

Jeanne Guthrie

From: Bob Murchison <bob.murchison@me.com>
Sent: Monday, September 22, 2025 12:42 PM
To: Jeanne Guthrie
Cc: Zach McBride; 'Zachary McBride'; Jeremy Marsette; 'Paul Haverty'
Subject: Further Response Comments to Conservation Commission Requests

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Please see corrections and further comment in green below.

ConCom Response: Town Counsel has repeatedly advised Conservation that each project must be considered independently (partly as there are differences between projects), and the actions taken on one do not establish precedent for others. This advice is likely appropriate for the ZBA as well.

I believe it is wrong for the Chair of the Conservation Commission to provide legal advice to the ZBA and its attorney members. While it might not always carry the day, historical ZBA precedent is an important consideration for the current board.

ConCom Response: The Notice of Intent for Coolidge Crossing was filed with the Conservation Commission at the end of August 2025, and the review process has only just begun. A proposed mitigation and planting plan has not yet been presented. The Commission will apply the same mitigation requirements that have been consistently applied to recent applications.

Coolidge Crossing was previously brought before the Commission in 2021 by a different applicant but was withdrawn before the review process was completed or a permit was issued. At that time, the Commission discussed a range of significant potential mitigation measures, including a monitored invasive species management program, a wildlife tunnel, and substantial plantings of native trees and shrubs. However, no mitigation plan was ever finalized.

Michael is incorrect. Toll Brothers did reference their current mitigation plan of 168 plants in their recent presentation to the Conservation Commission.

ConCom Response: The Commission clearly does not view the ZBA's request for a planting plan as an overreach. The ZBA represents local interests, which include the protection of wetlands.

I do not believe the Conservation Commission request for a mitigation planting plan is an overreach. I believe the scale of their request to be an overreach.

ConCom Response: While this wetland is likely a vernal pool, it is not certified and is not protected as such under the Wetlands Protection Act (WPA). It may, however, be protected by the WPA as 'land subject to flooding'. The Sherborn local wetland by-law does protect this area as an isolated wetland. The Commission's recognition of it as a vernal pool reflects its habitat value and underscores the importance of protecting this resource.

Michael is incorrect. The Vernal Pool on the property is Certified and is fully protected under the WPA.