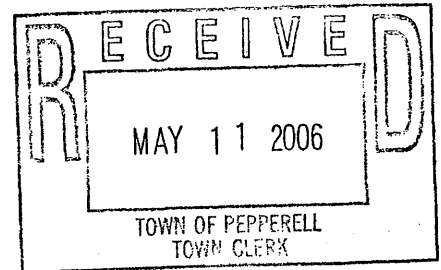




TOWN OF PEPPERELL

BOARD OF ASSESSORS



To: Board of Appeals
From: Susan J. Smith
Date: May 8, 2006
Re: Application for a Comprehensive Permit received from K. William Krikorian and Richard E. Morello, Jr. as Trustees of Bayberry Enterprise Realty Trust

While this office is not offered a review of the above referenced filing, another department has solicited my input and I submit the following:

Specific reference is made to page 5 of the applicants' submittal entitled "Preliminary Construction Budget." This is an important factor in determining the profit allowed the developer of a Chapter 40B project.

Verification of the information submitted indicates discrepancies and omissions. The applicants' state a site acquisition cost of **\$399,000**. To corroborate this statement the applicants' attached a purchase and sale agreement for **\$350,000**. This document is not recorded at the Registry of Deeds and, therefore, not part of the public record. The public record for the land purchase of the subject property is recorded in two deeds:

1. DAN Joint Venture III LP to Bayberry Enterprise Trust Book 37897 page 262, Feb. 4, 2003, **\$166,666.66**
2. Dages, et al to Bayberry Enterprise Trust, Book 37897 page 267 Feb. 4, 2003 **\$233,333.34**

Documented purchase price is **\$400,000**

Especially pertinent to this discussion are the four building lots sold by Bayberry Enterprise Realty Trust title to which was derived from deeds recorded in Book 37897 page 262 and 267. Specifics on these transactions are:

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06-373

April 14, 2006

1 Main Street, Pepperell, MA 01463
Telephone: (978) 433-0322 Fax: (978) 433-0

Bayberry Enterprise Realty Trust:
Bayberry Estates
40B Comprehensive Permit

Ex M

1. Bayberry Enterprise to John J. Willard, Book 42110 page 383, Feb. 6, 2004
\$162,100, 10 Bayberry St.
2. Bayberry Enterprise to Twin Valley Homes, Book 41183 page 623, Oct. 14, 2003
\$442,500, 3 lots, 12, 16, and 20 Bayberry St.

Documented profit to date (less any engineering costs to market the above four lots):

Cost	- \$400,000
Sale of 4 lots	+ \$604,600
PROFIT TO DATE	+ \$204,600

Plus remaining assets of 46 acres vacant land

It must be noted here that one applicant, K. William Krikorian, also owns 14.4 acres contiguous to the subject property but has not made this parcel part of the project at this filing. Does he plan to convey this to the Town as conservation land or file at a later date to expand? This should be an important consideration of any permit granting decision.

Also of note is the applicants' inclusion of a certain parcel of land improved with a single family dwelling that Mr. Morello purchased April 27, 2005 for \$410,000 located at 7-9 Ashley Street. The plans submitted show a 20 foot wide "Emergency Access Gravel Road" contained within a 40 foot "Right-of Way Easement" exiting on Ashley Street. This parcel was not specified in the "Site Eligibility Letter" from the Massachusetts Housing and Development office. Is it an integral part of the submission? If so, why was it not included with submissions made to the Commonwealth? Clearly this easement and right of way provide access to and through a large remainder of the site.

Enclosed with this memo is drawing numbered C-1 showing property originally purchased and the four lots sold subsequently.

Documents referenced in this memo are readily available through and public record of the South Middlesex Registry of Deeds. Should the developer refute this evidence, I would like to respond.

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cc: Town Counsel