

TO: Sherborn ZBA
FROM: Michael Lesser, Co-Chair, Sherborn Conservation Commission
DATE: September 10, 2025
RE: Wetlands Protection - Bases for A Restoration Planting Plan
in Comprehensive Permit

The Conservation Commission is providing the following response to the applicant/Bob's request to the ZBA that the wetlands protection-related restoration planting plan is not part of the Comprehensive Permit (as in some other projects).

The Conservation Commission is requesting that the restoration planting plan is part of a ZBA Comprehensive Permit rather than as part of the wetlands Notice of Intent (NOI) permitting process with the Commission, which will only be under the MA state Wetlands Protection Act (WPA), because:

- The isolated vegetated wetland resource ("vernal pool") is not a protected resource under the WPA, and therefore, no buffer zone restoration can be required under the NOI process.
- Local wetland protections for the buffer zone for the bordering vegetated wetlands (BVW) are stronger than under the WPA. Given the magnitude of permanent alteration of currently unaltered buffer zone, it is important to robustly restore as much as possible of the buffer zone to protect wetland functioning for water quality and wildlife habitat.

As to the Comprehensive Permit process, in this case, protecting wetlands functioning overlaps with local health issue of groundwater quality protection. Though not a large area, it is the cumulative effect of all wetlands protection and in turn water quality protection that helps Sherborn. The requested restoration planting is scaled to the size of this project and accepts that significant currently unaltered buffer zone will be permanently altered.

Appropriate restoration plants and their protection (as opposed to lawn) in some of the buffer zone that will be altered during construction provides a number of local benefits of which greater water filtration and infiltration and pollution prevention are pertinent to the ZBA process.

Often there are options for improvements in the functioning of some buffer zone areas that mitigate and balance the permanent alteration of other buffer zone areas. In this project, there are no such options. Therefore, maximizing what can be done for buffer zone restoration is important, which can best be done via the ZBA representing local Sherborn water/health interests.

Comparing this project to a Coolidge Street one is not an appropriate precedent for several reasons. The Coolidge Street project did not have wetland resources/areas that are not covered by the state WPA. Also, more importantly, in contrast to the Lot 3 Washington Street Homes project, the Coolidge Street project has existing areas of altered buffer zone that can be improved as mitigation to balance the development of other buffer zone areas.

Therefore, the Commission's position is that the discussion of a restoration planting plan should continue to be part of the ZBA permit hearing covering local interests.