

April 14, 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 Conservation Commission Memo, dated April 11, 2021**

Dear Chairman Novak and Members of the Board,

The Applicant, Baystone Sherborn, LLC, and its project team have reviewed the comment memo submitted by the Conservation Commission (the “Commission”) to the Zoning Board (the “Board”). To assist the Board’s review of the project, and with specific reference to the wetlands and stormwater aspects of the project, we are submitting the attached response letter prepared by Matt Leidner, Civil Design Group with additional input from the Applicant’s landscape architect, Thomas Miner of Hawk Design, Inc. We look forward to reviewing these matters more fully at this evening’s hearing.

The Commission’s memo advises that it intends to conduct a complete review of the project at a later date pursuant to a Notice of Intent. As previously acknowledged to the Board, the Applicant will refile a Notice of Intent with the Commission as the same relates to work subject to the Wetlands Protection Act, M.G.L. c. 131, §40. In that vein, the Applicant suggests that the Board’s decision include a standard condition that Applicant is responsible for obtaining all state or federal approvals as may be required for the project. Further, it is noted that the Sherborn Wetlands Bylaw, as well as all other local bylaws or regulations, are local permitting matters subsumed within the Board’s review of the comprehensive permit application.

Finally, within the closing lines of the Commission’s memo, the Commission has suggested that the Board include a condition with the Board’s 40B decision to require the Applicant to subsequently address each of the Commission’s stated concerns and that the same matters be subject to later conditioning by the Commission. This suggestion contradicts the streamlined permitting review under Chapter 40B. In addition, such a requirement would be viewed as a “condition subsequent,” and therefore not a valid exercise of the Zoning Board’s authority under Chapter 40B. As such, we cannot recommend that Board consider such an approach.

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SMOLAK & VAUGHAN LLP

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In closing, we look forward to discussing these matters with the Board at this evening's hearing.

Sincerely yours,

/s/ Stephanie A. Kiefer

Stephanie A. Kiefer

Encl.