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July 12, 2005

VIA HAND DELIVERY

Joseph R. Mikielian, Building Commissioner
Town of Framingham Building Department
150 Concord Street
Framingham, MA 01702

Re: 517 Winter Street, Framingham ("Property")

Dear Mr. Mikielian:

As you know, this office represents South Middlesex Non-Profit Housing Corporation ("SMNPHC"). On June 15, 2005, SMNPHC acquired title to property known as 517 Winter Street, Framingham, Massachusetts. Prior to their acquisition, the Property had been operated as the Framingham Nursing Home, a fifty-five (55) room long-term care facility. According to the records of the Town of Framingham, it had been considered an I-2 use pursuant to 780 CMR 308.3. The Property most recently received a Certificate of Inspection dated August 10, 2004 from the Town of Framingham, a copy of which is attached hereto as Exhibit A, and a Fire Certificate of Inspection dated February 17, 2005, a copy of which is attached hereto as Exhibit B.

This letter is to provide information relative to a Change of Use Application submitted with this letter. SMNPHC intends to use the Property as a family shelter, providing temporary housing for families, supported by a program designed to assist formerly homeless families in finding and maintaining permanent housing. While residents of the Property, families will receive services designed to promote self-sufficiency, including nutritional counseling, housing search assistance, parent education, counseling and child therapy. The facility will be staffed twenty-four (24) hours a day, three hundred sixty-five (365) days per year. This residential program will have a capacity to house up to fifteen (15) families, or thirty-five (35) to forty (40) individuals, at any one time. The staff will be comprised of, at minimum, one (1) program director, one (1) clinical director, one (1) family therapist, one (1) child services coordinator, one (1) child case worker, and eight (8) to nine (9) recovery specialists. There will be a maximum of six (6) staff members and a minimum of two (2) staff members at the Property at any one time. Each parent participant in this program will have an individualized plan that details expectations for living in recovery, adult educational goals, steps towards obtaining and maintaining employment and a program involving the care and well-being of children. Each child resident of

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the program also has an individualized plan, overseen by child health and educational specialists, which outlines childhood education and development goals and details specific school and daily supervision requirements. Parents are required to participate in daily recovery supportive activities, including Alcoholics Anonymous, as well as individual and group counseling. In addition, to ensure recovery compliance, all parents are subject to randomized urine screenings. All children's activities, including playtime, are supervised.

Operation of a supported shelter program is not a separate use category under the Zoning By-law. The use, as outlined above, is an educational use within the meaning of M.G.L. c. 40A, § 3, which provides in pertinent part; "no zoning ... By-law shall regulate or restrict the use of land or structures ... for educational purposes on land owned ... by a non-profit educational corporation". The proposed residential program will provide educational services to its residents to facilitate independent living, which services have been recognized as "a significant education goal" Fitchburg Housing Authority v. Board of Zoning Board of Appeals of Fitchburg, 380 Mass. 869, 875 (1980). In addition, since SMNPHC Articles of Organization authorize it to engage in educational activities, SMNPHC qualifies as a "non-profit educational corporation" for purposes of M.G.L. c. 40A, § 3. Accordingly, it is our opinion that, SMNPHC's use is a permitted use in accordance with the provisions of M.G.L. c. 40A § 3.

SMNPHC does not propose to make any physical changes to the Property at this time. In anticipation of the new residents moving into the facility, SMNPHC has conducted a lead screening and deleaded the Property. Additionally, SMNPHC has replaced some windows and performed minor electrical work. All such work has been done in accordance with Building Permits.

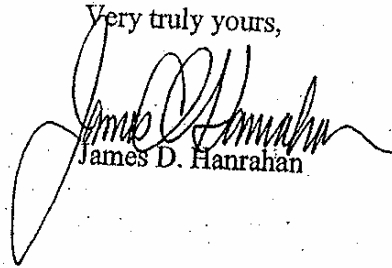
The prior use of the building, as a nursing home, was considered use group I-2 under 780 CMR 308.3. This use group is not appropriate for SMNPHC's intended use of the Property. First, the residents do not require custodial care on a twenty-four (24) hour basis because they are capable of self-preservation. Further, the proposed use is not a hospital, nursing home, mental hospital or detoxification facility. The proposed residential use constitutes a non-profit educational use pursuant to M.G.L. c. 40A § 3. It is my opinion that such use should be governed by 780 CMR 310.0 ("Residential Use Groups"). Within the Residential Use Group category, the most appropriate use group appears to be use group R-2, as described in 780 CMR 310.4, which use group includes "... all *multiple dwellings* having more than two *dwelling units*, except as provided for in 780 CMR 310.5 for multiple *single dwelling* units, and shall also include all *boarding houses* and similar buildings arranged for shelter and sleeping accommodations in which the occupants are primarily not transient in nature."

Based upon the foregoing, I do not believe, subject to your approval of the Change of Use Application, that SMNPHC needs any further permits or approvals to occupy the property for the use described in this letter.

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Should you require any further information or have any questions with respect to this Application, please contact the undersigned.

Very truly yours,



James D. Hanrahan

JDH/awm
Enclosures

cc: James T. Cuddy w/ encl.
René Kahlau w/ encl.
Charles Gagnon w/ encl.