



Massachusetts Housing Finance Agency
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May 7, 2025

Robert Murchison
177 Lake Street
Sherborn, MA 01770

**Re: Washington Street Sherborn Homes, Sherborn
Project Eligibility/Site Approval
MassHousing ID No. 1260**

Dear Mr. Murchison:

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 Executive Office of Housing and Livable Communities (“EOHLC”) (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 (“FHLBank Boston”).

Washington Street Sherborn Homes, LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build four (4) homeownership units (the “Project”) on approximately 4.63 acres of land located at 121-129 Washington Street (the “Site”) in Sherborn (the “Municipalities”).

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility 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 and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipalities, and others in accordance with the Comprehensive Permit Rules.

Municipal Comments

Pursuant to the Regulations, the Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. At the request of the Municipality, this time was extended an additional 15 days, for a total of 45 days. The Sherborn Select Board noted that the clustered arrangement of the proposed homes is a positive feature of the Project, as it allows for a significant portion of the property to remain undisturbed.

The following additional comments and concerns were identified in the letter:

- The Municipality noted the need for improved pedestrian access into and out from the Site and recommended that the Applicant consider a sidewalk connection along Old Orchard Road.
- The Municipality is concerned with potential impacts to groundwater quality in the vicinity of the Site, including impacts to neighboring wells due to the number of wells proposed for the Site.
- The Municipality noted they will advocate for all-electric power sources, built-in EV charging capability, energy-efficient appliances and rooftop solar panels where appropriate.
- The Municipality expressed concern about the additional traffic that would be generated by the Project, and associated safety impacts on area roadways and intersections.

MassHousing Determination and Recommendation

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.¹ 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 Applicant may apply to the Zoning Board of Appeals (“ZBA”) 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 considering feedback received from the Municipalities, the following issues should be addressed in the application to the ZBA, and the Applicant should be prepared to explore them more fully during the public hearing process:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipalities will require evidence of such compliance prior to the issuance of a building permit for the Project. To the extent feasible, the Applicant should engage with the Municipalities to discuss the Project’s ability to meet local wastewater standards.
- The Applicant should continue to engage with the Municipality in a good-faith effort regarding design review and other site-related matters, including traffic circulation, water capacity issues and connecting to nearby Old Orchard Street and the Bailey Walking Trail.
- The Applicant should continue to engage with the Municipality in a good-faith effort to maximize energy and sustainability features in the homes’ design and construction.
- The Applicant should be prepared to provide sufficient data to assess potential traffic impacts

¹ MassHousing has relied on the Applicant to provide truthful and complete information with respect to this approval. If at any point prior to the issuance of a comprehensive permit MassHousing determines that the Applicant has failed to disclose any information pertinent to the findings set forth in 760 CMR 56.04 or information requested in the Certification and Acknowledgment of the Application, MassHousing retains the right to rescind this Site Approval letter.

on area roadways and intersections, including the safety of proposed site access and egress, and to respond to reasonable requests for 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 Site Approval is expressly limited to the development of no more than four (4) homeownership units under the terms of the Program, of which not less than one (1) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of 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 at 760 CMR 56.00.

This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. 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 FHLBank Boston, 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 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 Busby at (617) 854-1219.

Sincerely,

Jessica L Malcolm

Jessica Malcolm
Manager, Planning & Programs

cc: Ed Augustus, Secretary, EOHLG
The Honorable Rebecca L. Rausch
The Honorable James Arena-DeRosa
Jeff Waldron, Chair, Select Board
Richard S. Novak, Chair, Zoning Board of Appeals

Attachment 1

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

Washington Street Sherborn Homes, Sherborn, MA #1260

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 \$132,300.

The Applicant submitted a letter of financial interest from Hingham Institution for Savings Bank, a member bank of the FHLBank Boston 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 a site inspection by MassHousing staff, 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 and would address the local need for housing.

Section IV-A (3) (a) of the Guidelines provide guidance to Subsidizing Agencies for evaluating a municipality’s actions intended to meet affordable housing needs. MassHousing carefully reviewed the information provided by the Municipality describing previous municipal actions intended to provide affordable housing. Specific examples undertaken by the Municipality include:

- The Town of Sherborn has a Housing Production Plan (HPP) originally approved by EOHLG in 2016 and recently updated and approved in May 2022.
- In 2018, Town Meeting approved a zoning bylaw change that encourages accessory apartment units in single family homes or farms.
- In 2020, Town Meeting approved an “inclusionary zoning” bylaw that requires 15% affordable units when building two or more units.
- The Town of Sherborn established an “Affordable Housing Trust” in 2020 to manage funds generated by recent initiatives.
- The Town of Sherborn recently approved a Comprehensive Permit for a 120-unit Local Initiative Petition that would access MWRA water & sewer from an adjacent community.

MassHousing commends the Municipality's progress towards creating a range of diverse housing options to meet its affordable housing needs, however, according to EOHLIC's Chapter 40B Subsidized Housing Inventory, updated through April 28, 2025, Sherborn has 48 Subsidized Housing Inventory (SHI) units (3.10% of its housing inventory), which is 107 units short of the statutory minima of 10%.

(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)

Architectural design choices in this proposal were driven by the surrounding New England homes in the area. The use of clapboard siding and simple pitched rooflines fit well along Washington Street. The choice of a duplex style was driven by a desire to mimic the scale of 3,200 square foot homes all around Sherborn, while providing residential opportunity at 1,600 square feet and a commensurate lower price point. The duplex-style structures are located at a good distance from any neighboring homes as there is a protected Vernal Pool to the west and a significant town conservation parcel to the east.

Relationship to adjacent streets/Integration into existing development patterns

Sherborn is located south of Mass Pike between Framingham and Natick and is midway between I-495 to the west and I-95 to the east. Local arteries connecting Sherborn to nearby communities include State Routes 27, 16 and 115 at its southeast corner. The Site is located in a quiet, rural neighborhood which primarily consists of single-family homes and undeveloped woodland/conservation land. The Site is currently vacant, wooded, and adjacent to the Bailey Trail easement held by the Sherborn Conservation Commission.

Density

The Applicant proposes building two (2) duplex-style homes on approximately 4.63 acres, of which 3.13 acres are buildable land. The resulting density is 1.27 units per buildable acre, which is acceptable given the proposed housing type.

Conceptual Site Plan

Site design for Washington Street Sherborn Homes was primarily driven by a desire to limit the footprint of development to a small portion of the overall property. In fact, only about 10% to 15% of the site will be impervious or even landscaped. This will leave most of the 4.6 acres in a natural state. In addition, the septic field will be incorporated into the area of more cultivated open space allowing for family play space and other gathering areas. It will also facilitate privacy for outdoor spaces away from Washington Street. The driveway comes up from the east side of the Washington Street frontage and uses the natural grade to load the garages in the rear. The Applicant intends to improve the existing connection from the Site to the Bailey walking trail.

Topography

The Site is gently rolling topography and represents vacant, raw land that has been partially cleared for development. The topographic features of the Site have been considered in relationship to the proposed Project plans and do not constitute an impediment to development of the Site.

Environmental Resources

The usable land area is reduced from the gross site area due to a 1.50-acre vernal pool representing designated wetlands which will limit the Applicant to upland areas identified on the site plan. Development of the Site will require careful attention to current Best Management Practices to avoid any adverse impacts on the protected wetland resource areas. Wetland resources in these areas will be subject to further review by the local Conservation Commission under a Notice of Intent.

(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.

(e) 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 approximately 10%. 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 \$810,000.

(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

MassHousing finds that the Applicant must be organized as a Limited Dividend Organization. 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 Site through a Deed from the Trustees of the Ashbrook Buntin Realty Trust to Fenix Partners Greenwood Street Development, LLC, for \$1,200,000 recorded in Middlesex South Registry of Deeds Book 83030 Page 477.