

PLANNING BOARD

James T. Guarino

Stefani Harrison

Frank Hoek

Robert Wolff

Addie Mae Weiss, chair

Andrew Goodearl, associate



Heidi Doyle, Town Planner

The Planning Board has a total of 4 warrant articles for this year's Annual Town Meeting:

- 3 State mandated items (MBTA 3A MOD, ADU and Floodplain Bylaw updates) and
- 1 "housekeeping" zoning updates warrant article.

Zoning Bylaw Updates: The 4th Warrant Article contains a handful of language clean-up and clarity regarding a couple items which our Town Building Inspector and Zoning Enforcement Officer, Chris Canney, have found problematic or simply odd over the past couple years and which he has invested much time to try and educate all of us on the rational for updates. Other changes are the result of systematically taking the two primary Zoning Bylaw sections 2.1, 3.2, 4.1, 2, 3, 4 and 9 make use of the same consistent terms for items.

The Floodplain Bylaw: A routine action with FEMA providing the updated language from Federal and State regulations and is the same across the commonwealth for all towns. Planning board does not have any input in these Bylaw updates.

Accessory Dwelling Unit Update: The ADU bylaw provides a distinction between the new State By Right bylaw and allows Sherborn's existing ADU bylaw to continue to be available for units up to 1200 sf.

MBTA 3A MultiFamily Overlay District (MOD zoning) : With community input we have selected to apply the MOD zoning overlay to a single parcel allowing up to 6 acres of the parcel to have the option for future multifamily development under the State's mandated requirements. As a board we feel this Bylaw puts Sherborn in a good position to be in compliance with the State's mandate. We are currently categorized as a SMALL adjacent community based on a population size under 5k. Holliston, Medfield, Medway, Millis are all adjacent communities with a much greater requirement. As a town if we want to explore other areas, such as town center, for potential multifamily mixed use development we can do so using our local multifamily zoning bylaw (separate from the MBTA MOD bylaw).

The following Pages contain a quick explanation for each article on one page followed by the language in our zoning bylaw and a sidebar with more details about why and what changes are being made.

pages 2-12 ~ **Zoning Updates** bylaw with detailed explanation

pages 13 - 17 ~ **Flood Plain** bylaw with detailed explanation

pages 18 – 21 ~ **ADU** bylaw with detailed explanation

pages 22-36 ~ **MBTA 3A MOD** bylaw with detailed explanation

Zoning Bylaw updates

What's included

- Majority of items are “housekeeping” updates
- Bring certain terms up to current regulations
- Align with state laws
- Clarify terminology and requirements in areas identified by the Town Building Inspector
- Update definitions and overlay districts
- Add language on property division to Affordable Housing bylaw

Specific Modifications

- 240-1.5 Definitions
 - Modifies “Average Lowest Finished Grade” calculation method
 - Clarifies “Structure”

Examples

- Drive-Under Garage (see photo)
- Walk-Out Basement



240-2.1 Classes of Districts

- Removes legacy Residence M (became EA)
- Adds Overlay Districts
- 240-3.2 Schedule of Use Regulations: Amends or adds -
- Renting rooms
- Professional occupation
- Daycares, separate from Private Schools
- Two-family dwelling (Duplex), separate from Multidwellings

240-3.2 Table of Use Regulations

- Changes table to accommodate “Schedule of Use” changes

240-4.1 Basic Requirements

- Amends “shed” to “structure”

240-4.2 Schedule of Dimensional Requirements

- Clarifies minimum lot width concept
- Removes Planning Board authority to grant an exception
- Adds clarification for Overlay District requirements

240-4.3 Special requirements

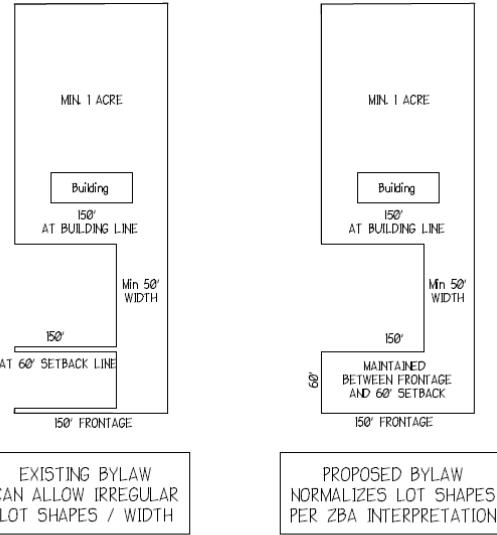
- Clarifies number and types of dwellings on one lot

240-4.4 Street Frontage Special Permit

- Clarifies accessory structure setbacks

240-4.9 Affordable Housing

- Adds industry-standard term “inclusionary zoning”
- Adds language to prevent segmentation of a development projects attempting to avoid affordable housing requirements



CHANGE TO SCHEDULE OF DIMENSIONAL REGULATIONS - LOT WIDTH

(Zoning Language for the Zoning Updates bylaw with detailed explanation pages 29-38)

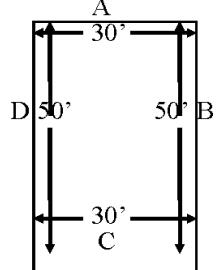
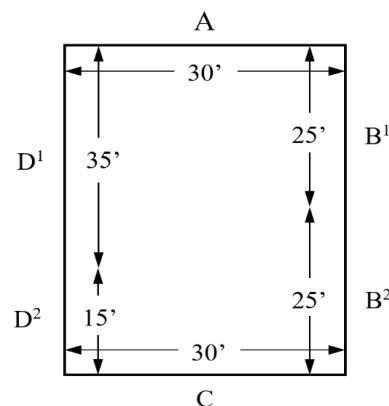
Warrant Articles- Zoning Updates

To see if the Town will vote to amend the Sherborn Zoning Bylaws by amending Sections 240-1.5 Definitions, Section 240-2.1 Classes of Districts, Section 240-3.2 Schedule of Use Regulations (3), (5), (14), (26), adding Section 240-3.2 (14A) and (26A); amending Table of Use Regulations 14A, 26, 26A and footnotes; amending Section 240-4.1 Basic Requirements A, A-1,A-2 and A-5; amending Section 240-4.2 Schedule of Dimensional Requirements footnotes * and #; amending 240-4.3 Special Requirements F; amending 240-4.4 Street Frontage F (5)(b); amending Section 240-4.9 Affordable Housing A (2) and adding A (3), (4) and (5) as listed below; or take any other action relative thereto.

Section 240-1.5 Definitions

AVERAGE LOWEST FINISHED GRADE — *A wall may be divided into sections.* The average (mean) lowest elevation of the ground adjacent to all the *sections of* exterior walls of a building. It is calculated by determining the lowest elevation adjacent to each *section of* wall, weighting that elevation by the length of its adjacent *section of* wall (multiplying the elevation in feet by the length of the *section of* wall in feet), and dividing the sum of all weighted elevation figures by the total length of all exterior walls. The elevation figure used may be the height above mean sea level (msl), elevation relative to the top of the concrete foundation, or some other appropriate fixed point in the discretion of the building inspector. See illustration below:[Added 1996; **amended 2025**]

Small illustration on right to be replaced by new version on left.



Low points at each *section of* wall (height above msl):

A = 100'
B = 90'
B¹ = 95'
B² = 90'
C = 90'
D = 95'
D¹ = 95'
D² = 90'

Low points at each *section of* wall (height above msl):

The current bylaw has many conflicting sections, errors and restrictive regulations. This article attempts to make the bylaw work better for the user and provide additional clarity and flexibility for property owners.

Average Lowest Grade is used to calculate building height. The current bylaw counts the lowest elevation adjacent to each wall for the ENTIRE length of the wall, which can artificially lower the Average Grade calculation, forcing property owners to lower roof lines or dramatically raise the grading to try to make up for the lost height capacity. This change allows the exterior walls to be considered in sections, creating a true “average” grade and not restricting building height so severely. This is especially useful for walk out basements or drive under garages.

*CC proposes deleting “A wall may be divided into sections.” and changing the first sentence to read “The average (mean) lowest elevation of the ground adjacent to all sections of the exterior walls of a building.”

Calculation: weighted elevations:

$$\begin{aligned}A &= 30 \times 100 = 3,000 \\B &= 50 \times 90 = 4,500 \\B1 &= 25 \times 95 = 2,375 \\B2 &= 25 \times 90 = 2,250 \\C &= 30 \times 90 = 2,700 \\D &= 50 \times 95 = 4,750 \\D1 &= 35 \times 95 = 3,325 \\D2 &= 15 \times 90 = 1,350\end{aligned}$$

Total weighted elevation: ~~14,950~~ *15,000*

Total length of walls: 160

Average lowest finished grade: ~~14,950/160 = 93.44~~ *15,000/160 = 93.75*

STRUCTURE. A combination of materials, other than a building, constructed or placed in a fixed location on the ground or attached to anything having a fixed location on the ground. The term structure shall include tennis courts, paddle tennis courts, and swimming pools, but shall not include walls or fences ~~six~~ *seven* feet or less in height, utility poles and guys, *patios at grade, or driveways.* [Added 1980; *amended 2025*]

240-2.1 Classes of Districts

The Town of Sherborn is hereby divided into the following classes of district:

Residence District A

Residence District B

Residence District C

Residence District EA [Added 1991; *amended 2008, 2017, 2023*]

Residence District M [Added 1979; *changed to EA in 2008*]

Business District G [Added 1983]

Business District P [Added 1983]

Overlay Districts

Flood Plain District [Added 1970]

Multi-Family Overlay District [Added 2025]

Wireless Communication Overlay Districts 1 and 2 [Added 1977]

Large-scale ground-mounted solar photovoltaic facilities [Added 2011; amended 2023]

New Diagram and Example Calc.

*Note that this example was not intended to show a large deviation from the old example, only to show the concept of how to measure properly.

Structures must meet building setbacks from property lines. Fences typically are installed on or close to the property lines and have been exempt from setbacks when they are less than 6 feet in height. Recently the building code raised the height of Permit exempt fences from 6 feet to 7 feet. This change aligns the height of a zoning exempt fence with the new building code Permit exempt fence. This section also adds specific exemptions for patios and driveways, so that they would not need to meet building setbacks.

This change updates current Districts and adds references to the existing Overlay Districts in town.

240-3.2 Schedule of Use Regulations

(3) Renting rooms. This use is allowed in all districts. The renting of rooms or the furnishing of table board to not more than four persons not related by blood or marriage residing on the premises. This does not include transients or tourists. *Rooms may only be rented or licensed for occupancy for terms of more than 30 days unless otherwise approved.* [Amended 1973; 2025]

Adding clarifying language: Building Code defines transient occupancy as less than 30 days. Transient rentals are already not permitted, this language specifies the time period permitted.

(5) Professional occupation. This use is permissive in all districts.

(e) There is no exterior storage of material or equipment, including the parking of commercial vehicles and no other exterior indication of such use or variation from the residential character of the premises, *except as otherwise expressly permitted by the Board of Appeals.* [Amended 1973; 2025]

Professional Occupation is a Special Permitted use similar to a Home Occupation but allowing different types of home-based businesses. The current bylaw prohibits any exterior storage of materials or equipment. This change would give the ZBA the ability to allow some types of exterior storage on a case by case basis.

(14) Private School. This use is permissive in all districts.

Daycare center, p Private elementary or secondary school, charitable or philanthropic institution, but not a hospital, rest home or sanitarium (except as permitted by Subsection 13 above. [Amended 1973; 1978; 2025]

Daycares are currently included in the Private School category, which requires a Special Permit in all districts. MGL 40A Section 3 prohibits a town from requiring a Special Permit for Day Cares or Child Care Centers. This change separates Daycares from other private schools and makes them allowed by-right in compliance with State Law.

(14A) *Day care / child care center*
For definition, see M.G.L. c. 15D, s. 1A. [Added 2025]

(26) *Two-Family Dwelling (Duplex) - This use is permissive in Residences A, B, and C Districts where approved as part of an Open Space Subdivision, and prohibited in all other districts.*

Single structure intended for dwelling by two families. Note: a Single Family Home with ADU(s) is not considered to be a Two-Family Dwelling for the purposes of zoning. [Added 2025]

(26A) Multidwellings - This use is permissive in Residence EA Districts, prohibited in all other districts, except as otherwise provided in Section 240-4.5, 240-5.6 or 240-5.7.

Three-family dwelling or larger. Multidwelling buildings must conform in all respects with the purposes and requirements set forth in § 240-5.6 or 240-5.7. **[Added 1970; amended 1991; 4-25-2023 ATM by Art. 23; 2025]**

New specific category for 2 Families to distinguish them from MultiDwellings.

Clarification that single family & ADU is NOT considered a 2 family per State Law.

MultiDwellings are not actually prohibited in all other districts but are allowed under certain circumstances. This adds references to find the applicable sections.

TABLE OF USE REGULATIONS¹ (amended 2013, 2014, 2018, 2025)

Use ²	District					
	RA	RB	RC	REA	BG	BP
14A) Day care/child care center	A	A	A	A	A	A
26) Two-Family Dwelling (Duplex)	OS	OS	OS	P	X	X
26A) Multidwellings**	X	X	X	P	X	X

¹ This table is a summary of Section 3.2, Schedule of Use Regulations, and is not intended to make any substantive change to the Zoning Bylaw.

²See Section 3.2, Schedule of Use Regulations, for definitions.

A = Allowed P = Permissive X = Prohibited NA = Not Applicable

P* = Provided Town Meeting Preliminary Development Plan Approval has been granted

** This use is permissive as otherwise provided in Section 240-5.6 or 240-5.7.

OS = Permissive as otherwise provided in Section 240-4.5.

New Use Definitions need to be entered into the Use Table. Including footnotes for where MultiDwellings are allowed and clarification that 2 family dwellings are allowed by Special Permit as part of an Open Space Subdivision in certain districts.

Section 240-4.1 Basic requirements.

A. Small accessory **shed structure** exception. A reduction to one-half of the values shown in section **240-4.2** for minimum required side and rear setbacks in the Residence A, B and C Districts shall apply to small accessory **sheds-structures** (*including sheds, arbors, pergolas, pavilions, etc.*) provided that they meet the following criteria:

1. The **shed structure** meets the minimum required front setback requirements shown in section **240-4.2**.
2. The **shed structure** is not permanent in nature (*i.e., not on a foundation*);
3. Its area is not more than 250 square feet;
4. Its maximum height is 1.5 stories to allow for a pitched roof, and its height shall not exceed the distance to the nearest lot line;
5. The **shed structure** shall not be used for the parking and storage of automobiles.

Most buildings and structures in town need to meet the same very large setbacks from property lines. Side setbacks are either 30' or 40' across most of the Town. Rear setbacks are 30' across most of Town. This section was added in 2018 to allow small sheds to be $\frac{1}{2}$ the distance to the side and rear lot lines. The bylaw is very clear that it ONLY exempts sheds, not other types of small accessory structures. This change would broaden the classification of buildings/structures that receive the benefit of less restrictive setbacks. The size and height of the structure would need to be the same as for a shed, but this could now include pavilions, arbors, pergolas, and other typical residential accessory structures.

240-4.2 Schedule of Dimensional Requirements *(Amended 1973, 1979, 1980, 1983, 1991, 1995, 1996, 2025)*

District	Minimum Lot Size (in acres)	Minimum Continuous Frontage (in feet)	Minimum Lot Width	Lot Depth	Minimum Setback (in feet)			Maximum Height		Maximum Lot Coverage
					Front	Side	Rear	Stories	Feet	
Residence A	1	150	150*		60**	30	30	2.5	35	
Residence B	2	200	200*		60**	40	30	2.5	35	
Residence C	3	250	250*		60**	40	30	2.5	35	
Residence EA***	6	50	Not applicable	300	100**	60	60	2.5	35	
Business G	None	100	100*	150	60**	15+	--	2.5	35	1/3
Business P	None	100	100*	150	60	30	30	2.5	35	1/3

* Measured both at front setback line and at building line. *Minimum lot width shall be continuously maintained between the frontage and the setback line.* At no point between the required frontage setback line and the building line shall lot width be reduced to less than 50 feet without an exception from the Planning Board.

** Measured from Front Lot Line.

*** With a Special Permit for Multidwellings.

+ From abutting residence district.

Projects allowed by an Overlay District shall follow the dimensional standards of that Overlay District

If any dimensional requirement applicable to a residential district in the foregoing schedule shall be held by judicial process to be invalid with respect to any property that property shall thereafter be subject to the comparable dimensional requirement applicable to the residence district next preceding in the above alphabetical designation.

The current bylaw requires a minimum lot width measured at the street, at the setback line (usually 60') and at another line where the house/building sits. Land Surveyors in the past have read that to mean that a 60' deep block of land with the minimum lot width is required at the front of the property, and that anything behind that block can be reduced to 50' wide before expanding to full lot width again at the building line. Recently, an applicant tested this approach with a lot layout that met the width requirements ONLY at the 3 lines mentioned in the bylaw, but narrowed to 50' between the frontage and the setback line. This created a VERY irregular lot shape that was appealed to ZBA. ZBA determined that the lot width should have been maintained between the street and the setback line. This change codifies their Decision.

Deleting the clause “without an exception from the Planning Board” addresses the fact that an exception from a dimensional requirement is a variance, and variances can only be granted by the Zoning Board of Appeals, not Planning Board.

Section 240-4.3 Special Requirements

F. Number and location of dwellings on one lot. The number and location of dwellings (dwellings in this section including accessory buildings excluding ADUs, apartments, or housekeeping units with approved building permits) on any one lot shall be such that every dwelling thereon can be provided with sufficient land to form a separate lot which will itself be in full conformity to the regulations of this section and on which that dwelling will be in full conformity thereto; and upon alienation of any dwelling, it shall be provided with such a lot and every remaining dwelling on the original lot shall be left capable of being provided therewith. This section shall not apply to duplex or multidwelling projects buildings in a Residence EA District or Open Space Residential Subdivision for which a special permit has been granted pursuant to § 240-4.5 or § 240-5.6, or to projects developed under the Multi-Family Overlay District in § 240-5.7. [Amended 4-25-2023 ATM by Art. 23; amended 2025]

The current bylaw only allows one dwelling per lot unless the lot contains enough frontage and area to make two (or more) conforming lots. ADUs are considered dwellings but are meant to be constructed on lots containing a primary dwelling. This change allows for accessory dwellings to be located on a lot with a primary dwelling where the lot does not need to have enough frontage or area to have multiple conforming lots.

240 -4.4 Street Frontage

F. (5) (b) The Planning Board may by special permit authorize an accessory structure, containing no dwelling units, having no more than 160 gross square feet to be located closer to the side and rear setbacks, but no closer than the setbacks specified in section 240-4.2.

240 -4.9 Affordable housing. [Amended 4-23-2024 ATM by Art. 14, 2025]

A. Purpose and intent.

(1) Affordable housing produced through this section should comply with the requirements set forth in MGL c. 40B, §§ 20 to 23, and related regulations, guidelines issued by Massachusetts Executive Office of Housing and Livable Communities (EOHLC), and other affordable housing programs developed by the Commonwealth of Massachusetts and/or the Town of Sherborn. EOHLC each year provides formulations to define "eligible households," "affordable housing," "subsidized housing inventory (SHI)" and similar terms used throughout this section.

Section 4.4 allows for lots to be created with less frontage, but more area than normally required via a Special Permit. The buildings on those lots are subject to VERY large setbacks. Small structures (under 160 gross sq ft) are already exempted from the large setbacks and so don't need a Special Permit. The Planning Board is SUPPOSED to be able to issue a Special Permit to allow accessory structures LARGER than 160 sq ft to be closer to the lot lines. This would allow for a barn or detached garage to be located in less restrictive locations on a 4.4 Lot.

(2) The purpose of this affordable housing (*also known as “inclusionary zoning”*) section is to create housing opportunities in Sherborn for people of varying ages and income levels; to increase the supply of affordable housing for eligible households with low and moderate incomes; to promote a mix and geographic distribution of affordable housing throughout the Town; to provide housing options for people who work in Sherborn; and to create housing units eligible for listing in the subsidized housing inventory.

(3) *No proposed development (“project”) shall be phased solely to avoid the provisions of the affordable housing requirements in this section.*

(4) *If a project is phased such that the duration between completion of one phase and the initiation of the next phase is less than five years, the affordable housing requirements in this section shall apply to the aggregate project.*

(5) *If the project is phased, the affordable housing units shall not be delayed to the last phase.*

(6) *A project may not be segmented to avoid the provisions of this section, nor may a developer divide or subdivide property or establish surrogate or subsidiary business entities to avoid the provisions of this section. If a project is segmented, subdivided, or held under surrogate or subsidiary business entities, the affordable housing requirements in this section shall apply to the aggregate project.*

“Inclusionary Zoning” is a term that is frequently used to refer to affordable housing. Currently if someone uses the search feature to see if the Town has an “Inclusionary Zoning” bylaw it would yield 0 results. This would allow people to find our Affordable Housing Zoning bylaws.

Currently the Town requires any development of 6 or more units to designate a portion as affordable units, to maintain achievement toward the goal of 10% affordable housing units. A developer could develop 5 units on a parcel, then later develop another 5, staying under the 6 units triggering the affordable housing requirement. This “segmentation” increases our housing stock and decreases the percentage of affordable houses, moving us further away from the 10% affordable housing goal. The proposed additional language would not allow projects to be “segmented” but look at the aggregate amount of units in the project.

Flood Plain District Overlay

Mandatory updates

From FEMA to meet minimum National Flood Insurance Program (NFIP)

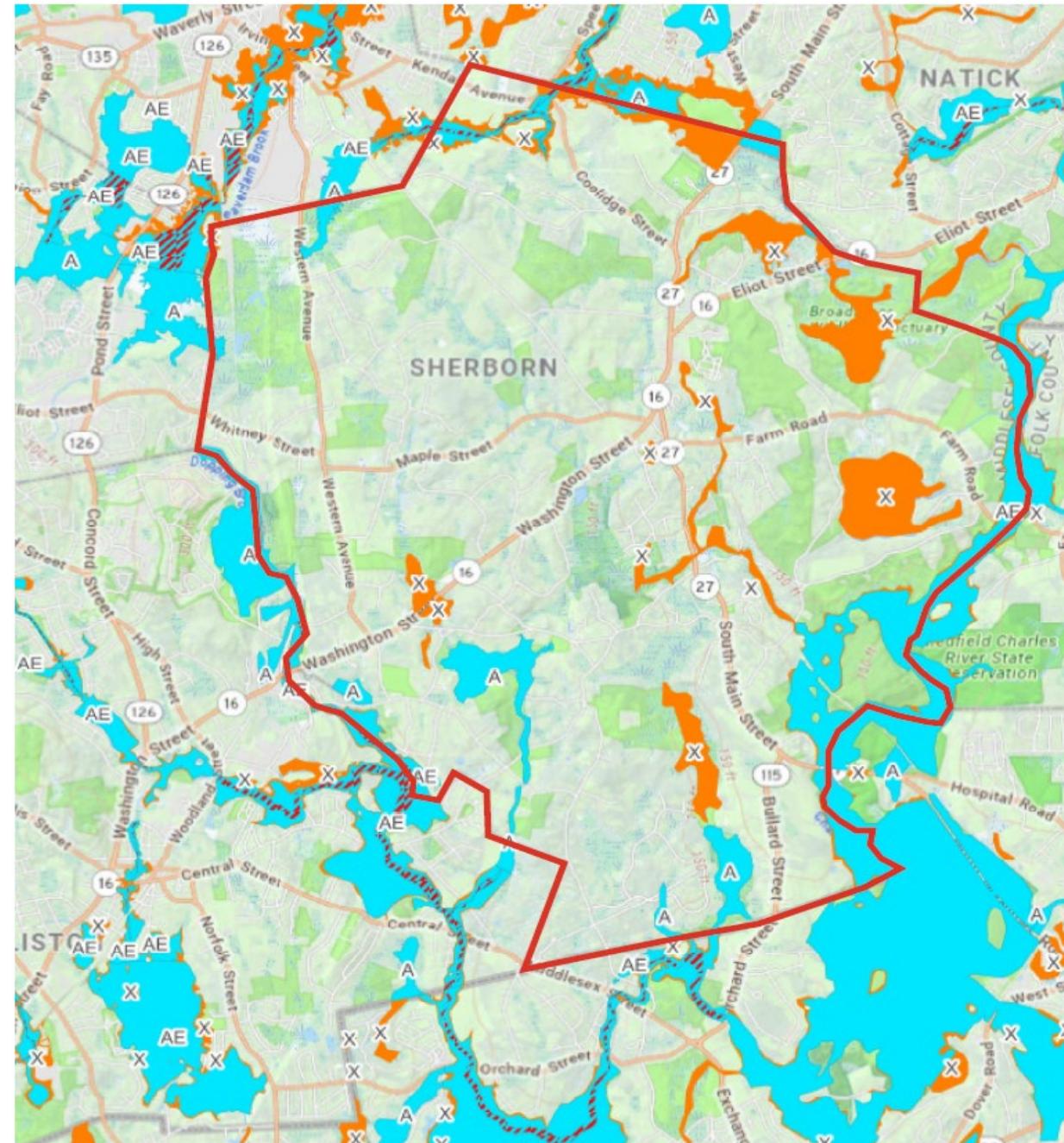
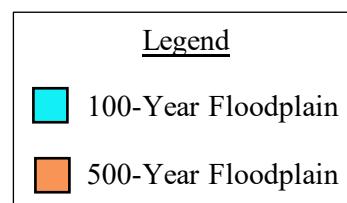
Federal requirement for communities that choose to participate in the NFIP

- District boundaries correspond to Flood Plain maps (recently updated by FEMA)
- **This Bylaw:** Updates map and adds recommended changes by DCR's Flood Management Program

Specific Modifications:

- No buildings in flood plains, even by special permit
- Remove specific street addresses from agencies
- Flood Plain District Map (provided by FEMA)

(Zoning Language for the Flood Plain bylaw with detailed explanation pages 23-26)



Warrant Article- Mandatory Flood Plain District Updates

To see if the Town will vote to amend the Sherborn Zoning Bylaws to incorporate the Flood Plain District updates required by the State by amending Sections 240-5.5 C (3), (4), (5), (6) and (7); D, E (2), F, G and I (1)(b) as listed below; or take any other action relative thereto.

240-5.5 Flood Plain District (Added 1970, amended 1980; 210;2014; 4-26-2022 ATM by Art, 22; 2025

C. Regulations. A Flood Plain District shall be considered to be an overlay district superimposed over any other district established by Sherborn Zoning Bylaw. Land in a Flood Plain District may be used for any purpose otherwise permitted in the underlying district except:

(3) ~~If any land included in a Flood Plain District is found by the Board of Appeals not in fact to be subject to seasonal or periodic flooding, the Board of Appeals may grant a special permit in accordance with the provisions of § 240-6.2C for the use of such land for any purpose permitted in the underlying district. The Board of Appeals may consider the elevation of the particular land, its history of flooding and any other relevant evidence. The Board of Appeals may request and consider information on the question from any other public official, board, or agency.~~

(4) (3) A portion of any lot in a Flood Plain District may be used to meet lot area requirements for the residential district over which the Flood Plain District is superimposed, provided that such portion in the Flood Plain District does not exceed 25% of the minimum lot area in Residence District A, 50% of the minimum lot area in Residence District B, and 60% of the minimum lot area in Residence District C. Land in the Flood Plain District may not be used to meet lot area requirements in business districts.

(5) (4) Whenever an application is made for a building permit which the Building Inspector believes may involve the use of land in the Flood Plain District, the Inspector shall require the applicant for such permit to provide, as part of such application, a plan of the lot on which such building is intended to be built showing the land contours at two-foot intervals,

To maintain the Town's membership in the National Flood Insurance Program (NFIP), Sherborn's Flood Plain Bylaw must be periodically updated to reflect changes in FEMA (Federal Emergency Management Agency) regulations and maps. These changes are mandatory and have been provided by the State DCR Flood Hazard Management Program which implements FEMA's regulations at the State level. They will go into effect July 8, 2025.

This section allowing the ZBA to effectively waive Flood Zone requirements based on local reporting is not permitted by FEMA.

related to elevations above mean sea level, indicating the bench marks used and certified by a registered land surveyor. [Amended 4-25-2023 ATM by Art. 23]

(6) ~~The provisions of § 240-5.5 shall not apply to any building or structure in a Flood Plain District that was in existence at the time of the adoption of § 240-5.5. Notwithstanding the provisions of § 240-1.4, such buildings may be repaired, restored, altered, enlarged or rebuilt in compliance with all other zoning laws and applicable state and municipal laws and regulations, provided that any such altered, enlarged or rebuilt building shall not substantially interfere with the natural water storage capacity of the land or the natural flow of water.~~

(7) (5) In A, A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready. Town of Sherborn, MA

D. **Location of Flood Plain District.** The Floodplain District is herein established as an overlay district. The district includes all special flood hazard areas *within Sherborn* designated *as Zone A, AE, AH, AO, A99, V or VE* on the *Town of Sherborn's Middlesex County* Flood Insurance Rate Map (FIRM) *dated July 8, 2025* issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. *The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Sherborn are panel numbers 25017CO518F, 25017CO519F, 25017CO538F and 25017CO631F dated July 7, 2014, and 25017CO 39E, 25017CO632E, 25017CO633E, and 25017CO 634E, dated June 4, 2010, on the Flood Boundary and Floodway Map (if applicable) dated These maps indicate the 1% chance regulatory floodplain.* The exact boundaries of the district shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report *dated July 7, 2014 July 8, 2025*. The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, and Conservation Commission, and are hereby made a part of the Zoning Map and are incorporated herein by reference. [Amended 4-25-2023 ATM by Art. 23]

This section allowing existing structures in the Flood Plain to be altered without following FEMA requirements is not permitted by FEMA.

New Flood Zone types added to match new Flood Maps.

References to specific Flood Maps are being removed to prevent the Bylaw from falling out of compliance when maps are updated.

E. Floodway and base flood elevation data.

(2) Designated regulatory floodways. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM or Flood Boundary and Floodway Map, encroachments are prohibited, *including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not in the regulatory floodway which would* result in any increase in flood levels within the community during the occurrence of the base flood discharge.

F. Notification of watercourse alteration. In a riverine situation, the Conservation Commission agent shall notify the following of any alteration or relocation of a watercourse:

Adjacent communities, especially upstream and downstream Bordering states, if affected

NFIP State Coordinator

Massachusetts Department of Conservation and Recreation **251 Causeway Street, 8th Floor, Boston, MA 02114**

NFIP Program Specialist

Federal Emergency Management Agency, Region I **99 High Street, 6th Floor, Boston, MA 02110**

Requirements to submit new technical data. If the Town/city acquires data that changes the base flood elevation in the FEMA mapped special flood hazard areas, the Town/city will, within six months, notify FEMA of these changes by submitting the technical or scientific data

G. that supports the change(s). Notification shall be submitted to:

New language from FEMA regulations.

The State has been moving many departments' physical offices and did not want the Bylaw to contain outdated addresses.

NFIP Program Specialist

FEMA Region I Risk Analysis Branch Chief
99 High Street, 6th Floor Boston, MA 02110

And a copy of notification to:

Massachusetts NFIP State Coordinator

Massachusetts Department of Conservation and Recreation ~~251 Causeway Street~~
~~Boston, MA 02114~~

I. **Variances.**

(1) A variance from this floodplain section must meet the requirements set out by state law, and may only be granted if: **[Amended 4-25-2023 ATM by Art. 23]**

- (a) Good and sufficient cause and exceptional nonfinancial hardship exist;
- (b) The variance will not result in additional threats to public safety, extraordinary public expense, *creating nuisances, cause or* fraud *on* or victimization of the public; and
- (c) The variance is the minimum action necessary to afford relief to the applicant.

More FEMA language

Accessory Dwelling Unit (ADU) updates

Proposed Compliance: 2 categories of ADUs

	Keep Special Permit ADU (formerly, "Apartments")	Add Protected Use ADU
Why?	Preserve past Town decision	Required by State Law
Size	up to 1,200 square feet	Up to 900 square feet
Requires a Special Permit?	YES (Renewed every 4 years)	NO
Do local regulations apply?	YES	YES
Owner residence requirement?	YES (Owner required to live in either primary or accessory dwelling)	NO
Restrict short-term rentals?	YES	YES
How many allowed?	1	1

Definitions (§240-1.5)

- Clarify "Dwelling Unit" to be consistent with the State Law.
- Amend certain definitions to clarify/reference ADUs.

Schedule of Use Regulations (§240-3.2)

- Change existing ADU ("Apartments") to "Special Permit ADU"
 - Clarify language
 - Restrict to 1 per single family home
- Add "Protected Use ADU"
 - Add State's language / reference
- Update Table of Use Regulations to include both categories
- Protected Use Accessory Dwelling Units [Added 2025] This use is allowed in all Districts. An attached or detached Accessory Dwelling Unit (ADU) that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is protected by M.G.L. c. 40A, s. 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition. Such unit may only be rented or licensed for occupancy for terms of more than 30 days*
- Zoning Language for the ADU bylaw with detailed explanation pages

Warrant Article- ADU Compliance

To see if the Town will vote to amend the Sherborn Zoning Bylaws pertaining to accessory dwelling units to be in compliance with State laws by amending Sections 240-1.5 Definitions, 240-3.2 Schedule of Use Regulations (1), (2), (2)(a), (2)(a) 8, adding Section 240-3.2 (2A) ; amending Table of Use Regulations 2, 2A, as listed below; or take any other action relative thereto.

Section 240-1.5 Definitions

ACCESSORY BUILDINGS AND USES — An accessory building or accessory structure is a building or structure designed, constructed and/or devoted exclusively to a use subordinate to and customarily incidental to the principal use. An accessory use is a subordinate use of a building or other structure or of the premises which is customary in connection with the principal use and clearly incidental thereto and which does not constitute a conversion of the principal use of the premises to one not permitted. ~~not inclusive of ADUs and Apartments~~ *For Protected Use ADUs and Special Permit ADUs (formerly, Apartments), see Section 240-3.2.* [Amended 1973; 1980; 2025]

DWELLING UNIT. ~~A room, group of rooms, or dwelling designed, constructed and/or equipped exclusively for use as a complete living unit for one family, including living, sleeping, cooking and sanitary facilities, and which is directly accessible from the outside or through a common hall without passing through any dwelling unit.~~ [Added 1979; amended 1980; 4-25-2023 ATM by Art. 3; 2025] *A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

HOUSEKEEPING UNIT. A separate housekeeping unit contained within a single-family detached dwelling or in an accessory building which has separate kitchen facilities for the storage, preparation or serving of food and separate living, sleeping or sanitary facilities. [Added 1973; amended 1982; *replaced with Protected Use ADU and Special Permit ADU in 2025*]

The Affordable Homes Act was passed 8/6/24 and included changes to MGL 40A (Zoning) to allow Accessory Dwelling Units (ADUs) by-right in any zoning district that allows single family dwellings across the Commonwealth. Following this change the State adopted 760 CMR 71- Protected Use Accessory Dwelling Units which regulates the construction of ADUs.

ADUs are a type of Accessory Building/Use. This change adds a reference directing users to the new ADU section

Revised Definition taken directly from 760 CMR 71 to better align with new State regulations.

A Legacy Definition that was a precursor to the current “Apartment”. Both terms are being replaced with new ADU definitions from 760 CMR 71.

MULTIDWELLING. A building containing ~~two three~~ or more dwelling units *excluding Protected Use and Special Permit ADUs (formerly Apartments and Housekeeping Units)*. A multidwelling may be a series of attached or semidetached townhouses or row houses (dwelling units sharing one or more party walls and each having at least one floor at ground level with direct access to outside on two or more sides) or a garden apartment building (dwelling unit sharing a common entry hall or stairway). [Added 1979; amended 4-25-2023 ATM by Art. 23; 2025]

Section 240-3.2 Schedule of Use Regulations

(1) **Single-family home** - this use is allowed in all districts.

Single-family detached dwelling ~~containing one housekeeping unit~~, together with *Protected Use and Special Permit ADU(s) (formerly Apartment or Housekeeping Unit)*, accessory buildings, including a garage for not more than three automobiles. The number of such dwellings with such accessory buildings on any one lot shall not exceed the number which can be located thereon in conformity to § 240-4.2 § 240-4.3.F.

(2) *Apartment Special Permit Accessory Dwelling Units (formerly, Apartment) for units larger than Protected Use ADUs but less than 1200 square feet or less* - this use is permissive in all districts. [Amended 2025]

(a) *One additional dwelling unit accessory to a Single-family detached dwelling home, together with accessory buildings, contained within the home in the dwelling or in an accessory building, one additional housekeeping unit* provided:

8. Such unit may *only not* be rented or licensed for occupancy for terms of *less more* than 30 days, ~~whether through Airbnb or similar service or directly by or on behalf of the owner~~. The intent of this article is to increase the diversity of housing stock in the Town that is available for people who want to reside in Sherborn.

9. *Only one ADU on a lot may qualify as a Special Permit ADU.*

Under the current zoning bylaw 2 family dwellings are included in the definition of "MultiDwelling" but are allowed in certain instances where 3+ family dwellings are not. This change makes a clear distinction between the two types of buildings.

Per 760 CMR 71 – Single Family Dwellings with ADUs are not considered 2 family dwellings for zoning purposes. Also corrected reference to bylaw.

This picks up the term change from Apartment to Special Permit ADU and notes the size distinction between protected-use and special permit ADUs.

Clearing up clunky language.

Change to affirm that rentals ARE allowed, just with a minimum duration

Limits multiple ADU's on one property

(2A) **Protected Use Accessory Dwelling Units [Added 2025]** This use is allowed in all Districts. An attached or detached Accessory Dwelling Unit (ADU) that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is protected by M.G.L. c. 40A, s. 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition. Such unit may only be rented or licensed for occupancy for terms of more than 30 days.

New Definition taken directly from 760 CMR 71.

TABLE OF USE REGULATIONS¹ (amended 2013, 2014, 2018, **2025)**

Use²

Use ²	District					
	RA	RB	RC	REA	BG	BP
2) Apartment Special Permit ADU	P	P	P	P	P	P
2A) Protected Use ADU	A	A	A	A	A	A

Term change from “Apartment” to “Special Permit ADU” and introduction of new “Protected Use ADU” per 760 CMR -71

MBTA 3A Multi-family Overlay District (MOD)

Brief History

- 2021 State law: MBTA Communities Act
- 177 MBTA communities must create a zoning overlay for multifamily housing
- Sherborn is a “small adjacent community” to be compliant by December 31, 2025.
- Zoning is what can be done on a parcel. There is no project proposed.
- Requires adopting a Bylaw and designating a compliant zone

Proposal for Compliance

- Requirements:
 - A minimum of 78 multifamily units
 - Up to 15 units per acre
- Equates to ~ 6 acres of land, up to 90 units based on (6 x 15 units per acre) - parcel to be ZONED, not required to build
- Hearings comments and survey (164 responses) preferred a zone not in the historic district but near transportation and infrastructure
- 36 Kendall Ave designated as MBTA 3A Multifamily Overlay District
 - ~21-acre parcel total
 - Up to one 6-acre portion could be developed
 - Owner representatives do not oppose overlay
 - Adds an additional use option

What happens if we don't comply

- The MA Attorney General has authority and is enforcing the law
- Lawsuit from Attorney General cost Milton @\$300,000
- Loss of grant funding opportunities
 - Since 2021 Sherborn has receive \$3.2 million funds/earmarks. Recently:
 - Sherborn Roundabout: \$839,000
 - Digitization of records and Woodhaven-Leland Well: \$200,000
 - These and other grant programs (technology, protection, education) will give preference to MBTA compliant communities

Warrant Article- MBTA Multi-family Overlay District Bylaw

To see if the Town will vote to amend the Sherborn Zoning Bylaws by adding section 240-5.7 Multi-family Overlay District (MOD), amending Section 240-9.1 Sherborn's Zoning Map, which is attached to Section 240 as attachment 2, and amending any other associated sections, where applicable, as listed below; or take any other action relative thereto.

Section 240-5.7 Multi-family Overlay District

A. Purpose. The Purpose of the Multi-family Overlay District (MOD) is to allow up to 6 acres of multi-family housing at a density of 15 units per acre as of right per Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

- (1) Promote public health, safety and welfare by encouraging the production of various housing sizes and types to provide equal access to new housing throughout the community to meet the various needs for people and households of all incomes, ages and sizes.
- (2) Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
- (3) Increase the municipal tax base through private investment in new residential developments.

B. Establishment and Applicability. This MOD is an overlay district superimposed over the underlying zoning district and is shown on the Zoning Map.

This new bylaw would allow Sherborn to be in compliance with the 2021 MBTA Communities Act, in response to the housing crisis. 177 MBTA communities must create a **zoning overlay** for multifamily housing. Sherborn is designated a “small adjacent community” based on a population <5000, which means our total housing requirement for the zone is far smaller and our timeline for compliance is longer than other MBTA adjacent towns. Sherborn is mandated to be in compliance by December 31, 2025. This requires adopting the bylaw and designating a compliant zone.

The Planning Board has been working on this since 2022 with many public hearings, meetings, a community survey, community mailings and other outreach sessions. Information has been available on the website and on youtube.

- (1) **Applicability of MOD.** An applicant may develop up to six acres of multi-family housing within an MOD per the provisions of Section 240-5.7.
- (2) **Maximum extent.** The total maximum area of land that may be developed for multi-family housing at the by right density of 15 units per acre shall not exceed 6 acres within the MOD. Once the Planning Board has granted Site Plan Approval for a project or projects having a combined total area of 6 acres, no further development for multi-family housing at the by right density shall be allowed. No project shall be allowed that would result in development of more than a combined total of six acres for multi-family housing at the by right density with the MOD.

Based on the input received from the community, we have chosen to designate the 21 acre parcel at 36 Kendall as the MOD zone, and allowing one 6 acre parcel to be developed for multifamily housing per this bylaw. This parcel is the closest to public transportation with potential access to water and sewer. The owners do not oppose this overlay zoning. This is an additional option and the current zoning remains in place.

(3) **Underlying Zoning.** The MOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right in the MOD. Uses not identified in Section 240-5.7 are governed by the underlying zoning district(s) requirements.

Discusses what an overlay district does and what the density requirements are.

(4) **Density Protection.**

- (a) No other provision or requirements in the Zoning Bylaw shall reduce the effective density of a multi-family housing project below 15 units per acre within the MOD.
- (b) The Planning Board shall have the authority to waive or modify any conflicting dimensional or design standards imposed by other sections of the Zoning Bylaw if such standards would result in a reduction of the base density of 15 units per acre for multi-family housing within the MOD.

C. **Definitions.** For Section 240-5.7, the following definitions shall apply. See Section 240-1.5 of the Zoning Bylaws for all other definitions.

(1) **Affordable Unit.** A multi-family housing unit that is subject to a use restriction recorded in a chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.

(2) **Affordable housing.** Housing that contains Affordable Units eligible for listing in the EOHLC's Subsidized Housing Inventory.

(3) **Applicant.** A person, or organization that applies for a building permit, Site Plan Review, or Special Permit.

(4) **Area Median Income (AMI).** The median family income for the Boston-Cambridge-Quincy- MA-NH HUD metropolitan statistical

Definition section

region that includes the Town of Sherborn as defined by the U.S. Department of Housing and Urban Development (HUD).

- (5) As of right.** Development that may proceed under the Zoning in place at the time of application without needing a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- (6) Building coverage.** The maximum area of the lot can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
- (7) Compliance Guidelines.** *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended by EOHLIC from time to time.
- (8) EOHLIC.** The Executive Office of Housing and Livable Communities (formerly Department of Housing and Community Development, also known as DHCD) or any successor agency.
- (9) Development Standards.** Provisions of **Section 240-5.7 F General Development Standards** made applicable to projects within the MOD.
- (10) MBTA.** Massachusetts Bay Transportation Authority.
- (11) Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
- (12) Multi-family zoning district.** A zoning district, either as a base district or an overlay district, in which multi-family housing is allowed as of right.
- (13) Open space.** Contiguous undeveloped land within a parcel boundary.

(14) **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for this definition.

(15) **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(16) **Section 3A.** Section 3A of Chapter 40A of the Massachusetts General Laws.

(17) **Site plan review authority.** The Planning Board is responsible for Site plan review within the MOD.

(18) **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by the EOHLC used to measure a community's stock of low-or-moderate-income housing for M.G.L. Chapter 40B, the Comprehensive Permit Law.

D. Permitted Uses.

(1) **Uses Permitted As of Right.** The following uses are permitted as of right within the MOD. See Section 240-3 of the Zoning Bylaws for all other uses allowed as of right in the underlying zones.

- Multi-family housing, up to 15 units per acre, up to six acres.

(2) **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.

- Parking, including surface parking on the same lot as the principal use.

This bylaw allows for multifamily as of right in this MOD

- b. As of right accessory uses appropriate to the above permitted uses per 240 Article III of the Zoning Bylaws for uses allowed as a right or special permit in the underlying zones.

E. Dimensional Standards

(1) Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the MOD are as follows:

Standard	
Lot Size	
Minimum (SF)	10,000
Additional Lot Square Footage by Dwelling Unit (SF)	1,000
Height ⁽²⁾	
Stories (Maximum)	2.5
Feet (Maximum)	35
Minimum Open Space	25%
Maximum Building Coverage	50%
Setbacks	
Minimum Frontage (ft)	50
Front Setback (ft)	20
Side Setback (ft)	10 feet if abutting business use only; 30 feet if abutting residential
Rear Setback (ft)	10 feet if abutting business use only; 30 feet if abutting residential

(1) Multi-Building Lots. In the MOD, lots may have more than one principal building.

(2) Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.

F. Off-Street Parking

These parking requirements apply to development in the MOD. **Number of parking spaces.** The following **minimum** numbers of off-street parking spaces shall be permitted by use:

Use	Minimum Spaces
Multi-family	1.5 parking spaces per Dwelling Unit

G. General Developmental Standards

(1) Development standards in the MOD are applicable to all multi-family housing projects. These standards are components of the Site Plan Review process in **Section J Site Plan Review.**

(2) Site Design.

a. **Connections.** Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.

Specific Standards of the MOD listed [here](#)

- b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
- c. **Screening for Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 6 (six) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
- d. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure. Pervious materials are encouraged.
- e. **Open Space and Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- f. **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) using LED lamps, and shall provide the illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing skylight.
- g. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- h. **Dumpsters.** Outdoor dumpsters shall be screened by a combination of fencing and plantings.



- i. **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Town of Sherborn MS4 permit.

(3) **Buildings: General.**

- a. **Position relative to the principal street.** The primary building shall have its principal façade and entrance facing the principal street.
- b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

(4) **Buildings: Multiple buildings on a lot.**

- a. Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- b. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- c. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- d. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

(5) **Buildings: Shared Outdoor Space.** Multi-family housing shall have common outdoor space that all residents can access. Such space may be in any combination of courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.

(6) **Buildings: Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

- a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
- b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
- c. Fire exits serving more than one story shall not be located on either of the street-facing façades.

(7) **Buildings: Infill Lots.** If adjacent buildings comply with the minimum front setback requirements of 5.7.5 Dimensional Standards, infill buildings shall meet those requirements as well. Otherwise, infill buildings may match the setback line of either adjacent building or an average of the setback of the two buildings to provide consistency along the street.

(8) **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade while minimizing the extent of impervious surface.

- a. **Surface parking.** Surface parking shall be located at the rear or side of the principal building. Parking shall not be in the setback between the building and any lot line adjacent to the public right-of-way.
- b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.

- c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings shall be subordinate in design and placement to the multi-family building(s) on the lot.

(9) **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this **Section G General Development Standards**, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MOD.

H. Affordability Requirements.

(1) **Applicability.** The provisions of Zoning Bylaw Section 240- 4.9 Affordable Housing shall apply in the MOD.

Follows Town's Affordable Housing requirements of 10%

I. Site Plan Review

1. **Applicability.** Site Plan Review is required for any multi-family projects in the MOD. An application for Site Plan Review shall be reviewed by the Planning Board for consistency with the purpose and intent of Sections D-H.
2. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MOD submitted under Sections G-H, the Applicant must submit the following documents to the Municipality:
 - a. Application and fee for Site Plan Review.
 - b. Site plans submitted for Site Plan Review shall show that the area proposed for multi-family housing development does not exceed six acres in total.
 - c. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on

the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by the Site Plan Review Authority for Site Plan Review.

- d. Elevations of the building(s) showing the architectural design of the building.
- e. All site plans shall be prepared by a certified architect, landscape architect, and/ or a civil engineer registered in the Commonwealth of Massachusetts. A certified landscape architect registered in the Commonwealth of Massachusetts shall prepare all landscape plans. A certified architect registered in the Commonwealth of Massachusetts shall prepare all building elevations. All plans shall be signed and stamped, and drawings prepared at a scale of [one-inch equals forty feet (1"=40') or larger], or at a scale as approved in advance by the Permitting Authority.

3. **Site Plan Approval.** Site Plan approval for uses listed in Section D Permitted Uses shall be granted upon the determination by the Planning Board that the following conditions have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the applicant's expense, to ensure that these conditions have been satisfied.

- a. The Applicant has submitted the required fees and information as outlined in the Town's requirements for a Building Permit and Site Plan Review
- b. The project described in the application meets the development standards outlined in Section G General Development Standards.

4. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildup of the project and all associated impacts as of the completion of the

final phase. However, no project may be phased solely to avoid the provisions of Section H Affordability Requirements.

J. Severability

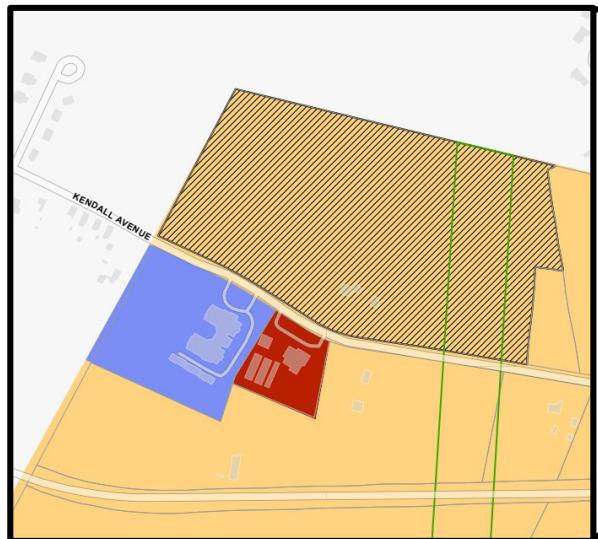
If any provision of this Section 240-5.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 240- 5.7 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 240- 5.7 shall not affect the validity of the remainder of Sherborn's Zoning Bylaw.

Section 240-9.1 attachment 2 Sherborn's Zoning Map

The MA Attorney General has authority to enforce this law. Non-compliance will result in loss of grant funding opportunities. Since 2021, Sherborn has received @ \$3.2 million in Federal and State funds/earmarks, many which could be affected by non-compliance. Recently we received \$839,000 for the Roundabout and \$200,000 for digitization of records and Woodhaven-Leland Well from grants that will not be available to non-compliant towns.

The Town can always revisit zoning votes.

MOD Parcel



Enlarged view of MOD Parcel

