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TOWN OF SUDBURY

Board of Appeals

Filing Date: May 20, 2002

Sudbury, Massachusetts 01776

NOTICE OF DECISION  
COMPREHENSIVE PERMIT  
CARRIAGE LANE LLC  
717 and 729 BOSTON POST ROAD  
SUDBURY, MA  
ZONING BOARD OF APPEALS CASE 02-1  
MAY 14, 2002

02 MAY 20 PM 2:04  
LOVIN LIEFER  
SUDBURY, MASS

I. Background

The Sudbury Zoning Board of Appeals (the "Board") received application for a Comprehensive Permit under Massachusetts General Laws Chapter 40B, Sections 20-23, from Carriage Lane, LLC/Alan J. Marrone (the "Applicant") on November 14, 2002 to construct a 16 unit condominium development, including four (4) affordable units, on a 2.43 acre parcel of land located at 717 and 729 Boston Post Road. Said property is within a C-Residential Zoning District and Zone III of the Water Resource Protection District, and is identified as parcels 201 and 225 on Town Assessor's Map K05. The parcels are owned by Richard J. and Deborah J. Babineau, and Alan J. and Linda P. Marrone, respectively, and are the subject of purchase and sale agreements with the Applicant.

Lot 27

BL 587  
P. 19

Lot 1

BL 542  
P. 189

The Board conducted a site visit of the property on January 12, 2002 and convened the public hearing on this application on January 8, 2002. The public hearing was continued to January 29, 2002, February 28, 2002, March 18, 2002 and April 30, 2002.

Sitting as members of the Board and present throughout the hearing were Mark A. Kablack, Chairman, Patrick J. Delaney, III, Clerk, Thomas W.H. Phelps, Lauren S. O'Brien; Melinda M. Berman, Alternate.

In reviewing the application of Carriage Lane LLC as well as evidence presented in written or oral form by citizens and Town Boards during the course of the public hearing, the Board has determined that the Town of Sudbury does not meet the specific statutory criteria for availability of low and moderate income housing as those units currently in existence constitute less than 10% of the housing units in the Town and are on sites which comprise less than 1.5% of the total land area of the Town which is zoned for residential, commercial or industrial use excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision

02-0007

OK Ed Williams phone  
206516-1162-166 (Lot 27) Marrone  
222191-1241-41 (Lot 1) Babineau

thereof. The Board has further determined that the allowance of this application will not result in the commencement of construction of low or moderate income housing units on a site comprising more than 0.3% of the area of land zoned for residential, commercial or industrial uses in Sudbury in a single calendar year excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof. The Board also finds that the development as proposed in the application, as modified during subsequent sessions of the public hearing and as modified by the attached conditions is consistent with local needs within the meaning of Massachusetts General Laws, Chapter 40B, Sections 20-23 and that it is consistent with the character of the Zoning district. Finally, the Board notes that the applicant has presented evidence of agreement to purchase the site as well as preliminary site approval by the Massachusetts Housing Finance Agency, Project Eligibility Letter dated October 3, 2001.

Therefore, the Board finds that there is compelling evidence to support the granting of a Comprehensive Permit to enable the construction of the development described during the public hearing and known as Carriage Lane, subject to the following conditions.

II. Application Details

This approval is based on the following Plans, reports and information submitted to the Board prior to and during the public hearing, and with the benefits of modifications required under this decision:

1. Plan prepared by Sudbury Design Group entitled "Carriage Lane Residences", dated 2/12/2002, revised 3/13/2002 and 4/30/02, consisting of 10 sheets - Cover Sheet: Sheet 1, Site Plan: Sheets 2 and 3, Planting Plan; Sheet 4, Lighting Plan; Sheet 5, Cross Sections; Sheet D1, D2, D3, Detail Sheets; Sheet A-1, Architect Plans ;
2. Plan prepared by Sullivan, Connors & Associates entitled "Carriage Lane in Sudbury, MA", dated June 21, 2001, revised 12/18/2001, 1/4/2002, 2/22/2002, 3/14/2002, and 3/18/02 consisting of 4 sheets - Sheet 1 of 4, Locus/Cover Sheet; Sheet 2 of 4, Plan of Land; Sheet 3 of 4, Profiles of Carriage Lane; Sheet 4 of 4, Construction Details.
3. Application for Comprehensive Permit w/supporting documents dated 11/14/2001
4. Abutters list
5. Design Calculations, prepared by Connorstone received by Town Clerk 12/26/01 including Proposed Drainage Map prepared by Sullivan, Connors and Associates, dated 6/21/01, revised 12/18/01
6. Letter from Town Counsel to Lauren O'Brien dated 6/7/01
7. Letter from State Ethics Commission to Town Counsel dated 6/11/01
8. Letter to Selectmen from Fire Chief dated 5/2/2001
9. Memo from ZBA to Town Boards/Depts. requesting input dated 12/10/2001
10. Letter from Assistant Building Inspector dated 12/31/01
11. Letter from Fire Chief dated 12/14/01

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12. Memo from ZBA to Town Boards/Departments dated 12/27/01
13. Traffic Study prepared by Conley Associates dated 12/10/2001
14. Memo from Safety Officer dated 1/3/2002
15. Letter from Town Engineer dated 1/3/2002
16. Letter from Town Manager w/enclosures dated 1/3/2002
17. Letter from Conservation Coordinator dated 1/3/2002
18. Memo from Town Planner dated 1/3/2002
19. Memo from Health Director dated 1/4/2002
20. Exceptions to Zoning Bylaw (undated) received from applicant
21. Letter from Martin and Danielle Bodley dated 1/29/2002
22. Public Hearing Notice 1/8/2002
23. Extension Agreement submitted by applicant signed 10/23/01
24. Notice of Site Walk scheduled for 1/12/2002
25. Memo from Fire Chief dated 1/14/2002
26. Memo from ZBA to Safety Officer requesting traffic info dated 1/14/2002
27. Letter from ZBA to MHFA dated 1/14/2002
28. Letter from Anne McCabe dated 1/9/2002
29. Record of verbal communication from Safety Officer 1/28/02
30. Letter from MHFA dated 1/28/2002
31. Letter to David Wallace from Assistant Assessor dated 1/28/2002
32. Public Hearing Continuation Notice 1/29/2002
33. Memo from Town Planner w/enclosures dated 2/19/2002
34. Supplemental Information prepared by Sullivan, Connors & Associates dated 2/2002
35. FAX from David Wallace dated 2/28/02
36. Public Hearing Continuation Notice 2/28/02
37. Memo from ZBA to Town Boards/Depts dated 3/5/2002
38. Letter from Ann McCabe dated 3/5/2002
39. Memo from Health Director dated 3/5/2002
40. Memo from Assistant Building Inspector dated 3/11/2002
41. Memo from Safety Officer dated 3/13/2002
42. Memo from Town Manager dated 3/13/2002
43. Memo from Town Engineer dated 3/13/2002
44. Memo from Town Planner dated 3/13/2002
45. FAX of Requested Waivers from David Wallace transmitted 3/14/02
46. FAX from Sudbury Design Group transmittal 3/14/02
47. Light Comparison Study for Carriage Lane prepared by Sudbury Design Group received by Town Clerk on 3/14/02
48. Memo from Design Review Board dated 3/18/2002
49. Deed Rider/Regulatory Agreement/Monitoring Services Agreement forms submitted on 3/18/02 by applicant
50. Public Hearing Continuation Notice 3/18/2002
51. Email from Conservation Commission dated 3/22/2002

- 52. Letter from Town Engineer dated 3/27/2002
- 53. Memo from ZBA to Assistant Building Inspector dated 3/27/2002
- 54. Letters from ZBA to Health Director, DRB and Conservation Commission dated 4/2/2002
- 55. Public Hearing Continuation Notice 4/30/02
- 56. Revised earth removal calculations from Sullivan, Connors & Associates dated April 2, 2002

III. Waivers

The Board hereby waives the following local bylaws and regulations in approving this project. It is noted that under Chapter 40B, Sections 20-23, local zoning regulations need not be complied with.

A. Zoning Bylaw, Article IX of the Sudbury Bylaws

Section 2230, Principal Use Regulations

Attached housing is not a permitted use in a C-Residential Zoning District

Section 2600, Dimensional Requirements

- Side yard setback less than 20 feet
- Front yard setback less than 35 feet
- Street centerline setback less than 65 feet
- Rear yard setback less than 30 feet

Section 3145, Design Requirements for Parking Facilities

20 foot interior driveway width requested to be waived to 18 feet

Section 3310, Common Driveways

Request permission for common driveway to serve 16 dwellings, no more than 2 dwellings is permitted

Section 3280, Signs in Residential Districts

Request the display area of the entrance sign be permitted at 22.9 square feet, maximum display area permitted is 10 square feet

B. Planning Board Rules and Regulations Governing the Subdivision of Land

Section V.B.2.g, Street and Roadway Design, Alignment and Width

New subdivision streets shall be offset from an existing public or private way on the same side of the street by a minimum distance of 360 feet. This proposal attains a 250 foot separation.

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Section V.B.3.c, Road Grade

The approach to an intersection shall be provided with a leveling area at a grade of no greater than 2% for a distance of at least 50 feet. The proposed driveway will be at a 2% grade for a distance of 30 feet.

Section VI.D.1, Road Construction Specifications

Public ways in the town shall be constructed with a paved surface of at least 3 inches of bituminous pavement. The proposed private driveway is 2 ½ inches thick.

C. Rules and Regulations Governing the Subsurface Disposal of Sewerage

Section III.A requires a distance of 12 feet between leaching trenches. Applicant is requesting a 6 foot separation which is the required distance of a pressure dosed system.

Section V prohibits the use of pumps without a variance from the Board of Health. The Applicant is requesting to install a pressure dosed system, which requires a pump.

Section IX prohibits the installation of retaining walls without a variance from the Board of Health, although Title V allows retaining walls by right. The applicant may need to install retaining walls, however final septic design plans have not been completed.

D. Removal of Earth, Article V(A) of the Sudbury Bylaws

IV. General Conditions

1. This permit, through completion of construction, issuance of a Certificate of Occupancy, and sale of all 16 units to third party buyers, shall run to the Applicant and shall not be assignable or transferable without approval of this Board.
2. This permit shall become void if Applicant does not proceed with the development as approved herein.
3. This permit approves the construction of 16 units of attached residential housing in 5 buildings, with associated accessory structures, facilities, construction and landscaping as identified in the Plan. Four (4) units shall be reserved in perpetuity for sale and occupancy by low or moderate income residents at established rates pursuant to the Massachusetts Housing Finance Agency's Housing Starts Program. Any substantial deviations, as determined by the Board, from the approved Plan, including but not limited to changes in the building sizes, number of units per building, exterior façade, roadway and infrastructure locations or design specifications, lighting or screening, shall require approval of the Board. It shall be the decision of the Board whether such modification requires a public hearing.
4. Construction of the development shall be in conformance with the Plans as identified herein, with modifications as required by this decision.

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5. All units shall be numbered and the four (4) affordable units shall be identified on the Plan, as discussed at the public hearing.
6. All four (4) affordable units shall have the same amenities and design as the market-rate units.
7. A crosswalk on Route 20 in the vicinity of the eastern-most emergency access into the development shall be installed by the Applicant. A handicap ramp onto the existing walkway on the north side of Route 20 shall also be required.
8. Town water shall be extended to serve the development. Installation of water mains and hydrants shall be under the direction of the Sudbury Water District and the Sudbury Fire Chief. No drinking water wells shall be permitted.
9. Board of Health pursuant to Title V approval shall be obtained for construction of the wastewater disposal system.
10. All utilities serving this development shall be installed underground, including any extensions from existing lines or poles external to the subject property. All existing overhead utilities and poles located on the premises shall be removed and replaced with underground service.
11. Stormwater management shall be constructed as shown on the Plan.
12. Any underground irrigation system installed in this development shall comply with the Town Bylaw regulating in-ground irrigation systems.
13. All parking spaces shall be constructed in compliance with the minimum dimensions for parking spaces of the Town of Sudbury Zoning Bylaw.
14. The shoulders of Route 20 in front of the development shall be loamed and seeded after construction.
15. Air conditioning units located in the rear of the units shall be surrounded by low fencing and shrubbery to mitigate noise.
16. The applicant shall be permitted to remove approximately 1700 cubic yards incidental to the construction of the residential buildings, the construction of the wastewater disposal system, and the construction of the roadway and drainage system. Hours of operation for earth removal shall be 9:00 am - 3:30 pm, Monday through Friday; no Saturday or Sunday hauling. The truck route from the site shall be limited to the major streets of the Town of Sudbury. Trucks shall avoid using residential side streets. Appropriate measures shall be taken to prevent the tracking of material onto any public way. Such measures shall include the installation of a stone apron at the entrance to the site. Appropriate measures shall be taken to stabilize the soil on outgoing trucks via the use of covers.
17. Exterior construction activities shall be confined to between the hours of 7:00 am and 6:00 pm, Monday through Friday and between the hours of 9:00 am and 6:00 pm on Saturday.
18. Demolition of existing structures shall be confined to between the hours of 9:00 am and 3:30 pm, Monday through Friday; no Saturday or Sunday demolition. Trucks carrying demolition materials from the site shall be limited to using the major streets of the Town

- of Sudbury. Trucks shall avoid using residential side streets. Appropriate measures shall be taken to keep dust and noise of demolition to a minimum.
19. There shall be no disturbance/demolition to the site until the Plan has been revised according to this decision, submitted to the Board and approved by the Building Inspector, and financing has been secured.
  20. Automatic sprinkler systems shall be designed in accordance with the applicable provisions of NFPA, and shall be installed in each unit in accordance with the provisions of 780 CMR 906.0.
  21. Building permits shall not be issued until final building plans have been submitted and approved by the Building Inspector, including final architectural plans stamped by a registered architect or structural engineer.
  22. All local regulations and bylaws shall be complied with, with the exception of the waivers granted in Section III above.
  23. All other statements, conditions and restrictions agreed upon by the Applicant during any of the public hearing sessions held on this application shall be incorporated herein and become conditions of this approval.
  24. All revised plans or documents submitted to other Town departments or Board, including the Building Inspector and Town Engineer, shall also be submitted to the Board.
  25. All construction shall be completed within two years from the date of issuance of the building permit, and/or the date of commencement of demolition and clearing, unless a request for extension is filed with, and approved by, the Board extending such time.

V. Plan Revisions

1. Architectural plans, including Final Floor Plans and Unit Plans, stamped by an architect or structural engineer shall be submitted to the Building Inspector for review and approval. A copy of said plans shall be forwarded to the Board.
2. Facade and paint colors for exterior finishes shall be as shown on Sheet A-1 of the Sudbury Design Group Plan.
3. The location of the Route 20 walkway shall be modified to align with the emergency access driveway.
4. An additional walkway from Uplook Drive to the emergency access/crosswalk on the outside of the picket fence shall be shown on Plan. Said walkway shall either be within the right-of-way of Route 20, or within a twenty (20) foot wide easement.
5. A Sedimentation Plan for runoff control during construction shall be submitted to the Building Inspector for review and approval. A copy of said plan shall be forwarded to the Board for its information.
6. A Utilities Plan shall be submitted to the Building Inspector for review and approval. A copy of said plan shall be forwarded to the Board for its information.
7. A notation shall be placed on the Utility Plan that all utilities shall be installed underground.
8. Granite curbing shall be installed at all street corners for the full length of the rounded curve plus a straight section at each end of at least 6 feet in length, and shall be shown on

- the Plan
9. Granite curbing shall be installed around the island in the center of the main traffic aisle, and shall be shown on the Plan.
  10. Revision to the entranceway grade shall be shown in compliance with the Driveway Regulations of the Town of Sudbury.
  11. Emergency gate detail shall be shown on plan.

VI. Construction Details

1. Detailed plans of the following utilities and services shall be prepared in accordance with all applicable regulations and requirements and shall be submitted for review and approval of the listed authorities prior to issuance of building permits for construction:
  - \* Water mains - Water District Superintendent
  - \* Fire hydrant locations – Water District Superintendent and Fire Chief
  - \* Fire alarm cable and boxes – Fire Chief
  - \* Emergency gate detail – Fire Chief
  - \* Primary and secondary electrical cables including distributions boxes and transformers – Wiring Inspector
  - \* Telephone cables and Street lighting – Wiring Inspector
  - \* Gas pipes –Plumbing Inspector

VII. Signage

1. Signage at the entrance of the development is approved as shown on the Plan, with the following exceptions:
  - a. The sign shall be two-sided, not to exceed 10 square feet in size on each side.
  - b. The sign shall be externally illuminated from above the sign, which illumination shall be on a timer to extinguish at 11:00PM.

VIII. Lighting

1. Lighting within the development is approved as shown on the Plan and in the Lighting Comparison Study, with the following exceptions:
  - a. The three (3) Boston Street Lights proposed at the entrance to the development shall be controlled with photocells so that the lighting is on only from dusk to sunrise.
  - b. All other Boston Street Lights located along the internal roadway under the control of the Condominium Association shall be on timers to extinguish at 11:00 PM.
2. A minimal amount of outdoor lighting shall be maintained in the common areas consistent with public safety in accordance with the Lighting Plan.
3. All exterior lighting shall be arranged to prevent glare and light spilling over to neighboring properties or the public way. There shall be no building flood lighting. Lighting along the roadways in the development shall be limited to 75 watts or less of incandescent lighting per fixture.
4. The Applicant shall install shields on all lights if determined by the Board that such



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- lighting produces glare onto abutting properties.
5. The condominium documents shall contain a provision prohibiting light spilling over to neighboring properties.

IX. Landscaping/Screening

1. Landscaping and screening around the development shall be installed as shown on the Plan. It is the intent of this decision to screen abutting properties from the development by the use of wooden stockade fencing and evergreen and deciduous plantings.
2. Fencing shall be installed on this site as shown on the Plan. Fencing shall blend in with existing fencing to the sides and rear of the property, where appropriate. If necessary, a modification of fencing design shall be presented to the Board in order to comply with this condition.
3. Additional screening of guest parking areas as recommended by the Design Review Board in a memo dated 3/18/02 shall be installed.
4. The plantings in the rear of units shall be varied, as recommended by the DRB in memo date 3/18/02.
5. The Board shall inspect the site at the time of substantial completion of the project to determine if additional screening vegetation is necessary. The Applicant has agreed to fill in gaps where necessary to shield abutting residential properties.
6. All landscaping required by this decision shall be secured for a period of 2 years in the performance bond. The applicant will be responsible for replacing dead plantings within this time period. The performance bond shall not be released below the amount required for replacement of trees and shrubs before two years has elapsed since the initial planting.

X. Legal Requirements

1. Condominium Documents shall be submitted for review and approval by Town Counsel prior to the issuance of occupancy permits for any units. Condominium documents shall incorporate this decision by reference. Condominium Documents shall not create any disproportionate treatment of affordable unit owners relative to market rate unit owners, except that there may be favorable treatment of condominium fee assessment against the affordable unit owners. The Board reserves the right to approve these items. The treatment of the resale of the affordable units which have been the subject of capital improvements shall be included in the condominium documents. Maintenance schedule and responsibilities for the roads, development infrastructure, wastewater disposal system, and stormwater management system shall be specified in condominium documents. A copy of the documents shall be forwarded to the Board for its information.
2. Twenty five percent (25%) of the total units in this development shall be available for purchase and occupancy by persons whose income is no more than 80% of the Boston area median as determined by the United States Department of Housing and Urban Development. These units shall be mixed with and indistinguishable from market value units throughout the buildings in the project. Before any unit is sold, the Applicant shall submit to the Board the proposed form of Deed Rider to be attached to and recorded with

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the Deed for each and every affordable unit in the project at the time of each sale and resale, which Deed Rider shall restrict each such unit in accordance with this requirement in perpetuity in accordance with the requirements of M.G.L. Chapter 184, sections 31-33. The proposed Deed Rider shall set forth a period of affordability which shall be the longest period allowed by law, but in no case less than fifty years.

3. The standard Massachusetts Housing Finance Agency Regulatory Agreement for the Housing Starts Program between the Applicant, the Town of Sudbury, under the signature of the Town Manager, and the MHFA shall be executed prior to the issuance of Certificates of Occupancy for any of the units in this development. This Regulatory Agreement sets forth the terms and agreements relative to the sale and resale of the affordable units in the development. The Regulatory Agreement shall be submitted for review and approval of Town Counsel prior to its execution by the Town of Sudbury. A copy of the document shall be forwarded to the Board for its information.
4. The standard Massachusetts Housing Finance Agency Monitoring Agreement for the Housing Starts Program between the Applicant and either the Massachusetts Housing Finance Agency or the Citizens' Housing and Planning Association (CHAPA) shall be executed prior to the issuance of Certificates of Occupancy for any of the units in this development. The Monitoring Agreement designates the entity who monitors the affordable units, and sets forth the responsibilities for monitoring the sale and resale of the affordable units, including income eligibility of prospective buyers, requirement for submittal of annual compliance reports to the Town of Sudbury, requirement for an accounting of the project costs and revenues after completion to determine if profits are within the limited liability requirement. All costs associated with the Monitoring Agreement shall be paid by the Applicant. A copy of the document shall be forwarded to the Board for its information.
5. The Applicant shall submit a marketing plan to the Board for all of the units in the development which complies with all Fair Housing Laws. Said plan shall contain, to the extent legally allowable, a strategy for marketing units to Sudbury residents, their immediate families, Town of Sudbury employees and their immediate families. A pre-marketing campaign directed at Sudbury residents shall be undertaken for a 3 month period prior to sale of affordable units to the general public. The marketing plan shall further demonstrate a strategy for occupying all constructed units within a finite time period.
6. First preference for the purchase of 70% of the affordable units (three units) shall be given to financially qualified residents of the Town of Sudbury. For the purpose of this condition "residents of the Town of Sudbury" shall include persons employed by the Town of Sudbury on a full time basis, whether or not presently living in the Town. The Town of Sudbury or its designee shall conduct a lottery to solicit interest for the purchase of these units. Such lottery shall be advertised in a newspaper of local circulation in the Town of Sudbury for at least 3 weeks prior to the lottery.
7. The Applicant, in conjunction with CHAPA, shall submit a detailed procedure to the Board for determining income eligibility for the affordable units, consistent with other

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- state affordable housing programs. Items such as income level for eligibility, maximum household income based on household size, method of reviewing income, and determining asset limits for eligibility shall be included.
8. A walkway easement shall be granted to the Town of Sudbury and its residents 20 feet in width along the frontage of the parcel from its eastern boundary to the emergency access road. This easement shall only be necessary if the walkway cannot be constructed within the right-of-way.
  9. All necessary easements shall be granted by the Applicant where required by public utility companies or the Town of Sudbury. Evidence of recordation of all easements shall be submitted to the Board prior to occupancy.
  10. Evidence of financing approval shall be submitted to the Board prior to the issuance of building permits.
  11. If at any time during construction, any Town official or representative determines that a violation of the approved Plan or this decision has occurred, the Town shall notify the Applicant by certified mail and the Applicant shall be given 30 days to rectify said violation or construction activities shall be ordered to cease until the violation is corrected.
  12. This permit shall expire if construction does not begin within three (3) years of the date of filing this decision with the Town Clerk. The Board may grant extensions for good cause.
  13. A performance bond shall be required by the Board to ensure installation and proper functioning of the roadways, infrastructure (see Section VI), drainage system, screening, landscaping, signs (see Section VII), lighting (see Section VIII), walkways, crosswalk, emergency accesses, as-built plans and other conditions as required by this decision. Such cost estimate shall be determined by the Director of Public Works at the then current bonding rates established by the Town, and shall be submitted to the Board prior to the issuance of building permits for any units in the development. The type and form of such performance bond shall be submitted for the review and approval of Town Counsel prior to being accepted by the Board.
  14. This decision shall be recorded at the Middlesex South Registry of Deeds. Recording information shall be submitted to the Board prior to the issuance of building permits.

#### XI. Maintenance/Inspections

1. Enforcement of the conditions of this decision shall be by the Building Inspector.
2. A construction schedule shall be submitted to the Board, Town Engineer and Building Inspector prior to the issuance of building permits in order to facilitate inspections. Such schedule shall be revised quarterly to reflect work completed and changes in construction timing.
3. The Applicant and the subsequent Trustees of the Condominium Association created for the development shall be responsible for maintaining the stormwater management structures and drainage system in the development in accordance with the Operation and Maintenance Plan submitted.

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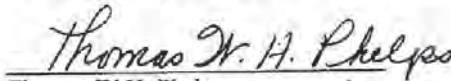
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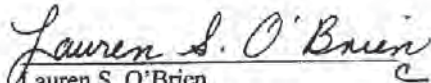
To conditionally approve the application of Carriage Lane LLC (the "Applicant") for a comprehensive permit under the provisions of General Laws chapter 40B, sections 20-23, inclusive, to permit the construction of a sixteen unit condominium development, including four (4) units to be sold for occupancy by low or moderate income residents at established rates pursuant to the Massachusetts Housing Finance Agency's Housing Starts Program, on land now owned by Richard J. and Deborah J. Babineau and Alan J. and Linda P. Marrone consisting of 2.43 acres at 717 and 729 Boston Post Road in Sudbury (Assessor's Map K05, parcels 201 and 225) as described in the application submitted to the Zoning Board of Appeals (the "Board"), as modified during subsequent sessions of public hearing and subject to the previous conditions:

VOTED: In favor: 4 (Kablack, Delaney, Phelps, Bermna) Opposed: 1 (O'Brien)

  
Mark A. Kablack, Chairman

  
Patrick J. Delaney III, Clerk

  
Thomas W.H. Phelps

  
Lauren S. O'Brien

  
Melinda M. Berman, Alternate

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SUDBURY, MASS

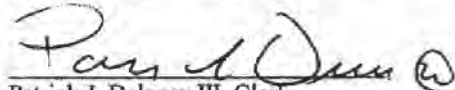
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MOTION:

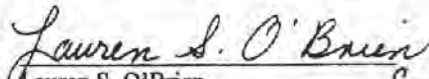
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VOTED: In favor: 4 (Kablack, Delaney, Phelps, Berman) Opposed: 1 (O'Brien)

  
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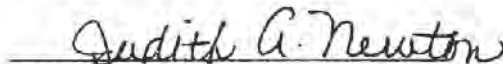
  
Lauren S. O'Brien

  
Melinda M. Berman, Alternate

TOWN CLERK  
SUDBURY, MASS  
02 MAY 20 PM 2: 04

June 11, 2002

This is to certify that no notice of an appeal from the Board of Appeals decision #02-1 was filed in this office within 20 days after such decision was filed on May 20, 2002.

  
Judith A. Newton  
Assistant Town Clerk

DOCUMENT 1214433

SO. MIDDLESEX LAND COURT  
REGISTRY DISTRICT  
RECEIVED FOR REGISTRATION

ON 06/14/02 AT 03:00:40 100.00 JMS

NOTED ON:

CERT 0206516 BK  
CERT 0222191 BK

1162 PG 166  
1241 PG 41

11-19-02 3/14/01

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