

# Middlesex South Registry of Deeds Electronically Recorded Document

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## Recording Information

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**Middlesex South Registry of Deeds  
Eugene C. Brune, Register  
208 Cambridge Street  
Cambridge, Massachusetts 02141  
617/679-6310**

LOCAL INITIATIVE PROGRAM  
AMENDMENT TO REGULATORY AGREEMENT AND  
DECLARATION OF RESTRICTIVE COVENANTS FOR  
COMPREHENSIVE PERMIT OWNERSHIP PROJECT

This AMENDMENT to the Regulatory Agreement and Declaration of Restrictive Covenants is made this 23 day of October 2009, by and among the Commonwealth of Massachusetts, acting by and through the Department of Housing and Community Development ("DHCD"), the Town of Acton (the "Municipality"), and 442 Mass Ave LLC, having an address of Box 2350, 69 Great Road, Acton, MA 01720 and its successors and assigns ("Project Sponsor").

WITNESSETH:

WHEREAS, DHCD, the Municipality, and the Project Sponsor entered into a Regulatory Agreement and Declaration of Restrictive Covenants (the "Regulatory Agreement") for a housing development known as Lalli Terrace located on a .66- acre site at 442 Massachusetts Avenue in the Municipality (the "Project"), which Regulatory Agreement was recorded with the Middlesex South County Registry of Deeds at Book 52720, Page 158; and

WHEREAS, the Comprehensive Permit issued by the Zoning Board of Appeals of the Municipality on December 19, 2008 provided that the Project Sponsor may sell one two-bedroom unit in the Project to the Acton Housing Authority (the "Authority") to be used as rental housing for low-income families;

WHEREAS, the Authority has selected Unit 3 in the Project for purchase through a Request for Proposals as required by the Comprehensive Permit;

NOW, THEREFORE, DHCD, the Municipality, and the Project Sponsor hereby agree and covenant as follows:

1. The third recital in the Regulatory Agreement is replaced in its entirety by the following:

WHEREAS, such Project is to consist of a total number of 4 condominium units (the "Units"); 2 of the Units will be sold at prices specified in this Agreement to persons or households with incomes at or below eighty percent (80%) of the regional median household income (the "Low and Moderate Income Units"), and 1 Unit will be sold to the Acton Housing Authority to be used as rental housing for persons or household with incomes at or below eighty percent (80%) of the regional median household income (the

"Housing Authority Unit"). As a condition of the sale of the Housing Authority Unit, the Acton Housing Authority shall agree to enter into a Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project (the "Rental Restriction") acceptable in form and substance to DHCD and the Municipality.

2. Section 1 shall read as follows: 2 of the Low and Moderate Income Units and the Housing Authority Unit shall be two bedroom units.
3. In Section 2, the second sentence shall read as follows: Only the Low and Moderate Income Units and the Housing Authority Unit will be counted as SHI Eligible Housing as that term is described in 760 CMR 56.01 for the purposes of the Act.

4. The following Section 3(e) shall be added after Section 3(d):

(e) The Housing Authority Unit will remain SHI Eligible Housing and continue to be included in the Subsidized Housing Inventory for as long as neither the Acton Housing Authority nor the Municipality is in violation of the Rental Restriction beyond the applicable cure period.

5. Exhibit B shall be replaced in its entirety by Exhibit B attached hereto.

Except as herein modified, all terms and conditions of the Regulatory Agreement shall remain in full force and effect

Executed as a sealed instrument as of the date first written above.

(Project Sponsor) 442 Mass Ave LLC

By: [Signature], Pres of Acton  
Municipality, Inc.  
Its: Manager

Municipality

By: Pauli Hill  
Its: Chair, Board of Selectmen

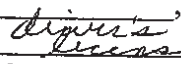
Department of Housing and Community Development

By: 

Its: Associate Director

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF Middlesex, ss. Oct 21, 2009

On this 21 day of Oct, 2009, before me, the undersigned notary public, personally appeared , proved to me through satisfactory evidence of identification, which was driver's license, to be the person whose name is signed on the preceding document, as STEPHEN P. STEINBERG of 442 Mass Ave LLC, the Project Sponsor, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



Notary Public

Print Name: SUSAN A. WILLIAMS

My Commission Expires: 5/20/16

COMMONWEALTH OF MASSACHUSETTS

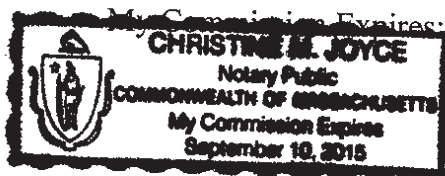
COUNTY OF

, ss.

10/19, 2009

On this 19 day of October, 2009, before me, the undersigned notary public, personally appeared Paulina Krubice, proved to me through satisfactory evidence of identification, which was KT me, to be the person whose name is signed on the preceding document, as Chair, Acton Bd Select for the Town of Acton, Massachusetts, and acknowledged to me that he signed it voluntarily for its stated purpose.

Chris M. Joyce  
Notary Public  
Print Name:



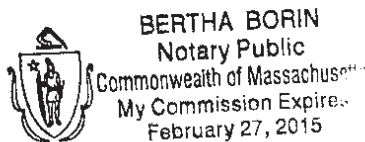
COMMONWEALTH OF MASSACHUSETTS

COUNTY OF SUFFOLK, ss.

10/23, 2009

On this 23rd day of October, 2009, before me, the undersigned notary public, personally appeared Catherine Racer, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding document, as Associate Director for the Commonwealth of Massachusetts acting by and through the Department of Housing and Community Development, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Bertha Borin  
Notary public  
Print Name: Bertha Borin  
My Commission Expires: 2/27/15



## EXHIBIT B

Re: Lalli Terrace  
(Project Name)

Acton  
(City/Town)

442 Mass Ave LLC  
(Project Sponsor)

Maximum Selling Prices, Initial Condominium Fees, and Percentage Interest Assigned to Low and Moderate Income Units / Housing Authority Unit

	Sale Price	Condo Fee	% Interest
One bedroom units	\$ _____	\$ _____	_____
Two bedroom units:			
Low and Moderate			
Income Units:	\$ <u>154,000</u>	\$ <u>150</u>	<u>21.39</u>
Housing Authority Unit:	\$ <u>140,000</u>	\$ <u>150</u>	<u>21.39</u>
Three bedroom units	\$ _____	\$ _____	_____
Four bedroom units	\$ _____	\$ _____	_____

Location of Low and Moderate Income Units

The housing units which are Low and Moderate Income Units and the Housing Authority Unit are those designated as unit numbers 2, 4, and 3 respectively on:

- ☒ a plan of land entitled Comprehensive Permit Plan for Lalli Terrace  
recorded with the Middlesex Registry of Deeds in Book 52634 Page 537  
South
- ☐ floor plans recorded with the Master Deed of the  
Condominium recorded with the \_\_\_\_\_ Registry of Deeds in Book  
, Page \_\_\_\_\_.