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February 13, 2024

Dear Members of the Sherborn Zoning Board of Appeals (“ZBA”):

As residents of 29 Greenwood Street, we are writing to express concern over the application for the construction of a 40-unit apartment building at 0 Washington St.

We note for the board that the Washington St. development is the second application for a comprehensive permit made by Mr. Robert Murchinson. The applicant’s first application is for 4 single family homes on the other side of the parcel, accessed off Greenwood St.

We have reviewed the materials submitted to the ZBA and posted on the Land Development website for Washington St. Our opinion, as expressed in this letter, is that the applicant has thus far failed to conduct adequate testing as to the impact of the development on ground water, has failed to provide the ZBA with the information it requires in order to conclude that the Washington St. development does not pose a risk to the health and safety of the residents of the Washington St. homes and abutters and requests waivers that incompatible with ensuring the health and safety of the residents of the new apartments and abutters.

The project site includes extensive unaltered natural wetland resources (and their related buffer zones), a certified vernal pool and other potential vernal pools, and is adjacent and connected to a large, unaltered natural wetland resource area on a neighboring property. Aside from the obvious changes to the geology (including ground water flow and stormwater management) resulting from constructing a 3-story, 40-unit apartment, the associated parking areas, a public well to service the complex and a septic to service 70 bedrooms (in addition to the private wells and septic systems for the 4 single family homes, separated only by delineated wetlands, on the Greenwood St. side of the parcel), more specifically the project will impact outer buffer zones by adding impervious parking areas, stormwater management and part of the building and water supply to the buffer zone.

Various boards and committees for the Town of Sherborn have expressed their concern over the impact that a well and septic system for 40 apartment buildings (70 bedrooms) and 4 single family homes (16 bedrooms) would have on the ground water supply for the parcel and abutting parcels:

- In its letter dated December 3, 2022 to MassHousing Office of Planning and Programs, the Sherborn Select Board noted that “In the environmental analysis, the two 40B projects on the same parcel of land must be considered together. It will be important to understand the overall groundwater capacity and recharge, septic effluence and surface water flow on and off the entire 18-acre site that includes the Greenwood Homes and the 40-unit Sherborn Homes apartment building, including after periods of extreme precipitation”.
- In its letter dated December 15, 2022, the Sherborn Groundwater Protection Committee set forth their numerous concerns over the project’s impact to the ground water supply and quality of the ground water.
- The Groundwater Protection Committee further noted that the project failed to satisfy the MassDEP design requirements (which are a *minimum* standard, and to which each town is explicitly permitted to expand upon) and includes non-permitted Zone 1 structures (like the large septic leach field)

- In its letter dated December 29, 2022, the Board of Health noted that the prevalence of ledge outcroppings, the related shallow depth of bedrock, the shallow depth of groundwater, and the absence of substantial overburden aquifers are all factors as to why it is appropriate to more highly regulate the water supply in Sherborn. Due to the geological profile of the town, Sherborn's water supply draws heavily from wetlands and other shallow water supplies.

Given the explicit concerns raised by the Sherborn Select Board, the Sherborn Groundwater Protection Committee and the Sherborn Board of Health, we request that the ZBA require:

1. The applicant conduct new soil testing in conditions of extreme (or, at a minimum, normal) precipitation and that data regarding the overall groundwater capacity, recharge, septic effluence and surface water flow expressly account not only normalized periods of precipitation but also account for the impact of **both** the Washington St. apartment complex and the Greenwood St homes, as clearly recommended in the December 3, 2022 letter from the Sherborn Planning Board.
2. The applicant comply with at a minimum MassDEP design requirements for public wells.
3. The applicant's stormwater management plans account for the impact of climate change (consistent with the requirements set forth in the December 15, 2022 GPC Letter) and expressly account for the impact of the Greenwood St. homes in the Washington St. homes stormwater management plans.
4. Consistent with the Board of Health's letter dated December 29, 2022, that the project adhere to local septic regulations, also consistent with the MassDEP mandate regarding septic regulations in a 40B construction
5. An Environmental Health Impact Report for the Board of Health to review and expressly require that hydrology evaluations of septic effluent influences on groundwater and surface water quality over time account for **both** the Washington St. apartments and the Greenwood St homes.
6. A permit for bedrock disruption from the Sherborn Board of Health and require the applicant comply with the Board of Health bedrock disruption regulations.
7. The applicant comply with Sherborn Stormwater Management By-laws.
8. The applicant confirm that no stormwater flows are channeled over the septic leaching field.
9. The applicant establish a formal financing mechanism for on-going operation and maintenance of the water and septic systems for the Washington St. project.
10. The applicant obtain an Order of Conditions from the Conservation Commission (or a superseding Order of Conditions from the MassDEP).
11. The applicant comply with Sherborn Wetland Regulations and General Wetland Bylaws.
12. Require the applicant comply with a 75 minimum setback from adjacent wells

MassDEP is express that Title V provides the floor for septic regulations and explicitly allows towns to supplement Title V with their own local regulations. The applicant is asking the Board of Health and the ZBA to ignore MassDEP guidance and its own regulations enacted to protect the drinking water in our town. Given the size of this project, coupled with the additional 4 homes proposed on the same parcel, this is gravely concerning.

We cannot underscore enough that the Washington St. development is the second construction contemplated on a single parcel of land. We are greatly concerned that, by filing two applications, under different limited liability companies, Mr. Murchinson is attempting to segment the development and avoid

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the obvious question of whether the resources can support such a large-scale change. Such segmentation is impermissible under Massachusetts land use laws and regulations.

We ask that the ZBA address the concerns set forth in this letter during its open hearing on Tuesday February 13, 2024

Sincerely,

Tia and Max Wallach

29 Greenwood St.