

May 14, 2008

**BY ELECTRONIC MAIL**

Ms. Selina Shaw, Town Administrator  
Town of Boxborough  
29 Middle Road  
Boxborough, MA 01719

Re: Matchett, et al. v. Boxborough Zoning Board of Appeals, et al.  
Middlesex Superior Court CA No. 08-1811

Dear Selina:

My clients have informed me that a town official (possibly a Planning Board member) stated at Town Meeting this week that the plaintiffs' appeal in the above-referenced matter exposes the Town to additional Chapter 40B applications. Apparently this assertion went uncorrected. As you may know, under the new Chapter 40B regulations adopted in February, the Town may apply to DHCD for inclusion of the affordable units at the "Residences at Beaver Brook" project in its Subsidized Housing Inventory immediately, notwithstanding the plaintiffs' appeal. See, 760 CMR 56.03(2)(b)(1)(a). This is a change from the prior version of the regulations.

My clients wanted to make sure that you and other town officials were aware of this provision of the regulations.

Very truly yours,

  
Daniel C. Hill

cc: Clients (by email)  
Judith Cutler, Esq. (by email)