

DANIEL C. HILL  
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February 14, 2005

NOTE TO BOS -  
COUNSEL HAS NEGOTIATED CHANGES IN  
THE STANDARD DHCD DOCUMENTS AND  
HAS THOROUGHLY REVIEWED THESE FINAL  
DOCUMENTS. I AM ASSURED THAT THESE  
ARE READY AND APPROPRIATE FOR YOUR  
SIGNATURES.

Mr. Don Johnson  
Town Manager  
Town of Acton  
472 Main Street  
Acton, MA 01720

Re: Fort Pond Brook Place Comprehensive Permit

Dear Don:

Enclosed for the Board of Selectmen's review and execution are the following documents in the above-referenced matter:

- (1) Regulatory Agreement;
- (2) Monitoring Services Agreement; and
- (3) Sewer Agreement.

As you know, this project was permitted by the Zoning Board of Appeals with the endorsement of the Board of Selectmen under the Department of Housing and Community Development's Local Initiative Program ("LIP"). The Regulatory Agreement and the Deed Rider attached thereto reflect changes that we made to DHCD's standard forms to strengthen the Town's enforcement authority. Our requested changes were approved by DHCD staff, and these documents may now be used as forms for all future LIP projects in Acton. DHCD does not mandate that LIP projects be subject to a monitoring agreement. During the public hearing on the comprehensive permit application, however, the developer agreed to have the Acton Community Housing Corporation ("ACHC") monitor the affordability aspects of the development.

These documents were drafted to reflect the anticipated appointment by the Board of Selectmen of the ACHC as Monitoring Agent for this project. For the Board's convenience, I have prepared a motion to effectuate the appointment of the ACHC. All three documents must also be signed by the ACHC following its appointment as Monitoring Agent. Please note that the execution of the Regulatory Agreement and the Sewer Agreement must be notarized. The Monitoring Services Agreement and the Sewer Agreement are to be signed by the full Board of Selectmen; the Regulatory Agreement need only be signed by the chairman, authorized by vote

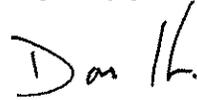
Mr. Don Johnson  
February 14, 2005  
Page 2

of the full board. DHCD requires a copy of the minutes from the meeting of the Board of Selectmen, evidencing that the Board authorized the chairman to sign the Regulatory Agreement.

Once these documents have been fully executed, you should return the Regulatory Agreement to the developer for recording at the Registry of Deeds. You should also instruct the developer to record the Sewer Agreement (to save the Town the recording fees). You should require the developer to return Registry-stamped copies of all recorded documents to the Town with a copy to me. The original executed Monitoring Services Agreement should be kept by the Board of Selectmen in its files. Please send me copies of all executed documents by email, so that my files are complete.

If you have any questions, please contact me.

Very truly yours,

A handwritten signature in black ink that reads "Dan Hill". The signature is written in a cursive, slightly slanted style.

Daniel C. Hill

DCH/flc  
Enclosures  
cc: Garry Rhodes (by email and mail)

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**MOTION:**

Moved that the Board of Selectmen:

- (1) appoint the Acton Community Housing Corporation (AACHC@) as the Town of Acton's monitoring agent under a proposed Monitoring Services Agreement (substantially in the form attached) with 68 River Street, LLC, to be executed under the comprehensive permit issued by the Acton Board of Appeals pursuant to Chapter 40B of the Massachusetts General Laws for the development of mixed-income housing at 68 River Street in Acton;
- (2) pursuant to Chapter 143 of the Acts and Resolves of 1996, authorize the ACHC to: (a) acquire and hold interests in real and personal property, including affordable housing restrictions, and to sell, lease, convey, mortgage, or encumber the same; (b) enter into contracts with consultants, accountants, and any other agents, employees and contractors; and (c) receive and hold such funds as may be appropriated from time-to-time by the Town of Acton and other funds from any source, and to expend or utilize the same, all as may be necessary and appropriate to carry out its functions and perform its obligations as Monitoring Agent under said Agreement; and
- (3) authorize the Chairman of the Board of Selectmen, or the Acting Chairman of the Board of Selectmen, to execute the Regulatory Agreement and Monitoring Services Agreement for the Chapter 40B development at 68 River Street in Acton, in the forms approved by Town Counsel on February 14, 2005.