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TOWN CLERK, ACTON

**MODIFICATION OF COMPREHENSIVE PERMIT**  
**G.L. C. 40B §§ 20-23; 760 CMR 56.05(11) and 56.05(12)**

APPLICANT: Common Ground Development Corporation

PROPERTY: 3 Charter Road, Acton Massachusetts

DATE: March 7, 2011

WHEREAS, by Lease dated as of December 18, 2006, as amended on October 20, 2008 and on June 22, 2009 (collectively the "Lease"), the Applicant leased from the Town of Acton certain premises within the Property for affordable housing purposes.

WHEREAS, on October 21, 2008, the Acton Zoning Board of Appeals ("Board") issued to the Applicant a comprehensive permit for the Property, which permit was subsequently modified on June 1, 2009 and January 10, 2011 (hereinafter the "Comprehensive Permit").

WHEREAS, the Applicant has requested that the Board authorize the transfer of the Comprehensive Permit to Towne School Limited Partnership, a Massachusetts Limited Partnership with a principal address at 167 Dutton Street, Lowell, MA 01852.

WHEREAS, by letters dated February 16, 2011 and February 25, 2011, the Massachusetts Department of Housing and Community Development ("DHCD") provided final approval of the affordable housing project at the Property pursuant to 760 CMR 56.04(7) and approved the transfer of the Comprehensive Permit from the Applicant to Towne School Limited Partnership.

WHEREAS, the Applicant has also requested that the Board of Selectmen of the Town of Acton authorize the assignment of the Lease from Common Ground Development Corporation as Tenant to Towne School Limited Partnership as Tenant, and the Board of Selectmen has that request under advisement.

NOW THEREFORE, pursuant to the 760 CMR 56.05(11)(b) and 760 CMR 56.05(12)(b), the Board hereby authorizes the transfer of the Comprehensive Permit from Common Ground Development Corporation as Developer to Towne School Limited

A TRUE COPY, ATTEST:

*Em K. Skowrodek*  
Handwritten signature of the Town Clerk.

TOWN CLERK, ACTON, MA

Partnership as Developer subject to the following conditions:

- A. Consistent with the requirements of 760 CMR 56.04(1)(c) regarding site control, the transfer shall take effect upon the approval by the Acton Board of Selectmen of the assignment of the Lease from Common Ground Development Corporation as Tenant to Towne School Limited Partnership as Tenant and the full execution of the assignment as so approved.
- B. From and after the effective date of the transfer, Towne School Limited Partnership shall be bound by the Comprehensive Permit as the Developer of the Project and the approved successor to the Applicant.
- C. In all other respects, the Comprehensive Permit is hereby ratified.

ACTON ZONING BOARD OF APPEALS

*Donald H. Kish*  
 \_\_\_\_\_  
*Marilyn Benson*  
 \_\_\_\_\_  
*[Signature]*  
 \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 7<sup>th</sup> day of MARCH, 2011, before me, the undersigned notary public, personally appeared a majority of the Members or designated Alternate Members of the Acton Zoning Board of Appeals, proved to me through satisfactory evidence of identification, which was personal knowledge (source of identification) to be the persons whose names are signed on the preceding/attached document, and acknowledged to me that each signed it voluntarily for its stated purpose.

*[Signature]*  
 \_\_\_\_\_

Notary Public  
 My Commission Expires: 10-6-11



TOWN CLERK

TOWN OF ACTON  
472 MAIN STREET  
ACTON, MASSACHUSETTS, 01720  
TELEPHONE (978) 929-6620  
FAX (978) 929-6340  
clerk@acton-ma.gov

April 29, 2011

TO WHOM IT MAY CONCERN:

This is to certify that the attached Board of Appeals Comprehensive Permit (#08-04) on an application of Common Ground Development, located at 3 Charter Road, Acton, Massachusetts was filed with the Town Clerk's Office on March 8, 2011.

This is to certify that the 20 day appeal period on this decision has passed and there have been no appeals made to this office.

Eva K. Szkaradek  
Town Clerk

BK. 56462 p. 150  
BK. 50987 p. 3402  
BK. 56290 p. 532  
BK. 56270 p. 555  
BK 4535 p. 470