

October 17, 2020

Town of Sherborn
Zoning Board of Appeals
19 Washington Street
Sherborn, MA 01770
Attn: Richard Novak, Chair

Re: 40B applications-41 N. Main Street/31 Hunting Lane

Ladies and Gentlemen:

It has come to our attention that Barsky Estate Realty Trust and affiliates (the “Applicant”) has filed two applications with the Town of Sherborn Zoning Board of Appeals, one for a comprehensive permit for a Chapter 40B project at 41 North Main Street and a second for a comprehensive permit for a Chapter 40B project at 31 Hunting Lane. The undersigned are abutters and other concerned residents of the Town of Sherborn.

The purpose of this letter is to notify you of an important issue relating to these applications.

Several of the parcels constituting 31 Hunting Lane are subject to a lien in favor of the Town pursuant to M.G.L. c. 61B (the “Statute”). These parcels (the “61B Parcels”) are identified on Hunting Lane Assessors Map 11 as Parcel 3C (approx. 16.93 acres) and Parcel 3B (approx. 8 acres). The principal of the Applicant, Mr. Igor Lybarsky, has withdrawn these properties from Chapter 61B, but under the Statute, the lien will not lift until June 30, 2021, at the earliest. In addition, the Applicant’s attempt to withdraw Parcel 3B from his application is invalid, given the Applicant’s stated intent to put water and sewer lines under that parcel to service the proposed developments at 31 Hunting Lane as well as 41 North Main Street.

The effect of the lien on the 61B Parcels is that if the landowner intends to sell or convert the use of such property, the Town may exercise its statutory right of first refusal to obtain an impartial appraisal of the 61B Parcels and, if the appraised value of the 61B Parcels is acceptable, purchase the 61B Parcels from the Applicant or, alternatively, assign its rights to a qualified third party that would then purchase the 61B Parcels.

A 501(c)(3) organization is a qualified third party. Unity Farm Sanctuary, a 501(c)(3) non-profit farm animal sanctuary founded in December 2016 by John and Kathy Halamka that abuts the 31 Hunting Lane parcels, is very interested in acquiring the 61B Parcels assuming that the appraised value is acceptable to it. This would permit Unity Farm to expand its footprint and its mission, which is to provide a safe and loving lifelong home for farm animals, and to offer the public unique educational programs related to its mission. The owners of Unity Farm Sanctuary have stated their intent to leave all of their property in their 501c(3) in perpetuity for the use of the public. We understand that the

Select Board strongly supports these plans and we urge you to confirm this information with the Select Board.

Accordingly, not only does a material lien exist on a substantial portion of the 31 Hunting Lane properties but the Town's right of first refusal has been triggered by the filing of the applications with the Zoning Board of Appeals, if not prior to that time.

It is important to note that while the 61B Parcels are a part of the 31 Hunting Lane property alone and represent a serious restriction on the Applicant's right to develop the 31 Hunting Lane property, the interdependence of the 41 North Main Street and 31 Hunting Lane projects cannot be overlooked. The Applicant has indicated in its Chapter 40B applications for site approval to MassHousing, and as well in its applications to the Zoning Board of Appeals, that it plans to locate a wastewater treatment plant on part of the 31 Hunting Lane property that would service both projects and, likewise, to use water drawn from wells on 31 Hunting Lane to service both projects.

As a result, we urge the Zoning Board of Appeals to reject both applications on the ground that the applications are insufficient since the Town's 61B lien is a material encumbrance on a substantial amount of the land comprising the 31 Hunting Lane project and, as a result, the Applicant does not have site control of the 61B parcels, which are critical to both developments.

Although this letter is signed by only two abutters, the following abutters and other concerned residents have given the undersigned their express written approval to use their names in support of this letter:

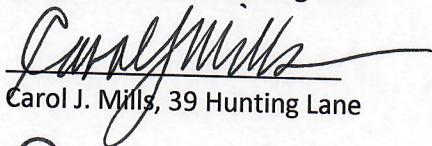
John and Kathy Halamka, 17 Unity Lane
Marcia Zais, 22 Perry Street
Allyson Woolf and Bertin Couturier, 76 Hunting Lane
Warren L. Wheelwright and Diana S. Wheelwright, 137 Hunting Lane
Robert Evans and Anne Gudaitis, 110 Hunting Lane
Alycia Goody and John Davies, 8 Zion's Lane
Mark and Allyn Callahan, 51 Hunting Lane
Alan and Joan Dunn, 146 Hunting Lane
John and Gorette DeSalvo, 44 North Main Street
Julian and Sena Fowler, 36 Hunting Lane
Jason and Melanie Chiverton, 115 Hunting Lane
Katharine R. Sturgis, 38 Hunting Lane
Robbin Bell and John Garrison, 33 Hunting Lane
Greg and Carly Donohue, 52 Hunting Lane
Wendy and Steve Harris, 24 Hunting Lane
Suzanne and Adam Craig, 58 Hunting Lane
Charlie and Tannaz Saponaro, 28 Hunting Lane
Joanie Murphy, 75 Greenwood Street
Claude Dohrn and Sarah Berwick, 32 Hunting Lane
Gary and Betsy Goldberger, 98 Hunting Lane

Peter Alphas, 8 Course Brook Road
Karen McCarthy, 66 Hunting Lane
Joyce and Andrew Silvia, 3 Eliot Street
Claire and Brady Loeck, 46 North Main Street

Sincerely,



Craig D. Mills, 39 Hunting Lane



Carol J. Mills, 39 Hunting Lane



Paul Bochicchio, 41 Hunting Lane



Marilyn Bochicchio, 41 Hunting Lane

cc: Select Board
Town Administrator
Town Counsel
Kathleen O'Donnell, Esq.