



19 Washington Street  
Sherborn, Massachusetts 01770

November 25, 2024

## PLANNING BOARD

James T. Guarino

Stefani Harrison

Frank Hoek

Robert Wolff

Addie Mae Weiss

Andrew Goodearl, associate

---

Heidi Doyle, Town Planner

Zachary McBride, Chair  
Zoning Board of Appeals  
Town of Sherborn

Dear Chair McBride and Members of the ZBA,

The Planning Board has evaluated the Remanded Permit applications submitted to the ZBA for the affordable housing development under MGL Chapter 40B, located at 41 North Main St. We understand the second phase of development known as Apple Hill Estates at 31 Hunting Lane has been withdrawn for consideration at this time. This letter summarizes our analysis of the current iteration of the proposal at 41 North Main St. The Planning Board is not supportive of the project.

In addition to the items noted in the Planning Board letter presented to the ZBA on January 5, 2021, we offer the following current relevant concerns related to this proposal:

1. Sherborn's strategy to reach our affordable housing goal. Enabling sufficient high-density housing required to reach our 10% affordable housing goal is a major challenge for Sherborn, because of the lack of water & sewer infrastructure and the almost-total dependence of the Town on groundwater. In spite of this limitation, the Town has a feasible pathway to reach 10% affordable housing: the proposed 40B Local Initiative Project (LIP) of 120 rental units on Coolidge St. The Coolidge St. project would obtain MWRA water from Framingham and discharge wastewater to the Natick sewer system. A water and sewer district for North Sherborn has recently been approved by the Massachusetts House of Representatives and is awaiting approval by the Senate and final adoption by the State to enable this project. Because it would not impact local groundwater resources, the LIP is strongly supported by the Planning Board. It has been judged eligible by Mass Housing, and the comprehensive permit has been issued by the ZBA in 2021. Thus, the Town could reach its affordable housing goal without the North Main St. project, and without compromising essential groundwater resources.
2. Groundwater impacts. The well and septic plans shared by both projects was a major concern of several town Boards including the Planning Board in January 2020. While the Hunting Lane proposal is no longer active, large volumes of water sufficient to fulfill the needs of over 28 residential units with 56 bedrooms is still a concern. We understand there has been no recent plan for a scientific and engineering analysis to demonstrate that the water supply will be adequate. The wastewater would be discharged at a single leaching field adjacent to the Fireside Tavern property, exacerbating the localized septic burden within DEP's interim wellhead protection area (IWPA) – see below. It has also been noted by the Board of Health that there is a prevalence of ledge outcroppings and related shallow depth to bedrock in this area. Building on the scale proposed would involve blasting or other mechanical means to remove ledge required for the project. The Board of Health further noted that recent blasting in a nearby development appears to

have contaminated at least one private well through the mobilization of toxic manganese. The proposed projects put safe drinking water for potentially hundreds of residents at great risk.

3. “Sensitive land”: We are concerned a portion of the proposed new development falls within the DEP IWPA (490-foot radius) for the 33 North Main Street address known as Fireside Tavern, a valuable community asset (Exhibit A). Ensuring existing community assets remain viable is important to smart growth planning. While well and septic regulation falls under DEP and Board of Health jurisdiction, the Planning Board is required to consider existing infrastructure with “Sensitive land” for review of new construction projects. The State has most recently been highlighting this planning guideline in publication of MBTA’s Section 3A Multifamily Zoning Guidelines: [<https://www.mass.gov/info-details/section-3a-guidelines>]

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing.

“Sensitive land” includes, but is not limited, to ... DEP-approved well head protection areas ... (Zone II and IWPA).

4. Scale and visual impact. The first iteration for the 41 North Main St. project considered massive, tall apartment buildings originally placed on the hill near North Main St. The second iteration moved the two apartment buildings away from North Main St. to the western end of the site with better visual screening provided by preservation of the trees and hill along North Main St. The current proposal flattens the site and distributes eleven buildings consisting of single-family duplexes and triplex units across the site. If constructed, the units should choose materials, fenestration and massing that would not be foreign to the surrounding historical structures and landscape. We would encourage consolidating the units on the lower (western) portion of the site to lessen the visual impact, enhance green space within the development, and reduce the requirement for blasting. The Planning Board would also welcome opportunities for mixed use development serving the highest and best use of this site given its downtown location.
5. Ledge Removal to Achieve Proposed Grading: The redistribution of the residential units appears to have been done without regard to the natural topography of the site. The positioning of the development on the site relative to the existing grades demonstrates that extensive amounts of ledge will need to be removed to achieve the proposed finished grades. A review of the Site Development Plans (Exhibit B) from the previous proposal that was denied by the ZBA, starts with Drawing V-101 Existing Conditions Plan (Exhibit C). The existing contours vary across the site significantly. The lowest point at the northwest corner starts with a contour elevation of 171 ft. The grades continue to rise at the middle of the site along Hunting Lane to a maximum contour elevation of 211 ft (or 40 feet of grade difference). The grades then drop along Hunting Lane to a low point of 183 ft. or 28 feet of grade difference at the intersection of North Main Street. A comparison is attached to this letter showing the differences between the existing conditions and the proposed grading plan (Exhibit D). This document demonstrates the relationship of existing contours to finished floor elevations being proposed, and the amount of material removal that would be required at each of those points. The six buildings proposed for the northern half of the site will require up to 16 vertical feet of excavation. Due to the distribution of exposed ledge throughout the site, it is anticipated that much of the vertical excavation would consist of ledge removal.

Recent experience in Boston has shown that inadequate protection of existing structures and ineffective monitoring of vibration and ground water levels can result in unnecessary damage to buildings proximate to a construction site. The subject proposed project includes a significant amount of ledge removal, and major construction alongside fragile abutting historic structures. Therefore, if the project were to proceed, we would recommend that the ZBA propose the following conditions on the project prior to and during construction, consistent with the City of Boston Environment Department Guidelines for Construction (Exhibit E):

- A preconstruction survey of adjacent properties (including the historic Whitney Paul Tavern also at 41 North Main Street).
- A pre-construction analysis of existing sub-soil and groundwater levels and survey of adjacent properties and their foundations so that steps can be taken to secure structures at risk and project-related damage can be readily distinguished from pre-existing conditions.
- Monitoring programs should be established to determine if vibration, soil displacement or dewatering impacts associated with construction activities and vehicles will adversely affect adjoining structures.
- A number of foundation systems for proposed developments should be conceptualized and evaluated for potential impacts to the area.
- Heavy equipment and truck routes should be routed away from historic buildings and structures to prevent structural damage associated with vibration.
- Excavation systems must be identified and analyzed for impacts.
- Replenishment of subsurface groundwater flow patterns must be considered.

We appreciate your careful evaluation of these projects on behalf of the Town, and we stand ready to provide the ZBA with further review as needed.

Best regards,



Addie Mae Weiss, Chair

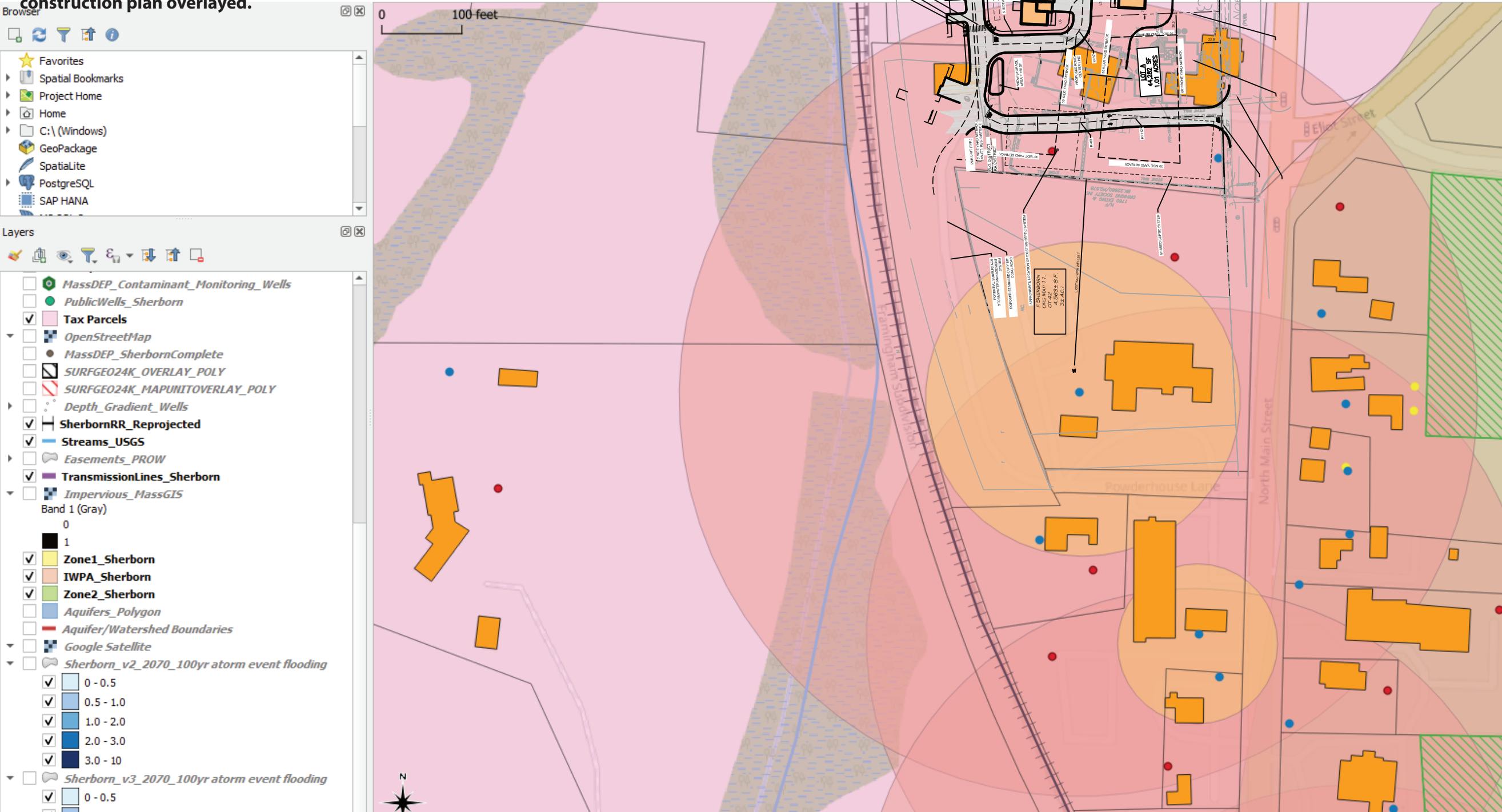
On behalf of the Sherborn Planning Board

Attachments:

- Exhibit A: DEP Interim Well Protection Area (IWPA) map showing area of proposed new construction within IWPA radius of 33 North Main (Fireside Tavern) Public Water Supply Wellhead.
- Exhibit B: Drawing V-101 Existing Conditions Plan, Allen & Major Associates, Inc., 09/01/2020.
- Exhibit C: Proposed Grades, submitted to the ZBA by the development team
- Exhibit D: Composite grading and contour comparison between existing and proposed.
- Exhibit E: City of Boston Environment Department Guidelines for Construction

**COMPOSITE MAP Showing CURRENT Existing IWPA Sensitive Land Zone with Proposed New 41 N Main construction plan overlayed.**

## EXHIBIT A



WE HEREBY CERTIFY THAT:

THIS PLAN IS THE RESULT OF AN ACTUAL ON THE GROUND SURVEY PERFORMED ON OR BETWEEN JULY 11, 2018 AND JULY 16, 2018. THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS DATED JANUARY 1, 1976 AND REVISED JANUARY 12, 1988.

ACCORDING TO DEEDS AND PLANS OF RECORD, THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIP, AND THE LINES OF THE STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS AND WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

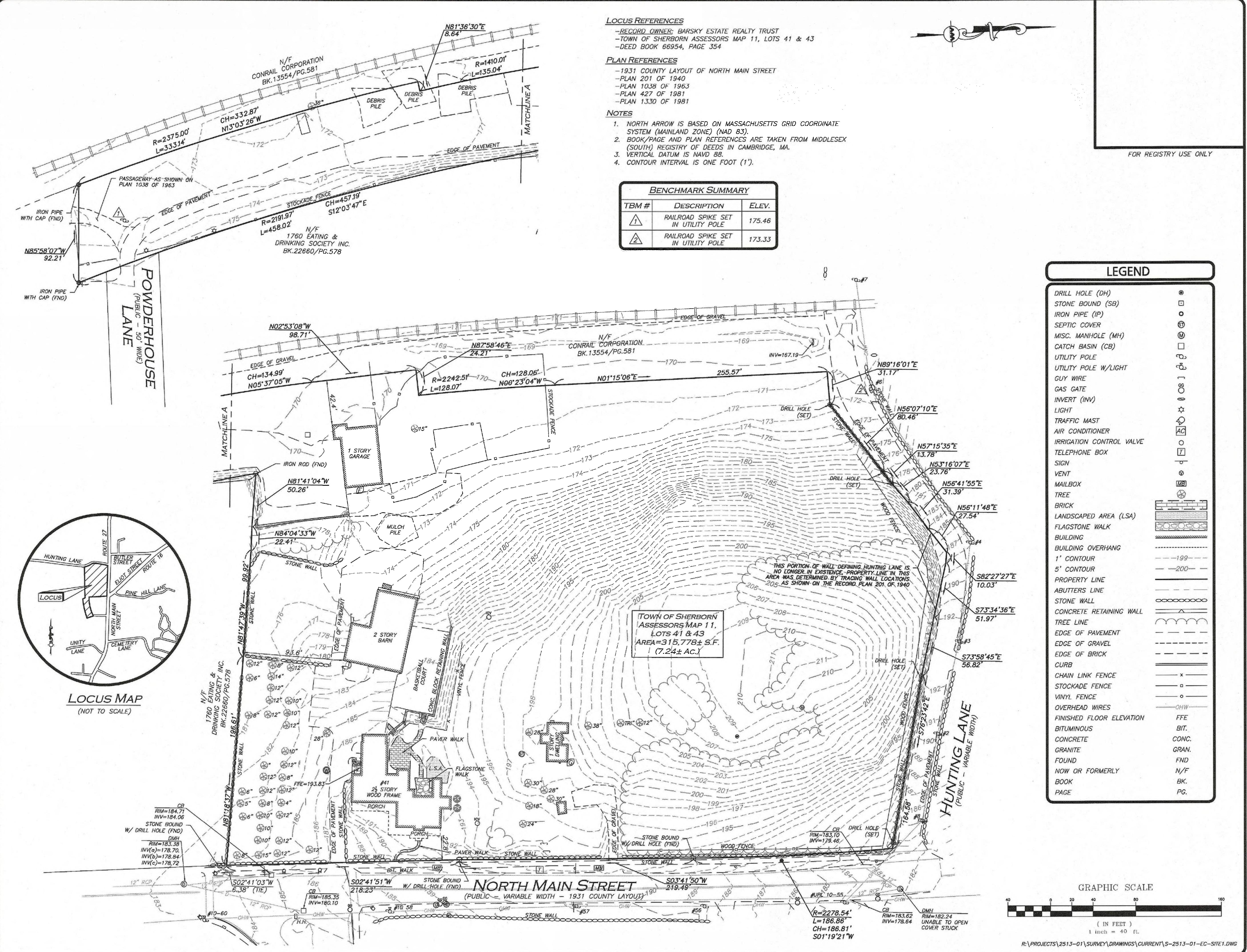
THE ABOVE CERTIFICATION IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS FOR THE RECORDING OF PLANS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF SHERBORN ASSESSOR'S INFORMATION.

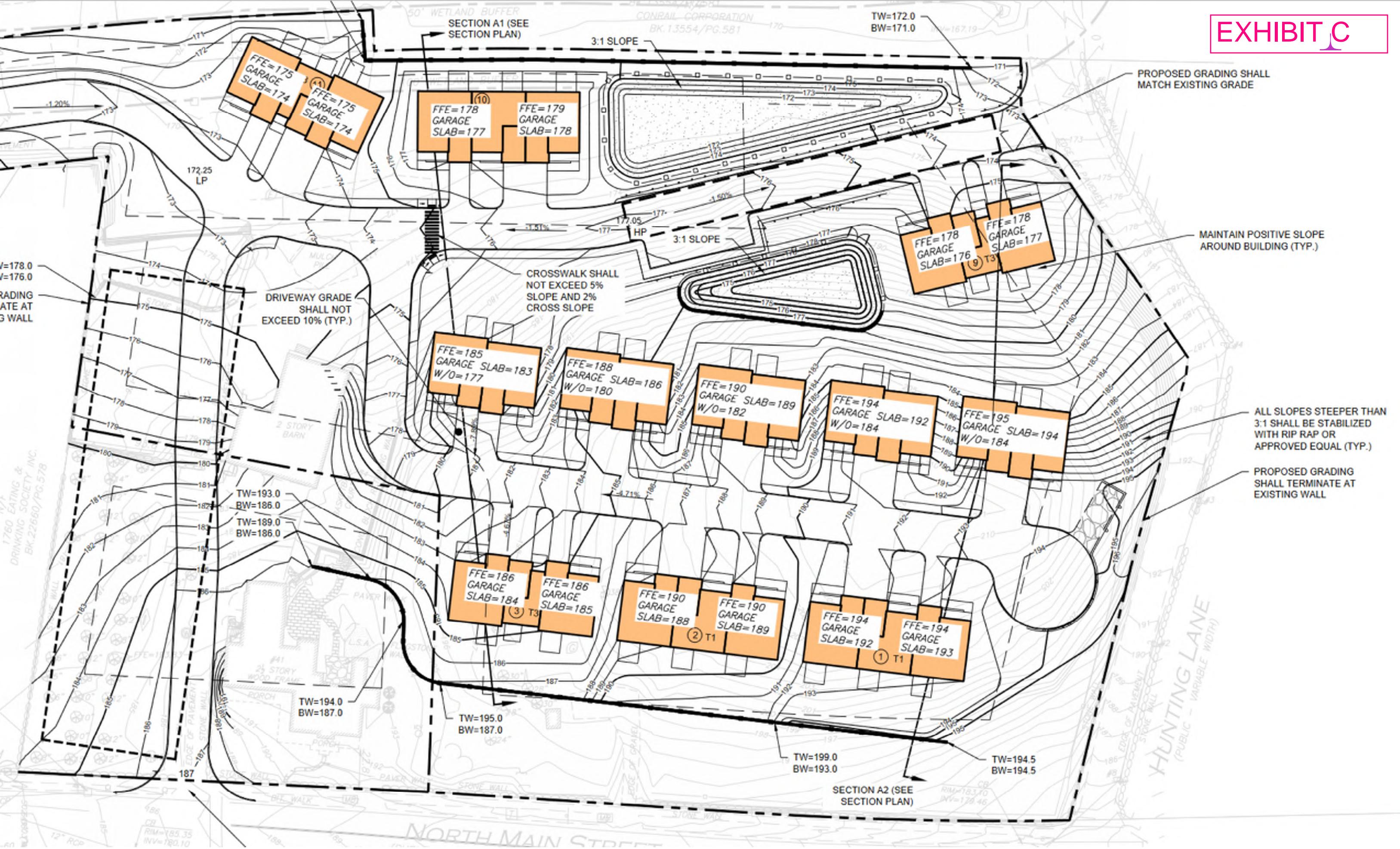
THE ABOVE IS CERTIFIED TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF.

ALLEN &amp; MAJOR ASSOCIATES, INC.

5/14/2020  
PROFESSIONAL LAND SURVEYOR FOR  
ALLEN & MAJOR ASSOCIATES, INC.

9/1/20





## EXHIBIT D

ACTIVE RAILROAD OF CSF

FRAMINGHAM SEO BRANCH

B-1

DO NOT

MOVE

ACCESS

PRO

GU

RE

**City of Boston Environment Department Guidelines for Construction**

<b>1.0 Air Quality</b>	
State and local law require the control dust at demolition and construction sites at all times including non-working hours, weekends and holidays. There are a number of ways to prevent dust from construction and demolition activities from being transmitted to adjacent sites, public ways and into storm drains.	
	<p><i>Demolition:</i></p> <ul style="list-style-type: none"> <li>• Use debris chutes for interior demolition above the first floor.</li> <li>• Keep dumpsters covered and spray water mist to keep debris wet.</li> <li>• Keep sidewalks and streets broom-clean at all times, for larger sites use a regenerative (vacuum) street-sweeper and water truck.</li> <li>• Install construction netting over open windows to allow airflow but trap dust.</li> <li>• Trucks carrying demo debris or other material off-site must be covered, per Massachusetts General Law Ch. 85, Section 36.</li> </ul>
	<p><i>Construction:</i></p> <ul style="list-style-type: none"> <li>• To prevent tracking onto public ways, a wheel wash should be installed at vehicular egresses, with proper provisions for runoff. Where a wheel wash is not feasible, the contractor should place and maintain one to two inches of gravel no less than ten (10) feet in length at truck entrances and egresses.</li> <li>• Sites with large areas of exposed soils should use Soil Cement, calcium chloride or a water truck.</li> <li>• Inactive aggregate piles and excavated materials should be covered with secure poly material, or hydroseeded.</li> <li>• Street and sidewalk cleaning should be done weekly using a regenerative vacuum sweeper to prevent airborne dust and the transport of sediment onto city streets and into the storm water system.</li> <li>• Use wet saws for brick and masonry cutting. For re-pointing work, remove mortar with hand tools, mechanical grinding is often unnecessary. If grinders are used, shrouding, waterspray, vacuum systems and/or similar methods must be in place to prevent dust from leaving the site.</li> </ul>
	<p><i>Abrasive Blasting &amp; Chemical Cleaning:</i></p> <p>Any interior or exterior blasting, chemical cleaning or lead paint removal, must be completed in accordance with a permit issued by the Boston Air Pollution Control Commission (APCC) located in the Environment Department.</p>
	<p><i>Construction Vehicles:</i></p> <p>Construction vehicles are a substantial source of air pollutants. More than 90 percent of diesel engine particulate emissions are highly respirable and carry toxins deep into the lung, exacerbating human respiratory ailments.</p> <p>The Massachusetts Clean Air Construction Initiative's (CACI) Voluntary Diesel Retrofit Program is designed to reduce air quality degradation caused by emissions of carbon monoxide (CO), volatile organic compounds (VOC), NO<sub>x</sub> and air toxics from heavy-duty, diesel-powered construction equipment. Oxidation catalysts and catalyzed particulate filters reduce toxic emissions of formaldehyde, benzene, acrolein and 1-3 butadiene by as much as 70 percent.</p> <p>The CACI offers contractors a cost-effective way to decrease localized adverse air quality impacts. A pilot project that has retrofitted 83 pieces of equipment working on the Central Artery/Tunnel (CA/T) Project has shown:</p> <ul style="list-style-type: none"> <li>• vehicles did not experience significant power loss;</li> <li>• there are no additional operation and maintenance (O &amp; M) or fuel costs; and</li> <li>• engine manufacturers continue to honor vehicle warranties.</li> </ul> <p>The proponent should contact Steven Lipman, P.E. of DEP at 617-292-5698 to discuss the CACI.</p>
	<p><i>Vehicle Idling:</i></p> <ul style="list-style-type: none"> <li>• Massachusetts General Law Ch. 90, Section 16A and 310 CMR 7.11, prohibit the operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes, if the engine is not required to operate a lift or refrigeration unit.</li> <li>• Permanent "No Idling" signs should be posted in the parking garages, at surface parking spaces, at drop-offs/pick-ups and at all loading/receiving areas.</li> </ul>

<b>2.0 Water Quality</b>	
	<p><i>Erosion &amp; Sediment Control:</i></p> <ul style="list-style-type: none"> <li>• Erosion and sediment control plans should be devised prior to commencement of work. Best Management Practices (BMP's) should be utilized to keep unconsolidated material on site and prevent surface runoff from transporting material into wetland resource areas or stormwater systems. BMP's may include: sumps and sedimentation tanks for water that collects on site; check dams, hay bales and silt fencing to prevent material from moving off site; and, filter fabric or silt sacks in catch basins.</li> </ul>
	<p><i>Wetlands Protection:</i></p> <ul style="list-style-type: none"> <li>• Any work to occur within a wetland resource area and/or buffer zone, as defined by the Wetlands Protection Act (MGL 131 sec. 40), must receive an Order of Conditions from the Boston Conservation Commission. If you are uncertain if you are in a resource area, please contact the Commission at 617-635-3850. The project must also comply with the performance standards of DEP's Stormwater Guidelines, which may be referenced at: <a href="http://www.state.ma.us/dep/brp/stormwtr/stormpub.htm">http://www.state.ma.us/dep/brp/stormwtr/stormpub.htm</a></li> </ul>
<b>3.0 Geotechnical &amp; Groundwater</b>	
	<p>Soil and groundwater conditions are of concern in Boston as many of the city's neighborhoods have been constructed upon fill material. Recent experience in Boston has shown that inadequate protection of existing structures and ineffective monitoring of vibration and ground water levels can result in the unnecessary damage to buildings proximate to a construction site. The following measures should be considered prior to, and during construction.</p> <ul style="list-style-type: none"> <li>• A pre-construction analysis of existing sub-soil and groundwater levels and survey of adjacent properties and their foundations so that steps can be taken to secure structures at risk and project-related damage can be readily distinguished from pre-existing conditions.</li> <li>• Monitoring programs should be established to determine if vibration, soil displacement or dewatering impacts associated with construction activities and vehicles will adversely effect adjoining structures, transportation and utility systems.</li> <li>• A number of foundation systems for proposed developments should be conceptualized and evaluated for potential impacts to the area.</li> <li>• Heavy equipment and truck routes should be routed away from historic buildings and structures to prevent structural damage associated with vibration.</li> <li>• Excavation systems must be identified and analyzed for impacts.</li> <li>• Replenishment of subsurface groundwater flow patterns must be considered.</li> </ul>
<b>4.0 Construction Recycling, Reprocessing and Reuse</b>	
	<p>Building construction in the United States creates 136 million tons of waste each year. The reuse, recycling and reprocessing of materials should be a part of the construction plan for all projects. Construction lay down areas should contain sufficient space for the segregation of construction waste to be reprocessed, recycled or reused. Deconstructing buildings rather than demolishing structures can preserve materials for reuse. Excess building materials, or those not appropriate for recycling, may be suitable for donation to the Building Materials Resource Center (100 Terrace Street, Roxbury, 02120, 617-442-8917). This non-profit center offers, for only a handling fee, new and used materials for low and middle-income homeowners and contractors can save on disposal fees. We suggest that the BMRC be contacted prior to demolition to discuss the potential for reuse through its program.</p> <p>Model specifications for construction waste reduction, reuse and recycling:  <a href="http://www.tjcoq.dst.nc.us/cdwaste.htm">www.tjcoq.dst.nc.us/cdwaste.htm</a>;  <a href="http://www3.gov.ab.ca/env/waste/aow/crd/sample_specifications.html">http://www3.gov.ab.ca/env/waste/aow/crd/sample_specifications.html</a></p> <p>Construction recycling services directory: <a href="http://www.wastecap.org/wastecap/rsd/wood.htm">http://www.wastecap.org/wastecap/rsd/wood.htm</a></p>
<b>5.0 Construction Noise</b>	
	<p>This department receives frequent complaints about noise generated at construction sites before 7:00 a.m. Noise is frequently related to the run-up of diesel equipment and the preparation and movement of materials. We remind the proponent that no sound-generating activity should occur at the site prior to 7:00 a.m.</p>

	<p>Noise originating from construction sites can be moderated by adopting the following measures:</p> <ul style="list-style-type: none"> <li>• Decking on roadways should be secured so that there is no rattling when traffic passes over.</li> <li>• Back-up alarms on vehicles and equipment should be either ambient-sensitive type or manually adjustable.</li> <li>• Contracts should include language requiring contractors to properly maintain equipment.</li> <li>• Impact equipment such as hoe rams, pile drivers and jackhammers should be sized appropriately and only powered to the degree needed to perform the work. Hoe rams should be equipped with noise suppression enclosures (such as the Allied Hy-Ram).</li> <li>• Stationary noise producing equipment such as pumps and generators should be placed as far away as possible from residential receptor locations.</li> <li>• Engine housing panels on all equipment should be kept closed; and when not in use, equipment should be shut off.</li> <li>• Connecting stationary noise producing equipment such as pumps and generators to Boston Edison grid.</li> </ul>
	<p><i>Construction Hours:</i></p> <ul style="list-style-type: none"> <li>• The City of Boston limits construction hours to 7:00 AM to 6:00 PM, Monday through Friday. We request, should the proponents decide to seek an extension of these hours that the Boston Air Pollution Control Commission (APCC) be notified at 617-635-3850.</li> </ul>
<b>6.0 Construction Pest Management</b>	
	<p><i>Integrated Pest Management (IPM):</i></p> <p>A technique that involves two or more control strategies in suppressing pests. A major goal of IPM is to provide permanent solutions to pest problems by evaluating potential areas of harborage and infestation, eliminating accessibility and upgrading sanitation and maintenance facilities. It is safer, more cost-effective and more ecologically sound than the traditional use of pesticide. IPM should start in the pre-construction and planning phase of a project so that the completed facility is less likely to provide areas of access and harborage. Further information can be obtained from the New England Pest Control Association (781-899-5843).</p> <p>New England Pest Management Association: <a href="http://www.nepma.org/">http://www.nepma.org/</a>; Integrated Pest Management Information Service: <a href="http://www.efn.org/~ipmpa/">http://www.efn.org/~ipmpa/</a></p>
	<p>IPM practices to consider:</p> <ul style="list-style-type: none"> <li>• Design buildings and landscaping so as not to attract or harbor pests.</li> <li>• Consideration should be given to areas designed for trash and food storage, as well as drainage and ventilation systems.</li> <li>• Prior to construction inspect the job site and surrounding areas to assess existing and potential pests.</li> <li>• If needed, rodent baits should be placed 30-60 days prior to site clearing or demolition. Baiting may need to include subsurface sewerage and utility infrastructure.</li> <li>• A pest inspection and monitoring plan should be established for the construction period.</li> <li>• Construction sites should be cleaned on a regular schedule and trash kept in containers with lids that can be secured and locked.</li> <li>• Seal all cracks and crevices and treat wall voids with boric acid dust.</li> </ul>
<b>7.0 Construction Worker Transportation</b>	
	<p>Roadways experience significant congestion daily. This factor, in addition to vehicle-related air quality and quality of life issues <u>unrelated to time of day</u>, suggest that TDM should be implemented during the construction phase of all projects. A TDM plan for construction workers should include:</p> <ul style="list-style-type: none"> <li>• providing secure, on-site storage so that workers do not have to transport tools and equipment each day;</li> <li>• offering pre-tax payroll deduction for MBTA pass purchase;</li> <li>• providing MBTA pass subsidies for all employees, including contract employees with a <i>pro rata</i> subsidy for part-timers (please see Commuter Check information for facts on tax benefits);</li> <li>• if on-site parking is made available, charging workers a rate designed to discourage Single Occupancy Vehicle commuting;</li> <li>• if on-site parking is made available, charging workers a rate designed to encourage High Occupancy Vehicle commuting (three or more occupants per vehicle);</li> <li>• providing a ride-matching service; and</li> <li>• providing and posting information on public and private transit routes (including water), schedules and rates.</li> </ul>