

February 8, 2023

Town of Sherborn  
Conservation Commission  
19 Washington Street  
Sherborn, MA 01770

**Re: Citizens' Concerns**  
55-65 Farm Road  
Sherborn, MA 01770  
DEP #283-0418, DEP #283-0422  
BPA-22-34

Dear Conservation Commission Chairperson and Members:

We are seeking clarification as to the status of the existing Order of Conditions (OOC) issued by the Commission for the parcel identified by the Town of Sherborn (the Town) for the parcel identified as 53 Farm Road. Our comments and concerns in this correspondence are limited to the proposed activities on the 53 Farm Road undertaken under the above-listed Order of Conditions, but may also slightly reflect the fact that portions of this parcel are also liked to other resource areas which exist on the neighboring 65 Farm Road parcel.

### **Discussion**

As we have stated multiple times in both private and public discussions, we are not opposed to the development of private property, nor are we opposed to much needed affordable housing in Massachusetts. Our concerns are rooted in, and focus on, the quality and quantity of our private drinking water which relies on the protection of the ubiquitous wetlands/resource areas present in Sherborn, and more specifically along this portion of the Farm Road corridor.

We have previously presented evidence and expert testimony to your Commission supporting our concerns including data on about seasonal flooding and the watercourse that exists between the "pond" at 65 Farm Road connecting to the lower wetlands surrounding our property. For the records, we have prepared and presented a PowerPoint presentation to the Sherborn Board of Health on this matter, and it is included here as Exhibit A. Brian Moore would welcome the opportunity to also present the attached to your Commission as part of an upcoming hearing with the intent of demonstrating how important this feature is to our neighborhood, our drinking water, the Town Zone II, and the wetlands in the study area.

We are very concerned that the recent actions of the developer have had a negative impact on the watercourse/surface waters/wetlands along the Farm Road corridor. We would like to Commission to discuss and consider if this feature – a feature seen feeding a US EPA and USGS identified hydrologic feature – should have been considered as a jurisdictional feature prior to it having been hastily closed during the early portions of the 2022 drought. As concerned citizens we did provide both photographic and video evidence of this features discharging water to this Commission and other Town entities prior to its closure – a closure that occurred in response to a private landowner's demands, and a closure that occurred without vetting or a proper public hearing. We have included what correspondences we have been able to locate concerning said closure (Exhibits B and C).

We believe the public should have been afforded the opportunity to consider those implications and hear about such an actions prior to its implementation. It seems unprecedented that a private landowner's demands to stop a surface water tributary from flowing onto their property in this Town would receive such dispensation without any hearing. In light of the unprecedented elevation changes being observed in the Pond at 65 Farm Road, and the recent documented flooding of Farm Road and the hazards associated with those conditions, we request this matter be heard by your Commission to establish if this is a jurisdictional matter or not.

We would ask that the Commission bear and watch the PowerPoint presentation in their meeting before rendering any such decision or action in these matters, and allow the public to comment on its contents and allow those comments to be heard by members of the Commission.

We respectfully request the Commission hold a hearing to determine and debate if the current disposition of the plugged drain and land filled at 53 Farm Road have altered or changed the watercourse along Farm Road, and if the current disposition of the plugged drain remains the most appropriate solution for this former feature as an integral part of the Farm Road corridor Watercourse.

Respectfully,

Mary & Brian Moore, 49 Farm Rd.

Karen Bonadio, 52 Farm Rd.

Rob & Melissa Burn, 60 Farm Rd.

Arthur & Meghan Fenno, 58 Farm Rd.

Suzanne Hirschman, 54 Farm Rd.

Neil & Sue McPherson, 9 Great Rock Rd.

Dave & Sue Paolatto, 2 Great Rock Rd.

Anne Robb, 35 Farm Rd.

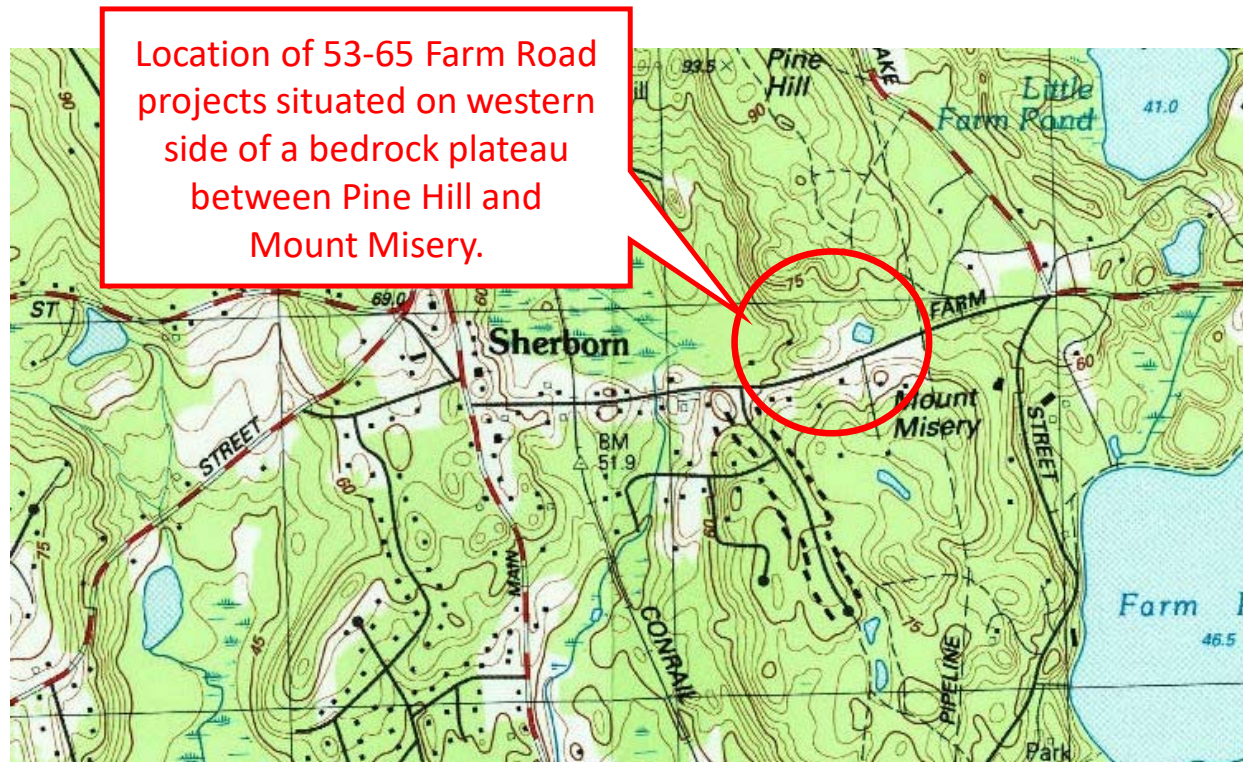
Exhibit A

# The watercourse on 53-65 Farm Road.

Presented by Brian Moore

(Images reproduced from public domain documents published by  
MassDEP, USGS, and plans filed with the Town of Sherborn by  
Creative Land & Water Engineering LLC.)

Surficial Geology of Sherborn is dominated by glacial till – a thin ice-contact deposit associated with low permeability and saturated thickness.



This deposit of thin glacial till contains a disproportionally high percentage of fines which serve as controlling factors in flow and recharge rates.

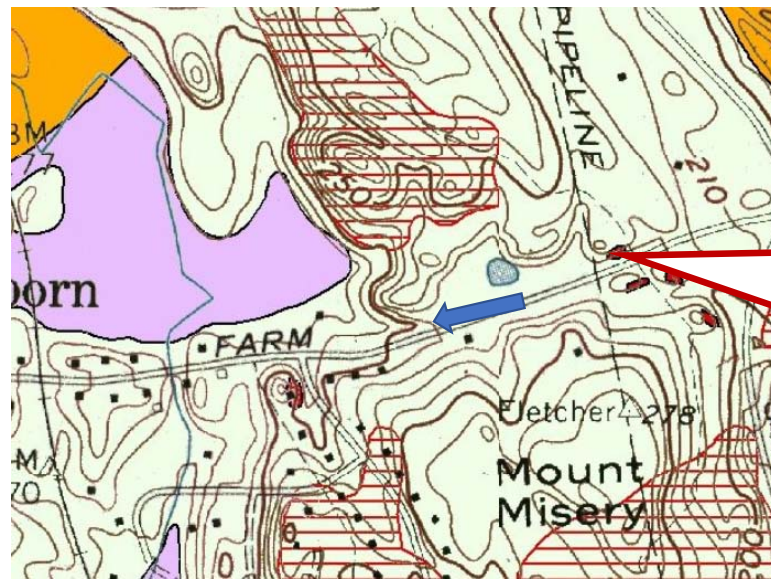
Groundwater can be 'perched' and typically interacts directly with surface waters in these types of unconsolidated surficial deposits.

Local drainage divides between subdrainage basins place this area in the Sewall Brook watershed where precipitation is directed into the Pond and regionally to the west.



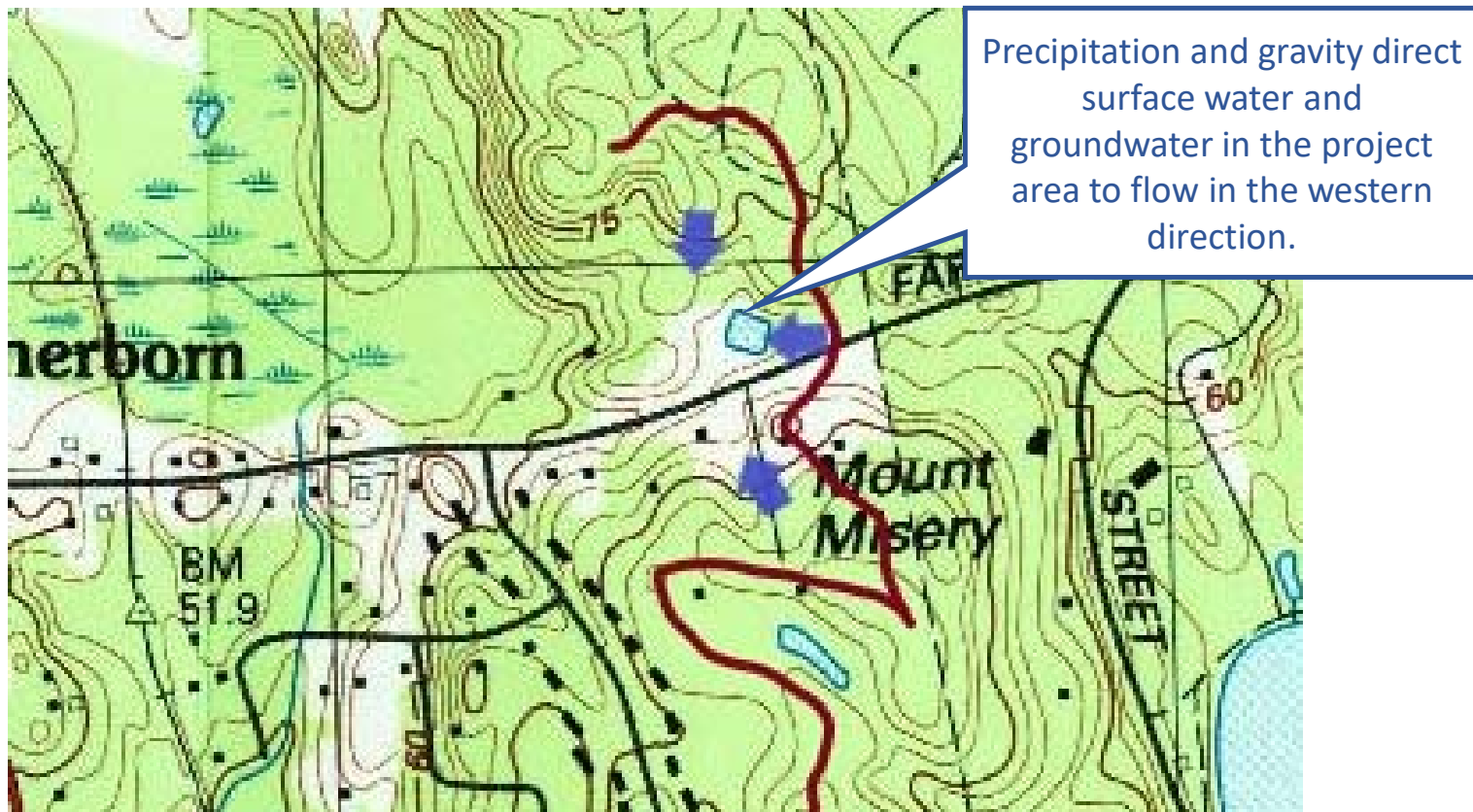
Dark red line depicts subdrainage basin divide between watersheds. Note location of Pond and project site on western side of divide.

Local outcrops of 'ledge' indicate bedrock is protruding through or is located very close to the ground surface in the project area and therefore also serves to further control water flow through the overburden.



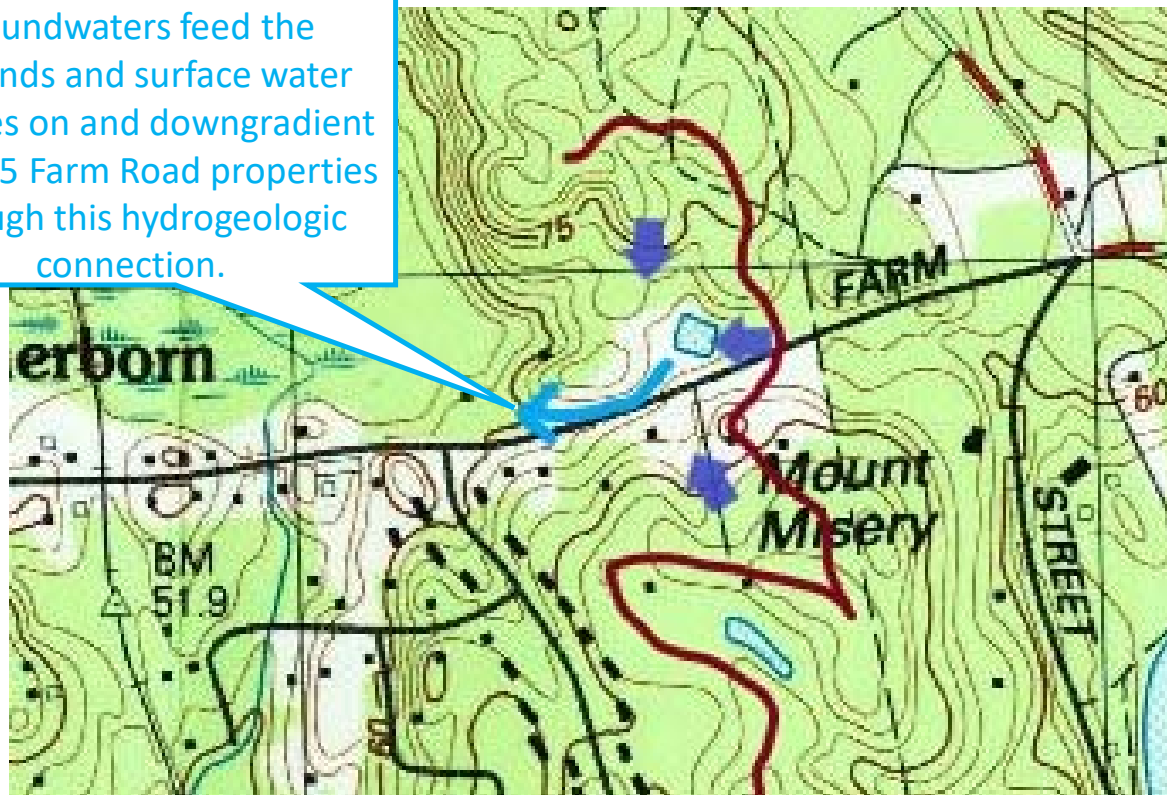
Dark red hatching depicts outcrops or bedrock, which serve as a type of funnel directing groundwater flow to the west.

Precipitation across project site recharges the Pond, groundwater, and wetlands to the west.



Surface water and groundwater then combine along a micro-valley which runs east-west parallel to Farm Road on the 53-65 Farm Road parcel.

Pond discharge and groundwaters feed the wetlands and surface water features on and downgradient of 53-65 Farm Road properties through this hydrogeologic connection.

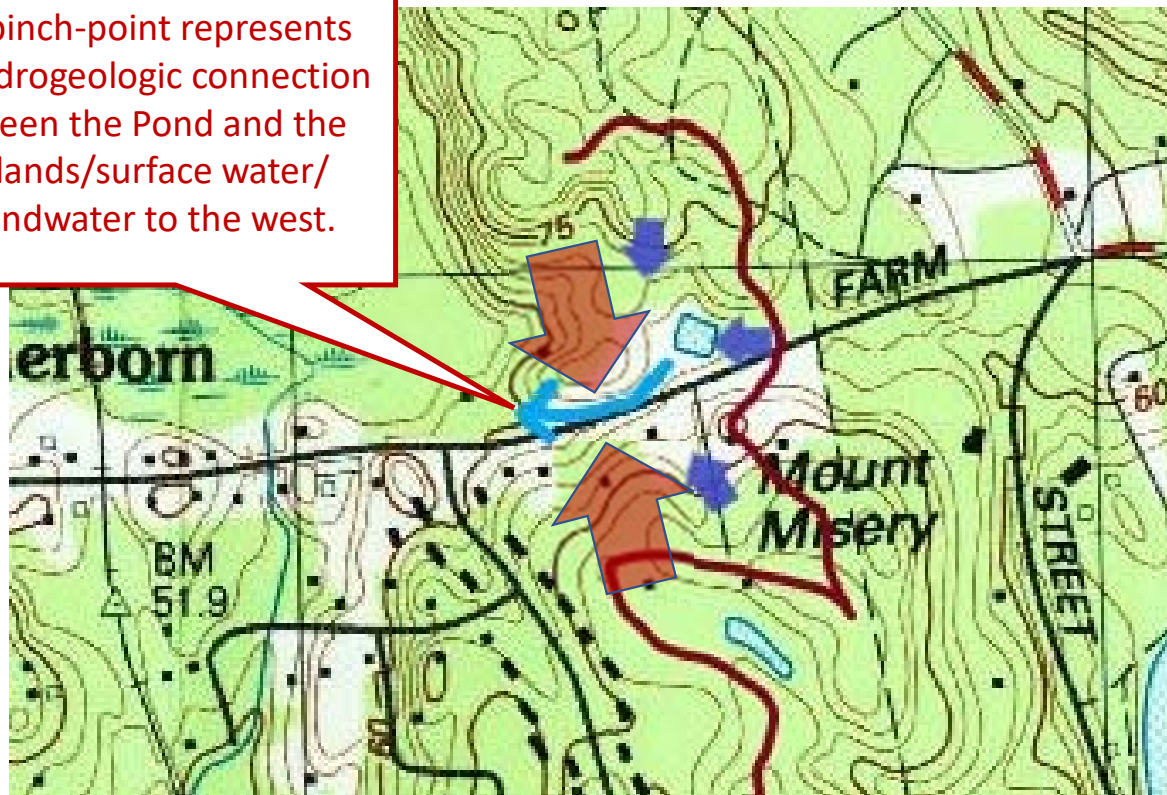


The Pond exists at an elevation of about 214 feet above mean sea level, while the micro-valley resides at an elevations between 195 and 205 feet above mean sea level.

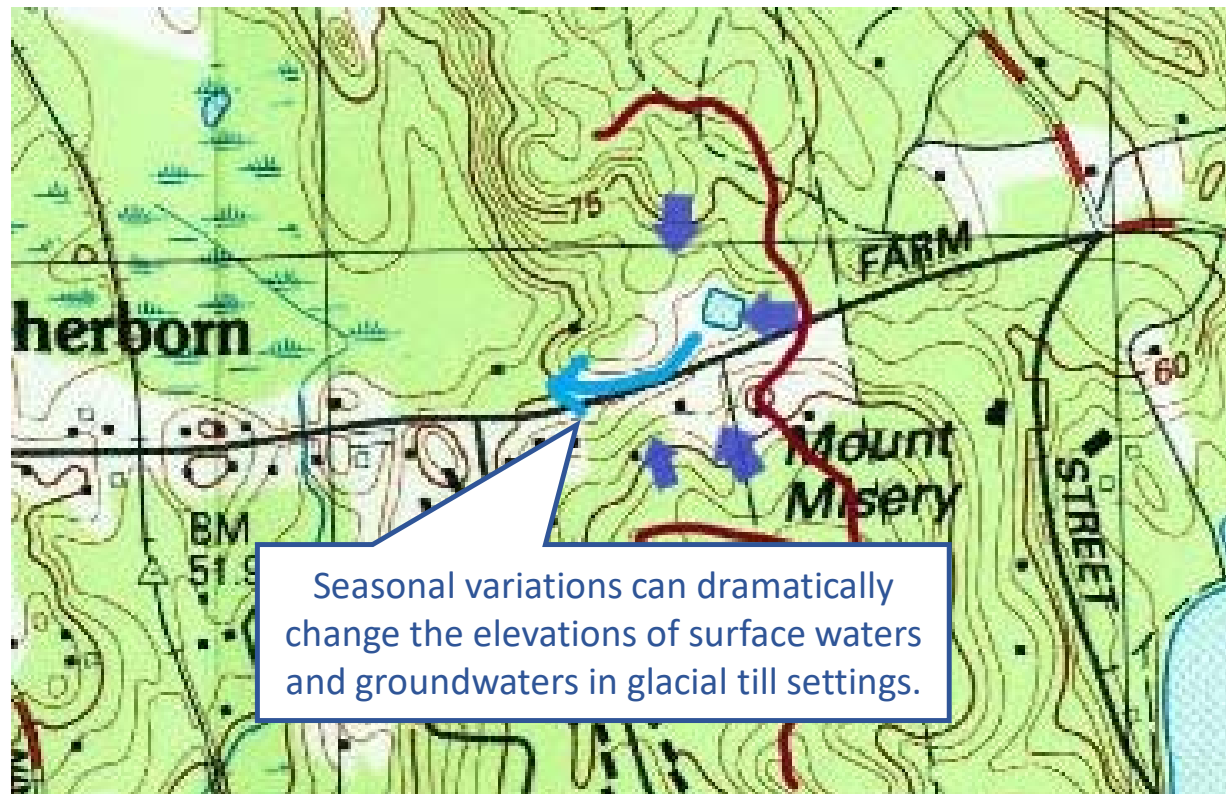
This difference in head potential is what drives the groundwaters to the west through this watercourse.

The 'watercourse' feature which exists in this micro-valley is essentially a 'pinch-point' in the subdrainage basin.

This pinch-point represents the hydrogeologic connection between the Pond and the wetlands/surface water/groundwater to the west.



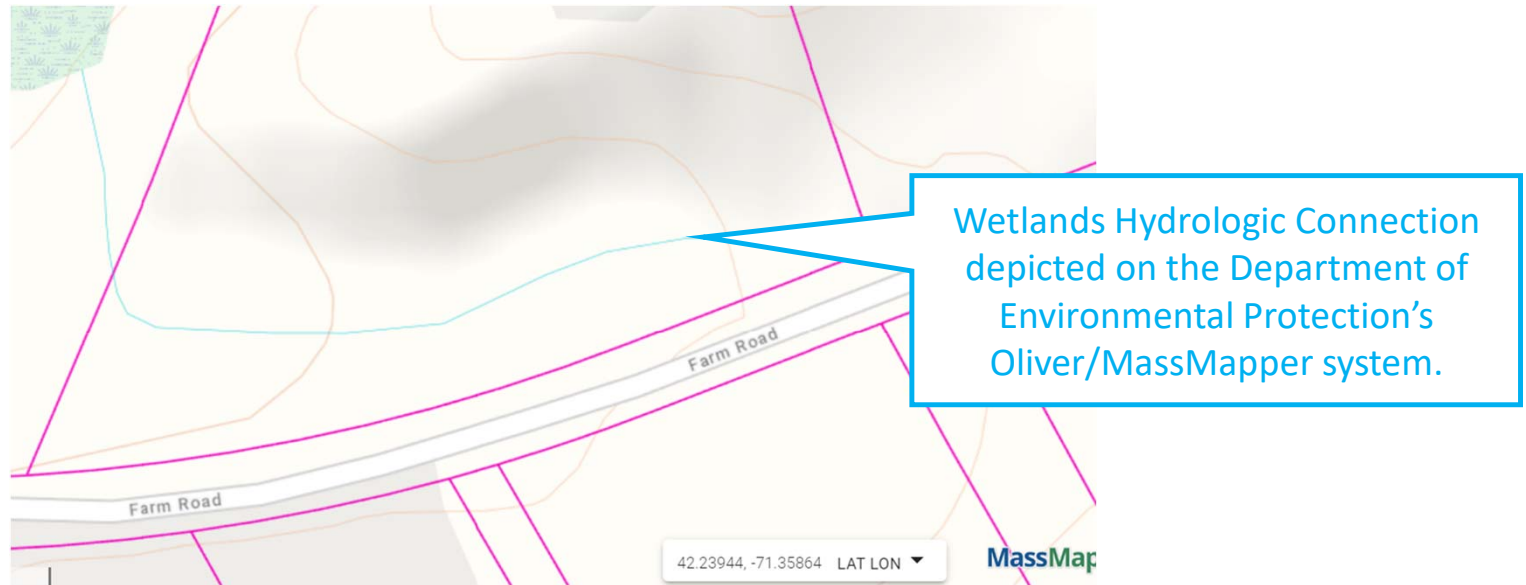
Along this watercourse from east to west, flow and volume increase from additional recharge and 'daylighting' of groundwater.



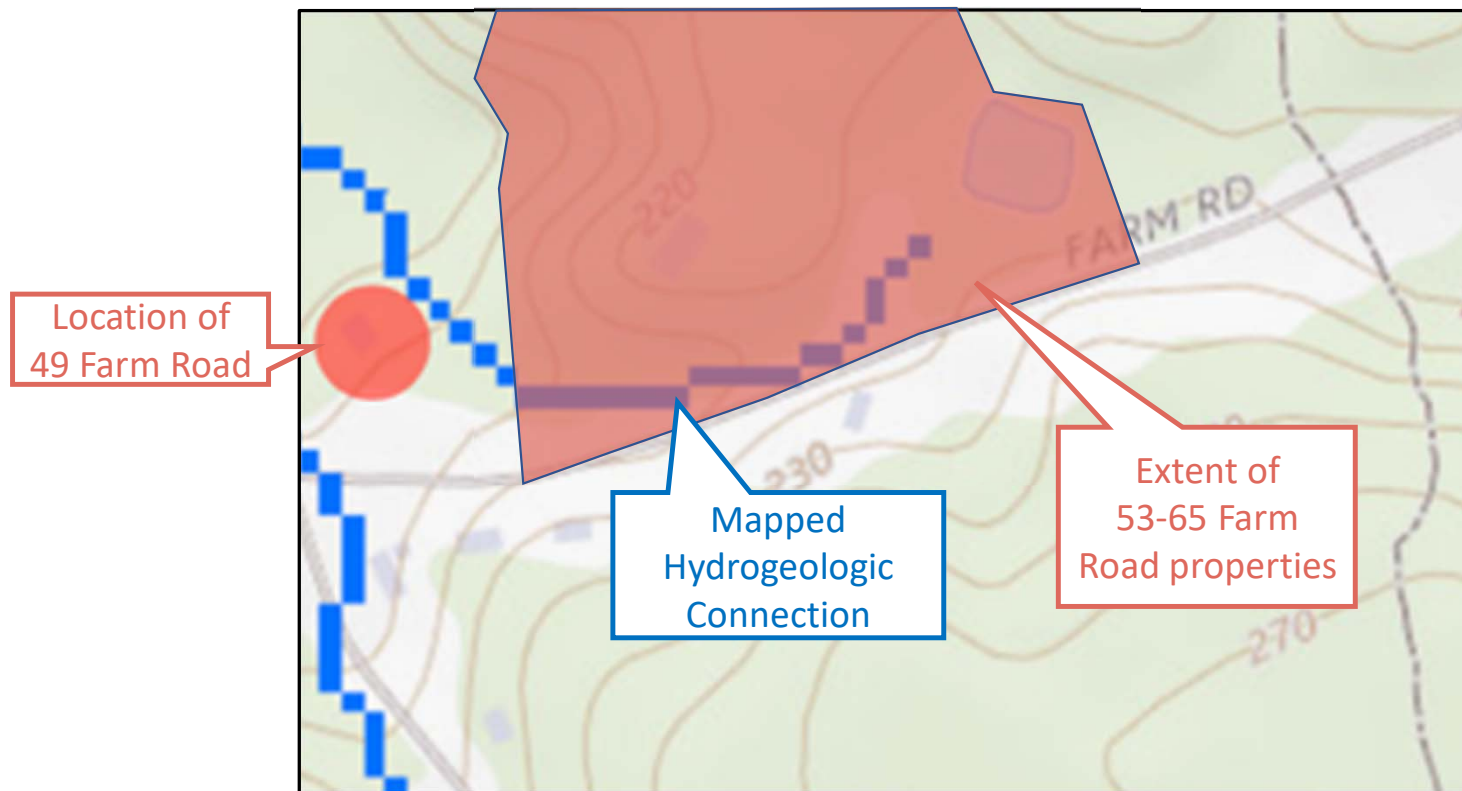
This watercourse serves an integral connection for surface waters located west of the site, for groundwater and private drinking water wells in the neighborhood, and for the Zone II delineated for Public Water Supply Wells Situated downtown



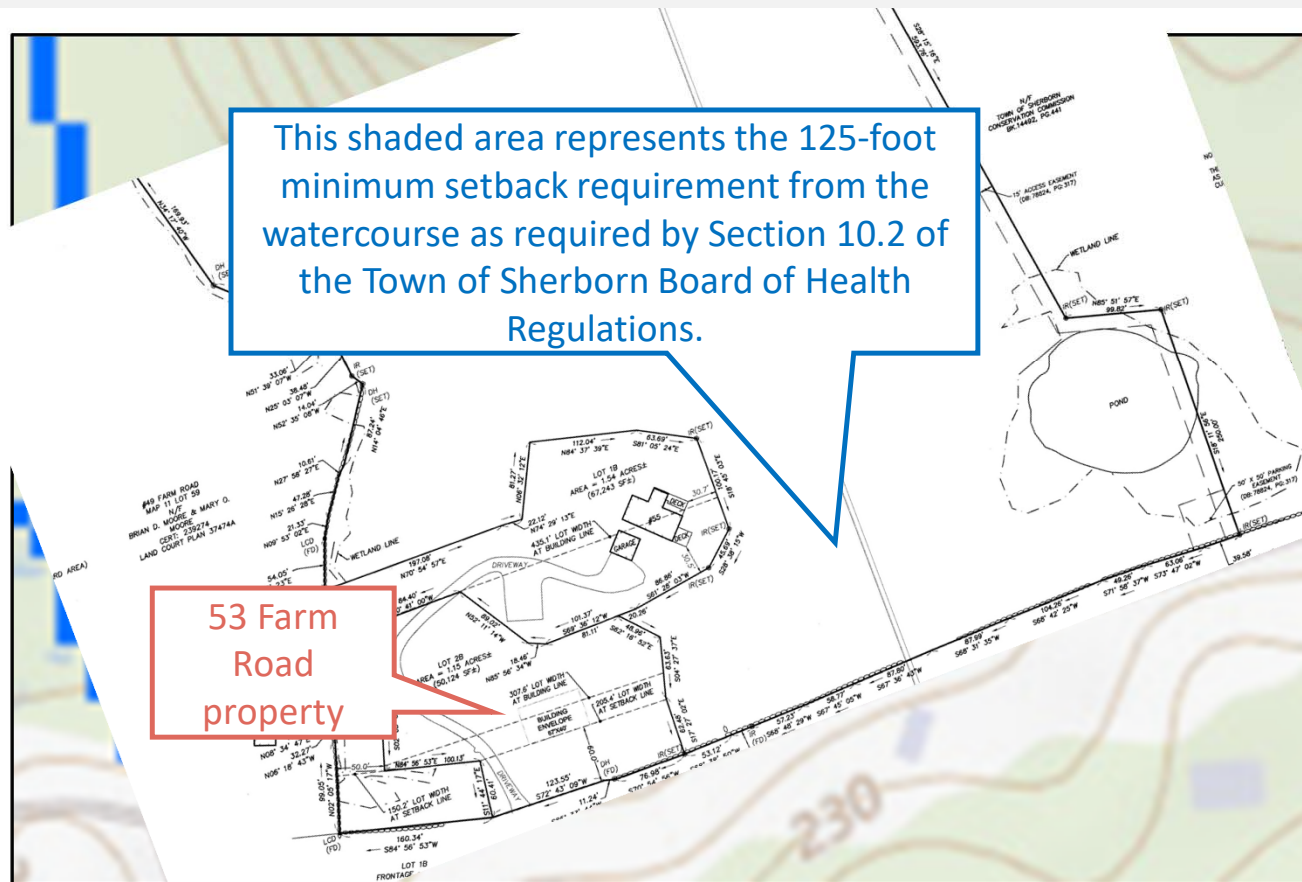
The Department of Environmental Protection has mapped this watercourse as a “Wetlands Hydrologic Connection.”



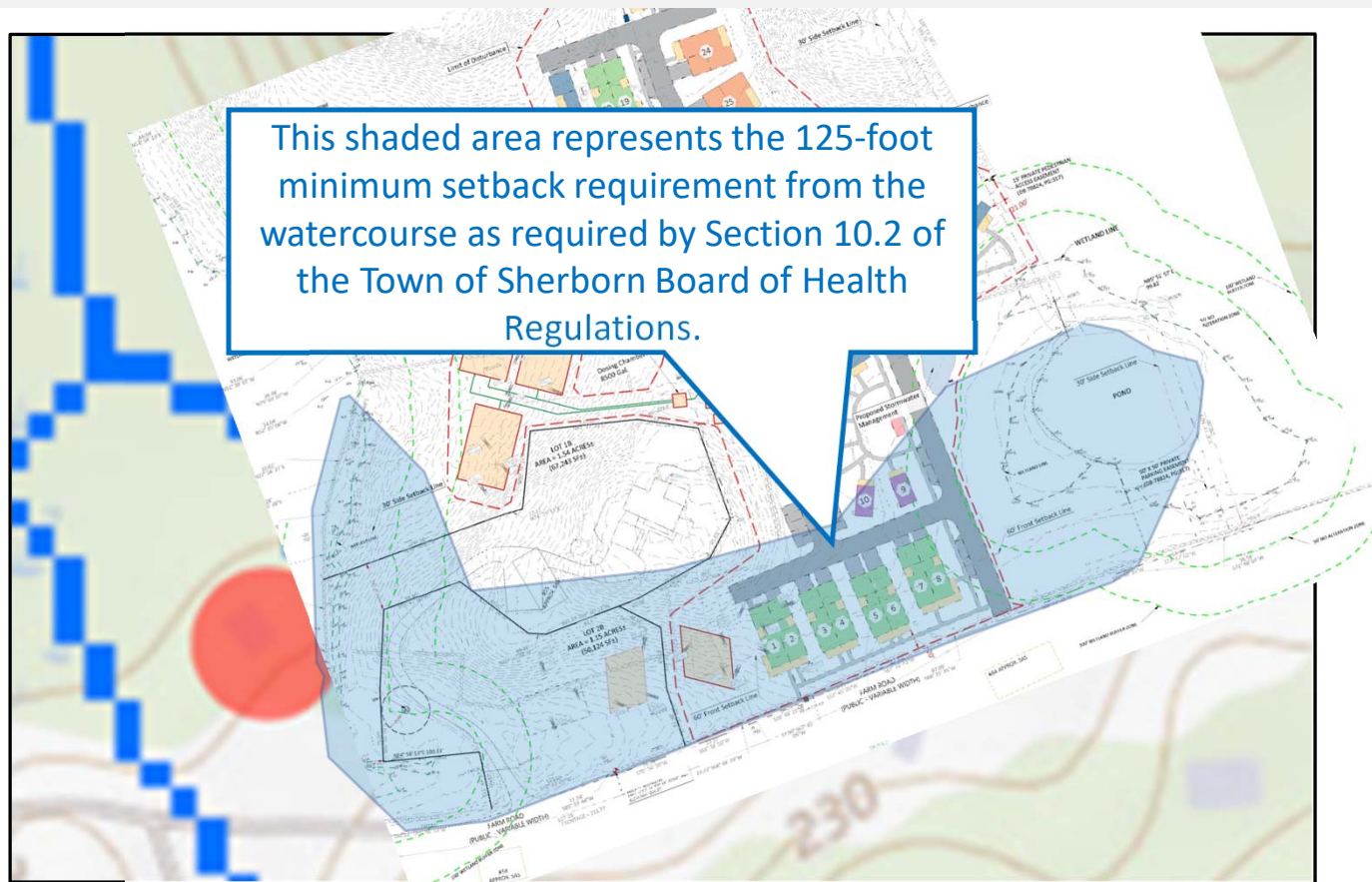
. . . and the United States Geological Survey has come to this same conclusion in their own published computer models.



... and it affects the septic currently being considered for the 53 Farm Road parcel. . .



... and the proposed project for the remaining land at 55- 65 Farm Road ...



# Please review the General Geologic Cross Section prepared and included as a separate file which depicts this watercourse.

This watercourse is the means by which this subdrainage basin discharges to the wetlands and downgradient surface water by directing or funneling all these waters in the direction of the drainage ditch situated along the western property line and the well at 49 Farm Road.

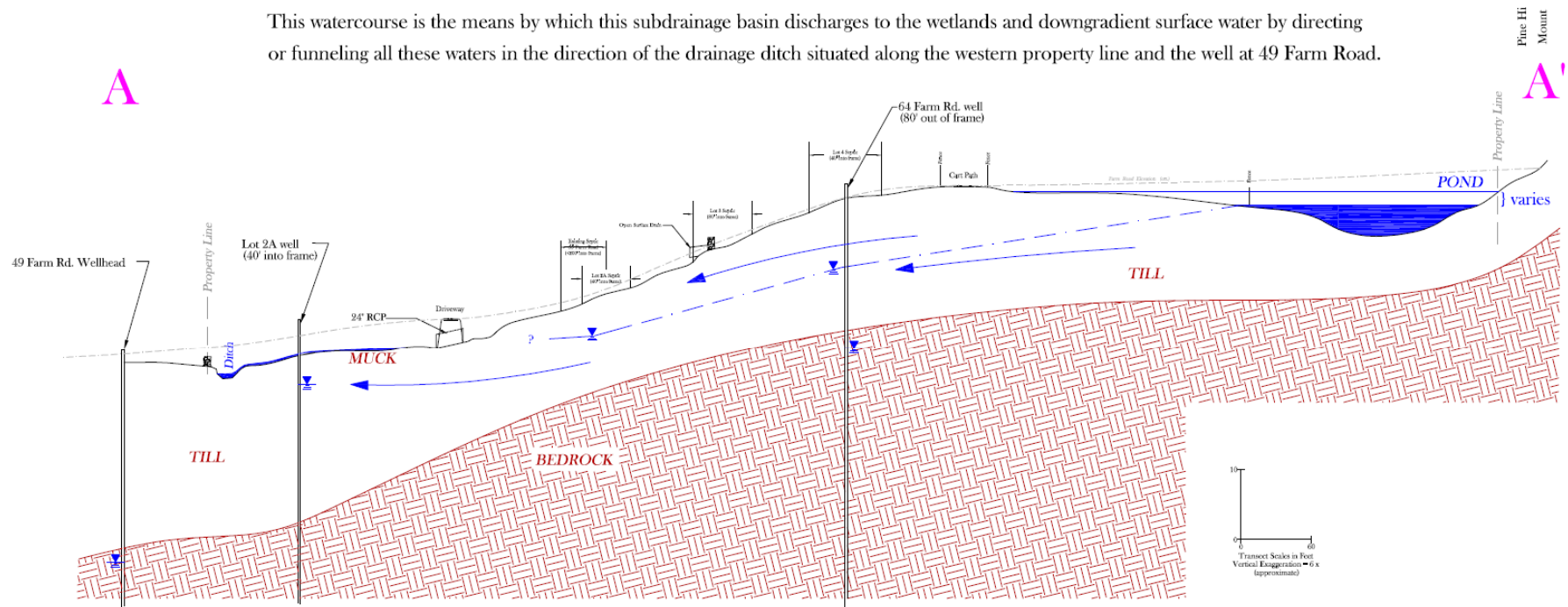


Exhibit B

The Law Offices of  
**JAMES W. MURPHY**  
Post Office Box 1327  
Sherborn, Massachusetts 01770

James W. Murphy, Esq.  
Martin J. Murphy, Esq.\*  
\* Admitted in MA and RI

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February 18, 2022

Mr. Sean Killeen, Director  
Sherborn Department of Public Works  
7 Butler Street  
Sherborn, MA 01770

**Re: Farm Road – Town's 10' Pipe**

Dear Sean:

As you may know this office represents Fenix Partners Farm Road LLC (Robert Murchison, Manager), the owner of the approximate 16 acres commonly referred to as 55 and 65 Farm Road in Sherborn.

Bob has previously discussed with you the presence of a Town installed approximate 10" wide pipe that daylight on his 55 Farm Road property which appears to be illicit and unpermitted and appears to be an overflow pipe from the Town's catch basins in Farm Road.<sup>1</sup> In connection with Bob's efforts to permit the construction of five (5) new single family homes on the site, abutters have raised to the Board of Health the contention that the pipe is an "open surface drain," and that as such the present proposed siting of two of Bob's proposed subsurface septic systems do not meet the setbacks from such an "open surface drain."

Although Bob contests any characterization of the pipe as an "open surface drain," particularly since it did not appear to convey any water at all this past year and there are no physical manifestations of the existence of any channel across his property, he calls upon the Town of Sherborn to remove the illicit pipe within thirty (30) days of this letter. If the pipe is not removed by the Town, Bob will take steps to remove it himself, reserving any rights he may have.

As an alternative, Bob is prepared to grant the Town of Sherborn an easement or license to permit the Town to fully contain the pipe and add additional piping to it so long as no outlet of any flow from the pipe enters his land at either 55 or 65 Farm Road. Any such license or

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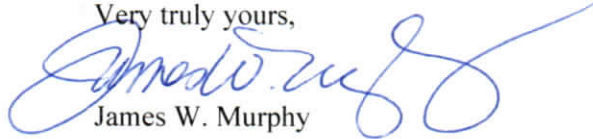
<sup>1</sup> It appears that these catch basins also are receptors for an additional illicit and unpermitted outflow pipe from 64 Farm Road that should likely also be eliminated.

easement would permit the Town to access the pipe in the future for purposes of maintenance or replacement. The Town would be responsible for obtaining any permits for this purpose.

As time is of the essence, please let me know which if any of these two alternatives is of interest and acceptable to the Town. In the interest of time and importance, a copy of this letter is also being provided to the Interim Town Administrator and the Chair of the Select Board.

I look forward to hearing from you.

Very truly yours,



James W. Murphy

Cc: Client  
Interim Town Administrator Diane Moores  
Eric Johnson, Chair Select Board



TOWN OF SHERBORN  
DEPARTMENT OF PUBLIC WORKS  
7 BUTLER STREET, SHERBORN, MA 01770  
508-651-7878

March 15, 2022

Sherborn Board of Health  
19 Washington Street  
Sherborn, MA 01770

Re: Stormwater Discharge Pipe on 55 Farm Road

Dear Board of Health,

After closer study of the Stormwater Pipe discharging onto 55 Farm Road, it is evident the flow out of the discharge pipe itself on 55 Farm Road is minimal and my department, DPW, is prepared to cap (seal off) the pipe in place from inside the catch basin and would not require any work on private property. Upon capping, the work will be mapped so we have a record of the abandoned pipe below the street.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sean Killeen'.

Sean Killeen  
DPW Director

Cc: Murchison