



Office of  
**ZONING BOARD OF APPEALS**  
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William Cadogan, *Chair*  
Darlene Sodano, *Vice-Chair*  
Julie Johnson, *Clerk*

Anthony Genova, *Member*  
Craig Stevens, *Member*

John Giunta, *Associate member*  
Kelly Chambers, *Associate member*

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**MEETING MINUTES**  
**January 5, 2011 at 7:00 p.m.**

**1.0 Preliminaries**

- 1.1 Call the meeting to order:** Chairman Cadogan opened the meeting at 7:00pm.
- 1.2 Roll Call:** Present were members Bill Cadogan (BC), Darlene Sodano (DS), Julie Johnson (JJ), Tony Genova (TG), and Craig Stevens (CS) and Associate members Kelly Chambers (KC) and John Giunta (JG). Also present was Administrative assistant Karen Chapman.
- 1.3 Additions or deletions to the agenda:** none.
- 1.4 Review & approve minutes:** 9/1/10, 9/29/10, 11/10/10: JJ motioned to approve the minutes of 9/1/2010, 9/29/2010, and 11/10/2010 as written. TG seconded the motion with all in favor.

**2.0 Hearings/Appointments/Work Sessions:**

- 2.1 7:00pm: Continuation Public Hearing Comprehensive 40B Permit Amendment Request. Turnpike Village, LLC – Off Turnpike Road change from ownership to rental units.**  
BC opened the hearing at 7:01pm. Present for the applicant were Gary Lorden (GL), Attorney Paul Haverty and Mike Jacobs, HJ Associates consultants. BC asks if there is a new funding source. GL: yes, we are meeting next week to renew. GL: for the next meeting we will be bringing funding information, a list of waivers and a draft decision, which will also be sent to Town Counsel. BC: will we have any construction details? GL: it will be stick framed with 2x6 the same as the prior permitted buildings and will have energy star compliance. BC: how will you handle utilities? GL: natural gas is at the street so the appliances will be gas and each unit will have a gas-fired furnace. We would like to do air conditioning but this may affect the energy star rating so it is not final. BC: there is a lot of open space for landscaping. GL: we will submit a detailed landscaping plan.

GL introduced Mike Jacobs of HJ Associates who is a 40B funding expert. Mr. Jacobs states the rental projects on 40B are very different from ownership projects in regards to the profitability requirements. For rentals, the profit is based on the recognized equity called limited dividend and can be no more than 10% profit. For New England Fund projects, Mass Housing does the initial financial evaluation. Twice per year the project is evaluated to ensure compliance with the limited dividend rules. The owner provides income limits or inhabitants to ensure compliance with income requirements. When the project is complete, Mr. Lorden's CPA will certify the financial statements, then Mass Housing will review and set equity. If market gets better, the numbers will be adjusted. Anything greater than 20% equity will go to the town; anything between 10-20% will go into escrow. Affordable rents will be much lower than the maximum rent allowed for affordable units because Townsend is in the Boston Metropolitan Statistical Area. In the Boston market, rents for a 1 bedroom are \$1208 and for a 2 bedroom is \$1450. Mr. Lorden must charge 10% below that for affordable rents. Townsend most likely cannot support that high a rent so it is likely to be lower.

DS: what will the lottery look like? Mr. Haverty: the Townsend Housing Authority would give Mass Housing a list of needs in Townsend.

Bob Plamondon, 18 Barker Hill Road: will the owner be able to charge more rent if the economy gets better? DS: the Board can condition the project so that the affordable units are rented at the same rate as the market units. JJ: will you construct both buildings at the same time? GL: no the first building will be finished and then the 2<sup>nd</sup> building will be erected. DS: what will be the determining factor to start the 2<sup>nd</sup> building? GL: I would like to have 80-90% occupancy of the first building. DS: what about reserves for repairs and maintenances? Mr. Jacobs: the lender requires there to be \$325/unit/year to be in escrow. TG: how do you compete with other rentals in town that are 50% empty? GL: we have a superior product. BC: does Americans with Disabilities Act have any impact on the project? GL: one unit in 20 has to be ADA compliant. JJ: how do garages get allotted? GL: that has yet to be determined.

Carl Cerullo, 60 Turnpike Road: the original permit had protections for the neighboring properties, what will happen to that? GL: the new decision will mirror the old one for issues like that. Bob Plamondon: what will be in place to prevent what happened in Billerica, like the developer getting more profit than allowed? DS: there is a two-tiered evaluation each year.

JJ motioned to continue the hearing to March 2<sup>nd</sup> at 7:00pm. TG seconded the motion with all in favor.

**3.0 General Business:** none.

**4.0 Correspondence:**

**4.1 Memo from BOS re: Subcommittees and appointing authority:** noted.

**5.0 Schedule:**

**6.0 Adjournment**

JJ motioned to adjourn at 8:07pm. TG seconded the motion with all in favor.

Minutes Respectfully Submitted by

Karen Chapman  
ZBA Administrative Assistant

Documents used during this hearing can be found in the Town Clerk and ZBA files under Turnpike Village