

## Jeanne Guthrie

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**From:** Bob Murchison <bob.murchison@me.com>  
**Sent:** Tuesday, September 16, 2025 9:25 AM  
**To:** Jeanne Guthrie  
**Cc:** Zach McBride; 'Zachary McBride'; 'Paul Haverty'  
**Subject:** Fenix Partners Reply to CONCOM REPLY TO: Context and precedent for Waiver of Sherborn Wetland Regulations

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Sherborn ZBA,

See below my thoughts on the Conservation Commission proposal to ask the ZBA to impose a mitigation plan of 200 shrubs on this small four home project:

- ZBA has set a precedent with Coolidge Crossing to allow the mitigation plan to be imposed under the NOI process with the Sherborn Conservation Commission under the MA Wetland Protection Act. See my email at the bottom of this string.
- Coincidentally, the Conservation Commission NOI hearing for Coolidge Crossing began a week ago. That project is three large apartment buildings of 135 units built right up against the 50' buffer zone. A mitigation plan has been proposed of 168 plants. Washington Street Homes is four small homes and is being asked by the Conservation Commission to provide 200 plants. The scale of mitigation being requested here appears way out of proportion relative to Coolidge Crossing which is 34X Washington Street Homes.
- I do not oppose some amount of plant mitigation, but the requested plan is a significant overreach to ask the ZBA to impose.
- An official Vernal Pool is a protected resource under the Wetland Protection Act and would be regulated under it. The Sherborn local wetland by-law does not anywhere use the term Vernal Pool and is not regulated differently than other resource areas.
- The Con Com in their argument below claims "*a local health issue*" of "*groundwater quality protection*". This term has no regulatory meaning. It is akin to saying we need to "protect the environment".

Bob

I'm pasting below the ZBA decision for the vastly larger Coolidge Crossing project approved by ZBA. The ZBA waived the Sherborn wetland regulations and appropriately allowed Con Com to regulate the project under the MA Wetland Protection Act.

Any planting plan for mitigation was done at the time of the NOI filing and not in the Comprehensive Permit decision.

I respectfully ask for this precedent to be used on Washington Street. Many thanks.

Bob

**GENERAL BYLAWS OF THE TOWN OF SHERBORN**

(Including amendments of 2019 ATU)

BY-LAW/REG.	TITLE	DESCRIPTION	REQUIRED	PROPOSED
CHAPTER 17 – WETLAND BYLAW/ Sherborn Wetland Regulations, Section 5.2	No Alteration Zone (NAZ)	Disturbance within inner buffer zone is presumptive to create adverse effects to protected interests.	Establishes a 50-foot no alter zone (i.e., the inner buffer zone).	Waived. As shown, allow site disturbance construction within (50 foot buffer) for roads and utilities. Waive post construction, landscaping/lawn buffer as shown on Project includes a 50 foot buffer.
CHAPTER 17 – WETLAND BYLAW/ Sherborn Wetland Regulations, Section 5.3	Performance Standards: Fill	For project work within jurisdiction of Commission, fill to be clean and advance notice of source of fill to be provided to Commission. Fill to otherwise contain no oil or hazardous materials above MCP GW-1/S-1 standards	All fill used in connection with any project under the jurisdiction of the Commission will be clean fill, containing no garbage, refuse, rubbish, industrial or commercial or municipal fill or waste, demolition debris, or septic sludge. No fill to have levels of oil or hazardous materials above GW-1/S-1 standards of MCP. Prior to placement of fill, notice to be given of source of fill to Commission member. The Commission reserves the right to require specific additional chemical testing of fill by a third party, at the applicant's expense, prior to placement at the site.	Waived only to the advance notice of provided one week on site. Applicant work with Zoning within Comprehensive Board and copy to the source of fill zone prior to placement.

**I. Wetlands/Environmental Conditions**

- I.1 The Applicant proposes work within the one-hundred-foot (100') buffer zone to bordering vegetated wetlands. While the Board has waived certain requirements of the Sherborn Wetlands Protection Bylaw, such waiver is without prejudice for the Applicant to obtain an Order of Conditions under the Massachusetts Wetlands Protection Act from the Sherborn Conservation Commission, or a Superseding Order of Conditions from the Department of Environmental Protection, to authorize such work within the 100-foot buffer zone.
- I.2 Approved Plans shall include intermittent markings at the edge of the limit of work within the "no alteration zone" as such term is defined under the local Wetlands Protection Bylaw.
- I.3 Any fill brought for use within jurisdictional wetland resource areas shall be clean fill; however, the Board has waived the requirement of Section 5.3 of the local wetland bylaw requiring notice of the source of the fill be provided seven (7) days in advance. Instead, the Board requires such notice of the source of the fill be provided to the conservation agent within 24 hours in advance of the fill being received at the Property.