



Town of Lexington

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May 9, 1975

Miss Mary R. McDonough
Town Clerk
Lexington, Massachusetts

Re: Planning Office for Urban Affairs (St. Brigid's housing)

(Comprehensive Permit issued pursuant to Massachusetts
G.L. c. 40B, SS 20-23.)

Dear Miss McDonough:

Attached is the original Board of Appeals Comprehensive Permit granted to The Planning Office for Urban Affairs for the construction of sixteen town-house type dwelling units on property located at 56 to 60 Worthen Road, Lexington.

Very truly yours,

Evelyn F. Cole

Evelyn F. Cole, Clerk
BOARD OF APPEALS



COMPREHENSIVE PERMIT ISSUED PURSUANT TO
MASS. G. L. c. 40B, SS 20-23

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The Planning Office for Urban Affairs on July 3, 1973 submitted to the Lexington Board of Appeals its application for a comprehensive permit under the provisions of Chapter 40B, Sections 20-23, for the construction of sixteen town-house type dwelling units upon approximately 97,801 square feet of land located at 56 to 60 Worthen Road, said land being the northwesterly portion of Lot 9A on Map 57 of the Property Map of the Town of Lexington. Construction of this housing was proposed to be financed by the Massachusetts Housing Finance Agency and it is intended that the dwelling units will be made available to persons of low and moderate income, without regard to age, eligible for federal or state subsidy programs. After public hearing on July 31, 1973 and continued on August 7, 1973 the Lexington Board of Appeals denied the petition. This decision was appealed to the Housing Appeals Committee by the Planning Office for Urban Affairs, Inc. On November 6, 1973 a public hearing was held by the Housing Appeals Committee. On August 29, 1974 the Housing Appeals Committee overturned the decision of the Lexington Board of Appeals. Subsequent to the decision of the Housing Appeals Committee, the case was appealed to the Superior Court by the Lexington Board of Appeals. The Housing Appeals Committee decision was upheld by the Superior Court on February 27, 1975, Raymond R. Cross, Justice of the Superior Court, with the following order for judgment:

"Decision affirmed."

In accordance with the order of the Housing Appeals Committee to the Department of Community Affairs, Lexington Board of Appeals hereby issues to the Planning Office for Urban Affairs the comprehensive permit for which it applied, subject to the following conditions:

- (1) Construction shall comply with the provisions of the Massachusetts State Building Code and except as varied by the terms of this permit in accordance with all local applicable rules, regulations and requirements.
- (2) No construction shall commence until detailed construction plans and specifications, substantially in accordance with the preliminary plans submitted to the Housing Appeals Committee, shall have been approved by the Massachusetts Housing Finance Agency and until said agency has granted a construction mortgage loan for the construction of the project. Construction must begin within one year from date.
- (3) Construction plans shall be reviewed and compliance inspections shall be carried out by local officials in the usual manner. In the event that disagreement between the builder and local officials arises, certification by the Department of Community Affairs, if requested, shall be adequate proof of compliance with any requirement under the comprehensive permit.
- (4) Construction shall be in accordance with a certificate of appropriateness granted by the Lexington Historic Districts Commission and dated October 30, 1974, Certificate No. 74 C-43.
- (5) If anything in this permit would seem to permit the building or operation of the project in accordance with standards less safe than the applicable building and site plan requirements of the MHFA the standards of such agency shall control.
- (6) In the event that the Massachusetts Housing Finance Agency shall require that a new corporation be created to serve as mortgagor, this comprehensive permit shall be transferred, without further charge

COMPREHENSIVE PERMIT ISSUED PURSUANT TO MASS. G. L. c. 40B, SS 20-23

to Planning Office for Urban Affairs (continued)

and upon presentation of written notice to this effect by the appellant to the Lexington Board of Appeals, of such a new non-profit corporation, provided that a majority of the officers and directors of trustees of said corporation are officers and/or directors of the Planning Office for Urban Affairs, Inc.

(7) Prior to final financial commitment, the Massachusetts Housing Finance Agency shall, as part of its project review, comply with the requirements of the Massachusetts Environmental Policy Act, General Laws, Chapter 30, subsections 61-62.

(8) The appellant shall grant a conservation easement, which shall be reviewed and approved by the Conservation Commission and Town Counsel to assure that the pine grove abutting the proposed development is preserved in its natural state and not built upon.

LEXINGTON BOARD OF APPEALS

Donald E. Nickerson
James P. Waterhouse
Ruthie Wang
Woodruff M. Broadhead
John M. Gandy

Date signed: May 8, 1975

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