

February 13, 2025
Southborough Zoning Board of Appeals
9 Cordaville Road
Southborough, MA 01772

Re: Response to Comprehensive Permit Review
250 Turnpike Road, Southborough, MA 01772 (Map: 27, Parcel: 2A)

Dear Southborough Zoning Board of Appeals,

Goddard Consulting, LLC, (Goddard) is pleased to submit this response letter on behalf of Ferris Development Group (the Applicant), to provide responses to the Comprehensive Permit Review comments issued by Joe Orzel of Lucas Environmental, on December 18, 2024, in regard to the Comprehensive Permit filed for 250 Turnpike Road in Southborough, MA. Goddard has provided responses to each comment in the following report.

The format of this report will be as follows:

Lucas Environmental, (LE) Comments: *Italics*

Goddard Consulting (GC) Responses: **Bold**

Wetland Delineation Comments per the WPA

LE 1. The wetland boundaries at the site have been previously confirmed through an ORAD issued by the Southborough Conservation on September 26, 2022, under MassDEP File #290-1091.

GC 1. Goddard Consulting has no additional comment.

LE 2. LE notes that the ORAD established the wetland boundaries for Parcels A and B at the site. The 40B Application includes a copy of the ORAD, but also describes the wetland boundaries as being confirmed through the Order of Conditions issued under DEP File #290-1109. LE recommends that the language in the Application be revised to be consistent in describing the jurisdictional wetland boundaries as being confirmed through the ORAD, which included both Lot A and Lot B, and not the OOC, for which the approved Site Plans did not include all of the wetlands located on Lot B, which would have been confirmed through the valid ORAD at the time.

GC 2. The 40B Application can be revised to describe the jurisdictional wetland boundaries as being confirmed through the ORAD and not the OOC.

LE 3. LE has previously conducted site inspections at Parcels A and B at the property on April 24, 2022 and May 18, 2022, during the course of the ANRAD review.

GC 3. Goddard Consulting has no additional comment.

LE 4. LE has not inspected the area of the proposed 20-foot-wide water line easement located on the southern portion of the 125 Parkerville Road lot (Parcel ID: 27-0000-002-0), as this parcel was not included in the previously reviewed filings under the above noted ORAD and OOC. LE anticipates reviewing this location once a Notice of Intent is filed with the Conservation Commission for the current project; however, LE can inspect it for the ZBA review if requested.

GC 4. Goddard Consulting has no additional comment.

LE 5. LE notes that the submitted Plans do not show the ORAD approved location of revised wetland flag B3R, but rather the original location of flag B3. Although this flag does not apparently impact the Buffer Zone in areas of proposed work, LE recommends that the Plans be revised to show the correct approved location for wetland flag B3R and associated Buffer Zones.

GC 5. The plans will be revised to show the correct location for wetland flag B3R and associated Buffer Zone.

LE 6. LE notes that during the course of the ANRAD review, in May of 2022, evidence of breeding by wood frogs (*Rana sylvatica*) was reported within the western stormwater basin, identified by the A-series wetland flags. Therefore, although maintenance of the basin was approved by the Southborough Conservation Commission under MassDEP File#290-1109, the basin is considered jurisdictional BVW and provides Vernal Pool habitat. The adjacent upland areas also provide important upland habitat for this Vernal Pool species. This should be identified on all Site Plans.

GC 6. Wetland A may provide vernal pool habitat for wood frogs during parts of the year. However, the maintenance approved under the Order of Conditions (DEP File #290-1109) issued by the Southborough Conservation Commission may make this wetland not a suitable option for these species. Wetland A is a working detention basin apart of the existing stormwater infrastructure on-site. Material can be removed from this detention basin as normal maintenance. This effectively would remove the suitable breeding habitat for vernal pool species.

Wetland A is considered a Bordering Vegetated Wetland (BVW) and has a jurisdictional 100-foot buffer zone under the Massachusetts Wetland Protection Act (WPA) and an additional 20-foot No Disturb buffer zone under the Southborough Wetland Bylaw. The WPA does not have specific performance standards for work within buffer zone. Work is not proposed to encroach within the 20-foot buffer zone of this wetland.

The plans will be updated to note Wetland A as a Potential Vernal Pool.

General Comments per the WPA

LE 7. LE notes that the project is proposed as a single phase. Given the area of ground disturbance proposed, LE recommends that the Applicant investigate alternative phasing to minimize the area of active ground disturbance.

GC 7. Multiple phases would reduce the area of active ground disturbance and significantly extend the length of the construction period for the proposed project. The prolonged disturbance in the area would more likely negatively impact the surrounding area than the area of active disturbance.

LE 8. LE notes that there are several areas of relatively steep slopes to be created adjacent to wetland areas. LE recommends additional erosion control be installed at these locations, such as a minimum size of 12 inches for the straw wattles (which are to be installed along with silt fencing) or a double row of wattles and silt fence.

GC 8. Goddard Consulting agrees to add additional erosion controls to steep slopes adjacent to wetland areas.

LE 9. LE notes that the Erosion and Sediment Control Plan does not indicate areas where erosion control blankets are proposed. LE recommends that these areas be indicated on the Erosion Control Plan.

GC 9. The Erosion and Sediment Control Plan will be revised to show proposed erosion control blankets.

LE 10. The proposed erosion control blankets (Tensar North American Green SC150BN) apparently do not contain plastic netting. LE recommends that the Applicant confirm this. LE also recommends that Erosion Control Notes have language added that states any erosion control blanket used shall not contain plastic netting, in case a substitute product is proposed.

GC 10. The Erosion Control Notes will be revised to include language that states any erosion control blankets shall not contain plastic netting.

LE 11. As the BVWs are classified as tributary to a Class A Public Water Supply and ORW, the Applicant should evaluate the Title V minimum setback requirements of 100 feet to the soil absorption system per 310 CMR 15.000.

GC 11. Goddard Consulting will work with the project civil engineer to review the Title V standards setbacks.

LE 12. Per the MA Stormwater Management Standards, the stormwater discharges to ORWs must be setback from the receiving water or wetland and receive the highest and best practical method of treatment. Infiltration structures require a minimum setback of 50 feet. LE recommends that the 50-foot setback from wetlands be included on the Site Plans.

GC 12. The Site Plans will be revised to include the 50-foot setback from wetlands.

LE 13. As work is proposed within close proximity to the wetlands, the Applicant should demonstrate and document that the proposed work will not alter the hydrology feeding Wetland A, to ensure that there is no adverse effect to the BVW and Vernal Pool.

GC 13. The hydrology feeding Wetland A will not be altered by the proposed work.

LE 14. LE recommends that the Landscape Plan indicate seeding areas on the Plan and the proposed seed mix(es).

GC 14. The Landscape Plan will be revised to indicate seeding areas and the proposed seed mix(es).

LE 15. LE notes that no connection is indicated on the Site Plans from the sewer line to the proposed septic each field. LE recommends this be added to the Plan.

GC 15. The Site Plans will be revised to indicate the connection from the sewer line to the proposed soil absorption system.

LE 16. LE recommends that the top and bottom elevation of the retaining walls be identified on the Plans.

GC 16. The Site Plans have been revised to identify the top and bottom elevation of the retaining walls.

LE 17. The Applicant should provide further details on how the retaining walls near the wetlands will be constructed without impacts to the wetland, particularly within the limit of work/ erosion controls.

GC 17. The limit of work includes all the proposed retaining walls. The proposed work will occur upgradient of the wetland boundary. Erosion controls along the limit of work will ensure the wetland is protected from erosion and sedimentation-related impacts. Additionally, the limit of work demarcation will ensure no vehicles or equipment enter the wetland resource areas.

LE 18. Snow storage areas are not apparent on the Plans, LE recommends that these be added to the Plans.

GC 18. The Site Plans will be revised to include snow storage areas.

LE 19. LE notes that invasive species are present on the site and recommends that the Applicant provide an Invasive Species Management Plan for the proposed project, as was required by the Conservation Commission under MassDEP File #290-1109.

GC 19. An Invasive Species Management Plan (ISMP) was provided as a part of the most recent Notice of Intent (DEP File #190-1107) filing for the site filed on July 18th, 2023. Lucas reviewed the ISMP during the Notice of Intent. The issued Order of Conditions for this project lists the ISMP as an approved document. The scope of this ISMP was the area within the Conservation Commission jurisdiction. The ISMP can be updated to encompass the whole site as needed.

LE 20. LE notes that an impermeable barrier is proposed for the septic leach field. LE recommends the location of the barrier be included on the Plan.

GC 20. The Plan will be revised to include the location of the impermeable barrier associated with the septic leach field.

LE 21. LE recommends that the Applicant provide information on whether an impermeable/clay barrier is needed for proposed underground utilities in areas of shallow groundwater.

GC 21. Goddard Consulting will work with the project civil engineer to provide information on whether an impermeable/clay barrier is needed for proposed underground utilities in areas of shallow groundwater.

Southborough Wetlands Bylaw Comments

LE 22. The Comments provided by LE under the previous sections are also applicable under the Bylaw.

GC 22. Goddard Consulting has no additional comment.

LE 23. LE notes that the Waiver Request states that a Notice of Intent has been filed with the Southborough Conservation Commission. As of the date of this review, LE is not aware of any NOI filing having been submitted for this project.

GC 23. No Notice of Intent has been filed with the Southborough Conservation Commission for this project.

LE 24. Per the Town of Southborough's ZBA Comprehensive Permit Regulations and Guidelines (CPRG), Section 4.1.12.3, the Applicant is required to assess the wildlife habitat and corridors on the site. The Environmental Analysis provided discusses this criteria; however, has no reference or discussion of the Vernal Pool or wildlife corridors/migration of Vernal Pools species on the site.

GC 24. The site sits in the middle of an area surrounded by single-family homes on the east, south, and west and existing commercial developments and Route 9 (major barrier) to the north. The forested area just south of the existing parking lot may be used as a corridor for wildlife traveling east and west. Parkerville Road creates a small barrier between forested sections. Overall, wildlife that currently use this area and surrounding areas are human adapted animals that will continue to adapt and use the surrounding available habitats. The proposed project is unlikely to have a significant impact on wildlife. The proposed driveway to the building may act as a small barrier, however, most animals would be able to easily cross over it. Cape Cod style or slanted curbs could be used to further reduce any potential wildlife movement issues. A wildlife habitat evaluation will be submitted as part of the results for the Vernal Pool Migration Study.

LE 24a. Based upon the location of the Vernal Pool within Wetland A, and the extensive impacts to the 20-Foot and 100-Foot Buffer Zones, LE recommends further evaluation of the Vernal Pool in the Spring of 2025. LE understands a limited Vernal Pool assessment has been previously completed and should be further evaluated to determine if other organisms are using the Vernal Pool, in addition to wood frogs.

GC 24a. Goddard Consulting will conduct a migration study of the vernal pool in the Spring of 2025 to assess for potential impacts to vernal pool species.

No portion of the proposed work takes place within regulated vernal pool habitat either under the Wetland Protection Act or under the local Bylaw. Although Buffer Zone work is proposed, the work does not alter the vernal pool or potential habitat.

LE 24b. LE recommends a Migration Study of potential Vernal Pool species be completed in the early spring at the onset of the breeding season in 2025. No studies of amphibian movement through the site have been provided. Therefore, it is unknown if any Vernal Pool species are potentially migrating across the project site.

GC 24b. Goddard Consulting will conduct a migration study of the vernal pool in the Spring of 2025 to assess for potential impacts to vernal pool species.

LE 24c. Following a Migration Study, LE recommends the Applicant evaluate a wildlife crossing of the proposed roadway between the two wetland areas to the east and west. This generally requires a four (4) foot crossing height for wildlife movement for optimal wildlife crossings. The Applicant should also evaluate barriers to direct wildlife to the crossing and not to the developed areas of the site.

GC 24c. Following the migration study, Goddard Consulting will review the results and investigate any potential barriers to vernal pool species' movement. If vernal pool species are primarily entering from the eastern portion of the site, a wildlife crossing may reduce potential impacts to wildlife migration across the site. If vernal pool species are migrating from the undisturbed forest west of the site, Cape Cod style or slanted curbs could be used to reduce any potential wildlife movement issues.

LE 24d. Due to the extent of the Buffer Zone impacts on the site, and location of the Vernal Pool within Wetland A, the Applicant is required to demonstrate that there will be no adverse effect to the Vernal Pool.

GC 24d. According to the Wildlife Habitat Protection Guidance for Inland Wetlands document from DEP, "the standard of "no adverse effect" applies to alterations in resource areas only and not activities proposed within the buffer zone". No part of the proposed project is taking place within a potential vernal pool or associated vernal pool habitat.

LE 24e. LE recommends that the Applicant provide a description of mitigation measures for potential loss of wildlife habitat within the 100-Foot Buffer Zone.

GC 24e. Several mitigation measures may be incorporated into the project to reduce the potential loss of wildlife habitat. Invasive species will be removed as a part of the ISMP approved through the issuance of the Order of Conditions (DEP File # 190-1107). The ISMP can be expanded to encompass the entirety of the site if deemed appropriate by the Southborough Zoning Board of Appeals. Native vegetation can be planted in place of the invasive species to provide shelter, food, and pollinator habitat for wildlife. Nest boxes can be placed along the tree lines to provide opportunities for cavity-nesting passerine birds and bats. Woody debris can be scattered within wetland resource areas and adjacent uplands to increase forest floor structural diversity and create microhabitats for ground dwelling fossorial species.

LE 25. LE recommends that the Applicant provide calculation of the proposed areas of disturbance within the 100-Foot Buffer Zone and within the Bylaw 20-Foot No Work Zone.

GC 25. The proposed project will result in approximately 61,124.08 sf of disturbance within the 100-foot Buffer Zone. Of the proposed Buffer Zone disturbance, approximately 6,987.23 sf of the area of disturbance is within the 20-foot No Work Zone.

LE 26. Per the Bylaw, the Conservation Commission presumes "all activities that involve removal of vegetation (except routine lawn and garden maintenance), grading, filling, excavation, erection of permanent structures, application of inorganic fertilizers (excluding lime and other soil treatments approved by the Commission) or application of pesticides whose labels indicate they are toxic to aquatic organisms, is presumed to alter the adjacent resource areas." The Applicant seeks a Waiver from the Wetlands Bylaw for work proposed

within 20 feet of wetlands. The Bylaw establishes performance standards for work within 20 feet of a wetland. LE also notes that the Conservation Commission has the authority to consider a wider undisturbed buffer to ensure the protection of wetland resource areas under the Bylaw.

Based upon the proposed work and location of the Vernal Pool, LE recommends the ZBA request that the Applicant evaluate alternatives for the proposed work in the 20-Foot No Work Zone associated with the grading, retaining walls, and townhouses to reduce impacts, particularly in areas proximal to Wetland A, which has been found to provide Vernal Pool habitat. Currently, Units 2 and 29-32 are proposed in the 20-Foot No Work Zone, and Unit 20 requires work within 20 feet of the wetland.

GC 26. The most recent submittal is the alternative design for the project. The project was reduced in scale from a 56-unit apartment building with large parking areas to 32 condominium units with individual driveway or garage parking. This alternative to the originally proposed project will result in less impervious surfaces proposed. Retaining walls associated with Units 20 and 29 will prevent any further encroachment towards the wetland within the 20-foot buffer zone. The project is not proposed to be within 20-feet of Wetland A. The project will not directly impact the potential vernal pool or habitat. Stormwater collected from the condos and the proposed access drive is not proposing to discharge water towards Wetland A. No further alternative analysis is required for work within buffer zone under the WPA.

LE 27. The Waiver Request seeks a Waiver as to the use of native species, stating that the Applicant proposes plantings that are not native, but better suited for the proposed development. As general policy, the Southborough Conservation Commission and MassDEP require planting native, non-cultivar species within the 100-Foot Buffer Zone. LE notes that the list of plants provided on the Landscape Plan includes several species that are considered non-native in eastern Massachusetts on the Go Botany website but considered native in eastern Massachusetts on the USDA Plants Database website. None of the plants included on the Landscape Plan are considered invasive; however, LE recommends that the Applicant verify that only native straight species are proposed within the 100-Foot Buffer Zone.

GC 27. According to Go Botany, the only proposed species considered non-native to Massachusetts are Washington Hawthorn, White Spruce, Eastern Arborvitae, and Common Ninebark. Three Washington Hawthorn plantings are proposed adjacent to Unit 22, outside the 100-foot Buffer Zone. Of the eight proposed White Spruce plantings, only one individual is located partially within the 100-foot Buffer Zone. Of the 45 proposed Eastern Arborvitae plantings, only six individuals are located with the 100-foot Buffer Zone. All four of the proposed Common Ninebark plantings are not within the 100-foot Buffer Zone. Overall, the majority of the proposed plant species are native to Massachusetts. Of the four non-native species, only seven non-native plantings of the 230 total plantings are within the 100-foot Buffer Zone.

LE 28. Per the Town of Southborough's ZBA CPRG, Section 4.1.12.7, the Applicant is required to assess impacts from road salt and fertilizer loading. The Environmental Analysis provided discusses this criteria; however, has no reference or discussion of the use of road salt or fertilizer. A work is located in close proximity to a Vernal Pool, this should be further evaluated.

GC 28. No roadways are proposed in close proximity to the potential vernal pool, or Wetland A. Road salt is not expected to enter the potential vernal pool habitat. In order to prevent any harm to the potential vernal pool, an eco-friendly fertilizer and road salt may be used on the property.

If you have any questions, please do not hesitate to reach out.

Sincerely,

Goddard Consulting, LLC



Scott Goddard, PWS
Principal and Wetlands Specialist