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ZONING BOARD OF APPEALS**

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TOWN CLERK
TOWN OF SHERBORN

DECISION ON APPLICATIONS FOR COMPREHENSIVE PERMIT

G.L. c. 40B, §§ 20-23

Applicant: Fenix Partners Greenwood Street Development, LLC
("Applicant")

Development Name: Greenwood Homes

Application For: Comprehensive Permit under G.L. Chapter 40B, §§ 20-23
Greenwood Homes 4 Single Family Homes

Property Address: 28 Greenwood Street, Sherborn, MA

Assessor's Map: Approximately 3.68 acres ("Site"), being the eastern portion of a current 18.53 acre lot identified as Map 7, Parcel 49, roughly parallel and adjacent to Greenwood Street, with remaining portions of lot having frontage along Washington Street ("Overall Lot"). The Site is mostly uplands, including wetland buffer zones to the North and West. The Overall Lot (including the Site) is the subject of the single Site Control Agreement, as defined below.

Board of Appeals: Chair: Richard S. Novak
Members: Jonathan Fitch, Zachary McBride, Todd Labbe
(Associate Member)
Voting: Richard S. Novak, Jonathan Fitch and Zachary McBride

Decision Date: March 8, 2024

For the reasons stated below, the Sherborn Zoning Board of Appeals denies the application of Fenix Partners Greenwood Street Development, LLC pursuant to the Massachusetts Comprehensive Permit Law, G.L. c. 40B, §§ 20-23 (hereinafter, "Chapter 40B" or the "Act"), the regulations promulgated by the Department of Housing and Community Development ("DHCD") at 760 CMR 56.00, et seq. (the "40B Regulations"), the guidance set forth in the DHCD's Comprehensive Permit Guidelines, as amended (the "40B Guidelines"), the Town of Sherborn Zoning Bylaw (the "Zoning Bylaw"), the Rules and Regulations of the Sherborn Zoning Board of Appeals (the "Board" or "ZBA"), and the rules and Regulations of the Sherborn

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Board of Health (“BOH”).

I. FINDINGS OF FACT

INTRODUCTION

A. Summary.

The proposed Chapter 40B project at 28 Greenwood Street, Sherborn, MA (“The Project”), submitted by Robert W. Murchison, Managing Member of Fenix Partners Greenwood Street Development, LLC, consists of four single family homes; each with lot measuring approximately 40,000 sq. ft (.92 acres). According to the Applicant’s plans submitted August 18, 2023, the Project consists of three market rate homes with each including 4,873 finished square feet on four levels (basement, 1st Floor, 2nd Floor, and 3rd floor finished “attic”), with the 40B affordable rate home consisting of a similar design but with 2,593 finished square feet on two levels (1st and 2nd Floors; basement and attic space proposed unfinished).

The Managing Member of the Applicant, Mr. Murchison, is the sole holder of the Site Control Agreement and the signatory and Managing Member of another application for an adjacent 40B project on all of the remaining Overall Lot under the same Site Control Agreement; a 40 unit rental building located at 121-129 Washington Street. All of the site area allocations and lot lines within the combined 18.53 acre Overall Parcel were selected and designed by the Applicant.

Because we conclude that the Project, as designed, has fatal design errors with respect to nitrate loading and safe drinking water which cannot, due to the tight site constraints created by the Applicant, be Conditioned Consistent with Local Needs, we disapprove the Project on the merits.

B. The Option to Purchase, and Site Control under MGL c. 40B.

The Applicant has an option to purchase the Overall Parcel (“Site Control Agreement”) on or before July 30, 2024, pursuant to an Option to Purchase agreement dated February 10, 2022, between Jane Nichols Ashbrook, formerly known as Jane A Hamrock and Mary D. Buntin, as they are Trustees of the A.B. Realty Trust (“Owner”), and Robert W. Murchison, individually (“Option Holder”). The Site Control Agreement is reflected in a Notice of Option recorded in MSDRD in Book 79800, Page 179 and included with the Application.

C. Key Background and Project History.

The factual context and background to the Project are indispensable to understanding the sewage disposal nitrate loading risks and drinking water aspects of its design. Accordingly, we summarize those background matters here.

Settled only a few decades after the Plymouth landings, the history of the Town of Sherborn goes back to the earliest days of the Commonwealth. Poor soils, thin bedrock coverage, many surface

wetlands and numerous ledge outcroppings throughout the Town significantly constrained agricultural endeavors over the next 300 odd years, keeping Sherborn rural and sparsely populated prior to World War II.

1. Sherborn's Water Supply History.

In the early 1920's, a portion of the Town wished to convert to public water and sewer, and, after fierce debate, did so by leaving the municipality and becoming part of neighboring Framingham. See Shaughnessey, Anne Carr, The History of Sherborn, pp. 59-61 (1974). The balance of the Town stayed on private wells and septic facilities, as remains the case nearly 100 years later.

As Sherborn transitioned away from agriculture toward more of a suburban residential community in the decades after World War II, the same absence of public water and sewer facilities significantly limited small lot residential development. See Wilson v. Town of Sherborn, 3 Mass. App. 237 (1975) (two-acre zoning bylaw upheld), and the same constraints have long limited attempts to develop a commercial tax base.

2. Sherborn's Affordable Housing History.

Because affordable housing projects are designed most frequently in dense lot size and/or multifamily configurations, the lack of municipal water and sewer systems has inherently been in tension with the development of such housing in Sherborn. The Town has nevertheless made notable positive efforts on this front.

In 1986, the Town adopted a novel "additional affordable unit" option for owners of single-family residences. In the 1990s, the Town followed up by self-funding and constructing Sherborn's first affordable housing available for all ages – the Leland Farms project, a leasehold condominium with 17 affordable and 10 market-rate units. In the early 2000s, a 48-unit Chapter 40B development on Whitney Street was proposed, initially turned down by the then ZBA, and then approved by the Massachusetts Housing Appeals Committee. Formerly known as Rising Tide, and now as Whitney Farms, this project remains incomplete almost twenty years after approval.

Since 2015, however, a number of Sherborn affordable projects have fared better. Thirty-two units for the Fields At Sherborn project ultimately obtained conditional 40B approval, and construction and sell-out of the project proceeded quickly.

A 120-unit 40B project called Coolidge Crossing (proposed to connect to Framingham sewer and Natick water) was approved. The related intermunicipal agreements for the water and sewer, however, remain stalled, and the Coolidge Crossing project remains in limbo.

3. Phased Project (121-129 Washington Street 40B Project).

Robert W. Murchison, as sole holder of the Site Control Agreement and Managing Member of Washington Street Sherborn Homes, LLC, submitted on January 23, 2024 an application for a Comprehensive Permit under G.L. Chapter 40B, §§ 20-23, for Washington Street Sherborn

Homes, LLC, located on the western, remaining approximate 14.85 acres of the land identified on Map 7, Parcel 49 of the Sherborn Assessors maps (“Washington Project”). Site Control for the Washington Street 40B project is through Robert Murchison, individually, as holder of the Site Control Agreement.

4. Sherborn’s 2017- 2020 Affordable Housing progress.

The Town has continued to work on achieving its affordable housing goals.

During 2017, the Town generated a Housing Production Plan and obtained DHCD approval of the same, and Town Meeting approved a rezoning to enable a 67-unit age-restricted affordable project (“Meadowbrook Commons”) near the Framingham/Natick border.

See: https://www.sherbornma.org/sites/g/files/vyhlif1201/f/uploads/planning_board_summary_of_article_1.pdf.

Meadowbrook Commons, if built, will significantly add to Sherborn’s SHI inventory. Like Coolidge Crossing, the project would use public water and sewer connections from abutting towns, and is not in the traffic-challenged downtown Sherborn location. Like Coolidge Crossing, moreover, Meadowbrook Commons is dependent on intermunicipal water and sewer agreements, and the project has not been permitted, nor has construction started.

In 2019 the Town also endorsed its 2019 Master Plan addressing housing goals and needs, and created an Affordable Housing Trust.

See: https://www.sherbornma.org/sites/g/files/vyhlif1201/f/uploads/sherborn_master_plan_04-12-2019.pdf

Also during 2019, the 12-unit Chapter 40B project at 59 North Main Street was conditionally approved, despite significant concerns about impact on drinking water supply availability. That project is now completed and operating, although some of the feared adverse water supply impacts appear to have come to pass (see below).

In August 2023, when the Applicant filed the Chapter 40B application for the Project, the Sherborn SHI percentage remained below the 10% Chapter 40B “safe harbor” threshold.

5. The Project Eligibility Letters.

On January 9, 2023, MassHousing issued a Project Eligibility Letter (“PEL”) for the Project.

While the PEL correctly noted that, as of the date of the PEL, Sherborn’s SHI remained below the 10% statutory threshold, the PEL also recognized the Town’s various affordable housing efforts as “meaningful.”

Notably, the PEL concerning the Project expressly addressed concerns raised by the Town in its comment letter, stating, in part, as follows:

[T]he following issues should be addressed in your application to the local Zoning Board of Appeals ("ZBA") for a Comprehensive Permit and fully explored in the public hearing process prior to submission of your application for Final Approval under the Program:

- *The Applicant should be able to discuss the impact of the Project on water resources and private wells in the area and respond to reasonable requests for mitigation, and engage with the Municipality to discuss the Project's ability to comply with local regulations.*
- *The Applicant should be prepared to discuss the cumulative impacts of this Project and the adjacent proposed 40B development.*

PROCEDURAL HISTORY

1. On August 18, 2023, seeking approval for a Comprehensive Permit pursuant to Chapter 40B ("Comprehensive Permit Application"), the Applicant filed an application to construct four (4) ownership units, including one (1) affordable unit, on land located at 28 Greenwood Street, in Sherborn. The proposed Project would be subsidized by the New England Fund Program of the Federal Home Loan Bank of Boston.
2. The Project Site is comprised of a smaller 3.68 acre section of a larger parcel 18.53 acre of land described by the Applicant as:

Approximately 3.68 acres of the eastern side of an 18.53 acre lot, roughly parallel and adjacent to Greenwood Street. The entire parcel is identified by the Sherborn Assessors on Map 7, Parcel 49, which is containing approximately 18.53 acres between Washington Street and Greenwood Street in Sherborn. Parcel 49 includes bordering vegetated wetlands and isolated wetlands, as well as wooded uplands. The Parcel is a MassDEP-designated nitrogen sensitive area, pursuant to M.G.L. c. 310, Title V Section 15.214. The Project Site contains mostly wooded uplands, which borders, according to the Applicant's plan, wetland buffer zones to the north and west.
3. As acknowledged in the Applicants' application materials, the 3.68 acre layout (160,00 s.f or exactly four so-called "Title V Acres") selected by the Applicant could support only one housing unit by right under G.L. c. 40A, because the local minimum zoning for the Project Site is two (2) acres. By developing the Property under Chapter 40B, the Applicants propose to quadruple this density, while providing one single affordable unit.
8. On August 23, 2023, in accordance with the Comprehensive Permit Rules of the Sherborn Zoning Board of Appeals (adopted August 28, 2001, amended September 14, 2016) the Zoning Board of Appeals advertised notice of the public hearing to be held on September 6, 2023.
9. The Board's public hearing on the Application was duly opened on September 6, 2023 and

continued for an additional five hearing dates through February 5, 2024. The Board received extensive input from the Applicants, the Applicants' team of advisors, counsel and engineers, as well as from numerous abutters, local residents, Town Boards and Committees, and the Town's peer reviewer. During the course of the hearings, the Board received and reviewed numerous written submissions, listed herein as Exhibit A.

10. A site walk of the Project Site was conducted.

11. The Board utilized the peer review services of TETRA TECH to review the engineering and impacts of the Project.

12. The focus on the critical issues of nitrate loading and drinking water quality, especially in light of the then pending Washington Street project, intensified in the last several hearings. The Applicant was informed (during the discussion about possible hearing extensions) of the PEL directives, and that the failure to provide additional evidence of drinking water quality nitrate loading would support an inference by the Board that such further investigations would not support the Project. Despite this warning, the Applicants refused to provide further information or any extension of time to allow others to evaluate this key health and safety risk.

13. The Sherborn Board of Health issued a memorandum to the Zoning Board of Appeals on February 5, 2024 (Exhibit A, item 73) stating that they had issued a disposal works permits for the Project purely on the basis of claimed compliance with Massachusetts Department of Environmental Protection's (MassDEP) state-level regulations only and assuming acceptance of applicant's proposed Deed Restrictions for the market rate units to artificially reduce bedroom count. The BOH report went on to state the scientific grounds on which such waivers and deed restrictions should be rejected. For the reasons set forth on the BOH Report, the Projects fails to comply with BOH requirements.

14. Notably, despite the clear admonitions of the PEL and both reminders and express requests from the ZBA during the public hearings (after January 23, 2024 when the Washington Project application had been filed) to address the cumulative impact of the Washington Project, the Applicant repeatedly and expressly declined to offer any evidence or comment related to the cumulative health and safety impacts of this Project and the abutting Washington Project. The Board finds that this defiance of the PEL letter direction to be probative evidence of Applicant knowledge that such cumulative impact evidence would be materially adverse to approval of one or both projects.

14. Accordingly, the public hearing was closed on February 5, 2024, within the time proscribed by Chapter 40B.

II. GOVERNING LAW

The standards to be applied by boards of appeal in deciding whether to issue comprehensive permits are same as those to be applied by housing appeals committee in reviewing board's decision, namely, whether grant of permit is reasonable and consistent with local needs and

whether any conditions imposed on permit are uneconomic. Board of Appeals v. Housing Appeals Committee in Dept. of Community Affairs, 363 Mass. 339 (1973).

Even where "a municipality has failed to meet its statutory minimum, the HAC may still uphold denial of the permit as 'reasonable and consistent with local needs' if the community's need for low or moderate income housing is outweighed by valid planning objections to the proposal based on considerations such as health, site, design, and the need to preserve open space."¹¹ Hingham v. Department of Hous. & Community Dev., 451 Mass. 501, 504 n.6 (2008), quoting from Zoning Bd. of Appeals of Greenfield v. Housing Appeals Comm., 15 Mass. App. Ct. 553, 557 (1983); G.L. c.40B, § 20. See also, Reynolds v. Zoning Board of Appeals of Stow, 88 Mass. App. Ct. 339 (2015) (Superior Court erred in affirming Comprehensive Permit where evidence in the record established likelihood that development would cause excessive nitrogen levels at the wells of abutter and neighbors).

III. FINDINGS

The Board finds as follows:

1. The Town's progress towards the need for low or moderate income housing is material.

With the Board's June 21, 2021 approval of a Comprehensive Permit for the 120-unit Coolidge Crossing project and the other steps noted above, the Town of Sherborn is nearing the 10% affordable threshold under Chapter 40B.

2. The Project as designed will endanger the drinking water resources of the surrounding neighborhood.

Water Supply. The Town of Sherborn does not have a municipal water supply system, and therefore, all water to serve the Project must be drawn from private wells. The geology of Sherborn is such that there is a shallow overburden in much of the Town, meaning the bedrock is very near to the surface and there is little soil that can hold water and recharge an aquifer. Nearly all of Sherborn's water wells are drilled into bedrock.

The Project will be entirely dependent on fractured bedrock wells. The three market rate homes cover 12 rooms and 4,873 s.f.; the affordable home covers 3,106 s.f. No test wells were drilled by the Applicants, and accordingly no data is available on the question of whether or not the underlying aquifer could provide adequate water to support this 16 to 22 bedroom and 17,212 s.f. Project.

The Applicant requested waivers from local regulations related to the setback of the four new domestic water supply wells for the Project. Local regulations related to domestic water supply require a setback of 125 feet from a leaching field (or 150 if downgradient from leaching field), 25 feet from a lot line, and 55 feet from the edge of a traveled way. The final plans submitted by the Applicant requested waivers that would materially deviate from the local standards in numerous instances by reducing the aforementioned setbacks to significantly below local standards; some examples include requesting waivers for 11 feet where the requirement is 25 feet

from a lot line; 27 feet where the requirement is 55 feet from a traveled way; and 108.2 feet where the requirement is 150 feet from an upgradient leaching field.

Due to the large size of the proposed residences and the small lots selected by the Applicant, each of the four lots of the Project would require at least one, often numerous, waivers of local health and safety setback requirements for wells providing domestic water supply. The details of the waivers pertaining to local standards are set forth by the February 5, 2024 Memorandum from the Sherborn Board of Health, Exhibit A, No. 73.

The ZBA notes that all of these health risks could have been avoided or reduced by smaller sized market rate home designs and/or a larger site size allocation to the Project within the Overall Site. At 4,873 s.f. each, the proposed market rate homes are quite large – 2.7 times the size of the average Massachusetts home. But the Applicant intentionally declined these choices in his design of the Project and the Overall Lot. Up to 18.53 acres were available for the Greenwood Homes development; the choice to shoehorn four very large homes (and their associated wells and septic systems) onto a 3.68 acre site zoned for only one was an Applicant design choice.

Wastewater. The Town of Sherborn does not have a municipal sanitary sewer system. Accordingly, all wastewater generated by the Project, like other residences in Sherborn, must be treated through private wastewater systems at the Project Site. The Sherborn Board of Health, moreover, has the most experience with the dynamics of soil absorption systems in Sherborn.

The Board of Health expressed substantial health and safety concerns with the Project. Specifically, it strongly recommended against granting the requested waivers from the local regulation related to: leaching area size (relative to room count/bedroom count), depth to groundwater (Vertical Grades and Clearances), and minimum distances (local standard of 125 ft) of the leaching fields to drinking water wells and wetlands. As noted by the Board of Health, towns like Sherborn that have special circumstances (low overburden, no public water or sewer systems) are encouraged to adopt more stringent requirements in order to address water quality vulnerabilities. These more stringent requirements apply equally to market rate development.

The Board of Health expressed significant concern regarding the Applicant's request for a waiver to the local definition of a bedroom, which determines design flow, leaching area size and nitrate loading. The room count of the Project for the three market rate homes proposed by Applicant is not even compliant with Title 5 math (which totals the numbers of rooms and divides by two to arrive at the bedroom count – i.e. 6 bedrooms in each market rate unit), much less local BOH requirements. The Applicant proposes four-bedroom deed restriction to bypass these limits.

The proposed floor plans for the affordable home (2,593 s.f.) show nine rooms distributed over the first and second floors, including four bedrooms. This floor plan complies with local regulation 1.7.1, as well as the Title 5 limit of nine rooms on a four-bedroom system. As such, the approved Title 5 compliant septic system is appropriately sized for both flow and leaching area relative to only the finished space in only the affordable home. The Applicant proposes a deed restriction to keep these unfinished areas unfinished on a permanent basis. The Board finds this proposed deed restriction reasonable under the circumstances of this case.

The proposed floor plans for the three market-rate homes, in contrast, show 12 rooms over four finished floors of 4,873 s.f., including two finished rooms in the basement and one finished room on the third floor, along with full bathrooms in both the basement and third floor. The Board of Health stated that "*there are serious concerns for health and safety*" here, and concluded that a deed restriction would not offer adequate protection, as both the third-floor space and basement space meet the Title 5 definition of a bedroom as designed. Notably, local regulations deem any room (other than a bathroom or closet) on the second floor or above as a bedroom, which would exceed the capacity of the wastewater disposal systems as designed.

The Applicant proposal scaled each of the four lots to be at their maximum nitrogen-loading capacity for a four bedroom home as determined by Title 5 (440 gpd/40,000 s.f.). The Applicant proposal is wholly reliant on assuming 6 bedrooms from the three market rate homes (two each) would be deed restricted away. Excess nutrient loading onto the sites would result in ineffective treatment and filtration of wastewater effluent, creating health and safety risks to sensitive receptors downgradient (wells and wetlands). If the Title 5 wastewater disposal systems receive excess wastewater flow beyond the designed capacity, the system is at significant risk of premature failure; creating hardship for owners and abutters. We note that the Applicant intentionally designed the site to be exactly 4 Title V acres, presuming that the proposed deed restrictions would be 100% effective in eliminating nitrate loading, with zero margin for error. Given the size constraints of the lots, neither current nor future expansion of the septic systems is an option for achieving drinking water protection if bedroom flows in fact exceed four per lot.

Whatever the discretion of a developer to eliminate Title V's established regulatory septic sizing by supposed "deed restrictions", that discretion cannot be unfettered. Such an interpretation would defy the Massachusetts legal principle that an exception should not be interpreted so as to fully undermine the rule itself. (see, e.g., *Watros v. Greater Lynn Mental Health & Retardation Ass'n*, 421 Mass. 106, 113 (1995) ("a strictly literal reading of a statute should not be adopted if the result will be to thwart or hamper the accomplishment of the statute's obvious purpose, and if another construction which would avoid this undesirable result is possible")). Unfettered discretion would, for example, allow a developer to locate all 4 of these homes (22 Title V bedrooms) on a single 80,000 s.f. parcel (1.83 acres), through the legalistic alchemy of deed restricting them to a nominal 2 bedrooms each, and labeling the other rooms "libraries", "offices" or "dens," increasing the nitrate loading to 275% of the DEP levels. We do not think the Legislature or DEP intended such absurd and unsafe results.

Rather, we think that the developer may propose such restrictions, but that to be allowed, any such deed restrictions must be supported by both common sense and science. Here, the Applicant has submitted plans to the Board that clearly show additional bedrooms in the market rate units. The Applicant argued during the hearings that deed restricting away 6 bedrooms (two for each market rate home) for this small site made sense, because the Applicant team speculated that these very large 4,873 s.f. homes would only be bought by very small families. The local neighbors vociferously disagreed, noting that Sherbon's strong school systems and other favorable attributes tend to draw larger families, not smaller. So, practicality is against betting on all these bedrooms going continuously unused throughout the coming decades.

Nor does science support the requested deed restrictions here. Nitrogen molecules have no

respect whatsoever for lot lines or other legal niceties, and the molecules will go where the water table and concentrations take them. The Fields of Sherborn is a recent local example of judicially mandated deed restrictions being used to override health-based local room count and nitrate loading concerns. Yet the MA DEP public water supply testing records for the Fields of Sherborn (<https://eeaonline.eea.state.ma.us/portal%23!/search/drinking-water>) plainly show an over 87% increase in tested nitrates in only the last three years, reinforcing the concern that misapplied deed restrictions can be misleading legal alchemy, instead of a scientific basis for planning decades of safe, clean drinking water supplies.

Especially with Sherborn's sensitive water table receptors, the Applicant's affiliate's looming 70 bedroom project (as to which the Applicant refused to give any combined nitrate impacts data, in defiance of the PEL), and the express health and safety concerns that were effectively articulated by the BOH, we think the Title V based nitrogen flows from the in-fact 6 bedroom market rate homes proposed here should be rationally anticipated, not pretended away.

Accordingly, the Zoning Board finds that the drinking water required, and wastewater generated, by the Project as proposed represent a substantial risk to the health and safety of the surrounding properties and residents, and it cannot therefore support a waiver of the stricter local Board of Health regulations or imposition of unreasonable and unsupported deed restrictions to artificially manipulate the nitrate flows under the per acre DEP caps.

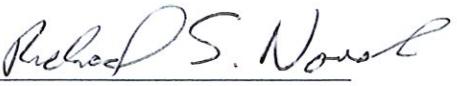
DECISION

In reviewing these Applications, the Board identified concerns relative to health, local water supply and wastewater disposal. The Board was provided evidence showing that the Project could not safely manage the wastewater generated by the Project and could not adequately provide the Project's residents with safe drinking water supplies or protect the drinking water supplies of surrounding properties. Given the opportunity to present opposing evidence, or allow experts retained by parties other than the Applicants to gather such evidence, the Applicants repeatedly failed and refused to do so.

In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board finds that the substantial local concerns related to this Project outweigh the Town's need for affordable housing, and hereby denies the Applicants' applications for comprehensive permits pursuant to Chapter 40B, §§ 20-23, for the development described above.

RECORD OF VOTE

The Board of Appeals voted unanimously (3 -0) at its public meeting on March 8, 2024, to deny the Applicants' applications for Comprehensive Permit, for the foregoing reasons and the Chair of the Board was directed to file this Decision with the Town Clerk, as attested by the signature below.



Richard S. Novak

Richard S. Novak, Chair

Filed with the Town Clerk on March 18, 2024.

(RSN)

EXHIBIT A

28 Greenwood Street
ZBA Hearing Materials

1.	Aerial Picture of Property
2.	40B Application
3.	Assessors Plans with approximately location of houses
4.	Bob Murchison Resume
5.	Desheng Wang Resume
6.	Correspondence to Mass Housing
7.	Directions from 1 Beacon Street (Boston) to 28 Greenwood Street (Sherborn)
8.	Disclosure of Litigation Issue
9.	FEMA Flood Map
10.	Secretary of State Corporate Record for the Applicant
11.	Fidelity Bank Financing Letter
12.	ANR Site plan for subject parcel
13.	(undated) Draft Site Plan by Creative Land and Water Engineering (depicting four ownership units for the Greenwood Street Project)
14.	(undated) Draft Site Plan by Creative Land and Water Engineering (depicting the 40 rental unit Washington Street 40B project)
15.	Greenwood Homes Project Description
16.	Greenwood Homes Project Price Opinion
17.	Greenwood Homes Project Affordable Home Construction Plans, dated 8/11/22
18.	Greenwood Homes Project Market Rate Home Construction Plans, dated 8/11/22
19.	Option to Purchase between AB Realty Trust and Robert W Murchison
20.	Phase 1 (Greenwood Street) Environmental Site Plan
21.	Pictures (6) of Project Site taken from Greenwood Street
22.	Project Eligibility Letter from MassHousing, dated January 9, 2022
23.	Sherborn Select Board Letter to MassHousing, dated December 3, 2022
24.	Letter of Submission to Sherborn Zoning Board of Appeals, dated August 18, 2023
25.	Revised Peer Review Engineering Report, dated October 26, 2023

26.	Greenwood Homes Lot 1 Title V Application & Plan, Dated October 24, 2023
27.	Greenwood Homes Lot 2 Title V Application & Plan, Dated October 24, 2023
28.	Greenwood Homes Lot 3 Title V Application & Plan, Dated October 24, 2023
29.	Greenwood Homes Lot 4 Title V Application & Plan, Dated October 24, 2023
30.	Project Description - Greenwood Homes (August 2023)
31.	CLAW FINAL - Comprehensive Permit Plan Set (August 18, 2023)
32.	Greenwood Street Wetland Deliniation [sic] October 2022
33.	CLAWE Soil Testing Report (December 2022)
34.	Petition for Relief, dated October 5, 2024
35.	List of Requested Waivers, dated July 28, 2023
36.	Request for Findings of Fact, dated July 27, 2023
37.	Greenwood Homes ZBA Presentation, dated September 6, 2023
38.	Tetra Tech Peer Review Contract, dated September 8, 2023
39.	Greenwood Homes-Peer Review Report, dated October 2, 2023
40.	CLAW Updated Site Plan, dated October 18, 2023
41.	CLAW Response to Peer Review Report, dated October 20, 2023
42.	Clawe [sic] Plan Change Tracking Details, dated October 24, 2023
43.	Greenwood Homes Lot 1 Title V Application & Plan, dated October 24 2023
44.	Greenwood Homes Lot 2 Title V Application & Plan, dated October 24 2023
45.	Greenwood Homes Lot 3 Title V Application & Plan, dated October 24 2023
46.	Greenwood Homes Lot 4 Title V Application & Plan, dated October 24 2023
47.	Energy & Sustainability Comments, dated November 28, 2023
48.	CLAWE - Response to peer review and plan change updated, December 6, 2023
49.	CLAW Reply to Letter of Deficiencies from Sherborn BOH (December 11, 2023)
50.	Clawe - Greenwood St - septic Lot 1 R1, dated December 11, 2023
51.	Clawe - Greenwood St - septic Lot 2 R1 (December 11, 2023)

52.	Clawe - Greenwood St - septic Lot 3 R1 (December 11, 2023)
53.	Clawe - Greenwood St - septic Lot 4 R1 (December 11, 2023)
54.	Final 3 - Comprehensive Permit Plan - 12 05 23 (December 11, 2023)
55.	Energy and Sustainability Comments – Greenwood Homes, dated 28, 2023
56.	Updated Title V Septic Plans for Lots 1, 2, 3 and 4, dated December 21, 2023
57.	Final Comprehensive Permit Plan, dated December 18, 2023
58.	Abutter's Letter (Shannon) to ZBA & BOH, dated January 21, 2024
59.	Abutter's Letter (Stoessell) to ZBA & BOH, dated January 21, 2024)
60.	Abutter's Letter (Wesolowski) with Attachments, dated January 22, 2024
61.	Abutter's Letter (Wallach) to BOH and ZBA, dated January 22, 2024
62.	Abutter's Letter (Adduci) to ZBA & BOH, dated January 23, 2024
63.	Abutter's Letter (Mahoney) to ZBA & BOH, dated January 23, 2024
64.	Abutter's Email (Beaudouin) to ZBA & BOH, dated January 23, 2024
65.	Abutter's Letter (Delgado) to Sherborn ZBA & BOH, dated January 29, 2024
66.	Draft Greenwood Street Sherborn Waiver List, dated January 31 2024
67.	Letter to BOH and ZBA - Greenwood Homes and Washington Homes, dated February 3, 2024
68.	Abutter's Letter (Garvey) - Greenwood Homes, dated February 1, 2024
69.	Abutter's Letter (Mulhall) Washington-Greenwood Mulhall, dated February 5, 2024
70.	Email from Abutter (Wallach) - Greenwood Homes, dated February 2, 2024)
71.	Email from Abutter (Wesolowski) including attachment, dated February 2, 2024
72.	Email from Abutter (Wesolowski) Greenwood Homes, dated February 5, 2024
73.	BoH Comments and Recommendations (February 5, 2024)
74.	Email from Bob Murchison - Response to BOH letter, dated February 8, 2024