

ZONING BOARD OF APPEALS



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

DRAFT MINUTES September 16, 2015

Members Present: Alan Rubenstein, Richard Novak, Ron Steffek and Paul Kerrissey

Members Absent: None

Others Present: Jan Krouwer, Ruby Krouwer, Don Spongberg, Kristen Lawler, Cheechong Tai, Eugene Goldfield, Robert Johnson, Betsy Johnson, Angie Johnson, Michael Barbiero, Alan Bertnstein, Charles Blaney, Joyce Yusi, Ramon Yusi, Peggy Novak, Howard Fisher, Michael Lesser, Christine Cooney, Doug Cormier, Josh Abrams, Addie Mae Weiss, Chuck Morris, Pat Le Blanc, Robin D. Perera, Gina Kapilian, Melinda O'Neil, Jacque Marcus, Daryl Beardsley, Chris Quinn, Philip Paradis, Ben Stevens, Ed Marchant

Chairman Alan Rubenstein called the meeting to order at 8:00 p.m. in the Sherborn Town Hall, Room 204B.

MINUTES

Minutes were not reviewed at this meeting.

PUBLIC HEARING FOR THE FIELDS AT SHERBORN

This is a continuation of the public hearing for the proposed 40B project, known as The Fields at Sherborn, which began on March 12, 2015. Chairman Rubenstein gave an overview of the project and the public hearing process and progress for the benefit of the public and Attorney Dan Hill, who has recently been retained by abutters and concerned citizens. Mr. Rubenstein highlighted the three main issues receiving the most attention in relation to this project: wetlands, septic, and stormwater management. He explained that this is an extended and ongoing process, one involving hearings by the Board of Health and Conservation Commission in addition to the Zoning Board of Appeals (ZBA). The ZBA has, so far, heard the traffic impact report and the site design plans as well as the peer review comments for both and the subsequent responses from the applicant. Mr. Rubenstein stated that the primary purpose of tonight's hearing is to get a status report on the progress of hearings by the Board of Health and the Conservation

Commission, with input from representatives of each board, the peer reviewer, and the applicants. Any and all public comment will also be heard.

Philip Paradis, representing Beta Engineering Group, the peer reviewer for this project, gave an update of the progress with both the Board of Health and the Conservation Commission. Ben Stevens asserted that a large majority of the concerns of both boards have been fully addressed. Some items do remain to be addressed; however, Mr. Stevens feels that they are in the final round of comments from the Board of Health. The applicants have also met with the Conservation Commission and are expecting a list of amendments that group would like to see made to the site plans. Mr. Stevens will have all requested information to the Conservation Commission and the Board of Health no later than the week of September 21, 2015, giving time for both boards to review the information prior to their next hearings on the Fields at Sherborn, expected to be held in early October. After these boards have held their final hearings on this issue, Alan Rubenstein expects to hold a ZBA hearing with each of the boards individually.

Michael Lesser, speaking as a representative of the Conservation Commission, stated that the stormwater management issue had been adequately addressed. The Commission is awaiting further detail about the impacts on the wetlands and the buffer zone on the site. Mr. Lesser cited changes in the Commission's staff, including the hiring of a new agent and a new administrative assistant, as the reason for their delayed responses to the applicant on some issues. Mr. Lesser expressed that it may be possible to resolve all outstanding concerns at the next hearing, set for late September or early October.

Daryl Beardsley, Chairman of the Board of Health, reported that the Board has received and reviewed septic plans for the development and have returned their comments to the applicant. The Board is awaiting information on wells and has not yet received a well permit application or the associated fees.

Attorney Dan Hill raised some procedural questions with a 40B public hearing. First, he is concerned that a list of waivers, or Bylaws with which the applicants are not in compliance, has not been provided to any of the Town boards or to the public. Second, he expressed concern over the timing of the hearing and the ability to adequately address all issues surrounding the project. Third, he raised his worries about the site being too densely inhabited for the water and sewer systems to support it, as well as the possibility of this development impacting abutters' water and sewer systems. To the first concern, Ed Marchant replied that each board is aware of the issues for which the plan is not compliant and that those are the main issues discussed in the hearings. After several comments from the public, echoing the desire to see a list of waivers, Ben Stevens agrees to supply the ZBA with such a list. To the second concern, Mr. Rubenstein is confident that another extension of the hearing process would be granted by the applicants should it be requested and that all issues will be adequately addressed before the hearing is closed. To the third point, Mr. Paradis and the peer review firm has begun assessing the sewer and water systems but require more information from the applicant to provide a full assessment. Ben Stevens added that a letter has been submitted to the Department of Environmental Protection (DEP) with the site plans and relevant information and are expecting a return letter from the DEP regarding whether or not the water supply on the site will qualify as a public water supply.

Chuck Morris inquired about whether Town boards can request the services of outside consultants to respond to concerns during the hearing process. Alan Rubenstein responded that Beta, the peer reviewer, has been selected and hired in that capacity and that, additionally, the expertise of board members in the Conservation Commission and the Board of Health would provide guidance. Beyond those resources, the burden of additional information or evidence-gathering would be on the concerned public and any consultant they seek to retain. Robert Johnson read a prepared statement to the ZBA and the public in attendance and, as an abutter to the proposed development, shared his worries about the project's impact on water quality and quantity for the surrounding areas; this reading received audience applause.

The next meeting is scheduled for Wednesday, October 21, 2015 at 8:00 p.m. with hopes that the Conservation Commission will be prepared to hold a joint hearing then to discuss wetlands and stormwater management issues.

Tonight's hearing was adjourned at 9:30 p.m.

Respectfully submitted,
Samantha Shepherd

DOCUMENTS REFERENCED DURING THE MEETING

1. A September 16, 2015 letter to Dan Hill from Scott W. Horsely, Water Resources Consultant, with the subject, "Fields of Sherborn 40 B Review."
2. A September 16, 2015 document from Dan Hill of Hill Law, with the subject, "Application for Comprehensive Permit – 247 Washington Street, Sherborn."
3. A September 16, 2015 letter from Robert Johnson to the Zoning Board of Appeals and the Board of Health regarding the Fields at Sherborn.