



James G. Ward
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September 1, 2011
100390-11

By Hand Delivery

William Chin, Chairman
Zoning Board of Appeals
Town of Belmont
19 Moore Street
Belmont, MA 02178

Re: AP Cambridge Partners II, LLC
Comprehensive Permit
Belmont Uplands

Dear Bill:

As my client, AP Cambridge Partners II, LLC (“AP Cambridge”), proceeds towards obtaining a building permit, we recognize that some of the conditions in the original Comprehensive Permit need slight modification in order to integrate with the realities of obtaining our building permit and marketing the units.

In my February 7, 2011 letter to you regarding Condition 27(b) of the Comprehensive Permit, we notified the Zoning Board of Appeals (the “Board”) that despite AP Cambridge’s good faith efforts, AP Cambridge would not be able to obtain approval from the City of Cambridge to tie in to the City’s water and sewer system. Accordingly, we have been working with the Town of Belmont’s water department, the Town Engineer and the right-of-way division of the Massachusetts Department of Transportation (“Mass DOT”) on the technical aspects of those utility connections. The Town representatives require that we provide the Town an easement on the property (which would include Acorn Park Drive) to access the utilities in the event of an emergency. AP Cambridge has agreed to provide such an easement, while providing that AP Cambridge maintains the responsibility for maintaining all such utilities as required by Condition #25. However, with respect to Mass DOT, they require that the water and sewer lines in Frontage Road be owned by the Town from Acorn Park Drive up to the connection at Garrison Road. Understanding the interest of the Town to avoid the maintenance costs of the water and sewer lines, AP Cambridge will enter into an operation and maintenance agreement with the Town to assure the Town that AP Cambridge maintain the lines as the intent of Condition #25. With the Board's consent, we will work with Town counsel to create an agreement satisfactory to the Town.

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AP Cambridge also requests a modification of Condition #39, the prohibition of pets on the property. As you may recall, during the hearings on the project the concern expressed was that unit owners would not properly control their pets to avoid entering the adjacent conservation area. As it is in other properties, we believe that any such risk can be effectively managed through rules and strict oversight of those rules. I have enclosed a draft of a proposed "Pet Rider" that places strict limits on types of pets and their exercise, specifically requiring leashes and prohibiting access in the Conservation Area. Importantly, the Pet Rider allows removal of the pet for violation of the rules.

Thank you for your attention to this matter. The Project Team looks forward to discussing with the Board any questions it may have.

Very truly yours,

A handwritten signature in blue ink, appearing to be "James G. Ward", written over a blue circular scribble.

James G. Ward

JGW:lrd
Enclosure

2039867.1

Signature Date Print Name

Signature Date Print Name

PROPERTY MANAGER:

O'Neill Residential Services, L.P., a Pennsylvania limited partnership

By: O'Neill Residential Services Corporation, a Pennsylvania corporation, its General Partner

By: _____
Name:
Title: Property Manager