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Decision of the Sherborn Zoning Board of Appeals
2025 NOV 13 AM 9:54 Comprehensive Permit (M.G.L. Chapter 40B, §§ 20-23)

TOWN CLERK
TOWN OF SHERBORN

145 Washington Street, Sherborn, MA

Applicant: Washington Street Sherborn Homes, LLC

I. Project Description

The Applicant, Washington Street Sherborn Homes, LLC, proposes to construct a residential development at 145 Washington Street in Sherborn, Massachusetts consisting of two (2) duplex buildings (four total ownership units). Each unit will have three (3) bedrooms, two and one-half (2.5) baths, a one-car garage, and associated improvements, including on-site wells, septic systems, driveways, landscaping, and stormwater management system. One (1) unit will be restricted as affordable to households earning at or below 80% of area median income.

II. Property Location and Ownership

The property, identified as Lot 3, Washington Street, is shown on Assessor's Map 7, Lot 0, Block 49, consisting of approximately 4.63 acres. The owner and applicant is Washington Street Sherborn Homes, LLC (Robert Murchison, Manager).

III. Plans, Documents, and Exhibits

The following plans and documents form the record upon which this decision is based: Plans, Documents, and Exhibits

1. Developers' Response to Conservation Comments, dated September 19, 2025
2. Conservation Commission Comments – September 19, 2025
3. Developer's Response to Conservation Commission Comments – Restoration Planting Plan
4. Conservation Commission's Comments on Restoration Planting Plan – September 10, 2025
5. Board of Health Waiver Recommendations – August 28, 2025 (pdf)
6. Conservation Commission's Additional Comments on Site Plan Revision – August 26, 2025
7. Conservation Commission's Proposed Restoration Planting Plan & Sketch – August 26, 2025
8. Developer's Response to TetraTech Review – July 29, 2025
9. TetraTech Peer Review – July 28, 2025
10. TetraTech Engineering Peer Review Contract – July 10, 2025
11. Conservation Commission Comments – July 24, 2025
12. Groundwater Protection Committee Additional Comments – July 24, 2025
13. Stantec Consulting Services Review – May 21, 2025
14. Town Board/Committee Comments to MassHousing – April 18, 2025
15. BOH September 19, 2025 Memo – Washington Street Homes – Conditional Recommendation Regarding Separation to Groundwater
16. Comments on Context & Comparisons – Local Septic Regulations (memo)
17. Developer's Comments on BOH Requirement on Depth to Groundwater – September 16, 2025
18. Stormwater Management System Operation & Maintenance Plan – August 12, 2025
19. Soil Report with Test Hole Logs – May 19, 2025 (pdf)

20. BOH Approved Title 5 Plan – Washington Street Homes
21. Septic Plan Submitted to BOH – February 27, 2025
22. Site Plan Revision 1 – August 20, 2025
23. Preliminary Site Layout Plan
24. Submission Letter, Petition Application & Request for Findings of Fact – June 2025
25. Project Eligibility & Site Approval from MassHousing – May 7, 2025
26. Preliminary Draft Waiver Request List – June 2025
27. Duplex Exterior Elevations & Floor Plans – June 2025
28. Comprehensive Permit Application to MassHousing – February 24, 2025
29. Project Description – February 2025
30. Recorded Plan & Deed – June 2025
31. Project Team – Washington Street Homes
32. A Brief Description of Sherborn's Residents, Land, Water & Regulations – May 20, 2024
33. Chapter 40B Process Information

IV. Procedural History

An application for a Comprehensive Permit under M.G.L. Chapter 40B was filed with the Sherborn Zoning Board of Appeals (ZBA) on May 20, 2025. The Public hearing commenced on June 30, 2025; multiple sessions were held. The hearing closed on October 17, 2025. Deliberations concluded on October 30, 2025.

V. Findings of Fact

1. The Town of Sherborn does not presently meet the statutory 10% Subsidized Housing Inventory threshold under M.G.L. c. 40B.
2. The project will provide one affordable homeownership unit, to be counted toward the Town's Subsidized Housing Inventory.
3. The project site lies within the Residential B (RB) district and contains mapped Bordering Vegetated Wetland (BVW) and an Isolated Vegetated Wetland (IVW)/Vernal Pool.
4. The proposed structures and grading have been designed to avoid alteration of the 0-50' no-disturb buffer; proposed wetlands restoration will occur within the 50-100' buffer zone.
5. Stormwater management, septic systems, and driveways are designed consistent with state standards and have been reviewed by peer consultants.
6. The Board of Health approved on April 24, 2025 a Title 5 compliant wastewater disposal plan for the project.

VI. Waivers Granted

Consistent with M.G.L. Chapter 40B, the Board grants all waivers requested in the **Waiver Request List (June 2025)** except as expressly noted herein. These include but are not limited to: Zoning By-Law Sections 1.6, 3.1, 3.2, 4.1, 4.2, 4.3.6, 5.1.5, 5.2, 5.4, 6.1, and 7.0, and General By-Laws Chapter 17 (Wetlands), Chapter 21 (Groundwater Protection), Chapter 22 (Driveways), Chapter 25 (Stormwater Management), and Board of Health Regulations.

Waivers from the Sherborn Wetlands Bylaw are granted solely for activities permitted under this Comprehensive Permit, but the project remains subject to the performance standards and restoration requirements set forth in Section VIII below.

VII. Decision

Upon motion duly made and seconded, the Sherborn Zoning Board of Appeals hereby **APPROVES** the Comprehensive Permit for the Washington Street Sherborn Homes project, subject to the following **Conditions**:

VIII. Conditions of Approval

A. Regulatory and General Conditions

1. This permit authorizes construction of **four (4) homeownership units**, as shown on the Plan of Record. No additional units shall be constructed without further ZBA approval.
2. At least **one (1) unit** shall be deed restricted as affordable to households earning at or below 80% AMI, consistent with 760 CMR 56.02.
3. The Applicant shall execute and record a Regulatory Agreement and Deed Restriction prior to the issuance of any building permit.
4. All utilities shall be installed underground.
5. The project shall comply with all applicable state codes, including the Wetlands Protection Act (M.G.L. c.131 § 40) and Title 5 of the State Environmental Code.

B. Environmental and Wetland Conditions

1. **Wetland Markers:** Eight (8) concrete monuments with wetland plaques shall be installed along the limit of lawn, as shown on the approved design plan; four on the vernal pool side (west) and four on the bordering vegetated wetland side (east). Wetland plaques may be obtained from the Sherborn Conservation Commission office.
2. **Buffer Zone Restoration:** In accordance with the Conservation Commission memo dated August 25, 2025 and the express agreement provided by the Applicant *during the October 17, 2025 public meeting*, altered buffer zone shall be restored through native plantings and density as recommended by the Sherborn Conservation Commission in Planting Zone 1 and the southwestern half of Planting Zone 2 (approximately near the location of storm water Recharger #1 as designated on the June 5, 2025 Site plan by DGT Associates), as identified on page 4 of the aforementioned August 25 Memo. The restoration plan would include, but not be limited to the requirements that:
 - o Native shrubs (minimum 2-gallon size) shall be planted at a density of one per 50 sq. ft.
 - o Herbaceous areas shall be seeded with New England Erosion Control/Restoration Mix for Dry Sites or approved equal.
 - o The Applicant shall achieve 100% herbaceous cover and 90% shrub survival after two growing seasons.
3. **No Phosphate Fertilizers:** Due to the proximity of wetlands on three sides of the site and encroachment on the 50-100 foot buffer zone regulated by local regulations, the use of phosphate fertilizers are prohibited site wide. Permanent, discrete signage shall be installed indicating as such, and codified in the Condominium Association governing documents.
4. **Limit of Lawn:** The limit of lawn shall not extend beyond the limits set forth in the June 5, 2025 Site Plan by DGT Associates.
5. **Invasive Species Control:** Invasive vegetation within the restoration areas shall be removed manually and managed in perpetuity, which shall be the responsibility of the Condominium Association and codified in the Condominium Association governing documents.
6. **Fill:** Any fill material used in wetland jurisdictional areas shall be clean fill, containing no garbage, refuse, rubbish, industrial or commercial or municipal fill or waste, demolition

debris, or septic sludge, including, but not limited to lumber, wood, stumps, plaster, wire, rubbish, pipes, lathe, paper, cardboard, glass, metal, tires, ashes, appliances, motor vehicles or parts of any of the foregoing. No fill containing levels of oil or hazardous materials above GW-1/S-1 Method 1 Standards, as described in the Massachusetts Contingency Plan (MCP) environmental regulations as revised, will be used in connection with any project under the jurisdiction of the Commission. The source of any fill to be used in jurisdictional areas will be made known in writing to a member of the Commission at least two (2) business days, whichever is longer, prior to placement at the site. The Commission reserves the right to reasonably require chemical testing of fill, upon reasonable articulable suspicion of contamination after prior notice by the Applicant, by a third party at the applicant's expense.

C. Construction Conditions

1. Construction hours shall be limited to Monday–Friday 7:00 AM–6:00 PM and Saturday 8:00 AM–5:00 PM.
2. All erosion and sediment controls shall be installed and inspected prior to site disturbance, in accordance with the approved plan set.
3. A Construction Management Plan and Schedule shall be provided to the ZBA and Conservation Commission prior to issuance of a building permit.
4. No material stockpiling shall occur within 50 feet of any wetland or buffer restoration area.

D. Long-Term Management

1. The Condominium Association shall be responsible for maintenance of stormwater facilities, wells, septic systems, and the restoration planting areas.
2. Annual inspection reports for the restoration areas shall be provided to the Conservation Commission for the first two years after project completion.
3. The restoration areas shall be recorded as a protected non-disturbance easement on the final recorded plan.

E. Plan of Record

The **Plan of Record** for this Decision shall be the "Permit Site Plan – Lot 3 Washington Street" prepared by DGT Associates, revised August 20, 2025, together with the Conservation Commission Restoration Sketch Plan dated August 26, 2025.

IX. Vote

The foregoing Decision was adopted by unanimous vote of the Sherborn Zoning Board of Appeals on October 30, 2025.

SHERBORN ZONING BOARD OF APPEALS

By: 

Zachary McBride, Chair

Date: 11-13-25

Attest: 

Clerk, Zoning Board of Appeals

Filed with the Town Clerk on November 13, 2025.

Jesselyn R Morris
Town Clerk

Notice: Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, c.40A, § 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Sherborn, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c.40B, § 23, within twenty (20) days after the filing of this notice in the Office of the Town Clerk.

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