

To: The Sherborn Zoning Board of Appeals  
To: The Sherborn Select Board

From: The Sherborn Historical Commission

March 16, 2021

In gathering information and researching the ways in which Massachusetts Historical Commission (MHC) becomes involved in a property eligible for review under MA 301 CMR 11.03, our local Commission held a discussion at our last meeting regarding the need for such review of the property at 41 N. Main Street, the proposed development now known as The Pines Residence. One way is often as a required part of the filing of an Environmental Notification Form (ENF). Because the greater part of an ENF involves other areas/thresholds that are not within our scope of responsibility or expertise we would like to know if any other areas/thresholds have or will most likely require an ENF filing.

The developer has repeatedly and erroneously claimed that the property is not in a historic district, and in fact does so in their Special Permit application under the List of Requested Waivers, Section 8, Historic Districts by answering the question “Not Applicable”.

Carving up the historic 5.8 acre 41 N. Main property, which is listed in the State Register, and the planned demolition of most of the historic structures that make up the whole historic tavern property (also included in the State Listing) supports our belief that The Pines Residences requires MHC review. The 5.8 acre 41 N. Main Street property is eligible for listing in the National Register of Historic Places. MA 950 CMR 71.05 a, b, and c , destruction of all or part of a historic property, isolation from its surrounding environment and the introduction of visual characteristics out of character with its surroundings are all defined as Criteria of Adverse Effect in the statute and all are part of the proposed plans for The Pines Residences.

Further, we quote from the Secretary of State of the Commonwealth's web site:

The MEPA regulations establish project thresholds for two categories: projects that categorically require the filing of an Environmental Notification Form (ENF); and projects categorically required to file an ENF and a mandatory EIR. Projects that do not meet any of these thresholds need not file an ENF with MEPA. However, MEPA's thresholds do not apply to MHC's review of state funded or licensed projects. In general, all projects that require a permit, license or funding from any state agency must file a Project Notification Form (PNF) with the MHC, regardless of whether they trigger a MEPA threshold.

MEPA's new regulations include a categorical threshold concerning historic and archaeological resources (301 CMR 11.03 (10)) and the filing of an ENF. If a project involves “(1) the demolition of all or any exterior part of any Historic Structure listed in or located in any Historic District listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth; or (2) destruction of all or part of any Archaeological Site listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth,” an

ENF must be filed, “unless the project is subject to a determination of No Adverse Effect by the Massachusetts Historical Commission or is consistent with a Memorandum of Agreement with the Massachusetts Historical Commission that has been the subject of public notice and comment.”

Having repeatedly corrected the developer's assertion that the property is not in a historic district , the Commission would like to be assured that the developer will be required to adhere fully and in a timely manner with all legislative requirements and will be filing an ENF which triggers the filing of a Project Notification Form (PNF) with MHC. The Commission has therefor directed us to ask if an ENF and/or PNF has been filed or will be required as part of the ZBA review.

If more information on the 41 N. Main Street property is needed please see the State Register forms, SHR forms #94, 285, 286, 287 available online at the Massachusetts Cultural Resource Information System (MACRIS).

For our earlier ZBA and SB comments and responses please go the Pines Residences file in the Land Development section of [sherbornma.org](http://sherbornma.org).

Thank you,  
The Sherborn Historical Commission

Susie Wheelwright, Co-Chair  
Peggy Novak, Co-Chair