

TOWN OF SOUTHBOROUGH



CONSERVATION COMMISSION

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September 15, 2025

Zoning Board of Appeals
9 Cordaville Road
Southborough, MA 01772

**Subject: Conservation Commission Review Comments
250 Turnpike Road – Comprehensive Permit**

In review of the most recently submitted materials, the Conservation Commission has the following comments pertaining to the Comprehensive Permit application at 250 Turnpike Road. The Commission reserves the right to further comment based on future submitted materials.

Comments from Howard Stein Hudson (HSH) peer review dated August 18, 2025:

1. Subdivision Rules & Regulations 244-16(B) – Drainage System
 - a. The Commission agrees with comments and requests the full revised HydroCAD with messages and warnings printed and the comments in relation to the revised HydroCAD modeling that has been submitted. The Commission reiterates all comments made by HSH for this section on page 10-12 of the review.
 - b. Without sufficient calculations and materials, the Commission nor ZBA can make a determination if the project, as proposed, meets the Massachusetts Stormwater Standards and local regulations. The MA Stormwater Standards cannot be waived by the ZBA as they are State standards.
2. Stormwater and Erosion Control Regulations
 - a. The Commission reiterates comments made in 8.1(g) that states an updated drainage report shall be submitted that includes all required materials.
 - b. Without sufficient calculations and materials, the Commission nor ZBA can make a determination if the project, as proposed, meets the Massachusetts Stormwater Standards and local regulations. The MA Stormwater Standards cannot be waived by the ZBA as they are State standards.

3. Grading, Drainage and Erosion Control Plan Comments
 - a. The Commission again calls out the importance of a revised and complete Stormwater Report and HydroCAD models.
 - b. The Commission agrees that the Applicant needs to provide evidence that the existing drainage easement from Sarsen Stone Way can be maintained and flow can be redirected around the proposed development as grading and roadway layout would appear to bisect this flow.
 - c. The Commission strongly recommends a condition that test pits shall be performed and submitted to the Town for verification for the drywell infiltrators prior to construction. This will be a requirement for approval from the Conservation Commission.
 - d. Applicant should submit information on how the retaining walls will be constructed adjacent to wetland resources as to not impact these areas. The Commission suggests the ZBA is provided this information as it will be required as part of the Notice of Intent application. This information is important based on their proximity to wetland resource areas and within the 20' no disturb under the local bylaw.
4. Drainage Comments
 - a. Updated Stormwater Report and HydroCAD are necessary.
 - b. The Massachusetts Stormwater Standards are required to be met. The MA Stormwater Standards cannot be waived by the ZBA as they are State standards.
5. Massachusetts Stormwater Standards and Stormwater Checklist
 - a. A Notice of Intent (NOI) has not yet been submitted to the Conservation Commission.
 - b. Evidence is still required to determine if the project meets the Stormwater Standards as outlined in HSH's report. The MA Stormwater Standards cannot be waived by the ZBA as they are State standards.
 - c. A SWPPP will be required to be approved by the Conservation Commission prior to construction.

Comments from Lucas Environmental dated August 20, 2025

6. The Commission agrees with the finding that ecological values may be further limited with the proximity of the development to the wetland and Vernal Pool stated in comment #4. Goddard calls out that "the basin may have limited ecological value in an increasingly developed landscape." Therefore, there may be evidence that proximity to the development may cause a detriment to the Vernal Pool and habitat.

7. Goddard Consulting has stated in a response to comment #7b that “state jurisdictional vernal pool habitat does not exist in the case of this vernal pool because it is not located within an area subject to protection under the WPA.” Per the ORAD issued under DEP #290-1019, the western basin, which has been found to be a certifiable vernal pool, is a jurisdictional area under the Wetlands Protection Act as Bordering Vegetated Wetland (BVW).
 - a. Maintenance on the ‘basin’ cannot be done without a valid Order of Conditions. The ‘basin’ is located on a separate lot and not the 40B locus and therefore is not subject to waivers. The ‘basin’ serves existing infrastructure and has no function as a ‘basin’ in relation to this project. For the purposes of the Comprehensive Permit Application, this area should be solely referred to as a BVW and vernal pool.
8. The Commission agrees with the statements made in comment #7c in regard to height of the crossing and explanation of limitations.
9. The Commission believes that due to the limited undeveloped habitat remaining on site, additional development could have a negative effect on the value of the vernal pool in agreement with LE’s comment #7f.
10. The Commission reiterates that most of the wood frogs enter from undeveloped portions of the site.
11. Comment 9b discusses a “low” ecological value because the area is a detention basin which may limit the ecological value of the pool. Goddard also states that “current water quality may not be negatively affecting species this breeding season, however, future water quality may create unsuitable egg development conditions.” This insinuates that the use of the property or surrounding property is expected to lead to poor water quality. As any maintenance of the ‘basin’ requires an Order of Conditions and the ‘basin’ is a jurisdictional wetland resource area, if evidence is found that changes to surrounding uses are causing a negative impact to a jurisdictional area, the Commission reserves the right to evaluate such impacts and require remediation.
 - a. Maintenance and/or stormwater that flows to the western ‘basin’ are jurisdictional under both the WPA and Town of Southborough Wetlands Bylaw. If negative changes to water quality are found that stem from stormwater runoff from adjacent properties, the Commission has the right to require remediation and measures be installed to prevent pollution per the purposes and interests of the WPA and Bylaw.
 - b. As LE states, further fragmentation from development will further limit the pool’s ecological value.
 - c. As such, the Commission remains firm that the project should be reviewed as to the impacts of the project on the vernal pool in the state that it is in today as future

maintenance of the 'basin' must be done in a manner as to not destroy the vernal pool habitat. The impact of the proposed development shall not be minimized by the potential of poor water quality coming from off site. Documentation provided by the Applicant shows that the 'basin' provides more than adequate conditions for vernal pool species and breeding habitat.

- i. To put it in perspective, it should be considered that the vernal pool 'basin' will be on a separate lot from this project. The 'basin' should simply be viewed and evaluated as a vernal pool within BVW. As the vernal pool is located on a separate lot and not the 40B locus, it is not entitled to the privilege of waivers under 40B.

12. The Commission concurs with LE's comment #19 regarding the requests and suggestions for the crossing.
13. The ZBA should condition that the replication area be staked in the field by a Professional Land Surveyor (PLS) to ensure accurate delineation of boundaries prior to work per comment #23.
14. As stated in comment #24, if any soil to be removed within the replication areas contain invasive species, it shall not be reused and shall be disposed of properly. The Commission suggests a condition requiring a pre-construction survey of the area for invasive species if not included within an Invasive Species Management Plan.
15. The ZBA should condition, as outlined in comment #25, that the as-built plan be submitted to the Conservation Commission after completion of the replication area for review and approval that the work was done to the satisfaction of the Commission.
16. The Replication Plan should state how the site will be accessed as stated in comment #28. Access to the area may impact additional resource areas and/or other cleared areas. These impacts require calculation and review.
17. The Commission recommends that the Applicant submit a more detailed wetland replication plan as outlined in comment #31 and that the Commission must review and approve the Plan prior to the issuance of a permit.
18. The majority of the remainder of LE's comment letter contains items in which the comments remain. The Commission reiterates the need for the requested information as they are essential to compliance with local and state regulations.

General/Other Comments

19. As referenced in the previous comment letter issued by the Conservation Commission on January 7, 2025, the Commission would like to state that rarely do they issue waivers to the 20' no touch for actual development purposes of lawns and structures. The

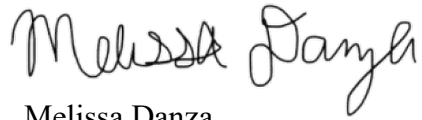
Commission has allowed for work within the 20' to commence for small areas of encroachments or temporary impacts if proper mitigation is provided. Per the plans submitted to date there have been limited changes to the footprint and therefore it is showing a large disruption of the 20' no touch.

- a. The Commission believes, as stated in our Bylaw and Regulations, that the 20' buffer zone is extremely important and that conversion of forested areas to maintained lawn and buildings will have a detrimental effect on adjacent wetland resource areas and habitat.
 - b. The Commission would like to note that they have previously requested and worked with applicants on 40B projects for redesigns for compliance with the Bylaw, such as the Park Central and Madison Place applications.
20. There appears to be many outstanding comments from both peer reviewers that pose questions as to the regulatory compliance and state compliance that the ZBA does not have the ability to waive.
21. Areas labelled 'Detention Basins' should be correctly labelled as BVWs and vernal pools. The label of detention basin is believed to cause confusion and takes away from the importance of the jurisdictional area and potential impacts to them.
22. All stormwater infiltrators must be at least 50' away from wetland resource areas per the MA Stormwater Standards, which include the 'basins,' it is unclear if this standard has been met. As a state standard, this cannot be waived by the ZBA.
23. Stormwater discharges to an Outstanding Resource Water per the MA Stormwater Standards shall be removed and set back from the receiving water or wetland and receive the highest and best practical method of treatment. There are stormwater discharges that are adjacent to the wetland boundary.
 - a. Outstanding Resource Waters are waters and wetlands designated and protected by the MA Surface Water Quality Standards and assigned by DEP. The wetlands on site are designated as Outstanding Resource Waters due to their location within the Sudbury Reservoir.
24. As construction size is larger than 1 acre and discharging to an Outstanding Resource Water, a Notice of Intent (WM 09) must also be submitted to MassDEP for approval of the SWPPP.

In summary, the Commission feels strongly regarding the protection of the 20' no disturb and protection of vernal pool habitat. It is also important that all narratives and the proposed plan set match and contain all updated and relevant material. There is currently differing information that has been provided in the narratives than that shown on the submitted plan along with many peer review comments that have been left outstanding. The Commission finds it important that the ZBA and Commission have ample time to review complete and revised information applicable to

them prior to the close of the hearing. If there are any questions, please do not hesitate to reach out at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads "Melissa Danza". The signature is written in a cursive, flowing style.

Melissa Danza
Conservation Agent