



TOWN OF SHERBORN
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Jeremy Marsette, *Town Administrator*

December 3, 2022

MassHousing: Office of Planning & Programs
Attn.: Ms. Katherine Miller
One Beacon Street
Boston, MA 02108

RE: Proposed 40B Project
Greenwood Homes, Sherborn, MA
MH ID No. 1162

Dear Ms. Miller:

Thank you for your letter of September 27, 2022, soliciting comments from the Sherborn community regarding the proposed 40B project "Greenwood Homes" (MH ID 1162). We appreciate the deadline extension that allowed us to collect and integrate comments from municipal boards & committees, and we are pleased to submit the Select Board's summary analysis.

The Appendix includes the original board and committee reports. The Developer's site plan for Greenwood Homes, along with an overview of the two adjacent 40B projects from the same developer ("Greenwood Homes" and "Sherborn Homes" 40B rental apartments), are provided at the end of this letter for reference.

I. Overview of Housing Development in Sherborn

Housing development in Sherborn is challenging due to the lack of municipal water or wastewater infrastructure. Almost all the Town's residents are served by private wells for water and private septic systems with leaching fields for waste collection and wastewater dissipation. Thus, siting of leaching fields is critical to maintaining clean groundwater resources, but siting is difficult because most of Sherborn sits on shallow bedrock covered by a thin overburden of soil. For that reason, Sherborn's Board of Health Regulations for septic system design are more stringent than those of MADEP Title 5. In addition, bedrock blasting and disruption for new construction in town has been associated with contamination of an abutting private well with toxic manganese. Thus, analysis of the impact of new housing of any kind in Sherborn is driven by geologic reality and dominated by public health concerns.

Despite these challenges, Sherborn's recent planning documents and bylaws support development of affordable and diverse housing. Our 2017 Housing Production Plan (HPP) was recently updated and re-approved in May 2022. Our 2019 Master Plan places great emphasis on the need for diverse and affordable housing options, and recommends strategies and actions in

line with the HPP. Sherborn has also revised its zoning bylaws to encourage diversity of housing options. A 2019 zoning bylaw facilitates and encourages accessory apartments as rental units in single-family homes or farms. In 2020, two bylaws were added to facilitate affordable housing. An "inclusionary zoning" bylaw requires all new developments of 2 or more units to include 15% affordable units, or contribute to an Affordable Housing Trust. The "Affordable Housing Trust" was created to manage funds generated by the inclusionary bylaw and from other sources, to support affordable housing investments by the town.

Progress has been made toward fulfilling our affordable housing goal of 156 total SHI units. Currently Sherborn has 48 housing units listed on the SHI, (24 rental and 24 ownership) and 8 additional SHI units will be added as current approved 40B projects are completed. In June 2021, the Sherborn Zoning Board of Appeals approved a Comprehensive Permit for "Coolidge Crossing", a 120-unit rental apartment complex (40B Local Initiative Project) that would access MWRA water and sewer from adjacent communities and thus would not compromise groundwater safety. The project is currently on hold pending required applications, approvals and negotiations (MWRA approvals, inter-municipal agreements with adjacent communities, MA legislative approval, etc.) as well as developer commitments, but it remains a high priority for the town.

There are currently four other 40B projects proposed in Sherborn. Two 40B project applications by a single developer, a 60-unit rental apartment complex and a 27-unit ownership project, were denied Comprehensive Permits by the Sherborn Zoning Board in 2021, based on public health concerns including the impacts of large-scale groundwater extraction and wastewater discharge on abutters. They are currently in the appeal process.

The developer of the Greenwood Homes project has submitted two additional 40B proposals in Sherborn. "Farm Road Homes", consisting of 32 housing units (single family and duplex, 25% affordable) on 14 acres, has been approved by MassHousing for submission of a Comprehensive Permit application, expected in 2023. "Sherborn Homes", a 40-unit rental apartment building, was recently proposed for the same 18.8-acre parcel as Greenwood Homes. It was submitted to DHCD as a "Workforce Housing" project and would occupy the remaining 14.8 acres adjacent to the 4-acre Greenwood Homes project.

Greenwood Homes would add one SHI unit to our affordable housing stock but would add 3 market rate homes, so the net effect of this project on the percentage of affordable housing in Sherborn is minimal.

II. Board/Committee comments and Select Board analysis

The Greenwood Homes project appears to be eligible for consideration under Ch. 40B. Sherborn is currently not in "Safe Harbor"; our Safe Harbor status expired in June of 2022 due to delay in the 120-unit rental project cited above. We assume that the Applicant's organizational and financial structure meets the general eligibility standards of the housing program contained in 760 CMR 56.04. The Applicant has site control under a recorded option to purchase the 18.8-acre parcel abutting Greenwood Street and Washington Street, which is valid to July 2023, extendable to July 2024. Approximately four (4) acres of that parcel will be occupied by Greenwood Homes.

The siting of the development is a rural, wooded natural environment, in a minimum 2-acre zoning district. Greenwood Street is a state-designated Scenic Road in an area of Sherborn

characterized by widely spaced, single-family houses generally set at a distance from the road. Greenwood Homes are on .9-acre lots, more densely built than others in the district but consistent with development patterns in the more central 1-acre zoning district in Sherborn. The lots would have the same 200-foot frontage as others in this zoning district, which will help maintain the scenic quality of the road. Houses and septic leach fields are placed with adequate setbacks from the scenic road. The character of the neighborhood will also be maintained if the developer preserves as many existing trees as possible, and adds additional plantings as needed to visually shield the road and the abutters. A detailed landscape plan including existing trees and plantings will be reviewed in the Comprehensive Permit process.

The design and layout of the development were considered by the Planning Board and Town Planner to be generally appropriate for single-family homes on 1-acre lots. Proposed exterior designs are compatible with Sherborn's traditional rural style.

As for house construction and infrastructure, the Energy and Sustainability Committee (ESC) offered general comments applicable to all residential projects in town regardless of affordability. Important features include tight building envelopes, all-electric power sources, built-in EV charging capability, energy-efficient appliances and rooftop solar panels where appropriate, among others. In the case of affordable housing, many of the energy-efficient build specifications should lead to lower ongoing operating and life-cycle costs and therefore result in better affordability over time. The developer's description indicates that Greenwood Homes will be built with most of these energy efficient features. The ESC intends to advocate for all in the Comprehensive Permit process.

Public health and environmental concerns related to water resources generally dominate the comments of Sherborn regulatory boards and committees. In the case of Greenwood Homes, the water absorption capacity of the soil overburden on the planned leach field sites will determine whether MADEP Title 5-compliant septic systems can be installed as planned. Similarly, the individual wells will have to comply with state DEP standards. Nevertheless, the Sherborn Board of Health emphasized that Title 5 standards are generally not tailored to the highly-constrained hydrogeologic conditions that exist in Sherborn. The attached BOH memo explains in detail why local, more stringent regulations are needed to prevent groundwater contamination and public health in Sherborn, regardless of the jurisdictional status of the development.

According to the wetland delineations provided with the plans, there are no wetlands on the site and no planned disturbance of 50-foot wetland setback areas. The Sherborn Conservation Commission emphasized that final building plans should assure protection of wetland buffer zones. The approximately 4-acre area includes no land subject to flooding, and no state-recognized critical habitat. The developer intends to comply with MS4 storm water management regulations, and these will be reviewed during the "Sherborn Homes" ZBA process. The Groundwater Protection Committee had no concerns at this early stage. Conservative, forward-looking planning of storm water features with climate change in mind is strongly recommended.

In the environmental analysis, the two 40B projects on the same parcel of land must be considered together. It will be important to understand overall groundwater capacity and recharge, septic effluent, and surface water flow on and off the entire 18-acre site that includes Greenwood Homes and the 40-unit Sherborn Homes apartment building, including after periods of extreme precipitation.

In summary, the Sherborn Select Board finds the Greenwood Homes 40B project to be generally appropriate for the ~4 acres it would occupy. Submission as a 40B benefits the town by adding one SHI unit to the Town's inventory, although addition of 3 market rate homes makes the effect on Sherborn's 10% SHI goal minimal. On the other hand, 40B benefits the developer by allowing application of DEP Title 5 septic system regulations rather than Sherborn's more stringent septic design and placement standards. We anticipate reviewing the impacts of both 40B projects on the entire 18-acre parcel and adjacent wetlands over the coming months.

We thank you in advance for your consideration of the Town of Sherborn's comments and concerns regarding this proposal.

Sincerely,

A handwritten signature in black ink, reading "Marian R. Neutra". The signature is written in a cursive, flowing style.

Marian R. Neutra, Vice-Chair

Sherborn Select Board



Board of Health

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MEMORANDUM

TO: Sherborn Select Board
FROM: Daryl Beardsley, Vice-Chair, on behalf of the Board of Health
DATE: November 21, 2022
RE: Greenwood Street Homes 40B Application

SUMMARY

- With respect to responsible housing growth, limiting septic system regulations to the minimum provisions of Title 5 inappropriately increases health risks for future residents of the project and their neighbors due to the water and wastewater dynamics specific to Sherborn.
- Ordinarily, the BoH applies its regulatory standards consistently across the Town. If the BoH is compelled to reduce its permitting standards for 40B projects, it could result in negative health inequities.
- If MassHousing determines that the Greenwood Street Homes application is approvable, the BoH requests support for carrying out its public health responsibilities. Support in the form of clear directives to the project proponents and project review authorities for compliance with *local* septic and bedrock disruption regulations, in particular, would be most useful for this project.

ISSUES OF SEPTIC SYSTEMS AND THEIR IMPACTS ON DRINKING WATER

A key starting point for any housing in Massachusetts is the ability to provide adequate water supply and sanitary features (per 105 CMR 410). Sherborn's "infrastructure" for these functions is quite different from that of most municipalities in the Boston metropolitan area. Each individual property is both the source of water, via a well, and recipient of wastewaters, via a septic system. This means that the septic system associated with every developed piece of property is discharging wastewaters on that property, thus impacting the groundwater (i.e., drinking water) quality. We can see from decades of data that even the modest density of development that currently exists in downtown Sherborn has resulted in concentrations of septic-related contaminants that are higher than elsewhere in Town.

This fundamental issue of protecting and ensuring a high quality and sufficient water supply resource in Sherborn is essential to the health of its residents, including the future residents of the

proposed project. The BoH governs this resource with a goal of sustainability, especially in light of the ever-increasing challenges facing water supplies.

Under 40B, projects may default to State level regulations, such as Title 5 (310 CMR 15) for septic systems. However, Title 5 is designed as the minimum requirements to apply to municipalities and MassDEP is explicit about the expectation that each municipality will expand upon those regulations to address specifics of local conditions. On a State level, it would not be practical to have stringent requirements when, for example, there are only a few small septic systems in a town with water supplied from outside of that town. Under those circumstances, the risk to drinking water quality is reduced. In contrast, Sherborn's circumstances demand greater protective measures for maintaining healthful drinking water quality and quantity. Sherborn's few, more stringent regulations are appropriate and important because existing data suggests that septic systems currently have the greatest impact on groundwater quality.

Integral to Sherborn's development patterns are the hydrogeologic conditions present at any development site and how those conditions interface with surrounding properties. Unlike BoHs in more urban areas, a major function of Sherborn's BoH is the protection of our shared drinking water resource, primarily through careful management of wastewater discharges into the ground using Title 5 plus Sherborn-specific regulations.

The subject property on Greenwood Street has been evaluated multiple times in the past by other potential developers. Depth to groundwater is shallow, wetlands are nearby (i.e., conduits to groundwater), and large boulders and/or ledge outcrops are prevalent. Because septic systems have a heavy reliance on the filtering ability of the soils for cleansing the discharged wastewaters, these hydrogeologic conditions limit the degree of treatment possible. Maintaining compliance with Sherborn's additional septic design provisions will help to address these local conditions. As a minimum standard, Title 5 does not have the same focus on septic impacts to drinking water. Furthermore, past testing indicates that there are areas that meet Sherborn requirements for septic systems.

ISSUE OF BEDROCK DISRUPTION

Due to the extent of large boulders and/or bedrock on the site, it may be appropriate to require that the project complies with BoH regulation III.10.0. If the associated site development work involves blasting, hammering, or other bedrock disruption, the regulation specifies that:

- a permit be obtained from the BoH;
- blasting agents that have caused groundwater contamination throughout Massachusetts and elsewhere not be used; and
- nearby properties be given advance notice of the bedrock disruption activities.

SUPPLEMENTAL BACKGROUND INFORMATION

Guidelines prepared by the Department of Housing and Community Development for the design review process of Chapter 40B projects specify criteria to be used in project evaluation. Using those criteria, the regulations require findings “that the conceptual project design is generally appropriate for the site on which it is located”. Issues of primary importance to public health, which are briefly discussed below, are organized according to a selected subset of design review evaluation criteria. It is likely that we have introduced aspects of these issues that are not confronted by many of the projects that MassHousing reviews since most projects are proposed for areas serviced by municipal water and/or sewer. Unlike much of Massachusetts—and especially in eastern Massachusetts—Sherborn faces an uncommon situation for water resources management.¹ Our septic discharges eventually become our drinking water, unlike municipalities served by isolated, remote, or otherwise protected water supplies and/or with sewer systems. Furthermore, Sherborn does not have any substantial aquifer within its borders and thus the vast majority of water is supplied from more limited water in bedrock fractures.

According to a fact sheet about groundwater, developed by the Massachusetts Department of Environmental Protection’s (MassDEP) Northeast Regional Office:

Groundwater originates with rain or melted snow that soaks into the ground and seeps downward due to gravity. If contaminants have been disposed on the ground or buried, the water may soak through them and carry contamination down into the groundwater.

Wastewater discharged underground via septic system leaching fields constitutes “buried” contaminants. Even if that wastewater has been pretreated, contaminants still remain and there is reliance on soil filtering action, biodegradation, and other dynamics (including dilution) taking place to render that water drinkable before it reaches a well. The fact sheet goes on to indicate:

The more developed and urbanized an area is, the greater the chance that the groundwater is contaminated ...

This refers to limits on the capacity of the environment to handle our wastewaters. Hence, the protection of drinking water is an essential factor for each residential, commercial, and municipal establishment in Sherborn²; all have been required to participate in this responsibility. When assessing this project’s “integration with adjoining properties”, it is fair to hold it to an equivalent level of responsibility, commensurate with its greater degree of potential impact, as was applied to those adjoining properties.

¹ Other eastern Massachusetts towns without municipal water and sewer may include: Berkley, Berlin, Boxborough, Boxford, Carlisle, Dover (approximately one-third with alternative water supply), Lakeville, and Plympton.

² Refer to Sherborn’s Master Plan for information regarding the overarching importance of water within the Town due to its limited availability, its vulnerability, and our reliance on it.