

The Fields at Sherborn
Decisions Regarding Waivers Requested and/or Needed
and Recommendations to the Zoning Board of Appeals Thereof

Local Board of Health Regulations: I. Sewage Disposal

1. Section 3.2 – Pre-Construction Requirements

Motion: To recommend that the ZBA grants a waiver to allow construction of the sewage disposal system prior to completion of all units, with the conditions that: (i) no Certificate of Compliance can be issued until the sewage disposal system has been completed and the Health Agent and design engineer have certified compliance, a full as-built plan has been provided, and appropriate testing of the system has been completed; (ii) the Board of Health has the right to negotiate an appropriate order of construction requirements and inspections once more details of the project are known and to take into consideration 3rd party fees to provide inspections to this atypically large project (via either a custom fee schedule or 3rd party inspections); and (iii) construction out-of-order per Section 3.2 is at the applicant's risk.

2/29/16 Approved 2-0-1 (with Dr. Hunnewell abstaining)

2. Section 7.0 – System Size and Design

Motion: To recommend that the ZBA grants a waiver to allow the SAS line size to be of a diameter consistent with pressure dosing system requirements as opposed to gravity fed line requirements.

1/26/16 Approved 2-0-1 (with Dr. Hunnewell abstaining)

2/29/16 The Agent felt the application meets the local regulation, which already has an accommodation for pressure dosed systems. The Board agreed with the Agent's assessment, but no re-vote was taken.

3. Section 7.1 – Leaching Area Size

Motion: To recommend that the ZBA grants a waiver to allow the bedroom count for the project with the dwelling units as proposed to be limited in the Master Deed and with deed restrictions to 76 bedrooms.

2/29/16 Denied 3-0, based on the fact that the dwellings' sizes and other characteristics are comparable to single-family dwellings in Sherborn that are held to the 3-bedroom-minimum standard.

4. Section 8.0 – Vertical Grades and Cover

Motion: To recommend that the ZBA grants a waiver to allow the proposed design with cover exceeding the required 2-foot minimum/maximum.

1/26/16 Denied 3-0

Motion: That vertical clearance will not be determined until on-site data is collected from the monitor wells on 3/1/16 and an estimated adjusted seasonal groundwater is applied, with agreement between the Health Agent and the applicant's engineer. This extension was suggested by the applicant.

2/29/16 Agreed 3-0 (Note that this motion also applies to Title 5 determination of vertical clearance compliance.)

Motion: To recommend that the ZBA grants a waiver to the requirement of Section 8.0(2) and allows the proposed soil absorption system to be located in an area where groundwater is less than 5-feet below natural surface grade.

3/2/16 Denied 2-0 (Dr. Hunnewell was absent).

5. Section 10.1 – Minimum Distances

Motion: To recommend that the ZBA grants a waiver to allow the sewage disposal system to be located 147-feet from existing well serving 257 Washington Street.

1/26/16 Denied 2-0 (Dr. Hunnewell had left the meeting earlier and was not present for this vote.)

Motion: To withdraw the 1/26/16 vote to recommend against this waiver request since the system was re-designed and this waiver is no longer needed.

2/29/16 Agreed 3-0, no waiver needed

6. Section 10.2 – Minimum Distances

Motion: To recommend that the ZBA grants a waiver to allow the sewage disposal system to be located 17.5-feet from the property line with 257 Washington St.

1/26/16 Denied 2-0 (Dr. Hunnewell had left the meeting earlier and was not present for this vote.)

Motion: To withdraw the 1/26/16 vote to recommend against this waiver request since the system was re-designed and this waiver is no longer needed.

2/29/16 Agreed 3-0, No Waiver Needed

7. Section 13.0 – Manholes and Cleanouts – This applies to both Title 5 and the local regulations

Motion: Subject to the addition of a cleanout in the 190-foot length of pipe (so no distance exceeds 150-feet between a cleanout or manhole) and with the condition that the Peer Reviewer (BETA) confirms this is in compliance with Title 5, as agreed to by the Applicant, no waiver is needed.

2/29/16 Agreed 3-0

8. Section 13.0.1 – Septic Tank Location

Motion: To recommend that the ZBA grants a waiver to allow the proposed septic tank to be located more than 50-feet from structure(s) it serves, conditional to the Health Agent's approval of the appropriateness of the proposed septic tank location.

2/29/16 Approved 3-0

Local Board of Health Regulations: II. Domestic Water Supply**9. Section 6.0(E) – Well Location**

Motion: To recommend that the ZBA grants a waiver to allow offsets between wells of 60-feet rather than the required minimum of 75-feet due to prior approval of such by the State for the 40B project on Whitney Street and due to additional yield testing to be performed. This recommendation is conditional to implementation of the latest testing regime proposed by the Applicant and supplemented by Peer Reviewer and Nobis Engineering recommendations, including but not limited to: (i) a minimum 48-hour pump test for all wells simultaneously; (ii) monitoring the draw-down of the 2 neighbors wells (247 Washington Street and 257 Washington Street) throughout the pump test; and (iii) staggering when the pumping of each well is turned off and closely/precisely measuring any responses to such in all other wells, for the purposes of assessing well interconnections and influences.

2/29/16 Agreed 3-0

10. Section 17.3 – Laboratory Tests (Quality Testing)

Motion: To recommend that the ZBA rejects the request to allow quality tests per the State Private Well Guidelines and instead requires, for the initial round of testing, water quality testing as specified in the local regulations for Domestic Water Supply. Additional testing will be recommended for on-going testing pending project approval and final design specifications.

2/29/2016 Agreed 3-0

Local Board of Health Regulations: III. Public and Environmental Health Review Regulations for Other Than a Single Family Dwelling on a Single Lot

11. Section 3.1 – Environmental Health Impact Report

Motion: To recommend that the ZBA grants a waiver to the requirement for an EHIR. The Board noted that the requirements for the EHIR have been met through various submittals to the Town by the Applicant and others.

3/2/16 Denied 2-0-1 (with Dr. Hunnewell abstaining)

12. Section 3.2 – Environmental Health Permit

Motion: To recommend that the ZBA grants a waiver to the requirements of Section 3.2, on the grounds that the ZBA's Comprehensive Permit, if issued, will encompass the Environmental Health Permit's purposes.

3/2/16 Approved 2-0-1 (with Dr. Hunnewell abstaining)

13. Section 12.0 – Drainage

Motion: To recommend that the ZBA grants a waiver to the requirements of Section 12.0. The Board noted that drainage evaluations required been met through various submittals to the Town by the Applicant and that this was confirmed by the Peer Reviewer. Thus, this waiver is not needed.

3/2/16 Denied 2-0-1 (with Dr. Hunnewell abstaining)

14. Section 13.0 – Earth Removal Standards

Motion: To recommend that the ZBA grants a waiver to the requirements of this section. The Board noted that although some requirements of Section 13.0 have been met by other submittals to the Town, there are other requirements that will apply during the entire process of the project.

3/2/16 Denied 2-0-1 (with Dr. Hunnewell abstaining)

Other

15. Financial Guarantees

Motion: To recommend that the ZBA includes as a condition of a Comprehensive Permit, if granted, the requirement that the applicant meets Board of Health specifications for financial guarantees for the sewage disposal system and private water supply including: (i) establishment of an Operation and Maintenance Fund; (ii) establishment of a Working Capital Fund; and (iii) establishment of a Reserve Fund.

3/2/16 Approved 3-0

16. Individual Motions that Contributed to the Title 5 Bedroom Count for the Project

Motion: That each unit be considered to have 3-bedrooms so that the total room count of the project is 96 bedrooms (with a total design flow of >10,000 gpd).

2/29/16 Agreed 3-0

Additional Motion: At a minimum, each unit is viewed as having 3-bedrooms, but it could also be a higher count.

2/29/16 Agreed 3-0