

Stephen F. Madaus
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
smadaus@mirickoconnell.com
t 508.929.1630
f 508.983.6270

January 2, 2024

VIA E-MAIL

Worcester Planning Board
Office of Planning & Regulatory Services
Attention Mr. Victor Panak, Chief Planner
City Hall, 4th Floor
455 Main Street
Worcester, MA 01608

Re: **PB-2025-004**; Amendment to Special Permit (PB-2024-018); 115 Northeast Cutoff,
Worcester, MA; **Extension of Time to Record Conservation Restriction**

Dear Mr. Panak:

As you may recall, my firm represents Meletios D. Chacharone and Zachary M. Curzan, Trustees of the 115 Northeast Cutoff Realty Trust (the "Applicant/Owner"), owners of property located at 115 Northeast Cutoff in Worcester (the "Property"). I am writing in response to your request for an explanation as to why the Applicant/Owner has not yet recorded a Conservation Restriction to encumber a portion of the Property. This response is in support of our recent application for an amendment to extend the deadline for recording the Conservation Restriction, as set forth in the Special Permit issued by the Planning Board on April 12, 2024.

Specifically, the Special Permit (PB-2024-018) includes the following condition of approval:

On or Before December 31, 2024... Provide the recording reference for the executed Conservation Restriction permanently protecting the remaining undeveloped areas of the site consistent with that shown on the site plans.

The decision of the Planning Board was available for recording after expiration of the 20-day appeal period from the date of filing with the City Clerk's office, which was May 7, 2024. The Applicant/Owner recorded the Special Permit at the Worcester District Registry of Deeds on May 31, 2024, in Book 70581, Page 186.

The Applicant/Owner proposes to grant the Conservation Restriction to the Greater Worcester Land Trust, Inc. (the "GWLTI"), a qualified charitable corporation whose purposes

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include the conservation of land. The Conservation Restriction will protect a portion of the Property containing 10.24 acres.

To be enforceable, a Conservation Restriction must adhere to the requirements of M.G.L. Chapter 184, Sections 31, 32, and 33. The state law provides, generally, that a Conservation Restriction to be held by a charitable corporation must be approved by the City Manager and the City Council and by the Secretary of Environmental Affairs.

The process of preparing the Conservation Restriction and obtaining the required approvals began after the appeal period for the Special Permit expired in May. Thereafter, the GWLT, as grantee, prepared an initial draft Conservation Restriction, which counsel for the Applicant/Owner, as grantor, revised. The GWLT then submitted the resulting draft Conservation Restriction to the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services (acting on behalf of the Secretary of Environmental Affairs; the "DCS"). The DCS and the GWLT then exchanged several rounds of comments and revisions to the document, with DCS submitting comments on the draft Conservation Restriction as recently as December 12, 2024.

The GWLT and the Applicant/Owner have mutually approved the revised Conservation Restriction incorporating the revisions and comments provided by the DCS in December. Once the GWLT and the Applicant/Owner receive final approval from the DCS, the Conservation Restriction will be submitted to the Worcester City Manager and City Council for approval.

The Applicant/Owner expect that it will obtain all required approvals of the Conservation Restriction within the next 5 or 6 months, such that the Conservation Restriction will then be available for recording at the Registry of Deeds. In an abundance of caution, however, and to avoid any additional administrative time and cost for all parties (including the Planning Board), we are requesting a 12-month extension of the deadline for recording the Conservation Restriction, as set forth in the Special Permit.

Thank you for your consideration. Please contact me if your office requires any additional information.

Very truly yours,



Stephen F. Madaus

SFM/jmc

cc: 115 Northeast Cutoff Realty Trust