

58 Farm Road
Sherborn, Massachusetts 01770

January 15, 2024

BY ELECTRONIC MAIL: rick.novak@sherbornma.org

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

Re: Public Safety Hazard, and Development of 55 and 65 Farm Road

Dear Chairman Novak:

Attached for consideration by the Sherborn Zoning Board of Appeals (ZBA) in the matter of the “Farm Road Homes” development, please find two photographs, taken just after 3:00 PM today, of the north side of Farm Road (i.e. the “Farm Road Homes” side) in the area of 55 to 65 Farm Road. One photograph shows the perspective facing westerly toward South Main Street/Route 27 (“FRW.jpg”), the other facing easterly toward Lake Street (“FRE.jpg”).

As the photographs illustrate – despite having been taken during a warmer part of the day and despite apparent road-treatment – water run-off from the property on that side of the street has created substantial ice conditions along the side of the road, and as far out into the roadway as the center yellow line. At lower temperatures, this run-off creates “black ice.”

My family has lived at 58 Farm Road for over ten years. This sort of water run-off is a new condition – and one which has occurred multiple times, and each time has lasted for days – since the development of 55 Farm Road into multiple lots, including for the proposed “Farm Road Homes” development.

This roadway condition is patently hazardous to vehicular traffic, as well as to pedestrians and others using Farm Road. As you may know, last year, similar icy conditions caused by water run-off in the same general area of Farm Road contributed to a motor vehicle accident with injuries requiring transport by ambulance to the hospital.

It is well established that

[o]ne of the categories of local concern that must be weighed . . . against the housing need in deciding whether [to deny a] comprehensive permit application is . . . “the need to protect the health or safety of the occupants of the proposed housing or of the residents of the city or town.” G. L. c. 40B, § 20. See 760 Code Mass. Regs. § 56.07(3)(b) (2012) (among other factors, “weight of the Local Concern will be commensurate with the degree to which the health and safety of occupants or municipal residents is imperiled”).

Zoning Bd. of App. of Sunderland v. Sugarbush Meadow, LLC, 464 Mass. 166, 178 (2013); see Zoning Bd. of App. of Groton v. Housing App. Comm., 451 Mass. 35, 40-41 (2008) (local board denied comprehensive permit in part based upon hazard to roadway safety).

I respectfully request that the ZBA consider this clear hazard to public safety as an additional reason to deny the comprehensive permit being sought for this proposed development project. Common sense dictates that further development will only exacerbate this already significant problem.

Please let me know if you have any questions about this letter or any of the issues addressed herein.

Very truly yours,

/s/

Arthur C. Fenno, Esq.



