



Ronald R. Adams

Town of Bridgewater

Office of the
Town Clerk

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Bridgewater, Massachusetts 02324
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October 13, 2010

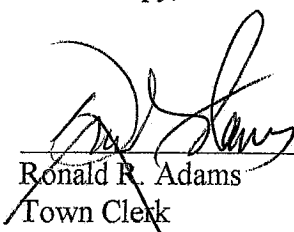
Pratt Town Meadows, LLC
C/O Adam J. Costa
Blatman, Bobrowski & Mead, LLC
30 Green St.
Newburyport, MA 01950

Re: Modification of Comprehensive Permit - Granted
Pratt Town Meadows -Off Plymouth St., Assessors Map 36, Parcel 43, 44 & 47

Dear Sir:

Attention of all parties is drawn to Section 15 and Section 17 of Chapter 40A of the General Laws, that No Notice of Appeal has been filed during the twenty-day next of such receipt and recording of said notice in the office of the Town Clerk.

A true copy, Attest:



Ronald R. Adams
Town Clerk

Decision filed: September 23, 2010

Appeal ended: October 13, 2010

CC: Zoning Board of Appeals
Inspectional Services

TOWN OF BRIDGEWATER

ZONING BOARD OF APPEALS

EMAIL:
zba@bridgewaterma.org



TEL: 508.697.0906
FAX: 508.697.0958

Town Hall • 64 Central Square
Bridgewater, MA 02324

(SPACE ABOVE RESERVED FOR REGISTRY OF DEEDS)

MODIFICATION **FINDINGS AND DECISION**

Re: Application of Pratt Town Meadows, LLC
Modification of Comprehensive Permit

Date: September 21, 2010

I. PROCEDURAL HISTORY

1. By Findings and Decision dated June 7, 2006, the Zoning Board of Appeals for the Town of Bridgewater (the "Board" and the "Town," respectively) granted a comprehensive permit (the "Comprehensive Permit") to Pratt Town Meadows, LLC (the "Applicant") for the development of eighty-eight (88) units of ownership housing, including fifty (50) units located in duplex buildings and thirty-eight (38) single-family homes, all with two (2) bedrooms and all restricted to residents fifty-five (55) years of age and older (the "Project"). The Project site consists of 20.72 acres of land situated off Plymouth Street in Bridgewater, Massachusetts (the "Property"). Section I of the aforesaid Findings and Decision, being the procedural history of the Project as originally proposed and approved by the Board, is hereby reaffirmed and incorporated herein by reference.

2. On or about September 22, 2008, the Applicant submitted to the Board a request for modification of the Project and the Comprehensive Permit authorizing the same. The Project, as modified, was to include ninety-two (92) townhouse-style units of ownership housing in twenty-three (23), four-(4)-unit buildings, all with two (2) bedrooms but without the aforesaid age restriction.

3. A duly-advertised public hearing was opened on October 21, 2008 and continued to November 18, 2008, December 2, 2008, February 3, 2009, April 7, 2009, May 19, 2009, July 7, 2009, September 1, 2009, November 3, 2009 and February 2, 2010. Substantive evidence was heard only on October 21, 2008 and December 2, 2008.

4. By subsequent submittal to the Board, the Applicant further modified the Project, to include

fifty-six (56) single-family homes, all for-sale, all with three (3) bedrooms and without an age restriction.

5. The public hearing on said, further modifications to the Project was re-advertised and subsequently re-opened on April 6, 2010. It was continued to May 18, 2010, July 6, 2010 and September 7, 2010, and further continued to and closed on September 21, 2010. Substantive evidence was heard only on April 6, 2010, September 7, 2010 and September 21, 2010.

6. The documents listed in Exhibit "A," annexed hereto, were received during the public hearing(s) on the proposed modification of the Project, and are hereby incorporated by reference.

II. FINDINGS

1. Section II of the Findings and Decision dated June 7, 2006, being the findings made by the Board, is hereby reaffirmed and incorporated herein by reference, except as provided below.

2. The Applicant is qualified to request a modification of the Comprehensive Permit in that: (a) it is or will become a "limited dividend corporation," as that term is used in G.L. c. 40B, § 21, and 760 CMR 56.04(1)(b); (b) it has received a modified Site Eligibility Letter from the Massachusetts Housing Finance Agency ("MassHousing") dated August 22, 2007; (c) it has "control of the site," as that term is used therein, pursuant to a Purchase and Sale Agreement dated September 5, 2008, as amended; and (d) the Town of Bridgewater has not met any of the statutory minima set forth in G.L. c. 40B, § 20, or 760 CMR 56.03(3).

3. The Project, as modified, includes the construction of fifty-six (56) single-family homes, all of which will be offered for sale. All homes shall be three (3) bedrooms. As modified, the Project will not be age-restricted.

4. The Project, as modified, provides 168 parking spaces: one (1) garaged parking space and two (2) outdoor parking spaces per single-family home.

5. The Applicant acknowledges, and the Board specifically finds, that the modification of the Project constitutes a "substantial change," as that term is used in 760 CMR 56.05(11)(c).

6. Comments, if any, received from Town department(s) concerning the modification request are referenced in Exhibit "A."

7. The Board was represented in its review of the application for a modification of the Comprehensive Permit by:

- (a) Ch. 40B, Generally: Edward Marchant, EHM/Real Estate Advisor, Brookline, Massachusetts
- (b) Civil Engineering: Nitsch Engineering, Inc., Boston, Massachusetts

8. The Project, as modified, continues to be consistent with local needs.

III. DECISION

In accordance with 760 CMR 56.05(11)(c), the Board voted, after the aforesaid public hearing(s) and findings of fact, to allow the following, substantial changes to the Comprehensive Permit and to modify its Findings and Decision dated June 7, 2006 accordingly:

Modification of the Comprehensive Permit

1. Section III of said Findings and Decision is hereby deleted in its entirety, and the following is substituted therefor.
2. The Comprehensive Permit is hereby modified to allow for the construction of fifty-six (56) single-family homes, all of which will be offered for sale. All homes shall be three (3) bedrooms. As modified, the Project will not be age-restricted.
3. The term "Applicant," whenever used herein, shall mean the Applicant, its heirs, successors and assigns. The term "Board," whenever used herein, shall mean the Zoning Board of Appeals for the Town of Bridgewater.

Conditions

4. The Project shall be constructed in substantial conformance with the following plans/documents of record (hereinafter, the "Plans"):
 - (a) "Modification of Comprehensive Permit" application of Pratt Town Meadows, LLC, dated September 19, 2008 and submitted to the Town Clerk on September 22, 2008, as amended by correspondence and accompanying attachments to the Board dated April 6, 2010, and as otherwise amended.
 - (b) Site plans entitled "Comprehensive Permit Plan, Pratt Town Meadows in Bridgewater, Massachusetts," prepared by Michael J. Koska & Associates, Inc., 98 Broad Street, Bridgewater, Massachusetts 02324, dated February 10, 2005, revised through July 5, 2010, stamped and signed by Michael J. Koska, P.E., P.L.S., on July 17, 2010, and consisting of fourteen (14) sheets.
 - (c) Architectural and floor plans entitled "Dyer Construction, Prattown Meadows, Plymouth Street, Bridgewater, Massachusetts," prepared by Cheryl Whitaker Moore Architectural Design Services, 5380 90th Avenue Circle East, Parrish, Florida 34219, dated May 11, 2010 and consisting of two (2) sheets each for "Model A," "Model B," "Model C" and "Model D," for a total of eight (8) sheets.
 - (d) Conceptual landscaping plan entitled "Planting Plan, Prattown Meadows, Location: Bridgewater, Massachusetts," prepared by Meridian Associates, Inc., 152 Conant Street, Beverly, Massachusetts 01923, dated April 5, 2006, revised through September 20, 2010, stamped and signed by John P. Gwozdz, Registered Landscape Architect, and consisting of two (2) sheets.
 - (e) Conceptual pondscaping plan entitled "Stormwater Wetland Planting Plan,"

prepared by Michael J. Koska & Associates, Inc., 98 Broad Street, Bridgewater, Massachusetts 02324, with planting specifications provided by LEC Environmental Consultants, Inc., of dated September 19, 2010 and consisting of one (1) sheet.

- (f) General specifications entitled "Dyer Construction Homes General Specifications" and "Dyer Construction Homes General Specifications Affordable," for the market-rate and Affordable Units, as hereinafter defined, respectively, as submitted to the Board on September 7, 2010 and referenced in Exhibit "A" hereto.

5. The Project shall be limited to fifty-six (56) single-family homes, all of which will be offered for sale. All homes shall contain no more than three (3) bedrooms. The homes shall be situated on a 20.72-acre parcel of land situated off Plymouth Street in Bridgewater, Massachusetts, as shown on the Plans.

6. At least twenty-five (25%) percent of the dwelling units, a.k.a. the single-family homes, or fourteen (14) units (hereinafter, the "Affordable Units"), shall be reserved for sale to eligible applicants whose annual income may not exceed 80% of Area Median Income for the Brockton, MA PMSA, as defined by the U.S. Department of Housing and Urban Development (HUD) and as adjusted for household size. The affordable housing restriction shall be in perpetuity, pursuant to G.L. c. 184, §§ 31-33. The locations of the Affordable Units are shown on the Plans, as Lots 1, 9, 13, 17, 18, 21, 26, 31, 33, 38, 43, 45, 50 and 55. The remaining forty-two (42) units in the Project may be offered at market rate.

7. As modified, the Project will not be age-restricted.

8. For cost certification purposes, the maximum allowed "Builder's Profit," "Builder's Overhead" and "General Requirements" shall comply with the Department of Housing and Community Development's (DHCD) "Comprehensive Permit Guidelines," dated July 30, 2008, as amended (the "Guidelines").

9. If funding for the Project is provided through the New England Fund (NEF) Program of the Federal Home Loan Bank of Boston, the Applicant shall comply with the "Guidelines for Housing Program in Which Funding is Provided Through a Non-Governmental Entity" and with all final approval requirements specified by MassHousing, as "Project Administrator."

10. The Applicant has selected, and the Board has approved, Delphic Associates, of New Bedford, Massachusetts, as "Lottery Agent" for the selection of eligible purchasers for the Affordable Units. Prior to conducting the lottery, the Lottery Agent shall submit a final lottery plan to the Board for its approval, which plan shall include the proposed sales price for the Affordable Units. The Applicant shall be responsible for all Lottery Agent costs.

11. The Applicant shall be required to prepare a "Regulatory Agreement" and "Deed Rider," and shall submit same to the Board for approval. Subsequently, the parties thereto shall execute the Agreement and transmit same to MassHousing, as Project Administrator. Said documents shall be consistent with the terms of the Findings and Decision, and shall include a requirement that the Affordable Units be restricted as affordable in perpetuity, for sale to eligible applicants whose annual income may not exceed 80% of Area Median Income for the Brockton, MA PMSA, as defined by HUD and as adjusted for household size. Applicants must satisfy all applicable asset and first-time

homebuyer requirements.

12. As a limited dividend organization, the Applicant's profit shall not exceed 20% of its development costs for the Project. Any profit in excess of said amount shall be paid to the Town, in a form that will allow the Town to use said funds to facilitate the development of affordable housing. Review of the Applicant's limited dividend obligations shall be done in accordance with the Regulatory Agreement. As per said Agreement, the Applicant shall prepare a full certification of total development costs and total revenues, certified by a certified public accountant, in a form and upon a schedule determined by the Guidelines. All cost certification and other reporting requirements shall be prepared and submitted in accordance with the limited dividend guidelines and reporting requirements of G.L. c. 40B, §§ 20-23, 760 CMR 56.04(8) and the Guidelines, as amended. All revenues and expenses associated with any and all buyer-selected upgrades and/or options, whether paid for as part of the purchase price or through alternative arrangements with the seller, shall be accounted for in the Applicant's cost certification reports.

13. The Affordable Units shall be distributed evenly throughout the Project, in the locations shown on the Plans. The exterior facades of the Affordable Units shall be indistinguishable from those of the market-rate units of similar kind. Interior finishes and appliances in the Affordable Units shall be in accordance with the general specifications for said Affordable Unit, as referenced above.

14. The Applicant shall pay the cost(s) of all professional consultants retained in connection with its ongoing review the Project and all matters related thereto, to the extent authorized by 760 CMR 56.05(5).

15. The following, miscellaneous site conditions shall be applicable to the Project:

- (a) No stockade fence shall be constructed along Plymouth Street between the land n/f of McCourt and the land n/f of McIntires Dairy. Nothing herein shall be deemed to prohibit the construction of fence(s) elsewhere on the Property, except as otherwise restricted herein or by the Bridgewater Zoning Bylaws (the "Zoning Bylaws").
- (b) No fence shall be constructed on any lot in the Project within the "front yard," defined by the Zoning Bylaws as the "area extending the entire width of a lot from side lot line to side lot line and from the street line to the front line of a building. . ."
- (c) Driveway depth, measured from the street right-of-way to the front of the garage on a given lot, shall not be less than eighteen (18) feet.
- (d) An on-the-ground, final, as-built survey shall be completed upon substantial completion of the Project, and the same shall be submitted to the Board as confirmation that the Project has been constructed in accordance with the conditions provided for herein and with all final construction documents submitted to the Building Inspector.
- (e) Prior to the commencement of construction, the Applicant shall submit a dewatering plan and construction schedule to the Board for its approval. Said plan and schedule shall be also be provided to the professional engineer providing construction

oversight at the Property.

16. The following, miscellaneous conditions shall be applicable to homes in the Project:
 - (a) In developing the Project, the Applicant shall provide at least eight (8) homes in each of the four (4) unit types, as shown on the Plans. The remaining twenty-four (24) homes shall be of type(s) determined by the Applicant in its sole discretion.
 - (b) A mix of exterior colors shall be provided, such that all homes in the Project are not of the same color and appearance.
 - (c) No home shall contain more than three (3) bedrooms. The addition of bedroom(s) to any home or the retrofitting of existing space, including garages, for use as additional bedroom(s) is expressly prohibited.
17. The Applicant shall be responsible for the installation, operation and maintenance of all aspects of the stormwater management system until all of the units have been conveyed. Thereafter, the operation and maintenance of the stormwater management system for the Project shall be the responsibility of a homeowners association (the "Homeowners Association") and/or a management company contracted for said purpose, except as otherwise noted herein. The Applicant shall prepare an operations and maintenance plan for the stormwater management system, and shall provide a copy of the same to each member of the Homeowners Association
18. The Applicant shall establish said Homeowners Association, which shall be responsible for the care, maintenance and repair of the stormwater management system, roadways and all other shared improvements located on the Property. Prior to the issuance of a certificate of occupancy for any home in the Project, Homeowners Association documents shall be submitted for review and approval by the Board and its counsel, as to form. Said documents shall set forth the obligations of the Homeowners Association, and shall reference the affordability requirements upon which the Comprehensive Permit, as modified herein, is conditioned.
19. The Applicant is required to comply with all applicable and pertinent regulations of the Americans with Disabilities Act and the Massachusetts State Building Code.
20. The Purchase and Sale Agreement for each home in the Project shall reflect notice given to the potential purchaser(s) that properties adjacent to the Property and the Project are located in an industrial district.
21. The Conservation Commission's Order of Conditions or any order of the Department of Environmental Protection (DEP), if applicable, regarding the Property, as amended or as may be amended, is made a part hereof. In the event of any inconsistency between the Plans, as referenced herein, and those plans approved by the Commission or the Department, the Applicant shall submit amended plan(s) to the Board for consideration and approval. Said amended plan(s) shall be accompanied by a letter setting forth any and all changes from the Plans and revised drainage calculations, if applicable. Any change(s) in the Plans shall be governed by 760 CMR 56.05(11).
22. To the maximum extent allowed by law, preference for the Affordable Units shall be given to qualified (a) Bridgewater residents and (b) employees of the Town of Bridgewater and employees

of the Bridgewater/Raynham School District working at schools located in Bridgewater.

23. The maximum initial sales price of the Affordable Units shall be set at a price no greater than "that which can be afforded" (including principal and interest payments based upon a zero-points, 30-year, fixed-interest-rate mortgage loan, realistic homeowners association fees, property insurance, real estate taxes and private mortgage insurance), as per the Guidelines, by households earning seventy (70%) percent of Area Median Income for the Brockton, MA PMSA, as defined by HUD and as adjusted for household size. The methodology must assume a maximum down payment of five percent (5%).

24. During construction, the Applicant shall conform to all local, state and federal laws regarding noise, vibration, dust and blocking of any roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. On weekdays, construction shall not commence before 7:00 a.m. and shall not continue beyond 6:00 p.m. On Saturdays, construction shall not commence before 8:00 a.m. and shall not continue beyond 4:00 p.m. There shall be no construction on any Sunday or legal holiday. For the purposes hereof, construction activities shall include, but not be limited to, start-up of equipment or machinery, delivery of building materials and supplies, removal of trees, grubbing, clearing, grading, filling, excavating, importing or exporting of earth materials, installation of utilities both on and off the Property, removal of stumps and debris and erection of new structures.

25. Any damage to Town or state roadways occurring from the Applicant's construction activities shall be repaired to the Town's satisfaction at the Applicant's expense.

26. The following aspects of the Project shall be and shall remain forever private, and shall be maintained by Applicant or Homeowners Association, as applicable. The Town shall not, now or ever, be legally responsible for their operation or maintenance:

- (a) stormwater management system;
- (b) on-site external lighting fixtures/poles, which shall be located on the individual lots in the Project;
- (c) all roadways and driveways;
- (d) snow plowing, sanding and other roadway treatments;
- (e) landscaping; and
- (f) the on-site water and sewer systems.

27. Prior to the issuance of a certificate of occupancy, the Applicant shall provide a performance guarantee to the Town, which may be a bond, surety or tripartite agreement, as chosen by the Applicant, for completion of site improvements, but not including the cost of the construction of the residential dwelling units, in a form reasonably acceptable to the Board or its designee. Said bond shall be equal to 1.5 times the cost of said construction. The amount of said performance guarantee shall be based on the remaining costs to complete site work for the phase of the Project under development, as reasonably determined by the Board or its designee. If the construction

period lasts more than two (2) years, the Board may require that the performance guarantee be increased to account for inflation. A performance guarantee is subject to the following:

- (a) Upon substantial completion of each phase of the Project, the Board, at its discretion, may release that portion of the guarantee related thereto, but may hold back at least ten percent (10%) of each line item.
- (b) Upon the Applicant's full and satisfactory performance in accordance with the conditions of the Comprehensive Permit, as modified herein, the obligation to provide the performance guarantee shall cease and the same shall be released; otherwise, it shall remain in full force and effect.

28. Prior to the issuance of a building permit, the Applicant shall pay, in full, all costs and expenses incurred by the Board during its review of the Applicant's modification request and up through its issuance hereof, and all outstanding fees, if any, which the Applicant owes to the Town in connection with the Comprehensive Permit, as modified herein.

29. The purchasers of all homes in the Project and the Homeowners Association itself shall be forever bound by all conditions and restrictions contained herein.

30. In addition to its other responsibilities, the Homeowners Association shall be responsible for:

- (a) repairing and maintaining the on-site stormwater management system;
- (b) ensuring that private roadways on the Property are kept clear at all times, and that snow is appropriately stored on the Property;
- (c) ensuring the proper installation, operation and maintenance of the stormwater management system in accordance with Condition No. 14, above;
- (d) ensuring that all building and surface exterior lighting is shielded so that there is no glare into neighbors' homes on properties outside of the Project, and that there is no interference with vehicular traffic on Plymouth Street; and
- (e) the care, maintenance and repair of all shared improvements located on the Property, and providing for trash removal, if necessary.

31. The Applicant has requested, and the Board hereby authorizes, those exceptions from the requirements of the Bridgewater Zoning Bylaws and other local laws, rules and regulations as listed in Exhibit "B," annexed hereto, and with the limitations and conditions set forth herein, intended to permit and hereby allowing for the construction of the Project in accordance with the Plans and with the Comprehensive Permit, as modified herein. Minor deviations from otherwise applicable local rules may be authorized by the Board. No fees are waived for either the Affordable Units or the market-rate units.

32. Prior to the commencement of construction, the Applicant shall provide to the Board, and shall update as necessary, the name, address and 24-hour contact information for an on-site

construction manager who shall have primary responsibility for the oversight of day-to-day construction activities at the Property.

33. The Affordable Units shall be constructed such that for every four (4) units for which certificate of occupancy are issued, one (1) of the four (4) units shall be an Affordable Unit.

34. The location of utilities shall be noted on the Applicant's final construction plans. All utilities shall be underground.

35. The Deed Rider shall provide that in the event of foreclosure of an Affordable Unit, a notice shall be sent to the Town and an option to purchase said Affordable Unit shall be granted to the Town. The Town shall have ninety (90) days within which to either exercise or assign its option to purchase. The option may be exercised or assigned by the "Chief Executive Officer" of the Town, as defined by 760 CMR 56.02, contingent upon approval by Town Meeting, as may be required, within ninety (90) days of the notice. The Town, or its assignee, shall have sixty (60) days from the date of exercise or assignment within which to purchase the Affordable Unit. The purchase price shall be determined by the formula set forth in the Deed Rider.

36. The Board has required, and the Applicant therefore agrees, that a donation shall be made by the Applicant to a Town board, commission or official, as designated by the Board, in the amount of fourteen thousand dollars (\$14,000.00), seven thousand dollars (\$7,000.00) of which shall be paid prior to the issuance of the tenth (10th) certificate of occupancy and seven thousand dollars (\$7,000.00) of which shall be paid prior to the issuance of the twenty-fifth (25th) certificate of occupancy. Said sums shall be deposited with the Town Treasurer. Said donation shall be used for the purposes of enabling the Town to draft and adopt a plan for the production of affordable housing and/or for the development of affordable housing. In addition, as required by the Board and therefore agreed-to by the Applicant, the Applicant shall be responsible for the elimination of 37,800 gallons of infiltration and inflow from the sewer system under the direction of the Department of Public Works, unless said requirement is reduced, waived or otherwise altered by said Department, prior to the earlier of the issuance of the final certificate of occupancy for the Project or three (3) years from the date first above mentioned.

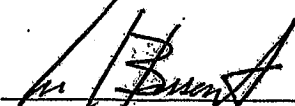
37. If a handicapped household is selected in the lottery for an Affordable Unit, the Applicant shall make alterations to said Affordable Unit so as to make it accessible.

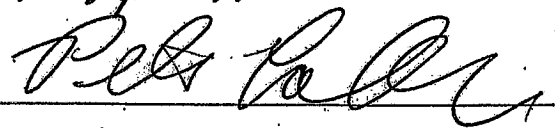
38. The Applicant shall provide to the Board a copy of the appraisal that is required by and submitted to the Subsidizing Agency.

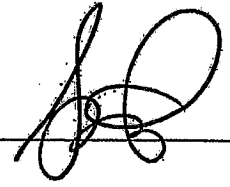
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RECORD OF VOTE

The following members of the Board vote to grant the aforesaid modification of the Comprehensive Permit, subject to the above-stated terms:







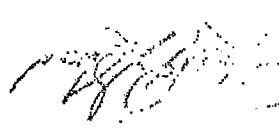
The following members of the Board of Appeals are in opposition to a grant of the requested modification:

Filed with the Town Clerk on September ____, 2010.

Town Clerk

Copy of "Modification Findings and Decision" mailed to:

Adam J. Costa, Esq.
Blatman, Bobrowski & Mead, LLC
9 Damonmill Square, Suite 4A4
Concord, Massachusetts 01742


2010 SEP 23 P 2:20

RECEIVED
TOWN CLERK'S OFFICE
BRISTOL, MASS.

EXHIBIT A

The documents listed below were received during the public hearing(s) on the request for modification of the Comprehensive Permit, and are hereby incorporated by reference into the preceding Modification Findings and Decision:

<u>Correspondence, Document or Plan</u>	<u>Date</u>
Dyer Construction Homes – General Specifications and General Specifications for Affordable Units	Undated
Engineered Plans as prepared by Michael J. Koska and Associates, Inc. entitled “Comprehensive Permit Plan, Pratt Town Meadows in Bridgewater, Massachusetts,” including an “Existing Condition Plans,” “Lot Layout Sheet,” “Roadway/Building Layout Plan,” “Plan and Profile Sheet 4&5 for Pratt Town Lane,” “Plan and Profile Sheet for Brett Way,” “Plan and Profile Sheet for Matthew Drive,” “Drainage Layout Plan” and “Sheets 9-14 – Detail Sheets”	May 9, 2008; March 9, 2010; July 5, 2010; September 19, 2010
Stormwater Runoff Analysis with Operation and Maintenance Plan	August 14, 2005, revised May 30, 2008
Memorandum from Paul Sullivan, Municipal Administrator, to John Gerrish, Chair	July 30, 2008
Email from Laurie Keane, Conservation Commission	October 15, 2008
Nitsch Civil Peer Review Proposal	November 26, 2008
Letter to Zoning Board of Appeals from Antonio De Frias requesting a continuance	December 1, 2008
Email from David Matton to John Gerrish, Chair containing Land Use Committee Notes from March 12, 2009 meeting in regards to Pratt Town.	April 14, 2009
Email from John Gerrish, Chair, to David Matton in regards to Pratt Town Traffic	April 14, 2009
Letters to Jane Brown, ZBA Secretary, from Attorney Adam Costa requesting continuances	July 6, 2009; August 27, 2009; November 2, 2009
Letter to Attorney Adam Costa from Jane Brown, ZBA Secretary, advising applicant of continued hearing date and the need to re-advertise and re-notify all abutters	November 11, 2009

Letter to Jane Brown, ZBA Secretary, from Attorney Adam Costa requesting a continuance as well as an extension of the permit	January 28, 2010
Architectural Layouts, Options A, B, and C	February 24, 2010
Checklist for Stormwater Report	March 1, 2010
Engineered Plans as prepared by Michael J. Koska and Associates, Inc. entitled "Drainage Pattern Sheet Pre-Development" and "Drainage Pattern Sheet Post-Development"	May 9, 2008; March 9, 2010
Letter from Attorney Adam Costa to Chair Andre Bissonnette regarding revisions to the modification application	April 6, 2010
Architectural and floor plans as prepared by Cheryl Whitaker Moore Architectural Design Services, entitled "Dyer Construction, Prattown Meadows, Plymouth Street, Bridgewater, Massachusetts," for "Model A," "Model B," "Model C" and "Model D"	May 11, 2010
Letters to Jane Brown, ZBA Secretary, from Attorney Adam Costa requesting continuances	May 17, 2010; July 1, 2010
Drainage Analysis Report, Pratt Town Meadows, Bridgewater, MA as Prepared by Pilling Engineering Group, Inc. Civil Engineers and Land Surveyors	August 2005, revised through July 2010
Response to Comments by Nitsch Peer Review dated April 2, 2010, by Antonio De Frias, S.I.T., Koska and Associates, Inc.	July 7, 2010
Nitsch Civil Peer Review 40B Submission	April 14, 2009; April 2, 2010; August 18, 2010
Letter to the Zoning Board of Appeals from abutters, Craig and Diana DiGiorgi, 50 Darlene Drive, Bridgewater, MA	April 2, 2009; September 2, 2010
Pratt Town Meadows – Pro Forma	September 16, 2010
Engineered Plans as prepared by Michael J. Koska and Associates, Inc., entitled "Stormwater Wetland Planting Plan – Map 23 Lot 15 & Map 36 Lot 71, Lot 47"	September 19, 2010
Landscaping Plans as prepared by Meridian Associates, Inc., entitled "Planting Plan, Prattown Meadows, Location: Bridgewater, Massachusetts,"	September 20, 2010

EXHIBIT B

Exhibit B to the Findings and Decision dated June 7, 2006, being the exceptions to the Zoning Bylaws and other laws, rules and regulations previously granted by the Board, is hereby deleted in its entirety. In substitution therefor, and pursuant to Condition No. 28, above, the Board grants the following exceptions:

Waiver(s) from the Zoning Bylaws for the Town of Bridgewater

- Section 8.40: Waivers to allow a minimum lot size of less than 18,500 square feet, a minimum lot area per dwelling unit of less than 15,000 square feet, minimum lot frontage of less than 125 feet and minimum front-, rear- and side-setbacks of less than 35 feet, 30 feet and 20 feet, respectively, all in the Residential "C" zoning district.[†]
- Section 8.60: Waiver to allow setbacks of fewer than 50 feet from a building to a bordering vegetative wetland (BVW).

Waiver(s) from the Subdivision Rules and Regulations

- Section I(B), Generally: Waiver of the filing fees typically payable to the Planning Board in connection with subdivision approval, an application fee having already been paid to the Board with the Applicant's request for a modification of its Comprehensive Permit.
- Section IV(B)(2)(d): Waiver of the requirement that drain lines be installed at a depth of three feet and six inches (3' 6").
- Section IV(C)(4): Waiver of the required minimum curve radius of two hundred feet (200') on residential sub-collector streets.
- Section IV(C)(6): Waiver of the requirement that dead end streets be provided with a turn-around having a property line diameter of at least one hundred thirty feet (130').
- Section IV(C)(7): Waiver of the requirements that driveway cuts not be allowed within fifty-five feet (55') of an intersecting street and or within six feet (6') of any catch basin, manhole structure or water service.
- Section V(B)(1): Waiver of the requirement that water lines be located seven feet (7') off the centerline of the street.
- Section V(B)(2): Waiver of the minimum width requirements for residential streets.
- Section V(B)(8): Waiver of the requirement that bituminous concrete Type I-1 be used for

[†] Section 4.80 of the Zoning Bylaws provides: "Whenever any residential dwelling is located in or constructed in an industrial or business zone, then the provisions and restrictions of the nearest residential zone shall apply to such residence." A portion of the Project is located in the Industrial "A" zoning district, adjacent to (and with the remainder of the Project located in) the Residential "C" zoning district.

the binder and second courses of all streets, to allow porous pavement on Prattown Lane approximately from Station 9+91 to Station 13+40.

- Section V(B)(9): Waiver of the vertical granite curbing required on residential streets.

Waiver(s) from the Wetlands Bylaw

- Section 4: Waiver from the requirement that concrete structures be used for groundwater recharge of roof runoff, to allow for plastic chambers to be used in lieu thereof.

Waiver(s) from the Wetlands Protection Regulations

- Section 4: Waiver from the requirement, if any, that a Notice of Intent be filed and a filing fee be paid for each lot in the Project where resource area(s) may be affected, the Board and the Conservation Commission having already reviewed the Project as a whole.
- Section 7(j): Waiver of the twenty-five-(25)-foot “no activity” buffer around a bordering vegetative wetland.
- Section 7(t): Waiver from the requirement that erosion control barriers be installed no closer than twenty-five (25) feet from the boundary of an approved bordering vegetative wetland.

Waiver(s) from the Comprehensive Permit Rules & Regulations

- Section 3.2: Waiver from the requirement that plans be at a scale of one inch (1”) equals forty feet (40”).
- Section 3.2.3: Waiver from the requirement that location and ownership of all abutting properties be shown on the plans.
- Section 3.2.17: Waiver from the requirement that boundary traverse closure tables be shown on the plans.

Bridgewater Ma Pratt Town Meadows PRO FORMA ANALYSIS

9/16/2007

DEVELOPMENT ASSUMPTIONS

Homes	56
Interest rate	7.00%
Acquisition (Land Cost)	\$ 1,000,000
Road Infrastructure including drainage & utilities	
Linear feet of road	2,912
Cost per Foot	\$ 375
Town Sewer	\$ 3,000
Town water	\$ 5,000
Sales and BuildOutPeriod	5.00
House construction period (months)	6
House construction revolver (3 Units)	\$ 425,880
Financing points	1.00%

MODEL TYPES	Price Per Unit Markit	Price Per Affordable	Total # Units	Aff units	Market Units	Income Affordable	Income Market	Income Total Sales	Size Sq. Ft.	Construction Cost sf	Const Cost
Single family home	\$809,000	\$159,900	56	14	42	2,238,600	12,978,000	\$ 15,216,600	1,352	\$ 105	\$ 7,949,760
TOTALS			56	14	42	2,238,600	12,978,000	\$ 15,216,600			\$ 7,949,760

Bridgewater Ma

"HARD COST"

DEVELOPMENT ITEMS		TOTAL	PER
(a) Site Acquisition			
Land		\$ 1,000,000	\$ 17,857
HARD COST			
(b) Site Infrastructure Cost			
Roads		\$ 1,092,000	\$ 19,500
Unusual Site Conditions		\$ 50,000	\$ 893
(c) Residential Construction			
Construction Cost		\$ 7,949,760	\$ 141,960
(d) Water & Sewer			
Town water		\$ 280,000	\$ 5,000
Town Sewer		\$ 168,000	\$ 3,000
(e) Subtotal Hard Costs (a+b+c+d)		\$ 10,539,760	\$ 188,210
(f) Contingency (5%) (b+c+d)	5%	\$ 476,988	\$ 8,518
(g) Total Hard Costs (e+f)		\$ 11,016,748	\$ 196,728

Bridgewater Ma

"SOFT COST"

DEVELOPMENT ITEMS		TOTAL COSTS	PER UNIT
SOFT COST			
(h) Permits		\$ 280,000	\$ 5,000
(i) Architectural Engineering		\$ 28,000	\$ 500
Site engineering (Approvals Pre Construction)	\$ 200,000		
Construction engineering (Roads, houses, septic etc)	\$ 50,000		
Traffic Studies	\$ 8,500		
(j) Total Engineering		\$ 258,500	\$ 4,616
Legal			
General legal work	\$ 100,000		
Individual closings	\$ 42,000		
(k) Total Legal		\$ 142,000	\$ 2,536
Insurance			
General liability	\$ 40,000		
Builder's Risk	\$ 33,600		
(l) Total Insurance		\$ 73,600	\$ 1,314
(M) Recording Fees for excise \$4.56 per thousand		\$ 69,388	\$ 1,239
(n) Utility Company Charges		\$ 56,000	\$ 500
Financing cost			
Acquisition	\$ 175,000		
Infrastructure	\$ 199,850		
Revolver	\$ 74,529		
Soft Cost	\$ 62,790		
(q) Total Financing Cost		\$ 512,169	\$ 9,146
Fees			
Acquisition	\$ 1,000,000		
Infrastructure	\$ 1,142,000		
Revolver	\$ 425,880		
Soft Cost	\$ 782,500		
Total Application Fees (1 Points)		\$ 25,679	\$ 459
Appraisals & Market Studies		\$ 10,000	\$ 179
(r) Real Estate Taxes		\$ 50,000	\$ 893
(s) association Fees		\$ 20,000	\$ 357
(t) Maintenance (unsold units)		\$ -	\$ -
(u) Accounting		\$ 20,000	\$ 357
(V) Marketing	5%	\$ 760,830	\$ 13,586
(w) Subtotal Soft Costs		\$ 2,306,165	\$ 41,182
(x) Contingency (Excluding Marketing)	5%	\$ 77,267	\$ 1,380
(y) Total Soft Costs (w+x)		\$ 2,383,432	\$ 42,561
(z) Total Development Costs (g+y)		\$ 13,400,180	\$ 239,289

Bridgewater Ma

PROFIT ANALYSIS

	TOTAL SALES	SALES PER UNIT
(A) Market Sales	\$ 15,216,600	\$ 271,725
(B) Total Development Costs	\$ 13,400,180	\$ 239,289
(C) Total Profit (A-B)	\$ 1,816,420	\$ 32,436
(D) Percentage Profit (C/B)	13.56%	

PRELIMINARY CONSTRUCTION BUDGET

Pratt Town Meadows

DEVELOPMENT ITEM	TOTAL COST	COST PER UNIT
HARD COST		
(a) Site Acquisition	1,000,000	17,857
(b) Site infrastructure cost Off site cost	1,142,000	20,393
(c) Residential Construction	7,949,760	141,960
Water and Sewer	448,000	8,000
(d) Subtotal hard cost	10,539,760	188,210
(e) Contingency (5% b+c)	476,988	8,518
(f) Total Hard Cost (d+e)	11,016,748	196,728
SOFT COST		
(g) Permits (Market Rate Only) (inc in const cost)	280,000	5,000
(h) Architectural (inc in const cost)	28,000	500
(i) Engineering	258,500	4,616
(j) Legal	142,000	2,536
(k) Recording Fees	69,388	1,239
(l) Insurance	73,600	1,314
(o) Property Taxes	50,000	893
(p) Financing Cost	512,169	9,146
(q) Application/Financing Fees (1 Pts)	25,679	459
(r) Appraisal Fees	10,000	179
(s) homeowner Fees	20,000	357
(u) Utility Company Charges	56,000	1,000
(v) Accounting Fees	20,000	357
(w) Marketing	760,830	13,586
(x) Subtotal Soft Cost	2,306,165	41,182
(y) Soft Cost Contingency (5%)	77,267	1,380
(z) Total Soft Cost (v+w)	2,383,432	42,561
TOTAL DEVELOPMENT COSTS (f+x)	13,400,180	239,289
Sales		
(a) Affordable Homes	2,238,600	159,900
(b) Market Rate Homes	12,978,000	309,000
TOTAL REVENUE (a+b)	15,216,600	271,725
PROFIT	1,816,420	32,436
PROFIT PERCENTAGE (PROFIT/COST)	13.56%	13.56%