COMPREHENSIVE PERMIT APPLICATION

POND VIEW COMMONS-HOWARD STREET, LUNENBURG MA

Applicant: **Pond View Commons, LLC**

Owner: **The Homes at Aro Estates, LLC**

Legal Counsel: JOHNSON & BORENSTEIN, LLC ATTORNEYS AT LAW

Project Engineer: HALEY WARD AN EMPLOYEE-OWNED COMPANY

Project Architect: steam collaborative branded architecture

JOHNSON & BORENSTEIN, LLC
ATTORNEYS AT LAW

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Tina M. Wilson
Sharon A. Hart

August 16, 2022

Via Hand-Delivery
Zoning Board of Appeals
Town of Lunenburg
c/o Lisa A. Normandin, Board Secretary
960 Massachusetts Avenue
Lunenburg, MA 01462

RECEIVED & FILED

AUG 18 2022

LUNENBURG TOWN CLERK OFFICE

Re: Property – 318, 390, & 400 Howard Street, Lunenburg, MA
Project – Pond View Commons Comprehensive Permit
Owner – The Homes at Aro Estates, LLC
Applicant – Pond View Commons, LLC
Applicant's Comprehensive Permit Application

Dear Chair and Zoning Board Members,

I represent Pond View Commons, LLC ("Applicant"), in connection with its proposal to construct three, multifamily residential buildings under the Massachusetts Comprehensive Permit Statute, Mass.Gen.Laws c. 40B, ss. 20-23 ("Project") within the Town's Outlying Zoning District on portions of land known and numbered 318, 390, & 400 Howard Street, Lunenburg, Massachusetts, as further described in the plans and materials submitted herewith ("Property"). Enclosed with this letter please find 20 copies of the Applicant's Comprehensive Permit Application package and a bank treasurer's check for the minimum application filing fee of $1,000.00. Please date stamp and return the enclosed copy of this letter in the stamped, self-addressed envelope, to indicate your receipt of the Application package, and notify me of the date, time, and place of the Board's first scheduled hearing session for the Application.

Very truly yours,

JOHNSON & BORENSTEIN, LLC

Donald F. Borenstein
Donald Borenstein

DFB: sah

Enclosures

Cc: Adam Burney, Town Planner, ***via e-mail, without enclosures***
Kathryn M. Herrick, Town Clerk, ***via Hand-Delivery***
Adam Costa, Esq., Town Counsel, ***via e-mail, without enclosures***
Pond View Commons, LLC

THIS DOCUMENT HAS A TRUE WATERMARK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

104722 / M 7101127-C

TREASURER'S CHECK

Enterprise Bank

222 Merrimack Street, Lowell, MA 01852

0113

4470112572

08/15/2022

49-55
1031

PAY TO THE ORDER OF TOWN OF LUNENBURG $1,000.00

One Thousand and 00/100********** DOLLARS

MEMBER FDIC

FOR _____

AUTHORIZED SIGNATURE MP

PAYABLE THROUGH BOKF, NA, EUFAULA, OK

⑆103100551⑆00447 01125723⑈

Lunenburg Comp. Permit Application Checklist Item:	Status:
1. Twenty (20) copies of all material to be distributed to local Boards, Committees and Commissions.	1. Twenty Copies of all materials have been submitted with this application package.
2. Two Certified checks one for General Administration and Process Fee and one for Technical review fee.	2. See Fee Waiver Request Letter at ***TAB C*** and 760 CMR 56.05(2)
3. Evidence of the legal standing of the applicant.	3. See Certificate of Good Standing at ***TAB D,*** prelim financing approval letter at ***TAB A-84***
4. Evidence of site control.	4. See Purchase & Sale Agreement at ***TAB A78***
5. Copy of Project Eligibility Letter from the subsidizing agency	5. See MassHousing Project Eligibility/Site Approval Letter dated March 31, 2022 at ***TAB B***
6. Evidence that the Project Eligibility Letter and Application was provided to the Municipality and a copy of all correspondence from the Municipality.	6. See MassHousing Project Eligibility/Site Approval Letter at ***TAB B***, Town Counsel and Select Board letters dated Sept. 2, 2021 at ***TAB E***
7. A list of the development team, including the names of the architect, chief design engineer and attorney.	7. See Development Team CVs at ***TAB A-86 thru 149***
8. Need for the Project and Town's Compliance with 40B Criteria	8. See SHI dated 12/21/2020 and DHCD *Guidelines for Calculating General Land Area Minimum* dated 1/17/2018 at ***TAB F***.
9. Description of the Proposed Project	9. See, site plans; architectural plans; building table; utility plan; and existing conditions plan at ***TAB A37 thru A68***. See Preliminary Amended Subdivision Plan at ***TAB G*** and Sewage Calculation at ***TAB H***.
10. Information provided to Subsidizing Agency (including pro forma) Parties-In-Interest Map (Abutters)	10. See Project Eligibility Application package at ***TAB A***. See Parties-In-Interest Map and Abutters List at ***TAB I***.
11. Construction Schedule	11. See Construction Schedule at ***TAB J***
12. Residents of the Project	12. Applicant is willing to accept a local preference condition for affordable units consistent with MA and Federal fair housing laws and acceptable to MassHousing and MA-DHCD. See also DHCD Guidelines Dec. 2014 excerpt at ***TAB K***.
13. Management of the Project	13. See Management Plan at ***TAB L***.
14. Certification from the Wetlands Protection Committee stating compliance with the Wetlands Protection Act.	14. ANRAD to be filed with Lunenburg Conservation Commission
15. A list of requested exceptions to local codes, by-laws or regulations, including the Zoning Bylaw.	15. See Municipal Waiver List at ***TAB M***.
16. A resume of past development experience including all affordable housing projects completed by the developer.	16. See Builder's Resume at ***TAB A86***
17. A letter regarding the financial standing of the applicant from a financial institution.	17. See LowellFive letter at ***TAB A84***.

Pond View Commons 40B Application
Table of Contents

TAB	ITEM
A	Project Eligibility Application Package
B	Project Eligibility Site Approval Letter
C	Fee Waiver Request Letter, copy of check for minimum application fee
D	Pond View Commons, LLC Certificate of Good Standing
E	Select Board Letter dated 2021-09-02 and Town Counsel Letter dated 2021-09-02
F	Subsidized Housing Inventory 2020-12-21 and DHCD Guidelines for Calculating Land Area Minimum 2018-01-17
G	Preliminary Amended Subdivision Plan
H	Sewer Volume Calculation
I	Abutters Map and Abutters List
J	Construction Schedule
K	DHCD Guidelines Dec. 2014
L	Management Plan
M	Municipal Waiver Request Letter

Pond View Commons

Lunenburg, MA

Project Eligibility Application

Submitted To: Masshousing

June 2021

TABLE OF CONTENTS

1. Comprehensive Permit Site Approval Application
   i. Signatures & Developer Acknowledgement of Obligations
2. Location Map
3. Tax Maps
4. Directions of the Site
5. Existing Conditions Plans
6. Aerial Photographs
7. Site/Context Photographs
8. Existing Conditions Narrative
9. By-Right Site Plan
10. Preliminary Site Plan
11. Preliminary Architectural Plans
12. Architectural Narrative
13. Zoning Analysis
14. Site Control Document in the Form of a Purchase and Sale Agreement
15. Letter of Interest from an NEF Lender
16. Market Comps
17. Development Team Qualifications
18. Narrative Regarding Municipal Contact
19. Evidence of Submission to the Municipality
20. Copy of Notification to DHCD
21. Tax ID Number
22. Payment to MHP

Comprehensive Permit
Site Approval Application
Rental

www.masshousing.com | www.masshousingrental.com

Comprehensive Permit Site Approval Application/Rental

Attached is the Massachusetts Housing Finance Agency ("MassHousing") application form for Project Eligibility/Site Approval ("Site Approval") under the state's comprehensive permit statute (M.G.L. c. 40B, Sections 20-23 enacted as Chapter 774 of the Acts of 1969) known as "Chapter 40B". Developers seeking a comprehensive permit to construct affordable housing under Chapter 40B and intending to use a MassHousing financing program or financing through the New England Fund ("NEF") program must receive Site Approval from MassHousing. This approval (also referred to as "project eligibility approval") is a required component of any comprehensive permit application to be submitted to the local Zoning Board of Appeals of the municipality in which the development is to be located.

As part of its review of your application, MassHousing will conduct an inspection of the site and will solicit comments from the relevant municipality. MassHousing will consider any relevant concerns that the municipality might have about the proposed project or the developer. The applicant is encouraged, therefore, to make contact with the municipality prior to submitting the Site Approval application in order to ensure that the applicant understands any concerns that the municipality may be likely to raise regarding the proposed development.

In order for a project to receive Site Approval, MassHousing must determine that (i) the applicant has sufficient legal control of the site, (ii) the applicant is a public agency, non-profit organization or limited dividend organization, and (iii) the applicant and the project are generally eligible under the requirements of the MassHousing program selected by the applicant, subject to final eligibility review and approval. Furthermore, MassHousing must determine that the site of the proposed project is generally appropriate for residential development (taking into consideration municipal actions previously taken to meet affordable housing needs) and that the conceptual project design is generally appropriate for the site. In order for MassHousing to be able to make these findings (required by 760 CMR 56.04 (4)), it is important that you answer all questions in the application and include all required attachments.

Please note that MassHousing requires that all applicants meet with a member of our Planning and Programs Department staff before submitting their application. Applications for any projects that have not been the subject of a required pre-application meeting will not be accepted or processed.

Upon completion of its analysis, MassHousing will either issue a Site Approval Letter that approves, conditionally approves or denies the application. If the application is approved, the applicant should apply to the Zoning Board of Appeals within two years from the date of the Site Approval Letter (unless MassHousing extends such term in writing).

Please note that Site Approval from MassHousing does not constitute a loan commitment by MassHousing or any other financing program. All potential MassHousing financing is subject to further review and underwriting by MassHousing's Rental Lending Department.

Please be sure you have familiarized yourself with all of the applicable requirements set forth in the Chapter 40B regulations and guidelines, which can be found at

https://www.mass.gov/doc/760-cmr-56-comprehensive-permit-low-or-moderate-income-housing/download
www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf.

Instructions for completing the Site Approval Application are included in the application form which is attached. The completed application form and all additional documentation should be sent, after your pre-application meeting has been held, to:

Manager of Planning Programs
One Beacon Street, Boston, MA 02108

We look forward to working with you on your proposed development. Please contact Jessica Malcolm at 617-854-1201 or jmalcolm@masshousing.com to discuss scheduling your pre-application meeting or if there is any assistance that we can provide in the meantime to make your application process a smooth and efficient one.

Our Commitment to You

MassHousing recognizes that applicants seek some measure of predictability regarding the timeframe for our processing of their applications. Our staff will endeavor to adhere to the following schedule for reviewing applications for site approval :

Within one week of receipt of your application (provided that you have attended a required pre-application meeting) a member of our staff will notify you of any of the items listed on the checklist at the end of the application form that were missing from your application package. Please note that our acknowledgement of receipt of an item does not indicate that any substantive review has yet taken place.

If your application package is missing any of the items indicated on the checklist by an asterisk, we will not be able to continue processing your application until such items are received.

If we have received the information which is crucial to the commencement of our review process, we will proceed to (i) give the municipality a period of thirty (30) days in which to submit comments relating to your proposal, (ii) schedule and conduct a site visit, and (iii) solicit bids for and commission and review an "as is" appraisal of your site.

If during our review of your application package we determine that additional information or clarification is needed, we will notify you as soon as possible. Depending on when we receive such additional information, this may affect the amount of time required for MassHousing to complete the site approval process.

Assuming that your application package was complete and that you respond in a timely manner to requests for additional information or clarification, we would expect to issue or deny your site approval within 90 days of our receipt of your application package.

Application for Chapter 40B Project Eligibility / Site Approval

for MassHousing-Financed and New England Fund ("NEF") Rental Projects

Section 1: GENERAL INFORMATION

Name of Proposed Project: Pond View Commons

Municipality: Lunenburg **County:** Worcester

Address of Site: 390,318, 400 Howard Street

Cross Street:

Zip Code: 01462

Tax Parcel I.D. Number(s): See attachment 2.5 "Worksheet of Subdivision Lots"

Name of Proposed Development Entity Pond View Commons, LLC
(typically a single purpose entity):

Entity Type: Individual

** If the Proposed Development Entity is a Non-Profit, please contact MassHousing regarding additional documentation that must be submitted.*

Has this entity aleady been formed? Yes **State Formed:** Massachusetts

Name of Applicant: Pond View Commons, LLC
(typically the Proposed Development Entity or its controlling entity or individual)

Applicant's Web Address:

Does the applicant have a related party relationship with any other member of the development team? No

If yes, please explain:

Primary Contact Information:

Contact Name: Donald Borenstein **Relationship to Applicant:**

Company Name: Pond View Commons, LLC Attorney

Address: 12 Chestnut Street

Municipality: Andover **State:** Massachusetts **Zip:** 01810

Phone: 9784754488 **Cell Phone:** 9784754488

Email: don@jbllclwa.com

Secondary Contact Information:

Contact Name: Kevin O'Brien
Relationship to Applicant: Owner
Company Name: O'Brien Homes
Address: 18 Cassimere Street
Municipality: Andover
State: Massachusetts
Zip: 01810
Phone: 9782651863
Cell Phone: 9782651863
Email: kevin@obirenhomesinc.com

Additional Contact Information:

Contact Name: Geoffrey Engler
Relationship to Applicant: 40B Consultant
Company Name: SEB, LLC
Address: 257 Hillside Avenue
Municipality: Needham
State: Massachusetts
Zip: 02494
Phone: 6177822300
Cell Phone: 6172767261
Email: gengler@s-e-b.com

Anticipated Construction Financing: NEF
Name of Lender (if not MassHousing financed): Lowell Five

Anticipated Permanent Financing: NEF

Other Lenders: Lowell Five

Please note: under the NEF Program, a minimum of 25% of the Permanent financing must be obtained from an NEF Lender and remain in place for 5 years

Age Restriction: None

Brief Project Description:

Pond View Commons will be developed into a 200 unit premier apartment community featuring views of a natural environment and a robust exterior amenity package for residents. Three new residential buildings will be constructed to reflect their adjacent context and scale and will consist of a combination of 1, 2 and 3 bedroom units. Each building will feature approximately 82,598 SF spread over four residential levels. There will be 59 1BR units with an average unit size of 757 SF, 117 2BR units with an average unit size of 1,110 SF, and 24 3BR units with an average unit size of 1,333SF. As currently designed, the project will feature 2 parking spaces per unit with a total of 402 surface parking spaces.

Rich with vibrant colors and natural materials and textures, these residences will have large windows with magnificent views of the natural surroundings. With buildings organized in a “campus” style relationship to one-another, the exterior open space is held together with large quads, courtyards, and the hard edges of the buildings themselves to work together to create a strong sense of “place” and “arrival”. Inviting a sense of community and belonging.

Application for Chapter 40B Project Eligibility / Site Approval

for MassHousing-Financed and New England Fund ("NEF") Rental Projects

Section 2: EXISTING CONDITIONS / SITE INFORMATION

In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the site is generally appropriate for residential development.

Buildable Area Calculations (Acres)

Total Site Area:	**18.50**
Wetland Area *(per MA DEP)*:	0.85
Flood Hazard Area *(per FEMA)*:	0.00
Endangered Species Habitat *(per MESA)*:	0.00
Conservation / Article 97 Land:	0.00
Protected Agricultural Land *(i.e. EO 193)*:	0.00
Other Non-Buildable:	**1.65**
Total Non-Buildable Area:	2.50
Total Buildable Area:	16.00

Current use of the site and prior use if known:

Open space, undeveloped land

Is the site located entirely within one municipality? Yes

If not, in what other municipality is the site located?

How much land is in each municipality?

Additional Site Addresses:

Current zoning classification and principal permitted uses:

"Outlying District" - Residential and Accessory

Previous Development Efforts

Please list any previous applications pertaining to construction on or development of the site, including (i) type of application (comprehensive permit, subdivision, special permit, etc.); (ii) application filing date; (iii) date of denial, approval or withdrawal. Also indicate the current Applicant's role, if any, in the previous applications.

Note that, pursuant to 760 CMR 56.03 (1), a decision of a Zoning Board of Appeals to deny a Comprehensive Permit, or (if the Statutory Minima defined at 760 CMR 56.03 (3) (b or c) have been satisfied) grant a Comprehensive Permit with conditions, shall be upheld if a related application has previously been received, as set forth in 760 CMR 56.03 (7).

There was a residential sub-division approved on this land which was filed with the Town Clerk's office on June 24 2019.

To the best of your knowledge, has this site ever been rejected for project eligibility/site approval by another subsidizing agency or authority? No

If Rejected, Please Explain:

Existing Utilities and Infrastructure	Yes/No	Description
Wastewater- private wastewater treatment	No	
Wastewater - public sewer	No	The Applicant will be constructing a new main to tie into the municipal system
Storm Sewer	No	The project does not connect to any existing drainage
Water-public water	No	The Applicant will be constructing a new main to tie into the municipal system
Water-private well	No	
Natural Gas	No	
Electricity	Yes	
Roadway Access to Site	Yes	via Howard Street
Sidewalk Access to Site	No	There are no existing sidewalks along Howard St, or in the project vicinity
Other	No	

Describe Surrounding Land Uses:

Generally, large vacant parcels to the East, North and West; single family residential dwellings to the South. There is a State Forest which abuts the owner's additional land holdings.

Surrounding Land Use/Amenities	Distance from Site	Available by Public Transportation?
Shopping Facilities	3.40	No
Schools	3.50	No
Government Offices	3.40	No
Multi-Family Housing	4.00	No
Public Safety Facilities	3.00	No

Office/Industrial Uses	3.80	No
Conservation Land	0.50	No
Recreational Facilities	2.50	No
Houses of Worship	3.10	No
Other	0.00	N/A

Public transportation near the Site, including type of transportaion and distance from site:

The Fitchburg MBTA Commuter Rail Station is approximately 5.1 miles from the proposed site.

Site Characteristics and Development Constraints

Are there any easements, rights of way or other restrictions of record affecting the development of the site ?	No
Is there any evidence of hazardous, flammable or explosive material on the site?	No
Is the site, or any portion thereof, located within a designated flood hazard area?	No
Does the site include areas designated by Natural Heritage as endangered species habitat?	No
Are there documented state-designated wetlands on the site?	Yes
Are there documented vernal pools on the site?	No
Is the site within a local or state Historic District or listed on the National Register or Historic Places?	No
Has the site or any building(s) on the site been designated as a local, state or national landmark?	No
Are there existing buildings and structures on site?	Yes
Does the site include documented archeological resources?	No
Does the site include any known significant areas of ledge or steep slopes?	No

Section 3: PROJECT INFORMATION

In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the proposed project appears generally eligible under the requirements of the housing subsidy program and that the conceptual project design is generally appropriate for the site.

Construction Type: New Construction

Total Dwelling Units:	200	**Total Number of Affordable Units:**	51
Number of Market Units:	149	**Number of AMI 50% Affordable Units:**	0
		Number of AMI 80% Affordable Units:	51

Unit Information:

Unit Type	Bedrooms	Baths	# Of Units	Unit Sq. Ft.	Rent	Utilities
Market	1 Bedroom	1 Bath	44	757	$1,590	$0
Market	2 Bedroom	2 Baths	87	1,110	$2,331	$0
Market	3 Bedroom	2 Baths	18	1,333	$2,799	$0
Affordable Unit - Below 80%	1 Bedroom	1 Bath	15	757	$1,466	$118
Affordable Unit - Below 80%	2 Bedroom	2 Baths	30	1,110	$1,758	$153
Affordable Unit - Below 80%	3 Bedroom	2 Baths	6	1,333	$2,032	$189

Utility Allowance Assumptions *(utilities to be paid by tenants)*:

Tenants will pay all utilities which will be separately metered.

Percentage of Units with 3 or More Bedrooms: 12.00

** Note that the January 17, 2014 Interagency Agreement Regarding Housing Opportunities for Families with Children requires that at least 10% of the units in the Project must have three (3) or more bedrooms. Evidence of compliance with this requirement must be provided at Final Approval.*

Handicapped Accessible Units - Total:	10	**Market Rate:**	7	**Affordable:**	3
Gross Density *(units per acre)*:	10.8108	**Net Density** *(units per buildableacre)*:	12.5000		

Building Information:

Building Type	Building Style	Construction Type	Stories	Height	GFA	Number Bldg
Residential	Multi-family	Construction	4	38	247,794	3

Will all features and amenities available to market unit residents also be available to affordable unit residents? Yes

If not, explain the differences:

Parking

Total Parking Spaces Provided: 402 **Ratio of Parking Spaces to Housing Units:** 2.01

Lot Coverage

Buildings:	8%	**Parking and Paved Areas:**	22%
Usable Open Space:	57%	**Unusable Open Space:**	14%
Lot Coverage:	30%		

Does project fit definition of "Large Project" (as defined in 760 CMR 56.03 (6))? No

Section 4: SITE CONTROL

Grantor/Seller: Homes at Aro Estates, LLC

Grantee/Buyer: Pond View Commons, LLC

Grantee/Buyer Type: Applicant

If Other, Explain:

Are the Parties Related? Yes — Kevin O'Brien is the principal and controlling member of both entities

For Deeds or Ground Leases:

Date(s) of Deed(s) or Ground Leases(s):

Purchase Price: $0

For Purchase and Sales Agreements or Option Agreements:

Date of Agreement: 05/05/2021

Expiration Date:

Date of Extension *(if extension granted)*:

New Expiration Date *(if extension granted)*:

Purchase Price: $1,700,000

Will any easements or rights of way over other properties be required in order to develop the site as proposed?: Yes

If Yes, Current Status of Easement: Under Purchase and Sale Agreement

Date(s) of Easements(s):

For Easements:

Date of Agreement:

Purchase Price: $0

For Easement Purchase and Sales Agreements or Easement Option Agreements:

Expiration Date:

Date of Extension *(if extension granted)*:

New Expiration Date *(if extension granted)*

Purchase Price: $0

Section 5: FINANCIAL INFORMATION

In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that an initial pro forma has been reviewed and that the Proposed Project appears financially feasible and consistent with the Chapter 40B Guidelines, and that the Proposed Project is fundable under the applicable program.

Initial Capital Budget

Sources

Description	Source	Budgeted
Private Equity	Owner's Cash Equity	$0
Private Equity	Tax Credit Equity	$0
Private Equity	Developer Fee Contributed or Loaned	$3,945,196
Private Equity	Developer Overhead Contributed or Loaned	$0
Other Private Equity		$19,490,870
Public/Soft Debt		$0
Subordinate Debt		$0
Permanent Debt		$36,163,047
Permanent Debt		$0
Construtions Debt	*for informational purposes only, not included in Sources T*	$0
Additional Source		$0
Additional Source		$0
Total Sources		**$59,599,113**

Pre-Permit Land Value

Item	Budgeted
As-Is Market Value*:	$625,000
Reasonable Carrying Costs:	$50,000
Total Pre-Permit Land Value:	$675,000

** As-Is market value to be determined by a MassHousing commissioned appraisal*

Uses (Costs)

Item	Budgeted
Acquisition Cost (Actual):	
Actual Acquisition Cost: Land	$625,000
Actual Acquisition Cost: Buildings	$0
Reasonable Carrying Costs	$50,000
Subtotal - Acquisition Costs	**$675,000**
Construction Costs-Building Structural Costs (Hard Costs):	
Building Structure Costs	$38,408,070
Hard Cost Contingency	$2,282,904
Subtotal - Building Structural Costs (Hard Costs)	**$40,690,974**
Construction Costs-Site Work (Hard Costs):	
Earth Work	$200,000
Utilities: On-Site	$750,000
Utilities: Off-Site	$4,000,000
Roads and Walks	$600,000
Site Improvement	$850,000
Lawns and Plantings	$850,000
Geotechnical Condition	$0
Environmental Remediation	$0
Demolition	$0
Unusual Site Conditions/Other Site Work	$0
Subtotal - Site Work (Hard Costs)	**$7,250,000**
Construction Costs-General Conditions, Builders Overhead and Profit (Hard Costs):	
General Conditions	$0
Builder's Overhead	$0
Builder's Profit	$0
Subtotal - General Conditions, Builder's Overhead & Profit	**$0**
General Development Costs (Soft Costs):	
Appraisal and Marketing Study *(not 40B "As Is" Appraisal)*	$15,000
Marketing and Initial Rent Up *(include model units if any)*	$125,000
Real Estate Taxes *(during construction)*	$30,000
Utility Usage *(during construction)*	$5,000
Insurance *(during construction)*	$600,000
Security *(during construction)*	$0
Inspecting Engineer *(during construction)*	$0
Construction Loan Interest	$1,250,000
Fees to Construction Lender:	$381,374
Fees to Permanent Lender:	$0
Fees to Other Lenders:	$0

General Development Costs (Soft Costs) *- continued*

Item		Budgeted
Architecture / Engineering		$1,500,000
Survey, Permits, etc.		$160,000
Clerk of the Works		$0
Construction Manager		$225,000
Bond Premiums		$0
Environmental Engineer		$250,000
Legal		$200,000
Title *(including title insurance)* and Recording		$50,000
Accounting and Cost Certification *(incl. 40B)*		$50,000
Relocation		$0
40B Site Approval Processing Fee		$7,500
40B Techical Assistance / Mediation Fee		$11,000
40B Land Appraisal Cost *(as-is value)*		$6,500
40B Final Approval Processing Fee		$50,000
40B Subsidizing Agency Cost Certification Examination Fee		$20,000
40B Monitoring Agent Fee		$15,000
MIP		$0
Credit Enhancement		$0
Letter of Credit Fees		$0
Tax Credit Allocation Fee		$0
Other Financing Fees		$100,000
Development Consultant		$50,000
Other Consultant:	mechanical, structural, peer review, interior design, ma	$280,000
Other Consultant:		$0
Syndication Costs		$0
Soft Cost Contingency		$306,569
Other Development Costs:	Mitigation Fees	$750,000
Subtotal - General Development Costs (Soft Costs)		**$6,437,943**
Developer Fee and Overhead:		
Develper Fee		$3,945,196
Developer Overhead		$0
Subtotal Developer Fee and Overhead		**$3,945,196**
Capitalized Reserves:		
Development Reserves		$250,000
Initial Rent Up Reserves		$0
Operating Reserves		$350,000
Net Worth Account		$0
Other Capitalized Reserves		$0

Subtotal - Capitalized Reserves **$600,000**

Summary of Subtotals

Item	Budgeted
Acquisition Costs (Actual):	$675,000
Building Structural Costs (Hard Costs)	$40,690,974
Site Work (Hard Costs)	$7,250,000
General Conditions, Builder's Overhead & Profit (Hard Costs)	$0
Developer Fee and Overhead	$3,945,196
General Development Costs (Soft Costs)	$6,437,943
Capitalized Reserves	$600,000
Total Development Costs (TDC)	$59,599,113

Summary

Total Sources	$59,599,113
Total Uses (TDC)	$59,599,113

Projected Developer Fee and Overhead*:	$3,945,196	
Maximum Allowable Developer Fee and Overhead::**	$3,945,196	
Projected Developer Fee and Overhead Equals	100.00	**% of Maximum Allowable Fee and Overhead**

** Note in particular the provisions of Section IV.B.5.a of the Guidelines, which detail the tasks (i) for which a developer may or may not receive compensation beyond the Maximum Allowable Developer Fee and Overhead and (ii) the costs of which must, if the tasks were performed by third parties, be included within the Maximum Allowable Developer Fee and Overhead.*

*** Please consult the most recent DHCD Qualified Allocation Plan (QAP) to determine how to calculate the maximum allowable developer fee and overhead. If you have any questions regarding this calculation, please contact MassHousing.*

Initial Rental Operating Pro-Forma *(for year one of operations)*

Item	Notes	Amount
Permanent Debt Assumptions		
Loan Amount	Lende Lowell Five	$36,163,047
Annual Rate		4.75%
Term		360 Months
Amortization		30 Months
Lender Required Debt Service Coverage Ratio		1.25
Gross Rental Income		$4,830,710
Other Income *(utilities, parking)*		$120,000
Less Vacancy *(Market Units): 5% (vacancy rate)*		$247,536
Less Vacancy *(Affordable Units): 5% (vacancy rate)*		$0
Gross Effective Income		$4,703,175
Less Operating Expenses		$9,368
Net Operating Income		$2,829,654
Less Permanent Loan Debt Service		$0
Cash Flow		$2,263,723
Debt Service Coverage		1.25

Describe Other Income:

storage, pet fees, preferred parking fees.

Rental Operating Expense Assumption

Item	Notes	Amount
Assumed Maximum Operating Expenses	*Calculated based on Net Operating Income, Debt Service and required Debt Service Coverage listed above.*	$0
Assumed Maximum Operating Expense/Unit*	Number of Units: 9,368	$0

** MassHousing may request further detail regarding projected operating expenses if such expenses appear higher or lower than market comparables.*

Section 6: APPLICANT QUALIFICATIONS, ENTITY INFORMATION, AND CERTIFICATION

In order to issue Site Approval MassHousing must find (as required by 760 CRM 56.04 (4)) that the applicant is either a non-profit public agency or would be eligible to apply as a Limited Dividend Organization and meets the general eligibility standards of the program.

Development Team:

Company Name	Contact Name	Contact Role	Applicant	Dev Entity	Primary For Role
Pond View Commons, LLC	Donald Borenstein	Attorney	Yes	Yes	Yes
O'Brien Homes	Kevin O'Brien	Developer	No	No	Yes
SEB, LLC	Geoffrey Engler	Consultant - Local Permit	No	No	Yes

Entities Responsible for Development Tasks:

Development Task	Developer / Applicant	Contact Name / Company
Architecture and Engineering	No	O'Brien Homes, Kevin O'Brien
Construction Management	No	O'Brien Homes, Kevin O'Brien
Finance Package	No	SEB, LLC, Geoffrey Engler
Local Permitting	No	SEB, LLC, Geoffrey Engler

Affiliated Entities:

Company Name	Individual Name	Affiliation	Relation

Previous Applications:

Project Name:	**Filing Date:**
Municipality:	
Subsidizing Agency:	**Decision:**
Type:	**Other Reference:**

Certification and Acknowledgement

I hereby certify on behalf of the Applicant, under pains and penalties of perjury, that the information provided above for each of the Applicant Entities is, to the best of my knowledge, true and complete; and that each of the following questions has been answered correctly to the best of my knowledge and belief:

(Please attach a written explanation for all of the following questions that are answered with a "Yes". Explanations should be attached to this Section 6.)

Question	Answer
Is there pending litigation with respect to any of the Applicant Entities?	No
Are there any outstanding liens or judgments against any properties owned by any of the Applicant Entities?	No
Have any of the Applicant Entities failed to comply with provisions of Massachusetts law related to taxes, reporting of employees and contractors, or withholding of child support?	No
Have any of the Applicant Entities ever been the subject of a felony indictment or conviction?	No
During the last 10 years, have any of the Applicant Entities ever been party to a lawsuit involving fraud, gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy?	No
Have any of the Applicant Entities failed to carry out obligations in connection with a Comprehensive Permit issued pursuant to M.G.L. c. 40B and any regulations or guidelines promulgated thereunder (whether or not MassHousing is or was the Subsidizing Agency/Project Administrator) including, but not limited to, completion of a cost examination and return of any excess profits or distributions?	No
Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements?	No
Are any of the Applicant Entities not current on all existing obligations to the Commonwealth of Massachusetts, and any agency, authority or instrument thereof?	No

I further certify that the information set forth in this application (including attachments) is true, accurate and complete as of the date hereof to the best of my/our knowledge, information and belief. I further understand that MassHousing is relying on this information in processing the request for Site Approval in connection with the above-referenced project; and

I hereby acknowledge our commitment and obligation to comply with requirements for cost examination and limitations on profits and distributions, all as found at 760 CMR 56.04(8) and will be more particularly set forth in a Regulatory Agreement by and between the Applicant and MassHousing.

I hereby acknowledge that will be required to provide financial surety by means of bond, cash escrow and a surety escrow agree- ment or letter of credit with the agreement that it may be called upon or used in the event that the Developer fails either to (i) complete and submit the examined Cost Certification as required by 760 CMR 56.04(8) and the Regulatory Agreement, or (ii) pay over to the Subsidizing Agency or the Municipality any funds in excess of the limitations on profits and distributions from capital sources as required by 760 CMR 56.04(8) and as set forth in the Regulatory Agreement.

Signature: _____

Name: Kevin O'brien

Title: President

Date: 06/23/2021

Section 7: NOTIFICATION AND FEES

Notices

Event	Date
Date(s) of meetings, if any, with municipal officials prior to submission of application to MassHousing:	05/13/2021
Date of Pre-Application Meeting with MassHousing:	06/09/2021
Date copy of complete application sent to chief elected office of municipality:	06/24/2021
Date notice of application sent to DHCD:	06/28/2021

Fees

All fees that are payable to MassHousing should be sent via ACH/Wire Transfer. Please contact MassHousing for the ACH/Wire Transfer instructions.

Fees payable to the Massachusetts Housing Partnership should be sent directly to MHP with the MHP Cover Letter

Fee	Amount	Description
MassHousing Application Processing Fee:	**$7,500**	*payable to MassHousing*
Chapter 40B Technical Assistance/Mediation Fee:	$1,000	*(Limited Dividend Sponsor $2,500, Non-Profit or Public Agency Sponsor $1,000)*
Unit Fee:	$10,000	*($50 per Unit)*
Total TA/Mediation and Unit Fee:	**$11,000**	*(Payable to Massachusetts Housing Partnership)*

Land Appraisal Cost: You will be required to pay for an "as-is" market value appraisal of the Site to be commission by MassHousing. MasHousing will contact you once a quote has been received for the cost of the appraisal.

SUSTAINABLE DEVELOPMENT CRITERIA SCORECARD

MassHousing encourages housing development that is consistent with sustainable development designs and green building practices. Please provide information indicating that your development complies with either Method 1 or Method 2 of the Sustainable Development Principles

Method 1 - Redevelop First

If Rehabilitation:

Rehabilitation/Redevelopment/Improvements to Structure	No
Rehabilitation/Redevelopment/Improvements to Infrastructure	No

If New Construction:

- Contributes to revitalization of town center or neighborhood	No
- Walkable to:	
(a) transit	No
(b) downtown or village center	No
(c) school	No
(d) library	No
(e) retail, services, or employment center	No
- Located in municipally-approved growth center	No

Explanation (Required):

Method 2 - Consistency with Sustainable Development Principals

Development meets a minimum of **five (5)** of the Commonwealth's *Sustainable Development Principles* as shown in the next section below.

If the development involves strong municipal support, the development need only meet four (4) of the Sustainable Development Principles. However, one (1) of the Principles met must be **Protect Land and Ecosystems**. Please check the applicable boxes within the "Optional - Demonstration of Municipal Support" section below, include an explanation in the box if necessary and provide attachments where applicable.

Optional - Demonstration of Municipal Support

- Letter of Support from the Chief Elected Official of the municipality *	No
- Housing development involves municipal funding	No
- Housing development involves land owned or donated by the municipality	No

**Other acceptable evidence: Zoning variance issued by ZBA for project; Minutes from Board of Selectman meeting showing that project was discussed and approved, etc.*

Explanation (Required)

Please explain at the end of each category how the development follows the relevant *Sustainable Development Principle(s)* and explain how the development demonstrates each of the checked "X" statements listed under the *Sustainable Development Principle(s)*.

(1) Concentrate Development and Mix Uses
Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.

- Higher density than surrounding area	Yes
- Mixes uses or adds new uses to an existing neighborhood	Yes
- Includes multi-family housing	Yes
- Utilizes existing water/sewer infrastructure	Yes
- Compact and/or clustered so as to preserve undeveloped land	Yes
- Reuse existing sites, structured, or infrastructure	No
- Pedestrian friendly	No
- Other (discuss below	No

Explanation (Required)

This proposed development will feature clustered multi-family housing in a reasonable rural area without any material and consistent multi-family housing areas. Moreover, the site plan has been proposed in a way to enhance the overall living experience for the residents by providing many outdoor passive and active recreation opportunities. In addition, and at the

(2) Advance Equity & Make Efficient Decisions

Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental justice. Ensure that the interests of future generations are not compromised by today's decisions.

Promote development in accordance with smart growth and environmental stewardship.

- Concerted public participation effort (beyond the minimally required public hearings)	No
- Streamlined permitting process, such as 40B or 40R	Yes
- Universal Design and/or visitability	No
- Creates affordable housing in middle to upper income area and/or meets regional need	No
- Creates affordable housing in high poverty area	No
- Promotes diversity and social equity and improves the neighborhood	No
- Includes environmental cleanup and/or neighborhood improvement in an Environmental Justice Community	No
- Other (discuss below)	No

Explanation (Required)

Pond View Commons will be permitted using Massachusetts General Law Chapter 40B.

(3) Protect Land and Ecosystems

Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open spaces and recreational opportunities.

- Creation or preservation of open space or passive recreational facilities	Yes
- Protection of sensitive land, including prime agricultural land, critical habitats, and wetlands	No
- Enviromental remediation or clean up	No
- Responds to state or federal mandate (e.g., clean drinking water, drainage, etc.)	No
- Eliminates or reduces neighborhood blight	No
- Addresses public health and safety risk	No
- Cultural or Historic landscape/existing neighborhood enhancement	No
- Other (discuss below)	No

Explanation (Required)

The project will feature several active and passive recreational opportunities including walking trails, dog parks, an outdoor pool, gazebo and other opportunities.
In addition, the project reduces neighborhood blight by replacing a derelict commercial egg farm that included multiple, large, unoccupied and unmaintained buildings.

(4) Use Natural Resources Wisely

Construct and promote developments, buildings, and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water and materials.

- Uses alternative technologies for water and/or wastewater treatment	No
- Uses low impact development (LID) for other innovative techniques	No
- Other (discuss below)	No

Explanation (Required)

(5) Expand Housing Opportunities

Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.

- Includes rental units, including for low/mod households	Yes
- Includes homeownership units, including for low/mod households	No
- Includes housing options for special needs and disabled population	Yes
- Expands the term of affordability	No
- Homes are near jobs, transit and other services	No
- Other (discuss below)	No

Explanation (Required)

Pond View Commons will include 51 units of affordable rental housing in an area that does not feature many deed restricted affordable units. Moreover, the as the proposed residential model features single level living fully accessible by elevators, the housing type is well suited for a population with mobility impairments.

(6) Provide Transportation Choice

Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives.

- Walkable to public transportation	No
- Reduces dependence on private automobiles (e.g., provides previously unavailable shared transportation, such as Zip Car or shuttle buses)	No
- Increased bike and ped access	No
- For rural areas, located in close proximity (i.e., approximately one mile) to a transportation corridor that provides access to employment centers, retail/commercial centers, civic or cultural destinations	No
- Other (discuss below)	No

Explanation (Required)

(7) Increase Job and Business Opportunities

Attract businesses and jobs to locations near housing, infrastructure, and transportation options. Promote economic development in industry clusters. Expand access to education, training and entrepreneurial opportunities. Support growth of local businesses, including sustainable natural resource-based businesses, such as agriculture, forestry, clean energy technology and fisheries.

- Permanent Jobs	Yes
- Permanent jobs for low- or moderate- income persons	No
- Jobs near housing, service or transit	No
- Housing near an employment center	No
- Expand access to education, training or entrepreneurial opportunities	No
- Support local business	No
- Support natural resource-based businesses (i.e., farming, forestry, or aquaculture)	No
- Re-uses or recycles matierials from a local or regional industry's waste stream	No
- Support manufacture of resource-efficient materials, such as recycled or low-toxicity materials	No
- Support businesses that utilize locally produced resources such as locally harvested wood or agricultural products	No
- Other (discuss below)	No

Explanation (Required)

The proposed project will require full-time property management personnel as well as the support of many other necessary trades including plumbing, electrical and general maintenance. These services will all be sourced from the local economy.

(8) Promote Clean Energy

Maximize energy efficiency and renewable energy opportunities. Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.

- Energy Star or Equivalent*	Yes
- Uses renewable energy source, recycled and/or non-/low-toxic materials, exceeds the state energy code, is configured to optimize solar access, and/or otherwise results in was reduction and conservation of resources	No
- Other (discuss below)	No

*All units are required by MassHousing to be Energy Star Efficient. Please include in your explanation a description of how the development will meet Energy Star criteria.

Explanation (Required)

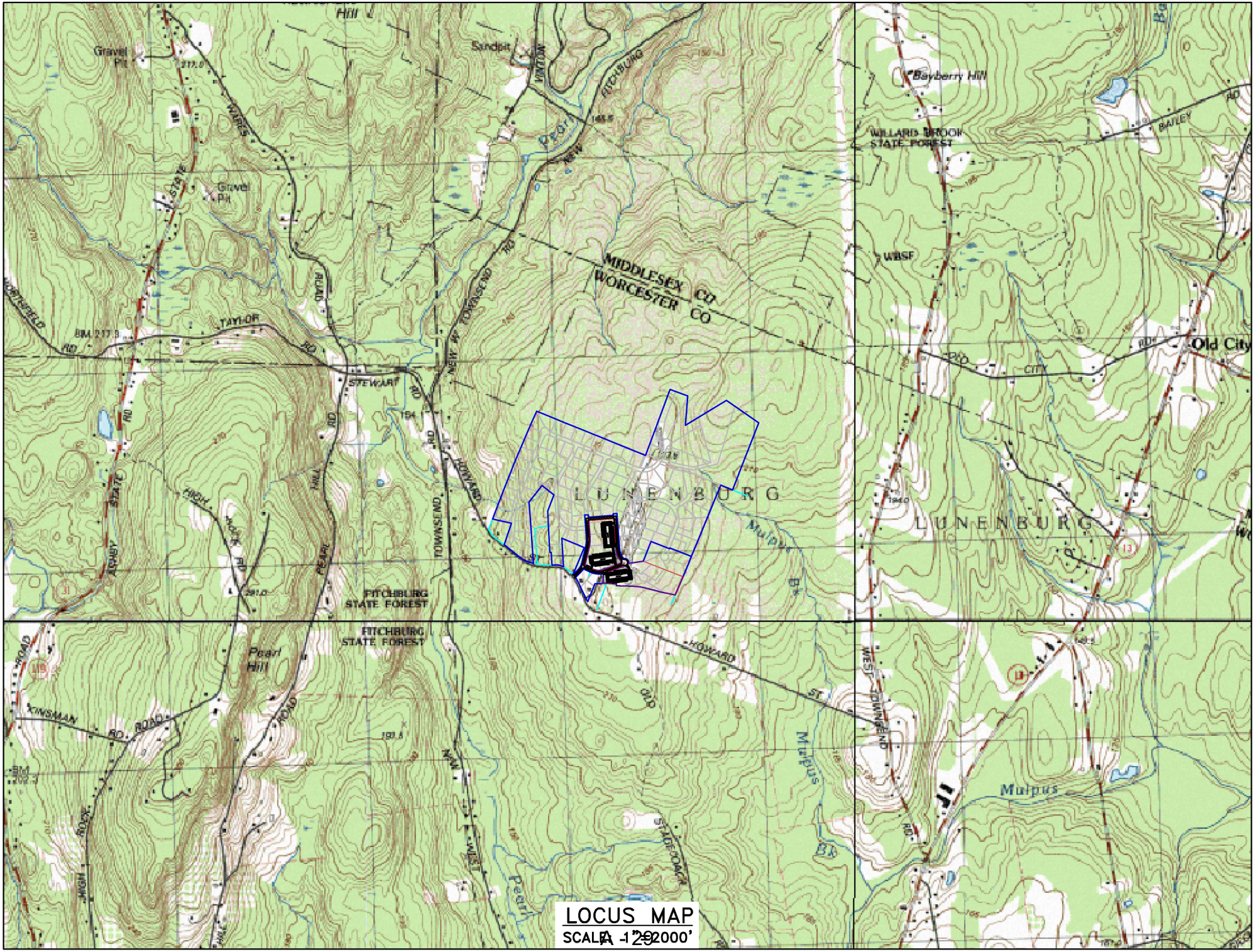
Energy Star appliances will be supplied in all units

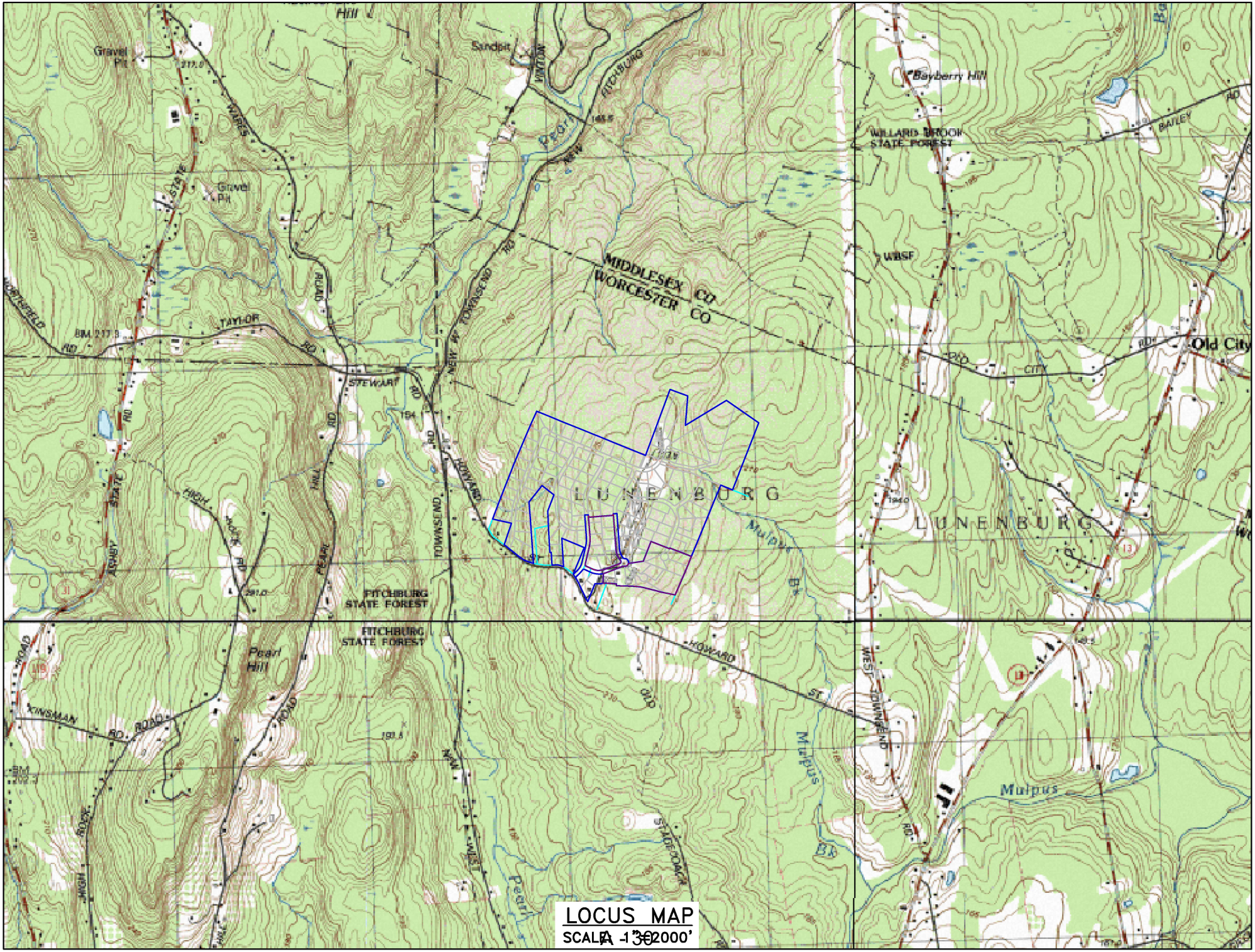
(9) Plan Regionally

Support the development and implementation of local and regional, state and interstate plans that have broad public support and are consistent with these principles. Foster development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit. Consider the long term costs and benefits to the Commonwealth.

- Consistent with a municipally supported regional plan	No
- Addresses barriers identified in a Regional Analysis of Impediments to Fair Housing	No
- Measureable public benefit beyond the applicant community	No
- Other (discuss below)	No

Explanation (Required)


LUNENBURG
LUNENBURG
MIDDLESEX CO
WORCESTER CO
FITCHBURG STATE FOREST
FITCHBURG STATE FOREST
WILLARD BROOK STATE FOREST
WBSF
Bayberry Hill
Pearl Hill
Old City
Mulpus
Mulpus
Mulpus
Gravel Pit
Gravel Pit
Sandpit
TAYLOR
STEWART
HOWARD
TOWNSEND
PEARL
ASHBY
KINSMAN
BAILEY
WEST TOWNSEND
STATE ROAD
NEW
NEW
NEW


LUNENBURG
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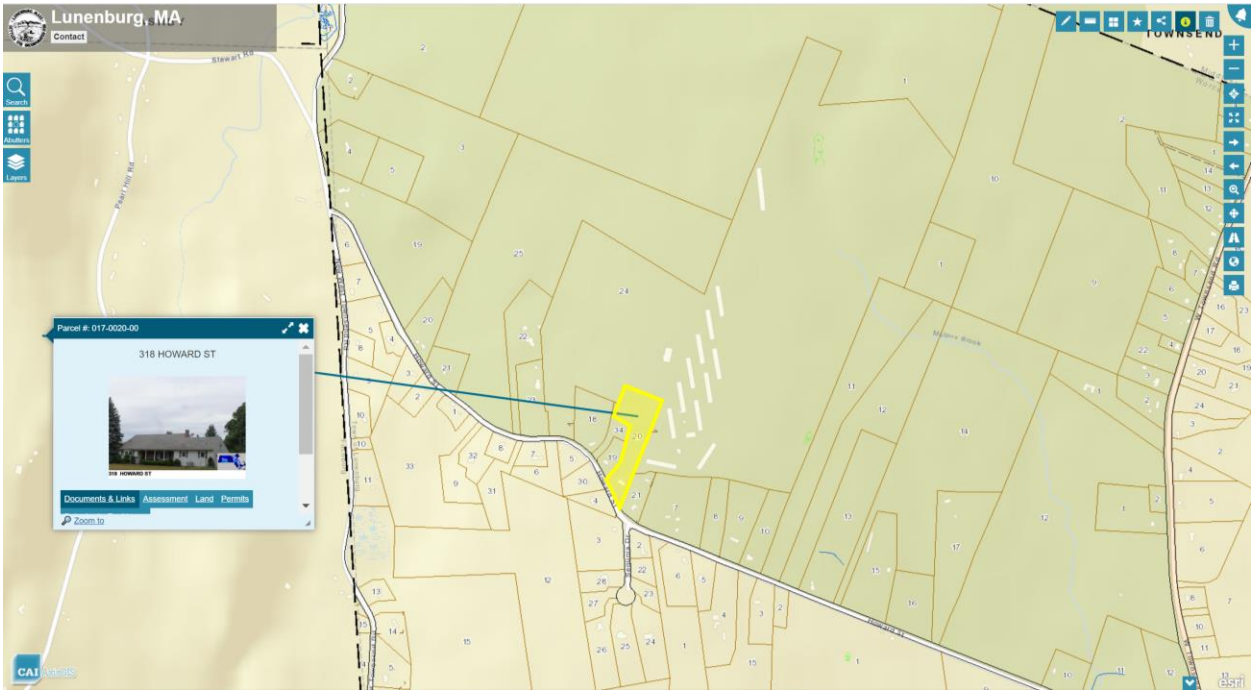
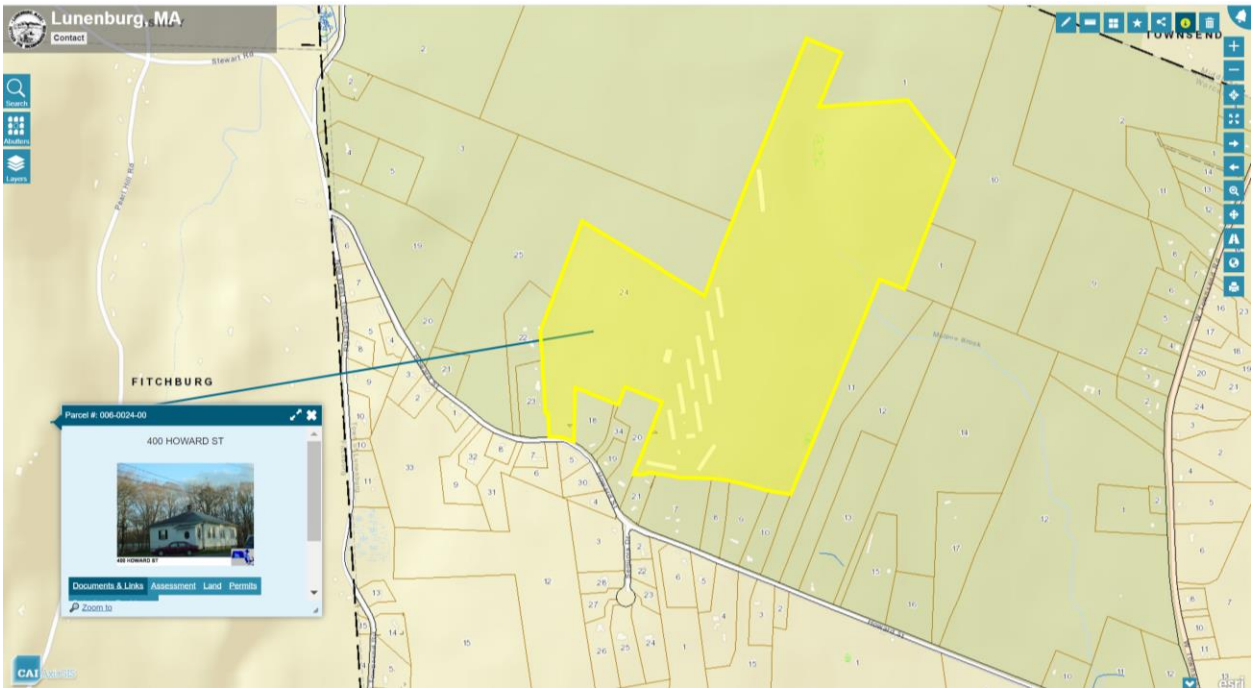
Gravel Pit
Sandpit
TAYLOR RD
STEWART RD
HOWARD ST
TOWNSEND RD
PEARL HILL ROAD
KINSMAN RD
OLD CITY
BAILEY RD
WBSF
LOCUS MAP
SCALE 1" = 2000'

Tax Map – 390 Howard Street

Tax Map – 318 Howard Street



Tax Map – 400 Howard Street



One Beacon Street

1 Beacon St, Boston, MA 02108

Get on I-90 W from Congress St

5 min (1.3 mi)

1. Head east on Beacon St toward Freedom Trail

164 ft

2. Continue onto School St

0.1 mi

3. Turn left onto Washington St

108 ft

4. Turn right onto Water St

463 ft

5. Turn right onto Congress St

0.3 mi

6. Use the 2nd from the right lane to turn right onto Purchase St

43 ft

7. Use the left lane to take the I-93 S ramp to I-90 W/Quincy/Worcester

0.5 mi

8. Keep right at the fork, follow signs for I-90 W

417 ft

9. Keep right, follow signs for Route 90 W/Masspike/Worcester and merge onto I-90 W

0.2 mi

Follow I-90 W and I-95 N to MA-2 W in Lexington. Take exit 29B from I-95 N

19 min (18.6 mi)

10. Merge onto I-90 W

⚠ Toll road

11.0 mi

11. Take exit 123A for I-95 toward Waltham/Providence

⚠ Toll road

0.5 mi

12. Keep left at the fork, follow signs for I-95 N/Portsmouth and merge onto I-95 N

6.7 mi

13. Take exit 29B to merge onto MA-2 W toward Acton/Fitchburg

0.4 mi

Continue to Acton

13 min (10.3 mi)

14. Merge onto MA-2 W

8.0 mi

15. At the traffic circle, take the 4th exit onto MA-111 N/MA-2 W

2.3 mi

Follow MA-2 W to Mead St in Leominster. Take exit 32 from MA-2 W

17 min (17.7 mi)

16. Keep right to stay on MA-111 N/MA-2 W

Continue to follow MA-2 W

17.7 mi

17. Take exit 32 for MA-13 toward Leominster/Lunenburg

318 ft

Take Main St, MA-13 N and Howard St to your destination in Lunenburg

16 min (7.6 mi)

18. Continue onto Mead St

0.1 mi

19. Turn right onto Main St

2.3 mi

20. Continue onto MA-13 N/Electric Ave

Continue to follow MA-13 N

1.7 mi

21. Turn right onto MA-13 N/MA-2A E

0.3 mi

22. Turn left onto MA-13 N

1.4 mi

23. Turn left onto W Townsend Rd

0.4 mi

24. Turn left onto Howard St

1.0 mi

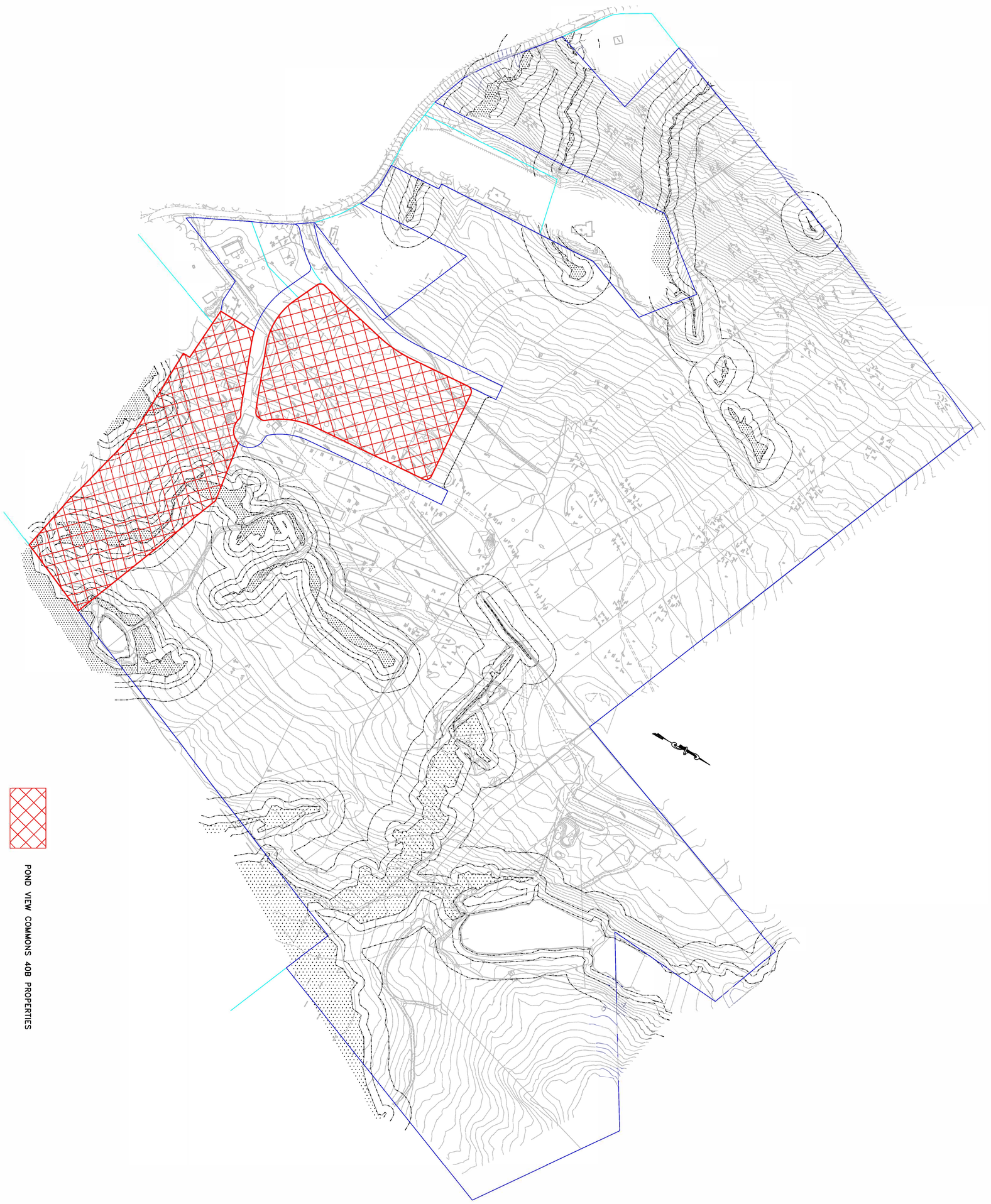
25. Turn right

0.2 mi

400 Howard St

Lunenburg, MA 01462

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



WHITMAN & BINGHAM
ASSOCIATES
REGISTERED ENGINEERS & LAND SURVEYORS
510 MECHANIC STREET
LEOMINSTER, MASSACHUSETTS 01453
TEL. (978) 537-5296
FAX. (978) 537-1423

OVERALL EXISTING CONDITIONS PLAN

FOR

"POND VIEW COMMONS" 40B DEVELOPMENT

IN

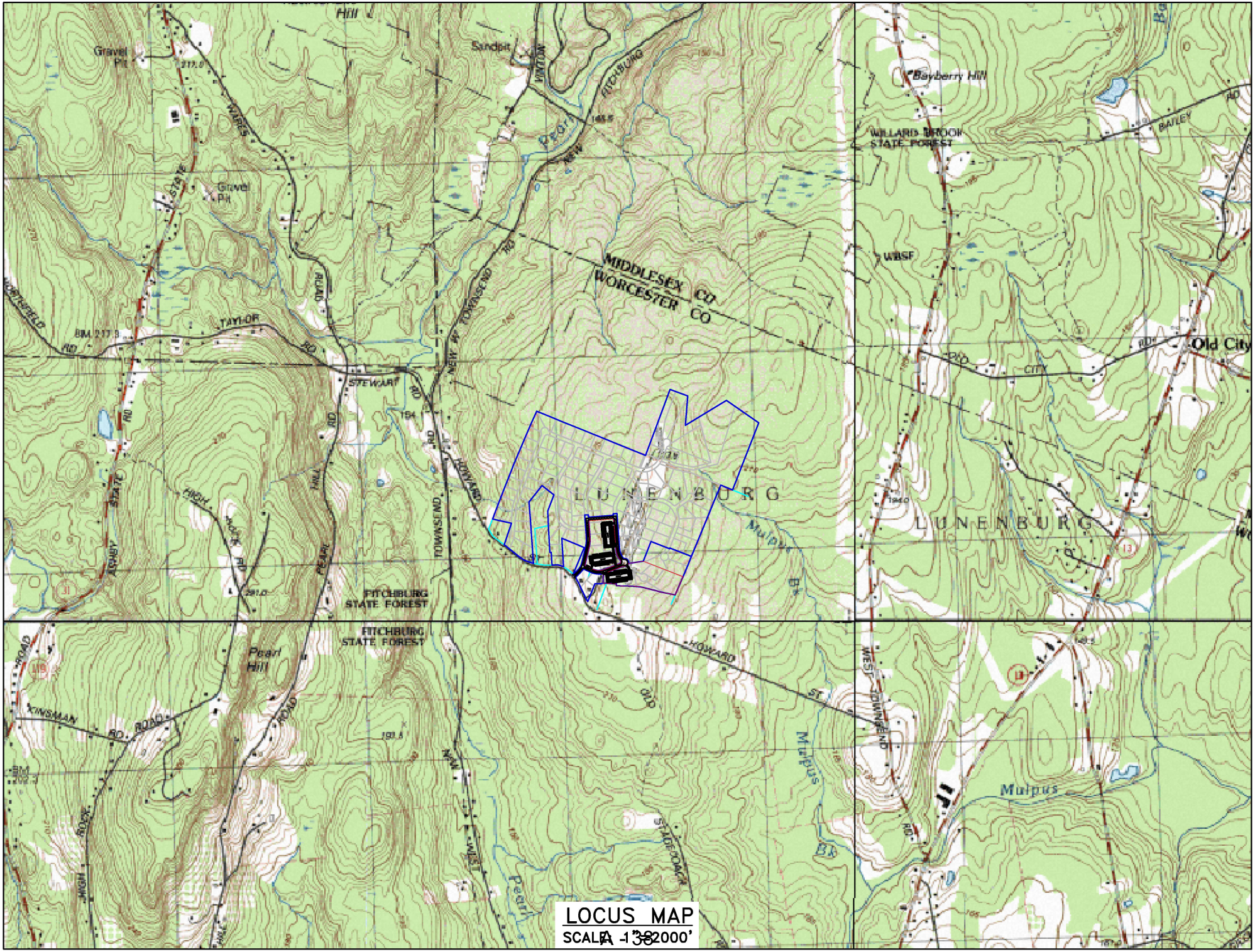
LUNENBURG, MASSACHUSETTS

PREPARED FOR:

POND VIEW COMMONS, LLC
KEVIN O'BRIEN
18 CASSIMERE STREET
ANDOVER, MASSACHUSETTS 01810

REVISIONS			
NO.	DESCRIPTION	DATE	BY

DRAWN BY: WRF	CHECKED BY: BFM
DATE: MAY 26, 2021	SCALE: 1"=180'
SHEET NUMBER: EC1 OF EC1	JOB NUMBER: 9542
COMPS: 9039	PLAN NUMBER: 30-D-38
PLAN REF(S):	FIELD BOOK REF(S):


LUNENBURG
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Gravel Pit
Sandpit
HOWARD ST
TOWNSEND
PEARL HILL ROAD
TAYLOR RD
STEWART RD
KINSMAN RD
ROAD
WBSF
LOCUS MAP
SCALE 1" = 2000'

Pond View Commons

Lunenburg, MA

May 26, 2021

1 inch = 800 Feet

0 800 1600 2400

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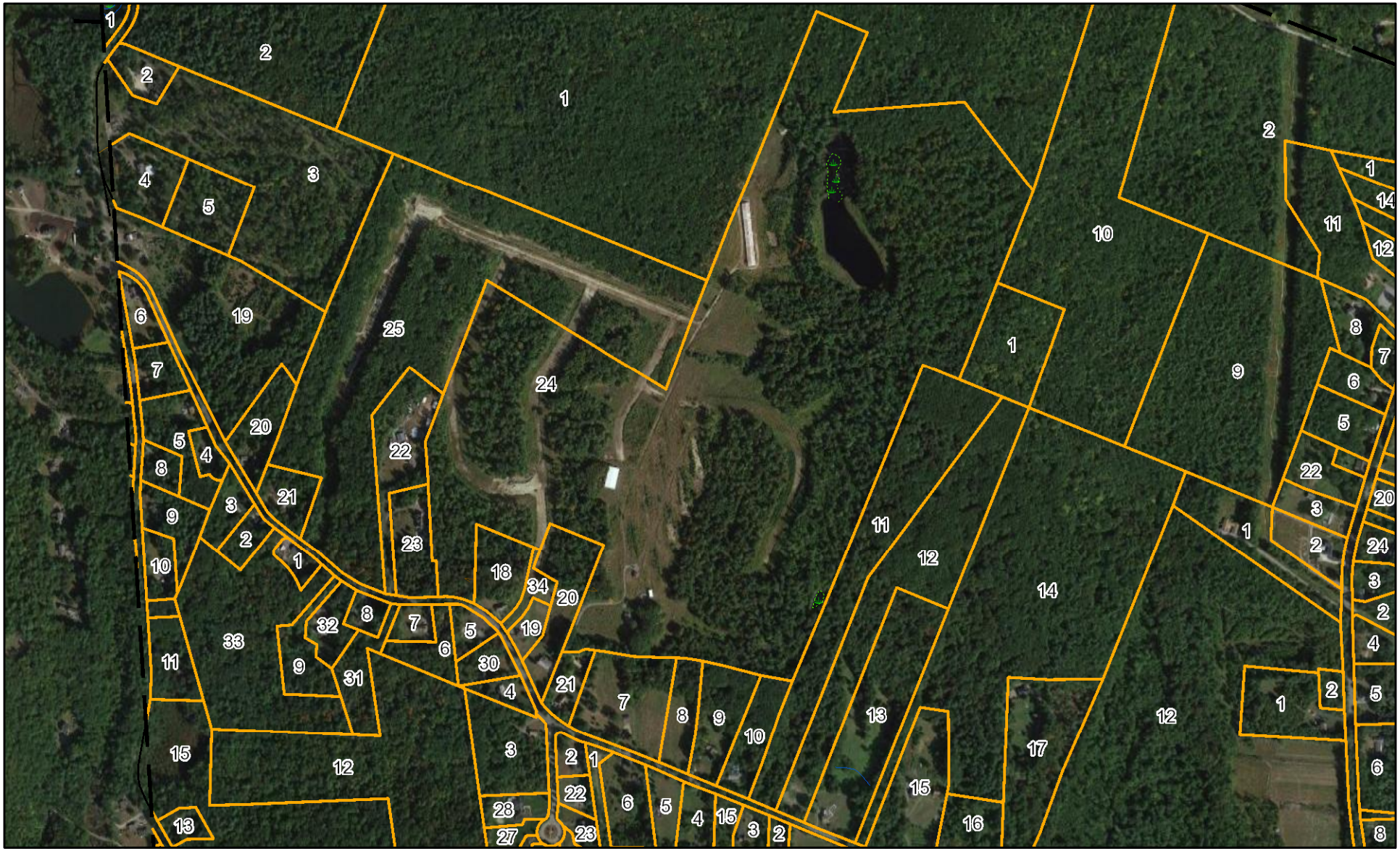


Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Pond View Commons

Existing Site Summary

18.5± Acres off Howard Street
(Portions of Assessors Map 6, 17, & 17; Parcel 24, 20, & 34, respectively)
Lunenburg, MA

The project property consists of land located off of Howard Street, a principal collector street, in the vicinity of 318 Howard Street, Lunenburg, MA. The Property includes 806,055 s.f.± of land that previously comprised a portion of a derelict, commercial egg farm. Most recently, the Property, along with approximately 174.64 acres of adjacent land, was included within a series of nine, single-family subdivisions approved in 2019. Construction has not begun on those subdivisions. Land within two of these subdivisions would be re-purposed for the Pond View Commons project. Connections for roadways, utilities, pedestrian access, and stormwater management would be preserved between the project and the subdivisions by way of easements.

The project property is substantially cleared and adjacent to the former location of several large, commercial chicken coops and other farm buildings that have recently been demolished. The project property is gentle sloping, with elevations ranging from 718 ft. to 748 ft. over the area proposed for project development. The site is in close proximity to Howard Street and allows for convenient vehicular access by way of a short, proposed access road perpendicularly intersecting Howard Street.

The project property is located in the Outlying Zoning District, a single and two-family residential district. The neighborhood adjacent the project property is primarily developed with single-family homes. The project property is located 4.4 miles from Fitchburg State University and the busy commercial areas of the City of Fitchburg. The site is equally distant between State Routes 13 and 31, which are each approximately 2 miles from the project property on Howard Street. The Lunenburg Walmart is located 3.5 miles from the project property. The 2,597 acre Willard Brook State Forest is in close proximity to the project property, with opportunities for pedestrian access to the Forest's extensive network of hiking and cross-country skiing trails.

The project property is not located in a FEMA elevated flood hazard area. There are wetlands located at the southeastern corner of the property, however, all development is proposed outside of the 50' buffer zone with minimal activity associated with one building located in the 50'-100' portion of the wetlands buffer zone.

"ARO ESTATES 1"

DEFINITIVE SUBDIVISION OF LAND

IN

LUNENBURG, MASSACHUSETTS

OFF

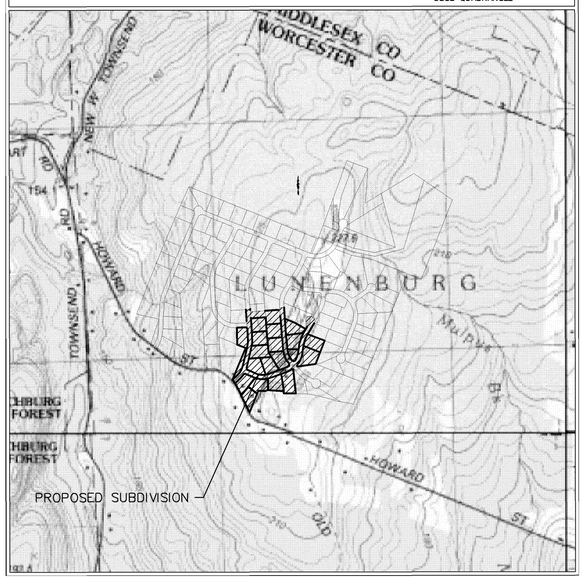
HOWARD STREET

APRIL 2012

LOCUS MAP

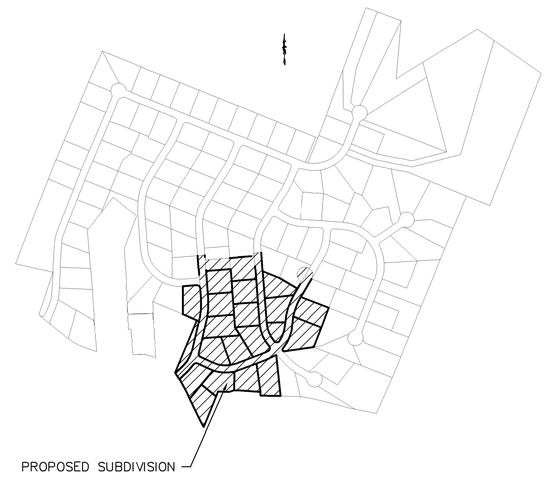
SCALE: 1"=1000'±

SOURCE:
USGS QUADRANGLE



LOCUS MAP

SCALE: 1"=600'±



APPLICANT
O'BRIEN HOMES, INC.
18 CASSIMERE ST.
ANDOVER, MA 01810
TEL. (978) 265-1863

ENGINEER & SURVEYOR
WHITMAN & BINGHAM ASSOCIATES, LLC.
510 MECHANIC STREET
LEOMINSTER, MA 01453
TEL. (978) 537-5296
FAX (978) 537-1423

NO.	DATE	DESCRIPTION
1	4-12-13	REVISIONS PER PLANNING PEER REVIEW

APPROVED AS SUBMITTED _____
APPROVED WITH CONDITIONS _____
APPROVED WITH REVISIONS _____

LUNENBURG PLANNING BOARD

DATE: _____

PLAN INDEX	
DEFINITIVE PLANS	D1-D4
SITE & GRADING PLAN	S1-S3
STREET PLAN & PROFILE	T1-T4
DRAINAGE PLAN & PROFILE	U1-U4
STREET TREE PLAN	P1-P1
EROSION CONTROL PLAN	E1-E2
CONSTRUCTION DETAILS & NOTES	N1-N4

DRAWN BY: AMC/WRF	CHECKED BY: BFM
DATE: APRIL 6, 2012	SCALE: N/A
SHEET NUMBER: OF	JOB NUMBER: 9542
COMPS: 9039	PLAN NUMBER: 30-D-38
PLAN REF(S): BY OTHERS	FIELD BOOK REF $:

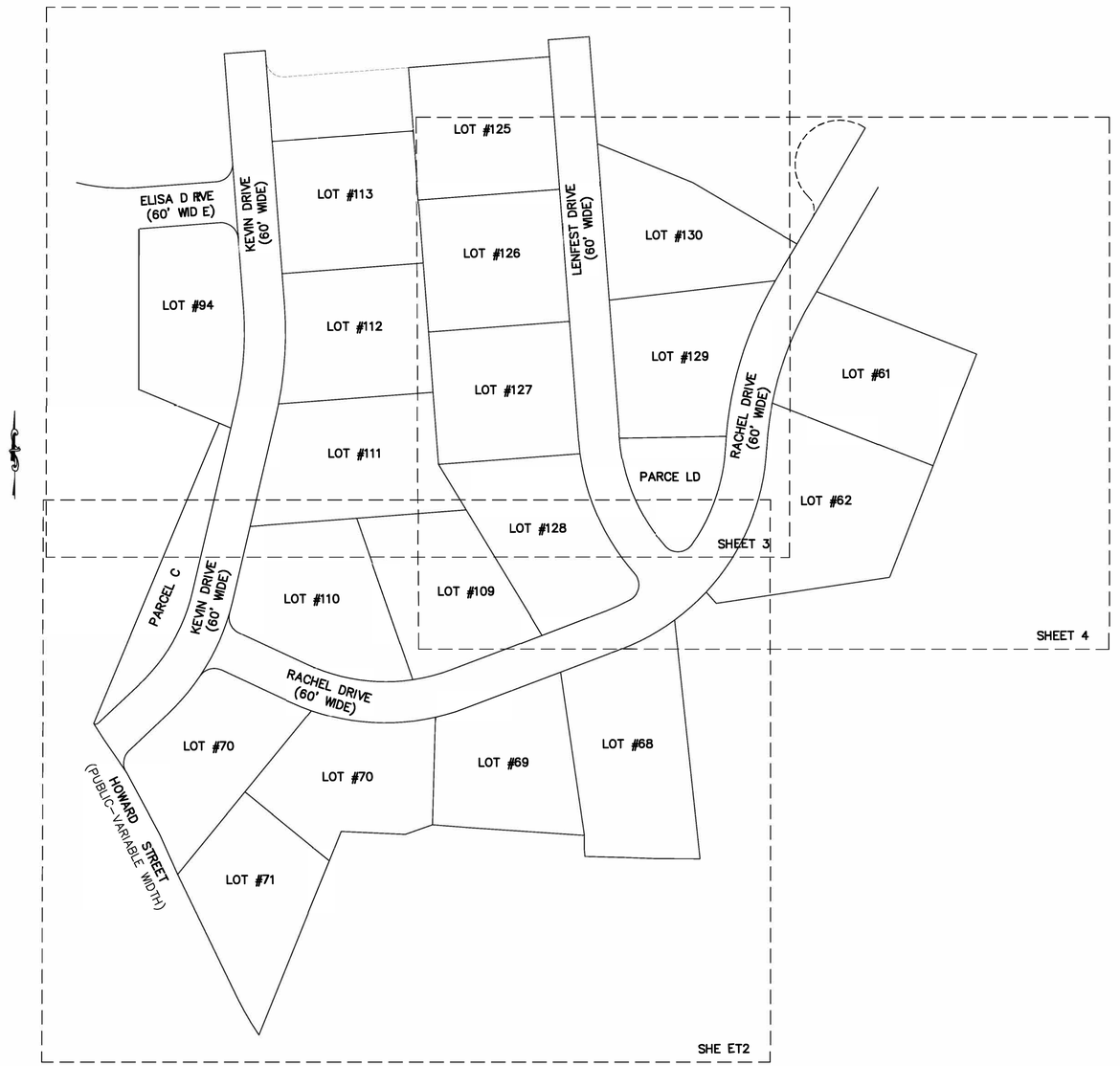
REVISIONS

NO.	DESCRIPTION	DATE	BY
1	REVISIONS PER PLANNING PEER REVIEW	4-12-13	WRF

COVER SHEET
FOR
ARO ESTATES 1
IN
LUNENBURG, MASSACHUSETTS

PREPARED FOR:
O'BRIEN HOMES, INC.
KEVIN O'BRIEN
18 CASSIMERE STREET
ANDOVER, MASSACHUSETTS 01810

WHITMAN & BINGHAM ASSOCIATES
REGISTERED ENGINEERS & LAND SURVEYORS
510 MECHANIC STREET
LEOMINSTER, MASSACHUSETTS 01453
TEL. (978) 537-5296
FAX. (978) 537-1423



NOTES:

1. OWNERS/APPLICANTS: O'BRIEN HOMES INC.
18 CASSIMERE ST.
ANDOVER, MA 01810
BK. 6712, P. 57
PROPERTY ADDRESS: 384 HOWARD ST.

460 HOWARD STREET REALTY TRUST
18 CASSIMERE ST.
ANDOVER, MA 01810
BK. 6819, P. 113
PROPERTY ADDRESS: 460 HOWARD ST.

JOHN E. & JUDITH ARO
318 HOWARD ST.
LUNENBURG, MA 01462
BK. 1646, P. 331
PROPERTY ADDRESS: 318 HOWARD ST.

JOHN E. & JUDITH ARO
318 HOWARD ST.
LUNENBURG, MA 01462
BK. 2086, P. 133
PROPERTY ADDRESS: 400 HOWARD ST.

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PL. BK. 222, P. 3
PL. BK. 237, P. 20
PL. BK. 241, P. 16
PL. BK. 316, P. 16
PL. BK. 414, P. 3
PL. BK. 455, P. 9
PL. BK. 480, P. 4

3. THE SUBJECT PREMISES IS GRAPHICALLY SITUATED IN THE OUTLYING ZONING DISTRICT WITH THE FOLLOWING MINIMUM DIMENSIONAL REQUIREMENTS:

	PREVIOUS	PRESENT
MINIMUM LOT AREA:	40,000 S.F.	80,000 S.F.
MINIMUM LOT FRONTAGE:	100 FT.	100 FT.
MINIMUM FRONT SETBACK:	40 FT.	40 FT.
MINIMUM SIDE SETBACK:	25 FT.	25 FT.
MINIMUM REAR SETBACK:	30 FT.	30 FT.
MINIMUM LOT WIDTH AT BLDG.:	175 FT.	175 FT.

4. THE SUBJECT PREMISES IS NOT GRAPHICALLY SITUATED IN THE 100-YEAR FLOOD HAZARD ZONE, PER FLOOD INSURANCE RATE MAP 250315 0002 B DATED JUNE 15, 1982.

5. PARCELS C & D ARE NOT TO BE CONSIDERED BUILDING LOTS.

6. WETLANDS FLAGGED BY CHARLES CARON.

LUNENBURG PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL

DATE: _____ LAW NOT REQUIRED

_____

_____

_____

_____

_____

DENOTES WETLAND AREA

DENOTES BOUND TO BE SET

I HEREBY CERTIFY THAT NO NOTICE OF APPEALS WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER THE RECEIPT AND RECORDING OF THE NOTICE FROM THE LUNENBURG PLANNING BOARD OF THE APPROVAL OF THIS PLAN.

_____

TOWN OF LUNENBURG CLERK DATE

JAMES E. GRAHAM #37566 REGISTERED PROFESSIONAL LAND SURVEYOR

4/12/2013

I CERTIFY THAT THIS PLAN MEETS WITH REGULATIONS OF REGISTERS OF DEEDS

ARO ESTATES 1

INDEX SHEET

IN LUNENBURG, MA

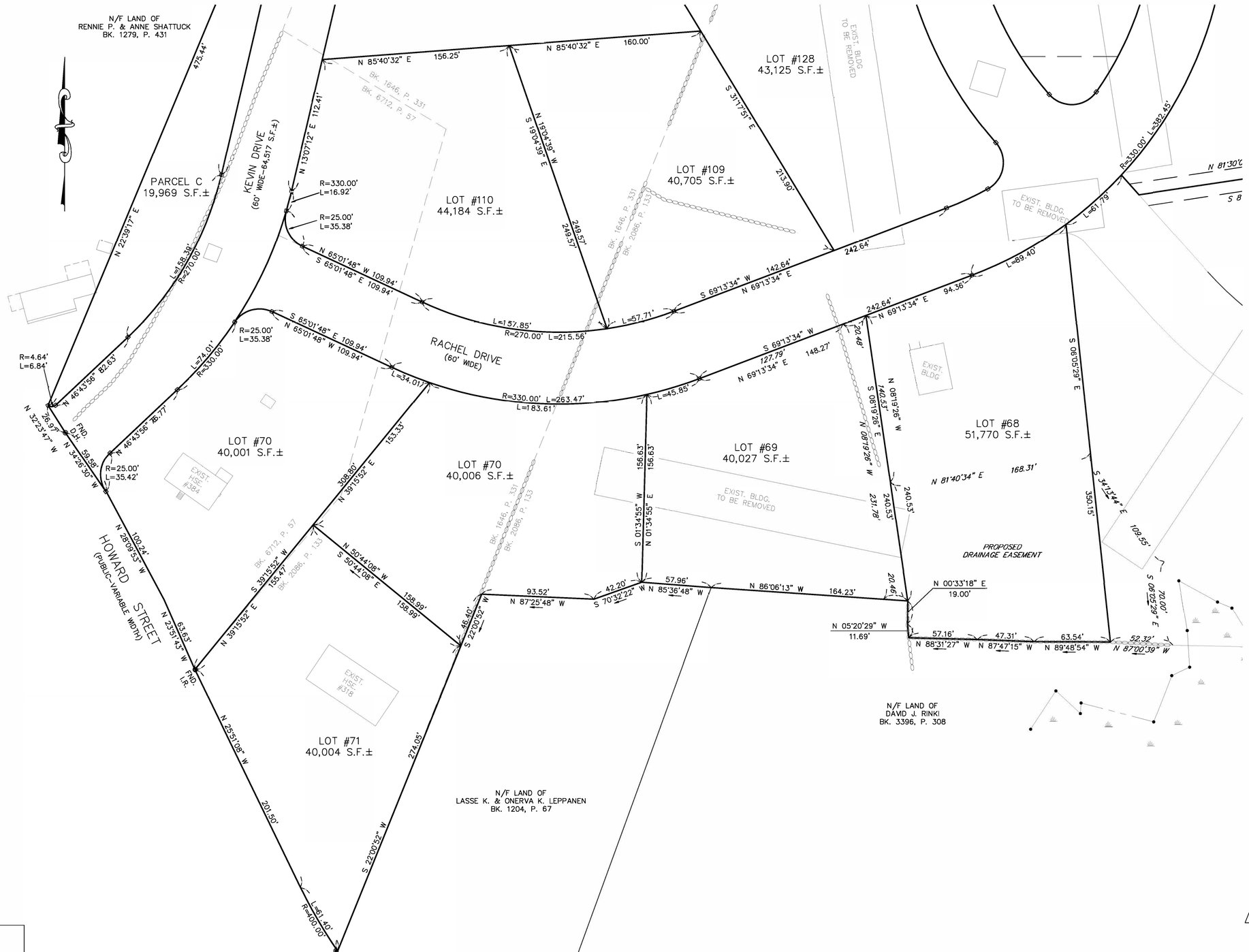
PREPARED FOR

O'BRIEN HOMES INC.

APRIL 6, 2012

100 0 100 200

WHITMAN & BINGHAM ASSOCIATES, LLC
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
510 MECHANIC STREET – LEOMINSTER, MASSACHUSETTS 01453



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LUNENBURG PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL

DATE: _____ LAW NOT REQUIRED

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DENOTES WETLAND AREA

DENOTES BOUND TO BE SET

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_____
TOWN OF LUNENBURG CLERK DATE

JAMES R. CLARK #37566 REGISTERED PROFESSIONAL LAND SURVEYOR
COMMONWEALTH OF MASSACHUSETTS
4/12/2013

I CERTIFY THAT THIS PLAN MEETS WITH REGULATIONS OF REGISTERS OF DEEDS

ARO ESTATES 1

DEFINITIVE SUBDIVISION PLAN

IN LUNENBURG, MA

PREPARED FOR

O'BRIEN HOMES INC.

APRIL 6, 2012

40 0 40 80

WHITMAN & BINGHAM ASSOCIATES, LLC
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
510 MECHANIC STREET – LEOMINSTER, MASSACHUSETTS 01453

REVISED 04-12-2013 SHEET D2 OF D4 30-D-38

NOTES:

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LUNENBURG, MA 01462
BK. 1646, P. 331
PROPERTY ADDRESS: 318 HOWARD ST.

JOHN E. & JUDITH ARO
318 HOWARD ST.
LUNENBURG, MA 01462
BK. 2086, P. 133
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6. WETLANDS FLAGGED BY CHARLES CARON.

LUNENBURG PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL

DATE: _____ LAW NOT REQUIRED

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_____

_____

_____

DENOTES WETLAND AREA

DENOTES BOUND TO BE SET

N/F LAND OF
RENNIE P. & ANNE SHATTUCK
BK. 1279, P. 431

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TOWN OF LUNENBURG CLERK DATE

JAMES A. CANTLE
#37566
REGISTERED
PROFESSIONAL LAND SURVEYOR

4/12/2013

I CERTIFY THAT THIS PLAN MEETS WITH REGULATIONS OF REGISTERS OF DEEDS

ARO ESTATES 1

DEFINITIVE SUBDIVISION PLAN

IN LUNENBURG, MA

PREPARED FOR

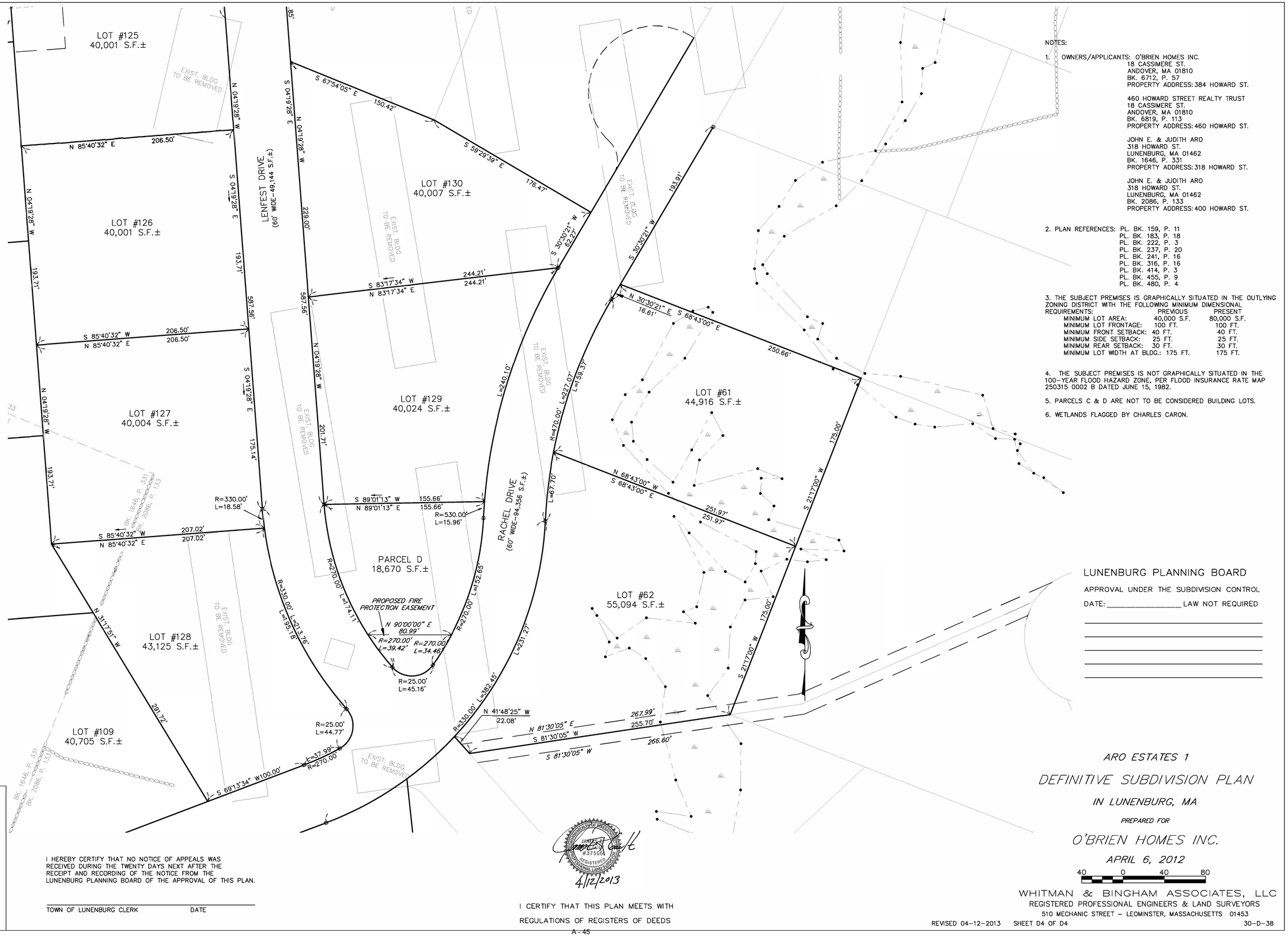
O'BRIEN HOMES INC.

APRIL 6, 2012

40 0 40 80

WHITMAN & BINGHAM ASSOCIATES, LLC
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
510 MECHANIC STREET – LEOMINSTER, MASSACHUSETTS 01453

REVISED 04-12-2013 SHEET D3 OF D4 30-D-38



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LUNENBURG PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL

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TOWN OF LUNENBURG CLERK DATE

JAMES E. COOK
#37566
REGISTERED PROFESSIONAL LAND SURVEYOR
4/12/2013

I CERTIFY THAT THIS PLAN MEETS WITH REGULATIONS OF REGISTERS OF DEEDS

ARO ESTATES 1

DEFINITIVE SUBDIVISION PLAN

IN LUNENBURG, MA

PREPARED FOR

O'BRIEN HOMES INC.

APRIL 6, 2012

40 0 40 80

WHITMAN & BINGHAM ASSOCIATES, LLC
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
510 MECHANIC STREET – LEOMINSTER, MASSACHUSETTS 01453

"ARO ESTATES 7"

DEFINITIVE SUBDIVISION OF LAND

IN

LUNENBURG, MASSACHUSETTS

OFF

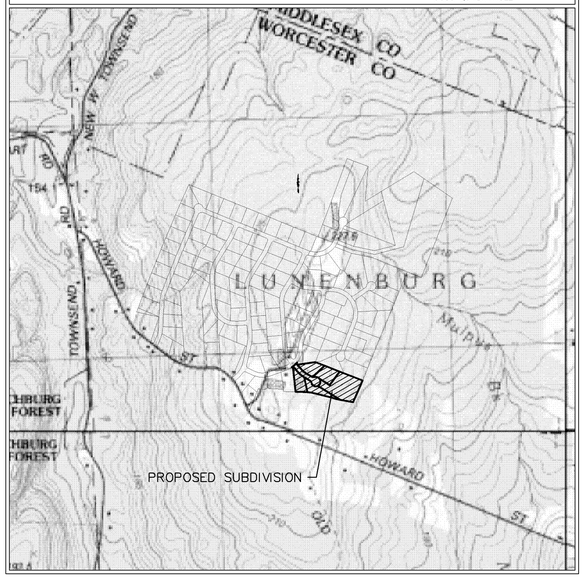
HOWARD STREET

APRIL 2012

LOCUS MAP

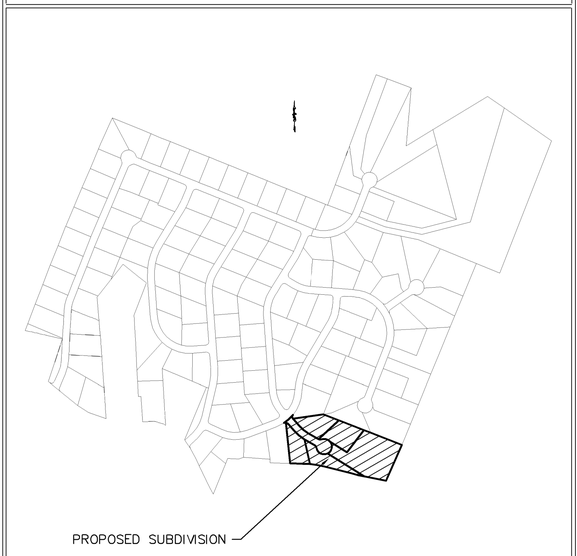
SCALE: 1"=1000'±

SOURCE:
USGS QUADRANGLE



LOCUS MAP

SCALE: 1"=600'±



APPLICANT
O'BRIEN HOMES, INC.
18 CASSIMERE ST.
ANDOVER, MA 01810
TEL. (978) 265-1863

ENGINEER & SURVEYOR
WHITMAN & BINGHAM ASSOCIATES, LLC.
510 MECHANIC STREET
LEOMINSTER, MA 01453
TEL. (978) 537-5296
FAX (978) 537-1423

NO.	DATE	DESCRIPTION
1	4-12-13	REVISIONS PER PLANNING PEER REVIEW

PLAN INDEX	
DEFINITIVE PLANS	D1-D4
SITE & GRADING PLAN	S1-S1
STREET PLAN & PROFILE	T1-T1
DRAINAGE PLAN & PROFILE	U1-U1
STREET TREE PLAN	P1-P1
EROSION CONTROL PLAN	E1-E1
CONSTRUCTION DETAILS & NOTES	N1-N4

APPROVED AS SUBMITTED _____
APPROVED WITH CONDITIONS _____
APPROVED WITH REVISIONS _____

LUNENBURG PLANNING BOARD

DATE: _____

DRAWN BY: AMC/WRF	CHECKED BY: BFM
DATE: APRIL 6, 2012	SCALE: N/A
SHEET NUMBER: OF	JOB NUMBER: 9542
COMPS: 9039	PLAN NUMBER: 30-D-38
PLAN REF(S): BY OTHERS	FIELD BOOK REF(S):

NO.	DESCRIPTION	DATE	BY
1	REVISIONS PER PLANNING PEER REVIEW	4-12-13	WRF

COVER SHEET
FOR
ARO ESTATES 7
IN
LUNENBURG, MASSACHUSETTS

PREPARED FOR:
O'BRIEN HOMES, INC.
KEVIN O'BRIEN
18 CASSIMERE STREET
ANDOVER, MASSACHUSETTS 01810

WHITMAN & BINGHAM ASSOCIATES
REGISTERED ENGINEERS & LAND SURVEYORS
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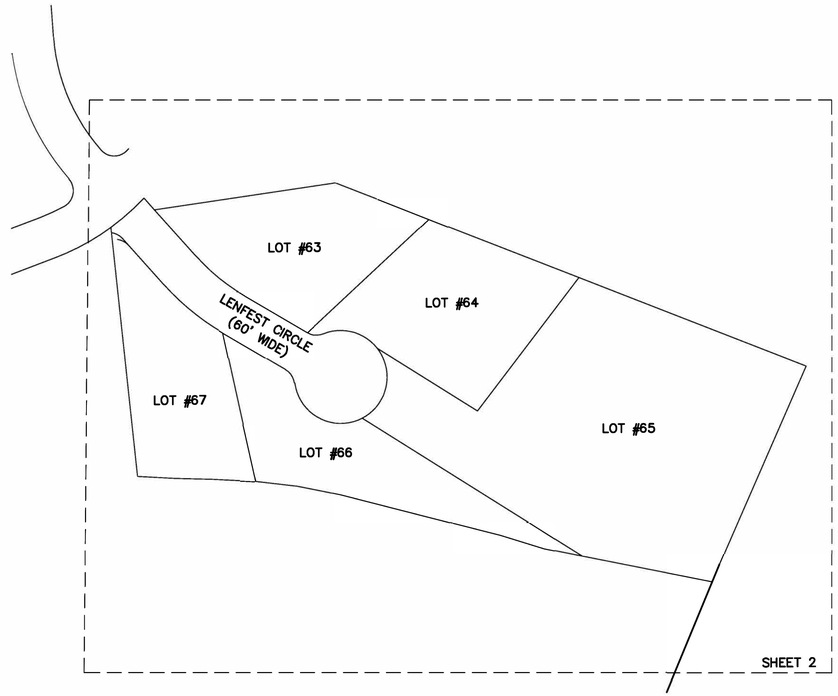

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LUNENBURG PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL

DATE: _____ LAW NOT REQUIRED

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DENOTES BOUND TO BE SET

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TOWN OF LUNENBURG CLERK DATE

JAMES E. GRANT #37566 REGISTERED PROFESSIONAL LAND SURVEYOR

4/12/2013

I CERTIFY THAT THIS PLAN MEETS WITH REGULATIONS OF REGISTERS OF DEEDS

ARO ESTATES 7

INDEX SHEET

IN LUNENBURG, MA

PREPARED FOR

O'BRIEN HOMES INC.

APRIL 6, 2012

100 0 100 200

WHITMAN & BINGHAM ASSOCIATES, LLC
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
510 MECHANIC STREET – LEOMINSTER, MASSACHUSETTS 01453

REVISED 04-12-2013 SHEET D1 OF D4 30-D-38

MARGARET CIRCLE
(60' WIDE)

LOT #63
43,2461 S.F.±

LOT #64
49,861 S.F.±

LOT #65
142,390 S.F.±

LOT #66
41,061 S.F.±

LOT #67
40,441 S.F.±

LENFEST CIRCLE
(60' WIDE)

PARK EASEMENT

EXIST. BLDG. TO BE REMOVED

EXIST. BLDG. TO BE REMOVED

PROPOSED DRAINAGE EASEMENT

PROPOSED DRAINAGE EASEMENT

PROPOSED DRAINAGE EASEMENT

N/F LAND OF
DAVID J. RINKI
BK. 3396, P. 308

N/F LAND OF
FRANCIS M. & DIANE M. BERNATCHEZ
BK. 2238, P. 101

N/F LAND OF
PHONEPHET & KHAMPHENG
THIRAKOUN
BK. 6818, P. 242

FND. I.R.

FND. I.R.

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LUNENBURG PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL

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▲ DENOTES WETLAND AREA

⊡ DENOTES BOUND TO BE SET

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_____
TOWN OF LUNENBURG CLERK DATE

COMMONWEALTH OF MASSACHUSETTS
JAMES E. CLARK
#37566
REGISTERED
PROFESSIONAL LAND SURVEYOR

4/12/2013

I CERTIFY THAT THIS PLAN MEETS WITH REGULATIONS OF REGISTERS OF DEEDS

ARO ESTATES 7

DEFINITIVE SUBDIVISION PLAN

IN LUNENBURG, MA

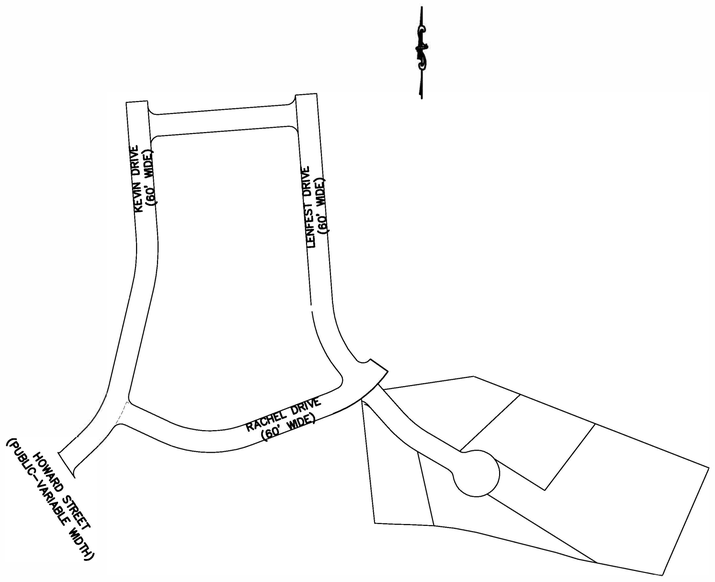
PREPARED FOR

O'BRIEN HOMES INC.

APRIL 6, 2012

40 0 40 80

WHITMAN & BINGHAM ASSOCIATES, LLC
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
510 MECHANIC STREET – LEOMINSTER, MASSACHUSETTS 01453



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JOHN E. & JUDITH ARO
318 HOWARD ST.
LUNENBURG, MA 01462
BK. 1646, P. 331
PROPERTY ADDRESS: 318 HOWARD ST.

JOHN E. & JUDITH ARO
318 HOWARD ST.
LUNENBURG, MA 01462
BK. 2086, P. 133
PROPERTY ADDRESS: 400 HOWARD ST.

2. PLAN REFERENCES: PL. BK. 159, P. 11
PL. BK. 183, P. 18
PL. BK. 222, P. 3
PL. BK. 237, P. 20
PL. BK. 241, P. 16
PL. BK. 316, P. 16
PL. BK. 414, P. 3
PL. BK. 455, P. 9
PL. BK. 480, P. 4

3. THIS PLAN IS SUBMITTED IN ACCORDANCE WITH LUNENBURG RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, SECTION 4.2.1.5 ADEQUATE ACCESS FROM PUBLIC WAY, SUBSECTION A) WHERE THE STREET SYSTEM WITHIN A SUBDIVISION DOES NOT CONNECT WITH OR HAVE, IN THE OPINION OF THE PLANNING BOARD, ADEQUATE ACCESS FROM A TOWN, COUNTY OR STATE (PUBLIC) WAY, THE BOARD MAY REQUIRE AS A CONDITION OF APPROVAL OF A PLAN, THAT SUCH ADEQUATE ACCESS BE PROVIDED BY THE SUBDIVIDER AND/OR THAT THE SUBDIVIDER MAKE PHYSICAL IMPROVEMENTS TO AND WITHIN SUCH A WAY OF ACCESS, IN ACCORD WITH THE PROVISIONS OF SECTION 5.0. OF THESE REGULATIONS, FROM THE BOUNDARY OF THE SUBDIVISION TO A TOWN, COUNTY OR STATE WAY.

LUNENBURG PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL

DATE: _____ LAW NOT REQUIRED

_____

_____

_____

_____

_____

I HEREBY CERTIFY THAT NO NOTICE OF APPEALS WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER THE RECEIPT AND RECORDING OF THE NOTICE FROM THE LUNENBURG PLANNING BOARD OF THE APPROVAL OF THIS PLAN.

_____

TOWN OF LUNENBURG CLERK DATE

COMMONWEALTH OF MASSACHUSETTS
JAMES F. WHITMAN
#37566
REGISTERED PROFESSIONAL LAND SURVEYOR

4/12/2013

I CERTIFY THAT THIS PLAN MEETS WITH REGULATIONS OF REGISTERS OF DEEDS

ARO ESTATES 7

PUBLIC WAY ACCESS PLAN

IN LUNENBURG, MA

PREPARED FOR

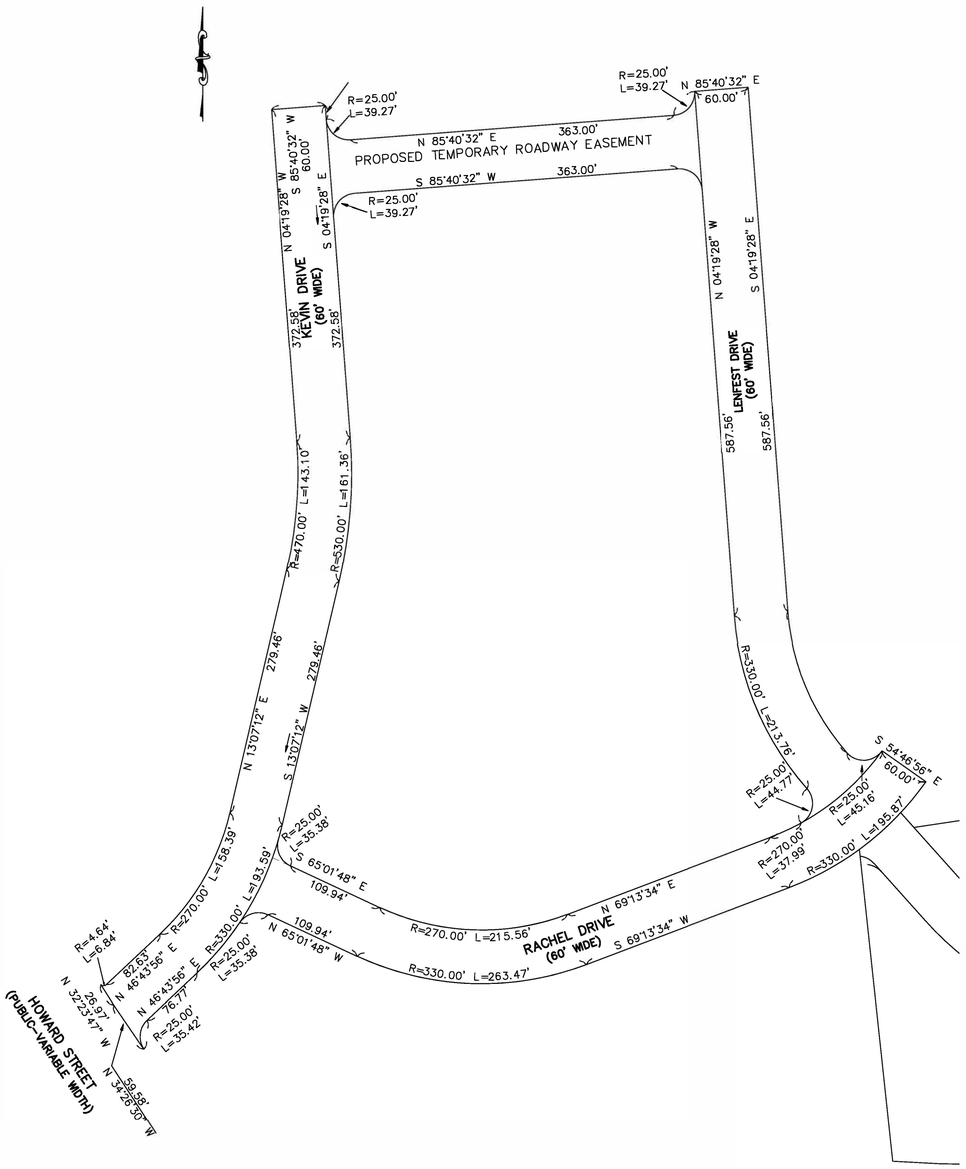
O'BRIEN HOMES INC.

MARCH 7, 2013

200 0 200 400

WHITMAN & BINGHAM ASSOCIATES, LLC
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
510 MECHANIC STREET – LEOMINSTER, MASSACHUSETTS 01453

SHEET D3 OF D4 30-D-38



NOTES:

1. OWNERS/APPLICANTS: O'BRIEN HOMES INC.
18 CASSIMERE ST.
ANDOVER, MA 01810
BK. 6712, P. 57
PROPERTY ADDRESS: 384 HOWARD ST.

460 HOWARD STREET REALTY TRUST
18 CASSIMERE ST.
ANDOVER, MA 01810
BK. 6819, P. 113
PROPERTY ADDRESS: 460 HOWARD ST.

JOHN E. & JUDITH ARO
318 HOWARD ST.
LUNENBURG, MA 01462
BK. 1646, P. 331
PROPERTY ADDRESS: 318 HOWARD ST.

JOHN E. & JUDITH ARO
318 HOWARD ST.
LUNENBURG, MA 01462
BK. 2086, P. 133
PROPERTY ADDRESS: 400 HOWARD ST.

2. PLAN REFERENCES: PL. BK. 159, P. 11
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PL. BK. 241, P. 16
PL. BK. 316, P. 16
PL. BK. 414, P. 3
PL. BK. 455, P. 9
PL. BK. 480, P. 4

3. THIS PLAN IS SUBMITTED IN ACCORDANCE WITH LUNENBURG RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, SECTION 4.2.1.5 ADEQUATE ACCESS FROM PUBLIC WAY, SUBSECTION A) WHERE THE STREET SYSTEM WITHIN A SUBDIVISION DOES NOT CONNECT WITH OR HAVE, IN THE OPINION OF THE PLANNING BOARD, ADEQUATE ACCESS FROM A TOWN, COUNTY OR STATE (PUBLIC) WAY, THE BOARD MAY REQUIRE AS A CONDITION OF APPROVAL OF A PLAN, THAT SUCH ADEQUATE ACCESS BE PROVIDED BY THE SUBDIVIDER AND/OR THAT THE SUBDIVIDER MAKE PHYSICAL IMPROVEMENTS TO AND WITHIN SUCH A WAY OF ACCESS, IN ACCORD WITH THE PROVISIONS OF SECTION 5.0. OF THESE REGULATIONS, FROM THE BOUNDARY OF THE SUBDIVISION TO A TOWN, COUNTY OR STATE WAY.

LUNENBURG PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL

DATE: _____ LAW NOT REQUIRED

_____

_____

_____

_____

_____

I HEREBY CERTIFY THAT NO NOTICE OF APPEALS WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER THE RECEIPT AND RECORDING OF THE NOTICE FROM THE LUNENBURG PLANNING BOARD OF THE APPROVAL OF THIS PLAN.

_____
TOWN OF LUNENBURG CLERK DATE

COMMONWEALTH OF MASSACHUSETTS
JAMES E. WHITMAN
#9715GL
REGISTERED
PROFESSIONAL LAND SURVEYOR

4/12/2013

I CERTIFY THAT THIS PLAN MEETS WITH REGULATIONS OF REGISTERS OF DEEDS

ARO ESTATES 7

PUBLIC WAY ACCESS PLAN

IN LUNENBURG, MA

PREPARED FOR

O'BRIEN HOMES INC.

MARCH 7, 2013

80 0 80 160

WHITMAN & BINGHAM ASSOCIATES, LLC
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
510 MECHANIC STREET – LEOMINSTER, MASSACHUSETTS 01453

SHEET D4 OF D4 30-D-38

PROP. GRILL/PICNIC AREA

PROP. OPEN LAWN/ RECREATIONAL AREA

PROP. WALKWAY

PROP. BUILDING A

PROP. BUILDING B

PROP. BUILDING C

PROP. COURTYARD (HARDSCAPE/ GRILLS)

PROP. GROVE

PROP. BUILDING SIGN

PROP. MAIN ENTRY SIGN

PROP. GRILL/PICNIC AREA

EX. BUILDING (TO BE REMOVED)

DENSE TREES

EX. HOUSE

EX. HOUSE #384

EX. STOCKADE FENCE

EX. STONE RET. WALL

EX. VAC. UNIT

ROOF DRAIN

INV. 12" CMP=717.98

UP 39/3005

WHITMAN & BINGHAM ASSOCIATES

REGISTERED ENGINEERS & LAND SURVEYORS

510 MECHANIC STREET
LEOMINSTER, MASSACHUSETTS 01453
TEL. (978) 537-5296
FAX. (978) 537-1423

PROPOSED SITE LAYOUT PLAN

FOR

"POND VIEW COMMONS" 40B DEVELOPMENT

IN

LUNENBURG, MASSACHUSETTS

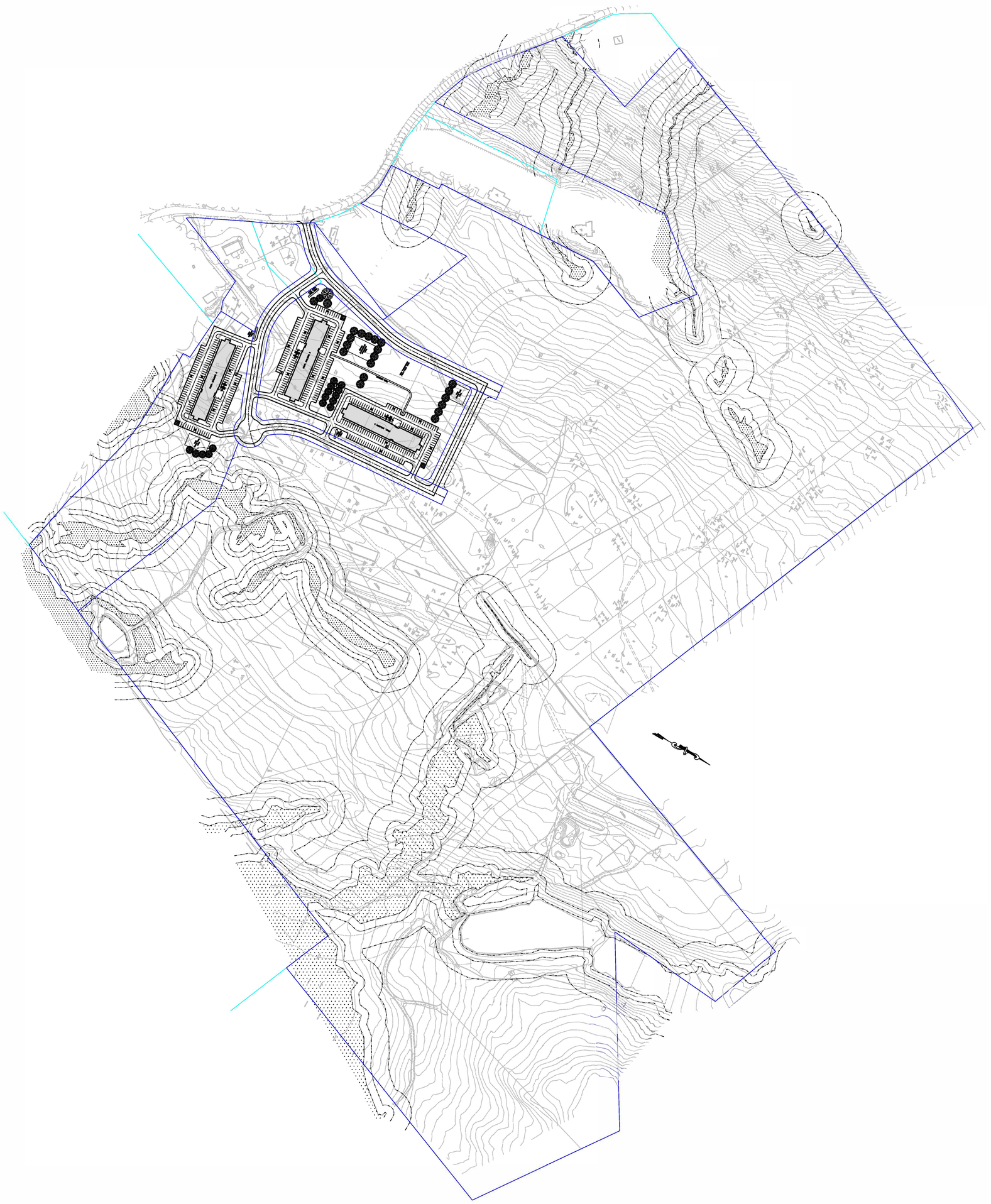
PREPARED FOR:

POND VIEW COMMONS, LLC
KEVIN O'BRIEN
18 CASSIMERE STREET
ANDOVER, MASSACHUSETTS 01810

REVISIONS			
NO.	DESCRIPTION	DATE	BY

DRAWN BY: WRF	CHECKED BY: BFM
DATE: MAY 26, 2021	SCALE: 1"=50'
SHEET NUMBER: CC1 OF CC1	JOB NUMBER: 9542
COMPS: 9039	PLAN NUMBER: 30-D-38
PLAN REF(S):	FIELD BOOK REF(S):

30-D-38 (SHEET CC1 OF CC1)



A-52

30-D-38 (SHEET 01 OF 01)

WHITMAN & BINGHAM
ASSOCIATES
REGISTERED ENGINEERS & LAND SURVEYORS
510 MECHANIC STREET
LEOMINSTER, MASSACHUSETTS 01453
TEL. (978) 537-5296
FAX. (978) 537-1425

OVERALL PROPOSED SITE LAYOUT PLAN

FOR

"POND VIEW COMMONS" 40B DEVELOPMENT

IN

LUNENBURG, MASSACHUSETTS

PREPARED FOR:

POND VIEW COMMONS, LLC
KEVIN O'BRIEN
18 CASSIMERE STREET
ANDOVER, MASSACHUSETTS 01810

REVISIONS			
NO.	DESCRIPTION	DATE	BY

DRAWN BY: WRF	CHECKED BY: BFM
DATE: MAY 26, 2021	SCALE: 1"=180'
SHEET NUMBER: 01 OF 01	JOB NUMBER: 9542
COMPS: 9039	PLAN NUMBER: 30-D-38
PLAN REF(S):	FIELD BOOK REF(S):

POND VIEW COMMONS
LUNENBURG, MASSACHUSETTS

SITE PLAN APPROVAL SUBMISSION
02.17.2021

BUILDING UNIT MARTIX	
Name	Count
1 BEDROOM	59
2 BEDROOM	117
3 BEDROOM	24
UNIT TOTAL: 200	

SHEET INDEX	
Sheet Number	Sheet Name
CS.001	COVER SHEET
SD.100	ARCHITECTURAL SITE PLAN
SD.101	FLOOR PLANS - BUILDING A
SD.102	FLOOR PLANS - BUILDING A
SD.103	FLOOR PLANS - BUILDING B
SD.104	FLOOR PLANS - BUILDING B
SD.105	FLOOR PLANS - BUILDING C
SD.106	FLOOR PLANS - BUILDING C
SD.150	UNIT PLANS
SD.201	ELEVATIONS - BUILDING A
SD.202	ELEVATIONS - BUILDING B
SD.203	ELEVATIONS - BUILDING C
SD.501	RENDERINGS

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

ARCHITECT
Steam Collaborative LLC

CIVIL ENGINEER
Whitman + Bingham Engineers

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architecture + branding+ design

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Baltimore, MD 21231
steam-ad.com

rev	issue	date
	SITE PLAN APPROVAL	02.17.2021
1		
2		
3		

POND VIEW COMMONS

COVER SHEET

CS.001

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1 WORKING - LEVEL 01 SITE
1" = 100'-0"

POND VIEW COMMONS

40B DEVELOPMENT
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2		
3		

POND VIEW COMMONS

ARCHITECTURAL SITE PLAN

SD.100

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2 PRESENTATION - LEVEL 02 - BUILDING A
1/16" = 1'-0"

5 - ONE BEDROOM
10 - TWO BEDROOM
2 - THREE BEDROOM

17 UNITS

1 PRESENTATION - LEVEL 01 - BUILDING A
1/16" = 1'-0"

5 - ONE BEDROOM
9 - TWO BEDROOM
2 - THREE BEDROOM

16 UNITS

BUILDING GROSS S.F. SCHEDULE

1ST FLOOR	20,945 GROSS S.F.
2ND FLOOR	20,551 GROSS S.F.
3RD FLOOR	20,551 GROSS S.F.
4TH FLOOR	20,551 GROSS S.F.
TOTAL :	82,598 GROSS S.F.

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

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2		
3		

POND VIEW COMMONS

FLOOR PLANS - BUILDING A

SD.101

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2 PRESENTATION - LEVEL 04 - BUILDING A
1/16" = 1'-0"

5 - ONE BEDROOM
10 - TWO BEDROOM
2 - THREE BEDROOM

17 UNITS

BUILDING GROSS S.F. SCHEDULE

1ST FLOOR	20,945 GROSS S.F.
2ND FLOOR	20,551 GROSS S.F.
3RD FLOOR	20,551 GROSS S.F.
4TH FLOOR	20,551 GROSS S.F.
TOTAL :	82,598 GROSS S.F.

1 PRESENTATION - LEVEL 03 - BUILDING A
1/16" = 1'-0"

5 - ONE BEDROOM
10 - TWO BEDROOM
2 - THREE BEDROOM

17 UNITS

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

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1		
2		
3		

POND VIEW COMMONS

FLOOR PLANS - BUILDING A

SD.102

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2 PRESENTATION - LEVEL 02 - BUILDING B
1/16" = 1'-0"

4 - ONE BEDROOM
10 - TWO BEDROOM
2 - THREE BEDROOM

17 UNITS

BUILDING GROSS S.F. SCHEDULE

1ST FLOOR	20,945 GROSS S.F.
2ND FLOOR	20,551 GROSS S.F.
3RD FLOOR	20,551 GROSS S.F.
4TH FLOOR	20,551 GROSS S.F.
TOTAL :	82,598 GROSS S.F.

1 PRESENTATION - LEVEL 01 - BUILDING B
1/16" = 1'-0"

5 - ONE BEDROOM
9 - TWO BEDROOM
2 - THREE BEDROOM

16 UNITS

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

ARCHITECT
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1		
2		
3		

POND VIEW COMMONS

FLOOR PLANS - BUILDING B

SD.103

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2 PRESENTATION - LEVEL 04 - BUILDING B
1/16" = 1'-0"

5 - ONE BEDROOM
10 - TWO BEDROOM
2 - THREE BEDROOM

17 UNITS

BUILDING GROSS S.F. SCHEDULE

1ST FLOOR	20,945 GROSS S.F.
2ND FLOOR	20,551 GROSS S.F.
3RD FLOOR	20,551 GROSS S.F.
4TH FLOOR	20,551 GROSS S.F.
TOTAL :	82,598 GROSS S.F.

1 PRESENTATION - LEVEL 03 - BUILDING B
1/16" = 1'-0"

5 - ONE BEDROOM
10 - TWO BEDROOM
2 - THREE BEDROOM

17 UNITS

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

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2		
3		

POND VIEW COMMONS

FLOOR PLANS - BUILDING B

SD.104

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2 PRESENTATION - LEVEL 02 - BUILDING C
1/16" = 1'-0"

5 - ONE BEDROOM
10 - TWO BEDROOM
2 - THREE BEDROOM

17 UNITS

BUILDING GROSS S.F. SCHEDULE

1ST FLOOR	20,945 GROSS S.F.
2ND FLOOR	20,551 GROSS S.F.
3RD FLOOR	20,551 GROSS S.F.
4TH FLOOR	20,551 GROSS S.F.
TOTAL :	82,598 GROSS S.F.

1 PRESENTATION - LEVEL 01 - BUILDING C
1/16" = 1'-0"

5 - ONE BEDROOM
9 - TWO BEDROOM
2 - THREE BEDROOM

16 UNITS

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

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1		
2		
3		

POND VIEW COMMONS

FLOOR PLANS - BUILDING C

SD.105

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2 PRESENTATION - LEVEL 04 - BUILDING C
1/16" = 1'-0"

5 - ONE BEDROOM
10 - TWO BEDROOM
2 - THREE BEDROOM

17 UNITS

BUILDING GROSS S.F. SCHEDULE

1ST FLOOR	20,945 GROSS S.F.
2ND FLOOR	20,551 GROSS S.F.
3RD FLOOR	20,551 GROSS S.F.
4TH FLOOR	20,551 GROSS S.F.
TOTAL :	82,598 GROSS S.F.

1 PRESENTATION - LEVEL 03 - BUILDING C
1/16" = 1'-0"

5 - ONE BEDROOM
10 - TWO BEDROOM
2 - THREE BEDROOM

17 UNITS

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

ARCHITECT
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2		
3		

POND VIEW COMMONS

FLOOR PLANS - BUILDING C

SD.106

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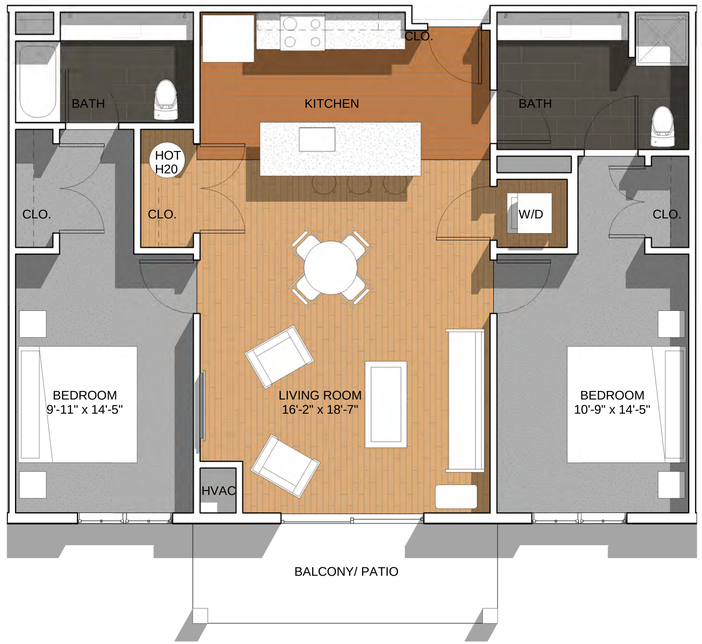
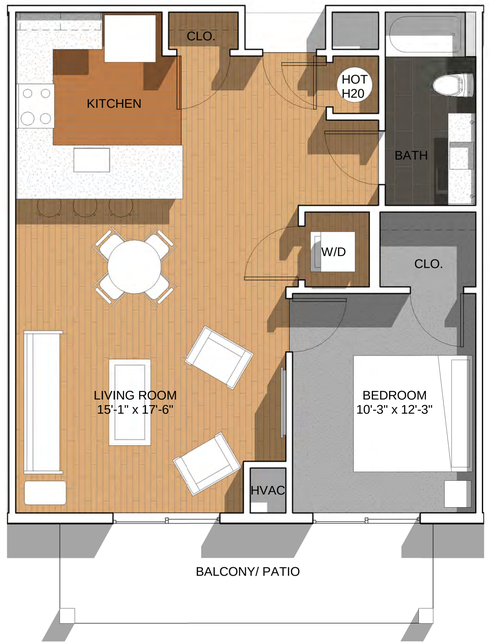
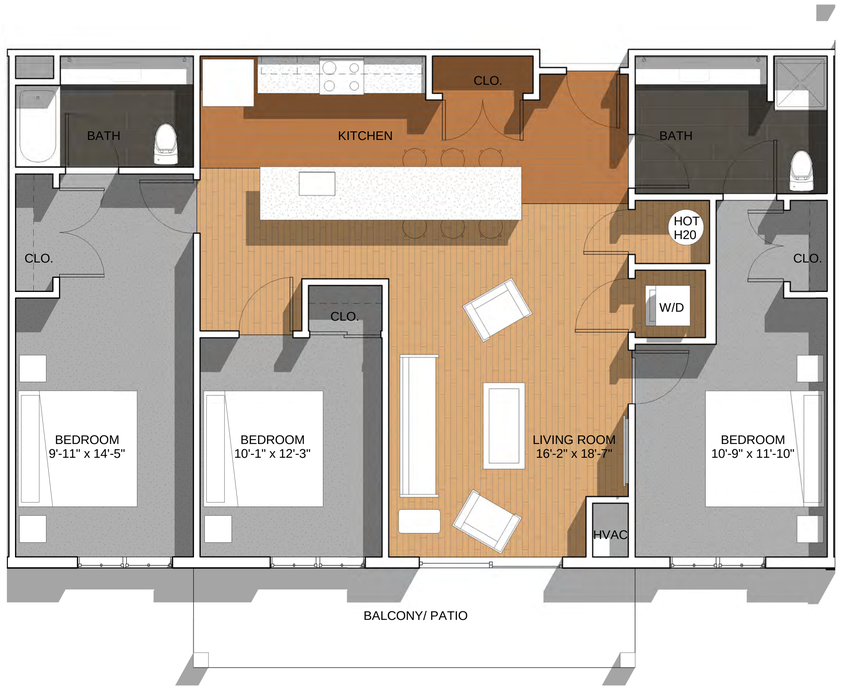


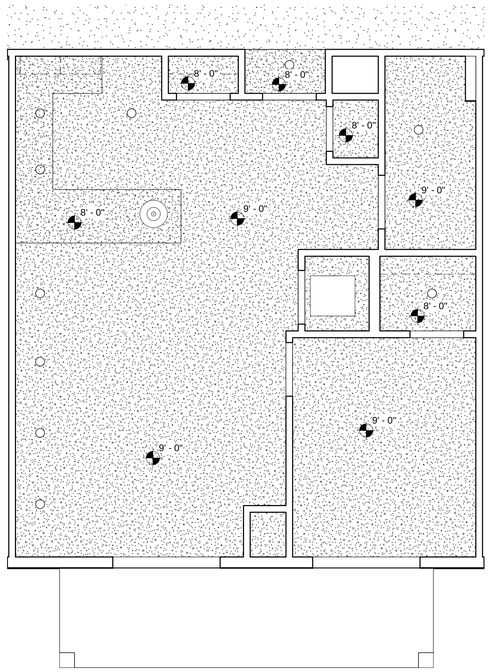
2 PRESENTATION - 2 BEDROOM UNIT 1110 GROSS .S.F.
1/4" = 1'-0"



1 PRESENTATION - 1 BEDROOM UNIT 757 GROSS .S.F.
1/4" = 1'-0"



3 PRESENTATION - 3 BEDROOM UNIT 1333 GROSS .S.F.
1/4" = 1'-0"



4 PRESENTATION - RCP 1 BEDROOM UNIT
1/4" = 1'-0"

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

ARCHITECT
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2		
3		

POND VIEW COMMONS

UNIT PLANS

SD.150

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4 North Elevation - Building A
1/16" = 1'-0"

3 West Elevation - Building A
1/16" = 1'-0"

2 East Elevation - Building A
1/16" = 1'-0"

1 South Elevation - Building A
1/16" = 1'-0"

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

ARCHITECT
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1		
2		
3		

POND VIEW COMMONS

ELEVATIONS - BUILDING A

SD.201

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4 North Elevation - Building B
1/16" = 1'-0"

3 West Elevation - Building B
1/16" = 1'-0"

2 East Elevation - Building B
1/16" = 1'-0"

1 South Elevation - Building B
1/16" = 1'-0"

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

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2		
3		

POND VIEW COMMONS

ELEVATIONS - BUILDING B

SD.202

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4 North Elevation - Building C
1/16" = 1'-0"

3 West Elevation - Building C
1/16" = 1'-0"

2 East Elevation - Building C
1/16" = 1'-0"

1 South Elevation - Building C
1/16" = 1'-0"

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

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2		
3		

POND VIEW COMMONS

ELEVATIONS - BUILDING C

SD.203

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3 PRESENTATION RENDERING 3
12" = 1'-0"

2 PRESENTATION RENDERING 2
12" = 1'-0"

1 PRESENTATION RENDERING 1
12" = 1'-0"

POND VIEW COMMONS

40B DEVELOPMENT
Lunenburg, MA

ARCHITECT
Steam Collaborative LLC

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Whitman + Bingham Engineers

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rev	issue	date
1	SITE PLAN APPROVAL	02.17.2021
2		
3		

POND VIEW COMMONS

RENDERINGS

SD.501

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Pond View Commons

Site Area	18.50 acres

BUILDING A	
1st Floor GSF	20,945
2nd Floor GSF	20,551
3rd Floor GSF	20,551
4th Floor GSF	20,551
Total Building GSF	82,598

BUILDING B	
1st Floor GSF	20,945
2nd Floor GSF	20,551
3rd Floor GSF	20,551
4th Floor GSF	20,551
Total Building GSF	82,598

BUILDING C	
1st Floor GSF	20,945
2nd Floor GSF	20,551
3rd Floor GSF	20,551
4th Floor GSF	20,551
Total Building GSF	82,598

Building Height	65' Ridge
Number of Stories	4 Story

Site Coverage	
Typical Floor Plate GSF (3)	20,945
Site Coverage	29.60%
Total GSF with Parking	247,794

Parking Spaces	402

Units Matrix	No.	Affordable	SF Avg.
1 Bedroom	59	15	757
2 Bedroom	117	30	1,110
3 Bedroom	24	6	1,333
Total Units	200		

DESIGN APPROACH

There are three residential buildings to be constructed on the site. The site design has achieved a balance between open space, passive recreation, views to the mountains and much needed rental housing. One of the primary amenities and benefits of this development is the natural setting and opportunities for engaging nature and the outdoors. Residents will have a variety of exterior experiences to engage in. The formal lawn created by buildings One and Two, is ideal for athletic activity such as playing with dogs and is ideal for a frisbee toss and other sporting activities. Adjacent to this lawn, smaller more intimate courtyards will be developed to support more private experiences that promote outdoor cooking and outdoor dining.

The Buildings have been placed on site to have an organic layout in lieu of an orthogonal configuration with a meandering site arrival experience. Care has been given to reduce vehicle headlights from pointing directly into the residences. The design of the residential buildings was influenced by elements of early Colonial architecture, which is found throughout the Town of Lunenburg. Design details such as clapboards and shingles, cultured fieldstone, wide trim boards, single hung windows and other forms of residential materials and detail are used to create buildings sympathetic with the Town's prevailing architectural style for multistory buildings. The roofline creates the impression of a dormered fourth floor between the gable ends. The cultured fieldstone around the first floor of the buildings creates a visual base for the building. Grounding the building is an accented base that will be defined through a change in material. This will also create a horizontal break helping to reduce the overall perceived height of the building. Siding materials on the upper levels will be kept light to, again, minimize bulk mass of the three buildings.

Surrounded by perimeter walking paths, building signage doubles as seat walls in the landscape and connect path to the building main entry. Each building main entry is accented through a timber type canopy structure and each is a thru-lobby, allowing for those who enter to look straight to the lobby to the landscape on the opposite side. Again, connecting residents to landscape and the outdoors.

BRIEF DESCRIPTION

The site will be developed into a 200 unit premier apartment community featuring views of a natural environment and a robust exterior amenity package for residents. Three new buildings will be constructed to reflect their adjacent context and scale and will consist of a combination of 1, 2 and 3 bedroom units.

Rich with vibrant colors and natural materials and textures, these residences will have large windows with magnificent views of the natural surroundings. With buildings organized in a “campus” style relationship to one-another, the exterior open space is held together with large quads, courtyards, and the hard edges of the buildings themselves to work together to create a strong sense of “place” and “arrival”. Inviting a sense of community and belonging.

POND VIEW COMMONS
ANTICIPATED MUNICIPAL WAIVER LIST

Applicant: **Pond View Commons, LLC**

Project: **Pond View Commons 40B Project**

Location: **318/390/400 Howard Street, Lunenburg, MA**

Date: **May 5, 2021**

The following is an initial list of waivers[1] from municipal requirements that the Applicant expects to request from the Town of Lunenburg ("Town") Zoning Board of Appeals ("Board") in connection with the Project.

I. Zoning Waivers

The effective requirements of the Town of Lunenburg Zoning By-Law are those that were in effect when Applicant's predecessor-in-interest filed is definitive subdivision plans with the Town Planning Board.

Dimensional Requirements-
The Project would appear to comply with the Town's zoning dimensional requirements as follows:

Outlying District	Requirements of Zoning	Proposed Conditions
Lot Area	40,000 s.f.	367,448
Lot Frontage	100'	462
Lot Width	100' (175' through building)	726'
Front Setback	40'	57'[2]
Side Setback	25'	79'
Rear Setback	30'	62'
Building Height	38'	65'

[1] Applicant may require and request additional waivers beyond the waivers identified in this document; this document is solely an initial, anticipated list of waiver requests.

[2] If the current zoning dimensional requirements were applied to the Project, the Project would still far exceed each of the requirements, other than Building Height as noted in the table above and the increased, current front set back distance of 60' where 57' is proposed.

More Than One Dwelling on a Lot-
Applicant anticipates requesting a waiver from the Board relating to the requirements found in §§ 3.4 & 5.1(E) of the current Zoning By-Law. Where said provisions generally prohibit construction of more than one building designed for dwelling purposes on a single lot, and where, under the Project, Applicant intends to construct three buildings designed for dwelling purposes on a single lot.

Multi-family Use Restrictions-
Additionally, Applicant anticipates requesting waivers from the Board relating to the requirements found in §§ 4.1(G) & 4.1(H)(3) of the current Zoning By-Law. Said provisions apparently provide that multi-family dwellings may solely be permitted by special permit from the Board and may consist of "not more than four dwelling units" per building. However, under the Project, Applicant seeks to construct, without obtaining a special permit, three multi-family dwelling buildings, each comprising more than four dwelling units, and, as such, waivers from said §§ 4.1(G) & 4.1(H)(3) appear to be necessary for the Project.

II. Wetlands Protection Waivers

Under §§ 3.0 & 10.5 of the Town's Wetlands Protection Regulations, the Town has established a "No Build Zone" within fifty feet (50') of wetlands resource area, as well as a "No Disturbance Zone" within thirty feet (30') of wetlands resource areas. To the extent the Project proposes noncompliance with the aforesaid provisions, Applicant will submit waiver requests to the Board. The Applicant does not presently anticipate that waivers from these requirements will be necessary.

III. Miscellaneous Waivers

To the extent the Project proposes noncompliance with any Town law or regulation applicable to the Project, and, separately, to the extent any Town law or regulation applicable to the Project establishes any individual permitting process including, but not limited to, notice and hearing requirements, fee requirements, waiver requirements, and project security requirements, Applicant will seek waivers for the Project from the Board. The following Town laws and regulations are a non-exclusive list of laws and regulations potentially applicable to the Project and from which the Project may require certain waivers:

1) The Building Construction By-Law ch. 121 (Applicant has not presently identified any waivers from the requirements of this Bylaw that would be necessary for the Project);
2) The Demolition Delay By-Law (an existing, unoccupied home to be demolished in connection with the Project may be subject to this By-law and waiver may be requested) ;
3) The Excavations and Earth Removal By-Law (Applicant has not presently identified any waivers from the requirements of this Bylaw that would be necessary for the Project);

4) The Sewer By-Law and Sewer Extension Regulations (the Project requires extension of municipal sewer to the property);

5) The Stormwater and Storm Sewers By-Law (Applicant has not presently identified any waivers from the requirements of this Bylaw that would be necessary for the Project);

6) The Streets and Sidewalks By-Law (Applicant has not presently identified any waivers from the requirements of this Bylaw that would be necessary for the Project);

7) Lunenburg Water District Act (the Project requires extension of the municipal water system to the property, such extensions are governed by this Act);

8) The Water District Regulations (the Project requires extension of the municipal water system to the property, these regulations are applicable to such extensions);

9) The Lunenburg Subdivision Regulations (Applicant has not presently identified any waivers from the requirements of this Bylaw that would be necessary for the Project);

10) Various Conditions of Subdivision Approval decisions filed with the Lunenburg Town Clerk on June 24, 2019 that are incompatible with the Project; and

11) The Board's 40B Regulations (Applicant has not presently identified any waivers from the requirements of this Bylaw that would be necessary for the Project) .

SUSTAINABLE DEVELOPMENT CRITERIA SCORECARD

MassHousing encourages housing development that is consistent with sustainable development designs and green building practices. Prior to completing this form, please refer to the Commonwealth's Sustainable Development Principles (adopted May 2007) available at: Sustainable Development Principles

Developer Self-Assessment

(for Consistency with Sustainable Development Principles)

Redevelop First

If Rehabilitation:

Rehabilitation/RedevelopmFalseent/Improvements to Structure	No
Rehabilitation/Redevelopment/Improvements to Infrastructure	No

If New Construction:

- Contributes to revitalization of town center or neighborhood	No
- Walkable to:	
(a) transit	No
(b) downtown or village center	No
(c) school	No
(d) library	No
(e) retail, services, or employment center	No
- Located in municipally-approved growth center	No

Explanation (Required):

Optional - Demonstration of Municipal Support

- Letter of Support from the Chief Elected Official of the municipality *	No
- Housing development involves municipal funding	No
- Housing development involves land owned or donated by the municipality	No

**Other acceptable evidence: Zoning variance issued by ZBA for project; Minutes from Board of Selectman meeting showing that project was discussed and approved, etc.*

Explanation (Required)

Method 2: Development meets a minimum of **five (5)** of the Commonwealth's *Sustainable Development Principles*, as shown in the next section below.

If the development involves strong **municipal support** (evidence of such support must be submitted as an attachment), the development need only meet **four (4)** of the *Sustainable Development Principles. However,* one (1) of the Principles met must be **Protect Land and Ecosystems**.

Please explain at the end of each category how the development follows the relevant *Sustainable Development Principle(s)* and explain how the development demonstrates each of the checked "X" statements listed under the *Sustainable Development Principle(s)*.

(1) Concentrate Development and Mix Uses
Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.

- Higher density than surrounding area	Yes
- Mixes uses or adds new uses to an existing neighborhood	Yes
- Includes multi-family housing	Yes
- Utilizes existing water/sewer infrastructure	Yes
- Compact and/or clustered so as to preserve undeveloped land	Yes
- Reuse existing sites, structured, or infrastructure	No
- Pedestrian friendly	No
- Other (discuss below	No

Explanation (Required)

This proposed development will feature clustered multi-family housing in a reasonable rural area without any material and consistent multi-family housing areas. Moreover, the site plan has been proposed in a way to enhance the overall living experience for the residents by providing many outdoor passive and active recreation opportunities. In addition, and at the

(2) Advance Equity & Make Efficient Decisions

Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental justice. Ensure that the interests of future generations are not compromised by today's decisions.

Promote development in accordance with smart growth and environmental stewardship.

- Concerted public participation effort (beyond the minimally required public hearings)	No
- Streamlined permitting process, such as 40B or 40R	Yes
- Universal Design and/or visitability	No
- Creates affordable housing in middle to upper income area and/or meets regional need	No
- Creates affordable housing in high poverty area	No
- Promotes diversity and social equity and improves the neighborhood	No
- Includes environmental cleanup and/or neighborhood improvement in an Environmental Justice Community	No
- Other (discuss below)	No

Explanation (Required)

Pond View Commons will be permitted using Massachusetts General Law Chapter 40B.

(3) Protect Land and Ecosystems

Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open spaces and recreational opportunities.

- Creation or preservation of open space or passive recreational facilities	Yes
- Protection of sensitive land, including prime agricultural land, critical habitats, and wetlands	No
- Enviromental remediation or clean up	No
- Responds to state or federal mandate (e.g., clean drinking water, drainage, etc.)	No
- Eliminates or reduces neighborhood blight	No
- Addresses public health and safety risk	No
- Cultural or Historic landscape/existing neighborhood enhancement	No
- Other (discuss below)	No

Explanation (Required)

The project will feature several active and passive recreational opportunities including walking trails, dog parks, an outdoor pool, gazebo and other opportunities.
In addition, the project reduces neighborhood blight by replacing a derelict commercial egg farm that included multiple, large, unoccupied and unmaintained buildings.

(4) Use Natural Resources Wisely

Construct and promote developments, buildings, and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water and materials.

- Uses alternative technologies for water and/or wastewater treatment	No
- Uses low impact development (LID) for other innovative techniques	No
- Other (discuss below)	No

Explanation (Required)

(5) Expand Housing Opportunities

Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.

- Includes rental units, including for low/mod households	Yes
- Includes homeownership units, including for low/mod households	No
- Includes housing options for special needs and disabled population	Yes
- Expands the term of affordability	No
- Homes are near jobs, transit and other services	No
- Other (discuss below)	No

Explanation (Required)

Pond View Commons will include 51 units of affordable rental housing in an area that does not feature many deed restricted affordable units. Moreover, the as the proposed residential model features single level living fully accessible by elevators, the housing type is well suited for a population with mobility impairments.

(6) Provide Transportation Choice

Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives.

- Walkable to public transportation	No
- Reduces dependence on private automobiles (e.g., provides previously unavailable shared transportation, such as Zip Car or shuttle buses)	No
- Increased bike and ped access	No
- For rural areas, located in close proximity (i.e., approximately one mile) to a transportation corridor that provides access to employment centers, retail/commercial centers, civic or cultural destinations	No
- Other (discuss below)	No

Explanation (Required)

(7) Increase Job and Business Opportunities

Attract businesses and jobs to locations near housing, infrastructure, and transportation options. Promote economic development in industry clusters. Expand access to education, training and entrepreneurial opportunities. Support growth of local businesses, including sustainable natural resource-based businesses, such as agriculture, forestry, clean energy technology and fisheries.

- Permanent Jobs	Yes
- Permanent jobs for low- or moderate- income persons	No
- Jobs near housing, service or transit	No
- Housing near an employment center	No
- Expand access to education, training or entrepreneurial opportunities	No
- Support local business	No
- Support natural resource-based businesses (i.e., farming, forestry, or aquaculture)	No
- Re-uses or recycles matierials from a local or regional industry's waste stream	No
- Support manufacture of resource-efficient materials, such as recycled or low-toxicity materials	No
- Support businesses that utilize locally produced resources such as locally harvested wood or agricultural products	No
- Other (discuss below)	No

Explanation (Required)

The proposed project will require full-time property management personnel as well as the support of many other necessary trades including plumbing, electrical and general maintenance. These services will all be sourced from the local economy.

(8) Promote Clean Energy

Maximize energy efficiency and renewable energy opportunities. Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.

- Energy Star or Equivalent*	Yes
- Uses renewable energy source, recycled and/or non-/low-toxic materials, exceeds the state energy code, is configured to optimize solar access, and/or otherwise results in was reduction and conservation of resources	No
- Other (discuss below)	No

*All units are required by MassHousing to be Energy Star Efficient. Please include in your explanation a description of how the development will meet Energy Star criteria.

Explanation (Required)

Energy Star appliances will be supplied in all units

(9) Plan Regionally

Support the development and implementation of local and regional, state and interstate plans that have broad public support and are consistent with these principles. Foster development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit. Consider the long term costs and benefits to the Commonwealth.

- Consistent with a municipally supported regional plan	No
- Addresses barriers identified in a Regional Analysis of Impediments to Fair Housing	No
- Measureable public benefit beyond the applicant community	No
- Other (discuss below)	No

Explanation (Required)

PURCHASE AND SALE AGREEMENT

This May day of 5, 2021.

1. PARTIES AND MAILING ADDRESSES

The Homes at Aro Estates, LLC, a duly organized Massachusetts limited liability company with a usual business address of 18 Cassimere Street, Andover, MA 01810, hereinafter called the Seller, agrees to sell and **Pond View Commons, LLC**, a duly organized Massachusetts limited liability company with a usual business address of 18 Cassimere Street, Andover, MA 01810, hereinafter called the Buyer, agrees to buy, upon the terms hereinafter set forth, the premises described in Paragraphs 2 and 3 below.

2. DESCRIPTION

Those certain parcels of land, located off Howard Street in Lunenburg, Massachusetts, as indicated and outlined in red on the plan attached hereto and entitled "Pond View 40B Residential Development" dated April 14, 2021 ("Exhibit Plan"), being a portion of the land shown on a series of subdivision plans entitled "Aro Estates" numbered 1 through 9 and recorded consecutively is the Worcester North District Registry of Deeds ("Registry") on September 27, 2019, beginning at Plan Book 521, Page 25, approved by Decision recorded in the Registry at Book 9390, Page 42 ("Aro Estates Subdivision Plans"), together with an easement and right to construct, install, repair, access, pass and repass, and use all roadways, stormwater drainage areas, and other utility and easement areas shown on the Aro Estates Subdivision Plans as may be necessary or desirable in connection with the Buyer's intended development of the parcels identified on the Exhibit Plan (collectively herein the "Premises"). Premises includes the following lots as shown on the Aro Estates Subdivision Plans, lots numbered 63 through 69, inclusive, 109 through 113, inclusive, 125 through 128, inclusive, and a portion of lot 114.

Being a portion of Seller's land described in: 1) a deed recorded with the Registry of Deeds at Book 9430, Page 144; and 2) a deed recorded with the Worcester North District Registry of Deeds at Book 9430, Page 156; or otherwise acquired (collectively hereinafter, the "Seller's Property").

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Premises is primarily vacant land, however, any building structures, or improvements, or fixtures located thereon are included within the Premises.

4. TITLE DEED

Said Premises are to be conveyed by a good and sufficient quitclaim deed running to the Buyer or Buyer's designee.

5. PLANS

If said deed refers to a plan necessary to be recorded therewith, the Buyer shall prepare

and provide such plan in form adequate for recording or registration.

6. REGISTERED TITLE

Intentionally deleted, the Seller's Property does not include any registered land.

7. PURCHASE PRICE

The agreed purchase price for said Premises is **One Million Seven Hundred Thousand and 00/100 ($1,700,000.00) dollars**, one thousand dollars of which has been paid to the seller this day as a deposit and the balance of which shall be paid at the time of delivery of the deed in cash, wire, or by certified, cashier's, treasurer's, bank or conveyancer's account check(s) or Attorney IOLTA check drawn on a Massachusetts Bank without endorsement.

8. TIME FOR PERFORMANCE; DELIVERY OF DEED

Such deed is to be delivered and the transaction contemplated by this Agreement closed within sixty (60) days of the date all Permits & Approvals are obtained, or such other date as the parties may agree (the "Closing Date") at the offices of counsel for Buyer, unless otherwise agreed upon in writing.

9. POSSESSION AND CONDITION OF PREMISES

Full possession of said Premises free of all tenants and occupants is to be delivered at the time of the delivery of the deed.

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

If, at the time for performance, as the same may be extended hereunder, the Seller shall be unable to give title or to make conveyance, or to deliver possession of the Premises, all as herein stipulated, or if at the time of the delivery of the deed the Premises do not conform with the provisions hereof, then the Seller shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said Premises conform to the provisions hereof, as the case may be, in which event the Seller shall give written notice thereof to the Buyer at or before the time for performance hereof, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days. Seller shall not be required to expend in excess of $10,000.00, exclusive of the payment of any mortgages, liens, and outstanding real estate taxes and municipal charges, but inclusive of attorney's fees to satisfy the terms of this Paragraph. Seller shall not be required to commence any Land Court proceeding.

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc.

If at the expiration of the extended 30-day time period referenced in Paragraph 10 above, the Seller shall have failed so to remove any defects in title, deliver possession, or make the Premises conform, as the case may be, all as herein agreed, or if at any time during the

period of this Agreement or any extension thereof, the holder of a mortgage on said Premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then any payments made under this Agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this Agreement shall be void and without recourse to the parties hereto.

12. BUYER'S ELECTION TO ACCEPT TITLE

The Buyer shall have the election, at either the original or any extended time for performance, to accept such title as the Seller can deliver to the said Premises in their then condition and to pay therefore the purchase price without deduction, in which case the Seller shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause, if the said Premises shall have been damaged by fire or casualty insured against, then the Seller shall, on delivery of the deed, unless said Premises have previously been restored to their former condition, pay over or assign to the Buyer all amounts recovered or recoverable on account of such insurance, and give the Buyer a credit against the purchase price equal to any amounts otherwise so recoverable which are retained by the holder of a mortgage on the Premises, less any amounts reasonably expended by the Seller for any partial restoration.

13. CONDEMNATION

If, subsequent to the date hereof and prior to the Closing Date, any proceeding, judicial, administrative or otherwise, which shall relate to the proposed taking of all or any portion of the Premises by condemnation or eminent domain or any action in the nature of eminent domain, and such portion has a material, adverse impact, in Buyer's sole discretion, on Buyer's use and/or development of the Premises, or the taking or closing of any right of access to the Premises, is instituted or commenced, Buyer shall have the right and option to terminate this Agreement by giving Seller written notice to such effect within ten (10) days after actual receipt of written notification of any such occurrence or occurrences. Failure to give such notice within such time shall be conclusive evidence that Buyer has waived the option to terminate by reason of the occurrence or occurrences of which it has received notice, and Buyer shall pay the full purchase price without deduction for such taking but shall be credited with or be assigned all of Seller's right to any proceeds therefrom. Seller hereby agrees to furnish Buyer written notification of learning of the institution of such proceedings. Should Buyer elect to so terminate this Agreement, all deposits shall be returned forthwith to Buyer, and thereupon the parties hereto shall be released from any and all further obligations hereunder. As of the date hereof, Seller represents to Buyer that Seller has no actual knowledge of any proceeding, judicial, or otherwise that relate to this Paragraph.

14. ACCEPTANCE OF DEED

The acceptance and recording of a deed by the Buyer shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after or which expressly survive delivery of the deed.

15. USE OF MONEY TO CLEAR TITLE

To enable the Seller to make conveyance as herein provided, the Seller may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed or, in the case of institutional mortgages which are paid at closing, procured and recorded subsequent to closing in a manner that is reasonably satisfactory to Buyer's counsel and Buyer's title insurance company.

16. INSURANCE

Until the delivery of the deed, the Seller shall maintain insurance on said Premises as presently insured.

17. ADJUSTMENTS

Taxes for the then current fiscal year shall be apportioned as of the day of performance of this Agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the Buyer at the time of delivery of the deed.

18. ADJUSTMENT OF UNASSESSED AND ABATED TAXES

If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.

19. BROKER'S FEE

Intentionally deleted, no broker's fee is due from either party.

20. BROKER'S WARRANTY

Intentionally deleted.

21. DEPOSIT

Any deposit due from Buyer shall be paid to Seller and accounted for at closing.

22. BUYER'S DEFAULT; DAMAGES

If the Buyer shall fail to fulfill the Buyer's agreements herein, all deposits made hereunder by the Buyer shall be retained by the Seller as liquidated damages, and this shall be Seller's sole and exclusive remedy at law and in equity. The parties hereby agree that actual damages are difficult to ascertain and such deposits represent a fair and reasonable estimation of the damages suffered by Seller.

23. RELEASE BY HUSBAND OR WIFE

Intentionally deleted.

24. BROKER AS PARTY

Intentionally deleted.

25. LIABILITY OF TRUSTEE, SHAREHOLDER, BENEFICIARY, etc.

If the Seller or Buyer executes this Agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the Seller or Buyer so executing, nor any shareholder, officer, director, member, manager or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

26. WARRANTIES AND REPRESENTATIONS

Intentionally deleted.

27. MORTGAGE CONTINGENCY CLAUSE

Intentionally deleted.

28. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the Seller and the Buyer or their respective counsels. If two or more persons are named herein as Buyer their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this Agreement or be used in determining the intent of the parties to it.

29. LEAD PAINT LAW

Intentionally deleted.

30. SMOKE DETECTORS AND CARBON MONOIXDE DECTECTORS

Intentionally deleted.

31. ADDITIONAL RIGHTS CONVEYED TO BUYER

Seller agrees to convey to Buyer any and all of Seller's rights to construct and use the subdivision roads and ways shown on the Plan, for the construction and reconstruction of

roadways, use of said roadways, and for the installation of above-ground and below-ground utilities.

Additionally, Seller agrees to convey to Buyer any and all of Seller's rights in the Property necessary to allow Buyer to install, repair, and operate utilities and a stormwater drainage system necessary or convenient to serve Buyer's proposed development of the Premises and the attendant subdivision roadways.

32. PERMITTING CONTINGENCY

Closing under this Agreement is conditioned upon Buyer having obtained all final permits and approvals necessary or desirable to construct a 200-unit residential rental community serviced by all the customary utilities and services and supported by reasonable and adequate roadway infrastructure, with all relevant appeals periods for said permits and approvals having expired or any such appeals having been finally dismissed.

Signed and delivered as of the date first stated above.

SELLER:

The Homes at Aro Estates, LLC

By: Kevin O'Brien Manager for
Name: Kevin O'Brien
Title: Manager
The Homes at Aro Estates LLC

BUYER:

Pond View Commons, LLC

By: Kevin O'Brien Manager for
Name: Kevin O'Brien
Title: Manager
Pond View Commons LLC

LowellFive®
The Relationship Bank

June 22, 2021

Pond View Commons LLC
c/o Kevin T. O'Brien
18 Cassimere Street
Andover, MA, 01810

RE: 40B Project – Pond View Commons – Lunenburg, MA

Dear Kevin:

Thank you for providing preliminary documents to be reviewed for the Pond View Commons Project in Lunenburg, MA. On behalf of The Lowell Five, I am pleased to inform you that you are pre-approved for a construction to permanent loan for the 40B project known as Pond View Commons located at 390-400 Howard Street in Lunenburg, MA

A final approval decision on the loan is subject to the receipt and satisfactory review of final plans, permits, town approvals, budgets, construction contracts, satisfactory credit underwriting, and a current market appraisal satisfactory to the Bank.

Should you have any questions, or if I may be of further assistance to you, please do not hesitate to call me at (978) 441-6441.

Sincerely,

Christopher Wilcox
Vice President – Construction Lending

Howard Street Rental Market Comps							
	1 Bedroom		2 Bedroom		3 Bedroom		Description
Emerald Place www.emeraldplacema.com Lunenburg, MA			Garden Style				If you prefer single-level living, our garden-style residences, ranging from 1,140 – 1,280 square feet, feature two bedrooms, two bathrooms, underground parking and elevator access to your floor.
			1140 sq ft	$ 1,500.00			Two bedroom, two baths, balcony with underground garage
			1280t sq ft	$ 1,600.00			Two bedroom, two baths, balcony with underground garage
			Villas				Our villas provide spacious floor plans on one level living area and range from 1,176 to 1,794 square feet. Each feature two bedrooms, two full baths, a fireplace, an attached garage and deck off the living area.
			1794 sq ft	$ 2,195.00			Two bedroom, two baths, fireplace and glass sliding doors leading to a deck
			1176 sq ft	$ 1,950.00			Two bedroom, two baths, fireplace, deck and an attached garage
			1794 sq ft	$ 2,195.00			Two bedroom, two baths, fireplace and glass sliding doors leading to a deck
Tri Town Landing www.lunenburgapartments.com Lunenburg, MA	765 sq ft	$ 870.00	995 sq ft	$ 1,025.00	1,285 sq ft	$ 1,250.00	Parking, Laundry On-Site, Community Room, Fitness Room, All Units have a Private Deck, Elevators, Central Air & Dishwasher, Wired for Cable Access, Rent Includes Heat & Hot Water! Unique Children's Playground. This apartment community was built in 2010 and has 3 stories with 99 units.
Bell Westford 1 Tech Valley Dr www.bellwestford.com Westford, MA	725 - 914 sq ft	$2,076.00 - $2,211.00	1,188 - 1,292 sq ft	$2,500-$2,700	1,472-1,932 sq ft	$3,800-$4,900	Bell Westford is a brand new luxury apartment community now leasing in the charming town of Westford. Perfectly situated along I-495, with easy access to Boston and major employment bases.
Stone Gate www.livingstonegate.com Marlborough, MA	782 sq ft	$ 1,800.00	1,100 sq ft	$ 2,200.00	1340 sq ft sq ft	$ 3,800.00	Discover a modern-designed community that presents an exclusive collection of luxury apartment homes. At Stone Gate, youll be surrounded by lush greenery at every turn. Come home to a comfortable, light filled home complete with custom cabinetry and designer appliances. Spread out in your spacious living area or expand it further by opening the sliding door onto your private patio or balcony. With a heated pool, private dog park, outdoor fireside lounge, and more, theres no better place to call home.
Whalem Luxury Aparments Lunenburg, MA				$ 1,057.00			Two bedroom units. Granite countertops in kitchen and bath. Tile floors in kitchen and bath. Rug in bedrooms and family room. Stainless appliances including dishwasher and microwave. NO pets. W/D Hookups. Off street parking. 1 year lease. Tenants pay gas and electric.
The Toy Factory Apartments toyfactoryapartments.com 45 Summer Street Leominster, MA	536 sq ft	$ 1,400.00	941 sq ft	$ 1,850.00			Toy Factory Apartments at 45 Summer St is a historic mill building built in the late 1800s and converted into luxury apartments in 2020. The beautiful character has been preserved and modern amenities are included -- all apartments come standard with granite/SS, in-unit washer and dryer, tiled bathrooms, and high-end finishes throughout. The building features a fitness room, enormous roofdeck, package room, elevator, security, and plenty of off-
Harvard Ridge Condominiums Boxborough, MA	493 sq ft	$ 1,050.00					Desirable bright and open top floor one-bedroom rental at Harvard Ridge. Set well off the road, this location offers a tranquil view of the open, well-landscaped common area. Neat and clean with neutral decor this unit is ready for move-in. It is only a few miles away from the MBTA commuter rail to Boston and Cambridge as well as the Route 2 corridor. Condo abuts conservation land, hiking, and biking trails.
Rail Trail Crossing Pepperell, MA	800 sq ft	$ 1,100.00					1 bedroom apartment available at Rail Trail Crossing! Great downtown location, just steps to the Rail Trail, within walking distance to local restaurants, convenient stores, Walgreens, Dunkin Donuts and more! New wood throughout, Built in a/c unit, laundry facility on site and plenty of parking. No pets.

Kevin T. O'Brien

18 Cassimere Street **Andover, MA** **P: 978-265-1863** **kevin@obrienhomesinc.com**

Executive Profile

Over 40 years experience building quality homes in the Merrimack Valley area. Areas of expertise include Construction Management, Budget Planning, Estimating and negotiating. Considered an expert in building skills and design with work spanning from renovating historic homes, to subdivisions, single family homes, affordable and market rate units. Over the last 14 years, 160 affordable homes were built at Rivers Edge, in partnership with the Residents First Development Corporation (RFDC) and the Lowell Housing Authority.

Professional Experience and Projects

Owner and President of O'Brien Homes, Inc.

- Manage oversight of homes, planning, scheduling, implementation, and coordination
- Request and receive quotes and negotiate the best deals for projects
- Manage and inspect the quality of work that is performed by subcontractors
- Establish good working relationships with a variety of people, including Town and City leaders, business owners, upper management, trades, banks, vendors & customers
- Manage time effectively and prioritize in order to meet established goals and deadlines
- Manage a team of professionals to implement business ethics into day to day operations
- Started my business at 18 and turned it into a family business

Rivers Edge **Lowell, MA**
March *2006 - Present*

- 160 units completed and 44 units to be completed, a
- Work with Lowell Housing Authority and the Massachusetts Department of Housing and Community Development (DHCD) throughout the process on this mixed income project
- Lead the planning, budgeting, and direction of all construction
- Effectively schedule, monitor, and inspect all work from start to buyer occupation
- Financed the last 2 zones of construction

Great Oaks Subdivision **Methuen, MA**
30 Single Family Homes (4 Age Restricted Units) January *2017 – July 2020*

Margaret Way Subdivision **Methuen, MA**
9 Single Family Homes (1 Affordable Unit) *January 2016 - October 2017*
Worked with DHCD for Affordable Unit component

Dadak Estates **Lowell, MA**
22 Single Family Homes January *2013 – September 2015*

- Led the planning, budgeting, and direction of all construction
- Effectively scheduled, monitored, and inspected all work from start to buyer occupation

AWARDS/ACHIEVMENTS

2016 Andover Historic Preservation Award for 290 Lowell Street, Andover, MA

EDUCATION

Tewksbury High School **Tewksbury, MA**
Graduate of 1975

CERTIFICATION/MEMBERSHIP

Massachusetts Construction Supervisors License
Hydraulics License
Northeast Builders Association Member

JOHNSON & BORENSTEIN, LLC
ATTORNEYS AT LAW

12 Chestnut Street, Andover, MA 01810
phone- 978-475-4488 / fax- 978-475-6703

www.jbllclaw.com

Donald F. Borenstein, Esq.

e-mail: Don@JBllcLaw.com
direct dial: 978-269-6767

Don joined the Law Office of Mark B. Johnson as an associate attorney in 1997 and became a member of Johnson & Borenstein, LLC at its inception in 2005. His practice focuses on residential and commercial real estate development and real estate litigation, including permitting appeals and title disputes. Don represents a broad range of private and non-profit developers, land owners and other stake-holders in the land development process. He graduated cum laude from Suffolk University Law School (Boston, MA) in 1994 and from Rensselaer Polytechnic Institute (Troy, NY) in 1991. He also attended Vermont Law School's Environmental Law Center. Don regularly appears before the Massachusetts Land Court, the MA-DEP, and various local permitting authorities. He has also argued several land use matters before the Massachusetts Appeals Court. Don has previous experience working in the engineering department of the New York State Attorney General's Office and for the City of Boston Law Department, focusing on land use and environmental issues. He lives in Andover, MA with his wife and three children, where he is active in several community organizations.

Professional Experience:

- **Johnson & Borenstein, LLC (Andover, MA) 1997 - Present**

  Real Estate, Land Use & Litigation Attorney: Former Associate and current Member of firm specializing in real estate and land use law and litigation. Extensive experience in residential and commercial real estate development transactions, municipal and state permitting and related litigation.

- **Law Office of Robert E. Weiner (Boston, MA) 1995 - 1997**

  Real Estate & Litigation Attorney

- **City of Boston, Law Department (Boston, MA) 1992 - 1994**
  Legal Assistant to Environmental Strike Team & City land use authorities.

Bar Admissions:

Massachusetts, New Hampshire, Maine, Federal Dist. NH, Federal Dist. E.Mass.

Education:

- **Juris Doctor cum laude** from **Suffolk University Law School**, Boston, MA, May 1994.
- Attended **Vermont Law School's Environmental Law Center**, South Royalton, Vermont, Visiting Student in Residence, 1994.
- **Bachelor of Science** in **Business Management** with a concentration in **Biology** from **Rensselaer Polytechnic Institute**, Troy, NY, May 1991.

Professional Associations/Memberships:

- Real Estate Bar Association for Massachusetts,
  - Land Use & Affordable Housing Committees
- Massachusetts Bar Association
- Maine State Bar Association,
  - Real Estate & Environmental Committees
- New Hampshire Bar Association,
  - Real Property Law Section
- Lawrence Bar Association

Published Works:

Author: "End of the Dominance of the Dominant Estate Holder," Mass. Bar Assoc., Sect. Review, Vol. 7, No. 1 (2004).

Representative Cases:

- O'Brien Homes, Inc. v. Lunenburg Planning Board, Land Court 13 MISC 477878 (2018)
- Macleod v. Methuen Conserv. Comm., Essex Sup, Ct. 13-1589 (2014)
- CF Invs. v. Option One Mortgage Corp., 163 NH 313 (2012)
- Agin v. JP Morgan Chase Bank, 462 B.R. 1 (2011)
- Proulx v. D'Urso, 60 Mass. App. Ct. 701 (2004)
- United Mortgage v. Long, 9 LCR 368 (2001) & 12 LCR 247 (2004)
- Watson v. YMCA and Newburyport 5 Cent Savs. Bank, 14 LCR 528 (2006)

Representative Projects:

- Orchard Village, North Andover, MA, 32 lot, single-family subdivision developed under Comprehensive Permit Statute. (2012)
- Merrimac Condominiums, North Andover, MA, 49 residential units developed under Comprehensive Permit Statute. (2013)
- Taylor Cove Condominium, Andover, MA 32 residential units developed under Comprehensive Permit Statute. (2014)
- Irving Service Station and Convenience Store, Haverhill, MA (2011)
- Wendy's Restaurant and Drive-thru, North Reading, MA (2010)

steam collaborative | branded architecture +

steam-ad.com

STAFFING RESUMES + RELEVANT QUALIFICATIONS

Chester Bartels
Principal

Chester has designed and directed several large developments around the Country for many Fortune 500 Companies and his work has garnered multiple Industry Design Awards. His work sits squarely at the intersection of purpose, story, and economics as his process is focused on connecting design product to business growth for the restoration and development of progressive Healthcare, Education and Workplace clients.

Member American Institute Architects, (Associate)
Registered Real Estate Professional (REPA)
REFP, Recognized Education Facility Planner,
Member USGBC
LEED AP

EDUCATION

WENTWORTH INSTITUTE OF TECHNOLOGY,
Boston, Massachusetts
Bachelor of Science, Architectural Engineering

MANCHESTER UNIVERSITY
Manchester, England
Architecture + Urban Planning

Doug Siekman
Principal

Doug Siekman brings over 20 years of work experience in the field of architecture. His project experience covers various project types including Sports and Entertainment, Corporate Commercial, Residential, Spiritual and Healthcare. Doug serves as the Technical Principal for our Firm and bridges the gap between 3D parametric modeling software building design and constructibility.

Member American Institute of Architects
NCARB
Member USGBC
LEED AP

EDUCATION

BALL STATE,
Muncie Indiana
Bachelor of Architecture

BALL STATE,
Muncie Indiana
Bachelor of Environmental Design

Clyde Griest
Project Architect/ BIM

Clyde serves as one of our technical project architects as well as managing all of our BIM (Revit) models. He has nearly 15 years of processional experience on a wide variety of project types including Commercial Interiors, Mixed Use Development, Health Care and entertainment.

Member American Institute of Architects
LEED AP

EDUCATION

CATHOLIC UNIVERSITY, DC
Bachelor of Architecture

Shannon Bishoff
Project Designer

Shannon has been involved in a variety of projects that include Health care and Hospitality. She has a strong knowledge of the design process, including FF&E, construction drawing development and finish selection and specification. Her experience includes but is not limited to concept development, schematic design development, custom furniture and fixture design.

LEED AP

EDUCATION

WEST VIRGINIA UNIVERSITY,
Morgantown, West Virginia
Bachelor of Interior Design

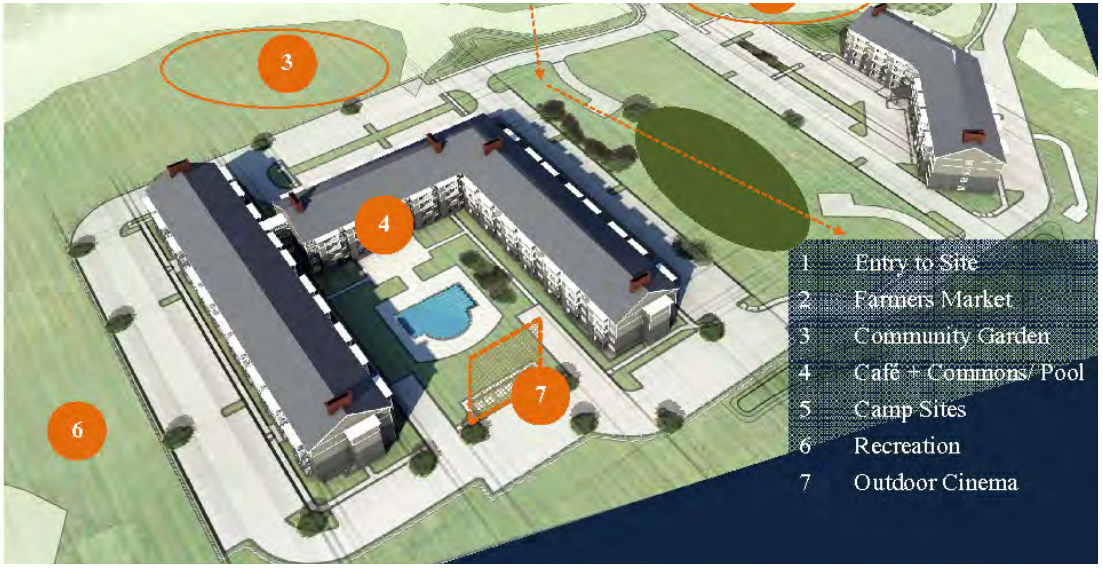
BROADWAY VILLAGE 40B DEVELOPMENT

LOCATION
Dracut, Massachusetts

SIZE
300 Units

SERVICES PROVIDED
Schematic Design
3d Visualization
Construction Documents
Construction Administration

Broadway Village is a 40B Residential Development.



BWV

BWV

BARK SOCIAL

LOCATION
Pike and Rose
North Bethesda, MD

SIZE
20,500 SF

SERVICES PROVIDED
Brand Strategy
Schematic Design
3D Visualization
Construction Documents
Construction Administration

Bark Social is a new retail concept incorporating a Dog Park and a Beer Garden into an indoor/ outdoor experience.

Bark
Social

CLUB HOUSE

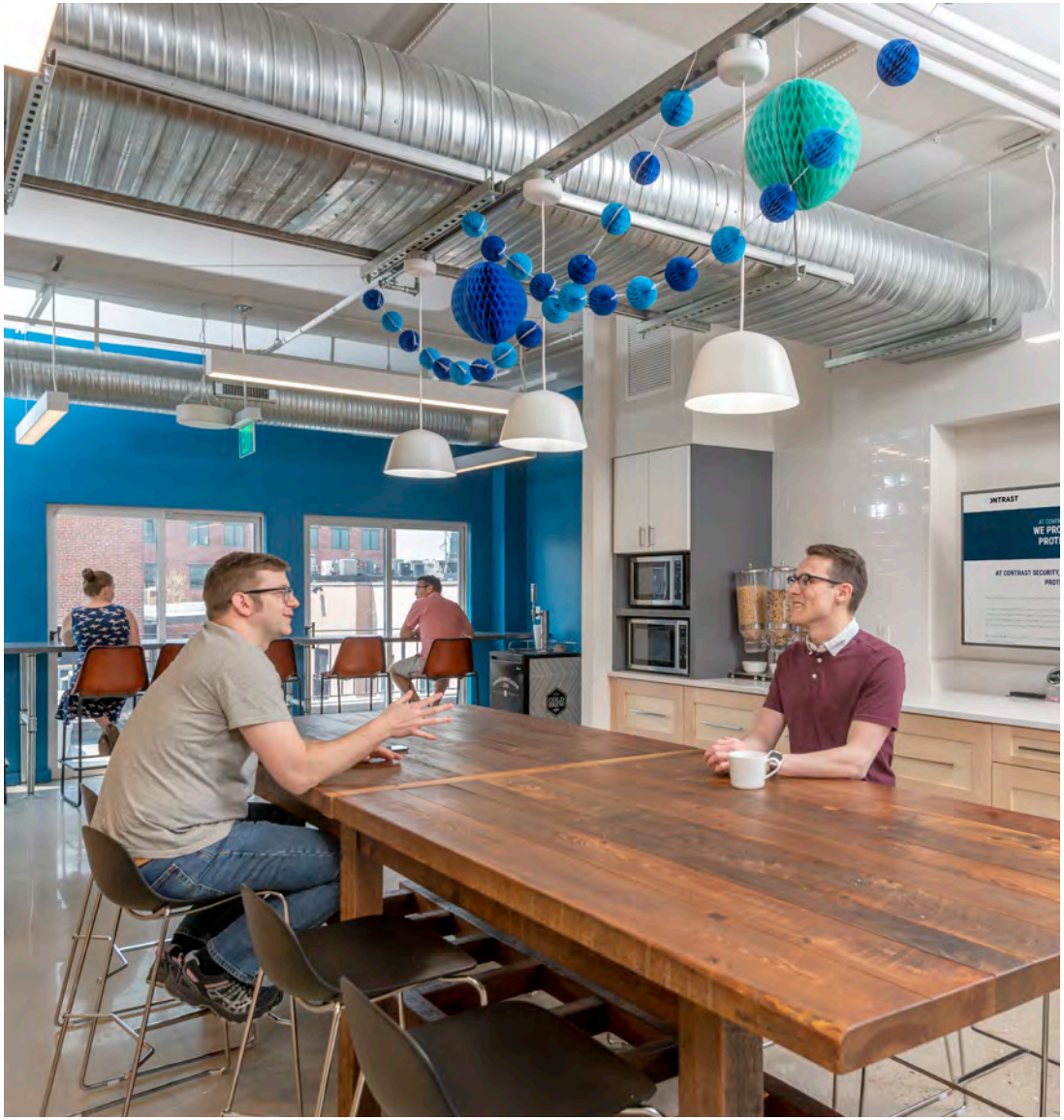
CONTRAST SECURITY

LOCATION
Baltimore, MD

SIZE
26,000 SF

SERVICES PROVIDED
Programming
Schematic Design
Construction Documents
Construction Administration

Located in Brown's Wharf on Baltimore's Inner Harbor, Contrast Security's work culture drove a strong diagram of highly collaborative teaming experiences.



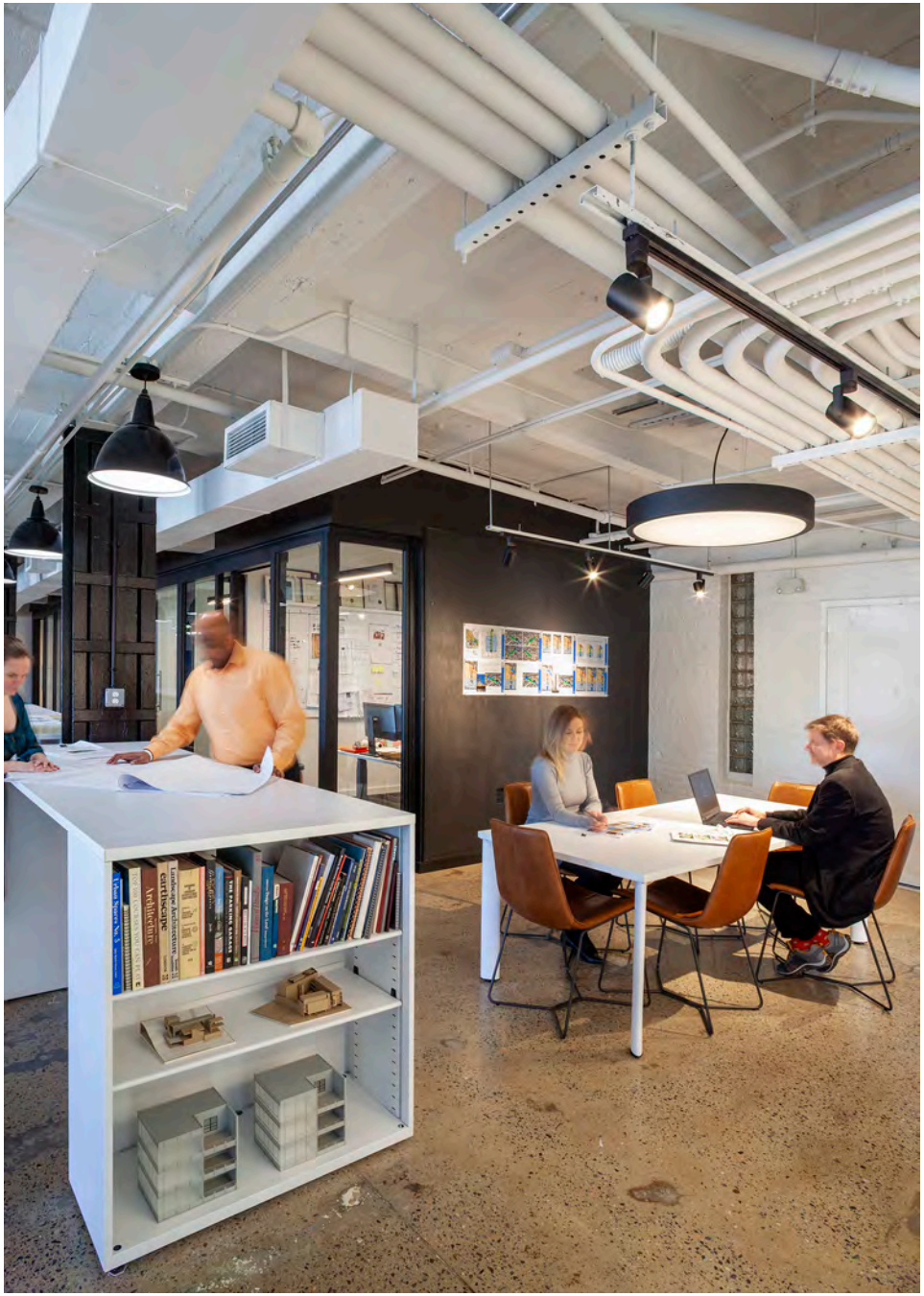
MORRIS + RITCHIE ASSOCIATES

LOCATION
Baltimore, MD

SIZE
12,000 SF

SERVICES PROVIDED
Programming
Schematic Design
Construction Documents
Construction Administration

Located in Baltimore, MRA's new office centered around an open envirnment. Material quality was built around the authentic, reclaimed and preservation.


Architecture
Landscape Architecture
curtilscape

Children's National Health System

Behavioral Health

LOCATION
Takoma Theater
Washington D.C.

SIZE
38,000 SF

SERVICES PROVIDED
Programming
Schematic Design
Construction Documents
Construction Administration

Located in the historic Tacoma Park Theater in Washington D.C., this outpatient health center houses the Psychiatric, Psychology, Neuropsychiatric, Developmental Pediatrics and the Scottish Rite Hearing and Audiology.

SUPPLY
SUPPLY

Children's National Health System Annapolis Clinic

LOCATION
West Street
Annapolis, MD

SIZE
12,500 SF

SERVICES PROVIDED
Schematic Design
3d Visualization
Construction Documents
Construction Administration

TESLA

LOCATION
GIGA FACTORY 1
Sparks, Nevada

SIZE
5.0M SF

SERVICES PROVIDED
Schematic Design
3d Visualization
Construction Documents
Construction Administration

We are not at liberty to discuss or describe the project with any parties beyond the design team and Tesla leadership.

TESLA

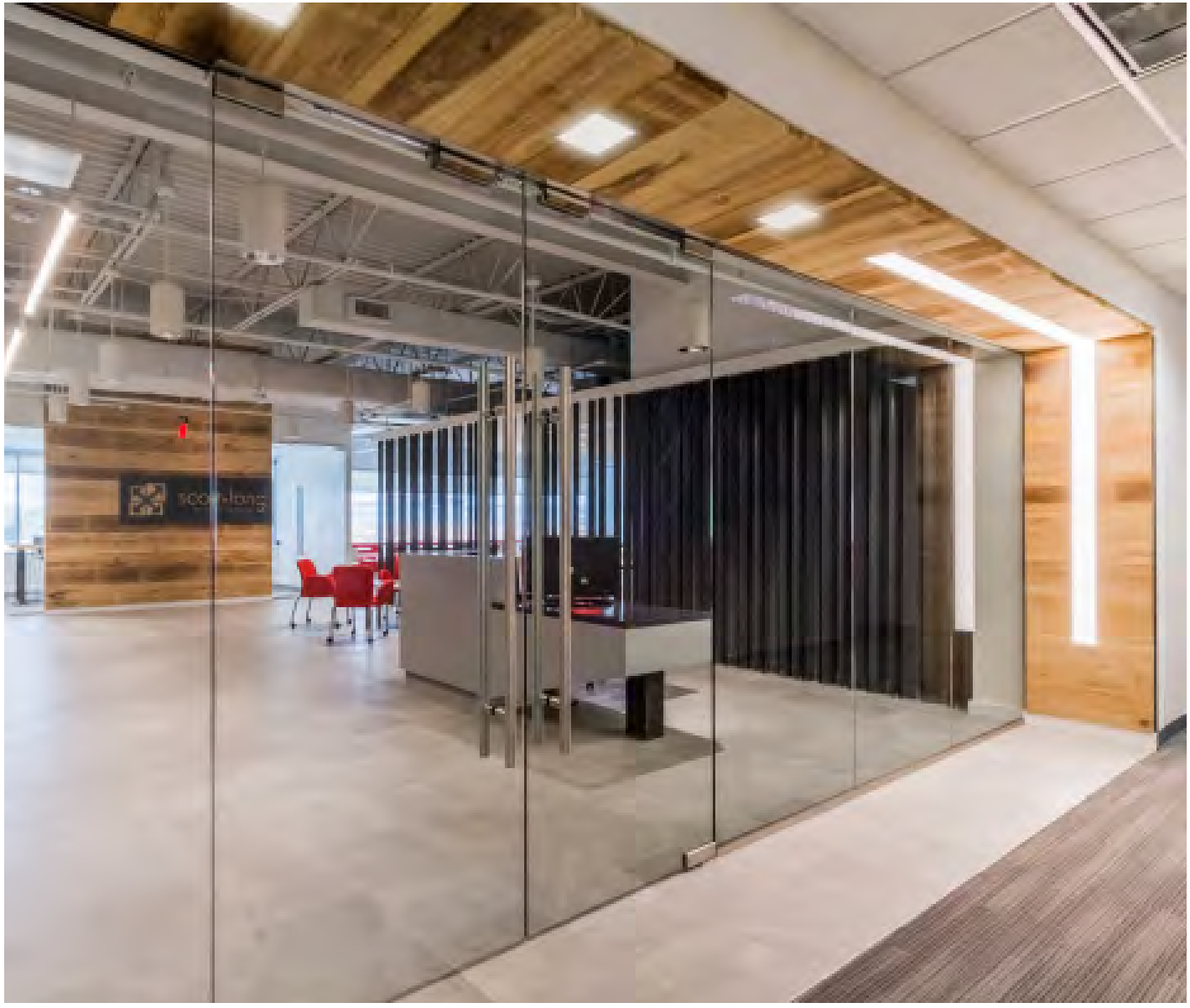
Scott Long Construction

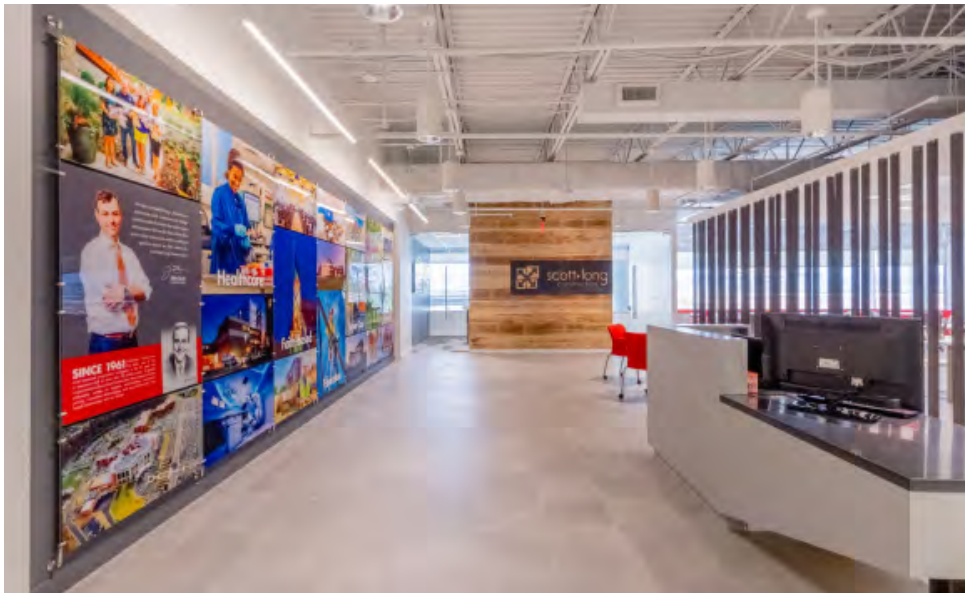
LOCATION
Chantilly, VA
SIZE
12,886 square feet

SERVICES PROVIDED
Programming
Architectural / Interior design
Construction Documents
Custom millwork design
Construction administration
Lighting design

REFERENCE
John Scott
CEO
703.887.2086

Having outgrown their dated existing office, Scott Long Construction looked to design a new headquarters that would create an open, flexible and collaborative space. The goal was to encourage the cross-pollination of ideas among employees and to create a visual journey through the office for visiting clients, subcontractors and vendors. The creative use of raw materials found on construction sites merged with modern elements created a unique juxtaposition.




SINCE 1961
Healthcare
scott·long

EXIT
scott·long

XCEL

Barrie School

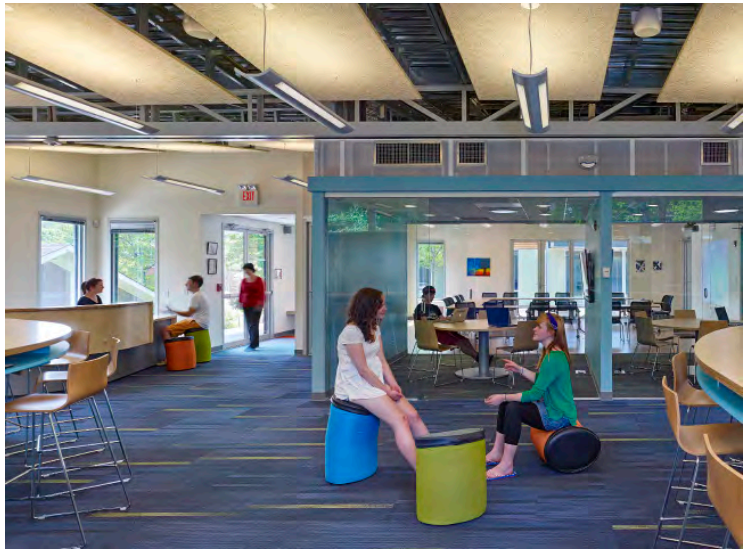
UPPER SCHOOL BUILDING

LOCATION
Silver Spring, MD

SERVICES PROVIDED
Programming
Interior design
Custom millwork design
Construction administration
Lighting design

Designed as a highly flexible and sustainable learning environment, this modular solution engages the natural environment.

Tom Holdsworth Photography



Children's National Health System

Bear Institute Innovation and Learning Center

LOCATION
Washington DC

SIZE
5,000 SF

SERVICES PROVIDED
Programming
Architectural / Interior design
Construction Documents
Visualization

REFERENCE
Mrs. Stacey Hooper
Architect
(202) 476-2459

The Bear Institute, Innovation and Learning Center, is a collaborative workplace in the heart of the Main Campus.

It is committed to improving care, the Bear Institute is a first-of-its kind pediatric health information technology (IT) institute with a vision for a future where children grow to their highest levels of health and potential. The Bear Institute formed in September 2013 as a strategic and transformational partnership between Children's National Health System and Cerner Corporation

INNOVATION AND

EXIT

Hero

Children's National Health System

Human Resources

LOCATION
Silver Spring, MD

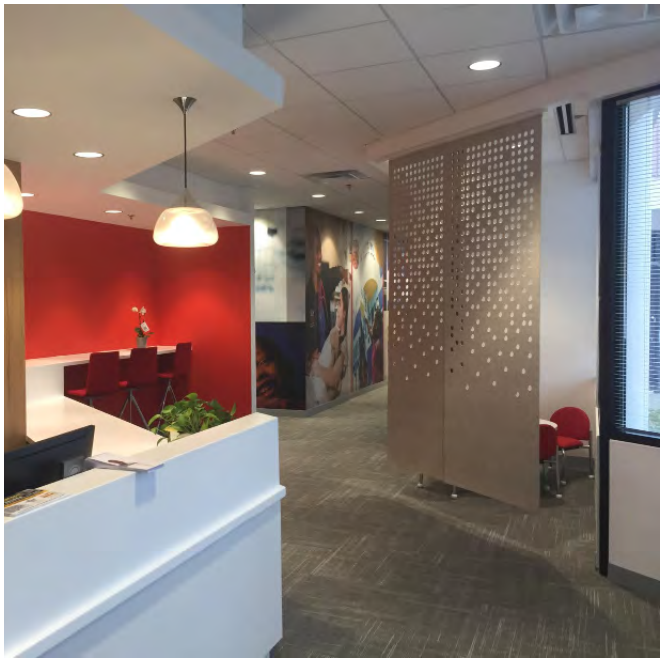
SIZE
23,929 SF

SERVICES PROVIDED
Programming
Architectural / Interior design
Construction Documents
Visualization

REFERENCE
Mrs. Stacey Hooper
Architect
(202) 476-2459

This new work space is now home to the Human Resources Department for Children's National. Its open floor plan allows for ample collaboration in a fast paced work environment that is focused on employee growth and satisfaction. Most importantly, it is a vital curator of the Children's Brand.

As part of the "on-boarding process" the new employee experience will begin here and will host the group presentation, "Power of One",a highly experiential story of the Children's National mission.



Myrtle Hilliard Davis- Comprehensive Health Center

LOCATION
St Louis, MO

SIZE
40,419 square feet

SERVICES PROVIDED
Programming
Architectural / Interior design
Construction Documents
Visualization

REFERENCE
Mrs. Angela Clabon
CEO
(314) 367-5820

We are currently designing a new location for the Myrtle Hilliard Davis- Comprehensive Health Center, in St. Louis, MO. This facility will house the central Administrative team, Behavioral Health, Chiropractic, Dental, Womens Health and Pediatric Services. It is designed to support community and recreational functions which include athletic and gardening.

HDCHC
HOMER G PHILLIPS

Financial Engines

LOCATION
Overland Park, KS

SIZE
31,406 square feet

SERVICES PROVIDED
Programming
Architectural / Interior design
Construction Documents
Custom millwork design
Construction administration
Lighting design

REFERENCE
Dave Meinzenbach
Vice President
913.319.8168

As a rapidly growing company, Financial Engines decided to trade in their current office space for one that catered towards a new corporate workplace model. The main goal for the company's new headquarters; an open and collaborative environment that would support the company's expansion plan as well as to help attract and retain talent in a competitive financial market.

tomorrow.

Multi- Family Housing

PROJECTS

5,065 UNITS
12 STATES

AFFORDABLE
CONDOMINIUM
MARKET RATE

SERVICES PROVIDED

Programming
Land Procurement
Architectural / Interior design
Construction Documents
Custom millwork design
Construction administration
Lighting design

Raised Planting Beds
Soccer Field
Common Roof Terrace
Completed 2nd Street

COMPASS ROSE THEATER

LOCATION
Annapolis, MD

SIZE
10,000 SF

SERVICES PROVIDED
Programming
Schematic Design
Fundraising
Construction Documents
Construction Administration

Located in Annapolis, MD, this theater is the only Professional acting performance theater with casting Nationwide.

The venue will provide training and education programs and will serve as a beacon to this small residential community.

BOZZUTO

steam collaborative

COMPASS ROSE THEATER

COMPASS ROSE THEATER

COMPASS ROSE THEATER

BROWNS WHARF

LOCATION
Baltimore, MD

SIZE
50,000 SF

SERVICES PROVIDED
Programming
Schematic Design
Planning
Construction Documents
Construction Administration

Located on the historic Browns Wharf in Baltimore's inner harbor, we worked with Work Shop Development and Younts Design to invigorate the pedestrian experience and revitalize the existing commercial space and retail experience.

1629

Kenilworth Wine + Spirit

LOCATION
Baltimore, MD

SIZE
5,000 SF

SERVICES PROVIDED
Programming
Schematic Design
Planning
Construction Documents
Construction Administration

WINE & SPIRITS

WINE & SPIRIT

USDA Diplomatic Dining+ Reception

LOCATION

The Mall Washington DC

SIZE

5,000 SF

SERVICES PROVIDED

HUD Financed
Programming
Schematic Design
Planning
Construction Documents
Construction Administration

BARRIE SCHOOL

LOCATION
SILVER SPRING, MD

SIZE
55,000 SF

SERVICES PROVIDED
Master Planning
Special Exception Management
Schematic Design

Teel Academy

Severn School

LOCATION
Severna Park, MD

SIZE
45,000 SF

SERVICES PROVIDED
Programming
Schematic Design

Answering the Severn School's Challenge to create a new facility that marries tradition and innovation, we lead a highly inclusive and Collaborative planning and design effort to create a new Teel Academic Center. Replacing an aging facility that was originally built as a dormitory, we worked closely with school Leadership, faculty, students and Alumni to design fitting edifice to Education the school's middle and upper school students.

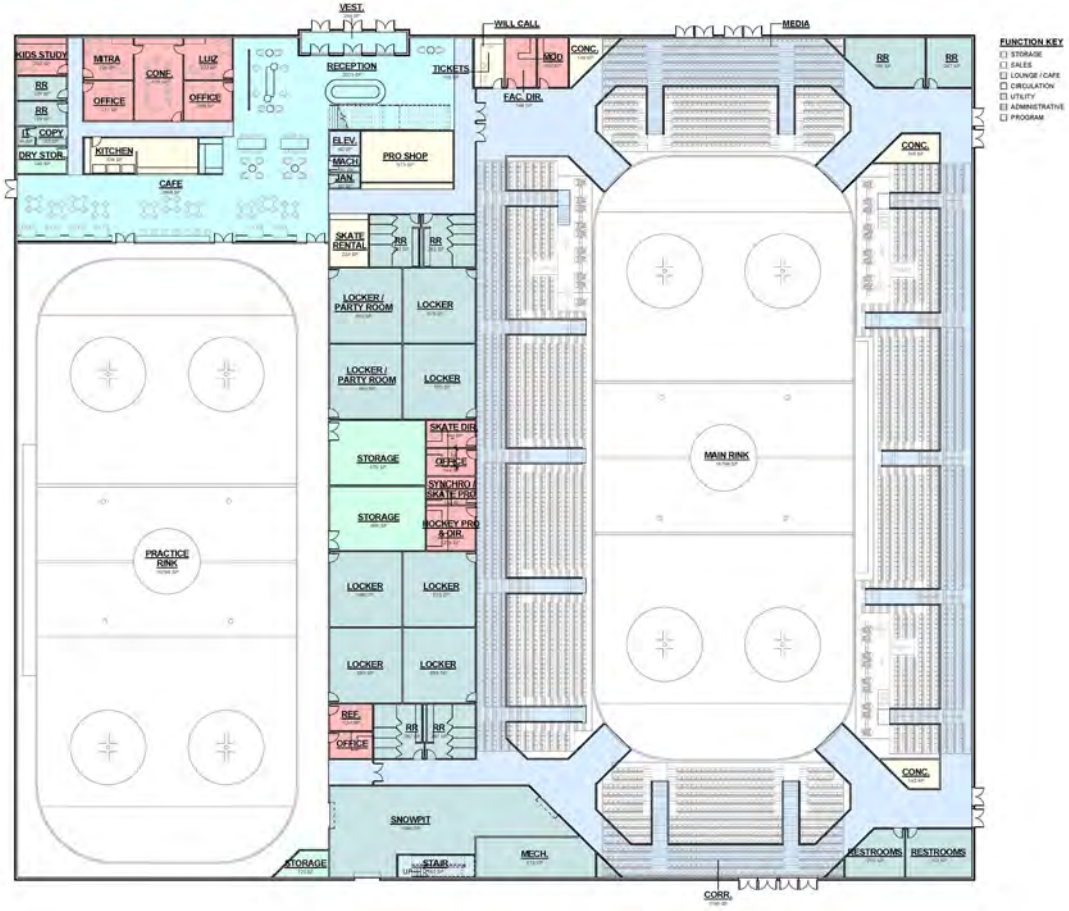
ION
Skating Areana

LOCATION
Leesburg, VA

SIZE
90,000 SF

SERVICES PROVIDED
Programming
Schematic Design
Fundraising
Construction Documents
Construction Administration

Located in Leesburg, VA, this International Training Facility has 2 Ice Sheets, one with full bleacher seating and the other a training sheet. With a Cafe, Locker Rooms, Pro shop and Party Rooms, this facility serves it community in a wide variety of uses.


VEST.
WILL CALL
MEDIA
KIDS STUDY
MTRA
CONF.
LUIZ
OFFICE
OFFICE
RECEPTION
TICKETS
FAC. DIR.
MOD
CONC.
RR
RR
RR
IT
COPY
DRY STOR.
KITCHEN
CAFE
ELEV.
MACH.
JAN.
PRO SHOP
CONC.
SKATE RENTAL
RR
RR
LOCKER / PARTY ROOM
LOCKER
LOCKER / PARTY ROOM
LOCKER
SKATE DIR.
STORAGE
OFFICE
SYNCHRO / SKATE PRO
STORAGE
HOCKEY PRO & DIR.
MAIN RINK
PRACTICE RINK
LOCKER
LOCKER
LOCKER
LOCKER
REF.
OFFICE
RR
RR
CONC.
SNOWPIT
STORAGE
STAIR
MECH.
RESTROOMS
RESTROOMS
CORR.
FUNCTION KEY
STORAGE
SALES
LOUNGE / CAFE
CIRCULATION
UTILITY
ADMINISTRATIVE
PROGRAM

GRAFTON
Elementary School

LOCATION
Stafford, VA

SIZE
20,000 SF

SERVICES PROVIDED
Programming
Schematic Design
Construction Documents
Construction Administration

Located in Stafford, VA, this neighborhood Elementary School serves local families and works to connect them to the exterior environment, capture daylight and provide learning opportunities in nature.

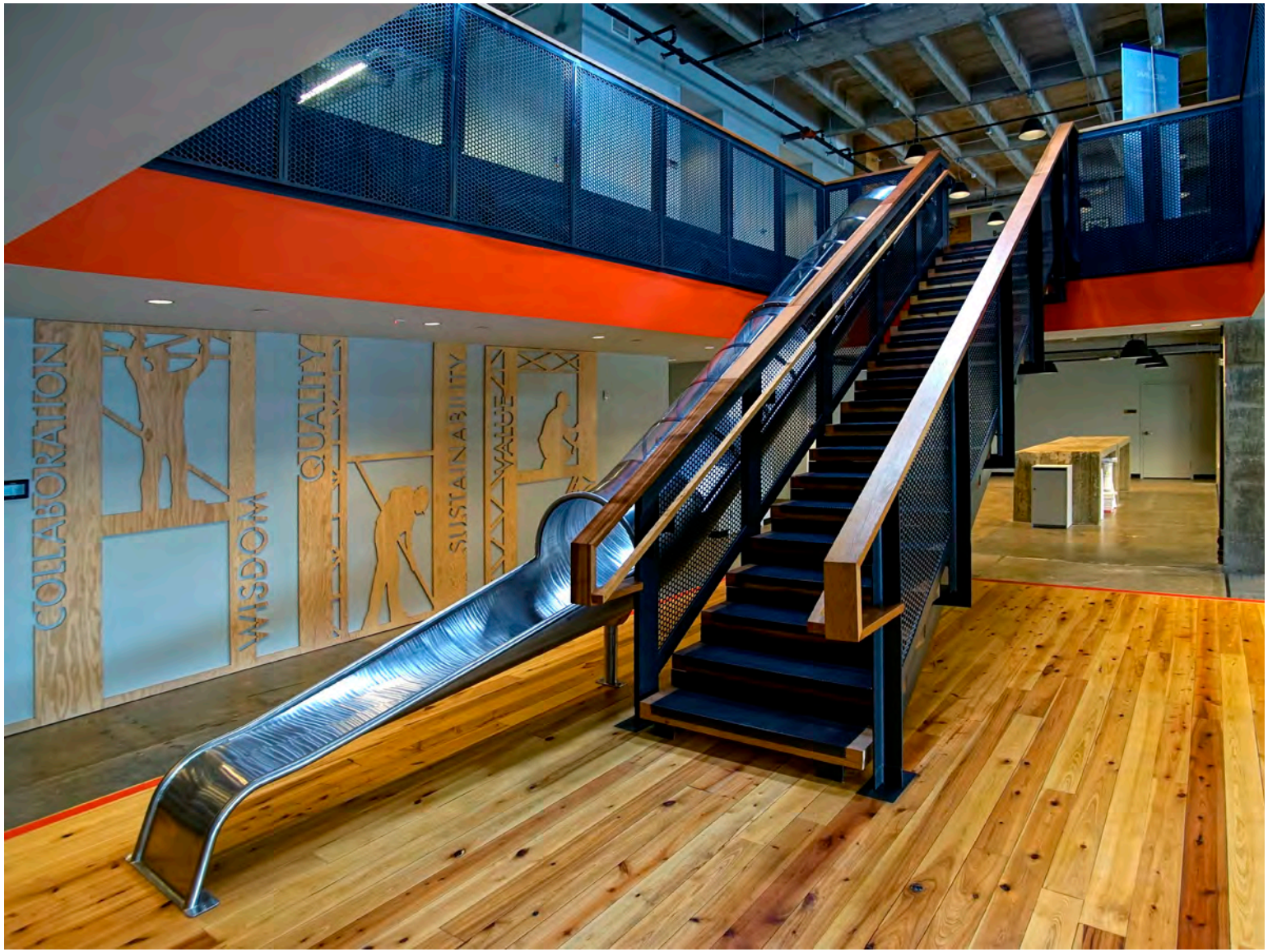
JE DUNN
Construction

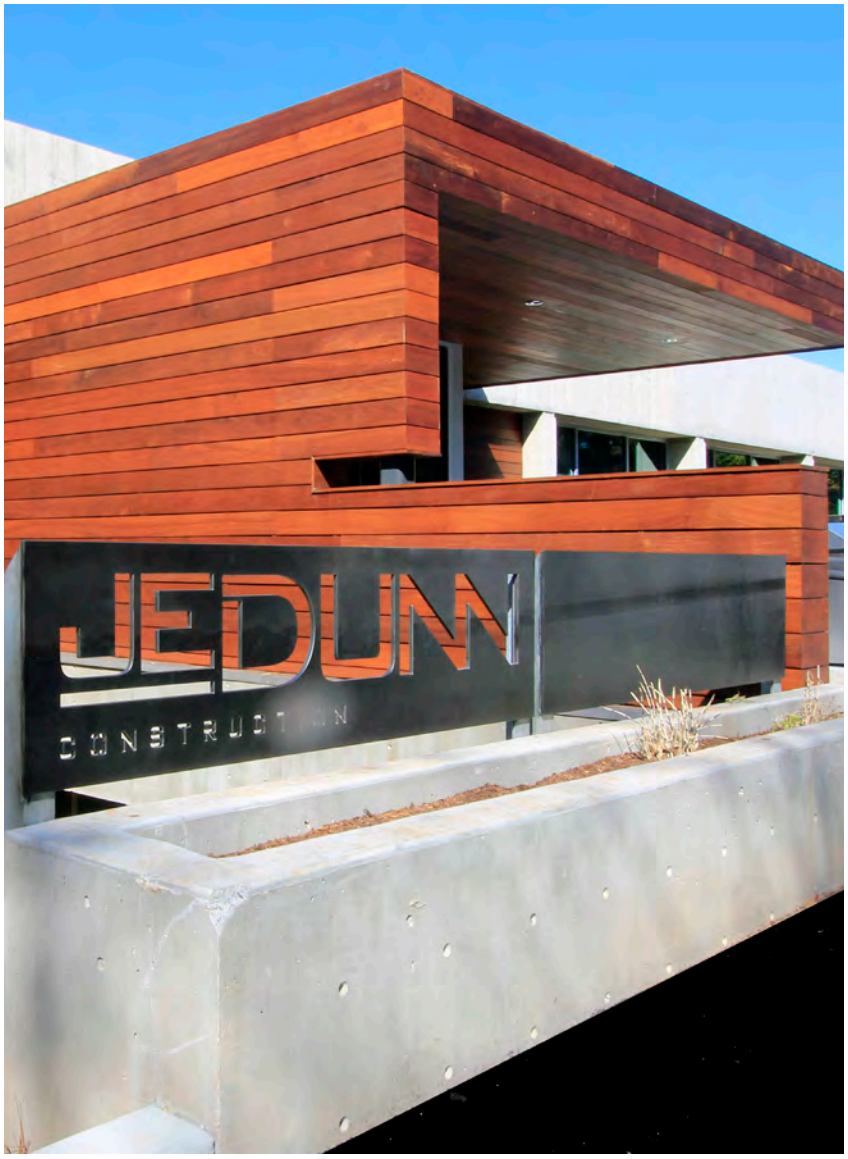
LOCATION
Atlanta, GA

SIZE
38,000 SF

SERVICES PROVIDED
Programming
Schematic Design
Construction Documents
Construction Administration

Located in Atlanta, Georgia, this project refurbished a Cooper-Carry designed concrtete building that transformed the JE Dunn organization into a highly transparent, collaboative work environment.




JEDUNN

RED ALPHA

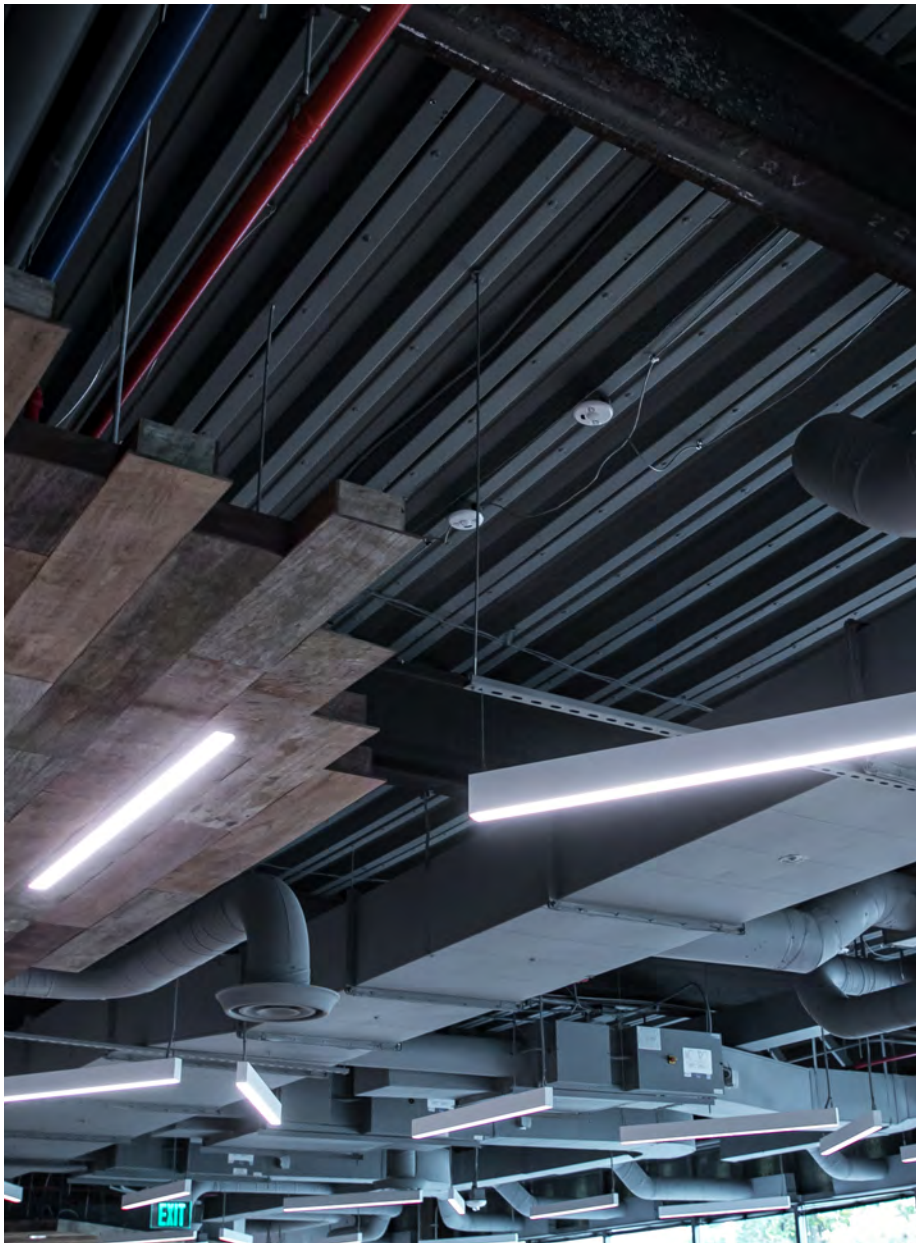
LOCATION
Columbia, MD

SIZE
22,000 SF

SERVICES PROVIDED
Programming
Schematic Design
Construction Documents
Construction Administration

Located in Columbia, MD, this project sought to create a highly transparent, collaboative work environment centered around themes of games and vintage sport.

EXIT


EXIT

SEB LLC

Unparalleled Experience and Client Service

Who We Are and What We Do

For over 40 years, SEB and its principals have been leaders in the planning and development community, specializing in mixed-income multi-family residential housing. SEB has provided housing development consulting services that have resulted in the approval and development of more than 13,000 units of housing. Our work has involved a broad range of housing types in a variety of different communities, from small home ownership communities to large rental developments.

Working in cooperation with our clients and development partners, we have completed over one thousand diverse consulting assignments – ranging from development of mixed-use multi-family developments, to permitting assistance with specific affordable housing development projects on urban and suburban sites, to larger scale neighborhood plans in cities and towns.

SEB also provides affordable housing administrative and lottery services. We have leased/sold more units of affordable housing than any other entity or lottery administrator in the state across a wide variety of developments and programs. We have excellent relationships with Masshousing, Masshousing Partnership, the Department of Housing and Community Development and MassDevelopment – all of the State Subsidizing Agencies involved in the oversight of the affordable housing sell-out & lease-up process. SEB's involvement ensures a coordinated and efficient process while strictly adhering to all state, local regulatory and compliance related requirements.

SEB has been involved in public or private sector projects in more than 180 cities and towns in Massachusetts, including the partial list below.

Abington	Acton	Amesbury	Amherst	Andover	Arlington	Ashburnham
Ashland	Athol	Attleboro	Avon	Barnstable	Bedford	Bellingham
Belmont	Berkley	Berlin	Beverly	Billerica	Bolton	Boston
Bourne	Boxborough	Boxford	Braintree	Brewster	Brockton	Brookline
	Burlington	Cambridge				
Canton	Carlisle	Chatham	Chelmsford	Chelsea	Clinton	Concord
Danvers	Dartmouth	Dedham	Dennis	Dighton	Dover	Duxbury
East	Bridgewater	Easton	Edgartown	Everett	Fall River	Falmouth
Fitchburg	Framingham	Franklin	Freetown	Gardner	Georgetown	Gloucester
Grafton		Groton	Groveland	Hanover	Hanson	Harvard
Harwich	Haverhill	Hingham	Holyoke	Hopkinton	Ipswich	Kingston
Lancaster	Lawrence	Leominster	Lexington	Lincoln	Littleton	Lowell
Ludlow	Lynn	Lynnfield	Malden	Mansfield	Marblehead	Marion
Marlboro	Edgartown	Mashpee	Maynard	Medfield	Medford	
Medway	Melrose	Mendon	Merrimack	Methuen	Middleboro	Milford
Millville	Milton	Nantucket	Natick	Needham	New Bedford	Newburyport
Newton	Norfolk	North Andover	North Reading	Northampton	Northborough	
Northbridge	Norton	Norwell	Norwood	Oxford	Palmer	Peabody
Pelham	Pembroke	Pittsfield	Plainville	Plymouth	Randolph	Raynham
Reading	Rehoboth	Revere	Richmond	Rockport	Rockland	Rowley
Salem	Salisbury	Sandwich	Saugus	Scituate	Seekonk	Sharon
Sherborn	Shrewsbury	Somerset	Somerville	Southborough	Southbridge	Springfield
Stoneham	Stoughton	Stow	Sturbridge	Sudbury	Sutton	Swansea
Taunton	Tewksbury	Townsend	Tyngsboro	Upton	Wakefield	Walpole
Waltham	Wareham	Watertown	Wayland	Wellesley	Wellfleet	
West Tisbury	Westborough	Westminster	Weston	Westport	Westwood	Weymouth
Whitman	Wilmington	Winchester	Woburn	Worcester	Wrentham	Yarmouth

Background

Our History

SEB is a continuation, through various iterations, of a consulting practice which began in 1970 in Cambridge, MA. Bob Engler remains as one of the partners in the first firm – Justin Gray Associates –and has been joined by his two sons, Geoff and Brian, who have now been working together over 10 years.

Brian Engler is the firm's Lottery Director and is primarily responsible for managing all of the lottery contracts including all elements of affirmative marketing, buyer/tenant selection and ongoing program compliance. Geoff Engler is responsible for SEB's permitting and development portfolio including serving as project manager for all of SEB's own development projects.

Throughout our history, SEB has remained committed to focusing our business in the area of affordable housing, for ourselves, our partners, and our clients. SEB have managed over 1,000 contracts, yet the firm has retained its small size so we could be directly involved in working with our clients and continuing in many cases the long term relationships that we have developed over the past many years.

SEB & The 40B Process

Chapter 40B of M.G.L. was passed in 1969 and remains today as the single most productive vehicle in Massachusetts for developing affordable housing units, whether rental or homeownership. Each 40B project involves a complex administrative and permitting process, from initial conception through the public hearing process, construction and occupancy. There are a myriad of rules, regulations, guidelines, policies, preferred practices, strategies, negotiations and monitoring reviews which must be unequivocally understood in order to be successful.

SEB's role over the past many years has been to guide clients through the entirety of this process, often from beginning to end, or in some cases, for specific and discreet tasks. We have assisted over 100 developers and 20 communities engage in this process; we also undertake our own 40B developments as well. Our knowledge and experience has brought us to half the communities in Massachusetts (180+) through permitting responsibilities, leading workshops, providing technical assistance or carrying out developments for our own portfolio. We have served on State-initiated task forces which have created affordable housing programs under 40B or modified existing 40B regulations/guidelines over time.

The various roles SEB has been asked to play in the development process include:

- Property specific analysis and evaluation
- Site control negotiations
- Preliminary site planning and concept origination
- Financial/pro forma analysis
- Assembling the development team
- Securing construction/permanent loans
- Application (site approval, comprehensive permit, etc.) preparations/submittals
- Leading public presentations/ZBA hearings
- Negotiations on final permits and review of regulatory agreements
- Expert witness at the Housing Appeals Committee
- Lottery agent / Affordable housing administrator
- Acquisition and due diligence assistance of existing 40B developments

Representative Sample of Projects

The Terraces
Newton
Developer
48 for-sale units

Charles River Landing
Needham
Permitting
350 rental units

Ink Block
Boston
Lottery Agent
392 Rental & for-sale units

Chrysler Apartments
(Currently Avalon Natick)
Natick
Permitting
543 rental units

Greendale Village
Needham
Developer
20 for-sale units

SEB Contact Information

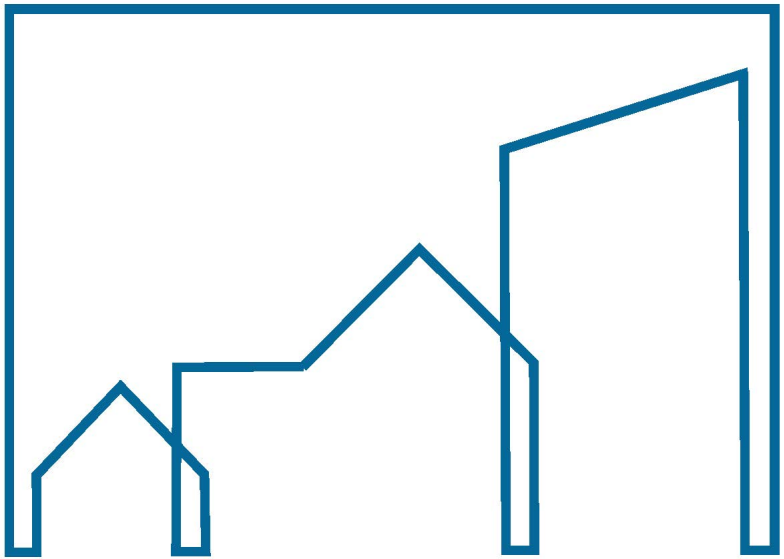
SEB, LLC
165 Chestnut Hill Avenue, Unit #2
Brighton, MA 02135
(617) 782-2300
www.s-e-b.com

Brian Engler
Lottery Director / VP
(617) 782-2300 x203
brian@s-e-b.com

Bob Engler
President
(617) 782-2300 x201
Bob@s-e-b.com

Geoff Engler
Vice President
(617) 782-2300 x202
gengler@s-e-b.com

AFFORDABLE HOUSING ANSWERS



SEB HOUSING

A - 148

brian@sebhousing.com www.sebhousing.com 617.782.2300 x 203

SEB HOUSING

- We specialize in BPDA, 40B, AFFORDABLE, WORKFORCE, INCLUSIONARY, AND INCOME-RESTRICTED HOUSING conditions and regulations.

- Dozens of THE LARGEST DEVELOPERS AND MANAGEMENT COMPANIES IN MASSACHUSETTS UTILIZE US to handle compliance and applicant traffic associated with affordable housing related regulations and conditions.

- CONTACT US for quick preliminary estimates on:
  - RENT/SALES PRICES FOR INCOME RESTRICTED UNITS
  - TIMELINES/SCHEDULING OF CRITICAL PROGRAM BENCHMARKS
  - COSTS/SCOPE OF SERVICES.

- USE SEB HOUSING TO SAVE TIME, MONEY AND MENTAL BANDWITH.

brian@sebhousing.com www.sebhousing.com 617.782.2300 x 203

Certification and Acknowledgement

I hereby certify on behalf of the Applicant, under pains and penalties of perjury, that the information provided above for each of the Applicant Entities is, to the best of my knowledge, true and complete; and that each of the following questions has been answered correctly to the best of my knowledge and belief:

(Please attach a written explanation for all of the following questions that are answered with a "Yes". Explanations should be attached to this Section 6.)

Question	Answer
Is there pending litigation with respect to any of the Applicant Entities?	No
Are there any outstanding liens or judgments against any properties owned by any of the Applicant Entities?	No
Have any of the Applicant Entities failed to comply with provisions of Massachusetts law related to taxes, reporting of employees and contractors, or withholding of child support?	No
Have any of the Applicant Entities ever been the subject of a felony indictment or conviction?	No
During the last 10 years, have any of the Applicant Entities ever been party to a lawsuit involving fraud, gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy?	No
Have any of the Applicant Entities failed to carry out obligations in connection with a Comprehensive Permit issued pursuant to M.G.L. c. 40B and any regulations or guidelines promulgated thereunder (whether or not MassHousing is or was the Subsidizing Agency/Project Administrator) including, but not limited to, completion of a cost examination and return of any excess profits or distributions?	No
Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements?	No
Are any of the Applicant Entities not current on all existing obligations to the Commonwealth of Massachusetts, and any agency, authority or instrument thereof?	No

I further certify that the information set forth in this application (including attachments) is true, accurate and complete as of the date hereof to the best of my/our knowledge, information and belief. I further understand that MassHousing is relying on this information in processing the request for Site Approval in connection with the above-referenced project; and

I hereby acknowledge our commitment and obligation to comply with requirements for cost examination and limitations on profits and distributions, all as found at 760 CMR 56.04(8) and will be more particularly set forth in a Regulatory Agreement by and between the Applicant and MassHousing.

I hereby acknowledge that will be required to provide financial surety by means of bond, cash escrow and a surety escrow agree- ment or letter of credit with the agreement that it may be called upon or used in the event that the Developer fails either to (i) complete and submit the examined Cost Certification as required by 760 CMR 56.04(8) and the Regulatory Agreement, or (ii) pay over to the Subsidizing Agency or the Municipality any funds in excess of the limitations on profits and distributions from capital sources as required by 760 CMR 56.04(8) and as set forth in the Regulatory Agreement.

Signature: Kevin O'Brien

Name: Kevin O'Brien

Title: Manager

Date: 6/23/21

Certification and Acknowledgement

I hereby certify on behalf of the Applicant, under pains and penalties of perjury, that the information provided above for each of the Applicant Entities is, to the best of my knowledge, true and complete; and that each of the following questions has been answered correctly to the best of my knowledge and belief:

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Have any of the Applicant Entities failed to carry out obligations in connection with a Comprehensive Permit issued pursuant to M.G.L. c. 40B and any regulations or guidelines promulgated thereunder (whether or not MassHousing is or was the Subsidizing Agency/Project Administrator) including, but not limited to, completion of a cost examination and return of any excess profits or distributions?	No
Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements?	No
Are any of the Applicant Entities not current on all existing obligations to the Commonwealth of Massachusetts, and any agency, authority or instrument thereof?	No

I further certify that the information set forth in this application (including attachments) is true, accurate and complete as of the date hereof to the best of my/our knowledge, information and belief. I further understand that MassHousing is relying on this information in processing the request for Site Approval in connection with the above-referenced project; and

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I hereby acknowledge that will be required to provide financial surety by means of bond, cash escrow and a surety escrow agree- ment or letter of credit with the agreement that it may be called upon or used in the event that the Developer fails either to (i) complete and submit the examined Cost Certification as required by 760 CMR 56.04(8) and the Regulatory Agreement, or (ii) pay over to the Subsidizing Agency or the Municipality any funds in excess of the limitations on profits and distributions from capital sources as required by 760 CMR 56.04(8) and as set forth in the Regulatory Agreement.

Signature: Kevin O'Brien

Name: Kevin O'Brien

Title: Manager

Date: 6/23/21

June 11, 2021

Ms. Catherine Racer, Associate Director
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA. 02114

Re: Site Approval Application – MassHousing Project: Pond View Commons, Lunenburg

Applicant: Pond View Commons, LLC

Dear Kate:

SEB is representing the applicant, Pond View Commons, LLC for the purpose of developing a 200-unit apartment community at 318, 390 & 400 Howard Street in Lunenburg. In accordance with Section 31.01(2)(c) of the Rules of the Housing Appeals Committee (760 CMR 31.01), this letter serves to notify the Department that a request for site approval letter has been made by the applicant to MassHousing under the New England Fund Program.

According to the Rules of the Housing Appeals Committee, MassHousing cannot issue a site approval letter until at least 30 days has elapsed from the time of notification to the Lunenburg Board of Selectmen. Shortly after that time period, we are hopeful that MassHousing will issue a site approval letter so that the applicant can file a comprehensive permit application with the Lunenburg Zoning Board of Appeals. Any comments received from the Town will be considered by MassHousing during this 30-day comment period.

We will notify you when the site approval letter is issued. In the interim, please contact me directly should you have any questions.

Sincerely,

Geoffrey Engler

cc:
Town of Lunenburg

JOHNSON & BORENSTEIN, LLC
ATTORNEYS AT LAW

12 Chestnut Street
Andover, MA 01810-3706
Tel: 978-475-4488
Fax: 978-475-6703
www.jbllclaw.com
Don@jbllclaw.com

Mark B. Johnson (MA, NH, DC)
Donald F. Borenstein (MA, ME, NH)

Thomas D. Orr (MA)
Gordon T. Glass (ME, MA)
Pamela M. Coufos (MA)
Allison L. Colton (MA)

Of Counsel
Robert W. Lavoie (MA, NH)
Richard J. Byers (MA)

Paralegals
Karen L. Bussell
Lianne Patenaude
Ellen M. Melvin
Tina M. Wilson

June 24, 2021

Hand Delivery
Lunenbury Town Clerk
17 Main Street
Lunenberg, MA 01462

Re: PondView Commons
Comprehensive Permit Project Eligibility Application

Dear Clerk Herrick,

Enclosed please find a copy of the Project Eligibility Application being filed with Mass Housing. Would you please stamp your receipt of this Application Package on the copy of the cover page and table of contents provided herewith.

Donald F. Borenstein

Donald F. Borenstein

Very truly yours,
JOHNSON & BORENSTEIN, LLC

DFB/sk

cc: Adam Burney, Town Planner ***<via electronic distribution only>***

RECEIVED & FILED

JUN 23 2021

LUNENBURG TOWN CLERK OFFICE

JUN 23 2021

LUNENBURG TOWN CLERK OFFICE

Pond View Commons

Lunenburg, MA

Project Eligibility Application

RECEIVED & FILED

JUN 23 2021

LUNENBURG TOWN
CLERK OFFICE

Submitted To: Masshousing

June 2021

TABLE OF CONTENTS

1. Comprehensive Permit Site Approval Application
   i. Signatures & Developer Acknowledgement of Obligations
2. Location Map
3. Tax Maps
4. Directions of the Site
5. Existing Conditions Plans
6. Aerial Photographs
7. Site/Context Photographs
8. Existing Conditions Narrative
9. By-Right Site Plan
10. Preliminary Site Plan
11. Preliminary Architectural Plans
12. Architectural Narrative
13. Zoning Analysis
14. Site Control Document in the Form of a Purchase and Sale Agreement
15. Letter of Interest from an NEF Lender
16. Market Comps
17. Development Team Qualifications
18. Narrative Regarding Municipal Contact
19. Evidence of Submission to the Municipality
20. Copy of Notification to DHCD
21. Tax ID Number
22. Payment to MHP

RECEIVED & FILED

JUN 23 2021

LUNENBURG TOWN CLERK OFFICE

June 11th, 2021

Tom Alonzo– Chairman
Lunenburg Board of Selectmen
Lunenburg Town Hall
17 Main Street
Lunenburg, MA 01462

Re: Notice of Application for Chapter 40B Site Approval Letter – MassHousing New England Fund Project: "Pond View Commons, 318, 390 & 400 Howard Street, Lunenburg, MA

Applicant: Pond View Commons, LLC

Dear Mr. Chairman:

SEB, LLC is representing Pond View Commons, LLC a limited liability company for the purpose of developing a 200 unit apartment community at 318, 390 & 400 Howard Street. In accordance with Section 31.01(2)(c) of the Rules of the Housing Appeals Committee (760 CMR 31.01), this letter serves to formally notify the Town of Lunenburg that a request for a site approval letter has been made by Pond View Commons, LLC under Masshousing's New England Fund Program for this development.

As background, the Applicant had a productive meeting with Adam Burney and Heather Lemieux on May 13th, 2021. At that meeting, the Applicant introduced the conceptual plan to identify any preliminary concerns, questions or issues the Town may have had relative to the proposed plan.

We look forward to discussing this project with the Town in greater detail and formally presenting this application to the full Zoning Board of Appeals in the near future. We appreciate any additional comments contributed by municipal officials as we move forward in this process.

Sincerely,

Geoffrey Engler
Consultant to Pond View Commons, LLC

978-475-6703 fax
www.jbllclaw.com
ellen@jbllclaw.com

Wire Fraud Alert - If you receive an email from this office requesting that you wire or otherwise transfer funds, you must confirm the request and any corresponding instructions by telephone with this office before you initiate any transfer

The information contained in this electronic communication may be confidential and is intended only for receipt and use by the named recipient. If you have received this communication in error, please notify the sender by REPLY communication and immediately delete the message and remove it from your computer. Thank you.

From: Enterprise Bank: Wire Servicing Dept. <WireServicing@ebtc.com>
Sent: Thursday, June 24, 2021 2:36 PM
To: Ellen Melvin <Ellen@jbllclaw.com>
Subject: Outgoing Wire Transfer Notification

Your wire transfer on 06/23/21, in the amount of $7,500.00, was successfully sent to MHFA, CLEARING ACCOUNT at BK AMER NYC.

Contact ENTERPRISE BANK at (877) 671-2265 if you have any questions regarding this transaction. Refer to wire sequence number 196392 in your inquiry.

Debited from account number ending with 397
Wire Fee: $0.00

OMAD: 20210623B6B7HU4R00494406231036FT03
IMAD: 20210623GMQFMP01004856

FILING FEE, POND VIEW COMMONS -
LUNENBURG

This message is intended only for the persons or entities to which it is addressed. The information transmitted herein may contain proprietary or confidential material. Review, reproduction, retransmission, distribution, disclosure or other use, and any consequent action taken by persons or entities other than intended recipients, are prohibited and may be unlawful. If you are not the intended recipient, please delete this information from your system and contact the sender. The information contained herein is subject to change without notice. Although reasonable precautions have been taken to ensure that no viruses are present, the sender makes no warranty or guaranty with respect thereto, and is not responsible for any loss or damage arising from the receipt or use of this email or attachments hereto.

PAYMENT OF TOTAL TECHNICAL ASSISTANCE / MEDIATION AND UNIT FEE

Please complete this form and mail it, along with your check for the Total Technical Assistance / Mediation and Unit Fee made payable to Massachusetts Housing Partnership, to the address below.

MHP FUND
PO Box 845437
Boston, MA 02284-5437

Attn: Katie Bosse

- Name of applicant: Pond View Commons, LLC
- Location of project: 318, 390 & 400 Howard St, Lunenburg MA
- Name of project: Pond View Commons
- Number of units: 200
- Number of acres of site: 18.50
- Rental or Homeownership: Rental

IRS DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 05-05-2021

Employer Identification Number:
86-3685860

Form: SS-4

Number of this notice: CP 575 G

POND VIEW COMMONS LLC
KEVIN OBRIEN SOLE MBR
18 CASSIMERE ST
ANDOVER, MA 01810

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 86-3685860. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

* Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.

* Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.

* Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is POND. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

(IRS USE ONLY) 575G 05-05-2021 POND O 9999999999 SS-4

Keep this part for your records. CP 575 G (Rev. 7-2007)

Return this part with any correspondence
so we may identify your account. Please
correct any errors in your name or address.

CP 575 G

9999999999

Your Telephone Number
( ) -
_____

Best Time to Call
_____

DATE OF THIS NOTICE: 05-05-2021
EMPLOYER IDENTIFICATION NUMBER: 86-3685860
FORM: SS-4 NOBOD

INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

POND VIEW COMMONS LLC
KEVIN OBRIEN SOLE MBR
18 CASSIMERE ST
ANDOVER, MA 01810

MassHousing

Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000
FAX: 617.854.1091 | www.masshousing.com
Videophone: 857.366.4157 or Relay: 711

March 31, 2022

Pond View Commons, LLC
12 Chestnut Street
Andover, MA 01810
Attention: Attorney Donald Borenstein

Re: Pond View Commons
Lunenburg, MA
Project Eligibility/Site Approval
MassHousing ID No. 1130

Dear Mr. Borenstein:

This letter is in response to your application as "Applicant" for a determination of Project Eligibility ("Site Approval") pursuant to Massachusetts General Laws Chapter 40B ("Chapter 40B"), 760 CMR 56.00 (the "Regulations") and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development ("DHCD") (the "Guidelines" and, collectively with Chapter 40B and the Regulations, the "Comprehensive Permit Rules"), under the New England Fund ("NEF") Program ("the Program") of the Federal Home Loan Bank of Boston ("FHLBank Boston").

Pond View Commons, LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build two hundred (200) units of rental housing (the "Project") on approximately 18.5 acres of land located at 390, 318 & 400 Howard Street (the "Site") in Lunenburg (the "Municipality").

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, "Housing Programs In Which Funding Is Provided By Other Than A State Agency."

MassHousing has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Comments
Pursuant to the Regulations, the Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. At the request of the Municipality the comment period was extended an additional two weeks. The Select Board submitted a letter summarizing comments from municipal departments, boards, committees and members of the community identifying specific concerns with the proposed Project.

- The Municipality states that the proposal is significantly denser than the surrounding neighborhood which could impact the character of the area.

Charles D. Baker, *Governor* | Michael J. Dirrane, *Chairman* | Chrystal Kornegay, *Executive Director*
Karyn E. Polito, *Lt. Governor* | Ping Yin Chai, *Vice Chair*

- The Municipality expressed concern that additional traffic generated by the Project would result in increased congestion on area roadways and pose heightened risks to drivers and pedestrians. The Municipality requested that the Applicant provide a traffic study to allow them to fully assess Project traffic and public safety impacts.

- The Municipality is concerned with water and sewer availability at the Site and requests that the Applicant conduct a detailed study to determine water and sewer capacity and pressure needs of the proposed Project and if necessary, make repairs or improvements to the water system to meet the demands of the Project.

- The Municipality raised concerns regarding stormwater management, the potential negative environmental impact of the Project to wetlands, wetland buffer zones, protected wildlife habitats, groundwater supplies, and the headwater to the Mulpus Brook and Hickory Hills Lake.

Community Comments
In addition to comments from Municipal staff and officials, MassHousing received several letters from area residents expressing various concerns for the proposed Project. While letters from the community largely echoed the concerns identified by Municipal officials, the letters received are summarized below:

- Area residents are concerned that the size and scale of the proposed Project is not in keeping with the modest nature of adjacent neighborhood residences of mostly single-family homes.

- Area residents are concerned about increased traffic and pedestrian safety, echoing the Municipality's comments regarding the concerns of public safety impacts due to the anticipated increase of traffic congestion along Ames Pond Way and adjacent roads.

Comments Outside of the Findings
While Comprehensive Permit Rules require MassHousing, acting as Subsidizing Agency under the Guidelines, to "accept written comments from Local Boards and other interested parties" and to "consider any such comments prior to issuing a determination of Project Eligibility," they also limit MassHousing to specific findings outlined in 760 CMR 56.04(1) and (4). The following comments were submitted to MassHousing by community members, identifying issues that are not within the scope of our review:

- Possible impacts on the capacity and on the quality of the Lunenburg Public Schools.

MassHousing Determination and Recommendation
MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval.[1] As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Applicant may apply to the Zoning Board of Appeals ("ZBA") for a comprehensive permit. At that time local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

[1] MassHousing has relied on the Applicant to provide truthful and complete information with respect to this approval. If at any point prior to the issuance of a comprehensive permit MassHousing determines that the Applicant has failed to disclose any information pertinent to the findings set forth in 760 CMR 56.04 or information requested in the Certification and Acknowledgment of the Application, MassHousing retains the right to rescind this Site Approval letter.

Based on MassHousing's site and design review, and considering feedback received from the Municipality, the following issues should be addressed in the application to the ZBA, and the Applicant should be prepared to explore them more fully during the public hearing process:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.

- A landscape plan should be provided, including a detailed planting plan, as well as paving, lighting, and signage details, and the location of outdoor dumpsters or other waste receptacles. The landscape plan should also include provisions for irrigation, snow removal and long-term landscape maintenance.

- The Applicant should be prepared to respond to Municipal concerns relative to potential off-site traffic impacts on area roadways and intersections and to respond to reasonable requests for mitigation.

- The Applicant is encouraged to work with its design team to address concerns related to pedestrian circulation and open space elements.

- The Applicant should be prepared to provide detailed information relative to proposed water and sewer use and potential impacts on existing capacity, and respond to reasonable requests for mitigation.

MassHousing has also reviewed the application for compliance within the requirements of 760 CMR 56.04(2) relative to Application requirements and has determined that the material provided by the Applicant is sufficient to show compliance.

This Site Approval is expressly limited to the development of no more than two hundred (200) rental units under the terms of the Program, of which not less than fifty-one (51) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing at the following times throughout this two-year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBank Boston, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Michael Busby at (617) 854-1219.
Sincerely,

Colin M. McNiece
General Counsel

cc: Jennifer Maddox, Undersecretary, DHCD
The Honorable John J. Cronin
The Honorable Danillo A. Sena
The Honorable Michael P. Kushmerek
Tom Alonzo, Chairman, Select Board
Alfred J. Gravelle, Chairman, Zoning Board of Appeals

Attachment 1

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency
Section (4) Findings and Determinations

Pond View Commons, Lunenburg, MA #1130

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7):

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Lunenburg is $71,700

Proposed rent levels of $1,466 for a one-bedroom affordable unit, $1,758 for a two-bedroom affordable unit and $2,032 for a three-bedroom affordable unit accurately reflect current affordable rent levels for the Fitchburg/Leominster HMFA under the NEF Program, less utility allowances of $118 for the one-bedroom affordable units, $153 for the two-bedroom affordable units and $189 for the three-bedroom affordable units.

The Applicant submitted a letter of financial interest from Lowell Five Savings Bank, a member bank of the FHLBank Boston under the NEF Program.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses and would address the local need for housing.

According to DHCD's Chapter 40B Subsidized Housing Inventory, updated through March 15, 2022, Lunenburg has 386 (SHI) units (9.56% of its housing inventory), which is 18 units below the statutory minima requirement of 10%.

Section IV-A (3) (a) of the Guidelines provide guidance to Subsidizing Agencies for evaluating a municipality's actions intended to meet affordable housing needs. MassHousing carefully reviewed the information provided by the Municipality describing previous municipal actions intended to provide affordable housing. Specific examples cited by the Municipality include the creation of an Inclusionary Housing Bylaw, several overlay districts, a 40R zoning district in 2008 resulting in the production of approximately 200 units of rental housing, and the creation of the mixed-use Village Center District.

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);

Relationship to Adjacent Building Typology (Including building massing, site arrangement, and architectural details):
The proposal consists of 200 rental units located in three residential buildings. The design of the residential buildings is influenced by elements of early Colonial architecture. Design details such as clapboards and shingles, cultured fieldstone, wide trim boards, single hung windows and other forms of residential materials and detail are used to create buildings consistent with the Town's prevailing architectural style for multistory buildings. The roofline creates the impression of a dormered fourth floor between the gable ends. The cultured fieldstone around the first floor of the buildings creates a visual base for the building. Grounding the building is an accented base that will be defined through a change in material; this will create a horizontal break helping to reduce the overall perceived height of the building. Siding materials on the upper levels will be kept light to, again, minimize bulk mass of the three buildings. Each building main entry is accented through a timber type canopy structure, and each is a thru-lobby, allowing for those who enter to look straight to the lobby to the landscape on the opposite side.

Relationship to adjacent streets/Integration into existing development patterns
The Site is made up of three parcels comprising a total of approximately 18.5 acres which are located east, north, and west of Howard Street. There are single-family residential dwellings to the south of the property and a State Forest that abuts the Applicant's additional land holdings. The Fitchburg MBTA Commuter Rail Station is approximately 5.1 miles from the proposed site. The Site is a short distance from Route 2 and I-495 and as good access to commercial and retail establishments.

Density
The Applicant proposes to build two hundred (200) rental units on approximately 18.5 acres, of which approximately 16 acres are buildable. The resulting density is 12.5 units per buildable acre, which is acceptable given the proposed housing type.

Conceptual Site Plan
The proposal consists of three residential buildings. The proposed access point leads to Building B, which is situated perpendicular to Building A. Building C is situated outside of the looped driveway to the South. The Applicant proposes to allocate substantial greenspace connecting Building A with building B through a walkway. Adjacent to this lawn, smaller more intimate courtyards will be developed. Each building is surrounded by surface parking, for a total of 402 spaces. The site design has achieved a balance between open space, passive recreation, views to the mountains and housing.

Environmental Resources
The Site is not located in a FEMA elevated flood zone area, but there are wetlands located at the southeastern corner of the property where one building is proposed in the 50'-100' wetland buffer zone. The Applicant will need to obtain an Order of Conditions from the Town of Lunenburg Conservation Commission to comply with DEP requirements.

Topography
The land is generally cleared and gently rolling. The topographic features of the Site have been considered in relationship to the proposed development plans and do not constitute an impediment to development of the Site.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

According to the appraisal report for the Site, Lunenburg's residential market appears stable and strong, with an overall upward trajectory in sales volume and prices in the last decade. MassHousing's Appraisal

and Marketing team (A&M) performed a Competitive Market Analysis and found that proposed market rents for each unit type fall within the range of adjusted comparable market rents.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

MassHousing has commissioned an as "As-Is" appraisal which indicates a land valuation of $625,000. Based on a proposed investment of $60,675,362 in equity and permanent financing the development pro forma appears to be financially feasible and within the limitations on profits and distributions.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

MassHousing finds that the Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Applicant controls the entire 18.5-acre site through a Purchase and Sale Agreement between Pond View Homes, LLC and The Homes at Aro Estates, LLC. The P&S is dated May 5, 2021, with an anticipated closing date of 60 days after final permits and approvals have been obtained.

JOHNSON & BORENSTEIN, LLC
ATTORNEYS AT LAW

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Of Counsel
Robert W. Lavoie (MA, NH)

Paralegals
Karen L. Bussell
Lianne Patenaude
Ellen M. Melvin
Tina M. Wilson
Sharon A. Hart

August 4, 2022

Zoning Board of Appeals
Town of Lunenburg
c/o Lisa A. Normandin, Board Secretary
960 Massachusetts Avenue
Lunenburg, MA 01462

Re: Property – 318, 390, & 400 Howard Street, Lunenburg, Massachusetts
Project – Pond View Commons 40B
Owner – The Homes at Aro Estates, LLC
Applicant – Pond View Commons, LLC
Request for Waiver of Fees

Dear Chair and Zoning Board Members,

I have been retained to represent Pond View Commons, LLC ("Applicant"), in connection with its proposal to construct three multifamily residential buildings under the Massachusetts Comprehensive Permit Statute, Mass.Gen.Laws c. 40B, ss. 20-23 ("Project") within the Town's Outlying Zoning District on portions of the land known and numbered 318, 390, & 400 Howard Street, Lunenburg, Massachusetts, as further described in the plans and materials submitted to the Board ("Property"). In this context, I write this letter requesting that the Board waive or reduce the purported filing fees as described at Paragraphs 2 and 12 of the Town of Lunenburg Comprehensive Permit Application Rules ("Rules"). Enclosed with this letter is a certified check made payable to the Town of Lunenburg in the amount of the minimum filing fee noted in the Rules of $1,000.00.

The Applicant requests a waiver from the purported filing fees as expressed in the Rules, to the extent those fees exceed the fees allowable under the Comprehensive Permit Regulations, 760 CMR 56.05. Specifically, the Regulations permit a Board to require "payment of a reasonable filing fee" in an amount "consistent with subdivision, cluster zoning, and other fees reasonably assessed by the municipality for costs designed to defray the direct costs of processing applications". 760 CMR 56.05. In this instance, the Board's Rules purport to require payment of

filing fees for the Project totaling $86,000.00. The Applicant finds these fees to be, unreasonable; not consistent with fees required by the Town for subdivision or special permit projects, and not designed to defray the Town's actual, direct costs of processing the application. The Applicant is willing to pay a filing fees that is consistent with the Regulations. The Applicant also expects to fund the cost of a reasonable peer review of the Project. However, the amount necessary to deposit towards those services should be determined following the Board's receipt of proposals for such services and not fixed on the basis of an arbitrary schedule.

The Applicant team welcomes a discussion of this topic with the Board in connection with the Board's first hearing session on the Project

Please accept this letter as the Applicant's request for waiver or reduction of filing fees. Thank you for your consideration.

Very truly yours,

JOHNSON & BORENSTEIN, LLC

Donald F. Borenstein
Donald Borenstein

DFB

Cc: Pond View Commons, LLC

THIS DOCUMENT HAS A TRUE WATERMARK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

104722 / M 7101127-C

TREASURER'S CHECK

Enterprise Bank

222 Merrimack Street, Lowell, MA 01852

0113

4470112572

08/15/2022

49-55
1031

PAY TO THE ORDER OF TOWN OF LUNENBURG $1,000.00

One Thousand and 00/100********** DOLLARS

MEMBER FDIC

FOR _____

AUTHORIZED SIGNATURE

PAYABLE THROUGH BOKF, NA, EUFAULA, OK

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The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

May 4, 2022

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of a Limited Liability Company was filed in this office by

POND VIEW COMMONS, LLC

in accordance with the provisions of Massachusetts General Laws Chapter 156C on **March 31, 2021.**

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation; that there are no proceedings presently pending under the Massachusetts General Laws Chapter 156C, § 70 for said Limited Liability Company's dissolution; and that said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are: **KEVIN O'BRIEN**

I further certify, the names of all persons authorized to execute documents filed with this office and listed in the most recent filing are: **KEVIN O'BRIEN**

The names of all persons authorized to act with respect to real property listed in the most recent filing are: **KEVIN O'BRIEN**

In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

Secretary of the Commonwealth

Processed By:TAA

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TOWN OF LUNENBURG
SELECT BOARD

17 Main Street
P.O. Box 135
Lunenburg, MA 01462
Phone 978-582-4144

Tom Alonzo, Chairman
Michael-Ray Jeffreys, Vice Chairman
Louis J. Franco, Clerk
Todd Dwyer, Member
James Marino, Member

September 2, 2021

VIA E-MAIL (mbusby@masshousing.com)

Michael J. Busby, Relationship Manager Planning and Programs
MassHousing
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

Re: Project Eligibility/Site Approval Application
Pond View Commons, LLC
318, 390 & 400 Howard Street, Lunenburg, MA
Applicant: Kevin O'Brien

Dear Mr. Busby:

Thank you for the opportunity to comment on the application for Chapter 40B Project Eligibility/Site Approval Application submitted to MassHousing by Pond View Commons, LLC in connection with a proposed housing development at 318, 390, and 400 Howard Street in Lunenburg, Massachusetts. The Select Board received your notification letter dated June 29, 2021 and were granted an extension on August 5, 2021 with review comments to be submitted by September 2, 2021. The Select Board received a total of twenty-two letters from residents, two letters from members of the Hickory Hills Landowners Incorporated, a letter from the Sewer Commission, a letter from the Water District, a letter from the Planning Board, two submittals from the Police Chief, and a letter from our Town Counsel. Below is a summary that highlights the concerns and comments raised by all the aforementioned parties about this project and the Town's position that MassHousing should deny this application.

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1. Site Not Suitable: The Town of Lunenburg has a history of supporting diverse and affordable housing projects. As stated in the Planning Board's letter (Planning Board Letter Attachment 1), the Town has targeted the development of higher density units through an Inclusionary Housing Bylaw, several overlay districts that permit denser development, a 40R zoning district, and the creation of a mixed-use Village Center District. This has resulted in various areas across town that encourage dense housing. The Town currently has 385 units listed on the Subsidized Housing Inventory; this equates to 9.5% of the total housing stock based on the 2010 Decennial Census. This proposed development falls outside of the areas that lend themselves to denser developments. This site is not appropriate for the size of this project as it would be located within a rural area of town, is not accessible to amenities, and has a variety of impacts of local concern addressed further on in this comment letter. Also, the State approving this site eligibility application would be contrary to all the local planning efforts the Town has undertaken in a variety of areas in town to date.
2. Settlement Agreement with Applicant: After ten years of a lengthy court battle, a mutual settlement agreement was signed by both parties for a Definitive Subdivision project for 122 single family house lots. This development would require the Applicant to install private wells and subsurface disposal systems, due to water and sewer not being available. The development of the proposed 40B project on the property that was previously permitted will potentially negate the settlement agreement with the Applicant.
3. Impact to Town and School Operations: With the proposed 200 units of housing and the additional 402 vehicles estimated in the project application, this brings a myriad of concerns to our school administration and public safety staff that will be directly impacted. There would be an enormous budgetary impact to both school and town operations that would be required to address a large influx of students and increase in public safety calls for assistance. The School Superintendent estimates an annual impact of $500,000 and a total impact of approximately $9,000,000 over seven years. The Police Chief provides some historical data on calls for assistance related to similar large housing developments that would require additional staff and patrols in that region of town. (See School Superintendent Kate Burnham's Letter Attachment 2 and Police Chief Thomas Gammel's Letter Attachment 3)
4. Traffic Safety: The proposed development would be located on Howard Street, a rural road with approximately 50 single family homes on it, and the introduction of an additional 200 housing units would create a profound impact in the volume of traffic on a road that is not sized for that volume of traffic. The Application states that two parking spaces will be provided for each dwelling, resulting in a total of 402 vehicles. This would lead to traffic congestion and safety concerns, such as motor vehicle accidents. (See Police Chief Thomas Gammel's Letter, Attachment 3)
5. Pedestrian Safety: The Town is also concerned about the impact that the increased traffic associated with the proposed development will have on the safety of pedestrians and bicyclists using Howard Street, which is a rural roadway with no sidewalks, both during construction and after project completion. As previously stated, the application states the development will result in an additional 402 vehicles. This count does not include service vehicles, guest vehicles, and other traffic that will be associated with the development.
6. Accessibility: This project does not satisfy the intent of Chapter 40B in providing affordable housing that has access to transit, services, retail, a village center, schools, library, and places of worship. This is evident by the Applicant's own "Sustainable Development Criteria

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Scorecard" and negative responses to all questions that relate to whether this is a sustainable development. This site is not walkable to the center of town (3.4 miles), the Library (3.6 miles), Lunenburg Public Schools (<4.7 miles), transit (5.1 miles) or retail services (3.4 miles). Besides walkability, this site does not improve transportation access as indicated on page 25 of page 26 of the "Site Approval Application Working Version". The Applicant responded negatively that the project reduces dependence on cars or increases bike and pedestrian access.

7. Project Size: This proposed development is inconsistent with the surrounding buildings. Howard Street was originally a primarily farming area with a very low-density pattern of development and over the years has transitioned to primarily single family homes with farms intermingled along the road. The proposed development would introduce a campus style development with three- 60 foot tall buildings that would exceed the tree canopy that surrounds the property. This development would have an adverse impact on the rural character of the Town, an asset that is valued by its residents and highlighted in the town's updated Open Space Plan (2019).
8. Access and Egress from Site: The narrow width of the road and winding route to the site is problematic for large traffic volumes entering or leaving the project site. This poor site line visibility will lead to an increase in motor vehicle accidents on this roadway and endanger those traveling by vehicle, bicycle or by foot.
9. Water Infrastructure: (See Water District Letter Attachment 4, Resident Dave Rodgers Letter Attachment 5, Resident Paula Bertram Letter Attachment 6, and a copy of Chapter 17 of the Acts of 1939 Attachment 7)
    a. The Lunenburg Water District was created by an Act of Legislature under Chapter 17 of the Acts of 1939. The legislation that created the Water District states that the Water District boundaries can only be expanded by legislative approval of the Lunenburg Water District voters that reside within the District. The property that the proposed project is located is not within the boundaries of the Lunenburg Water District. It is the Town's position that the comprehensive permit process cannot extend the boundaries of the Lunenburg Water District service area without legislative approval by a vote of the registered voters of the Water District. Without this legislative approval the Water District would not be authorized to sell water outside the bounds of the Water District. It is noteworthy that on January 27, 2021 Mr. O'Brien sought legislative approval through the Water District town meeting process and voters rejected the expansion of the district to this location.
    b. The Water District must adhere to a Water Withdrawal Permit issued by MassDEP. In addition to the requirement to gain legislative approval to expand the Water District and the deficient estimate to install three miles of water main, this would require approval by MassDEP for an increase to the Water Withdrawal Permit. This does not address whether the capacity to increase withdrawal is possible.
10. Sewer Infrastructure: (See Sewer Commission Letter, Attachment 8)
    a. This project is outside the Sewer Service Area and would require three miles of sewer main to be installed to the project site. Any change to the Sewer Service Area requires town meeting approval by a vote of the registered voters of the Town in order to expand the Sewer Service Area.

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b. Lunenburg does not have a Sewer Treatment Facility and therefore the Sewer Commission has Inter Municipal Agreements with Fitchburg and Leominster to treat the town's sewerage. Any capacity increase for additional flows to either city would require negotiation with those cities and is not inclusive of the definition of local board as defined by 760 CMR 56.02 Definitions.
c. The Sewer Commission has invested substantially over the last ten years in creating a Comprehensive Wastewater Management Plan. These reviews did not indicate that the project site was "an area of need" and therefore expansion of the sewer service area has not been included in any expansion plans.
d. Engineering: As detailed in the Sewer Commission comment letter, sewer design for this project would require an engineering study to determine capacity and infrastructure impacts, would need a peer review by a third party, the engineering must include ability for properties along the proposed sewer line the capability to connect, and each building would need to be metered.
e. Applicant's Estimated Costs for Sewer: The Sewer Commission outlines associated costs for the expansion of three miles of sewer main to the project site in their comment letter. Compared to the Applicant's Site Approval Application, the costs identified by the Sewer Commission and the impact to the properties along the three miles of proposed sewer main are substantially greater than the Applicant's estimate. This includes betterment costs, connection fees, upgrades to the sewer system related to the additional flow, costs of inflow and infiltration, additional pump stations, repaving of disturbed roadways, and other associated costs.

11. Stormwater Considerations: The Town must comply with state and federal requirements under the Municipal Separate Stormwater Systems (MS4) and this project should be designed with all relevant stormwater considerations. The site of the proposed development was previously a chicken farm and the soil likely contains high levels of phosphorus. Chicken manure contains phosphorus and nitrogen, and the MS4 permit requires municipalities to address phosphorus runoff into waterbodies.(Letter from Hickory Hills Landowners, Attachments 9 and 10) Another stormwater consideration is to ensure a comprehensive storm water management plan is included that addresses stormwater management during the construction phase and includes long term maintenance and monitoring. The current application does not address engineering and costs related to stormwater management.
12. Unique Environmental Harm: Relative to the comment above related to stormwater, this project poses unique environmental harm to the Mulpus Brook that feeds Hickory Hills Lake, an over 300 acre water body with over 530 homes that surround the lake. Potential phosphorus runoff from this project will cause algae blooms and in turn, cut off the oxygen supply to underwater plants, and lead to fish and wildlife dying. The Town has received two letters from the Hickory Hills Landowners that expand upon these concerns. (Attachments 9 and 10)
13. Impact on Critical Open Space and Environmental Quality and Resources:
    a. This project is within the boundaries of the Area of Critical Environmental Concern (ACEC), the Natural Heritage Critical Natural Landscape, and Division of Fisheries and Wildlife Coldwater Fisheries Resources. An ACEC is designated as such because of the quality, uniqueness, and significance of its natural and cultural resources. Based on records in the Natural Heritage Database, the Blanding Turtle,

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which is a threatened species, likely, has a habitat on this property and there is typically highly significant drinking water resources present within an ACEC. Projects within the ACEC are subject to state agency jurisdiction or regulation. The Mulpus Brook, which is a coldwater fisheries resource, should be considered as an aquatic habitat to protect.

b. The parcel on which the Project is to be located abuts the NW Town Forest, protected conservation land approximately 260 acres in size. This area is maintained as a wildlife habitat.
c. Massachusetts Environmental Policy Act requires state agencies study the environmental consequences of their actions and to take all feasible measures to avoid, minimize, and mitigate damage to the environment. The Town's position is that this project will impose unnecessary damage to the environment by endangering an Area of Critical Natural Landscape, increasing the likelihood of phosphorus runoff, noise and air pollution by adding more than 400 vehicles to site on a daily basis, a reduction of groundwater levels through construction, an increase in stormwater flows, an impact upon water quality and volume delivered to the Mulpus Brook that feeds the Hickory Hills Lake and a town well, and an adverse impact to other surface and subsurface water resources.
d. Overall, the Town is concerned about the potential environmental impact of the Project. There are significant natural resources on the project site, including wetlands, wetland buffer zones, protected wildlife habitats, groundwater supplies, and the headwater to the Mulpus Brook.

14. Approval would Exceed Authority Provided under Chapter 40B: As outlined in the above comments, the expansion of the Water District and Sewer Service Areas requires legislative approval. It is the Town's position that the State cannot circumvent the legislative process, nor force other cities, through negotiated Inter-Municipal Agreements, by allowing an appointed Zoning Board of Appeals the power and authority of the legislative body. (See Resident Tom Alonzo Comment Letter, Attachment 11)
15. Legal Concerns: Please also refer to the letter from Town Counsel dated September 2, 2021 which identifies and explains various legal concerns of the Town. (See Legal Counsel Comment Letter, Attachment 12)
16. Application Materials are not Consistent or Complete: Finally, we are very concerned about the incomplete and, in some instances, incorrect information provided in the Application. These issues are raised in resident Paula Bertram's letter (Attachment 6), including that the application indicates that the Applicant will construct a new water main to tie into the municipal system and that the estimated cost of installing new water and sewer mains along three miles of roadway is $3,000,000. The water system is not municipally owned, the three miles of roadway is not currently within the water district, and would require a vote of the majority of the voters in the Water District to expand the district per the special legislation that created the Water District (Chapter 17 of the Acts of 1939). Further, the $3,000,000 estimate to extend both water and sewer is substantially under previously stated estimates to run three miles of water main alone and the application does not reflect connection fees that would apply.

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On Page 22 of 26 of the Site Approval Application Working Version (1.0) the last paragraph is incomplete.
The Applicant should be required to rectify these inconsistencies and errors.

As previously described the Town has received comment letters from the Planning Board, two submittals from the Police Chief, the School Superintendent, the Sewer Commission, the Water District, two letters from the Hickory Hills Landowners Incorporated, and Town Counsel, all of which are attached here and which are incorporated herein by reference. In addition, we have received twenty-two letters from residents which are also attached hereto.

Thank you for your consideration of our comments. Should you have any questions, please don't hesitate to contact me or Heather Lemieux, Lunenburg Town Manager.

Sincerely,

DocuSigned by:
F940FEBE6A08408...
Tom Alonzo, Chairman
Lunenburg Select Board

Attachments (32)

cc: Adam Costa, Talerman & Costa, LLC
Heather Lemieux, Lunenburg Town Manager
Adam Burney, Lunenburg Land Use Director
Tanner Cole, Chairman, Lunenburg Planning Board
David MacDonald, Chairman, Lunenburg Sewer Commission
Mark Bursch, Chairman, Lunenburg Water District
Thomas Gammel, Lunenburg Police Chief

Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

Via E-mail
By First-Class Mail

September 2, 2021

Michael Busby, Relationship Manager
Massachusetts Housing Finance Agency (MassHousing)
One Beacon Street
Boston, Massachusetts 02108

Re: Pond View Commons
Lunenburg, Massachusetts
Request for Determination of Eligibility
MH ID No. 1125

Dear Mr. Busby:

Reference is made to the above-captioned matter. In that connection, on behalf of the Town of Lunenburg and as its Town Counsel, I write to you to express concerns with the proposed Chapter 40B project known as "Pond View Commons." I am in receipt of a copy of your July 29, 2021 letter to the Town, wherein you advise of MassHousing's processing of an application for site approval, i.e. for a preliminary determination of eligibility; and wherein you further solicit feedback from the Town regarding the proposal.

I am quite familiar with the Comprehensive Permit Law and I routinely give advice to municipalities and their zoning boards of appeal regarding affordable housing developments seeking approval under the Law. I am consequently well-aware that far more sites are deemed eligible than ineligible, regardless of subsidizing agency; and that far more applicants are granted preliminary approval than denied it. Nevertheless, I believe that certain complicating factors render the 318, 390 and 400 Howard Street property or properties ineligible, ill-suited and inappropriate for affordable housing development under Chapter 40B, particularly at the extreme density now proposed. These factors include: (i) years-long litigation involving the Locus and contractual commitments made by the proponent, Kevin O'Brien, in resolution of the same; (ii) lack of access to a public water supply, where the Locus is situated outside of the independent Lunenburg Water District boundaries, where District voters refused Mr. O'Brien's request to expand said boundaries in early-2021 and where the only other means to do so is via Legislative mandate which is beyond the purview of the Town's Zoning Board of Appeals and the authority of the Housing Appeals Committee (HAC); and (iii) lack of access to public sewer, where the Locus is likewise outside of the so-called Sewer Service Area, established not by local mandate but by special act of the Legislature, and where any extension, even if it were to occur via Town Meeting action, would require renegotiation of intermunicipal agreements (IMAs) with the Cities of Fitchburg and/or Leominster for additional capacity, matters that are again beyond Zoning Board of Appeals oversight and outside the jurisdiction of the HAC.

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Before addressing these aforesaid topics, however, I do wish to acknowledge – and to ask MassHousing to carefully review and reflect upon – the many letters, memoranda, e-mails and other correspondence submitted by Town officials, departments, boards, commissions, residents and others in response to your request for comment on the possible Pond View Commons project. As summarized by Town Manager Heather Lemieux, these materials focus on a variety of topics. Several of them are quite relevant to what MassHousing's review involves, per your July 29, 2021 letter: "an evaluation of the site, the design concept, the financial feasibility of the proposal and the appropriateness of the proposal in relation to local housing needs and strategies." For example, several letters speak to the environmental sensitivity of the Locus, particularly if developed with 200 dwelling units in addition to those permitted on surrounding land per the proponent's subdivision approval(s). Others cite to the unavailability of utilities, as described above; but also, even if extensions were possible, highlight the severe underestimation, by Mr. O'Brien, of the costs associated therewith. Still others address the absence of meaningful infrastructure, e.g. roadways of adequate width, grade and construction, to support denser development, due to the rural nature of the Locus' surroundings. These are all matters rightly before, and considered by, MassHousing before it opts to issue, or ideally deny, site approval. See Massachusetts Housing Partnership, "Chapter 40B Handbook for Zoning Boards of Appeal" (March 2017) (stating that the subsidizing agency's decision criteria include "that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources and integration into existing development patterns…").

It is also noteworthy that Lunenburg has been proactive in its pursuit of opportunities to create or support the creation of affordable housing. Other Lunenburg projects have been issued comprehensive permits under Chapter 40B; affordability requirements exist throughout the Town's Zoning Bylaw, e.g. for mixed residential development, in its Lake Whalom Overlay District, in its Summer Street Revitalization Overlay District, etc.; and, in or about 2008, the Town adopted the Tri-Town Smart Growth Overlay District, pursuant to the smart growth zoning provision of G.L. c. 40R, within which it has since permitted the creation of 204 dwelling units, with 25% of said units deemed affordable in perpetuity.

Having stated the foregoing, I will now address the aforementioned complicating factors which, I believe, justify a denial of project eligibility by MassHousing.

Litigation History, Settlement and Contractual Rights and Obligations

The Locus and its development by Mr. O'Brien as a residential subdivision were the subject of enforcement and permitting litigation spanning nearly a decade, and including twelve lawsuits in the Land Court Department of the Trial Court and three appeals to the Massachusetts Appeals Court. See O'Brien Homes, Inc. v. Bakaysa, et al., Land Court Docket No. 09 PS 402299 (KCL); O'Brien Homes, Inc., et al. v. Town of Lunenburg, et al., Land Court Docket Nos. 13 MISC 477878 through 13 MISC 477887 (KCL); Town of Lunenburg v. O'Brien Homes, Inc., Land Court

Docket No. 13 MISC 480735 (KCL); O'Brien Homes, Inc. v. Bakaysa, et al., Appeals Court Docket No. 2011-P-1167; Town of Lunenburg, et al. v. Aro, et al., Appeals Court Docket No. 2015-P-1527; Town of Lunenburg, et al. v. O'Brien Homes, Inc., et al., Appeals Court Docket No. 2018-P-1520. Included within these lawsuits were allegations, by one party or another, that the Planning Board wrongfully denied Mr. O'Brien subdivision approval(s) for approximately 189 acres of land in reliance upon a Zoning Bylaw provision restricting subdivisions to 25 acres in size; that the Board did so in bad faith or with malintent; and, conversely, that Mr. O'Brien engaged in extensive and prohibited site work under the guise of soil testing but without requisite Planning Board approval. I am familiar with these lawsuits and the general substance of them; however, I did not represent the Town of Lunenburg when they were initiated or during much of the period of time when they were litigated.

I did, however, represent the Town in 2018 and 2019, when extensive negotiations occurred between the parties and the remaining lawsuits or portions thereof, including certain yet-to-be-tried claims in ten Land Court cases, an eleventh Land Court case under advisement and a pending Appeals Court case, were resolved. A Settlement Agreement was signed by Mr. O'Brien, on behalf of O'Brien Homes, Inc., by John and Judith Aro, as the owners-of-record of the underlying property, by the Town's Select Board and by the Town's Planning Board. A copy of said Settlement Agreement – a public record – is annexed hereto for your information. See **Attachment 1**. Per the Settlement Agreement, remand proceedings ensued before the Planning Board and said Board ultimately gave its approval for a total of 122 subdivision lots on land that now, in part, comprises the Locus.

The Settlement Agreement was carefully negotiated between sophisticated parties, i.e. a municipality and an experienced developer, each participating in its drafting and each represented by qualified counsel. Each party owed the other a duty of good faith and fair dealing in these negotiations. See Anthony's Pier Four, Inc. v. HBC Associates, 411 Mass. 451, 471 (1991) (citing Drucker v. Roland Wm. Jutras Assocs., 370 Mass. 383, 385 (1976)) ("[t]he implied covenant of good faith and fair dealing provides that neither party shall do anything that will have the effect of destroying or injuring the right of the other party to receive the fruits of the contract..."). The Town made certain concessions, including relinquishing a pending appeal and forgoing a decision in an enforcement case that had already proceeded to trial but was awaiting findings and a decision, in exchange for various commitments by Mr. O'Brien, most notably the development of 122 subdivision lots in total, instead of 135, but also promises to phase the subdivision development to "avoid overburdening the Town's public facilities and services... at all once," to age-restrict a percentage of the residences therein and to complete common infrastructure, facilities and improvements or else provide adequate security the guarantee the same. Each of these promises and commitments was made in recognition that the subdivision(s) are intertwined due to their shared roadways, drainage, utilities, etc. All 122 subdivision lots were approved by way of a single Definitive Subdivision Plan Approval decision, on remand. See **Attachment 2**.

The Town, by and through its Select Board and its Planning Board, made an informed decision to settle pending litigation in exchange for allowing the future

development of 122 subdivision lots. It did *not* agree to a resolution whereby Mr. O'Brien would construct a portion of the subdivision(s) and dedicate the land comprising the rest to a 200-unit project under Chapter 40B. See **Attachment 2** (including a condition that "[it] has been represented by the Applicant that the intended primary use of the buildable lots shown on the Plans will be for single-family dwellings" and that "[i]t is the determination of the Board that any other primary use would be contrary to or in violation of the Town's Zoning Bylaw"). MassHousing should not support an effort by the proponent to violate the spirit and the letter of the Settlement Agreement negotiated with the Town. Both Mr. O'Brien and MassHousing should be aware that, should subsidy approval issue and should the Pond View Commons project proceed as proposed, the Town expressly reserves its rights to deem Mr. O'Brien in default of the parties' Settlement Agreement and/or to rescind the aforementioned and ensuing 2019 subdivision approval by the Planning Board, issued after remand proceedings. (The Town may have other remedies available to it as well, particularly in connection with its voluntary dismissal of enforcement litigation in reliance upon Mr. O'Brien's aforesaid contractual commitment(s).)

No Public Water Supply

According to the Site Approval Application submitted to MassHousing by Mr. O'Brien, public water is unavailable at the Locus however "[t]he Applicant will be constructing a new main to tie into the municipal system." The municipal system referenced by Mr. O'Brien, however, is nothing of the sort: it is instead a system operated and maintained not by the Town of Lunenburg, but by the separate and distinct Lunenburg Water District. The Water District is an entity created by special legislation, namely Chapter 17 of the Acts of 1939, see **Attachment 3**, and its boundaries are expressly defined by said Legislative edict. Like nearly a third of the Town, the Locus is NOT situated within the Lunenburg Water District. The District's Board of Water Commissioners have no independent authority to allow expansion of the District's boundaries to include the Locus.

Under the District's enabling legislation, District voters, upon petition, may extend the District's boundaries. See **Attachment 3** (which provides, in Section 13, that "[u]pon petition in writing addressed to [the] board of water commissioners requesting that certain real estate, accurately described therein located in said town and abutting on said district, be included within the limits thereof... said water commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district"). Upon information and belief, Mr. O'Brien made and pursued such a request to the Lunenburg Water District in early-2021, but failed. Without approval of the District, Mr. O'Brien cannot fulfill the above commitment made in his Site Approval Application, to wit, "constructing a new water main to tie into the municipal system."

Chapter 40B is not a mechanism by which Mr. O'Brien may circumvent, or override, the Legislative process for expansion of the Lunenburg Water District boundaries. "[N]othing... suggests that the Housing Appeals Committee has been empowered to

override or ignore laws passed by the Legislature..." Board of Appeals of North Andover v. Housing Appeals Committee, 4 Mass. App. Ct. 676, 680 (1976). In Zoning Board of Appeals of Groton v. Housing Appeals Committee, 451 Mass. 35 (2008), the Supreme Judicial Court addressed the extent of, and limitation upon, the authority of the HAC to supersede regulatory impediments to affordable housing development. Rejecting and annulling an HAC order that the Groton Electric Light Department grant an easement on its property to permit regrading and clearing of vegetation for adequate site distance, the Court remarked:

> [T]he committee's power is further circumscribed by the fact that it lacks authority to override State law... The committee properly acknowledged that any order directing the town to convey an easement requires authorization by a vote of the town meeting... The committee's determination, however, that this prerequisite constituted a requirement or regulation under G.L. c. 40B, § 20, that it could set aside, overlooks the fact that town meeting authorization for the conveyance is a directive imposed by the Legislature... The Act may only be relied on to remove locally imposed barriers to affordable housing, not State law... To be sure, in enacting G.L. c. 40B, the Legislature indicated that, in some circumstances, compliance with locally imposed barriers may need to yield to the regional need for affordable housing, but this legislative judgment cannot be stretched to empower the committee to act as the legislative body of a municipality...

Id. at 41 (citations omitted).

Even though the state's highest court, in Groton, supra, reversed an attempt by the HAC "to act as the legislative body of a municipality," particularly where "town meeting authorization" was "a directive imposed by the Legislature," Mr. O'Brien expects that the Zoning Board of Appeals will do exactly that. Expansion of the Lunenburg Water District to include the Locus has already been rejected by the District's voters at a District meeting (i.e. the functional equivalent of a town meeting per **Attachment 3**); yet Mr. O'Brien expresses, in the aforementioned Application to MassHousing, an intention to connect to the system. District authorization to do so is a directive imposed by the Legislature, via the District's enabling legislation, that cannot be overridden by the HAC or, in advance thereof, by the Zoning Board of Appeals. In essence, therefore, Mr. O'Brien expects to connect to a public water supply owned and operated by a District of which the Locus is not a part. That alone justifies denial of site approval.

No Access to Public Sewer

Similarly, but separately, Mr. O'Brien represents in the Site Approval Application that, regarding public sewer, "[t]he Applicant will be constructing a new main to tie into the municipal system." But again, Mr. O'Brien's property, i.e. the Locus, is NOT eligible to connect to the Lunenburg sewer system as it is situated outside of the so-called Sewer Service Area, as established by act of the Legislature. Chapter

185 of the Acts of 2010, entitled "An Act Relative to the Sewer Service Area for the Town of Lunenburg," see **Attachment 4**, defines the boundaries of said Sewer Service Area. It provides that "[n]o person shall extend or construct a sanitary sewer intended to be connected to a municipal common sewer to serve property, or any portion of a property, located outside the designated sewer service area" and, later, states that "[n]o property or portion of a property, located outside of sewer service zones, shall be allowed to extend or construct a sanitary sewer." See **Attachment 4**. (Even "parcels of land or portions of parcels of land located within the sewer service area" but "not presently served by sewer" may extend the existing system only "at the discretion of the commission." See **Attachment 4**.)

Expanding the Sewer Service Area, not unlike extending the boundaries of the Lunenburg Water District discussed above, is only "by vote of the town meeting," per **Attachment 4**. Consequently, the same analysis applied to a potential Water District extension applies to a Sewer Service Area expansion: Town Meeting authorization is a directive imposed by the Legislature, via Chapter 185 of the Acts of 2010, that cannot be avoided, superseded or effected by action of the HAC or the Zoning Board of Appeals. "When acting pursuant to its authority granted by G.L. c. 40B, a zoning board of appeals 'has the same scope of authority as any town or city board of survey, board of health, board of subdivision control appeals, planning board, building inspector or the officer or board having supervision of the construction of buildings or the power of enforcing municipal building laws, or city council or board of selectmen... In other words, ... the power of [a zoning board of appeals] derives from, and is generally no greater than, that collectively possessed by these other bodies.'" 135 Wells Avenue, LLC v. Housing Appeals Committee, 478 Mass. 346, 354 (2017) (quoting Zoning Bd. of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748, 756 (2010)). Town meetings are not included among "these other bodies." "Examples of permits or approvals [that can be overridden by zoning boards of appeal] include 'action typically required by local permitting authorities with respect to height, site plan, size or shape, or building materials." Id. at 355 (citing Groton, 451 Mass. at 40). Town meetings are not "local permitting authorities" nor is potential expansion of sewer coverage beyond the Town's service area the type of "height, site plan, size or shape, or building materials" regulation that the HAC is generally empowered to waive in the interest of creating affordable housing.

Finally, even if the Zoning Board of Appeals and/or the HAC had the authority to require extension of the Sewer Service Area to include the Locus (which I do not concede), supplying the Locus with sewer service would further require renegotiation of intermunicipal agreements (IMAs) with the Cities of Fitchburg and/or Leominster for additional capacity for 200 dwelling units with a whopping 365 total bedrooms. Neither the Zoning Board of Appeals nor the HAC are authorized to enter into contractual negotiations or make contractual commitments on behalf of the Town's Sewer Commission. Such contractual dealings are not "the functional equivalent of permits or approvals" that can be waived under Chapter 40B, see 135 Wells Avenue, LLC, 478 Mass. at 355, but rather discretionary functions of the Sewer Commission. Denial of site approval is warranted on that basis, too.

For all of the foregoing reasons, the 318, 390 and 400 Howard Street property or properties are ineligible, ill-suited and inappropriate for affordable housing development under Chapter 40B. On behalf of the Town, I ask that MassHousing deny Mr. O'Brien a determination of eligibility for the proposed Pond View Commons project.

Sincerely,

Adam J. Costa

AJC/fhs
Attachments 1-4
cc: H. Lemieux, Town Manager (w/ Attachments, via e-mail only)
T. Alonzo, Chairman of the Select Board (w/ Attachments, via e-mail only)
File

Department of Housing and Community Development
Chapter 40B Subsidized Housing Inventory (SHI)
as of December 21, 2020*

Community	2010 Census Year Round Housing Units	Total Development Units	SHI Units	%
Abington	6,364	662	629	9.9%
Acton	8,475	1,440	894	10.5%
Acushnet	4,097	125	95	2.3%
Adams	4,337	324	324	7.5%
Agawam	12,090	618	618	5.1%
Alford	231	0	0	0.0%
Amesbury	7,041	787	706	10.0%
Amherst	9,621	1,262	1,215	12.6%
Andover	12,324	2,195	1,657	13.4%
Aquinnah	158	33	33	20.9%
Arlington	19,881	1,445	1,129	5.7%
Ashburnham	2,272	144	29	1.3%
Ashby	1,150	0	0	0.0%
Ashfield	793	2	2	0.3%
Ashland	6,581	936	415	6.3%
Athol	5,148	284	284	5.5%
Attleboro	17,978	1,169	1,169	6.5%
Auburn	6,808	251	251	3.7%
Avon	1,763	75	75	4.3%
Ayer	3,440	409	254	7.4%
Barnstable	20,550	1,818	1,487	7.2%
Barre	2,164	83	83	3.8%
Becket	838	0	0	0.0%
Bedford	5,322	1,243	987	18.5%
Belchertown	5,771	416	390	6.8%
Bellingham	6,341	983	801	12.6%
Belmont	10,117	673	661	6.5%
Berkley	2,169	158	40	1.8%
Berlin	1,183	308	201	17.0%
Bernardston	930	22	22	2.4%
Beverly	16,522	2,489	1,954	11.8%
Billerica	14,442	1,979	1,664	11.5%
Blackstone	3,606	165	123	3.4%
Blandford	516	0	0	0.0%
Bolton	1,729	180	69	4.0%
Boston	269,482	58,609	55,509	20.6%
Bourne	8,584	1,129	591	6.9%

Boxborough	2,062	323	266	12.9%
Boxford	2,730	80	39	1.4%
Boylston	1,765	30	30	1.7%
Braintree	14,260	1,670	1,373	9.6%
Brewster	4,803	368	268	5.6%
Bridgewater	8,288	1,216	948	11.4%
Brimfield	1,491	59	59	4.0%
Brockton	35,514	4,604	4,604	13.0%
Brookfield	1,452	13	13	0.9%
Brookline	26,201	3,525	2,674	10.2%
Buckland	866	3	3	0.3%
Burlington	9,627	1,858	1,302	13.5%
Cambridge	46,690	7,089	6,898	14.8%
Canton	8,710	1,237	1,099	12.6%
Carlisle	1,740	65	59	3.4%
Carver	4,514	142	142	3.1%
Charlemont	615	3	3	0.5%
Charlton	4,774	83	83	1.7%
Chatham	3,460	182	176	5.1%
Chelmsford	13,741	1,903	1,349	9.8%
Chelsea	12,592	2,419	2,414	19.2%
Cheshire	1,481	0	0	0.0%
Chester	585	3	3	0.5%
Chesterfield	524	14	14	2.7%
Chicopee	25,074	2,662	2,623	10.5%
Chilmark	418	0	0	0.0%
Clarksburg	706	9	9	1.3%
Clinton	6,375	547	547	8.6%
Cohasset	2,898	321	307	10.6%
Colrain	731	0	0	0.0%
Concord	6,852	926	721	10.5%
Conway	803	0	0	0.0%
Cummington	426	14	14	3.3%
Dalton	2,860	159	159	5.6%
Danvers	11,071	1,556	1,140	10.3%
Dartmouth	11,775	1,037	1,007	8.6%
Dedham	10,115	1,166	1,121	11.1%
Deerfield	2,154	33	33	1.5%
Dennis	7,653	422	390	5.1%
Dighton	2,568	427	151	5.9%
Douglas	3,147	140	140	4.4%
Dover	1,950	69	18	0.9%
Dracut	11,318	866	590	5.2%
Dudley	4,360	104	104	2.4%
Dunstable	1,085	0	0	0.0%
Duxbury	5,532	509	432	7.8%
East Bridgewater	4,897	230	176	3.6%

East Brookfield	888	0	0	0.0%
East Longmeadow	6,072	532	464	7.6%
Eastham	2,632	128	119	4.5%
Easthampton	7,567	1,036	537	7.1%
Easton	8,105	1,035	834	10.3%
Edgartown	1,962	78	73	3.7%
Egremont	596	0	0	0.0%
Erving	778	0	0	0.0%
Essex	1,477	40	40	2.7%
Everett	16,691	875	875	5.2%
Fairhaven	7,003	495	495	7.1%
Fall River	42,650	4,631	4,535	10.6%
Falmouth	14,870	1,380	1,070	7.2%
Fitchburg	17,058	1,775	1,581	9.3%
Florida	335	0	0	0.0%
Foxborough	6,853	930	878	12.8%
Framingham	27,443	3,483	2,963	10.8%
Franklin	11,350	1,819	1,357	12.0%
Freetown	3,263	104	86	2.6%
Gardner	9,064	1,361	1,361	15.0%
Georgetown	3,031	352	352	11.6%
Gill	591	24	24	4.1%
Gloucester	13,270	1,043	1,008	7.6%
Goshen	440	0	0	0.0%
Gosnold	41	0	0	0.0%
Grafton	7,160	740	381	5.3%
Granby	2,451	79	79	3.2%
Granville	630	0	0	0.0%
Great Barrington	3,072	378	243	7.9%
Greenfield	8,325	1,301	1,284	15.4%
Groton	3,930	410	224	5.7%
Groveland	2,423	145	88	3.6%
Hadley	2,200	275	275	12.5%
Halifax	2,971	36	36	1.2%
Hamilton	2,783	126	86	3.1%
Hampden	1,941	60	60	3.1%
Hancock	326	0	0	0.0%
Hanover	4,832	568	568	11.8%
Hanson	3,572	270	160	4.5%
Hardwick	1,185	3	2	0.2%
Harvard	1,982	263	114	5.8%
Harwich	6,121	333	333	5.4%
Hatfield	1,549	47	47	3.0%
Haverhill	25,557	2,959	2,744	10.7%
Hawley	137	0	0	0.0%
Heath	334	0	0	0.0%
Hingham	8,841	2,799	1,008	11.4%

Hinsdale	918	0	0	0.0%
Holbrook	4,262	436	436	10.2%
Holden	6,624	514	406	6.1%
Holland	1,051	4	4	0.4%
Holliston	5,077	515	245	4.8%
Holyoke	16,320	3,189	3,189	19.5%
Hopedale	2,278	115	115	5.0%
Hopkinton	5,087	843	725	14.3%
Hubbardston	1,627	49	49	3.0%
Hudson	7,962	1,059	901	11.3%
Hull	4,964	83	83	1.7%
Huntington	919	32	32	3.5%
Ipswich	5,735	608	527	9.2%
Kingston	4,881	359	204	4.2%
Lakeville	3,852	433	250	6.5%
Lancaster	2,544	374	250	9.8%
Lanesborough	1,365	28	28	2.1%
Lawrence	27,092	4,037	4,017	14.8%
Lee	2,702	176	176	6.5%
Leicester	4,231	176	176	4.2%
Lenox	2,473	178	172	7.0%
Leominster	17,805	1,406	1,369	7.7%
Leverett	792	2	2	0.3%
Lexington	11,946	1,565	1,334	11.2%
Leyden	300	0	0	0.0%
Lincoln	2,153	370	298	14.0%
Littleton	3,443	653	456	13.2%
Longmeadow	5,874	276	276	4.7%
Lowell	41,308	5,189	5,119	12.4%
Ludlow	8,337	292	292	3.5%
Lunenburg	4,037	315	315	7.8%
Lynn	35,701	4,307	4,307	12.1%
Lynnfield	4,319	632	494	11.4%
Malden	25,122	2,765	2,562	10.2%
Manchester	2,275	137	115	5.1%
Mansfield	8,725	1,118	953	10.9%
Marblehead	8,528	399	333	3.9%
Marion	2,014	204	162	8.0%
Marlborough	16,347	1,944	1,848	11.3%
Marshfield	9,852	1,024	821	8.3%
Mashpee	6,473	369	343	5.3%
Mattapoisett	2,626	68	68	2.6%
Maynard	4,430	595	419	9.5%
Medfield	4,220	474	406	9.6%
Medford	23,968	2,847	1,719	7.2%
Medway	4,603	830	529	11.5%
Melrose	11,714	1,463	934	8.0%

Mendon	2,072	77	40	1.9%
Merrimac	2,527	402	146	5.8%
Methuen	18,268	2,162	1,708	9.3%
Middleborough	8,921	979	799	9.0%
Middlefield	230	2	2	0.9%
Middleton	3,011	258	156	5.2%
Milford	11,379	1,483	701	6.2%
Millbury	5,592	244	221	4.0%
Millis	3,148	185	122	3.9%
Millville	1,157	26	26	2.2%
Milton	9,641	765	477	4.9%
Monroe	64	0	0	0.0%
Monson	3,406	120	120	3.5%
Montague	3,926	407	375	9.6%
Monterey	465	0	0	0.0%
Montgomery	337	0	0	0.0%
Mount Washington	80	0	0	0.0%
Nahant	1,612	48	48	3.0%
Nantucket	4,896	509	199	4.1%
Natick	14,052	1,856	1,477	10.5%
Needham	11,047	1,605	1,410	12.8%
New Ashford	104	0	0	0.0%
New Bedford	42,816	5,132	5,095	11.9%
New Braintree	386	0	0	0.0%
New Marlborough	692	0	0	0.0%
New Salem	433	0	0	0.0%
Newbury	2,699	94	94	3.5%
Newburyport	8,015	667	551	6.9%
Newton	32,346	2,745	2,509	7.8%
Norfolk	3,112	521	187	6.0%
North Adams	6,681	866	866	13.0%
North Andover	10,902	1,398	950	8.7%
North Attleborough	11,553	366	354	3.1%
North Brookfield	2,014	142	142	7.1%
North Reading	5,597	650	538	9.6%
Northampton	12,604	1,506	1,441	11.4%
Northborough	5,297	715	606	11.4%
Northbridge	6,144	483	468	7.6%
Northfield	1,290	27	27	2.1%
Norton	6,707	916	596	8.9%
Norwell	3,652	461	180	4.9%
Norwood	12,441	1,241	1,229	9.9%
Oak Bluffs	2,138	129	117	5.5%
Oakham	702	0	0	0.0%
Orange	3,461	410	410	11.8%
Orleans	3,290	326	296	9.0%
Otis	763	0	0	0.0%

Oxford	5,520	404	404	7.3%
Palmer	5,495	307	266	4.8%
Paxton	1,590	66	66	4.2%
Peabody	22,135	2,761	2,122	9.6%
Pelham	564	3	3	0.5%
Pembroke	6,477	773	618	9.5%
Pepperell	4,335	197	130	3.0%
Peru	354	0	0	0.0%
Petersham	525	0	0	0.0%
Phillipston	658	5	5	0.8%
Pittsfield	21,031	2,004	1,883	9.0%
Plainfield	283	0	0	0.0%
Plainville	3,459	624	577	16.7%
Plymouth	22,285	1,229	1,006	4.5%
Plympton	1,039	67	55	5.3%
Princeton	1,324	26	26	2.0%
Provincetown	2,122	254	206	9.7%
Quincy	42,547	4,212	4,201	9.9%
Randolph	11,980	1,294	1,294	10.8%
Raynham	5,052	604	487	9.6%
Reading	9,584	1,563	1,004	10.5%
Rehoboth	4,252	99	27	0.6%
Revere	21,956	1,735	1,725	7.9%
Richmond	706	4	4	0.6%
Rochester	1,865	8	8	0.4%
Rockland	7,030	648	453	6.4%
Rockport	3,460	135	135	3.9%
Rowe	177	0	0	0.0%
Rowley	2,226	179	94	4.2%
Royalston	523	3	3	0.6%
Russell	687	2	2	0.3%
Rutland	2,913	86	86	3.0%
Salem	18,998	2,431	2,391	12.6%
Salisbury	3,842	807	395	10.3%
Sandisfield	401	0	0	0.0%
Sandwich	8,183	461	314	3.8%
Saugus	10,754	784	756	7.0%
Savoy	318	0	0	0.0%
Scituate	7,163	482	358	5.0%
Seekonk	5,272	114	87	1.7%
Sharon	6,413	936	678	10.6%
Sheffield	1,507	30	30	2.0%
Shelburne	893	46	46	5.2%
Sherborn	1,479	41	34	2.3%
Shirley	2,417	106	106	4.4%
Shrewsbury	13,919	1,226	891	6.4%
Shutesbury	758	4	4	0.5%

Somerset	7,335	269	269	3.7%
Somerville	33,632	3,261	3,250	9.7%
South Hadley	7,091	424	424	6.0%
Southampton	2,310	44	44	1.9%
Southborough	3,433	809	294	8.6%
Southbridge	7,517	384	384	5.1%
Southwick	3,852	131	131	3.4%
Spencer	5,137	312	311	6.1%
Springfield	61,556	10,307	10,041	16.3%
Sterling	2,918	285	72	2.5%
Stockbridge	1,051	113	113	10.8%
Stoneham	9,399	504	498	5.3%
Stoughton	10,742	1,500	1,284	12.0%
Stow	2,500	393	179	7.2%
Sturbridge	3,759	357	209	5.6%
Sudbury	5,921	888	669	11.3%
Sunderland	1,718	183	183	10.7%
Sutton	3,324	176	55	1.7%
Swampscott	5,795	256	212	3.7%
Swansea	6,290	275	243	3.9%
Taunton	23,844	1,874	1,683	7.1%
Templeton	3,014	511	233	7.7%
Tewksbury	10,803	1,379	1,062	9.8%
Tisbury	1,965	147	107	5.4%
Tolland	222	0	0	0.0%
Topsfield	2,157	205	187	8.7%
Townsend	3,356	184	145	4.3%
Truro	1,090	25	25	2.3%
Tyngsborough	4,166	847	469	11.3%
Tyringham	149	0	0	0.0%
Upton	2,820	190	145	5.1%
Uxbridge	5,284	427	257	4.9%
Wakefield	10,459	1,394	703	6.7%
Wales	772	25	25	3.2%
Walpole	8,984	661	649	7.2%
Waltham	24,805	2,709	1,819	7.3%
Ware	4,539	363	363	8.0%
Wareham	9,880	875	745	7.5%
Warren	2,202	76	76	3.5%
Warwick	363	0	0	0.0%
Washington	235	0	0	0.0%
Watertown	15,521	2,770	1,212	7.8%
Wayland	4,957	460	330	6.7%
Webster	7,788	707	707	9.1%
Wellesley	9,090	1,160	1,044	11.5%
Wellfleet	1,550	38	38	2.5%
Wendell	419	5	5	1.2%

Wenham	1,404	196	128	9.1%
West Boylston	2,729	413	223	8.2%
West Bridgewater	2,658	175	121	4.6%
West Brookfield	1,578	67	67	4.2%
West Newbury	1,558	150	43	2.8%
West Springfield	12,629	426	426	3.4%
West Stockbridge	645	0	0	0.0%
West Tisbury	1,253	26	11	0.9%
Westborough	7,304	1,253	960	13.1%
Westfield	16,001	1,173	1,170	7.3%
Westford	7,671	1,487	1,057	13.8%
Westhampton	635	17	17	2.7%
Westminster	2,826	138	87	3.1%
Weston	3,952	467	331	8.4%
Westport	6,417	480	290	4.5%
Westwood	5,389	922	598	11.1%
Weymouth	23,337	1,903	1,628	7.0%
Whately	654	4	4	0.6%
Whitman	5,513	208	208	3.8%
Wilbraham	5,442	306	305	5.6%
Williamsburg	1,165	55	55	4.7%
Williamstown	2,805	261	213	7.6%
Wilmington	7,788	1,059	766	9.8%
Winchendon	4,088	326	326	8.0%
Winchester	7,920	439	296	3.7%
Windsor	387	0	0	0.0%
Winthrop	8,253	638	638	7.7%
Woburn	16,237	2,121	1,706	10.5%
Worcester	74,383	10,023	10,017	13.5%
Worthington	553	22	22	4.0%
Wrentham	3,821	597	431	11.3%
Yarmouth	12,037	786	599	5.0%
Totals	**2,692,186**	**315,591**	**273,004**	**10.1%**

*This data is derived from information provided to the Department of Housing and Community Development (DHCD) by individual communities and is subject to change as new information is obtained and use restrictions expire. Commmunity percentages will be based upon 2020 Census data upon the release of such data by the U.S. Census Bureau.

Guidelines for Calculating General Land Area Minimum

January 17, 2018

I: Introduction

The Comprehensive Permit Statute under M.G.L. Chapter 40B Sections 20-23 was adopted in 1969 by the Massachusetts Legislature to "address the shortage of low and moderate income housing in Massachusetts and to reduce regulatory barriers that impeded the development of such housing." Subsequently, the Massachusetts Department of Housing and Community Development (DHCD) issued 760 CMR 56.00, which "set forth comprehensive standards and procedures" governing Comprehensive Permits, addressed the Subsidized Housing Inventory (SHI), and advanced the statutory purposes of M.G.L. Chapter 40B Sections 20-23 "by clarifying the procedures of the expedited review process, and by otherwise addressing recurring questions of interpretation."

Section 56.03 of 760 CMR defines the methods for measuring progress toward local housing goals, and under sub-section 56.03 (3)(b), it defines the standards for calculating General Land Area Minimum.

By establishing standard methods, data sources, and formats for calculating General Land Area Minimum, these guidelines will produce applications that are transparent, reproducible, and comparable across communities. DHCD has issued these guidelines to increase fairness, improve the efficiency of the application review process, and to ensure consistency with the intent of the regulations.

II: The Regulations for General Land Area Minimum

760 CMR 56.03(3)(b) reads as follows:[1]

General Land Area Minimum. For the purposes of calculating whether SHI Eligible Housing exists in the city or town on sites comprising more than 1½% of the total land area zoned for residential, commercial, or industrial use, pursuant to M.G.L. c. 40B, § 20:

1. Total land area shall include all districts in which any residential, commercial, or industrial use is permitted, regardless of how such district is designated by name in the city or town's zoning by law;
2. Total land area shall include all un-zoned land in which any residential, commercial, or industrial use is permitted;
3. Total land area shall exclude land owned by the United States, the Commonwealth or any political subdivision thereof, the Department of Conservation and Recreation or any state public authority, but it shall include any land owned by a housing authority and containing SHI Eligible Housing;
4. Total land area shall exclude any land area where all residential, commercial, and industrial development has been prohibited by restrictive order of the Department of Environmental Protection pursuant to M.G.L. c. 131, § 40A. No other swamps, marshes, or other wetlands shall be excluded;
5. Total land area shall exclude any water bodies;
6. Total land area shall exclude any flood plain, conservation or open space zone if said zone completely prohibits residential, commercial and industrial use, or any similar zone where residential, commercial or industrial use are completely prohibited.
7. No excluded land area shall be counted more than once under the above criteria.

Only sites of SHI Eligible Housing units inventoried by the Department or established according to 760 CMR 56.03(3)(a) as occupied, available for occupancy, or under permit as of the date of the Applicant's initial submission to the Board, shall be included toward the 1½% minimum. For such sites, that proportion of the site

[1] This is a transcription of the regulations; other sections of these guidelines refer to 1½% as 1.5%, capitalize "Total Land Area," and use other modifications that are intended to clarify the guidelines and make them easier to read.

area shall count that is occupied by SHI Eligible Housing units (including impervious and landscaped areas directly associated with such units).

III: Overview

These guidelines are intended to provide municipal Boards of Appeals and prospective Comprehensive Permit Applicants a clear understanding of the process for calculating General Land Area Minimum. Accompanying these guidelines are two appendices:

- Appendix A: Technical Instructions – How to perform the General Land Area Minimum calculation using Geographic Information Systems (GIS) software, along with information on the data, documentation, and file formats that must be included in the submittal.
- Appendix B: Example Calculation – A step-by-step example of the calculation and submittal requirements based on a fictional municipality.

These guidelines also provide a mechanism for Boards of Appeals to request statistics on the acreage occupied by qualifying Group Homes. As the confidentiality of group home addresses is protected by law (including the Health Insurance Portability and Accountability Act (HIPAA) and state privacy law[2]), and as DHCD does not have access to these addresses, DHCD has established a process through which addresses may be furnished by DDS and DMH to MassGIS on a confidential basis so that the acreage occupied by these homes can be calculated by MassGIS and provided to a municipality that has indicated its intent to invoke the General Land Area Minimum Safe Harbor in response to a Comprehensive Permit application pursuant to 760 CMR 56.03.

DHCD encourages municipalities that believe they may be eligible to invoke the General Land Area Minimum Safe Harbor to review these guidelines to determine what types of research activities, data updating, and analysis will be needed to invoke this Safe Harbor. However, because both the total land area includable in the denominator and the sites of SHI Eligible Housing units includable in the numerator may change over time, whether a municipality may invoke the General Land Area Minimum Safe Harbor in response to a particular Comprehensive Permit application must be determined contemporaneously with the filing of the application. Accordingly, consistent with DHCD regulations, a municipality may not seek a DHCD determination as to whether it has achieved the General Land Area Minimum Safe Harbor outside the context of a particular Comprehensive Permit application. DHCD will not issue advisory determinations.

Section IV: Getting Started

When a municipal Board is considering calculating General Land Area Minimum to see if the municipality is eligible to invoke this Safe Harbor, the Board's first step should be to email DHCD at dhcdglam@MassMail.State.MA.US email address to request the most current official SHI Detail List. DHCD will provide the SHI Detail list within fifteen (15) calendar days. In addition, Boards that anticipate invoking the Safe Harbor in the context of an anticipated Comprehensive Permit application may wish to request a Group Homes Acreage Calculation (defined below) to be performed through MassGIS. Since privacy restrictions limit the ability of municipalities as well as DHCD to access information on Group Home addresses, the Group Homes Acreage Calculation would provide an important benefit to municipalities asserting the 1.5% safe harbor by creating a transparent, consistent and reliable mechanism for calculating group home acreage.

Upon receiving the SHI Detail List, the Board, with help from Town staff or a consultant if necessary, will need to match each SHI listing or portion thereof with a specific parcel and assessors records. This information will be required for MassGIS to accurately de-duplicate parcels that could be double-counted as containing both Group Homes and SHI-Eligible Housing units. To ensure adequate time for the Group Home Area Acreage Calculation to be performed prior to the Board's invocation of the General Land Area Minimum Safe Harbor, the Board must submit an SHI Sites Submission List with a preliminary notice within 21 days from receipt of a copy of the PEL application and with a notice within 7 days of an application for a Comprehensive Permit concerning the project for which the Board anticipates asserting the safe harbor per the instructions under Step 1 below.

[2] Note, e.g., *Hardiman v. Department of Developmental Services et al.*, Suffolk Superior Ct. No. 2014-01561-H (Mar. 3, 2016).

Section V: Definitions

Actively Maintained: Wooded or vegetated areas will be considered Actively Maintained if they require and receive care and maintenance on a regular basis, including tasks such as planting, seeding, pruning, trimming, watering, mowing, weeding, and irrigation.

Analyst: Personnel or contractor(s) performing the GIS calculations and assisting the Board with compiling necessary documentation for a municipality's General Land Area Minimum submittal.

Applicant: A developer that has filed a 40B Comprehensive Permit application with a municipality.

Board: A municipal Board of Appeals established pursuant to M.G.L. c. 40A, §12, and acting in its capacity to issue a Comprehensive Permit under the powers granted by M.G.L. c.40B, §§ 20 through 23.

Comprehensive Permit and Subsidized Housing Inventory Guidelines: The *Guidelines – M.G.L. c. 40B Comprehensive Permit Projects, Subsidized Housing Inventory*,[3] issued by DHCD with respect to c. 40B, most recently updated December 2014, as they may be further updated from time to time. These guidelines are intended to supplement the Comprehensive Permit and Subsidized Housing Inventory Guidelines, which include additional definitions not included here. However, the definition of "Group Homes" included in these guidelines is intended to supersede the definition set forth in the December, 2014 version of the Comprehensive Permit and Subsidized Housing Inventory Guidelines.

Directly Associated Area: Landscaping maintained principally for the benefit of the residents of a development containing SHI Eligible Housing and impervious surfaces adjacent to such a development that may be included in the SHI-Eligible Area. The following features or facilities qualify as Directly Associated: lawns, Actively Maintained flower beds and vegetation, stormwater management facilities as defined in the MassDEP Massachusetts Stormwater Handbook[4] including both conventional and low-impact BMPs (Best Management Practices), swimming pools, play structures, parking lots, parking structures, walkways, common areas, and recreational and community facilities, so long as those features or facilities are exclusively or principally intended for use by residents of the development containing SHI Eligible Housing units. Features that generally will not be considered Directly Associated include: (a) ballfields, (b) wetlands, (c) non-Actively Maintained wooded or vegetated areas that are not within required side, front, or rear yard dimensional requirements and not within 50 feet of a building footprint, any Excluded Areas, and not limiting the foregoing, lot area in excess of what would be required under the zoning ordinance or bylaw provisions generally applicable in the zoning district, including any applicable zoning overlay district provisions such as a Smart Growth Zoning District or Starter Home Zoning District under M.G.L. c. 40R, for the proposed number of SHI-Eligible Housing units.[5] Notwithstanding the foregoing, if a development is an Open Space Residential Development developed without a Comprehensive Permit, then Publicly Restricted Open Space that is in private ownership may qualify as Directly Associated so long as the aggregate amount of such area does not exceed the amount of Unrestricted Open Space that would be required for the same number of SHI-Eligible Housing units under any minimum open space requirements of the zoning ordinance of bylaw if the proposed development were not developed as an Open Space Residential Development. The Board must support their assertions of what is Directly Associated with aerial photographs and in some cases additional documentation such as development plans, additional photography detailing site features, and information to demonstrate that wooded or vegetated areas are Actively Maintained. Due to the privacy-related limitations on sharing of Group Home acreage, DHCD has determined as a matter of policy that supportive documentation of Directly Associated Areas with respect to Group Homes will not be required. Instead, the calculation of Directly Associated Areas for Group Homes will be performed by MassGIS as part of the Group Homes Acreage Calculation.

[3] http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf
[4] http://www.mass.gov/eea/agencies/massdep/water/regulations/massachusetts-stormwater-handbook.html
[5] For lots where the underlying zoning district is commercial or industrial, lot area in excess of what would be required under the highest density as-of-right residential zoning district or overlay district for the proposed number of SHI-Eligible Housing units generally will not be considered Directly Associated.

Excluded Area: Those portions of each municipality which may not count toward the Total Land Area, as defined in 760 CMR 56.03(3)(b)(e.g., water bodies, government land, land (zoned or unzoned) in which no residential, commercial or industrial use is permitted, and Previously Registered Inland Wetlands).

GIS (Geographic Information Systems): GIS is defined by MassGIS, as "a computer system capable of assembling, storing, manipulating, and displaying geographically referenced information (i.e. spatial data)."[6] The state standard for GIS software is Esri ArcGIS and the guidelines herein outline a process for calculating General Land Area Minimum using Esri ArcGIS software.

Group Home: A long-term adult community-based home that is a:

(a) Department of Developmental Services ("DDS") or DDS Provider-operated residence offering on-going services and supports to individuals who need intervention with care, supervision, and skills training in activities of daily living, home management, and community integration in a certified or licensed home with paid supported living or supervised living supports; or
(b) Department of Mental Health ("DMH") or DMH contracted provider operated residence; that is licensed or certified by DMH for occupancy by DMH clients; and that provides supervised living supports to the DMH clients residing in the home.

Upon adoption of this guidance in final form, this definition will supersede the definition of "Group Home" included in DHCD's Comprehensive Permit and Subsidized Housing Inventory Guidelines.

Group Homes Acreage Calculation: The Group Homes Acreage Calculation is a process by which the Board can request the acreage of SHI-eligible Group Homes in its municipality in order to invoke the General Land Area Minimum Safe Harbor in the context of a particular Comprehensive Permit application. The locations of Group Homes are required by law to be confidential. For the purposes of calculating General Land Area Minimum, it is not possible to determine the land area that Group Homes occupy based on the number listed in the Subsidized Housing Inventory. Accordingly, DHCD, DMH, DDS, and MassGIS have developed a proposed method for calculating the acreage that Group Homes occupy in a given municipality while maintaining confidentiality. As further specified under these guidelines, in response to a request by a Board intending to invoke the General Land Area Minimum Safe Harbor in the context of an anticipated Comprehensive Permit application, DMH and DDS will provide a list of Group Homes to MassGIS, which will address-match those residences and calculate the eligible area of the underlying parcels. In calculating the eligible area of the underlying parcels, for any parcel less than or equal to one-half acre in size, MassGIS will include the entire parcel area; for any parcel more than one-half acre in size, MassGIS will include all impervious or developed open space land cover categories (which includes lawn areas) within GIS, as well as all areas within 50 feet of a building footprint regardless of land cover category, but will exclude all other land cover categories. The resulting values would be totaled and the Board would be informed of the eligible Group Home acreage as further described under section 1.3 below. Since some Group Homes are located on parcels already identified on the SHI as SHI Sites that contain SHI Eligible Housing units (for example, multi-family developments in which one or more apartments are being used as Group Homes), the Board must provide a list of disaggregated and GIS-parcel matched SHI Sites to MassGIS so that these parcels can be removed from the Group Homes list before MassGIS produces the Group Homes Acreage Calculation to avoid double-counting.

MassGIS: The Office of Geographic Information within the Massachusetts Executive Office of Technology Services and Security.

Open Space Residential Development: A residential development in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property and other groups within the development by intervening publicly restricted open space. An open space residential development shall be permitted only on a plot of land of such minimum size as a zoning ordinance or by-law may specify which is divided into (i) building lots with dimensional control, density and use restrictions for such building lots varying from those otherwise permitted by the ordinance or by-law and (ii) publicly restricted open space.

[6] http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/about-massgis/whatis.html, accessed July 7, 2016.

Political Subdivision: For the purposes of these guidelines, Political Subdivisions are defined as the United States, the Commonwealth of Massachusetts, any State public authority, a municipality, or any other government entity. Land "owned by a political subdivision" includes publicly-owned tax exempt fee parcels (but not tax title properties) and publicly-owned rights-of-way, but for the purposes of the General Land Area Minimum calculation, does not include SHI-Eligible Area on housing authority-owned land.

Previously Registered Inland Wetlands: A small number of municipalities in Massachusetts contain wetlands that have been registered with the Commonwealth under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A.) The restrictive orders for these wetlands have been recorded at the Registry of Deeds in the counties in which they are located. The Massachusetts Department of Environmental Protection (MassDEP) lists applicable restrictive orders on its website.[7] The regulations for General Land Area Minimum do not include restrictive orders on coastal wetlands. The list below identifies the sixteen communities known to MassDEP as having a restrictive order pursuant to M.G.L. c. 131, § 40A, the Inland Wetlands Restriction Act, along with the registration date of the restrictive order: Dedham 12/19/74 ; Dover 6/26/72; Eastham 6/30/75; Hingham 3/26/87; Marlborough 4/20/78; Millis 11/4/77; Needham 9/18/75; Newton 4/22/77; Norfolk 3/31/78; Orleans 11/30/76; Sandwich 3/10/80; Truro 3/18/76; Walpole 1/5/76, ; Waltham 3/30/76; Wellesley 11/10/71; Westwood 4/24/74.

Publicly Restricted Open Space: Open land in private ownership that is subject to a recorded use restriction enforceable by the city or town in perpetuity providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.

Safe Harbor: A Board's decision to deny a Comprehensive Permit or grant a Comprehensive Permit with conditions must be upheld by the HAC if the Board can demonstrate that it has satisfied one of the methods to measure progress toward local affordable housing goals defined in 760 CMR 56.03. General Land Area Minimum is among these methods, which are also called safe harbors.

SHI (Subsidized Housing Inventory): The list compiled by DHCD containing the count of low or moderate income housing units, as well as other eligible housing units, by city or town. This list also includes the percentage of SHI Eligible Housing units in the municipality out of the total housing units counted during the most recent Decennial Census.

SHI Detail List: The SHI Detail List is an inventory maintained by DHCD, which enumerates all SHI Eligible Housing in the Commonwealth, along with the following information: the municipality, project names, addresses (other than confidential addresses such as Group Homes), the number of SHI Eligible Housing units, whether a comprehensive permit was used, when the term of affordability expires, the project's tenure (ownership or rental), and agencies funding the project. The list requires some analysis and reformatting (described in Step 1) for use in the General Land Area Minimum calculation.

SHI-Eligible Area: The portion of each SHI Site that is occupied by SHI Eligible Housing units including impervious and landscaped areas Directly Associated with such units.

SHI Eligible Housing: Housing that is eligible to be counted on the SHI pursuant to 760 CMR 56.02 and section II.A of the Comprehensive Permit and Subsidized Housing Inventory Guidelines, and these guidelines.

SHI Sites: The parcels or portions thereof containing SHI Eligible Housing units.

SHI Sites Submission List: The list of disaggregated and parcel-matched SHI Sites to be provided by the Board in accordance with sections 1.1-1.3 below. If SHI Eligible Housing occupies multiple Assessors' Parcels, the record is duplicated for each parcel and the SHI Eligible Housing units are allocated to individual parcels (*pro rata* or based on actual distribution) so as not to be double-counted.

Total Land Area: The portion of the municipality not covered by Excluded Areas (water bodies, government land, land (zoned or unzoned) in which no residential, commercial or industrial development is permitted, and certain registered wetlands.) This is the denominator for the General Land Area Minimum percentage calculation.

[7] http://www.mass.gov/eea/agencies/massdep/water/watersheds/communities-with-previously-registered-wetlands.html

Unrestricted Open Space: The part or parts of a lot which are reserved for the use of occupants of a building which is used wholly, or in part, for residential purposes, as may be further defined in the provisions of a zoning ordinance or bylaw requiring minimum open space per lot or dwelling unit, and subject to minimum dimensions as prescribed in the zoning ordinance or bylaw.

Section VI: Submittal Requirements

DHCD requires all application materials to be submitted in specified electronic formats that will enable reviewers to validate the results. The Board must submit digital files showing the boundaries of Total Land Area, Excluded Areas, and the SHI-Eligible Area, and the individual components thereof. Submittals must use digital parcel data compliant with the state's Level 3 Digital Parcel Standard.[8] If a municipality believes that digital parcel boundaries and/or resulting calculated area are incorrect, it may use surveyed[9] boundaries to update the digital parcels, so long as it also provides the same for all adjacent parcels.[10] Submittals that do not include documentation evidencing that the updated digital parcel data is compliant with the Level 3 standard as determined through MassGIS' quality assurance program and that the surveyed boundaries were surveyor stamped within the last year will be considered incomplete.[11] The Board must also provide accompanying tables with details on each SHI Site, including Directly Associated Areas. This data, along with maps and calculations, must be provided to the Applicant and DHCD within fifteen (15) days of the Board opening a hearing regarding the Comprehensive Permit filed by the Applicant.

The technical instructions and specifications of the guidelines reference Esri ArcGIS mapping software. Submittals must be Esri-compatible. Details regarding what must be included in the submittal are included in Appendix A.

[8] http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/datalayers/l3parcels.html.

[9] Survey meeting the minimum standard detail requirements for ALTA/ACSM land survey titles (see http://www.malsce.org/malsce/file/20110223ALTAACSMLandTitleSurveyStandard2011.pdf).

[10] Municipalities are strongly encouraged to submit updated Level 3 parcel data to MassGIS at the earliest opportunity.

[11] Surveys must have been created or updated within the last year as evidenced by a surveyor stamp with date and signature.

Step 1: Identify Parcels Containing Subsidized Housing (SHI Sites)

Creating a complete and standardized list of parcels containing SHI Eligible Housing units is the essential first step in the General Land Area Minimum calculation. Each housing listed on the SHI Detail List, as well as any other recently approved SHI Eligible Housing identified by the Board, must be matched to a specific parcel or parcels.

The Analyst will need to complete the following steps.

1.1. Prepare a complete list of SHI Sites

DHCD will provide the most current SHI Detail List for the municipality within 15 days of receiving notification from the Board. The municipality may also begin with its own list of SHI Eligible Housing. The Board should review and (if necessary) augment the SHI Detail List so it is a complete inventory of all developments or units that meet SHI Eligible Housing criteria which are occupied, available for occupancy, or under permit as of the date of the Applicant's initial submission to the Board. The Board shall provide documentation for any units not already listed on the SHI Detail List to evidence that such units satisfy SHI Eligible Housing criteria in accordance with DHCD regulations and guidelines. Following the technical instructions in Appendix A, the Board shall prepare a table of these "SHI Sites" in a specified format that can be used in GIS.

1.2. Match each development to a specific parcel or parcels to create the SHI Sites Submission List

The next step is to address match each development (including SHI Eligible Housing that consists of a single unit) to a land parcel, using standardized digital property records maintained by the municipality or available from MassGIS in accordance with the technical instructions in Appendix A. Scattered site or multi-parcel developments will need to be disaggregated into their constituent parts and matched to the corresponding parcel. The purpose of joining the list of SHI Sites to digital parcels is to ensure that all the developments in the SHI Detail List are identified by location, as well as to provide the data needed so MassGIS can perform the Group Homes Acreage Calculation if requested. At a later step in the process the Analyst will calculate the eligible area of each parcel.

1.3. Provide the SHI Sites Submission List to DHCD for the Group Homes Acreage Calculation (if applicable)

If the Board wishes to proceed with the Group Homes Acreage Calculation, the Board must provide a preliminary request/notice of interest of such calculation to DHCD, DMH and DDS within 21 days from receipt of a copy of the PEL application (i.e., a PEL application concerning a project for which the Board anticipates asserting the General Land Area Minimum Safe Harbor). This notice must also include the SHI Sites Submission List to ensure adequate time for the Group Home Area Acreage Calculation to be performed prior to the Board's invocation of the General Land Area Minimum Safe Harbor. Within 7 days of the Comprehensive Permit application, the Board must submit notice to DHCD, DMH and DDS requesting the Group Homes Acreage Calculation together with the SHI Sites Submission List. All notifications must be made via email to the following addresses: dhcdglam@massmail.state.ma.us (DHCD); dmhglam@MassMail.State.MA.US (DMH); and ddsglam@MassMail.State.MA.US (DDS).

Once it has received the SHI Sites Submission List, MassGIS will review that data to determine whether it is sufficient for MassGIS to perform the Group Home Acreage Calculation; if it is insufficient, MassGIS will promptly inform DHCD and DHCD will promptly inform the Board. If the information is sufficient, MassGIS will address match each Group Home address received from DMH and DDS pursuant to a strict confidentiality agreement to a land parcel, using digital parcel data compliant with the state's Level 3 Digital Parcel Standard property records as specified above. MassGIS will then compare the address-matched list of Group Homes to the address-matched SHI Sites Submission List provided by the Board, remove any duplicated parcels from the Group Homes list, and calculate the SHI-Eligible Area of the remaining Group Homes parcels. Such calculation will include proration where the number of Group Home units in a property is less than the total number of units at the property. This acreage, and this acreage only, will generally be transmitted to DHCD and the ZBA within 30 days of requesting the

Group Homes Acreage Calculation together with the SHI Sites Submission List. MassGIS will promptly relay the Group Homes Acreage Calculation to the Board; the Board may then include the Group Homes Acreage Calculation as part of its General Land Area Minimum calculation.

Step 2: Calculate Total Land Area

The following section outlines how Total Land Area is to be calculated. The technical instructions in Appendix A provide step-by-step instructions on this calculation. 760 CMR 56.03(3)(b)(7) requires that "no excluded land area shall be counted more than once," and as this is an iterative subtraction exercise, it is important for the Analyst to complete and provide the necessary documentation for each step, even if individual steps do not ultimately affect the final result.

The Analyst will need to complete the following steps.

2.1. Identify Total Land Parcel Acreage within the Municipality

Identify the total acreage of parcels within the municipality pursuant to the instructions in Appendix A

2.2. Identify Areas to be Excluded from the Total Land Area

Using data from MassGIS, the Analyst will identify the boundaries of water bodies. Because all Previously Registered Inland Wetlands (if applicable) and areas where all commercial, residential, or industrial use is prohibited in accordance with 760 CMR 56.03(3)(b) may not be available as spatial data through MassGIS, the Analyst must identify these areas through spatial data in Esri-compatible format along with thorough supporting documentation. Using parcel data compliant with the state's digital parcel standard, the Analyst will identify publicly-owned rights-of-way and publicly-owned (local, state, federal) parcels (except housing authority land occupied by or Directly Associated with SHI Eligible Housing). These are collectively known as Excluded Areas which must be removed from the Total Land Area.

2.3. Remove Excluded Areas from Total Land Area

The most current digital parcel data (compliant with the MassGIS parcel standard) serves as the basis for calculating total land area. Excluded areas identified above are erased from the parcel base map. The total area of the remaining parcels is then calculated in GIS. This is the Total Land Area, the denominator of the General Land Area Minimum calculation.

Step 3: Calculate SHI Eligible Area

The numerator of the General Land Area Minimum calculation may only include the portion of each SHI Site that is occupied by SHI Eligible Housing units and impervious and landscaped areas Directly Associated with those units. This section describes how the parcel data for each SHI Site should be edited to remove areas that are not Directly Associated. Further calculations may be required if only a portion of the units on a parcel are eligible for the SHI.

The Analyst will need to complete the following steps.

3.1. Remove areas that are not Directly Associated from SHI Site parcels.

Using existing data overlays or manual edits, the Analyst must modify the boundary of each SHI Site to include only areas Directly Associated with the SHI Eligible Housing units. Digitized wetlands, water bodies, and other surveyed or mapped features (either publicly available data or detailed information from site plans and engineering documents) can be removed using automated GIS tools. Other features (such as wooded areas or recreational facilities that are not Directly Associated) may require the Analyst to manually draw the boundaries based on aerial photos.

If the Board would like to include an area that appears heavily vegetated in the aerial imagery, it must provide photographs and other documentation about the SHI Eligible Housing units to demonstrate that the vegetated area is Directly Associated with the units. Similarly, if the Board believes other areas meet the definition of Directly Associated, such as impervious surfaces or landscaping at the ground level that cannot be seen from aerial imagery, it must provide photographs and other documentation about the

development to demonstrate that the area is directly associated with the development. For sites where the aerial imagery does not depict current conditions, or where permitted SHI Eligible Housing units have not yet been constructed, the boundaries of the SHI Sites should be edited accordingly, reflecting current conditions or development plans for SHI Eligible Housing units. The Board must provide site plans, photographs, and any other supplemental materials that document site conditions for any edited SHI Sites.

3.2. Calculate preliminary SHI-Eligible Area

Once the SHI Sites have been properly edited to include only the portions of parcels Directly Associated with SHI Eligible Housing units, the acreage of these sites shall be recalculated in GIS. The Analyst will provide all necessarily tables and GIS files to show the steps of this this calculation, and will also provide maps depicting each of the SHI Sites with aerial photographs and edited site boundaries.

3.3. Calculate prorated SHI-Eligible Area

Since 40B and the SHI guidelines treat rental and ownership units differently, the eligible area for rental and ownership must be calculated differently. For rental and Assisted Living Facility developments, if at least 25% of units are to be occupied by households earning 80% or less than the area median income, or alternatively, if at least 20% of units are to be occupied by households earning 50% or less of area median income," [12] and meet all applicable SHI eligibility criteria, then all of the units in the development are eligible for inclusion on the SHI. Accordingly, in General Land Area Minimum calculations, the whole SHI-Eligible Area of a rental or Assisted Living Facility development may be counted towards the numerator. For rental or Assisted Living Facility developments in which less than the requisite percentage of the units are to be occupied by income eligible households earning at or below 80% or 50% of the area median income, as applicable, and for or homeownership and Continuum of Care Retirement Communities (where only the deed-restricted low-income housing units count towards the SHI), SHI-Eligible Area must be prorated accordingly. This part of the General Land Area Minimum calculation is done outside GIS. Once the prorated areas have been calculated, the Analyst must check to ensure the prorated area is not larger than the lot area that would be required by zoning for an equivalent number of units. If the prorated area exceeds this required lot area, the excess acreage is not Directly Associated with SHI Eligible Housing units and will not count toward the SHI-Eligible Area. In cases where the required lot area is less than the prorated area, the prorated area would be used.

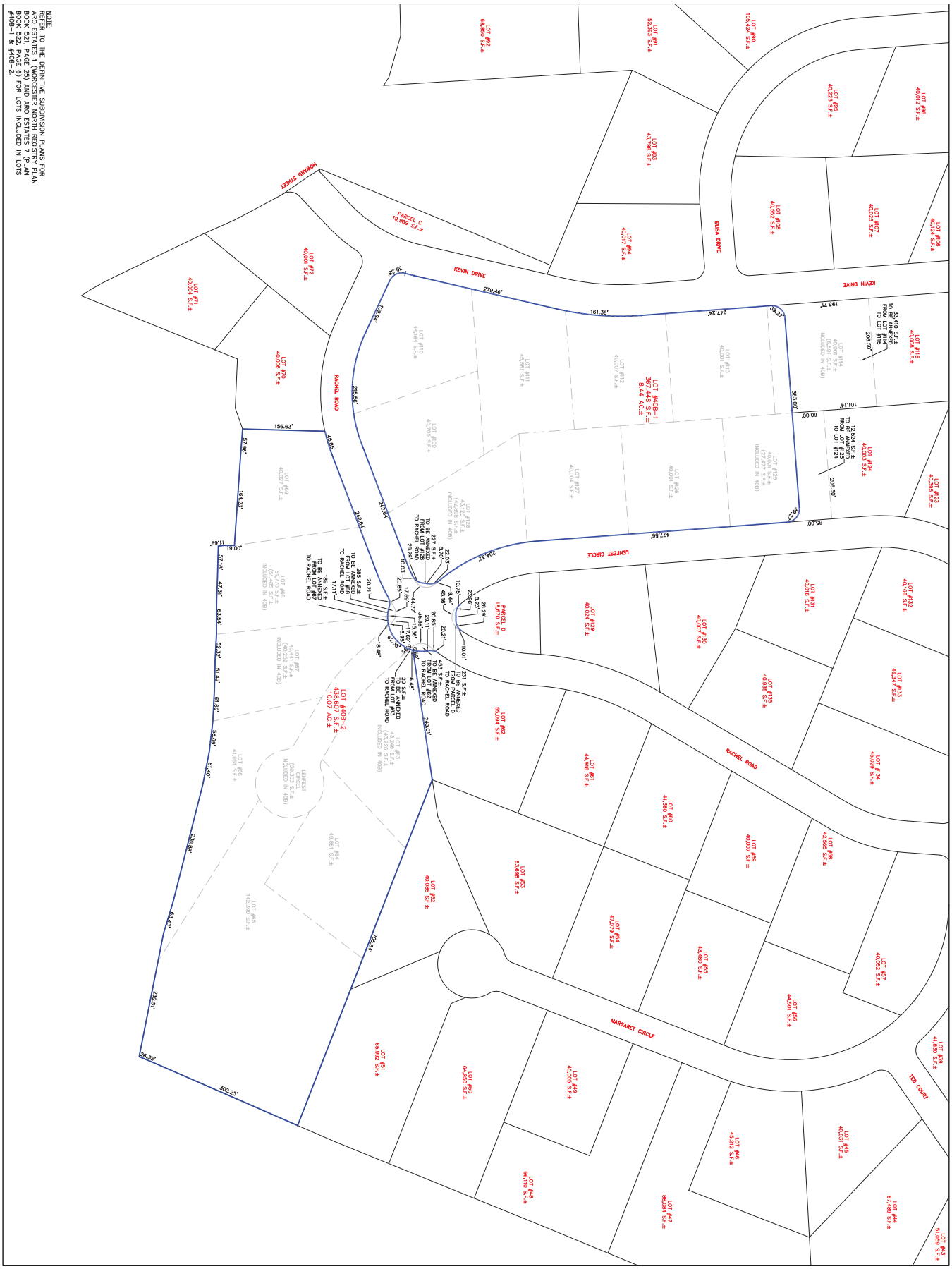
Step 4: Calculate Results

4.1. Determine General Land Area Minimum percentage

In a separate spreadsheet, the Analyst will calculate the General Land Area Minimum. First, the Analyst will calculate the sum of the acreage of known SHI-Eligible Area (for SHI Sites on the SHI Sites Submission List), and, if applicable and available, the acreage produced by the Group Homes Acreage Calculation as further described under section 1.3 above. This total acreage will then be divided by the acreage of Total Land Area to yield the municipality's General Land Area percentage. This percentage, along with all the documentation of previous steps and associated GIS files, spreadsheets, and additional materials, must be submitted in electronic format and hard copy to DHCD for review and their official determination of the municipality's General Land Area Minimum in accordance with 760 CMR 56.03(8).

[12] http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf, II-4.

NOTE:
REFER TO THE DEFINITIVE SUBDIVISION PLANS FOR ARO ESTATES 1 (WORCESTER NORTH REGISTRY PLAN BOOK 521, PAGE 25) AND ARO ESTATES 7 (PLAN BOOK 572, PAGE 6) FOR LOTS INCLUDED IN LOTS #40B-1 & #40B-2.



HALEY WARD ENGINEERING I ENVIRONMENTAL I SURVEYING 510 MECHANIC STREET LEOMINSTER, MASSACHUSETTS 01453 TEL. (978) 537-5296 FAX. (978) 537-1423		PRELIMINARY AMENDED SUBDIVISION PLAN FOR "POND VIEW COMMONS" 40B DEVELOPMENT IN LUNENBURG, MASSACHUSETTS PREPARED FOR: POND VIEW COMMONS, LLC KEVIN O'BRIEN 18 CASSIMERE STREET ANDOVER, MASSACHUSETTS 01810

REVISIONS			
NO.	DESCRIPTION	DATE	BY

DRAWN BY: WRF	CHECKED BY: BFM
DATE: JULY 27, 2022	SCALE: 1"=80'
SHEET NUMBER: SP1 OF SP1	JOB NUMBER: 9542
COMPS: 9039	PLAN NUMBER: 30-D-38
PLAN REF(S):	FIELD BOOK REF(S):

30-D-38 (SHEET SP1 OF SP1)

Daily Sewer Volume Calculation

Unit Type	BRs per Unit	# of Units	Total BRs
1-BR Market	1	44	44
2-BR Market	2	87	174
3-BR Market	3	18	54
1-BR Affordable	1	15	15
2-BR Affordable	2	30	60
3-BR Affordable	3	6	18
		TOTAL BRs-	365
		Sewer Vol/BR (gal)-	110
		Total Daily Sewer Volume (gal)-	40,150

Lunenburg, MA

April 19, 2022

1 inch = 330 Feet

0 330 660 990

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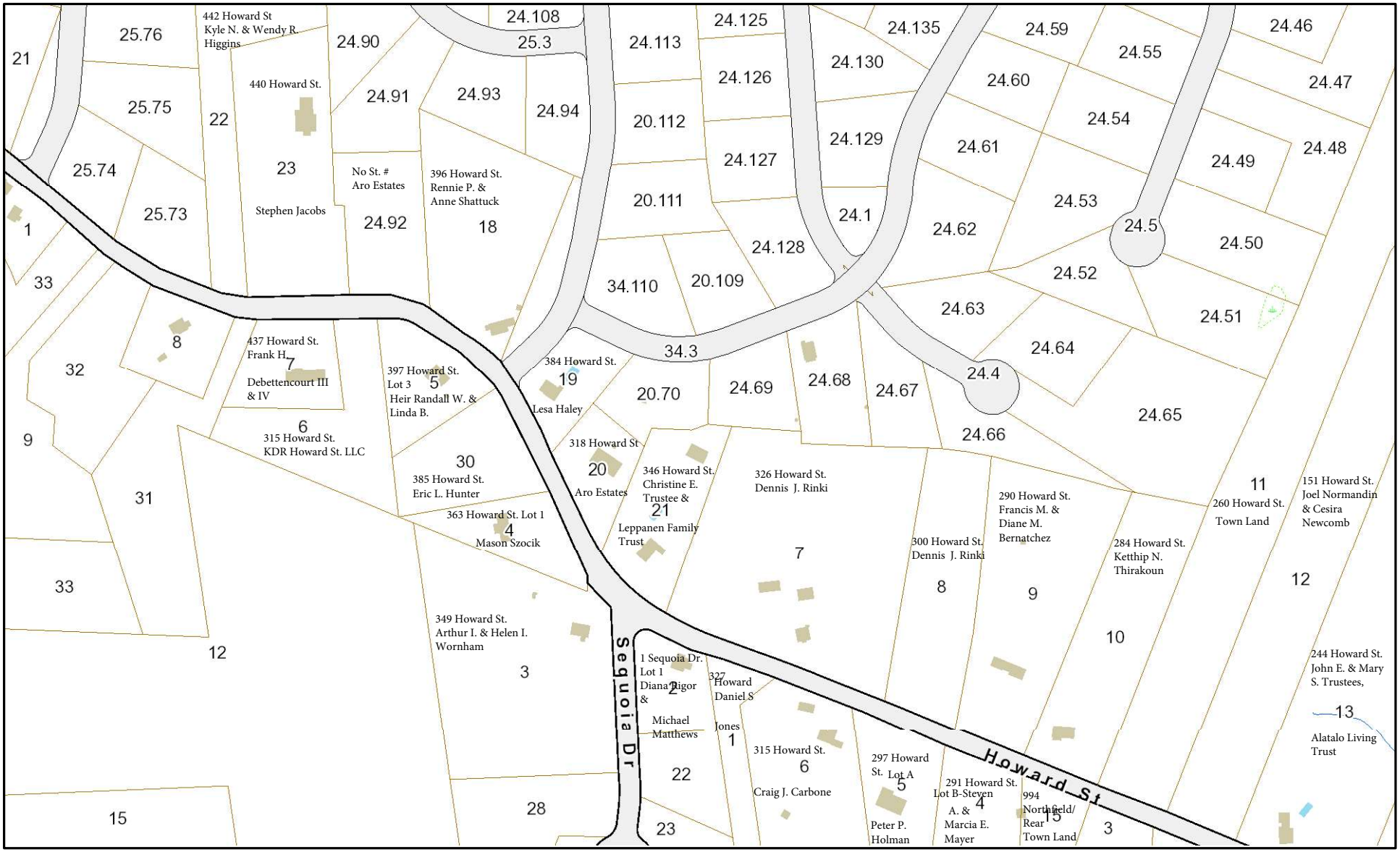

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Abutters List (zoning)

Lunenburg, MA

1 inch = 554 Feet

0 554 1108 1663

CAI Technologies
Precision Mapping Geospatial Solutions

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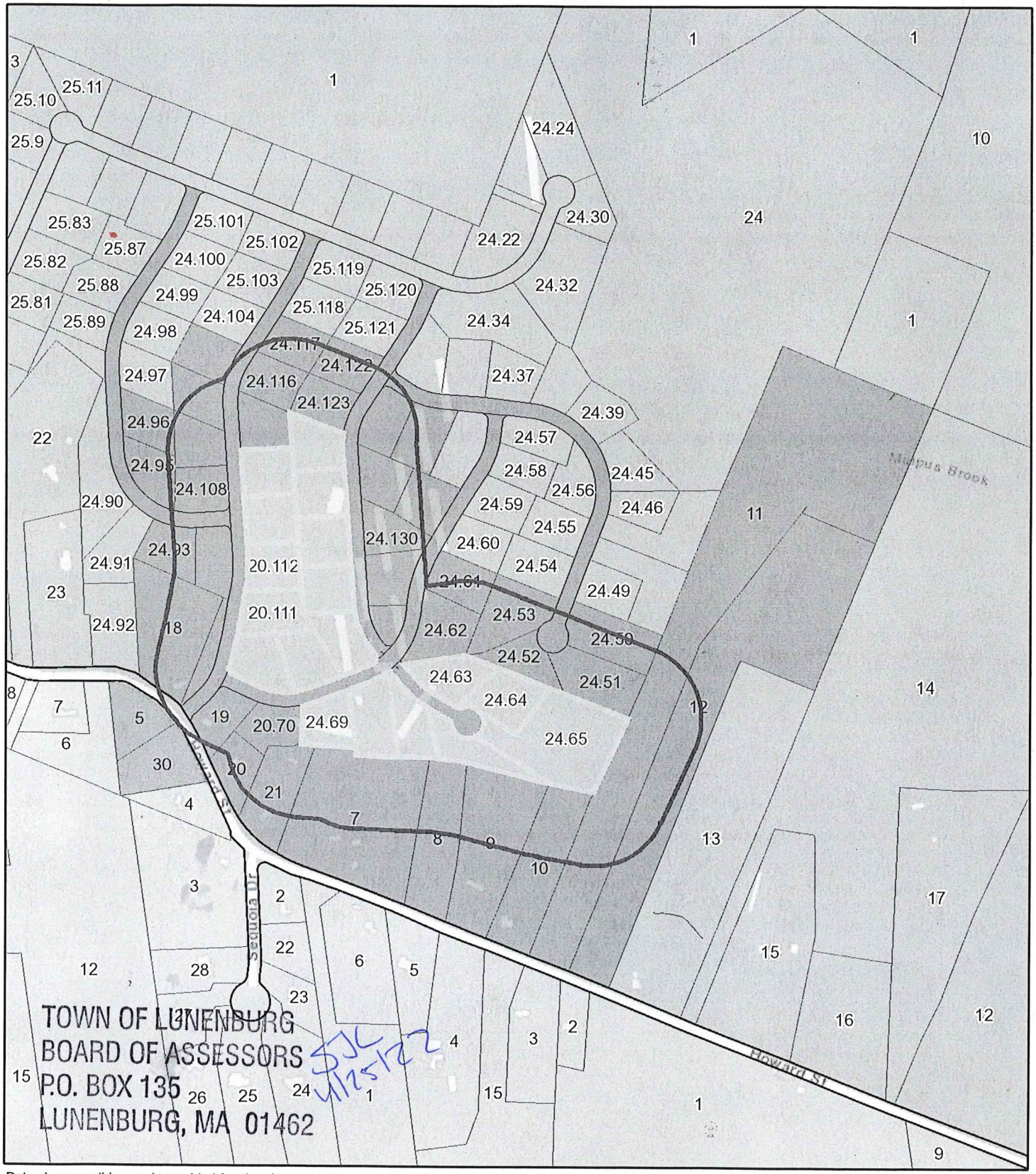
April 25, 2022



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

300 foot Abutters List Report

Lunenburg, MA
April 25, 2022

TOWN OF LUNENBURG
BOARD OF ASSESSORS
P.O. BOX 135
LUNENBURG, MA 01462

4/25/22

Subject Properties:

Parcel Number:	006-0024-63	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0063		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810
Parcel Number:	006-0024-64	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0064		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810
Parcel Number:	006-0024-65	Mailing Address:	THE HOMES AT ARO ESTATES
CAMA Number:	006-0024-0065		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810
Parcel Number:	006-0024-66	Mailing Address:	THE HOMES AT ARO ESTATES
CAMA Number:	006-0024-0066		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810
Parcel Number:	006-0024-67	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0067		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810
Parcel Number:	006-0024-68	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0068		18 CASSIMERE ST
Property Address:	RACHEL DR		ANDOVER, MA 01810
Parcel Number:	006-0024-69	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0069		18 CASSIMERE ST
Property Address:	RACHEL DR		ANDOVER, MA 01810
Parcel Number:	006-0024-113	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0113		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810
Parcel Number:	006-0024-114	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0114		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810
Parcel Number:	006-0024-124	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0124		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810

300 foot Abutters List Report

Lunenburg, MA
April 25, 2022

TOWN OF LUNENBURG
BOARD OF ASSESSORS
P.O. BOX 135
LUNENBURG, MA 01462

SJC 4/25/22

Parcel Number:	006-0024-125	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0125		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810

Parcel Number:	006-0024-126	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0126		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810

Parcel Number:	006-0024-127	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0127		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810

Parcel Number:	006-0024-128	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0128		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810

Parcel Number:	017-0020-109	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	017-0020-0109		18 CASSIMERE ST
Property Address:	RACHEL DR		ANDOVER, MA 01810

Parcel Number:	017-0020-111	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	017-0020-0111		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810

Parcel Number:	017-0020-112	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	017-0020-0112		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810

Parcel Number:	017-0034-110	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	017-0034-0110		18 CASSIMERE ST
Property Address:	RACHEL DR		ANDOVER, MA 01810

Abutters:

Parcel Number:	006-0024-01	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0001		18 CASSIMERE ST
Property Address:	RACHEL DR		ANDOVER, MA 01810

Parcel Number:	006-0024-04	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0004		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810

300 foot Abutters List Report

Lunenburg, MA
April 25, 2022

TOWN OF LUNENBURG
BOARD OF ASSESSORS
P.O. BOX 135
LUNENBURG, MA 01462

SJC 4/25/22

Parcel Number:	006-0024-05	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0005		18 CASSIMERE ST
Property Address:	MARGARET CIR		ANDOVER, MA 01810
Parcel Number:	006-0024-50	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0050		18 CASSIMERE ST
Property Address:	MARGARET CIR		ANDOVER, MA 01810
Parcel Number:	006-0024-51	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0051		18 CASSIMERE ST
Property Address:	MARGARET CIR		ANDOVER, MA 01810
Parcel Number:	006-0024-52	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0052		18 CASSIMERE ST
Property Address:	MARGARET CIR		ANDOVER, MA 01810
Parcel Number:	006-0024-53	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0053		18 CASSIMERE ST
Property Address:	MARGARET CIR		ANDOVER, MA 01810
Parcel Number:	006-0024-53	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0053		18 CASSIMERE ST
Property Address:	MARGARET CIR		ANDOVER, MA 01810
Parcel Number:	006-0024-53	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0053		18 CASSIMERE ST
Property Address:	MARGARET CIR		ANDOVER, MA 01810
Parcel Number:	006-0024-53	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0053		18 CASSIMERE ST
Property Address:	MARGARET CIR		ANDOVER, MA 01810
Parcel Number:	006-0024-61	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0061		18 CASSIMERE ST
Property Address:	RACHEL DR		ANDOVER, MA 01810
Parcel Number:	006-0024-62	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0062		18 CASSIMERE ST
Property Address:	RACHEL DR		ANDOVER, MA 01810
Parcel Number:	006-0024-93	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0093		18 CASSIMERE ST
Property Address:	ELISA DR		ANDOVER, MA 01810
Parcel Number:	006-0024-94	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0094		18 CASSIMERE ST
Property Address:	ELISA DR		ANDOVER, MA 01810

300 foot Abutters List Report

Lunenburg, MA
April 25, 2022

TOWN OF LUNENBURG
BOARD OF ASSESSORS
P.O. BOX 135
LUNENBURG, MA 01462

5
11/25/22

Parcel Number:	006-0024-95	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0095		18 CASSIMERE ST
Property Address:	ELISA DR		ANDOVER, MA 01810
Parcel Number:	006-0024-96	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0096		18 CASSIMERE ST
Property Address:	ELISA DR		ANDOVER, MA 01810
Parcel Number:	006-0024-105	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0105		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810
Parcel Number:	006-0024-106	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0106		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810
Parcel Number:	006-0024-107	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0107		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810
Parcel Number:	006-0024-108	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0108		18 CASSIMERE ST
Property Address:	ELISA DR		ANDOVER, MA 01810
Parcel Number:	006-0024-115	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0115		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810
Parcel Number:	006-0024-116	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0116		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810
Parcel Number:	006-0024-117	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0117		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810
Parcel Number:	006-0024-122	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0122		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810
Parcel Number:	006-0024-123	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0123		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810
Parcel Number:	006-0024-129	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	006-0024-0129		18 CASSIMERE ST
Property Address:	LENFEST DR		ANDOVER, MA 01810

300 foot Abutters List Report

Lunenburg, MA
April 25, 2022

TOWN OF LUNENBURG
BOARD OF ASSESSORS
P.O. BOX 135
LUNENBURG, MA 01462

4/25/22

Parcel Number:	006-0024-130	Mailing Address:	THE HOMES AT ARO ESTATES 18 CASSIMERE ST ANDOVER, MA 01810
CAMA Number:	006-0024-0130		
Property Address:	LENFEST DR		
Parcel Number:	006-0024-131	Mailing Address:	THE HOMES AT ARO ESTATES LLC 18 CASSIMERE ST ANDOVER, MA 01810
CAMA Number:	006-0024-0131		
Property Address:	LENFEST DR		
Parcel Number:	006-0024-132	Mailing Address:	THE HOMES AT ARO ESTATES LLC 18 CASSIMERE ST ANDOVER, MA 01810
CAMA Number:	006-0024-0132		
Property Address:	LENFEST DR		
Parcel Number:	006-0024-133	Mailing Address:	THE HOMES AT ARO ESTATES LLC 18 CASSIMERE ST ANDOVER, MA 01810
CAMA Number:	006-0024-0133		
Property Address:	MARGARET CIR		
Parcel Number:	006-0024-135	Mailing Address:	THE HOMES AT ARO ESTATES LLC 18 CASSIMERE ST ANDOVER, MA 01810
CAMA Number:	006-0024-0135		
Property Address:	RACHEL DR		
Parcel Number:	006-0025-03	Mailing Address:	THE HOMES AT ARO ESTATES LLC 18 CASSIMERE ST ANDOVER, MA 01810
CAMA Number:	006-0025-0003		
Property Address:	ELISA DR		
Parcel Number:	016-0007-00	Mailing Address:	RINKI, DENNIS J 326 HOWARD ST LUNENBURG, MA 01462-1008
CAMA Number:	016-0007-0000		
Property Address:	326 HOWARD ST		
Parcel Number:	016-0008-00	Mailing Address:	RINKI, DENNIS J 326 HOWARD ST LUNENBURG, MA 01462-1008
CAMA Number:	016-0008-0000		
Property Address:	300 HOWARD ST		
Parcel Number:	016-0009-00	Mailing Address:	BERNATCHEZ, FRANCIS M & DIANE M 290 HOWARD ST LUNENBURG, MA 01462
CAMA Number:	016-0009-0000		
Property Address:	290 HOWARD ST		
Parcel Number:	016-0010-00	Mailing Address:	THIRAKOUN, KETTHIP N 284 HOWARD ST LUNENBURG, MA 01462-1006
CAMA Number:	016-0010-0000		
Property Address:	284 HOWARD ST		
Parcel Number:	016-0011-00	Mailing Address:	LUNENBURG, TOWN OF CONSERVATION LAND P O BOX 135 LUNENBURG, MA 01462
CAMA Number:	016-0011-0000		
Property Address:	260 HOWARD ST		
Parcel Number:	016-0012-00	Mailing Address:	NORMANDIN, JOEL & NEWCOMB, CESIRA 71 ROYAL FERN DR LUNENBURG, MA 01462
CAMA Number:	016-0012-0000		
Property Address:	250 HOWARD ST		

300 foot Abutters List Report

Lunenburg, MA
April 25, 2022

TOWN OF LUNENBURG
BOARD OF ASSESSORS
P.O. BOX 135
LUNENBURG, MA 01462

SK 4/25/22

Parcel Number:	017-0005-00	Mailing Address:	HIER, RANDALL W & LINDA B
CAMA Number:	017-0005-0000		397 HOWARD ST
Property Address:	397 HOWARD ST LT 3		LUNENBURG, MA 01462-1007
Parcel Number:	017-0018-00	Mailing Address:	SHATTUCK, RENNIE P & ANNE
CAMA Number:	017-0018-0000		396 HOWARD ST
Property Address:	396 HOWARD ST		LUNENBURG, MA 01462-1008
Parcel Number:	017-0019-00	Mailing Address:	HALEY, LESA
CAMA Number:	017-0019-0000		384 HOWARD ST
Property Address:	384 HOWARD ST		LUNENBURG, MA 01462
Parcel Number:	017-0020-00	Mailing Address:	THE HOMES AT ARO ESTATES, LLC
CAMA Number:	017-0020-0000		18 CASSIMERE ST
Property Address:	318 HOWARD ST		ANDOVER, MA 01810
Parcel Number:	017-0020-70	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	017-0020-0070		18 CASSIMERE ST
Property Address:	RACHEL DR		ANDOVER, MA 01810
Parcel Number:	017-0021-00	Mailing Address:	PAGE, CHRISTINE E TRUSTEE THE
CAMA Number:	017-0021-0000		LEPPANEN FAMILY TRUST
Property Address:	346 HOWARD ST		346 HOWARD ST
			LUNENBURG, MA 01462
Parcel Number:	017-0030-00	Mailing Address:	HUNTER, ERIC L
CAMA Number:	017-0030-0000		385 HOWARD ST
Property Address:	385 HOWARD ST LT 2		LUNENBURG, MA 01462
Parcel Number:	017-0034-01	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	017-0034-0001		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810
Parcel Number:	017-0034-02	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	017-0034-0002		18 CASSIMERE ST
Property Address:	KEVIN DR		ANDOVER, MA 01810
Parcel Number:	017-0034-03	Mailing Address:	THE HOMES AT ARO ESTATES LLC
CAMA Number:	017-0034-0003		18 CASSIMERE ST
Property Address:	RACHEL DR		ANDOVER, MA 01810

POND VIEW COMMONS

ESTIMATED CONSTRUCTION AND OCUPANCY SCHEDULE

Project Year	Phase	Units Constructed	Units Occupied
0-1	Building 1	67	33
1-2	Building 2	67	67
2-3	Building 3	66	67
3-4		0	33

GUIDELINES

Updated December 2014

G.L. C.40B COMPREHENSIVE PERMIT PROJECTS

SUBSIDIZED HOUSING INVENTORY

Regulatory Authority: see 760 CMR 56.00

workshops shall be held in a municipal building, school, library, public meeting room or other accessible space. Meetings shall be held in the evening or on weekend days in order to reach as many potential applicants as possible. However, attendance at a meeting shall not be mandatory for participation in a lottery.

The purpose of the meeting is to answer questions that are commonly asked by lottery applicants. Usually a municipal official will welcome the participants and describe the municipality's role in the affordable housing development. The lottery administrator will then explain the information requested on the application and answer questions about the lottery drawing process. The Developer should be present to describe the development and to answer specific questions about the affordable units. It is helpful to have representatives of local banks present to answer questions about qualifications for the financing of affordable units. At the meeting, the lottery administrator should provide complete application materials to potential applicants.

9. Homeownership – Establishing Sales Prices

Sale prices shall be established at the time of the initial marketing of the affordable units. Thereafter, the prices of homes cannot be increased for lottery winners, even if interest rates and HUD income guidelines change.

For large, phased developments maximum sale prices of units sold in subsequent phases will be calculated prior to the start of marketing for each phase, or approximately 6 months prior to expected occupancy of the units. In such cases, each phase will require its own affirmative fair marketing efforts and lottery.

D. Local Preferences

1. Threshold Requirements

a. Required Supporting Documentation

If a municipality wishes to implement a local selection preference, it must:

(1) Demonstrate in the AFHMP the need for the local preference. For instance, a community that has a subsidized rental housing or public housing waiting list with local applicants likely to apply for the project (whether or not the project provides rental assistance will be considered) *may* support a local preference for a rental development.

(2) Justify the extent of the local preference (the percentage of units proposed to be set aside for local preference). That is, how does the documented local need, in the context of the size of the community, the size of the project and the regional need, justify the proposed size of the local preference for a given project? *Note, however, that in no event may a local preference exceed 70% of the (affordable) units in a Project*.

(3) Demonstrate that the proposed local preference will not have a disparate impact on protected classes (see e.g., the "Avoiding Potential Discriminatory Effects" section below).

b. Failure to Provide Supporting Documentation

A municipality must provide to the Developer the documentation required to support a local preference within 3 months of final issuance of the Comprehensive Permit. Failure to comply with

this requirement shall be deemed to demonstrate that there is not a need for a local preference and a local preference shall not be approved as part of any AFHMP or use restriction.

2. Approval

The Subsidizing Agency, and in the case of LAUs, DHCD as well as the municipality, must approve a local preference scheme as part of the AFHMP. Therefore, the nature and extent of local preferences should be approved by the Subsidizing Agency (or DHCD in the case of LAUs) prior to including such language in any zoning mechanism. Furthermore, a comprehensive permit shall only contain requirements or conditions relating to local preferences to the extent permitted by applicable law and this AFHMP policy.

(May 2013 Update: Clarification on what is required to establish the local preference set-aside.)

3. Local Preferences

a. Allowable Preference Categories

(1) Current residents: A household in which one or more members is living in the city or town at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.

(2) Municipal Employees: Employees of the municipality, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees.

(3) Employees of Local Businesses: Employees of businesses located in the municipality.

(4) Households with children attending the locality's schools, such as METCO students.

b. When determining the preference categories, the geographic boundaries of the local resident preference area may not be smaller than municipal boundaries.

c. **Durational requirements related to local preferences, that is, how long an applicant has lived in or worked in the residency preference area, are not permitted in any case**.

d. Preferences extended to local residents should also be made available not only to applicants who work in the preference area, but also to applicants who have been hired to work in the preference area, applicants who demonstrate that they expect to live in the preference area because of a bona fide offer of employment, and applicant households with children attending the locality's schools, such as METCO students.

e. A preference for households that work in the community must not discriminate (including have a disproportionate effect of exclusion) against persons with disabilities and elderly households in violation of fair housing laws.

f. Advertising should not have a discouraging effect on eligible applicants. As such, local residency preferences must not be advertised as they may discourage non-local potential applicants.

4. Avoiding Potential Discriminatory Effects

a. General.

The local selection preferences must not disproportionately delay or otherwise deny admission of non-local residents that are protected under state and federal civil rights laws. The AFHMP should demonstrate what efforts will be taken to prevent a disparate impact or discriminatory effect. For example, the community may move minority applicants into the local selection pool to ensure it reflects the racial/ethnic balance of the HUD defined Metropolitan Statistical Area ("MSA") as described below.[14] However, such a protective measure may not be sufficient as it is race/ethnicity specific; the AFHMP must address other classes of persons protected under fair housing laws who may be negatively affected by the local preference. For instance, a preference solely based on employment in the municipality may have a disparate impact on the elderly or some persons with disabilities. In such instance, an applicant residing in the community who is age 62 or older or is a person with a disability must be given the benefit of the employment preference.

b. Lottery Process

(1) To avoid discriminatory effects in violation of applicable fair housing laws, the following procedure should be followed unless an alternative method for avoiding disparate impact (such as lowering the original percentage for local preference as needed to reflect demographic statistics of the MSA) is approved by the Subsidizing Agency. If the project receives HUD financing, HUD standards must be followed.

(2) A lottery for projects including a local preference should have two applicant pools: a local preference pool and an open pool. After the application deadline has passed, the Developer should determine the number of local resident minority households there are in the municipality and the percentage of minorities in the local preference pool. If the percentage of minority local resident households in the local preference pool is less than the percentage of minorities in the surrounding HUD-defined area, the Developer should make the following adjustments to the local preference pool:

(a) The Developer should hold a preliminary lottery comprised of all minority applicants who did not qualify for the local preference pool, and rank the applicants in order of drawing.

(b) Minority applicants should then be added to the local preference pool in order of their rankings until the percentage of minority applicants in the local preference pool is equal to the percentage of minorities in the surrounding HUD-defined area.

(c) Applicants should be entered into all pools for which they qualify. For example, a local resident should be included in the local preference pool and the open pool.

(d) Minorities should be identified in accordance with the classifications established by HUD and the U.S. Census Bureau, which are the racial classifications: Black or African American; Asian; Native American or Alaska Native; Native Hawaiian or Pacific Islander; or other (not White); and the ethnic classification Hispanic or Latino.

[14] Note: This protective measure may not be dispositive with respect to discriminatory effects. For example, the non-local applicant pool may contain a disproportionately large percentage of minorities, and therefore adjusting the local preference pool to reflect demographics of the regional area may not sufficiently address the discriminatory effect that the local preference has on minority applicants. Therefore, characteristics of the non-local applicant pool should continually be evaluated.

POND VIEW COMMONS

MANAGEMENT PLAN

The project will be owner-managed by the Applicant, Pond View Commons, LLC.

Pond View Commons, LLC is an existing Massachusetts Limited Liability Company. A copy of the LLC's Certificate of Organization is attached hereto and a current Certificate of Good Standing is included at ***TAB D***.

A financial analysis of the project and its income, expenses, and reserves can be found at TAB A14 thru A18.

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August 3, 2022

Zoning Board of Appeals
Town of Lunenburg
c/o Lisa A. Normandin, Board Secretary
960 Massachusetts Avenue
Lunenburg, MA 01462

Re: Property – 318, 390, & 400 Howard Street, Lunenburg, Massachusetts
Project – Pond View Commons 40B
Owner – The Homes at Aro Estates, LLC
Applicant – Pond View Commons, LLC
List of Requested Waivers of Local Restrictions

Dear Chair and Zoning Board Members,

I have been retained to represent Pond View Commons, LLC ("Applicant"), in connection with its proposal to construct three multifamily residential buildings under the Massachusetts Comprehensive Permit Statute, Mass.Gen.Laws c. 40B, ss. 20-23 ("Project") within the Town's Outlying Zoning District on portions of the land known and numbered 318, 390, & 400 Howard Street, Lunenburg, Massachusetts, as further described in the plans and materials submitted to the Board ("Property"). In this context, I write this letter to provide the Board with a list of the waivers from local restrictions requested by the Applicant and that may be required from the Board to complete the Project as proposed.

I. Brief Project Background

Via the Project, Applicant seeks to create 200 premier apartment units within three new multifamily residential buildings, said buildings to be constructed in harmony with surrounding architectural design and scale and with an emphasis on preservation of natural surroundings.[1] Each new multifamily residential structure is proposed to comprise approximately 82,598 square

[1] Indeed, the Project has been carefully designed to be clustered upon a small portion of the 18.5-acre Property.

feet of living area, spread across four residential levels containing one-, two-, and three-bedroom apartment units. Specifically, Applicant proposes to develop 59 one-bedroom units, with an average unit size of 757 square feet, 117 two-bedroom units, with an average unit size of 1,110 square feet, and 24 three-bedroom units, with an average unit size of 1,333 square feet; 51 of the new units will be restricted as moderate-income affordable housing.[2] Applicant also proposes development of 402 surface parking spaces.

II. List of Anticipated Waiver Requests

1) Under Chapter 134 ("Demolition Delay By-Law"), §§ 2-4 of the Town By-Laws, it appears that where a structure is determined to be "Seventy-five years old or more", an application for demolition of such "significant building" shall result in a demolition delay of 540 days.

   A) It seems that at least one of the buildings on 400 Howard Street was constructed over 75 years ago. To the extent the Demolition Delay By-Law could be interpreted to impose a demolition delay related to the demolition of any structure(s) on the Property, Applicant requests a waiver from the requirements of the same.

2) Under Chapter 200 ("Sewer By-Law"), § 10 of the Town By-Laws, "No person shall extend or construct a sanitary sewer intended to be connected to a municipal common sewer to serve property, or any portion of a property, located outside the designated sewer service area." See also Chapter 320 ("Sewer Use Regulations"), § 2.1(A) of the Town By-Laws (providing, in pertinent part, "No property, or portion of a property, located outside the sewer service area shall be allowed to extend or construct a sanitary sewer"). See generally Sewer Use Regulations, § 2.1.

   A) The Property is apparently located outside of the Town's sewer service area. To the extent the Sewer By-Law and/or Sewer Use Regulations could be interpreted to prohibit or burden Applicant's connection of a sanitary sewer to the municipal common sewer, for purposes of providing sewer service to the Property, Applicant requests a waiver from the requirements of the same.

3) Under § 13 of the Lunenburg Water District Special Act (Senate Bill No. 67 of 1939) ("Water District Act"), "Upon petition in writing addressed to said [water] commissioners requesting that certain real estate, accurately described therein located in said town and abutting on said district be included within the limits thereof, and signed by the owners of such real estate, or a major portion of such real estate, said commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real

[2] The Project construction is proposed to be completed in three phases, over the course of three years.

estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate [already comprising the water district]."\

A) The Property is apparently located partly or entirely outside of the Town's water district. To the extent the Water District Act could be interpreted to disallow the Property's inclusion within the water district absent the above-referenced vote, Applicant requests a waiver from the requirements of the same.

4) Under Chapter 250 ("Zoning By-Law"), § 5.3(A)(1) of the Town By-Laws, the maximum building height in the Outlying Zoning District is 38 feet.

A) Via the Project, Applicant proposes to construct three structures, each of which will be 65 feet tall. To the extent the Zoning By-Law could be interpreted to prohibit such building heights, Applicant requests a waiver from the requirements of the same.[3]

5) Under §§ 3.4 & 5.1(E) of the current Zoning By-Law, as well as § 2.4 of Chapter 325 of the Town Code ("Subdivision Regulations"), there appears to be a general prohibition of construction of more than one building designed for dwelling purposes on a single lot, absent Planning Board approval.

A) Via the Project, Applicant proposes to construct three buildings designed for dwelling purposes on the two lots comprising the Project site. To the extent the Zoning By-Law could be interpreted to prohibit such construction, Applicant requests a waiver from the requirements of the same.

6) Under §§4.1(G) & 4.1(H)(3) of the current Zoning By-Law, it appears that multifamily structures may solely be permitted by Zoning Board special permit in the Outlying Zoning District. Additionally, it appears such structures are restricted to "not more than four dwelling units" per building.

A) Via the Project, Applicant proposes to construct three multifamily structures, each of which will contain more than four dwelling units per building. To the extent the Zoning By-Law could be interpreted to require a special permit for the Project and/or limit the number of units allowable within Applicant's proposed multifamily structures, Applicant requests a waiver from the requirements of the same.

7) Under § 6.4(C)(5)(k) of the current Zoning By-law, "Not more than two primary dwellings may maintain one common entrance and/or driveway."

[3] Please note, the applicable requirements of the Zoning By-Law are those which were in effect when Applicant's predecessor-in-interest filed its definitive subdivision plans with the Town Planning Board. Should the Zoning Board determine the applicable requirements to be otherwise, Applicant requests a waiver from the current front setback requirement of the Zoning By-Law. Applicant proposes a 57 foot front setback, where the previous front setback requirement was 60 feet and the current front setback requirement is 40 feet.

A) To the extent the Zoning By-Law could be interpreted so that Applicant's system of internal drives could be found insufficient to service all dwelling units proposed as part of the Project, Applicant requests a waiver from the requirements of the same.

8) To the extent §§ 6.4(C)(3)(e) & 6.6(O)(1) of the Zoning By-Law could be interpreted to require additional screening beyond that proposed by Applicant via the Project, Applicant requests a waiver from the requirements of the same.

9) To the extent § 6.6(O)(3) of the Zoning By-Law could be interpreted to prohibit any portion of the impervious surface coverage Applicant proposes within the front yard of the Property, Applicant requests a waiver from the requirements of the same.

10) To the extent § 6.6(O)(4) of the Zoning By-Law could be interpreted to impose a completion date upon the construction of the Project, Applicant requests a waiver from the requirements of the same.

11) To the extent any Town law or regulation applicable to the Project establishes any individual permitting process including, but not limited to, notice and hearing requirements, fee requirements, waiver requirements, and project security requirements, Applicant requests waivers from the requirements of the same. For examples, see Chapters 204, 230, 239, 325, & 335 of the Town By-Laws; the Town Sewer Extension Regulations; the Stretch Energy Code.

12) The Property and access and utility areas serving the Project are included within some or all of the following definitive subdivision plans (collectively the "Aro Estates Subdivision Plans"):
    a. Aro Estates 1 Definitive Subdivision Plan recorded in the Worcester Northern District Registry of Deeds ("Registry") at Plan Book 521, Plan 25;
    b. Aro Estates 2 Definitive Subdivision Plan recorded in the Registry at Plan Book 522, Plan 1;
    c. Aro Estates 3 Definitive Subdivision Plan recorded in the Registry at Plan Book 522, Plan 2;
    d. Aro Estates 4 Definitive Subdivision Plan recorded in the Registry at Plan Book 522, Plan 3;
    e. Aro Estates 5 Definitive Subdivision Plan recorded in the Registry at Plan Book 522, Plan 4;
    f. Aro Estates 6 Definitive Subdivision Plan recorded in the Registry at Plan Book 522, Plan 5;
    g. Aro Estates 7 Definitive Subdivision Plan recorded in the Registry at Plan Book 522, Plan 6; and
    h. Aro Estates 8 Definitive Subdivision Plan recorded in the Registry at Plan Book 521, Plan 23.
    i. Aro Estates 9 Definitive Subdivision Plan recorded in the Registry at Plan Book 521, Plan 24.

The Aro Estates Subdivision Plans were approved by decision of the Lunenburg Planning Board recorded in the Registry at Book 9390, Page 45 ("Aro Estates Subdivision Decision"). The Project includes a proposed amendment to the Aro Estates Subdivision Plans, revising certain lot lines and the layout of the subdivision ways as reflected in a proposed Preliminary Amended Subdivision Plan. The Applicant also requests a waiver of the following conditions of the Subdivision Decision:

A. General Condition 2, to the extent it suggests a prohibition against the construction or occupancy of multi-family residential buildings as proposed in the Project;
B. General Condition 3, to the extent it suggests a prohibition against the construction or occupancy of multi-family residential buildings as proposed in the Project;
C. General Conditions 4 through 15, inclusive;
D. General Conditions 18 and 19;
E. Specific Condition 20;
F. Specific Condition 24 through 26, inclusive;
G. Specific Condition 28.

Please accept this letter as the Applicant's proposed list of waivers. Thank you for your consideration.

Very truly yours,

JOHNSON & BORENSTEIN, LLC

Donald F. Borenstein
Donald Borenstein

DFB

Cc: Pond View Commons, LLC