

# ALPHEN & SANTOS, P.C.

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Paul F. Alphen, Esquire  
Maria L. Santos, Esquire

May 17, 2023

Groton Zoning Board of Appeals  
Town Hall  
173 Main Street  
Groton, MA 01450

RE: HERITAGE LANDING/COMPREHENSIVE PERMIT APPLICATION

Dear Members of the Board:

This office represents Heritage Landing LLC, a limited divided organization, and a Massachusetts Limited Liability Company, regarding the within application materials submitted in accordance with MGL ch 40B s 21 and in accordance with your Rules and Regulations applicable to Comprehensive Permits, at Section 338-34.

Although it is a relatively small project, if approved, it will provide alternative home ownership opportunities for individuals and families, including ten (10) units restricted as affordable for low or moderate income persons or families.

Pursuant to communication with the Land Use Director, we are submitting 8 hard copies of the full application package, 8 copies of the full size plans, a copy of the plans in 11"x17" format, and a separate copy of the full application for the Town Clerk.

Please let us know if you require additional information, and we look forward to working with the Board, and the Town staff, on the project proposal.

Thank you for your attention to this matter.

Very truly yours,  
Alphen & Santos, P.C.

Paul F. Alphen, Esq.

## HERITAGE LANDING/COMPREHENSIVE PERMIT APPLICATION

This application pertains to a parcel of vacant land on the westerly side of Cow Pond Brook Road containing approximately 15.5 acres and shown on Groton Assessors' Map 248 as Parcel 42. It is abutting on the North by land of the Town of Groton, on the East and South by land of the Massachusetts Institute of Technology, and also on the South by land of Merk.

Please accept the following information in response to the following enumerated items contained within Section 338-34:

### **A.1 Consistency with the Town's Affordable Housing Plan.**

According to the Town of Groton Housing Production Plan 2020-2025, the Town of Groton is significantly below the 10% minimum requirement for affordable housing. To meet the 10% required minimum of affordable housing units, Groton will need an additional 173 units. The following affordable housing units were added to the town's SHI since the last HPP in 2014:

- Boynton Meadows 3 Ownership Units
- Reedy Meadow Estates 2 Ownership Units

This Housing Production Plan suggests a range of options to meet pressing local housing Needs, and to bring Groton to the State 10% threshold, presenting a proactive housing agenda of Town-sponsored initiatives. Due to the rising costs of homeownership, including escalating energy costs and taxes, some residents are finding it increasingly difficult to afford to remain in Groton.

#### Summary of Affordable Housing Goals:

1. STRIVE FOR ANNUAL NUMERICAL TARGETS FOR AFFORDABLE HOUSING AND HOUSING PRODUCTION PLAN CERTIFICATION. DHCD's certification of compliance, which allows communities to deny a 40B application as "Consistent with Local Needs" for a period of 12 or 24 months, requires an increase in affordable housing units equal to 0.5% or 1.0% respectively, of the communities year-round housing units. In Groton's case, 20 affordable units would need to be built in a year to gain certification from DHCD for a 12-month 40B stay. If a community has a DHCD approved HPP and is granted a DHCD certification of compliance with the plan, a decision by the Zoning Board of Appeals (ZBA) to deny a Comprehensive Permit application will be deemed "Consistent with Local Needs" under MGL Chapter 40B. "Consistent with Local Needs" means the ZBA's decision will be upheld by the Housing Appeals Committee (HAC).

The Heritage Landing project would add ten (10) affordable units to the Town's housing inventory.

2. ENCOURAGE A DIVERSITY OF HOUSING TYPES FOR A RANGE OF INCOME LEVELS, AGES, AND ABILITIES.

The Heritage Landing project proposes to construct a total of 40 three (3) bedroom units and market them at below the 2021 median sale price of a home in Groton of \$670,000.00

3. MAINTAIN GROTON'S SMALL-TOWN, RURAL CHARACTER AND ENSURE THAT NEW HOUSING CREATION IS HARMONIOUS WITH THE EXISTING COMMUNITY.

Located near Town recreation fields, the Heritage Landing project is located on the easterly edge of town, and will not impact the small-town rural character of the town.

4. MONITOR AND PRESERVE EXISTING AFFORDABLE UNITS

n/a

5. ENCOURAGE A GREATER VARIETY OF ARCHITECTURAL DESIGN AND DIVERSITY OF HOUSING TYPES.

In order to make the units at Heritage Landing affordable, including making the market rate units less expensive than typical units in Groton, a mix of smaller 1,856 sq ft stand alone and 2,070 sq ft duplex units are proposed.

6. PROMOTE OUTREACH AND EDUCATION TO THE COMMUNITY TO PROVIDE INFORMATION ON AFFORDABLE HOUSING AND TO ENGAGE RESIDENTS IN LOCAL INITIATIVES.

n/a

7. LEVERAGE OTHER PUBLIC AND PRIVATE RESOURCES TO THE GREATEST EXTENT POSSIBLE.

The project developer is a private entity.

**A. (2) Preliminary Site Development Plans**

Submitted herewith, please find the Preliminary Site Development Plans. As provided by 760 CMR 56.05 (2), the application materials for a Comprehensive Permit include "preliminary site development plans" and other preliminary information, as follows:

"(2) Elements of Submission. Filing Fees. The Applicant shall submit to the Board an application and a complete description of the proposed Project. Normally the items listed below will constitute a complete description. Failure to submit a particular item shall not necessarily invalidate an application. The Board shall not require submissions for a Comprehensive Permit that exceed those required by the rules and procedures of Local Boards for review under their respective jurisdictions.

(a) preliminary site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks

and paved areas; and proposed landscaping improvements and open areas within the site. An Applicant proposing to construct or rehabilitate four or fewer units may submit a sketch of the matters in 760 CMR 56.05(2)(a) and (c) which need not have an architect's signature. All Projects of five or more units must have site development plans prepared by a registered architect or engineer;

(b) a report on existing site conditions and a summary of conditions in the surrounding areas, showing the location and nature of existing buildings, existing street elevations, traffic patterns and character of open areas, if any, in the neighborhood. This submission may be combined with that required in 760 CMR 56.05(2)(a);

(c) preliminary, scaled, architectural drawings. For each building the drawings shall be prepared by a registered architect, and shall include typical floor plans, typical elevations, and sections, and shall identify construction type and exterior finishes;

(d) a tabulation of proposed buildings by type, size (number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas;

(e) a preliminary utilities plan showing the proposed location and types of sewage, drainage, and water facilities, including hydrants.

The plans submitted herewith are **Preliminary Site Development Plans**. As provided by 760 CMR 56.05 (2), the application materials for a Comprehensive Permit include “preliminary site development plans” as follows: preliminary site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site. The plan showing the proposed location and types of sewage, drainage, and water facilities, including hydrants likewise need only be preliminary.

Similarly, in accordance with the Board of Appeals Rules pertaining to Comprehensive Permits, Section 338-34 describes the contents of an application for a comprehensive permit, including the contents of a “preliminary site development plan”. Such a plan shall show “the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; type and location of proposed sewage disposal and proposed landscaping improvements; trash disposal; open areas within the site, including but not limited to school bus shelters and parks or other play areas for children; proposed stormwater management system; proposed property lines and rights-of-way of any proposed streets; and proposed lighting plans.” The level of detail is deliberately lower than that required for a customary site plan review application, because (as provided by 760 CMR 56.05 (4)(a) “Consistency with Local Needs is the central issue of all Comprehensive Permits before the Board”. The applicant anticipates that, if and when, the permit is approved, that conditions of approval will describe requirements for the preparation and the review of final site development plans and engineering data regarding the details of the project, including stormwater management, septic design, water services and other issues customarily required as part of a site plan approval plan.

**A. (8) Documents showing that the applicant fulfills the requirements of 760 CMR 56.04(1).**

Enclosed please find the Certificate of Organization of Heritage Landing LLC, and the Site Eligibility Letter. We have also enclosed a letter from the property owner stating that the applicant has an agreement to develop and purchase the property for the within project, together with a copy of the deed into the owner.

**A.(9) A list of requested Waivers.**

As described above, the Zoning Board's Rules and Regulations applicable to Comprehensive Permit applications specifies that the plans will be "preliminary site development plans".

As provided by 760 CMR 56.05 (7), an applicant for a Comprehensive Permit may request waivers from local "as-of-right" requirements and regulations, and where a project does not include subdivision approval, waivers from the subdivision requirements are not required and there shall be no requirement to obtain waivers from the special permit requirements of the district:

"(7) Waivers from Local Requirements and Regulations. The Applicant may request Waivers, as listed in its application or as may subsequently arise during the hearing, and the Board shall grant such Waivers as are Consistent with Local Needs and are required to permit the construction and operation of the Project. Zoning waivers are required solely from the "as-of- right" requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district. If a Project does not request a subdivision approval, waivers from subdivision requirements are not required (although a Board may look to subdivision standards, such as requirements for road construction, as a basis for required project conditions, in which case the Applicant can seek Waivers from such requirements)." 760 Mass. Code Regs. 56.05

**1. ZONING BYLAW**

**§ 218-2.5. Site Plan Review.**

B. Applicability. (1) Any application for a building permit, special permit or certificate of occupancy (for a change of use) involving a commercial, office, industrial, institutional, or multifamily use, or structure for such use shall be subject to site plan review.

As a Comprehensive Permit application, the applicant has submitted "a single application to build such housing in lieu of separate applications to the applicable local boards." (MGL ch. 40B s 21) and separate Site Plan Review by the Planning Board is not applicable or should be considered a waiver request. The following is a list of the Site Plan Review requirements from Section 218-2.5 that the applicant is seeking specific waivers. Site Plan Review is customarily applicable to commercial development and certain of the materials customarily required for



commercial developments do not apply to residential developments. Additionally, the Zoning Board's Rules and Regulations do not require the submission of many of the materials listed under Section 218-2.5. Nevertheless, below please find a list of details that the within application may not include:

#### Section 218-2.5. D. Procedures

The applicant anticipates that through the ZBA, the application materials will be shared with and reviewed by the Land Use Departments and other departments .

#### Section 218-2.5.G. (2) Site Plan submission requirements

The applicant is seeking waivers of the following (the paragraph lettering below coincides with the subparagraphs with in said Section of the Bylaw):

- (b) The plans may not show the locus plan at 1"= 200'
- (b) The zoning requirements chart may not include all the data specified, but this memo describes the dimension standards that will vary from the requirements.
- (d) The submission may not include all the "calculations of storm drainage to demonstrate and assure compliance with the requirements of all applicable federal, state and local regulations and guidelines, including, but not limited to, the Department of Environmental Protection Stormwater Management Policy, as it may be amended", but it will meet the requirements of the ZBA Rules and Regulations, and more detailed stormwater calculations will be submitted for the Stormwater Management Permit.
- (e) The submission will not include "An assessment of traffic impacts and safety conditions shall be prepared by a traffic engineer." Reference is made to the ZBA's Rules and Regulations wherein the ZBA may require a traffic impact report during the hearing process. Board may require.
- (f) General landscaping information will be shown on the preliminary plan, but the submission will not include "A landscaping plan shall be prepared by a registered landscape architect that shows the location of plantings around the perimeter of the building, any buffer landscaping between parcels, and landscaping of the parking area", some of which requirements are more applicable to commercial developments. .
- (h) The submission will not include "A photometric lighting plan shall be submitted that indicates the illuminations throughout the site and onto abutting ways and properties. The plan shall indicate the lighting hours of operation, especially shutoff times", which information is customarily applicable to commercial, not residential, developments.
- (i) Although not specifically required by the Bylaw nor the Rules and Regulations, the submission will not include "...a development impact report that may include, but not be limited to, analysis of the impacts of the proposed project on the environment (i.e., wetlands, water resources, open space), and infrastructure and services (i.e., roadways, wastewater, schools)", and such standards are more applicable to commercial projects.
- (j) The submission will not include an existing conditions plan showing all land within 500 feet of the subject property. The regulations require "Existing structures on adjacent properties within 150 feet of the property", and we do not believe that there are any with the possible exception of the solar panel equipment on abutting Town land.

(l) The application will not include an “Analysis of the consequence of the proposed development, evaluating the following impacts at a level of detail appropriate to the scale of the development proposed:

[1] Natural environment: groundwater and surface water quality, groundwater level, stream flow, erosion and siltation, vegetation removal (especially unusual species and mature trees) and wildlife habitats.

[2] Public services: need for water or sewer system improvements, need for additional public recreational facilities.

[3] Economics: municipal costs and revenues, local business activity and local jobs.

[4] Visual environment: visibility of buildings and parking and visual consistency with existing development in the area.” Certain of those criteria are applicable to commercial projects. The ZBA Rules and Regulations do not require the submission of such an analysis, but, subject to the limitation contained within 760CMR 56.05. 4.(a) [“Consistency with Local Needs is the central issue in all Comprehensive Permit applications before the Board. Not only must all Local Requirements and Regulations applied to the Applicant be Consistent with Local Needs, but decisions of the Board must also be Consistent with Local Needs. The Board shall not address matters in the hearing that are beyond its jurisdiction under M.G.L..C. 40B, §§20 through 23 and 760 CMR 56.00 and that lie solely within the authority of the Subsidizing Agency”] the Board may require the submission of particular analyses during the hearing process in accordance with Section 338-34 (4).

(m) The application will not include “A physical or digital three-dimensional site model..”

Reference is also made to the criteria applicable to the Planning Board’s Site Plan Review process at Section 218-2.5 (H) (1), and to the degree applicable, waivers are being sought from the following items:

(a) “Preserve trees twelve-inch caliper or larger unless it can be demonstrated that such removal is necessary for the location of structures, roads, driveways, and utilities, and it can be further demonstrated that there were no alternatives to said removal.” Development is confined to the northerly portion of the previously disturbed site in order to address the requirements of the Natural Heritage and Endangered Species Program, and if there are larger caliper trees within the development area, they may not be able to be preserved.

(b) “Provide for landscaping around the perimeter of all structures and the parcel as a whole, including parking areas, to the satisfaction of the Planning Board”; which standard is more applicable to commercial developments.

(c) “Meet the requirements of Chapter 198 of the Code of the Town of Groton relating to stormwater management, soil erosion and sedimentation control, including any land disturbance activities”, which will be addressed later as part of the stormwater management permit process.

(e) [3] “Soil logs must be submitted with the application for site plan approval. The testing should be done in accordance with Title Five, 310 CMR 15.000, for seasonal high groundwater soil mottling and infiltration rates. The testing must be witnessed by a Town representative.” Soil logs are not required by the ZBA Regulations, but the applicant expects that soil data will be part of the review by the Board of Health for the septic systems and part of the review of the Stormwater Management Permit.

(i) “Minimize lighting intrusion onto other properties and public ways with proper arrangement and shielding, while providing for security and public safety”, which standard is applicable to non-residential developments.

Other Use and Dimensional Requirements:

As a Comprehensive permit application for a multifamily development in the RA District, and partly in the Official Open Space District, waivers are requested from the follow provisions:

218-4.2. Intention of districts.

A. R-A Residential-Agricultural District is intended as a district of single-family homes and for continuance of forestry and agricultural activities. Land shown as institutional properties on the Zoning Map is so shown for descriptive purposes only and is a part of the R-A District.

G. O Official Open-Space District is intended to include areas which have already been dedicated or used for public or semipublic uses.

Waivers are requested whereas the proposed project calls for 40 units of residential housing, some of which will be within duplex/multifamily buildings (10 units per the proposed plan), all within a single lot with ownership to be in the form of a MGL ch 183A condominium.

218-5.1 Basic Requirements

A. No building or structure shall be erected, altered or used and no premises or land shall be used for any purpose or in any manner other than as regulated by § 218-5.8 and as permitted and set forth in § 218-5.2, Schedule of Use Regulations, and in accordance with the following notations:

218-5.2 Schedule of Use Regulations

R-A Residential-Agricultural District

34 Single-family detached dwelling: Y

36. Two-family attached dwelling, provided that its external appearance is not significantly different from a single family dwelling: Y

38. Multifamily use, as allowed by the provisions of § 218-9.3A through C: PB

O Official Open-Space District

34 Single-family detached dwelling: N

36. Two-family attached dwelling, provided that its external appearance is not significantly



different from a single family dwelling: N

38. Multifamily use, as allowed by the provisions of § 218-9.3A through C : N

Waivers are requested whereas the proposed project calls for 40 units of residential housing, some of which will be within duplex/multifamily buildings (10 units per the proposed plan), all within a single lot with ownership to be in the form of a MGL ch 183A condominium. The appearance of the duplex units will be residential in character, but not necessarily similar to single family. Also, the criteria for multifamily uses in § 218-9.3A through C cannot be met.

### 218-6.2 Schedule of Intensity Regulations

#### Minimum Lot Dimensions

The lot will meet the minimum lot area dimensions, except that all the dwellings will be on a single lot, as follows:

RA Min Area: 80,000 sq ft

OOSD Min Area n/a

Proposed: 675,180 sq ft

RA Min frontage: 225 feet

OOSD Min Frontage: na

Proposed: 428 feet

The yard setback requirements are typically measured within a single lot containing a single dwelling. Waivers are requested whereas Unit 1 will be 38' from the front lot line (and 50 feet is required), the dwellings will be closer than 50 feet from the common driveway, the buildings may be closer than the usual 15' plus 15' side yard setback (with 25' being proposed between buildings) and there will be multiple buildings on a single lot.

#### 218-6.3.A. Frontage

(1) A building lot in any district shall have frontage on and rights of access to one or more of the following for the distance required under § 218-6.2, Schedule of Intensity Regulations.

Waivers will be required to the degree that all the dwellings will be on a single lot with a shared

#### 218-6.3. B. Appurtenant open space

No building setback area or other open space required for a building by this chapter shall, during the life of such building, be occupied by or counted as open space for another building.

Waivers will be required to the degree that all the dwellings will be on a single lot with a shared driveway.

### 218-6.3. E. Density

No more than one dwelling with accessory buildings customarily incidental thereto shall be located upon any single lot in any district, except as provided in § 218-9.1F(2), Flexible development, § 218-9.3, Multifamily use, or § 218-7.3, Town Center Overlay District. A waiver will be required whereas all the dwellings will be on a single lot.

Waivers are requested whereas the proposed project calls for 40 units of residential housing, some of which will be within duplex/multifamily buildings (10 units per the proposed plan), all within a single lot with ownership to be in the form of a MGL ch 183A condominium, and the criteria for other multifamily uses do not apply.

### 218-8.1.F. Shared driveways

A shared driveway shall not be adequate access except that, by special permit from the Planning Board, a shared driveway may be authorized to provide access to parking spaces on no more than three lots, provided that vehicular access to the buildable portion of each lot is possible from the street providing legal frontage to the lot without reliance on the shared driveway.

Waivers are requested whereas all the dwellings will be on a single lot with shared access/egress via a single private drive.

### Subdivision Rules and Regulations

As no new lots are being created by the plan, and the dwellings are proposed to be served by a private common driveway, the proposed project is not a "Subdivision" as defined by MGL ch 41A s 81M. However, the applicant wishes to point out certain access drive standards that will be unique to the project. For example:

#### Section 381-10. E. Dead-end streets.

(1) A dead-end street, whether temporary or permanent, shall not serve more than 10 lots nor have a pavement center-line length longer than 1,000 feet from the edge of pavement of the intersecting street to the dead-end street's most distant point unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions. A dead-end street shall not access from an existing way that is a dead-end street unless the total number of lots on the existing way and the proposed subdivision road does not exceed 12. See the Determination of Dead-end Street Length Detail.

The units will be served by a common driveway that is in excess of 1,000 feet in length and will serve 40 units. The shared driveway will be more akin to a "Lane" as defined in the Subdivision Regulations at Section 381-3, however, it will serve more than 12 dwelling units. The construction of the common driveway will be in accordance with the standards for a Shared Driveway within Chapter 345.

**A. (10) A list of all persons and entities having a financial or ownership interest in the project.**

Property Owner: Defcon 1, LLC, 390 Broadway Rd., Dracut, MA 01826

Members/Managers: George DeFelice, III, an adult individual with an address of 390 Broadway Rd., Dracut, MA 01826; Phone 978-815-8340, email [gdefelice@defelicecorp.com](mailto:gdefelice@defelicecorp.com) and Guy L. Constantine, an adult individual with an address of 155 Westford Road, Tyngsborough, MA, Phone 978-265-8424, email: [info@heritagelanding.com](mailto:info@heritagelanding.com).

Applicant: Heritage Landing LLC, 390 Broadway Rd, Dracut, MA 01826.

Members: George DeFelice, III, with an address of 390 Broadway Rd., Dracut, MA 01826 (and he is also the Manager) and Guy L. Constantine, with an address of 155 Westford Road, Tyngsborough, MA 01879.

Project Engineer:

Meisner-Brem Corporation, 142 Littleton Road, Westford, MA 01886 Jeffrey Brem, President and Director, 28 Birch Lane, Carlisle, MA 01741: Phone 978-692-1313, email [jabrem@meisnerbrem.com](mailto:jabrem@meisnerbrem.com); Kurt Meisner, Treasurer, Secretary and Director.

Architecture and Engineering: Jozokos Architecture, Inc, Jim Jozokos 1147 Main Street, Unit 115, Tewksbury, MA, Phone 978-985-1813, email [jozokos@comcast.net](mailto:jozokos@comcast.net)

Construction Management: Defcon1, LLC,

Water Line extension and project water infrastructure contractor: Defelice, Corp: George DeFelice, III, with an address of 390 Broadway Rd., Dracut, MA 01826, President and Treasurer.

Finance Package: Heritage Landing, LLC , with construction financing provided through Enterprise Bank

Local Permitting: Heritage Landing, LLC

Marketing and Sales: Jenepher Spencer, Coldwell Banker Residential Brokerage, 9 Cornerstone Square, Westford, MA, 01886, Phone: 978-618-5262.

**A. (11) List of prior affordable housing projects and other residential developments completed by the applicant:**

The principals and their entities have over 30 years of construction experience.

**A. (12) Responses to Site Eligibility Letter comments and/or conditions.**

a. Environmental Issues: The Applicant has been meeting periodically with representatives of the Massachusetts Natural Heritage and Endangered Species Program on the best way to provided mitigation for potential impacts on the blandings turtle habitat areas. In addition to making changes to the project layout and the need to impose restrictions on undeveloped portions of the

project site, the Applicant has been communicating with municipal officials on the potential to impose restrictions on town land on the opposite side of Cow Pond Brook Road .

b. MIT/Haystack: The Applicant's representatives spent significant time seeking input from the abutter MIT/Haystack regarding their specific concerns, and the Applicant proposed a variety of mitigation measures that could address all of the concerns raised by the abutter. Because the implementation of the measures would require restrictions which would likely be objectionable to a number of potential unit owners, and which restrictions would run in perpetuity, and will create unusual perpetual obligations upon the homeowners (see below), the Applicant requested alternative forms of consideration in exchange for the restrictions. One proposed form of consideration was a customary DEP Grant of Title 5 Nitrogen Loading Restriction on a mutually agreeable adjacent 16.5 acres of wetlands, to protect and preserve the quality and quantity of ground water resources in the area of the public and private wells in the Towns of Groton and Westford, Massachusetts in order to ensure a safe and healthy public and private water supply for the present and future inhabitants of the area.

The proposal was rejected by the abutter. The concessions that were proposed by the Applicant included the following:

**Lighting:**

No street lights (however, we recognize that the ultimate decision regarding street lights is up to the ZBA, but the Applicant will advocate for no street lights, but if street lights are required we will work with Haystack and the ZBA to incorporate appropriate specifications for the street lights).

Include restrictive covenants in the Condominium Documents that prohibit the following:

- No flood lamps on the dwellings
- No RING lights (or similar non-directional LED blue lights)
- No up-lighting including no up-lighting on plants
- No illuminated sign at entrance
- Limit all exterior lighting to be Dark Sky compliant, fully shielded with a warmer light color temperature with a maximum of 2,700 K

**RF Interference:**

Consult with Haystack regarding the brand and model of all automatic garage door openers and install only models approved by Haystack, and restrict replacement models to those approved by Haystack.

Include restrictive covenants in the Condominium Documents that require the following:

- Haystack will provide proposed restrictions regarding the use of home electronics that could pose RF interference to the work being performed at the Haystack site.
- The Condominium Association will incorporate a point of contact to augment communication between Haystack and the unit owners.
- The Condominium documents will articulate that the unit owners shall provide reasonable cooperation with the requirements of Haystack so as to prevent RF interference with Haystack's work, which cooperation will include: If Haystack detects objectionable RF interference coming from the Project, the Association and the unit owners agree to cooperate with Haystack in identifying the source of the interference, and if a household appliance or device is found to be providing such RF interference, Haystack will modify or replace the appliance that does not generate such RF interference but provides equal or greater usefulness and features, at no cost to the homeowner.

**Access:**

A chain link fence shall be installed along the common boundary line of the Project and the land of Haystack, to discourage unauthorized and after hours access upon the Haystack property, but subject to the requirements of the NHESP and the Groton Conservation Commission so as to not impair wildlife migration.

The ZBA should recognize the imposition of such restrictions would impose a burden on the Applicant and the future homeowners, and the Applicant was not unreasonable in seeking compensation in exchange for their imposition.

**A.(13) Project Pro-Forma**

Enclosed

**A.(14) Certified List of Abutters**

Enclosed

**A.(15) A list of any infrastructure and site improvements**

The extension of the municipal water main northerly along Cow Pond Brook Road to serve the project site and the abutting DPW facility to the north. The applicant is assisting the Town in applying for a state grant to fund the extension.

**Enclosures:**

Preliminary Site Development Plans with  
Preliminary Utilities Plan  
Existing Site Conditions Report  
Preliminary Scaled Architectural Drawings  
Building Tabulation  
Certificate of Organization of Heritage Landing LLC  
Site Control Letter ww/Deed  
Site Eligibility Letter  
Project Proforma  
Certified List of Abutters  
Filing Fee, calculated as \$1,000.00 Filing Fee  
\$7,500.00 Legal Counsel Services  
\$5,000.00 Financial Expert  
\$13,500.00





Preliminary Site Development Plans  
and  
Preliminary Utilities Plan

Cow Pond Brook Road  
GROTON, MASSACHUSETTS

DATE OF PLAN: APRIL 25, 2023

• But neither very common nor extremely common, as the only well studied member of the group may be *compositus* and *peruvianus* in the Andes. It is a "bushy looking" shrubby tree 10-15 m tall, with a trunk 10-15 cm in diameter. It is a "bushy looking" shrubby tree 10-15 m tall, with a trunk 10-15 cm in diameter. It is a "bushy looking" shrubby tree 10-15 m tall, with a trunk 10-15 cm in diameter.

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202 MAIN STREET, SALEM, NH 03079 • (603) 893-3301



GROTON, MASSACHUSETTS

DATE OF BIRTH: 01-01-1970

SHEET INDEX

**Abstract**

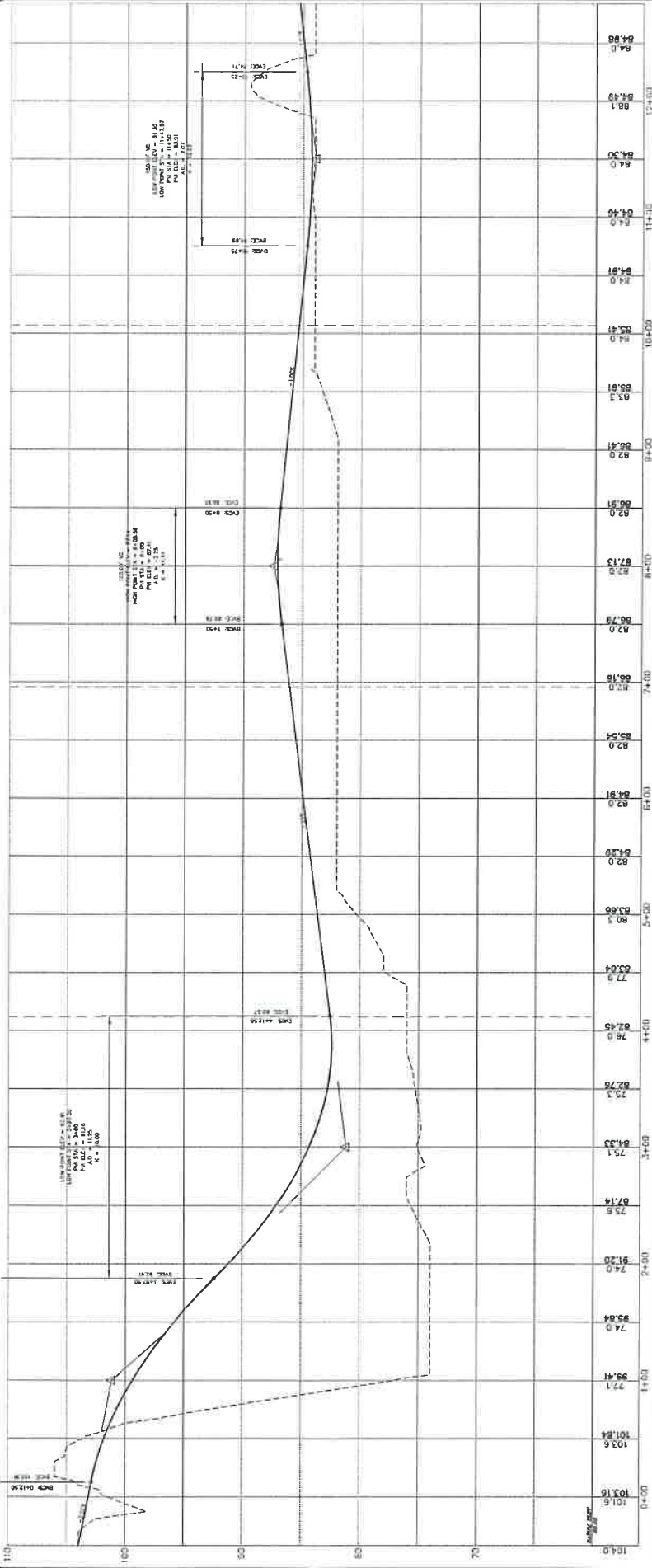
The authors thank the Planning, City Department, City of Sacramento, California, for the 1970, 1980, and 1990 AECIS data, the California Materials for a Comprehensive Permit, House Primary Committee, for the 1990 AECIS data, and the Sacramento County Planning Department for the 1990 AECIS data. The authors also thank the Sacramento County Planning Department for the 1990 AECIS data, the Sacramento County Planning Department for the 1990 AECIS data, and the Sacramento County Planning Department for the 1990 AECIS data.











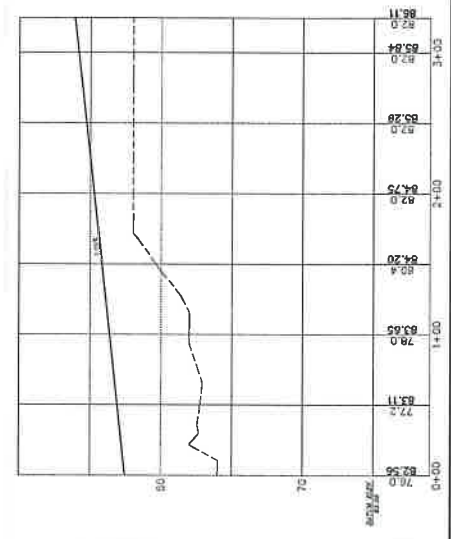
**PROFILE PLAN**  
 CHAPTER 408 - Residential Development  
 Comprehensive Permit Plan Set  
 Not For Construction

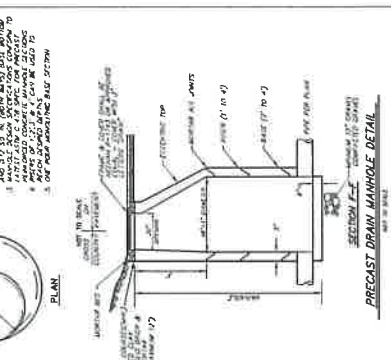
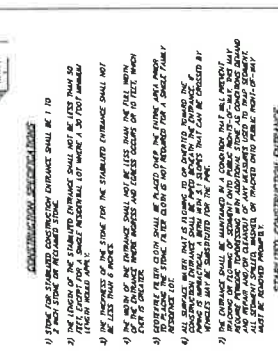
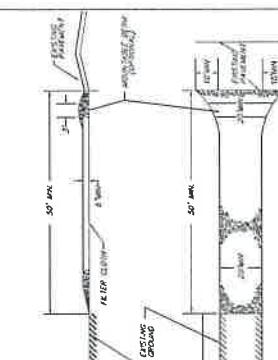
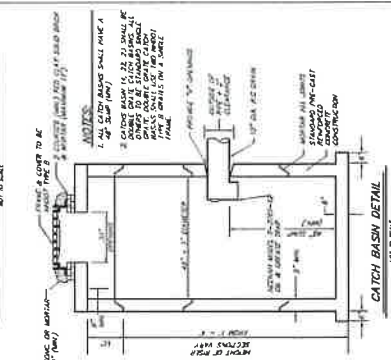
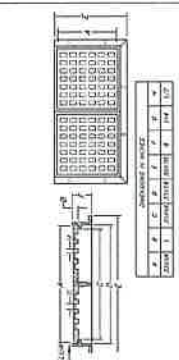
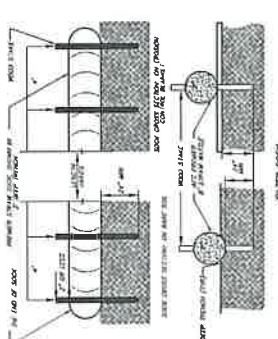
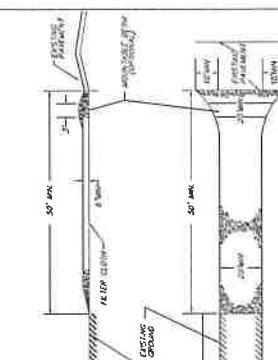
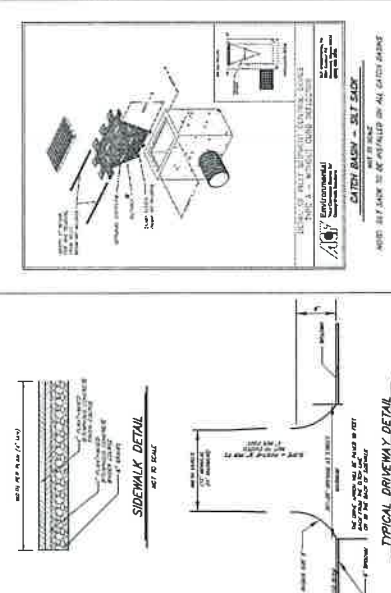
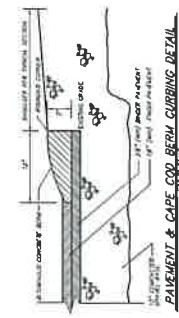
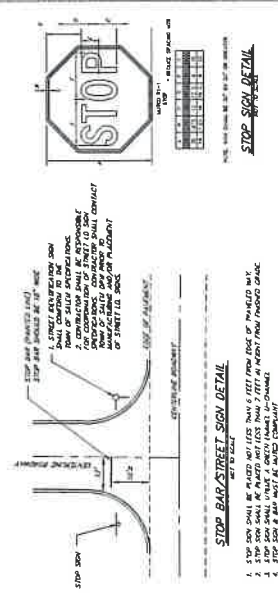
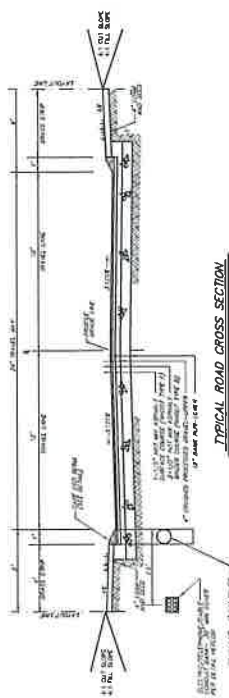
For Use: 200 1st St  
 GRETTON, MASSACHUSETTS

PREPARED FOR:  
 DEFCOM 1 LLC  
 300 Broadway Road  
 GRETTON, MA 01930  
 APRIL 25, 2023

**MEISNER BREM CORPORATION**  
 100 Main Street, 3rd Floor  
 GRETTON, MA 01930  
 (508) 853-1111

DATE: 4/25/23  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 IN CHARGE: [Signature]





HERITAGE  
LANDING

GROTON, CT

CLIENT  
HERITAGE LANDING LLC

LANDSCAPE ARCHITECT  
LEMON BROCKE

CIVIL ENGINEER  
WEISNER BREM CORP.

DESIGN/DEVELOPMENT SET

[illegible]

LANDSCAPE ILLUSTRATION

L-1.00

[illegible]



# HERITAGE LANDING

GROTON MA

CLIENT  
HERITAGE LANDING LLC  
1000 Main St.  
Groton, MA 01445

LANDSCAPE ARCHITECT  
LEMAN BROOKE  
1000 Main St.  
Groton, MA 01445

Civil Engineer  
WESLEY BROWN CORP  
1000 Main St.  
Groton, MA 01445

DESIGN DEVELOPMENT SET

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LEGEND  
PLAN

L-1.01



HERITAGE  
LANDING

GROTON, MA

CLIENT  
HERITAGE LANDING LLC  
200 Douglas Ave. Suite 200  
Orem, UT 84057

LANDSCAPE ARCHITECT  
LEMON BROOKE

**CIVIL ENGINEER**  
**HEISNER BREM CORP.**  
475 Atlantic Street  
Baltimore, MD 21202  
Bulding 201-955-1000

DESIGN NEWS ONLINE GET

[illegible]

WILLIAMSON

**L-1.02**

DATE	DESCRIPTION	QTY	COMMENTS
	POLE LIGHT (20 FT)	26	SEE SHEET L-10 DETAIL 1
	BOLLARD LIGHT (3 FT)	17	SEE SHEET L-10 DETAIL 4
	REAR FLOOD LIGHT	42	SEE SHEET L-10 DETAIL 3
	PORCH LIGHT	46	SEE SHEET L-10 DETAIL 2
	UPLIGHT	3	SEE SHEET L-10 DETAIL 5

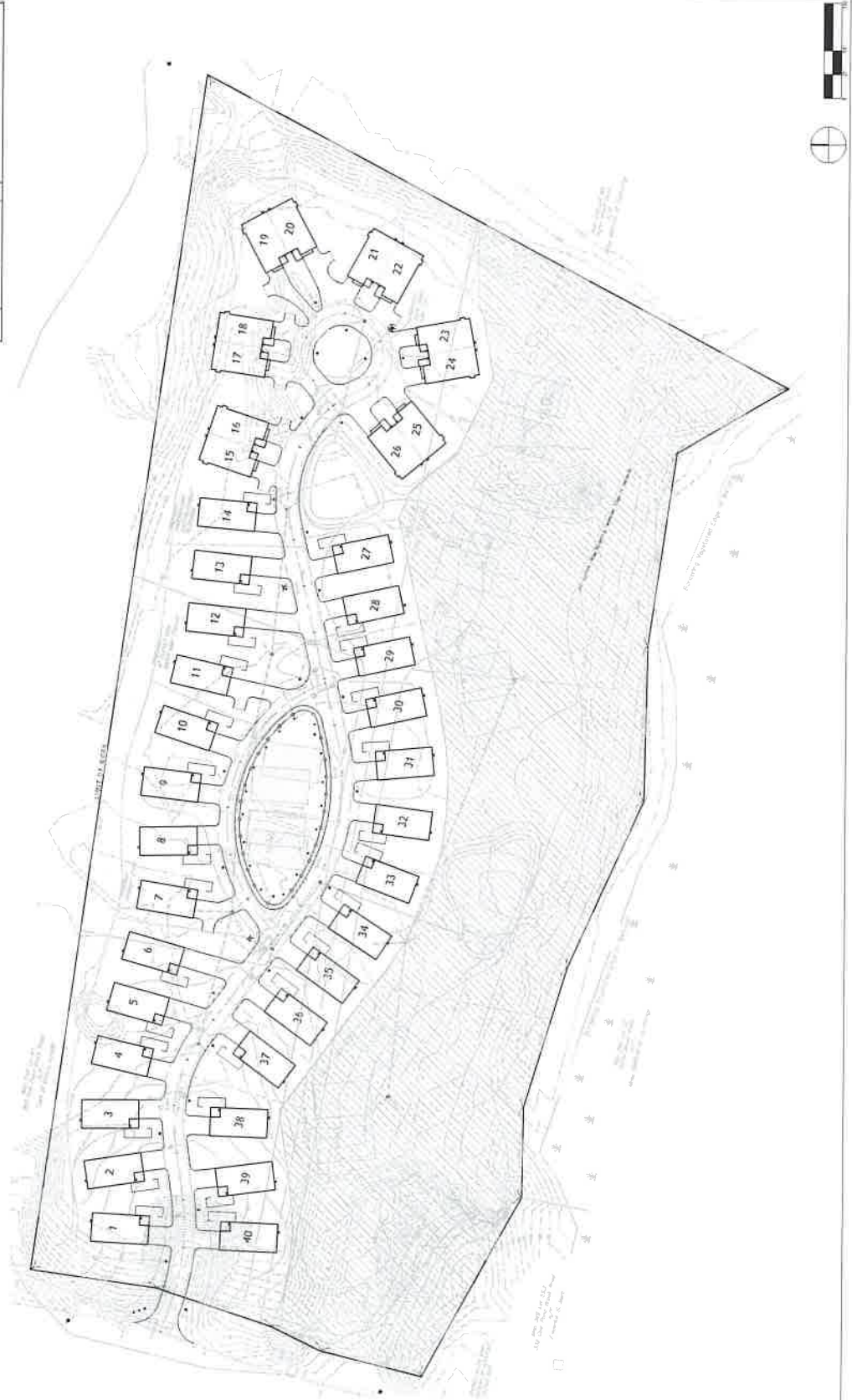
**NOTES**

1. LIGHTING PLAN SHALL BE REVIEWED BY CONTRACTORS ELECTRICAL/LIGHTING ENGINEER. PHOTO METRIC CALCULATIONS AND PLAN SHALL BE PROVIDED BY CONTRACTOR SHOWING CODE COMPLIANCE FOR LIGHTED AREAS. LIGHTING PLAN SHALL BE ADJUSTED TO CONFORM. COMMENTS IN LEGEND ARE FOR ENTIRE SITE, THEY ARE NOT REFLECTIVE OF WHAT IS ON EACH SHEET.

2. ALL BOXES SHALL BE LOCATED TO FINISH GRADE AND ALIGNED WITH NEAREST FEATURE APPROVED IN THE FIELD BY LANDSCAPE ARCHITECT.

3. SUBMIT SHOP DRAWINGS FOR REVIEW AND APPROVAL WITH LA THAT SHOWS ALL CONDUIT, WIRING, AND LIGHT FIXTURES.

4. ALL FOOTINGS SHALL BE ENGINEERED BY CONTRACTOR. SOE TECH REPORT IS PROVIDED IN SPECIFICATION





MA

CLIENT  
HERITAGE LANDING LLC

LANDSCAPE ARCHITECT  
LEMON BROOKECIVIL ENGINEER  
WEISNER BREM CORP.

DESIGN DEVELOPMENT SET

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15/01/2010

L-1.03

EO and hurricanes - property destroyed

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**PORCH LIGHT**

⑦ SCALE: N.T.S.



LED

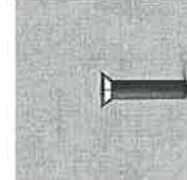
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## 1843LED CARSON CITY SERIES

## LED board - infrared light

**Appendix 2**  
a (b) (5), (b) (7)(C) exemption under FOIA, a record is withheld from release.

the fact that the 2000 election was a close one, the results of the 2004 election were not as close as the 2000 election. The results of the 2004 election were a clear victory for the Republican Party, with George W. Bush winning the presidency and the majority of the electoral college. This was a significant shift in the political landscape of the United States, as the Republican Party had not won the presidency since 1980. The results of the 2004 election were a clear victory for the Republican Party, with George W. Bush winning the presidency and the majority of the electoral college. This was a significant shift in the political landscape of the United States, as the Republican Party had not won the presidency since 1980.



1.00

**BOLLARD LIGHT**

4 SCALE N.T.S.



100%  
EQUA Product

replied:



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3 REAR FLOOD LIGHT  
SCALE N.T.S.

0



*Agnes and her family  
participate in a group in  
the program.*



---

5 ENTRY SIGN UPLIGHT  
SCALE: N.T.S.

10



**B-K LIGHTING** **MADE IN THE USA** **CALL 800-3-ENTRY-UP** **WWW.3-ENTRY-UP.COM**

For more information, please visit our website at [www.3-entry-up.com](http://www.3-entry-up.com). We are a family-owned business with a commitment to quality and customer service. We are proud to be a part of the lighting industry and to provide you with the best products and service possible. We are committed to providing you with the best products and service possible. We are committed to providing you with the best products and service possible.

**5 ENTRY SIGN UPLIGHT**

SCALE: N.T.S.

# HERITAGE LANDING

GRAYSON, MA

CLIENT  
HERITAGE LANDING LLC  
100 Main Street  
Grayson, MA 01936

LANDSCAPE ARCHITECT  
LEMON BROOKE  
100 Main Street  
Grayson, MA 01936

CIVIL ENGINEER  
MEISNER BREYER CORP.  
100 Main Street  
Grayson, MA 01936

DESIGN DEVELOPMENT SET

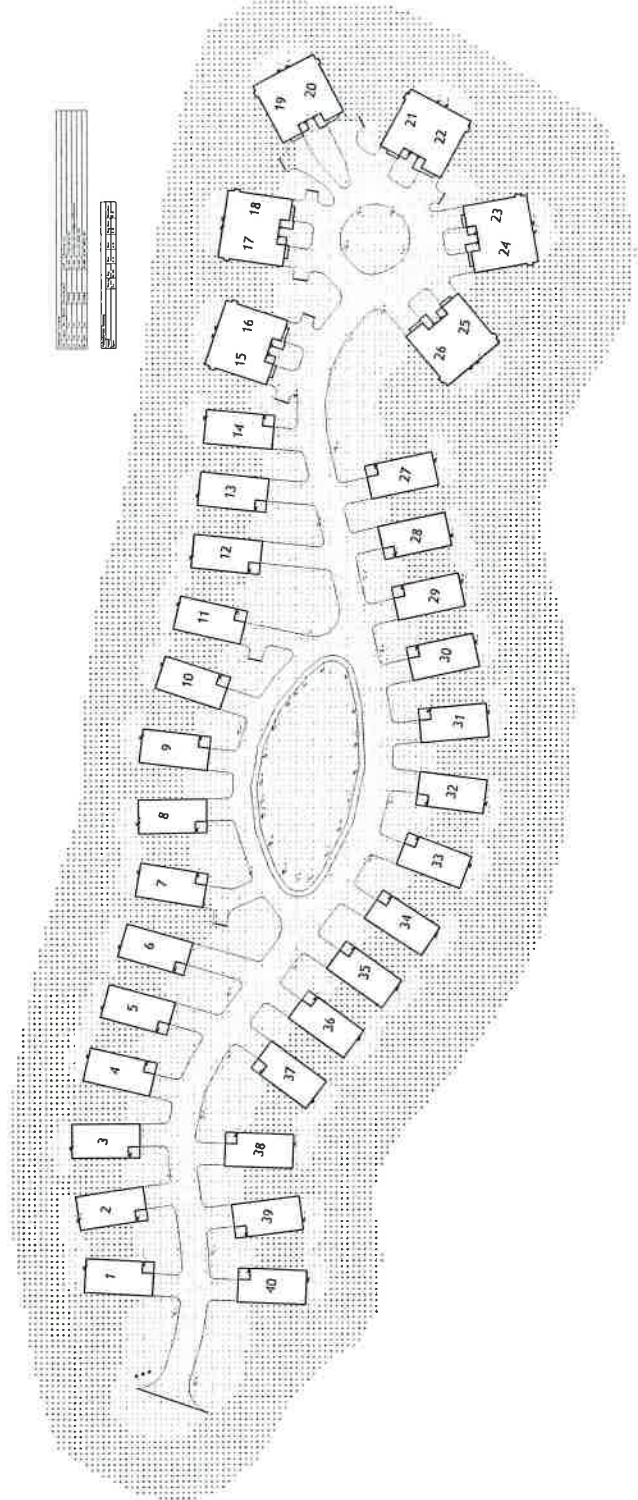
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AS NOTED  
10/1/14  
Grayson, MA

PHOTOMETRIC PLAN

L-1.04



HERITAGE  
LANDING

GROTON, MA

**CLIENT**  
**HERITAGE LANDING LLC**  
200 Riverchase Road  
Crestline, MO 64501

**LANDSCAPE ARCHITECT**  
**LEMON BROOKE**  
18 Glenview Avenue  
Glenview, MA 01903-1417  
(978) 262-2790

**CIVIL ENGINEER**  
**MEISNER BREM CORP.**  
10110 15th Avenue  
Boulder, CO 80501  
(303) 440-1100

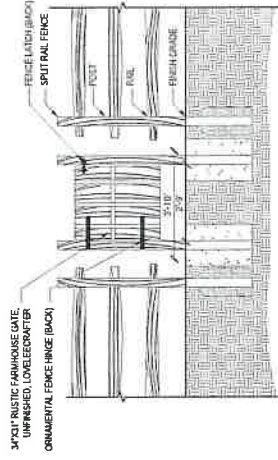
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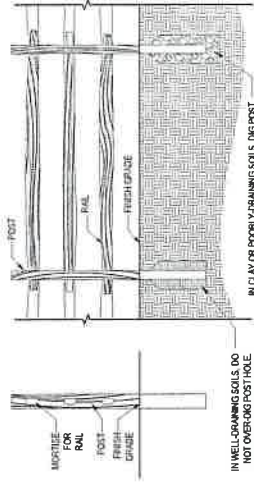
LANDSCAPE DETAILS

L-2.00

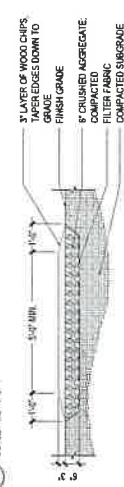


④ SPLIT RAIL GATE

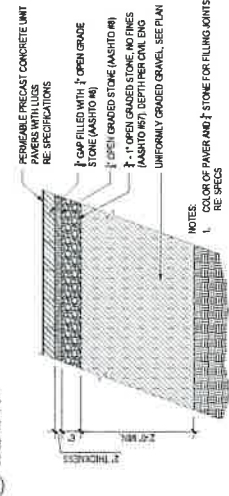
NOTE: SPLIT RAILS AND POSTS TO BE UNTREATED BLACK LOCUST.  
DIMENSIONAL VARIATION WILL OCCUR AS THIS IS A NATURALLY SPLIT MATERIAL



③ SPLIT RAIL FENCE

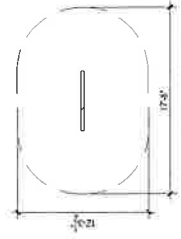


② WOOD CHIP PATH

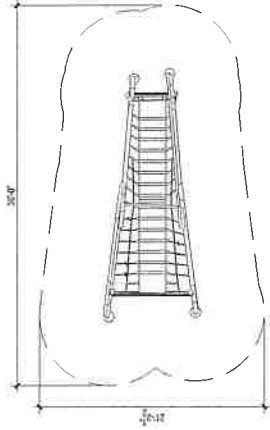


1 PERMEABLE CONCRETE PAVERS SCALE: 1"=1'-0"

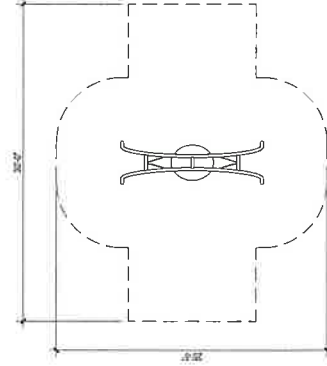
NOTES:  
1. COLOR OF PAVER AND  $\frac{1}{4}$ " STONE FOR FILLING JOINTS.



7 BALANCE BEAM  
SCALE: 3/16"=1'-0"



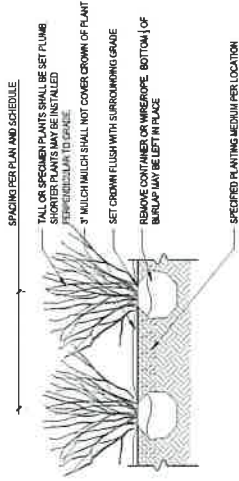
6 FORTRESS MULTI-CLIMB  
SCALE 3/16"=1'-0"



5 OODLE SWING  
SCALE: 3/16"=1'-0"

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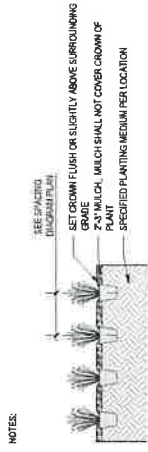
NOTES:  
1. LOGGED ROOT SYSTEM OF POT-BOUND PLANTS BEFORE PLANTING. SCORE ROOTS IN 3 OR 4 LOCATIONS.



SPACING DIAGRAM PLAN



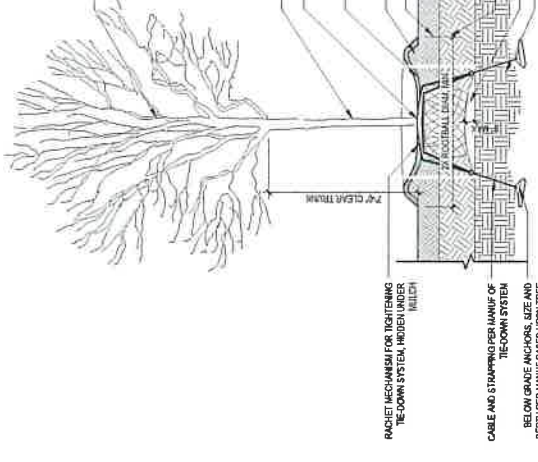
NOTES:  
1. PLANTS TO BE SPACED IN STAGGERED ROWS PER SPACING IN PLANT SCHEDULE.  
2. PLANTS TO BE SET PLUMB.  
3. BEFORE PLANTING, IF PLANT IS POT BOUND CUT ROOT MASS INTO 4 SECTIONS AND SPREAD OUT BEFORE SETTING IN HOLE.



NOTES:

10) SHRUB PLANTING  
SCALE: 1/8"=1'-0"

9) HERBACEOUS PLANTING  
SCALE: 1/8"=1'-0"



PLANTING NOTES:  
1. PRUNE AS DIRECTED BY LANDSCAPE ARCHITECT. DO NOT HEAVILY PRUNE TREES AT TIME OF PLANTING. PRUNE CROSS-OVER LIMBS, BRANCHES, AND LIMBS THAT ARE DEAD OR DANGEROUS. SOME INTERIOR BRANCHES AND LATERAL BRANCHES MAY BE PRUNED. HOWEVER, DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN.  
2. SET TRUNK PLUMB.  
3. SET TRUNK FLARE 1" ABOVE FINISH GRADE FOR EVERY 1" CALIPER SIZE. UP TO A MAXIMUM OF 3" ABOVE FINISH GRADE.  
4. 3" MULCH. MULCH SHALL NOT BE IN CONTACT WITH TRUNK. PROVIDE MULCH WITHIN DIAMETER OF ROOTBALL. PROVIDE IT UP TO GULLER.  
5. AMENDED TREE PLANTING SOIL LAYER.  
6. 3" TOTAL AMENDED TREE PLANTING SOIL LAYER.  
7. 3" ROOTBALL SOIL LAYER.  
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100. 3" ROOTBALL SOIL LAYER.

8) TYP TREE PLANTING (CONTINUOUS SOIL ZONE)  
SCALE: 3/8"=1'-0"

# Existing Site Conditions Report



HERITAGE LANDING  
COW POND BROOK ROAD, GROTON, MA

REPORT ON SITE EXISTING CONDITIONS

The existing site conditions are shown on sheet 2 of the submitted plan set for the Heritage Landing project entitled "Chapter 40B – Residential Development, Comprehensive Permit Set, Permit Set - Not for Construction, Heritage Landing, Cow Pond Brook Road, Groton, MA, dated April 25, 2023, for Tax Map 248, Lot 42 prepared by Meisner Brem Corporation.

The property is owned by Defcon 1, LLC of 390 Broadway Road, Dracut, MA by deed transfer recorded in Middlesex North Registry of Deeds Book 71623, Page 272, and Book 71623, Page 279 both dated 9-17-2008.

The project site area is 15.5 acres per the Town of Groton Assessor's records. The existing condition information was obtained from record plans and the Town of Groton GIS including "Residences of Oliver Wright Meadows", Proposed Site Plan by Belanger & Foley of N. Chelmsford, MA, dated December 6, 2004, prepared for AJ & Sons on file with the Town of Groton Planning Dept.

The property is primarily zoned RA, Residential although approximately 20% is zoned O – Open Space along the southerly and easterly ends.

This property was previously used to mine sand and gravels and various recorded documents attest to the history of this activity on the property. Recently and from at least 2004 to the present the property has been vacant without any use. As a gravel pit, the property has very little to no vegetation over the majority of the land with some shrub scrub growing in a few areas.

There are no existing buildings or structures on the property.

The vast majority of the property is fairly level and is generally about 20 feet below the elevations at Cow Pond Brook Road. There are a few steep areas remnant of the gravel operation including at the frontage along Cow Pond Brook Road and at the southerly and easterly property lines.

A wetland resource area of Bordering Vegetated Wetland is located south and east of the property but no actual wetland exists on the property itself. Wetland Buffer zones (100 feet from wetland) do extend onto the property along the southerly property line.

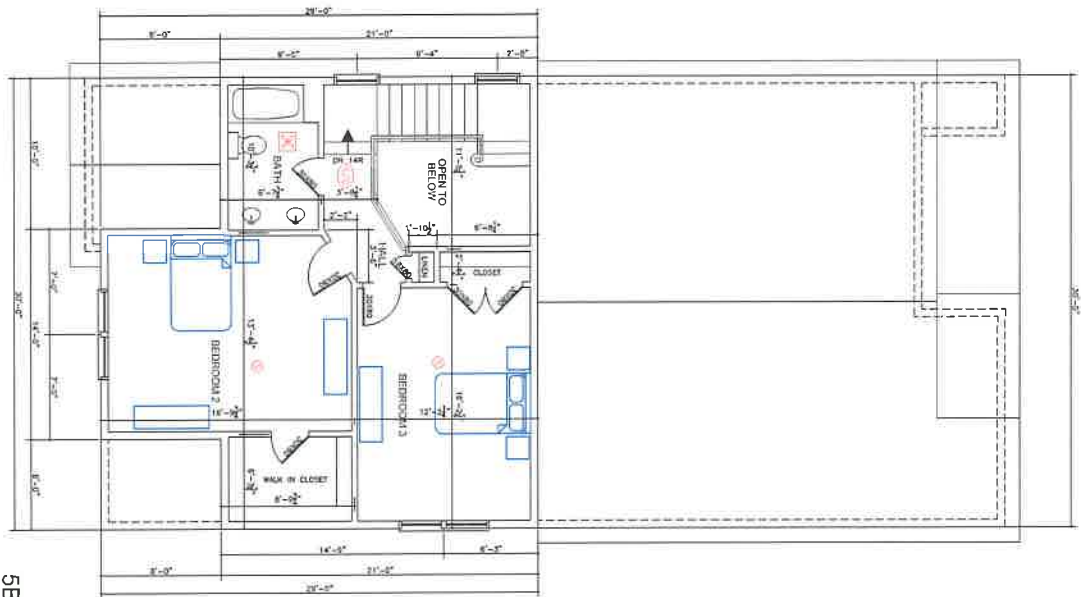
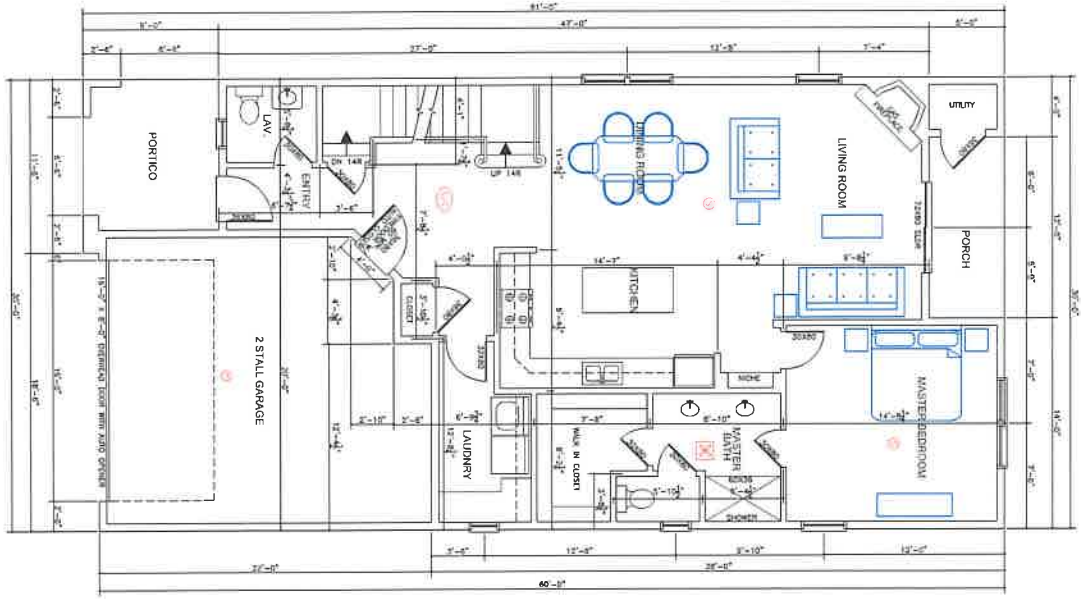
The abutter to the north is the Town of Groton including the Highway Garage, the transfer station, and a leased ground mounted solar facility. To the east is land owned by MIT, known as the Haystack Observatory. Land to the south is the wetland area and a few single-family frontage lots on Cow Pond Brook Road. Land directly to the west is undeveloped land owned by the Town of Groton and to the northwest are ballfields of the town of Groton.

The entire property is within the mapped area for the Blanding's Turtle (*Emydoidea blandingii*), a "Threatened" species protected under the Massachusetts Endangered Species Act (MESA, M.G.L. c. 131A) and its implementing Regulations (321 CMR 10.0), based on a letter from NHESP dated August 23,

2021. Accordingly, the applicant has had several meetings and discussions with NHESP staff in anticipation of filing a MESA Conservation and Management Permit at some point in the future.

Traffic is generally limited to the existing two dozen or so homes on Cow Pond Brook Road and Hoyts Wharf Road, the Highway Garage and transfer station, and the ballfields.

# Preliminary Scaled Architectural Drawings



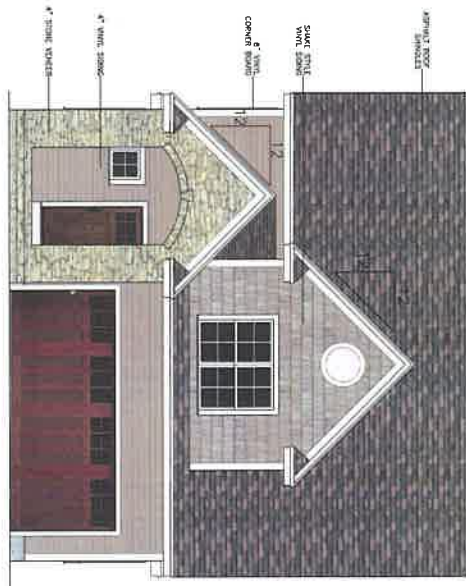
5B Construction Type  
Woodframe

\* These drawings are conceptual only. The actual construction documents may vary due to design changes necessary to meet current codes and regulations. Any major design changes are subject to Board approval.

FOR BOARD  
APPROVAL ONLY

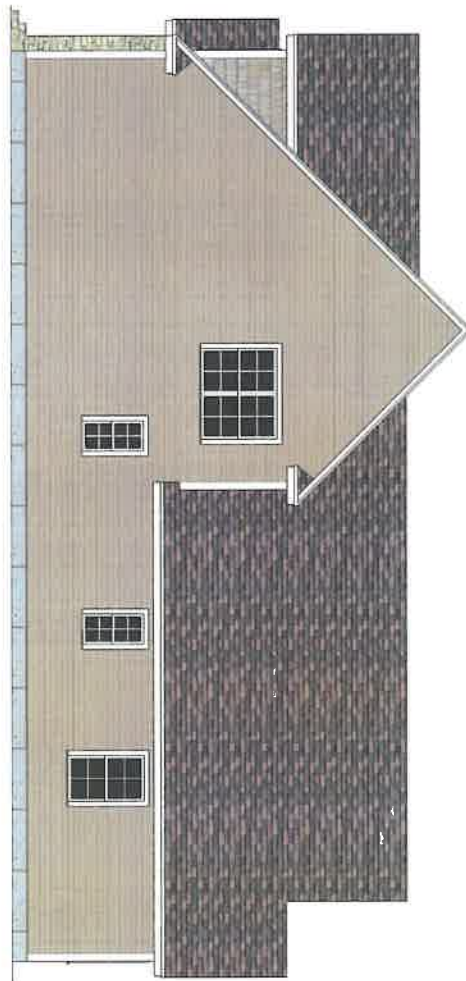
Sheet: 1 3		Title:	Project:		Copyright © Jozokos Architecture, Inc. All rights reserved. Per the Architectural Works Copyright Protection Act of 1990, this document shall not be copied, duplicated, replicated or otherwise reproduced in any form whatsoever without the prior written permission of Jozokos Architecture, Inc. This document is not effective unless signed & sealed by James J. Jozokos, Architect.	Date:	May 10, 2023 Drawn By: SD Checked By: JJ		Project No.: 21198
		FLOOR PLANS	HERITAGE SINGLE FAMILY		Jozokos Architecture Inc. 1147 Main Street #115, Tewksbury, MA (978) 985-1813 jozokos@comcast.net				





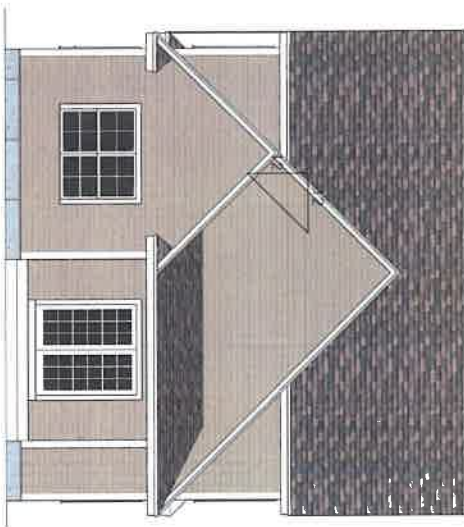
FRONT ELEVATION

SCALE 1/8"=1'-0"



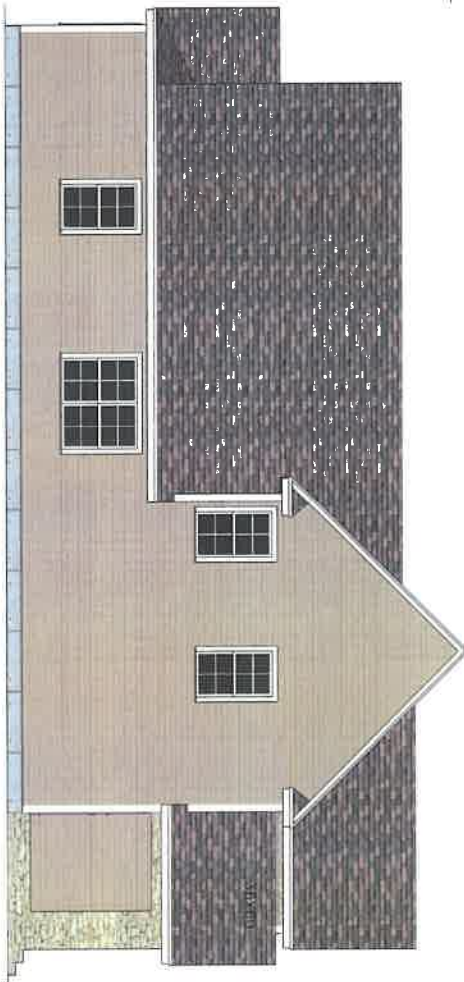
RIGHT ELEVATION

SCALE 1/8"=1'-0"



REAR ELEVATION

SCALE 1/8"=1'-0"



LEFT ELEVATION

SCALE 1/8"=1'-0"

5B Construction Type  
Woodframe

\* These drawings are conceptual only. The actual construction documents may vary due to design changes necessary to meet current codes and standards. Any major design changes are subject to Board approval.

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		ELEVATIONS NOTES & DETAILS		HERITAGE SINGLE FAMILY		May 10, 2023	
		Jozokos Architecture Inc. 1147 Main Street #115, Tewksbury, MA (978) 985-1813 jozokos@comcast.net				Drawn By: <b>SD</b> Checked By: <b>JJ</b>	

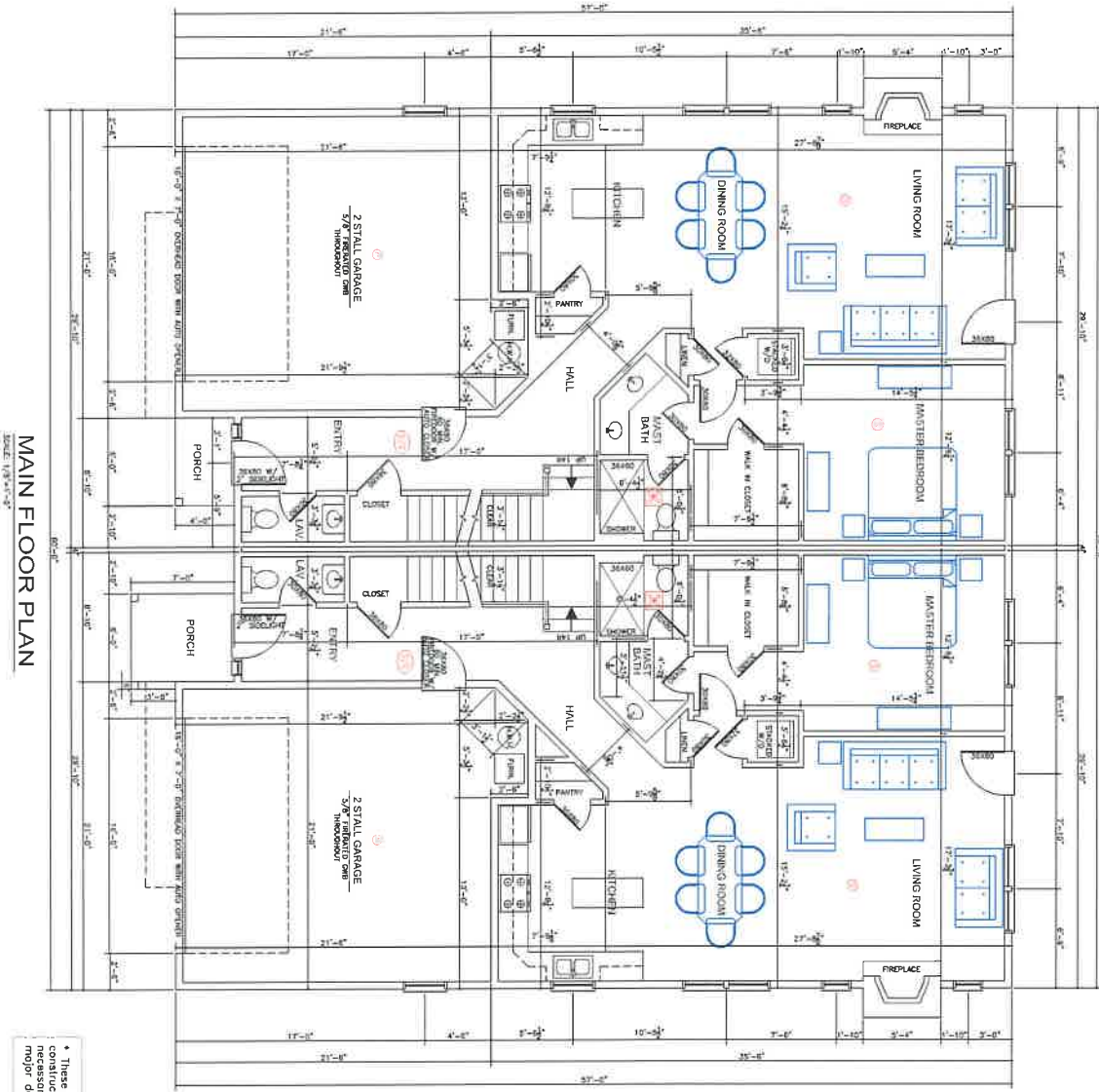


5B Construction Type  
Woodframe

\* These drawings are conceptual only. The actual construction documents may vary due to design changes necessary to meet current codes and regulations. Any major design changes are subject to board approval.

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		RENDERINGS	HERITAGE SINGLE FAMILY	Jozokos Architecture Inc. 1147 Main Street #115, Tewksbury, MA (978) 985-1813 jozokos@comcast.net		



MAIN FLOOR PLAN

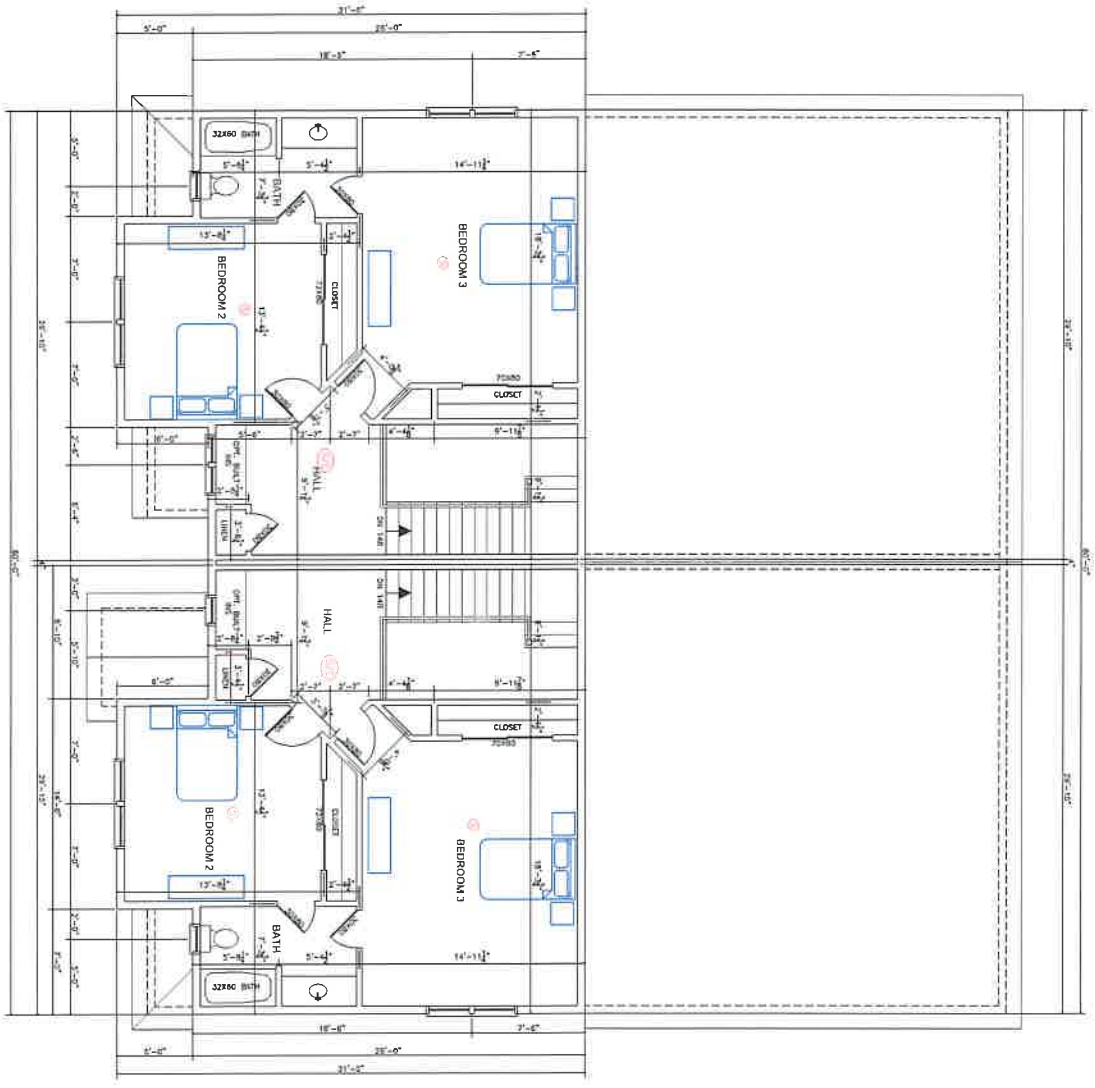
\* These drawings are conceptual only. The actual construction documents may vary due to design changes necessary to meet current codes and regulations. Any major design changes are subject to Board approval.

5B Construction Type  
Woodframe

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		MAIN FLOOR PLAN	DUPLEX - HERITAGE	May 10, 2023 Drawn By: SD Checked By: JJ		
Jozokos Architecture Inc. 1147 Main Street #115, Tewksbury, MA (978) 985-1813 jozokos@comcast.net						





SECOND FLOOR PLAN

SCALE: 1/8"=1'-0"

5B Construction Type  
Woodframe

\* These drawings are conceptual only. The actual construction documents may vary due to design changes necessary to meet current codes and regulations. Any major design changes are subject to board approval.

FOR BOARD  
APPROVAL ONLY

Sheet: <div style="border: 1px solid black; padding: 5px; text-align: center;">           2 4         </div>		Title:	Project:	Copyright © Jozokos Architecture, Inc. All rights reserved. <small>Per the Architectural Works Copyright Protection Act of 1990, this document shall not be copied, duplicated, reprinted or otherwise reproduced in any form whatsoever without the prior written permission of Jozokos Architecture, Inc. This document is not effective unless signed &amp; sealed by James J. Jozokos, Architect.</small>	Date:	Project No.: <div style="font-size: 2em; font-weight: bold;">2198</div>
		SECOND FLOOR PLAN	DUPLEX - HERITAGE		May 10, 2023	
		Jozokos Architecture Inc. 1147 Main Street #115, Tewksbury, MA (978) 985-1813 jozokos@comcast.net		Drawn By: SD Checked By: JJ		





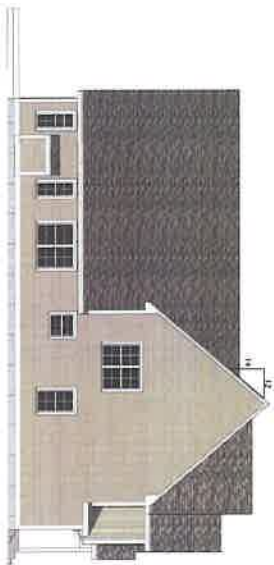
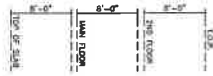
**FRONT ELEVATION**  
SCALE 1/8"=1'-0"



**RIGHT ELEVATION**  
SCALE 1/8"=1'-0"



**REAR ELEVATION**  
SCALE 1/8"=1'-0"



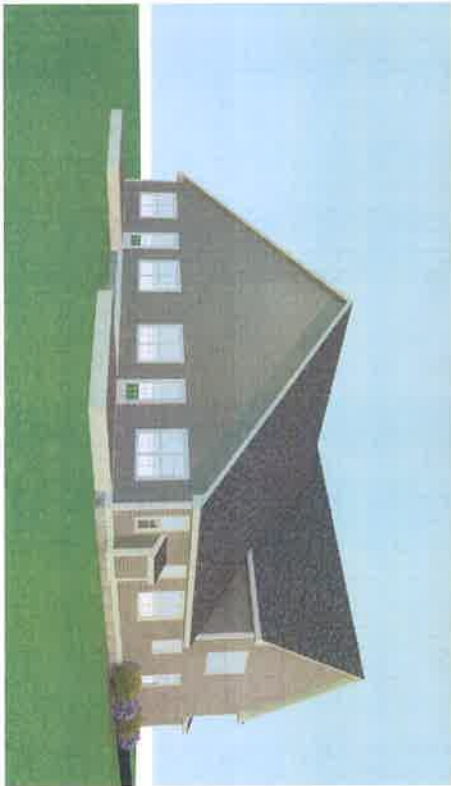
**LEFT ELEVATION**  
SCALE 1/8"=1'-0"

**5B Construction Type  
Woodframe**

\* These drawings are conceptual only. The actual construction documents may vary due to design changes or construction changes. Any major design changes are subject to Board approval.

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		ELEVATIONS	DUPLEX - HERITAGE			May 10, 2023  Drawn By: <b>SD</b> Checked By: <b>JJ</b>	
		Jozokos Architecture Inc. 1147 Main Street #115, Tewksbury, MA (978) 985-1813			jozokos@comcast.net		



# 5B Construction Type Woodframe

\* These drawings are conceptual only. The actual construction documents may vary due to design changes necessary to meet current codes and regulations. Any major design changes are subject to board approval.

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		RENDERINGS	DUPLEX - HERITAGE	Drawn By: SD Checked By: JJ	Jozokos Architecture Inc. 1147 Main Street #115, Tewksbury, MA (978) 985-1813 jozokos@comcast.net	

# Building Tabulation

HERITAGE LANDING

BUILDING TABULATION

BUILDING TABULATION	SINGLE FAMILY	DUPLEX	TOTAL
NUMBER OF UNITS	28	12	40
BEDROOMS	3	3	120
BATHROOMS - FULL	2	2	80
BATHROOMS - HALF	1	1	40
GARAGE	2	2	80
1ST FLOOR AREA (Excl. Garage)	1249	1225	49,672
2ND FLOOR AREA (Excl. Garage)	607	845	27,136
TOTAL GFA	1856	2070	76,808
FOOTPRINT (Inc. Garage)	1752	1740	69,936



Certificate of Organization of Heritage  
Landing LLC



**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division  
 One Ashburton Place, 17th floor  
 Boston, MA 02108-1512  
 Telephone: (617) 727-9640

**Certificate of Organization**

(General Laws, Chapter )

Identification Number: 001607536

1. The exact name of the limited liability company is: HERITAGE LANDING LLC

2a. Location of its principal office:

No. and Street: 390 BROADWAY RD  
 City or Town: DRACUT State: MA Zip: 01826 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 390 BROADWAY RD  
 City or Town: DRACUT State: MA Zip: 01826 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

TO ENGAGE IN ANY LAWFUL ACT OR ACTIVITY FOR WHICH LIMITED LIABILITY COMPANIES MAY BE FORMED UNDER THE ACT IN WHICH THE MEMBERS MAY FROM TIME TO TIME DECIDE TO ENGAGE, INCLUDING, WITHOUT LIMITATION, TO ACQUIRE, MAINTAIN, OWN, IMPROVE, DEVELOP, OPERATE, MANAGE, LEASE, HOLD, REDEVELOP, FINANCE, ENCUMBER, SELL AND OTHERWISE DEAL WITH REAL ESTATE AND ANY AND ALL PERSONAL PROPERTY AND INTERESTS OF EVERY KIND AND DESCRIPTION RELATED THERETO, INCLUDING ACTIVITIES OF A LIMITED DIVIDEND ORGANIZATION.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: GEORGE DEFELICE III  
 No. and Street: 390 BROADWAY RD  
 City or Town: DRACUT State: MA Zip: 01826 Country: USA

I, GEORGE DEFELICE III resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	GEORGE DEFELICE III	390 BROADWAY RD DRACUT, MA 01826 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no

managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	GEORGE DEFELICE III	390 BROADWAY RD DRACUT, MA 01826 USA

**9. Additional matters:**

(A) IN THE EVENT THAT A MANAGER OR A MEMBER DETERMINES THAT HE/SHE SHALL BE UNAVAILABLE HE OR SHE MAY, BY A DULY EXECUTED POWER OF ATTORNEY UNDER APPLICABLE LAW, APPOINT AN ATTORNEY-IN-FACT, DELEGATING TO SAID ATTORNEY FULL POWER AND/OR AUTHORITY TO EXECUTE SUCH DOCUMENTS OR PERFORM ANY SUCH ACT OR ACTS AS MAY BE REQUIRED OR AUTHORIZED UNDER THE ACT OR OPERATING AGREEMENT. (B) ONE OR MORE PERSONS MAY BE DELEGATED OR APPOINTED TO TAKE ACTION AND TO EXECUTE, ACKNOWLEDGE AND DELIVER DOCUMENTS OF EVERY KIND AND PURSUANT TO A VOTE OF THE MEMBERS TO DELEGATE AUTHORITY, ANY ONE OR DESCRIPTION, UNDER SEAL OR OTHERWISE, ON BEHALF OF THE COMPANY. A CERTIFICATE SIGNED BY THEN MANAGERS OF RECORD OF THE COMPANY OF SUCH ACTION SHALL BE SUFFICIENT IN EACH CASE TO EVIDENCE SUCH ACTION AND VOTE OF THE MEMBERS. (C) ANY ONE MEMBER, IS AUTHORIZED SIGN, SEAL, ACKNOWLEDGE AND DELIVER AND OTHERWISE EXECUTE THIS CERTIFICATE OF ORGANIZATION AND ANY AMENDMENTS THEREOF, THE COMPANY'S ANNUAL REPORT AND ANY OTHER DOCUMENTS REQUIRED TO BE FILED OR WHICH THE COMPANY MAY ELECT TO FILE WITH THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH OF MASSACHUSETTS OR ANY OTHER STATE WHEREIN THE COMPANY MAY ELECT OR BE REQUIRED TO REGISTER TO DO BUSINESS.

**SIGNED UNDER THE PENALTIES OF PERJURY, this 20 Day of September, 2022,**  
GEORGE DEFELICE III

*(The certificate must be signed by the person forming the LLC.)*

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

September 20, 2022 09:46 AM

A handwritten signature in cursive script, reading "William Francis Galvin". The signature is written in dark ink and is centered on the page.

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*



# Site Control Letter

# DEFCON1, LLC

390 Broadway Rd., Dracut, MA 01826

May 10, 2023

Groton Zoning Board of Appeals  
Town Hall  
173 Main Street  
Groton, MA 01450

RE: HERITAGE LANDING/Comprehensive Permit Application

Dear Members of the Board:

Please accept this as an acknowledgement that Defcon1, LLC, as the owner of the below described property, has an agreement with Heritage Landing LLC, a limited divided organization, and Massachusetts Limited Liability Company, regarding the submission, pursuit and implementation of a residential housing development application submitted in accordance with MGL ch 40B s 21 and in accordance with your Rules and Regulations applicable to Comprehensive Permits, at Section 338-34.

The application pertains to a parcel of vacant land on the westerly side of Cow Pond Brook Road containing approximately 15.5 acres and shown on Groton Assessors' Map 248 as Parcel 42. It is abutting on the North by land of the Town of Groton, on the East and South by land of the Massachusetts Institute of Technology, and also on the South by land of Merk.

Heritage Landing, LLC has site control in accordance with Section 1. (8).c. of your Regulations.

Thank you for your attention to this matter.

Very truly yours,  
Defcon1, LLC

A handwritten signature in blue ink, appearing to read "George DeFelice III", with a stylized flourish at the end.

George DeFelice, III, Member/Manager

Middlesex South Registry of Deeds  
Electronically Recorded Document

This is the first page of the document - Do not remove

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Recording Information

Document Number	: 143195
Document Type	: DEED
Recorded Date	: September 17, 2018
Recorded Time	: 09:21:57 AM
Recorded Book and Page	: 71623 / 272
Number of Pages(including cover sheet)	: 4
Receipt Number	: 2250075
Recording Fee (including excise)	: \$1,949.00

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Southern Middlesex District ROD # 001  
Date: 09/17/2018 09:21 AM  
Ctrl# 289334 31438 Doc# 00143195  
Fee: \$1,824.00 Cons: \$400,000.00  
\*\*\*\*\*

**Middlesex South Registry of Deeds**  
**Maria C. Curtatone, Register**  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)

**QUITCLAIM DEED**

I, James M. Patierno, a Trustee of the Missick Realty Nominee Trust u/d/t dated April 30, 2001 and recorded with the Middlesex North District Registry of Deeds in Book 11670, Page 215, as amended of record, of Tyngsborough, Massachusetts,

for consideration paid and in full consideration of the amount of Four Hundred Thousand and 00/100 (\$400,000.00) Dollars,

grants to Defcon 1, LLC, a Massachusetts limited liability company, having a mailing address of 390 Broadway Road, Dracut, Massachusetts,

*with Quitclaim Covenants,*

A certain parcel of land situated in the easterly part of said Groton, bounded and described as follows:

Beginning at the northwesterly corner thereof at the easterly side of land now or formerly of the Nashua, Acton and Boston railroad and at land formerly supposed to be of Laommi Chamberlain;

Thence running in a straight line southeasterly about thirteen hundred (1300) feet to land now or formerly of George Nutting;

Thence southwesterly on said Nutting's land about six hundred seventy-six and one-half (676 ½) feet to land now or formerly of said Nutting;

Thence in a broken course, northwesterly, southwesterly and northwesterly about twelve hundred seventeen (1217) feet to the easterly line of the said Railroad land;

Thence northwesterly on the said railroad land about four hundred twenty-eight (428) feet to the point of beginning. Said lot is known as the Oliver Wright Lot.

This conveyance is made subject to any easements of rights of way of record if any there be.

Containing fifteen and fifty-one one hundredths acres, more or less and being shown as Map 248, Parcel 42, previously known as Lot L 44 on the records of the assessors of the Town of Groton.

Property Address: Land off Cow Pond Brook Road, Groton, MA

Said land is further shown and described on a plan of land entitled "Plan of Land in Groton, Mass.", owned by V.H. Shea Corporation, Richard L. McGlinchey, September 15, 1973" and recorded in said Registry in Book 12547, Page 619.

Together with, as appurtenant to the granted premises, in common with the Grantors and others:

(a) An easement for access to Map 248 Parcel 42, formerly known as Lot L 44 by trucks and other vehicles, from Route 40 to said premises over as much of that way shown on a plan entitled "Road Layout Plan in Groton, Mass.", Richard L. McGlinchey, Surveyor recorded with said Deeds as Plan No. 1044 of 1976 in Book 13059, Page 690.

(b) The right to use, for access as aforesaid, the easement granted by John J. Cronin and Jeremiah B. Cronin by deed dated August 26, 1968, Book 11736, Page 9, over so much of the abandoned right-of-way conveyed to said John J. Cronin and Jeremiah B. Cronin by Andrew A. Caffrey by deed dated January 5, 1962, Book 11647, Page 184, as lies within twenty-five feet pm each side of the center line of said way from Bridge Street to Route 40. The Town of Groton expressly reserves its right to use said way.

This property is conveyed subject to the restriction that this property shall never be used for land fill purposes or sand, mineral, gravel or other earth removal operations and business. It is intended and agreed that the above restrictions shall run with the land and shall be binding upon the Grantee, to the fullest extent permitted by law and equity, for the benefit and in favor, and enforceable by the Town of Groton.

Subject to other provisions of this Deed, all of the terms, covenants and conditions contained herein shall inure to the benefit of and shall bind, as the case may be, not only the parties hereto, but the heirs, executors, administrators, successors, assigns and legal representatives of the respective parties hereto.

Meaning and intending to convey the same premises conveyed to the within Grantor by Deed dated February 23, 2004 and recorded with the Middlesex South District Registry of Deeds in Book 42262, Page 28. See also Release Deed recorded in Book 42262, Page 27.



EXECUTED as an instrument under seal this 14 day of September, 2018.

Missick Realty Nominee Trust

By: James M. Patierno, Trustee

COMMONWEALTH OF MASSACHUSETTS

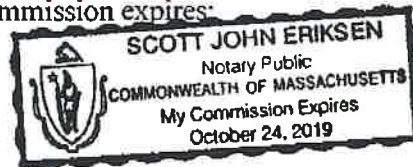
Middlebury

, ss

On this 14 day of September, 2018, before me, the undersigned notary personally appeared, James M. Patierno, proved to me through satisfactory evidence of identification which was MA Drivers License to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of the Missick Realty Nominee Trust.

Notary Public:

My commission expires:



# Site Eligibility Letter



Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

Tel: 617.854.1000  
Fax: 617.854.1091 | [www.masshousing.com](http://www.masshousing.com)

Videophone: 857.366.4157 or Relay 711

July 5, 2022

George Defelice  
390 Broadway Road  
Dracut, MA 01826

**Re: Heritage Landing  
Project Eligibility/Site Approval  
MassHousing ID No. 1140**

Dear Mr. Defelice:

This letter is in response to your application as "Applicant" for a determination of Project Eligibility ("Site Approval") pursuant to Massachusetts General Laws Chapter 40B ("Chapter 40B"), 760 CMR 56.00 (the "Regulations") and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development ("DHCD") (the "Guidelines" and, collectively with Chapter 40B and the Regulations, the "Comprehensive Permit Rules"), under the New England Fund ("NEF") Program ("the Program") of the Federal Home Loan Bank of Boston ("FHLBank Boston").

You submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build forty (40) homeownership units (the "Project") on 15.50 acres of land located on Cow Pond Brook Road (the "Site") in Groton (the "Municipality").

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, "Housing Programs In Which Funding Is Provided By Other Than A State Agency."

MassHousing has performed an on-site inspection of the Site and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

#### **Municipal Comments**

Pursuant to the Regulations, the Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. At the request of the Municipality, this time was extended an additional 30 days, for a total of 60 days. The Groton Select Board submitted a letter expressing support for the Applicant's proposal but identifying areas of concern regarding the proposed development.

The following areas of concern were identified in the letter:

- The Municipality expressed concern that the Site is located in proximity to the Groton Police Department's outdoor shooting range.
- The Municipality expressed concern that additional traffic generated by this Site, as well as other high-level uses, would result in increased congestion on area roadways and pose heightened risks to drivers and pedestrians. The Municipality requested that the Applicant provide a traffic study to allow them to fully assess Project traffic and public safety impacts.
- The Fire Department emphasized that the Project must be designed so as to ensure the maximum level of emergency access and fire protection. They outlined a variety of requirements for the Project including fire lanes, sufficient roadway widths and intersection radii to accommodate public safety vehicles, hydrants, and interior fire suppression systems.

### **Community Comments**

In addition to comments from Municipal staff and officials, MassHousing received a letter from the Massachusetts Institute of Technology Haystack Observatory expressing some concerns regarding the proposed Project. The following areas of concern were identified in the letter:

- Increased light pollution generated from the Site may impact the Observatory's dependence on dark skies to conduct research.
- Radio frequency interference may impact the Observatory and future residents' devices such as garage door openers and remote electronic car keys.
- MIT's property abutting the Site contains several trails which are commonly used by the community and public safety concerns are increased with additional residents located nearby, especially young children.
- MIT is concerned that additional traffic generated by the proposed Site will pose additional public safety impacts to area roadways.

### **MassHousing Determination and Recommendation**

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval.<sup>1</sup> As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Applicant may apply to the Zoning Board of Appeals ("ZBA") for a comprehensive permit. At that time local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with applicable state and local standards and regulations.

Based on MassHousing's site and design review, and considering feedback received from the Municipality, the following issues should be addressed in the application to the ZBA, and the Applicant

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<sup>1</sup> MassHousing has relied on the Applicant to provide truthful and complete information with respect to this approval. If at any point prior to the issuance of a comprehensive permit MassHousing determines that the Applicant has failed to disclose any information pertinent to the findings set forth in 760 CMR 56.04 or information requested in the Certification and Acknowledgment of the Application, MassHousing retains the right to rescind this Site Approval letter.

should be prepared to explore them more fully during the public hearing process:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
- The Applicant should continue to engage with municipal officials in a good-faith discussion regarding design review matters and other Site-related concerns, including, but not limited issues regarding roadway design and public safety considerations.
- A landscape plan should be provided, including a detailed planting plan, as well as paving lighting, and signage details, and the location of outdoor dumpsters or other waste receptacles. The landscape plan should also include provisions for snow removal and long-term landscape maintenance options.

MassHousing has also reviewed the application for compliance within the requirements of 760 CMR 56.04(2) relative to Application requirements and has determined that the material provided by the Applicant is sufficient to show compliance.

This Site Approval is expressly limited to the development of no more than forty (40) homeownership units under the terms of the Program, of which not less than ten (10) of such units shall be restricted as affordable for low- or moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

This approval will be effective for a period of two (2) years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing at the following times throughout this two-year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection).



Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBank Boston, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Michael Busby at (617) 854-1219.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Colin M. McNiece', with a stylized flourish at the end.

Colin M. McNiece  
General Counsel

cc: Jennifer Maddox, Undersecretary, DHCD  
The Honorable Edward J. Kennedy  
Rebecca Pine, Chair, Select Board  
Bruce Easom, Chair, Zoning Board of Appeals

## Attachment 1

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency  
Section (4) Findings and Determinations

### Heritage Landing, Groton, MA #1140

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

***(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);***

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Groton is \$89,400.

The Applicant submitted a letter of financial interest from Enterprise Bank, a member bank of the FHLBank Boston under the NEF Program.

***(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);***

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses and would address the local need for housing.

The Town of Groton does have a DHCD-approved Housing Production Plan. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through June 3, 2022, Groton has 224 Subsidized Housing Inventory (SHI) units (5.70% of its housing inventory), which is 169 units short of the statutory minima of 10%.

***(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);***

In summary, based on evaluation of the site plan using the following criteria, MassHousing finds that the proposed conceptual Project design is generally appropriate for the Site. The following plan review findings are made in response to the conceptual plan, submitted to MassHousing:

**Relationship to Adjacent Building Typology (Including building massing, site arrangement, and architectural details)**

The existing streetscape is protected by locating the proposed duplex-style housing around the end of the cul-de-sac. The cluster style design approach is preferred by the Applicant because it would result in less land disturbance, fewer environmental impacts and less infrastructure associated compared with a traditional subdivision design approach. The cluster approach also allows the Applicant to set aside considerable acreage for the Natural Heritage Area. The Applicant's design approach features architectural detailing, and changes in surface materials, colors, textures and roof lines to create façade divisions to modulate building mass and scale.

**Relationship to adjacent streets/Integration into existing development patterns**

The Site is in the northeast corner of Groton, near the Westford and Tyngsborough town lines. The parcel is 6.2 miles west of the Route 3/40 interchange, 7.0 miles west of the Route 3/113 interchange and 5.2 miles from Groton's central business district. It is on the northern end of Cow Pond Brook Road, named after the adjacent brook. The lower end of the road is improved with relatively modern mid- to slightly above mid-size colonial style residences. The Groton DPW / Highway Department yard, the Town transfer station and a significant solar farm are located on the adjacent, multi-acre parcel directly to the north. And the Cow Pond Brook Fields are located across from the DPW site. The Massachusetts Institute of Technology Haystack Observatory is located on a large, elevated tract of land directly above the Site. Large telescopes, antennas, radar systems and related equipment and multiple buildings are located on this parcel.

**Density**

The Applicant proposes to build forty (40) homeownership units on approximately 15.5 acres, of which 9.59 acres are buildable. The resulting density is 4.17 units per buildable acre, which is acceptable given the proposed housing type.

**Conceptual Site Plan**

The Applicant's proposal consists of twenty-eight (28) single family homes and six (6) duplex-style homes. The proposed site layout considers the pattern of the existing street frontage by relating the height of the buildings to the width of the public way. The buildings are proposed to be clustered together to achieve a greater sense of community and it is the intention of the Applicant to avoid, if at all possible, the buildings from facing one another. The Applicant proposes an open green space in the center of the project with tree planting which will complement the "village" style setting they hope to create.

**Environmental Resources**

The entire Site is within a Natural Heritage & Endangered Species Habitat Area. The endangered species is the Blanding's Turtle. The Applicant is in discussions with representatives of NHESP to examine opportunities to protect the habitat area. Additionally, it is anticipated that land on the opposite side of Cow Pond Brook Road will be permanently restricted from development to provide additional mitigation.

### **Topography**

The Site slopes significantly from the street frontage and then is generally level throughout the remaining acreage. The topographic features of the Site have been considered in relationship to the proposed development plans and do not constitute an impediment to development of the Site.

*(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);*

The Project appears financially feasible based on a comparison of sales submitted by the Applicant.

*(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;*

The initial pro forma has been reviewed for the proposed residential use, and the Project appears financially feasible with a projected profit margin of 13.5%. In addition, a third-party appraisal commissioned by MassHousing has determined that the "As Is" land value for the Site of the proposed Project is \$480,000.

*(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and*

MassHousing finds that the Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

*(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.*

The Applicant controls the entire Site by virtue of a Deed dated April 30, 2001, between James M. Patierno, a Trustee of the Missick Realty Nominee Trust (Seller) and Defcon 1, LLC (Buyer), recorded with the Middlesex North District Registry of Deeds in Book 11670, Page 215.

# Project Proforma



## HERITAGE LANDING, GROTON, MA

## PROFORMA

## Acquisition Cost (Actual):

Actual Acquisition Cost: Land	\$400,000
Actual Acquisition Cost: Buildings	0
Reasonable Carrying Costs	\$34,300
Total Acquisition Cost (Actual)	\$434,300

## Construction Costs-Residential Construction Costs (Hard Costs):

Building Structure Costs	\$9,169,697
Hard Cost Contingency	\$100,886
Subtotal - Residential Construction (Hard Costs)	\$9,270,583

## Construction Costs-Site Work (Hard Costs):

Earth Work	\$233,000
Utilities: On-Site	\$151,000
Utilities: Off-Site	\$179,000
Roads and Walks	\$308,000
Site Improvement	\$51,000
Lawns and Plantings	\$198,000
Geotechnical Condition	\$0
Environmental Remediation	\$20,000
Demolition	\$0
Unusual Site Conditions/Other Site Work	\$25,000
Subtotal - Site Work (Hard Costs)	\$1,165,000

## Construction Costs-General Conditions, Builders Overhead and Profit (Hard Costs):

General Conditions	\$50,000
Builder's Overhead	\$209,000
Builder's Profit	\$485,000
Subtotal - General Conditions, Builder's Overhead & Profit	\$744,000

## General Development Costs (Soft Costs):

Appraisal and Marketing Study (as is)	\$10,000
Lottery	0
Commissions/Advertising-Affordable	0
Commissions/Advertising-Market	\$547,929
Utility Usage (during construction)	\$2,500
Insurance (during construction)	\$154,000
Model Unit	\$8,000
Closing Costs (unit sales)	\$136,062
Real Estate Taxes	\$10,700
Security	\$0
Inspecting Engineer	\$15,000
Construction Loan Interest	\$680,000

Fees to Construction Lender:	\$18,000
Fees to Other Lenders:	\$0
Architectural	\$6,400
Engineering	\$110,000
Survey, Permits, etc.	\$13,500
Clerk of the Works	\$200,000
Construction Manager \$	0
Bond Premiums (payment/performance/lien bond)	\$0
Legal	\$60,000
Title (including title insurance) and Recording	\$1,000
Accounting and Cost Certification (incl. 40B)	\$30,000
Relocation	\$0
40B Site Approval Processing Fee	\$7,650
40B Technical Assistance / Mediation Fee	\$4,700
40B Land Appraisal Cost (as-is value)	\$4,500
40B Final Approval Processing Fee	\$2,500
40B Subsidizing Agency Cost Certification Examination Fee	\$7,500
40B Monitoring Agent Fee	\$10,700
40B Surety Fees	\$0
Other Financing Fees	\$0
Development Consultant	\$0
Other Consultant:	\$0
Other Consultant:	\$0
Soft Cost Contingency	\$220,600
Other Development Costs	\$0
Subtotal - General Development Costs (Soft Costs)	\$2,261,241
Developer Overhead:	\$317,160
Summary of Subtotals	
Sales/Revenue	\$16,116,060
Pre-Permit Land Value	\$434,300
Residential Construction	\$9,270,583
Site Work (Hard Costs)	\$1,165,000
General Conditions, Builder's Overhead & Profit (Hard Costs)	\$744,000
Developer Fee and Overhead	\$317,160
General Development Costs (Soft Costs)	
Summary	
Total Sales/Revenue	\$16,116,060
Total Uses (TDC)	\$14,192,262
Profit (Loss) from Sales Revenue	\$1,923,798
Percentage of Profit (Loss) Over the Total Development Costs (TDC)	0.135553

## Certified List of Abutters



**TOWN OF GROTON**  
**Office of the Board of Assessors**  
173 Main Street  
Groton, MA 01450  
(978) 448-1127  
FAX: (978) 448-1115  
[www.grotonma.gov](http://www.grotonma.gov)

Date: 4/19/23

Map: 248 Parcels: 42 Lot: 0  
Address: Cow Pond Brook Rd.

CERTIFICATION OF ABUTTERS

Abutters are within 300 feet of any requested parcel's lot lines. We hereby certify that the enclosed list includes the name and addresses of all parties taken from the Board of Assessor's Real Estate property files per the deeds received as of 4/4/23. It is with interest under MGL Chapter 40A, Section 11 as amended to the best of our knowledge and belief.

**This abutter's list will not satisfy legal requirements for notice, if ninety days have elapsed from the date of request.**

Megan Foster – Principal Assistant Assessor  
Tammi Mickel - Assistant Assessor



## 300 foot Abutters List Report

Groton, MA  
April 19, 2023

### Subject Property:

Parcel Number: 248-42  
CAMA Number: 248-42  
Property Address: COW POND BROOK RD

Mailing Address: DEFCON 1 LLC  
390 BROADWAY ROAD  
DRACUT, MA 01826

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### Abutters:

Parcel Number: 248-39  
CAMA Number: 248-39  
Property Address: HOYTS WHARF RD

Mailing Address: TOWN OF GROTON, PARK  
173 MAIN ST  
GROTON, MA 01450

Parcel Number: 248-40  
CAMA Number: 248-40  
Property Address: 599 COW POND BROOK RD

Mailing Address: TOWN OF GROTON, PARK  
173 MAIN ST  
GROTON, MA 01450

Parcel Number: 248-41  
CAMA Number: 248-41  
Property Address: 600 COW POND BROOK RD

Mailing Address: TOWN OF GROTON, LANDFILL  
8051 CONGRESS AV ATTN TAX DEPT  
MA 12211  
BOCA RATON, FL 33487-2797

Parcel Number: 249-57  
CAMA Number: 249-57  
Property Address: COW POND BROOK RD

Mailing Address: TOWN OF GROTON  
173 MAIN ST  
GROTON, MA 01450

Parcel Number: 249-59.2  
CAMA Number: 249-59.2  
Property Address: 338 COW POND BROOK RD

Mailing Address: MERK, FREDERICK B.  
338 COW POND BROOK RD  
GROTON, MA 01450

Parcel Number: 249-59.3  
CAMA Number: 249-59.3  
Property Address: 326 COW POND BROOK RD

Mailing Address: FRAZIER, KELLEY M  
326 COW POND BROOK RD  
GROTON, MA 01450

Parcel Number: 249-62  
CAMA Number: 249-62  
Property Address: HOYTS WHARF RD

Mailing Address: MASS INSTITUTE OF TECHNOLOGY  
77 MASSACHUSETTS AVE.  
CAMBRIDGE, MA 02139-4307



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

4/19/2023

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FRAZIER, KELLEY M  
326 COW POND BROOK RD  
GROTON, MA 01450

MASS INSTITUTE OF TECHNOLOGY  
77 MASSACHUSETTS AVE.  
CAMBRIDGE, MA 02139-4307

MERK, FREDERICK B.  
338 COW POND BROOK RD  
GROTON, MA 01450

TOWN OF GROTON  
173 MAIN ST  
GROTON, MA 01450

TOWN OF GROTON, LANDFILL  
8051 CONGRESS AV  
ATTN TAX DEPT MA 12211  
BOCA RATON, FL 33487-2797

TOWN OF GROTON, PARK  
173 MAIN ST  
GROTON, MA 01450

**TOWN OF GROTON**

173 Main Street  
Groton, MA 01450  
Tel: 978-448-1127  
E-mail: Assessors@grotonma.gov  
www.grotonma.gov

**Board of Assessors**

Donald R. Black  
Garrett C. Boles  
Jenifer B. Evans  
**Principal Assessor**  
Megan L. Foster  
**Assistant Assessor**  
Tammi Mickel

**Certified Abutters' List Request \***

Date of Request: April 13, 2023  
Address/es for Abutters List: COW POND BROOK RD (owner Deacon 1)  
Map: 248 Parcel/s: 42 - 0 Lot/s: \_\_\_\_\_  
Map: \_\_\_\_\_ Parcel/s: \_\_\_\_\_ Lot/s: \_\_\_\_\_

Department/s Seeking List: include abutters to abutters with 300 feet

Board of Appeals (Zoning) ☒ Planning Board \_\_\_\_\_ Select Board \_\_\_\_\_ Historic District \_\_\_\_\_

Board of Health \_\_\_\_\_ Conservation Commission \_\_\_\_\_ Water Department \_\_\_\_\_ Earth Removal/Stormwater \_\_\_\_\_

- Do you want us to forward this to the Department you have requested the list for?  
(Conservation Commission does not accept them) Yes \_\_\_\_\_ No ☒
- Do you want to pick it up? Yes \_\_\_\_\_ No \_\_\_\_\_ Telephone number \_\_\_\_\_
- Do you want it e-mailed? Yes ☒ No \_\_\_\_\_ E-mail address palphen@alphensantas.com

**MGL Chapter 40A, Section 11:**

"Parties in interest" as used in this chapter shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town. The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes.

**MGL Chapter 66, Section 10:**

(B) A custodian of a public record shall, within 10 days following a request for public records, comply with such a request, etc.

\*This is a required form to be filled out for all Certified Abutters' Lists.

PAUL F. ALPHEN 978-692-3107  
(Your name printed) (Phone Number)

[Signature]  
(Signature)  
(Form Revised June 27, 2022)