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April 12, 2012

Richard Novak, Chair  
Zoning Board of Appeals  
Town of Sherborn

Re: 40B Applications: 41 North Main Street and 31 Hunting Lane (“Pine Residences” & “Apple Hill Estates”)

Dear Mr. Novak:

Having attended most of the ZBA hearings on the two 40B proposals for 41 North Main Street and 31 Hunting Lane, and having followed the history of the owner’s attempts to develop these two properties over the past five years, I believe that one of the most important issues before the Zoning Board is the potential impact of these large developments on our fragile local water resources – as well as other potential environmental impacts. These are important health and safety issues that squarely fall within the purview of the Zoning Board as well as other Town boards and committees.

The current proposal seeks to add 87 new dwelling units – and the water supply and wastewater treatment to support them – to an area that currently barely supports only 16 residences. The wells of all of us in the area have experienced slow recharge rates, and even intermittent periods of running dry.

Among the numerous waivers from local zoning requirements and bylaws which have been requested by the owner are waivers from:

- Sherborn’s local Water Supply Protection District,
- General Wetlands Bylaws, and
- Groundwater Protection Bylaw.

In considering whether to grant these waivers – or to impose conditions on the development– I think it is essential that the ZBA should seek the input of other local boards and committees that have expertise in these areas. In particular, we note that the Town of Sherborn has a designated Groundwater Protection Committee, with a specific charge to monitor and protect the Town’s fragile water supply. Of course, the Board of Health and the Conservation Commission should also weigh in on these Applications. Each of these entities needs to be given sufficient time to examine the relevant studies and report their findings to the ZBA.

In support of this recommendation, I offer the following additional comments:

On January 8, 2020, the Sherborn Board of Health submitted a letter submitted to MassHousing in connection with their review of these two proposed developments. It states, in part:

*“Based on the Board of Health’s existing knowledge and records about the subject sites and vicinity, it is doubtful that a project of this magnitude can be implemented without detriment to the water balance and drinking water supply’s integrity (emphasis added).....When assessing this project’s “integration with adjoining properties”, it is fair to hold it to the same level of responsibility and sensitivity regarding Sherborn’s shared water resources. Additional design review criteria are warranted for Sherborn because existing development throughout the Town has been guided by conditions very different than those in areas served by municipal water and/or sewer; or development pattern absolutely reflects the water supply and wastewater management limits of Sherborn’s environmental resources.”*

The same letter goes on to state:

- “There are physical reasons why Sherborn (and Dover, Carlisle, etc.) remains relatively rural despite its proximity to Boston and in comparison, to surrounding communities. These include:
  - reliance on private and small-scale wells and septic systems that are co-located;
  - a prevalence of ledge outcroppings and related shallow depth to bedrock;
  - shallow depth to groundwater, which is also reflected in the significant presence of wetlands throughout; and
  - an absence of substantial overburden aquifers, with nearly all drinking water wells drawing from bedrock fractures.”

I have read through the Applicant’s Water Supply and Waste Water Treatment Application, and the Drainage Plans and Reports for both projects, as well the Stormwater Peer Review. The Peer Review notes 55 corrections and recommendations to the Applicant’s Studies, including (a random selection):

- the roofs of the 27 Apple Hill residences are erroneously indicated to be permeable grass;
- the discharge into the existing municipal stormwater basin on Hunting Lane is noted to be insufficient and “will lead to pollution”;
- the section of the report on “Proposed Condition Phosphorous Loading” incorrectly uses the standard for “low-density residential development” (the 27 dwelling units are packed closely together, each on a 0.16 acre lot);
- stormwater is being shown as discharged onto abutters properties, which would require the consent of the abutters.

I assume that the ZBA will make sure that these, and all the other numerous errors in Applicant’s studies, will be individually addressed in the Applicant’s response to the Peer Review.

While I am not qualified to speak with any authority on the technical aspects of these reports, I can offer the following observations as a resident of Sherborn for over 20 years, and an abutter to the Hunting Lane property. These are all “big picture” comments, as I have some concern that in focusing on the myriad technical details in these reports, there could be the risk of “missing the forest for the trees”:

- Sherborn is in a unique position as one of the few Towns in Massachusetts almost entirely dependent on individual private wells and private septic systems.
- At the center of the two proposed developments – which as mentioned above would add 87 additional dwelling units to an area currently supporting only 16 residences – is a large low-lying wetland area, which also serves as the water source for the two projects.
- The sites of both parcels are located upgrade from the wetlands area, and both contain large ledge outcropping – exacerbating the potential for run-off into the wetlands. In particular, the owner’s own Soils Report for the Apple Hill Estates 27 new units at the top of the hill above the wetlands notes that 10.7 acres of the parcel consists of “Hollis-Rock outcrop-Charlton Complex”. (“Hollis Soils” are characterized as only 10-20 inches to bedrock.)
- We who live in the neighborhood know that the previous owner of the Hunting Lane parcel, in his effort to sell the property, spent years unsuccessfully trying to get the parcel to “perc” so that it could be sub-divided into smaller parcels.

Common sense alone would dictate that adding 87 additional dwellings uphill of, and draining into, a fragile wetland – not to mention the source of their own drinking water (as well as potentially the water supply for surrounding houses) – has the potential to lead to serious health and safety problems down the road for the entire area. This is an issue that needs to be exhaustively studied.

In conclusion, given the crucial nature of our local water supply to everyone in Town, and the related health and safety issues, I feel it is extremely important that the ZBA should seek the advice of not only the Groundwater Protection Committee, but our local Board of Health and Conservation Commission, before making any decisions regarding these Applications, and that sufficient time should be allowed for those groups to examine the relevant studies and report their findings to the ZBA.

Of course, as you know, the abutters have hired Desheng Wang as their water expert and he will be submitting a detailed letter to the ZBA outlining various issues that should be addressed by the Applicant and fully vetted by the ZBA before it considers waiving its local requirements. Many of the issues he will be raising constitute serious health and safety concerns.

These health and safety issues are relevant to not only the existing homeowners but to the future residents of these developments. The ZBA has the authority to decline a 40B application for health and safety issues and these two applications present a classic case where that type of authority should be exercised

Thank you,.

John Garrison  
33 Hunting Lane

cc: Zoning Board of Appeals  
Jeanne Guthrie  
Brian Moore, Sherborn Groundwater Protection Committee  
Daryl Beardsley, Sherborn Board of Health  
Neil Kessler, Sherborn Conservation Commission  
Craig D. Mills  
Paul Bochicchio