

31 HUNTING LANE/41 N. MAIN STREET

**ZBA VOTE TO CONTINUE HEARING
PENDING SELECT BOARD'S CONSIDERATION OF ITS
RIGHT OF FIRST REFUSAL**

MAKER OF MOTION:

The Zoning Board of Appeals, having received a letter from the Sherborn Select Board dated October 27, 2020 concerning the anticipated exercise of its rights under G.L. c. 61B, § 9 with respect to two parcels of property within the development site of the Applications for Comprehensive Permit under Chapter 40B which have been filed with the Board, and having listened to an overview of the projects and having received comments from town counsel and the Applicant, moves as follows:

1. to direct the Applicant and town counsel to each provide a memorandum to the Board prior to its next meeting outlining their views on: (i) the town's rights under G.L. Chapter 61B in parcels 11-3B and 11-3C which are within the development site of the Comprehensive Permit Applications before the Board, and (ii) the impact of those rights on the Applicant's requirement to demonstrate site control under G.L. Chapter 40B and 760 C.M.R. 56.04 (1)(c).
2. to continue this public hearing until December 3, 2020 at 7:00pm for further consideration of the threshold issue of whether or not the Applicant can demonstrate such site control in light of the town's rights under Chapter 61B.
3. The Board has opened this hearing at this time for the limited purpose of determining the threshold issue of whether the Applicant has demonstrated site control sufficient to entitle it to move forward with these Applications for Comprehensive Permit. The Board expressly reserves its rights under the provisions of Section 17 (iv) of Chapter 53 of the Acts of 2020, which provide that no permit shall be considered granted, approved or denied, constructively or otherwise, due to a failure of the permit granting authority to act within the time required by a statute, ordinance, bylaw, rule or regulation; provided, however, that the permit granting authority acts within 45 days of the termination of the state of emergency or by a date otherwise prescribed by law, whichever is later; provided further, that the applicant and permit granting authority may agree to alternative timing in writing.