoring slope around outlet if necessary. Once these items are complete then the Commission may act on the outstanding Certificate of Compliance.
7. All catch basins shall be cleaned and hoods installed if not present or in disrepair
8. Erosion controls shall include temporary measures that can be opened and closed for movement of equipment. All erosion controls shall be closed and secured at the end of each work day.
9. Documents submitted:
 - a. WPA Form 3 (Notice of Intent application) and supporting materials for the project at 353-355 Turnpike Road
 - b. Site Plan: "Proposed Sewage Disposal System;" prepared by Connorstone Engineering.; signed & stamped by Vito Colonna No. 47635; last revised August 24, 2022; scale 1"=20'

FINDINGS OF FACT UNDER THE SOUTHBOROUGH WETLANDS BYLAW AND REGULATIONS:

1. Same as above

GENERAL & PRE-CONSTRUCTION CONDITIONS:

SC#1. The findings of fact are incorporated as a special condition and given equal status as a special condition of this Order.

SC#2. All work shall be done in accordance with the final approved plan as stated in the Findings of Fact.

Additional Special Conditions

**James Watson
353-355 Turnpike Road
Map 25, Lot 13**

SC#3. Except where modified by the following special conditions, all work shall be performed in accordance with the plans and the Notice of Intent referenced above. Where a conflict exists between the referenced plans and these conditions, the conditions shall govern.

SC#4. Written notification of the construction start date is required to be submitted a minimum of 72 hours in advance.

SC#5. The Site Contractor shall be required to complete a **Contractor Affidavit of Service** and submit it to the Southborough Conservation Commission (SCC) office at least 72 hours prior to the pre-construction meeting.

SC#6. A pre-construction on-site meeting with SCC staff and/or representative, project supervisor, Site Contractor responsible for the work, or other relevant parties identified by the Applicant or the SCC is required prior to any work commencing on the site other than the installation of erosion controls. Erosion and sedimentation controls, and DEP File # signage will be inspected at this time. All required additional documentation (if any) shall be submitted in advance of this meeting being scheduled.

Please contact the SCC office at 508-281-8984 to arrange for the pre-construction meeting at least seventy-two (72) hours prior in advance. The meeting shall:

- a) Ensure that the requirements of the Order of Conditions are understood.
- b) Check administrative requirements (DEP file number sign, contact info. etc.).
- c) Inspect, adjust and expand, if necessary, the erosion control devices, installation and line.

SC#7. Only certified **“weed-free and invasive-free”** erosion control devices shall be installed to control erosion and sedimentation on the site as shown on the plans. In addition, **a sign showing the DEP File # shall be posted in a visible location on the site as specified in the standard conditions.**

SC#8. The Applicant shall provide the Conservation Agent with the name and telephone number in writing of the person designated as the emergency contact for all construction activities who will be immediately responsible for supervision of all work on the project site, and compliance with this Order of Conditions. The Applicant shall provide notification to the Conservation Administrator within 48 hours in the event that the contractor, emergency contact, or site supervisor has changed.

SC#9. The SCC reserves the right to require additional conditions if deemed necessary to protect resource areas and interests as defined in MGL Chapter 131 section 40 (310 CMR 10.00) or regulations promulgated thereunder after written notice to the Applicant and a legally advertised public hearing, conducted in accordance with applicable law.

Additional Special Conditions

**James Watson
353-355 Turnpike Road
Map 25, Lot 13**

SC#10. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act, the bylaw or regulations promulgated thereunder, the SCC shall immediately be notified, and an immediate meeting shall be held between the SCC or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. The Applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing. Absent good faith efforts by the Applicant to implement any such corrective measures, failure to comply with this Order of Conditions may constitute sufficient ground for the SCC to order all work to cease until compliance is achieved.

SC#11. It is the responsibility of the Applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this Order of Conditions, and to procure all required permits or approvals before any work commenced to the extent such permits or approvals are required to execute the work in question.

SC#12. Members and agents of the SCC shall have the right to enter and inspect the premises to evaluate and ensure compliance with the conditions and performance standards stated in this Order, the Act, and 310 CMR 10.00, and may acquire any information, measurements, photographs, observations, and/or materials or may require the submittal of any data or information deemed necessary by the SCC for that evaluation.

SC#13. Any change made or intended to be made in the plans, shall require the Applicant to file a new Notice of Intent or to inquire of the SCC in writing whether the change is substantial enough to require a new filing or request an Amendment to the Order of Conditions.

SC#14. This Order shall apply to every successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans, or part thereof. In the event of this land or any part thereof changing ownership before or during construction, the current owner shall notify the new owner prior to the transfer of ownership by registered mail of this Order and shall forward proof of this notification to the SCC.

SC#15. This Order and a copy of approved drawings and plans referenced in this Order shall be available at the project site at all times for easy reference.

SC#16. This Order of Conditions shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.

DURING CONSTRUCTION:

SC#17. Erosion controls shall be inspected daily (by the project engineer, landscape architect, site contractor, or other professional deemed qualified by the Conservation Administrator) and maintained or reinforced if necessary, during construction. After any storm event, any

Additional Special Conditions

**James Watson
353-355 Turnpike Road
Map 25, Lot 13**

accumulated silt adjacent to the barriers shall be removed. The erosion control barrier shall remain in proper functioning condition until all disturbed areas have been stabilized with an adequate vegetative cover, after which the stakes shall be removed by permission of the SCC, and the silt fencing shall be completely removed and disposed of lawfully.

SC#18. The limit of work shall be strictly adhered to, and no activity shall occur within the 20-foot No Disturb Area, unless prior approval was granted by the SCC.

SC#19. If dewatering is necessary during construction, notification shall be made to the SCC to allow for the inspection and approval of the setup. Any water from the project work areas shall be effectively filtered or settled to remove silt and turbidity by employing Best Management Practices (BMPs) prior to discharging to any resource area. All areas where dewatering hoses are discharged shall be protected so as not to cause erosion.

SC#20. No plants listed on the latest Massachusetts Department of Agricultural Resources Prohibited Plant List may be brought onto or planted anywhere on the property.

SC#21. Erosion control matting or other methods of erosion control shall be installed on disturbed areas if necessary, as may be authorized by Agents or Members of the SCC.

SC#22. Notification to the SCC shall be required when site work ceases for any length of time greater than 14 days.

SC#23. Stabilization measures are required to be initiated immediately in portions of the site where earth-disturbing activities have permanently or temporarily ceased. Earth-disturbing activities have permanently ceased when clearing and excavation within any area of the construction site that will not include permanent structures has been completed. Earth-disturbing activities have temporarily ceased when clearing, grading, and excavation within any area of the site that will not include permanent structures will not resume (i.e. the land will be idle) for a period of fourteen (14) or more calendar days, but such activities will resume in the future.

SC#24. In no case, shall more than one (1) day pass without initiating stabilization measures in portions of the site where construction activities have temporarily or permanently ceased. Any of the following activities constitute the initiation of stabilization: Prepping the soil for vegetative or non-vegetative stabilization; Applying mulch or other non-vegetative product to the exposed area; Seeding or planting the exposed area; Starting any of the preceding stabilization activities on a portion of the area to be stabilized, but not on the entire area; and Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization as described below.

SC#25. Any stockpiles of materials, soils, or other erodible material that are expected to remain inactive for more than fourteen (14) days must also be stabilized by one of the aforementioned

Additional Special Conditions

**James Watson
353-355 Turnpike Road
Map 25, Lot 13**

methods. All stockpiles shall also be surrounded by silt fence or other temporary perimeter sediment barrier and checked daily for evidence of migration of materials.

SC#26. As soon as is practicable, but no later than fourteen (14) calendar days after the initiation of soil stabilization measures, stabilization activities shall be completed as follows: For vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized, including, but not limited to, soil conditioning, application of seed or sod, planting of seedlings or other vegetation, application of fertilizer, and watering as needed; For non-vegetative stabilization, the installation or application of all such non-vegetative measures.

SC#27. Exceptions to the deadlines for initiating and completing stabilization activities may be granted by the SCC in cases of drought or when circumstances beyond the control of the Contractor cause delays.

SC#28. All debris, fill, and excavated material shall be stockpiled far enough away from designated wetlands, and at a location to prevent sediment from surface runoff entering wetlands. At no time, shall any debris or other material be buried or disposed of within that line marked on the plan as wetland.

SC#29. Stockpiles of soils, aggregate, or any other unconsolidated construction materials permitted by this order within 100-foot buffer zones shall be covered with tarpaulins when not being worked with. Stockpiles in place for greater than twenty-four (24) hours shall be ringed with erosion control devices and covered by properly secured tarpaulins at the close of each workday. The areas of construction shall remain in a stable condition at the close of each construction day.

SC#30. Measures to prevent and control erosion of soil at the site shall be implemented and maintained until the site is permanently stabilized. Erosion and siltation of soils must be prevented at all times by an effective control device.

SC#31. Should any erosion or sedimentation control measures fail; immediate attention will be given by the Applicant or representative to correcting the failure and to rectify any adverse impact from the failure, for example, by the removal of any silt or debris that any have bypassed the control measure. The SCC must be notified within 24 hours of the failure.

SC#32. Any damage caused as a result of this project to any wetland resource areas, shall be the responsibility of the Applicant to promptly repair, restore, and/or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas, the SCC shall be contacted and a plan for abatement of the problem and proposed restoration and/or mitigation measures shall be submitted for approval and implementation.

Additional Special Conditions

James Watson

353-355 Turnpike Road

Map 25, Lot 13

SC#33. The SCC reserves the right to impose additional conditions on portions of this project to mitigate any impacts which are the result of the failure of the applicant to undertake the work in accordance with this Order and which, without the imposition of such additional conditions, are likely to result in site erosion or a noticeable degradation of surface water quality discharging from the site.

SC#34. Material of construction and equipment shall be stored in a manner and location that will minimize the compaction of soils and the concentration of runoff.

SC#35. All waste products, grubbed stumps, slash, construction materials, etc. which result from the project shall be properly disposed of in accordance with applicable regulations and shall not be incorporated into the project site construction with the exceptions of the reduction of stumps and slash to mulch, and the use of inert materials such as pulverized or broken asphalt, brick or concrete as fill or subbase below pavement.

SC#36. Used petroleum products resulting from the maintenance of construction equipment and construction debris shall be collected and disposed of off-site in accordance with applicable regulations. No on-site disposal of these items is allowed.

SC#37. Servicing of equipment, (fueling, changing, adding or applying lubricants or hydraulic fluids) must be done outside the 100-Foot Buffer Zone (BZ). Equipment must be maintained to prevent leakage or discharge of pollutants. Cement trucks shall not be washed out within the BZ or into any drainage system. Overnight storage of equipment must be a minimum of fifty (50) feet from the wetland boundary.

SC#38. Stockpiles shall be located no closer than 10' from the rear property line.

SC#39. Materials and equipment on site or in conjunction with the project shall be located and/or stored no closer than 10' from the rear property line.

SC#40. The stormwater outlet shall be located and repaired to the satisfaction of the Conservation Commission through its agent and may contain, but not be limited to, uncovering outlet, cleaning pipe of sediment and debris, and armoring slope around outlet if necessary. Once these items are complete then the Commission may act on the outstanding Certificate of Compliance.

SC#41. All catch basins shall be cleaned and hoods installed if not present or in disrepair

SC#42. Erosion controls shall include temporary measures that can be opened and closed for movement of equipment. All erosion controls shall be closed and secured at the end of each work day.

Additional Special Conditions

**James Watson
353-355 Turnpike Road
Map 25, Lot 13**

POST CONSTRUCTION AND ONGOING CONDITIONS:

SC#43. Erosion controls shall not be removed without prior consent from the SCC to ensure the site is stable.

SC#44. Stabilized slopes shall be maintained as designed and constructed by the property owner of record.

SC#45. If an Extension to the Order of Conditions ("OOC") is being sought, a written request must be received at the SCC office at least thirty (30) days in advance of the expiration date of the OOC. The written request shall include an explanation as to why an extension is needed, and the length of time the extension is being sought for (no more than 3 years). Failure to submit an Extension request in accordance with the requirements of this Special Condition shall be grounds for denial of the request.

SC#46. In order for a project to be released from an Order of Conditions, a request for a Certificate of Compliance is required in writing.

SC#47. Prior to requesting a Certificate of Compliance, the engineer of record shall certify that all cut materials used on site or disposed of off-site, was disposed of in accordance with MassDEP and/or all federal and local regulations.

SC#48. Upon completion of construction, all work regulated by this Order, and final stabilization, the Applicant/owner shall submit the following to request a Certificate of Compliance from the SCC:

- a) Two (2) copies of a completed request for Certificate of Compliance form (WPA Form 8A) and a check in the appropriate amount made out to the "Town of Southborough".
- b) Two (2) copies of a stamped "As-Built" plan depicting post construction conditions on the work site, prepared by a professional engineer or land surveyor certifying that the site has been developed in accordance with the conditions of this Order, and showing in detail the exact location of all structures and the topography of the finished grades of the site, along with a letter from a registered professional engineer certifying compliance of the property with this Order of Conditions and detailing any deviations from the approved plans and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.
- c) A PDF file sent electronically to the Conservation Agent of all items detailed above.

Additional Special Conditions

**James Watson
353-355 Turnpike Road
Map 25, Lot 13**

SC#49. Any siltation barrier (silt fence) shall be removed and disposed of lawfully before a Certificate of Compliance will be issued, once the site has been completely stabilized and the SCC has given permission to do so. All other erosion control devices, such as straw bales, straw wattles, compost filter socks, silt sacks, etc. may be removed once permission is sought from and given by the SCC.

SC#50. Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush or other debris into any wetland resource area (including the 100-Foot Buffer Zone). Landscaping debris shall be removed from the site and disposed of in a legal fashion. This condition shall survive the expiration of this Order and shall be included as a continuing condition on the Certificate of Compliance.

SC#51. No synthetic pesticides or herbicides may be applied within wetland buffer zones on the site. This condition shall survive the expiration of this Order and shall be included as a continuing condition on the Certificate of Compliance.

SC#52. Landscape Plantings: No plants listed on the latest Massachusetts Department of Agricultural Resources Prohibited Plant List may be brought onto or planted anywhere on the property. This condition shall survive the expiration of the Order and shall be included as a continuing condition on the Certificate of Compliance.

SC#53. Additional Alteration Prohibited: There shall be no additional alterations of areas under SCC jurisdiction without the required review and permit(s). This condition shall survive the expiration of the Order and shall be included as a continuing condition on the Certificate of Compliance.

#

Exhibit C

TOWN OF SOUTHBOROUGH



CONSERVATION COMMISSION

CORDAVILLE HALL · 9 CORDAVILLE ROAD, LOWER LEVEL · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 281-8984 · FAX (508) 480-0161 · mdanza@southboroughma.gov

September 15, 2025

Zoning Board of Appeals
&
Tharsis Pedroso
Pratts Automotive
61 Pearl Street
Leominster, MA 01453

Subject: 353-355 Turnpike Road, Special Permit Application

The Conservation Department has the following comments regarding the Special Permit application and compliance with the Wetlands Protection Act (WPA) and Southborough Wetlands Bylaw (the Bylaw):

1. The property has an open Order of Conditions, DEP #290-1099, for construction of a compliant Title V septic system to replace a failed existing cesspool.
 - a. The Commission has not received a Request for Certificate of Compliance for this work, nor required materials, some of which are outlined below.
2. As part of this Order, no storage of materials is to be stored within 10' of the rear property line.
3. The stormwater outlet on site shall be located and repaired to the satisfaction of the Commission through its agent and may contain, but not be limited to, uncovering the outlet, cleaning pipe of sediment and debris, and armoring slope around outlet if necessary. To date, the Commission has not been notified that this work has been done.
4. All catch basins shall be cleaned and hoods installed if not present or in disrepair. The Commission has not been provided with evidence that this has been completed.
5. In review of the site, the area has been paved, which was not part of the approved plans under DEP #290-1099. The rear of the lot was previously gravel.

6. As the open Order has not been closed out and requirements of the Order have not been met, the property is in noncompliance with approvals. Conservation suggests that the Applicant work with the property owner to review any and all open permits with the Town including Conservation and Board of Health for the installation of the septic system.
7. Attached are photos from October 2022 that are representative of the site at that time. There did not appear to be any automotive use.

If you have any questions, please do not hesitate to reach out to us at mdanza@southboroughma.gov or 508-281-8984.

Sincerely,

Melissa Danza

Melissa Danza
Conservation Agent

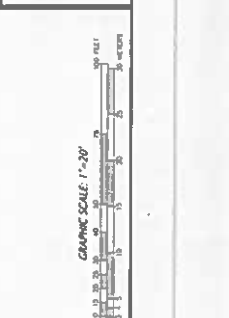
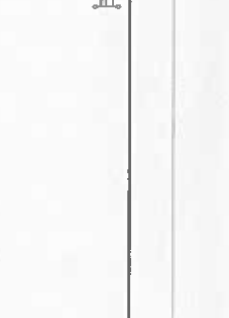
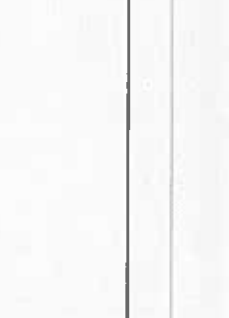
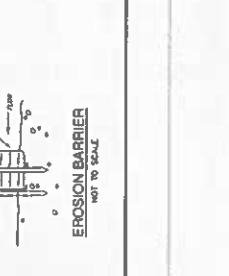





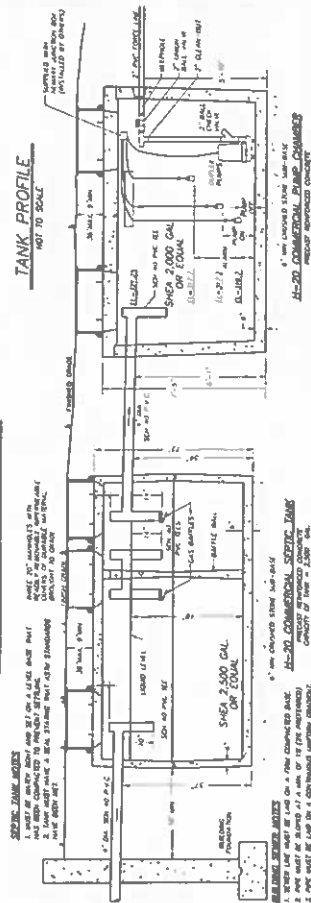
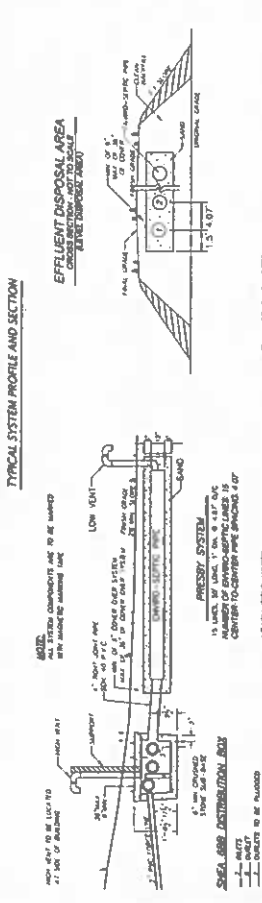
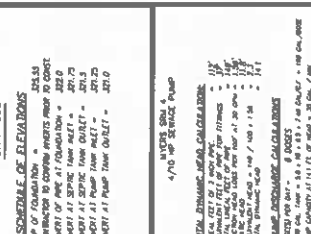
8.







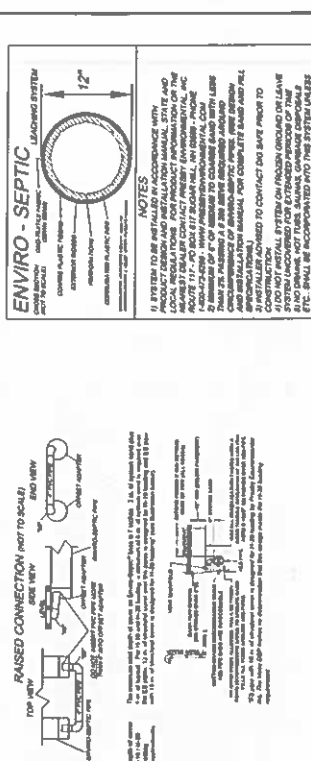
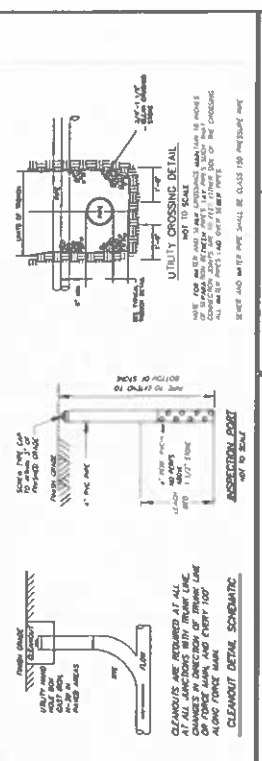
 <p>CONNORSTONE ENGINEERING CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS 10 SOUTHWEST COTTON, SUITE 7 NORTHBOROUGH, MASSACHUSETTS 01532 PHONE: 508-393-9217 WWW.CS2.NET 121 AUSTON POOT RD. SUDBURY, MA, 01776 PHONE: 978-441-5668 WWW.LANDMARKINC.COM</p>	SHEET 1 OF 2 DATE: 8/74/2002
---	---------------------------------



[illegible][illegible]

UNIT #355

SCHEDULE OF ELEVATIONS

of Tronohide = 128.9
Intersection of Centre and 1st Ave to Const.
of 1st Ave at Tronohide = 128.9
Centre
of 1st Ave to 1st Ave = 128.9
1st Ave at 1st Ave = 128.9
1st Ave at 1st Ave = 128.9

[illegible]

JAMES WATSON		353--355 TURNPIKE ROAD SOUTH WINDHAM, IA ASTORIA RD 25 & HAWES 13	
NO	DATE	PERSON	BY
		CONORSTONE ENGINEERING CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS 16 SOUTHWEST CUTOFF, SUITE 7 NORTHBOROUGH, MASSACHUSETTS 01532 PHONE: 508-393-9727 WWW.CSEI.NET 121 BOSTON POST RD. SUDBURY, MA 01776 PHONE: 978-441-9566 WWW.SULLIVANCONRO.COM	
		DATE: 8/24/2002 SHEET: 2 OF 2	



