

May 7, 2021

Via Email

Richard S. Novak, Chairman
Sherborn Zoning Board of Appeals
19 Washington Street
Sherborn, MA 01770

**Re: Coolidge Crossing Comprehensive Permit Application
Property at 84-86 Coolidge Street, Sherborn, MA
Response to Board of Health Memo, dated May 4, 2021; Conservation
Commission Memo, dated April 28, 2021 and May 6, 2021 and Tetra Tech
Wetlands Protection Recommendations (Letter 3), dated April 29, 2021;
Updated Waiver List**

Dear Chairman Novak and Members of the Board,

The Applicant, Baystone Sherborn, LLC, and its project team have reviewed the April 28 comment memo submitted by the Conservation Commission (the “Commission”); the Wetlands Protection Recommendations letter (Letter 3- Address Conservation Commission) submitted by TetraTech; and Board of Health (“BOH”) Memorandum, dated May 4, 2021. To assist the Board’s review of the project and on behalf of the Applicant, we are providing this comprehensive response together with an updated Waiver List Summary. We are happy to further address these matters at the May 13 public hearing.

**Response to April 29, 2021 Tetra Tech Wetlands Protection Recommendations
(Letter 3), Addressing Commission Memo dated April 28, 2021**

The Applicant is in receipt of the Commission’s Memo dated April 28, 2021 and Tetra Tech’s third letter to the Board, dated April 29, 2021, prepared in response to the Commission’s aforementioned memo. The Tetra Tech letter acknowledges that all of Tetra Tech’s wetlands protection recommendations as made in prior peer review submittals have been satisfactorily addressed by the project development team. The Applicant concurs with this assessment.

Tetra Tech’s April 29 letter also suggests that it would not be unreasonable for the Board to incorporate conditions into its decision that would: (1) limit the use of potentially harmful deicers, (2) require compliance with Mass DEP’s snow disposal guidance, (3) limit the use of pesticides and herbicides in the management of the

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landscaping, and (4) require dimmers and motion sensors on the five lights whose lighting extends to within 50 feet of wetland resource areas.

Should the Board consider adopting such conditions as recommended by Tetra Tech, the Applicant would request the opportunity to work with Board in crafting mutually acceptable language for the same as recommended by Tetra Tech.

Response to Conservation Commision Memo, dated May 6, 2021

By memo dated May 6, 2021, the Commission submitted further comments suggesting the Board reject waivers under Section 5.3 and 5.4 of the local wetland regulations. To clarify, the Applicant does not believe that it requires any waiver under Section 5.4 (Stumps) and has not requested the same.

With respect to Section 5.3 (Fill), the local wetland regulation requires that clean fill be used within project areas subject to its jurisdiction. The Applicant does not seek to waive the substantive standard. Within Section 5.3, however, the local wetland regulations references that notice of the source of the fill is to be provided to the Commission seven (7) days prior to its use at the project site. As the Comprehensive Permit is the master permit, the Applicant would respectfully request a waiver as to the timeframe of the advance notification. The Applicant is amenable to working with the Board to craft mutually acceptable language that notice of the source of fill be submitted, but that the seven-day advance requirement not be imposed as the same is not always commercially viable, as the availability of the fill to the contractor often occurs on a shorter timeframe.

Response to BOH Memo, dated May 4, 2021

It appears that the BOH has mistakenly construed the breadth of the Applicant's waiver requests under the local Board of Health regulations. It is correct that the introductory language to the Project's waiver request as submitted with the 40B application included a statement that the Applicant seeks an exception to the provisions of all Local Requirements as relevant to the pending Comprehensive Permit Application. In other words, and by way of example, the proposed Coolidge Crossing 120-unit affordable housing community does not include a tattoo parlor and as such, no relief from tattoo parlor regulations is either sought or applicable to the project. To avoid confusion, the updated Waiver List has modified its language to avoid confusion. See attached.

The BOH memo lists four enumerated BOH concerns together with a catch-all "other issues" sections. Each enumerated point is addressed below.

- I. Sewage Disposal – The BOH references Section 18.3 (Temporary Facilities), which requires that when on-site wastewater treatment and/or disposal does not exist on site, builders and contractors have sanitary facilities at the work area and that the same remain onsite from the first

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day of operation under completion of the contract. The Applicant does not seek a waiver from the requirement to provide temporary sanitary facilities (port-o-lets) during construction of the project and intends to include the same in its construction management plan, as consistent with good construction practices.

II. Domestic Water Supply – As noted in the BOH memo, the Coolidge Crossing project plans does not include onsite water wells. Consistent with Chapter 40B, should there be a request by the Applicant to install irrigation wells, it would be required to present such request to the Zoning Board. As presented, however, the proposed project does not include any irrigation wells.

III. Public and Environmental Health Review Regulations/Standards for Other Than Single Family Dwelling on a Lot

3.1 Environmental Health Impact Report – Pursuant to Section 3.1, when more than 10 dwelling units are proposed, an Environmental Health Report is to be submitted to the BOH.

3.2 Environmental Health Impact Permit. Ordinarily, the BOH would issue such a permit. As the Zoning Board serves as the local permitting authority for all local regulations under Chapter 40B, the Applicant has requested this process waiver be granted.

With respect to both Sections 3.1 and 3.2, as they relate to the Coolidge Crossing 40B proposal, the Applicant has provided the Zoning Board with detailed civil engineering design, as well as drainage calculations, stormwater management, soil borings, etc., all of which have had the benefit of third party peer review by Tetra Tech. Provisions in Section 3.1 referencing sewage or wastewater discharges to the subsurface are in applicable to the presented 40B application.

10.0 Bedrock Disruption. Section III.10 of the BOH regulations require that if 10 or more cubic yards (cy) of ledge is affected during construction that notification be provided to neighbors within $\frac{1}{4}$ mile and that best practices be utilized. While a blasting permit is a local permit subsumed under the Comprehensive Permit, the Applicant has updated its waiver list to include the same to avoid confusion, recognizing that it is amenable to working with the Zoning Board to include a condition of approval of the Comprehensive Permit such that should bedrock disruption exceed 10 cy, prior to undertaking such work, Applicant shall provide written notice consistent with Section III.10.0 and shall provide a safety data sheet for the blasting agent to the Zoning Board, with a copy to the BOH agent and shall otherwise employ best practices.

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12. Drainage. The Applicant has requested waivers under Section III.12.1 and III.12.5 of the BOH regulations relating to drainage.

Section 12.1 – A waiver under Section 12.1 is sought. It is noted that the civil engineer has designed stormwater management on the site in a series of discrete areas across the project site, as has previously been discussed during the public hearing process with the Zoning Board. Tetra Tech's third-party peer review has acknowledged and approved the design of the stormwater system, its adherence to the DEP stormwater regulations and the engineering supporting the drainage calculations. A waiver has been sought under Section III.12.1, as there does not appear any local concern which would override the need for affordable housing with respect to the requested waiver of technical compliance with Section III.12.1.

Section 12.2 – This regulation prohibits channelization of surface runoff offsite without a grant of easement given by the affected landowner. The Coolidge Crossing project involves no off-site channelization of surface water and therefore no waiver was sought or is required.

Section 12.5 – This regulations states that permeability tests shall be field bore hole tests for permeability's of less than 1×10^{-4} centimeters per second. As described in its waiver request, Applicant has utilized DEP approved infiltration design methods, as set out in the DEP stormwater standards. As noted by the BOH, the testing methodology has been peer reviewed by Tetra Tech, and notes that the BOH will defer to the DEP methodology. Tetra Tech has positively commented on the level of pretreatment associated with the designed stormwater system.

IV. Design, Operation and Maintenance of Small Wastewater Treatment Facilities. As noted by the BOH, the provisions of Section IV of the local BOH regulations are not relevant to the 40B application that is before the Zoning Board. Applicant concurs with this statement.

BOH “Additional Issues” – As noted by the BOH Memo, the Coolidge Crossing does not involve commercial/shared food preparation, retail sales of packaged foods or nicotine/tobacco, and/or body art/bodywork. Local regulations under section V, VI, VII-A or VII-B are not applicable. Similarly, under Section VIII (Mercury Thermostat Disposal Regulations) are similarly not involved in the 40B application pending before the Board.

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Lastly, the BOH Memo suggests a) that fill materials brought to the site be tested for contaminants and b) that Applicant conduct ongoing inspections for I/I of the sewer lines. Consistent with standard construction management practices, construction fill brought to the site will have been pretested. With respect to the maintenance and inspection of the sewer line, while I/I concerns would not be anticipated an issue on a new sewer line, such requirements would be more appropriate within the terms of the intermunicipal agreement, to be negotiated/imposed by the parties thereto.

We look forward to addressing any questions or comments the Board may have regarding this response at the public hearing next week.

Sincerely yours,

Stephanie A. Kiefer

Encl.