

DEVIN, BARRY & AUSTIN, P.C.

ATTORNEYS AT LAW
80 WASHINGTON STREET, BUILDING S
NORWELL, MASSACHUSETTS 02061

ROBERT L. DEVIN
LAUREN D. BARRY

TELEPHONE (781)982-2400
rdevin@devin-barry.com

Michael A. Austin
(1943-2011)

BY FEDEX, Tracking No. 7763 2396 3171

February 28, 2018

Mayor Robert L. Hedlund
Town of Weymouth
75 Middle Street
Weymouth, MA 02189

Re: Idewell Village
Edison Street

Dear Mayor Hedlund:

Enclosed is a copy of the application for a Site Approval Letter which was submitted today to MassHousing. Idewell Village is a proposed sixty seven (67) unit townhouse condominium development for which a comprehensive permit will be sought under the provisions of M.G.L.A., Ch 40B.

My client, Idewell Village, LLC and I would like the opportunity to meet with you to introduce ourselves and the proposed development. We anticipate such a meeting would be the first step in what will hopefully prove to be a cooperative relationship between the Town and the Developer regarding this proposal.

I will call next week to ask for an appointment with you in the next few weeks.

Sincerely,



Robert L. Devin

cc: Idewell Village, LLC
MassHousing

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Michael A. Austin
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BY FEDEX, Tracking No. 7763 2387 3629

September 25, 2019

Gregory Watson
Manager of Comprehensive Permit Programs
MassHousing
One Beacon Street
Boston, Massachusetts 02108

Re: Idewell Village
Edison Street
Weymouth, MA 02190

Dear Greg:

I represent Idewell Village, LLC (a Limited Liability Company in the process of formation) whose address is c/o Ryder Development Corp., 847 Washington Street, Weymouth, MA 02189.

My client is proposing to file, with the Weymouth Board of Appeals, a Comprehensive Permit Application for the approval of the development of sixty seven (67) townhouse condominium units on the above-referenced parcel, which contains approximately 432,542 square feet, more or less. My client is proposing to develop this property with New England Fund financing obtained from a Member Bank of the Federal Home Loan Bank of Boston.

In order to file the Comprehensive Permit Application with the Weymouth Board of Appeals it will be necessary to obtain a Site Approval Letter for the project. On behalf of my client, Idewell Village, LLC, I hereby formally request that MassHousing issue a Site Approval Letter for the project described in this letter and the completed Comprehensive Permit Site Approval Application submitted herewith.

Submitted with this letter are copies of the required notice being sent this day, by Fedex, to the Department of Housing and Community Development and a letter, also sent by Fedex, to Mayor Robert L. Hedlund submitting to them a complete copy of this submission and requesting the opportunity to meet with them to discuss this proposed development.

We understand that the regulations require MassHousing to make a site visit. We respectfully request that we be advised of the date and time MassHousing will visit the site. We will have a representative meet your representative at a mutually convenient location to assist in the site visit.

If you have any questions regarding the enclosed or this request for a Site Approval Letter, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Devin", followed by a horizontal line.

Robert L. Devin

enclosures: Letter to DHCD
Letter to Mayor Robert L. Hedlund

cc: Ralph Talbot Pond Village, LLC

DEVIN, BARRY & AUSTIN, P.C.

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NORWELL, MASSACHUSETTS 02061

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rdevin@devin-barry.com

Michael A. Austin
(1943-2011)

Copy

BY FEDEX, tracking # 7763 2379 6811

September 25, 2019

Ms. Janelle Chan
Undersecretary
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, Massachusetts 02114

Re: Site Approval Letter
Idewell Village
Edison Street
Weymouth, Massachusetts

Dear Ms. Maddox:

Pursuant to the regulations issued by the Housing Appeals Committee,, you are hereby notified that Idewell Village, LLC, whose address is c/o Ryder Development Corp., 847 Washington Street, Weymouth, MA 02189 has today submitted, by FEDEX, to MassHousing, an Application for a Site Approval Letter for a proposed Comprehensive Permit development to be located at the above address. A copy of the letter application is enclosed for your information.

The proposed project will consist of sixty seven (67) townhouse condominium units on a parcel containing 432,542 square feet, more or less, in Weymouth, Massachusetts. Funding is proposed to be obtained through the Federal Home Loan Bank of Boston's New England Fund Program for this project

If you have any questions or require any further information, please do not hesitate to contact the undersigned.

Sincerely,



Robert L. Devin
Attorney for Idewell Village, LLC

cc: Idewell Village, LLC, LLC
MassHousing

DEVIN, BARRY & AUSTIN, P.C.

ATTORNEYS AT LAW
80 WASHINGTON STREET, BUILDING S
NORWELL, MASSACHUSETTS 02061

ROBERT L. DEVIN
LAUREN D. BARRY

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Michael A. Austin
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Copy

BY FEDEX, Tracking No. 7763 2396 3171

February 28, 2018

Mayor Robert L. Hedlund
Town of Weymouth
75 Middle Street
Weymouth, MA 02189

Re: Idewell Village
Edison Street

Dear Mayor Hedlund:

Enclosed is a copy of the application for a Site Approval Letter which was submitted today to MassHousing. Idewell Village is a proposed sixty seven (67) unit townhouse condominium development for which a comprehensive permit will be sought under the provisions of M.G.L.A., Ch 40B.

My client, Idewell Village, LLC and I would like the opportunity to meet with you to introduce ourselves and the proposed development. We anticipate such a meeting would be the first step in what will hopefully prove to be a cooperative relationship between the Town and the Developer regarding this proposal.

I will call next week to ask for an appointment with you in the next few weeks.

Sincerely,



Robert L. Devin

cc: Idewell Village, LLC
MassHousing

RYDER DEVELOPMENT CORP.

741 BROAD ST.
WEYMOUTH, MA 02189
(781) 335-9562

South Shore
SAVINGS BANK

53-7144/2113

2765

9-25-19

PAY TO THE
ORDER OF

MASS Housing Partnership

Three Thousand Three Hundred Fifty

\$ 3350.00

DOLLAR

MEMO



[Signature]
AUTHORIZED SIGNATURE

⑈027651⑈ ⑆211371447⑆

1888007838⑈

RYDER DEVELOPMENT CORP.

741 BROAD ST.
WEYMOUTH, MA 02189
(781) 335-9562

South Shore
SAVINGS BANK

53-7144/2113

27652

9-25-19

PAY TO THE
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MASS Housing

Two Thousand Five Hundred

\$ 2500.00

DOLLARS

MEMO



[Signature]
AUTHORIZED SIGNATURE

⑈027652⑈ ⑆211371447⑆

1888007838⑈



Comprehensive Permit Site Approval Application/Homeownership

www.masshousing.com | www.masshousingrental.com

Comprehensive Permit Site Approval Application/Homeownership

Attached is the Massachusetts Housing Finance Agency ("MassHousing") application form for Project Eligibility/Site Approval ("Site Approval") under the state's comprehensive permit statute (M.G.L. c. 40B, Sections 20-23 enacted as Chapter 774 of the Acts of 1969) known as "Chapter 40B". Developers seeking a comprehensive permit to construct affordable housing under Chapter 40B and intending to use a MassHousing financing program or financing through the New England Fund ("NEF") program must receive Site Approval from MassHousing. This approval (also referred to as "project eligibility approval") is a required component of any comprehensive permit application to be submitted to the local Zoning Board of Appeals of the municipality in which the development is to be located.

As part of its review of your application, MassHousing will conduct an inspection of the site and will solicit comments from the relevant municipality. MassHousing will consider any relevant concerns that the municipality might have about the proposed project or the developer. The applicant is encouraged, therefore, to make contact with the municipality prior to submitting the Site Approval application in order to ensure that the applicant understands any concerns that the municipality may be likely to raise regarding the proposed development.

In order for a project to receive Site Approval, MassHousing must determine that (i) the applicant has sufficient legal control of the site, (ii) the applicant is a public agency, non-profit organization or limited dividend organization, and (iii) the applicant and the project are generally eligible under the requirements of the MassHousing program selected by the applicant, subject to final eligibility review and approval. Furthermore, MassHousing must determine that the site of the proposed project is generally appropriate for residential development (taking into consideration municipal actions previously taken to meet affordable housing needs) and that the conceptual project design is generally appropriate for the site. In order for MassHousing to be able to make these findings (required by 760 CMR 56.04 (4)), it is important that you answer all questions in the application and include all required attachments.

Please note that MassHousing requires that all applicants meet with a member of our 40B Department staff before submitting their application. Applications for any projects that have not been the subject of a required pre-application meeting will not be accepted or processed.

Upon completion of its analysis, MassHousing will either issue a Site Approval Letter that approves, conditionally approves or denies the application. If the application is approved, the applicant should apply to the Zoning Board of Appeals within two years from the date of the Site Approval Letter (unless MassHousing extends such term in writing).

Please note that Site Approval from MassHousing does not constitute a loan commitment by MassHousing or any other financing program. All potential MassHousing financing is subject to further review and underwriting by MassHousing's Rental Lending Department.

Please be sure you have familiarized yourself with all of the applicable requirements set forth in the Chapter 40B regulations and guidelines, which can be found at

<http://www.mass.gov/hed/economic/cohed/dhcd/legal/regs/760-cmr-56.html> and
www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf.

Instructions for completing the Site Approval Application are included in the application form which is attached. The completed application form and all additional documentation should be sent, after your pre-application meeting has been held, to:

Gregory Watson, Manager of Comprehensive Permit Programs
MassHousing, One Beacon Street, Boston, MA 02108

We look forward to working with you on your proposed development. Please contact Gregory Watson at 617-854-1880 or gwatson@masshousing.com to discuss scheduling your pre-application meeting or if there is any assistance that we can provide in the meantime to make your application process a smooth and efficient one.

Our Commitment to You

MassHousing recognizes that applicants seek some measure of predictability regarding the timeframe for our processing of their applications. Our staff will endeavor to adhere to the following schedule for reviewing applications for site approval:

Within two (2) business days of receipt of your application (provided that you have attended a required pre-application meeting) a member of our staff will notify you of any of the items listed on the checklist at the end of the application form that were missing from your application package. Please note that our acknowledgement of receipt of an item does not indicate that any substantive review has yet taken place.

If your application package is missing any of the items indicated on the checklist by an asterisk, we will not be able to continue processing your application until such items are received.

If we have received the information which is crucial to the commencement of our review process, we will proceed to (i) give the municipality a period of thirty (30) days in which to submit comments relating to your proposal, (ii) schedule and conduct a site visit, and (iii) solicit bids for and commission and review an "as is" appraisal of your site.

If during our review of your application package we determine that additional information or clarification is needed, we will notify you as soon as possible. Depending on when we receive such additional information, this may affect the amount of time required for MassHousing to complete the site approval process.

Assuming that your application package was complete and that you respond in a timely manner to requests for additional information or clarification, we would expect to issue or deny your site approval within 60 days of our receipt of your application package.



**Application for Chapter 40B Project Eligibility/Site Approval
for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects**

Please be sure to answer ALL questions. Indicate "N/A", "None" or "Same" when necessary.

Section 1: GENERAL INFORMATION (also see Required Attachments listed at end of Section 1)

Name of Proposed Project: Idewell Village

Municipality: Weymouth

Address of Site: Edison Street & Hyde Street

Cross Street (if applicable): Narragansett Avenue

Zip Code: 02189

Tax Parcel I.D. Number(s) (Map/Block/Lot): Map 13 Blocks 155-156 Lots 23-26, 28, 18-59

Name of Proposed Development Entity (typically a single purpose entity):
Idewell Village LLC

Entity Type: Limited Dividend Organization ☒ Non-Profit* ☐ Government Agency ☐

** If the Proposed Development Entity is a Non-Profit, please contact MassHousing regarding additional documentation that must be submitted.*

Has this entity already been formed? Yes ☐ No ☒

Name of Applicant (typically the Proposed Development Entity or its controlling entity or individual):
Idewell Village, LLC/Kenneth C. Ryder

Applicant's Web Address, if any: _____

Does the Applicant have an identity of interest with any other member of the development team or other party to the Proposed Project? Yes ☒ No ☐ If yes, please explain: proposed contractor is a related entity

Primary Contact Information (required)

Name of Individual: Kenneth C. Ryder

Relationship to Applicant: self

Name of Company (if any): Ryder Properties LLC

Street Address: 741 Broad Street

City/Town/Zip: Weymouth, MA 02189

Telephone (office and cell) and Email: 617-347-4941 KenRyderk@aol.com

Secondary Contact Information (required)

Name of Individual: Robert L. Devin

Relationship to Applicant: Attorney

Name of Company (if any): Devin, Barry & Austin, P.C.

Street Address: 80 Washington Street, Building S

City/Town/Zip: Norwell, MA 02061

Telephone (office and cell) and Email: 781-982-2400, 781-820-6876, rdevin@devin-barry.com

Additional Contact Information (optional)

Name of Individual: Al Trakimas

Relationship to Applicant: Project Engineer

Name of Company (if any): Sitec

Street Address: 769 Plain Street

City/Town/Zip: Marshfield, MA 02050

Telephone (office and cell) and Email: 781-319-0100, 508-274-7332, atrakimas@sitec-engineering.com

Anticipated Financing:

MassHousing ☐ NEF Bank ☒
Name of NEF Bank: South Shore Bank

Total Number of Units 67.00 # Affordable Units 17.00 # Market Rate Units 50.00

Age Restricted? Yes ☐ No ☒ If Yes, 55+ ☐ or 62+ ☒

Brief Project Description (150 words or less):

Sixty Seven two and three bedroom townhouse in Twenty Two buildings, each with a 1 car garage with additional driveway parking. Approximately 4.2 wooded acres will be left as open space.

Required Attachments Relating to Section 1

1.1 Location Map

Provide a USGS or other form of map clearly marked to show the site's location, and an approximate property boundary.

1.2 Tax Map

Provide a copy of municipal tax map (assessor's plan) with subject parcels and parcel ID #'s clearly identified.

1.3 Directions

Provide detailed written directions to the site, noting the entrance to the site, relevant boundaries and any prominent landmarks that can be used for identification purposes.

Exhibit 1.1

DEFINITIVE SUBDIVISION OF EDISON STREET

WEYMOUTH, MASSACHUSETTS

I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE WEYMOUTH PLANNING BOARD HAS BEEN RECORDED ON _____ AND RECORDED ON _____ AT THIS OFFICE. THE RECORDING OF THIS NOTICE IS A CONDITION OF THE APPROVAL OF THIS PLAN. IN SUCH RECEIPT OF RECORDING OF SAID NOTICE.

TOWN CLERK, WEYMOUTH, MA DATE _____

Zoning Information:

RESIDENCE DISTRICT R-1

Assessors Information:

MAP-BLOCK-LOT: 13-155-23, 26, 28
MAP-BLOCK-LOT: 13-156-18, 28, 59

Deed References:

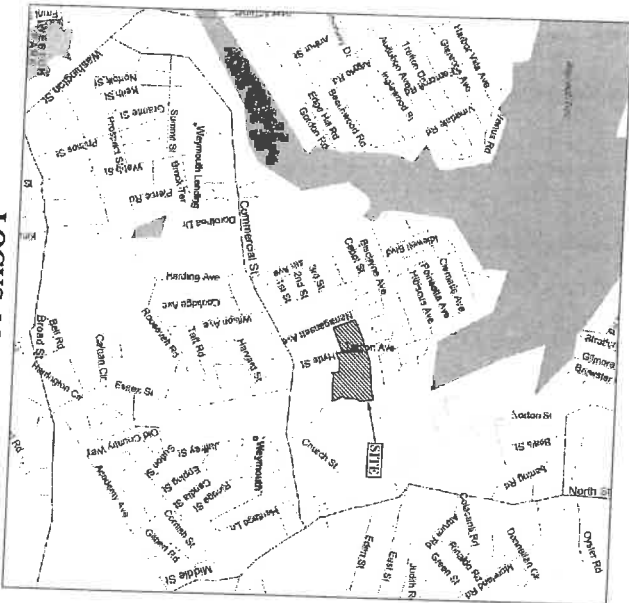
NORFOLK COUNTY REGISTRY OF DEEDS
BOOK 21548 PAGE 171
CERTIFICATE OF TITLE 168779 AS MODIFIED BY
CERTIFICATE 172867

Owner / Applicant:

RYDER DEVELOPMENT CORPORATION
847 WASHINGTON STREET
WEYMOUTH, MASSACHUSETTS 02189
CONTACT: KENNETH C. RYDER
TEL: 781-335-9362

PREPARED BY:

STTEC
ENVIRONMENTAL
1759 Ross Street, Suite C
Weymouth, MA 02090
Phone: (781) 335-4700
Fax: (781) 335-4700
Website: www.sttec.com



LOCUS MAP
SCALE: 1" = 750'

APPROVAL REQUIRED UNDER THE
SUBDIVISION CONTROL LAW
WEYMOUTH PLANNING BOARD
DATE: _____

INDEX OF DRAWINGS	
SHEET NO.	TITLE
1	COVER SHEET
2	DEFINITIVE SUBDIVISION PLAN
3	EXISTING CONDITIONS PLAN
4	ROADWAY GRADING PLAN
5	ROADWAY UTILITY PLAN
6	ROADWAY PROFILE
7	SEWER & DRAIN EASEMENT PROFILES
8	DETAIL SHEET
9	DETAIL SHEET

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE RECORDS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

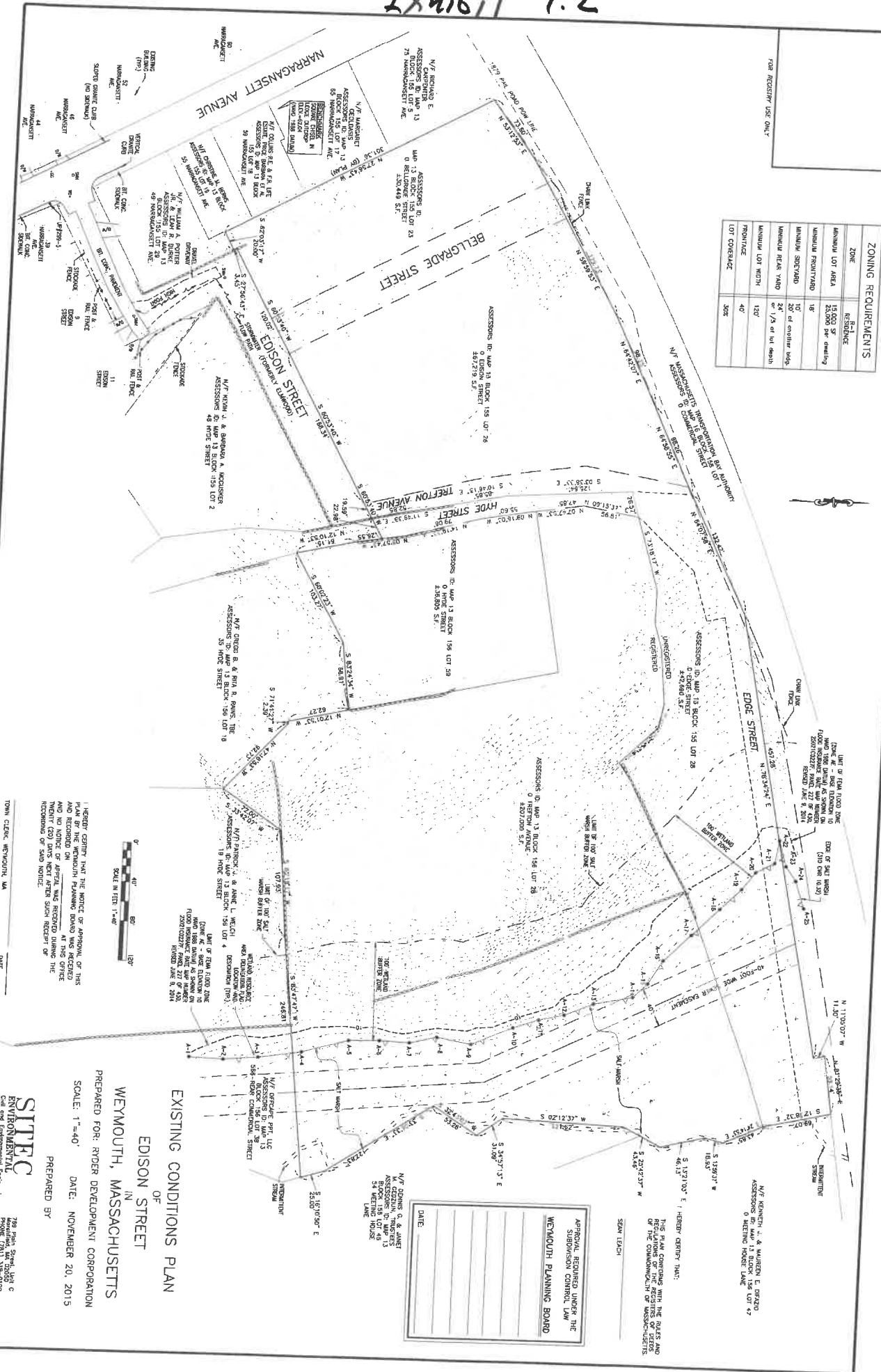
DATE: _____

FOR REGISTRY USE ONLY

Exhibit 1.2

ZONING REQUIREMENTS	
ZONE	RESIDENCE
MINIMUM LOT AREA	15,000 SF
MINIMUM FRONT YARD	25,000 SF
MINIMUM SIDE YARD	10' of finished width
MINIMUM REAR YARD	24' of finished width
MINIMUM LOT WIDTH	120'
FRONTAGE	40'
LOT COVERAGE	30%

FOR RECEIPT USE ONLY



TOWN CLERK, WEYMOUTH, MA DATE

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE RECORDING OF THIS PLAN BY THE WEYMOUTH PLANNING BOARD AT THIS DATE AND TIME. NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWO (2) YEAR PERIOD FOLLOWING THE RECORDING OF THIS PLAN. RECEIVED JAN 2, 2014

SCALE 1"=40'

SITEC
ENVIRONMENTAL
1200 State Street, Suite 200
Weymouth, MA 01981
Tel: (781) 338-0100
Fax: (781) 338-0100
www.sitec.com

PREPARED BY

EXISTING CONDITIONS PLAN
OF
EDISON STREET
IN
WEYMOUTH, MASSACHUSETTS
PREPARED FOR: RYDER DEVELOPMENT CORPORATION
SCALE: 1"=40' DATE: NOVEMBER 20, 2013

APPROVAL REQUIRED UNDER THE SUBDIVISION CONTROL LAW
WEYMOUTH PLANNING BOARD

DATE _____

SEAN LEACH

THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE COMMONWEALTH OF MASSACHUSETTS.

W/F. HENRY C. & MAUREN E. DRAZIO
ASSASSONS ID. MAP 13 BLOCK 155 LOT 47
0 MEETING HOUSE LANE

bing maps

Exhibit 1.3

- A** One Beacon Street, Boston, Massachusetts, United States
B Edison St, Weymouth, Massachusetts 02188, United States

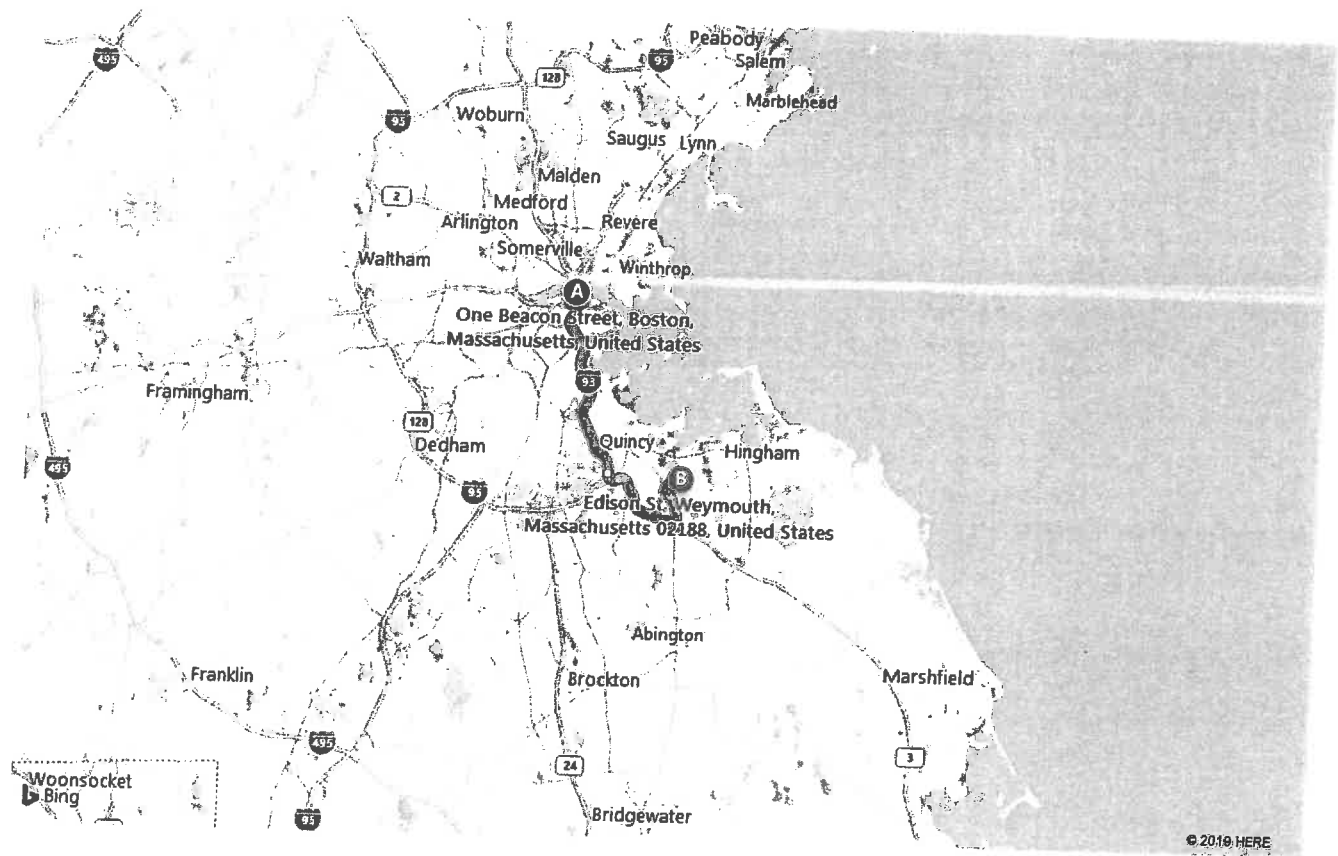
55 min , 18.3 miles
 Heavy traffic (29 min delay)
 Via I-93 S, RT-3 S



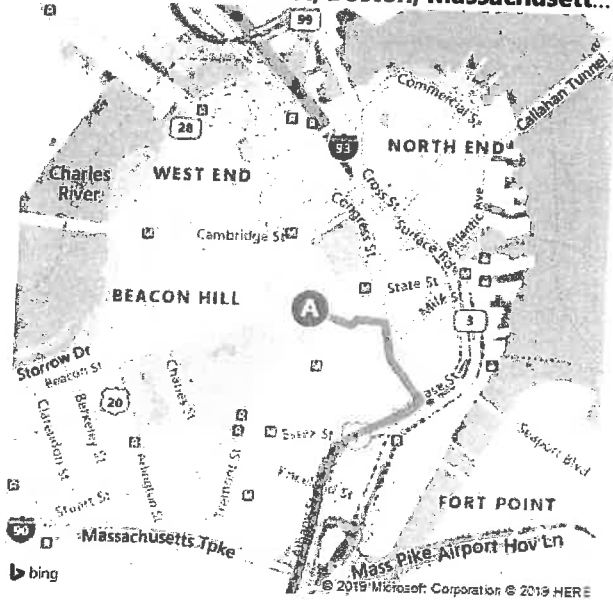
- A** One Beacon Street, Boston, Massachusetts, United States

↑	1.	Head <CmpsDir>east</CmpsDir> on Beacon St toward Tremont St	118 ft
↑	2.	Road name changes to School St	0.1 mi
↶	3.	Turn left onto Washington St	95 ft
↷	4.	Turn right onto Water St	463 ft
↷	5.	Turn right onto Congress St / Post Office Sq	0.3 mi
93	6.	Take ramp right for I-93 South toward Quincy	9.6 mi
↑	7.	Keep left onto RT-3 S	4.9 mi
18	8.	At exit 16A , take ramp right for RT-18 North toward Weymouth	1.1 mi
↶	9.	Turn left onto RT-53 / Washington St	1.0 mi
↷	10.	Turn right onto Commercial St	1.0 mi
↶	11.	Turn left onto Narragansett Ave	0.1 mi
↷	12.	Turn right onto Edison St	82 ft
	13.	Arrive at Edison St The last intersection is Narragansett Ave	

- B** Edison St, Weymouth, Massachusetts 02188, United States



A One Beacon Street, Boston, Massachusett...



B Edison St, Weymouth, Massachusetts 021...



These directions are subject to the Microsoft® Service Agreement and are for informational purposes only. No guarantee is made regarding their completeness or accuracy. Construction projects, traffic, or other events may cause actual conditions to differ from these results. Map and traffic data © 2019 HERE™.

**Application for Chapter 40B Project Eligibility/Site Approval
for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects**

Section 2: EXISTING CONDITIONS / SITE INFORMATION (also see Required Attachments listed at end of Section 2)

In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the site is generally appropriate for residential development.

Name of Proposed Project: Idewell Village

Buildable Area Calculations	Sq. Feet/Acres (enter "0" if applicable—do not leave blank)
Total Site Area	432,542.00
Wetland Area	74,419.00
Flood/Hazard Area	84,593.00
Endangered Species Habitat (animal and/or plant)	0.00
Conservation/Article 97 Land	0.00
Protected Agricultural Land	0.00
Other Non-Buildable (Describe)	111,019.00
Total Non-Buildable Area	270,031.00
Total Buildable Site Area	162,511.00

Current use of the site and prior use if known:

Vacant land with remainder wooded lot.

Other non buildable land is riverfront.

Is the site located entirely within one municipality? Yes ☒ No ☐

If not, in what other municipality is the site located? _____

How much land is in each municipality? (the Existing Conditions Plan must show the municipal boundary lines) _____

Current zoning classification and principal permitted uses:

R-1, single family

Previous Development Efforts

Please list (on the following page) any previous applications pertaining to construction on or development of the site, including (i) type of application (comprehensive permit, subdivision, special permit, etc.); (ii) application filing date; (iii) date of denial, approval or withdrawal. Also indicate the current Applicant's role, if any, in the previous applications. Note that, pursuant to 760 CMR 56.03 (1), a decision of a Zoning Board of Appeals to deny a Comprehensive Permit, or (if the Statutory Minima defined at 760 CMR 56.03 (3) (b or c) have been satisfied) grant a Comprehensive Permit with conditions, shall be upheld if a related application has previously been received, as set forth in 760 CMR 56.03 (7).

See attachment 2.1

To the best of your knowledge, has this site ever been rejected for project eligibility/site approval by another subsidizing agency or authority? No

Existing Utilities and Infrastructure	Yes/No	Description
Wastewater- private wastewater treatment	No	
Wastewater - public sewer	Yes	Town of Weymouth
Storm Sewer	Yes	
Water-public water	Yes	Town of Weymouth
Water-private well	No	
Natural Gas	Yes	
Electricity	Yes	
Roadway Access to Site	Yes	
Sidewalk Access to Site	Yes	to be completed as part of the development
Other		

Describe surrounding land use(s):

Single family houses

Surrounding Land Use/Amenities	Distance from Site	Available by Public Transportation?
Shopping Facilities	1 1/2 mile	Yes
Schools	1 1/2 mile	
Government Offices	1mile	
Multi-Family Housing	1 1/2 mile	
Public Safety Facilities	1 1/2 miles	
Office/Industrial Uses	3.2 miles	
Conservation Land	1/2 mile	
Recreational Facilities	1/2 mile	
Houses of Worship	1/2 mile	
Other		Bus stop on Commercial Street @ Essex St.

List any public transportation near the Site, including type of transportation and distance from the site:

The project site is located approximately 1 mile from Weymouth Landing where both commuter rail and MBTA bus service is available. Also available are ride services such as Uber, Lyft and The Ride, along with Taxi service licensed in Weymouth.

Site Characteristics and Development Constraints

Please answer "Yes", "No" or "Unknown" to the following questions. If the answer is "Yes" please identify on Existing Conditions Plan as required for Attachment 2.1 and provide additional information and documentation as an attachment as instructed for Attachment 2.4, "Documentation Regarding Site Characteristics/Constraints."

Are there any easements, rights of way or other restrictions of record affecting the development of the site? No

Is there any evidence of hazardous, flammable, or explosive material on the site? No

Is the site, or any portion thereof, located within a designated flood hazard area? Yes

Does the site include areas designated by Natural Heritage as endangered species habitat? No

Are there documented state-designated wetlands on the site? Yes

Are there documented vernal pools on the site? No

Is the site within a local or state Historic District or listed on the National Register or Historic Places? No

Has the site or any building(s) on the site been designated as a local, state or national landmark? No

Are there existing buildings and structures on site? No

Does the site include documented archeological resources? No

Does the site include any known significant areas of ledge or steep slopes? Yes

Required Attachments Relating to Section 2

2.1 Existing Conditions Plan

Please provide a detailed Existing Conditions Plan showing the entire site, prepared, signed and stamped by a Registered Engineer or Land Surveyor. Plans should be prepared at a scale of 1"=100' or 1"=200' and should include the following information:

- a. Reduced scale locus map
- b. Surveyed property boundaries
- c. Topography
- d. Wetland boundaries (if applicable)
- e. Existing utilities (subsurface and above ground).
- f. Natural features including bodies of water, rock outcroppings
- g. Existing easements and/or rights of way on the property
- h. Existing buildings and structures, including walls, fences, wells
- i. Existing vegetated areas
- j. Existing Site entries and egresses

Please provide one (1) set of full size (30"x40") plans along with one (1) set of 11"x17" reproductions and one electronic set of plans. Please note that MassHousing cannot accept USB flash drives.

2.2 Aerial Photographs

Please provide one or more aerial photograph(s) of the Site (such as those available on-line) showing the immediate surrounding area if available. Site boundaries and existing site entrance and access points must be clearly marked.

2.3 Site/Context Photographs

Please provide photographs of the Site and surrounding physical and neighborhood context, including nearby buildings, significant natural features and land uses. Please identify the subject and location of all photographs.

2.4 Documentation Regarding Site Characteristics/Constraints

Please provide documentation of site characteristics and constraints as directed including narratives, summaries and relevant documentation including:

- Flood Insurance Rate Map (FIRM) showing site boundaries
- Wetlands delineation
- Historic District Nomination(s)

2.5 By-Right Site Plan (if available)

MassHousing will commission, at your expense, an "as-is" appraisal of the site in accordance with the Guidelines, Section B (1). Therefore, if there is a conceptual development plan which would be permitted under current zoning and which you would like the appraiser to take into consideration, or if permits have been issued for alternative development proposals for the site, please provide two (2) copies of a "by-right" site plan showing the highest and best use of the site under current zoning, and copies of any existing permits. These will assist the appraiser in determining the "as is" value of the Site without any consideration being given to its potential for development under Chapter 40B.

EXHIBIT 2.0
previous development efforts

In early 2015, Mr. Ryder applied to the Weymouth ZBA for a special permit to allow a subdivision which had undersized but permitted lots. The permit was granted (copy attached) but was appealed by the abutters. In April Of 2018, the Land Court entered judgment in favor of the abutters, which judgment was not appealed by the applicant.

**TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION ON SPECIAL PERMIT
EDISON STREET SUB-DIVISION**

(To be mailed forthwith to the owner and applicant, if not the owner.)

Owner:	Kevin B. Rains, Trustee	Date:	June 22, 2015
Address:	Gregg B. & Rita R. Rains 35 Hyde Street Weymouth, MA 02188		
Applicant:	Kenneth C. Ryder	Case #:	3252
Address:	847 Washington Street Weymouth, MA 02189		
Representative:	Gregory F. Galvin, Esq.	Site Address:	Edison, Bellgrade, Edge, Hyde, Trefton
Address:	775 Pleasant Street, #16 Weymouth, MA 02189	Sheet:	13
		Block:	155, 156
		Lots:	26, 28; 28, 59

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2015 JUN 22 AM 11: 27

Zoning District: R-1 (Single Family/Low Density)

Zoning Board of Appeals application filed on March 3, 2015.

After a Public Hearing on April 15, 2015 and continued to May 6, 2015, and May 27, 2015, advertised in the Weymouth News on April 1, 2015 and April 8, 2015, the Board of Zoning Appeals at its meeting of May 27, 2015:

VOTED TO GRANT THE SPECIAL PERMIT under Weymouth Zoning Ordinance Article XV, Section 120-53; Exceptions by Board of Zoning Appeals.

The petitioner seeks to subdivide five undeveloped parcels to create 14 buildable lots for single-family homes, six of the 14 lots are under 25,000 sq ft but over the 17,500 sq ft minimum allowed; as shown on the approved plan titled "Zoning Board of Appeals Plan of Edison Street Extension in Weymouth, Massachusetts" prepared for Ryder Development Corporation by Sitec Environmental, dated February 4, 2015.

SPECIAL PERMIT FINDINGS:

The Board found that:

All criteria were met for the Special Permit and the standards of Section 120.53 were met due to the following reasons:

1. The lot layout was better by eliminating the pigtail lots.
2. The more compact lot made it less complicated for liability, insurance, and survey work.
3. These lots meet or exceed the standard lot size of the neighborhood.
4. The reduction in lot size for six lots does not increase the potential density of the neighborhood.

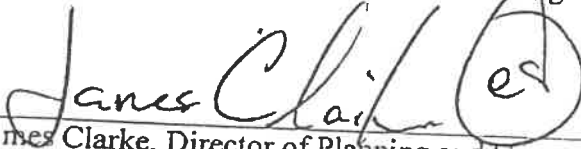
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

After the twenty (20) day appeal period has passed, the Town Clerk will send to the petitioner: (1) the certificate that no appeal was filed, and (2) the certificate of granting of variance and/or special permit. The petitioner shall record these documents with the Norfolk Registry of Deeds, Dedham, MA, with the appropriate filing fee.

When a receipt from the Registry of Deeds is presented to the Building Inspector (to show that the decision has been recorded), the proper permit will be issued.

Decision filed with the Town Clerk on June 22, 2015

IMPORTANT: Notice is further given that any person aggrieved by this decision may appeal, according to MGL Chapter 40A, Section 17, and said appeal, if any, must be filed with the Town Clerk within twenty (20) days after the filing of the decision with the Town Clerk.


James Clarke, Director of Planning and Community Development

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, April 15, 2015**

Members Present: Richard McLeod, Chairman
Ed Foley, Vice Chairman
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty
Rob Stevens

Absent: Brad Vinton

Also Present: Jeff Richards, Director of Building & Municipal Inspections
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:05 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

Case # 3252 – 0 Bellgrade St., 0 Edison St., 0 Edge St., 0 Hyde St., and 0 Trefton Ave. – Public Hearing

The petitioner, Kenneth C. Ryder, for five properties located at 0 Bellgrade St., 0 Edison St., 0 Edge St., 0 Hyde St., and 0 Trefton Ave., also shown on the Weymouth Town Atlas Sheet 13, Block 155, Lots 23, 26 and 28 and Sheet 13, Block 156, Lots 28 and 59, located in a R-1 (Single-Family / Low Density) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Exceptions by Board of Zoning Appeals (Article XV, Section 120-53).

The five parcels are presently undeveloped. The petitioner is proposing to subdivide the land to create 14 buildable lots for single-family homes. Six of the 14 lots are under 25,000 square feet but over the 17,500 square foot minimum allowed by Special Permit under Zoning Ordinance Section 120-53.

Members sitting: Richard McLeod
Edward Foley
Chuck Golden
Kemal Denizkurt
Jonathan Moriarty

Ed Foley made a motion to open the public hearing on Case # 3252 and was seconded by Chuck Golden. Voted unanimously

Ed Foley made a motion to waive the reading of the public hearing and was seconded by Chuck Golden. Voted unanimously

Appearing before the Board was Attorney Greg Galvin, 775 Pleasant Street and the applicant Ken Ryder and Al Trakimas.

The applicant has been able to layout 14 lots at 25,000 square feet each. The applicant is proposing to reduce 6 lots to be less than 25,000 square feet but more than 17,500 and the

remaining 8 lots would be greater than 25,000 square feet. The average lot size in the area is less than 17,500 square feet. The owner of the property is keeping 2 acres of land. Kemal Denizkurt would like to see proof that the lots are all one big lot prior to 12/31/2013. He would like to see the lot frontage for each lot.

Ed Foley asked for a definition between intermittent stream and perennial stream and the applicant stated that there isn't enough water for it to be perennial stream. Mr. Foley would like clarity on this subject.

Mr. Richards reviewed the staff comments with the Board.

Public Comments:

Thomas J. Lacey, District 4 Town Councilor – stated that he is disappointed that the only discussion this evening is the lot sizes and not the access into this particular subdivision. The paper street he is using for his lot size would entertain a discussion for access. He believes the Hyde Street option should be considered.

He asked the board to explain the process of what happens after this evening. The area has gone through several large projects over the past few years. How the property is being accessed is an issue.

Mr. Galvin stated that there will be a public hearing at the Planning Board to discuss access and roadway issues. Currently the access is through Narraganset and Edison as it has been layed out that way since the 1940's. Hyde Street does not have a 40 foot right of way, it is intermittent and there is a ledge there with a significant drop. They understand the neighbors do not want to see any more vehicles on their roadway. It is not possible to service a subdivision off Hyde Street.

Councilor Thomas Lacey asked why they decided to use Edison and he believes it was not built to prepare for a subdivision. Are the paper streets able to be utilized.

Tom Eldridge, 16 Narraganset - asked if the board's decision tonight sets the plan for the layout of the subdivision and it was stated no. This board does not adress roadway layouts only lot sizes.

Matt Tallon, President of the Idlewell Association handed out a memo to the board and it was labeled Exhibit #1. They have met with Mr. Ryder and discussed this project. There have been 5 projects that have impacted this neighborhood and the neighbors are concerned about another one. They do not believe that Edison would be the right access point to a subdivision. Hyde Street has many issues and it seems more feasible to extend Hyde Street into a cul-de-sac within the subdivision, repair it and it helps keep Narraganset clear of more vehicles. They would like lot #1 to be eliminated and they are concerned about blasting in that area. They need more answers from Mr. Ryder.

Mr. Galvin stated that blasting comes under the Fire Department. Hyde Street width does not meet the town requirments for a roadway width, it is intermittent and is not 40 feet wide in all the areas, and finally it is quite steep.

Mr. McCusker asked if you could widen Hyde Street by eminent domaine and it was stated no it would have to be a town project, not a private project.

Joe Scolara – Trefton Avenue there is a lot ledge in the area. Everyone in the area will need to be protected.

Dennis Gezian, Meeting House Lane - asked where the sewerage line is coming from. During rain storms raw sewerage floods the area. The marsh is filled with water on a regular basis. FEMA has forced him to purchase flood insurance.

Mike Cohane, 46 Narraganset Street – asked if Trefton was 27 feet wide then you need to come up with an additional 13 feet.

Mr. Ryder stated a typical paved roadway is 22 feet wide.
Tom Eldridge, 16 Narraganset asked if the roadway needs to be widened to 40 feet and it was stated no. Regulations says 22 feet of pavement, grass strip and then a sidewalk.
Diane O'Neil, 42 Narraganset asked when the bylaw went into affect and it was stated in December of 2013.
Kemal Denizkurt wants to know if the land was subdivided before or after the purchase and for the square footage of the frontage of each lot.
Ed Foley made a motion to continue this case to May 6, 2015 and was seconded by Kemal Denizkurt. Voted unanimously

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, May 6, 2015**

Case # 3252 – 0 Bellgrade St., 0 Edison St., 0 Edge St., 0 Hyde St., and 0 Trefton Ave. – Continued Public Hearing (con't from 4/15/15) sitting members McLeod, Foley, Denizkurt, Golden, Moriarty

The petitioner, Kenneth C. Ryder, for five properties located at 0 Bellgrade St., 0 Edison St., 0 Edge St., 0 Hyde St., and 0 Trefton Ave., also shown on the Weymouth Town Atlas Sheet 13, Block 155, Lots 23, 26 and 28 and Sheet 13, Block 156, Lots 28 and 59, located in a R-1 (Single-Family / Low Density) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Exceptions by Board of Zoning Appeals (Article XV, Section 120-53).

The five parcels are presently undeveloped. The petitioner is proposing to subdivide the land to create 14 buildable lots for single-family homes. Six of the 14 lots are under 25,000 square feet but over the 17,500 square foot minimum allowed by Special Permit under Zoning Ordinance Section 120-53.

Sitting Members: Richard McLeod
Ed Foley
Kemal Denizkurt
Chuck Golden
Jonathan Moriarty

Appearing before the Board was Attorney Gregory Galvin, 775 Pleasant Street, Weymouth.

Responses have been submitted to the board on their questions.

1. When were the lots joined and are they all in one name - the answer is yes, the Belgrade Nominee Trust since October of 2004.
2. Is there 120 feet from the building line and a document submitted show that the lots all meet the zoning requirements.
3. Conservation questions on the stream being intermittent. This falls under the Conservation Commission and the lot line is well over 200 feet from the stream,

Public Comment:

Joe Scalero, Trefton Ave - this is not flat land as stated and he would like to see the lots stay the way they are (all chopped up).

Matt Tallon, 105 Trefton, President of the Idlewell Association - they reviewed both plan A & B and would like see Plan A remain with all lots 25,000 sq ft or better. They don't believe it is within the spirit of the new bylaw. He doesn't believe it sets a good precedent. They are also very concerned about the blasting.

Chairman McLeod said it is not up to the board to say which plan he must use. There is only one plan before the board for approval.

Mr. Galvin stated this plan fits the new bylaw better than any other parcel in Weymouth because they are not increasing the density use. There are going to be 14 lots regardless. The pigtail lots are allowed. The Planning Board has no jurisdiction over the configuration of the lots.

Town Councilor Thomas Lacey said the applicant is leveraging this new bylaw in advance of the Planning Boards meeting. By right he could have the 14 lots. If this is not approved he does not believe the applicant would submit the pigtail lots to the Planning Board but would rather reduce the number of lots to 13. This is because they are not marketable. The spirit of the bylaw was not to have pigtail lots to get an extra lot squeezed in. He asks the board to reject this application.

Attorney Galvin stated that the Planning Board has approved pigtail lots before and he believes the applicant will go forward this plan to the Planning board to get 14 lots.

Chairman McLeod asked if the applicant would consider working with the Councilors and the residents and consider reducing the project to 13 lots. Attorney Galvin cannot answer for the applicant.

TJ Lacey believes this step is before where they should be. If this is approved it allows the number of lots to be finalized. Ken Ryder met with the neighbors but there was not a Plan A & Plan B provided.

Councilor Ken DiFazio asked if they should be setting a precedent with this. The applicant doesn't even need a special permit to do what he wants to do on this land, so why is the board reviewing it.

Ed Foley said he has the right to come before us and we have a right to say no. He believes the board doesn't have to give this special permit just let the applicant go before the Planning Board. He agrees with both councilors. Ryder is going to build it anyway. We have an opportunity to set a precedent and we should do that.

Chuck Golden believes this meets the spirit of the bylaw. We are absolutely setting a precedent on this application no matter how we vote on this.

McLeod said they never thought they would have someone come before them that already has the requirements of 25,000 sq feet. If they have the 25,000 square feet that we would like to see in Weymouth then we should say use it!

Kemal Denizkurt asked how wide the pigtails were and it was stated about 5 feet each.

Jonathan Moriarty believes they should go to Planning Board with the 25,000 square feet as well.

Bob Thomas, Washington Street - stated that he believes Mr. Ryder is just trying to make the neighborhood a little nicer.

Thomas Eldridge, 60 Naragansett Avenue - if it were 12 lots with no pork chops then this would not be an issue, but he wants 14 lots and that is his choice to have the lots shaped like this. He does not need a special permit but the applicant wants 14 lots and this is his way of doing it. Mr. Ryder never presented plan A & B to the neighbors. Tom doesn't

believe the applicant satisfies the 5 criteria of a special permit. He wants the permit denied and feels he should use his by right option of the 14 lots with pigtails.

Regina Cohane, 46 Naragansett Avenue – If the applicant doesn't need to be here then why is he here if he doesn't have to do this. The majority of their issues are with Planning.

Ed Foley made a motion to close the public hearing at 9:15 pm and was seconded by Jonathan Moriarty. Voted unanimously

Ed Foley made a motion to take this matter under consideration and was seconded by Jonathan Moriarty. Voted unanimously

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, May 27, 2015**

Case # 3252 – 0 Bellgrade St., 0 Edison St., 0 Edge St., 0 Hyde St., and 0 Trefton Ave. – Continued Public Hearing (con't from 4/15/15) sitting members McLeod, Foley, Denizkurt, Golden, Moriarty

The petitioner, Kenneth C. Ryder, for five properties located at 0 Bellgrade St., 0 Edison St., 0 Edge St., 0 Hyde St., and 0 Trefton Ave., also shown on the Weymouth Town Atlas Sheet 13, Block 155, Lots 23, 26 and 28 and Sheet 13, Block 156, Lots 28 and 59, located in a R-1 (Single-Family / Low Density) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit: Exceptions by Board of Zoning Appeals (Article XV, Section 120-53).

The five parcels are presently undeveloped. The petitioner is proposing to subdivide the land to create 14 buildable lots for single-family homes. Six of the 14 lots are under 25,000 square feet but over the 17,500 square foot minimum allowed by Special Permit under Zoning Ordinance Section 120-53.

Sitting Members:

- Richard McLeod
- Ed Foley
- Kemal Denizkurt
- Chuck Golden
- Jonathan Moriarty

Mr. Clarke stated that he does not have any additional information since the past meeting.

Discussion:

Chairman McLeod stated that it was interesting to see all the abutters coming out that have concerns about this project. They have put up with a lot of disruption in that area. At the same time, we have an applicant who has a reputation of working well with the residents. Now a decision needs to be made.

The intent of the bylaw was for an applicant who did not meet the requirements. After review of previous notes when creating the bylaw, Chairman McLeod believes the petitioner falls within the 4 corners of this bylaw. If the board would like to make an amendment to the by-law going forward then we can do that but this evening the board needs to stick to the current bylaw that is in place.

Ed Foley stated that the minimum lot size is 25,000 square feet and if they meet that requirement he does not believe they should come before the board to have the lots reduced to 17,500 square feet. The applicant can still get his 14 lots of 25,000 sq feet. Mr. Foley does not believe he meets all the requirements of Section 120-122D. Chairman McLeod agrees with Mr. Foley in some areas. Typically the applicant meets with the abutters and addresses their concerns and this did not happen with this project.

Kemal Denizkurt stated that he does not like pigtail lots but the applicant chose to carve up the lots that way to create 14 lots at 25,000 square feet. That was his choice in the layout. He could have reduced the amount of lots to 11 in order to have uniform lots.

Kemal Denizkurt stated that the spirit of the ordinance was not for someone who can already meet the requirements but for someone who could not.

Chuck Golden stated that in the past the board was tired of lots before us of 5-10,000 sq ft. That is why we created the new bylaw for lots needing to be 17,500 sq ft. Some of the other issues that came up are not under our jurisdiction. How do we say no when we said under the new ordinance that 17,500 was ok. The fact that the 25,000 sq ft is available was never part of our discussion. Perhaps we should consider that if we want to change the bylaw. Chuck Golden believes it meets the intent of the new by-law and either way the vote goes we are setting a precedent.

Ed Foley stated every individual case should be looked at individually. He believes the applicant has not met criteria #5.

Jonathan Moriarty stated that he could go either way, he does not like the pigtails as nobody does. We chose a minimum of 17,500 and he has complied with it, however he cannot forget the fact that he does not need to be here. The applicant could reduce it to 12 lots at 25,000.

Ed Foley made a motion to deny the application for a special permit. This is a request to subdivide 5 parcels into 14 lots, 6 lots are under 25,000, 8 are not. Table 1 calls for a 25,000 square foot minimum. The applicant has said that if denied at BZA he would go before the planning board.

Under Section 120-122D Criteria for a Special Permit, Mr. Foley believes the applicant has not met #5. There was no second to this motion.

Chairman Macleod made a motion to approve the application for a Special Permit on Case # 3252 and was seconded by Jonathan Moriarty. It falls within the four corners of the bylaws. All the criteria of Section 120-122D are met and other issues can go before Planning Board. The lots are cleaner than the pigtails. Jonathan added that it makes sense, liability, insurability and survey.

Voted 4-1 (Ed Foley-No)

Ken Ryder stated that he was only trying to do the right thing. He did meet with the neighborhood twice and will continue to meet with them throughout this project.

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH


BOARD OF APPEALS

June 22, 2015

Certificate of Granting of Variance or Special Permit
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the town of Weymouth hereby certifies that a Variance or Special Permit has been granted to Kenneth C. Ryder, 847 Washington Street, Weymouth, MA 02189, affecting the rights of the owner with respect to land or buildings at 0 Bellergrade S., 0 Edison St., 0 Edge St., 0 Hyde St., and 0 Trefton St., also shown on the Weymouth Town Atlas Sheet 13, Block 155, Lots 23, 26, 28, and Sheet 13, Block 156, Lots 28, 59 and the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance – special permit, and that copies of said decision. have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.


James F. Clarke, Jr., Planning Director

Kathleen Derec, Town Clerk

Case # 3252

Date of Hearing: 4/15/2015, 5/6/2015 and 5/27/2015

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
LAND COURT DEPARTMENT**

NORFOLK, ss.

CASE NO. 15 MISC. 000259 (KCL)

CHRISTINE BERNES and JOSEPH
SANTOS,

Plaintiffs,

v.

RICHARD McLEOD, EDWARD FOLEY,
CHARLES GOLDEN, JONATHAN
MORIARTY, ROBERT STEVENS,
KEMAL DENIZKURT, BRAD VINTON,
BRANDON DIEM and ROBIN MOROZ
as members of the Town of Weymouth
Board of Zoning Appeals, KENNETH
RYDER, and RYDER DEVELOPMENT
CORP.,

Defendants.

JUDGMENT

For the reasons set forth in the court's Decision of this date, the decision of the defendant Town of Weymouth Board of Zoning Appeals filed with the town clerk's office on June 22, 2015, granting a special permit to defendant Kenneth Ryder to create fourteen lots, six of which are under the applicable minimum lot area requirement of 25,000 square feet, is **REVERSED** and **VACATED**.

SO ORDERED.

By the court (Long, J.)

Attest:

Deborah J. Patterson, Recorder

Dated: 19 April 2018

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
LAND COURT DEPARTMENT**

NORFOLK, ss.

CASE NO. 15 MISC. 000259 (KCL)

CHRISTINE BERNES and JOSEPH
SANTOS,

Plaintiffs,

v.

RICHARD McLEOD, EDWARD FOLEY,
CHARLES GOLDEN, JONATHAN
MORIARTY, ROBERT STEVENS,
KEMAL DENIZKURT, BRAD VINTON,
BRANDON DIEM and ROBIN MOROZ
as members of the Town of Weymouth
Board of Zoning Appeals, KENNETH
RYDER, and RYDER DEVELOPMENT
CORP.,

Defendants.

DECISION

Introduction

Defendants Kenneth Ryder and his company, Ryder Development Corporation, propose to subdivide approximately nine acres of woodland (the “Ryder Property”) in Weymouth’s Idlewell neighborhood into fourteen single-family residential lots. It is possible to subdivide the Ryder Property into fourteen lots that each conform to the applicable minimum lot area requirement under Weymouth’s Zoning Ordinance, and Mr. Ryder has a subdivision plan that does so. *See* Ex. 1. The lots on that plan, however, are awkwardly shaped with many of them needing “pigtails” to have sufficient area. Mr. Ryder thus prefers an alternative plan, which has more compact lots. *See* Ex. 2. The problem with that alternative, however, is that many of the lots will now be undersized.

Mr. Ryder thus applied to Weymouth's Board of Zoning Appeals (the "Board")¹ for a special permit pursuant to Article XV, § 120-53 of the Zoning Ordinance, under which the minimum lot area may be reduced for lots that satisfy all of its requirements. One of those requirements is that the lot from which the subdivision is made must have existed in its current configuration prior to December 1, 2013. The Ryder Property, which was five separate lots as of that date and only subsequently combined into one, does not satisfy this requirement. Moreover, a portion of one of those lots has since been conveyed out, so that the Ryder Property is not even in the same configuration as the five when combined. Despite this, the Board granted Mr. Ryder's special permit application.

This action is a G.L. c. 40A, § 17 appeal from the Board's decision. The plaintiffs, Christine Berns and Joseph Santos, are abutters to the Ryder Property and contend that the Board's decision should be reversed because the requirements for the special permit have not been met. Mr. Ryder argues that he *has* met those requirements and, in any event, contends that the plaintiffs lack standing to challenge the Board's decision.

This case was tried before me, jury-waived. Based on the testimony and documents admitted at trial, my assessment of the credibility, weight, and appropriate inferences to be drawn from that evidence, and as more fully explained below, I find and rule that the plaintiffs have standing and Ryder has not satisfied the special permit provisions of the Zoning Ordinance. The Board's decision is thus reversed and vacated.

Facts

These are the facts as I find them after trial.

¹ The Board is also a defendant in this action but, in reliance on Mr. Ryder's active defense of the special permit, took a passive role in the litigation and did not participate in the trial.

Applicable Provisions of Weymouth's Zoning Ordinance

The Ryder Property is located in Weymouth's R-I zoning district, which has a minimum lot area requirement of 25,000 square feet. *See* Zoning Ordinance, Article XV, § 120-51; Zoning Ordinance, Table 1, Schedule of District Regulations. There are certain circumstances, however, under which the Board may allow smaller lots by special permit. These circumstances are set forth in Article XV, § 120-53 and Article XXV, § 120-122(D) of the Zoning Ordinance.

Article XV, § 120-53 provides:

EXCEPTIONS BY BOARD OF ZONING APPEALS

If the average size or area of residential lots in the surrounding neighborhood is nonconforming with respect to lot area and the new lots to be created are larger or of a similar area as the surrounding lots, the Board of Zoning Appeals may consider granting a special permit if ***all*** of the following requirements have been met . . . :

- A. A lot^[2] shall be in existence in its current configuration prior to December 1, 2013.
- B. The lot to be subdivided shall be at least 40,000 square feet.
- C. The proposed new lots shall meet frontage requirements.
- D. The proposed new lots shall not be less than 17,500 square feet in area.
- E. The Board of Zoning Appeals shall make a finding that the proposed lots are of a similar lot size configuration to lots in the surrounding neighborhood.

or take any other action in relation thereto.

Zoning Ordinance, Article XV, § 120-53 (emphasis added).

If those requirements are satisfied, the Board then moves on to the special permit provisions of Article XXV, § 120-122(D), which states:

SPECIAL PERMITS

² The reference is to the lot to be subdivided. A "lot" is defined in the Zoning Ordinance as "[a] parcel of land in single, joint or multiple ownership, whether or not plotted, and not divided by a public street." Zoning Ordinance, Article II, § 120-6.

* * *

The special permit granting authority may approve any such application for a special permit only if it finds that, in its judgment, all of the following conditions are met:

- (1) The specific site is an appropriate location for such a use.
- (2) The use involved will not be detrimental to the established or future character of the neighborhood or town.
- (3) There will be no nuisance or serious hazard to vehicles or pedestrians.
- (4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- (5) The public convenience and welfare will be substantially served.

Zoning Ordinance, Article XXV, § 120-122(D).

The Proposed Subdivision

Mr. Ryder's company, defendant Ryder Development Corp.,³ is the current owner of the Ryder Property, which is an approximately nine acre parcel of unimproved woodland located between the MBTA's Greenbush commuter rail line and Commercial Avenue, one of Weymouth's main streets. Ryder proposes to subdivide the Ryder Property into fourteen single-family lots. The sole access to or from the subdivision is via Edison Street, which is presently a dead-end private way with two houses on it. Edison Street intersects with Narragansett Avenue, which connects with Commercial Avenue to the south and extends north toward the residences beyond the MBTA train tracks. The neighborhood consists mostly of older homes on small lots under 15,000 square feet in area.

The Ryder Property is shown on the Zoning Board of Appeals Existing Conditions Plan of Edison Street Extension dated November 20, 2014, a copy of which is attached as Ex. 3. As

³ For ease of reference, I occasionally refer to Mr. Ryder and Ryder Development Corp. interchangeably as "Ryder."

that plan shows, the Ryder Property was previously five separate lots.⁴ When this action commenced on July 9, 2015, former defendant Kevin Rains, as Trustee of the Belgrade Nominee Trust, owned a portion of the Ryder Property and former defendants Gregg and Rita Rains together owned the remainder.⁵ Ryder acquired title to the Rains' and the Trust's respective portions of the Ryder Property during the pendency of this action.⁶ In 2015, an approximately 3,701-square-foot portion of one of the lots that is now part of the Ryder Property was carved out and conveyed to Gregg and Rita Rains to be joined with their yard next door.

Ryder has two different plans for the Ryder Property that both lay out fourteen lots on a proposed arc-shaped cul-de-sac that intersects with Edison Street's existing dead-end. The layouts on those two plans are essentially the same, except as follows.

On one of the plans, the "25,000 S.F. Lot Exhibit Plan of Edison Street Extension in Weymouth, Massachusetts" dated February 4, 2015 (the "Pigtails Plan"), a copy of which is attached as Ex. 1, ten of the fourteen lots have a "pigtail" — a narrow strip of land that extends behind other lots in the subdivision and adjacent to the "pigtails" of the other lots.⁷ With the "pigtails," the area of each of the fourteen lots satisfies the R-1 zoning district's 25,000-square-foot minimum lot area requirement.

⁴ As shown on the Existing Conditions Plan, the five lots were: (1) Assessors ID: Map 13, Block 155, Lot 23, 0 Bellgrade Street, ±30,449 S.F., (2) Assessors ID: Map 13, Block 155, Lot 26, 0 Edison Street, ±67,219 S.F., (3) Assessors ID: Map 13, Block 156, Lot 59, 0 Hyde Street, ±36,805 S.F., (4) Assessors ID: Map 13, Block 156, Lot 28, 0 Trefton Avenue, ±207,000 S.F., and (5) Assessors ID: Map 13, Block 155, Lot 28, 0 Edge Street, ±42,690 S.F.

In his Answer, Ryder admitted to the plaintiffs' allegation that "The Subject Property consists of five (5) separate lots that collectively consist of approximately 390,000 square feet of undeveloped land." See Answer at 3, ¶ 19 (Jul. 22, 2015). Ryder is bound by that admission. See G.L. c. 231, § 87.

⁵ The evidence does not show that Gregg and Rita Rains had any control over the Trust's property, or vice versa. There was thus no merger of the Rains' property and the Trust's property during their ownership. See *Planning Bd. of Norwell v. Serena*, 27 Mass. App. Ct. 689, 691 (1989), *S.C.*, 406 Mass. 1008 (1990). The five lots only merged into one when Ryder acquired them. See *Preston v. Board of Appeals of Hull*, 51 Mass. App. Ct. 236, 238 (2001).

⁶ Ryder Development Corp. was thus substituted as a defendant for former defendants Kevin Rains, Trustee of the Belgrade Nominee Trust, and Gregg and Rita Rains.

⁷ The lots with a pigtail are Lots 2, 3, 4, 5, 9, 10, 11, 12, 13 and 14 on Ex. 1.

On the other plan, the “Zoning Board of Appeals Plan of Edison Street Extension in Weymouth, Massachusetts” dated February 4, 2015 (the “Board Plan”), a copy of which is attached as Ex. 2, none of the lots has a “pigtail.” Eight of the fourteen lots satisfy the 25,000-square-foot minimum lot area requirement. Each of the other six lots is under 25,000 square feet in area, but over the 17,500-square-foot minimum required for a special permit under § 120-53.⁸

Ryder’s preference is to subdivide the Ryder Property into lots without “pigtails” as depicted on the Board Plan. Because six of the lots on that plan do not satisfy the minimum lot area requirement, zoning relief from the Board is required to do so.⁹

The Special Permit

On March 3, 2015, pursuant to Article XV, § 120-53 and Article XXV, § 120-122(D) of the Zoning Ordinance, Ryder applied to the Board for a special permit to subdivide the Ryder Property as shown on the Board Plan (Ex. 2), with six of the proposed lots under 25,000 square feet. After public hearing, the Board granted Ryder’s special permit application by decision filed with the town clerk’s office on June 22, 2015. In its decision, the Board found:

All criteria were met for the Special Permit and the standards of Section 120.53 were met due to the following reasons:

1. The lot layout was better by eliminating the pigtail lots.
2. The more compact lot made it less complicated for liability, insurance, and survey work.
3. These lots meet or exceed the standard lot size of the neighborhood.
4. The reduction in lot size for six lots does not increase the potential density of the neighborhood.

Special Permit Decision (Jun. 22, 2015).

This case is the plaintiffs’ appeal of the Board’s decision.

⁸ The lots under 25,000 square feet are Lots 2, 3, 4, 11, 13, and 14 on Ex. 2.

⁹ By contrast, zoning relief from the minimum lot area requirement is not necessary for the lots depicted on the Pigtails Plan (Ex. 1) because all of those lots satisfy that requirement. Subdivision review and approval by the planning board is still necessary, however, for both the Pigtails Plan and the Board Plan.

The Plaintiffs' Properties

The plaintiffs each live next to the Ryder Property.

The backyard of Ms. Berns' home at 55 Narragansett Avenue directly abuts the Ryder Property near the proposed entrance to the subdivision off of Edison Street's existing dead-end. She currently maintains a garden and stone wall in that area.

Mr. Santos' home at 11 Edison Street is located at Edison Street's existing dead-end. He bought his house because of its quiet location on the dead-end and lives there with his wife and young children. Like others in the neighborhood, Mr. Santos spends time in the woods where Ryder's proposed subdivision will be built. Neighborhood children often play in those woods and on Edison Street as well.

Edison Street, because it is presently a dead-end, currently has relatively little traffic. Its current travel width is approximately ten to fourteen feet wide, making two-way traffic difficult. At present, because it is a dead-end, trash collectors typically back down the street to use it. It is similarly awkward for emergency vehicles.

Narragansett Avenue, particularly the part near the plaintiffs' houses, has heavy traffic at certain times of the day. This sometimes leads to congestion when school buses stop at its intersection with Commercial Street. Mr. Santos and Ms. Berns claim that this causes them delay when turning onto Narragansett Avenue at these times.

Ms. Berns and Mr. Santos contend that Ryder's proposed subdivision will exacerbate their ongoing traffic problems. However, they offered no expert testimony to support this. They also claim that because Edison Street is so narrow, using it for access to the subdivision will be dangerous — in particular, that vehicles will have difficulty navigating the proposed ninety-degree turn where the subdivision's cul-de-sac would intersect with Edison's existing dead-end.

The degree to which there will be such difficulty, however, and its actual effect on the plaintiffs, is unknown since they offered no traffic studies or other expert testimony to support their claims. Importantly, however, neither did Ryder to rebut them.

Further relevant facts are set forth in the Analysis section below.

Analysis

The plaintiffs contend that the Board's decision granting the special permit should be reversed because the requirements for a special permit under the Zoning Ordinance have not been met. Ryder argues that the plaintiffs lack standing to challenge the Board's decision and further contends that the Board acted within its allowable discretion in granting the special permit. As more fully discussed below, I find that the plaintiffs have standing and the requirements for the special permit have not been satisfied.

Standing

Only a "person aggrieved" has standing to challenge a municipal zoning board's decision. G.L. c. 40A, § 17. *See 81 Spooner Rd., LLC v. Zoning Bd. of Appeals of Brookline*, 461 Mass. 692, 700 (2012). To be "aggrieved" within meaning of G.L. c. 40A, § 17, one "must assert 'a plausible claim of a definite violation of a private right, a private property interest, or a private legal interest.'" *Kenner v. Zoning Bd. of Appeals of Chatham*, 459 Mass. 115, 120 (2011) (quoting *Harvard Sq. Defense Fund, Inc. v. Planning Bd. of Cambridge*, 27 Mass. App. Ct. 491, 493 (1989)). More particularly, one must suffer an infringement of a "specific interest that the applicable zoning statute, ordinance, or bylaw at issue is intended to protect." *Standerwick v. Zoning Bd. of Appeals of Andover*, 447 Mass. 20, 30 (2006). "Aggrievement requires a showing of more than minimal or slightly appreciable harm." *Kenner*, 459 Mass. at 121. "The injury must be more than speculative," *Marashlian v. Zoning Bd. of Appeals of Newburyport*, 421

Mass. 719, 721 (1996), and must be “special and different from the injury the action will cause the community at large.” *Butler v. City of Waltham*, 63 Mass. App. Ct. 435, 440 (2005).

However, “the term ‘person aggrieved’ should not be read narrowly.” *Marashlian*, 421 Mass. at 721.

Direct abutters, such as each of the plaintiffs, enjoy a rebuttable presumption that they are persons “aggrieved.”¹⁰ *81 Spooner Rd., LLC*, 461 Mass. at 700. Ryder can rebut the plaintiffs’ presumption by showing that their “claims of aggrievement are not within the interests protected by the applicable zoning scheme.” *Picard v. Zoning Bd. of Appeals of Westminster*, 474 Mass. 570, 573–574 (2016). *See 81 Spooner Rd., LLC*, 461 Mass. at 702. If the plaintiffs allege harm to a protected interest, Ryder can rebut the presumption by producing credible evidence that refutes the presumed fact of aggrievement. *See 81 Spooner Rd., LLC*, 461 Mass. at 702. This can be done by presenting evidence showing the alleged aggrievement is either “unfounded or *de minimus*.” *Id.*

If Ryder successfully rebuts the presumption, the court must decide the issue of standing “on the basis of all the evidence.” *Id.* at 701. The plaintiffs must then prove standing “by putting forth credible evidence to substantiate the allegations.” *Id.*

“Credible evidence” has both quantitative and qualitative components. *See Butler*, 63 Mass. App. Ct. at 441.

Quantitatively, the evidence must provide specific factual support for each of the claims of particularized injury the plaintiff has made. Qualitatively, the evidence must be of a type on which a reasonable person could rely to conclude that the claimed injury likely will flow from the board’s action. Conjecture, personal opinion, and hypothesis are therefore insufficient.

¹⁰ Ryder stipulated that each plaintiff is an abutter with a presumption of standing. *See Joint Pre-Trial Memorandum* at 8, ¶ 4 (June 20, 2016); *Closing Argument of the Defendant, Ryder Corporation* at 2 (Aug. 31, 2016).

Id. (internal citations omitted).

Ryder contends that the plaintiffs do not have standing because they have not proven that they will suffer any particularized injury or that the reductions in lot area allowed by the special permit will cause them harm. However, because the plaintiffs benefit from the presumption of aggrievement, and because their alleged harm of traffic impacts is within the scope of the interests protected under the zoning laws, *see Marashlian*, 421 Mass. at 722; Weymouth Zoning Ordinance, Article I, § 120-2(A) (purposes of Wayland Zoning Ordinance include “lessen[ing] congestion in the streets” and “facilitate[ing] the adequate provision of transportation”), Ryder was required to come forward with credible affirmative evidence refuting that presumption. *See 81 Spooner Rd., LLC*, 461 Mass. at 702. Simply put, Ryder did not do so.¹¹

At present, Edison Street is narrow, cannot easily accommodate two-way traffic, and is difficult for emergency vehicles, trash collectors, and snow plows to use. Because of the traffic congestion on Narragansett Avenue, driving to and from Edison Street is challenging at certain times of day. Given this, the plaintiffs’ claim that using Edison Street for access to the new lots allowed by the special permit will be problematic is sufficient to require Ryder to rebut it. Because their presumed standing is based on traffic impacts, Ryder’s rebuttal must be supported by expert evidence, and no such evidence was presented.¹² Because the sole access to Ryder’s proposed subdivision will be off of Edison Street’s dead-end, directly in front of Mr. Santos’

¹¹ At the trial, after the close of the defendants’ case-in-chief, Ryder conceded that the presumption had not at that point been rebutted. *See* Trial Transcript, Vol. II at 20 (June 29, 2016). Ryder had not presented any expert testimony to challenge the plaintiffs’ claimed traffic-related harms, which are the type of matter “beyond the scope of common knowledge, experience and understanding” for which expert testimony is often required. *Standerwick*, 447 Mass. at 36 (internal quotations and citations omitted) (acknowledging court has discretion to decide whether expert evidence is required). Such expert testimony was required to rebut the presumption.

¹² Ryder offered no expert evidence, for example, of what additional traffic the fourteen lot subdivision would generate, when that traffic would use the relevant intersections (and how many additional cars would use them at any given time), how those additional cars would affect the intersections at those times, and whether (and, if so, to what degree) the ninety-degree turn would have an actual effect on the traffic flow given the number of cars projected to use it at any given time.

home and behind Ms. Berns', their claimed aggrievement is particularized to their respective properties compared to neighborhood at large.

The plaintiffs have thus asserted a particularized injury to a protected interest that warrants the presumption of aggrievement. Ryder has not come forward with credible evidence to rebut it.

The Merits

The plaintiffs contend that the Board erred in granting the special permit because the requirements for a special permit under Article XV, § 120-53 and Article XXV, § 120-122(D) of the Zoning Ordinance have not been met. Ryder disagrees and argues that the Board's decision was reasonable and within its allowable discretion, particularly because the proposed subdivision will have the same density whether or not it has the reduced lot areas.

As Ryder argues, the Board Plan (with the reduced lot areas approved by the Board) and the Pigtails Plan (with all full-size lots allowed by right) both lay out fourteen lots and the homes on them will be the same, giving the two plans the same density. But this is not enough. To affirm the Board's decision, I must find that *all* of the Zoning Ordinance's requirements for the special permit have been met. *See Britton v. Zoning Bd. of Appeals of Gloucester*, 59 Mass. App. Ct. 68, 73 n.5 (2003). As more fully discussed below, they have not.

The Standard of Review

In this G. L. c. 40A, § 17 appeal, as in all such proceedings, the reviewing court makes *de novo* factual findings based solely on the evidence admitted in court, and then, based on those facts, determines the legal validity of the municipal body's decision, with no evidentiary weight given to any findings by the Board. *See Wendy's Old Fashioned Hamburgers of N.Y., Inc. v. Board of Appeal of Billerica*, 454 Mass. 374, 381-382 (2009).

The Board's decision "cannot be disturbed unless it is based on a legally untenable ground' or is based on an 'unreasonable, whimsical, capricious or arbitrary' exercise of its judgment in applying land use regulation to the facts as found by the judge." *Id.* at 381-382 (quoting *Roberts v. Southwestern Bell Mobile Sys., Inc.*, 429 Mass. 478, 487 (1999)). In determining whether the Board's decision was "based on 'a legally untenable ground,'" the court must determine whether it was decided "on a standard, criterion, or consideration not permitted by the applicable statutes or by-laws." *Britton*, 59 Mass. App. Ct. at 73. In determining whether the decision was "unreasonable, whimsical, capricious, or arbitrary," "the question for the court is whether, on the facts the judge has found, any rational board" could come to the same conclusion. *See id.* at 74.

Where, as here, the grant of a special permit is at issue:

not only must [the special permit granting authority] make an affirmative finding as to the existence of each condition of the statute or by-law required for the granting of the . . . special permit . . . but the judge in order to affirm the board's decision on appeal must find independently that each of those conditions is met.

Id. at 73 n.5 (quoting *Vazza Properties, Inc. v. City Council of Woburn*, 1 Mass. App. Ct. 308, 311 (1973)).

The Requirements for a Special Permit Have Not Been Met

The validity of Ryder's special permit turns on Article XV, § 120-53 and Article XXV, § 120-122(D) of the Zoning Ordinance. The interpretation of a zoning ordinance is a question of law for the court, governed by the familiar principles of statutory construction. *See Doherty v. Planning Bd. of Scituate*, 467 Mass. 560, 567 (2014). The court first looks to the ordinance's language, and, if its meaning is plain and unambiguous, the plain wording shall be enforced unless doing so would "yield an absurd or unworkable result.'" *Shirley Wayside Ltd.*

Partnership v. Board of Appeals of Shirley, 461 Mass. 469, 477 (2012) (quoting *Adoption of Daisy*, 460 Mass. 72, 76 (2011)). Where an ordinance does not define its words, the court “give[s] them their usual and accepted meanings, as long as these meanings are consistent with the statutory purpose . . . [and] derive[s] the words' usual and accepted meanings from sources presumably known to the statute's enactors, such as their use in other legal contexts and dictionary definitions.” *Doherty*, 467 Mass. at 569 (internal citations and quotations omitted). The court’s objective is “to give effect ‘to all its provisions, so that no part will be inoperative or superfluous.’” *Shirley Wayside Ltd. Partnership*, 461 Mass. at 477 (quoting *Connors v. Annino*, 460 Mass. 790, 796 (2011)).

Article XV, § 120-53

Article XV, § 120-53 of the Zoning Ordinance provides that the Board may grant a special permit under that section only “if *all* of the following requirements have been met.” Zoning Ordinance, Article XV, § 120-53 (emphasis added). Section 120-53 then sets forth five requirements, one of which is that “[a] lot shall be in existence in its current configuration prior to December 1, 2013.” Zoning Ordinance, Article XV, § 120-53(A). The Zoning Ordinance defines the word “lot” as “[a] parcel of land in single, joint or multiple ownership, whether or not plotted, and not divided by a public street.” Zoning Ordinance, Article II, § 120-6. The word “configuration” is undefined in the Zoning Ordinance. In the dictionary, “configuration” is defined as “[t]he arrangement of the parts or elements of something” and “[t]he form of a figure as determined by the arrangement of its parts; outline; contour.” The American Heritage Dictionary 308 (Second College Edition 1991).

Based on the foregoing, it is plain and unambiguous that for property to qualify for a special permit under Article XV, § 120-53, that property must be a parcel of land that is

presently arranged the same as it was before December 1, 2013. That requirement is not met in this case.

The Ryder Property presently consists of approximately nine acres of land that came into its current arrangement only in 2015, after Ryder acquired multiple parcels of land and combined them into one. As Ryder admitted, before he acquired title to the Ryder Property, the underlying land consisted of five separate lots. *See* Answer at 3, ¶ 19 (Jul. 22, 2015). The lots had different owners, different addresses, and different assessor's identification numbers. The distinct nature of each lot is further shown by Ryder's 2014 Existing Conditions Plan of the Ryder Property, which depicts the Ryder Property as five separate parcels, each with its own square footage. *See* Ex. 3.

In addition, in 2015, an approximately 3,701-square-foot portion of one of the lots that now comprises the Ryder Property was carved out for Gregg and Rita Rains and is not part of the proposed subdivision. Thus, even *if* the five lots could be considered one, they *still* fail the test that they have the same configuration as existed prior to December 1, 2013.

For those reasons, the Ryder Property is not presently in the same configuration as before December 1, 2013, nor was it so at the time of the Board's decision. It thus does not satisfy the requirements of Article XV, § 120-53.

Article XXV, § 120-122(D)

Under Article XXV, § 120-122(D), the special permit granting authority may grant a special permit "*only* if it finds that, in its judgment, *all* of the . . . conditions [enumerated in that section] are met." Zoning Ordinance, Article XXV, § 120-122(D). This provision clearly and unambiguously provides that for a special permit to issue, the special permit granting authority

(here, the Board) must find that all of the conditions of Article XXV, § 120-122(D) have been satisfied.

Based on the evidence before me, I am unable to find that all of those conditions have been met. In particular, the evidence does not show that “[t]here will be no nuisance or serious hazard to vehicles or pedestrians,” Zoning Ordinance, Article XXV, § 120-122(D)(3), or that “[a]dequate and appropriate facilities will be provided for the proper operation of the proposed use.” Zoning Ordinance, Article XXV, § 120-122(D)(4). As the permit holder, once the plaintiffs’ standing was established, Ryder had the burden of making that showing. That burden was not met.

Ryder argues that the Board’s decision is nonetheless reasonable because the planning board will consider issues similar to those under Article XXV, § 120-122(D) in connection with its subdivision review of the proposed project. That argument is wrong. The planning board’s consideration of similar issues in the different context of its subdivision review does not obviate the requirement that the *Board* find that all of the conditions of Article XXV, § 120-122(D) are met.

Conclusion

For the foregoing reasons, the Board’s decision granting the special permit is reversed and vacated.

Judgment shall enter accordingly.

SO ORDERED.

Keith C. Long, Justice

Dated: 19 April 2018

ZONING REQUIREMENTS	
ZONE	REQUIREMENT
MINIMUM LOT AREA	15,000 sq 25,000 Per dwelling
MINIMUM FRONT YARD	18'
MINIMUM SIDE YARD	10'
MINIMUM REAR YARD	20' or another Mfg.
MINIMUM LOT WIDTH	24' 1/3 of lot depth
MINIMUM LOT DEPTH	120'
MINIMUM LOT AREA	40'
LOT COVERAGE	30%

DATUM: WETMOUTH BASE

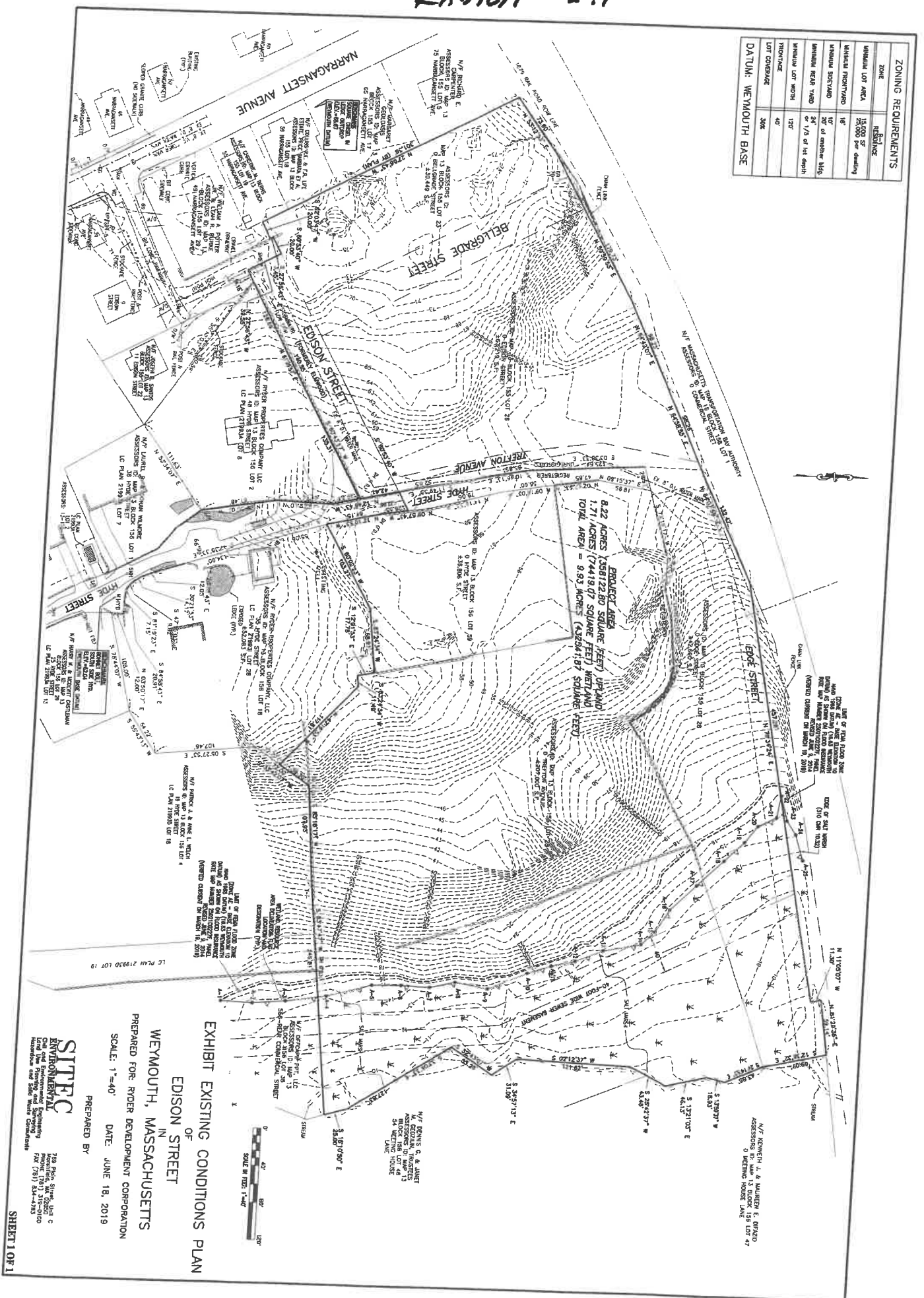


Exhibit 2.2

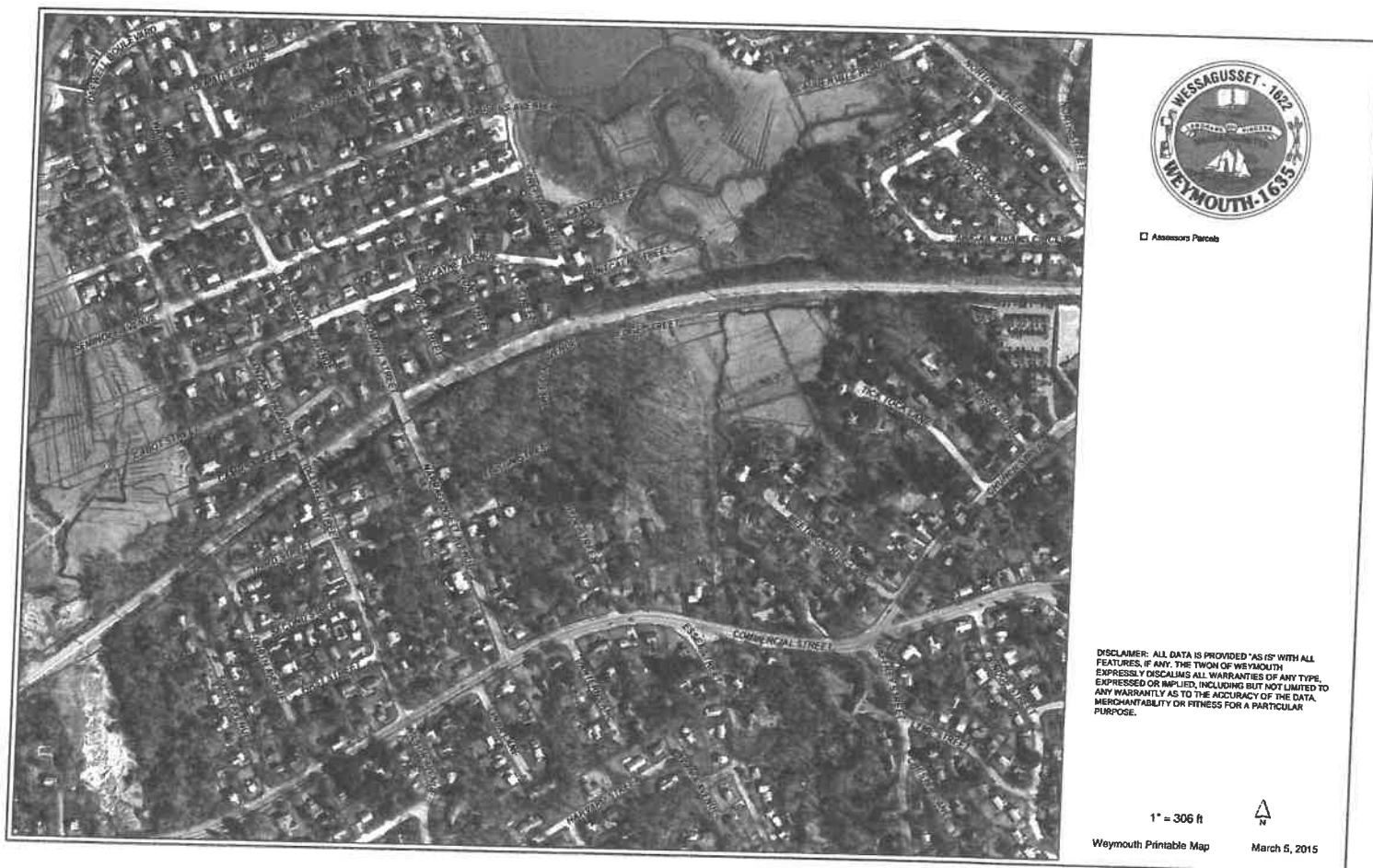


Exhibit 2.4

Site Characteristics/Constraints

Edison Street Townhomes
Weymouth, Massachusetts

The 432,542 square-foot site is generally located on the north side of Edison Street, which will provide access and egress. Edison Street extends from Narragansett Street to the site and will be improved to service the development. Hyde Street extends from Commercial Street to the site and will also be improved to service the development. Residential properties abut the perimeter of the site to the south and west; the MBTA Greenbush Line abuts the site to the north; saltmarsh and Tide Mill Brook abut the site to the east. The site is further identified by the Weymouth Assessor's on Map 13 Block 155 as Lots 23, 26, 28; and on Map 13 Block 156 as Lots 2, 28, 59. The site is currently vacant residentially zoned land and municipal water and sewer are available.

The site is generally rectangular, wooded with hills and sloping land with ledge outcrops. An area of saltmarsh is present in the easterly portion of the property. Access for Phase 1 will be achieved by improving Edison Street and access for Phase 2 will be achieved by improving Hyde Street. An emergency access driveway is proposed between the two Phases. The Flood Insurance Rate Map shows the majority of the property to be in a Zone X area of minimal flooding. The saltmarsh and a small portion of the upland abutting the saltmarsh lie within the 100-year flood zone.

A review of the "Soil Survey of Norfolk and Suffolk Counties" finds that the majority of site soils within the development area consist of Rock-Outcrop Hollis Complex with the remainder of the development area consisting of Hollis or Charlton Hollis Rock Outcrops. Soil properties include depth to unweathered bedrock of 14 to 18 inches, slope of 3 to 25 percent, depth to the groundwater table of more than 80 inches and it is designated as Hydrologic Group D.

Based on our review of the noted data and understanding of the proposed development, we do not see any characteristics of the site that would encumber or prohibit the construction of the proposed 67 residential dwelling units.

Exhibit 2.5

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

FOR REGISTRAR USE ONLY

DATA

EDISON STREET

TOWN CLERK, WETMOUTH, MA.

DATE _____

I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE WENLOUTH PLANNING BOARD WAS RECEIVED AND RECORDED ON _____ AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE.

NEEDS BLDG MAP 13 BLOCK 156 LOT
19 HYDE STREET

DEFINITIVE SUBDIVISION PLAN
OF
EDISON STREET
IN
WENMOUTH, MASSACHUSETTS
PREPARED FOR: RYDER DEVELOPMENT CORPORATION
SCALE: 1"=40' DATE: NOVEMBER 20, 2013
PREPARED BY

PREPARED BY

PREPARED FOR: RYDER DEVELOPMENT CORPORATION
SCALE: 1"=40' DATE: NOVEMBER 20, 2015

DATE: NOVEMBER 20, 2015

SITEC

ENVIRONMENTAL

769 Plain Street, Unit 6
Marshfield, MA 02050
PHONE (781) 319-0101
FAX (781) 834-4765

SHEET 2

APPROVAL REQUIRED UNDER THE
SUBDIVISION CONTROL LAW

WETMOUTH PLANNING BOARD

DATA

DATA

Application for Chapter 40B Project Eligibility/Site Approval for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects

Section 3: PROJECT INFORMATION (also see Required Attachments listed at end of Section 3)

In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the proposed project appears generally eligible under the requirements of the housing subsidy program and that the conceptual project design is generally appropriate for the site.

Name of Proposed Project: Idewell Village

Project Type (mark both if applicable): New Construction ☒ Rehabilitation ☐ Both ☐

Total Number of Dwelling Units: 67.00

Total Number of Affordable Units: 17.00

Number of 50% AMI Affordable Units:

Number of 80% AMI Affordable Units: 17.00

Unit Mix: Affordable Units

Unit Type	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Number of Units			15.00	2.00	
Number of Bathrooms			2.50	2.50	
Square Feet/Unit			1,628.00	1,628.00	

Unit Mix: Market Rate

Unit Type	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Number of Units			45.00	2.00	
Number of Bathrooms			2.50	2.50	
Square Feet/Unit			1,628.00	1,628.00	

Percentage of Units with 3 or More Bedrooms*: 10.00

* Note that the January 17, 2014 Interagency Agreement Regarding Housing Opportunities for Families with Children requires that at least 10% of the units in the project must have three (3) or more bedrooms. Evidence of compliance with this requirement must be provided at Final Approval.

Number of Handicapped Accessible Units: 0.00 Market Rate: 0.00 Affordable: 0.00

Gross Density (units per acre): 6.75

Net Density (units per buildable acre): 9.08

Individual units can be handicapped accessible if required by a prospective purchaser.

Residential Building Information

Building Type and Style <i>(single family detached, townhouse, multi-family)</i>	Construction or Rehabilitation	Number of Stories	Height	GFA	Number Bldgs. of this type
townhouse	construction	2.50	30'	1628	22.00

Non-Residential Building Information

Building Type and Style	Construction or Rehabilitation	Number of Stories	Height	GFA	Number Bldgs. of this type
None					

Will all features and amenities available to market unit residents also be available to affordable unit residents?
If not, explain the differences.

Yes. All units will be identical.

Parking

Total Parking Spaces Provided: 217.00

Ratio of Parking Spaces to Housing Units: 3.24

Lot Coverage *(Estimate the percentage of the site used for the following)*

Buildings: 13.05

Parking and Paved Areas: 19.35

Usable Open Space: 41.93

Unusable Open Space: 25.67

Lot Coverage: 32.39

Does project fit definition of "Large Project" (as defined in 760 CMR 56.03 (6))? Yes/No NO

Required Attachments Relating to Section 3

3.1 Preliminary Site Layout Plan(s)

Please provide preliminary site layout plans of the entire Site prepared, signed and stamped by a registered architect or engineer. Plans should be prepared at a scale of 1"=100' or 1" =200', and should show:

- Proposed site grading
- Existing lot lines
- Easements (existing and proposed)
- Access to a public way must be identified
- Required setbacks
- Proposed site circulation (entrances/egresses, roadways, driveways, parking areas, walk ways, paths, trails)
- Building and structure footprints (label)
- Utilities (existing and proposed)
- Open space areas
- Schematic landscaping and screening
- Wetland and other restricted area boundaries and buffer zones

Please provide one (1) set of full size (30"x40") plans along with one (1) set of 11"x17" reproductions and one (1) electronic set of plans. Please note that MassHousing cannot accept USB flash drives.

3.2 Graphic Representations of Project/Preliminary Architectural Plans

- Typical floor plans
- Unit plans showing dimensions, bedrooms, bathrooms and overall unit layout
- Exterior elevations, sections, perspectives and illustrative rendering.

3.3 Narrative Description of Design Approach

Provide a narrative description of the approach to building massing, style, and exterior materials; site layout, and the relationship of the project to adjacent properties, rights of way and existing development patterns. The handbook called Approach to Chapter 40B Design Reviews prepared by the Cecil Group in January 2011 may be helpful in demonstrating the nature of the discussion that MassHousing seeks in this narrative.

3.4 Tabular Zoning Analysis

Zoning analysis in tabular form comparing existing zoning requirements to the waivers that you will request from the Zoning Board of Appeals for the proposed project, showing required and proposed dimensional requirements including lot area, frontage, front, side and rear setbacks, maximum building coverage, maximum lot coverage, height, number of stories, maximum gross floor area ratio, units per acre, units per buildable acre; number of parking spaces per unit/square foot and total number of parking spaces (proposed and required).

3.5 Completed Sustainable Development Principles Evaluation Assessment Form *(see attached form)*

Exhibit 3.1

Idewell Village
Weymouth, MA

Residential Development Plans for:

Brian R. Salibi - Architect, Inc.
15 Newbert Avenue
Weymouth, MA 02190
Salibi Architect@gmail.com

SP1

These documents and all ideas, arrangements and plans indicated hereon or otherwise are the property of Brian R. Salibi Architect, Inc. and are to be used only for the purposes intended. No part of this document shall be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without prior written permission from Brian R. Salibi Architect, Inc.

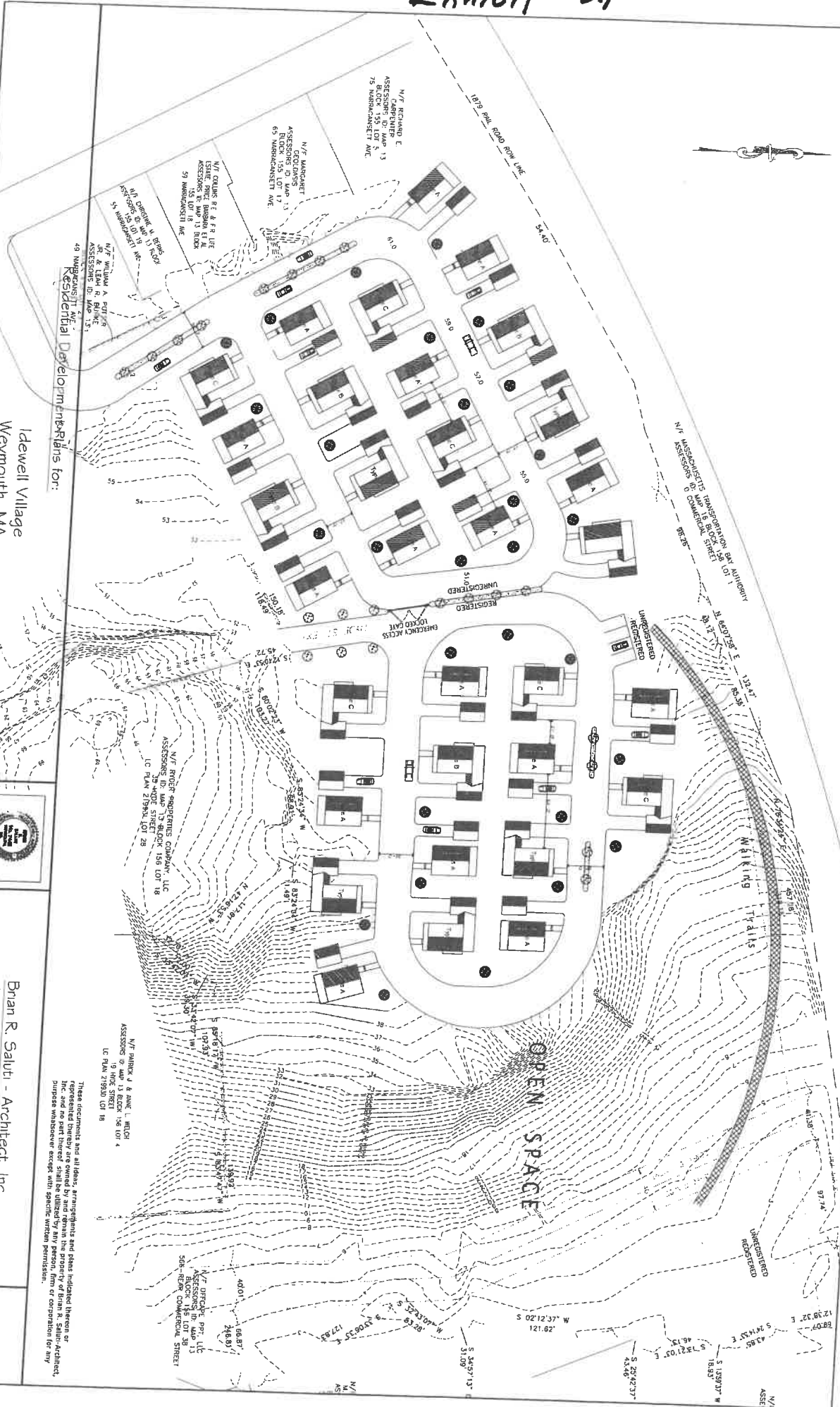
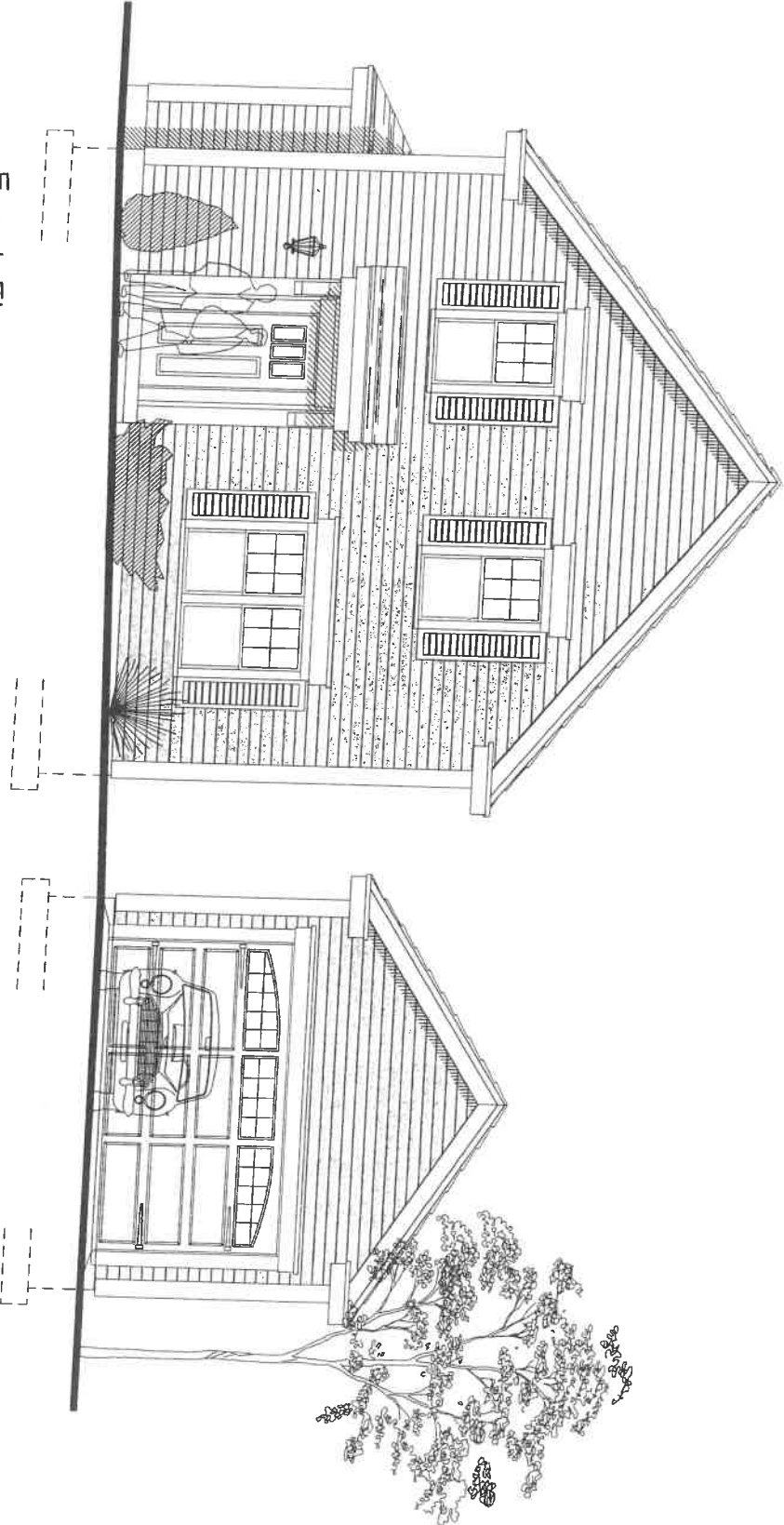


Exhibit 3.2

These documents and all ideas, arrangements and plans indicated thereon or represented thereby are owned by and remain the property of Brian R. Salubi-Architect, Inc. and no part thereof shall be utilized by any person, firm or corporation for any purpose whatsoever except with specific written permission.

Front Elevation

1/2" = 1'-0"



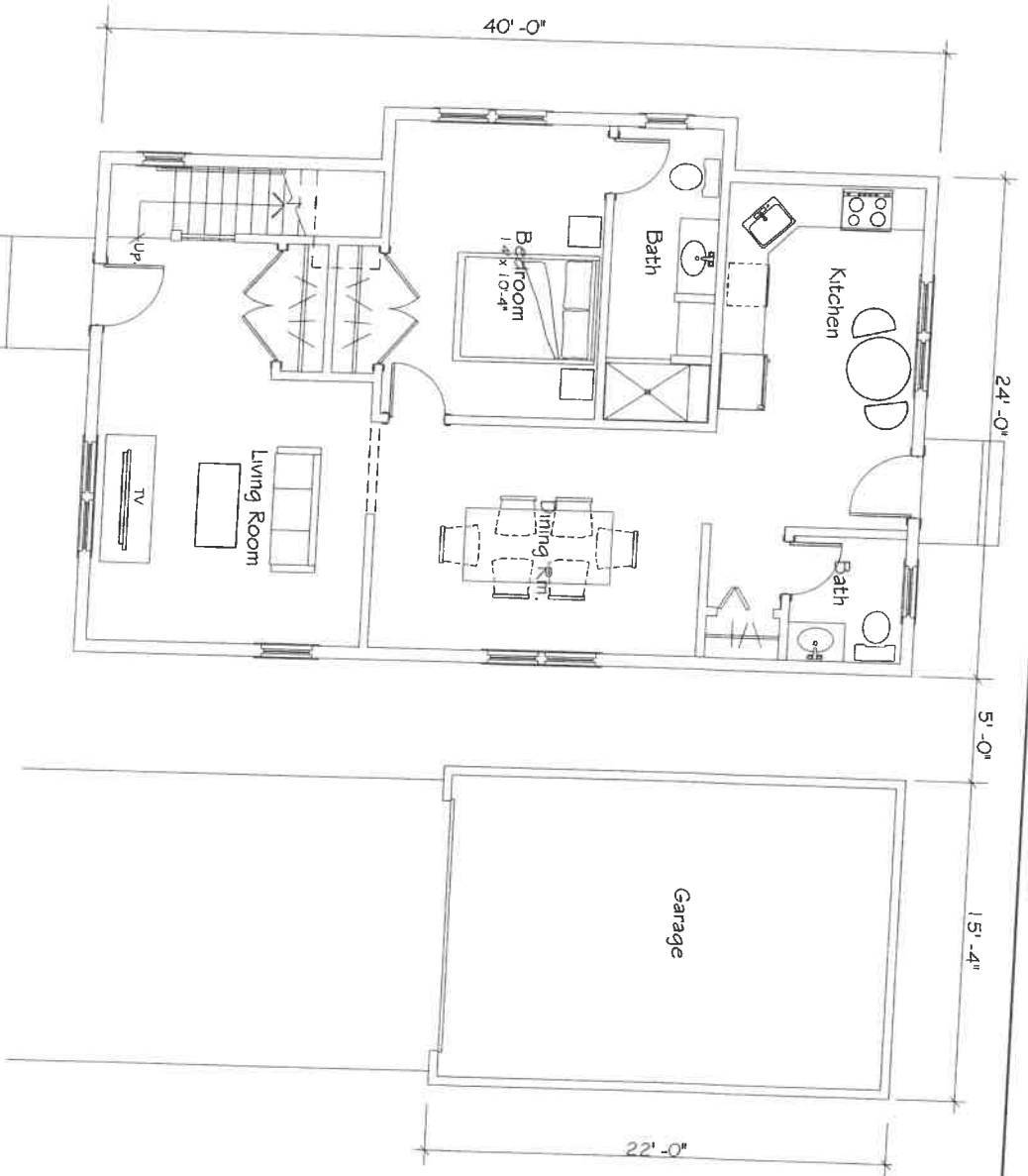
Residential Development Plans for:

Idewell Village - Prototype A
Weymouth, MA



Brian R. Salubi - Architect, Inc.
15 Westport Avenue
Weymouth, MA 02190
617.7827.9416
salubi.architect@gmail.com

A3



First Floor Plan

960 S.F.

Residential Development Plans for:

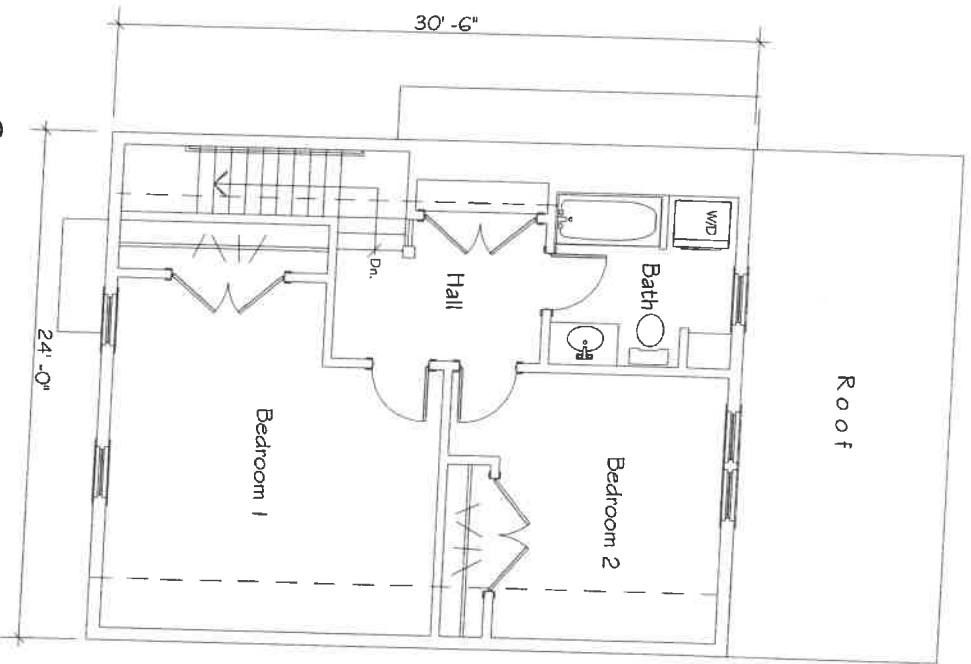
Idewell Street Village - Prototype A
Weymouth, MA



Brian R. Saulti - Architect, Inc.
15 Newport Avenue
Weymouth, MA 02190
saulti.architect@gmail.com

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A1



Second Floor Plan
732 S.F. 3/8" = 1'-0"

Residential Development Plans for:

Idewell Street Village - Prototype A
Weymouth, MA



Brian R. Saluti - Architect, Inc.
15 Newbert Avenue
Weymouth, MA 02130
saluti.architect@gmail.com
(617) 927-9416

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Elevation with Farmer's Porch & Open Breezeway

1/2" = 1'-0"

Residential Development Plans for:

Idewell Village - Prototype B
Weymouth, MA



Brian R. Saluti - Architect, Inc.
15 Newbert Avenue
Weymouth, MA 02190
saluti.architect@gmail.com

A6

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Elevation with Open Breezeway Only

1/2" = 1'-0"



Residential Development Plans for:

Idewell Village - Prototype B
Weymouth, MA



Brian R. Saluti - Architect, Inc.
15 Newbert Avenue
Weymouth, MA 02190
617.827.9416
saluti.architect@gmail.com

A7



First Floor Plan
960 S.F. 3/8" = 1'-0"

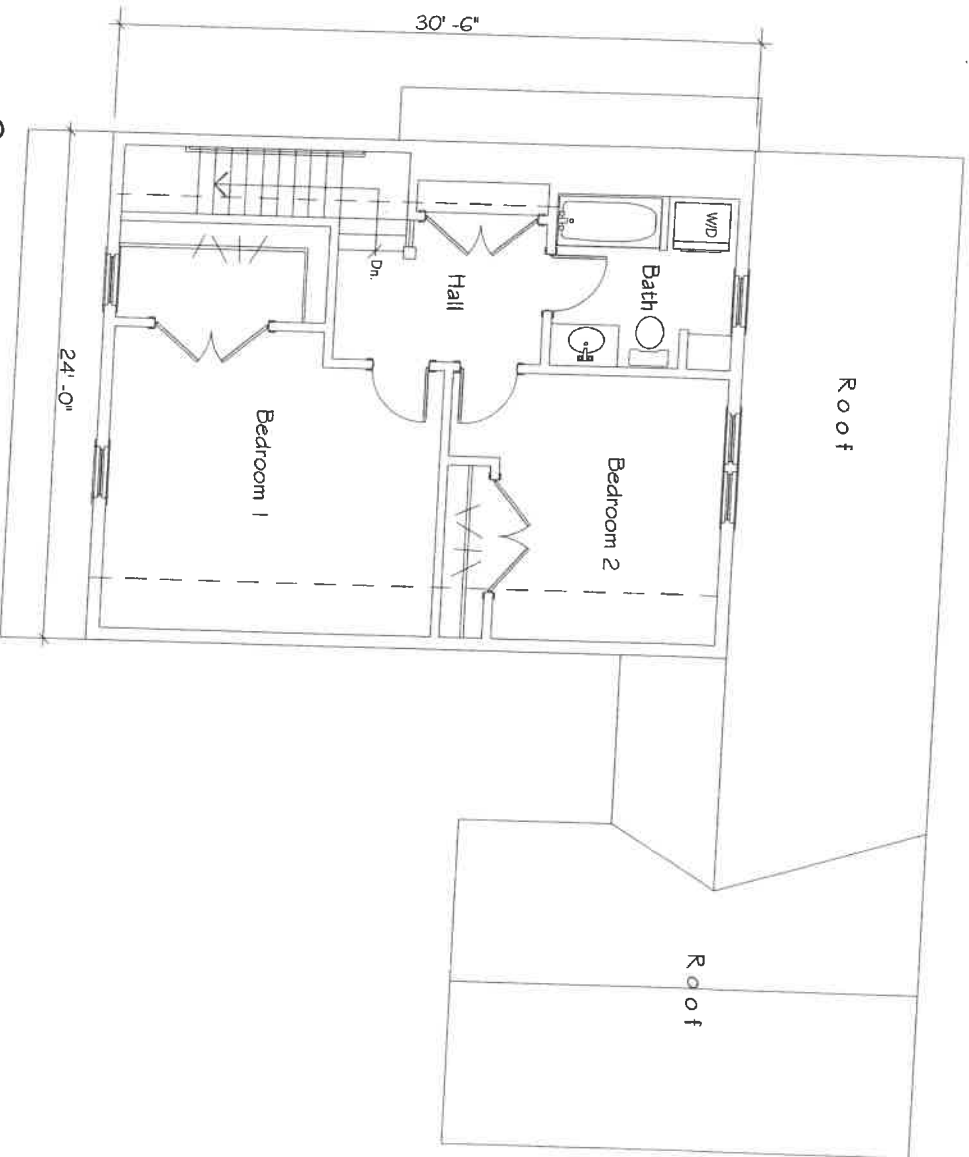
Residential Development Plans for:

Idewell Village - Prototype B
Weymouth, MA

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Weymouth, MA 02190
(617) 827-9416
saluti.architect@gmail.com



Second Floor Plan 732 S.F. 3/8" = 1'-0"

Residential Development Plans for:

Idewell Village - Prototype B
Weymouth, MA



Brian R. Saluti - Architect, Inc.
15 Newbert Avenue
Weymouth, MA 02190
(617) 927-9416
saluti.architect@gmail.com

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Front Elevation - with Breezeway Connector

Residential Development Plans for:

Idewell Village - Prototype C
Weymouth, MA



Brian R. Saluti - Architect, Inc.
15 Norbert Avenue
Weymouth, MA 02190
saluti.architect@gmail.com



First Floor Plan

1,076 S.F.

3/8" = 1'-0"

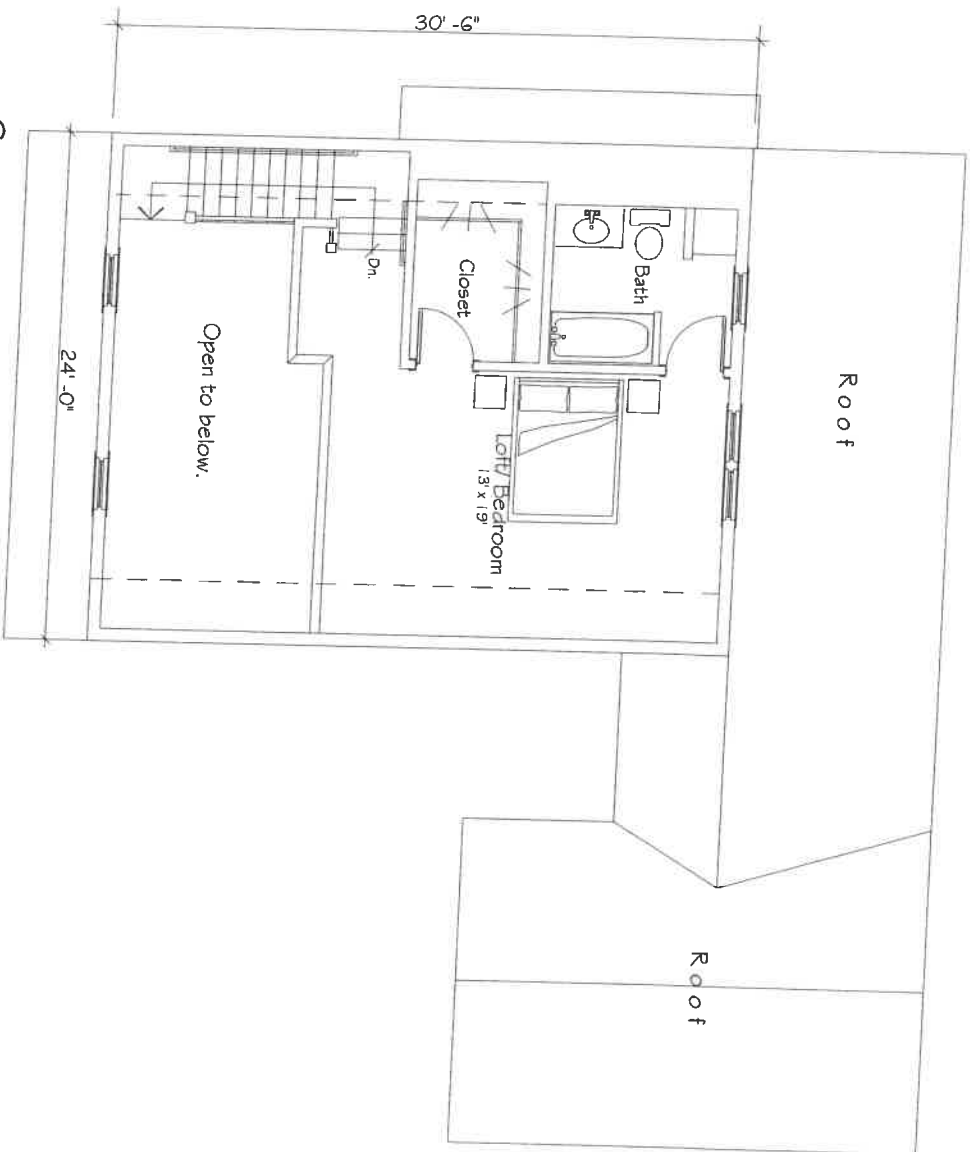
Residential Development Plans for:

Idewell Village - Prototype C
Weymouth, MA



Brian R. Salub - Architect, Inc.
15 Newbert Avenue
Weymouth, MA 02190
(617) 927-9416
salub.architect@gmail.com

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Second Floor Plan 1/4" = 1'-0"
732 S.F.

Residential Development Plans for:

Idewell Street Village - Prototype C
Weymouth, MA



Brian R. Sault - Architect, Inc.
115 Newbert Avenue
Weymouth, MA 02190
(617) 927-9416
sault.architect@gmail.com

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Exhibit 33

Ryder Development is planning to construct Idewell Village a townhome style community, which will include (22) buildings with a total of 67 units. The square footages per unit are typical and are 1,600 s.f. (gross). The square footage breaks out to 1,342 S.F. of Livable Area with 258 S.F. of Garage. Approximately 10% of the units will have 3 Bedrooms and 2 1/2 Baths per unit and the remainder will have 2 Bedroom and 2 1/2 Baths. The Kitchen, Dining and Living areas will have an open space concept located at the ground floor level.

This will be a unique development since all the units will include a one-car garage plus (2) additional spaces within a private driveway. Three of the buildings will offer an end unit which will offer total handicap amenities including a ramped entry. The remaining dwelling units will have sufficient space for handicap adaptability if the need arises.

Some interior features will include wash/dry hookups, granite countertops, individual heating/cooling units and hot water heaters.

The development is ideally located within a secluded residential area and adjoins an open wooded space which includes walking trails. The property is close to the Weymouth Landing Greenbush Train Station on the westerly end and the East Weymouth Greenbush Station on the easterly side. The main access road is Commercial Street which leads to the Highway Routes 93, 3 and 18.

Exhibit 3.4

TABULAR ZONING ANALYSIS
EDISON STREET - WEYMOUTH, MASSACHUSETTS

TABLE OF DIMENSIONAL REQUIREMENTS			
ZONING DISTRICT: R-1 RESIDENTIAL (ONE-FAMILY)			
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE (S.F.)	25,000 S.F.	432,542 S.F.	432,542 S.F.
MINIMUM LOT AREA (S.F. PER DWELLING UNIT)	25,000 S.F.	N/A (VACANT LAND)	6,455 S.F. *
MINIMUM LOT WIDTH (FT.)	120 FT.	N/A (VACANT LAND)	N/A (TOWNHOMES)
MAXIMUM HEIGHT (STORIES)	35 FT. (2.5 STORIES)	N/A (VACANT LAND)	28 FT. (2.5 STORIES)
MAXIMUM LOT COVERAGE	30% **	N/A (VACANT LAND)	12.4% **
MINIMUM FRONT YARD DEPTH	18 FT.	N/A (VACANT LAND)	20 FT.
MINIMUM SIDE YARD DEPTH	10 FT. ***	N/A (VACANT LAND)	25 FT.
MINIMUM REAR YARD DEPTH	24 FT. ****	N/A (VACANT LAND)	25 FT.

- * BASED ON 67 PROPOSED DWELLING UNITS.
- ** GROUND COVERAGE OF ALL BUILDINGS, INCLUDING ACCESSORY BUILDINGS, AND EXPRESSED AS A PERCENTAGE.
(800 SF FOOTPRINT PER UNIT X 67 UNITS / 432,542 SF = 12.4%)
- *** 20 FEET OF ANY DWELLING.
- **** LESSER OF 24 FEET OR 1/5 LOT DEPTH.

**Application for Chapter 40B Project Eligibility/Site Approval
for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects**

Section 4: SITE CONTROL (also see Required Attachments listed at end of Section 4)

In order to issue Site Approval, MassHousing must find (as required by 760 CRM 56.04 (4)) that the Applicant controls the site.

Name of Proposed Project: Idewell Village

Describe current ownership status of the entire site as shown on the site layout plans (attach additional sheets as necessary if the site is comprised of multiple parcels governed by multiple deeds or agreements):

Owned (or ground leased) by Development Entity or Applicant ☒

Under Purchase and Sale Agreement ☐

Under Option Agreement ☐

Note: The Grantee/Buyer on each document must be either the Applicant or the Proposed Development Entity, or you must attach an explanation showing direct control of the Grantee/Buyer by the Applicant or the Proposed Development Entity.

Grantor/Seller: Kevin B. Rains, trustee & Gregg B. rains, trustee

Grantee/Buyer: Ryder Developemnt Corp. & Ryder Properties Company, LLC

Grantee/Buyer is (check one):

Applicant ☐ Development Entity ☐ Managing General Partner of Development Entity ☐

General Partner of Development Entity ☐ Other (explain) Affiliated entities

Are the Parties Related? No

For Deeds or Ground Leases

Date(s) of Deed(s) or Ground Lease(s): _____

Purchase Price: _____

For Purchase and Sale Agreements or Option Agreements

Date of Agreement: February, 2018 (copy enclosed)

Expiration Date: June 29, 2018

If an extension has been granted, date of extension: _____

If an extension has been granted, new expiration date: _____

Purchase Price: \$460,000.00

Will any easements or rights of way over other properties be required in order to develop the site as proposed?
Yes ☐ No ☒

If Yes, please describe current status of easement:

Owned (or ground leased) by Development Entity or Applicant _____

Under Purchase and Sale Agreement _____

Under Option Agreement _____

Note: The Grantee/Buyer on each document must be either the Applicant or the Proposed Development Entity, or you must attach an explanation showing direct control of the Grantee/Buyer by the Applicant or the Proposed Development Entity.

Grantor/Seller: _____

Grantee/Buyer: _____

Are the Parties Related? _____

For Easements

Date(s) of Easement(s): _____

Purchase Price: _____

For Easement Purchase and Sale Agreements or Easement Option Agreements

Date of Agreement: _____

Expiration Date: _____

If an extension has been granted, date of extension: _____

If an extension has been granted, new expiration date: _____

Purchase Price: _____

Required Attachments Relating to Section 4

4.1 Evidence of Site Control (required)

Copies of all applicable, fully executed documents (deed, ground lease, purchase and sale agreement, option agreement, land disposition agreement) showing evidence of site control, including any required easements, along with copies of all amendments and extensions. Copies of all plans referenced in documents must be included.

Exhibit 4.1

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

6

CERTIFY

William R. O'Donnell
WILLIAM R. O'DONNELL, REGISTER

Doc: 1,341,531 11-04-2015 2:31
Ctfr #: 192162
Norfolk County Land Court

**HAND TO
LAND COURT**

Bk 33618 Pg 33 #109717
11-04-2015 @ 02:59p

MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 11-04-2015 @ 02:59pm
Ctfr: 1458 Doc#: 109717
Fee: \$4,104.00 Cons: \$900,000.00

QUITCLAIM DEED

KEVIN B. RAINS, Trustee of THE BELGRADE NOMINEE TRUST, under a Declaration of Trust dated October 8, 2004 and recorded with Norfolk Registry of Deeds in Book 21648, Page 165, of Weymouth, Norfolk County, Massachusetts,

FOR CONSIDERATION PAID and in full consideration of

NINE HUNDRED THOUSAND (\$900,000.00) DOLLARS, grant to

RYDER DEVELOPMENT CORP., a Massachusetts corporation with a usual place of business located at 847 Washington Street, Weymouth, Massachusetts,

with QUITCLAIM COVENANTS,

UNREGISTERED LAND:

The land in said Weymouth shown as Lots numbered 1387 to 1447, both inclusive; and lots 1450 to 1459, both inclusive, on a certain plan entitled "Idlewell, Weymouth, Massachusetts, Platted for the Moody Land Trust" F.T. Westcott, Engineer, dated May 1916 and recorded with Norfolk Deeds in Plan Book 80, Plan No. 3888 to which plan reference may be had for a more particular description.

Also, land in said town of Weymouth shown as Lot 24, Block 155, Map 13, as set forth in Instrument No. 41290 by the Treasurer of the Town of Weymouth, Massachusetts, dated November 13, 1959, in Book 3785, Page 47, and also shown as Lots 1448 and 1449 inclusive on plan entitled "Idlewell, Weymouth, Massachusetts, Platted for the Moody Land Trust" F.T. Westcott, Engineer, dated May 1916 and recorded with Norfolk Deeds in Plan Book 80, Plan No. 3888.

REGISTERED LAND

Also, land in said Town of Weymouth, shown as Lot 29, as shown on Plan 21993¹ filed with Certificate of Title No. 178176, and Lot 31, as shown on Plan No. 21993¹, to be filed in the Norfolk Registry District of the Land Court herewith, dated June 9, 2015, prepared by SITEC Environmental, being a subdivision of Lot 16 as shown on Plan 21993^B which is filed in Norfolk Registry District of the Land Court with Certificate No. 45820; the same being compiled from a plan drawn by Russell H. Whiting, Surveyor, dated May 19, 1952, and

* PLAN w/CRTF 192161

PROPERTY ADDRESS: Edison St., Weymouth, Mass.

additional data on file in the Land Registration office; all as modified and approved by the Land Court.

Specifically excluded from this conveyance is Lot 30 as shown on said Land Court Plan No. 21993¹.

The above-described land is conveyed subject to a taking by the Town of Weymouth for sewerage purposes dated May 16, 1949 and recorded with Norfolk Registry of Deeds in Book 2831, Page 173, as effected by Document No. 145834, subject also to a grant of an easement to the inhabitants of the Town of Weymouth, shown in document recorded with Norfolk Registry of Deeds, in Book 3061, Page 370, and a grant made by Sidney F. Partridge, et ux to said Town of Weymouth, dated June 14, 1949, recorded in Book 2844, Page 324.


The above-described land is subject also to an assessment for betterments by the Town of Weymouth as set forth in an instrument recorded in Book 2831, Page 173 of the Norfolk Registry of Deeds, so far as the same remains in force and affect at the date of original decree.

All rights of homestead and other interests are also released and it is hereby verified that no others are entitled to so claim.

For Grantor's title see Document No. 1,042,890 dated on Certificate No. 168779 in the Norfolk Registry District of the Land Court; and deed recorded at Norfolk Registry of Deeds in Book 21648, Page 141.

REGISTERED
LAND COURT, BOSTON. The land
herein described will be shown on
our approved plan to follow as
RECORDED
OCT 30 2015
Plan 21993¹ Lot 31
(EXAMINED AS DESCRIPTION ONLY)
T.C. PONTBRIAND
ACTING CHIEF ENGINEER
JA

WITNESS my hand and seal this 27 day of October 2015.

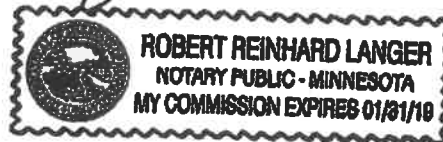

KEVIN B. RAINS, Trustee of
The Belgrade Nominee Trust

STATE OF MINNESOTA

County of ST. MARY'S

On this 27th day of October 2015 before me, the undersigned notary public, personally appeared KEVIN B. RAINS, Trustee as noted above, proved to me through satisfactory evidence of identification, which was: ☐ driver's license or other state/federal governmental document bearing a photographic image, ☐ oath or affirmation of a credible witness known to be me who knows the above signatory, or ☐ my personal knowledge of the signatory to be the person(s) whose name is signed on the preceding or attached document and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.


, Notary Public



TRANSFER CERTIFICATE OF TITLE

From Certificate No. 168779, Originally Registered October 14, 2004
in the Registry District of Norfolk County.

THIS IS TO CERTIFY that RYDER DEVELOPMENT CORP., a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts and having an usual place of business in Weymouth in the County of Norfolk and said Commonwealth, 847 Washington Street, Weymouth, Massachusetts 02189,

the owner(s) in fee simple,

of that land situated in WEYMOUTH

in the County of Norfolk and the Commonwealth of Massachusetts, described as follows:

Said parcel comprises lot 29 on Land Court Plan No. 21993I filed with Certificate No. 178176, Book 891; and lot 31 on Land Court Plan No. 21993J filed with Certificate No. 192161, Book 951.

There is appurtenant to said lot 29 the right to use the whole of Hyde Street, as shown on said plan filed with Certificate No. 178176, in common with all other persons lawfully entitled thereto, as set forth in a deed given by Sidney F. Partridge et al, to Donald J. Murray et al, dated July 1, 1949, duly recorded in Book 2855, Page 551.

There is appurtenant to said lot 31 the right to use the whole of said Hyde Street, as shown on said plan filed with Certificate No. 192161, in common with all other persons lawfully entitled thereto.

Said lot 31 is subject to sewer easements as set forth in a taking by the Town of Weymouth, dated May 16, 1949, duly recorded in Book 2831, Page 173, as affected by Document No. 145834 and in a grant made by Sidney F. Partridge et al to said Town of Weymouth dated June 14, 1949, duly recorded in Book 2844, Page 324.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said owner(s) to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, which may be subsisting

WITNESS JUDITH C. CUTLER, Chief Justice of the Land Court at Dedham, in said County of Norfolk,

the fourth day of November in the year two thousand and fifteen

at 2 o'clock and 31 minutes

Attest, with the Seal of said Court,


William P. O'Donnell, Assistant Recorder.

Transfer Certificate of Title

No. 104857

Book 525 Page 57

From Transfer Certificate No. 63702, Originally Registered July 9, 1959, in
Registration Book 319 Page 102 for the Registry District of Norfolk County.

This is to Certify that Kevin J. McCusker and Barbara A. McCusker, husband and wife, both

of Weymouth in the County of Norfolk and Commonwealth of Massachusetts,
as tenants by the entirety, are the owners in fee simple

of that certain parcel of land situate in WEYMOUTH

in the County of Norfolk and said Commonwealth, bounded and described as follows:

Northwesterly by the Southeasterly line of Edison Street, two hundred sixty two (262) feet;
Easterly by Hyde Street, being shown as lot numbered 10 on the plan hereinafter referred to, one hundred seventy and 72/100 (170.72) feet;
Southeasterly by lot numbered 7, shown on said plan, one hundred eleven and 64/100 (111.64) feet; and
Southwesterly by land now or formerly of Thomas R. Donohue, et al, and by said Edison Street, one hundred ninety and 60/100 (190.60) feet.

Said parcel is shown as lot numbered 8 and part lot numbered 10 upon plan numbered 21993A, which is filed in Norfolk Registry District with Certificate No. 42579, Sheet 4, Book 213, the same being compiled from a plan drawn by Russell H. Whiting, Surveyor, dated August 2, 1949 and June 8, 1950, and additional data on file in the Land Registration Office, all as modified and approved by the Land Court.

So much of the above described land as is included within the limits of said Hyde Street is subject to the rights of all persons lawfully entitled thereto in and over the same, and there is appurtenant to the above described land the right to use the whole of said Hyde Street, as shown on said plan, in common with all other persons lawfully entitled thereto.

The above described land is subject also to sewer easements as set forth in a grant made by Sidney F. Partridge et ux to the Town of Weymouth, dated June 14, 1949, duly recorded in Book 2844, Page 324.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said Kevin J. McCusker and Barbara A. McCusker

to said land is registered under said chapter, subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, which may be subsisting, and subject also as aforesaid and to any encumbrance(s) noted on the attached memorandum.

WITNESS, WILLIAM I. RANDALL, Esquire, Judge of the Land Court, at Dedham, in said County of Norfolk,

the nineteenth day of August in the year nineteen hundred and seventy-seven, at 3 o'clock and 52 minutes in the afternoon.

Attest, with the Seal of said Court,


Assistant Recorder.

Application for Chapter 40B Project Eligibility/Site Approval for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects

Section 5: FINANCIAL INFORMATION – Site Approval Application Homeownership 40B

In order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that an initial pro forma has been reviewed and that the Proposed Project appears financially feasible and consistent with the Chapter 40B Guidelines, and that the Proposed Project is fundable under the applicable program.

Name of Proposed Project: Idewwell Village

Initial Capital Budget (please enter "0" when no such sales/revenue or cost is anticipated)

Sales / Revenue

Market	18,645,000.00
Affordable	3,078,300.00
Related Party	0.00
Other Income	0.00
Total Sales/Revenue	21,723,300.00

Pre-Permit Land Value, Reasonable Carrying Costs

Item	Budgeted
Site Acquisition: pre-permit land value (to be determined by MassHousing commissioned appraisal) plus reasonable carrying costs.	\$900,000.00

Costs

Item

Budgeted

Acquisition Cost

Site Acquisition: pre-permit land value (to be determined by MassHousing Commissioned Appraisal) plus reasonable carrying costs

900,000.00

Subtotal Acquisition Costs

900,000.00

Construction Costs-Residential Construction (Hard Costs)

Building Structure Costs

13,089,120.00

Hard Cost Contingency

654,456.00

Subtotal – Residential Construction (Hard Costs)

13,743,576.00

Costs**Item****Budgeted****Construction Costs–Site Work (Hard Costs)**

Earth Work	
Utilities: On Site	
Utilities: Off-Site	
Roads and Walks	
Site Improvement	1,650,000.00
Lawns and Planting	
Geotechnical Condition	
Environmental Remediation	
Demolition	
Unusual Site Conditions/Other Site Work	
Subtotal –Site Work (Hard Costs)	1,650,000.00

Construction Costs–General Conditions, Builders Overhead and Profit (Hard Costs)

General Conditions	785,347.00
Builder's Overhead	261,782.00
Builder's Profit	785,347.00
Subtotal – General Conditions Builder's Overhead and Profit (Hard Costs)	1,832,476.00

General Development Costs (Soft Costs)

Appraisal and Marketing Study <i>(not 40B "as is" appraisal)</i>	
Lottery	5,000.00
Commissions/Advertising–Affordable	92,349.00
Commissions/Advertising–Market	839,025.00
Model Unit	
Closing Costs <i>(unit sales)</i>	68,586.00
Real Estate Taxes <i>(during construction)</i>	20,000.00
Utility Usage <i>(during construction)</i>	1,025.00
Insurance <i>(during construction)</i>	35,000.00
Security <i>(during construction)</i>	
Inspecting Engineer	20,000.00
Fees to Others	70,000.00
Construction Loan Interest	200,000.00
Fees to Construction Lender	
Architectural	25,000.00
Engineering	25,000.00
Survey, Permits, Etc.	20,000.00
Clerk of the Works	
Construction Manager	75,000.00

Item**Budgeted****General Development Costs (Soft Costs) - Continued**

Bond Premiums (Payment/Performance/Lien Bond)

Legal

25,000.00

Title (including title insurance) and Recording

50,000.00

Accounting and Cost Certification (incl. 40B)

2,500.00

Relocation

40B Site Approval Processing Fee

2,500.00

40B Technical Assistance/Mediation Fund Fee

5,500.00

40B Land Appraisal Cost (as-is value)

5,000.00

40B Final Approval Processing Fee

2,500.00

40B Subsidizing Agency Cost Certification
Examination Fee

2,500.00

40B Monitoring Agent Fees

3,500.00

40B Surety Fees

10,000.00

Other Financing Fees

Development Consultant

Other Consultants (describe)

Other Consultants (describe)

Soft Cost Contingency

84,074.50

Other General Development (Soft) Costs

Subtotal - General Development Costs (Soft Costs)

1,689,059.50

Developer Overhead

Developer Overhead

160,000.00

Subtotal - Developer Overhead

160,000.00

Summary of Subtotals

Sales/Revenue

21,723,300.00

Site Acquisition

900,000.00

Residential Construction

13,743,576.00

Site Work

1,650,000.00

Builder's Overhead, Profit and
General Conditions

1,832,476.00

General Development Costs

1,689,059.50

Developer Overhead

160,000.00

Summary

Total Sales/Revenue

21,723,300.00

Total Development Costs (TDC)

19,975,111.50

Profit (Loss) from Sales/Revenue

1,748,188.50

Percentage of Profit (Loss) Over the
Total Development Costs

8.75%

Initial Unit/Sales Price

	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Affordable Units			13.00	2.00	
Number of Units					
Number of Sq. Ft			1,200.00	1,410.00	
Sales Price			179,900.00	189,900.00	
Condo / HOA Fee			175.00	180.00	

	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Affordable Units					
Number of Units			41	4	
Number of Sq. Ft			1200	1410	
Sales Price			369,900.00	399,900.00	
Condo / HOA Fee			175.00	190.00	

Describe your approach to calculating any additional fees relating to Condominium Association or a Homeowners Association.

Condominium fees determined based upon preliminary budget and % interest attributable to each unit within the condominium.

Exhibit 5.1



1530 Main Street, South Weymouth, MA 02190

June 26, 2019

Mr. Kenneth Ryder
Ryder Properties
741 Broad Street
Weymouth, MA 02189

**Re: Idlewell Village, Weymouth, Massachusetts
Project Eligibility Letter**

Dear Ken:

South Shore Bank is pleased to inform you of our interest in considering financing for the proposed Idlewell Village development (the "Project") through the New England Fund ("NEF") program for the Federal Home Loan Bank of Boston. The Project presents an opportunity to provide housing options in Weymouth. Weymouth is within the geographic area serviced by the New England Fund program. Based on the information you have provided to South Shore Bank, we understand that the project described below will conform to the eligibility requirements of the NEF. While this letter is not a commitment for financing, it does constitute a determination of Project Eligibility as required under the regulations applicable to comprehensive permits under Chapter 40B, section 20-23 of the Massachusetts General Laws.

Project Summary

Based on the information you have provided, we understand the Project will be developed as described below. The Project is a for-sale, age-restricted (55+) housing project, known as Idlewell Village, consisting of thirty-two (32) single-family homes with garages. All units will contain first floor master bedrooms and bathrooms. The Project site consists of approximately 10 acres situated near Edison Street and Hyde Street in Weymouth, MA.

The developer, borrower entity and applicant for permits, Ryder Development Corp., will be a limited dividend organization, which is located at 741 Broad Street, Weymouth, Massachusetts. The development team offers a variety of relevant experience. South Shore Bank would consider offering rates, terms and conditions consistent with prevailing market conditions.

Affordability Program

You have represented that Ryder Development Corp. will conform to the requirements of the NEF program as follows:

1. Twenty-five (25%) percent of the units (8 units) will be affordable units for moderate-income households and sold only to qualified households with incomes up to eighty

(80%) percent of the Weymouth area PMSA median income adjusted for household size according to the latest published income limits in the Federal Register.

We have visited the Project site. We recognize there is a need for affordable, age-restricted housing in the community as stated in the Housing Production Plan for Weymouth. Based on our review of your preliminary design plans, the project appears to be attractive and consistent with local needs. Your projected sale prices for the market units appear to be supported by market information you have provided. However, our final assessment will be based on an outside appraisal and feasibility study. The proforma includes the required number of affordable units at appropriate sales prices. The profit margin projected by the development entity appears to be within the twenty (20%) range allowable under Chapter 40B, based on the information we have received to date. The final profit margin will be subject to review under the above referenced Regulatory Agreement and further analysis of the requirements of the funding program.

In summary, it appears that the Idlewell Village development is in conformance with and generally eligible for financing under the requirements of the New England Fund Program of the Federal Home Loan Bank of Boston based on the information you have provided to us. The specific aspects of the Project as described above are subject to final review and approval by the appropriate regulatory and financial institutions.

We look forward to working with you as your plans are finalized.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. McPhee', with a stylized, flowing script.

Joseph L. McPhee
Vice President
Commercial Lending

EXHIBIT 5.2
Comparables

The Applicant has developed two substantially similar projects which the Applicant believes are comparable to the proposed development.

121 Randolph Street in Abington is an architecturally similar project of 77 units. Recent sales have been in the range of \$359,900 to \$379,900.

Terrell Woods on Justin Drive Weymouth is an architecturally similar project of 46 units on 5 acres which have been selling from \$369,900 to \$399,900.

Required Attachments Relating to Section 5

5.1 New England Fund Lender Letter of Interest

Please attach a Letter of Interest from a current Federal Home Loan Bank of Boston (FHLBB) member bank regarding financing for the proposed development. The letter of interest must include, at a minimum, the following:

- Identification of proposed borrower, and brief description of the bank's familiarity with the borrower;
- Brief description of the Proposed Project
- Confirmation that the bank is a current FHLBB member bank and that the bank will specifically use NEF funds for the proposed development.

NOTE: Binding Financing Commitments (or evidence of closed loans) will be required at the time you apply for Final Approval from MassHousing.

5.2 Market Sale Comparables (required)

Please provide a listing of market sales being achieved in properties comparable to the proposed project.

5.3 Market Study (if requested)

MassHousing may require a market study for projects located in areas where the need or demand for the type of housing being proposed cannot be clearly demonstrated.

Application for Chapter 40B Project Eligibility/Site Approval for MassHousing-Financed and New England Fund ("NEF") Homeownership Projects

Section 6: APPLICANT QUALIFICATIONS, ENTITY INFORMATION, AND CERTIFICATION

In order to issue Site Approval MassHousing must find (as required by 760 CRM 56.04 (4)) that the applicant is either a non-profit public agency or would be eligible to apply as a Limited Dividend Organization and meets the general eligibility standards of the program.

Name of Proposed Project: Idewell Village

Development Team

Developer/Applicant: Idewell Village LLC / Kenneth C. Ryder

Development Consultant (if any): _____

Attorney: Robert L. Devin

Architect: Brian Saluti, Weymouth, MA

Contractor: Ryder Development Corp.

Lottery Agent: To be selected

Management Agent: Ryder Properties Company, LLC

Other (specify): _____

Other (specify): _____

Role of Applicant in Current Proposal

Development Task	Developer/Applicant	Development Consultant (identify)
Architecture and Engineering	Yes	Sitec & Brian Saluti
Local Permitting	Yes	Robert L. Devin
Financing Package	Yes	South Shore Bank
Construction Management	Yes	Ryder Development Corp.
Other		

Applicant's Ownership Entity Information

Please identify for each of (i) the Applicant and, if different (ii), the Proposed Development Entity, the following (collectively with the Applicant and the Proposed Development Entity, the "Applicant Entities"): the Managing Entities, Principals, Controlling Entities and Affiliates of each.

Note: For the purposes hereof, "Managing Entities" shall include all persons and entities (e.g. natural persons, corporations, partnerships, limited liability companies, etc., including beneficiaries of nominee trusts) who are managers of limited liability companies, general partners of limited partnerships, managing general partners of limited liability partnerships, directors and officers of corporations, trustees of trusts, and other similar persons and entities which have the power to manage and control the activities of the Applicant and/or Proposed Development Entity.

"Principal or Controlling Entities" shall include all persons and entities (e.g. natural persons, corporations, partnerships, limited liability companies, etc., including beneficiaries of nominee trusts) that shall have the right to:

- (i) approve the terms and conditions of any proposed purchase, sale or mortgage;*
- (ii) approve the appointment of a property manager; and/or*
- (iii) approve managerial decisions other than a decision to liquidate, file for bankruptcy, or incur additional indebtedness.*

Such rights may be exercisable either (i) directly as a result of such person's or entity's role within the Applicant or the Proposed Development Entity or the Managing Entities of either or (ii) indirectly through other entities that are included within the organizational structure of the Applicant and/or Proposed Development Entity and the Managing Entities of either.

In considering an application, MassHousing will presume that there is at least one Principal or Controlling Entity of the Applicant and of the Proposed Development Entity. Any person or persons who have purchased an interest for fair market value in the Applicant and/or Proposed Development Entity solely for investment purposes shall not be deemed a Principal or Controlling Entity.

"Affiliates" shall include all entities that are related to the subject organization by reason of common control, financial interdependence or other means.

1. Applicant

Name of Applicant: Idewell Village LLC & Kenneth C. Ryder

Entity Type (limited liability company, limited partnership, limited liability partnership, corporation, trust, etc.):
Limited Liability Company to be formed

State in which registered/formed: to be formed in Massachusetts

List all Managing Entities of Applicant (you must list at least one):
Kenneth C. Ryder

List all Principals and Controlling Entities of Applicant and (unless the Managing Entity is an individual) its Managing Entities (use additional pages as necessary):
Kenneth C. Ryder

List all Affiliates of Applicant and its Managing Entities (use additional pages as necessary):

Ryder Development Corp.
Ryder Properties Company, LLC
JJS company, LLC

Kenneth C. Ryder is the principal/mamager in all of the above entities

Proposed Development Entity

Name of Proposed Development Entity: Idewell Village LLC

Entity Type *(limited liability company, limited partnership, limited liability partnership, corporation, trust, etc.):*
limited liability company

State in which registered/formed: to be formed in Massachusetts

List all Managing Entities of Proposed Development Entity *(you must list at least one):*
Kenneth C. Ryder

List all Principals and Controlling Entities of Proposed Development Entity and *(unless the Managing Entity is an individual)*
its Managing Entities *(use additional pages as necessary):*
Kenneth C. Ryder

List all Affiliates of Proposed Development Entity and its Managing Entities *(use additional pages as necessary):*
Ryder Development Corp.
Ryder Properties LLC
JJS Company LLC

Kenneth C. Ryder is the principal/manager in all the above entities

Certification and Acknowledgment

I hereby certify on behalf of the Applicant, *under pains and penalties of perjury*, that the information provided above for each of the Applicant Entities is, to the best of my knowledge, true and complete; and that each of the following questions has been answered correctly to the best of my knowledge and belief:

(Please attach a written explanation for all of the following questions that are answered with a "Yes". Explanations should be attached to this Section 6.)

Is there pending litigation with respect to any of the Applicant Entities? Yes ___ No ☒

Are there any outstanding liens or judgments against any properties owned by any of the Applicant Entities? Yes ___ No ☒

Have any of the Applicant Entities failed to comply with provisions of Massachusetts law related to taxes, reporting of employees and contractors, or withholding of child support? Yes ___ No ☒

Have any of the Applicant Entities ever been the subject of a felony indictment or conviction? Yes ___ No ☒

During the last 10 years, have any of the Applicant Entities ever been a defendant in a lawsuit involving fraud, gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy? Yes ___ No ☒

Have any of the Applicant Entities failed to carry out obligations in connection with a Comprehensive Permit issued pursuant to M.G.L. c. 40B and any regulations or guidelines promulgated thereunder (whether or not MassHousing is or was the Subsidizing Agency/Project Administrator) including, but not limited to, completion of a cost examination and return of any excess profits or distributions? Yes ___ No ☒

Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements? Yes ___ No ☒

Are any of the Applicant Entities not current on all existing obligations to the Commonwealth of Massachusetts, and any agency, authority or instrument thereof? Yes ___ No ☒

I further certify that the information set forth in this application (including attachments) is true, accurate and complete as of the date hereof to the best of my/our knowledge, information and belief. I further understand that MassHousing is relying on this information in processing the request for Site Approval in connection with the above-referenced project.

I further certify that we have met with a representative of the 40B Department at MassHousing and understand the requirements for a) completing this application and b) the procedures if and when Site Approval is granted, including the requirement for (i) the use of the standard MassHousing Regulatory Agreement, and (ii) submission to MassHousing, within one hundred eighty (180) days after substantial completion or, if later, within ninety (90) days of the date on which all units are sold, of a cost certification examined in accordance with AICPA attestation standards by an approved certified public accountant.

I hereby acknowledge our commitment and obligation to comply with requirements for cost examination and limitations on profits and distributions, all as found at 760 CMR 56.04(8) and will be more particularly set forth in the MassHousing Regulatory Agreement.

I hereby acknowledge that it will be required to provide financial surety, by means of bond, cash escrow and a surety escrow agreement or letter of credit with the agreement that it may be called upon or used in the event that the Developer fails either to (i) complete and submit the Cost Examination as required by 760 CMR 56.04(8) and the MassHousing Regulatory Agreement, or (ii) pay over to the Municipality any funds in excess of the limitations on profits and distributions as required by 760 CMR 56.04(8) and as set forth in the MassHousing Regulatory Agreement.

Signature: _____

Name: **Kenneth C. Ryder**

Title: _____

Date: **September 25, 2019**

Required Attachments Relating to Section 6

6.1 Development Team Qualifications

Please attach resumes for principal team members (Applicant, consultant, attorney, architect, general contractor, management agent, lottery agent, etc.) and list of all relevant project experience for 1) the team as a whole and 2) individual team members. Particular attention should be given to demonstrating experience with (i) projects of a similar scale and complexity of site conditions, (ii) permitting an affordable housing development, (iii) design, and (iv) financing. The development team should demonstrate the ability to perform as proposed and to complete the Project in a competent and timely manner, including the ability to pursue and carry out permitting, financing, marketing, design and construction.

(If the Applicant (or, if the Applicant is a single purpose entity, its parent developer entity) has received financing from MassHousing within the past five (5) years for a development of comparable size and complexity to the Proposed Project, no resume or list of project experience need be submitted for the Applicant or, as applicable, its parent developer entity. Information regarding the other team members still will be required.)

6.2 Applicant Entity 40B Experience

Please identify every Chapter 40B project in which the Applicant or any Applicant Entity has or had an interest. For each such project, state whether the construction has been completed and whether cost examination has been submitted.

6.3 Applicant's Certification

Please attach any additional sheets and any written explanations for questions answered with "yes" as required for Certification.

6.1
Robert L. Devin 40B experience

Constructed:

Duxbury	Brewster Commons
Hanson	Dunham Farm
Hingham	Lincoln School
	Beal Street, Hingham Housing Authority
	Brewer Meadows
Marshfield	Lincoln Hill
	Mariners Hill
Needham	Metuxet Woods
Norwell	Webster Street Green
	Jacobs Pond Estates
	Silver Brook Farm
Scituate	Washington Place
Stoughton	Walden Woods
Wareham	Page Place
Wellesley	Carleton Place
	Ardemore Apartments
West Bridgewater	Wellesley Manor
	River Bend

Approved but never built

Hingham	Beal Street (State Street Development)
Kingston	Indian Pond
Norwell	First Boston, South Street
Sandwich	Chase Road
Sudbury	Sudbury Meadows
Wareham	Bartlett Pond

Engineer Al Trakimas/Sitec 40B experience

Brewer Meadows – Hingham
Washington Place – (the old campground off Route 53) Norwell
Silver Brook Farm – (behind and down the street from the Hanover Mall) Norwell
Webster Point Village – Route 3A - Marshfield/Duxbury
Herring Brook Meadow – Scituate (In permitting)
Burrill Place Apartments – Bridgewater (in permitting)

Brian Saluti 40B experience

None but see attachment for residential development experience

**Residential / Commercial Projects:**

The architectural practice offers over 20 years of experience dealing with a wide range of residential and commercial level building projects. Architectural projects are handled on a one-on-one basis with the client from the concept stage thru to the completion of the construction phase. Both hand drawn and computer applications are available for preparing architectural drawings. The finalized "ready for construction" product will normally include full engineering services depending on the size and scope of the project.

Architectural Projects Include:

- Commercial Development
- Institutional (Nursing Homes & Assisted Living)
- Multi-Family Residential Development
- Single-Family Residence

Click a thumbnail**Worcester Boys Club, Res Multi-Fam Development - Worcester Ma (2012)**

4-Story Historic building converted to 30 dwelling units, located within Historic Lincoln Square.

**Brick Mill Studios, Res Multi-Fam Development - New Bedford, Ma**
(Located at 75 David Street)

3-Story Mill Building conversion to 116 dwelling units, which will include a mix of market rate Apartments, artist live/work units and commercial space.

**Victoria Riverside, Res Multi-Fam Development - New Bedford, Ma (2011)**
(Formerly known as Whitman Mills)

2 1/2-story Mill Building conversion to 100 loft style dwelling units with underground parking and a landscaped park located along the Acusnet River.

**Wamsutta Place, Res Multi-Fam Development - New Bedford, Ma (2010)**
(Formerly known as Wamsutta Mills)

5-story Mill Building conversion to 250 dwelling units with underground parking, a museum, office space and atriums.

**Chinese Baptist Church of Greater Boston - Quincy Ma (2011)**

Existing building conversion and build-out for a church, which will provide parishioners a new home for the Chinese community. Common spaces include a main sanctuary, community room, library and classrooms.

**Avon Freezer - 55 Murphy Drive - Avon, MA**

A fire damaged reconstruction project which included the installation of a Quell fire sprinkler system.

**Patriot Ledger Building - Quincy, MA**

13-17 Temple Street - Quincy Square

24,000 S. F. (renovation) - includes base building and tenant fit-up.

Tenants: BayState Community Services & Quincy College - School of Nursing

**Woolworth Building - Quincy, MA**

Corner of Hancock & Cliveden Streets - Quincy Square

37,000 S. F. (renovation) - Tenants: Landmark & MA School of Barbering

**Maloney Seafood Corporation - Quincy, MA**

350 Copeland Street

7,000 S. F. - New 3-story Office Building

**Village @ Bay Pointe - Quincy, MA (2008)**

39 New townhomes consisting of nine buildings adjacent to the Quincy Shipyard. Client: Chubbuck Realty Trust, Quincy, MA



77 Glades Road Condominiums – Scituate (Minot), MA
4-story Duplex condominiums with panoramic views to the ocean.



SouthPoint Condominiums – Quincy, MA
East Howard Street & Bower Road
21- Cape style townhouse development.



Elm Street Condominiums – Quincy, MA
Elm Street – Quincy Center
6-unit condominium development.



Wellfleet Condominiums – N. Quincy, MA
Corner of E. Squantum & Bayfield Streets
5- Cape style townhouse development.



Arnold Farm Estates – Braintree, MA
7-lot subdivision – individual custom single-family residences

Town Brook House, Facade upgrades - Quincy, MA
Window & door replacement project funding through MHFA for an existing highrise elderly housing complex.

Wild Willy's Restaurant - Washington Street, Quincy Ma (2012)
Existing building conversion and build-out for a 100-seat eatery with a unique old western style decor theme and menu.

Winn Management projects – Dorchester, MA
Selective renovations at the following residential facilities:
Washington Park Apartments, Codman Square Apartments,
Columbian Road Apartments & Latin Academy Apartments

Nightclub @ 85 VFW Drive – Rockland, MA
Combination renovation & new construction.
Multi-use project includes Nightclub, Coffee Shop & Pet Care Shop

Totman Street Office Building – Quincy, MA
10,000 S.F. 2-story office building – new construction.

Baystate Reprographics – Quincy, MA
180 Willard Street
New 2-story Office Building

Jennifer Condominiums – Market St. Rockland, MA
8 New townhomes (2 buildings) adjacent with views to Harmons Golf Course.

537 Sea Street Condominiums – Quincy, MA
Corner of Sea & Palmer Streets
4-unit condominium development.

Architect Brian R. Saluti - (617) 827-9416

Home - Commercial / Residential / Institutional - Construction Monitoring - Education / Licenses / Insurance

Licensed Architect - MA License #7442 - RI License #3142

Weymouth Computer Repair by Computer VIP

6.2

Developers 40B Experience

Kenneth C. Ryder was the developer/principal of Brewer Meadows, a 28 unit rental 40B developed in 2003 on Chief Justice Cushing Highway in Hingham, MA.

GREGORY F. GALVIN
Attorney at Law
775 Pleasant Street, Unit 16
Weymouth, Massachusetts 02189
Tel: (781) 340-5335 Fax: (781) 340-5665

Exhibit 6.3

GREGORY F. GALVIN
ggalvin@gregorygalvin.com

SHARON M. THORNTON, Paralegal
sthornton@gregorygalvin.com

September 16, 2019

Robert Devin, Esq.
Devin, Barry and Austin
80 Washington Street. Bldg. 5
Norwell, MA 02061

RE: Ryder Development Corp. & Kenneth Ryder

Dear Attorney Devin:

You have asked me to provide you with a history of the tax delinquency that Ryder Development Corp. and Kenneth Ryder is experiencing with the Town of Weymouth. This is an issue that goes back to approximately 2001.

In or about 1997 – 1999 Ryder Development Corp. acquired certain property at the end of a cul-de-sac known as Tamburlane Ridge. Upon acquiring the property, Mr. Ryder began exploring the subdivision of the property for the purpose of building single-family homes on that land. In doing his engineering work, it became apparent that a significant portion of the property was wetlands and he ultimately devised a plan wherein he would have enough upland for three building lots, and the excess land which consisted of both upland and wetlands would be landlocked, abutting Mill River (a body of water that ultimately led to the Town's alternate drinking water source) and also abutted Mass Electric land. The plans were then put together for filing with both the Weymouth Conservation Commission and the Weymouth Planning Board.

In or about 2001, Mr. Ryder appeared before the above-referenced Weymouth Boards in an attempt to obtain permission to construct single-family homes on the three buildable lots. In the process of making presentations to these Boards, the issue regarding the excess land was discussed and both the Conservation Commissioners and the Planning Board members indicated that they would accept the excess land containing approximately 4.6 acres as a gift, as it offered some protection of the alternate source of drinking water for the Town of Weymouth. Although both the Planning Board and the Conservation Commission voted to accept the gift of land from Ryder Development Corp. the matter was never presented to the Town Council (the legislative body at the time) for legal acceptance by the Town. This fact was never made known to Ryder Development Corp.

Several years later Ryder was notified of the delinquency in the taxes. Upon receipt of that information, Ryder caused discussions to occur between the Town Solicitor and Ryder's counsel. A deed was requested from Ryder for the property which was drafted and forwarded to the Solicitor.

Although there appeared to be an agreement that the Town wanted the land, again, the matter was not brought to the Weymouth Town Council for action. Notwithstanding the fact that both the Weymouth Planning Director and the Weymouth Conservation Agent both agreed that their respective boards had accepted the offer of the gifting of the land no further action was taken by the Town.

Nothing further occurred with regard to the tax delinquency and in fact, Ryder Development Corp. was never issued tax bills over the next several years. The Town took no further action until Ryder sought to file a 40B project for that certain property on Ralph Talbot Street that Ryder acquired in 2017. It was at that time (and for the first time) that the Town notified Ryder that he was a tax delinquent. At no time between 1997 and 2018 did the Town take any action to place a tax title lien on Ryder's property. Further, it was not until Ryder entered into a Memorandum of Understanding with the Town of Weymouth (on November 30, 2018) did the Town actually list the property for tax title.

Further, at that time Ryder agreed to do whatever was necessary to assist the Town in moving forward with a tax foreclosure and allowing the Town to finalize the foreclosure process through an action in the Land Court.

Due to the fact that the tax foreclosure complaint could not be filed until six months after the actual filing of the tax title, said complaint was not filed until July of this year. I am attaching with this correspondence, the Memorandum of Understanding executed in November 2018 and the tax title documents that I have prepared and filed as agreed upon between Ryder Development Corp. and the Town of Weymouth. I am informed that this tax foreclosure action could take a minimum of six months.

Very truly yours,

Gregory F. Galvin

Gregory F. Galvin

GFG/s
Enc.

MEMORANDUM OF UNDERSTANDING

**RYDER DEVELOPMENT CORP. & RYDER PROPERTIES COMPANY LLC
TOWN OF WEYMOUTH**

RE: GIFTS TO THE TOWN OF WEYMOUTH IN LIEU OF TAXES CURRENTLY OWED

Ryder Development Corp. and Ryder Properties Company, LLC (collectively Ryder) agrees not to contest the foreclosure process and will relinquish the Right of Redemption for a certain partial of land currently owned by Ryder. That land is approximately 4.6 acres off Tamburlane Ridge shown on the Assessor's Map as Block 544, Lot 24 and having an assessed value of \$227,000.00. Further, Ryder agrees to make an \$8,000.00 gift to the Town of Weymouth Beautification Fund with the use of the donation to be determined by the Mayor and the Weymouth Planning Department.

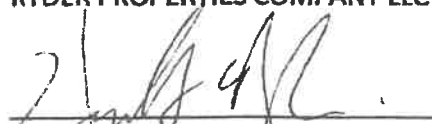
It is acknowledged that the Town will substantially benefit from the acquisition of the 4.6 acres of land off Tamburlane Ridge as a protection for one of the its water resource streams. Further, that the donation of \$8,000 would also provide the Town significant funds to continue its work in making the Town of Weymouth a more attractive place for its citizens.

Upon the execution of this MOU, the Town agrees that Ryder shall be able to obtain any and all necessary permits from the Town of Weymouth, its Boards and Commissions.

TOWN OF WEYMOUTH,


By: Robert L. Hedlund, Mayor

**RYDER DEVELOPMENT CORP.
RYDER PROPERTIES COMPANY LLC**


By: Kenneth C. Ryder

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

19 TL 000834

LAND COURT
FILED

19 JUL 25 AM 10:01

The undersigned hereby represent(s):

that the land hereinafter described was taken on 12/28/2018
 for non-payment of taxes by the City of/Town of Weymouth (Date of Taking)
 in the County of Norfolk by instrument dated 12/28/2018
 and recorded or registered on 01/29/2019
 (if registered) as Doc. No. _____ Cert. No. 150991 and
 (if recorded) Book 36582 Page 471 ;

that (A) more than two years from the date of sale/taking (if before November 24, 1971), or
 (B) more than six months from the date of said sale/taking (if after November 24, 1971)
 have elapsed and no redemption has been made;

that the proceedings aforesaid have been conducted according to law;

that the deed was recorded within 60 days from date of sale;*

that the assessed value of said land and buildings is \$ 227,000.00 ;

that said land is described as a certain parcel of land situate in Weymouth
 County of Norfolk and said Commonwealth, bounded:

(Description must be same as in tax deed)

A parcel of land located at Tamburlane Ridge and structures, if any, shown on Assessors
 Map: 48 Block: 544 Lot: 024 recorded in Norfolk County, Book: 12172 Page: 499 along
 with Cert. #150991.

that the following are the names and addresses of all persons known to the undersigned who have any interest
 in said land other than the plaintiff, to wit:

Name	Address	Nature of Interest
Ryder Dev. Corp.	741 Broad St. Weymouth MA	Quitclaim deed

Wherefore your plaintiff(s) pray(s) that the rights of all persons entitled to redeem from said proceedings may
 be foreclosed; that said Court enter a judgment that the title of the plaintiff to said land under said proceedings is
 absolute and that all rights of redemption are barred; and for such other and further relief as may seem meet and
 proper to said Court.

Name Robert M. Condon Jr. Street 75 Middle St.
 City or Town Weymouth MA 02189

On this _____ day of July, 192019
 personally appeared before me the within named _____
 known to me to be the signer _____ of the foregoing complaint, and made oath that the statements
 therein contained so far as made of his own knowledge are true and so far as made upon information
 and belief that he believe _____ them to be true.

Before me,

*(see over)

Notary Public

No.

Complaint To Foreclose

Tax Lien

Thomas A. Buffum 7/26/88
Examiner

LET JUDGMENT ISSUE

Justice

From the Office of
Robert M. Conlon Jr. Treasurer

Weymouth Town Hall

75 Middle Street

Weymouth, MA 02189
LCP-5-8/88
781-340-2401

NOTE:

*60 days after July 12, 1933
30 days before July 12, 1933

CAVEAT: Notice of this complaint should be filed in the local registry upon the proper form (LCN2) as soon as complaint is entered in this office.

EXHIBIT 7.1

The Applicant has met on numerous occasions informally with representatives of the Town of Weymouth and the abutters in an effort to develop a consensus which would allow development of the subject parcel. These efforts failed totally.

**Application for Chapter 40B Project Eligibility/Site Approval
for MassHousing-Financed and New England Fund (“NEF”) Homeownership Projects**

Section 7: NOTIFICATIONS AND FEES

Name of Proposed Project: Idewell Village

Notice

Date(s) of meetings, if any, with municipal officials prior to submission of application to MassHousing:

Date copy of complete application sent to chief elected office of municipality:

September 25, 2019

Date notice of application sent to DHCD:

September 25, 2019

Fees *(all fees should be submitted to MassHousing)*

MassHousing Application Processing Fee (\$2500) Payable to MassHousing:

\$2500.00

Chapter 40B Technical Assistance/Mediation Fee Payable to Massachusetts Housing Partnership:

a. Base Fee:

(Limited Dividend Sponsor \$2500, Non-Profit or Public Agency Sponsor \$1,000)

\$2500.00

b. Unit Fee:

(Limited Dividend Sponsor \$50 per unit, Non-Profit or Public Agency Sponsor \$30 per unit)

\$3350.00

Land Appraisal Cost

You will be required to pay for an “as-is” market value appraisal of the Site to be commissioned by MassHousing. MassHousing will contact you once a quote has been received for the cost of the appraisal.

Required Attachments Relating to Section 7

- 7.1** Narrative describing any prior correspondence and/or meetings with municipal officials
- 7.2** Evidence (such as a certified mail receipt) that a copy of the complete application package was sent to the Chief Elected Official of Municipality (may be submitted after the application is submitted to MassHousing)
- 7.3** Copy of notice of application sent to DHCD
- 7.4** Check made out to MassHousing for Processing Fee (\$2500)
- 7.5** Check made payable to Massachusetts Housing Partnership for Technical Assistance/Mediation Fee
- 7.6** W-9 (Taxpayer Identification Number)

Application Checklist

The documentation listed below must, where applicable, accompany each application. For detailed descriptions of these required documents, please see the relevant sections of the application form.

* Applications missing any of the documents indicated by an asterisk will not be processed by MassHousing until MassHousing receives the missing item(s).

- ☒ * Completed application form, and certification under pains and penalties of perjury (one (1) signed original) accompanied by one (1) electronic copy of the completed application package
- ☒ * Location Map
- ☐ Tax Map
- ☒ * Directions to the proposed Site
- ☒ * Existing Conditions Plan
- ☐ Aerial Photographs
- ☐ Site/Context Photographs
- ☒ * Documentation Regarding Site Characteristics/Constraints
- ☒ * By Right Site Plan, if applicable
- ☒ * Preliminary Site Layout Plan(s)
- ☒ * Graphic Representations of Project/Preliminary Architectural Plans
- ☒ * Narrative Description of Design Approach
- ☒ * Tabular Zoning Analysis
- ☒ Sustainable Development Principles Evaluation Assessment Form
- ☒ * Evidence of site control *(documents and any plans referenced therein)*
- ☐ Land Disposition Agreement, if applicable
- ☒ * NEF Lender Letter of Interest
- ☒ Market Sales Comparables
- ☐ Market Study, if required by MassHousing
- ☒ * Development Team Qualifications
- ☒ Applicant's Certification *(any required additional sheets)*
- ☐ Narrative describing prior contact *(if any)* with municipal officials
- ☒ * Evidence that a copy of the application package has been received by the Chief Elected Official in the municipality *(may follow after initial submission of application package, but site visit will not be scheduled nor request for municipal comments made until such evidence is received by MassHousing)*
- ☒ Copy of notification letter to DHCD
- ☒ *\$2,500 Fee payable to MassHousing *(once an appraiser has been selected by MassHousing and an appraisal fee quoted, an additional non-refundable appraisal fee will be required)*
- ☒ *Technical Assistance/Mediation Fee payable to Massachusetts Housing Partnership.

SUSTAINABLE DEVELOPMENT CRITERIA SCORECARD

Project Name: Idewell Village
Project Number: _____
Program Name: _____
Date: April, 2018

MassHousing encourages housing development that is consistent with sustainable development designs and green building practices. Prior to completing this form, please refer to the Commonwealth's Sustainable Development Principles (adopted May 2007) available at: [Sustainable Development Principles](#)

DEVELOPER SELF-ASSESSMENT

(for consistency with the Sustainable Development Principles)

Redevelop First

Check "X" below if applicable

If Rehabilitation:

- Rehabilitation/Redevelopment/Improvements to Structure ☐
- Rehabilitation/Redevelopment/Improvements to Infrastructure ☐

If New Construction:

- Contributes to revitalization of town center or neighborhood ☐
- Walkable to: ☐
 - (a) transit ☒
 - (b) downtown or village center ☒
 - (c) school ☐
 - (d) library ☐
 - (e) retail, services or employment center ☒
- Located in municipally-approved growth center ☐

Explanation (Required)

Site is approximately 1 mile from Weymouth Landing which is a retail, services and employment area served by both commuter rail and MBTA bus service.

Optional – Demonstration of Municipal Support:

- Letter of Support from the Chief Elected Official of the municipality*
- Housing development involves municipal funding
- Housing development involves land owned or donated by the municipality

Check "X" below if applicable

☐
☐
☐

**Other acceptable evidence: Zoning variance issued by ZBA for project; Minutes from Board of Selectman meeting showing that project was discussed and approved, etc.*

Explanation (Required)

Method 2: Development meets a minimum of **five (5)** of the Commonwealth's *Sustainable Development Principles*, as shown in the next section below.

If the development involves strong **municipal support** (evidence of such support must be submitted as an attachment), the development need only meet **four (4)** of the *Sustainable Development Principles*. However, one (1) of the Principles met must be **Protect Land and Ecosystems**.

Please explain at the end of each category how the development follows the relevant *Sustainable Development Principle(s)* and explain how the development demonstrates each of the checked "X" statements listed under the *Sustainable Development Principle(s)*.

(1) Concentrate Development and Mix Uses

Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.

Check "X" below if applicable

- Higher density than surrounding area
- Mixes uses or adds new uses to an existing neighborhood
- Includes multi-family housing
- Utilizes existing water/sewer infrastructure
- Compact and/or clustered so as to preserve undeveloped land
- Reuse existing sites, structures, or infrastructure
- Pedestrian friendly
- Other (discuss below)

☒
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Explanation (Required)

(2) Advance Equity & Make Efficient Decisions

Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental justice. Ensure that the interests of future generations are not compromised by today's decisions.

Promote development in accordance with smart growth and environmental stewardship.

Check "X" below if applicable

- Concerted public participation effort (beyond the minimally required public hearings) ☐
- Streamlined permitting process, such as 40B or 40R ☒
- Universal Design and/or visitability ☐
- Creates affordable housing in middle to upper income area and/or meets regional need ☒
- Creates affordable housing in high poverty area ☐
- Promotes diversity and social equity and improves the neighborhood ☐
- Includes environmental cleanup and/or neighborhood improvement in an Environmental Justice Community ☐
- Other (discuss below) ☐

Explanation (Required)

(3) Protect Land and Ecosystems

Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open spaces and recreational opportunities.

Check "X" below if applicable

- Creation or preservation of open space or passive recreational facilities ☐
- Protection of sensitive land, including prime agricultural land, critical habitats, and wetlands ☒
- Environmental remediation or clean up ☐
- Responds to state or federal mandate (e.g., clean drinking water, drainage, etc.) ☒
- Eliminates or reduces neighborhood blight ☐
- Addresses public health and safety risk ☐
- Cultural or Historic landscape/existing neighborhood enhancement ☐
- Other (discuss below) ☐

Explanation (Required)

(4) Use Natural Resources Wisely

Construct and promote developments, buildings, and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water and materials.

Check "X" below *if applicable*

- Uses alternative technologies for water and/or wastewater treatment ☐
- Uses low impact development (LID) or other innovative techniques ☐
- Other (discuss below)

Explanation (Required)

(5) Expand Housing Opportunities

Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.

Check "X" below *if applicable*

- Includes rental units, including for low/mod households ☐
- Includes homeownership units, including for low/mod households ☒
- Includes housing options for special needs and disabled population ☒
- Expands the term of affordability ☐
- Homes are near jobs, transit and other services ☒
- Other (discuss below) ☐

Explanation (Required)

(6) Provide Transportation Choice

Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives.

Check "X" below if applicable

- Walkable to public transportation ☒
- Reduces dependence on private automobiles (e.g., provides previously unavailable shared transportation, such as Zip Car or shuttle buses) ☐
- Increased bike and ped access ☒
- For rural areas, located in close proximity (i.e., approximately one mile) to a transportation corridor that provides access to employment centers, retail/commercial centers, civic or cultural destinations ☐
- Other (discuss below) ☐

Explanation (Required)

(7) Increase Job and Business Opportunities

Attract businesses and jobs to locations near housing, infrastructure, and transportation options. Promote economic development in industry clusters. Expand access to education, training and entrepreneurial opportunities. Support growth of local businesses, including sustainable natural resource-based businesses, such as agriculture, forestry, clean energy technology and fisheries.

Check "X" below if applicable

- Permanent jobs ☐
- Permanent jobs for low- or moderate-income persons ☐
- Jobs near housing, service or transit ☐
- Housing near an employment center ☒
- Expand access to education, training or entrepreneurial opportunities ☐
- Support local businesses ☐
- Support natural resource-based businesses (i.e., farming, forestry or aquaculture) ☐
- Re-uses or recycles materials from a local or regional industry's waste stream ☐
- Support manufacture of resource-efficient materials, such as recycled or low-toxicity materials ☐
- Support businesses that utilize locally produced resources such as locally harvested wood or agricultural products ☐
- Other (discuss below) ☐

Explanation (Required)

(8) Promote Clean Energy

Maximize energy efficiency and renewable energy opportunities. Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.

Check "X" below if applicable

- Energy Star or equivalent* ☒
- Uses renewable energy source, recycled and/or non-/low-toxic materials, exceeds the state energy code, is configured to optimize solar access, and/or otherwise results in waste reduction and conservation of resources ☐
- Other (discuss below) ☐

*All units are required by MassHousing to be Energy Star Efficient. Please include in your explanation a description of how the development will meet Energy Star criteria.

Explanation (Required)

(9) Plan Regionally

Support the development and implementation of local and regional, state and interstate plans that have broad public support and are consistent with these principles. Foster development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit. Consider the long term costs and benefits to the Commonwealth.

Check "X" below if applicable

- Consistent with a municipally supported regional plan ☐
- Addresses barriers identified in a Regional Analysis of Impediments to Fair Housing ☐
- Measurable public benefit beyond the applicant community ☒
- Other (discuss below) ☐

Explanation (Required)

For further information regarding 40B applications, please contact Greg Watson, Manager, Comprehensive Permit Programs, at (617) 854.1880 or gwatson@masshousing.com