

John Palmer
131 Parkerville Road
Southborough, MA 01772

October 6, 2025

Mr. David Williams, Chair
Southborough Zoning Board of Appeals *by email only*
9 Cordaville Road
Southborough, Massachusetts 01772

Re: Public Hearing - Comprehensive Permit – FD 250 Turnpike LLC 40B Development

Dear Mr. Williams:

As you know, I am a direct abutter to 250 Turnpike Road. I live at 131 Parkerville Road. FD 250 Turnpike LLC is seeking a Comprehensive Permit under MGL Chapter 40B to construct a 32-unit townhouse development. While I am in support of a townhouse development in lieu of the originally proposed 4-story apartment building, I remain critically concerned that the land/property in question is unsuitable for a development of this size.

As expressed in my letters dated December 16, 2024 and May 20, 2025, I believe the land/property in question is unsuitable for development for two fundamental reasons;

- a) The **topography of the land is unsuitable** for a development of this size and scale, especially given delineated wetlands across the site
- b) The proposed development will **exacerbate an already problematic stormwater management system** across the property and across the neighborhood, all of which could negatively impact my property, my neighbors' properties, or cause other storm water management issues within town and within the Sudbury Reservoir Watershed.

I understand that the ZBA's jurisdiction includes zoning, subdivision regulations, and other local bylaws, ordinances, and regulations. However, the ZBA does not have the authority to waive state requirements. Therefore, the Conservation Commission retains jurisdiction when a project requires permits under the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40. Similarly, the Board of Health and/ or Mass DEP acts as the permitting authority under Title V of the State Environmental Code, 310 CMR 15.00. I believe a decision to approve this comprehensive permit, without comprehensive review and input from the Conservation Commission and without the necessary permitting from the Board of Health and/ or Mass DEP is problematic. The peer reviews of the site plans, commissioned by the ZBA, have raised any number of issues where the

site plan does not meet local bylaws, ordinances, and regs as well as the State Wetlands Protection Act, State Title 5 regs, and even Federal EPA regs. The Applicant's response to peer review findings has generally been to seek waivers, through the ZBA, for numerous site plan non-compliance issues, all under the auspice of 40B. Even under 40B and under the jurisdiction of the ZBA, the applicant is required to show that these waivers are required in order to make the project economically viable per the applicant's pro forma filing. In this case and given the vast number of waivers sought to address non-compliance with local, state, and federal regs, it would seem appropriate and even required that the ZBA seek a formal pro forma review that proves economic hardship necessitating the waivers, especially seeing how the pro forma originally filed with Mass Housing was for a very different project altogether.

I respectfully ask that the ZBA to require a pro forma review that would support the waivers that the applicant is seeking.

It's also important to note that my previously raised concerns, as a concerned abutter, have not been directly addressed by the Board or the Applicant in any substantive way. As raised in my previous two letters to the ZBA and not yet answered ...

Mass Title 5 Regulations & the Sudbury Reservoir Watershed: Massachusetts Title 5 regulations under 310 CMR15.211 require specific setbacks of 200 feet and 100 feet from tributaries to surface water supplies and wetlands bordering tributaries thereto respectively. The 250 Turnpike project area shows on MassGIS maps and the recent 2022 wetlands study as containing a "tributary to the Sudbury Reservoir" and designated wetlands across the site. As such, the site's proposed septic tanks and soil absorption systems do not appear to meet the setback requirements of Massachusetts Title 5.

Stormwater Management: Stormwater management will pose a significant challenge given the proposed development. As one of several property owners directly downgrade from the proposed development, I have significant concerns that the proposed development will negatively impact my property and my neighbors' properties. Furthermore, the Town should be concerned about the impact on the aforementioned tributaries to the Sudbury Reservoir and the impact on the Town's stormwater management design of the entire downgrade area (i.e., Route 9 east of 250 Turnpike, Route 9/ Parkerville Rd intersection, Route 9/ Middle Road intersections, and eventual stormwater management into the Sudbury Reservoir). The proposed stormwater management design appears problematic and inadequate in several ways.

Has the ZBA or the Southborough Board of Health requested that the applicant apply for a variance, both with the local Board of Health and Mass DEP regarding the septic system design?

It also appears that the EPA's clean water Act regulates the discharge of pollutants into U.S. waters to ensure water quality and that this site plan design will require an EPA NPDES Construction General Permit (CGP) for land disturbances over 5 acres. **Has the ZBA and/ or the applicant filed for an EPA DPDES CGP at the state or federal level?**

I respectfully ask that the ZBA ensure all three of these issues (highlighted in Bold text) be addressed as part of the public hearing process and through the approval process of the applicant's Comprehensive Permit.

Sincerely,

John Palmer

cc: John St. Andre (by email only)
Lara Davis, ZBA (by email only)
George Bahnan, Ferris Development (by email only)