

TOWN OF SOUTHBOROUGH



CONSERVATION COMMISSION

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January 7, 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 have the following comments pertaining to the Comprehensive Permit application at 250 Turnpike Road. The below is not be a complete list of concerns, questions, and/or comments pertaining to items jurisdictional to the Conservation Commission due to time and reviewing capabilities:

1. The Commission has reviewed the peer review letter from Lucas Environmental and agree with the findings and recommendations.
2. Wetland flags should match the valid wetland delineation approved under ORAD DEP #290-1091.
3. Per the approved ORAD, the existing 'detention basins' are wetland resource areas and therefore have associated 100' & 20' Buffer Zones and shall be shown on the submitted plans.
4. The western 'basin' contains Vernal Pool habitat with evidence of breeding of wood frogs and therefore the surrounding upland area provides important upland habitat for Vernal Pool species.
 - a. As Vernal Pool breeding season is approaching in spring with movements seen as early as March in appropriate weather, the Commission strongly recommends that the ZBA require an appropriate assessment of the wildlife habitat and corridors on site as stated in the ZBA Comprehensive Permit Regulations & Guidelines during the application review and should include, at a minimum:
 - i. Additional Vernal Pool assessments to identify if other species are utilizing the Vernal Pool

- ii. Migration Study to determine if amphibians are migrating throughout the site
- b. The information that would be gained from these studies would allow the ZBA and Conservation Commission to determine potential loss of wildlife habitat within the 100' & 20' Buffer Zone and determine if additional measures are needed, such as a wildlife crossing, or if work should be disallowed within certain areas, especially the 20' no touch.

5. Vernal Pools are incredibly important and have the added protection under our Wetlands Bylaw because they are unique wildlife habitats in which several amphibians and invertebrate animals, including rare and/or endangered species, use to breed. Some species that utilize Vernal Pools are Wood Frogs, Spotted Salamanders, Marbled Salamanders*, Blue-Spotted Salamanders*, Jefferson Salamanders*, Fairy Shrimp and other invertebrates. They are seasonal pools that typically dry up by the middle or end of summer each year which prevents fish from establishing populations, which are predators of many of these species. The pools create **critical** breeding habitat for these species and are largely susceptible to nearby development, especially within 100'. Changes and destruction of the surrounding upland area can disrupt the habitat and life cycles of the species that utilize these pools and can ultimately cause populations to be eliminated when forested areas are changed to residential uses such as homes, driveways, and lawns.

- a. Vernal Pools are given equal status as a wetland resource area under the Southborough Wetlands Bylaw, and therefore should be reviewed and protected with high regard during this application.
- b. *: Notes species on the Massachusetts Endangered Species Act (MESA) List.

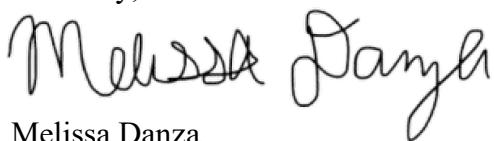
6. The applicant has proposed grading, retaining walls, structures, and lawn within the 20' Buffer Zone, which acts as a 'no touch' buffer under the Southborough Wetlands Bylaw and Regulations.

- a. The Commission requests that the applicant review opportunities to remove work from 20' Buffer Zones and/or describe why work cannot conform to this standard. As stated in our local Wetlands Regulations, "Projects undertaken within 100' of a resource area have a high likelihood of altering that area... In the experience of the Commission, projects in that part of the buffer zone closest to the wetland almost inevitably cause degradation of the resource area." In this instance, it could cause degradation to critical Vernal Pool habitat.
- b. The assessment and migration study for Vernal Pools would identify if any of these areas provide important areas for the protection of Vernal Pools on the property and the species that utilize them.
- c. Proposed work could inhibit important migration on the property as steep slopes and retaining walls cause direct barriers to wildlife and species that may be using the Vernal Pool.

7. Erosion controls do not appear to connect behind Units 1 and 2, which are within or adjacent to the 20' Buffer Zone.
8. The Commission has reviewed the peer review letter from Howard Stein Hudson and agree with the findings and recommendations pertaining to Wetlands Protection and Stormwater Management as jurisdictional to the Commission.
9. There are several mentions that a Notice of Intent has been submitted to the Conservation Commission. At this time, no application has been submitted.
10. The Commission reiterates the need for the applicant to list the relevant sections of the Stormwater Bylaw and/or Wetlands Bylaw that waivers are being requested from and how it would render the project uneconomical to comply.
11. The Commission highly recommends that the ZBA require the applicant to revise plans according to the requests outlined in letters provided by peer reviewers. It is the opinion of the Commission that important information has not been provided to determine the impact of the requested waivers in areas jurisdictional to the Commission in related to Wetlands Protection, especially Vernal Pool habitat, and Stormwater Management. Per the Wetlands Bylaw and Regulations, the applicant has the burden of proof of providing credible evidence that the work proposed will not have an unacceptable, significant, or cumulative effect upon the wetland values protected within the Bylaw.
12. The Commission would like to state that rarely does the Commission 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 is no proposed mitigation and therefore is showing a large disruption of the 20' no touch.
 - a. The Commission believes, and 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 wetland resource areas and habitat.
 - b. The Commission would like to note that they have previously requested and worked with applications on 40B projects for redesigns for compliance with the Bylaw, such as the Park Central application.

If you have any questions, please do not hesitate to contact us at your earliest convenience.

Sincerely,



A handwritten signature in black ink, appearing to read "Melissa Danza".

Melissa Danza
Conservation Agent