



Board of Health

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March 4, 2016

Mr. Ben Stevens
The Fields at Sherborn LLC
30 Turnpike Road
Southborough, MA 01772

Certified Mail #7015 0640 0007 5666 1473
Return Receipt Requested

RE: Board of Health Decision – Fields at Sherborn

Dear Mr. Stevens:

At its meeting on March 2, 2016, the Sherborn Board of Health made the following votes with respect to The Fields at Sherborn septic system application and its compliance with Title 5, 310 CMR 15.000:

1. A motion was made to deny the project under Title 5 because the system size does not meet projected flows from the project based on an evaluation of bedroom count using 310 CMR 15.002 (bedroom definition) and 310 CMR 15.203 (design criteria) along with the need for adequate Public Health safeguards for future residents of the project and for neighbors. Furthermore, the project size warrants compliance with 310 CMR 15.006 (Groundwater Discharge Permit).
Agreed 2-0 to deny (Dr. Hunnewell was absent)
2. A motion was made to deny the project under Title 5, even assuming the design flow to be the correct flow (i.e. for 76 bedrooms), for reasons of: (i) the project being in a nitrogen sensitive area due to on-site well and septic; and (ii) the likelihood of greater than 10 mg/L nitrate to existing and/or proposed drinking water supplies and/or to property boundaries. Regarding the likelihood of nitrate levels exceeding 10 mg/L at sensitive receptors, the local Board of Health has evidence based on presentations of nitrogen analyses and the site specific mass balance analysis for the areas of impact from the applicant, the Peer Reviewer, the Town's hydrogeologist, and others. The assessment of likelihood is also based on supplemental analyses such as bedrock fracture analysis and dispersion modeling. These analyses were undertaken in accordance with 310 CMR 15.003(1), 310 CMR 15.214 – 310 CMR 15.216, and the Guidelines for Title 5 Aggregation of Flows and Nitrogen Loading.
Agreed 2-0 to deny (Dr. Hunnewell was absent).

In addition, the application does not comply with a number of Sherborn Board of Health local regulations governing Sewage Disposal, including Sections 7.1 and 8.0(2). Compliance with 13.0 is conditional to the addition of one cleanout as noted during the meeting and subsequent confirmation by the Peer Reviewers (BETA) that the additional cleanout is in compliance with Title 5. The applicant has filed an application for a comprehensive permit under G.L. c. 40B, §21 for this proposed development, and, as part of that application, has asked the Zoning Board of Appeals to waive certain Board of Health regulations governing Sewage Disposal. The Board of Health has extensively reviewed those requests and voted its recommendations to the Zoning Board of Appeals. If the Zoning Board of Appeals does not grant the requested waivers, then this application would also be denied for failure to comply with the Board of Health's regulations governing Sewage Disposal, including Sections 7.1, 8.0(2), and, if conditions are not met, 13.0.

Sincerely,
SHERBORN BOARD OF HEALTH

Daryl Beardsley, Chair

DB:eh
Cc: Sherborn ZBA
Fields at Sherborn/BOH Decision 3-4-16.doc