

TOWN OF SOUTHBOROUGH



CONSERVATION COMMISSION

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October 4, 2024

Zoning Board of Appeals
9 Cordaville Road
Southborough, MA 01772

Subject: Conservation Commission Review Comments
120 Turnpike Road – Comprehensive Permit

In review of the most recently submitted materials, the Conservation Commission have the following comments pertaining to the Comprehensive Permit application at 120 Turnpike Road:

1. The Commission agrees with LDC's review comment regarding the existing pond is a wetland resource area and an area subject to protection pursuant to MGL c. 141 section 40 and 310 CMR 10.02(1)(a).
 - a. The stormwater management system was designed and permitted in 1983, therefore does not qualify to meet the exemption in 310 CMR 10.02(2)(c) as the system was not designed, constructed, installed, and/or improved upon after November 18, 1996.
2. As the ponds are jurisdictional wetland resource areas, all Stormwater Standards shall be met prior to discharge to the pond and shall not be utilized as a stormwater management basin to obtain compliance.
3. The applicant submitted a Notice of Intent (NOI) to the Conservation Commission on 4/23/2024. Since the submittal of the NOI, plans have drastically changed, and no revised information or package has been submitted to the Commission. The Commission has had no open public hearings regarding this application due to the change in layout, therefore the Commission has not had the opportunity to fully review the current project in compliance with state and local regulations.
 - a. The applicant states in their waiver list that they are only requesting a waiver from the 20' no touch from the edge of a wetland resource areas. Therefore, all other aspects shall comply with Chapter 170, Wetlands Protection and associated Wetlands Regulations.

- b. To conform with the Southborough Wetlands Regulations, the 20' and 100' Buffer Zones should be shown on all resource areas, including the pond.
- 4. Standard 7 of the Stormwater Report Checklist should have 'redevelopment portion of mix and new and redevelopment' as the project is not solely a redevelopment project as discussed throughout the narratives.
- 5. The project is located within an Outstanding Resource Water (ORW). According to the Stormwater Standards, stormwater discharges to ORWs shall be removed and set back from the receiving water or wetland and receive the highest and best practical method of treatment. There appears to be discharges from the proposed infiltration structures that would be in close proximity or discharging to the delineated wetland resource area.
- 6. The Commission requests that the Illicit Discharge Compliance Statement be submitted prior to approval by the ZBA. The Commission requires this document to be submitted as part of the Notice of Intent application.
- 7. The Post Construction O&M Plan leaves the last sentence incomplete.
- 8. The Post Construction O&M states the watering of lawn areas, yet the waiver list requests a waiver for a permanent water supply system or watering method. Please advise.
- 9. The Construction Period O&M Plan does not discuss review and maintenance of erosion controls.
- 10. Per the requirement of an ongoing condition of DEP #290-55, treated sand shall not be stored on the property and no more salt shall be used in winter than is necessary to keep the sand from freezing.
 - a. The Post Construction O&M Plan states that CaCl application shall be limited to the amount necessary to prevent sand from freezing. Sand shall be used sparingly but in sufficient quantity to maintain the parking and loading surface in a safe condition.
- 11. The proposed construction entrance should be depicted on the site plan at the proposed site access to the undeveloped portion of the site.
- 12. It is the understanding of the Conservation Commission that Lot 4C is to be conveyed to the Conservation Commission in compliance with DEP #290-1046 and Planning Board Major Site Plan Approvals.
 - a. The lot was to be donated in its natural state as open space due to its adjacency to Breakneck Hill Conservation Land

- b. The current proposal calls for vegetation clearing, grading, and the installation of a new stone drainage swale.
 - c. The drainage swale does not appear to be discussed within the Post Construction O&M Plan and would be on Town property. It is unclear whether the applicant plans to maintain this swale and/or requires an easement or similar for access and maintenance of this feature.
 - d. The Conservation Commission objects to the presence of improvements and/or destruction of the native state of the area referred to as Lot 4C that will be under their ownership.
 - e. The Commission suggests that the ZBA discuss if the presence of improvements and permanent stormwater features on open space to be donated to the Commission is appropriate or if the project can be completed without alteration to Lot 4C.
13. The Pollution Prevention Plan within the submitted Plan set states that a temporary settling basin will be installed downgradient of work to the north of the more easterly garage. This area does not appear to be shown on the plans and would be located adjacent to the pond. If a temporary settling basin is to be utilized, it should be shown on the plan in an appropriate location.
14. All references to 'hay' shall be removed and replaced with straw. This includes within the Pollution Prevention Plan and Construction Period Stormwater O&M Plan.
15. The Pollution Prevention Plan discusses potential stockpile locations, all stockpile locations shall be shown on the plan.
16. The Pollution Prevention Plan discusses potential BMPs that may be employed. The Commission requests that the project be conditioned that if BMPs are utilized other than those demonstrated on an approved plan set, that the Commission and/or ZBA be notified of the change.
17. The Pollution Prevention Plan mentions site plans prepared by 'Azimuth Land Design, LLC.'
18. The Pollution Prevention Plan mentions a Diversion Swale to be placed 'above abutting properties or Rice Road.' Please advise.
19. There appears to be a snow stockpile location adjacent to the pond, the Commission recommends changing the location of snow stockpiling and would be a requirement discussed during the Notice of Intent application review.
20. The Commission recommends that the applicant discuss in further detail how the slope between the building and septic leaching area will be stabilized once soils have been

disturbed. There are no erosion controls proposed where the garages are proposed and would allow sedimentation to flow off the slope if not properly contained or stabilized.

- a. Applicant should discuss the work phasing in this area to ensure proper sediment and erosion control. Proposed erosion controls in this area also do not allow a point of access to the slope. Applicant shall further provide information on how the slope will be accessed.
21. The submitted lighting plan shows that no illumination shall be in the area of the dog park and playground – please confirm.
 22. The Planting Plan, within the Landscaping Notes, describes several different types of seed mixes. The applicant shall demonstrate where each seed mix shall apply.
 23. 47 of the proposed trees and shrubs are proposed to be planted on Lot 4C, which is to be transferred to the ownership of the Conservation Commission. The applicant should confirm location of the proposed landscaping and how they will be maintained.
 - a. The Commission suggests that the ZBA determine if these plantings are required to be maintained in perpetuity and if the location is appropriate if the property will not be owned by the applicant.
 - b. The Commission requests that the ZBA determine if the number of plantings is sufficient to provide screening to the abutting Town property and vistas from Breakneck Hill Conservation Land.
 24. The applicant states that the project will be done in one phase. The applicant should further discuss the order in which work will commence. If work within the septic leaching area and recirculating sand filter is not to commence until the end of the project, the Commission recommends that clearing and grubbing of these areas are not done until such time that work to install these proponents are ready to commence.

The comments listed in this letter are not inclusive of a complete review by the Commission and/or its staff. The Commission may have further comments on revised materials and during the public hearing process under the Notice of Intent. Please do not hesitate to contact us at your earliest convenience with any questions or concerns.

Sincerely,

Melissa Danza
Conservation Agent