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PAUL J. HAVERTY
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July 2, 2024

Via Email

Veronica Barros, Clerk
Housing Appeals Committee
100 Cambridge Street, Suite 300
Boston, MA 02114

RE: 31 Hunting Lane, LLC v. Sherborn Board of Appeals
No. 2021-05
41 North Main Street, LLC v. Sherborn Board of Appeals
No. 2021-06
Notice of Project Change

Dear Ms. Barros:

This office represents the applicants 31 Hunting Lane, LLC and 41 North Main Street, LLC in the above-referenced appeals. On June 6, 2024 counsel for the Sherborn Zoning Board of Appeals (the “Board”) wrote in opposition to the Notice of Project Change filed by the Applicant on June 4, 2024. In his letter, Town Counsel argues that the modified plans do not identify the proposed source of drinking water for the projects. That is because there has been no proposed change in the source of the drinking water for the two projects. The source for drinking water for each project will be at property owned by a related entity of the two projects located at 0 Hunting Lane, consistent with the source of drinking water in the original proposals. This property is not located on the land subject to the Chapter 61B litigation, therefore there is no use of the Chapter 61B property to service the project at 41 North Main Street. A copy of the water supply plan for 31 Hunting Lane is attached hereto as Exhibit “1”. A copy of the water supply plan for 41 North Main Street is attached hereto as Exhibit “2”.

Town Counsel also claims in his letter that the Chapter 61B litigation has not been resolved, therefore the Board should not have to proceed on a hearing on the 31 Hunting Lane property. As noted in the Notice of Project Change, it is necessary for this matter to be remanded back to the Board to review the modification, we are not asking for the stay to be lifted on the proceedings before the Committee. If the Board would prefer not to have the 31 Hunting Lane matter remanded back to it, then it could simply assent to the modification as an insubstantial change, leaving the matter stayed before the Committee. Absent such step by the Board, it is necessary for this matter to be remanded back to the Board for a hearing to determine whether or not the Board will accept the modification. Given the history of Chapter 40B developments in the Town of Sherborn, the Applicant

has no expectation that the Board will vote to approve the Project, but it may choose to approve the modification to allow the appeal to move forward on the less impactful development. In either event, the Applicant respectfully requests that both matters be remanded back to the Board.

If you have any questions regarding this matter, please feel free to contact me.

Very Truly Yours,



Paul J. Haverty

Cc. Client
Andrew Goloboy, Esq. (via email)
Michael Terry, Esq. (via email)
Lynne Sweet