

Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 3/7/2019 11:16:18 AM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
180742	DECISION		43265/74	07/12/2004	
Property-Street Address and/or Description					
63 CENTRAL, 21 IVY					
Grantors					
CENTRAL PLACE SENIOR LIVING LLC, NORTH READING TOWN OF					
Grantees					
References-Book/Pg Description Recorded Year					
48002/528 NOT 2006, 48002/530 AGR 2006, 50238/138 MOD 2007, 61809/520 CERT 2013					
Registered Land Certificate(s)-Cert# Book/Pg					

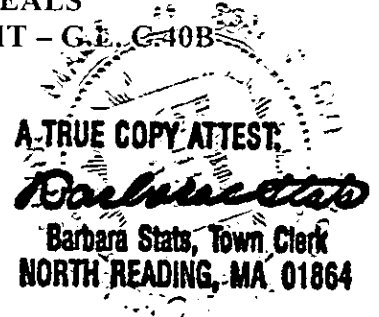
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TOWN OF NORTH READING ZONING BOARD OF APPEALS
DECISION ON APPLICATION FOR A COMPREHENSIVE PERMIT - G.L. C.40B

CENTRAL PLACE SENIOR LIVING, LLC



Bk: 43265 Pg: 74 Doc: DECIS
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A. BACKGROUND

Applicant:

Central Place Senior Living, LLC
100 George P. Hassett Drive
Medford, MA 02155

Property Owner:

Central Place Senior Living, LLC
100 George P. Hassett Drive
Medford, MA 02155

Public Hearing:

Pursuant to notice published in the North Reading Transcript on February 20, 2003 and February 27, 2003, the Zoning Board of Appeals ("Board" or "ZBA") opened the hearing March 6, 2003 and continued the hearing to May 1, 2003, June 5, 2003, June 19, 2003, July 7, 2003, August 8, 2003, September 18, 2003, October 16, 2003, November 6, 2003, November 20, 2003, December 4, 2003, January 8, 2004, January 22, 2004, and February 19, 2004; further hearings were held on July 2, 2003, July 9, 2003, July 23, 2003, August 20, 2003, August 27, 2003, September 10, 2003, and October 8, 2003 before a duly authorized subcommittee appointed by the Board to make recommendations to the Board regarding the application. The public hearing was closed on February 19, 2004. The deadline for the Board to take final action on the application was extended to April 16, 2004.

Decision Date:

April 16, 2004

The Premises:



A certain parcel of land located at 63 Central Street and 21 Ivy Street, Middlesex County, Massachusetts, also identified on the Town of North Reading Assessor's Map 35, Lot 41 and Map 42, Lots 23 and 78, all more particularly described as follows:

63 Central Street, owned by Central Place Senior Living, Recorded with Middlesex South Registry of Deeds, Book 37557, Page 490; 21 Ivy Street, owned by Central Place Senior Living, Recorded with Middlesex South Registry of Deeds, Document No. 1247018, Book 1262, Page 187, Cert.#226537; Rear Central Street (Map 42, Lot 23), owned by the Town of North Reading, Recorded with Middlesex South Registry of Deeds, Book 11584, Page 89 (See below, Finding #5 and Condition #5; and containing 4.4 acres of land, more or less ("the Site").

Fleming + Miranda
100 George P Hassett Dr
Medford, MA 02155

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NORTH READING, MASSACHUSETTS

A TRUE COPY ATTEST:

*Barbara Stats*Barbara Stats, Town Clerk
NORTH READING, MA 01864

The Project:

The Applicant seeks approval of the construction on the Site of twenty-six (26) condominium units in one building for persons sixty-two (62) years of age and older, including seven (7) condominium units intended to meet the definition of low and moderate income housing within the meaning of G.L. c. 40B, §20, and fifty-five (55) parking spaces ("the Project"). Originally, the Applicant proposed to construct thirty-six (36) condominium units, but modified the application during the course of the Board's proceedings to reduce the total number of units to twenty-six (26). The Applicant submitted the following plans and other documents to the Board in support of the Project:

1. Application by Central Place Senior Living, LLC filed with the Town Clerk on February 12, 2003.
2. Plans as listed in Section C, items a) through j) below, and including the Letter from MassHousing (MHFA) Housing Starts Program to Gregory J. Acqua, the Applicant's representative dated January 23, 2003.

B. FINDINGS

Following the public hearing and based upon all of the evidence submitted to the Board, the Board makes the following Findings:

1. The Applicant is a duly organized limited liability company and, provided profits are limited as required by G.L. c.40B, §21 and 760 CMR 30.02, is a limited dividend organization and thus, subject to Finding ¶3 below, has standing to seek a Comprehensive Permit under G.L. c.40B, §21 and 760 CMR 30.02.
2. The Applicant has received the preliminary approval of the Massachusetts Housing Finance Agency ("MassHousing") through the Housing Starts program ("Housing Starts") for financing of the Project and thus qualifies under G.L. c.40B, §21 and 760 CMR 30.02.
3. The Applicant has agreed to execute a Regulatory Agreement with its lender which agreement shall limit the Applicant's profit on the Project to no more than 20% and thus qualifies as a limited dividend organization under G.L. c.40B, §21 and 760 CMR 30.02.
4. As of the latest Subsidized Housing Inventory prepared by the Massachusetts Department of Housing and Community Development ("DHCD") 1.14% of the Town's housing units are qualified affordable housing units.
5. The Applicant has shown that it has sufficient interest in the Site to qualify for a comprehensive permit. This interest is demonstrated in the parcels of land identified as Assessor's Map 35, Lot 41 and Assessor's Map 42, Lot 78 by deeds indicating that the Applicant is the owner. While control of the parcel of land owned by the Town of North Reading and identified as Assessor's Map 42, Lot 23 is conditional on the transfer of the parcel from the Town of North Reading to the

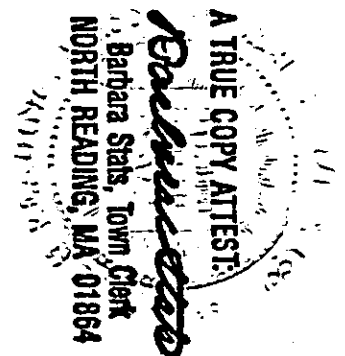
Applicant, the Board finds that upon such transfer, the Applicant will have sufficient interest in the entire Site.

- 6. The Applicant has agreed to limit occupancy of seven of the proposed condominium units to persons of low or moderate income as defined by the United States Department of Housing and Urban Development ("HUD") for the standard metropolitan statistical area ("SMSA") that includes the Town of North Reading. These seven units are the "Affordable Units."
- 7. The Project is located on less than five acres of land.
- 8. The Applicant has agreed to restrict occupancy in the Project to persons sixty-two (62) years of age or older.
- 9. Since the Project will utilize funds from Mass Housing the Project qualifies as a "state aided or federally aided housing development" under G.L. c.151B, §4, ¶6 and thus may be limited to occupancy by persons sixty-two (62) years of age or older, notwithstanding that it will be constructed on less than five acres of land.
- 10. The Affordable Units will add seven (7) affordable housing units to the Town's inventory of Subsidized Housing Inventory prepared by DHCD.
- 11. The Project, subject to the Conditions set forth below, is consistent with local needs.
- 12. The Applicant has agreed to the Conditions set forth below.

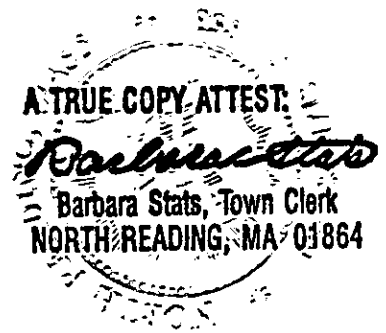
C. DECISION AND CONDITIONS

Based upon the above Findings and subject to the Conditions set forth below, the Board determines that the Project meets the requirements for a Comprehensive Permit under G.L. c. 40B. The Board therefore votes to grant the requested Comprehensive Permit for the construction and occupancy of twenty-six (26) condominium units in one building on the Site as described in the following plans and drawings prepared by Thomas E. Neve Associates and EGA Architects, as listed hereunder, which for purposes of this Comprehensive Permit shall be considered the "Approved Plans":

- a. Sheet 1 of 10 - Cover Sheet, dated 10/15/03
- b. Sheet 2 of 10 - Existing Site Plan, dated 10/15/03
- c. Sheet 3 of 10 - Site Plan dated 3/25/03, revised 10/03/03
- d. Sheet 4 of 10 - Exterior Renderings, dated 10/15/03
- e. Sheet 5 of 10 - Proposed Level One Floor Plan, dated 10/15/03
- f. Sheet 6 of 10 - Proposed Level Two Floor Plan, dated 10/15/03



- g. Sheet 7 of 10 - Proposed Roof Plan, dated 10/15/03
- h. Sheet 8 of 10 - Proposed Apartment Plans, dated 10/15/03
- i. Sheet 9 of 10 - Proposed Apartment Plans, dated 10/15/03
- j. Sheet 10 of 10 - Proposed Apartment Plans, dated 10/15/03



AFFORDABILITY AND REGULATORY CONDITIONS

1. Seven (7) of the twenty-six (26) units within the Project shall be "affordable" as defined below in Condition Number 2, below, and in M.G.L. c. 40B and the regulations promulgated thereunder ("the Affordable Units"). The Affordable Units shall be proportionally and evenly distributed in the Project and the quality of their construction shall be in compliance with the specifications set forth in the Approved Plans and these Conditions and shall not differ from any of the market rate units in the Project.
2. The Affordable Units shall be marketed and sold to eligible first-time homebuyers whose annual income may not exceed 80% of the SMSA median income, adjusted for household size, as determined by HUD. The occupancy of all of the condominium units, both market rate and affordable, shall be restricted to persons sixty-two (62) years of age and older and certain other eligible persons related to such person as provided in the Condominium Documents.
3. The seven (7) Affordable Units shall remain affordable for ninety-nine (99) years, or for as long as the Site and the Project are not in compliance with the Town of North Reading Zoning By-Law, whichever is longer.
4. Insofar as allowed under M.G.L. c. 40B and the regulations promulgated thereunder, with respect to the Affordable Units, the Applicant shall provide a preference category for North Reading residents, employees of the Town of North Reading, and for those persons who had resided in North Reading within two years immediately preceding their application for the Affordable Units. The Applicant shall coordinate the implementation of such program with the North Reading Housing Partnership Committee prior to the execution of any purchase and sale agreement for any unit in the Project.
5. The Comprehensive Permit is conditioned on the conveyance to the Applicant of that portion of the Site identified as Assessor's Map 42, Lot 23, which is currently owned by the Town of North Reading. The Board of Selectmen is proceeding to effectuate that conveyance. No building permit shall be issued until the conveyance is made.

Should the Town-owned land (Lot 23 on Assessor's Map 42) not be made available to the Applicant within 90 days from the issuance of this decision, under conditions mutually acceptable to the Applicant and the Town, then the Applicant will submit, as a modification to this permit, a revision to the plan entitled "Central Place, North

Reading MA, prepared for Central Place Senior Living, LLC”, dated 02/14/03, by EGA Architects, Newburyport MA”, so that there will be only 26 units, with no units located on the Town-owned parcel. The ZBA shall hold a public meeting on this modification within 30 days of such request. The ZBA review of this modification shall be limited to site plan issues. The ZBA will act upon such modified plan in an expeditious manner.

6. Prior to the sale of any Affordable Unit in the Project, the Applicant shall submit to the Board, subject to the approval by the Board and Town Counsel, the proposed form of the Deed Rider (“Deed Rider”) to be attached to and recorded with the Deed for each and every Affordable Unit. No unit in the Project may be sold until the Board and Town Counsel review and approve the Deed Rider. Town Counsel’s review shall be a review by a consultant to be paid by the Applicant. Each and every Deed Rider shall restrict occupancy and sale of the subject unit as provided for in this Comprehensive Permit.
7. Subject to the approval of the regulatory agency, MHFA, two (2) of the seven (7) Affordable Units shall be made available, at the affordable sales price, to the North Reading Housing Authority or its designee, provided that the North Reading Housing Authority has: (a) in writing notified the Applicant of its intention to purchase the unit, and (b) has obtained the funding necessary to acquire the unit within six months of the commencement of construction of the Project, and (c) closes on the unit within 30 days of the issuance of a certificate of occupancy or such other period as may be agreed to by the Applicant. In the event that the North Reading Housing Authority does not comply with the above, the Applicant shall not be obligated to convey the 2 units to the Housing Authority
8. A lottery system for the Affordable Units shall be conducted by the North Reading Housing Partnership Committee. The lottery shall incorporate the local preference criteria as permitted under law and per Condition No. 7, above. Applicant shall pay the reasonable costs associated with the lottery, including advertising and marketing costs.
9. Prior to the issuance of a building permit, the Applicant shall execute a Regulatory Agreement with its lender, and the Monitoring Agent. The Regulatory Agreement shall provide that the profit to the Applicant, its partners, shareholders, or other persons or entities having any ownership interest in the Applicant shall not exceed 20% (twenty per cent) of total development costs related to the Project, as further set forth in Condition No. 16, below. This amount is the “Allowable Profit.” The Regulatory Agreement shall be in a form acceptable to Town Counsel and in substance acceptable to the Monitoring Agent and the Board. The Regulatory Agreement, as approved and executed, shall be filed with the Board.
10. Prior to the issuance of a building permit, the Applicant shall execute a Monitoring Services Agreement with the Monitoring Agent. The Monitoring Services Agreement shall be subject to the approval of Town Counsel and the Board. The Monitoring Services Agreement, as approved and executed, shall be filed with the Board. Any monitoring fees associated with said Agreement shall be paid for by the Applicant.

Barbara, Stats Town, Clerk
 NORTH READING, MA 01864

Barbara

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11. The Monitoring Agent shall be, at the Applicant's option, CHAPA, MHFA, the North Reading Housing Authority, or another entity or agency, as approved by the Board, such approval not to be unreasonably withheld. Prior to the issuance of a building permit, the Applicant shall inform the Board as to the entity designated to be the Monitoring Agent.
12. This Comprehensive Permit shall be recorded at the Registry of Deeds at the Applicant's expense. The Applicant shall submit proof of such recording to the Board prior to the issuance of the building permit.
13. Prior to the issuance of any Certificate of Occupancy, the Applicant shall record the Master Deed, Declaration of Trust and By-Laws establishing the Central Place Condominium (the "Condominium Documents"). The Condominium Documents shall be subject to review by Town Counsel prior to recording with the Middlesex South Registry of Deeds. The Applicant's attorney shall submit to Town Counsel a certification that the Condominium Documents comply with the requirements of G.L. c. 183A, as amended. The Condominium Documents shall specifically require that that the Trustees shall be responsible for the maintenance and repair of the roadways serving the Site, the storm water management systems, the sewerage systems, and other common amenities and services, and any other applicable conditions, as set forth in this Comprehensive Permit. Reference to the Comprehensive Permit shall be incorporated into the Condominium Documents.
14. The Condominium Documents shall require that: (a) Each Affordable Unit shall be occupied by the owner, except for a unit owned by the North Reading Housing Authority under Condition 6, above; (b) Minor children shall not reside in the Project longer than four (4) months, absent family emergency or other good cause; and (c) At least one of the occupants of each unit in the Project shall be age sixty-two (62) years or older, as of the most recent birthday preceding application, except for periods of time not to exceed one year while the unit is being sold to another household meeting such age requirement upon the death or departure from the household of such age sixty-two (62) occupant/owner. This age restriction shall be in perpetuity for the maximum term allowed by law, but in any event no less than ninety-nine years. The Condominium Documents shall be recorded senior to any liens on the Premises to protect the enforceability of this restriction in the event of a foreclosure, bankruptcy, refinance or sale. This restriction shall survive termination of the Condominium.
15. The Applicant shall keep complete and accurate records pertaining to the Affordable Units. The Town, including the Board, shall have the right to inspect such records during reasonable business hours and upon reasonable notice.
16. At the request of the Monitoring Agent, the Applicant shall provide evidence that the Applicant continues to qualify as a limited dividend organization (including the requirement that the profit of the Applicant be limited to 20% of the total development costs of the Project, exclusive of development fees), including but not limited to any reasonable non-personal financial information provided for bank funding, and to verify whether the expenses of the Project, including, but not limited

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to, land acquisition costs, landscaping costs, and other expenses represent reasonable industry standard costs for such items, with particular attention to those arrangements between parties with overlapping ownership interests to the Applicant. Allowable land cost if land is purchased from a related party shall not exceed the consideration paid by the related party plus reasonable carrying costs such as taxes and insurance. The Regulatory Agreement and the Monitoring Services Agreement shall provide that costs paid by the Applicant to parties with such overlapping ownership interests shall be deemed development fees if they are in excess of reasonable industry standards in the Boston SMSA (Standard Metropolitan Statistical Area).

CONSTRUCTION-RELATED CONDITIONS

- 17. The Project shall be constructed in accordance with the Approved Plans.
- 18. Prior to the issuance of the building permit, the Applicant shall submit final plans and construction drawings to the Town of North Reading Building Inspector, subject to the Building Inspector's approval, which shall be granted if the plans and construction drawings comply with the State Building Code.
- 19. All final plans and construction drawings shall comply with State Stormwater Management Standards, State Title V, and the State Wetlands Protection Law.
- 20. Minor changes to the Approved Plans (that is, changes that do not affect the location, or increase the height or massing of the building, or increase the number of units contained in the building or to the other Site improvements) shall be submitted to the Building Inspector, who shall have the authority to determine if such changes are material and if the Building Inspector determines them to be not material, to approve such changes as immaterial. The Town's Building Inspector shall make such determination regarding the materiality of any proposed changes within fifteen (15) days of when the proposed changes are submitted the Inspector If the Building Inspector determines that the proposed changes are material, such changes shall then be submitted to the Board for consideration as provided for in 760 CMR 31.03(3).
- 21. Any changes to the location of the building on the Site, increase in the height or massing of the building, increase or decrease in the number of units, or increase or decrease in other Site improvements, as shown on the Approved Plans, shall be submitted to the Board for review as provided for in 760 CMR 31.03(3).
- 22. Any material departure from the Project approved by this Decision shall require an amendment to this Comprehensive Permit to be acted upon through the same procedures as if for a new Comprehensive Permit, unless the Board determines that the nature and location of the departure is not material.
- 23. Prior to the issuance of a building permit, the Applicant shall consult with the Town's Planning Administrator concerning the materials to be used on the exterior of the building.

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- 24. Prior to the issuance of any Certificate of Occupancy, the Applicant shall inform the Town's Building Inspector as to the identification of the Affordable Units.
- 25. Prior to the commencement of any construction activities on the Site, including but not limited to tree removal excavating or filling, or import or export of earth materials to or from the Site, the Applicant shall have complied with the following:

- a. Obtained and filed with the Board a copy of a written technical review from the Town's Director of Public Works regarding the Applicant's construction plans and engineering details to tie into the North Reading public water distribution system and storm water drainage system and from the Town's Health Agent regarding the Applicant's plans for an on-Site private septic system; provided however, that under 760 CMR 31.09(3), upon presentation of this Comprehensive Permit and the construction plans and engineering details, the Town's Director of Public Works and the Health Agent shall issue all necessary permits and approvals after reviewing such plans and details only for the purpose of determining that they are consistent with the Comprehensive Permit and applicable state and federal codes;

- b. Obtained and filed with the Town's Building Inspector a copy of an Order of Conditions or Negative Determination under the State Wetlands Protections Act, regarding any portion of the Site or any aspect of the Project subject to the State Wetlands Protection Act. This condition allows the Applicant to rely on compliance with the State Wetlands Protection Act and applicable state regulations in place of obtaining an Order of Conditions under the Town's Wetlands Protection Bylaw.

- 26. Prior to the issuance of any Certificate of Occupancy, the Applicant shall complete implementation of all traffic mitigation measures identified in the traffic study conducted by Dermot J. Kelly Associates, Inc., dated March 29, 2000 and revised and updated January 23, 2003. Such traffic mitigation shall include a stop sign at the egress from the Site to Central Street.
- 27. The access to Taylor Road shall be for emergency purposes only. The Applicant shall install removable bollards to prevent non-emergency access. The type and location of the bollards shall be subject to the approval of the Town's Fire Chief.
- 28. The entire building, including the garage and other non-living space, shall be equipped with automatic fire suppression systems, subject to the approval of the Town's Fire Chief.
- 29. The type and model of the fire alarm system and the location of the fire hydrants are subject to the approval of the Town's Fire Chief. The Applicant shall provide adequate water pressure to support the sprinkler system. The sprinkler system and other automatic suppression systems shall be subject to the approval of the Town's Fire Chief.
- 30. Emergency medical access, including the size of the elevator, shall be included in the final building designs, and shall be subject to the approval of the Town's Fire Chief.

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- 31. In the event that public shade trees will be removed from the Site, the Applicant shall comply with all orders regarding such removal. Prior to the issuance of a building permit, the Applicant shall pay the Town \$1000 (one thousand dollars) for tree replacement, which, in the Town's discretion, may be used for tree replacement on either the Site or Town-owned property.
- 32. All exterior lighting on the Site shall be designed and installed to prevent any glare or spillover of light onto any adjacent property.
- 33. All construction shall be in accordance with all applicable federal and state laws, rules and regulations. To the extent that the Applicant has not applied for and/or the Board has not granted any waiver from local laws, rules and regulations, such local rules shall apply.
- 34. One sign, in compliance with the North Reading Zoning Bylaw regarding signs in the Residence A Zoning District, shall be allowed at the entrance to the Site.
- 35. The Applicant shall construct a walking path along the entire frontage of the Site along Central Street southerly to Route 62, Park Street. The Town shall secure all needed easements and permits. The Town, through the Board of Selectmen or other entity designated by the Board of Selectmen, has the option to decide at which side of Central Street the walking path will be located. If the Board of Selectmen or other designated entity chooses, instead of constructing the walking path, the Applicant may make a payment to the Town "sidewalk fund." The amount of such contribution is to be determined by the Town Engineer in consultation with the Applicant and based upon the reasonable cost for the construction of the walking path but not to exceed Fifteen Thousand Dollars (\$15,000.00.).
- 36. The water main from Central Street to the Site and the Project shall be "looped"/connected to the water supply on Taylor Road. The Applicant shall make any necessary repairs to Taylor Road related to this "looping". The Town's Engineer shall determine what repairs are necessary but shall not require the Applicant to substantially upgrade the road from the present conditions.
- 37. The Condominium Documents shall provide that the Condominium Association shall be responsible for the maintenance of the storm water management system for the Site and the Project. On September 1 of each year following the issuance of the Certificate of Occupancy, the Condominium Association shall provide the Town's Engineer with a written report regarding proof of such maintenance. Prior to the organization of the Condominium Association, the Applicant shall have the responsibility for such report.
- 38. All dumpsters shall be located as shown on the Approved Plans and shall be enclosed and covered. The Condominium Documents shall provide that trash collection shall be the responsibility of the Condominium Association and shall not be the responsibility of the Town of North Reading. Prior to the issuance of a building permit, a schedule for trash pickup and removal shall be agreed upon by the Applicant and the Building Inspector and shall be incorporated into the

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Condominium Documents. Prior to the organization of the Condominium Association, the Applicant shall have the responsibility for such trash pickup and removal.

- 39. All roads on the Site shall remain private ways. The Condominium Documents for the Condominium shall provide that maintenance, including upkeep, repair, sanding, snow removal and the like, of all roads on the Site shall be the responsibility of the Condominium Association and shall not be the responsibility of the Town of North Reading. Prior to the organization of the Condominium Association, the Applicant shall have the responsibility for such maintenance.
- 40. Prior to the issuance of any occupancy permit, the Applicant shall repair up to two catch basins in Central St. as specified by the Town of North Reading Engineer to address drainage and safety issues.
- 41. The hours of operation for any construction activities on the Site shall be between 7:00 a.m. and 5:00 p.m., Monday thru Saturdays. Non-noise producing construction activities shall be allowed on Sundays and on Holidays as recognized by the Commonwealth of Massachusetts.
- 42. The Applicant shall ensure safe and convenient vehicular access to the Site during the entire duration of construction. The Board and its representatives shall be permitted access to the Site to observe and inspect the Site and construction progress until such time as the Project has been completed.
- 43. During the course of construction, the Applicant shall submit to the Board periodic Construction Progress Reports prepared and certified by a licensed professional engineer evidencing compliance with the Approved Plans.
- 44. Within sixty (60) days of the issuance of any Certificate of Occupancy, the Applicant shall submit as-built building and floor plans to the Building Inspector.
- 45. The Applicant shall not sell or convey the final four (4) units within the Project until the construction of all infrastructure, ways, utilities, and landscaping has been completed in accordance with the terms of this Permit (the "Final Completion").

46. Notwithstanding anything to the contrary contained herein, the Applicant may secure completion of the Final Completion by one, or, in part by one and in part by another of the methods similar to those described in G.L. Chapter 41, Section 81-U, so long as such security is sufficient in the opinion of the ZBA to secure complete performance of the construction and installation in compliance with the Approved Plans.

47. Prior to the issuance of any Certificate of Occupancy, the Applicant shall deliver to the Board of Health a copy of the maintenance contract for the septic system and a copy of the condominium budget showing line items for the cost of the contract as well as the establishment of a condominium reserve fund.

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 Barbara Stals, Town Clerk
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GENERAL CONDITIONS

- 48. The ZBA recommends that the Board of Selectmen approve the transfer of a parcel of land adjacent to the Site, which parcel is identified as Lot 23 on Assessor's Map 42, and that that parcel become part of the Project. If such transfer does not occur, the Project will be subject to the second paragraph of Condition 5, above.
- 49. This permit shall expire, if the Applicant has not, for whatever cause, commenced construction on the Project within three years of the date this decision becomes final. The decision is deemed to have become final upon the expiration of the appeal period with no appeal having been filed, or upon the final decision following the filing of any appeal, whichever is later.
- 50. The Board reserves the right, insofar as consistent with state law, to further review and amend this decision based upon any information that comes before the Board as a result of Applicant's future need to acquire permits from any local, state or Federal authority.
- 51. The Applicant or its successors shall pay, in perpetuity, any fees imposed for the purpose of monitoring the compliance of the Project's construction and occupancy, provided, however, that the monitoring and the fees charged therefore shall be consistent with the monitoring and fees for similarly sized municipalities in Middlesex County, Massachusetts.
- 52. This Comprehensive Permit shall issue to Central Place Senior Living LLC and shall not be transferable, except in accordance with the provisions of M.G.L. c. 40B.
- 53. The provisions of this Comprehensive Permit shall be binding upon the successors and assigns of the Applicant, and the obligations hereunder shall run with the land. In the event that the Applicant sells, transfers, or assigns any of its interest in the Project, this Comprehensive Permit shall be binding upon the purchaser, transferee or assignee, and any such sale, transfer or assignment shall be subject to the prior approval of the Board, which approval shall not be unreasonably withheld or delayed.

54. PRIOR TO OBTAINING A BUILDING PERMIT, THE APPLICANT SHALL PAY ALL LEGAL EXPENSES INCURRED BY THE TOWN IN RELATION TO THE REVIEW OF THE PROJECT AND DRAFTING OF THE DECISION. ~~TO OBTAINING A BUILDING PERMIT~~

D. WAIVERS

The Board hereby grants the following waivers from the North Reading Zoning By-Laws and Regulations:

1. Relief from Local Zoning Bylaws Granted:

By-Law vs. Proposed Values Relating to Project in the Residence A District

By-Law Section

Use

Limit

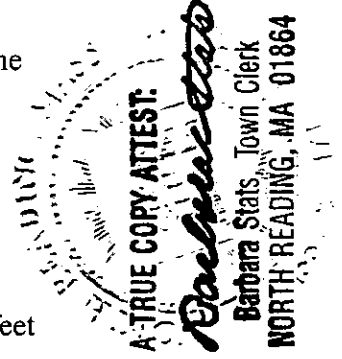
Proposed

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Granted as
Proposed

Article VIII ~ 200-35	multi-family dwelling containing 4 or more dwelling units	4	26
~ 200-36 (B)(6)	storage of a commercial vehicle in an RA district	0	1
~ 200 sketch "A"	parking space dimension	10' x 20'	9' x 18'
~200-90(H)	landscaping between parking rows		none
Table of Dimensional and Density Regulations:			
	minimum rear yard Setback	50 feet	25 feet



Note:

This table reflects sections of the local Zoning Bylaw from which the applicant has been granted relief. The applicant is not required to file under any other local regulation or General Bylaw, Board of Health regulation or Conservation Commission General Wetland Bylaw or regulations.

2. Relief From Local Board of Health Regulations Granted:

- a. The subsurface sewage leaching system will not be greater than 100 feet from a wetland resource area as required by local BOH regulation adopted 10/2/75. (The system will be greater than 50 feet from a resource area per the Wetlands Protection Act.)
- b. Waivers in the minimum setback requirements from a leaching facility and septic tank to the items shown are granted:

<u>Item</u>	<u>Setback Distance by BOH Regulation</u>	<u>Setback Distance Proposed</u>
Drains	75 feet	10 feet
Catch Basins	100 feet	10 feet
Wetland Resource Areas	75 feet	50 feet

3. Relief from Town of North Reading General Wetlands Protection 16.0 and Rules and Regulations of the North Reading Conservation Commission Granted:

- a. The land within 100' of a wetland will not be considered a resource area under the General Wetland Protection Bylaw.
- b. The entry driveway will be within the 12-foot setback area required in Section 4.7(e) of the Regulations.
- c. The entrance driveway will render more than 22% of the buffer zone impervious.
- d. The project will alter more than 75% of the land within 100' of a resource area in order to construct a small portion of the building, driveways, parking lots and detention ponds, and to install utilities.

4. Relief from Planning Board Rules and Regulations Granted:

- a. Site Plan Review and Approval under Article XVII, all paragraphs, of the Zoning Bylaw.

RECORD OF VOTE

I vote to grant the Comprehensive Permit to Central Place Senior Living, LLC, subject to the above Findings and Conditions:

DATE: 4/15/04

TOWN OF NORTH READING
ZONING BOARD OF APPEALS

Vote to Grant:

Paul Deary
Joseph T. Hayes
Joseph Mungby

Barbara Stats
 Attest. Middlesex S. Register

CERTIFICATION

DATE May 7, 2004

I, Barbara Stats Town Clerk of the Town of North Reading, Massachusetts, do hereby certify that twenty days have elapsed since the above-referenced decision of the Board of Appeals which was filed in the office of the Town Clerk on 4/16/04 and no appeal has been filed in the office of the Town Clerk.

218601/nread/0208

Barbara Stats

BARBARA STATS
 Town Clerk
 North Reading, MA

Book _____
 Page _____

