

February 22, 2021

Via Email

Richard S. Novak, Chairman
Sherborn Zoning Board of Appeals
19 Washington Street
Sherborn, MA 01770

**Re: Coolidge Crossing Comprehensive Permit Application
Property at 84-86 Coolidge Street, Sherborn, MA
Response to Public Comment Letter, dated January 27, 2021**

Dear Chairman Novak and Members of the Board,

The Applicant, Baystone Sherborn, LLC, has reviewed the letter submitted to the Zoning Board from residents along Meadowbrook Road, and takes this opportunity to address the comments or concerns raised within that communication. For your ease in review, the Applicant's responses generally set out the six (6) topical points made in the Meadowbrook Road resident letter, followed by our responses thereto.

(1) Whether the 84-86 Coolidge Street Project and 104 Coolidge Street project should be considered together on key issues.

- *The two projects must legally be reviewed as two distinct projects under two very different permitting processes.*

As briefly addressed within the January 28, 2021 public hearing, Applicant's Coolidge Crossing project (84-86 Coolidge Street) is being advanced under the Chapter 40B permitting framework. In particular, in accordance with Chapter 40B and its regulations, the Zoning Board reviews the application and, if approved, issues a comprehensive permit, meaning that the Board's permit encompasses all local approvals.

Separately, the property at 104 Coolidge Street is being advanced by Pulte Homes on New England, Inc. ("Pulte Homes") as a 67-unit development under the Elderly/Affordable ("EA") zoning provisions of the Sherborn Zoning Bylaw. The review of that EA project, known as Meadowbrook Commons, is to be undertaken by and subject to the approval of the Sherborn Planning Board. These two project proposals are advanced by unrelated, separate entities, involve completely different parcels of land and are subject to

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two very different permit processes. As a practical matter, the Coolidge Commons 40B project should not be evaluated as if a component of the Meadowbrook Commons EA proposal.

Is also relevant to note that the MDM Traffic Impact Analysis submitted for Coolidge Crossing includes within its future traffic conditions analysis consideration of the possible traffic associated with a future Meadowbrook Commons EA project. It is standard industry practice to include possible future developments that have been filed with the Town, when projecting a five-year traffic outlook.

- *Statements suggesting a blasting impact to the General Chemical plume have no supporting basis.*

The Meadowbrook Road residents' letter suggests that "the General Chemical plume *could* be impacted by the cumulative blasting and environmental disruption from 187 units, plus clubhouse, pool and outbuildings." (Emphasis added).

The Applicant is proposing that the Coolidge Crossing structures be built slab-on-grade with no basements, and as such the Applicant anticipates little to no ledge removal to construct the buildings. Any ledge removal necessary for the installation of on-site infrastructure would also be very limited in scope and shallow, if even necessary.

While the Board of Health regulations, as they relate to bedrock disruption, require only that notice be given to property owners within a quarter mile of the area of blasting, the Applicant will agree to provide such notice of any bedrock blasting that may be required for Coolidge Crossing as well.

- (2) **Assertions that General Chemical "issues" should be foremost in any consideration of development at 84-86 Coolidge Street due to risks of General Chemical overlook planned remediation efforts and recent monitoring well information.**

The General Chemical site, 133-135 Leland Street, Framingham, is located more than a mile from the Coolidge Crossing property at 84-86 Coolidge Street and more than a mile from Meadowbrook Road. As stated in DEP records, the groundwater plume is determined to be in a southwest direction. Both Meadowbrook Road and 84-86 Coolidge Street are to the southeast of the Leland Street 21E Site.

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General Chemical, which has been closed since 2012, is what is known as a Chapter 21E Public Involvement Plan (“PIP”) site, which underscores the level of information and public outreach that is required in remediating the site. While it is not discounted that in addition to concerns related to vapor intrusion (to areas such as the Wilson School in Framingham and the vacated residential dwellings on Leland Street that were recently taken down), the site evaluation and clean up assessment has also taken into account the potential for migration of impacted groundwater to nearby Framingham residences and other nearby areas. With that said, however, there does not appear a direct connection or a documented concern of groundwater migrating toward the Meadowbrook Road properties and impacting those residents’ wells. Semi-annual testing, which testing reports are on file with the DEP, have not shown evidence of a plume or increasing levels of contaminants associated with General Chemical in the monitoring wells closest to Sherborn (and more specifically, the Meadowbrook Road area).

Within the past year, the DEP was to undertake a partial clean-up of the GC property, via thermal remediation. The \$2.2 Million cleanup involves in situ thermal treatment. Due to the Governor’s Covid Emergency Order on March 15, 2020, the clean-up activities were continued to this calendar year. The DEP has confirmed to the affected municipalities that the cleanup has been scheduled to begin in late June, and to continue over a 14 week period. Against this backdrop, the stated concern that project impacts caused by 84-86 Coolidge Street could conceivably hasten a change such that groundwater would significantly move toward Meadowbrook Road is not founded on any known scientific concerns that have been documented in the recent past. It is further an unlikely incident given that the project does not anticipate any significant drilling or blasting for the construction of slab-on-grade buildings.

The Applicant respectfully requests the Board evaluate credible concerns as it relates to the project proposal and that the review process not be deflected by unsupported “what if” scenarios that do not appear to have a credible factual underpinning.

3. The construction of the water and sewer main lines has and will be subject to appropriate review by the affected municipalities, the state and the entities to be served by the water and sewer extensions.

The Meadowbrook Road residents’ statement that the laying out of water and sewer pipes represent “a very large risk” to the Town is not connected to any documented concern. The ultimate approval and construction of water or sewer line extensions will be properly and thoroughly vetted by the municipalities and the State.

Further, the DEP’s remediation actions at the GC site, which are expected to be completed by September 2021, will likely occur well before any physical construction for

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the Coolidge Crossing would commence. We would not anticipate that physical construction of Coolidge Crossing would advance prior to September 2021.

4. **The request for bonds/escrow to pay for routine testing of the Meadowbrook neighborhood water or a plan and monetary set-aside to address contamination arising from the General Chemical or other contamination would impermissibly place the Zoning Board to act as an arbiter of some future potential claim for damages.**

The Meadowbrook residents request for a bond or escrow fund to be established underscores their concerns are not with this 40B project proposal, but with the General Chemical site and the liabilities that may arise under Chapter 21E. If, at some point in the future, one of the drinking water wells serving a Meadowbrook Road property were to be contaminated, there would be a variety of potential causes: a) a homeowner in the neighborhood had a delivery of home heating oil, which resulted in an overfill, and nearby wells were impacted; b) a property located between the General Chemical site and Meadowbrook Road causes a new issue of concern or c) some other commercial user in the area has a spill or contamination issue. In short, there are a variety of “what ifs” that could exist in the vicinity of the Meadowbrook Property that have no relation to the Coolidge Crossing property.

Within the Chapter 40B process, this Board has availed itself of retaining a third-party, independent peer review consultant, TetraTech. As such, the Board has the benefit not only of the detailed plans, information and detailed stormwater report prepared by the Applicant’s engineers at Civil Design Group, but it also has the benefit of the independent review by TetraTech of such plans, information and reports.

5. **The Applicant has agreed to restrict emergency access to the rear of the 84-86 Coolidge Street property to emergency vehicles only.**

The Meadowbrook Road residents’ letter to the Board requests a permanent restriction for emergency access only through Meadowbrook Road for police and fire vehicles. As previously addressed in the public hearings, the Applicant is proposing that the access drive from Meadowbrook Commons would be gated, locked and restricted for the use of the fire access lane to the rear of the property.

Further, the Meadowbrook residents have requested the Board to evaluate the traffic assessment provided by the Applicant. Such process is currently underway, with the Board having retained TetraTech to independently review and evaluate the MDM

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Traffic Impact Assessment report to insure that appropriate study was undertaken and that industry recognized modeling has been correctly applied.

6. The size and scale of the Coolidge Crossing affordable housing proposal has been carefully planned, revised and vetted before the Sherborn Select Board prior to the Applicant seeking the Zoning Board's review of the same.

The Zoning Board is currently reviewing the 40B application as a 120-unit multifamily development and not a 187-unit combined project. Although the 120-unit Coolidge Crossing would qualify as a large project under the Chapter 40B regulation, as it proposes an increase of more than 6% of Sherborn's reported housing units. Chapter 40B does not prohibit or discount the need for large projects. Instead, the Chapter 40B regulations merely establish guidelines to allow a municipality to exercise preliminary objections to a large project.

Here, the Board did not seek to impose the mere fact that the application qualifies as a "large project" as a basis solely to deny or impose conditions on the proposed project, by issuing a notice to the Applicant with a copy to the Department after the opening the public hearing. Instead, the Board has advanced the hearing process, to evaluate the merits of the Coolidge Crossing proposal.

Further, while technically a "large project," the size of the Coolidge Crossing project (which is located across 15.2 acres of land), must be viewed in the larger context of the Applicant's submittal. In particular, the proposal was made with the specific input and endorsement by both the Sherborn Select Board and the Sherborn Housing Partnership. The Applicant's project proposal was submitted to the Board only after an extensive period of pre-filing outreach and planning to ensure that it was responsive to the housing needs of Sherborn. In particular, the Applicant reached out to the Town of Sherborn Select Board to present the project's proposed size and design, as early as last spring. The Select Board considered the proposal over the course of three public meetings, on April 16, 2020, June 25, 2020 and again on August 13, 2020. The Select Board was provided for its review project documentation, preliminary plans and the proposed Local Intuitive Project (LIP) application, with supporting materials.

It was only after such public process and review of the submitted materials that the Select Board, in a public meeting, voted to endorse the LIP application and issued a letter of support for the project dated August 13, 2020. The Sherborn Housing Partnership had previously issued letter of support dated July 22, 2020, and advocated why the 120-unit project served the needs of the community.

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While the submitted letter by the Meadowbrook Road residents questions whether the Coolidge Crossing proposal aligns with the Housing Production Plan (HPP), the project does, quite literally, advance the larger goals of the HPP. For instance, Goal 1 of the HPP is to actively manage/guide development of affordable housing to maximize local control, minimize adverse effect and achieve the 10% goal. Coolidge Crossing is a 40B proposal, it is submitted under the Local initiative Program provisions, meaning that the Applicant has sought (and obtained) preliminary endorsement of the project proposal from the Select Board as determined within the course of public meetings. Likewise, the proposal has the preliminary support of the Housing Partnership, which recognized that the proposal generally advances the HPP.

The HPP's second goal to increase appropriately-scaled housing options is likewise achieved by Coolidge Crossing. The proposal enables a more diverse residential option throughout Sherborn. As noted in the Housing Partnership endorsement letter, Sherborn is woefully lacking in multifamily housing and that the primary current option in Town for rental housing has a waiting list.

Lastly, the third stated goal of the HPP is to respect the semi-rural character and natural resources of the town. Sherborn Crossing does just that; the Applicant has designed the layout of the project to minimize visual impacts from Coolidge Street, such that the development is largely tucked into the site. Internally, the buildings are designed to maximize natural views to the surrounding vegetated areas.

The Board's review of the Coolidge Crossing application to date has considered, and we have confidence will continue to consider, the proposal holistically with a thoughtful review of the project's land size, suitability to residential uses, building layout, height and placement within the lot, quality of the housing to be provided and the quantifiable impacts of the proposal as balanced with the local need for affordable housing. We are confident that in this more comprehensive context, the Coolidge Crossing proposal meets and in large measure, surpasses, the goals of the HPP.

In closing, we look forward to continuing the public hearing process before the Board later this month, at which time we anticipate that the TetraTech peer review will have been completed and our project team can provide necessary follow-up/responses as may be appropriate.

Sincerely yours,

/s/ *Stephanie A. Kiefer*

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