



B - Special Permit Application



I – Special Permit Application



APPLICATION
 For Planning Board and Zoning Board of Appeals Approval

CITY OF SOMERVILLE
 Joseph A. Curtatone, Mayor
 Office of Strategic Planning and Community Development (OSPCD)
 City Hall . 93 Highland Avenue . Somerville, MA 02143
 617.625.6600 ext. 2500

City Clerk Stamp

Office Use: Case #	PB Date	ZBA Date	Filing Fee	Ad Fee
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Please review the application information sheet. Complete applications must be submitted to the City Clerk's Office. Failure to submit all required information is grounds for denial of the request. If this form does not provide adequate space for your response, please attach additional sheets of paper.

1. Property Information				
Street Address(es) 290 Revolution Drive		Zoning District(s) ASMD	Overlay District(s), if any PUD-A and Medical Marijuana Overlay District	Ward WARD 1
Assessor's: Map 88 Block A Lot 1		If there are multiple MBLs, enter the remainder in Section 7.		
Please indicate the name of the individual, individuals, corporation or trust that owns the property:				
Property Owner's Name CDNV Assembly, LLC c/o John Baxter & Ed Nardi Cresset Development Somerville Office Associates Limited Partnership c/o Michael M. Ades		Complete Mailing Address CDNV: 120 Water Street, Boston, MA, 02109 Somerville Office Associates Limited Partnership: 810 Seventh Ave, 10th Fl, New York City, NY 10019	Phone Number(s) CDNV: (617) 624-9100 Somerville Office Associates Limited Partnership: (212) 265-6600	Email CDNV: enardi@cressetgroup.com
Please indicate the name of the individual, individuals, corporation or trust that is applying (please note that the applicant should be the intended user or developer):				
Applicant's Name WP East Acquisitions, L.L.C. c/o Jim Lambert		Complete Mailing Address 91 Hartwell, Ave Lexington, MA 02421	Phone Number(s) (781) 541-5821	Email jim.lambert@woodpartners.com
Please indicate the contact information for any agent, engineer or architect that will represent this application who may represent the owner and/or applicant in this application review process:				
Agent's Name (if applicable) Attorney or Other Agent Nutter McClennen & Fish, LLP		Complete Mailing Address 155 Seaport Blvd Boston, MA 02210	Phone Number(s) 617-439-2000	Email jward@nutter.com
Architect's Name (if applicable) The Architectural Team, Inc. (TAT)		Complete Mailing Address 50 Commandant's Way at Admiral Hill Chelsea, MA 02150	Phone Number(s) (617) 889-4402	Email gmutz@architecturalteam.com
Engineer's Name (if applicable) Vanasse Hangen Brustlin, Inc.		Complete Mailing Address 101 Walnut Street Watertown, MA 02471	Phone Number(s) (617) 924-1770	Email dhorsman@vhb.com

2. Submission Type	
Check all that apply.	
<input type="checkbox"/>	Variance
<input type="checkbox"/>	Special Permit (SP)
<input type="checkbox"/>	Special Permit with Design Review (SPD)
<input checked="" type="checkbox"/>	Special Permit with Site Plan Review (SPSR)
<input type="checkbox"/>	Planned Unit Development (PUD) – Preliminary Master Plan Submission (PMP) / Special Permit with Site Plan Review (SPSR)
<input type="checkbox"/>	Subdivision or other Site Plan Approval
<input type="checkbox"/>	Comprehensive Permit under MGL Chapter 40B – Inclusionary Housing Development (follow SPSR submission and contact the Housing Director at 617.625.6600 ext. 2560)
<input type="checkbox"/>	Revision to Special Permit (only if certificate of occupancy or final sign-off is not yet received)
<input type="checkbox"/>	Administrative Appeal
<input type="checkbox"/>	Extension of Approval

Office of Strategic Planning and Community Development
 City Hall 3rd Floor . 93 Highland Ave . Somerville, MA 02143
 617.625.6600 ext. 2500
 M-W 8:30am-4:30pm, Th 8:30am-7:30pm, F 8:30am-12:30pm

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3. Required Signatures		
NOTE: NO APPLICATION SHALL BE ACCEPTED AS COMPLETE WITHOUT THE REQUIRED SIGNATURES		
Owner Signature (if the project site has more than one owner, please supply additional copies of this page if necessary):		
As Owner, I make the following representations:		
<ol style="list-style-type: none"> 1) I hereby certify that I am the owner of the property at _____ 2) I hereby certify that the applicant named on this application form has been authorized by me to apply to develop and/or use the property listed above for the purposes indicated in this application 3) I hereby certify that the agent, engineer and/or architect listed on this application form have been authorized to represent this application before the Planning Staff, the Planning Board and/or the Zoning Board of Appeals. 4) I will permit Planning Staff to conduct site visits on my property. 5) Should the ownership of this parcel change before the board(s) have acted on this application, I will provide updated information and new copies of this signature page. 		
<div style="display: flex; align-items: center;"> (sign here) </div>		
This property is owned by (check one):		
<input type="checkbox"/>	An individual	<ul style="list-style-type: none"> attach deed application to be signed by owner
<input type="checkbox"/>	More than one individual, or a partnership	<ul style="list-style-type: none"> attach deed application to be signed by all owners
<input checked="" type="checkbox"/>	A corporation or LLC	<ul style="list-style-type: none"> attach deed and corporate articles of organization application to be signed by an officer authorized to do so by the corporation
<input type="checkbox"/>	A trust	<ul style="list-style-type: none"> attach deed and certificate of trust application to be signed by authorized trustee
Applicant Signature (if the applicant is the owner, the owner should also sign below):		
As Applicant, I make the following representations:		
<ol style="list-style-type: none"> 1.) The information supplied on and with this application form is accurate to the best of my knowledge. 2.) If the current use of the property is a nonconforming use, I will furnish proof to the satisfaction of the SPGA that the nonconforming use is legal. 3.) I will make no changes to the approved project plans without the prior approval of the SPGA. 4.) If the proposed project is subject to linkage (SZO Article 15), I will sign all documents required by the Planning Staff/SPGA governing the amount and the method of payment of the linkage fee. 5.) I will return the notice sign or pay for its replacement. 6.) I will pay the fees associated with advertising the case in the newspaper and mailing notices to abutters. 7.) I hereby certify that the agent, engineer and/or architect listed on this application form have been authorized by me to represent me before the Planning Staff, the Planning Board and/or the Zoning Board of Appeals as it relates to the development and/or use of this property. 		
<div style="display: flex; align-items: center;"> (sign here) </div>		
Indicate applicants relationship to owner: Contracted Buyer of 1.7 acres of vacant land.		
This applicant is (check one):		
<input type="checkbox"/>	An individual	<ul style="list-style-type: none"> application to be signed by applicant
<input type="checkbox"/>	More than one individual, or a partnership	<ul style="list-style-type: none"> application to be signed by all applicants
<input checked="" type="checkbox"/>	A corporation or LLC	<ul style="list-style-type: none"> application to be signed by an officer authorized to do so by the corporation attach corporate articles of organization
<input type="checkbox"/>	A trust	<ul style="list-style-type: none"> application to be signed by authorized trustee attach certificate of trust

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(sign here)		
This property is owned by (check one):		
<input type="checkbox"/>	An individual	<ul style="list-style-type: none"> • attach deed • application to be signed by owner
<input checked="" type="checkbox"/>	More than one individual, or a partnership	<ul style="list-style-type: none"> • attach deed • application to be signed by all owners
<input type="checkbox"/>	A corporation or LLC	<ul style="list-style-type: none"> • attach deed and corporate articles of organization • application to be signed by an officer authorized to do so by the corporation
<input type="checkbox"/>	A trust	<ul style="list-style-type: none"> • attach deed and certificate of trust • application to be signed by authorized trustee
Applicant Signature (if the applicant is the owner, the owner should also sign below):		
As Applicant, I make the following representations:		
1.) The information supplied on and with this application form is accurate to the best of my knowledge. 2.) If the current use of the property is a nonconforming use, I will furnish proof to the satisfaction of the SPGA that the nonconforming use is legal. 3.) I will make no changes to the approved project plans without the prior approval of the SPGA. 4.) If the proposed project is subject to linkage (SZO Article 15), I will sign all documents required by the Planning Staff/SPGA governing the amount and the method of payment of the linkage fee. 5.) I will return the notice sign or pay for its replacement. 6.) I will pay the fees associated with advertising the case in the newspaper and mailing notices to abutters. 7.) I hereby certify that the agent, engineer and/or architect listed on this application form have been authorized by me to represent me before the Planning Staff, the Planning Board and/or the Zoning Board of Appeals as it relates to the development and/or use of this property.		
(sign here) _____		
Indicate applicants relationship to owner: Contracted Buyer of 1.7 acres of vacant land.		
This applicant is (check one):		
<input type="checkbox"/>	An individual	<ul style="list-style-type: none"> • application to be signed by applicant
<input type="checkbox"/>	More than one individual, or a partnership	<ul style="list-style-type: none"> • application to be signed by all applicants
<input checked="" type="checkbox"/>	A corporation or LLC	<ul style="list-style-type: none"> • application to be signed by an officer authorized to do so by the corporation • attach corporate articles of organization
<input type="checkbox"/>	A trust	<ul style="list-style-type: none"> • application to be signed by authorized trustee • attach certificate of trust

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4. Applicable Section(s) of Zoning Ordinance and Prior Zoning Approvals
You may refer to the Inspectional Services Denial Letter for the section of the Zoning Ordinance cited.
Applicable Sections of Zoning Ordinance: 16.8.1, 16.8.2. No Prior zoning approvals.
5. Met with Planning Department Staff to review application requirements.
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, date Met with Planning Department on February 20, 2018
6. Met with Engineering Department Staff to review application requirements.
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, date Met with Engineering Department on February 20, 2018
7. Existing Conditions Description
Briefly describe existing structure(s) and/or use(s). Include number of employees, occupants and hours of operation, if applicable.
The Project is located in Lots 88-A-1 and 99-A-15. The Project Site is located in the Assembly Square Mixed-Use District on an approximately 1.7 acre lot bounded by Road K to the west, Road L to the north, Grand Union Boulevard to the east, and Revolution Drive to the south. The majority of the existing site is covered in surface parking.
8. Proposal Description
A. Briefly describe any changes in the structure(s) and/or use(s). Include whom the project is intended to serve, expected number of employees, and/or occupants and hours of operation, if applicable. In the CCD or TOD districts also include the square footage that will be allocated to each use cluster and associated parking.
The proponent proposes to redevelop approximately 1.7 acres of land in the Assembly Square area as part of the transit oriented, mixed-use development 9.4 acre development known as XMBLY. The proposed residential building on Alta XMBLY intends to provide 199 parking spaces, 111 bicycle parking spaces, have 424 tenants. The first-floor retail/restaurant use tenant is unknown at this time.
B. Explain any green building practices that you are using. Please consult the Environmental Protection Agency's Residential Green Building Guide for ideas (www.epa.gov/ne/greenbuildings).
The Applicant and Project design team are committed to an integrated, sustainable design approach. The Project incorporates low impact development and green building designs. See attached Utility Analysis and Project Description of the PUD-PMP.
C. Is the proposal for a multi-family residence of three or more units, or for a place of public accommodation? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, submit an Accessibility Narrative listed under Checklist of Required Information.
D. Are you demolishing a commercial structure or moving soil? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
E. Identify and list any 21E reports and other environmental assessments, analysis, clean-up studies, enforcement actions and any other environmental documentation that is available for the property, including documentation on underground storage tanks. Attach copies of all identified documents. Failure to identify and attach these documents, if applicable, will result in an application being deemed incomplete.
Please refer to Section B-III Environmental Report Inventory for a Summary of Environmental Response Actions.
If you discover an underground storage tank you must call the Somerville Fire Department immediately.

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9. Zoning Data						
Refer to the SZO § 2.2 Definitions and SZO § 8 Dimensional Requirements for more information.						
Data	Existing	Proposed	Allowed	Existing or Permitted Nonconformity	New Violation	SZO Section Cited
	Fill in both columns: numbers must match those on plans and other attached documentation.		Office Use			
A. Use	Surface Parking Lot	Residential Retail/Restaurant,				
B. # of Dwelling Units*	N/A units	329 units				
C. Lot Area	71,935 SF± (1.7± acres) square feet	71,935 SF± (1.7± acres) square feet				
D. Lot Area ÷ # of Dwelling Units	N/A sf per du	219 sf per du				
E. Gross Floor Area of Footprints of All Buildings	N/A square feet	62,921 +/- square feet				
F. Ground Coverage (E. ÷ C.)	N/A %	87.5 %				
G. Landscaped Area (landscaped area ÷ C.)	21.7 %	3.66 %				
H. Pervious Area (pervious area ÷ C.)	21.7 %	18.3 %				
I. Net Floor Area** / *** (sum of all usable square feet)	N/A square feet	285,001* square feet				
J. Floor Area Ratio (FAR) (I. ÷ C.)	N/A	3.96				
K. Building Height	N/A feet	84'-11" feet				
L. Front Yard Setback	0 feet	3.08 feet				
M. Rear Yard Setback	N/A feet	5.33 feet				
N. Side Yard Setback (left when you face property)	N/A feet	3.00 feet				
O. Side Yard Setback (right when you face property)	N/A feet	0.35 feet				
P. Street Frontage	N/A feet	287 feet				
Q. # of Parking Spaces	374	197				
R. # of Bicycle Parking Spaces	0	112**				
S. # of Loading Spaces	N/A	1				
* 8 or more dwelling units - determine if Inclusionary Housing, Article 13, applies ** In CCD and TOD use GROSS floor area *** 30,000+ square feet - determine if Linkage, Article 15, applies						

* Net Floor Area excludes the parking garage area

** 111 bicycle parking spaces are designated for residential tenants within the garage. Retail/restaurant use will accommodate bike parking with bike racks on adjacent sidewalk.

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10. Checklist of Required Information								
<p>This checklist will help you determine what you need to submit with this application form. Find the column for your submission type. The rows contain the number of copies of each item that you must submit and "Y" indicates include one copy. For each item check the column 'included' if you are submitting it or the 'Waiver Requested' column for items that are not applicable to your proposal. Planning Staff may contact you to submit items for which you are requesting a waiver. If your application includes more than one type, submit the greatest number of copies listed. Please submit plans and other documentation electronically on a CD, flash drive or via email in addition to hard copies noted below.</p> <p>Checklist key: # = # of copies Y = include 1 copy I/A = if applicable include 1 copy N/A = not applicable SPSR-A = SPSR in Assembly Sq. Mixed-Use District TOD = Transit Oriented District CCD = Corridor Commercial District †† = within 500 feet of property</p>								
	Variance	SP / SPD	SPSR	PUD PMP	Subdivision	Revision to SP	Included	Waiver Requested
Application Form & Supplemental Questions	3	3	3	3	3	3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Denial Letter from Inspectional Services Division – if you received one	I/A	I/A	I/A	N/A	N/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Recorded Deed(s) to all properties involved in the project	1	1	1	N/A	1	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fees for Filing, Advertising & Abutter List. See fee schedule on application information sheet. Submit 3 separate checks or money orders payable to the City of Somerville or cash.	Y	Y	Y	Y	Y	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Abutter List from neighboring municipality if your property is less than 300' from the Somerville boundary. Obtain list from neighboring municipality of the property owners' names and addresses that are within 300' of your property.	I/A	I/A	I/A	I/A	I/A	I/A	<input type="checkbox"/>	<input type="checkbox"/>
Site Plans ➤ See appropriate Site Plan Review Checklists: (located in forms library under Planning and Zoning and Engineering): <ul style="list-style-type: none"> alterations with no change in footprint & no site work alterations with no change in footprint & site work residential additions or structures with <250 sf footprint residential additions or structures with >250 sf footprint and all commercial additions or structures ➤ If substantially altering a nonconforming structure, indicate the location of where the existing nonconformity will be maintained.	3	3	3	3	3	3		
	3 hard copies at initial filing, 8-10 copies at final filing							
Elevations front, side and rear of building(s) and signage with vertical height - measure from either lowest point between building and lot line, or 15' from building, to the highest point of roof beam, deck line of a mansard roof or average height between the plate and ridge of a gable, hip or gambrel roof – and description of proposed materials and colors. Include proposed mechanical and electrical system components, exhaust / ventilation systems, transformers, and satellite dishes and method of screening	3	3	3	N/A	N/A	3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	3 hard copies at initial filing, 8-10 copies at final filing							
Conceptual Floor Plans with square footage and # of units	Y	Y	Y	N/A	N/A	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Neighborhood Context Map showing the neighborhood in which the tract lies and any impacts upon the area (scale no less than 1"=100')	N/A	Wire-less only ††	SPS R-A only	Y	Y	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Photographs showing the development site and surrounding parcels	Y	Y	Y	Y	Y	Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Traffic/Parking Analysis	3	3	3	3	3	N/A		
Traffic Study (if less than 25,000 square feet) estimate peak hour traffic volumes generated by proposed use, relation to existing volumes and projected future conditions	N/A	I/A	I/A, Y in TOD	I/A	I/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Impact Analysis (if 25,000 square feet or more) prepared by a professional traffic engineer who is registered with the Commonwealth of Massachusetts as a professional engineer in either traffic or transportation engineering, or any individual who has been certified by the Transportation Professional Certification Board, Inc. as a Professional Traffic Operations Engineer (PTOE). No other professional registration or qualification shall substitute for this requirement	N/A	I/A	I/A, Y in TOD	I/A	I/A	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transportation Demand Management Plan	N/A	N/A	SPS R-A & TOD only	I/A	I/A	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parking Optimization Plan	N/A	N/A	TOD only	I/A	I/A	N/A	<input type="checkbox"/>	<input type="checkbox"/>

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(Checklist of Required Information Continued)	Variance	SP / SPD	SPSR	PUD PMP	Subdivision	Revision to SP	Included	Waiver Requested
Checklist key: # = # of copies Y = include 1 copy I/A = if applicable include 1 copy N/A = not applicable SPSR-A = SPSR in Assembly Sq. Mixed-Use District TOD = Transit Oriented District CCD = Corridor Commercial District †† = within 500 feet of property								
Building Shadow Analysis	I/A, Y in CCD/ TOD	I/A, Y in CCD/ TOD	Y	Y	I/A	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Accessibility Narrative For multi-family residences of three or more units, and for places of public accommodation: describe the major accessibility requirements, if any, for the proposed project under federal or state law(s), as well as the applicant's strategies for meeting those requirements. If your project is exempt from any accessibility requirements due to scoping parameters in the applicable standard(s), be sure to explain how and why. Please consult the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), the regulations of the Massachusetts Architectural Access Board (MAAB), and other accessibility standards as necessary. This narrative may take the form of a brief memo, prepared by a licensed architect or code consultant.	I/A	I/A	I/A	I/A	I/A	I/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Housing Projects including 4 or more Units Explain measures taken to provide for, protect, or increase the affordability of housing units within the proposed structure; the degree of such affordability to households of low or moderate income, as defined by HUD; and the duration of legal assurances of such affordability.	I/A	I/A	I/A	I/A	I/A	I/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LEED Worksheet (if greater than 10,000 square feet)	N/A	N/A	SPS R-A & TOD only	N/A	N/A	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Conceptual 3-D Model of the Master Plan at 20 scale or alternate scale acceptable to the SPGA. In CCD and TOD include abutting properties.	I/A	I/A	SPS R-A, CCD & TOD only	I/A	I/A	I/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rendering or Computer-Simulated Photograph (from at least 2 prominent locations along the surrounding rights-of-way)	N/A	Wire- less only	N/A	N/A	N/A	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11-17. Supplemental Questions
Answer the supplemental questions for the permit you are seeking.

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Electronic version available:
<http://www.somervillema.gov>
 Forms Library

Supplemental Questions for:

Special Permits (SP) • Special Permits with Design Review (SPD) • Special Permits with Site Plan Review (SPSR)

12. SP, SPD, & SPSR Supporting Statements
Address each of the following items. Attach to application form.
A. Explain if and how the proposal is compatible with the characteristics of the built and unbuilt surrounding area and land uses.
<p>As part of a mixed-use development that includes retail opportunities and entertainment to attract visitors and create a lively pedestrian friendly destination, the Project is compatible with the proposed plans for the Assembly Square District and the approved PUD-PMP.</p>
B. Explain any impacts that the proposed use, structure, or activity will have on the surrounding area from noise, light, glare, dust, smoke, or vibration.
<p>The Project will not create adverse impacts and will be consistent with the construction of a typical residential building. Any impacts will be minimized to the maximum extent practicable.</p>
C. Explain any impacts that the proposed use, structure, or activity will have on the surrounding area from emission or noxious or hazardous materials.
<p>The Project will incorporate reasonable and feasible emission mitigation measures (physical and/or operational).</p>
D. Explain any impacts that the proposed use, structure, or activity will have on the surrounding area from pollution of waterways or ground water.
<p>The Project will not create adverse impacts and will incorporate all required pollution prevention measures (physical and operational) for discharges to waterways.</p>
E. Explain the impact on the public systems: sanitary sewer system, storm drainage system, public water supply, and recreational system. Document the status of Department of Environmental Management and/or other sewage permits.
<p>The Project will not create adverse impacts to the public systems. The Project will create additional circulation throughout the Assembly Square mixed-used district by proposing new utilities within Proposed Road K and Road L. The site is well serviced by built utilities and recent utility upgrades in the area surrounding the Project Site. Proposed improvements to the storm drainage system are discussed in the attached Stormwater Management Supplemental Memo.</p>
F. Give a general summary of existing and proposed easements or other burdens now existing or to be placed on the property.
<p>The locations of all existing and proposed easements are shown in the plan set on the Existing Conditions Plans of Land and the Layout and Materials plans. Required private utility easements will be coordinated with the corresponding private utility company when final alignments are confirmed and are not shown on the plan at this time. Required access and other easements will be granted under a recorded declaration of covenants and restrictions.</p>
G. See SZO § 5.1.5 Design Guidelines for Business Zones and/or Design Guidelines for Residence Zones. Explain any discrepancies between your proposal and the Design Guidelines. (SP applicants are exempt.)
<p>The Project is consistent with SZO Section 16.7 PUD Design Guidelines per Master Plan PUD Guidelines.</p>

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H. Explain any impacts that the proposed use, structure, or activity will have on the surrounding area from the transmission of signals that interfere with radio or television transmission.
<p>No material transmission of signals are proposed for the Project.</p>
I. Explain any changes to the vehicular and pedestrian circulation patterns.
<p>All vehicular and pedestrian circulation patterns have been improved and/or coordinated within the Project. No new traffic impacts are anticipated from the Project. Traffic patterns will remain consistent with the approved PUD Preliminary Master Plan (PUD PMP). See attached Transportation Narrative.</p>
The remaining items under question 10 only relate to SP, SPD, or SPSR for new construction and/or demolition.
J. Explain any measures taken to preserve and protect natural resources (such as wetlands, steep slopes, floodplains, hilltops, vegetation, sun and wind exposure). If there is any wetland, pond or surface water body on the subject property, as defined under Wetlands Protection Act, MGL Chapter 131, Sec. 40, explain the project's wetland permitting status and plans for protection of these features.
<p>The subject property does not contain any wetlands resources subject to the Wetlands Protection Act.</p>
K. Explain the demolition and construction procedures including movement of soil, impact mitigation measures, and an estimate of the time period required for completion of the development. Please consult the Mass Department of Environmental Protection's regulations (www.mass.gov/dep/).
<p>The Project completion date is estimated to be late 2021. The movement of soil will be minimized to the maximum extent practicable and will meet all applicable state and local standards.</p>
L. Explain proposed method for solid waste disposal (how waste will be collected and stored, who will be responsible for pick-up and maintenance, recycling efforts, etc.) and for screening of disposal facilities.
<p>A trash chute is provided in a separate room located on each residential floor where residents will dispose of their trash and recycling. A central trash and recycling room is located on the ground floor of the building along Road L. Solid waste disposal will be handled by private contractors and pickups will be scheduled accordingly. Retail tenants will have access to the trash and recycling room.</p>
M. Identify any historic sites or structures on the project site, or on neighboring properties, and explain any measures to protect historic features. Note that structures over 50 years old may require Historic Preservation Commission review before demolition or substantial alteration occurs.
<p>A review of the Massachusetts Historical Commission's ("MHC") Inventory of the Historic and Archaeological Assets of the Commonwealth, available through the Massachusetts Cultural Resource Information System ("MACRIS"), indicated one previously inventoried property located in the Project area. A 1927 service station (SMV.1003) was recorded in 1990 along Middlesex Avenue, but has since been demolished. The property was recorded as part of the Assembly Square Area (SMV.I); in 2002 the MHC opined that the area did not retain enough integrity to be eligible for the National Register, and the area has recently been redeveloped.</p>



II – Requested Waivers

Requested Waivers

The following are the items that zoning relief is sought for:

1. **Section 5.2.3.3.d at-grade parking and loading areas showing number, location, and dimensions of the parking and loading spaces, driveways, access, and sidewalks.**

A waiver is requested for relief for the Alta XMBLY (the "Project") for the primary loading area. The required dimensions for a loading area is 12'x20'. The Project is proposing to utilize two time-restricted loading spaces that are only 8'x20' and 8'x22'. The loading spaces will be located in line with the 8' wide parallel street parking spaces along Road K on the western side of Alta XMBLY and will function as parking spaces during off-loading hours. The loading spaces are located adjacent to Alta XMBLY South Lobby and move-in entrances.

2. **Section 6.4.7.A.2 Parking Requirements. Developments shall meet the parking requirements set forth in Section 9.16.**

A waiver is requested for relief for the Project for providing the required number of parking spaces. The Project proposes to only provide parking within the structured parking garage for its residential use only. The retail and restaurant parking spaces will be provided by the on-street parking along Road K.

Section 9.16 requires the Project to provide 342 total parking spaces within Alta XMBLY, and the Project is proposing 200 parking spaces which equates to a parking to unit ratio of 0.61. The proposed ratio consistent with residential parking trends in the area and encourages alternative means of transportation of the future residents.

3. **Section 6.4.8.B Model. A conceptual three-dimensional scale model of the Master Plan at 20 scale or alternative scale acceptable to the SPGA or its designee. If the proposed development in its entirety consists of no more than one building, the SPGA or its designee has the option of waiving this requirement.**

A waiver is requested for relief for the Project for the conceptual 3-D scale model. The proposed building at Alta XMBLY is consistent with the previously approved PUD Preliminary Master Plan.

4. **Section 13.3.5 Disposition and SPGA Right of First Refusal/Option to Purchase**

The Applicant is seeking a waiver of any right of first refusal or option to purchase the Planning Board might have under Section 13.3.5 of the Zoning Ordinance, or otherwise, in connection with the Project. The Applicant requests that the Planning Board's approval of the Project's Special Permit with Site Plan Review also approve such waiver and that the Planning Board, upon such approval, execute the Waiver of Right of First Refusal.



III – 21E/MCP Reports

MEMORANDUM

Date: February 15, 2018

Subject: Summary of Environmental Due Diligence & Site Investigation Results

Site: 9.11-Acre Property known as 5 Middlesex Avenue, Somerville, Massachusetts 02145

Environmental Assessments for the Property

The following summary of environmental assessments and findings were identified for the property:

March 16, 2017 – Phase I Environmental Site Assessment and Phase II Environmental Site Assessment

This ASTM 1527-13 compliant Phase I ESA was performed by CRB for Cresset Group, Boston, MA. Environmental concerns identified through the Phase I were further investigated through a Phase II subsurface site assessment. The assessment identified the conditions and findings listed below.

Summary of Regulatory Records / Database Review

- The Site was not listed in regulatory files and no enforcement actions or agency investigations were identified.
- Nearby regulated sites were evaluated and no impacts or likely impacts to the Site were identified. Nearby sites listed in regulatory databases where subsurface contamination was identified included 50 Middlesex Avenue, 43 Foley Street, and 75 Mystic Avenue.

Recognized Environmental Conditions (RECs)

- Historic Underground Storage Tanks – Numerous unregistered fuel oil USTs were identified through historic fire insurance maps. No closure records were available. Previous site investigation reports by others included geophysical survey, and subsurface sampling for soil and groundwater did not identify any tanks or contamination. The former USTs were further assessed by CRB through a Phase II ESA and no soil or groundwater contamination was identified. No further investigation was warranted.
- Historic Industrial and Commercial Use of the Site – The property was originally developed in the early part of the 20th century as a food/grocery warehouse. The potential for undocumented releases of oil and hazardous materials was considered to be a REC. This REC was further investigated through a Phase II ESA and no subsurface impacts were identified that required additional assessment.

Other Conditions

- Background Urban Soil – Microscopic analysis performed by others documented urban fill with coal and wood in soil typical for metropolitan Boston. Excavated areas of urban fill require segregation for characterization and disposal.
- Non-ASTM environmental conditions – Asbestos containing building materials and storage of maintenance chemicals and lubricants were identified in the Phase I.

Summary of Phase II ESA Findings

- CRB performed a Phase II subsurface investigation During February 2017 consisting of six (6) direct-push soil borings advanced to a depth of twelve (12) feet, three (3) monitoring wells for groundwater analysis, and six (6) high resolution soil gas samples. None of the sampling results were identified as indicative on on-site contamination above regulated standards or an on-site source release. The Phase

II results corroborated the findings of previous investigations by others that did not identify any subsurface impacts.

- Soils – The Phase II results did not detect any pesticides, herbicides or PCBs. No volatile organic compounds (VOCs) were detected except for toluene and xylenes at low concentrations below RCS. Evenly distributed low concentrations of typical background semi-volatile organic compounds and metals were measured and were attributed to urban fill conditions. No soil standards were exceeded that would require special handling for disposal.
- Groundwater - Concentrations of metals were detected and all three water samples, including lead above RCGW-2 standards that was attributed to soil particulate loading. The only VOC detected was a low concentration of acetone, which was attributed to laboratory cross contamination. No pesticides or herbicides were detected. Low concentrations of semi-volatile compounds and petroleum hydrocarbons were detected that were attributed to typical urban background conditions. Arochlor 1260 was detected at a low concentration equivalent to the RCGW-2 standard in one water sample, but was not attributed to any source.
- Soil Gas – Passive soil gas samples were collected to identify VOCs over a larger area. Only tetrachloroethene (PCE) was identified in three (3) soil gas samples generally in the southeast area of the Site. The soil gas concentrations were not comparable to regulated concentrations. When evaluated in conjunction with soil and groundwater results, the low mass soil gas detections were not indicative of on-site soil or groundwater contamination.

Previous Environmental Reports by Others

- 2008 - EBI Consulting. Phase I Environmental Site Assessment. The 2008 Phase I ESA identified one REC due to multiple fuel oil underground storage tanks (USTs) present at the Site on historical Sanborn Fire Insurance maps. The tanks were not listed as registered tanks and no closure records were identified. Additional assessment of former USTs was recommended through subsurface sampling and a geophysical survey.
- 2009 - Cushing, Jammallo & Wheeler, Inc. Geophysical Survey and Subsurface Investigation. The objective of the 2009 geophysical survey and subsurface investigation was to determine if there were any components of the former USTs remaining in place and whether there was any soil and groundwater contamination present in these areas. The conclusions of the investigation were that no USTs or components of the former UST system were identified and that no soil or groundwater contamination was present.



IV – Recorded Deeds

TWENTY-FIFTH SOMERVILLE OFFICE TRUST

Trustee's Certificate

BOTH WAYS

The Undersigned, being the only trustees of Twenty-Fifth Somerville Office Trust u/d/t dated June 19, 1984 and recorded with the Middlesex (South) County Registry of Deeds at Book 15637, Page 15 and filed with the Middlesex (South) County Registry District of the Land Court as Document No. 662454 on Certificate of Title No. 170946 (the "Trust"), hereby certifies as follows:

1. That they are the only Trustees of the Trust;
2. That said Declaration of Trust is in full force and effect and has not been amended, modified or revoked; and
3. That the Schedule of Beneficial Interests dated June 19, 1984, a copy of which has been delivered to IDS Life Insurance Company, has not, as of the date hereof, been amended, modified or revoked and is in full force and effect.
4. That the execution of the Deed from Jay Furman and Michael Ades, as Trustee of the Trust to Somerville Office Associates Limited Partnership, a New York limited partnership, whose address is 810 Seventh Avenue, 28th Floor, New York, New York 10019, with respect to the premises located in Somerville, County of Middlesex, Massachusetts, has been duly authorized and directed by all the beneficiaries under said Declaration of Trust.
5. That the undersigned Trustees acknowledge that notwithstanding that record title to the Assembly Square Office Building is in the name of the Trust, Somerville Office Associates Limited Partnership has been authorized by the Trustees to enter into any lease agreements which it deems appropriate. Further, the Trustees acknowledge and approve and join to the extent as if the Trustees' signatures were originally affixed to the Subordination Non-Disturbance and Attornment Agreements as described on Schedule A attached hereto and made a part hereof.

EXECUTED AS A SEALED INSTRUMENT AS OF THIS 28 DAY OF SEPTEMBER, 1995.

TWENTY-FIFTH SOMERVILLE
OFFICE TRUST

By: 

Michael Ades

By: 

Jay Furman

STATE OF NEW YORK)
) ss.:
 COUNTY OF NEW YORK)

September 28, 1995

Then personally appeared the above-named Michael Ades, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed in his capacity as said Trustee and the free act and deed of said Trust, before me.

Corinne Becker

Notary Public
 My Commission Expires:

CORINNE PECKER
 Notary Public, State of New York
 No. 31-4702263
 Qualified in New York County
 Commission Expires January 31, 1996

STATE OF NEW YORK)
) ss.:
 COUNTY OF NEW YORK)

September 28, 1995

Then personally appeared the above-named Jay Furman, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed in his capacity as said Trustee and the free act and deed of said Trust, before me.

Corinne Becker

Notary Public
 My Commission Expires:

CORINNE PECKER
 Notary Public, State of New York
 No. 31-4702263
 Qualified in New York County
 Commission Expires January 31, 1996

DEED

Jay Furman and Michael Ades, Trustees of Twenty-Fifth Somerville Office Trust under Declaration of Trust dated June 19, 1984 and recorded with the Middlesex South District Registry of Deeds in Book 15637, Page 15 and filed with the Middlesex South Registry District of the Land Court as Document No. 662454, for consideration of Ten Dollars (\$10.00) grant to Somerville Office Associates Limited Partnership, a Massachusetts limited partnership, with an address of 810 Seventh Avenue, 28th Floor, New York, New York 10015 with QUITCLAIM COVENANTS four certain parcels of registered and unregistered land with the buildings, facilities and improvements now and hereafter thereon situated at 5-21 Middlesex Avenue, Somerville, Middlesex County, Massachusetts, said parcels being designated as PARCEL 1, PARCEL 2, PARCEL 3 and PARCEL 4 and are more particularly described as follows:

PARCEL 1 (Registered)

A certain parcel of registered land situated on the southerly side of Foley Street, the easterly side of Middlesex Avenue and the northeasterly side of Mystic Avenue in said Somerville, the same being shown as "Lot 17" on a plan entitled, "Subdivision Plan of Land in Somerville, MA. Being a Subdivision of Lot 4 on Land Court Plan 11592G", dated July 26, 1995, filed in the Land Registration Office in Boston, and prepared by Allen & Major (the "Plan"), bounded and described as follows: BK 1147 P. 3

NORTHERLY by Lot 10 shown on Land Court Plan No. 11592G by three lines respectively measuring, 32.98 feet (being a curved line with a radius of 21.00 feet), 309.38 feet and 4.99 feet (being a curved line with a radius of 44.00 feet);

NORTHEASTERLY by land now or formerly of Twenty-Fifth Somerville Office Trust, by five lines respectively measuring, 204.93 feet, 94.46 feet (being a curved line with a radius of 1637.28 feet), 208.46 feet, 72.24 feet (being a curved line with a radius of 583.69 feet), 108.73 feet;

SOUTHEASTERLY by New Road, 254.92 feet;

SOUTHWESTERLY by land now or formerly of Twenty-Fifth Somerville Office Trust, 90.26 feet;

SOUTHEASTERLY by the same, 163.60 feet;

NORTHEASTERLY by the same, 90.26 feet;

SOUTHEASTERLY by New Road, 108.85 feet;

LAND COURT, BOSTON, The land herein described will be shown on our approved plan to follow as

SEP 25 1995 BK 1147 P. 3
Plan 11592^K Lot 17
(EXAMINED AS TO DESCRIPTION ONLY)
Louis A. Moore, Engineer LAM

SOUTHERLY by Lot 11 shown on Land Court Plan No. 11592G, 33.43 feet (being a curved line with a radius of 21.96 feet;

SOUTHWESTERLY by Mystic Avenue, 249.11 feet; and

WESTERLY by Middlesex Avenue, 683.10 feet.

For title to PARCEL 1, see Certificate of Title No. 170946 on file in the Middlesex South Registry District of the Land Court in Registration Book 984, Page 196.

PARCEL 2 (Unregistered)

A certain parcel of unregistered land situated on the southerly side of Foley Street in said Somerville and northeasterly of PARCEL 1 hereinabove described, the same being shown as "Lot 5A" on a plan entitled, "Subdivision Plan of Land located in Somerville, Ma. L.C.C. 11592A & L.C.C. 16657A", dated March 11, 1980, revised March 27, 1980, by Yale Survey, Inc., recorded with the Middlesex South District Registry of Deeds with the deed at Book 13555, Page 539 (the "Plan"), bounded and described according to the Plan as follows:

NORTHEASTERLY by land now or formerly of Boston & Maine Corp., by four lines respectively measuring, 63.52 feet, 218.76 feet, 208.29 feet and 120.45 feet;

SOUTHEASTERLY by Lot 5B as shown on the Plan, 12.77 feet; and

SOUTHWESTERLY by Lot 4 as shown on the Plan, by five lines respectively measuring, 128.60 feet, 94.46 feet (being a curved line with a radius of 1637.28 feet), 208.46 feet, 72.24 feet (being a curved line with a radius of 583.69 feet) and 108.73 feet.

For title to PARCEL 2, see deed recorded with said Deeds in Book 13555, Page 539.

PARCEL 3 (Unregistered)

A certain parcel of unregistered land situated southerly of Foley Street and northerly of Mystic Avenue in said Somerville, the same being shown as "Lot 4A" on the Plan, bounded and described according to the Plan, as follows:

SOUTHEASTERLY by Lot 4B as shown on the Plan, 163.60 feet;

SOUTHWESTERLY by Lot 4 as shown on the Plan, 90.26 feet;

NORTHWESTERLY by the same, 163.60 feet; and

NORTHEASTERLY by the same, 90.26 feet.

For title to PARCEL 3, see deed recorded with said Deeds in Book 13555, Page 539.

PARCEL 4 (Unregistered)

A parcel of land in Somerville, Middlesex County, Massachusetts lying on the Westerly side of Assembly Square Drive being shown as Parcel 3 on "Plan of Land in Somerville, MA. prepared for the City of Somerville, Scale 1"=40', December 21, 1984, Vanasse/Hangen Engineering, Inc., Consulting Engineers and Planners, 60 Birmingham Parkway, Boston, Massachusetts", which plan is recorded with said Deeds at Book 17303, Page 115, being bounded and described as follows:

Beginning at a point on the Westerly side of Assembly Square Drive at its intersection with Foley Street; Thence along the Westerly sideline of Assembly Square Drive a curved line to the right having a radius of 44.00 feet a distance of 46.19 feet;

Thence along the Westerly sideline of Assembly Square Drive South $35^{\circ} 20' 07''$ East 626.17 feet;

Thence by a curved line to the right having a radius of 24.25 feet a distance of 21.34 feet;

Thence at land now or formerly of Assembly Square Trust North $42^{\circ} 18' 59''$ West 120.44 feet;

Thence at land now or formerly of Assembly Square Trust North $35^{\circ} 00' 00''$ West 208.29 feet;

Thence at land now or formerly of Assembly Square Trust North $33^{\circ} 29' 01''$ West 218.76 feet;

Thence at land now or formerly of Assembly Square Trust North $45^{\circ} 27' 54''$ West 63.53 feet;

Thence at land now or formerly of Assembly Square Trust North $31^{\circ} 41' 51''$ West 76.33 feet to the point of beginning.

INWITNESS WHEREOF, the said Twenty-Fifth Somerville Office Trust has caused these presents to be signed, acknowledged and delivered as sealed instrument in its name and behalf by Jay Furman and Michael Ades, its Trustees, hereto duly authorized, this 28 day of *September*, 1995.

TWENTY-FIFTH SOMERVILLE OFFICE
TRUST

By: 

Jay Furman, Trustee, and not
individually

By: 

Michael Ades, Trustee, and not
individually

STATE OF NEW YORK

New York ss,

September 28, 1995

Before me personally appeared the above-named Jay Furman as Trustee of Twenty-Fifth Somerville Office Trust, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Twenty-Fifth Somerville Office Trust.



Notary Public

My commission expires:

CORINNE BECKER
Notary Public, State of New York
No. 31479033
Qualified in New York County, NY
Commission Expires January 31, 1996

STATE OF NEW YORK

New York ss,

September 28

, 1995

Before me personally appeared the above-named Michael Ades as Trustee of Twenty-Fifth Somerville Office Trust, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Twenty-Fifth Somerville Office Trust.

Corinne Becker

Notary Public

My commission expires:

CORINNE BECKER
Notary Public, State of New York
No. 31-4752763
Qualified in New York County
Commission Expires January 31, 19*96*



2018 00005396
 Bk: 70500 Pg: 509 Doc: DEED
 Page: 1 of 4 01/11/2018 03:35 PM

BOTH WAYS

QUITCLAIM DEED

Property Address: 5 and 7 Middlesex Avenue, Somerville, MA

Somerville Office Associates Limited Partnership, a Massachusetts limited partnership ("Grantor"), with an address in care of RD Management LLC, 810 Seventh Avenue, 10th Floor, New York, New York 10019 for consideration paid of Thirty-Five Million and 00/100 Dollars (\$35,000,000.00) grants to CDNV Assembly LLC, a Delaware limited liability company, with an address in care of Cresset Development, LLC, 120 Water Street, Suite 200, Boston, MA 02109

with QUITCLAIM COVENANTS

The parcels of registered and unregistered land with the buildings, facilities and improvements thereon situated on property on Middlesex Avenue, Somerville, Middlesex County, Massachusetts, as more particularly described on Exhibit A attached hereto.

For title reference purposes, see Trustee's Certificate and Deed dated September 28, 1995 from Jay Furman and Michael Ades, Trustees of Twenty-Fifth Somerville Office Trust u/d/t dated June 19, 1984, which Trustee's Certificate and Deed are recorded with the Middlesex South Registry of Deeds in Book 25710, Page 448 and filed with the Middlesex South Registry District of the Land Court as Document No. 984306, creating Certificate of Title No. 203353 ("Title Reference Deed"), with the property conveyed hereby being a portion of the property conveyed to Grantor by the Title Reference Deed.

Grantor is not classified for the current taxable year as a corporation for federal income tax purposes.

[Signature to appear on the following page]

MASSACHUSETTS EXCISE TAX
 Southern Middlesex District ROD # 001
 Date: 01/11/2018 03:10 PM
 Ctl# 275975 06208 Doc# 01779454
 Fee: \$159,600.00 Cons: \$35,000,000.00

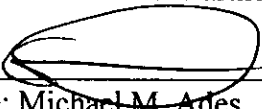
Executed as a sealed instrument as of January 10, 2018.

SOMERVILLE OFFICE ASSOCIATES LIMITED PARTNERSHIP,
a Massachusetts limited partnership,

By: MA SOMERVILLE OFFICE GP LLC,
a Delaware limited liability company,
a Duly Authorized General Partner

1779451
1779452

By:


Name: Michael M. Ades
Title: Manager

1779453

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

On this 10th day of January, 2018, before me, the undersigned notary public, personally appeared Michael M. Ades, proved to me through satisfactory evidence of identification, which was New York Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Manager of MA Somerville Office GP LLP, a Delaware limited liability company, in its capacity as General Partner of Somerville Office Associates Limited Partnership, a Massachusetts limited partnership, and further acknowledged the foregoing to be the free act and deed of said Somerville Office Associates Limited Partnership.


NOTARY PUBLIC

Printed Name: Christina A. Consoles
My Commission Expires: August 2, 2021

[Affix Notarial Seal]

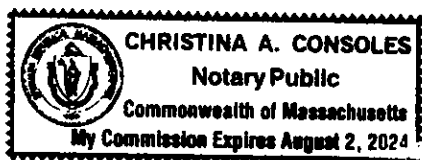


EXHIBIT A **PROPERTY DESCRIPTION**

Beginning on the northeasterly sideline of Middlesex Avenue at the northwesterly corner of Land Court Lot 18 as shown on Land Court Plan 11592L; Thence:

- N 78°00'59" E a distance of one-hundred eighty-six and 33/100 (186.33) feet to a point; thence:
- S 11°59'01" E a distance of one-hundred fifteen and 00/100 (115.00) feet to a point; thence:
- N 78°00'59" E a distance of thirty and 00/100 (30.00) feet to a point; thence:
- S 11°59'01" E a distance of eighty-two and 60/100 (82.60) feet to a point; thence:
- S 45°06'38" E a distance of three-hundred eighty-one and 29/100 (381.29) feet to a point; thence:
- S 45°00'59" W along the northwesterly sideline of New Road (AKA Revolution Drive) a distance of three-hundred eight and 95/100 (308.95) feet to a point; thence:
- Southwesterly by a curve to the right with a radius of twenty-one and 96/100 (21.96) feet and an arc length of thirty-three and 42/100 (33.42) feet to a point; thence:
- N 45°01'26" W along the northeasterly sideline of Mystic Avenue a distance of two-hundred forty-nine and 11/100 (249.11) feet to a point; thence:
- N 11°59'01" W along the northeasterly sideline of Middlesex Avenue a distance of four-hundred seventy and 79/100 (470.79) feet to the point of beginning.

Said property containing 176,412 square feet of land, more or less.

Said property comprised of the following two parcels:

Parcel IA (registered):

The land in Somerville, Middlesex County, Massachusetts, situated at 5 Middlesex Avenue, and being shown as a Lot 18 on a plan entitled, "Subdivision Plan of Land, Plan of Land in Somerville, Massachusetts, surveyed for RD Management LLC", dated Oct. 08, 2014 and revised through 05/12/15, prepared by Design Consultants, Inc., as approved by the Court, filed in the Land Registration Office in Boston, a copy of a portion of which is filed with the Middlesex South Registry District of Land Court as Plan 11592L with Certificate of Title No. 265651 in Registration Book 1513, Page 38, to which plan reference is hereby made for a more particular description.

LAND
REG

Parcel II (unregistered):

Lot 4A shown on a plan entitled, "Subdivision Plan of Land located in Somerville, MA", dated March 11, 1980, revised March 27, 1980, prepared by Yale Survey, Inc., and recorded with the Middlesex South District Registry of Deeds as Plan No. 704 of 1980 in Book 13990, Page 257, to which plan reference is hereby made for a more particular description.



TWENTY-FIFTH SOMERVILLE OFFICE TRUST

Trustee's Certificate

BOTH WAYS

The Undersigned, being the only trustees of Twenty-Fifth Somerville Office Trust u/d/t dated June 19, 1984 and recorded with the Middlesex (South) County Registry of Deeds at Book 15637, Page 15 and filed with the Middlesex (South) County Registry District of the Land Court as Document No. 662454 on Certificate of Title No. 170946 (the "Trust"), hereby certifies as follows:

1. That they are the only Trustees of the Trust;
2. That said Declaration of Trust is in full force and effect and has not been amended, modified or revoked; and
3. That the Schedule of Beneficial Interests dated June 19, 1984, a copy of which has been delivered to IDS Life Insurance Company, has not, as of the date hereof, been amended, modified or revoked and is in full force and effect.
4. That the execution of the Deed from Jay Furman and Michael Ades, as Trustee of the Trust to Somerville Office Associates Limited Partnership, a New York limited partnership, whose address is 810 Seventh Avenue, 28th Floor, New York, New York 10019, with respect to the premises located in Somerville, County of Middlesex, Massachusetts, has been duly authorized and directed by all the beneficiaries under said Declaration of Trust.
5. That the undersigned Trustees acknowledge that notwithstanding that record title to the Assembly Square Office Building is in the name of the Trust, Somerville Office Associates Limited Partnership has been authorized by the Trustees to enter into any lease agreements which it deems appropriate. Further, the Trustees acknowledge and approve and join to the extent as if the Trustees' signatures were originally affixed to the Subordination Non-Disturbance and Attornment Agreements as described on Schedule A attached hereto and made a part hereof.

EXECUTED AS A SEALED INSTRUMENT AS OF THIS 28 DAY OF SEPTEMBER, 1995.

TWENTY-FIFTH SOMERVILLE
OFFICE TRUST

By: 

Michael Ades

By: 

Jay Furman

STATE OF NEW YORK)
) ss.:
 COUNTY OF NEW YORK)

September 28, 1995

Then personally appeared the above-named Michael Ades, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed in his capacity as said Trustee and the free act and deed of said Trust, before me.

Corinne Becker
 Notary Public
 My Commission Expires:

CORINNE BECKER
 Notary Public, State of New York
 No. 31-4792263
 Qualified in New York County *gb*
 Commission Expires January 31, 19*96*

STATE OF NEW YORK)
) ss.:
 COUNTY OF NEW YORK)

September 28, 1995

Then personally appeared the above-named Jay Furman, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed in his capacity as said Trustee and the free act and deed of said Trust, before me.

Corinne Becker
 Notary Public
 My Commission Expires:

CORINNE BECKER
 Notary Public, State of New York
 No. 31-4792263
 Qualified in New York County *gb*
 Commission Expires January 31, 19*96*

DEED

Jay Furman and Michael Ades, Trustees of Twenty-Fifth Somerville Office Trust under Declaration of Trust dated June 19, 1984 and recorded with the Middlesex South District Registry of Deeds in Book 15637, Page 15 and filed with the Middlesex South Registry District of the Land Court as Document No. 662454, for consideration of Ten Dollars (\$10.00) grant to Somerville Office Associates Limited Partnership, a Massachusetts limited partnership, with an address of 810 Seventh Avenue, 28th Floor, New York, New York 10015 with QUITCLAIM COVENANTS four certain parcels of registered and unregistered land with the buildings, facilities and improvements now and hereafter thereon situated at 5-21 Middlesex Avenue, Somerville, Middlesex County, Massachusetts, said parcels being designated as PARCEL 1, PARCEL 2, PARCEL 3 and PARCEL 4 and are more particularly described as follows:

PARCEL 1 (Registered)

A certain parcel of registered land situated on the southerly side of Foley Street, the easterly side of Middlesex Avenue and the northeasterly side of Mystic Avenue in said Somerville, the same being shown as "Lot 17" on a plan entitled, "Subdivision Plan of Land in Somerville, MA. Being a Subdivision of Lot 4 on Land Court Plan 11592G", dated July 26, 1995, filed in the Land Registration Office in Boston, and prepared by Allen & Major (the "Plan"), bounded and described as follows: BK 1147 P. 3

NORTHERLY by Lot 10 shown on Land Court Plan No. 11592G by three lines respectively measuring, 32.98 feet (being a curved line with a radius of 21.00 feet), 309.38 feet and 4.99 feet (being a curved line with a radius of 44.00 feet);

NORTHEASTERLY by land now or formerly of Twenty-Fifth Somerville Office Trust, by five lines respectively measuring, 204.93 feet, 94.46 feet (being a curved line with a radius of 1637.28 feet), 208.46 feet, 72.24 feet (being a curved line with a radius of 583.69 feet), 108.73 feet;

SOUTHEASTERLY by New Road, 254.92 feet;

SOUTHWESTERLY by land now or formerly of Twenty-Fifth Somerville Office Trust, 90.26 feet;

SOUTHEASTERLY by the same, 163.60 feet;

NORTHEASTERLY by the same, 90.26 feet;

SOUTHEASTERLY by New Road, 108.85 feet;

LAND COURT, BOSTON, The land herein described will be shown on our approved plan to follow as

SEP 25 1995
Plan 11592^K Lot 17
(EXAMINED AS TO DESCRIPTION ONLY)
Louis A. Moore, Engineer BK 1147 P. 3

SOUTHERLY by Lot 11 shown on Land Court Plan No. 11592G, 33.43 feet (being a curved line with a radius of 21.96 feet;

SOUTHWESTERLY by Mystic Avenue, 249.11 feet; and

WESTERLY by Middlesex Avenue, 683.10 feet.

For title to PARCEL 1, see Certificate of Title No. 170946 on file in the Middlesex South Registry District of the Land Court in Registration Book 984, Page 196.

PARCEL 2 (Unregistered)

A certain parcel of unregistered land situated on the southerly side of Foley Street in said Somerville and northeasterly of PARCEL 1 hereinabove described, the same being shown as "Lot 5A" on a plan entitled, "Subdivision Plan of Land located in Somerville, Ma. L.C.C. 11592A & L.C.C. 16657A", dated March 11, 1980, revised March 27, 1980, by Yale Survey, Inc., recorded with the Middlesex South District Registry of Deeds with the deed at Book 13555, Page 539 (the "Plan"), bounded and described according to the Plan as follows:

NORTHEASTERLY by land now or formerly of Boston & Maine Corp., by four lines respectively measuring, 63.52 feet, 218.76 feet, 208.29 feet and 120.45 feet;

SOUTHEASTERLY by Lot 5B as shown on the Plan, 12.77 feet; and

SOUTHWESTERLY by Lot 4 as shown on the Plan, by five lines respectively measuring, 128.60 feet, 94.46 feet (being a curved line with a radius of 1637.28 feet), 208.46 feet, 72.24 feet (being a curved line with a radius of 583.69 feet) and 108.73 feet.

For title to PARCEL 2, see deed recorded with said Deeds in Book 13555, Page 539.

PARCEL 3 (Unregistered)

A certain parcel of unregistered land situated southerly of Foley Street and northerly of Mystic Avenue in said Somerville, the same being shown as "Lot 4A" on the Plan, bounded and described according to the Plan, as follows:

SOUTHEASTERLY by Lot 4B as shown on the Plan, 163.60 feet;

SOUTHWESTERLY by Lot 4 as shown on the Plan, 90.26 feet;

NORTHWESTERLY by the same, 163.60 feet; and

NORTHEASTERLY by the same, 90.26 feet.

For title to PARCEL 3, see deed recorded with said Deeds in Book 13555, Page 539.

PARCEL 4 (Unregistered)

A parcel of land in Somerville, Middlesex County, Massachusetts lying on the Westerly side of Assembly Square Drive being shown as Parcel 3 on "Plan of Land in Somerville, MA. prepared for the City of Somerville, Scale 1"=40', December 21, 1984, Vanasse/Hangen Engineering, Inc., Consulting Engineers and Planners, 60 Birmingham Parkway, Boston, Massachusetts", which plan is recorded with said Deeds at Book 17303, Page 115, being bounded and described as follows:

Beginning at a point on the Westerly side of Assembly Square Drive at its intersection with Foley Street; Thence along the Westerly sideline of Assembly Square Drive a curved line to the right having a radius of 44.00 feet a distance of 46.19 feet;

Thence along the Westerly sideline of Assembly Square Drive South 35° 20' 07" East 626.17 feet;

Thence by a curved line to the right having a radius of 24.25 feet a distance of 21.34 feet;

Thence at land now or formerly of Assembly Square Trust North 42° 18' 59" West 120.44 feet;

Thence at land now or formerly of Assembly Square Trust North 35° 00' 00" West 208.29 feet;

Thence at land now or formerly of Assembly Square Trust North 33° 29' 01" West 218.76 feet;

Thence at land now or formerly of Assembly Square Trust North 45° 27' 54" West 63.53 feet;

Thence at land now or formerly of Assembly Square Trust North 31° 41' 51" West 76.33 feet to the point of beginning.

INWITNESS WHEREOF, the said Twenty-Fifth Somerville Office Trust has caused these presents to be signed, acknowledged and delivered as sealed instrument in its name and behalf by Jay Furman and Michael Ades, its Trustees, hereto duly authorized, this 28 day of September, 1995.

TWENTY-FIFTH SOMERVILLE OFFICE
TRUST

By: 

Jay Furman, Trustee, and not
individually

By: 

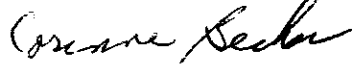
Michael Ades, Trustee, and not
individually

STATE OF NEW YORK

New York ss,

September 28, 1995

Before me personally appeared the above-named Jay Furman as Trustee of Twenty-Fifth Somerville Office Trust, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Twenty-Fifth Somerville Office Trust.



Notary Public

My commission expires:

CORINNE BECKER
Notary Public, State of New York
No. 31-4792263
Qualified in New York County
Commission Expires January 31, 1996

STATE OF NEW YORK

New York ss,

September 28

, 1995

Before me personally appeared the above-named Michael Ades as Trustee of Twenty-Fifth Somerville Office Trust, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Twenty-Fifth Somerville Office Trust.

Corinne Becker

Notary Public

My commission expires:

CORINNE BECKER
Notary Public, State of New York

No. 31-4792263

Qualified in New York County

Commission Expires January 31, 19.96

DOCUMENT 984306

BOTH WAYS

Lot 17

SO. MIDDLESEX LAND COURT
REGISTRY DISTRICT
RECEIVED FOR REGISTRATION

ON 10/03/95 AT 01:01:17 90.00 JMS

NOTED ON:

CERT 0170946 BK 984 PG 196

NEW CERTIFICATE(S) CREATED:

CERT 0203353 BK 1147 PG 3

LC PLAN NUMBER: 11592 K

ref to the cell

RECEIVED IN REGISTER
SOUTHERN DISTRICT
ATTORNEY

Copy to Register

NAME Michael Miller, Esq. 439-4444
STREET ADDRESS Edwards & Angell, 101 Federal St.
Boston, MA 02110
CITY OR TOWN



V – Accessibility Memorandums



July 5, 2018

George Proakis
Director of Planning
City of Somerville
93 Highland Street
Somerville, MA

Re: Alta XMBLY SPSR

Dear George,

Pursuant to the requirements of the City of Somerville application for Planning Board Approvals, VHB is providing the following Accessibility Narrative.

Alta XMBLY (the "Project") will be designed in compliance with the following applicable accessibility codes and guidelines:

- › 2010 ADA Standards for Accessible Design
- › 521 CMR: Architectural Access Board

521 CMR (MAAB) is applicable to all areas accessed by the general public. The Project will provide accessible routes connecting accessible spaces and elements of the Planned Unit Development. Accessible routes will coincide with routes for the general public.

2010 ADA Standards are applicable to new fixed or built-in elements of site improvements and pedestrian routes or vehicular ways located in the XMBLY Planned Unit Development. The project will provide accessible routes within the Planned Unit Development from accessible parking spaces and accessible passenger loading zones, public streets and sidewalks, and public transportation stops to the accessible building or facility entrances they serve, and provide accessible routes connecting accessible buildings, accessible facilities, accessible elements, and accessible spaces within the Planned Unit Development.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dale A. Horsman", followed by a long horizontal flourish.

Dale Horsman, P.E.



July 5, 2018
City of Somerville, MA Planning Board
City Hall
93 Highland Avenue
Somerville, MA 02143

RE: ALTA XMBLY – Application for SPSR-A-Accessibility Narrative

Per the requirements of the City of Somerville application for Special Permit, The Architectural Team (TAT) is providing the following accessibility narrative for Alta Xmbly located at 290 Revolution Drive.

We hereby certify to the best of our professional knowledge and belief that Alta Xmbly at 290 Revolution Drive will be designed to meet current 521 CMR: Massachusetts Architectural Access Board (MAAB) Rules and Regulations as well as the 2010 ADA Standards for Accessible Design. In addition, the residential portion will be designed to meet the requirements of the Federal Housing Design Manual as published by The Fair Housing Act (FHA).

Features include accessible routes, housing amenities, sidewalks, accessible parking including van spaces, access to retail, and Group I and Group 2A apartment units.

Sincerely,

The Architectural Team, Inc.

A handwritten signature in black ink, appearing to read "Michael D. Binette", with a stylized flourish at the end.

Michael D. Binette, AIA NCARB

Vice President + Principal / The Architectural Team, Inc.

cc: Jim Lambert / Director, Wood Partners
Michael Tulipani / Design Manager, Wood Partners
Philip Renzi / Senior Project Manager, The Architectural Team, Inc.
Glenn Mutz / Project Manager, The Architectural Team, Inc.



VI – Abutters List

This page is left intentionally blank. A check for the Abutters List is included with this application.



II – Requested Waivers

Requested Waivers

The following are the items that zoning relief is sought for:

1. **Section 6.4.7.A.2 Parking Requirements. Developments shall meet the parking requirements set forth in Section 9.16.**

A waiver is requested for relief for the Project for providing the required number of parking spaces. The Project proposes to only provide parking within the structured parking garage for its residential use only. The retail and restaurant parking spaces will be provided by the on-street parking along Road K.

Section 9.16 requires the Project to provide 342 total parking spaces within Alta XMBLY, and the Project is proposing 197 parking spaces which equates to a parking to unit ratio of 0.61. The proposed ratio consistent with residential parking trends in the area and encourages alternative means of transportation of the future residents.

2. **Section 6.4.8.B Model. A conceptual three-dimensional scale model of the Master Plan at 20 scale or alternative scale acceptable to the SPGA or its designee. If the proposed development in its entirety consists of no more than one building, the SPGA or its designee has the option of waiving this requirement.**

A waiver is requested for relief for the Project for the conceptual 3-D scale model. The proposed building at Alta XMBLY is consistent with the previously approved PUD Preliminary Master Plan.

3. **Section 13.3.5 Disposition and SPGA Right of First Refusal/Option to Purchase**

The Applicant is seeking a waiver of any right of first refusal or option to purchase the Planning Board might have under Section 13.3.5 of the Zoning Ordinance, or otherwise, in connection with the Project. The Applicant requests that the Planning Board's approval of the Project's Special Permit with Site Plan Review also approve such waiver and that the Planning Board, upon such approval, execute the Waiver of Right of First Refusal.



III – 21E/MCP Reports

MEMORANDUM

Date: February 15, 2018

Subject: Summary of Environmental Due Diligence & Site Investigation Results

Site: 9.11-Acre Property known as 5 Middlesex Avenue, Somerville, Massachusetts 02145

Environmental Assessments for the Property

The following summary of environmental assessments and findings were identified for the property:

March 16, 2017 – Phase I Environmental Site Assessment and Phase II Environmental Site Assessment

This ASTM 1527-13 compliant Phase I ESA was performed by CRB for Cresset Group, Boston, MA. Environmental concerns identified through the Phase I were further investigated through a Phase II subsurface site assessment. The assessment identified the conditions and findings listed below.

Summary of Regulatory Records / Database Review

- The Site was not listed in regulatory files and no enforcement actions or agency investigations were identified.
- Nearby regulated sites were evaluated and no impacts or likely impacts to the Site were identified. Nearby sites listed in regulatory databases where subsurface contamination was identified included 50 Middlesex Avenue, 43 Foley Street, and 75 Mystic Avenue.

Recognized Environmental Conditions (RECs)

- Historic Underground Storage Tanks – Numerous unregistered fuel oil USTs were identified through historic fire insurance maps. No closure records were available. Previous site investigation reports by others included geophysical survey, and subsurface sampling for soil and groundwater did not identify any tanks or contamination. The former USTs were further assessed by CRB through a Phase II ESA and no soil or groundwater contamination was identified. No further investigation was warranted.
- Historic Industrial and Commercial Use of the Site – The property was originally developed in the early part of the 20th century as a food/grocery warehouse. The potential for undocumented releases of oil and hazardous materials was considered to be a REC. This REC was further investigated through a Phase II ESA and no subsurface impacts were identified that required additional assessment.

Other Conditions

- Background Urban Soil – Microscopic analysis performed by others documented urban fill with coal and wood in soil typical for metropolitan Boston. Excavated areas of urban fill require segregation for characterization and disposal.
- Non-ASTM environmental conditions – Asbestos containing building materials and storage of maintenance chemicals and lubricants were identified in the Phase I.

Summary of Phase II ESA Findings

- CRB performed a Phase II subsurface investigation During February 2017 consisting of six (6) direct-push soil borings advanced to a depth of twelve (12) feet, three (3) monitoring wells for groundwater analysis, and six (6) high resolution soil gas samples. None of the sampling results were identified as indicative on on-site contamination above regulated standards or an on-site source release. The Phase

II results corroborated the findings of previous investigations by others that did not identify any subsurface impacts.

- Soils – The Phase II results did not detect any pesticides, herbicides or PCBs. No volatile organic compounds (VOCs) were detected except for toluene and xylenes at low concentrations below RCS. Evenly distributed low concentrations of typical background semi-volatile organic compounds and metals were measured and were attributed to urban fill conditions. No soil standards were exceeded that would require special handling for disposal.
- Groundwater - Concentrations of metals were detected and all three water samples, including lead above RCGW-2 standards that was attributed to soil particulate loading. The only VOC detected was a low concentration of acetone, which was attributed to laboratory cross contamination. No pesticides or herbicides were detected. Low concentrations of semi-volatile compounds and petroleum hydrocarbons were detected that were attributed to typical urban background conditions. Arochlor 1260 was detected at a low concentration equivalent to the RCGW-2 standard in one water sample, but was not attributed to any source.
- Soil Gas – Passive soil gas samples were collected to identify VOCs over a larger area. Only tetrachloroethene (PCE) was identified in three (3) soil gas samples generally in the southeast area of the Site. The soil gas concentrations were not comparable to regulated concentrations. When evaluated in conjunction with soil and groundwater results, the low mass soil gas detections were not indicative of on-site soil or groundwater contamination.

Previous Environmental Reports by Others

- 2008 - EBI Consulting. Phase I Environmental Site Assessment. The 2008 Phase I ESA identified one REC due to multiple fuel oil underground storage tanks (USTs) present at the Site on historical Sanborn Fire Insurance maps. The tanks were not listed as registered tanks and no closure records were identified. Additional assessment of former USTs was recommended through subsurface sampling and a geophysical survey.
- 2009 - Cushing, Jammallo & Wheeler, Inc. Geophysical Survey and Subsurface Investigation. The objective of the 2009 geophysical survey and subsurface investigation was to determine if there were any components of the former USTs remaining in place and whether there was any soil and groundwater contamination present in these areas. The conclusions of the investigation were that no USTs or components of the former UST system were identified and that no soil or groundwater contamination was present.



IV – Recorded Deeds



2018 00005396
 Bk: 70500 Pg: 509 Doc: DEED
 Page: 1 of 4 01/11/2018 03:35 PM

BOTH WAYS

QUITCLAIM DEED

Property Address: 5 and 7 Middlesex Avenue, Somerville, MA

Somerville Office Associates Limited Partnership, a Massachusetts limited partnership ("Grantor"), with an address in care of RD Management LLC, 810 Seventh Avenue, 10th Floor, New York, New York 10019 for consideration paid of Thirty-Five Million and 00/100 Dollars (\$35,000,000.00) grants to CDNV Assembly LLC, a Delaware limited liability company, with an address in care of Cresset Development, LLC, 120 Water Street, Suite 200, Boston, MA 02109

with QUITCLAIM COVENANTS

The parcels of registered and unregistered land with the buildings, facilities and improvements thereon situated on property on Middlesex Avenue, Somerville, Middlesex County, Massachusetts, as more particularly described on Exhibit A attached hereto.

For title reference purposes, see Trustee's Certificate and Deed dated September 28, 1995 from Jay Furman and Michael Ades, Trustees of Twenty-Fifth Somerville Office Trust u/d/t dated June 19, 1984, which Trustee's Certificate and Deed are recorded with the Middlesex South Registry of Deeds in Book 25710, Page 448 and filed with the Middlesex South Registry District of the Land Court as Document No. 984306, creating Certificate of Title No. 203353 ("Title Reference Deed"), with the property conveyed hereby being a portion of the property conveyed to Grantor by the Title Reference Deed.

Grantor is not classified for the current taxable year as a corporation for federal income tax purposes.

[Signature to appear on the following page]

MASSACHUSETTS EXCISE TAX
 Southern Middlesex District ROD # 001
 Date: 01/11/2018 03:10 PM
 Ctl# 275975 06208 Doc# 01779454
 Fee: \$159,600.00 Cons: \$35,000,000.00

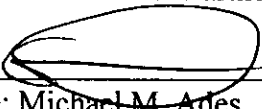
Executed as a sealed instrument as of January 10, 2018.

SOMERVILLE OFFICE ASSOCIATES LIMITED PARTNERSHIP,
a Massachusetts limited partnership,

By: MA SOMERVILLE OFFICE GP LLC,
a Delaware limited liability company,
a Duly Authorized General Partner

1779451
1779452

By:


Name: Michael M. Ades
Title: Manager

1779453

COMMONWEALTH OF MASSACHUSETTS

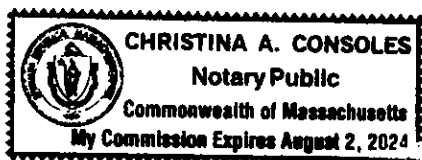
SUFFOLK, ss.

On this 10th day of January, 2018, before me, the undersigned notary public, personally appeared Michael M. Ades, proved to me through satisfactory evidence of identification, which was New York Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Manager of MA Somerville Office GP LLP, a Delaware limited liability company, in its capacity as General Partner of Somerville Office Associates Limited Partnership, a Massachusetts limited partnership, and further acknowledged the foregoing to be the free act and deed of said Somerville Office Associates Limited Partnership.


NOTARY PUBLIC

Printed Name: Christina A. Consoles
My Commission Expires: August 2, 2021

[Affix Notarial Seal]



**EXHIBIT A
PROPERTY DESCRIPTION**

Beginning on the northeasterly sideline of Middlesex Avenue at the northwesterly corner of Land Court Lot 18 as shown on Land Court Plan 11592L; Thence:

- N 78°00'59" E a distance of one-hundred eighty-six and 33/100 (186.33) feet to a point; thence:
- S 11°59'01" E a distance of one-hundred fifteen and 00/100 (115.00) feet to a point; thence:
- N 78°00'59" E a distance of thirty and 00/100 (30.00) feet to a point; thence:
- S 11°59'01" E a distance of eighty-two and 60/100 (82.60) feet to a point; thence:
- S 45°06'38" E a distance of three-hundred eighty-one and 29/100 (381.29) feet to a point; thence:
- S 45°00'59" W along the northwesterly sideline of New Road (AKA Revolution Drive) a distance of three-hundred eight and 95/100 (308.95) feet to a point; thence:
- Southwesterly by a curve to the right with a radius of twenty-one and 96/100 (21.96) feet and an arc length of thirty-three and 42/100 (33.42) feet to a point; thence:
- N 45°01'26" W along the northeasterly sideline of Mystic Avenue a distance of two-hundred forty-nine and 11/100 (249.11) feet to a point; thence:
- N 11°59'01" W along the northeasterly sideline of Middlesex Avenue a distance of four-hundred seventy and 79/100 (470.79) feet to the point of beginning.

Said property containing 176,412 square feet of land, more or less.

Said property comprised of the following two parcels:

Parcel IA (registered):

The land in Somerville, Middlesex County, Massachusetts, situated at 5 Middlesex Avenue, and being shown as a Lot 18 on a plan entitled, "Subdivision Plan of Land, Plan of Land in Somerville, Massachusetts, surveyed for RD Management LLC", dated Oct. 08, 2014 and revised through 05/12/15, prepared by Design Consultants, Inc., as approved by the Court, filed in the Land Registration Office in Boston, a copy of a portion of which is filed with the Middlesex South Registry District of Land Court as Plan 11592L with Certificate of Title No. 265651 in Registration Book 1513, Page 38, to which plan reference is hereby made for a more particular description.

LAND
REG

Parcel II (unregistered):

Lot 4A shown on a plan entitled, "Subdivision Plan of Land located in Somerville, MA", dated March 11, 1980, revised March 27, 1980, prepared by Yale Survey, Inc., and recorded with the Middlesex South District Registry of Deeds as Plan No. 704 of 1980 in Book 13990, Page 257, to which plan reference is hereby made for a more particular description.



TWENTY-FIFTH SOMERVILLE OFFICE TRUST

Trustee's Certificate

BOTH WAYS

The Undersigned, being the only trustees of Twenty-Fifth Somerville Office Trust u/d/t dated June 19, 1984 and recorded with the Middlesex (South) County Registry of Deeds at Book 15637, Page 15 and filed with the Middlesex (South) County Registry District of the Land Court as Document No. 662454 on Certificate of Title No. 170946 (the "Trust"), hereby certifies as follows:

1. That they are the only Trustees of the Trust;
2. That said Declaration of Trust is in full force and effect and has not been amended, modified or revoked; and
3. That the Schedule of Beneficial Interests dated June 19, 1984, a copy of which has been delivered to IDS Life Insurance Company, has not, as of the date hereof, been amended, modified or revoked and is in full force and effect.
4. That the execution of the Deed from Jay Furman and Michael Ades, as Trustee of the Trust to Somerville Office Associates Limited Partnership, a New York limited partnership, whose address is 810 Seventh Avenue, 28th Floor, New York, New York 10019, with respect to the premises located in Somerville, County of Middlesex, Massachusetts, has been duly authorized and directed by all the beneficiaries under said Declaration of Trust.
5. That the undersigned Trustees acknowledge that notwithstanding that record title to the Assembly Square Office Building is in the name of the Trust, Somerville Office Associates Limited Partnership has been authorized by the Trustees to enter into any lease agreements which it deems appropriate. Further, the Trustees acknowledge and approve and join to the extent as if the Trustees' signatures were originally affixed to the Subordination Non-Disturbance and Attornment Agreements as described on Schedule A attached hereto and made a part hereof.

EXECUTED AS A SEALED INSTRUMENT AS OF THIS 28 DAY OF SEPTEMBER, 1995.

TWENTY-FIFTH SOMERVILLE
OFFICE TRUST

By: _____

Michael Ades

By: _____

Jay Furman

STATE OF NEW YORK)
) ss.:
 COUNTY OF NEW YORK)

September 28, 1995

Then personally appeared the above-named Michael Ades, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed in his capacity as said Trustee and the free act and deed of said Trust, before me.

Corinne Becker

Notary Public
 My Commission Expires:

CORINNE PECKER
 Notary Public, State of New York
 No. 31-4702263
 Qualified in New York County
 Commission Expires January 31, 1996

STATE OF NEW YORK)
) ss.:
 COUNTY OF NEW YORK)

September 28, 1995

Then personally appeared the above-named Jay Furman, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed in his capacity as said Trustee and the free act and deed of said Trust, before me.

Corinne Becker

Notary Public
 My Commission Expires:

CORINNE PECKER
 Notary Public, State of New York
 No. 31-4702263
 Qualified in New York County
 Commission Expires January 31, 1996

DEED

Jay Furman and Michael Ades, Trustees of Twenty-Fifth Somerville Office Trust under Declaration of Trust dated June 19, 1984 and recorded with the Middlesex South District Registry of Deeds in Book 15637, Page 15 and filed with the Middlesex South Registry District of the Land Court as Document No. 662454, for consideration of Ten Dollars (\$10.00) grant to Somerville Office Associates Limited Partnership, a Massachusetts limited partnership, with an address of 810 Seventh Avenue, 28th Floor, New York, New York 10015 with QUITCLAIM COVENANTS four certain parcels of registered and unregistered land with the buildings, facilities and improvements now and hereafter thereon situated at 5-21 Middlesex Avenue, Somerville, Middlesex County, Massachusetts, said parcels being designated as PARCEL 1, PARCEL 2, PARCEL 3 and PARCEL 4 and are more particularly described as follows:

PARCEL 1 (Registered)

A certain parcel of registered land situated on the southerly side of Foley Street, the easterly side of Middlesex Avenue and the northeasterly side of Mystic Avenue in said Somerville, the same being shown as "Lot 17" on a plan entitled, "Subdivision Plan of Land in Somerville, MA. Being a Subdivision of Lot 4 on Land Court Plan 11592G", dated July 26, 1995, filed in the Land Registration Office in Boston, and prepared by Allen & Major (the "Plan"), bounded and described as follows: BK 1147 P. 3

NORTHERLY by Lot 10 shown on Land Court Plan No. 11592G by three lines respectively measuring, 32.98 feet (being a curved line with a radius of 21.00 feet), 309.38 feet and 4.99 feet (being a curved line with a radius of 44.00 feet);

NORTHEASTERLY by land now or formerly of Twenty-Fifth Somerville Office Trust, by five lines respectively measuring, 204.93 feet, 94.46 feet (being a curved line with a radius of 1637.28 feet), 208.46 feet, 72.24 feet (being a curved line with a radius of 583.69 feet), 108.73 feet;

SOUTHEASTERLY by New Road, 254.92 feet;

SOUTHWESTERLY by land now or formerly of Twenty-Fifth Somerville Office Trust, 90.26 feet;

SOUTHEASTERLY by the same, 163.60 feet;

NORTHEASTERLY by the same, 90.26 feet;

SOUTHEASTERLY by New Road, 108.85 feet;

LAND COURT, BOSTON, The land herein described will be shown on our approved plan to follow as

SEP 25 1995 BK 1147 P. 3
 Plan 11592^K Lot 17
 (EXAMINED AS TO DESCRIPTION ONLY)
 Louis A. Moore, Engineer LAM

SOUTHERLY by Lot 11 shown on Land Court Plan No. 11592G, 33.43 feet (being a curved line with a radius of 21.96 feet;

SOUTHWESTERLY by Mystic Avenue, 249.11 feet; and

WESTERLY by Middlesex Avenue, 683.10 feet.

For title to PARCEL 1, see Certificate of Title No. 170946 on file in the Middlesex South Registry District of the Land Court in Registration Book 984, Page 196.

PARCEL 2 (Unregistered)

A certain parcel of unregistered land situated on the southerly side of Foley Street in said Somerville and northeasterly of PARCEL 1 hereinabove described, the same being shown as "Lot 5A" on a plan entitled, "Subdivision Plan of Land located in Somerville, Ma. L.C.C. 11592A & L.C.C. 16657A", dated March 11, 1980, revised March 27, 1980, by Yale Survey, Inc., recorded with the Middlesex South District Registry of Deeds with the deed at Book 13555, Page 539 (the "Plan"), bounded and described according to the Plan as follows:

NORTHEASTERLY by land now or formerly of Boston & Maine Corp., by four lines respectively measuring, 63.52 feet, 218.76 feet, 208.29 feet and 120.45 feet;

SOUTHEASTERLY by Lot 5B as shown on the Plan, 12.77 feet; and

SOUTHWESTERLY by Lot 4 as shown on the Plan, by five lines respectively measuring, 128.60 feet, 94.46 feet (being a curved line with a radius of 1637.28 feet), 208.46 feet, 72.24 feet (being a curved line with a radius of 583.69 feet) and 108.73 feet.

For title to PARCEL 2, see deed recorded with said Deeds in Book 13555, Page 539.

PARCEL 3 (Unregistered)

A certain parcel of unregistered land situated southerly of Foley Street and northerly of Mystic Avenue in said Somerville, the same being shown as "Lot 4A" on the Plan, bounded and described according to the Plan, as follows:

SOUTHEASTERLY by Lot 4B as shown on the Plan, 163.60 feet;

SOUTHWESTERLY by Lot 4 as shown on the Plan, 90.26 feet;

NORTHWESTERLY by the same, 163.60 feet; and

NORTHEASTERLY by the same, 90.26 feet.

For title to PARCEL 3, see deed recorded with said Deeds in Book 13555, Page 539.

PARCEL 4 (Unregistered)

A parcel of land in Somerville, Middlesex County, Massachusetts lying on the Westerly side of Assembly Square Drive being shown as Parcel 3 on "Plan of Land in Somerville, MA. prepared for the City of Somerville, Scale 1"=40', December 21, 1984, Vanasse/Hangen Engineering, Inc., Consulting Engineers and Planners, 60 Birmingham Parkway, Boston, Massachusetts", which plan is recorded with said Deeds at Book 17303, Page 115, being bounded and described as follows:

Beginning at a point on the Westerly side of Assembly Square Drive at its intersection with Foley Street; Thence along the Westerly sideline of Assembly Square Drive a curved line to the right having a radius of 44.00 feet a distance of 46.19 feet;

Thence along the Westerly sideline of Assembly Square Drive South $35^{\circ} 20' 07''$ East 626.17 feet;

Thence by a curved line to the right having a radius of 24.25 feet a distance of 21.34 feet;

Thence at land now or formerly of Assembly Square Trust North $42^{\circ} 18' 59''$ West 120.44 feet;

Thence at land now or formerly of Assembly Square Trust North $35^{\circ} 00' 00''$ West 208.29 feet;

Thence at land now or formerly of Assembly Square Trust North $33^{\circ} 29' 01''$ West 218.76 feet;

Thence at land now or formerly of Assembly Square Trust North $45^{\circ} 27' 54''$ West 63.53 feet;

Thence at land now or formerly of Assembly Square Trust North $31^{\circ} 41' 51''$ West 76.33 feet to the point of beginning.

INWITNESS WHEREOF, the said Twenty-Fifth Somerville Office Trust has caused these presents to be signed, acknowledged and delivered as sealed instrument in its name and behalf by Jay Furman and Michael Ades, its Trustees, hereto duly authorized, this 28 day of *September*, 1995.

TWENTY-FIFTH SOMERVILLE OFFICE
TRUST

By: 

Jay Furman, Trustee, and not
individually

By: 

Michael Ades, Trustee, and not
individually

STATE OF NEW YORK

New York ss,

September 28, 1995

Before me personally appeared the above-named Jay Furman as Trustee of Twenty-Fifth Somerville Office Trust, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Twenty-Fifth Somerville Office Trust.



Notary Public

My commission expires:

CORINNE BECKER
Notary Public, State of New York
No. 31479033
Qualified in New York County, NY
Commission Expires January 31, 1996

STATE OF NEW YORK

New York ss,

September 28

, 1995

Before me personally appeared the above-named Michael Ades as Trustee of Twenty-Fifth Somerville Office Trust, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Twenty-Fifth Somerville Office Trust.

Corinne Becker

Notary Public

My commission expires:

CORINNE BECKER
Notary Public, State of New York
No. 31-4752763
Qualified in New York County
Commission Expires January 31, 19*96*

TWENTY-FIFTH SOMERVILLE OFFICE TRUST

Trustee's Certificate

BOTH WAYS

The Undersigned, being the only trustees of Twenty-Fifth Somerville Office Trust u/d/t dated June 19, 1984 and recorded with the Middlesex (South) County Registry of Deeds at Book 15637, Page 15 and filed with the Middlesex (South) County Registry District of the Land Court as Document No. 662454 on Certificate of Title No. 170946 (the "Trust"), hereby certifies as follows:

1. That they are the only Trustees of the Trust;
2. That said Declaration of Trust is in full force and effect and has not been amended, modified or revoked; and
3. That the Schedule of Beneficial Interests dated June 19, 1984, a copy of which has been delivered to IDS Life Insurance Company, has not, as of the date hereof, been amended, modified or revoked and is in full force and effect.
4. That the execution of the Deed from Jay Furman and Michael Ades, as Trustee of the Trust to Somerville Office Associates Limited Partnership, a New York limited partnership, whose address is 810 Seventh Avenue, 28th Floor, New York, New York 10019, with respect to the premises located in Somerville, County of Middlesex, Massachusetts, has been duly authorized and directed by all the beneficiaries under said Declaration of Trust.
5. That the undersigned Trustees acknowledge that notwithstanding that record title to the Assembly Square Office Building is in the name of the Trust, Somerville Office Associates Limited Partnership has been authorized by the Trustees to enter into any lease agreements which it deems appropriate. Further, the Trustees acknowledge and approve and join to the extent as if the Trustees' signatures were originally affixed to the Subordination Non-Disturbance and Attornment Agreements as described on Schedule A attached hereto and made a part hereof.

EXECUTED AS A SEALED INSTRUMENT AS OF THIS 28 DAY OF SEPTEMBER, 1995.

TWENTY-FIFTH SOMERVILLE
OFFICE TRUST

By: 

Michael Ades

By: 

Jay Furman

STATE OF NEW YORK)
) ss.:
 COUNTY OF NEW YORK)

September 28, 1995

Then personally appeared the above-named Michael Ades, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed in his capacity as said Trustee and the free act and deed of said Trust, before me.

Corinne Becker
 Notary Public
 My Commission Expires:

CORINNE BECKER
 Notary Public, State of New York
 No. 31-4792263
 Qualified in New York County *96*
 Commission Expires January 31, 19*96*

STATE OF NEW YORK)
) ss.:
 COUNTY OF NEW YORK)

September 28, 1995

Then personally appeared the above-named Jay Furman, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed in his capacity as said Trustee and the free act and deed of said Trust, before me.

Corinne Becker
 Notary Public
 My Commission Expires:

CORINNE BECKER
 Notary Public, State of New York
 No. 31-4792263
 Qualified in New York County *96*
 Commission Expires January 31, 19*96*

DEED

Jay Furman and Michael Ades, Trustees of Twenty-Fifth Somerville Office Trust under Declaration of Trust dated June 19, 1984 and recorded with the Middlesex South District Registry of Deeds in Book 15637, Page 15 and filed with the Middlesex South Registry District of the Land Court as Document No. 662454, for consideration of Ten Dollars (\$10.00) grant to Somerville Office Associates Limited Partnership, a Massachusetts limited partnership, with an address of 810 Seventh Avenue, 28th Floor, New York, New York 10015 with QUITCLAIM COVENANTS four certain parcels of registered and unregistered land with the buildings, facilities and improvements now and hereafter thereon situated at 5-21 Middlesex Avenue, Somerville, Middlesex County, Massachusetts, said parcels being designated as PARCEL 1, PARCEL 2, PARCEL 3 and PARCEL 4 and are more particularly described as follows:

PARCEL 1 (Registered)

A certain parcel of registered land situated on the southerly side of Foley Street, the easterly side of Middlesex Avenue and the northeasterly side of Mystic Avenue in said Somerville, the same being shown as "Lot 17" on a plan entitled, "Subdivision Plan of Land in Somerville, MA. Being a Subdivision of Lot 4 on Land Court Plan 11592G", dated July 26, 1995, filed in the Land Registration Office in Boston, and prepared by Allen & Major (the "Plan"), bounded and described as follows: BK 1147 P. 3

NORTHERLY by Lot 10 shown on Land Court Plan No. 11592G by three lines respectively measuring, 32.98 feet (being a curved line with a radius of 21.00 feet), 309.38 feet and 4.99 feet (being a curved line with a radius of 44.00 feet);

NORTHEASTERLY by land now or formerly of Twenty-Fifth Somerville Office Trust, by five lines respectively measuring, 204.93 feet, 94.46 feet (being a curved line with a radius of 1637.28 feet), 208.46 feet, 72.24 feet (being a curved line with a radius of 583.69 feet), 108.73 feet;

SOUTHEASTERLY by New Road, 254.92 feet;

SOUTHWESTERLY by land now or formerly of Twenty-Fifth Somerville Office Trust, 90.26 feet;

SOUTHEASTERLY by the same, 163.60 feet;

NORTHEASTERLY by the same, 90.26 feet;

SOUTHEASTERLY by New Road, 108.85 feet;

LAND COURT, BOSTON, The land herein described will be shown on our approved plan to follow as

SEP 25 1995 BK 1147 P. 3
Plan 11592^K Lot 17
(EXAMINED AS TO DESCRIPTION ONLY)
Louis A. Moore, Engineer LAM

SOUTHERLY by Lot 11 shown on Land Court Plan No. 11592G, 33.43 feet (being a curved line with a radius of 21.96 feet;

SOUTHWESTERLY by Mystic Avenue, 249.11 feet; and

WESTERLY by Middlesex Avenue, 683.10 feet.

For title to PARCEL 1, see Certificate of Title No. 170946 on file in the Middlesex South Registry District of the Land Court in Registration Book 984, Page 196.

PARCEL 2 (Unregistered)

A certain parcel of unregistered land situated on the southerly side of Foley Street in said Somerville and northeasterly of PARCEL 1 hereinabove described, the same being shown as "Lot 5A" on a plan entitled, "Subdivision Plan of Land located in Somerville, Ma. L.C.C. 11592A & L.C.C. 16657A", dated March 11, 1980, revised March 27, 1980, by Yale Survey, Inc., recorded with the Middlesex South District Registry of Deeds with the deed at Book 13555, Page 539 (the "Plan"), bounded and described according to the Plan as follows:

NORTHEASTERLY by land now or formerly of Boston & Maine Corp., by four lines respectively measuring, 63.52 feet, 218.76 feet, 208.29 feet and 120.45 feet;

SOUTHEASTERLY by Lot 5B as shown on the Plan, 12.77 feet; and

SOUTHWESTERLY by Lot 4 as shown on the Plan, by five lines respectively measuring, 128.60 feet, 94.46 feet (being a curved line with a radius of 1637.28 feet), 208.46 feet, 72.24 feet (being a curved line with a radius of 583.69 feet) and 108.73 feet.

For title to PARCEL 2, see deed recorded with said Deeds in Book 13555, Page 539.

PARCEL 3 (Unregistered)

A certain parcel of unregistered land situated southerly of Foley Street and northerly of Mystic Avenue in said Somerville, the same being shown as "Lot 4A" on the Plan, bounded and described according to the Plan, as follows:

SOUTHEASTERLY by Lot 4B as shown on the Plan, 163.60 feet;

SOUTHWESTERLY by Lot 4 as shown on the Plan, 90.26 feet;

NORTHWESTERLY by the same, 163.60 feet; and

NORTHEASTERLY by the same, 90.26 feet.

For title to PARCEL 3, see deed recorded with said Deeds in Book 13555, Page 539.

PARCEL 4 (Unregistered)

A parcel of land in Somerville, Middlesex County, Massachusetts lying on the Westerly side of Assembly Square Drive being shown as Parcel 3 on "Plan of Land in Somerville, MA. prepared for the City of Somerville, Scale 1"=40', December 21, 1984, Vanasse/Hangen Engineering, Inc., Consulting Engineers and Planners, 60 Birmingham Parkway, Boston, Massachusetts", which plan is recorded with said Deeds at Book 17303, Page 115, being bounded and described as follows:

Beginning at a point on the Westerly side of Assembly Square Drive at its intersection with Foley Street; Thence along the Westerly sideline of Assembly Square Drive a curved line to the right having a radius of 44.00 feet a distance of 46.19 feet;

Thence along the Westerly sideline of Assembly Square Drive South 35° 20' 07" East 626.17 feet;

Thence by a curved line to the right having a radius of 24.25 feet a distance of 21.34 feet;

Thence at land now or formerly of Assembly Square Trust North 42° 18' 59" West 120.44 feet;

Thence at land now or formerly of Assembly Square Trust North 35° 00' 00" West 208.29 feet;

Thence at land now or formerly of Assembly Square Trust North 33° 29' 01" West 218.76 feet;

Thence at land now or formerly of Assembly Square Trust North 45° 27' 54" West 63.53 feet;

Thence at land now or formerly of Assembly Square Trust North 31° 41' 51" West 76.33 feet to the point of beginning.

INWITNESS WHEREOF, the said Twenty-Fifth Somerville Office Trust has caused these presents to be signed, acknowledged and delivered as sealed instrument in its name and behalf by Jay Furman and Michael Ades, its Trustees, hereto duly authorized, this 28 day of September, 1995.

TWENTY-FIFTH SOMERVILLE OFFICE
TRUST

By: 

Jay Furman, Trustee, and not
individually

By: 

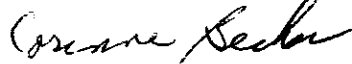
Michael Ades, Trustee, and not
individually

STATE OF NEW YORK

New York ss,

September 28, 1995

Before me personally appeared the above-named Jay Furman as Trustee of Twenty-Fifth Somerville Office Trust, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Twenty-Fifth Somerville Office Trust.



Notary Public

My commission expires:

CORINNE BECKER
Notary Public, State of New York
No. 31-4792263
Qualified in New York County
Commission Expires January 31, 1996

STATE OF NEW YORK

New York ss,

September 28

, 1995

Before me personally appeared the above-named Michael Ades as Trustee of Twenty-Fifth Somerville Office Trust, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Twenty-Fifth Somerville Office Trust.

Corinne Becker

Notary Public

My commission expires:

CORINNE BECKER
Notary Public, State of New York

No. 31-4792263

Qualified in New York County

Commission Expires January 31, 19.96

DOCUMENT 984306

BOTH WAYS

Lot 17

SO. MIDDLESEX LAND COURT
REGISTRY DISTRICT
RECEIVED FOR REGISTRATION

ON 10/03/95 AT 01:01:17 90.00 JMS

NOTED ON:

CERT 0170946 BK 984 PG 196

NEW CERTIFICATE(S) CREATED:

CERT 0203353 BK 1147 PG 3

LC PLAN NUMBER: 11592 K

cat to the cell

REGISTER

RECEIVED IN REGISTER
SOUTHERN DISTRICT
REGISTRY DISTRICT

Michael Miller, Esq. 439-4444
Edwards & Angell, 101 Federal St.
Boston, MA 02110



V – Accessibility Memorandums



July 5, 2018

George Proakis
Director of Planning
City of Somerville
93 Highland Street
Somerville, MA

Re: Alta XMBLY SPSR

Dear George,

Pursuant to the requirements of the City of Somerville application for Planning Board Approvals, VHB is providing the following Accessibility Narrative.

Alta XMBLY (the "Project") will be designed in compliance with the following applicable accessibility codes and guidelines:

- › 2010 ADA Standards for Accessible Design
- › 521 CMR: Architectural Access Board

521 CMR (MAAB) is applicable to all areas accessed by the general public. The Project will provide accessible routes connecting accessible spaces and elements of the Planned Unit Development. Accessible routes will coincide with routes for the general public.

2010 ADA Standards are applicable to new fixed or built-in elements of site improvements and pedestrian routes or vehicular ways located in the XMBLY Planned Unit Development. The project will provide accessible routes within the Planned Unit Development from accessible parking spaces and accessible passenger loading zones, public streets and sidewalks, and public transportation stops to the accessible building or facility entrances they serve, and provide accessible routes connecting accessible buildings, accessible facilities, accessible elements, and accessible spaces within the Planned Unit Development.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dale A. Horsman", followed by a long horizontal flourish.

Dale Horsman, P.E.



July 5, 2018
City of Somerville, MA Planning Board
City Hall
93 Highland Avenue
Somerville, MA 02143

RE: ALTA XMBLY – Application for SPSR-A-Accessibility Narrative

Per the requirements of the City of Somerville application for Special Permit, The Architectural Team (TAT) is providing the following accessibility narrative for Alta Xmbly located at 290 Revolution Drive.

We hereby certify to the best of our professional knowledge and belief that Alta Xmbly at 290 Revolution Drive will be designed to meet current 521 CMR: Massachusetts Architectural Access Board (MAAB) Rules and Regulations as well as the 2010 ADA Standards for Accessible Design. In addition, the residential portion will be designed to meet the requirements of the Federal Housing Design Manual as published by The Fair Housing Act (FHA).

Features include accessible routes, housing amenities, sidewalks, accessible parking including van spaces, access to retail, and Group I and Group 2A apartment units.

Sincerely,

The Architectural Team, Inc.

A handwritten signature in black ink, appearing to read "Michael D. Binette", is located below the typed name.

Michael D. Binette, AIA NCARB

Vice President + Principal / The Architectural Team, Inc.

cc: Jim Lambert / Director, Wood Partners
Michael Tulipani / Design Manager, Wood Partners
Philip Renzi / Senior Project Manager, The Architectural Team, Inc.
Glenn Mutz / Project Manager, The Architectural Team, Inc.



VI – Abutters List

This page is left intentionally blank. A check for the Abutters List is included with this application.