



Commonwealth of Massachusetts  
EXECUTIVE OFFICE OF HOUSING &  
LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Sent via email to [hdoyle@sherbornma.org](mailto:hdoyle@sherbornma.org)

February 9, 2024

Heidi Doyle  
Town Planner  
19 Washington Street  
Sherborn, MA 01770

**Re: Town of Sherborn: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act**

Dear Ms. Doyle:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Sherborn submitted electronically on November 11, 2023. The application requested that EOHLC conduct a pre-adoption review for the Town of Sherborn's proposed district called the "Multi-family Overlay District" (District) based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. The MBTA Communities program staff are available to work through these technical details with you and your staff. **After careful review and analysis, EOHLC has determined that the Application as submitted does not demonstrate that the District will meet the requirements of Section 3A and the Guidelines if the new zoning is adopted as submitted.** We hope the descriptions of these technical corrections will assist the Town in creating zoning that can be deemed compliant.

Sherborn is designated as an Adjacent Small Town community with 1,562 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 78 units with a gross density of 15 units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The submitted compliance model does not include all of the parcels described in the application, such as the Kendall Ave subdistrict. Please ensure that the compliance model includes all parcels being used to demonstrate compliance.
2. The compliance model needs to accurately reflect the dimensional restrictions in the zoning. The submitted compliance model is missing some zoning restrictions, including lot size. Additionally, the maximum height requirement in the compliance model does not match the zoning. Please

ensure that the compliance model is consistent with the zoning, as these restrictions affect the calculation of unit capacity and gross density.

3. Subdistricts need to be divided into separate districts within the compliance model if the dimensional restrictions differ in the zoning. For example, since the Kendall Ave subdistrict has an open space requirement that differs from the rest of the District, please include the Kendall Ave subdistrict as its own district in the compliance model so that zoning restriction will be accurately reflected across the district.
4. As submitted, it is not clear whether the parcels that are in both the District and the business districts that require mixed use are intended to be evaluated as mandatory mixed-use districts. If the intention is to use the business district parcels as a mandatory mixed-use district, the following steps will need to be taken:
  - a. A mixed use location determination is required, available here: <https://www.mass.gov/info-details/resources-for-mbta-communities#mixed-use-development-district-materials->
  - b. The unit capacity for the mixed use district must be calculated using the mixed use district offset compliance model, available here: <https://www.mass.gov/info-details/resources-for-mbta-communities#mixed-use-development-district-materials->
  - c. The compliance model for the 3A-compliant district should not include the parcels that are within the mixed-use district.
  - d. Please refer to Section 5 of the guidelines to ensure that the mixed-use zoning aligns with the requirements for a mandatory mixed use district. As written, it appears that the business districts currently have parking requirements for commercial uses, which would not meet the Guideline requirements.
5. There are two inclusionary zoning sections in the zoning bylaw, Sections 5.7.8 and 4.9. If both sections apply to the District, an Economic Feasibility Analysis (EFA) will be required due to the affordability requirement of 15% of units.
6. Since the district includes a partial parcel, please ensure that Section 2.4 allows the development of the partial parcel in the District, and that any restrictions on partial parcels are accurately reflected in the compliance model.
7. Due to residential development not being allowed in Section 5.5 Floodplain District, the unit capacity of any parcels within the floodplain must be removed from the compliance model. Additional alternatives include (a) removing the affected parcels from consideration in the compliance model, or (b) revising the zoning to exempt the District from the residential restrictions and special permit requirement of the Floodplain District (but retaining the Floodplain District's other substantive requirements).

For the foregoing reasons, EOHLC determined that the application as submitted does not demonstrate that the District will comply with Section 3A as proposed. The Town must take the steps outlined in this letter to position the District for a determination of compliance.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review, based on materials provided by the Town of Sherborn. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district.

MBTA Communities staff at EOHLIC will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this determination, please contact Regional Planner Emma Snellings, at [emma.snellings@mass.gov](mailto:emma.snellings@mass.gov).

Sincerely,

A handwritten signature in blue ink that reads "Caroline 'Chris' Kluchman". The signature is written in a cursive style with a long, sweeping tail on the last name.

Caroline "Chris" Kluchman  
Acting Director, Community Services Division

cc: Senator Becca L. Rausch  
Representative James C. Arena-DeRosa