

EXHIBIT 1

EXHIBIT 2

PLAN

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EXHIBIT 3



Bk: 37644 Pg: 043

Massachusetts Quitclaim Deed Short Form (Individual)

Recorded: 01/11/2003
Document: 00000502 Pages: 1 of 3

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CAROLYN S. SHANKS, a/k/a CAROLYN S. SHANNON

of 9 Ridge Street, Winchester, Middlesex County, Massachusetts

for consideration paid, and in full consideration of (\$1.00) ONE DOLLAR

grant to CAROLYN S. SHANNON, MARK D. SHANNON and WILLIAM J. SHANNON, Trustees of The Shannon Investment Trust, dated Apr. 15, 2002, recorded herewith, of 9 Ridge Street, Winchester, Massachusetts 01890, with Quitclaim Covenants

PARCEL I

A parcel of land situated in the Towns of Winchester and Stoneham, County of Middlesex, Commonwealth of Massachusetts, and shown as "Area in Winchester 4.26 acres" on a Plan entitled "Plan of Land in Stoneham and Winchester, Mass." by Warren M. Mirick, Reg. Surveyor, dated October 16, 1959, recorded with Middlesex South District Registry of Deeds Book 9601, Page 557, bounded and described as follows:

- NORTHWESTERLY: by land now or formerly of Millyan Construction Co., Inc. by two courses measuring respectively Forty-two and 36/100 (42.36) feet and Twenty-four and 37/100 (24.37) feet;
- NORTHEASTERLY: by LAND NOW OR FORMERLY OF Millyan Construction Co., Inc. by two courses measuring respectively fifty-three and 72/100 (53.72) feet and One hundred six and 44/100 (106.44) feet;
- NORTHERLY and NORTHWESTERLY: by land now or formerly of Joseph and Dorothy Galiazzo by two courses measuring respectively One hundred fifty-one and 04/100 (151.04) feet and Two hundred twenty-seven and 42/100 (227.42) feet;
- WESTERLY and SOUTHWESTERLY: by land now or formerly of Arthur J. and Josephine F. McGonagle by two courses measuring respectively fifty-two and 65/100 (52.65) feet and sixty-nine and 93/100 (69.93) feet;
- SOUTHWESTERLY and WESTERLY: by land now or formerly of Leonard M. and Laretta M. Caruso by two courses measuring respectively forty-three and 10/100 (43.10) feet and one hundred forty-one and 77/100 (141.77) feet;
- SOUTHWESTERLY and SOUTHERLY: by land of Metropolitan District Commission by two courses measuring respectively one hundred fifty-seven and 45/100 (157.45) feet and one hundred forty-five and 70/100 (145.70) feet;
- SOUTHEASTERLY: by the town line between Winchester and Stoneham by two courses measuring respectively six hundred fifty-six and 28/100 (656.28) feet and approximately sixty-five and (65) feet to the point of beginning.

Containing 4.26 acres of land according to said Plan.

PARCEL II

Also, a parcel of land contiguous thereto situated in Stoneham, Massachusetts and referred to as the "Access Parcel" in a certain Deed dated August 7, 1968 recorded at Book 11552, Page 537, from Alfred A. Sartorelli, Trustee of the Fallon Land Trust, under

ADDRESS OF PARCEL I, II, III - Fallon Road, Stoneham, Massachusetts and North Border Road, and Rear Eugene Road, Winchester, Middlesex County, Massachusetts, ATTORNEY DONALD M. GREENOUGH, P.O. Box 790, Winch, MA 01890

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Deed and Trust Agreement dated November 28, 1960 recorded with Middlesex South Deeds, Book 9721, Page 209, to R. John Griefon, et al, Trustees of Spot Pond Trust, under Declaration of Trust dated March 9, 1960 and recorded with said Deeds Book 9721, Page 201.

Said "Access Parcel" is bounded and described as follows:

- SOUTHERLY:** by land now or formerly of Will Ross, Inc., shown as Lot three (on plan dated July 20, 1967 and recorded at said Deeds Book 11407, Page 653). Two hundred nine and 84/100 (209.84) feet;
- WESTERLY:** by the town line between Stoneham and Winchester by the first above described parcel of land, fifty (50) feet;
- NORTHERLY:** by a line parallel to the said two hundred nine and 84/100 (209.84) foot Southerly boundary, and extended to its point of tangency with the cul-de-sac portion of Fallon Road, as shown on said Plan dated July 20, 1967 (said line being two hundred sixty and 20/100 (260.20) feet long);
- EASTERLY:** by the line of said cul-de-sac portion of Fallon Road, an arc distance of Seventy-Eight and 54/100 (78.54) feet.

Said "Access Parcel" containing about one quarter of an acre. Meaning and intending to describe a 50 foot wide strip running parallel to and djoining the said 209.84 foot boundary line of Lot 3 as shown on the said Plan recorded at 11407, Page 653, and extending from the first above-described parcel of land in Winchester to the cul-de-sac portion of Fallon Road in Stoneham. Together with all rights and privileges appurtenant thereto and subject to and with the benefit of all reservations and easements thereto entitled either individually or in common with others. ✓

PARCEL III

Also a parcel of land situated in Winchester, Mass. and shown on Plan dated October 16, 1959, recorded at said Deeds Book 9601, Page 557, and more particularly bounded and described as follows:

- SOUTHWESTERLY:** by land now or formerly of Millyan Construction co., Inc., by two courses measuring respectively one hundred seven and 09/100 (107.09) feet and fifty-six and 95/100 (56.95) feet;
- SOUTHWESTERLY:** by land now or formerly of Roger H. Rotondi, et al, by three courses measuring respectively ninety-one and 80/100 (91.80) feet; one hundred thirty-five and 83/100 (135.83) feet and nineteen and 88/100 (19.88) feet;
- NORTHEASTERLY:** by land now or formerly of Nora Theresa Mosley Fifteen and 70/100 (15.70) feet;
- EASTERLY:** by the town line between Stoneham and Winchester.

Containing about 8000 square feet.

For title reference see deed of Carolyn S. Shanks a/k/a Carolyn S. Shannon, Trustee of Bill Mark Realty Trust dated and recorded herewith.

WITNESS my hand and seal this 15th day of November, 2002.

Carolyn S. Shanks
CAROLYN S. SHANKS a/k/a
CAROLYN S. SHANNON

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

Nov. 15, 2002

Then personally appeared the above-named Carolyn S. Shanks a/k/a Carolyn S. Shannon and acknowledged the foregoing instrument to be her free act and deed, before me,

Donald M. Greenough
Notary Public - DONALD M. GREENOUGH
My Commission Expires:
October 11, 2007

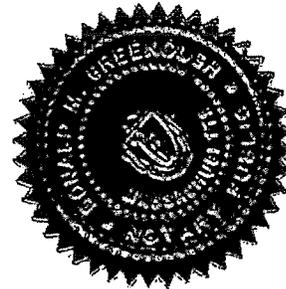
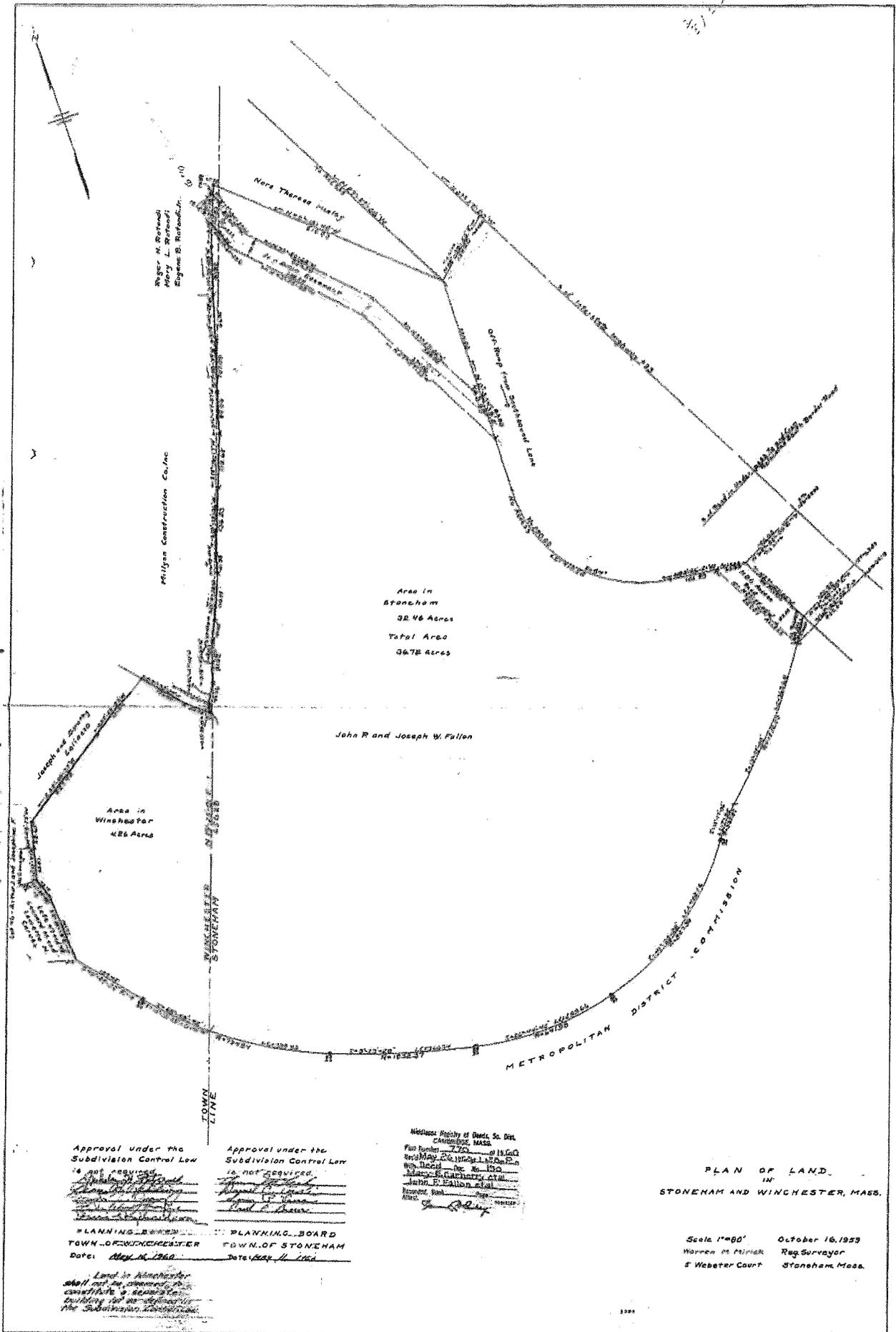


EXHIBIT 4

"1960 Plan"



Approval under the
Subdivision Control Law
is not required.

[Signature]
[Signature]
[Signature]

PLANNING BOARD
TOWN OF WINCHESTER
Date: May 11, 1960

Land in Winchester
shall not be conveyed,
conveyed or otherwise
building up or otherwise
the Subdivision Control Law.

Approval under the
Subdivision Control Law
is not required.

[Signature]
[Signature]
[Signature]

PLANNING BOARD
TOWN OF STONEHAM
Date: May 11, 1960

Middlesex Registry of Deeds, So. Dist.
CAMBRIDGE, MASS.
File Number: 7223 of 1960
Book: 26, Page: 135
Map No. 120
John R. Fallon et al.
Surveyor
Date: May 11, 1960

PLAN OF LAND
STONEHAM AND WINCHESTER, MASS.

Scale: 1"=80' October 16, 1953
Warren D. Bishop Reg. Surveyor
5 Webster Court Stoneham, Mass.

EXHIBIT 5

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KNOW ALL MEN BY THESE PRESENTS:

ALFRED A. SARTORELLI, Trustee of the Fallon Land Trust, under Deed and Trust Agreement dated November 28, 1960, recorded with Middlesex South Deeds, Book 9721, Page 209, acting herein pursuant to the powers conferred by said trust and every other power him hereto enabling, FOR CONSIDERATION PAID, hereby GRANTS, with QUIT-CLAIM COVENANTS to R. JOHN GRIEFEN of Belmont, Massachusetts, JOHN M. HINES of Waltham, Massachusetts, and GERALD W. BLAKELEY, JR. of Boston, Massachusetts, as present Trustees of Spot Pond Trust, under Declaration of Trust dated March 9, 1960, recorded with said Deeds, Book 9721, Page 201, the land in Stoneham, Massachusetts, on the west side of Route I-93, so called, (said Route also being known as and herein called Route 93), shown as Lot Four on plan dated July 20, 1967, by Raymond C. Pressey, Inc., entitled "Plan of Middlesex Industrial Park, Stoneham, Mass." recorded with said Deeds as Plan 1180 of 1967 and more particularly bounded and described, as follows:

Post Office Address of all Grantees:
C/A Cabot & Forbes
60 State Street, Boston, Massachusetts

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NORTHEASTERLY by land now or formerly of Nora Theresa Mosley, four hundred ninety-seven and 23/100 (497.23) feet;

EASTERLY, NORTHEASTERLY and NORTHERLY by the westerly and southwesterly and southerly no access line of Route 93, by various courses, respectively measuring four hundred sixty and 99/100 (460.99) feet, an arc distance of four hundred ten and 50/100 (410.50) feet, and one hundred and 29/100 (100.29) feet;

EASTERLY by a portion of the westerly access line of Route 93, twelve and 13/100 (12.13) feet;

SOUTHEASTERLY, SOUTHERLY, and SOUTHWESTERLY, by the northwesterly, northerly, and northeasterly line of Fallon Road, including the cul-de-sac and other curved portions of that line, a total distance of one thousand sixteen and 88/100 (1016.88) feet (the distances along said curved portions being arc distances);

SOUTHERLY by land now or formerly of Will Ross, Inc., shown as Lot Three on said plan, two hundred nine and 84/100 (209.84) feet;

WESTERLY by the town line between Winchester and Stoneham one hundred thirty-five and 23/100 (135.23) feet, then by land now or formerly of Millyan Construction Co., Inc., by various courses, in part by a stone wall and in part by said town line, all as shown on said plan, a total distance of six hundred forty-seven and 26/100 (647.26) feet; and again by said town line, three hundred ninety-one and 84/100 (391.84) feet.

Excepting, however, from the premises hereby conveyed that portion (hereinafter called the "Access Parcel") of said Lot Four bounded and described as follows:

SOUTHERLY	by land now or formerly of Will Ross, Inc., shown as Lot Three on said plan, 209.84 feet;
WESTERLY	by the town line between Stoneham and Winchester, by grantor's remaining land, 50 feet;
NORTHERLY	by a line parallel to said 209.84 foot boundary, and extended to its point of tangency with the cul-de-sac portion of Fallon Road (said line being 260.20 feet long);
EASTERLY	by the line of said cul-de-sac portion of Fallon Road, an arc distance of 78.54 feet.

Containing about one quarter of an acre.

Meaning and intending hereby to except a 50 foot wide strip running parallel to and adjoining the said 209.84 boundary line of said Lot 3, and extending from the Grantor's remaining land in Winchester to the cul-de-sac portion of Fallon Road.

The premises conveyed contain 15.8 acres, according to said plan, more or less, less the one-quarter acre comprising the Access Parcel.

Together with any strips or gores belonging to the Grantor, whether located in Stoneham or the Town of Winchester, adjoining said course totaling 647.26 feet, said course of 391.84 feet, and said 497.23 foot northeasterly boundary, but not including any strips or gores in Winchester lying southerly of the northeasterly boundary of the Grantor's remaining land in Winchester, which boundary is shown as 106.44 feet, 53.72 feet, and 2.95 feet on a plan dated October 16, 1959, by Warren M. Mirick, recorded with said Deeds as Plan 770 of 1960;

Being a portion of the premises described in said Deed and Trust Agreement, and including, except for the Access Parcel, all the Grantor's land in Stoneham therein described, and not heretofore conveyed by the grantor to the grantees by three deeds, respectively dated June 15, 1965, March 3, 1966, and October 9, 1967, and recorded with said Deeds, Book 10844, Page 418, Book 11061, Page 169, and Book 11407, Page 653, and to said Town of Stoneham by deed dated May 3, 1965, recorded with said Deeds, Book 10844, Page 413.

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and together with all rights now appurtenant to the granted premises or any portion thereof.

Together also with the right, as appurtenant to the granted premises, to use until accepted or taken by the Town of Stoneham as a public way, and in common with the Grantor, and his successors in title to the Grantor's remaining land that portion (the "Driveway Portion") of the Access Parcel adjoining the cul-de-sac portion of Fallon Road, bounded:

NORTHERLY	by part of the northerly line of the Access Parcel, sixty (60) feet;
SOUTHERLY	by the curved line of said cul-de-sac, an arc distance of forty-three and 80/100 (43.80) feet; and
WESTERLY	by a line through the Access Parcel, being an extension of the radius of the cul-de-sac on its course of South 30 Degrees 21 Minutes Thirty-Five Seconds East, twenty-eight and 10/100 (28.10) feet,

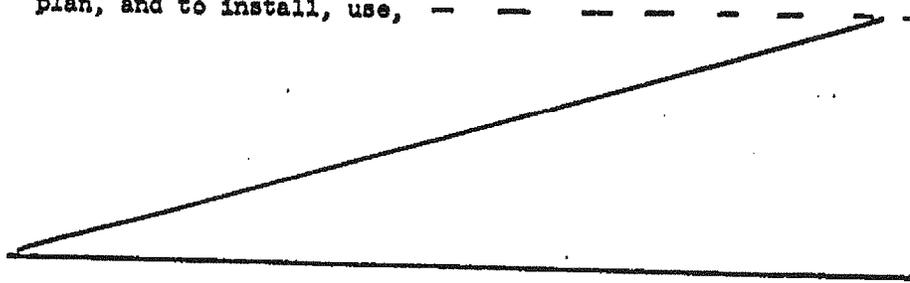
for access between the granted premises and said Road, and to install, maintain and replace a driveway or way thereover, for service to the granted premises, reserving to the Grantor, as appurtenant to Grantor's remaining land (a) like rights in the Driveway Portion, (b) rights to install, use, repair, and replace in the Driveway Portion underground pipes, wires, conduits and appurtenances for sewer, water, drainage, gas, electricity, and other underground utilities for service to said remaining land, (c) the right to petition the Town of Stoneham to accept, without assessment on the granted premises, all or part of the Driveway Portion as a public street or way, (d) the right to convey by instrument duly recorded, to said Town and/or if necessary to any other public authority providing sewer or water service, such easements and rights (including without limitation thereby, the fee) in and to the Driveway Portion, as may be necessary for such acceptance, (e) all rights to damages in excess of betterments resulting from acceptance or taking of the Driveway Portion as a public street and (f) the right to grant to others the right to install, use, repair, and replace in the Driveway Portion, for drainage of surface water

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from land adjoining Grantor's remaining land, underground pipes, lines, and appurtenances and to use, repair, and replace for such purpose like drainage facilities installed therein by the grantors or others.

It is agreed that if any party in the exercise of his rights to construct improvements in the Driveway Portion shall disturb the surface of any then existing driveway or way on or over that portion, that party shall, promptly upon completion of said improvements, restore said surface as nearly as practicable to at least its condition prior to the commencement of such construction.

Reserving also as appurtenant to the Grantor's remaining land, and in common with the grantees and others from time to time entitled, rights (a) to drain surface water therefrom (via pipes or other drain facilities in the Driveway Portion, in the two "20 Foot Drainage Easement" strips shown on said July 20, 1967 plan, one along the southerly boundary of said Lot Three and the other straddling the dividing line between said Lot Three and Lot Two on said plan, and in said Fallon Road, through which such water is drained pursuant to rights reserved herein and in the above deeds dated March 3, 1966 and October 9, 1967 from the Grantor to the grantees ^{and} without hereby intending to derogate from any and all such rights so reserved in said two deeds) within those strips running across or located on the granted premises respectively marked "30 Foot Drain Easement", "40 Foot Drainage Easement", "10 Foot Drainage Easement" and "20 Foot Wide Utility Easement" on said plan, and to install, use, - - - - -



replace and maintain within said "30 Foot Drain Easement" and "10 Foot Drainage Easement" strips, underground pipes and lines and appurtenances, and ditches within said "40 Foot Drainage Easement" and underground pipes, lines, and appurtenances or ditches within said "20 Foot Wide Utility Easement" strip, all for such drainage, and to use, maintain, and replace for such drainage like drainage facilities installed in any of said strips by the Grantees or others and to grant like rights to the owners of land adjoining said remaining land; and (b) to use, until the same is accepted or taken by the Town of Stoneham as a public way, said Fallon Road for all purposes for which roads may from time to time be used in said Town, including installation, use, repair and restoration of pipes, wires, poles, conduits and appurtenances for sewer, water, drainage, gas, electricity, and other utilities therein, thereon and thereover and also including use and repair and replacement of like services installed by the grantees or others, for service to said remaining land. Grantor also reserves the right to grant to others, until Fallon Road is so accepted or taken, the right to install, use, repair and restore therein for surface water drainage of land adjoining the Grantor's remaining land, drainage pipes, conduits and appurtenances and to use, repair and replace such drainage facilities installed therein by the grantees or others. It is further agreed that if any party in the exercise of the rights hereunder shall disturb the surface of said Road or of said strips after installation in said strips of underground pipes, lines and appurtenances for drainage, that party shall, at its own expense, promptly restore the same to its original condition after completion of the work, but such restoration shall not be deemed a waiver of any claims against any person for negligence or unlawful act necessitating such work.

Grantor reserves the right, as appurtenant to the Grantor's remaining land and in common with the owners from time to time of said Lot Three and others from time to time entitled, to use, maintain and replace pipes, lines, ditches and/or other facilities for drainage of surface water from said remaining land, within said two "20 Foot Drainage Easement" strips, one across the southerly boundary of said Lot Three (and referred to in said October 9, 1967 deed as crossing the "southwesterly portion of said Lot Three"), and the other

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straddling the dividing line between said Lot Three and said Lot Two, and the right to grant like rights to others in favor of land adjoining the Grantor's remaining land.

Reference is made to certain rights reserved by the Grantor in the three above deeds to the grantees, dated June 15, 1965, March 3, 1966, and October 9, 1967, to change on land remaining to the Grantor at the respective dates of said deeds, the flow, method or system of surface water then or thereafter existing on that remaining land, all as therein set forth. If and to the extent the rights so reserved would permit any such change on or within the boundaries of the granted premises, the same are hereby released.

That portion of the granted premises included within said strip marked "40 Foot Drainage Easement", on said July 20, 1967, plan, is subject to the rights set forth in two takings by the Commonwealth of Massachusetts, one dated November 25, 1958, recorded with said Deeds Book 9283, Page 433, the other dated January 30, 1959, recorded with said Deeds Book 9310, Page 268. Said portion, said strips marked "30 Foot Drain Easement", "20 Foot Wide Utility Easement", and "10' Drainage Easement" on said July 20, 1967 plan, are also subject to the rights granted by said deed from the Grantor to the grantees dated October 9, 1967.

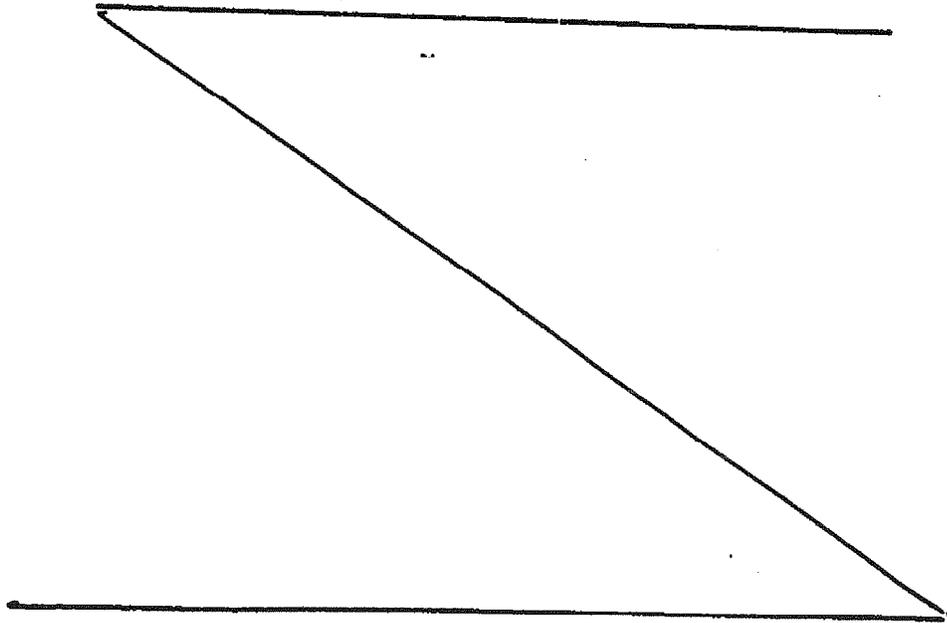
References herein to Grantor's remaining land shall mean the Access Parcel in Stoneham and the 4.62 acres of Winchester land below described.

The granted premises except for the "Unrestricted Portion", below described, are conveyed subject to the following protective restrictions hereby imposed thereon for the exclusive benefit of the Grantor and his successor in trust and to those successors in title to the benefited land hereinafter described or others to whom the exclusive benefit of these restrictions may from time to time hereafter be expressly granted of record by the party theretofore entitled of record to grant such benefit:

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7/30/68
8/5/68

BK 11552 PG 543

1. No building shall be maintained within 40 feet of the nearest line of Fallen Road or of Route 93, or 15 feet of land of another owner, nor having exterior walls faced other than with brick or other equally aesthetically acceptable material approved by Grantor, nor shall more than fifty percent (50%) of any lot consisting in whole or in part of said granted premises be built upon.
2. Within the required building setback area from the said southerly boundary and road line there shall be maintained only walks, driveways, lawns, and landscaping; at least two-thirds of said setback area shall consist of lawns and landscaping, and not more than one-third of said area may consist of walks and driveways.
3. There shall be maintained on said granted premises facilities for parking, loading, and unloading reasonably sufficient to serve the business conducted thereon without using adjacent streets therefor.
4. Reasonable care shall be used to maintain neatly the exterior appearance of said granted premises, and no open storage shall be permitted detrimental to the appearance of a garden-type industrial center, of which the New England Industrial Center in Needham, Massachusetts, is an example.
5. No buildings, exterior signs or structures shall be erected, or exterior structural alterations or additions made, except pursuant to plans approved by the Grantor as to landscaping and architectural conformity to a garden-type industrial center, of which the New England Industrial Center in Needham, Massachusetts, is an example, which approval shall not be unreasonably withheld or delayed.



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 8/5/68
 8/6/68
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The benefited land is the Access Parcel in Stoneham, plus the land in Winchester, shown as 4.62 acres on a "Plan of Land in Stoneham and Winchester, Mass.", by Warren M. Mirick, dated October 16, 1959, recorded with Middlesex South Deeds as Plan No. 770 of 1960 in Book 9601, Page 557, and shall also include portions of the granted premises to which the grantees retain or reacquire title after reconveyance of part thereof to a third party. The Unrestricted Portion above referred to is that portion of the granted premises on the northerly side of Fallon Road, containing about 1,758 square feet, bounded and described as follows:

NORTHEASTERLY by the no-access line of Route 93, 45 feet;
 and by the access line thereof 12.13
 feet;

EASTERLY and SOUTHEASTERLY by the nearest line of Fallon
 Road, an arc distance of 51.97 feet;

SOUTHWESTERLY by a line running north 33 degrees 50' 09" west
 through the granted premises, 76.62 feet.

Anyone hereafter claiming under this deed may rely upon any instrument in writing signed by (a) the Grantor or his successor or successors in trust or (b) such person (or persons) to whom the exclusive benefit of these restrictions may hereafter have been expressly granted of record, or (c) any agent, including without limitation any committee, to whom authority therefor may have been delegated by the Grantor or his said successor or successors in trust or said person (or persons) by instruments duly recorded or registered, purporting to approve to the extent required by paragraph 1 above any material used for facing of exterior walls, and to the extent required by paragraph 5 above any plans or completed construction, or waiving (or amending) these restrictions in particular respects; provided, however, that so long as a delegation of such authority under (c) above has not been revoked of record in the manner provided in the instrument of delegation, an approval by the parties designated in (a) or (b) above shall have no effect. Any construction other than exterior signs, driveways, parking areas, grading and landscaping,

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7/2/68
7/16/68

completed for more than three (3) months shall be deemed approved as to the wall facing requirement under paragraph 1. above and as to architectural conformity under paragraph 5. above (but not as to any other requirement) unless suit for enforcement has been theretofore commenced and notice thereof theretofore recorded or registered appropriately to affect the record title to said parcel.

There is also hereby granted and delegated to the Grantees hereunder, as agent for the Grantor, the authority to approve and to waive (or amend) as set forth in said restrictions, it being

understood that this grant and delegation are to apply, however, only to the restrictions hereby imposed and to the said granted premises, and that said grant and delegation shall not take effect until record title to at least 5 acres of the restricted portion of said granted premises is conveyed by the grantees (or their successors in trust) to a third party. This grant and delegation of authority shall remain in full force and effect (if not theretofore terminated by merger) until such time as a revocation shall be recorded with Middlesex South Deeds, signed by the Grantor (or its successors in trust) as Trustee of the Fallon Land Trust or the then holder of the exclusive benefit of said restrictions and by the Grantees (or in the event the Grantees' trust shall have been then terminated, by the then Trustees of Cabot, Cabot & Forbes Co., under Declaration of Trust dated June 30, 1954, recorded with said Deeds, Book 8384, Page 577, as amended).

There are no restrictions implied or intended as to the Grantor's remaining land.

The Grantor for himself and successors and assigns covenants that promptly upon being requested so to do by the grantees, he (or such successors and assigns) will grant the exclusive benefit of the restrictions hereby imposed on the

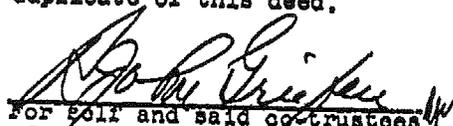
granted premises to the grantees or to such person or persons as shall be designated by the grantees (or their successors in trust), by instrument in form sufficient for recording.

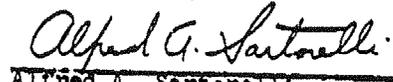
The Grantor hereby grants to the grantees the exclusive benefit of the restrictions imposed by the above three (3) deeds dated June 15, 1965, March 3, 1966, and October 9, 1967 (thus vesting in the grantees all rights with respect thereto, the parties acknowledging that the separate authority set forth in said restrictions to approve and to waive (or amend), respectively delegated in said three (3) deeds to the Trustees of said Spot Pond Trust (as agent for said Trustee of the Fallon Land Trust) is terminated and lodged in said Spot Pond Trustees as holders of such exclusive benefit).

The Grantor acknowledges that all obligations of the grantees with respect to the Agreement dated November 28, 1960, referred to in the Grant of Option of like date, recorded with said Deeds, Book 9721, Page 219, insofar as the same relate to the premises and rights granted by this deed, have been satisfied in full.

The grantees join herein for the purpose of (a) confirming that the above acknowledgment with respect to the restrictions imposed by said deeds dated June 15, 1965, March 3, 1966, and October 9, 1967; and (b) releasing to the grantor, its successors and assigns, all rights under said Grant of Option with respect to the Grantor's remaining land.

WITNESS the execution hereof in duplicate under seal this 7th day of August, 1968, the required Massachusetts documentary stamps having been affixed to an unrecorded executed duplicate of this deed.


for said and said co-trustees
of said Spot Pond Trust but not
individually


Alfred A. Sartoroli, as
Trustee of the Fallon Land
Trust as aforesaid, but not
individually

goc:dp
7/2/68

COMMONWEALTH OF MASSACHUSETTS

Suffolk , ss

August 7 , 1968

Then personally appeared the above-named Alfred A. Sartorelli,
and acknowledged the foregoing instrument to be his free act and deed
as Trustee as aforesaid, before me,

My commission expires: 12-4-1971

David G. Colt
Notary Public
DAVID G. COLT

EXHIBIT 6



Bk: 37644 Pg: 038

Massachusetts Quitclaim Deed Short Form (Individual)

2

Recorded: 01/17/2003

Document: 00000500 Page: 1 of 2

CAROLYN S. SHANNON

of 9 Ridge Street, Winchester Middlesex County, Massachusetts

for consideration paid, and in full consideration of (\$1.00) DOLLAR

grant to CAROLYN S. SHANNON, MARK D. SHANNON and WILLIAM J. SHANNON, Trustees of The Shannon Investment Trust, dated Nov 15, 2002, recorded herewith, of 9 Ridge Street, Winchester, Massachusetts 01890, with Quitclaim Covenants

PARCEL I

The land situated in Winchester, said county of Middlesex, in said Commonwealth of Massachusetts, being the parcel marked "Heir of Thomas J. Fallon", containing 9.05 acres, shown on Plan of Land, Winchester, Massachusetts, dated May 10, 1944, Parker Holbrook, Engineer, recorded with Middlesex South District Deeds, Book 6776, Page 222 and bounded:

- NORTHWESTERLY: By Forest Circle, as shown on said plan, 58 feet more or less;
NORTHEASTERLY: By land of owners unknown, in 2 courses, shown on said plan, totaling 120.42 feet.
NORTHWESTERLY: again, By said land of owners unknown, 128.96 feet;
NORTHEASTERLY: again, By land of Gerald K. Richardson and Old Colony Trust Co., Trustees, shown on said plan, 856.5
SOUTHEASTERLY: By land of Nora T. Fallon, shown on said plan, 376 feet more or less;
EASTERLY: By land of said Nora T. Fallon, shown on said plan, 54 feet more or less;
SOUTHWESTERLY: By lands of Gilkey, Sylvester, Johnson, Noonan and Delorey, shown on said plan, 553 feet, more or less;
WESTERLY: By land of Chase, Norton, and Chase, shown on said plan in two courses, totaling 456 feet, more or less;
SOUTHWESTERLY: again, by land of Edward W. Chase, shown on said plan, 147 feet, more or less.

PARCEL II

Also, another parcel of land situated in said Winchester, shown as parcel containing 12,820 square feet of land on plan of land in Winchester, Massachusetts dated March 1, 1944, Parker Holbrook, Engineer, recorded in said Deeds, Book 6849, Page 289, and bounded.

Beginning at the NORTHEASTERLY corner of the parcel herein described at land of Thomas J. Fallon, Jr., thence

- SOUTHWESTERLY: By Forest Circle by three courses totaling 108.42 feet then
SOUTHEASTERLY: By land of Thomas J. Fallon Estate, by two courses totaling 120.42 feet; thence
NORTHEASTERLY: By land of said Thomas J. Fallon Estate, 128.96 feet, thence
NORTHWESTERLY: By land of Gerald K. Richardson and Old colony Trust Company, Trustees, 36.70 feet; thence
SOUTHWESTERLY: By land of Thomas J. Fallon, Jr., 48.08 feet; thence
NORTHWESTERLY: By land of said Thomas J. Fallon, Jr., 94.42 feet to Forest Circle at the point of beginning.

Said parcels I and II are conveyed subject to any restrictions, building and zoning laws of the Town of Winchester and easements of record so far as in force and applicable.

DONALD M. GREENOUGH, ATTORNEY

P.O. Box 790
Winch, MA 01898

45.00

500

SD 01/11/03 09:08:23

PROPERTY ADDRESS: Forest Circle, Winchester, Massachusetts

CSW

Excepting from said conveyance the following:

A certain parcel of land described in deed from Robert J. Shannon to Normand J. Desrochers and Nancy B. Desrochers dated August 5, 1971 and recorded at Middlesex South District Registry of Deeds in Book 12049 Page 483 as further described as the buildings thereon being shown as Lot B on "Plan of Land in Winchester, Mass.," dated May 3, 1971, William Caperci, Surveyor to be recorded and bounded and described as follows:

NORTHWESTERLY: By Forest Circle as shown on said plan, Fifty (50) feet;
NORTHERLY: By other land of Grantor by a curved line as shown on said plan, Thirty-two (32) feet;
NORTHEASTERLY: by other land of Grantor by two courses as shown on said plan, One hundred twenty-six and 22/100 (126.22) feet;
SOUTHERLY: By other land of Grantor by two courses as shown on said plan, One hundred twenty-three and 02/100 (123.02) feet; and
SOUTHWESTERLY: By a stone wall by three courses as shown on said plan, One hundred forty-two and 71/100 (142.71) feet.

Containing 14,500 square feet as shown on said plan.

For title reference see deeds dated October 2, 1995 and recorded with Middlesex South District Registry of Deeds in Book 25797, Page 480, and Book 26068, Page 543. Robert J. Shannon died on June 11, 2000; see Middlesex Probate Docket No. 00P3234EP.

WITNESS my hand and seal this 15 day of Nov., 2002.

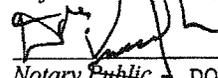

CAROLYN S. SHANNON

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

Nov. 15, 2002

Then personally appeared the above-named Carolyn S. Shannon and acknowledged the foregoing instrument to be her free act and deed, before me,


Notary Public DONALD M. GREENOUGH
My Commission Expires:
October 11, 2007

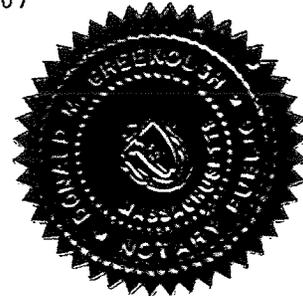


EXHIBIT 7

4.8 COMMERCIAL DISTRICT I: (10-29-98, Art. 22)

4.8.1 *Purpose:* The purpose of the Commercial District I is to provide areas for light manufacture, assembly, research, industrial parks, office parks, high technology and similar uses. (10-29-98, Art. 22)

4.8.2 *Uses Permitted with Site Plan Approval by the Board of Selectmen:*

4.8.2.1 Research Laboratory.

4.8.2.2 Office Building.

4.8.2.3 Light Manufacturing.

4.8.2.4 Veterinary Hospital.

4.8.2.5 Office Parks.

4.8.2.6 Industrial Parks.

4.8.2.7 Retail store, service establishment, and retail business of which the gross floor area of the store or establishment is not greater than three thousand (3,000) square feet. (5-8-89, Art. 20)

4.8.2.8 Restaurant, public dining room or lunch room, not including any drive-through, of which the gross floor area of said restaurant, public dining room or lunch room, shall not be greater than three thousand (3,000) square feet and provided that the site in total contains fifty thousand (50,000) square feet or more of gross floor area. (10-30-89, Art. 1)

4.8.2.9 Deleted. [Refer to 4.14] (10-29-98, Art. 22)

4.8.2.10 Medical and dental offices and laboratories and clinics.

4.8.3 *Uses Permitted on a Special Permit Granted by the Planning Board and Site Plan Approval by the Board of Selectmen:* (10-21-85, Art. 15; 5-4-87, Art. 12 - See editor's note below)

4.8.3.1 Utility buildings, contractor's storage warehouses and buildings, and wholesale distribution plants.

4.8.3.2 Passenger depots and terminals.

4.8.3.3 Retail store, service establishment, and retail business with gross floor area in excess of three thousand (3,000) square feet; and service establishment for the retail distribution of petroleum products, provided that such shall not permit gasoline service stations and garages. (10-21-85, Art. 15; 5-8-89, Art. 12)

4.8.3.3.1 Any retail store, service establishment or retail business with a combined gross floor area of seventy-five thousand (75,000) square feet or more. (5-8-89, Art. 12)
Chapter 15 Zoning The Code of the Town of Stoneham, Massachusetts (2/2012) 15-35

4.8.3.4 Automobile repair services provided that:

- (a) All service is performed within an enclosed structure.
- (b) Such building shall be located not less than three hundred (300) feet from properties used or zoned for residential purposes, and not less than six hundred (600) feet from a school.
- (c) Such building shall be set back at least fifty (50) feet from the street right-of-way.
- (d) No motor vehicles in an inoperative condition are to remain on such site for more than a two (2) week period unless enclosed in a building or fenced or screened from abutting properties and streets.
- (e) Screening in accord with Section 6.5 shall be provided and maintained along all adjacent property boundaries.

4.8.3.5 Banquet Facilities, Function Halls and Dinner Theaters. (7-28-03, Art. 3)

4.8.3.6 Senior Residential Overlay (SRO) District (See Section 4.16 Senior Residential Overlay (SRO) District for additional regulations and requirements)

Editor's note—Amendment of Sec. 4.8.3 on 5-4-87 added the requirement of site plan approval to the existing special permit requirement.

EXHIBIT 8



MARK DUPONT, trustee, [\[Note 1\]](#) VS.
TOWN OF DRACUT.

41 Mass. App. Ct. 293

April 16, 1996 - September 17, 1996

Suffolk County

Present: WARNER, C.J., ARMSTRONG, & KASS, JJ.

A judge of the Land Court correctly ruled that a town had the right to prohibit a proposed accessory use (parking and access) that would serve a principal use (residential) to be constructed on the same lot but on a portion located in another municipality, where the town's zoning by-law did not permit a residential use for the portion of the lot that lay in the town. [294-296]

In a civil action, the judge properly denied the plaintiff's motion for reconsideration of the plaintiff's motion for summary judgment where the plaintiff did not meet his burden of producing evidence that demonstrated there remained unresolved issues of fact. [297]

CIVIL ACTION commenced in the Land Court Department on September 28, 1992.

The case was heard by Karyn F. Scheier, J., on a motion for summary judgment.

Michael Najjar for the plaintiff.

Judith Pickett for the defendant.

WARNER, C.J. The plaintiff seeks to build a fourteen-unit housing project for the elderly on a lot situated in both the city of Lowell and the town of Dracut. The Lowell segment consists of 12,906 square feet and is located in an M-3 zoning district that allows multifamily housing. The Dracut portion contains 7,420 square feet and is located in a B-3 district that allows business use and prohibits residential use. As proposed, the structure would be situated on the Lowell portion of the lot with access and

most of the required off-street parking situated on the Dracut portion. In order to meet Lowell's M-3

Page 294

frontage requirement, frontage on the Dracut portion of the land would have to be added to the Lowell frontage. A two-family dwelling which predates Dracut's zoning by-law is now located on the Lowell portion of the property. Dracut recognizes the residential use as a legally nonconforming one.

The plaintiff brought an action in the Land Court seeking a declaration that the town of Dracut may not prohibit the plaintiff from adding the Dracut frontage to the Lowell frontage [Note 2] to meet Lowell's frontage requirement and that the Dracut zoning by-law does not prohibit parking on the Dracut land to service the multifamily building in Lowell, or, in the alternative, that application of the Dracut by-law constitutes a taking for which the town must pay just compensation.

The Land Court judge granted summary judgment for the town, ruling that the town had the right to prohibit the use of land for an accessory use (access and parking) to a use (residential) not permitted in that district. She ruled further that there was no unconstitutional taking because a nonconforming two-family dwelling, which Dracut recognizes as a legally nonconforming use with respect to the portion of the lot located in Dracut, exists on the locus. Thus, the Judge stated, the dwelling may remain there and, perhaps, be modified pursuant to the provisions of G. L. c. 40A, s. 6. She noted further that the entire property is undersized with regard to the Dracut by-law. Were it not for the existing legally nonconforming structure, the judge said, the lot would not be buildable under the Dracut by-law without a variance from the lot area requirements even if it were located entirely within Dracut. We agree with the reasoning and conclusion of the Land Court judge and only remand the case to the Land Court for the entry of an appropriate declaratory Judgment in accordance herewith.

The plaintiff argues on appeal that the judge erred in ruling that Dracut had the right to deny the use of the land for parking and access to a residential facility in Lowell because

Page 295

Dracut's zoning by-law does not explicitly regulate split lots -- single lots extending over more than one zoning district. He further contends that the denial was an arbitrary and invalid restriction and that the judge should have considered his claim that the town had not applied this restriction to similar lots.

Whether in the same or two different municipalities, if a lot is located in two different zoning districts, a town may prohibit the portion in one district from being used for an accessory use to serve a principal use not allowed in that district. *Brookline v. Co-Ray Realty Co.*, 326 Mass. 206 (1950) *Chelmsford v. Byrne*, 6 Mass. App. Ct. 848 (1978).

The plaintiff points out that in *Co-Ray*, the *Brookline* bylaw specifically provided that when a lot is located partially in *Brookline* and partially in an adjacent city or town, the regulations and restrictions of the by-law would apply as if the entire lot were in *Brookline*. *Brookline v. Co-Ray Realty Co.*, 326 Mass. at 211. While the *Dracut* zoning by-law contains no such provision, the existence of such a provision is not determinative. See *Chelmsford v. Byrne*, *supra*, which cites no analogous provision. The determining factor is whether the accessory use conforms to "the principle that ordinarily, a municipality ought to be accorded the right to carry out the policies underlying its zoning ordinance or bylaw with respect to the actual uses made of land within its borders." *Burlington Sand & Gravel, Inc. v. Harvard*, 26 Mass. App. Ct. 436, 439 (1988). See *Tofias v. Butler*, 26 Mass. App. Ct. 89, 93-96 (1988), in which the split lot issue is discussed and the cases are collected.

The situation here is similar to that of Co-Ray. In that case, a lot was located partly in a single residence district of Brookline and partly in Boston. The applicant proposed to build an apartment house on the Boston portion and to use the Brookline portion as a rear yard and service entrance. Brookline brought an action to enjoin this use of the Brookline portion because it was not authorized in a single residence district of Brookline. The court, stating that Brookline was properly seeking "to enforce its own zoning by-law and the ban therein against the use of the Brookline land as a locus for carrying on the numerous inevitable service activities accompanying the occupancy of an apartment house," 326 Mass. at 212, ordered the entry of a decree enjoining the

Page 296

use. *Id.* at 214. Likewise, the proposed use in this case would serve a principal use in Lowell prohibited by Dracut's zoning by-law. The plaintiff notes that parking facilities are a permitted use in Dracut's B-3 business district. [Note 3] But the incidental use of the Dracut land for parking for an apartment house does not transform it into a commercial parking lot. See *Co-Ray* at 212, where the court determined that an apartment building's landscaped rear yard could not be considered as a "park or ornamental grounds," a use otherwise permitted by Brookline's by-law. See also *Harrison v. Building Inspector of Braintree*, 350 Mass. 559, 561 (1966), holding that use of access roadways in a residential district to serve an adjacent industrial facility violated residential zoning requirements; *Richardson v. Zoning Bd. of Appeals of Framingham*, 351 Mass. 375, 381 (1966), holding that a private access road to serve an apartment house was not permitted in a single residence district. Compare *Lapenas v. Zoning Bd. of Appeals of Brockton*, 352 Mass. 530, 532-533 (1967), holding that where access to a portion of a lot in a business zone in the other town was important and would not impair the quality of the area crossed, the plaintiffs were "entitled to relief from the literal operation of the zoning ordinance."

On appeal, the plaintiff does not pursue the argument he made in the Land Court, where he asserted that the application of the by-law rendered the Dracut portion of his property useless and amounted to a government taking of the land. The Land Court judge ruled that, unlike the situation in *Lapenas v. Zoning Bd. of Appeals*, *supra*, and *Chelmsford v. Byrne*, 6 Mass. App. Ct. at 848-849, there is "nothing . . . to suggest that, because of its location in two municipalities having incompatible use regulations, the property is inaccessible or may not be put to any lawful use." She based the latter determination on the fact that there is presently a two-family structure on the Lowell portion of the property which is a legal nonconforming use and which could be improved or extended by special permit. The plaintiff now raises, relying on *SCIT, Inc. v. Planning Bd. of Braintree*, 19 Mass. App.

Page 297

Ct. 101 (1984), a new and circular argument, which, on the record before us, appears not to have been made below. It is therefore not properly before this court. See *Trustees of the Stigmatine Fathers, Inc. v. Secretary of Admn. & Fin.*, 369 Mass. 562 , 565 (1976); *Anthony's Pier Four, Inc. v. HBC Assocs.*, 411 Mass. 451 , 471 & n.25 (1991).

The plaintiff finally argues that the judge erred by refusing to consider his argument that the town had interpreted its bylaw differently on prior occasions. The plaintiff made this contention in passing in his brief in support of his motion for summary judgment, with no supporting evidence or affidavits. After a hearing, the judge ruled for the town. The plaintiff then moved for reconsideration, asserting that factual issues were present which could not be resolved on summary judgment.

Alleged factual disputes must be adequately brought to the attention of the judge in connection with the summary judgment motion. *Berry v. Danvers*, 34 Mass. App. Ct. 507 , 508 n.3 (1993). They must also be supported by affidavits or other supporting documents. See *Mass.R.Civ.P. 56*, 365 Mass.

824 (1974). "[B]are assertions and conclusions . . . are not enough to withstand a well-pleaded motion for summary judgment." *Polaroid Corp. v. Rollins Env'tl. Servs. (NJ), Inc.*, 416 Mass. 684 , 696 (1993). The judge properly denied the plaintiff's motion for reconsideration.

As the action is one for declaratory relief, the Land Court judge was required to make a declaration of the rights of the parties. *Boston v. Massachusetts Bay Transp. Authy.*, 373 Mass. 819 , 829 (1977). Judgment is to be entered declaring that the provisions of the Dracut zoning by-law apply to that portion of the locus located within Dracut and that Dracut may prohibit the plaintiff from using the Dracut portion of the locus for a parking lot as an accessory use to a principal use in Lowell prohibited under the Dracut by-law.

So ordered.

FOOTNOTES

[Note 1] Of H & H Management Nominee Trust.

[Note 2] In his complaint the plaintiff alleged that Dracut has taken the curious position that none of the frontage along the Dracut portion of the plaintiff's lot may be used to supplement the Lowell frontage in order to satisfy Lowell's frontage requirement. The town concedes in its brief that the areas may be combined to satisfy frontage requirements. See *Tofias v. Butler*, 26 Mass. App. Ct. 89 , 92-96 (1988); *Moore v. Swampscott*, 26 Mass. App. Ct. 1008 , 1009 (1988).

[Note 3] The portion of the lot in Dracut could not, in fact, be used by itself for a parking lot as a principal use because the Dracut by-law requires 30,000 square feet and the portion of the plaintiff's lot located in Dracut consists of only 7,420 square feet. However, offstreet parking as accessory to a commercial use would be permitted.

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Commonwealth of Massachusetts. [Trial Court Law Libraries](#). Questions about legal information? Contact [Reference Librarians](#).

EXHIBIT 9



TOWN OF WINCHESTER

OFFICE OF THE

PLANNING DEPARTMENT

BRIAN SZEKELY
TOWN PLANNER

71 Mount Vernon Street
Winchester, MA 01890

Winchester Board of Selectmen
71 Mt. Vernon St.
Winchester, MA 01890

August 11, 2016

Re: Forest Ridge Residences

Dear Chairman Grenzebeck,

I have reviewed the Site Approval Application submitted to MassHousing by the Krebs Investor Group, LLC for a multi-unit complex consisting of 222 market-rate and 74 Affordable units located on a 13+-acre parcel (the proposed site). All units would be located in Winchester, with frontage and the main access point in Stoneham off of Fallon Road. An emergency access is planned for Forest Circle in Winchester, and would not be open to the public. I aim to give a historical and current perspective regarding development in the immediate vicinity and address the appropriateness of the site for large-scale housing.

I would like to first stress the importance of Affordable housing in Winchester and that it is desperately needed. We have one of the lowest Affordable housing percentages in the Commonwealth and additionally we are very rapidly losing many smaller houses due to demolition. The replacement houses can be double or even triple the size of the original house, effectively destroying much of our smaller housing stock. The Housing Partnership Board and I are committed to siting Affordable housing in all corners of Winchester. However, the proposed site for the Forest Ridge Residences does not appear to be conducive to the level of large-scale residential development the Applicants are seeking based on previous studies performed on the site. Additionally, there are potential traffic issues that stem from this project that would need to be mitigated in Stoneham, yet there has been no acknowledgement from the Applicants that a joint ZBA hearing with Stoneham would take place. Unless a significant reduction in the number of units is planned, and joint ZBA hearings are scheduled (if allowed to go to the permitting phase), I cannot recommend the proposed project at Forest Ridge Residences.

Site Context: _____

Environs:

The proposed site is located on the border of Winchester and Stoneham, immediately west of Interstate 93 off of Fallon Road in Stoneham. There is currently a 298-unit complex in the middle of construction directly adjacent to the proposed site, and therefore potentially 900 vehicles between the two projects going on to Fallon Road. Other parcels off Fallon Road in the immediate vicinity include: a self-storage facility, a materials-supply company, a truck rental establishment, and a Staples shipping facility. The closest bus stop (Bus lines 132 and 325) at the corner of Main St and Summer St in Stoneham is 1 mile away. Buses come every 30-60 minutes depending upon the time of day. The closest supermarket is nearly 2 miles away, and the Middlesex Fells Reservation is nearly the only resource within reasonable walking distance from

the proposed site. Many services, retail and restaurant establishments are near the bus stop location or further away from the proposed site. It is reasonable to say that public transit, amenities, and services are not readily accessible to residents on foot at Forest Ridge and therefore the site is considered car dependent. A certain level of car independence is warranted for the site, especially due to the nearly constructed 298-unit complex abutting the project site. The amount of new traffic travelling from Fallon Road onto Park St (assuming Forest Ridge gets built) will be greatly increased. The intersection of Park St and Marble St is already problematic for commuters as long backups exist even now at that intersection as vehicles try to go southbound on Interstate 93 in the morning and exit onto Fallon Road in the evening. Park St is a Department of Conservation and Recreation (DCR) road and the state is typically reluctant in doing any major changes to their roads (widening, implementing new traffic control measures, etc.). It is expected that traffic mitigation is warranted for the area due to the proposed project, but obviously a Peer Review will help uncover any outstanding issues. DCR should be contacted in order to determine their position on any potential upgrades that could be justified by the proposed project.

Previous Application:

The site has been the location of a Subdivision proposal as recent as 2006. A 10-unit subdivision proposal was brought in front of the Planning Board and was subsequently denied for traffic and stormwater issues. At the time, the former Town Engineer noted the high water table and seasonal frost may result in malfunctioning of the proposed stormwater systems in the event of early snow melt or spring rain events. Because of the high water table, there is potentially limited space for underground water storage tanks. In addition to the high water table, there is significant ledge on the site which has negative effects for the surrounding neighborhood with regards to flooding. The area around Polk Rd, Highland Ave, and Forest Circle has had major flooding events in the near and distant past and has been documented in photos. Much of the reason the 2006 Subdivision application was denied was related to the lack of information supplied by the applicant for the drainage system. However, the problems associated with drainage in the area are severe and could potentially be significantly worsened due to intense development on this ledge-filled site. Problems were clear from the beginning regarding drainage systems for the proposed 10 units, a significantly less intense Use than the current Forest Ridge proposal. Careful consideration regarding drainage is warranted due to the existing conditions on the site as well as abutting properties. It is unclear at the moment how the Applicant plans to manage the drainage on site even at a conceptual level.

In 2006, the major issue with regards to traffic was centered on the sub-standard access road in Forest Circle. Forest Circle (the now emergency-access only road) is currently 15' in several locations and even during the non-winter months can be difficult for two cars to pass each other. The Applicant has made a large part of this problem go away, by making only emergency access via Forest Circle and not open to public traffic. All of the vehicles will enter and exit via Fallon Road. However, as taken from the Planning Board decision (decision attached) in 2006 as it related to Forest Circle and the previously proposed Marino Drive.....

“Based on the lack of public road layout, the narrowness and poor geometry of the roadway, the existing obstructions in the roadway, the poor sight distances from both the easterly and

westerly entrances/exits onto Forest Street, and the poor ability and/or lack of ability to safely access the proposed Marino Drive, no improvements can be made to bring the existing Forest Circle up to a reasonable standard that would allow the safe access of emergency vehicles to Marino Drive.”

Issues with Site Approval Application

Section 2:

- Buildable site area is incorrect according to their math
- Applicant states the site is located entirely within one municipality. This is untrue as the access to the site is over a parcel of land in Stoneham. The maximum amount allowed (5,000 square feet) of wetlands is planned for destruction in Stoneham in order to construct a bridge that will access the site. All vehicles will enter and exit through this location in Stoneham.
- No Previous Development Efforts were listed on page 6, even though the Applicant had to have been aware of the failed subdivision from 2006 based on their relationship with the former applicant of the failed subdivision.
- Bus line 132 says that it is 3 minutes away from the site. This is obviously assuming a vehicle is being used to take someone to the bus. More often than not, someone is taking a bus because they don't have access to a car. 3 minutes is unreasonable on foot, and should be nearly 20 minutes.
- 2.5 By-right site plan. The site plan produced by the Applicant is not a by-right plan, as waivers required may include but are not limited to the sections below based on the analysis already performed by the current Assistant Town Engineer. Sections italicized below are called out to show what potential waivers are needed from the Rules and Regulations Governing the Subdivision of Land in the Town of Winchester, Massachusetts.

Section 3.7- Standards of Adequacy- Access, Part (c) addresses access to a subdivision it's stated that existing ways that provide access to a subdivision must meet the standards of the subdivision rules and regulations for right of way width, pavement width, sight distance, and maximum grade. It's likely that Forest Circle doesn't meet all of the subdivision standards.

Section 6.5.1- Stormwater Management Report- The fifth bullet states that the board may require off-site mitigation if analysis shows increases in peak rate or volume. Given the topography of the site this may require sacrificing a few building lots to meet the

standard, but the board merely may require it, it isn't a requirement that would need to be waived.

Section 7.2.2- Unsuitable Land- If the board finds the land to be unsuitable for any of a host of reasons- including improper or adverse drainage, adverse topography, poor soils, or bedrock- then it shall not be subdivided unless adequate measures are formulated by the applicant and approved by the board to eliminate or minimize any impacts.

Section 7.3.1- Lot Arrangement- it is required that lots are arranged to prevent foreseeable difficulty in securing permits in compliance with the zoning law. At a minimum the topography will trigger site plan review on many of the lots due to the necessary grade changes.

Section 7.3.3- Lot Drainage- Rooftop runoff shall be infiltrated where soil conditions and subsurface geology allow.

Section 7.4.4- Subdivision Straddling Municipal Boundaries- The board shall require documentation from the Applicant that access has legally been established across land in the other town as a public street or as part of an approved subdivision, and that access is adequate for expected traffic.

Section 7.6.2- Horizontal and Vertical Design Standards- This lays out the maximum slope of 8% for a distance of not more than 300' and 7% otherwise, which seems to be less than the slope required to meet the existing grades for the proposed roadways. It also requires that side slopes within the right of way not exceed 3:1 without retaining walls.

Section 7.15.4- Stormwater Runoff Peak Rate and Volume Control- The site shall be designed to ensure that post-development peak discharge rates and discharge volumes do not exceed pre-development rates and volumes.

Section 6:

Applicant Entity 40B experience is left blank, while the applicant touts his experience in other sections. Additionally, members of his team, namely SEB have arguably the most 40B experience in the Commonwealth. Unsure why this section was left blank.

I would like to again stress the importance of building more eligible Subsidized Housing Units in Winchester as they are desperately needed. Additionally, the market rate units proposed are needed as well as there is a dearth of quality units that are geared towards the downsizing baby boomer generation in town. However, I feel that the site could not support the scale of development that is proposed by the Applicants due to major stormwater issues that are well-documented, confounding traffic impacts in Stoneham, and emergency access in Winchester. I urge the Board of Selectmen to either take a position to reduce the building footprint/number of units significantly, or to take a position that the site is not conducive to the type of intense development being proposed on the basis that the conceptual project design is generally inappropriate for the site on which it is located.

Cordially,



Brian Szekely
Winchester Town Planner
71 Mt. Vernon Street
Winchester, MA 01890

EXHIBIT 10

PLANNING BOARD SUBDIVISION DECISION

Winchester Planning Board
Town of Winchester, Massachusetts

Pursuant to the authority vested by MGL, Chapter 41, Section 81u, and by the Town of Winchester Rules and Regulations Governing the Subdivision of Land in the Town of Winchester, Massachusetts, the Planning Board (herein "Board") hereby denies the approval (herein "Decision") of a ten-lot subdivision known as Shannon Estates to:

Applicant: The Marino Group, Inc.
385 Massachusetts Avenue
Arlington, MA. 02474
Owner: Shannon Investment Trust

The Board's decision is based on the following plans entitled:

Shannon Estates
Definitive Subdivision
Forest Circle, Winchester, Ma.
Owner: Shannon Investment Trust
Applicant: The Marino Group, Inc.
385 Massachusetts Avenue
Arlington, MA. 02474
Engineer: Frederick W. Russell, P.E.
154 Aldrich Road
Wilmington, MA. 01887
Surveyor: Keenan Survey
8 Winchester Place
Winchester, Ma. 01890
Date: July 17, 2006 and revised to July 7, 2007
Scale: 1"=50'; 1"=40'; or as noted
The plan set consists of eight (8) sheets.

TOWN CLERK
TOWN OF WINCHESTER

07 JUL 27 PM 3:27

RECEIVED AND FILED

Additional reports were provided by the Developer for drainage and traffic:

Drainage Analysis

Definitive Subdivision

Shannon Estates, Winchester, MA.

Dated: July 20, 2006, revised to January 15, 2007, March 28, 2007 and July 7, 2007.

Stamped by: Frederick W. Russell, Registered Professional Engineer

Report prepared by: FlowAssessment Services, LLC

Dated: November 30, 2006 (Received in the Engineering/Planning Dept. January 17, 2007)

Prepared for: Frederick Russell, 154 Aldrich Road, Wilmington, MA. 01887

For flow monitoring data collection in Winchester, MA. From 10/11/06 to 11/09/06

Technical Memorandum

Prepared by: Michael R. Abend,

Abend Associates,

265 Winn Street, Burlington, MA. 01803-2616

Project: Traffic Impact Assessment

Shannon Estates Residential Subdivision

Forest Circle, Winchester, Massachusetts

Dated: December 29, 2006

Project #: 20633

The Board's decision applies to a parcel of land which is located on Forest Circle (Map 16, Lot 1-202), consisting of 398,574 square feet of land (or 9.15 acres), herein the Subject Property. The proposed subdivision was for the development of a 400+ foot roadway with ten (10) building lots having frontage on the newly created roadway.

The Board bases its denial on the following information and findings:

1. Drainage Systems.

(Section V- Required Improvements. C- Drainage System.)

As indicated by the attached report to Planning Board Chairman Peter Van Akin from Stephen Casazza of FST, dated July 13, 2007, "for the drainage/stormwater analysis, additional information is required by the Applicant in order for FST to complete its review." Additional information requested by FST includes, but is not limited to: details and information relative to proposed basin areas and high groundwater elevations and their compliance the two foot separation requirement with the Massachusetts Department of Environmental Protection Stormwater Technical Handbook (dated March 1997); drainage calculations to demonstrate system adequacy, including gutter flow capacity, width of gutter flow spread, inlet capacity/percent interception versus percent by-pass for selected inlet grate configurations; calculations demonstrating that flows resulting from the 100-year storm event will be conveyed to the infiltration systems and detention pond; inlet capacity analysis or pipe capacity analysis for the 100-year storm event; revisions of the drainage calculations for the inclusion of portions of drainage area subcatchment 4 into the detention pond HydroCAD model; and other technical issues outlined in this attached document. The Town Engineer notes that the high water table and seasonal frost may result in malfunctioning

of the proposed systems in the event of early snow melt or spring rain events. The Developer has not provided technical responses to these concerns.

The Board finds that the lack of detailed technical information does not provide assurances that the proposed 10-lot subdivision will not cause drainage impacts to the adjacent properties, which presently experience negative impacts from periodic high water and flooding conditions.

The Board finds that the drainage, as proposed, does not meet the standard of having zero increase in storm water drainage from the pre-development to the post-development condition, as has been the standard of Winchester and adjacent communities in accordance with the Massachusetts Department of Environmental Protection Storm water Technical Handbook (dated March 1997). The peer review, conducted by Fay, Spofford and Thorndike, indicates that the system for storm water design is not adequate for capacity, particularly given the high groundwater levels found in the area.

2. Traffic.

(Section IV – Design Standards. A-Streets. 1-General Systems and Location)
a. ... “Proposed streets shall be designed to afford safe access to abutting lots and existing streets including consideration of traffic factors, such as vision at corners, sight clearance, sight lines, existing obstructions, width of existing streets and similar conditions”

The proposed variable width Marino Drive is proposed to be constructed from an existing, sub-standard public way, Forest Circle. Forest Circle is a looped roadway with two entrances and exits onto Forest Street. The easterly intersection has limited sight distances to the east and westerly intersection is a three-way intersection with Polk Road, Forest Circle and Forest Street all merging together at obscure angles.

Forest Circle is considered a public way even though it does not meet current Town standards for roadways (or even alleys), with the roadway narrowing to 15 feet in width in several locations, due to the location of mature trees, electric poles and other obstructions. There is no municipal layout of the public road and what improvements can be made to it without encroaching on private property. Based on the lack of public road layout, the narrowness and poor geometry of the roadway, the existing obstructions in the roadway, the poor sight distances from both the easterly and westerly entrances/exits onto Forest Street, and the poor ability and/or lack of ability to safely access the proposed Marino Drive, no improvements can be made to bring the existing Forest Circle up to a reasonable standard that would allow the safe access of emergency vehicles to Marino Drive.

Additionally, the existing Forest Circle roadway cannot safely support the addition of ten (10) new homes, generating fifty (50) or more vehicle trips per day. The Developer’s traffic consultant, Abend Associates, recommended traffic mitigation measures but was not specific or clear as to what those

recommendations would be (other than to learn “quickly” to avoid the trees in the existing Forest Circle roadway) and lesser mitigation measures may not afford safety and operational benefits to the existing residents of Forest Circle or the future residents of Marino Drive. Based on the existing Forest Circle roadway and the lack of ability to address all of the issues with the existing roadway, the proposed subdivision cannot be adequately accessed to protect the health, safety and welfare of the future residents of the proposed Shannon Estate.

The Board and its peer reviewer, Fay, Spofford and Thorndike, agree that Marino Drive is laid out to a reasonable standard, however Forest Circle, the roadway off which Marino Drive is proposed, is not compliant with American Association of State Highway and Transportation Officials (AASHTO) standards, standards that are recognized in the industry, for safe design. The Board and its peer reviewer have concluded that:

- a. neither intersection of Forest Circle with Forest Street can comply with AASHTO standards for configuration and safety;
- b. The proposed intersection of Marino Drive and the existing Forest Circle does not meet recognized traffic standards for sight distances from Marino Drive;
- c. Portions of Forest Circle are 15-16 feet in width, woefully below the 26' wide standard of the Town of Winchester for two-way traffic travel and not in compliance with recognized industry standards for road widths;
- d. The existing Forest Circle cannot accommodate large vehicles, such as fire engines, that would provide for the public safety to the area. Particularly of concern to Town Staff, the Planning Board and its consultants is the situation where two vehicles are unable to simultaneously pass each other, even in the best of weather conditions;
- e. There is no “quick fix” for the existing traffic condition on Forest Circle. Adding more vehicles to an already compromised condition, which could be further compromised in inclement weather, would result in increasing an already dangerous and non-compliant traffic condition.

Record of Filings and Public Hearings:

The Developer filed an application for Definitive Subdivision with the Board on July 27, 2006. The Planning Board provided due notice to abutters and held a public hearing on the definitive subdivision on August 31, 2006. The public hearing was continued to September 28, 2006. On September 28, 2006 the Board did not continue the public hearing nor was the applicant present to discuss the subdivision.

Developer granted the Board an extension for issuance of a decision on the definitive subdivision and the Board held a new public hearing on December 7, 2006. At the

Board's meeting on November 21, 2006, Attorney Larry Murray was present representing the Developer and stated that the Developer was not prepared to proceed with the public hearing which was scheduled for December 7, 2006. Attorney Murray requested an extension of time for the Board's decision to February 15, 2007.

The Board scheduled a new public hearing on February 1, 2007. At the designated time, Chairman Van Aken indicated that he had received notification that the engineer for the project, Fred Russell, had been hospitalized and was unable to attend the hearing. The hearing was abbreviated, with Attorney Murray apologizing for Mr. Russell's absence from the hearing. The Board expressed concern with a number of technical issues that needed to be resolved: public safety due to terrain, looped water system, drainage issues, etc. After abbreviated discussion, Attorney Murray provided a letter of extension to March 15, 2007, which the Board voted upon. The Board continued the hearing to March 15, 2007, at which time a schedule for response to outstanding issues and peer review agreement was to be discussed.

On February 15, 2007 the public hearing was opened. Attorney Larry Murray, representing the Developer, requested a continuance through June 30, 2007. Board Chairman Peter Van Aken noted that there were outstanding technical issues that needed to be resolved and that the Board would move forward with a peer review on the project once final plans were submitted for review. Attorney Murray indicated that he did not know when revised plans would be submitted but he would be back to the Board before their next meeting with a response as to when final plans and submissions would be ready for review.

At the Board's March 29, 2007 meeting, the Board continued discussion on the proposed subdivision, noting that the letter of March 22, 2007 from the Town Planner to Attorney Murray outlined a series of outstanding issues that needed to be resolved within established time frames. There was discussion of the Planning Board hiring a peer reviewer to examine the traffic, drainage and water and sewer issues relative to the proposed 10-lot subdivision. The Board expressed their concern with the lack of response by the Developer and his representatives.

On May 3, 2007 the Board continued the public hearing on the Shannon Estates subdivision, with discussion on the hiring of a peer review consultant. The Board was awaiting the final plans of the Developer so that repeated reviews would not have to be completed. The hearing was continued to Thursday, June 21, 2007.

On July 21, 2007 the Planning Board met with the Developer and the peer reviewers for the Planning Board, Fay, Spofford and Thorndike (FST). The preliminary peer review comments were discussed, which were based on the revised plans provided by the Developer on July 9, 2007. A schedule for soil testing and sewer flow tests was established, so that a full report could be prepared by FST. In response to Attorney Murray's request to extend the time frame for the Planning Board decision to September 29, 2007, the Board noted that they wanted the Developer to complete the technical work for the subdivision, have it reviewed by the peer consultant and wanted to make a

decision at one of the next meetings. The Board requested that all technical data be provided and resolved by July 19, 2007 so that the Board could make a decision on the definitive subdivision. The public hearing was continued to July 19, 2007, at which time the Board would make a decision on the project.

A copy of this Decision shall be filed with the Town Clerk, and one copy shall be mailed to the Developer and the Owner. This decision may be appealed to the Superior Court within twenty (20) days of its filing with the Town Clerk.

This permit shall become effective only upon the recording of a copy, certified by the Town Clerk, with the _____ Registry of Deeds, as required by MGL, Chapter 41, Section 81 _____.

Executed this 27 day of July, 2007.

Town of Winchester Planning Board

Robert T. Vukobratovic, Chairman

The Developer hereby assents to all of the terms and conditions of the Decision without limitation and assents to be bound by the same, this _____ day of _____, 2007

EXHIBIT 11



Stantec Consulting Services Inc.
5 Burlington Woods Drive Suite 210, Burlington MA 01803-4511

MEMORANDUM

To: Richard Howard, Town Administrator

From: Gary L. Hebert, PE, Consultant, Stantec Consulting, Inc. *Gary L. Hebert*

Subject: Proposed Forest Ridge 40B Development, Winchester, Massachusetts
Preliminary Traffic Impacts Assessment

Date: August 21, 2016

From a sustainable transportation perspective, the proposed Forest Ridge 40B development site provides no transportation benefits, only dis-benefits, to nearby neighborhoods in two communities – Winchester (the site host) and Stoneham (the host of the site's primary traffic impacts).

Overall, Forest Ridge will be highly auto-oriented site, not conducive to multi-modal traffic access. The Applicant's submission indicates, by omission, that this site is contrary to sustainable development and smart growth principles. Potential access routes – Fallon Road, North Border Road, and Main Street (SR 28) in Stoneham and Forest Circle in Winchester are already problematic from vehicular and bike/transit/walk/emergency access perspectives.

Forest Ridge Site Access Plan

The Applicant proposes Fallon Road, in the Town of Stoneham as the main vehicle access, with a secondary emergency access via a steep driveway intersecting Forest Circle in Winchester.



August 21, 2016

Richard Howard, Town of Winchester Administrator

Page 2 of 7

Proposed Forest Ridge Development, Winchester, Massachusetts
Preliminary Traffic Impacts Assessment

The secondary driveway is proposed as having two gates and serving as an emergency access route. The operation of these gates is unclear and would require careful monitoring and maintenance to achieve the site's stated emergency access and pedestrian use. The secondary driveway is proposed as the route children or others would walk to access school bus services/Forest Street and Winchester. Put simply, it is too steep to be used comfortably for bicycling and its intersection with Forest Circle would be particularly hazardous to cyclists. The secondary driveway, as illustrated would not be ADA-compliant, but requires pedestrians to travel downhill or uphill, which could be hazardous during inclement winter weather.

According to the consistency with Sustainable Development Criteria Scorecard, Mass Housing Application, the Applicant chose to use Method 2, which must meet a minimum of five (5) Sustainable Development principles.

Looking down the list of checked boxes, the "Pedestrian friendly" box is left unchecked. Given the site's steep secondary driveway grades, the site is clearly not pedestrian friendly. The emergency road is not shown as being ADA-compliant, yet it is expected that pedestrians will use this to access Winchester school shuttle vans or buses, that are not used on Forest Circle today. Average road grades on the proposed Forest Circle secondary access driveway will exceed 6%.

A utility pole at the proposed intersection of the proposed Forest Circle intersection will also adversely affect access by Winchester emergency fire trucks and ambulances, as it shows a very tight radius corner constrained by a utility pole. If approved to be moved forward, the Applicant should provide an AutoTurn® or equivalent analysis of how Winchester Fire Department's largest trucks coming from the Winchester Fire Station southwest of the site will access the Forest Ridges site.

To make Forest Circle secondary driveway ADA compliant, 5% grades with railings and leveling areas every 50 linear feet would be needed. Such ADA infrastructure is not shown on the site plans and we assume it



August 21, 2016
Richard Howard, Town of Winchester Administrator
Page 3 of 7

Proposed Forest Ridge Development, Winchester, Massachusetts
Preliminary Traffic Impacts Assessment

is not proposed on the route that would be traversed by pedestrians between the end of the site sidewalk to the driveway and Forest Circle, a distance of approximately 675 feet. During snow and icing conditions, the secondary driveway walking route to Forest Circle would need to be kept clear of ice/snow. Under such circumstances, entering and exiting the site for emergency vehicles would be limited to the southbound ramp from I-93 to Fallon Road, thereby increasing emergency access response times. Additionally, ambulance services, as the most traffic intensive of Winchester Fire Department services, are expected to occur several times each month (refer to Winchester Fire Department for an estimate of typical range of emergency calls for the project) using the Forest Circle secondary driveway. As a narrow two-way roadway with trees abutting it, emergency access via Forest Circle will be challenging at best.

Proposed Access Plan Drawbacks

Non-vehicular access to the proposed Forest Ridges site is difficult at best, so the Applicant did not fill out Section (6) Provide Transportation Choice, as the answers to Mass Housing questions asked will not be favorable to this site the following reasons:

1) The Forest Ridge site location maximizes adverse traffic impacts for the number of units created. Forest Ridge would be accessed via roads like Fallon Road, North Border Road, Marble Street, Main Street, and South Street within the Town of Stoneham as well as the constricted I-93 half-diamond southbound off/northbound on interchange with Fallon Road. People who are going anywhere off site toward Winchester via the secondary driveway to Forest Circle will find walking access at times to be treacherous during winter conditions on the steep secondary driveway that has no sidewalks and is not proposed to be ADA compliant.

We estimate the Forest Ridge site will generate just under 2,000 vehicle trips each day, 150-185 of which can be expected during the AM and PM peak hours, respectively, all towards the Town of Stoneham that



August 21, 2016

Richard Howard, Town of Winchester Administrator

Page 4 of 7

Proposed Forest Ridge Development, Winchester, Massachusetts
Preliminary Traffic Impacts Assessment

will receive no benefits, only adverse traffic impacts, from this development. Stoneham Crossing, an additional 298-unit 4-story garden apartment development has recently been approved by Stoneham and is under construction off Fallon Road . This additional approved development also will generate approximately 2,000 vehicle trips, less than half of what the Home Depot originally proposed for the site would have generated.

Essentially, if the proposed Forest Ridge site is constructed and opened, Fallon Road would need to absorb approximately 4,000 additional daily vehicle trips, including some 300-370 vehicle trips during peak hours over and above what it is carrying at this time. By contrast, the ENF for the originally proposed Home Depot site indicated it would generate 4,270 vehicle trips. In aggregate, these two proposed multi-family developments will generate nearly as much traffic as the proposed Home Depot development that ultimately was not constructed -- primarily for traffic impact reasons.

Future Forest Ridge residents desiring to head to points south will most likely drive to and from Fallon Road through the North Border Road/Park Street and the Main Street (Rt. 28) and South Street intersections. Both are difficult to traverse during peak periods and both have high crash rates. In particular, the Main Street at South Street/North Border Road has long eastbound queues during peak hours that will increase significantly.

Traffic mitigation measures required as part of the Stoneham Crossing development are not yet implemented and did not assume there would be a comparable-sized development added to Fallon Road's traffic.

If allowed to move forward, the Forest Ridge site would need to address how its additional traffic would affect mitigation measures proposed in connection with the Stoneham Crossing development. The similarly-sized Stoneham Crossing redevelopment mitigation package included installation of traffic signal



August 21, 2016

Richard Howard, Town of Winchester Administrator

Page 5 of 7

Proposed Forest Ridge Development, Winchester, Massachusetts
Preliminary Traffic Impacts Assessment

control at the Park Street/North Border Road/I-93 northbound on-ramp. Stoneham Crossings mitigation measures require access and signal permits from MassDOT and DCR. Some of the land involved in the intersection mitigation may be designated Article 97 parkland that requires a legislative action to alter. The Forest Ridge site would need to address how doubling traffic impacts on Fallon Road will affect mitigation measures proposed for Stoneham Crossing. If changes are needed, review and acceptance by both MassDOT and DCR with new permits will be required.

2) The half diamond interchange of Fallon Road with I-93 is already problematic, for both safety and access reasons. Increasing eastbound traffic volumes on Fallon Road is likely to cause the southbound I-93 southbound off-ramp to Fallon Road to back up even further than it does at the present time. The I-93 southbound ramp to Fallon Road is already experiencing safety problems. One can only use the interchange going to and from the north on I-93, making potential public transportation to and from this site to and from the south very inefficient at best – the nearest MBTA bus route 132 is more than ¾ miles from the site. Because typical walking distances to bus routes max out at approximately ¼ mile, this site is not served by public transportation and there are no plans to serve this site with public transportation.

3) According to MassDOT Crash Portal data, during the 14 year period from 2001 to 2014, approximately 195 crashes were reported on I-93 southbound /Fallon Road exit/North Border Road /Park Street intersection area – including some 70 crashes at the Park Street/Fallon Road/I-93 NB on-ramp intersection that has poor geometric features. In fact, the southbound off-ramp to Fallon Road (exit 35) is a high crash location, as the ramp backs up onto I-93. It is likely that Forest Ridge residents would be using this off-ramp for many returning trips. These do not include unreported and un-mappable crashes that MassDOT warns amount to 20% more than the mapped crashes (see below).

“Individuals using the mapping tool should understand that, because crash reports are incomplete or (missing location data, for example) inconsistent, approximately 20% of all reported crashes are not



August 21, 2016

Richard Howard, Town of Winchester Administrator

Page 6 of 7

Proposed Forest Ridge Development, Winchester, Massachusetts
Preliminary Traffic Impacts Assessment

located and are not included on the maps. At a particular location, the percentage of crashes able to be located may be higher or lower than the overall geo-coding rate. In addition, the location of a mapped crash may be an approximation rather than the exact point where a crash occurred. (This is particularly true near interchanges, rotaries or other hard to define locations).”

Using MassDOT’s Crash Portal mapping, 152 mappable crashes were reported at the South Street/North Border Road/Main Street intersection and 32 mappable crashes at the Park/Marble Streets intersection in Stoneham for the 14 year period. Congestion is prevalent during the morning and evening peak hours at these Stoneham intersections.

4) Very few of these new regular Forest Ridge trips will occur via bicycling, walking, and public transportation. The nearest recreational resource is the Massachusetts Department of Conservation and Recreation’s Middlesex Fells Reservation Area. Considering Fallon Road will retain its existing industrial uses, and has no commercial walking destinations, the walking/biking environment to Fallon Road and Stoneham is going to be unattractive to site tenants. The walking environment into Winchester, the host community, will be poor given the secondary driveway’s steep grades and that it will not be ADA compliant.

Conclusions

To summarize, both Stoneham or Winchester neighborhoods surrounding the Forest Ridge development will experience adverse traffic impacts as the Forest Ridge site, located in Winchester, would send its primary traffic volumes into the Town of Stoneham. As presented, no traffic benefits to neighbors will accrue from the development of this site.



August 21, 2016

Richard Howard, Town of Winchester Administrator

Page 7 of 7

Proposed Forest Ridge Development, Winchester, Massachusetts
Preliminary Traffic Impacts Assessment

If developed, Forest Ridge will add nearly 2,000 trips per day to an already-congested and hazardous roadway system that will soon have another 2,000 trips per day added by Stoneham Crossing located just east of the proposed site. In aggregate some 4,000 new daily vehicle trips would be added to Stoneham's roadway infrastructure, also affecting a half-diamond I-93 interchange that has documented safety problems. Additionally, emergency use of the steep secondary driveway in Winchester is a questionable concept, from a practical use perspective. Use of this driveway for emergency access will adversely affect the site's Winchester neighbors by regularly adding ambulances and fire trucks to Forest Circle, a quiet tree-lined neighborhood street with difficult skewed access to and from Forest Street. The notion of school children regularly using a 6% + grade non-ADA compliant dual-gated driveway to access schools or a school bus is highly questionable. No reasonable transit service is proposed to serve the site, so good auto-free access to job opportunities in Boston/Cambridge and points south is not an option as proposed.

Please feel free to contact me, should you desire additional information on this matter.

E-mail: Gary.Hebert@stantec.com

Stantec Ref: 179400099

EXHIBIT 12



TOWN OF WINCHESTER
ENGINEERING DEPARTMENT
71 MT. VERNON STREET, WINCHESTER, MA
PHONE 781-721-7120 / FAX 781-721-7166

TO: Richard Howard, Town Manager
Mark Bobrowski, Special Legal Counsel
Wade Welch, Town Counsel

FROM: Beth Rudolph, PE, Town Engineer *BER*

DATE: August 12, 2016

RE: Proposed "Forest Ridge" 40B Project

In June 2016, MassHousing received an application for Site Approval submitted by Krebs Investor Group, LLC for a proposed 40B development known as "Forest Ridge". The proposed development consists of a 296-unit apartment complex on a 13.4-acre site located off of Forest Circle in Winchester and Fallon Road in Stoneham. The site is mainly located in Winchester, with the primary site access through Stoneham. Below is a summary of the Engineering Department's comments on the development proposal.

Forest Circle Layout

The proposed development site fronts on Forest Circle in Winchester, which is a narrow, two-way street located off of Forest Street. The developer has proposed a gated, emergency access off of Forest Circle, with primary access to the site off of Fallon Road in Stoneham.

I have reviewed the Engineering Department's records, and it appears that the Town has always considered Forest Circle be a public way, as far back as the early 1900's, with various improvements completed and paid for by the Town over the years. However, the Town does not have a standard acceptance or layout plan for this road. The only thing that exists in our records is a plan entitled "Forest Circle – Plan and Profile", dated June 1917 and prepared by James Hinds, Town Engineer (see attached). This plan shows a 40-foot layout, however it is not signed by the Board of Selectmen or other entity. I defer to legal counsel to determine whether the Town's current practice of considering Forest Circle a public way is appropriate.

Regardless of the right-of-way width on Forest Circle, the width of the existing paved roadway is very narrow, ranging from 15 to 18-feet, with several large diameter trees encroaching on the paved surface. However, as discussed at our meeting on August 3, 2016, the new Fire Code regulations require a minimum fire lane width of 20-feet. A determination would need to be made as to whether or not the Town (or abutters, if it was found to be a private road) would allow the developer to widen Forest Circle to meet the requirements of the Fire Code.

Previous Development Proposal

In 2007, the Winchester Planning Board received a definitive subdivision application for a 10-lot residential development on the same property as the proposed 40B project. The developer at that time proposed a cul-de-sac roadway off of Forest Circle, with no access through Stoneham. The Planning Board retained the services of FST to provide a peer review of the subdivision. In July 2007, the Planning Board denied the subdivision application primarily due to concerns surrounding traffic and circulation, and the lack of adequate stormwater management. A copy of the Planning Board's decision and the peer review letters is attached.

Traffic Circulation

As previously noted, the applicant is proposing emergency access only off of Forest Circle in Winchester. The primary access to the site will be off of Fallon Road in Stoneham (subject to approval by the Stoneham Conservation Commission) even though 100% of the units will be located in Winchester. Fallon Road is located off of Park Street in Stoneham, which is owned and controlled by the Department of Conservation and Recreation (DCR). There is currently a 298-unit complex under development at the end of Fallon Road, which was subject to a MEPA review process. As part of this, the developer and DCR agreed to a set of traffic improvements at the intersection of Fallon Road and Park Street, which have not yet been constructed. These improvements should be included as part of any traffic study done for the project, and the applicant should be required to coordinate with DCR to determine whether additional mitigation at the intersection of Fallon Road and Park Street is required.

Additionally, the Engineering Department has serious reservations about the detrimental effect of this project on the already overburdened intersection of Park and Marble Streets in Stoneham, and the Forest Street, Washington Street, and Highland Avenue corridors in Winchester. These locations already experience significant delays during the morning and afternoon commutes, which will only be exacerbated by the addition of 296-units. Winchester does not provide free bus services to students; therefore, it is likely that a large portion of any school children living in the 40B developed will be driven to the Muraco Elementary, McCall Middle, and High School, which will only exacerbate these existing problems.

The developer has mentioned the possibility of adding a school bus stop to Forest Circle, which would allow children to walk down the emergency access way to the stop. Any such plan would need to be coordinated with the School Department and their bus company to make sure a school bus can safely navigate Forest Circle. A sidewalk would also need to be added along the emergency access road. Given the steepness of the access road, the Town's ADA Coordinator should be consulted to determine what the requirements would be.

Water and Sewer Infrastructure

Although the MassHousing application does not specify, the applicant indicated at the site visit that they planned to connect into the water and sewer infrastructure in Winchester, not Stoneham to service the proposed 40B development. It is unlikely that the municipal water system on Forest Circle would be able to provide adequate to domestic and fire protection supply to the proposed apartment complex. Rather, the project will likely need to tie into the MWRA system

on Forest Street. The developer and Town will need to coordinate with the MWRA to determine what the requirements would be to make such a connection.

Additional investigations will be required to determine the ability of the existing sewer system downstream of the project site to accommodate the sewerage discharge from the 296-units. Unlike on the west side of Town where the previous 40B was proposed, very little investigation of the Town-owned sewer system has been completed on the east side to determine the condition and to identify sources of I&I. The Engineering Department recommends that Weston & Sampson be hired as a peer reviewer for the project to help evaluate the capacity and condition of the existing sewer system downstream of the proposed project site, and to identify any necessary upgrades or mitigation measures.

In addition to any other required mitigation, the Engineering Department recommends that the applicant be required to pay the Town's water and sewer connection fee, assessed at \$2400 per unit.

Drainage, Groundwater, and Ledge Concerns

As noted above, the previous 10-lot subdivision proposed on this site in 2007 was denied by the Planning Board in part due to concerns about stormwater runoff. Test pits conducted on the property in 2006 and 2007 indicated high levels of groundwater and extensive ledge outcroppings (also visible on the existing conditions plan submitted in the MassHousing application), which, combined with the very steep slopes on the site, severely limit the ability to design and construct above-ground or below-ground stormwater management systems that meet MassDEP requirements with respect to separation from seasonal high groundwater and soil conditions. It is unclear at this time how the applicant will be able to design a drainage system that does not increase peak rates of runoff from the site, which is the state requirement. The Town of Winchester also has a local requirement that post-development runoff volumes must be equal to or less than pre-development volumes, which will be very difficult to achieve on this site given the poor soils and high groundwater. The applicant should be required to use the 24-hour rainfall values developed by the NRCC at Cornell University, which is the Town standard, rather than the TP-40 rainfall estimates which were developed in the 1960s and are outdated.

There are existing, long-standing problems with drainage on Forest Circle and Polk Road that have adversely impacted existing properties, both in terms of surface water impacts and groundwater problems, so care must be taken with the site design to ensure that these problems are not exacerbated by the 40B development.

The Engineering Department is also concerned about the extensive blasting that must be conducted on the site to build the project. The blasting has the potential to impact existing groundwater patterns, and cause potential adverse impacts to the surrounding properties which will persist long-after the construction is complete.

EXHIBIT 13

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION 10.00

10.04: Critical Areas mean Outstanding Resource Waters as designated in 314 CMR 4.00, Special Resource Waters as designated in 314 CMR 4.00: Massachusetts Surface Water Quality Standards recharge areas for public water supplies as defined in 310 CMR 22.02: Definitions (Zone Is, Zone IIs, and Interim Wellhead Protection Areas for ground water sources and Zone As for surface water sources), bathing beaches as defined in 105 CMR 445.000: Minimum Standards for Bathing Beaches (State Sanitary Code: Chapter VII), cold-water fisheries and shellfish growing areas.

Outstanding Resource Water means a surface water of the Commonwealth so designated in the Massachusetts Surface Water Quality Standards at 314 CMR 4.00: Massachusetts Surface Water Quality Standards

Land Uses with Higher Potential Pollutant Loads mean the following land uses: land uses identified in 310 CMR 22.20B(2), 22.20C(2)(a) through (k) and (m), 22.21(2)(a)1. through 8., and (b)1. through 6.; areas within a site that are the location of activities that are subject to an individual National Pollutant Discharge Elimination System (NPDES) permit or the NPDES Multi-sector General Permit; auto fueling facilities (gas stations); exterior fleet storage areas; exterior vehicle service and equipment cleaning areas; marinas and boatyards; parking lots with high intensity use; confined disposal facilities and disposal sites.

10.05(6)(g)(5): For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If

through source control and/or pollution prevention, all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt and stormwater runoff, the proponent shall use the specific structural stormwater BMPs determined by the Department to be suitable for such use as provided in the Massachusetts Stormwater Handbook.

Stormwater discharges from land uses with higher potential pollutant loads shall also comply with the requirements of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53, and the regulations promulgated thereunder at 314 CMR 3.00: Surface Water Discharge Permit Program, 314 CMR 4.00: Massachusetts Surface Water Quality Standards and 314 CMR 5.00: Ground Water Discharge Permit Program.

6. Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharges near or to any other critical area require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such area as provided in the Massachusetts Stormwater Handbook. A discharge is near a critical area, if there is a strong likelihood of a significant impact occurring to said area, taking into account site-specific factors.

Stormwater discharges to Outstanding Resource Waters and Special Resource Waters shall be removed and set back from the receiving water or wetland and receive the highest and best practical method of treatment. A “storm water discharge” as defined in 314 CMR 3.04(2)(a) or (b) to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00: Surface Water Discharge Permit Program and 314 CMR 4.00:

Massachusetts Surface Water Quality Standards. Stormwater discharges to a Zone I or Zone A are prohibited, unless essential to the operation of the public water supply

(1) If the project involves dredging of 100 cubic yards or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification issued by the Department pursuant to 314 CMR 9.00: 401 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States Within the Commonwealth;

314 CMR: DIVISION OF WATER POLLUTION CONTROL 4.04:
Antidegradation Provisions

(1) Protection of Existing Uses. In all cases existing uses and the level of water quality necessary to protect the existing uses shall be maintained and protected

(3) Protection of Outstanding Resource Waters. Certain waters are designated for protection under this provision in 314 CMR 4.06. These waters include Class A Public Water Supplies (314 CMR 4.06(1)(d)1.) and their tributaries, certain wetlands as specified in 314 CMR 4.06(2) and other waters as determined by the Department based on their outstanding socio-economic, recreational, ecological and/or aesthetic values. The quality of these waters shall be protected and maintained.

(b) A new or increased discharge to an Outstanding Resource Water is prohibited unless:

1. the discharge is determined by the Department to be for the express purpose and intent of maintaining or enhancing the resource for its designated use and an authorization is granted as provided in 314 CMR 4.04(5). The Department's determination to allow a new or increased discharge shall be made in agreement with the federal, state, local or private entity recognized by the Department as having direct control of the water resource or governing water use; or

2. the discharge is dredged or fill material for qualifying activities in limited circumstances, after an alternatives analysis which considers the Outstanding Resource Water designation and further minimization of any adverse impacts. Specifically, a discharge of dredged or fill material is allowed only to the limited extent specified in 314 CMR 9.00 and 314 CMR 4.06(1)(d). The Department retains the authority to deny discharges which meet the criteria of 314 CMR 9.00 but will result in substantial adverse impacts to the physical, chemical, or biological integrity of surface waters of the Commonwealth

(5) Authorizations.

(a) An authorization to discharge to waters designated for protection under 314 CMR 4.04(2) may be issued by the Department where the applicant demonstrates that:

1. The discharge is necessary to accommodate important economic or social development in the area in which the waters are located;
2. No less environmentally damaging alternative site for the activity, receptor for the disposal, or method of elimination of the discharge is reasonably available or feasible; Effective 12/6/2013

3. To the maximum extent feasible, the discharge and activity are designed and conducted to minimize adverse impacts on water quality, including implementation of source reduction practices; and

4. The discharge will not impair existing water uses and will not result in a level of water quality less than that specified for the Class.

(b) An authorization to discharge to the narrow extent allowed in 314 CMR 4.04(3) or 314 CMR 4.04(4) may be granted by the Department where the applicant demonstrates compliance with 314 CMR 4.04(5)(a)2. through 314 CMR 4.04(5)(a)4.

(c) Where an authorization is at issue, the Department shall circulate a public notice in accordance with 314 CMR 2.06. Said notice shall state an authorization is under consideration by the Department, and indicate the Department's tentative determination. The applicant shall have the burden of justifying the authorization. Any authorization granted pursuant to 314 CMR 4.04 shall not extend beyond the expiration date of the permit.

(6) The Department applies its Antidegradation Implementation Procedures to point source discharges subject to 314 CMR 4.00.

(7) Discharge Criteria. In addition to the other provisions of 314 CMR 4.00, any authorized discharge shall be provided with a level of treatment equal to or exceeding the requirements of the Massachusetts Surface Water Discharge Permit Program (314 CMR 3.00).

Before authorizing a discharge, all appropriate public participation and intergovernmental coordination shall be conducted in accordance with Permit Procedures (314 CMR 2.00).

314 CMR: DIVISION OF WATER POLLUTION CONTROL 9.02:

Outstanding Resources Waters as designated in 314 CMR 4.00: Massachusetts Surface Water Quality Standards, Special Resource Waters as designated in 314 CMR 4.00,

9.04: Activities Requiring an Application

The activities identified in 314 CMR 9.04(1) through (13) require a 401 Water Quality Certification application and are subject to the Criteria for Evaluation of Applications for the Discharge of Dredged or Fill Material in 314 CMR 9.06 and/or 9.07:

(1) More than 5000 Sq. Ft. Any activity in an area subject to 310 CMR 10.00: Wetlands Protection which is also subject to 33 U.S.C. 1251, et seq. and will result in the loss of more than 5000 square feet cumulatively of bordering and isolated vegetated wetlands and land under water, except for an Ecological Restoration Project not requiring a Water Quality Certification application pursuant to 314 CMR 9.03(8).

(2) Outstanding Resource Waters. Dredging in, or any activity resulting in any discharge of dredged or fill material to any Outstanding Resource Water.

EXHIBIT 14

Town of Winchester

Board of Health
71 Mt. Vernon Street
Winchester, MA 01890

Tel: 781-721-7121
Fax: 781-729-1794



David W. Heinold, CCM
Richard Maggio
Jessica Fefferman, MPH
Jennifer Murphy, Director
Kathy Whittaker, RN
Jan Byford, Admin. Secretary

To: Peter Van Aken, Chair
Planning Board

From: Jennifer Murphy, Director
Board of Health

Date: January 31, 2007

RE: Shannon Estates

On January 17, 2007, the Board of Health (BOH) reviewed the revised definitive subdivision plan for Shannon Estates as submitted by the Marino group. The Board makes the following recommendations:

- Prior to removal of any fill at the site (“urban fill” as noted by DEP), the developer shall hire a Licensed Site Professional (LSP) to assess the areas where fill material exists on the property in order to generate recommendations regarding potential analysis, and its removal. The findings of the LSP are to be submitted to the BOH and recommendations of the LSP and BOH adhered to by the developer.
- The water supply must be a looped system so that there is no risk of stagnation and impurity of the water.
- Adequate drainage of the area, as recommended by the Engineering Department, must be incorporated into the final plan so that the adjacent, existing properties as well as new properties are not adversely affected.
- Adequate sewerage must be provided for on the final plan taking into account the data from the flow assessment and the Engineering Department’s recommendations.

If you have any questions, please contact me at 781-721-7121.

EXHIBIT 15

August 10, 2016

Ms. Katharine Lacy
Monitoring and Permitting Specialist
Comprehensive Permit Program
MassHousing
One Beacon Street
Boston, MA 02108

RE: Forest Ridge Residences, Winchester - Comprehensive Permit Site Approval Application by Krebs Investor Group, LLC

Dear Ms. Lacy:

This letter is submitted by the Winchester Housing Partnership Board in response to the application for site approval filed by Krebs Investor Group, LLC for their Forest Ridge Residences project located off Forest Circle in Winchester, MA.

The Winchester Housing Partnership Board was created by Town Meeting to advise the town on issues related to housing that is affordable to low and moderate income households. The Board consists of thirteen members, six of whom are appointed by the Town Moderator and seven are liaison representatives from the Board of Selectmen, Planning Board, Housing Authority, School Committee, Disabilities Access Commission, Council on Aging, and Conservation Commission.

Members of the Housing Partnership Board have reviewed the site approval application and associated architectural plans, spoken with members of the development team, participated in the June 28 site walk, attended the July 27 public information meeting conducted by the Board of Selectmen, spoken with town staff and officials, and generally familiarized ourselves with the site and neighboring properties in Winchester and Stoneham, including a similarly sized rental apartment building currently under construction on Fallon Road in Stoneham.

While the currently proposed project would provide important housing benefits to the Town of Winchester, we recognize that construction of the present design potentially also may have several important detrimental impacts, as identified in this letter, that deserve to be fully investigated, peer reviewed, and mitigated to the maximum extent possible. The Housing Partnership Board recommends that either the Town of Winchester or MassHousing immediately undertake a positive dialogue with the developer that would both enable an initial response by the development team to the technical issues that have been raised and identify alternatives in size and layout to the current proposal that the developer may be willing to consider. As was demonstrated by the recent 416 Cambridge Street comprehensive permit process, a full and impartial investigation of all issues then can be effectively conducted by the Zoning Board of Appeals, including the performance of independent peer reviews.

Our overall conclusion is that residential development is reasonable for the proposed site and that an application for site approval eventually should be accepted so that a full public hearing and review process can be conducted by Winchester's Zoning Board of Appeals.

Qualifications and Experience of the Development Team

The qualifications and experience of the proposed development team are especially impressive, and far stronger than typically involved with development projects in Winchester. This is especially important given the challenges associated with this particular site. Through their individual professional work, members of the Housing Partnership Board are familiar with the Krebs Investor Group, Elkus Manfredi Architects, S-E-B LLC, Bohler Engineering, Vanesse & Associates, and LEC Environmental Consultants. The quality and objectivity of the work performed by each of these firms is highly respected.

Relation to Local Housing Needs

Winchester has taken important steps in recent years to expand the availability of housing options in the town that are affordable for moderate income families and persons. These include approval of new zoning for the Central Business District (CBD) that allows for the development of mixed use buildings that combine business on the first floor and multi-family residential on the upper floors, and an inclusionary housing provision as part of this new CBD zone. The Winchester Zoning Board of Appeals under provisions of a comprehensive permit recently approved with conditions the construction of multi-family rental housing at 416 Cambridge Street.

At the same time, provisions for the construction of multi-family housing outside the new CBD zoning district remain limited. Winchester's subsidized housing inventory (SHI) has remained around 1.9 percent for years. While approval of the 416 Cambridge Street development will increase this to 3.1 percent, this still remains far below SHI figures for similar towns that are in the range of 5-11 percent. Construction of both the Cambridge Street rental development and the proposed Forest Ridge Residences would increase Winchester's SHI to 6.9 percent, a figure that would then be comparable to those of a number of other communities.

For many years, Winchester under a Request For Proposals process attempted to build 88 housing units of housing on a 12.5 acre portion of Winning Farm, all of which would qualify for inclusion in the SHI. The owner of this land, however, for a number of reasons was unable to complete the original commitments and the land is now in the process of being sold. The new development will consist of 29 town houses, two of which will be affordable under state guidelines. In terms of the SHI, this amounts to a loss of 86 housing units that long have been anticipated.

In order to support a sustainable community, it is urgent that housing opportunities be provided for an expanding population base. The Forest Ridge development will help to achieve this objective. The construction of the 296 housing units proposed for Forest Ridge will provide a mix of unit sizes and types that are suitable for younger people and families, as well as for downsizing seniors. These particular portions of the population currently have only very limited housing opportunities within Winchester. In this regard, the fact that one-half of the units will be studio and one-bedroom units is especially important. The availability of in-garage parking rather than surface parking is an important benefit, if not necessity for many potential residents.

Winchester currently has very limited housing available that is suitable to meet the needs of persons having limited mobility. The handicapped accessible units and provisions to be incorporated into Forest Ridge will be especially beneficial to this population.

A priority housing need within Winchester is to increase the availability of rental housing. In recent years, a number of rental properties, including two-family homes, have been converted to

condominiums. The result has been an overall decrease in the housing opportunity for people who would like to rent rather than purchase. With 25 percent of the housing units available for persons and families earning less than 80 percent of the Boston Area Median Income (AMI), Forest Ridge will help fulfill the critical need for increased rental housing for this segment of the housing market. In this context, the Housing Partnership Board suggests that the developer agree to retain the affordability provisions of Forest Ridge beyond the initial 30 year period, and also not to convert this housing at some future time into condominium ownership.

Appropriateness of Site

Forest Ridge Residences is proposed for a 13.34 acre site located between Fallon Road in Stoneham and Forest Circle In Winchester. This is one of the largest remaining undeveloped pieces of land in Winchester, and based on our conversations in recent weeks one that a majority of residents did not know even existed prior to the submission of this site approval application by the Krebs Investor Group.

The proposed density is 22.2 units per acre. This compares to at least seven other multifamily housing developments in Winchester having a higher density. It is our understanding that the apartment building currently under construction on Fallon Road in Stoneham has 298 units and is located on an approximately 15 acre parcel, resulting in a density of 19.7units per acre.

One of the comments made during the July 27 public information meeting was that the proposed site was too remote from public transportation and other services. Affordable housing, instead, should be located within Winchester's Town Center. It should be noted that if the Town Center is fully built out, this will result in the construction of just 20 new affordable housing units based on the projections of Winchester's Planning Board. Winchester long has followed a "scattered site practice" where affordable housing units are located throughout town rather than concentrating these units within one particular area.

An important question is how the Forest Ridge site, already zoned for residential purposes, should be developed. Based on our overall familiarity with the town and the results of examining this particular location and the adjoining land in Stoneham, members of the Housing Partnership Board have concluded that the size and characteristics of this parcel are consistent with the construction of multifamily housing.

Potential Issues

While construction of the proposed Forest Ridge housing will meet important Winchester housing needs and notably enhance the town's real estate tax revenues, there also are potential concerns that still need to be further evaluated and peer reviewed. Given that single family residential development previously proposed for this site was not approved, the Krebs Investor Group needs to demonstrate how it will be possible overcome these earlier concerns with a larger development.

In any decision-making process, potential adverse impacts need to be balanced against potential benefits. In a comprehensive permit process, this is a responsibility that Winchester's Zoning Board of Appeals has demonstrated they can competently perform.

The following are ten considerations of the Forest Ridge proposal that merit detailed analysis, review, and mitigation:

- Traffic - What are the traffic impacts on Fallon Road and the nearby streets in Stoneham and Winchester, especially Forest Street, where peak period congestion already is common? How will Forest Ridge interact with the new apartment building currently under construction in Stoneham on Fallon Road? Is it possible to arrange for a transportation shuttle capability that would serve both of these rental developments? What steps can be taken to improve pedestrian safety, especially for school age children? The Housing Partnership Board recommends that the connection to Forest Circle be gated and limited to pedestrians and emergency vehicles.
- Architectural Design - Winchester's Design Review Committee, composed primarily of architects, should be invited to comment on the proposed design and layout. In addition to architectural design, their review can include the proposed use of insulation, sound absorbing materials, and the energy efficiency techniques to be employed.
- Landscape Design - How will the existing landscape be affected by the proposed construction in terms of the removal of existing trees and vegetation? What is the proposed new landscape design?
- Visual - A three dimensional electronic model should be constructed using equivalent horizontal and vertical scales and including vegetation that will permit the development to be viewed from nearby properties in Winchester and Stoneham. This visual analysis will determine if the proposed development is appropriately sized and adequately screened from nearby homes.
- School Age Children - While the Housing Appeals Committee (HAC) has determined that the impact on schools is a community rather than a developer responsibility and, therefore, cannot be taken into consideration in evaluating a comprehensive permit application, this is nonetheless an important issue and we encourage the developer to work cooperatively with the town using marginal or incremental costs for each school affected rather than system wide average costs. Will Winchester school enrollment continue to increase over time or, like the majority of other Massachusetts communities, will school enrollment at some point in the future level off and even decline? The developer, in addition, should describe the play areas and facilities that will be provided as part of the development that are suitable to pre-school and elementary age children.
- Drainage - Part of the Forest Ridge parcel drains into Winchester and part drains into Stoneham. Because of the ledge, storm runoff and flooding of nearby homes are historic problems. The Krebs Investor Group, though, has the resources and the expertise to examine these drainage issues in a careful and professionally competent manner.
- Sewerage - Are there sewer capacity issues that need to be addressed?
- Emergency Access - How will Winchester fire and other emergency vehicles access Forest Ridge Residences? Even though the Housing Partnership Board recommends that the Forest Circle access be gated, fire vehicles still should have the ability to utilize this entrance on an emergency basis, similar to the Graystone access onto Salisbury Street. Consideration also should be given to upgrading the current pavement on Forest Circle to facilitate travel by school buses and fire equipment, as well as by local residents.
- Excavation - The developer should describe how much ledge will have to be removed to accommodate the proposed design, the methods that will be used for this excavation, the

time periods during which this work will be performed, and the steps that will be taken to protect nearby homes.

- Hazardous Materials - It has been reported that hazardous building materials, at one point, were placed on the site. How extensive are these materials? Will they be removed or capped during the construction process?

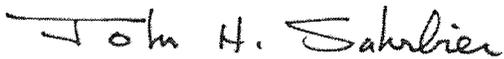
Recommendation

The Housing Partnership Board recommends that the proposed site be used for the construction of multifamily rental housing, thereby expanding the opportunity for this type of living in Winchester. At the same time, the Housing Partnership Board recommends that additional technical impact information should be made available for consideration before initiating a Zoning Board of Appeals comprehensive permit public hearing process. This would include design and mitigation plans currently being considered by the development team as well as the exploration of possible alternative project sizes and configurations.

The recommendation of the Housing Partnership Board, therefore, is that the issues identified both in this letter and in correspondence submitted by town residents should be immediately addressed in a collaborative dialogue initiated by either the Town of Winchester or MassHousing that would enable an initial response by the development team to the technical issues that have been raised and explore the possibility of alternatives to the current proposal. This working conversation then would serve as the basis for a subsequent Zoning Board of Appeals comprehensive permit public hearing process. Members of the proposed development team have demonstrated a willingness and an ability to work cooperatively with the town and neighbors, and the flexibility to adapt a proposed design.

Our assessment of the public hearing process conducted by the Zoning Board of Appeals for the 416 Cambridge Street project was that the Board was fair, open, patient, and adhered to the principle of relying on sound, correctly performed technical analyses. This included taking full opportunity for the use of independent peer reviews and determining the degree to which potential negative impacts could be mitigated. As a result of this process, the Zoning Board of Appeals then came up with a set of reasonable conditions which were included as part of their approval. We are confident that a similar process can be conducted for this Forest Ridge proposal, thereby retaining responsibility at the local level of government.

Sincerely,



John H. Suhrbier, Chair
Winchester Housing Partnership Board

cc: Richard Howard; Winchester Town Manager
Lance Grenzeback; Chair, Board of Selectmen
Joan Langsam; Chair, Zoning Board of Appeals
Brian Szekely; Town Planner