

NOTE:  
PER THE LATEST NATURAL HERITAGE MAPS FOUND ON MASSGIS  
MAP DATED 2023 THERE ARE NO ENDANGERED SPECIES FOUND  
ON THE PARCEL.

NATURAL HERITAGE  
FOR: STREET 45 MILFORD STREET  
ASSESSOR'S MAP U21 BLOCK/LOT 120  
TOWN: UPTON, MASSACHUSETTS  
PREPARED FOR  
MAIN STREET LLC  
SCALE: N.T.S. APRIL 14, 2025

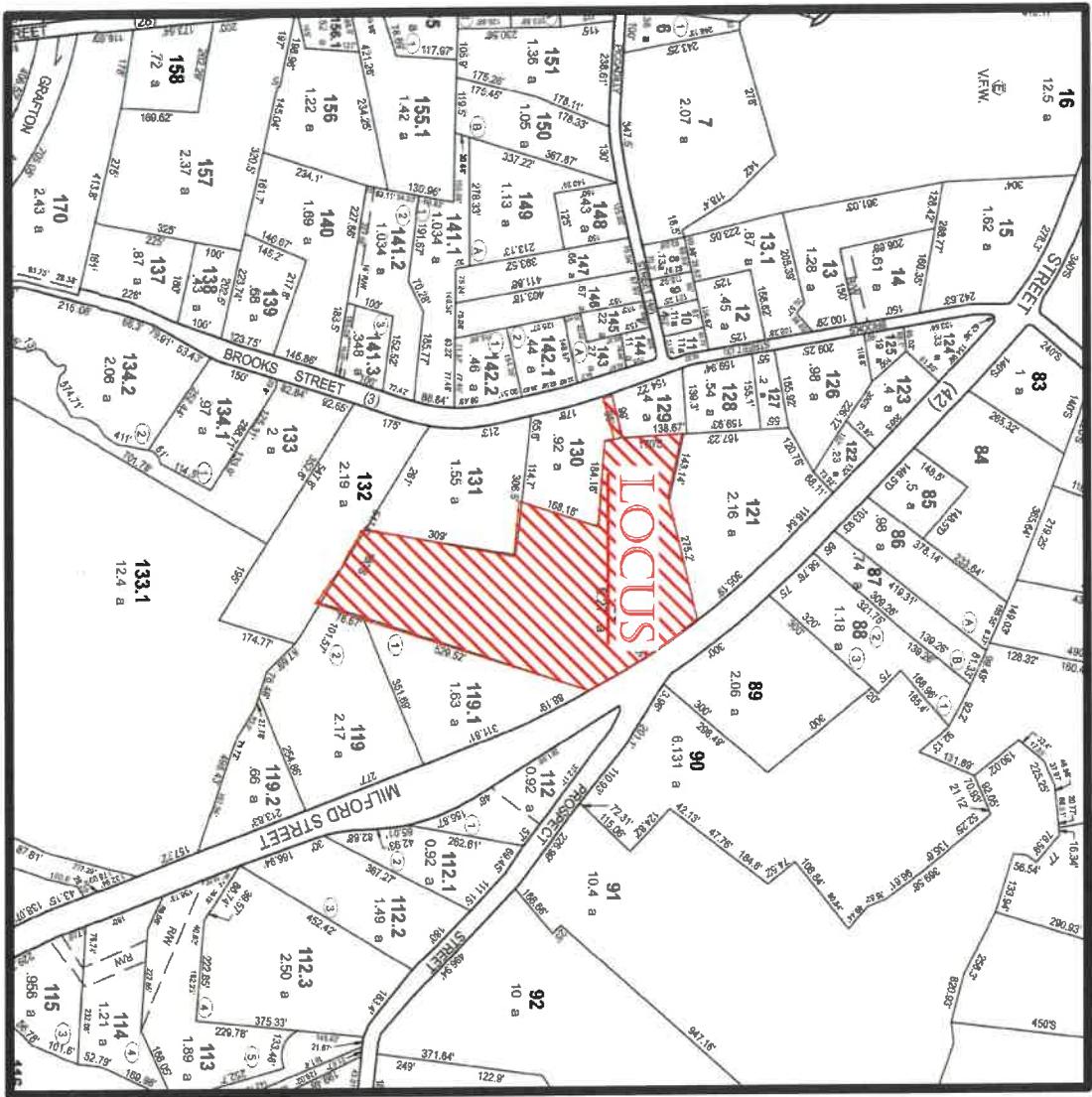


Civil Engineering & Land Surveying

115 Water Street • Milford, MA 01757  
P: (508) 468-2577

PROJECT NO. J-145 DRAWING J145USGS

SHEET 1 OF 1



Civil Engineering & Land Surveying

115 Water Street • Millford, MA 01775  
P: (508) 406-2577

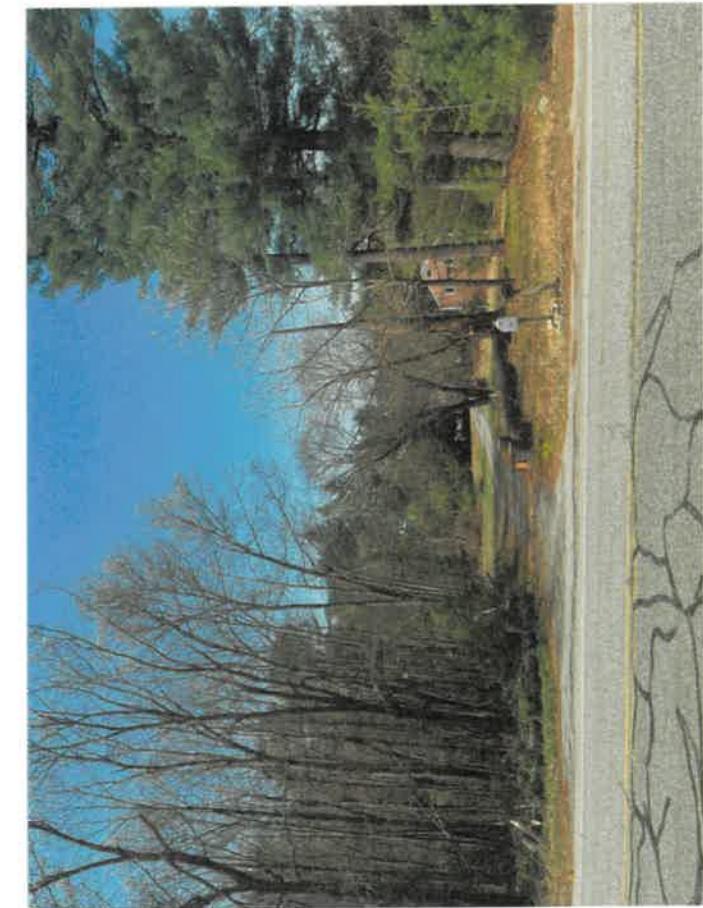
PROJECT NO. J-145 DRAWING J145USGS

SCALE: N.T.S. SHEET 1 OF 1

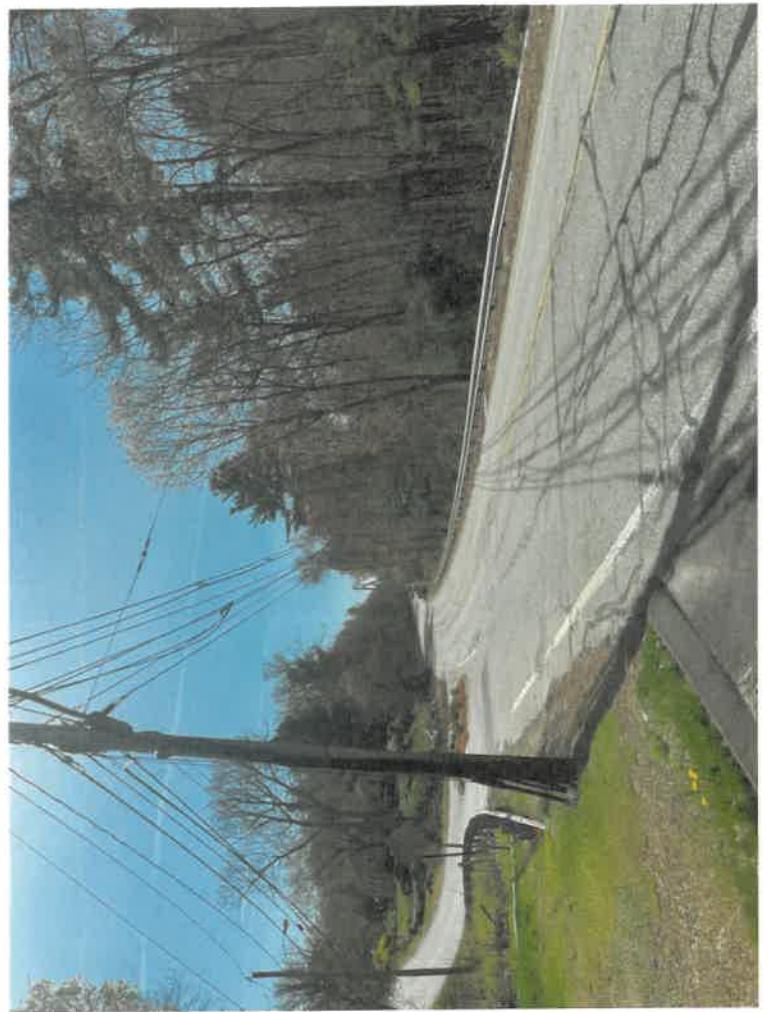
UPTON ASSESSOR MAP  
FOR: STREET 45 MILFORD STREET  
ASSESSOR'S MAP U21 BLOCK/LOT 120  
TOWN: UPTON, MASSACHUSETTS  
PREPARED FOR  
MAIN STREET LLC  
APRIL 14, 2025

**SITE/CONTEXT PHOTOGRAPHS**

**45 Milford St (Front and Rear Yard)**



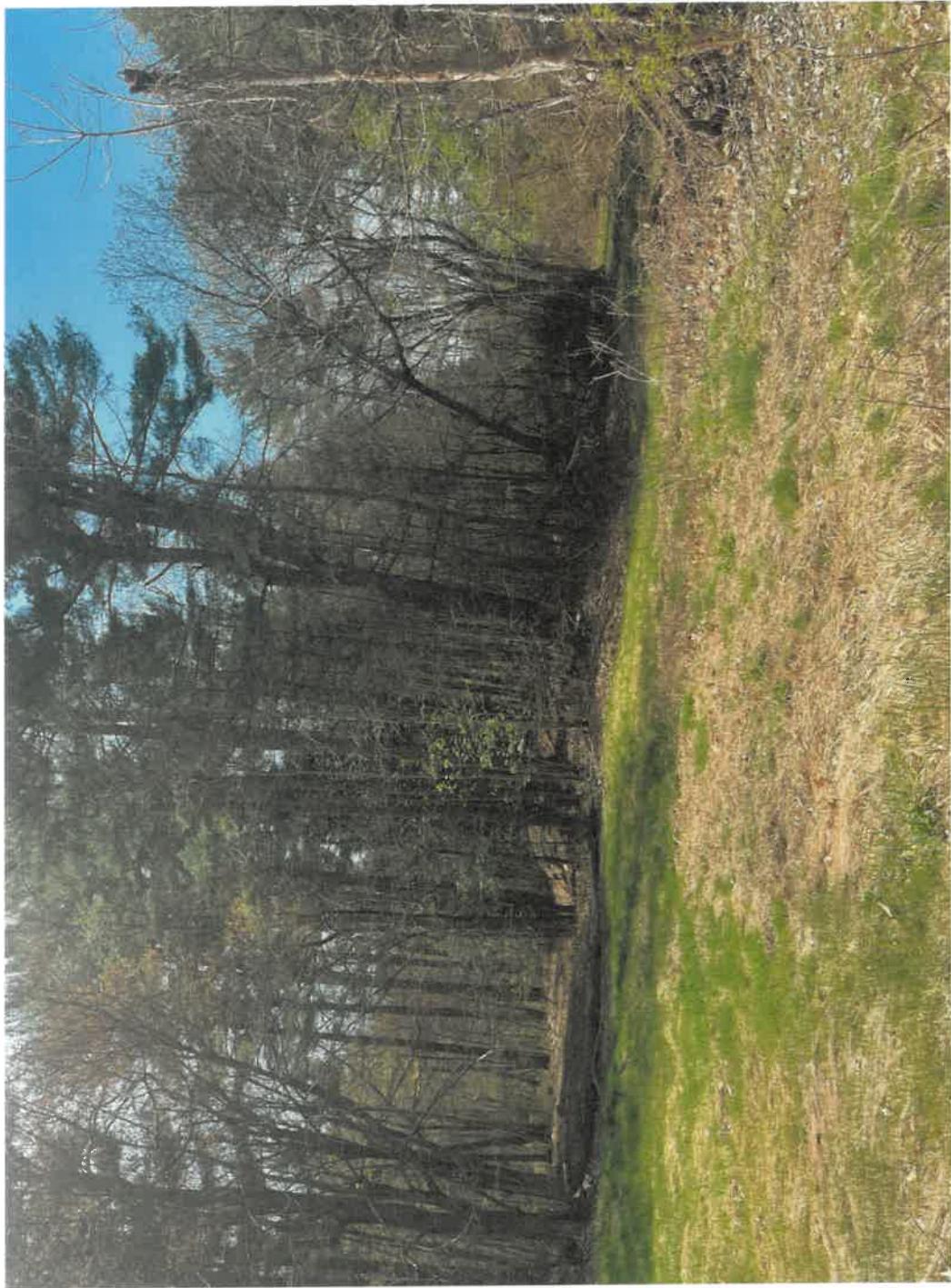
**Milford St Left and Right of Entrance Drive Adjacent West**



Residential Neighborhood on Brooks St behind 45 Milford St



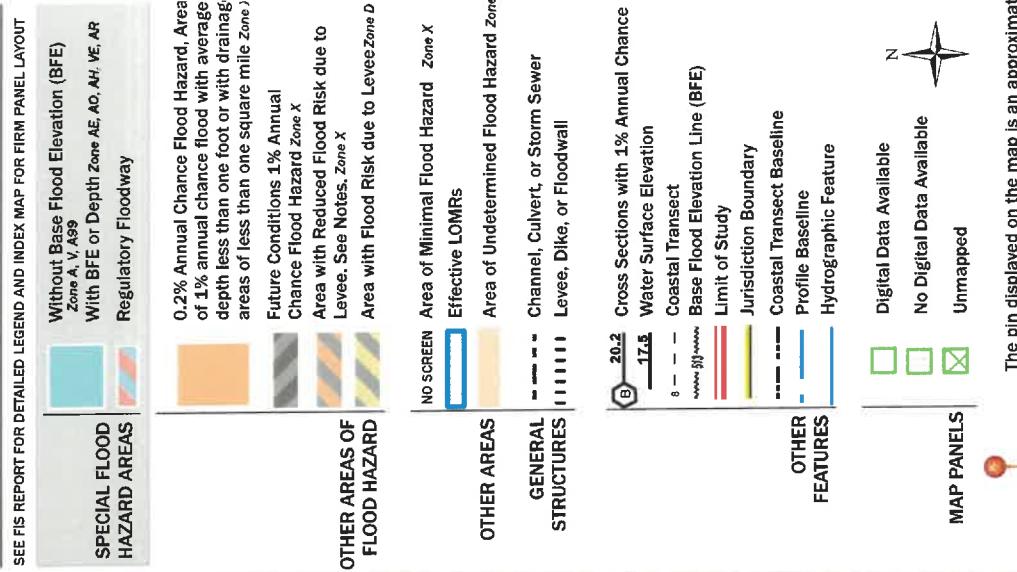
Wetland Area



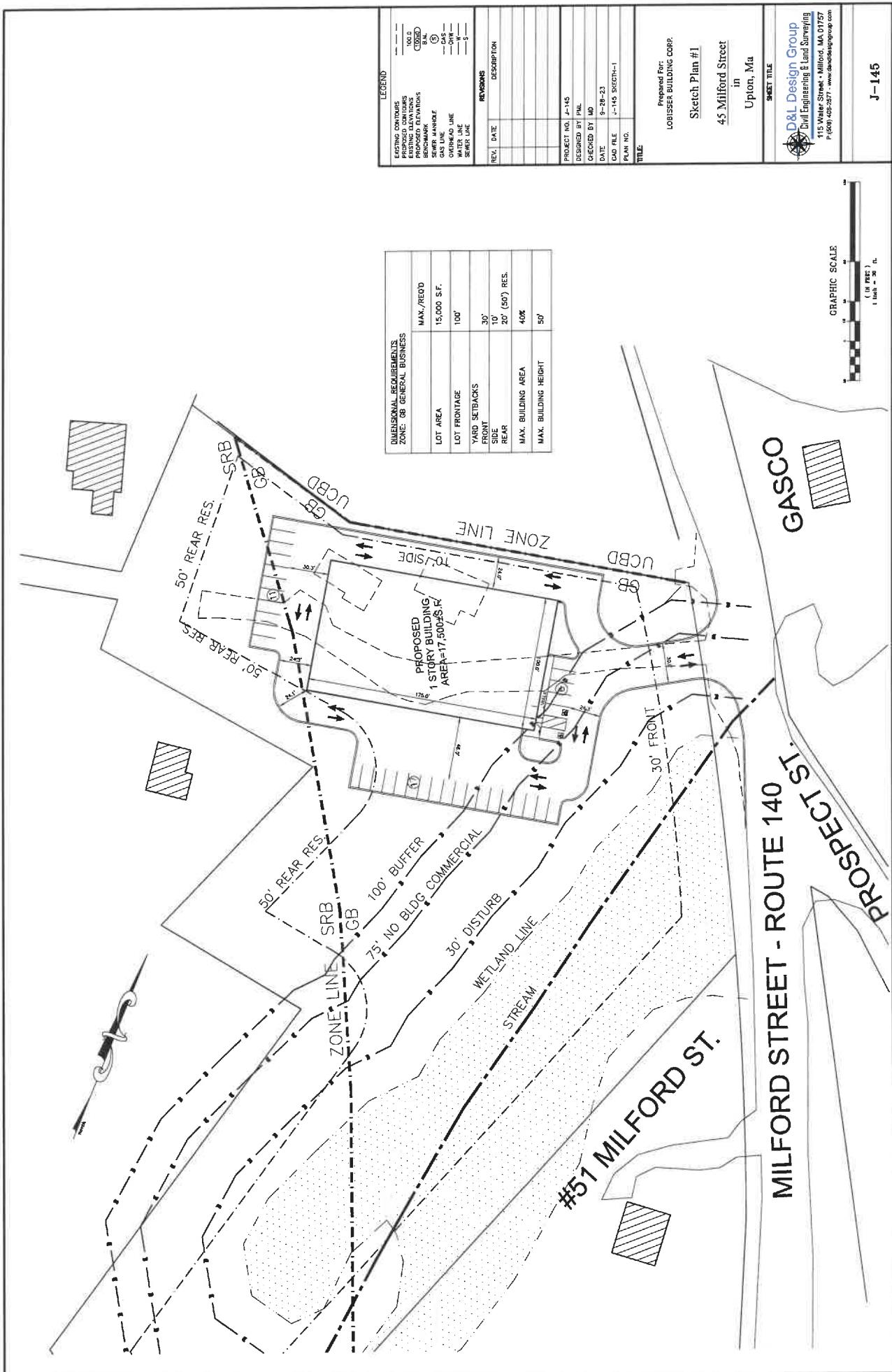
# National Flood Hazard Layer FIRMette



## Legend







**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 4B - Order of Resource Area****Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

Provided by MassDEP:  
MassDEP File #:311-0818  
eDEP Transaction #:1722751  
City/Town: UPTON

**A. General Information**

1. Conservation Commission UPTON

2. This Issuance is for (Check one):

- a.  Order of Resource Area Delineation
- b.  Amended Order of Resource Area Delineation

## 3. Applicant Details

a. First Name	KEVIN	b. Last Name	LOBISSE
c. Organization			
d. Mailing Address	1 CHARLESVIEW ROAD	f. State	
e. City/Town	HOPEDALE	MA	g. ZIP
			01747

## 4. Property Owner (if different from applicant):

a. First Name	ROBERT & NANCY	b. Last Name	PAGE
c. Organization			
d. Mailing Address	4 COLONIAL DR.	f. State	
e. City/Town	UPTON	MA	g. ZIP
			01568

## 5. Project Location

a. Street Address	45 MILFORD STREET		
b. City/Town	UPTON	c. Zip	01568
d. Assessors Map/Plat#	21	e. Parcel/Lot#	120
f. Latitude	42.16938N	g. Longitude	71.59687W

## 6. Dates

a. Date ANRAD Filed 3/28/2024 b. Date Public Hearing Closed 5/8/2024 c. Date Of Issuance 5/22/2024

## 7. Final Approved Plans and Other Documents

Plan Title	Plan Prepared By	Plan Signed By	Plan Final Date	Plan Scale
TOPOGRAPHIC PLAN OF LAND 45 MILFORD ST.	AS ELLIOTT & ASSOCIATES	ELLIOTT J PAZURO	3/18/24	1"=40'

**B. Order of Delineation**

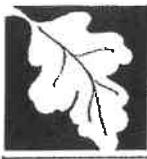
1. The Conservation Commission has determined the following (check whichever is applicable)

a.  **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

- 1.  Bordering Vegetated Wetlands
- 2.  Other resource area(s), specifically
  - a. INTERMITTENT STREAM

b.  **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

- 1.  Bordering Vegetated Wetlands
- 2.  Other resource area(s), specifically

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 4B - Order of Resource Area****Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

Provided by MassDEP:  
MassDEP File #:311-0818  
eDEP Transaction #:1722751  
City/Town: UPTON

a.

c.  **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1.  Bordering Vegetated Wetlands
2.  Other resource area(s), specifically
  - a.

3. The boundaries were determined to be inaccurate because:

**C. Findings**

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, S 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation. This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

**D. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination. The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, S 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area  
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**E. Signatures**

Please Indicate the number of members who will sign this form.

Provided by MassDEP:

311-0818

MassDEP File Number

1722761

eDEP Transaction Number

Upton

City/Town

5/22/24

Date of Issuance

4

1. Number of Signers

**Signatures**

Sandra Lajive  
Signature of Conservation Commission Member

Thomas S. Jango  
Signature of Conservation Commission Member

Deb  
Signature of Conservation Commission Member

Heidi  
Signature of Conservation Commission Member

Deb  
Signature of Conservation Commission Member

Heidi  
Signature of Conservation Commission Member

Heidi  
Signature of Conservation Commission Member

Heidi  
Signature of Conservation Commission Member

Sandra Lajive  
Printed Name

Thomas S. Jango  
Printed Name

Deb  
Printed Name

Heidi  
Printed Name

Heidi  
Printed Name

Heidi  
Printed Name

Heidi  
Printed Name

**This Order is valid for three years from the date of issuance.**

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on \_\_\_\_\_ unless extended in writing by the issuing authority.

**This Order is issued to the applicant and the property owner (if different) as follows:**

2.  By hand delivery on

5/22/24

a. Date

3.  By certified mail, return receipt requested on

a. Date

a. Date \_\_\_\_\_

3.  By hand delivery on \_\_\_\_\_  
4.  By certified mail, return receipt requested on \_\_\_\_\_

This Order is issued to the applicant and the property owner (if different) as follows:

If this Order constitutes an Amended Order or Resource Area Delimitation, this Order does not extend the issuance date of the original Final Order, and the Amended Order will expire on the date of the Original Final Order unless extended in writing by the Department.  
This Order is valid for three years from the date of issuance.

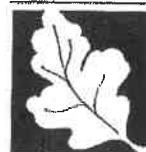
David Szczekak

Christine Scott

Thomas Jango

Sandra Lajolie

**E. Signatures**



Massachusetts Wetlands Protection Act M.G.L. c. 131 S40  
WPA Form 4B - Order of Resource Area  
Bureau of Resource Protection - Wetlands  
MassDEP File #311-0818  
WPA Form 4B - Order of Resource Area  
Bureau of Resource Protection - Wetlands  
MassDEP File #1722751  
Delimitation  
City/Town/Uniton  
1. Date of Original Order  
2. No. of Signatures required 4

## **Narrative Description of Design Approach**

The design for Upton Townhomes at 45 Milford Street in Upton, MA consists of a series of townhouse-style three-bedroom condominium homes arranged in four linear buildings with a consistent architectural language. Each of the twenty-seven homes includes a front-facing garage integrated into the ground floor, providing direct access and minimizing the need for large surface parking areas. Driveways in front of each unit offer additional off-street parking, contributing to a compact and efficient layout. Each home will also include a rear deck at the second floor level and a rear patio at the grade level.

The buildings are designed with pitched roofs, traditional gable forms, and vertically aligned window groupings. Exterior materials include horizontal lap siding, asphalt shingles, and trim details, all chosen to reflect the surrounding residential context and maintain a consistent aesthetic.

The buildings are sited with their narrow elevations facing Milford Street, reducing the perceived mass from the public way. This orientation, along with articulated façades and architectural variation, breaks down the visual scale and reinforces a residential feel. Entrances are highlighted by canopies or modest porch features to create a welcoming pedestrian experience and emphasize human scale.

Sidewalks and internal walkways connect the front doors of each unit with shared circulation paths and green spaces throughout the site. The development's organization provides a clear and functional layout, while retaining openness and reasonable setbacks from neighboring properties.

Landscaped buffers are maintained, with a mix of native trees, shrubs, and ornamental planting to soften the site edges and enhance visual privacy. These green edges help the development transition smoothly into the surrounding neighborhood and minimize impact on adjacent residential properties.

In response to the more active commercial presence across Milford Street, the project uses residential design elements and strategic siting to create a comfortable interface while reinforcing the suburban character of the area.

Overall, the project blends appropriately into its context by using familiar forms, materials, and scale. It provides new ownership housing opportunities in a manner that is compatible with existing development patterns and sensitive to the surrounding community.

## Preface

There are two Zoning Districts within the proposed Chapter 40B site at 45 Milford Street: General Business (GB) and Single Residence B (SRB). The GB District is 4.9 acres and is located at the front of the site. The SRB District is approximately .6 acres and is located at the rear of the site. Given that Townhouses are a Per GB and SRB zoning districts, a column listing dimensional and certain other requirements for Townhouse development in a GB or SRB zoning district have also

A Use and Density Waiver will, of course, be required to allow the development of Upton Townhomes as proposed.

A more detailed list of "Waivers to be Requested" will be submitted with the Comprehensive Permit Application. This Tabular Zoning Table focuses only on the Dimensional Requirement and Parking Waivers that will be necessary. Given that the permit granting authority for comprehensive permits is the Zoning Board (Applicant will be requesting a waiver from Section 300-7.2 (A requirement that a Definitive Plan be filed with the Planning Board with such Definitive Plan demonstrating compliance with the Subdivision Rules and Regulations)

<i><b>Dimensional Requirements</b></i>	<i><b>General Business (GB) Zoning District Requirements (including special requirements when a GB District is adjacent to an SRB District)</b></i>	<i><b>Single Residence B (SRB) Zoning District Requirements</b></i>	<i><b>Proposed Lot/Building</b></i>	<i><b>Townhouses as a Permitted Use in a GB or SRB Zoning District (See Section 300-7.2 of Zoning By-Law)</b></i>
Minimum Lot Area	25,000 SF	25,000 SF	25,000 SF	238,774 SF
Minimum Lot Frontage	150'	150'	150'	283.94'
Minimum Yard Setbacks - Front	30'	40'	40'	82.4'
Milford Street/Route 140				30'
Minimum Yard Setbacks - Side	50'	20'	20'	22.3'
Minimum Yard Setbacks - Side (Sout)	50'	20'	20'	51.0'
				See Footnote 1
				180'
				30'
				10'
				10'

Minimum Yard Setbacks - Rear	50'	30'	20.4'	20
Brooks Street				
Maximum Height	25'	30'	31'	25
Maximum Number of Stories	2	2.5	3	2
Maximum Coverage (Buildings and Pavement)	40%	30%	24%	30%

***Parking Requirements***

Each of the 27 proposed townhouses will have 2 parking spaces ( a garage parking space and a driveway parking space). In addition there will be 10 Guest parking spaces for a total of 64 parking spaces resulting in a parking ratio of 2.3spaces per unit. Section 300-7.2.C states: There shall be one off-street parking space of 250 square feet per dwelling unit plus one off-street parking space per bedroom over and above that area needed for access roadways and maneuvering to a maximum of three spaces per unit. No more than 50 spaces may be allowed in any one parking lot, each of which shall be adequately screened from view from exterior streets by appropriate landscaping. No parking spaces shall be located within 30 feet of that part of a building containing windows of habitable rooms at the basement or first story level unless such rooms are protected from headlight glare by at least a four-foot but not more than five-foot high densely planted landscaped strip or fence placed at the periphery of the parking area. Such parking spaces which are screened as above mentioned may be located up to, but not within 10 feet of that part of a building containing habitable rooms at the basement or first story level.

***Footnote 1***

25,000 SF of lot area per dwelling unit, provided that there are no more than eight dwelling units in any one townhouse building. The Minimum Lot Area requirement for a 27-unit townhouse development would be 675,000 SF.

is approximately  
mitted Use in  
been included.

primary  
of Appeals, the  
onstrating

**40B**  
***Waiver to be  
Requested***

Yes
No
No
Yes
No

Yes
Yes
Yes
No

<p>40B <i>Waiver to be Requested</i></p>
--



2024 00050733

Bk: 70706 Pg: 320

Page: 1 of 3 08/28/2024 03:24 PM WD

MASSACHUSETTS EXCISE TAX  
Worcester District ROD #20 001  
Date: 08/28/2024 03:24 PM  
Ctrl# 260886 12110 Doc# 00050733  
Fee: \$2,166.00 Cons: \$475,000.00

## QUITCLAIM DEED

I, **NANCY A. PAGE**, an unmarried woman, of Upton, County of Worcester, Commonwealth of Massachusetts,

in consideration of **FOUR HUNDRED SEVENTY-FIVE THOUSAND (\$475,000.00) DOLLARS**, paid

grant(s) to **45 MILFORD ST. LLC**. a Massachusetts Limited Liability company having a usual place of business at 1 Charlesview Drive, Hopedale, County of Worcester, Commonwealth of Massachusetts 01757

### with QUITCLAIM COVENANTS

The land situated on Milford Street, Upton, Worcester County, Massachusetts, and shown as 45 Milford Street, Upton, MA on a plan entitled "Plan of Land 45 Milford Street Upton, Massachusetts" Prepared for: D&L Design Group Scale 1"= 40' Date: June 26, 2024 Owner: Robert & Nancy Page 4 Colonial Drive Upton, MA 01568" by A.S. Elliott & Associates Professional Land Surveyors P.O. Box 85 Hopedale, MA 01747 (508) 634-0256 www.aselliott.com.

Said plan is recorded in the Worcester District Registry of Deeds in Plan Book 978 as Plan No. 54 to which plan reference may be had for a more particular description of the premises.

Said premises contain, according to said plan, an area of 5.5 +/- acres.

Said premises are conveyed subject to relocation of State Highway by Commonwealth of Massachusetts, (known as Milford Street), by instrument recorded in Book 2505, Page 81.

Also subject to right to construct drainage ditch granted to Commonwealth of Massachusetts, recorded in Book 2507, Page 21.

The Grantor hereby states that the premises is not a homestead property and herein warrants under the pains and penalties of perjury that there are no other persons with any claim to homestead in the property.

Property Address: 45 Milford St., Upton, MA 01568

13

Meaning and intending to convey the same premises conveyed to the herein named Grantor by deed dated August 24, 1985 and recorded in the Worcester County Registry of Deeds at Book 9128, Page 296.

See also Estate of Robert A. Page, Worcester County Probate and Family Court Case No. 09P0437-EP1.

{SIGNATURES AND NOTARIZATIONS ON FOLLOWING PAGE.}

The Commonwealth of Massachusetts  
 Office of the Collector of Taxes  
 Town of Upton  
 Municipal Lien Certificate



Number: 6105  
 6/17/2024

Consigli and Brucato PC  
 189 Main St Post Office Box 170  
 Milford, MA 01757

I Certify from available information that all taxes, assessments, and charges, now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on 6/11/2024 are listed below:

**DESCRIPTION OF PROPERTY**

Parcel Identifier	021-120	Assessed Owner	PAGE ROBERT A & NANCY A	
Account	1727	Additional Owner		
Location of Property	45 MILFORD ST	Supposed Present Owner		
Acreage	5.27 Acres	Legal Reference	Book	9128
			Page	296
			Deed Date	12/18/1985

**VALUATION**

FY	Residential	Rate 1	Open Space	Rate 2	Commercial	Rate 3	Industrial	Rate 4	Exempt
2025	415,200	13.68	0	0.00	0	13.68	0	13.68	0

**ASSESSMENT**

	2025 1st Quarter	2025 2nd Quarter	2025 3rd Quarter	2025 4th Quarter	FY 2024	FY 2023
Preliminary Tax	\$1,419.99	\$1,419.98	N/A	N/A	\$2,746.26	\$3,052.14
Preliminary Other Land Tax	\$32.34	\$32.34			\$61.59	\$66.41
Actual Tax					\$2,933.68	\$2,440.38
Actual Other Land Tax					\$67.77	\$56.76
Interest To Date	\$0.00	\$0.00			\$0.00	\$0.00
Charges and Fees					\$5.00	
Credits					\$5,814.30	\$5,615.69
Interest Credit					\$15.54	\$0.00
Per Diem	\$0.00	\$0.00			\$0.00	\$0.00
Balance Due	\$1,452.33	\$1,452.32			\$0.00	\$0.00



2024 00050732

Bk: 70706 Pg: 319

Page: 1 of 1 08/28/2024 03:24 PM WD

Property Tax Interest Per Diem	\$0.00
Committed Tax Balance	\$2,904.65

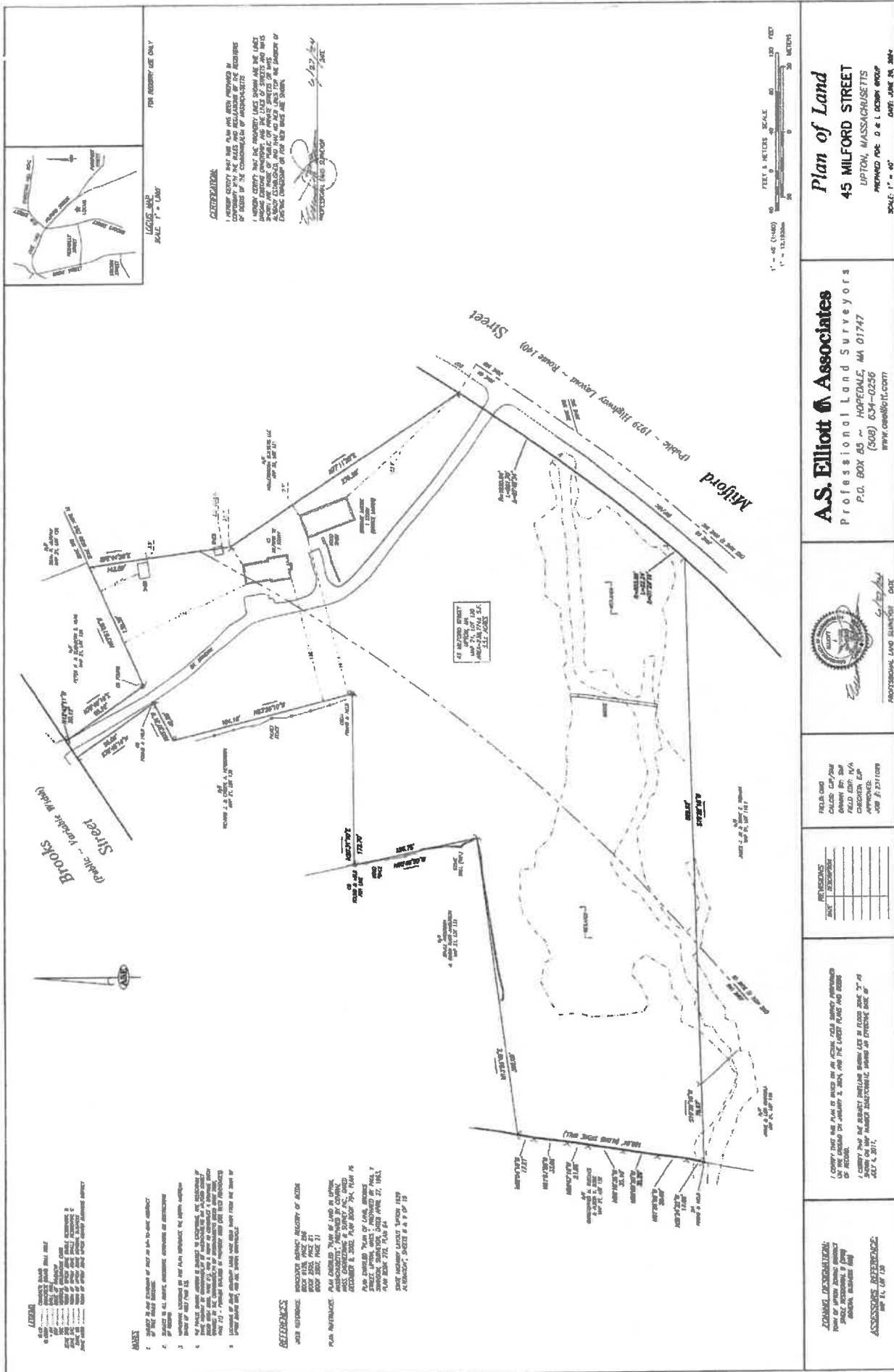
All of the amounts listed above are to be paid to the Collector. I have no knowledge of any other lien outstanding.

INFORMATION ON THIS CERTIFICATE IS COMPLETE AS OF 6/17/2024

Jessica L. Gomez

Collector of Taxes

ATTEST: WORC. Kathryn A. Toomey, Register



## A. Settlement Statement

U.S. Department of Housing and  
Urban Development

OMB Approval No. 2502-0265

## B. Type of Loan

<input type="checkbox"/> FHA	<input type="checkbox"/> RHS	<input type="checkbox"/> Conv. Unins	<input type="checkbox"/> VA	<input type="checkbox"/> Conv. Ins	<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> Other
8. File Number 2023-34		9. Loan Number		10. Mortgage Insurance Case Number		

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing, they are shown here for informational purposes and are not included in the totals.

## D. NAME AND ADDRESS OF BORROWER:

45 Milford St. LLC

1 CHARLESVIEW ROAD, HOPEDALE, MA 01247

## E. NAME AND ADDRESS OF SELLER:

Nancy A. Page  
Upton, MA

## F. NAME AND ADDRESS OF LENDER:

45 Milford St  
Upton MA 01247

## G. PROPERTY LOCATION:

Consigli and Brucato, PC  
189 Main Street, 3rd Floor, Milford MA 01757  
(508) 478-2054

## H. SETTLEMENT AGENT:

189 Main Street, 3rd Floor, Milford MA 01757

## PLACE OF SETTLEMENT:

I. SETTLEMENT DATE:	06/27/2024	DISBURSEMENT DATE	06/27/2024
J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due From Borrower			400. Gross Amount Due To Seller
101. Contract Sales Price	475,000.00	401. Contract Sales Price	475,000.00
102. Personal Property		402. Personal Property	
103. Settlement charges to borrower (line 1403)	3,975.75	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/Town taxes 04/01/2024 to 06/30/2024	1,500.72	406. City/Town taxes 04/01/2024 to 06/30/2024	1,500.72
107. County taxes		407. County taxes	
108.		408.	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due From Borrower	480,476.47	420. Gross Amount Due To Seller	476,500.72
200. Amounts Paid By Or In Behalf Of Borrower		500. Reductions In Amount Due To Seller	
201. Deposit or earnest money	10,000.00	501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	2,416.00
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504.	
205.		505.	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/Town taxes		510. City/Town taxes	
211. County taxes		511. County taxes	
212. Assessments		512. Assessments	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid By/For Borrower	10,000.00	520. Total Reduction Amount Due Seller	2,416.00
300. Cash At Settlement From/To Borrower		600. Cash At Settlement From/To Seller	
301. Gross Amount due from borrower (line 120)	480,476.47	601. Gross Amount due to Seller (line 420)	476,500.72
302. Less amounts paid by/for borrower (line 220)	10,000.00	602. Less reductions in amount due seller (line 520)	2,416.00
303. CASH From BORROWER	470,476.47	603. CASH To SELLER	474,084.72

We, the undersigned, identified in Section D hereof and Seller in Section E hereof, hereby acknowledge receipt of this completed Settlement Statement (Pages 1 and 2) on June 27, 2024.

Buyer 45 Milford St. LLC

Jose Ferreira, Manager

7/1/2024

Manager

Buyer 45 Milford St. LLC

Kevin Lobisser, Manager

Seller Nancy A. Page

Nancy A. Page

<b>L. SETTLEMENT CHARGES</b>			
<b>700. Total Real Estate Broker Fees</b>			
Division of commission (line 700) as follows:			
701.			
702.			
<b>703. Commission paid at settlement</b>			
704.			
705.			
706.			
<b>800. Items Payable In connection with Loan</b>			
801. Loan Origination Fee	to		
802. Loan Discount	to		
803.			
804.			
805.			
806.			
<b>900. Items Required By Lender To Be Paid In Advance</b>			
901. Interest from	From 06/27/2024	To 07/01/2024	
902. Mortgage insurance premium			
903. Hazard Insurance premium			
904.			
905.			
<b>1000. Reserves Deposited With Lender</b>			
1001. Hazard Insurance			
1002. Mortgage Insurance			
1003. City property taxes			
1004. County Property Taxes			
1005. Annual assessments			
1006.			
1007.			
<b>1008. Aggregate Adjustments</b>			
<b>1100. Title Charges</b>			
1101.			
1102.			
1103.			
1104.			
1105.			
1106. Title Exam	to Consigli & Brucato PC	450.00	
1107. Attorney's fees	to Consigli & Brucato PC	1,500.00	
1108. Title Insurance	to Fidelity National Title Insurance Company	1,781.25	
1109. Lender's coverage @ \$ .00	\$ 1,246.88		
1110. Owner's coverage \$475,000.00 @ \$ 1,781.25	\$ 534.37		
to Fidelity National Title Insurance Company			
1111.			
1112.			
1113. Title Insurance Commission	to Consigli and Brucato, PC (1246.88 POC)		
<b>1200. Government Recording and Transfer Charges</b>			
1201. Recording fees: Deed \$159.75	Mortgage	Releases	159.75
1202. City/county tax/stamps Deed \$2,166.00	Mortgage		2,166.00
1203. State tax/stamps: Deed	Mortgage		
1204. Municipal Lien Certificate	to Commonwealth of Massachusetts		84.75
1205.			
<b>1300. Additional Settlement Charges</b>			
1301. Prepare Deed	to Consigli & Brucato PC		250.00
1302.			
1303.			
1304.			
1305.			
<b>1400. TOTAL SETTLEMENT CHARGES</b>			3,975.75 2,416.00

We, the undersigned, identified in Section D hereof and Seller in Section E hereof, hereby acknowledge receipt of this completed Settlement Statement (Pages 1 and 2) on June 27, 2024.

*Joe Ferreira* *Manager*  
 Buyer 45 Milford St. LLC, Jose Ferreira, Manager

*Nancy A. Page*

*Kevin Lobisser* *Manager*  
 Buyer 45 Milford St. LLC, Kevin Lobisser, Manager

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent: *[Signature]*

Date: *6-26-24*

August 1<sup>st</sup>, 2025

Kevin W. Lobisser  
President  
Lobisser Building Corp.  
1 Charlesview Road  
Hopedale, MA 01747

Dear Kevin:

This letter is an expression of interest by Rockland Trust to provide capital for Upton Townhomes, a 27-unit condominium townhome residential development project at 45 Milford Street in Upton, MA.

Rockland Trust's interest is based on our prior positive lending experience with you and the quality of the development team and the proposed project.

Rockland Trust understands that the project would be permitted under the Commonwealth's Chapter 40B program and that 25% of the units must satisfy the applicable Chapter 40B affordability requirements. We also understand that at least 10% of any construction loan funding for an ownership project must be sourced from the Federal Home Loan Bank of Boston's New England Fund Program. Rockland Trust is a member of the Federal Home Loan Bank of Boston and has been one of the state's leading lenders on Comprehensive Permit developments. Financing the proposed project provides a meaningful opportunity for Rockland Trust to be associated with a mixed-income ownership development that will provide affordable ownership housing in one of our target market areas.

This letter, which we understand will be included in your Project Eligibility Application to MassHousing, should not be considered as a commitment to fund your proposed project. Any financial commitment will be subject to our final review of the plans and budgets, our completion of our other normal due diligence underwriting requirements, and our satisfactory attainment of the necessary internal approvals.

We look forward to pursuing this 40B development financing opportunity with you.

Sincerely,

  
\_\_\_\_\_  
Darin Foster, Senior Vice President

**MARKET SALE COMPARABLES**

Address	Year Built	Square Footage	Sale Price	Sale Date	Bedrooms	Bathrooms
124 Clubhouse Ln #124 Northbridge, MA	2005	2429	\$725,000	2025-07-11	3	3
30 Lakepoint Way Hopkinton, MA	2019	2100	\$822,000	2023-05-30	2	2.5
52 Grove St Upton, MA	2023	2097	\$775,000	2023-10-10	3	2.5
6 Boot Shop Rd #34 Upton, MA	2025	2228	\$917,975	2025-07-31	2	2.5
7 Sienna Cir #7 Upton, MA	2022	1405	\$693,000	2025-07-09	2	2
41 Nazneen Cir #41 Hopkinton, MA	2011	2173	\$818,000	2023-08-17	3	2.5

## DEVELOPMENT TEAM

### APPLICANT/DEVELOPER

Kevin W. Lobisser, President

Lobisser Building Corp.

<https://lobisserbuildingcorp.com/index.php>

(See additional information below and at Section 6.2)

### OWNERSHIP ENTITY 45 Milford St LLC

Kevin W. Lobisser, Manager

### DEVELOPMENT CONSULTANT

Edward H. Marchant

EHM/Real Estate Advisor

(See additional information below)

### CIVIL ENGINEER

Michael Dean, P.E.

Peter Lavoie

D&L Design Group, Inc.

(See additional information below)

### ARCHITECT

Jeremy Baldwin, R.A.

Cora McComiskey

Maugel Destefano Architects, Inc.

<https://www.maugel.com/multi-family-design>

<https://www.maugel.com/team/jeremy-baldwin>

### TRAFFIC ENGINEER

Jeffrey Kirk, P.E., PTOE, FITE

Vanasse & Associates

<https://rdva.com/>

<https://rdva.com/meet-the-team/jeffrey-s-dirk/>

**GENERAL CONTRACTOR**

Kevin W. Lobisser, President

Lobisser Building Corp. (or related party)

<https://lobisserbuildingcorp.com/index.php>

**LOTTERY AGENT**

Maureen O'Hagan

MCO Housing Services, LLC

<https://mcohousingservices.com/>

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**APPLICANT/DEVELOPER and OWNERSHIP ENTITY**

Kevin Lobisser, Owner and President of Lobisser Building Corp., has planned, designed, permitted, and developed over 761 residential single-family homes, condos, and rental units since 1995.

All of Mr. Lobisser's projects are constructed through Lobisser Building Corp. Lobisser Building Corp. includes 22 talented and dedicated professionals which include Project Managers, Site Supervisors, Laborers, Accountants and Office staff.

Currently Kevin Lobisser owns over 182 rental apartment units and approximately 100,000 sq. ft. of medical office space, flex buildings and retail space.

Representative past and current residential projects are listed below:

- ○ Crystal Way, Bellingham MA / 21-residential condo units
- ○ Woodland Hills, Bellingham, MA / 12-residential custom homes
- ○ Rockwood Meadows, Upton, MA / 62-residential condo units
- ○ Village at Cooks Farm, Franklin, MA / 55-residential condo units
- ○ Kenneth Village, Upton, MA / 8-residential condo units
- ○ Hecla Canal, Uxbridge, MA / 12-residential condo units
- ○ 169 Medway Rd. Milford, MA / 24-residential rental units
- ○ 75 Water St. Milford, MA / 7-residential rental units
- ○ Minuteman Estates, Oxford, MA / 38-residential homes
- ○ 149 Main, Upton, MA /44-residential rental units (Chapter 40B)
- ○ Landmark Place Apartments, Milford, MA/ 38-residential rental units
- ○ Whitewood Preserve, Milford, MA/ 29-residential condo units
- ○ Lake Point Village, Lakeville, MA/ 33- residential condo units
- ○ Northwoods, Sudbury, MA/ 19- residential condo units
- ○ Sleepy Hollow, Douglas, MA/ 24-residential custom homes
- ○ Preserve at Dean Pond, Upton, MA/ 14- residential custom homes
- ○ Hopkinton Village, Hopkinton, MA/ 9- residential condo units

Mr. Lobisser will be the Manager of the Special Purpose LLC Entity that will be formed to be the ownership entity for Upton Apartments.

Mr. Lobisser's partner in the development of Upton Apartments, Steven Greenwald, will be a Member of the LLC that will be formed to be the ownership entity. Mr. Greenwald is also a Member of 149 Main Street LLC, the ownership entity for 149 Main.

Mr. Greenwald is the managing partner of the law firm Greenwald & Greenwald LLP, located in Milford, MA. He has been practicing law since 1983, devoting virtually all of his time to representing developers and landlords. This work includes drafting leases and contracts and appearing before local town boards and courts. He has also personally been a residential landlord on a continuous basis since 1982, owning numerous properties in five towns. In addition to 149 Main, Mr. Greenwald has previously partnered with Kevin Lobisser on several real estate developments.

#### **DEVELOPMENT CONSULTANT**

Ed Marchant has been actively involved with the development of residential and commercial real estate over the past fifty years. As Director of Development at GBCD, Inc., now known as The Community Builders (TCB), Mr. Marchant worked with a wide range of community-based housing sponsors in the development of numerous affordable and mixed-income housing projects throughout Greater Boston. His involvement with mixed-income housing and public housing continued as a Vice President at John M. Corcoran & Co., where he also worked on several commercial projects. As an independent real estate advisor since 1990, Mr. Marchant has worked with a variety of private, public, and institutional clients on assignments ranging from the development of a single asset to the planning and development of large-scale, mixed-use projects.

Mr. Marchant has been actively involved with one hundred and eighty-two (182) Chapter 40B Comprehensive Permit projects in Massachusetts where he has advised either local Zoning Boards of Appeals (112 Projects in 51 Municipalities) or developers (70 Projects in 49 Municipalities).

A graduate of Cornell University and Harvard Business School, Mr. Marchant served as an Adjunct Lecturer in Public Policy at Harvard Kennedy School for forty years where he taught courses jointly offered at the Harvard Graduate School of Design (GSD) on real estate development and finance and on the development, financing, and management of mixed-income and affordable housing. He continues to teach his jointly offered affordable and mixed-income housing course as a Lecturer in Urban Planning and Design at GSD, where he also teaches in several Executive Education programs. Mr. Marchant served on the Board of Directors for TCB (a non-profit organization) for twenty-three years and continues to serve as a non-Board member of TCB's Real Estate Committee.

#### **Peter M. Lavoie**

Milford, Massachusetts, United States

#### **Professional Summary**

Experienced **Project Engineer** with a strong background in civil and structural engineering. Over 30 years of expertise in project management, land development, site design, and infrastructure planning. Proficient in **AutoCAD, Revit, and Bluebeam**, with a deep understanding of regulatory compliance, permitting, and environmental impact assessments. Passionate about delivering innovative and sustainable engineering solutions for residential, commercial, and industrial projects.

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## Professional Experience

### Project Engineer

*D&L Design Group, Inc. | Milford, MA | June 2022 – Present*

- Lead engineering design and project coordination for residential and commercial developments.
- Oversee site planning, permitting, and compliance with Massachusetts regulations.
- Collaborate with architects, surveyors, and contractors to ensure project success.
- Conduct structural analysis and prepare engineering reports for clients and agencies.

### Project Engineer

*Summit Engineering, Inc. | Oxford, MA | June 2020 – June 2022*

- Managed design and implementation of various civil engineering projects.
- Conducted feasibility studies and site investigations to determine optimal development strategies.
- Created detailed roadway and utility designs for large-scale residential and industrial subdivisions.
- Assisted in permitting processes, environmental impact assessments, and stakeholder coordination.

### Project Engineer

*Guerriere and Halnon, Inc. | Massachusetts | 1994 – October 2017 (23 years, 10 months)*

- Designed residential subdivisions throughout Massachusetts, ensuring regulatory compliance and optimal land use.
- Developed multi-use developments, integrating commercial, residential, and industrial components.
- Conducted site investigations to assess vacant land and determine the best use of development.
- Designed roadways, drainage systems, and utilities for subdivisions and commercial projects.
- Engineered individual septic systems, ensuring environmental sustainability and efficiency.
- Prepared environmental reports for submission to local towns and state agencies.

### Project Design CAD Engineer

*Tyree Engineering | February 1991 – July 1994 (3 years, 6 months)*

- Designed service stations for **Mobil, Getty, and Hess** throughout New England and upstate New York.

- Created CAD drawings for commercial fueling stations, ensuring compliance with environmental and structural regulations.
- Assisted in site layout planning and permitting for large-scale petroleum infrastructure projects.

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## Education

**University of Rhode Island** | *Bachelor of Science in Civil Engineering* | 1987 – 1991

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## Technical Skills

- Civil & Structural Engineering
- AutoCAD, Revit, Bluebeam
- Site Development & Land Planning
- Roadway & Utility Design
- Project Management & Coordination
- Environmental Impact Assessments
- Permitting & Regulatory Compliance
- Stakeholder & Client Communication

**MARKET SALE COMPARABLES**

<b>Address</b>	<b>Year Built</b>	<b>Square Footage</b>	<b>Sale Price</b>	<b>Sale Date</b>	<b>Bedrooms</b>	<b>Bathrooms</b>
124 Clubhouse Ln #124 Northbridge, MA	2005	2429	\$725,000	2025-07-11	3	3
30 Lakepoint Way Hopkinton, MA	2019	2100	\$822,000	2023-05-30	2	2.5
52 Grove St Upton, MA	2023	2097	\$775,000	2023-10-10	3	2.5
6 Boot Shop Rd #34 Upton, MA	2025	2228	\$917,975	2025-07-31	2	2.5
7 Sienna Cir #7 Upton, MA	2022	1405	\$693,000	2025-07-09	2	2
41 Nazneen Cir #41 Hopkinton, MA	2011	2173	\$818,000	2023-08-17	3	2.5

## **Applicant Entity – Chapter 40B Development Experience**

### **Kevin W. Lobisser**

Kevin W. Lobisser is the applicant for the proposed development. He has extensive experience in the permitting, development, and construction of Chapter 40B housing projects across Massachusetts.

Mr. Lobisser is the Manager of **149 Main Street LLC**, the ownership entity for **149 Main**, a completed 44-unit Chapter 40B rental project in Upton, MA. The project received a Project Eligibility Letter from MassHousing in January 2018, a Comprehensive Permit from the Upton Zoning Board of Appeals in August 2018, and a Final Approval Letter from MassHousing in August 2019. A Permanent Certificate of Occupancy was issued in June 2020, and the Cost Certification Report was approved in June 2021. Mr. Lobisser's company, **Lobisser Building Corp.**, served as the General Contractor for the project.

Mr. Lobisser also successfully **permitted 47 Main Street in Upton, MA**, a multifamily housing project approved through the Chapter 40B process, and **150 Draper Avenue in North Attleborough**, a 40-unit Chapter 40B development that is currently under construction.

In addition, Mr. Lobisser previously served as the developer for a 162-unit Chapter 40B project in Milford, MA, known as **Birch Street**, under the special purpose entity 88 Corp. A Comprehensive Permit for the Birch Street project was issued in July 2018. Due to the scale of the project, Mr. Lobisser and his partner elected to sell their full interest to AvalonBay Communities. The project, now known as **Kanso Milford**, is currently under construction.

Mr. Lobisser brings over 30 years of real estate development, permitting, and construction experience, with a strong track record of delivering high-quality multifamily housing through the Chapter 40B process.



*your resource for Affordable Housing*



## Background Information

MCO Housing Services has been dedicated to providing lottery services to developers and municipalities for over 25 years. MCO Housing Services(MCO) has managed over 50 affordable housing homeownership and rental lotteries. Additionally, MCO Housing Services has provided consultant services to local municipalities; assisting them in managing their affordable unit resale's and homeowner refinancing; assisting with local buy down programs and training staff on affordable housing criteria.

MCO Housing Services has created a website, [www.mcohousingservices.com](http://www.mcohousingservices.com), to announce and manage their affordable housing lotteries. All client lotteries are posted online. As a website member, applicants receive emails when new lotteries are posted or to notify of program changes.

Maureen O'Hagan has been with MCO Housing Services for nearly 20 years specializing in the distribution of affordable housing units. As Director of Lottery Programs, she works with builders and municipalities in the marketing, managing and execution of affordable housing lotteries for homeownership and rental new construction projects, manages the annual recertification on rental units and consults with various towns on affordable housing. MCO also handles the resale's of existing affordable units for local communities and EOHLC. Maureen has a master's degree in education from Boston College and is a Licensed Real Estate Agent and Certified Occupancy Specialist.

Following is a partial list of lotteries that MCO Housing Services has conducted with MassHousing and EOHLC as the Project Administrators:

### Homeownership

Willow Central – Acton –	2 units - SFH and TH
Acorn Estates – Canton	8 units – SFH and Duplexes
Adeline Way – Acton	2 units - DSFH
Benjamin Condominiums – Townsend –	3 units - TH
Blue Hill Commons – Canton –	7 units - Garden Style Condominium
Blanchard Place – Acton –	3 units - TH
Canal Crossing – Bourne –	4 units - TH
Carriage House Junction – Hamilton –	6 units - TH
Cedar Crossing – Melrose –	2 units – Garden Style Condominiums
Church Street Village – Northborough –	9 units - TH
Craftsman Village @ Needham Heights – Needham –	2 units – DSFH
Craftsman Village Bolton	8 units - DSFH
Derby Street - Newton -	2 units – DSFH/TH
East Ridge Road – Falmouth –	6 units - SFH
Elm Place – Concord –	2 units - TH
Franklin Place – Acton –	3 units - TH

Greenwood Estates – Chelmsford	4 units - TH
Highland at Vale – Woburn	30 units - Condos
Ipswich River Point – Ipswich –	9 units - TH
Juniper Village – Peabody –	5 units - TH
Kimloch Farms – Littleton –	2 units - SFH
Laurel Hollow – Carlisle –	2 units – TH
Leland Hill Estates – Sutton	10 of 13 - SFH
Lofts at Lower Mills – Dorchester -	8 units – Condos
Madison Place – Acton –	2 units – TH
Martins Landing – North Reading	8 unit - Condos
Meadows at Acton – Acton	4 units - DSFH
Meadows at Dover – Dover –	6 units - TH
Meeting House Lane – Southborough –	8 units – TH
Northpointe Village – Salisbury	12 units - SFH
Olde Forge Village – Easton	2 units - DSFH
Pleasant Gardens – Marlborough –	5 units - TH
Regency at Bolton (55+) – Bolton –	15 units – TH
Sanctuary Lane Estates – Hopkinton –	10 units – TH
Sheffield Village – Salisbury -	8 units - TH
Stonigate Condominiums – Sterling –	4 units - TH
Suites of Needham – Needham –	2 units – TH
Summerfield at Taft Hill (55+) – Uxbridge	15 units - Duplexes
Sunset Ridge @ Bolton – Bolton –	5 units - TH
Trail Ridge at Harvard – Harvard –	13 units – TH
Villages of the Americas – Ashland	18 units - TH
Villages at Oak Hill – Franklin	4 units - TH
Villages at Stow – Stow –	25 units – TH and DSFH
Westborough Village – Westborough –	33 units TH and Condos
Whitridge Place – N. Reading –	9 units - TH
Wild Rose Estates – Andover –	1 unit - TH
Willows – Ayer –	24 units – TH DSFH.
Winslow Point – Grafton	21 units - condos

## **Meeting Summary – 45 Milford Project (Upton, Massachusetts)**

- **August 14** – The Developer for the 45 Milford project met with the **Town Planner** and **Assistant Town Planner** to review and discuss the project.
- **August 15** – The Developer met with the **Head of the Department of Public Works**, who is also serving as the **Interim Acting Town Manager** until a permanent replacement is appointed.
- **Following Days** – Two separate meetings were held with **direct abutters** of the project to gather input, address concerns, and provide updates on the development.

**Lobisser Building Corp.**

**1 Charlesview Road**

**Hopedale, MA 01747**

BY CERTIFIED MAIL

October 9, 2025

Jennifer Maddox  
Undersecretary  
**Executive Office of Housing and Livable Communities (EOHLC)** 100 Cambridge Street  
Suite 300  
Boston, MA 02114

RE: Upton Townhomes  
45 Milford St  
Upton, MA 01568

Dear Ms. Maddox:

Pursuant to 760 CMR 56.04(2), Lobisser Building Corp. is pleased to notify (EOHLC) that a Project Eligibility Letter application for Upton Apartments was submitted to MassHousing on October 9th, 2025 and to the Town of Upton on October 10th, 2025.

Upton Townhomes has been designed to provide 27 units of mixed-income ownership family housing including 7 Affordable Units (80% AMI) in Upton, MA under the state's Chapter 40B Comprehensive Permit program. All units will be 3 beds.

If you have any questions or desire additional information, please do not hesitate to contact me (David Pyne at 508-498-8921 or [David@lobissercompanies.com](mailto:David@lobissercompanies.com)) or our Chapter 40B Advisor (Edward Marchant at 617-429 8242 or [emerchant@msn.com](mailto:emerchant@msn.com)).

Sincerely yours,

Lobisser Building Corp.

By:

David Pyne

Development Associate

## **Jennifer Maddox**

EOHLC  
Main Office  
100 Cambridge St  
Suite 300  
Boston, MA 02114



**Comprehensive Permit  
SiteApproval Application  
Homeownership**

[www.masshousing.com](http://www.masshousing.com) | [comppermit.masshousing.com](http://comppermit.masshousing.com)

RECEIVED  
10/10/25

*Willie Stolle*  
10/10/25

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

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

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

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

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

Please note that Site Approval from MassHousing does not constitute a loan commitment by MassHousing or any other financing program. All potential MassHousing financing is subject to further review and underwriting by MassHousing's Rental Lending Department. Please be sure you have familiarized yourself with all of the applicable requirements set forth in the Chapter 40B regulations and guidelines, which can be found at:

<https://www.mass.gov/doc/760-cmr-56-comprehensive-permit-low-or-moderate-income-housing/download>  
[www.mass.gov/led/docs/dhcd/legal/comprehensivepermitguidelines.pdf](http://www.mass.gov/led/docs/dhcd/legal/comprehensivepermitguidelines.pdf) .

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

**Manager of Planning Programs  
One Beacon Street, Boston, MA 02108**

We look forward to working with you on your proposed development. Please contact Jessica Malcolm at 617-854-1201 or [jmalcolm@masshousing.com](mailto:jmalcolm@masshousing.com) to discuss scheduling your pre-application meeting or if there is any assistance that we can provide in the meantime to make your application process a smooth and efficient one .

Our Commitment to You

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

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

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

If we have received the information which is crucial to the commencement of our review process, we will proceed to (i) give the municipality a period of thirty (30) days in which to submit comments relating to your proposal, (ii) schedule and conduct a site visit, and (iii) solicit bids for and commission and review an "as is" appraisal of your site. If during our review of your application package we determine that additional information or clarification is needed, we will notify you as soon as possible. Depending on when we receive such additional information, this may affect the amount of time required for MassHousing to complete the site approval process.

Assuming that your application package was complete and that you respond in a timely manner to requests for additional information or clarification, we would expect to issue or deny your site approval within 90 days of our receipt of your application package

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

**Section 1: GENERAL INFORMATION**

**Name of Proposed Project:** Upton Townhomes

**Municipality:** Upton

**County:** Worcester

**Site Address:** 45 Milford St (Route 140)

**Cross Street:**

**Zip Code:** 01568

**Tax Parcel I.D. Number(s):** Tax Map 021, Lot 120

**Name of Proposed Development Entity:** 45 Milford St. LLC

*(typically a single purpose entity)*

**Entity Type:** Limited Dividend Organization

*• If the proposed Development Entity is a non-profit, please contact MassHousing regarding additional documentation that must be submitted.*

**Has This Entity Been Formed? Yes**      **State Formed:** Massachusetts

**Name of Applicant:** 45 Milford St. LLC

*(typically the Proposed Development Entity or its controlling entity or individual)*

**Applicant's Web Address:**

**Does the applicant have a related party relationship with any other member of the development team? No**

**If yes, please explain:**

The Applicant/Developer will have a related party relationship with the General Contractor and the Sales Agent.

**Primary Contact Information**

**Contact Name:** Kevin W. Lobisser, Manager

**Company Name:** 45 Milford St. LLC

**Address:** 1 Charlesview Rd

**Municipality:** Hopedale      **State:** Massachusetts      **Zip Code:** 01747

**Phone:** (508) 488-6433    **Cell Phone:** (508) 488-6433    **Email:** kevin@lobissercompanies.com

**Relationship to Applicant:**

**Secondary Contact Information**

**Contact Name:** David Pyne

**Company Name:** David Pyne

**Address:** 1 Charlesview Rd

**Municipality:** Hopedale      **State:** Massachusetts      **Zip Code:** 01747

**Phone:** 508-498-8921    **Cell Phone:** 508-498-8921    **Email:** david@lobissercompanies.com

**Relationship to Applicant:**

Works for Developer

**Anticipated Subsidy Financing:** NEF Bank

**Name of Lender (if not MassHousing Financed):** Rockland Trust

**Age Restriction:** None

**Brief Project Description:**

The proposed Upton Townhomes ownership development at 45 Milford Street in Upton, MA, will include 27 three-story townhouse-style condominium homes in 4 separate buildings. Each home will feature 3 bedrooms, 3.5 bathrooms, and an attached garage on the first level. There will be 20 Market Homes and 7 Affordable Homes. The homes are designed for modern living with open floor plans and private front and rear entrances. Each home will have a rear deck at the second floor level and a rear patio at the first floor level. In addition to the garage parking space at the front of the first floor level, each home will have one additional private parking space. There will also be designated areas for guest parking. Community amenities will include a playground and a dog park, creating shared outdoor spaces for families and pet owners. Located just a short distance from Upton's downtown, Upton Townhomes will offer walkable access to local shops, services, and community facilities while maintaining a residential neighborhood feel.

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

**Section 2: EXISTING CONDITIONS / SITE INFORMATION**

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

Buildable Area Calculations (Acres)

<b>Total Site Area:</b>	5.50
<b>Wetland Area (per MA DEP):</b>	1.39
<b>Flood Hazard Area (per FEMA):</b>	0.00
<b>Endangered Species Habitat (per MESA):</b>	0.00
<b>Conservation / Article 97 Land:</b>	0.00
<b>Protected Agricultural Land (i.e. EO 193):</b>	0.00
<b>Other Non-Buildable:</b>	0.00
<b>Total Non-Buildable Area:</b>	1.39
<b>Total Buildable Area:</b>	4.11

**Current use of the site and prior use if known:**

The previous use was a single-family home and a storage shed. Both are unoccupied and will be demolished.

**Is the site located entirely within one municipality? Yes**

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

**How much land is in each municipality?**

Additional Site Addresses:

Address 1	Address 2	Municipality	State	Zip Code	Tax Parcel ID

**Current Zoning classification and principal permitted uses:**

General Business and Single Residence B

**Previous Development Efforts:**

Please list any previous applications pertaining to construction on or development of the site, including (i) type of application (comprehensive permit, subdivision, special permit, etc.); (ii) application filing date; (iii) date of denial, approval or withdrawal. Also indicate the current Applicant's role, if any, in the previous applications.

***Note that, pursuant to 760 CMR 56.03 (1), a decision of a Zoning Board of Appeals to deny a Comprehensive Permit, or (if the Statutory Minima defined at 760 CMR 56.03 (3) (b or c) have been satisfied) grant a Comprehensive Permit with conditions, shall be upheld if a related application has previously been received, as set forth in 760 CMR 56.03 (7).***

None

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

If Rejected, Please Explain:

Existing Utilities and Infrastructure	Yes/No	Description
Wastewater: Private Wastewater Treatment	No	
Wastewater: Public Sewer	Yes	Under construction. Anticipated completion date:
Storm Sewer	Yes	
Water: Public Water	Yes	
Water: Private Well	No	
Natural Gas	Yes	
Electricity	Yes	
Roadway Access to Site	Yes	
Sidewalk Access to Site	No	
Other	No	

**Describe Surrounding Land Uses:**

A convenience store and gas station (Imperial Gas and Country Store) is directly across the street. Memorial Elementary School is 1 mile away. Upton Town Hall is .4 miles away. Upton Police and Fire facilities are .6 miles away. The Town-owned Kiwanis Beach and its recreational fields Park are .90 miles away. A residential neighborhood is located north of the site. An undeveloped parcel abuts the site to the east.

Surrounding Land Use/Amenities	Distance from Site (miles)	Available by Public Transportation?
Shopping Facilities	0.01	N/A
Schools	1.00	N/A
Government Offices	0.40	N/A
Multi-Family Housing	0.80	N/A
Public Safety Facilities	0.60	N/A
Office/Industrial Uses	0.30	N/A
Conservation Land	0.30	N/A
Recreational Facilities	0.90	N/A
Houses of Worship	0.50	N/A
Other	0.00	N/A

**Public transportation near the site, including type of transportation and distance from site**

The Senior Center operates a free shuttle service to and from the Upton Community Center Monday through Thursday from 8:45 am-9 am, noon-1 pm, and 3 pm. Friday hours are 8:45 am-9 am and noon. The Upton Community Center is .3 miles away from the subject site. The Upton public library is located within the Upton Community Center. The nearest commuter rail station is the Grafton Station (Framingham/Worcester Line), approximately 9.8 miles from the subject site.

**Site Characteristics and Development Constraints**

Are there any easements, rights of way or other restrictions of record affecting the development of the site ?	No
Is there any evidence of hazardous, flammable or explosive material on the site?	No
Is the site, or any portion thereof, located within a designated flood hazard area?	No
Does the site include areas designated by Natural Heritage as endangered species habitat?	No
Are there documented state-designated wetlands on the site?	Yes
Are there documented vernal pools on the site?	No
Is the site within a local or state Historic District or listed on the National Register or Historic Places?	No
Has the site or any building(s) on the site been designated as a local, state or national landmark?	No
Are there existing buildings and structures on site?	Yes
Does the site include documented archeological resources?	No
Does the site include any known significant areas of ledge or steep slopes?	No

**Application for Chapter 40B Project Eligibility / Site Approval  
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**Section 3: PROJECT INFORMATION**

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

**Construction Type:** New Construction

<b>Total Dwelling Units:</b>	27	<b>Total Number of Affordable Units:</b>	7
<b>Number of Market Units:</b>	20	<b>Number of AMI 50% Affordable Units:</b>	0
		<b>Number of AMI 80% Affordable Units:</b>	7

**Unit Information:**

Unit Type	Bedrooms	Baths	# Units	Unit Sq. Ft.	Sales Price	Condo/HO Fee
Market	3 Bedroom	3.5 Baths	20	1,898	\$700,000	\$445
Affordable Unit - Below 80%	3 Bedroom	3.5 Baths	7	1,898	\$273,300	\$175

**Approach to calculating any additional fees relating to Condominium Association or Homeowners Association:**  
The percentage of beneficial interest will be based upon the respective sales prices for the Market and Affordable homes.  
The respective condominium fees will be based upon these percentages of beneficial interest.

**Percentage of Units with 3 or More Bedrooms:** 100.00

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

<b>Handicapped Accessible Units - Total:</b> 0	<b>Market Rate:</b> 0	<b>Affordable:</b> 0
<b>Gross Density (units per acre):</b> 4.91	<b>Net Density (units per buildable acre):</b> 6.57	

**Building Information:**

Building Type	Building Style	Construction Type	Stories	Height	GFA	Nbr Buildings
Residential	Townhouse	Construction	3	37	58,725	4

Will all features and amenities available to market unit residents also be available to affordable unit residents? Yes

If not, explain the differences:

**Parking:**

<b>Total Parking Spaces Provided:</b> 64	<b>Ratio of Parking Spaces to Housing Units:</b> 2.37
--	---

**Lot Coverage:**

<b>Buildings:</b> 9%	<b>Parking and Paved Areas:</b> 15%
<b>Usable Open Space:</b> 52%	<b>Unusable Open Spaces:</b> 24%
<b>Lot Coverage:</b> 24%	

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

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**Section 4: Site Control**

**Grantor/Seller:** NANCY PAGE,  
**Grantee/Buyer:** 45 Milford St LLC  
**Grantee/Buyer Type:** Applicant  
**If Other, Explain:**

**Are the Parties Related?** No

**For Deeds or Ground Leases:**

**Date(s) of Deed(s) or Ground Lease(s):** 6/26/2024  
**Purchase Price:** \$475,000

**For Purchase and Sales Agreements or Option Agreements:**

**Date of Agreement:**

**Expiration:**

**Date of Extension (if extension granted):**

**New Expiration Date (if extension granted):**

**Purchase Price:** \$0

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

**For Easements:**

**Date of Agreement:**

**Purchase Price:** \$0

**For Easement Purchase and Sales Agreements or Option Agreements:**

**Expiration Date:**

**Date of Extension (if extension granted):**

**New Expiration Date (if extension granted):**

**Purchase Price:** \$0

**Application for Chapter 40B Project Eligibility / Site Approval  
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**Section 5: FINANCIAL INFORMATION**

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

**Initial Capital Budget**

**Sales/Revenue**

<b>Market</b>	\$14,000,000
<b>Affordable</b>	\$1,913,100
<b>Related Party</b>	\$0
<b>Other Income</b>	\$0
<b>Total Sales/Revenue</b>	\$15,913,100

**Pre-Permit Land Value**

<b>Item</b>	<b>Budgeted</b>
<b>As-Is Market Value*:</b>	\$475,000
<b>Reasonable Carrying Costs:</b>	\$0
<b>Total Pre-Permit Land Value:</b>	\$475,000

*\* As-Is market value to be determined by a MassHousing commissioned appraisal*

Uses (Costs)	Budgeted
Item	
<b>Acquisition Cost (Actual)</b>	
Actual Acquisition Cost: Land	\$475,000
Actual Acquisition Cost: Buildings	\$0
Reasonable Carrying Costs	\$0
<b>Subtotal: Acquisition Costs</b>	<b>\$475,000</b>
<b>Construction Costs-Building Structural Costs (Hard Costs):</b>	
Building Structure Costs	\$8,900,000
Hard Cost Contingency	\$500,000
<b>Subtotal: Residential Construction (Hard Costs)</b>	<b>\$9,400,000</b>
<b>Construction Costs-Site Work (Hard Costs):</b>	
Earth Work	\$1,050,000
Utilities On-Site	\$50,000
Utilities Off-Site	\$0
Roads and Walks	\$170,000
Site Improvement	\$0
Lawns and Plantings	\$48,000
Geotechnical Conditions	\$20,000
Environmental Remediation	\$4,500
Demolition	\$42,000
Unusual Site Conditions/Other Site Work	\$0
<b>Subtotal: Site Work (Hard Costs)</b>	<b>\$1,384,500</b>
<b>Construction Costs-General Conditions, Builders Overhead and Profit (Hard Costs):</b>	
General Conditions	\$365,000
Builder's Overhead	\$160,160
Builder's Profit	\$138,000
<b>Subtotal: General Conditions, Builder's Overhead &amp; Profit</b>	<b>\$663,160</b>
<b>General Development Costs (Soft Costs):</b>	
Appraisal and Marketing Study ( <i>not 40B "As Is" Appraisal</i> )	\$7,500
Lottery	\$0
Commissions/Advertising-Affordable	\$0
Commissions/Advertising-Market	\$700,000
Model Unit	\$0
Closing Costs ( <i>unit sales</i> )	\$0
Real Estate Taxes ( <i>during construction</i> )	\$20,000
Utility Usage ( <i>during construction</i> )	\$4,000
Insurance ( <i>during construction</i> )	\$38,000
Security ( <i>during construction</i> )	\$5,000
Inspecting Engineer ( <i>during construction</i> )	\$6,000
Construction Loan Interest	\$305,000
Fees to Construction Lender:	\$25,000
Fees to Other Lenders:	\$0
Architectural	\$120,000

**General Development Costs (Soft Costs) continued:**

Item	Budgeted
Engineering	\$83,000
Survey, Permits, etc.	\$65,000
Clerk of the Works	\$0
Construction Manager	\$0
Bond Premiums	\$0
Legal	\$28,000
Title ( <i>including title insurance</i> ) and Recording	\$9,378
Accounting and Cost Certification ( <i>Including 40B</i> )	\$30,000
Relocation	\$0
40B Site Approval Processing Fee	\$8,281
40B Technical Assistance/Mediation Fee	\$3,850
40B Land Appraisal Cost ( <i>as-is value</i> )	\$5,000
40B Final Approval Processing Fee	\$24,500
40B Subsidizing Agency Cost Certification Examination Fee	\$0
40B Monitoring Agent Fee	\$0
40B Surety Fees	\$0
Other Financing Fees	\$0
Development Consultant	\$60,000
Other Consultant:	\$0
Other Consultant:	\$0
Soft Costs Contingency	\$43,000
Other Development Costs: Peer Review/ZBA Fees	\$70,000
<b>Subtotal: General Development Costs (Soft Costs)</b>	<b>\$1,660,509</b>
Developer Overhead	
Developer Overhead	\$96,000
<b>Subtotal: Developer Overhead</b>	<b>\$96,000</b>

• Summary of Subtotals

Item	Budgeted
Sales/Revenue	\$15,913,100
Pre-Permit Land Value	\$475,000
Residential Construction	\$9,400,000
Site Work (Hard Costs)	\$1,384,500
General Conditions, Builder's Overhead & Profit (Hard Costs)	\$663,160
Developer Overhead	\$96,000
General Development Costs (Soft Costs)	\$1,660,509
<b>Total Sales/Revenue</b>	<b>\$15,913,100</b>
<b>Total Development Costs (TDC)</b>	<b>\$13,679,169</b>
<b>Profit (Loss) from Sales Revenue</b>	<b>\$2,233,931</b>
<b>Percentage of Profit (Loss) Over the Total Development Costs (TDC)</b>	<b>16.3309%</b>

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**Section 6: APPLICANT QUALIFICATIONS, ENTITY INFORMATION, AND CERTIFICATION**

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

**Development Team:**

Company Name	Contact Name	Contact Role Desc	Applicant	Dev Entity	Primary
45 Milford St. LLC	Kevin W. Lobisser, Manager	Developer	Yes	Yes	Yes
Maugel Destefano	Jeremy Baldwin	Consultant - Architect and Engineering	No	No	No
MCO Housing Services	Maureen O'Hagan	Lottery Agent	No	No	No
D&L Design Group	Peter Lavoie	Developer	No	No	No
David Pyne	David Pyne	Developer	No	No	No
EHM/Real Estate Advisor	Ed Marchant	Consultant - Local Permit	No	No	No
Rockland Trust	Darin Foster	Consultant - Financing Package	No	No	No
Lobisser Building Corp	David Pyne	Contractor	No	No	No

**Entities Responsible for Development Tasks:**

Development Task	Developer / Applicant	Consultant Name
Architecture and Engineering	No	Peter Lavoie / D&L Design Group
Architecture and Engineering	No	Jeremy Baldwin / Maugel Destefano
Construction Management	No	David Pyne / Lobisser Building Corp
Finance Package	No	Darin Foster / Rockland Trust
Local Permitting	No	David Pyne / David Pyne
Local Permitting	No	Ed Marchant / EHM/Real Estate Advisor

**Affiliated Entities:**

Company Name	Individual	Affiliation	Relation

**Previous Applications:**

Project Name:	Filing Date:
Municipality:	Decision Date:
Subsidizing Agency:	Decision:
Type:	Other Reference:

**Certification and Acknowledgement**

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

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

<b>Question</b>	<b>Answer</b>
Is there pending litigation with respect to any of the Applicant Entities ?	No
Are there any outstanding liens or judgments against any properties owned by any of the Applicant Entities ?	No
Have any of the Applicant Entities failed to comply with provisions of Massachusetts law related to taxes, reporting of employees and contractors, or withholding of child support?	No
Have any of the Applicant Entities ever been the subject of a felony indictment or conviction ?	No
During the last 10 years, have any of the Applicant Entities ever been party to a lawsuit involving fraud, gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy?	No
Have any of the Applicant Entities failed to carry out obligations in connection with a Comprehensive Permit issued pursuant to M.G.L. c. 40B and any regulations or guidelines promulgated thereunder (whether or not MassHousing is or was the Subsidizing Agency/Project Administrator) including, but not limited to, completion of a cost examination and return of any excess profits or distributions?	No
Have any of the Applicant Entities ever been charged with a violation of state or federal fair housing requirements?	No
Are any of the Applicant Entities not current on all existing obligations to the Commonwealth of Massachusetts , and any agency, authority or instrument thereof?	No

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

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

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

**Signature:** \_\_\_\_\_

**Name:** Kevin Lobisser  
**Title:** Manager

**Date:** 10/8/2025

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**Section 7: NOTIFICATION AND FEES**

**Notices:**

**Event**

**Date**

Date(s) of meetings, if any, with municipal officials prior to submission of application to MassHousing:	8/14/2025
Date of Pre-Application Meeting with MassHousing:	7/30/2025
Date copy of complete application sent to chief elected office of municipality:	10/14/2025
Date notice of application sent to DHCD:	10/9/2025

**Fees:**

All fees that are payable to MassHousing should be sent via ACH/Wire Transfer. Please contact MassHousing for the ACH/Wire Transfer instructions.

Fees payable to the Massachusetts Housing Partnership should be sent directly to MHP with the MHP Cover Letter.

Fee	Amount	Description
MassHousing Application Processing Fee:	\$8,280	payable to MassHousing
Chapter 40B Technical Assistance/Mediation Fee:	\$2,500	(Limited Dividend Sponsor \$2,500, Non-Profit or Public Agency Sponsor \$1,000)
Unit Fee:	\$1,350	(\$50 per Unit)
Total TA/Mediation and Unit Fee:	\$3,850	(Payable to Massachusetts Housing Partnership)

Land Appraisal Cost: You will be required to pay for an "as-is" market value appraisal of the Site to be commission by MassHousing. MassHousing will contact you once a quote has been received for the cost of the appraisal.

**Section 8: SUSTAINABLE DEVELOPMENT CRITERIA**

**Provide a brief narrative on how the development will incorporate the Commonwealth's Sustainable Development Principles**

**1) Concentrate Development and Mix Us**

The proposed project will have a higher density than the surrounding area. It will have public water and sewer access. It is near the Upton downtown.

**2) Advance Equity & Make Efficient Decisions**

40B is the proposed permitting process. 25% of the units (7 units) will be restricted to Households at or below the applicable 80% AMI level, adjusted for household size. Mixed-income housing in this middle income neighborhood will promote diversity and social equity.

**(4) Use Natural Resources Wisely**

Efficient plumbing fixtures will be used throughout the building. This will be an all-electric project.

**(5) Expand Housing Opportunities**

This type of housing is not currently available in Upton. The condominium are more efficient units that will be attractive to first time home buyers and other types of home owners. The affordable units will create an opportunity to purchase a new quality home that would not be available in the regular market.

**(6) Provide Transportation Choice**

The proposed site is located in close proximity (i.e., approximately one mile) to a transportation corridor that provides access to employment centers, retail/commercial centers, civic or cultural destinations

**(7) Increase Job and Business Opportunities**

Numerous short-term construction-related jobs will be created during the construction of the project. In addition, a limited number of permanent property management-related jobs will be reinforced by this development. This housing is located near several employment centers.

**(8) Promote Clean Energy**

The building will use Energy Star-rated electric-powered appliances and equipment for heat, hot water, cooking, and air conditioning.

**(9) Plan Regionally**

The affordable units will be sold based on a MassHousing-approved Lottery Plan.

## **Meeting Summary – 45 Milford Project (Upton, Massachusetts)**

- **August 14** – The Developer for the 45 Milford project met with the **Town Planner** and **Assistant Town Planner** to review and discuss the project.
- **August 15** – The Developer met with the **Head of the Department of Public Works**, who is also serving as the **Interim Acting Town Manager** until a permanent replacement is appointed.
- **Following Days** – Two separate meetings were held with **direct abutters** of the project to gather input, address concerns, and provide updates on the development.