

*Electronic Delivery*

March 19, 2024

Sherborn Zoning Board of Appeals  
Sherborn Conservation Commission  
Sherborn Board of Health  
Sherborn Town Hall  
19 Washington Street  
Sherborn, MA 01770

**Re: Recommendations for Farm Road Homes Development**  
55-65 Farm Road, Sherborn, MA

Chair Novak and Members of the ZBA,  
Chair Lesser and Members of the Conservation Commission, and  
Chair Beardsley and Members of the Board of Health,

We are writing to share additional comments as concerned residents and abutters of the proposed Farm Road Homes, a 40B project that would create thirty-two dwellings on two parcels of land at 55 and 65 Farm Road. We appreciate your diligent review of this project and thank you for the enormous amount of time and energy you have put into the public hearing process.

First, we would like to request that your Board or Commission add by reference in your deliberations all documents that the Town has posted on the town webpage. These documents include letters, reports, and comments from various town officials, boards, committees, consultants, and residents that provide valuable information and analysis on the project.

Second, we would like to highlight the importance of protecting the local concern of clean and safe drinking water for all Sherborn residents, especially those who live near the project site and rely on private wells. Any potential contamination or depletion of the groundwater resources poses a serious threat to the public health and safety of current and future residents. To protect this local concern, Sherborn has adopted more stringent regulations and bylaws than those promulgated by the state to ensure the quality and quantity of groundwater and to prevent any adverse impacts from septic systems, wells, and other sources of pollution.

The request for waivers as presented by the applicant will result in significant and demonstrable harm to the local concern of clean and safe drinking water.

*Consistent with Local Needs – means either: (a) one or more of the grounds set forth in 760 CMR 56.03(1) have been met; or (b) Local Requirements and Regulations imposed on a Project are reasonable in view of the regional need for Low and Moderate Income Housing, considered with the number of Low Income Persons in the affected municipality and with Local Concerns, and if such Local Requirements and Regulations are applied as equally as possible to both subsidized and unsubsidized housing.*

1. We know that one of the grounds set forth in 760 CMR 56.03(1) have not been met since Sherborn is not at 10% SHI.
2. We believe Condition (b) is met and urge you to deny this project because protection of well water is an important local concern that outweighs the local need for affordable housing.

- a. All Sherborn residents are subject to more stringent local regulations intended to protect our groundwater and drinking water.
- b. All abutters to this project rely on private septic systems and private wells with no option to connect to public water if their water supply is contaminated.
- c. The proposed 8350 gallon per day shared septic system may somehow meet the Title V performance metrics, but our expert shows it will also result in nitrogen loading exceeding MassDEP guidance for safe drinking water standards.
- d. Waivers to the protections offered by the more stringent local regulations would also place a disproportionately higher risk on those future inhabitants of the Farm Road Homes project given the fact that their water and sewer infrastructure does not comply with the local regulations designed to protect their health, without offering any associated means for recourse, reparations, or repair.

The following are examples of local bylaws that exist to protect public health and private drinking water wells. Any waivers that remove those protections should not be granted.

- a. **BOH regulations titled SECTION I: SEWAGE DISPOSAL**
  - 8.1: Depth to Groundwater*
  - 8.2: Depth to Ledge*
  - 8.4 Wetland and Flood Plains*
  - 8.5 10.2 Minimum Distances*
- b. **BOH regulations titled SECTION II: DOMESTIC WATER SUPPLY**
  - 6.0: Well Location*
  - 7.0: Number of Wells*
  - 11.0: Well Yield*
- c. **BOH regulation titled Section III. PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT**

*3.1 The applicant for any proposed project of ten (10) or more dwelling units, whether in subdivision or on an approved roadway, or any commercial or industrial development with a gross floor area exceeding 7500 square feet, or a design sewage flow of 2000 gallons per day or greater, or any Planned Unit Development (PUD), or any earth removal project exceeding 350 cubic yards of material per lot, or 1000 cubic yards of material per project, shall submit an ENVIRONMENTAL HEALTH IMPACT REPORT (EHIR) to the Board of Health.*

The developer's cut & fill analysis shows >10,000 cubic yards of material will be removed for this project. This is the equivalent of > 800 dump trucks entering and exiting Farm Road, a busy, scenic road. Tons of CO<sub>2</sub> and NO<sub>x</sub> will be emitted, creating nitrogen load into air, ground, and wetlands. In addition, acres of mature forest will be denuded to build roads, foundations, wells, septic, and stormwater infrastructure. A complete EHIR will show cumulative impact of the various project elements to ensure no negative impact on public health and safety.

#### **Other issues:**

We recognize the project, if approved, will be regulated under all relevant state and federal laws, and note the wetlands delineation on file with MassDEP for 65 and 55 Farm Road will expire in June 2024 (after 3 years).

1. A new wetlands boundary determination should be required.
2. We believe that recent land clearing, new foundation, and new 5BR SAS at 53 Farm Road (an area we have referred previously to as the ‘Farm Road Watercourse’) has already altered the wetlands at 55 Farm Road, 65 Farm Road, 49 Farm Road, and Town Conservation Land.

The following are comments in response to recent letters submitted by CLAWE

1. The project engineer notes that a former cesspool situated at 49 Farm Road may have been the source to historical detections of nitrate in a well on the property. What he does not say (or perhaps did not know) is that a new well was installed ~2005 by the previous owner because a nitrate test result from the old well exceeded local and state requirements. Even though the property had passed Title V, the local regulations required a new well in an upgradient location from the cesspool before the property was sold (to us). Recent test results, from the newer well, in December 2021 confirm no detection of Nitrates or other dangerous contaminants. This is a fitting example for how the local BOH regulations worked to protect a local concern - clean drinking water.
2. The model used by the project engineer does not address concerns related to mounding at the wetlands given the use of “steady-state” boundary conditions as an input parameter as opposed to modelling the mounding without such prejudice. Placing these arbitrary distance-based limits on their mounding model disregards the engineer’s statement in their correspondence dated February 2, 2024 and updated March 7, 2024 for this project where it is clearly stated that . . . “**the mounding will spread hundreds of feet**”.
3. The discussion of the leachfield output only serves to obfuscate the significance of the nitrogen loading by using terms such as “. . . **the *design* concentration for this project to have less than 10 mg/l . . .**” {emphasis added}. These assertions around design intent are speculative and none of them contradict Horsley’s expert opinion that inappropriate mounding will occur and that >10 mg/l nitrogen will be present at the property boundary or nearest downgradient sensitive receptor.
4. We believe the reliance on an innovative technology with only provisional DEP approval requires that the applicant show a suitable backup plan exists in case the alternative does not perform as designed, and we are not aware that any reserve area has been set aside for such an occurrence, nor that a back-up alternative has even been considered by the applicant.

Letters from our lawyer Dennis Murphy and our expert Scott Horsley and multiple comments and letters from residents and boards refer to the local concern of clean drinking water protection. We expect accurate and precise scientific principles to be applied to this project so that we may comfortably rely on results to ensure public health and safety. As of the date of this letter, we are not comfortable with the conclusions rendered by the applicant for this complex project.

Thank you again for your continued attention to these matters, we appreciate the opportunity to voice our concerns and look forward to your deliberations.

Most respectfully,

Brian D. Moore  
Mary O. Moore  
49 Farm Road  
Sherborn, MA 01770