

May 11, 2017

Zoning Board of Appeals  
Town Hall  
Sherborn, Massachusetts

RE: Sherborn Village  
59 N. Main Street  
Sherborn, Massachusetts  
EDC Job No.: 3438

Attn Board Members:

In support of the 40B Permit Petition by Heritage Properties, EDC offers the following summary of anticipated waivers that will need to be sought from the local rules and regulations in order to proceed with the proposed 40B project at 59 North Main Street.

Zoning By-law Waivers:

1. 3.2 Table of Use Regulations 26) Multi-Dwellings – allow multiple buildings on a single lot.
2. 4.2 Schedule of Dimensional Requirements – allow minimum front yard setback reduction from 60-feet to 45-feet and side yard reduction from 30-feet to 17-feet.
3. 5.1.3 Parking Area Plans – allow parking layout as proposed without Planning Board Review prior to building permit.
4. 5.1.5 Screening of Parking Areas – allow parking layout as proposed without any additional planting or screening other than as proposed.
5. 5.2.6a) Allowed Permanent Signs – allow project monument sign, directional and identification signs as proposed

Wetlands Regulation Waivers:

1. 5.2 No Alteration Zone (Inner Buffer Zone) – allow earthwork and construction activities as proposed in and within the 50-foot inner wetland buffer zone.
2. 6.1 Expert Consultant Fees – allow project to proceed with Zoning Board Review and waive any separate independent 3<sup>rd</sup> party review conducted independently by the Conservation Commission.
3. 7.4.6 Information that May be Requested - allow earthwork and construction activities as proposed in and within the 50-foot inner wetland buffer zone and waive further requirements as outlined in 7.4.6 1,2,3 and 4.
4. 7.6.1 Notice of Intent (NOI) Fees – project will be recognized as a DEP Category 3 and subject to an activity fee of \$1,050.00 per building and with four buildings located within the wetland buffer zone will result in a \$4,200.00 filing fee under the state fee schedule which the town would share in slightly more than half this fee, while 7.6.1 would add considerably more on top of this amount if applied.

Sewage Disposal Regulation Waivers:

1. 7.1 Leaching Area Size – allow effluent flow rate as defined by 310 CMR 15.203 Housing for the Elderly 150 Gallons Per Day for the proposed 2-bedroom housing unit as proposed.

Domestic Water Supply:

1. 7.0 Number of Wells – allow project to proceed as planned with 2 separate wells that will each supply potable water to 6 separate housing units all of which are located upon one single lot.
2. 11.1 Well Yield - 7.4.6 allow project to proceed as planned with 150 gallons required per bedroom.

3. 11.2 Storage – allow project engineer to meet and/or exceed minimum state plumbing code requirement for storage and distribution of potable water supply.
4. 12.0 Tests - allow project engineer to meet and/or exceed minimum state guidelines for well testing.
5. 17.5.B – allow 5,000-gallon cistern to hold fire suppression water supply.

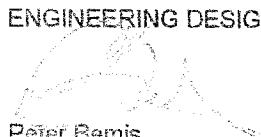
Public And Environmental Health:

1. 3.1 Environmental Health Impact Report – allow project to proceed as planned without having to complete Environmental Health Impact Report.
2. 3.2 Environmental Health Permit - allow project to proceed as planned without having to obtain Environmental Health Permit.
3. 7.0 Water Supply - allow project to proceed as planned without having to conduct separate water supply review with Board of Health.
4. 12.0 Drainage - allow project to proceed as planned without having to conduct separate drainage system review with Board of Health.

These items outlined above represent the Project Waivers that we anticipate needing in order to advance the project plans as currently before the Board. Until the project discussion and review is completed this list may need to be expanded or reduced, thus we reserve the right to amend, modify or revise the list of requested waivers. Thank you for your consideration and we look forward to continuing to work with the Board with processing this permit application.

Very truly yours,

ENGINEERING DESIGN CONSULTANTS, INC.



Peter Bernis

cc. Heritage Properties



Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | Fax: 617.854.1091  
VP: 866.758.1435 | [www.masshousing.com](http://www.masshousing.com)

February 21, 2017

Vin Gately  
59 N. Main Street Village, Inc.  
490-B Boston Post Road, Suite 202  
Sudbury, MA 01776

**Re: 59 North Main Street Village, Sherborn  
Project Eligibility/Site Approval  
Project #895**

Dear Mr. Gately:

This letter is in response to your application as "Applicant" for a determination of Project Eligibility (Site Approval) pursuant to Massachusetts General Laws Chapter 40B ("Chapter 40B"), 760 CMR 56.00 (the "Regulations") and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development ("DHCD") (the "Guidelines" and, collectively with Chapter 40B and the Regulations, the "Comprehensive Permit Rules"), under the New England Fund ("NEF") Program ("the Program") of the Federal Home Loan Bank of Boston ("FHLBB").

You have proposed to build 12 homeownership units (the "Project") on 6.3 acres of land located at 59 North Main Street (the "Site") in Sherborn, MA (the "Municipality").

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility ("Site Approval") by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, "Housing Programs In Which Funding Is Provided By Other Than A State Agency."

MassHousing has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules. Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. The Sherborn Board of Selectmen requested and received a 30 day extension to submit comments to MassHousing. The Sherborn Board of Selectmen submitted comments regarding the Application on January 9, 2017, summarizing comments from municipal officials, staff and members of the public. The following concerns were identified in their comments:

#### **Municipal Comments**

- The Municipality is concerned that the proposed development may impact the wetland resources found within the Site.

Charles D. Baker, Governor | Michael J. D'irrane, Chairman | Timothy C. Sullivan, Executive Director  
Karyn E. Polito, Lt. Governor | Ping Yin Chai, Vice Chair | Karen E. Kelleher, Deputy Director

- The Municipality raised concern over the proposed entrance/egress to the Site and the potential for public safety vehicles having difficulty negotiating the Site in the event of an emergency. In addition, they indicated that the internal roadway is narrow and may result in limited capacity for visitor parking.
- The Municipality is concerned that additional traffic generated from this development may impact current traffic patterns found in the existing neighborhood and has suggested that a traffic study be prepared for consideration during the public hearing.
- The Municipality is concerned about the prospect of drinking water to the Site coming exclusively from groundwater which is the case throughout Sherborn.
- The Municipality believes rental apartments would help diversify Sherborn's current housing stock to serve multiple generations and economic levels.
- The Municipality is concerned with the amount of site lighting and the affect it may have on abutting property owners.
- The Municipality requests more information regarding your proposal to connect the development to the sidewalks along the frontage and to the town forest which abuts the project to the north side.
- The fire department expressed concern with the overall density of the proposed development, stating that the site plan provided inadequate spacing between dwellings in the case of a fire. In addition the fire and police departments expressed concern over curb cuts, parking, unit separation, emergency vehicle access and fire protection devices.

#### **MassHousing Determination and Recommendations**

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval. As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Developer may apply to the Zoning Board of Appeals of the Municipality for a comprehensive permit. At that time local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

Based on MassHousing's site and design review, and in light of feedback received from the Municipality, the following issues should be addressed in your application to the Sherborn Zoning Board of Appeals, and you should be prepared to explore them more fully during the public hearing process:

- Development of this site will require resolution of all environmental conditions per laws,

regulations and standards applicable to existing conditions and to the proposed use, including but not limited to compliance with all applicable regulatory restrictions relating to floodplain management, the protection of wetlands (WPA), river and wildlife habitats, conservation areas as well as state environmental protection requirements relating to the protection of the public water supply, storm water runoff and hazardous waste safety. The Applicant should provide evidence of such compliance prior to the issuance of a building permit for the project.

- The Applicant must comply with Title V regulations regarding the design and construction of individual wells and septic systems. The Applicant should provide evidence of such compliance prior to the issuance of a building permit for the project.
- The Applicant should provide a detailed traffic study assessing potential impacts of the Project on area roadways, including traffic volumes, crash rates, and the safety and level of service (LOS) of area intersections, and identifying appropriate traffic mitigation in compliance with all applicable state and local requirements governing site design. The traffic study should also review on-site parking and circulation to ensure compliance with industry standards.
- The Applicant should be prepared to provide detailed information relative to proposed water and sewer use, potential impacts on existing capacity, and appropriate mitigation.

MassHousing has also reviewed the application for compliance within the requirements of 760 CMR 56.04(2) relative to Application requirements, and has determined that the material provided by the Applicant is sufficient to show compliance.

This approval is expressly limited to the development of no more than twelve (12) homeownership units under the terms of the Program, with not less than three (3) of such units restricted as affordable homeownership units for low and moderate income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of NEF financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a Comprehensive Permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new Site Approval application for review by MassHousing.

For guidance on the Comprehensive Permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations and 760 CMR 56.00.

This approval will be effective for a period of two years from the date of this letter. Should the Applicant not apply for a Comprehensive Permit within this period or should MassHousing not extend the effective period of this letter in writing, this letter shall be considered to have expired and no longer be in effect. In addition, the Applicant is required to notify MassHousing at the following times throughout this two year period: (1) when the Applicant applies to the local ZBA

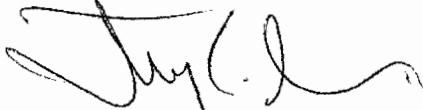
for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

**Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.**

If you have any questions concerning this letter, please contact Michael J. Busby at (617) 854-1219.

Sincerely,



Timothy C. Sullivan  
Executive Director

cc: Chrystal Kornegay, Undersecretary, Department of Housing and Community Development  
Michael S. Giaimo, Chairman, Town of Sherborn Board of Selectmen  
Richard S. Novak, Chairman, Town of Sherborn Zoning Board of Appeals

## Attachment 1.

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency  
Section (4) Findings and Determinations

### 59 North Main Street, Sherborn, MA #895

After the close of a 30-day review period and extension, if any, MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

*(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);*

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Sherborn is \$73,050. The Applicant submitted a letter of financial interest from Marlborough Savings Bank, a member bank of the FHLBB under the NEF Program.

*(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);*

Based on MassHousing staff's site inspection, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses.

Sherborn does not have a DHCD Certified Housing Production Plan. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through February, 2017, Sherborn has 34 Subsidized Housing Inventory (SHI) units (2.30% of its housing inventory), which are 114 SHI units shy of the 10% SHI threshold.

*(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);*

In summary, based on evaluation of the site plan using the following criteria, MassHousing finds that the proposed conceptual project design is generally appropriate for the Site. The following plan review findings are made in response to the conceptual plan, submitted to MassHousing.

**Relationship to Adjacent Building Typology** (Including building massing, site arrangement, and architectural details)

The proposed development consists of 12 single-family detached homes that are designed to be compatible with adjacent uses in scale, massing and design. The Developer's design approach proposes to maintain a consistent massing, scale and building typology to that of the existing neighborhood which is rooted in mid-sized colonial and ranch style homes.

**Relationship to Adjacent Streets**

The relationship of the proposed Site access and egress to North Main Street does not present any discernable public safety impacts. There appears to be adequate lines of sight for vehicles entering and exiting the proposed Site. As viewed from North Main Street, the proposed development is well integrated into the surrounding context and makes an appropriate relationship to this prominent location.

**Density**

The Applicant proposes to build 12 homes on 6.34 acres, of which approximately 4.3 acres are buildable. The resulting density is 2.79 units per buildable acre, which is acceptable given the proposed housing type and patterns of development within the region.

**Conceptual Site Plan**

The proposed development will consist of 12 single-family homes clustered around a village green. Each home will be oriented toward the center green and a pedestrian path will run alongside the front porch of each home. The interior roadway is appropriately designed to meet the vehicular needs of the proposed development.

**Topography**

The Site is relatively flat and impacted by vegetative wetlands along the westerly lot line. No significant adverse conditions are present and the site's topography is not an impediment to the proposed development.

**Environmental Resources**

Development of the Site will require careful attention to current Best Management Practices to avoid any adverse impacts to the 1.9 acre portion of the Site that includes a wetland resource area. These resource areas will provide visual screening and surround the residential portions of the Site with natural features.

**Proposed Use**

Based on MassHousing staff's site inspection, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses.

*(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);*

The Project appears financially feasible based on a comparison of sales submitted by the

Applicant. In addition, the Applicant has indicated that he may adjust sales prices to reflect market conditions at the time of Final Approval.

*(e) that MassHousing finds that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;*

The initial pro forma has been reviewed for the proposed residential use and the Project appears financially feasible with a projected profit margin of 8.16%. In addition, a third party appraisal commissioned by MassHousing has determined that the "As Is" land value for the Site of the proposed Project is \$1,125,000.

*(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and*

The Applicant must be organized as a Limited Dividend Organization prior to applying for Final Approval. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

*(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.*

The Applicant controls the entire 6.34 acre Site under a Purchase and Sale Agreement.