

# TOWN OF SOUTHBOROUGH



## CONSERVATION COMMISSION

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November 13, 2024

Zoning Board of Appeals  
9 Cordaville Road  
Southborough, MA 01772

**Subject: Conservation Department Review Comments  
120 Turnpike Road – Comprehensive Permit**

In review of the most recently submitted materials, the Conservation Agent has the following comments pertaining to the Comprehensive Permit application at 120 Turnpike Road. Please note the following are provided by the Agent only and have not been further discussed by the Commission due to timing of public hearings and submitted documents.

These comments are in addition to ones issued on November 8, 2024 that still remain.

1. The Isolated Vegetated Wetland is not shown on the existing conditions plans.
2. The 100' and 20' Buffer Zones are not shown on the existing conditions plans for the pond areas. The 20' Buffer Zones are not shown on the other resource areas on site.
3. Buffer Zone lines are not shown on the legend of the site plans. There is a reference to a black dashed line for the 100' Buffer Zone line, but these areas are depicted in a green dashed line on the plans. Additionally, the 20' Buffer Zone lines are not depicted on the legends. There are different types of lines that demonstrate the 20' Buffer Zone on the different resource areas depicted.
4. Other line types and colors are still not depicted on the site plans.
5. Additional stormwater infrastructure is now located on the parcel to be conveyed to the Conservation Commission including a French drain and the area drain from the southern garage.
6. The majority of the access path to the septic system area is now on the parcel to be conveyed to the Conservation Commission.

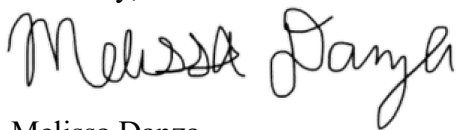
7. The snow storage areas appear to now infringe upon the parcel to be conveyed to the Conservation Commission.
8. The new location of the recirculating sand filter is surrounded by erosion controls and leaves no access to the area for construction. An additional construction entrance pad or BMPs may be needed to adequately address access and erosion control.
9. There is no reference or key on the legend that identifies the lot line for the parcel to be conveyed to the Conservation Commission.
10. The Landscape and Lighting Plans have still not been submitted at the time of this letter.
11. Sheet D3 under the List of Waivers from Town Regulations states that the applicant will not alter any wetland resource areas, which is incorrect as the applicant proposes to fill in an Isolated Vegetated Wetland, which is protected under the Southborough Wetlands Bylaw.
  - a. The ZBA should ensure that the list of waivers listed on the plan are a comprehensive list, the list be removed from the site plans, and/or conditioned that the accurate waiver list shall be only those explicitly stated in the decision.
12. Definition of Open Space under Town Code Chapter 174 (Zoning), Section 2 (Definitions) (emphasis added):
  - a. That portion of the lot area that is not covered by any structure and not used for drives, parking, storage or display. Wetlands, ponds and man-made retention areas shall not be considered open space for the purpose of calculating the requirements of this bylaw. Subsurface sewage disposal systems shall not be allowed within designated open space except that areas designated for reserve or expansion of an individual or shared system shall be allowed only if in the opinion of the Board of Health no other options are available or if in the opinion of the Planning Board it would be beneficial to the overall layout of the development. All open space shall be stabilized with natural vegetative cover. Open space shall be permanently protected by recorded deed.
    - i. Currently, the park or open space is proposed atop the septic system. The language, as stated, appears to prohibit the construction of a new septic within areas designated as open space.
13. Per Town Code Chapter 244 (Subdivision of Land), Section 14 (Open Space), either may be required, but discusses the natural state of the area (emphasis added):
  - a. The plan to show a park or parks, suitably located in the Board's opinion for playground or recreation purposes or to provide light and air. The Planning Board may require by appropriate endorsement on the plan that no building be erected

upon such park or parks without its approval for a period of three years. Each area reserved for such purposes shall be of suitable size, dimension, topography and natural character. The Board may require that the areas so reserved shall be located so as to be used in conjunction with similar areas of adjoining or potential subdivisions and to serve adequately all parts of the subdivision, as approved by the Planning Board. Unless otherwise specified by the Board, the total area to be reserved for park and playground purposes shall be not less than 10% of the gross area of the subdivision. The land so reserved shall not be a wetland and shall not be stripped or altered, except as may be approved by the Board to ensure suitability for the purposes intended.

- i. The initial and underlying intent of this area is for a septic system.
  - b. Certain portions of each lot, collectively equal to no less than 10% of the gross area of the subdivision, shall be set aside under covenant, not to be developed and to remain as open space in its natural state in perpetuity.
    - i. The current proposed area is to be stripped of all natural vegetation and a septic system installed.
14. The Conservation Department would like to reiterate that there is private infrastructure being proposed and installed on a parcel that is to be conveyed to the Conservation Commission as previously required. The current proposal has no information as to how the areas will be maintained, nor does the Commission or Department believe that this is to be allowed on a parcel required to be conveyed in 2019 Planning Board and Conservation Commission decisions, which was to be in its naturalized and unaltered state.
- a. The infrastructure, in general, is proposed on a lot not part of the 40B development and is to be subdivided with the issuance of a ZBA decision.

The above is not a final compilation of comments as a complete set of final plans have not yet been submitted as of the day of the hearing. Due to limited time, the above represent what could be inferred in the timeframe that allowed. Please do not hesitate to reach out if you have any questions.

Sincerely,

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

Melissa Danza  
Conservation Agent