

February 8, 2023

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

Re: Citizens' Concerns
65 Farm Road
Sherborn, MA 01770
DEP #283-0419

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) as Lot #60A on Assessor's Map #11 and identified as 65 Farm Road. Our comments and concerns in this correspondence are limited to the proposed activities on the 65 Farm Road undertaken under the above-listed Order of Conditions.

This is our understanding of the front-end permitting that has already occurred for this parcel, and the timing of such actions:

- i> Fenix Partners Farm Road LLC (the Applicant) filed a Notice of Intent (NOI) with the Commission on or about June 7, 2021;
- ii> The NOI was filed with a general project description for three (3) bedrock drinking water wells for **Single Family Residences** (as identified on WPA Form 3 Section A(6));
- iii> The NOI identified the Project Type as being **Single Family Home** in Section 7(a) on WPA Form 3 and in the accompanying narrative;
- iv> The NOI indicated no stormwater obligations were required for this project based on the fact that it was a **Single-Family Residence** type in Section C(7) of WPA Form 3;
- v> We believe the NOI included a Plan identified as **Flood Compensatory Storage and Grading Plan** as a means to alter on-site stormwater management structures as part of the activities included under this NOI;
- vi> Applicant paid Fees to the Commonwealth of Massachusetts and the Town based on **one (1) Water Supply Exploration Project** – a single \$500 Fee for a single Category 2(k) activity;
- vii> Abutter notifications commensurate with small development was used as opposed to the more-appropriate 1000-foot abutter notification requirements established in M.G.L. Chapter 131 Section 40.
- viii> On or about 7/21/2021, the Commission approved the OOC for the installation of three wells within the 100-foot buffer zone “**... to serve three single-family dwellings.**”
- ix> On or about 2/3/2021, the Commission approved minor modifications.
- x> The OOC was recorded with Middlesex Registry in August 2021 and then re-filed in February 2022 after the Conservation Commission approved a minor modification which changed the location of two of the wells.
- xi> May 2022, the applicant submitted a [Comprehensive Permit Site Approval Application](#) and received in November 2022 a [Project Eligibility letter \(PEL\)](#) from Mass Housing for the development of 32 homes under MGL Chapter 40B on the land around the areas subject to the Commission's jurisdiction on the 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. We are now, more than ever, concerned that the existing Order of Conditions which is on file with MA DEP will be used to establish facts-on-the-ground for the Farm Road Homes 40B project, essentially proceeding with the existing permit and avoiding more appropriate oversight by the Commission, ZBA or other Town/State authority.

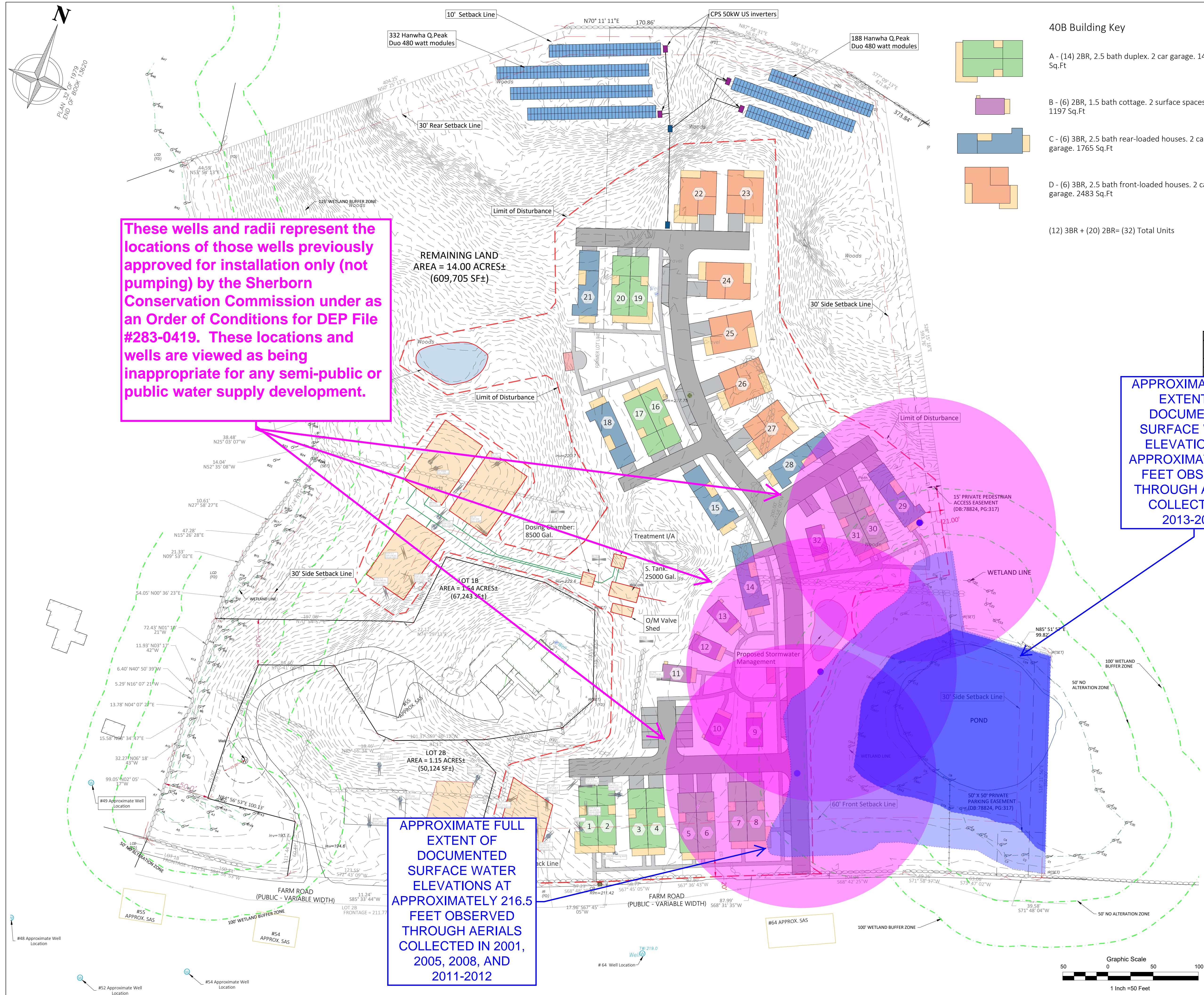
MA DEP has jurisdiction for public water systems (PWS) and the Sherborn BoH has jurisdiction over private and semi-private water supplies. When developers use private wells to create a ‘semi-private’ water supply for multi-dwelling developments, the impact on the environment and the aquifer must be considered. A 32-home development is not what was presented in the NOI to your Commission in July 2021 when you issued the permit for work in an area protected under the Wetlands Protection Act.

In his application to MassHousing (May 2022), the applicant refers to previous development efforts as “informal discussions” despite numerous public hearings before your Commission in June 2021, July 2021, and January 2022. We have included a plan depicting the locations of the approved drilling locations relative to the other features on the proposed Farm Road Homes development, including extent of flooding observed through historical aerials (Exhibit A). Also enclosed for your review and consideration is a PowerPoint presentation previously presented to the Board of Health on the existence and importance of the Watercourse along the Farm Road corridor (Exhibit B) – a feature which formerly allowed for the natural drainage of this portion of the subdrainage basin to occur unimpeded.

We respectfully request the Commission hold a hearing to first discuss whether the DEP #283-0419 permit should be amended, rescinded, or revoked so that when the Farm Road Homes 40B comes before the ZBA there is no misunderstanding about what has been permitted by the Commission under 310 CMR 10.00.

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.



40B Building Key

A - (14) 2BR, 2.5 bath duplex. 2 car garage. 1495 Sq.Ft

B - (6) 2BR, 1.5 bath cottage. 2 surface spaces. 1197 Sq.Ft

C - (6) 3BR, 2.5 bath rear-loaded houses. 2 car garage. 1765 Sq.Ft

D - (6) 3BR, 2.5 bath front-loaded houses. 2 car garage. 2483 Sq.Ft

(12) 3BR + (20) 2BR = (32) Total Units

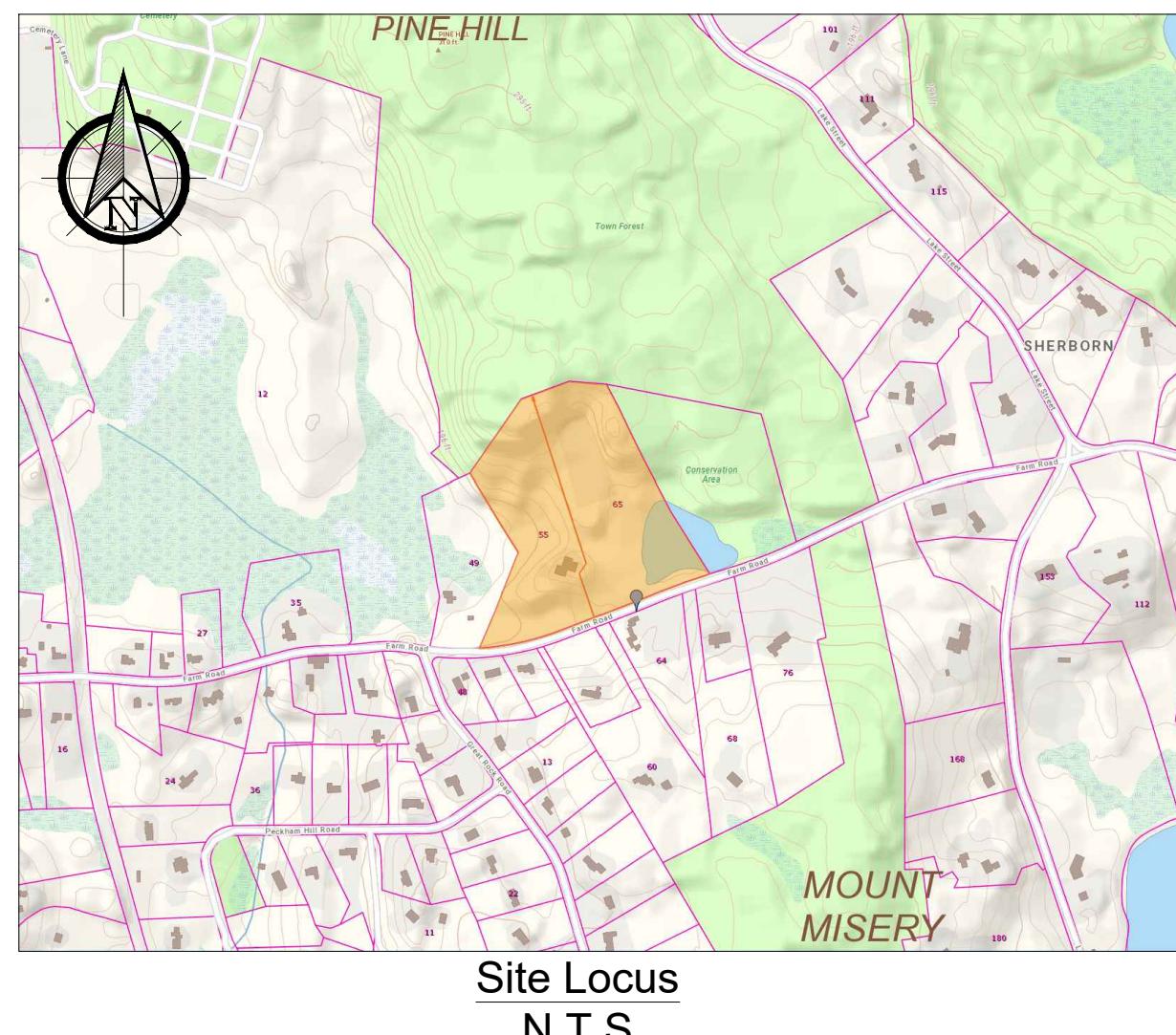


Table 1. Project Site Condition Summary			
Usability	Land Break down	Acres	Sq.Ft
Total Area		14.00	609702
Unusable OS	Wetland (Unusable)	0.94	40990
Usable land	Upland	13.06	568711
	Coverage, %		

Proposed buildings		
Total	3bdrm	2bdrm
32	12	20
76	36	40

Table 3. Zoning Summary Table (Sherborn Residential A District)			
Item	RA	Proposed 40B Site (32 Homes)	Waiver Required (Yes, No)
Minimum Lot Area	1 acre	14 acres	Yes
Minimum Frontage	150 feet	>600	Yes
Minimum Lot Width	150 feet	>395 feet	Yes
Minimum Lot Depth	N/A	N/A	N/A
Minimum Front Setback	60 feet	20 feet	Yes
Minimum Side Setback	30 feet	21 feet	Yes
Minimum Rear Setback	30 feet	>130 feet	Yes
Maximum Height (stories)	2.5	< or = 2.5	No
Maximum Height (feet)	35 feet	< 35 feet	No
Maximum Lot Coverage	N/A	N/A	N/A
Lot Coverage			
Buildings	8.10%		
Parking and Paved Areas	7.70%		
Usable Open Space	77.50%		
Unusable Open Space	6.7% (Wetlands)		
Lot Coverage	15.80%		

Creative Land & Water Engineering, LLC
Environmental Scientists and Engineers

P.O. Box 584 - Southborough - MA - 01772
774-454-0266 www.claweng.com

Plan Title:	Conceptual 40B Overlay		
Project Name:	55/65 Farm Road		
Site Address:	55 Farm Road - Sherborn, MA		
Owner:	Fenix Partners Farm Road, LLC	Client:	Robert Murchison
Project No:	J269-12	Drawn by:	FA
Designed by:	DSW, FA	Approved by:	DSW
Scale:	Indicated		
Rev.:	Date:	Description	By:

Graphic Scale
0 50 100
1 Inch = 50 Feet

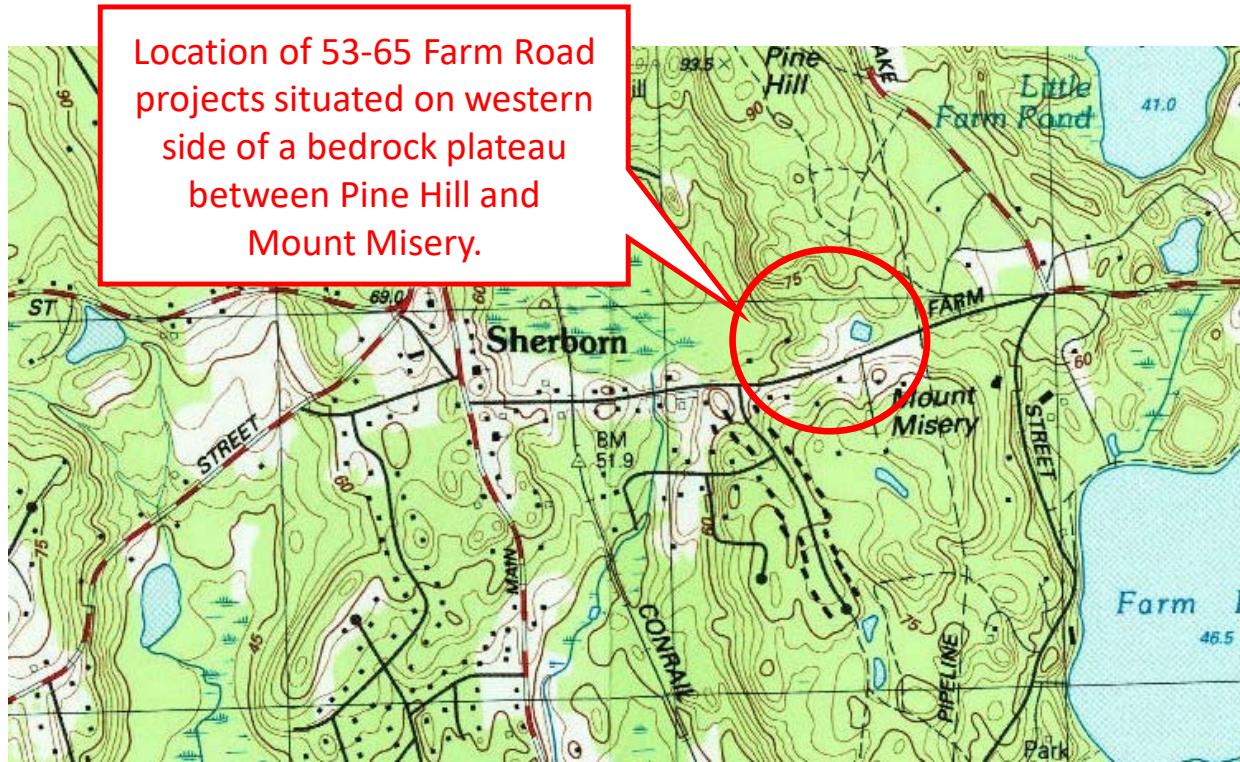
**Commonwealth of Massachusetts
REGISTERED PROFESSIONAL ENGINEER
DESHENG WANG CIVIL NO.39511**

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.)

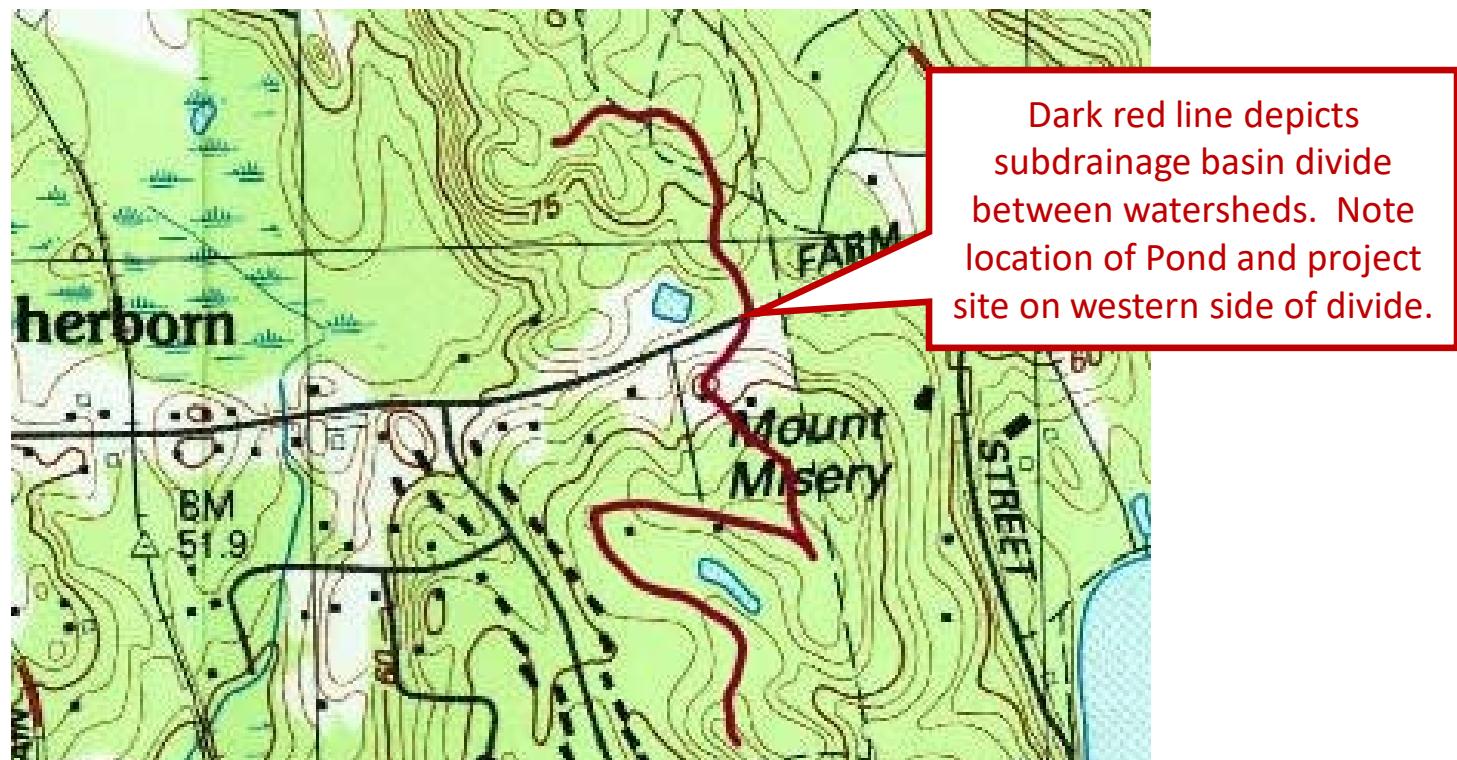
Surficial Geology of Sherborn is dominated by glacial till – a thin ice-contact deposit associated with low permeability and saturated thickness.



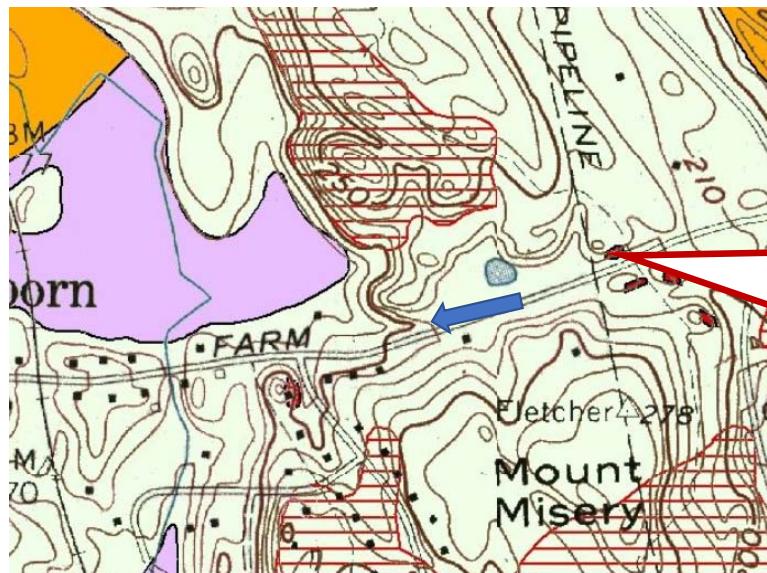
This deposit of thin glacial till contains a disproportionately high percentage of fines which serve as controlling factors in flow and recharge rates.

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.

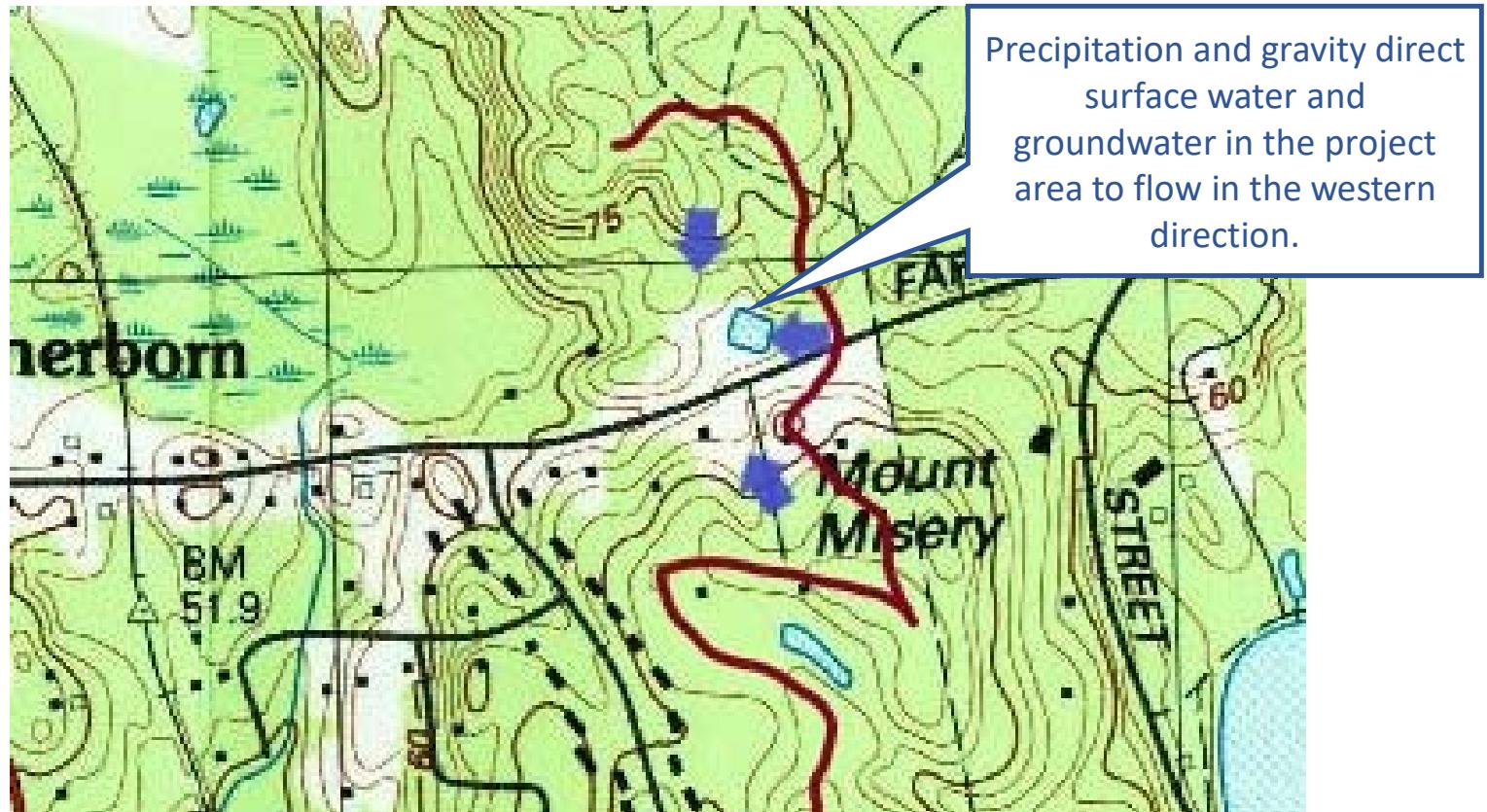


Local outcrops of 'ledge' indicate bedrock is protruding through or is located very close to the ground surface in the project area and therefore also serves to further control water flow through the overburden.



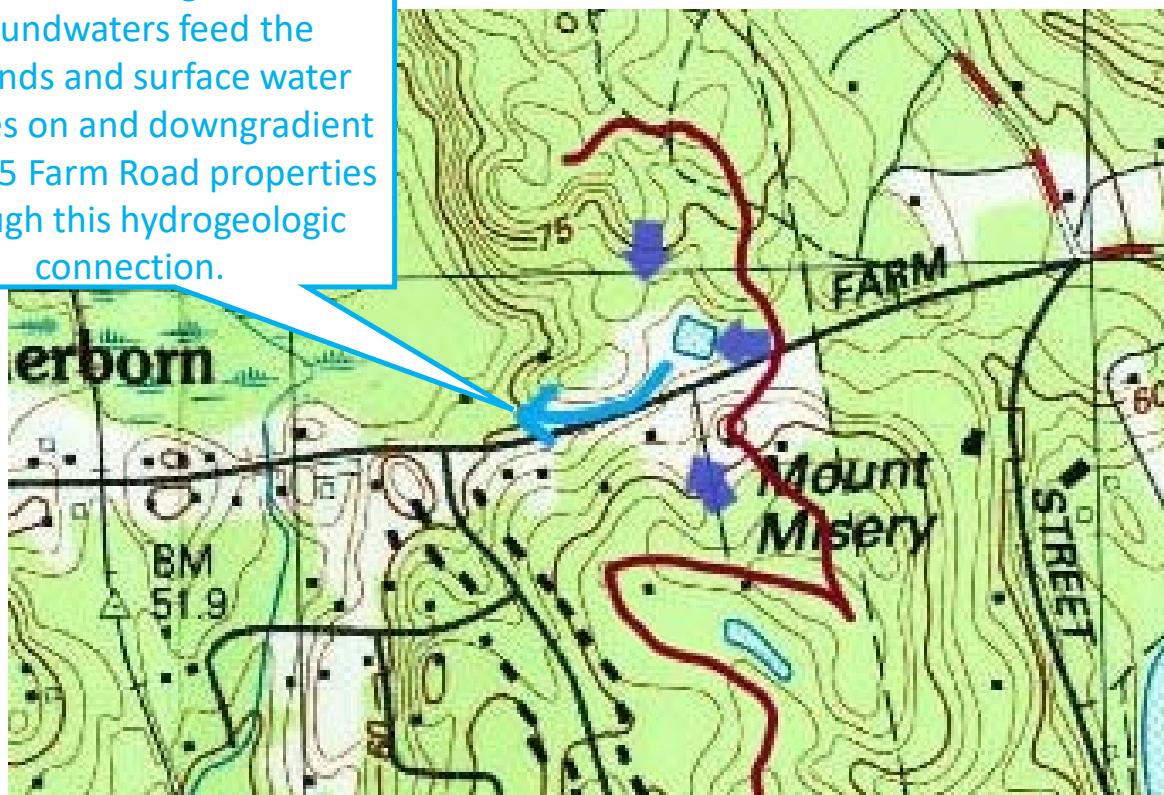
Dark red hatching depicts outcrops or bedrock, which serve as a type of funnel directing groundwater flow to the west.

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.

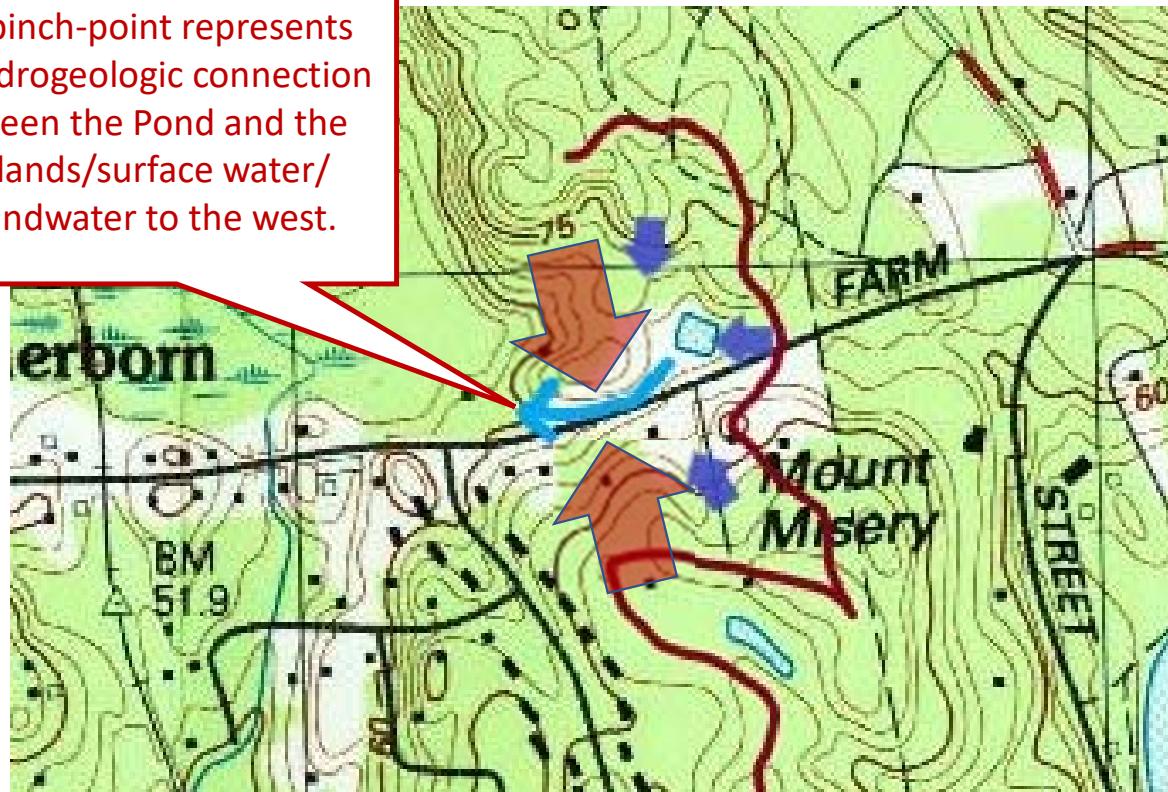


The Pond exists at an elevation of about 214 feet above mean sea level, while the micro-valley resides at an elevations between 195 and 205 feet above mean sea level.

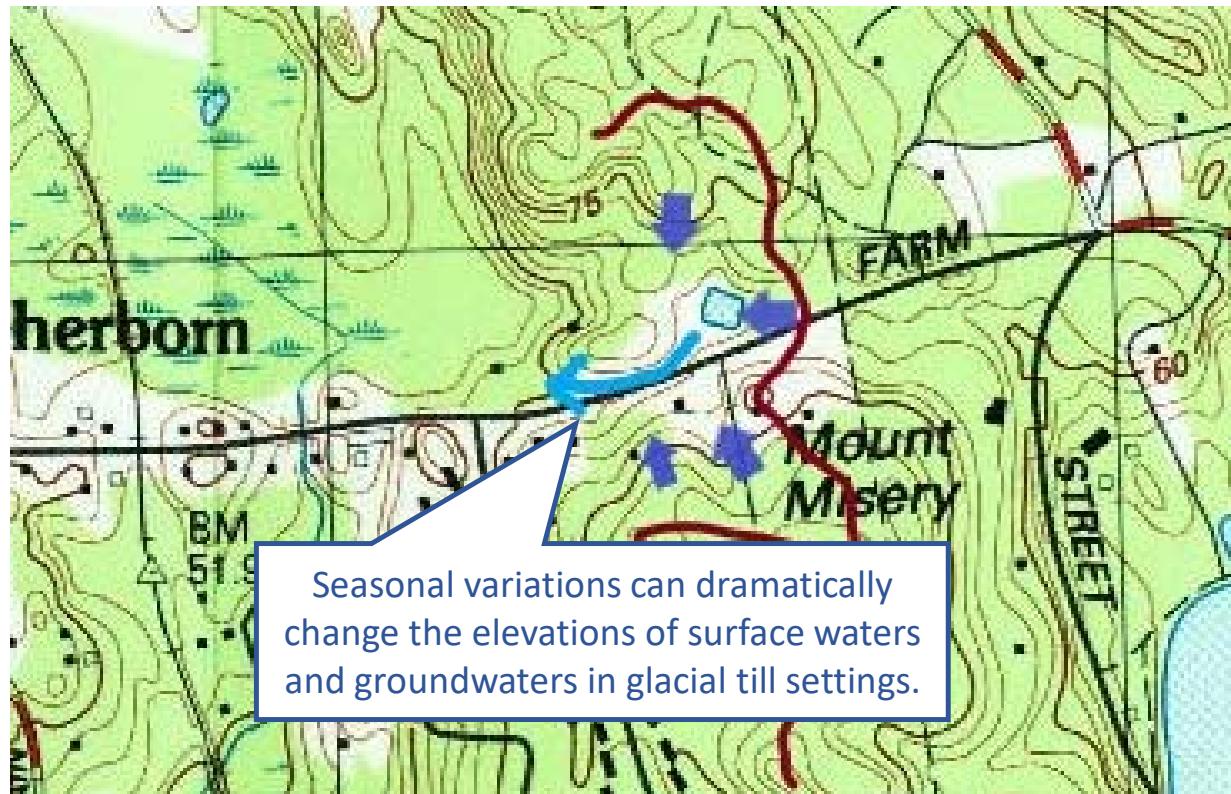
This difference in head potential is what drives the groundwaters to the west through this watercourse.

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.



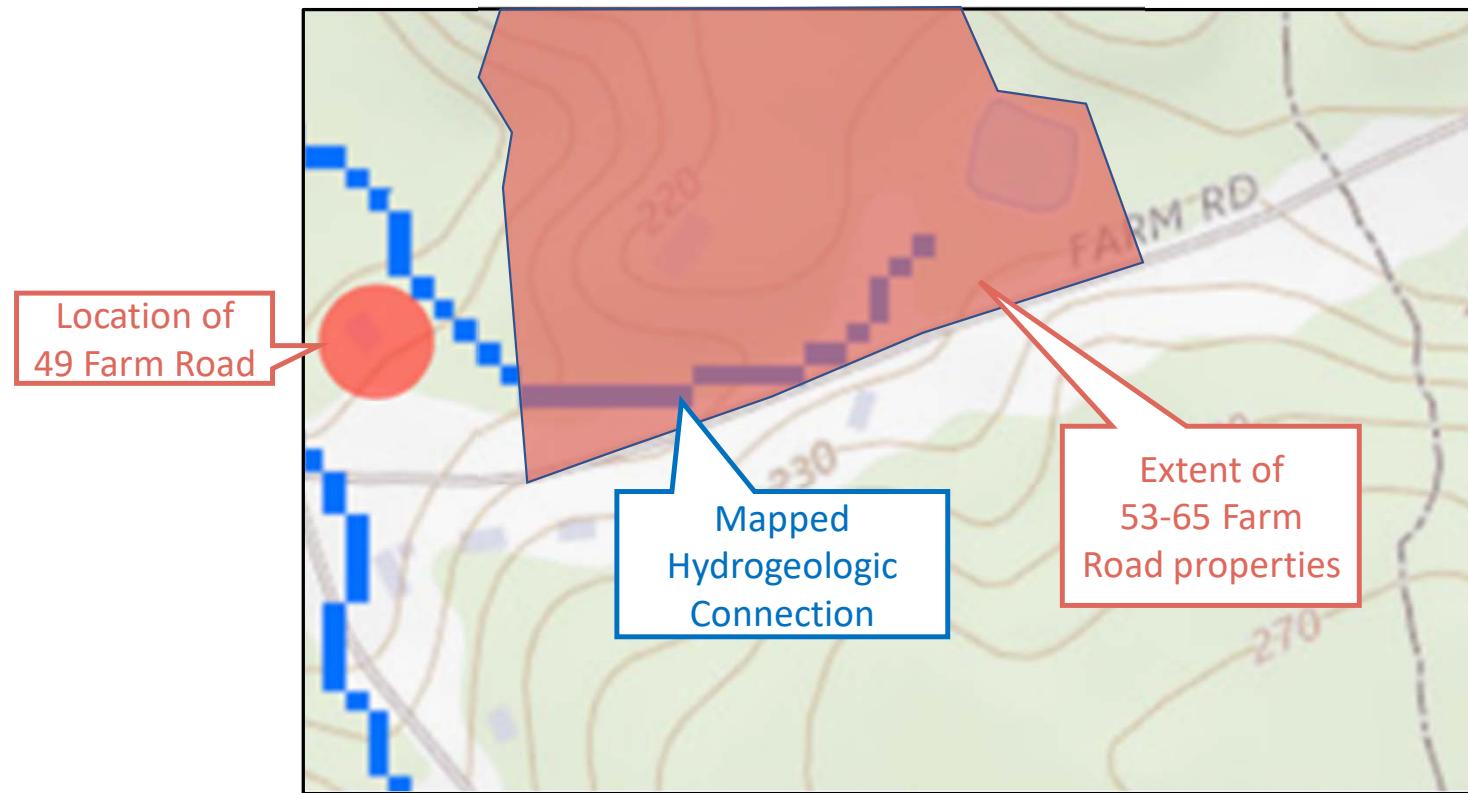
This watercourse serves an integral connection for surface waters located west of the site, for groundwater and private drinking water wells in the neighborhood, and for the Zone II delineated for Public Water Supply Wells Situated downtown



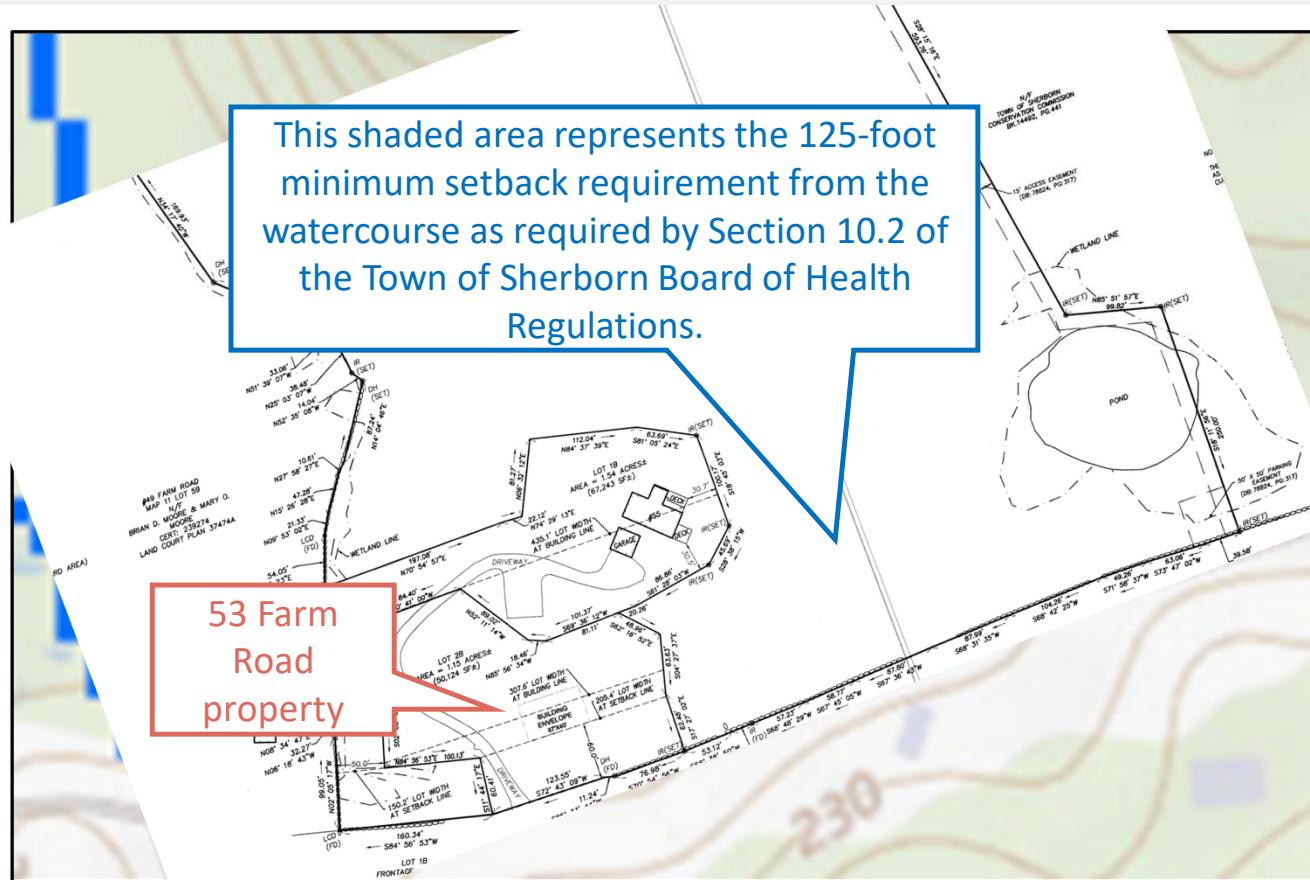
The Department of Environmental Protection has mapped this watercourse as a “Wetlands Hydrologic Connection.”



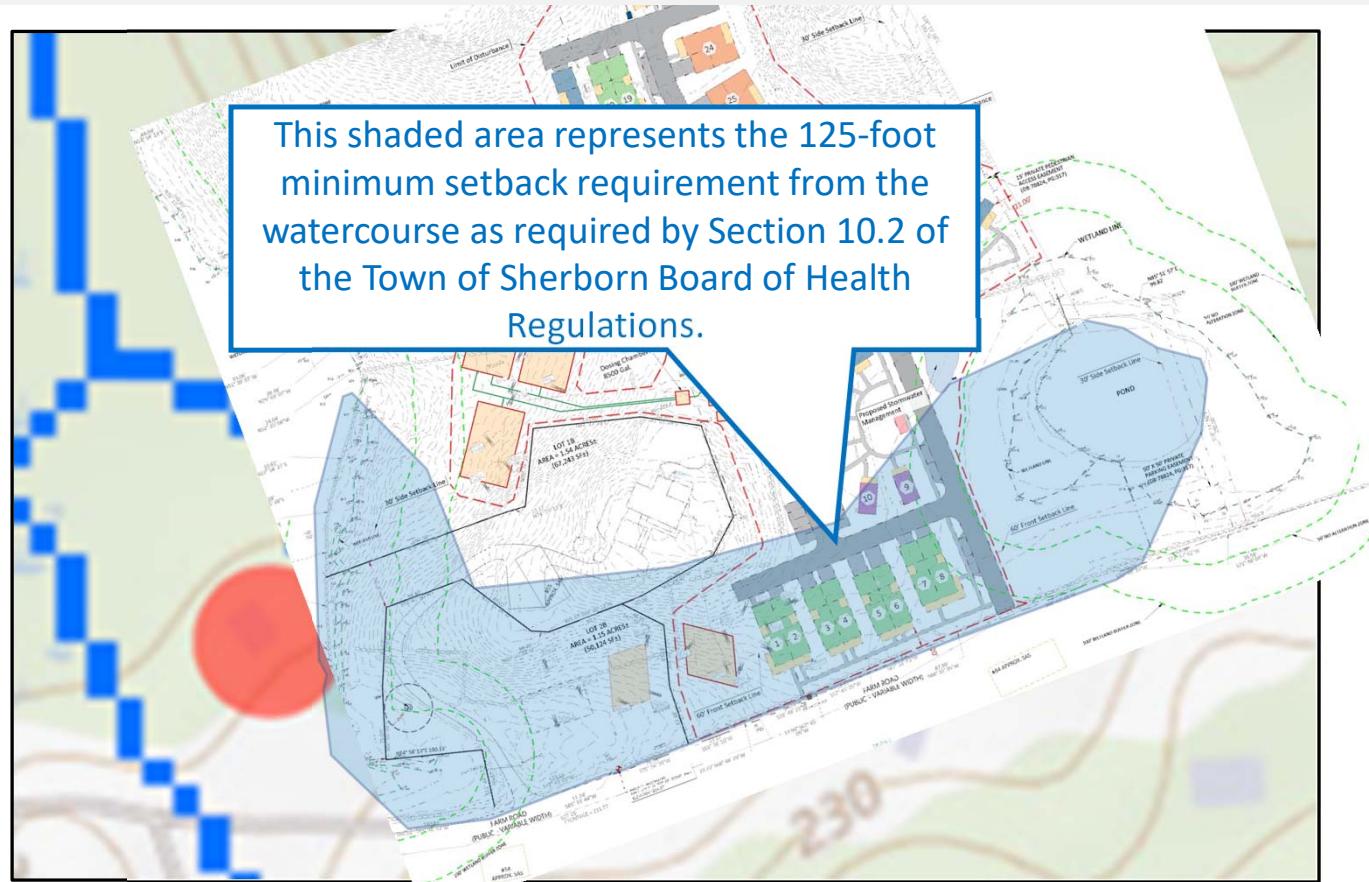
... and the United States Geological Survey has come to this same conclusion in their own published computer models.



... 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.

