

COMMONWEALTH OF MASSACHUSETTS
HOUSING APPEALS COMMITTEE

41 NORTH MAIN STREET, LLC,)
APPELLANT)
v.) No. 2021-06
SHERBORN BOARD OF APPEALS)
APPELLEE)

)

ORDER OF REMAND

Upon review of Appellant 41 North Main Street, LLC's (the "Applicant") Notice of Project Change dated June 4, 2024, as well as the Board's response dated June 7, 2024 and the Applicant's further response dated July 2, 2024, this matter is remanded in accordance with 760 CMR 56.07(4) to the Sherborn Zoning Board of Appeals for consideration of substantial changes to the Applicant's proposal at a public hearing as follows:

A. **Timetable for Remand.**

1. By August 16, 2024, the Applicant shall notify the Subsidizing Agency in writing of the proposed changes pursuant to 760 CMR 56.04(5), and shall also file a copy of such notification with the Committee.

2. The Applicant shall file with the Committee a copy of the Subsidizing Agency's response thereto no later than one business day following its receipt of the response.

3. The Board shall commence its hearing on remand no later than thirty (30) days following the date of the filing of the Subsidizing Agency's response with the

Committee or within fifteen (15) days after the filing of the Applicant's notification, whichever is earlier.

4. The public hearing shall not extend beyond ninety (90) days from the date of the opening of the public hearing, presuming the Applicant has made timely submissions of materials in response to reasonable requests of the Board, as provided in 760 CMR 56.05(3). The time to complete the public hearing may be extended with the Applicant's consent, or for good cause upon motion to the Committee.

5. The Board's written decision shall be issued within forty (40) days of the close of the public hearing, as required by 760 CMR 56.07(4).

6. The Board shall render a written decision on the proposed revisions and timely file it with the Sherborn Town Clerk.

7. If the Board's decision is not satisfactory to the Applicant, it shall file a written notice of appeal of the remand decision within 20 days of the filing of the Board's remand decision with the Town Clerk, enclosing a copy of the remand decision, and a request for the scheduling of a conference before the Committee.

8. If the Board's decision is satisfactory to the Applicant, it shall file with the Committee an assented-to motion to withdraw this appeal within 30 days of the filing of the Board's remand decision with the Town Clerk.

B. Scope of the Hearing. The scope of the hearing is limited to the substantial changes in the proposal and aspects of the proposal affected thereby, including the following matters as they relate to the foregoing:

- i. Wastewater treatment
- ii. Water Supply

- iii. Traffic access and egress to/from the site
- iv. Change in structures from garden-style apartment buildings to duplex-triplex units.

C. Committee Jurisdiction. The Committee shall retain jurisdiction of this matter.

HOUSING APPEALS COMMITTEE
Shelagh A. Ellman-Pearl, Chair
Presiding Officer

By:



Caitlin E. Loftus

August 15, 2024