

MIDDLETON SELECT BOARD
MEETING AGENDA AMENDED
FULLER MEADOW ELEMENTARY SCHOOL
143 SOUTH MAIN STREET, MIDDLETON, MA 01949
TUESDAY, JULY 8, 2025
5:00 PM

This meeting is being recorded

5:00 pm 1. Business

- Warrant: 2526, 2527, FP64, FP65
- Minutes: Open Session, June 24
- Town Administrator Updates and Reports
- Middleton Municipal Campus Update

5:05 pm 2. Department Head Update: Scott Fitzpatrick

5:15 pm 3. Liquor License Violations:

- a. 232 South Main St. – Vinumn – Walk-in Cooler and Mounted Sign
- b. 156 South Main St. – Richdale - Walk-in Cooler, Work without permit

5:20 pm 4. FY25 Year-end transfers

5:25 pm 5. Select Board Town Employee Recruitment and Retention Strategies

- a. Potential Employee Handbook revisions: Use of Personal Days during probationary period; Paid Parental Leave Policy; Addition of family members to Bereavement Leave Policy.

5:45 pm 6. Right of First Refusal: 52 Peaslee Circle

5:50 pm 7. Updated Use of Force Policy

5:55 pm 8. Annual Appointments (list of appointments attached to agenda as Appendix A)

6:00 pm 9. Public Comment (*to be held at 6pm for all Select Board meetings*)

6:05 pm 10. Surplus Town Property Discussion: Memorial Hall and Locust St

6:55 pm 11. Summer Road Work Update and Traffic Impacts: Forest St., Liberty St., Essex St., Debush Ave.

7:00 pm 12. Updates & Announcements

7:15 pm 13. Executive Session pursuant to G.L. c. 30A, s. 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares: Discussion of litigation relative to MBTA Communities Act (M.G.L. c. 40A, §3A) and follow up to June 12th determination to appeal decision re: Middleton v Commonwealth.

7:20 pm 14. Executive Session pursuant to G.L. c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining negotiations: Discussion of Police Union Collective Bargaining Agreement.

The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Upcoming Meetings

August 5	Regular Select Board Meeting
September 2	Regular Select Board Meeting
September 16	Regular Select Board Meeting

Appendix A
Annual Appointments

Affordable Housing Trust – At-Large – 1 seat – 2 year term – Thomas Martinuk

Patriotic Observances – 1 seat – 3 year term – Matthew Daly

Zoning Board of Appeals – Alternate – 1 seat – 3 year term – Anthony Mirabito

Select Board member designee to Master Plan Committee (Moderator Appoints)



MEETING MINUTES
MIDDLETON SELECT BOARD MEETING
FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER
143 SOUTH MAIN STREET, MIDDLETON, MA 01949
June 24, 2025 at 5pm

With a quorum present in the absence of the Chair D. Carbone called the meeting to order at 5pm.

This meeting was recorded.

Select Board present: Debbie Carbone, Clerk; Rick Kassiotis; Kosta Prentakis; Jeff Garber Not present: Brian Cresta.

Also attending: Justin Sultzbach, Town Administrator; Jackie Bresnahan, Assistant Town Administrator; others as noted.

The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

1. Business

Warrant: 2525 / June 12, 2025: Payroll: \$ 932,000; Bills Payable \$ 930,000 (includes legal expenses related to 3A Zoning); FP63 \$ 170,000.

The Town Accountant/Finance Director Sarah Wood has reviewed the warrant and requested the Board's approval. Town Administrator Sultzbach provided a brief overview of the warrant as presented.

Vote: On a motion by Kassiotis, seconded by Garber, the Board voted unanimously to approve Warrant 2525 and FP63.

Minutes: Open Session June 3, 2025; June 12, 2025; Executive Session June 12, 2025

Vote: On a motion by Kassiotis, seconded by Garber, the Board voted unanimously to approve the minutes as presented.

Town Administrator Updates & Reports- J. Sultzbach

- Superintendent Goodwin and Town Administrator Sultzbach have been representing Middleton at the Ipswich River Lower Basin Subcommittee. The group is charged by the North Shore Water Resilience Task Force to explore options to address water and environmental concerns in the region and seek consensus agreements on water supply and water resource solutions.
- Due to staffing issues the Flint Public Library will be running reduced hours this summer. We will reevaluate in several weeks and are open to adding hours or redistributing hours for August, depending on availability of staffing and other factors.
- All Department Head annual evaluations are complete, capping off a month's long process.
- The one-year mark for the Municipal Campus project has been reached, with the anniversary of the groundbreaking passing this past Friday. As a reminder, a conversation will be had at your July 8th meeting about names for the buildings.
- The Building Committee will be meeting virtually this upcoming Thursday, June 26th at 4:30pm.
- The surplus property series will continue at your upcoming July 9th Select Board meeting with a conversation centered around the future of Memorial Hall and the Locust Street property.
- The Town Administrator will be serving up food at Chief Wills day this upcoming Saturday, hope to see you there!
- Wishing the residents of Middleton safe and happy 4th of July! As always, thank you to those on staff that are working on the holiday, their effort is noticed and appreciated.

2. Appointment of Detective Adam Maccini to Police Sergeant - Police Chief Sampson was present and recommended Detective A. Maccini to be the next Police Sergeant. He reviewed A. Maccini's 20 year work history with the Town of Middleton and his numerous qualifications. The Board members recognized Detective Maccini for his outstanding service to the town.

Vote: On a motion by Garber, seconded by Prentakis, the Board voted unanimously to approve the appointment of Adam Maccini as Police Sergeant for the Town of Middleton.

3. Appointment of Full Time Police Officers: David Woumn and Robert Tanso - Police Chief Sampson gave a brief overview of the candidates background checks, experience, and education. He highly recommended both candidates be appointed to the Middleton Police Department as full time officers.

Vote: On a motion by Kassiotis, seconded by Garber, the Board voted unanimously to appoint David Woumn and Robert Tanso as full time Middleton Police Officers for a three-year term through June 30, 2028 with a one-year probationary period.

The agenda was taken out of order with consensus

4. Quarter 3 Financial Report (as of March 31) - Finance Director Sarah Wood was present and provided an overview of the third quarter FY25 Financial Report for the General Fund, CPA Fund, Water Enterprise Fund, Sewer Enterprise fund and a summary of appropriation accounts, revolving accounts special revenue accounts, and trust funds. Highlighted for the minutes:

- The general fund was 71 % expended.
- There is \$1.9mm of approved Capital projects outstanding
- Revenue collections are in line with estimates – 89 % have been collected. It is expected all local receipt categories will be over 100% of benchmarks by the end of the year.
- CPA expenditures are at 99 %

5. FY25 Year-end transfers - S. Wood reviewed the end of year transfer requests allowed in the last two months of the fiscal year or the first 15 days of the new fiscal year, in accordance with MGL Ch 44, § 33B.

Total requested amount: \$101,635.03.

Vote: On a motion by Garber, seconded by Prentakis, the Board voted unanimously to transfer \$101,635.03 from the comp reserve, unemployment liability insurance, and library to the account mentioned.

6. Ambulance Write-Offs – S. Woods reviewed the Ambulance “write offs” at about 17%. This is in line with the historical trend. Outstanding bills are sent to a third party collection agency and any funds collected still go into the ambulance fund.

S. Woods referenced the bankruptcy case with Health Cost Solutions; the third party provider has requested the town write off amounts deemed uncollectable before they file for bankruptcy. Of the initial \$32,880 the town has since received payment of \$13,280 leaving an outstanding balance of \$19,000.

Vote: On a motion by Prentakis, seconded by Garber, the Board voted unanimously to approve ambulance write offs of \$134223.22 from year 2022 and \$32,880 from fiscal years 24 & 25.

7. Ambulance Carrier Contract Update – J. Sultzbach updated the Board saying he and Fire Chief LeColst worked on this ambulance contract for the Essex County Correctional facility. He received an update from Vital Core Health Strategies prior to the meeting. The proposed contract is July 1, 2025- June 30, 2026 with an option for a 12 month renewal. Of interest in the contract an individual must submit an invoice within 30 days. He continued to give a high level overview of the terms and recommended the Board accept the agreement.

Vote: On a motion by Prentakis, seconded by Garber, the Board voted unanimously to accept the ambulance carrier agreement for the Essex County Correctional facility with Vital Core Health Strategies.

8. Liquor License Change of Manager Application - American Legion Liquor License change of manager application review/vote. New manager Pam Munroe. - P. Munroe and the Commander Paul Syra were present and fielded questions from the Board. The former manager left and they are requesting P. Munroe as the manager.

Vote: On a motion by Prentakis, seconded by Garber, the Board voted unanimously to approve the change of manager at the American Legion to Pam Munroe.

9. One Day liquor license - Cellar Door - June 28th, 2025 - Parking lot of The Natural Dog located at 189 S Main St. Middleton, MA 01949- This even was cancelled and the application withdrawn.

5:52pm - The Board recessed and reconvened at 6:03pm.

10. Public Comment (To be held at 6pm for all Select Board meetings) – There was none.

11. Joint Meeting Library Trustees to appoint members to Library Director Search Screening Committee (List of candidates attached to agenda as Appendix B).

The candidates were interviewed in the order they appeared on the agenda:

- Beth Andres-Beck
- Claire Burday
- Rachel Nemeth
- Zina Gerolimatos
- *Allison Sloan removed herself as a candidate during the voting process; this allowed her to be eligible to vote as a trustee.

Call to order: With a quorum present the Chair called the Library Trustees meeting to order at 6:04 pm.

Present: Mark Moreschi, Chair; Susan Piccole, Vice Chair/Secretary; Maria Paikos-Hantzis, Kosta Prentakis;

*Trustee Allison Sloan, was present via Zoom as a candidate and did not participate as a Trustee during the interviews.

J. Sultzbach reviewed at a previous meeting the parameters for the Library Director Screening Committee were decided to include an at large appointment from the Select Board and one from the Trustees.

The candidates were interviewed simultaneously by both boards/committees and given equal opportunities to speak on their qualifications, and answer/ask questions.

Select Board Vote: on a motion by Prentakis, Seconded by Garber, the Board voted unanimously by roll call nominate all five candidates for the Select Board appointment to the at-large position.

The Chair called for individual votes from the Board, with **Zina Gerolimatos** receiving three supporting votes and Rachel Nemeth receiving one.

D. Carbone – Z. Gerolimatos	J. Garber – R. Nemeth
R. Kassiotis - Z. Gerolimatos	
K. Prentakis - Z. Gerolimatos	

Trustees Vote: On a motion by M. Paikos-Hantzis, seconded by S. Piccole, the Trustees voted unanimously by roll call nominate the remaining four candidates for the Library Trustees appointment to the at-large position.

The Chair called for individual votes from the Board with **Rachel Nemeth** receiving three supporting votes and Claire Burday receiving two. (A. Sloan withdrew her candidacy)

S. Piccole – R. Nemeth	M. Moreschi – C. Burday
M. Paikos-Hantzis- R. Nemeth	K. Prentakis – C. Burday
A. Sloan - R. Nemeth	

Trustees Vote: On a motion by M. Paikos-Hantzis, seconded by S. Piccole, the Trustees voted unanimously by roll call to enter into Executive session to consider or interview applicants for employment or appointment by a preliminary screening committee if the Chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening; per M.G.L. c. 30A sec 21(a)(8) – Interim Library Director and return to open session to appoint an Interim Director (If needed). The Trustees relocated the ES meeting to another room. These minutes are separate.

6:18pm- K. Prentakis left the Select Board meeting to participate as a Trustee in the Executive Session.

The agenda was taken out of order with consensus.

12. Response to Open Meeting Law (OML) Violation

J. Sultzbach reviewed an OML complaint was received from a resident and must be filed within 30 days and provide a response. He went on to provide a brief summary of the five items listed and the response:

- The board denies any such deliberation occurred outside of the meeting
- Open meeting laws must allege violations with sufficient specificity and no dates times or evidence was provided relative to the allegations
- The allegations that the members violated campaign finance laws are outside the scope of the open meeting law
- The DOJ declines to review allegations against individuals who are not acting in their official capacity as members of a public body; the incident described falls under that category

- The complaint itself was untimely - open meeting law complaints must be made within a 30-day window of the alleged violation and this complaint came in well after that point in time

Vote: On a motion by Kassiotis, seconded by Prentakis, the Board voted 3-0-1 to authorize the Town Administrator to submit the complaint with Garber abstaining, citing he was not a part of the alleged activity.

13. Update to MBTA Litigation - The Town, with other communities, engaged in a lawsuit in April with the state relative to the MBTA 3A Zoning Communities Law as an unfunded mandate. The unfunded mandate was struck down and the Board took the position to appeal the ruling; the appeal has since been filed. The Select Board will meet in Executive Session at their July 8 meeting regarding this litigation.

14. *Authorization by Selectboard to submit Charter Home Rule Petition to Legislature - J. Sultzbach summarized this action to submit the updated Charter Home Rule Petition to the Legislature was response to Town Meeting approving Article 20, the Charter Committee's recommended revisions.

Vote: On a motion by Kassiotis, seconded by Garber, the Board voted 3-0-1 to submit the authorization by the Select Board to the Legislature for Charter Home Rule Petition with K. Prentakis not present for the vote.

15. Annual Appointments (list of appointments attached to agenda as Appendix A)

Vote: On a motion by Prentakis, seconded by Garber, voted 3-0-1 to appoint the following to the Middleton Police Department for a three year term with R. Kassiotis abstaining.

- **Reserve Patrol Officers:** Leonardo Jorge; Richard Kassiotis; Mark Finer
- **Patrol Officers:** Kosta Agganis, Henry Bouchard; Samantha Cila; Roby Deschenes; Ryan Duval; Brian Kelley; Jordan Kemp; Isabella Palmeira; Jonathan Santiago; Melissa Witt
- **Sergeants:** Ronald Carpenter; Michael LeColst; Robert Peachey; David Arathuzik (through 7.5.25)
- **Captain** - Matthew Armitage
- **Chief** - William Sampson

Vote: On a motion by Kassiotis, seconded by Garber, voted 3-0-1 to appoint the following Appointments for three-year terms unless otherwise noted:

Staff Appointments

- Fire Chief & Emergency Management Director - Douglas K. LeColst
- Superintendent of Public Works - Paul Goodwin
- Building Commissioner - Scott Fitzpatrick
- Local Building Inspector Alternate - E. Peter Swindell
- Health Director- Traci Mello
- Animal Control Officer & Inspector of Animals - Beverly Milward/Kevin Nichols
- Assistant Health Agent -Ronald Beauregard

Board & Committee Re-Appointments

- Affordable Housing Trust Member, At Large Member, 2 yrs - Andres-Beck Beth
- Board of Health, 3 yrs - Greenfield Matthew
- Board of Registrars Member 3 yrs - Cardinale Richard
- Bylaw Review Committee, Member, 3 yrs - Bingham Justin
- Cable Television Advisory Commission Member, 3 yrs - Pellicelli Paul
- Cable Television Advisory Commission Member, 3 yrs - Erickson John
- Cable Television Advisory Commission Member, 3 yrs - Gregorio Richard
- Conservation Commission Member, 3yrs - Sliney Michael
- Council on Aging Member, 3 yrs - Alfonso Margaret
- Council on Aging Member, 3 yrs - Tirck Wendy
- Council on Aging Member, 3 yrs - Shea-Desmond Joan
- Cultural Council Member, 3 yrs - Givens Michael
- Cultural Council Member, 3 yrs - Hartman Rosner Pam
- Cultural Council Member, 3 yrs - Walter Meghan
- Historical Commission Member, 3 yrs - Messenger Pike
- Historical Commission Member, 3 yrs -Cote Anne

- o Industrial & Commercial Design Review, Member 3 yrs -Richards Linda
- o Patriotic Observances Committee Member 3 yrs -Kostos Steve
- o Rails to Trails Committee Member 3 yrs -Harris Armitage Sherri
- o Rails to Trails Committee Member 3 yrs - LeBlanc John
- o Scholarship Committee Member 3 yrs -Pendleton Rodney
- o Zoning Board of Appeals Member 5yrs -Damato-MacPherson Carolyn
- o Zoning Board of Appeals Alternate 1 yr - Richards Linda

6:33pm- the Select Board took a five minute recess; K. Prentakis returned to the meeting.

6:42pm -Select Board Liaison roles

***Vote:** On a motion by Garber, seconded by Kassiotis, the Board voted 3-0-1 Kosta Prentakis as the Municipal Property Tax Relief liaison with K. Prentakis abstaining.*

***Vote:** On a motion by Kassiotis, seconded by Prentakis, the Board voted 3-0-1 Jeff Garber as the Community Preservation Committee liaison.*

***Vote:** On a motion by Kassiotis, seconded by Prentakis, the Board voted unanimously Annie Wilton as the designee of The Friends of the Flint Library as a Select Board appointment for the purposes of the Library Director Screening Committee*

16. Updates & Announcements

K. Prentakis, as the Select Board's liaison to the Elementary School Committee, gave an update on a recent meeting with the superintendent the assistant superintendent, two school committee members and the Finance Committee liaison and reviewed the dire view of FY27 and the goal to have a finalized budget earlier in the year i.e. March. There is another meeting planned for August 6. He also met with the new chair of the Masco School Committee Chair, Matt Alexander.

Upcoming Select Board Meetings: July 8; August 5

Documents either distributed to the Select Board before the meeting, in a packet, or at the meeting:

- Warrant 2525 / Facility Project 63
- Minutes
- Appointments
- FY 2025, 3rd Quarter Highlights – 5.15.25
- Recommendation for Appointments – Police Chief Sampson
- Request for Transfer of Appropriations - G. L. c. 44, s. 33B
- Ambulance Receivable Write-Off - June 2025
- Ambulance Receivable Write-Off - Health Cost Solutions Bankruptcy Case
- Proposed Revisions - Essex County Correctional Facility Ambulance Contract – 6.17.25
- American Legion Post 227 Retail Alcoholic Beverages License Application - Amendment-Change Of Manager
- Email: J. Bresnahan - Library Director Screening Committee
- Commonwealth of Massachusetts Superior Court - Notice of Appeal – Plaintiff, Town of Middleton.
- 2025 Annual Town Meeting – May 13 – Article 20 Charter Review Recommendations.

Adjournment: The Board voted unanimously **to adjourn** at approximately 6:49pm.

Respectfully submitted by

Catherine E. Tinsley 6.30.25

Catherine Tinsley, Recording Secretary

Debbie Carbone, Select Board Clerk

Respectfully submitted as approved by the Select Board at the _____ meeting.

③A

Justin Sultzbach

From: Scott Fitzpatrick
Sent: Tuesday, July 8, 2025 10:09 AM
To: Justin Sultzbach; Jackie Bresnahan
Subject: FW: 232 South Main St Middleton - Vinum Wine

From: Scott Fitzpatrick
Sent: Friday, May 16, 2025 11:08 AM
To: Normand Martin <nmartin@demoulasmarketbasket.com>
Cc: Doug LeColst (MFD) <douglas.lecolst@midfire.com>; Daniel Kessel (MFD) <daniel.kessel@midfire.com>; rms9119@cs.com; Suzanne Delaney <sdelaney@demoulasmarketbasket.com>; Facilities Team <facilities@demoulasmarketbasket.com>; Brian Metivier <bmetivier@demoulasmarketbasket.com>; Wayne Helliwell <whelliwell@quickresponsefire.info>
Subject: RE: 232 South Main St Middleton - Vinum Wine

Hi Normand,

I wanted to update you, we have the application from your Fire Sprinkler Contractor along with his engineered drawings, they have been sent to the fire prevention officer for review as required by the building code.

However you tenant has made no attempt to obtain the additional required permits:

- A building permit as the layout of the space changed – review of life safety, exit and emergency lights etc.
- Mechanical permit – for the cooler and refrigeration system
- Fire Alarm permit - as the layout of the space has changed and the system needs to be looked at to make sure all devices still function and are located correctly based on the new layout
- Electrical permit - wiring to the new units as well as any other changes.

All permit applications should be accompanied by complete construction documents for the specific discipline prepared and stamped by a Massachusetts Registered Design professional

Ultimately as the building owner the responsibility under the building code rests with your ownership group to resolve the work without a permit violation.

Thank you,

Scott M. Fitzpatrick
Building Commissioner
Town of Middleton
195 North Main Street
Middleton, MA 01949
978-777-2850

From: Normand Martin <nmartin@demoulasmarketbasket.com>
Sent: Wednesday, May 7, 2025 8:53 AM
To: Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>

Cc: Doug LeColst (MFD) <douglas.lecolst@midfire.com>; Daniel Kessel (MFD) <daniel.kessel@midfire.com>; rms9119@cs.com; Suzanne Delaney <sdelaney@demoulasmarketbasket.com>; Facilities Team <facilities@demoulasmarketbasket.com>; Brian Metivier <bmetivier@demoulasmarketbasket.com>; Wayne Helliwell <whelliwell@quickresponsefire.info>
Subject: [EXTERNAL] - RE: 232 South Main St Middleton - Vinum Wine

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Scott,

Wayne from Quick Response had a conversation with the Chief yesterday, the Chief informed him that a plan was needed, the Design Engineer is going today with Wayne and will get us a stamped plan hopefully today.

Thank you for your patience.

Sincerely,

Normand Martin
Dir. Facilities & Planning
DSM Realty
A Division of Demoulas Supermarkets Inc.
978-640-8117

From: Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>
Sent: Wednesday, May 7, 2025 8:44 AM
To: Normand Martin <nmartin@demoulasmarketbasket.com>
Cc: Doug LeColst (MFD) <douglas.lecolst@midfire.com>; Daniel Kessel (MFD) <daniel.kessel@midfire.com>; rms9119@cs.com; Suzanne Delaney <sdelaney@demoulasmarketbasket.com>; Facilities Team <facilities@demoulasmarketbasket.com>; Brian Metivier <bmetivier@demoulasmarketbasket.com>
Subject: RE: 232 South Main St Middleton - Vinum Wine

Normand,

Please provide an update from the Fire Protection Engineer by end of business today, we have been extremely cooperative leaving the building open with this violation.

Thank you,

From: Normand Martin <nmartin@demoulasmarketbasket.com>
Sent: Friday, May 2, 2025 10:03 AM
To: Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>
Cc: Doug LeColst (MFD) <douglas.lecolst@midfire.com>; Daniel Kessel (MFD) <daniel.kessel@midfire.com>; rms9119@cs.com; Suzanne Delaney <sdelaney@demoulasmarketbasket.com>; Facilities Team <facilities@demoulasmarketbasket.com>; Brian Metivier <bmetivier@demoulasmarketbasket.com>
Subject: [EXTERNAL] - RE: 232 South Main St Middleton - Vinum Wine

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Scott, understood and will update as I receive it!

Regards,

Normand Martin

Dir. Facilities & Planning

DSM Realty

A Division of Demoulas Supermarkets Inc.

978-640-8117

From: Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>

Sent: Friday, May 2, 2025 9:53 AM

To: Normand Martin <nmartin@demoulasmarketbasket.com>

Cc: Doug LeColst (MFD) <douglas.lecolst@midfire.com>; Daniel Kessel (MFD) <daniel.kessel@midfire.com>; rms9119@cs.com; Suzanne Delaney <sdelaney@demoulasmarketbasket.com>; Facilities Team <facilities@demoulasmarketbasket.com>; Brian Metivier <bmetivier@demoulasmarketbasket.com>

Subject: RE: 232 South Main St Middleton - Vinum Wine

As always Norman thank you for your quick response! Based on our experience with your group I am well aware this is not your style, unfortunately code requires violation notices be sent to property owners.

Please keep us updated, most important being the Fire Protection.

Thanks

Scott

Scott M. Fitzpatrick

Building Commissioner

Town of Middleton

195 North Main Street

Middleton, MA 01949

978-777-2850

From: Normand Martin <nmartin@demoulasmarketbasket.com>

Sent: Friday, May 2, 2025 9:50 AM

To: Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>

Cc: Doug LeColst (MFD) <douglas.lecolst@midfire.com>; Daniel Kessel (MFD) <daniel.kessel@midfire.com>; rms9119@cs.com; Suzanne Delaney <sdelaney@demoulasmarketbasket.com>; Facilities Team <facilities@demoulasmarketbasket.com>; Brian Metivier <bmetivier@demoulasmarketbasket.com>

Subject: [EXTERNAL] - RE: 232 South Main St Middleton - Vinum Wine

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Scott, we are trying to get the tenant to get this rectified we had no idea they were doing this, as landlord I have Quick Response Fire surveying the store and reaching out to the Chief LeColst.

I will keep you updated as I know more.

Thank you,

Normand Martin
Dir. Facilities & Planning
DSM Realty
A Division of Demoulas Supermarkets Inc.
978-640-8117

From: Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>
Sent: Thursday, May 1, 2025 2:25 PM
To: Normand Martin <nmartin@demoulasmarketbasket.com>
Cc: Doug LeColst (MFD) <douglas.lecolst@midfire.com>; Daniel Kessel (MFD) <daniel.kessel@midfire.com>
Subject: 232 South Main St Middleton - Vinum Wine

Good morning Normand,

We have issued a Stop Work Order at 232 South Main St Unit B Middleton - Vinum Wine for the installation of a walk-in cooler without permits. This installation would have required Building, Mechanical, Electrical, and Fire Protection Permits. This installation is also causing an immediate danger as this modifies the design and coverage of the fire protection systems. I am referring this to the Middleton Fire Department to asses the danger created and determine if the building may remain occupied or occupied with conditions such as a Fire Watch until the violation is removed.

A complete Order to Correct with Fines will follow.

It also appears a sign was installed without permits.

Thank you,

Scott M. Fitzpatrick
Building Commissioner
Town of Middleton
195 North Main Street
Middleton, MA 01949
978-777-2850

③ B

Justin Sultzbach

From: Scott Fitzpatrick
Sent: Tuesday, July 8, 2025 10:12 AM
To: Jackie Bresnahan; Justin Sultzbach
Subject: FW: 152 South Main - Stop Work Order

From: Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>
Sent: Friday, May 23, 2025 1:25 PM
To: Ned Bolth <ned@richardsonsicecream.com>; Dave Daniels <dave@richardsonsicecream.com>
Cc: Daniel Kessel (MFD) <daniel.kessel@midfire.com>
Subject: Re: 152 South Main - Stop Work Order

Hi Ned,

They are far from complaint, have made no effort. Please refer to my previous emails regarding required permits and stamped construction documents.

If the property owner is stepping in to resolve please call me to schedule a meeting next week to discuss, if not unfortunately daily fines will start Tuesday and per the Building Code all fines are issued to the property owner.

The Select Board has also been notified as the licensing authority for the Package Store License.

Thank you,
Scott

From: Ned Bolth <ned@richardsonsicecream.com>
Sent: Friday, May 23, 2025 12:53 PM
To: Dave Daniels <dave@richardsonsicecream.com>; Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>
Cc: Daniel Kessel (MFD) <daniel.kessel@midfire.com>
Subject: [EXTERNAL] - RE: 152 South Main - Stop Work Order

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Hi all,

Following-up on the Richdale walk-in permitting. I met with the project team today and have updated the project history (below). The summary below is to the best of my knowledge. I have been trying help Richdale as best I could without running the whole job for them. After meeting with Zoubaar (project coordinator) today, I hope we are getting closer to resolving the permitting issues. Please let me know if more needs to be done, beyond Zoubaar's understanding which is detailed in the **May 23, 2025** part of the summary below.

Thank you,
Ned
Richardson's

Richdale Walk-in Cooler Project History

August 2023 – Richdale informed me that they were looking to install a walk-in cooler for drinks. To help them and me understand the required process, I call the building department on August 22, 2023. Here are my notes from the time of the conversation with Scott F, which I shared with Richdale:

“Town of Middleton Building Permit Requirements: I spoke to the Building Inspector on August 22, 2023. Here is what he needs to allow the project to move forward.

1. **Refrigeration Permit** for the removal and replacement of the coolers – A licensed Massachusetts Refrigeration Contractor must pull the permit. The cooler installer in Georgia is not interested in trying to pull the permit. They are likely not licensed to do refrigeration work in Massachusetts.
2. **Electrical Permit** for wiring the new equipment – A licensed Massachusetts Electrical Contractor must pull the permit. “

Note that at the time Richdale wanted to hire a company out of Georgia to do the work. I called them and discovered that they were not licensed to work in MA. Based on that Richdale started looking for a local contractor.

February 2024 - Through their network of stores they found ALIESA ENTERPRISES LLC dba ALIESA REFRIGERATION of Merrimack, NH. It is my understanding that they misrepresented themselves as licensed in MA. I believe they tried to pull a permit and were denied.

Somehow through this process Richdale paid approx. \$30,000 for a walk-in cooler kit (walls, doors, refer equipment). That transaction was intercepted or the whole thing was a scam. They lost all that money.

April/May 2025 – Richdale contracted with Zoubaar El imami of American Supermarket and Food Equipment Inc. (ASFE) to purchase and install the walk-in cooler kit. ASFE subcontracted the mechanical and electrical work. Those Subs applied for permits (detail below).

Cooler installation, I do not know the exact dates (i.e., before or after permit applications) - The walk-in is a panelized wall/ceiling kit with visual display doors. The evaporators to cool the unit are located inside the cooler and the compressor is located on the roof. The walls and ceiling are self-supported insulated panels. No structural changes to the building were made during installation.

Permit Applications

4/30/2025 – Electrical Permit Application (E25-000078)

- Master Electrician - JEANPRO ELECTRICAL LLC - Bergeman Jean
- License Number: 23096

5/6/2025 - Mechanical Permit Application (MSM25-000013)

- Mechanical Contractor - KM HVAC – Karrossi Mohamed
- License Number: 1863
- *Incorrect site address on permit: Listed as 230 SOUTH MAIN ST. Should Be 152 South Main

Upon the electrical contractor calling for inspection, he was informed that there were permitting issues.

On or about May 7, 2025 – The stop work order was issued.

May 23, 2025 – I met with Zoubaar, Richdale, and the contracted architect/engineer onsite. Here is what Zoubaar thinks he needs to close it out:

1. Architect/Engineer stamped plan – complete
2. Stamped plan showing construction and equipment details. This will show the schematic of the walk-in and the cutsheets for installed equipment. This is in progress as of today.
3. Electrical inspection
4. Mechanical inspection.
5. The building is not sprinklered, and therefore no fire suppression permitting is required.

From: Ned Bolth

Sent: Thursday, May 22, 2025 1:54 PM

To: Dave Daniels <dave@richardsonscicecream.com>; Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>

Cc: Daniel Kessel (MFD) <daniel.kessel@midfire.com>

Subject: RE: 152 South Main - Stop Work Order

All,

I spoke to Jack at Richdale. He is the manager and onsite most days. After several conversations with Jack, it is my opinion that although he is terribly confused, he is doing everything he can to make it right. He is leaning heavily on the installer, Zoubaar, whom I also spoke to today. We reviewed the mechanical permit application to the extent I can access it online.

On May 6, 2025, KM HVAC applied for the mechanical permit (MSM25-000013). Zoubaar says that additional application materials are required to open/close the permit. I asked him to forward me all the documents and correspondence to date. I do not have all that I hand yet, but I based on our conversations I assume that the mechanical plans are the missing required paperwork. To that end, we have an onsite meeting tomorrow with a mechanical engineer. At that time, I will confirm that a separate electrical permit was applied for or will be, post-haste.

Sorry for all the trouble,

Ned

Richardson's

From: Dave Daniels <dave@richardsonscicecream.com>

Sent: Thursday, May 22, 2025 12:02 PM

To: Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>

Cc: Daniel Kessel (MFD) <daniel.kessel@midfire.com>; Ned Bolth <ned@richardsonscicecream.com>

Subject: RE: 152 South Main - Stop Work Order

Hello Scott,

We'll check in today on their progress. Does Richdale get the fine or do we get it? Also how much is it? Maybe that will motivate them.

Thank you,

Dave

From: Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>
Sent: Thursday, May 22, 2025 11:47 AM
To: Dave Daniels <dave@richardsonscicecream.com>
Cc: Daniel Kessel (MFD) <daniel.kessel@midfire.com>
Subject: RE: 152 South Main - Stop Work Order

Hi Dave,

No movement has been made by the tenant on the required permits. Daily fines will begin to be issued Tuesday 5/27/25.

Thank you,

Scott M. Fitzpatrick
Building Commissioner
Town of Middleton
195 North Main Street
Middleton, MA 01949
978-777-2850

From: Dave Daniels <dave@richardsonscicecream.com>
Sent: Wednesday, May 7, 2025 10:25 AM
To: Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>
Subject: [EXTERNAL] - RE: 152 South Main - Stop Work Order

[CAUTION:] This message was sent from outside of the Town of Middleton. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Hello Scott,

Thank you for letting me know. I knew they were working on a cooler but assumed their contractor knew what they were doing. Hopefully they can straighten this out.

Thanks,
Dave

From: Scott Fitzpatrick <scott.fitzpatrick@middletonma.gov>
Sent: Wednesday, May 7, 2025 10:16 AM
To: Dave Daniels <dave@richardsonscicecream.com>
Subject: 152 South Main - Stop Work Order

Hi Dave,

Just wanted to let you know as the building owner we issued a Stop Work Order at Richdale at 152 South Main St. they installed a walk-in cooler without obtaining permits, the contractor initially applied but was unlicensed and the permit was denied but the proceeded with the install anyway. This work requires a building, mechanical and electrical permits

(fire protection if the building is sprinklered) and all permit applications must be accompanied by construction documents prepared and stamped by a Massachusetts Registered Design Professional.

An official Order to Correct will follow and in accordance with the requirements of the Building Code will be issued to the property owner.

Thank you,

Scott M. Fitzpatrick

Building Commissioner

Town of Middleton

195 North Main Street

Middleton, MA 01949

978-777-2850



TOWN OF MIDDLETON
(To be submitted in triplicate)

Request for Transfer from the Reserve Fund

Date: 6/30/2025

Finance Committee Town of Middleton

Members:

Request is hereby made for the following transfer from the Reserve Fund in accordance with Chapter 40, Section 6, of the Massachusetts General Laws:

Amount Requested:

-\$27,740.81

To be transferred to (Account name/number): 01220151-511300
Present Balance in said appropriation: (\$27,740.81)

The amount requested will be used for (Give specific reason):
Cover overtime costs incurred during the wildland fires during 10/24-11/21.

This expenditure is extraordinary and/or unforeseen for the following reasons:
The wildland fires were unexpected; at the time it was not foreseen to cause budgetary issues.

Officer or Department Head

Action of Advisory Committee

Date of Meeting: 7/7/25

Number Present and Voting: 5

Transfer voted in sum of \$ 27740.81

Transfer disapproved:

 John Erickson
2025-07-07
18:30-04:00

Chairman, Finance Committee

Chairman, Finance Committee

Request must be made and transfer voted before any expenditure in excess of appropriation is incurred

Request for Transfer of Appropriations
G. L. c. 44, s. 33B

TO: Select Board
Finance Committee

FROM: Sarah Wood, Finance Director/Town Accountant

DATE: July 7, 2025

SUBJ.: Request for Transfer of Appropriations

Request is hereby made for the following transfer of appropriations in accordance with Chapter 44, Section 33B of the Massachusetts General Laws.

Transfers of appropriations may only be made during the last 2 months of any fiscal year or during the first 15 days of the new fiscal year to apply to the previous fiscal year.

1. Amount requested: \$1,819.62

2. To be transferred to:

	<u>Deficit Account</u>		<u>Deficit</u>
Town Counsel	01151152-538200	Contractual Services	\$ 101.90
Town Buildings	01192151-511000	Salaries & Wages	1,523.02
Animal Control	01292151-511000	Salaries & Wages	194.70

3. To be transferred from:

	<u>Funding Account</u>		<u>Amount</u>
Library	01610151-511300	Overtime	\$ 1,523.02
Unemployment	01913157-571600	Personal Services	296.60

Reason(s) for the transfer:

- Town Counsel overage due to additional costs outside of retainer (arbitrage, court, etc.) on final invoice
- Library Custodians received overtime for snow removal outside of regular pay that was budgeted in Library OT vs Town Buildings department
- Animal Control officers budget for split payroll was calculated incorrectly in ClearGov.

Select Board

Finance Committee

Transfer amount voted: \$ _____

Transfer amount voted: 1,819.62

Select Board Clerk

Finance Committee Co-Chair

John Erickson
2025-07-07
18:32:04:00



Request for Transfer of Appropriations
G. L. c. 44, s. 33B

Finance Committee Co-Chair

Date of vote: _____

Date of vote: 7/7/25

Number present and voting: _____

Number present and voting: 5

Request for Transfer of Appropriations
G. L. c. 44, s. 33B

TO: Select Board
Finance Committee

FROM: Sarah Wood, Finance Director/Town Accountant

DATE: June 24, 2025

SUBJ.: Request for Transfer of Appropriations

Request is hereby made for the following transfer of appropriations in accordance with Chapter 44, Section 33B of the Massachusetts General Laws.

Transfers of appropriations may only be made during the last 2 months of any fiscal year or during the first 15 days of the new fiscal year to apply to the previous fiscal year.

1. Amount requested: \$101,635.03

2. To be transferred to:

Accounting	01135151-511100	Dept Head Salaries	\$ 2,362.50
Assessors	01141151-511000	Salaries & Wages	947.82
Assessors	01141151-511100	Dept Head Salaries	1,696.54
Town Clerk	01161151-511000	Salaries & Wages	996.50
Police Department	01210151-511000	Salaries & Wages	1,918.73
Inspectional Services	01241151-511100	Dept Head Salaries	1,521.22
DPW	01420151-511100	Dept Head Salaries	1,870.50
Board of Health	01511151-511100	Dept Head Salaries	1,521.22
Fire	01220151-511300	Overtime	30,000.00
Library	01610152-538200	Contractual Services	30,000.00
Town Counsel	01151152-538200	Contractual Services	5,000.00
Town Reports	01195152-534300	Town Report	3,000.00
Garden Club	01548152-528800	Garden Club Beautification	800.00
Insurance	01914157-577100	Health/Dental Insurance	20,000.00

3. To be transferred from:

Comp Reserve	01910157-514500	Compensation Reserve	42,835.03
Unemployment	01913157-571600	Unemployment Insurance	5,000.00
Liability Ins	01945157-574000	Insurance	23,800.00
Library	01610151-511000	Salaries & Wages	30,000.00

Reason(s) for the transfer:

- Majority of salary adjustments are for three reasons 1) Merit Pay funded in Compensation Reserve 2) Fire staffing for wildland fires

Request for Transfer of Appropriations
G. L. c. 44, s. 33B

- Library coverage due to contractual service need for office coverage
- Town Counsel coverage due to additional costs outside of retainer (arbitrage, court, etc.)
- Town Reports coverage due to printing of warrants for a Fall Special Town Meeting
- Garden Club saw increase in costs for holiday wreaths
- Health & Dental Insurance had an increase in membership vs total enrollment budgeted.

Select Board

Transfer amount voted: \$ 101
Dorothy Corriveau

Select Board Clerk

Date of vote: 6/24/25

Number present and voting: 4

Finance Committee

Transfer amount voted: 101,635.03
REK
John Erickson
2025-07-07
18:31:04:00

Finance Committee Co-Chair

John Erickson
Finance Committee Co-Chair

Date of vote: 7/7/25

Number present and voting: 5

Justin Sultzbach

From: Jackie Bresnahan
Sent: Tuesday, July 1, 2025 7:09 PM
To: Jackie Bresnahan
Subject: Potential Updates to Employee Handbook

Importance: High

Good afternoon all employees,

There are a couple proposed changes to the Employee Handbook that will be reviewed at the upcoming July 8, 2025 Select Board Meeting.

1. Employees can use their personal days during their probationary period.
2. Parental Leave: the Town would provide some form of paid parental leave concurrent with FMLA (working on data to identify how much)
3. Bereavement: Additional parties are added to the 5 day bereavement leave including step-parents, step-siblings, and step-children

I will be hosting **drop-in office hours on Tuesday, July 8th from 10 am to 12 noon** to answer any questions and receive feedback from employees. If you are unable to join the office hours, please feel free to send feedback via email or give me a call. I am available most of the day Wednesday, July 2nd if you would like to make an appointment.

Department heads, please be sure to provide this notice to any employees who do not regularly utilize email.

Thank you,
Jackie

Jackie Bresnahan
Assistant Town Administrator/HR Director
Town of Middleton
48 South Main Street
Middleton, MA 01949
Phone: [978-777-3617](tel:978-777-3617)
Email: jackie.bresnahan@middletonma.gov

Please be advised the Office of the Secretary of State for the Commonwealth of Massachusetts has determined that E-mail could be considered a public record.

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Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES**

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary



SELLING YOUR LOCAL INITIATIVE PROGRAM HOME

Dear Local Initiative Program (LIP) Homeowner:

The following is a summary on how to sell your home under the LIP program. *We wish to emphasize that before you may begin the process of selling your LIP unit, your town/city and the Executive Office of Housing and Livable Communities (EOHLC) must review your written request to sell, and issue a written response.*

To begin the review process, please mail the following information to both your town/city and EOHLC:

- Written notice of your intent to sell (Conveyance Notice).** Your written notice should include your name, the property address and a phone number where you can be reached during the day.
- A copy of the Deed Rider for your LIP Mortgage.** If you did not keep a copy, you can obtain one at your local Registry of Deeds.
- A clear color photograph of the exterior of your LIP unit for posting on the EOHLC Affordable Units for Sale web page.**
- A copy of the completed Property Information Form (attached).**

The above documents should be mailed to the following address:

The Executive Office of Housing and Livable Communities
100 Cambridge Street, Suite 300
Boston, MA 02114
Attn: Division of Housing Development - LIP Program

Please contact your town or city hall for information on who will handle your resale request.
You may inquire at the Board of Selectmen's office, the Housing Authority or the Planning Department.

RESALE PROPERTY INFORMATION FORM

Please complete this form and return with your letter of intent to sell

Seller Name: Gloria McLean-Hynd's

Address: ONE Cedar Street, Room # 219

Phone: Day: 781-246-1044 **Evening:** Woburn, MA

Email: ghyndsr19@aol.com 781-771-9844 01801

Primary Contact: Gloria McLean-Hynd's

Phone: Day: 781-771-9844 **Evening:** 781-246-1044

Seller's Attorney: Commonwealth of MASS. ?

Name of Development: Riverview PARK

of Units/Homes in Development: 48 **Size of Home:** 2100 **sq. ft.** **Age of Home:** 16 yrs

Style of Home: (Check One)

Single Family **Condominium/Association Fee, if applicable:** \$400⁰⁰/mo per month
 Town Home **Estimated Annual Taxes:** \$400 per year
 Detached Condominium Town Water Septic System
 Garden Style Condominium

Condo Association: Riverview PARK

Contact Name: _____

Address: _____

Phone: Day: _____ **Evening:** _____

About the Unit: **# of Bedrooms:** One Two Three
of Bathrooms: 1 1½ 2 2½
Garage: Yes, # of cars 1 or 2 (circle one) No
Basement: Yes No
Heat (check one): Gas Electric Oil Forced Hot Air Forced Hot Water

Appliances included in home sale:

Refrigerator	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No - Not Sure
Stove/Oven	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No - Not Sure
Microwave	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No - Not Sure
Dishwasher	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No - Not Sure
Garbage Disposal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No - Not Sure
Washer/Dryer	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No - Not Sure
Central Air Conditioning:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Hard Wood Floors:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Please list any other applicable description of the unit:

HARDWOOD + CARPETING

MIDDLETON POLICE DEPARTMENT		Department Manual: Policy No. 1.01
USE OF FORCE (RESPONSE TO RESISTANCE) BY SWORN PERSONNEL		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.2.2; 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.6; 1.3.7; 1.3.8; 1.3.9; 1.3.10; 1.3.11; 1.3.12; 1.3.13; 11.4.1; 16.3.5; 22.2.3; 22.2.4; 22.2.6; 33.1.2; 33.5.1; 33.6.1		GENERAL ORDER
Effective Date: TBD	Issuing Authority <i>William P. Sampson</i> William P. Sampson Chief of Police	

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POLICY

It is the policy of the Department that officers use only the force that is permissible under applicable federal and state laws and regulations. [1.3.1]

This Policy requires strict adherence by all sworn personnel.

When exigent and unforeseen circumstances cause officers to deviate from the provisions of this Policy, officers are still expected to act with intelligence, sound judgment and in full conformity with both state and federal laws and constitutional provisions. Any such deviations from the provisions of this Policy shall be examined on a case-by-case basis.

DEFINITIONS

- A. **Actively Resistant Individual:** An individual who uses physical strength and/or body movement to resist a Department member. Examples of active resistance include pulling, turning, or walking away from an officer.
- B. **Aggravated Assaultive Individual (Serious Bodily Harm/Death):** An individual who engages in conduct that is likely to produce death or serious bodily harm to a member of the Department or another person.
- C. **Assaultive Individual (Bodily Harm):** An individual who attempts to injure a Department member or another person or engages in conduct that has the potential to injure a Department member or another person.
- D. **Chokehold:** The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness or death. [1.1.2 (1C)]
- E. **Commission:** The Massachusetts Peace Officer Standards and Training Commission.
- F. **Compliant Individual:** An individual who is fully cooperative with a Department member.
- G. **Deadly Force / Lethal Force:** Physical force that can reasonably be expected to cause death or serious bodily injury. Sworn personnel are authorized to use lethal force in accordance with the law and this Policy. [1.1.2 (1A)]

H. **De-escalation Tactics:** Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, creating distance between the officer and a threat and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis. [\[1.1.2 \(1B\)\]](#)

I. **Drive Stun Deployment:** In Drive Stun mode, the ECW is a pain-compliance facilitator rather than an electro-muscular disruptor. Drive stun occurs when the ECW is held against the subject, whether or not probes are deployed. Drive stun may be utilized in response to active resistance or assaultive behavior.

J. **Electronic Control Weapon (ECW):** A weapon that uses electricity to override voluntary motor responses or applies pain in order to gain compliance or overcome resistance. ECWs are designed to incapacitate without causing serious bodily injury or death. [\[1.3.9 \(a\)\]](#)

K. **ECW Activation:** Any time an ECW is turned on, exclusive of training and routine maintenance/readiness checks.

L. **ECW Cycle:** Occurs when probe deployment delivers energy to an individual.

M. **Force:** The amount of effort required by police to compel compliance by an unwilling subject.

N. **Kinetic Energy Impact Projectiles:** Flexible or non-flexible projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or serious bodily injury, when compared to conventional projectiles.

O. **Laser Activation:** The ECW is turned on, activating the light and/or laser beam. Laser activation may be utilized as a warning technique if drive stun deployment and/or probe deployment is objectively reasonable.

P. **Less-Lethal Force:** Use of force that is not intended to cause serious bodily harm/serious physical injuries or death. Sworn personnel are authorized to use less-lethal force in accordance with the law and this Policy.

Q. **Objectively Reasonable:** This term means that, in determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the officer, subject,

and/or community. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight. Determining reasonableness of force must allow for the fact that police officers are forced to make split second judgments in circumstances that are tense, uncertain and rapidly evolving. The force used must be reasonable under the circumstances known to the officer at the time force is used.

R. Officer-Involved Injury or Death: Any event during which an officer:

- 1) discharges a firearm, as defined in section 121 of chapter 140, actually or proximately causing injury or death to another;
- 2) discharges any stun gun as defined in said section 121 of said chapter 140, actually or proximately causing injury or death to another;
- 3) uses a chokehold, actually or proximately causing injury or death of another;
- 4) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
- 5) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;
- 6) deploys a dog, actually or proximately causing injury or death of another;
- 7) uses deadly force, actually or proximately causing injury or death of another;
- 8) fails to intervene, as required by section 15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or
- 9) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.

S. Passively Resistant Individual: An individual who is uncooperative but does not use physical strength or body movement to resist a Department member.

T. Probe Deployment: In Probe Deployment mode, the ECW uses electricity to override voluntary motor responses. Probe Deployment occurs when probes deploy from an ECW, whether or not the probes strike their intended target. This includes follow-up drive stuns when a single probe is attached to an individual. Probe deployment may be utilized in response to assaultive behavior.

U. **Public Safety Statement:** A statement to ascertain the threat level at the scene of the incident, to identify witnesses or other injured officers or civilians, and to facilitate the collection of evidence and preservation of the scene. This public safety statement is a brief explanation of what has transpired and what is presently happening. The Public Safety statement may be given by the Chief of Police or his/her designee who has gathered this information. The Public Safety Statement should include the following in substance and where applicable:

- 1) The identity of officers and other involved parties to the incident who discharged firearms and their approximate position at the time of the discharge.
- 2) The direction and number of shots fired
- 3) A description of any suspects and direction of flight
- 4) The identity and location of any injured officers or civilians
- 5) The identity of potential witnesses
- 6) The location of any unsecured weapons or contraband at the scene.

V. **Reasonable Force:** Reasonable force is determined under the legal standard set forth in *Graham v. Connor*, 490 U.S. 386, 395 (1989). Reasonable force is defined as force which is objectively reasonable because it is necessary to overcome resistance offered in a lawful police action to compel an unwilling subject's compliance with an officer's lawful exercise of police authority.

W. **Safety Priorities:** The Police Department safety priorities are established as follows:

- 1) Hostages and Involved non-subject civilians
- 2) Police officers
- 3) Subject (the person who is the focus of the police operation)

X. **Serious Bodily Injury:** Bodily injury that results in: (i) permanent disfigurement; (ii) protracted loss of impairment of a bodily function, limb or organ; or (iii) a substantial risk of death. This may also be referred to as "serious physical injury". [1.1.2 (1D)]

Y. **Spark Display:** The ECW is activated and the arc switch is depressed, activating the electrical arc. Spark display may be utilized as a warning technique if drive stun deployment and/or probe deployment is objectively reasonable.

Z. **Stress Disorder:** An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress. The person must have experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of one's self or others. The person's response to the event(s) will have involved intense fear, helplessness, or horror.

- 1) **Acute Stress Disorder:** A category of stress disorder lasting for a minimum of two days and a maximum of four weeks occurring within four weeks of the event(s).
- 2) **Post-Traumatic Stress Disorder:** A category of stress disorder in which the symptoms last more than one month.

AA. **Susceptible Population Groups:** Susceptible population groups include those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, or users of a cardiac pacemaker.

BB. **Sworn Personnel:** An employee of a law enforcement agency who has sworn to carry out law enforcement duties and has full arrest powers. For the purposes of this Policy, the term "sworn personnel" and "officer" are used interchangeably.

PROCEDURES

I. FORCE OPTIONS

- A. The amount and degree of force, which may be employed, will be determined by the totality of circumstances including, but not limited to:
 1. The nature and seriousness of the offense;
 2. The behavior of the subject against whom force is to be used;
 3. Actions by third parties who may be present;
 4. Physical odds against the officer;
 5. The feasibility or availability of alternative actions; and
 6. The opportunity to use de-escalation tactics at any time during the encounter.
- B. An officer should only use that amount of force that the officer feels would be reasonable in a particular situation to accomplish his/her lawful objective or to protect the officer or another from serious bodily injury or death. Officers should continuously evaluate the circumstances of the encounter with the goal of exploiting both verbal and tactical opportunities with the intent of de-escalating to a lower force level.

C. Equipment, Weapons and Ammunition Generally

1. Only issued or authorized equipment will be carried on-duty and used when applying any level of less-lethal force. [1.3.4]
2. Only weapons and ammunition authorized by the Police Department will be used by agency personnel in the performance of their responsibilities (listed in "Appendix A" of this Policy) while on duty unless exigent circumstances compel the officer to utilize other options. [1.1.9(1)]
3. An officer shall not alter or modify his/her firearm or ammunition in any way without the express permission of the Chief of Police.
4. Sworn personnel of the Department shall take all reasonable precautions to ensure that weapons issued to them by the Department are properly secured, protected from loss, misuse, or theft. Attention is drawn to G.L. c. 140, §§ 131C and 131L. [1.3.9 (f)]
5. Officers are responsible for keeping their issued weapons clean and in good working order. A weapon that malfunctions shall be returned to the Department Armorer forthwith for the necessary repairs, and a replacement weapon shall be issued by the Armorer. The officer shall qualify with the replacement weapon prior to carrying it on duty. [1.3.9 (d)]
6. Prior to the issuance of any weapons to the officer, the Department Armorer shall review, inspect and approve each individual weapon. If any malfunctions or defects are found, or if the weapon is found to be unsafe in any manner, the deficiency shall either be rectified, or the weapon shall be returned to the manufacturer for a replacement weapon. [1.3.9 (c); 1.3.9 (d)]
7. The Department Armorer shall maintain a log for each weapon that is owned or authorized by the Department. This log should list the make, model, and serial number and shall indicate the condition of the weapon. A file shall also be maintained by the Training Coordinator documenting the make, model and serial numbers of the issued and authorized duty weapons to each member of the Department and a log of each officer's qualifications and re-qualifications. [1.3.9 (e)]

II. ENCOUNTERS WITH MINORS, EMOTIONALLY DISTURBED, MENTALLY ILL AND PHYSICALLY DISABLED PERSONS

- A. Encounters may arise between law enforcement and those individuals who are known or suspected of being minors, emotionally disturbed, mentally ill or physically disabled. Such encounters may require special police skills and abilities to effectively and legally respond to the given situation. Officers should never, however, compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of emotional, mental and/or physical illness.
- B. Should the officer determine that an individual may be a minor, emotionally disturbed, mentally ill and/or physically disabled and a potential threat to himself/herself, the officer, or others; or may otherwise require law enforcement intervention for humanitarian reasons, the following responses should be taken, bearing in mind officer safety is most important:
 1. Request a backup officer.
 2. Take steps to utilize de-escalation tactics. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive acts are not occurring, avoid physical contact, and take time to assess the situation.
 3. Move slowly and do not excite the person. Provide reassurance that the police are there to help and that he/she will be provided with appropriate care.
 4. Communicate with the individual in an attempt to determine the root of the person's actions. Relate your concern for his/her feelings and allow the person to express their feelings. Where possible, gather information on the subject from acquaintances or family sworn personnel and/or request professional assistance, if available and appropriate to assist in communicating with the person and/or de-escalating the situation.
 5. Do not threaten the individual with arrest or in any other manner as this will create additional fright, stress, and potential aggression.
 6. Avoid topics that may agitate the person and guide the conversation toward topics that may help ease the individual.

7. Always attempt to be truthful. If the subject becomes aware of a deception, he/she may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.
8. Consider containing the situation, establishing distance, waiting for additional help, and/or the arrival of trained medical staff.

C. While the policies and guidelines regarding the use of force do not change due to a subject's mental or physical status, officers should take this status into account (where the status is known) in their approach of the subject in an effort to de-escalate the situation.

D. Once a person is under control, officers should consider whether common restraint tactics may be more dangerous to the individual due to the subject's age, mental, emotional or physical status, and consider available and appropriate reasonable accommodations.

E. As with any use of force, officers should always provide an immediate medical response to individuals who are exhibiting signs or complaining of injury or illness following a use of force.

III. LESS-LETHAL FORCE

A. PROCEDURES FOR THE USE OF ALL LESS-LETHAL FORCE

1. A law enforcement officer shall not use physical force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary [1.1.1(1)]:
 - a. to effect the lawful arrest or detention of a person;
 - b. to prevent the escape from custody of a person;
 - c. to prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm; or
 - d. and proportionate in accordance with the regulations promulgated jointly by the Commission and the Municipal Police Training Committee pursuant to G.L. c. 6E, § 15(d).
2. It is preferred that less-lethal force not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same result.

Officers should issue a verbal warning and allow a reasonable amount of time for response unless a warning could endanger the officer or others.

3. Each less-lethal force option is not intended to be a substitute for other options in situations in which the use of other force options are more appropriate.
4. Absent exceptional circumstances, officers shall not use less-lethal force on susceptible population groups, or for the sole purpose of protecting property.
5. The use of less-lethal force is not authorized for indiscriminate use, non-violent behavior or when an individual is handcuffed unless a threat to the officer or others exists.
6. A subject who is exposed to less-lethal force shall be actively monitored while in police custody after they have received medical care. If the subject requests further medical attention, they shall be transported immediately by EMS to a medical facility. [\[1.3.5\]](#)

B. LESS-LETHAL FORCE OPTIONS

1. All officers shall be properly trained and certified, when appropriate, in the use of any less-lethal weapons before being authorized to carry such weapons. [\[1.3.4; 1.3.10\]](#)
2. **CHEMICAL SUBSTANCES** [\[1.1.4\(1-Chemical\)\]](#)
 - a. Chemical substances or sprays (e.g. oleoresin capsicum, commonly known as "OC") may be used when physical force is necessary to:
 - i. Protect an officer or other person from an assault;
 - ii. Subdue a person who actively resists arrest; or
 - iii. Control persons engaged in riotous or violent conduct.
 - b. When a chemical substance is used, it should be aimed at the subject's face and upper torso. Officers are required to utilize only two (2), one second bursts from at least 3 feet away from the subject unless exceptional circumstances require otherwise. Each deployment of OC spray constitutes a separate use of force and must be justifiable.
 - c. First aid shall be administered as soon as practicable under the circumstances. Upon arrival at the police station, the subject shall be given the opportunity to wash his/her face with warm water. Officers shall arrange transport for

sprayed subjects to the hospital for treatment when they complain of continued effects after decontamination or they indicate that they have a pre-existing medical condition (e.g., asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by the application of chemical spray. **[1.3.5]**

- d. Once handcuffed, a contaminated subject should not be placed faced down. Officers shall monitor handcuffed subjects.

3. BATONS [\[1.1.4\(1-Baton\)\]](#)

- a. A baton may be used:
 - i. As a restraining or come-along tool in instances where verbalization and physical strength have failed or would obviously be futile;
 - ii. As a defensive weapon to ward off blows;
 - iii. As a defensive weapon to deliver disabling blows to non-vital areas of the body as a means to halt or deter a subject. An officer is justified in using this type of force under the following circumstances:
 - a) To overcome the violent resistance of an arrestee;
 - b) To overcome an assault on an officer or a third party;
 - c) To deter persons engaged in riotous or violent conduct.
- b. For guidance on the use of the baton, please refer to the MPTC/Monadnock chart for appropriate striking areas and descriptions of "Green," "Yellow," and "Red" target areas, a copy of which appears in the Appendix of this Policy.

4. ELECTRONIC CONTROL WEAPONS (ECWS) [\[1.1.4\(1-ECW\)\]](#)

- a. Only those officers who have successfully completed the requisite ECW training are authorized to carry and use an ECW.
- b. Officers issued and authorized to use an ECW shall:
 - i. Ensure the ECW is carried in an approved holster on the side of the body opposite the service handgun;

Note: members not assigned to uniformed duty may use other Department-approved holsters and carry the weapon consistent with Department training.

- ii. Ensure the ECW is fully armed with the safety on in preparation for immediate use;
- iii. Ensure one spare cartridge is available as backup in case of cartridge failure or the need for reactivation;
- iv. Ensure the spare cartridge is stored, carried, and used in a manner consistent with training;
- v. Ensure cartridges are replaced following the manufacturer's expiration requirements;
- vi. Ensure only manufacturer-approved battery power sources are used for the ECW;
- vii. Prior to each regular tour of duty shift, confirm that the ECW is functioning properly by performing all tests as defined in training; and
- viii. Not make any modifications or repairs on the ECW unless authorized in writing by the Armorer.

- c. In accordance with the law, and this Policy, and when it is objectively reasonable to do so, Department members are authorized to utilize an ECW to arrest and/or detain an individual that has and/or continues to exhibit behavior that leads the officer to believe the individual is actively resisting or assaultive and will resist being arrested or detained.

d. ECW Use of Force Response Table

If the subject is:	Then the response may include:
Actively Resistant	Laser Activation Spark Display Drive Stun
Assaultive – Bodily Harm	Laser Activation Spark Display Drive Stun Probe Deployment

Aggravated Assaultive – Serious Bodily Harm/Death	Laser Activation Spark Display Drive Stun Probe Deployment
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NOTE: Department members are not required to use a weapon of less-lethal force if use of lethal force is objectively reasonable.

- e. Situations in which the ECW may be activated in accordance with the above table include but are not limited to:
 - i. When an individual uses force or violence against the member or another person(s);
 - ii. When an individual exhibits violent, threatening, or potentially violent behavior;
 - iii. When an individual actively resists an arrest or detention;
 - iv. When an individual flees in order to avoid arrest or detention in circumstances where the member would pursue on foot and physically effect the arrest or detention;
 - v. When an individual expresses intent and has the means to commit suicide or inflict serious bodily harm to themselves or others and ECW activation does not create additional risk;
 - vi. To protect officers or others against an aggressive animal; and
 - vii. In the course of Department-authorized training exercises or demonstrations.
- f. Officers shall:
 - i. Give the individual a warning prior to activating the ECW, unless doing so would place any member or person(s) at risk;
 - ii. Adhere to the Department's training regarding warnings, which may include verbal warnings, display of the ECW, laser painting, arcing, spark display, or a combination thereof;

iii. When feasible, make an announcement to other officers or personnel on the scene that an ECW is going to be activated;

iv. Not intentionally activate more than one ECW at a time against an individual;

Note: Be aware that an individual subjected to an ECW Cycle may not be able to respond to commands during or immediately following an ECW Cycle exposure;

v. Limit the number of ECW cycles to the least number of exposures and should last no longer than necessary to bring an individual under control. Each 5-second cycle is considered an independent use of force and must be objectively reasonable and be documented in writing.

vi. Avoid continued ECW use as an attempt to facilitate compliance if circumstances indicate that drive stun deployment is ineffective as a pain-compliance technique.

Note: Officers should be aware that pain compliance may not be effective against an individual in a mental health crisis state, under the influence of a mind-altering substance, or when extremely focused.

vii. Consider potential risk(s) to third parties or bystanders when activating ECWs.

viii. Be aware that a subject's heavy clothing may impede the effectiveness of ECWs.

ix. Aim, to the degree possible, for the following target areas: (a) lower center mass below the chest; (b) back; or (c) legs.

Note: To the extent possible, Department members should avoid sensitive areas such as the eyes, face, head, throat, neck, breasts, groin and genitals.

g. Officers shall not use the ECW:

i. On a passively resistant individual;

ii. On a handcuffed or secured prisoner; except where the individual exhibits overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means.

- iii. In any environment where the member reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, propane;
- iv. When the individual is located in water;
- v. In any situation where the member has a reasonable belief that the subject might fall resulting in death or serious bodily injury, and the circumstances presented do not justify that risk; or
- vi. On individuals in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters) unless exigent circumstances exist.

h. ECW Post-Activation

- i. After a probe deployment, officers shall seek medical attention for the individual and ensure that ECW probes are removed by qualified medical personnel or by a Department Member trained to do so.
- ii. In any case of Drive Stun deployment or Probe deployment from an ECW on an individual, officers shall:
 - Transport the individual to an emergency care facility for evaluation and/or treatment if any of the following apply:
 - The individual requests medical attention or there is an obvious need for medical attention;
 - The ECW was deployed in a sensitive area (e.g., eye, face, head, throat, neck, breasts, groin, genitals);
 - The individual is part of a susceptible population group;
 - More than three ECW cycles were deployed on the individual or the ECW was deployed for continuous cycles amounting to 15 seconds or more; or
 - More than one ECW device has been deployed on an individual.

- Use restraint techniques that minimize risk of impairing a subject's respiration.

5. KINETIC ENERGY IMPACT PROJECTILES [1.1.4(1-Shotgun)]

a. Evaluation of Projectiles

Kinetic energy impact projectiles will be evaluated on the following criteria:

- i. *Accuracy:* This is the primary consideration, since proper shot placement greatly assists in controlling the other two evaluation criteria. This will be evaluated based on the anticipated ranges of deployment. A minimal standard of accuracy for such rounds is a 12-inch group at 15 yards in a secure rest.
- ii. *Effectiveness:* This is the potential of the round to cause incapacitation and reduce the subject's ability to continue their inappropriate behavior. The level of energy to cause incapacitation creates the potential for injury, but when properly deployed, with low probability for causing serious bodily injury or death.
- iii. *Potential for Causing Death or Serious Bodily Injury:* The potential for causing death or serious bodily injury with such projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back and abdominal cavities and the groin.
- iv. *Deployment Areas:* The less-lethal projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.

b. Deployment

- i. Kinetic energy impact projectiles may be used by an officer to defend himself/herself or others from the threat of serious bodily injury.
- ii. The issued kinetic energy impact weapon will be dedicated to kinetic energy impact projectiles, and marked with GREEN tape on the butt and barrel of the weapon. At NO TIME will lethal ammunition be stored with these weapons. Officers assigned will visually/physically inspect the chamber and magazine, each time the weapon comes under their control (i.e., beginning of the shift, and/or any time the

weapon was out of their direct control), to ensure the total absence of lethal ammunition.

- iii. The use of the kinetic energy impact projectile weapon SHALL only be used when authorized by an individual of the rank of Sergeant or above, or when an individual of the rank of Sergeant or above is not available, by the Officer-in-Charge of the shift.
- iv. The kinetic energy impact projectile weapon shall be secured in hard rifle or gun cases which are then secured in the assigned officer's cruiser.
- v. When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation are the desired goal, and alternative target areas/response should be considered when rounds are not effective. Alternative target and/or response considerations will be based on the circumstances the officer is encountering and the established department safety priorities.

IV. DEADLY FORCE / LETHAL FORCE

A. PARAMETERS FOR THE USE OF LETHAL FORCE[\[1.1.2\(2\)\]](#)

1. A sworn member of this Department is authorized to use lethal force only after de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances, and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm. This may include situations in which there are no viable alternatives available and lethal force is necessary for the officer to:

- a. Defend himself/herself or another from unlawful attack which he/she reasonably perceives as an imminent threat of death or serious bodily injury;

OR

- b. Effect an arrest, only when:

- i. The arrest is for a felony; and

- ii. The officer reasonably believes that:

- a) The force employed creates no substantial risk of injury to innocent persons; and

- b) The crime for which the arrest is made involved the use or attempted use, or threatened use of lethal force; and
 - c) There is substantial risk that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed.
- 2. Where practical, and if time and circumstances permit, officers shall verbally identify themselves as police officers and give some warning before using deadly force.
- 3. A law enforcement officer shall not use a chokehold. **[1.1.2(3)]**
- 4. As further outlined in section VI of this policy, officers shall generally intervene to prevent unreasonable force and shall report unnecessary/unreasonable force. Harassment, intimidation, or retaliation against an officer who intervenes to prevent or reports unnecessary/unreasonable force shall be a violation of policy and subject to discipline. Refer to section VI of this policy for further info.

B. FIREARMS

- 1. In addition to those circumstances provided for in the PARAMETERS FOR THE USE OF LETHAL FORCE, a police officer may discharge a Department-issued and/or authorized firearm in the following instances:
 - a. At a firearms range for authorized training, target practice or competition; or
 - b. To destroy a dangerous animal or an animal so badly injured that it should be destroyed to prevent further suffering. All other options shall be exhausted, however, before shooting the animal, and the officer shall adhere to the following guidelines:
 - i. Officers shall exercise due care for the safety of persons and property in the area and shall fire only when reasonably certain that there is no substantial risk to bystanders.
 - ii. Where feasible, ensure children are not present.
- 2. **Warning shots and signaling shots are strictly prohibited. [1.3.2]**
- 3. **MOVING VEHICLES**
 - a. Officers shall not discharge a firearm **from inside any moving vehicle.**

- b. Officers shall not discharge a firearm **at a moving vehicle** unless, based upon the totality of the circumstances, such discharge is necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm to a person and all of the following conditions have been met [1.1.2]:
 - i. The occupants of the vehicle are employing deadly force, which the officer reasonably perceives as an immediate threat of death or serious bodily injury to themselves or another;
 - ii. There is no substantial risk to the safety of other persons, including risks associated with motor vehicle accidents;
 - iii. Officers have not positioned themselves in such a way as to create a likelihood of being struck by an occupied vehicle (e.g., surrounding a vehicle at close proximity while dismounted);
 - iv. The officer is not firing strictly to disable the vehicle; and
 - v. The circumstances provide a high probability of stopping or striking the intended target.
4. **DRAWING & POINTING OF FIREARMS:** An officer shall not draw a firearm except when there is justification for its use to accomplish a proper police purpose. However, in responding to any potentially dangerous situation (e.g., searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress etc.) the officer should carry their firearm in a position that will facilitate its speedy, effective, and safe use. Officers shall not point firearms at persons in circumstances, which are clearly unjustifiable. **In the event it is necessary to point a firearm at a subject, officers shall note justification for the use of force within a Use of Force report.**
5. **OFF-DUTY FIREARMS**
- a. Any weapon that an officer carries while off-duty for protection or to enable them to take official action as a police officer, excluding the officer's issued service weapon, will be considered an off-duty weapon.

b. Any officer who desires to carry an off-duty weapon and be indemnified with that weapon must first obtain written permission from the Chief of Police by submitting a written request providing a complete description of the firearm, and must qualify with the weapon at the range, at least annually. [1.3.9 (e); 1.3.10]

c. All ammunition carried in an approved off-duty weapon must be of a type approved by the Chief of Police. [1.3.9 (b)]

V. SPECIAL WEAPONS

- A. When not carried in the locked rack in the patrol vehicle, special weapons will only be issued, with the knowledge and permission of the Officer-in-Charge to officers who have qualified with them.
- B. Special weapons may be selectively issued by the Officer-in-Charge if, in his/her opinion, they are necessary to ensure the safety and effectiveness of police operations. Officers armed with special weapons shall use those weapons in accordance with the provisions of this Policy as well as any applicable policies and guidelines issued at the time.
- C. Prior to issuing any special weapon, the Officer-in-Charge of the police station shall inquire of any officer to whom he/she intends to issue the weapon whether or not that officer is currently qualified in its use. It is the responsibility of a police officer not to accept a special weapon unless he/she is qualified in its use.

VI. DUTY TO INTERVENE [1.1.1(1)]

- A. An officer present and observing another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, shall intervene to prevent the use of unreasonable force unless intervening would result in imminent harm to the officer or another identifiable individual. [1.1.1(5), 1.1.2(5)]
- B. An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with this Department's policy. A supervisor not directly involved in the use of force incident shall complete a report which will include the reporting officer's written statement(s). [1.1.1(6), 1.1.2(6A), 1.1.2(6B), 1.1.2(6C)]
- C. Any harassment, intimidation, or retaliation against any officer who either intervened to prevent or stop an excessive force incident, or made a report regarding the witnessed excessive force incident, shall be a violation of this Department policy and shall, upon a sustained internal administrative investigation, be subjected to the imposition of departmental discipline up to and including termination.

VII. USE OF FORCE CONSIDERATIONS INVOLVING PLANNED MASS DEMONSTRATIONS

- A. When a police department has advance knowledge of a planned mass demonstration, it shall attempt in good faith to communicate with organizers of the event to discuss logistical plans, strategies to avoid conflict and potential communication needs between police and event participants.
- B. The department shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge of de-escalation planning and communication about the plans within the department.
- C. A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a propulsion device or release or order the release of a dog to control or influence a person's behavior unless:
 - 1. de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and
 - 2. the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm.
- D. If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the Massachusetts Peace Officer Standards and Training Commission (POST) detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog.
- E. The Commission shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon, rubber pellets or dog was justified.

VIII. ADMINISTRATIVE RELIEF FROM DUTY AFTER FORCE RESULTING IN DEATH OR SERIOUS BODILY INJURY

- A. In every instance in which any officer acting in an official capacity uses force which results in death or serious bodily injury to another person, the following steps shall be taken: **[1.1.8 (1)]**
 - 1. Any employee whose action(s) or use of force in an official capacity results in death or serious bodily/physical injury will be removed from operational assignment, pending an administrative review of the incident by a supervisor not directly involved in the incident or such other period of time as the Chief of Police deems necessary.
 - 2. The officer will be given the opportunity to call his/her family as soon as possible.
 - 3. The officer shall not be allowed to talk to the press. All information regarding the incident will be disseminated through the Office of the Chief of Police or the Public Information Officer.
- B. Assignment to Administrative Leave status shall be with no loss of pay or benefits.
- C. Relief from operational assignment with full pay and benefits is intended to: (i) address the personal and emotional needs of an officer and his/her involved in the use of force which results in serious bodily injury or death; and (ii) assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
- D. Officers on administrative leave shall remain available to the Department and/or State Police Investigators to assist in the investigation of the incident.
- E. Whenever an officer is involved in a use of force incident that results in death or serious injury the Chief of Police or his/her designee will make arrangements for stress counseling. (NEMLEC CISM, dispatched by North Andover Police, at 978-683-3168 or Massachusetts State Police Employee Assistance Unit @ 781-821-5496 or MSP Headquarters @ 508-820-2121 or Boston Police Peer Support Unit 617-343-5175 Monday Friday 8:00AM – 5:00PM (all other times 617-594-9091 ask to speak to the “on call peer counselor) or any appropriate psychological assistance provider for the officer and members of his or her immediate family, authorized by the Chief of Police.

IX. POST USE OF FORCE INCIDENT PROCEDURES

A. INVOLVED OFFICER RESPONSIBILITY

In all incidents involving: (1) weaponless physical force where either the officer or the suspect is noticeably injured or claims to be injured at the time force is used, or requests medical attention; (2) the deployment of less-lethal force; or (3) the deployment of lethal force, the involved officer(s) shall: [1.1.5]

1. Notify the Patrol Supervisor;
2. Request that sufficient officers be dispatched to the scene;
3. Activate EMS, render medical assistance to the subject and arrange for transportation to a medical facility for evaluation and/or treatment;
4. Identify involved officers and witnesses;
5. Preserve any evidence;
6. Secure the scene until the Patrol Supervisor has arrived;
7. File the appropriate incident or arrest report and Use of Force Report pursuant to this Policy.

B. PATROL SUPERVISOR / OFFICER-IN-CHARGE RESPONSIBILITY

1. LESS-LETHAL FORCE

In any incident involving an officer's use of less lethal force including: weaponless physical force where either the officer or the suspect(s) are injured or claim to be injured, or requests medical attention; or a chemical substance; or less-lethal impact weapons, or an electronic control weapon (ECW), the Patrol Supervisor / Officer-in-Charge shall: [1.1.5]

- i. Immediately respond to the scene.
- ii. Ensure that the officer(s) receives any necessary assistance, including medical treatment, and that any injuries to the officer(s) are properly documented. [1.1.5(1B,1C,1D,1E)]
- iii. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. [1.1.5(1B,1C,1D,1E)]
- iv. Conduct an initial review of the circumstances for the use of force.

- v. Identify and interview officers and witnesses.
- vi. Photograph the scene. Officers should make reasonable efforts to protect the subject's privacy.
- vii. Gather and collect evidence. For ECW deployments, take custody of the ECW and discarded cartridge that was deployed and submit the device to the ECW Officer for data downloading. The ECW Officer or his designee will print the data and attach it to the Use of Force Report Form, as soon as practical thereafter.
- viii. Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photographs, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs.

NOTE: A photograph showing no injury may be as important as one, which shows injury.

- ix. If a supervisor (a Sergeant or above) is not on shift, determine if a supervisor needs to be contacted for a response to the scene.
- x. File a report prior to the conclusion of their tour of duty.
- xi. If the subject is admitted to a medical facility for treatment, respond to the facility and document the condition or injuries. [1.3.5]
- xii. Ensure Incident or Arrest and Use of Force Reports are completed by the deploying officer prior to the conclusion of his/her tour of duty or immediately after their detail assignment.
- xiii. Complete the OIC/Command Review section of the Use of Force Report Form and submit the report to the Captain or his designee.

2. LETHAL FORCE AND FIREARMS

In any incident involving the use of lethal force; or discharge of firearms, including a kinetic energy impact projectile, the Patrol Supervisor / Officer-in-Charge shall: [1.1.5]

- i. Immediately respond to the scene.

- ii. Ensure that the officer(s) receives any necessary assistance, including medical treatment, and that any injuries to the officer(s) are properly documented. **[1.1.5(1A)]**
- iii. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. **[1.1.5(1A)]**
- iv. Conduct an initial review of the circumstances for the deployment of force.
- v. Identify involved officers and witnesses.

If a supervisor (a Sergeant or above) is not on shift, contact a supervisor for a response to the scene.
- vi. **FOR INCIDENTS RESULTING IN DEATH OR EXPECTED DEATH:** In any incident involving the death or expected death of an officer or subject, the Patrol Supervisor shall also notify the Massachusetts State Police CPAC Unit and the District Attorney as soon as possible, and secure the scene until such time that the CPAC Units arrives. In any incident involving the death or expected death of an officer or subject, the Chief of Police or his designee shall respond, assume control of the scene and conduct an investigation.
- vii. **FOR INCIDENTS NOT RESULTING IN DEATH OR EXPECTED DEATH:** In any incident not involving the death or expected death of an officer or subject, the Chief of Police, or Captain, or their designee shall respond, assume control of the scene and conduct an investigation.
- viii. **FOR OFFICER-INVOLVED SHOOTING INCIDENTS:** In any officer-involved shooting incident, obtain a Public Safety Statement from any officer who has discharged a firearm or witnessed an officer-involved shooting incident, unless that officer is medically incapacitated, invokes his/her constitutionally-protected right to remain silent, or requests to consult with legal counsel.

C. SHIFT COMMANDER / OIC RESPONSIBILITIES

1. The Shift Commander / OIC may respond to the scene of any incident involving weaponless physical force or instances of less-lethal force.
2. The Shift Commander / OIC shall respond to all incidents involving the use of lethal force, whether or not such force results in death or serious bodily injury.

3. The Shift Commander / OIC shall make all resources, facilities, and personnel of the Department available to assigned investigators;
4. The Shift Commander / OIC shall ensure that the involved officer(s) is provided with appropriate Federal/State civil rights protection.
5. The Shift Commander / OIC shall politely refer all media requests for information to the Public Information Officer (PIO).
6. If the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop, (unruly/violent bystanders/crowd), that officer should be transported to another, more appropriate location.
7. The Shift Commander / OIC or authorized investigator shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the OIC shall:
 - a. Take custody of the weapon(s) in a discrete manner; and
 - b. Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.
8. The Shift Commander / OIC shall immediately institute an investigation into any incident involving the use of lethal force whether such force results in death, serious bodily injury or no injury at all, and shall notify the Chief of Police (or if unavailable, the Captain) of the situation.

D. DEPARTMENT RESPONSE TO INCIDENTS RESULTING IN DEATH OR SERIOUS BODILY INJURY

In any event resulting in the death or serious bodily injury of an officer or subject, the following protocols shall be adhered to:

1. Involved officers shall refrain from speaking or discussing the incident with anyone except with those directly involved, medical or mental health professionals, legal counsel, or union representatives.
2. Involved officers shall remain available, at reasonable times, for interviews and statements regarding the incident.
3. During any period where the involved officers are required to remain on the scene, but have no immediate duties to fulfill, the officer(s) should be taken to a quiet area away from the scene of the incident. A peer counselor or other supportive

officer should remain with the involved officer, but should be advised not to discuss details of the incident.

4. If involved officers are not required at the scene, a supervisor should arrange for the officers directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure setting, such as police headquarters. The supervisor shall:
 - a. Require that involved officers abstain from ingesting caffeine or other stimulants or depressants unless administered by medical personnel.
 - b. Conduct a brief interview of the involved officer consisting of only minimal, preliminary questions. The officer should be advised that a more detailed debriefing will be conducted later (but as soon as possible).
 - c. Advise all officers not to discuss the incident with anyone except a personal attorney, an attorney appointed by the Department, a union representative, a departmental or authorized investigator until the conclusion of the preliminary investigation.
 - d. Instruct involved officers to notify their families about the incident as soon as possible and assist them with the notification. Where an officer or officer is unable to do so, an agency official shall personally notify the officer(s) family, and arrange for their transportation to the hospital.
 - e. At all times, when at the scene of the incident, handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
5. Debriefings shall be held as soon as possible after the incident. The Department shall ensure that there are officers on-call or on-duty at all times so that someone is available shortly after an incident.
6. Any Department or authorized outside agency investigation of the incident shall be conducted as soon and as quickly as practical.
7. The Department should privately brief other department Sworn personnel concerning the incident so that rumors are kept to a minimum. Department Sworn personnel are encouraged to show the involved officers their concern.
8. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident.

9. In order to protect against harassing or abusive calls, personnel should be advised to have phone calls answered by another person for several days if their names are released to the public.
10. Personnel directly involved in a shooting incident shall be required to re-qualify with firearms as soon as practical.

E. OFFICER WELLNESS CONSIDERATIONS

1. Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that any action in an official capacity resulting in death or serious bodily injury to a citizen or a fellow officer may precipitate such stress disorders. However, such disorders can also be created by accumulated stressors from seemingly minor incidents as well. Consequently, it is the responsibility of this Department to provide all personnel with information on stress disorders and to guide and assist in their deterrence.
2. This section is meant to provide guidelines that shall be uniformly applied following any officer-involved incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder. Moreover, officers are expected to monitor their peers with the goal of interdicting potentially debilitating and harmful stress disorders that can severely impact the fellow officer's career, family, and health.
3. Since some post-traumatic stress disorders may not arise immediately, or the officer/officer may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit personnel for symptoms of the disorder.
4. Some symptoms of post-traumatic stress disorder include:
 - a. A feeling of being numb;
 - b. Feeling out of touch with what is going on around them;
 - c. A feeling that this is happening to someone else;
 - d. Withdrawing and avoiding anything to do with the traumatic situation or police work;
 - e. Avoiding other people, including one's family;
 - f. Intrusive and recurring thoughts of the event and feeling that it may be happening again;
 - g. Irritability;
 - h. Sleep problems;

- i. Difficulty in concentrating; and
- j. Hyper-vigilance.

5. The Chief of Police may order an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer or officer's job performance. [22.2.3; 22.2.6]
6. Any officer whose action(s) or use of force in an official capacity results in death or serious bodily injury will be removed from line-duty assignment, pending an administrative review of the incident, or such other period of time as the Chief of Police deems necessary, after the officer or officer has completed his/her report of the incident. [1.3.8]
7. All officers directly involved in a shooting incident should contact a department designated specialist for counseling and evaluation as soon as practical after the incident, even if they believe the incident did not impact them negatively. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. [22.2.3; 22.2.6]
8. The Department strongly encourages the families of sworn personnel and civilians to take advantage of available counseling services, as well. [22.2.4]

X. USE OF FORCE REPORTING

A. FORM OF USE OF FORCE REPORT

All Use of Force Reports filed in compliance with this Policy shall be on the Form attached to this Policy and accompany any incident or arrest reports filed by the officers involved.

B. USE OF WEAPONLESS PHYSICAL FORCE [1.1.6(1D), 116(2)]

The handcuffing of a compliant detainee will not require the completion of a Use of Force form, nor will the application of "soft hand physical compliance techniques" or "come-alongs".

A Use of Force Report (appendix D) shall be completed and filed for any greater use of weaponless physical force (to include strikes (knee, palm, etc.) or instances in which a subject is taken to the ground with force).

A Use of Force Report (appendix D) shall be completed and filed when the use of weaponless physical force results in an injury (either noticeable or complained of) to the officer or detainee.

C. USE OF LESS-LETHAL FORCE [1.1.6(1C)]

1. In all incidents involving the use of less-lethal force, all involved officers shall prepare and submit a Use of Force Report. This includes spark displays of an ECW, except when a spark display check is conducted to test the device at the beginning of an officer's shift.
2. Always remember that each application of the ECW is a separate application of a use of force and a separate Use of Force Report must be filed for each application.
3. **If an ECW is deployed, including a spark display of an ECW, the supervisor(s) / OIC(s) of the officers involved must complete the OIC/Command Review section of the Use of Force Report Form.**
4. All Officers-in-Charge and the Captain or his designee will conduct a written review of all reports concerning each incident where less-lethal force has been utilized.
5. The Department shall ensure that the Executive Officer of Public Safety and Security (EOPSS) *ECW Use Reporting Form* is completed and submitted as required by EOPSS in accordance with G.L. c. 140, section 131J and St. 2004, c. 170, section 2.

D. USE OF LETHAL FORCE [1.1.6(1B)]

1. All officers involved in the use of lethal force shall file a separate Use of Force Report.
2. All supervisors shall file a report on the incident and his/her observations with the Captain.
3. It is not necessary to complete a Use of Force Report when a badly injured animal is destroyed. However, the officer shall submit an Incident Report according to current departmental procedures.
4. All officers involved in any instance where a firearm was pointed at a subject shall file a separate Use of Force Report.

F. USE OF FORCE INCIDENT REVIEW

1. All reports concerning any use of force incidents shall be forwarded to the Captain or his designee, who, after reviewing these reports, along with any accompanying comments or recommendations, shall take appropriate action. [\[1.1.7\(1\)\]](#)
2. With respect to all instances of use of force, the Tactical Sergeant or a Lieutenant or a Captain shall be responsible for the following: [\[1.3.7\]](#)
 - a. Ensuring that a thorough investigation was conducted and that all reports were prepared and submitted; and
 - b. Reviewing all reports submitted to determine whether the use of force was in compliance with department policy and procedures.
 - c. This review shall be conducted by an individual not involved in the incident. If the Tactical Sergeant is involved in the incident, the review shall be conducted by an alternative individual as assigned by the Chief of Police.
3. The Department will adhere to at least the minimum standards for internal agency review of complaints of officer-involved injuries or deaths as established by the Commission.
4. The Department shall adhere to all reporting requirements established pursuant to G.L. c. 6E, and such further requirements as may be promulgated by the Commission.

G. ANNUAL ANALYSIS

The Tactical Sergeant will conduct an annual analysis of all Use of Force Reports, activities, policies and practices. A review of incidents of force may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications. The review should identify: [\[1.1.14, 11.4.1\]](#)

- Date and time of incidents;
- Type of force or type of weapon used;
- Types of encounters resulting in use of force;
- Race, age, and gender of subjects involved;
- Injuries (to subjects, agency employees, others involved);
- Trends or patterns related to race, age and gender of subjects involved;
- Trends or patterns resulting in injury to any person including employees; and
- Impact of findings on policies, practices, equipment, and training.

Such analysis and any conclusions shall be documented annually in a written report to the Chief of Police specifically summarizing any patterns or trends identified, and indicating whether any changes to department policies, practices, equipment, or training are needed. [1.1.14(3), 1.1.14(4), 11.4.1 (e)]

XI. TRAINING

A. GENERALLY

1. No officer of this Department, either new officers or existing officers with regards to a newly issued weapon, will be authorized to carry any lethal or less-lethal weapon until he/she has: [1.1.13, 16.3.6]
 - a. Been issued a copy of this Use of Force Policy (and any other relevant policies), received instruction and successfully passed a written examination on same; and [1.1.13(1A,1B,2A,2B)]
 - b. Completed the necessary training and qualifications promulgated by the Municipal Police Training Committee (MPTC); and
 - c. Signed a receipt indicating that he/she has received a copy of this Use of Force Policy (and any other relevant policies) and has been afforded the opportunity to discuss it and ask questions regarding the policy, which shall be maintained by the instructor and/or Training Coordinator.
[1.1.13(1C,1D,2C,2C)]
2. All weapons qualification records and officer scores shall be documented and maintained by the Training Coordinator. [1.1.11 (4)]
3. All training in use of force shall be conducted by MPTC-approved instructors and shall comply with MPTC standards. [1.1.11 (5), 1.1.12(2B)]
4. At least annually, all officers authorized to carry weapons are required to receive in-service training on the Department's Use of Force Policy and demonstrate proficiency with all approved lethal weapons and ECWs that the officer is authorized to use. In-service training for other less lethal weapons and weaponless control techniques shall occur at least biennially. [1.1.10(1,2A,2B), 1.1.11(1A,1B,2A,2B,2C), 1.1.12(1A,1B,2A)]
5. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow. [1.1.2(3)]

B. DEFENSIVE TACTICS AND DE-ESCALATION [1.1.1(2)]

1. All recruit officers shall receive training on defensive tactics and de-escalation mandated by the Municipal Police Training Committee during the recruit officer training academy.
2. Annually, all officers shall continue to receive the in-service training on defensive tactics and de-escalation mandated by the Municipal Police Training Committee.

C. ECW TRAINING

1. **Basic User Training:** Six (6) hour certification course is mandatory training for all officers. **[16.3.5; 33.1.2]**
2. **In-Service Training:** All officers who are certified to carry and deploy the ECW shall complete annually a minimum of one (1) hour in-service documented proficiency and legal update training, conducted by certified weapons instructor with remedial training available, if needed. **[1.3.11 (a); 1.3.11 (b); 1.3.11 (c); 33.1.2; 33.5.1; 33.6.1 (a); 33.6.1 (b)]**
3. **Instructor Training:** All department instructors are required to complete a sixteen (16) hour ECW manufacturer certification course, and an additional instructor training course from the Municipal Police Training Committee (MPTC). Instructors are required to be trained and re-certified biannually. **[33.1.2; 33.6.1 (a); 33.6.1 (b)]**
4. **Supervisor Training:** Annually, superior officers of all ranks shall receive specialized ECW awareness and After Action Report (AAR) in-service training by qualified instructors so they can intelligently investigate, properly document and report ECW deployment incidents. This training shall be in addition to the annual ECW in-service training requirement and shall be not less than two (2) hours in length. **[33.1.2; 33.6.1 (a); 33.6.1 (b)]**

D. FIREARMS TRAINING

1. All recruit officers shall receive training on firearms mandated by the Municipal Police Training Committee during the recruit officer training academy.
2. All personnel authorized to carry a Department-issued weapon shall qualify with their issued weapon and any other weapon they are authorized to carry while on duty at least annually. **[1.3.10; 1.3.11 (a); 16.3.6]**

3. All approved lethal weapons shall be under the direction of the department's Training Coordinator and approved Municipal Police Training Committee (MPTC) weapons and tactics instructors. [1.3.11 (a); 16.3.6]
4. Following a period of training and practice, all officers will be expected to qualify in accordance with the standards established by the MPTC.
5. Only officers demonstrating proficiency in the use of Department-issued or authorized weapons will be authorized to carry or use those weapons. [1.3.10; 1.3.11 (a)]
6. Qualification and proficiency shall include an inspection of any firearm used by the officer to ensure that it is in good working condition.
7. If the Chief of Police approves an off-duty weapon, the officer must qualify with the weapon at the range, at least annually. [1.3.10]
8. All officers authorized to use any of the Department's special weapons, such as shotguns, will qualify with the weapon(s) they are authorized to use, in accordance with the standards established by the Municipal Police Training Committee (MPTC), the manufacturer, or the Department's Weapons and Tactics Instructor, at least annually. [1.3.9 (a)]
9. A listing of all officers who have qualified with each special weapon will be maintained with the weapons and with the Training Coordinator.
10. Training in the use of extended range kinetic energy impact projectiles will consist of an annual recertification by department firearms instructors.

E. POST TRAUMATIC STRESS DISORDER TRAINING

The Police Department shall provide officers with training pertaining to post-traumatic stress disorders and the uniform practices contained in this Policy on a regular basis.

F. ADDITIONAL/REMEDIAL TRAINING

Any officer who requires additional training and/or instruction will be given an additional amount of time to demonstrate proficiency and if necessary, remedial training, while removed from line duty assignment. If it becomes necessary, the officer will be sent to additional remedial firearms training until such time as he/she successfully passes the MPTC qualification course. Any officer who is unable to

qualify with an authorized weapon must receive remedial training PRIOR to use of the weapon as part of their official duties. If use of the weapon is required as part of their official duties, they must receive remedial training prior to resuming their official duties. [1.1.11(6), 1.1.12(2C)]

G. SPECIAL WEAPONS

Any officer authorized to carry or use any special weapon shall complete training on such special weapon at least annually. [1.3.11]

APPENDIX A
Middleton Police Department
Authorized weapons/equipment

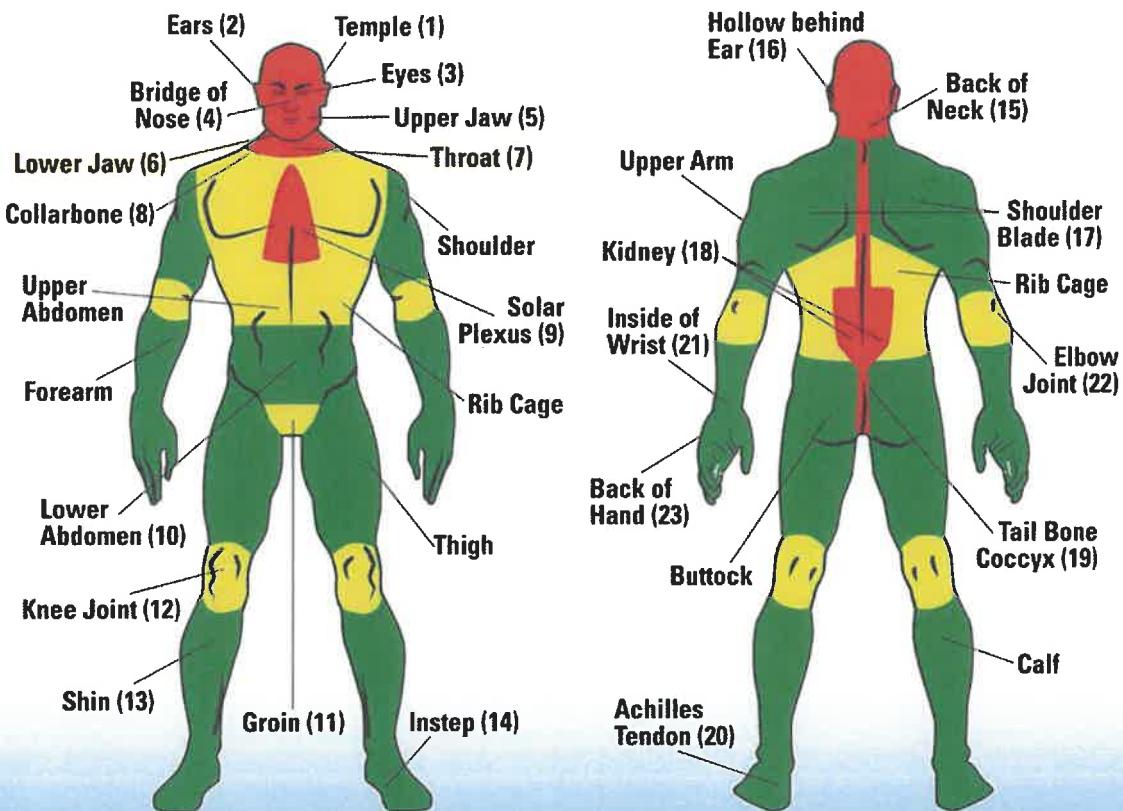
MPD Authorized Weapons				
Platform	Make	Model	Caliber	Duty Ammunition
Pistols	Glock	17(MOS)	9mm	124gr Hollowpoint +P
	Glock	43X (MOS)	9mm	124gr Hollowpoint +P
Pistol Optics	Holosun	SCS		
Rifles	Bushmaster	XM-15	5.56/.223	.223 55gr ballistic silvertip
				.223 62gr tactical bonded SP
				5.56 62gr
	Colt	M4	5.56/.223	.223 55gr ballistic silvertip
				.223 62gr tactical bonded SP
				5.56 62gr
	Windham	WW-15	5.56/.223	.223 55gr ballistic silvertip
				.223 62gr tactical bonded SP
				5.56 62gr
	Aimpoint	PRO		
Shotguns (Lethal)	Beretta	1301	12ga	magnum slug
				Rifled Slug
Less lethal Weapons	Remington	870	12ga	Drag stabilized beanbag rounds
				Drag stabilized beanbag rounds
	Mossberg	500	12ga	Drag stabilized beanbag rounds
	Axon	X2	25'	Taser X2 - two 25' Cartridges
	Sabre	Red	OC 1.33%	Sabre Red OC Spray SKU: 52CFT10 - Stream
	Monadnock	Collapsible	Baton	AutoLock or AutoLock II 26" Baton

APPENDIX B

BATON CHART

Escalation of Trauma By Vital
And Vulnerable Striking Areas

MONADNOCK™



STRIKING AREAS

GREEN	YELLOW	RED
<p>REASONING Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p>Except for the HEAD, NECK, SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</p>	<p>REASONING Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p>REASONING Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

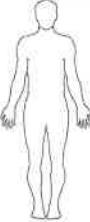
When performing Static/Dynamic training techniques utilizing this baton chart as a reference, it is suggested to use training batons while performing any technique. If utilizing a training suit it is also recommended to utilize training batons while performing striking/lethargic techniques.

**APPENDIX C
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APPENDIX D

USE OF FORCE REPORT FORM

DATE	TIME	LOCATION			CASE #
SUBJECT'S NAME			DATE OF BIRTH	HEIGHT	WEIGHT
REASON THE USE OF FORCE WAS NECESSARY (check all that apply):					
<input type="checkbox"/> TO EFFECT AN ARREST <input type="checkbox"/> TO DEFEND ANOTHER OFFICER / PERSON <input type="checkbox"/> TO DISPATCH ANIMAL		<input type="checkbox"/> TO DEFEND SELF <input type="checkbox"/> PROTECTIVE CUSTODY / SUBJECT SAFETY <input type="checkbox"/> OTHER:		<input type="checkbox"/> PREVENT ESCAPE	
LIST MOST SERIOUS OFFENSE(S) AT TIME FORCE USED:					
WAS SUBJECT INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO DESCRIBE INJURIES:		WAS REPORTING OFFICER INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO DESCRIBE INJURIES:		MEDICAL TREATMENT PROVIDED TO/BY: PHOTOS TAKEN BY:	
SUBJECTS THAT RESISTED:		# OFFICERS PRESENT:		SUPERVISOR NOTIFIED / TIME / BY WHOM:	
AT THE TIME OF ARREST, THE SUBJECT WAS:					
<input type="checkbox"/> SUSPECTED TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL OR DRUGS			<input type="checkbox"/> MENTALLY IMPAIRED / EMOTIONALLY DISTURBED <input type="checkbox"/> OTHER: _____		
OFFICER'S PERCEPTION OF INDIVIDUAL'S ACTIONS (USE NARRATIVE TO DESCRIBE PERCEIVED THREAT(S) POSED BY INDIVIDUAL):					
<input type="checkbox"/> PASSIVE RESISTANCE – (dead weight or non-compliance to Officer's lawful verbal direction, but offering no actively resistive movement) <input type="checkbox"/> ACTIVE OR ESCAPE RESISTANCE – (actions such as pushing, pulling, evasive arm movement, flailing, flight, muscle tension, etc. to avoid control) <input type="checkbox"/> ASSAULTIVE / HIGH-RISK – (agitated, combative state, physically assaultive actions and/or behavior that poses threat of injury to another – e.g. punching, kicking, etc.) <input type="checkbox"/> LIFE THREATENING / SERIOUS BODILY INJURY – (actions that may result in death or serious bodily injury)					
OFFICER'S RESPONSE OPTION(S) (PROVIDE FURTHER DETAILS IN ATTACHED NARRATIVE REPORT(S)):					
<input type="checkbox"/> PRESENCE: <input type="checkbox"/> FULL UNIFORM <input type="checkbox"/> PARTIAL UNIFORM <input type="checkbox"/> PLAINCLOTHES _____ <small>NOTE: Officers not in full uniform, describe means of visual police identification (e.g. raid vest or jacket, displayed badge/ID, etc.)</small>					
<input type="checkbox"/> VERBAL COMMANDS (Describe details in Narrative Report): <input type="checkbox"/> COMPLIANCE TECHNIQUES (Describe details in Narrative Report): (Force used to gain control – restraint, come-alongs, takedowns – use of hands, arms, feet, legs) <input type="checkbox"/> CHEMICAL SPRAY / CHEMICAL AGENT (Describe details in Narrative Report): Number of Bursts: _____ Duration of Bursts: _____ Distance from Subject: _____ Impact Location: _____ Time between application / decontamination: _____					
<input type="checkbox"/> IMPACT WEAPON / TEMP. INCAPACITATION (Describe details in Narrative Report): <input type="checkbox"/> ELECTRONIC CONTROL WEAPON / DEVICE (Describe details in Narrative Report): <input type="checkbox"/> Laser Only <input type="checkbox"/> Spark Check <input type="checkbox"/> Drive Stun <input type="checkbox"/> Probe Deployment Impact Location: _____ Number of Cycles: _____ Unit #: _____ Serial #: _____ Cartridge Serial #: _____ Distance from Subject: _____					
<input type="checkbox"/> POINT A FIREARM (Describe details in Narrative Report): <input type="checkbox"/> DEADLY FORCE – Firearm or other (Describe details in Narrative Report): <input type="checkbox"/> OTHER:					
RESTRAINT METHOD USED: <input type="checkbox"/> HAND OR FLEX CUFFS <input type="checkbox"/> LEG RESTRAINTS <input type="checkbox"/> BODY GUARD <input type="checkbox"/> SPIT SHIELD <input type="checkbox"/> NONE <input type="checkbox"/> OTHER:					
OFFICERS PRESENT AT SCENE DURING FORCE APPLICATION:			SHIFT OIC(S): _____		
OTHER WITNESS(ES) / PERSON(S) PRESENT AT SCENE:			SHIFT OFFICER(S): _____		
AUDIO-VISUAL EVIDENCE: <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, explain: _____			OIC(S) WHO RESPONDED TO SCENE:		
COMPLETING OFFICER(S): IF ADDITIONAL SPACE IS REQUIRED IN ANY BOX USE THE SUPPLEMENTAL REPORT; ATTACH ALL RELATED NARRATIVE REPORTS, SUPPLEMENTS AND STATEMENTS AND FORWARD TO SHIFT OIC PRIOR TO END OF TOUR OF DUTY					

CASE #		OFFICER(S) TAKING PHOTOS	TOTAL # OF PHOTOS						
WAS SUBJECT(S) INJURED? * <input type="checkbox"/> YES <input type="checkbox"/> NO * (Complete Diagram Below)		 							
DESCRIBE THE EXTENT OF THE SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM: <hr/> <hr/> <hr/> <hr/>									
WAS OFFICER(S) INJURED? * <input type="checkbox"/> YES <input type="checkbox"/> NO * (Complete Diagram Below)		 							
DESCRIBE THE EXTENT OF THE SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM: <hr/> <hr/> <hr/> <hr/>									
WITNESS(ES) OR PERSON(S) WITH KNOWLEDGE:		ADDRESS:	PHONE #:						
OFFICER'S NARRATIVE: Did Officer prepare a detailed incident report describing facts and circumstances leading to the use of force? If no, explain:		<input type="checkbox"/> YES <input type="checkbox"/> NO <hr/> <hr/> <hr/>							
OIC / COMMAND REVIEW <table border="1"> <tr> <td>REPORTING OIC (Name and Badge #)</td> <td>DATE AND TIME OF OIC RESPONSE</td> <td>LOCATION</td> </tr> <tr> <td>OFFICER WHO USED FORCE (Name and Badge #)</td> <td>WAS SUBJECT(S) INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO</td> <td>WAS OFFICER(S) INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table>				REPORTING OIC (Name and Badge #)	DATE AND TIME OF OIC RESPONSE	LOCATION	OFFICER WHO USED FORCE (Name and Badge #)	WAS SUBJECT(S) INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO	WAS OFFICER(S) INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO
REPORTING OIC (Name and Badge #)	DATE AND TIME OF OIC RESPONSE	LOCATION							
OFFICER WHO USED FORCE (Name and Badge #)	WAS SUBJECT(S) INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO	WAS OFFICER(S) INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO							
OIC'S NARRATIVE: (Document steps taken to review and evaluate Officer's use of force.) <hr/> <hr/> <hr/> <hr/>									
A/V EVIDENCE AVAILABLE / REVIEWED BY OIC: <input type="checkbox"/> YES <input type="checkbox"/> NO Date:		A/V EVIDENCE AVAILABLE / REVIEWED BY OFFICER: <input type="checkbox"/> YES <input type="checkbox"/> NO Date:							
		A/V EVIDENCE AVAILABLE / REVIEWED BY COMMAND STAFF: <input type="checkbox"/> YES <input type="checkbox"/> NO Date:							
COMMAND STAFF REVIEW NARRATIVE: (Confirm proper and complete investigation was conducted.) <hr/> <hr/> <hr/> <hr/>									
OFFICER REVIEW (Print / Sign / Date):		OIC REVIEW (Print / Sign / Date):							
		COMMAND STAFF'S REVIEW (Print / Sign / Date):							

**OIC / COMMAND: REVIEW & CRITIQUE USE OF FORCE WITH INVOLVED OFFICER(S).
NOTE FINDINGS ABOVE AND FORWARD COMPLETED PACKET TO CHIEF OF POLICE**

Use of force requires an ON-SCENE review, including a narrative report from the responding OIC. This is REQUIRED for incidents involving - Chemical Spray, ECW/ECD deployment or Drive Stun; any incident resulting in injury or complaint of injury; or any other time deemed appropriate by a commanding officer.

Town of Middleton Surplus Properties Public Forum Series

What's next for these town owned properties?

Sell, retain, preserve, redevelop? We'd like to hear from the residents of Middleton!

Up next: Memorial Hall

48 S. Main St. to be discussed at the Tue, July 8th, 2025 Select Board Meeting



Discussion to also include Locust Street Parcel and the potential "packaging" of the two properties for more advantageous development.

40 School St (Glue Factory) to be scheduled for future date

MIDDLETON MEMORIAL HALL



48 + 48R SOUTH MAIN ST. PROGRAMMING & PLANNING STUDY

June 28, 2024

Middleton, MA



Mass

STUDIO
LUZ
ARCHITECTS

MIDDLETON MEMORIAL HALL

PROGRAMMING & PLANNING STUDY

TEAM

The following report summarizes the programming study for the existing Memorial Hall in Middleton, MA at 48 South Main Street, as well as the 48R parcel which is currently home to recreational amenities.

STUDIO LUZ ARCHITECTS

Hansy Better Barraza, Principal
Sarah Pumphrey, Project Manager
Elise Zilius, Designer

MASSDEVELOPMENT

Claire O'Neill, Senior Vice President, Real Estate Planning

TOWN OF MIDDLETON

Justin Sultzbach, Town Administrator
Jackie Bresnahan, Assistant Town Administrator/HR Director

The goal of this study is to develop consensus of future use case(s) for 48 & 48R South Main Street and produce comprehensive documentation of programming scenarios to inform a subsequent RFP for the redevelopment of the property for the new proposed use.



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1. INTRODUCTION

INTRODUCTION

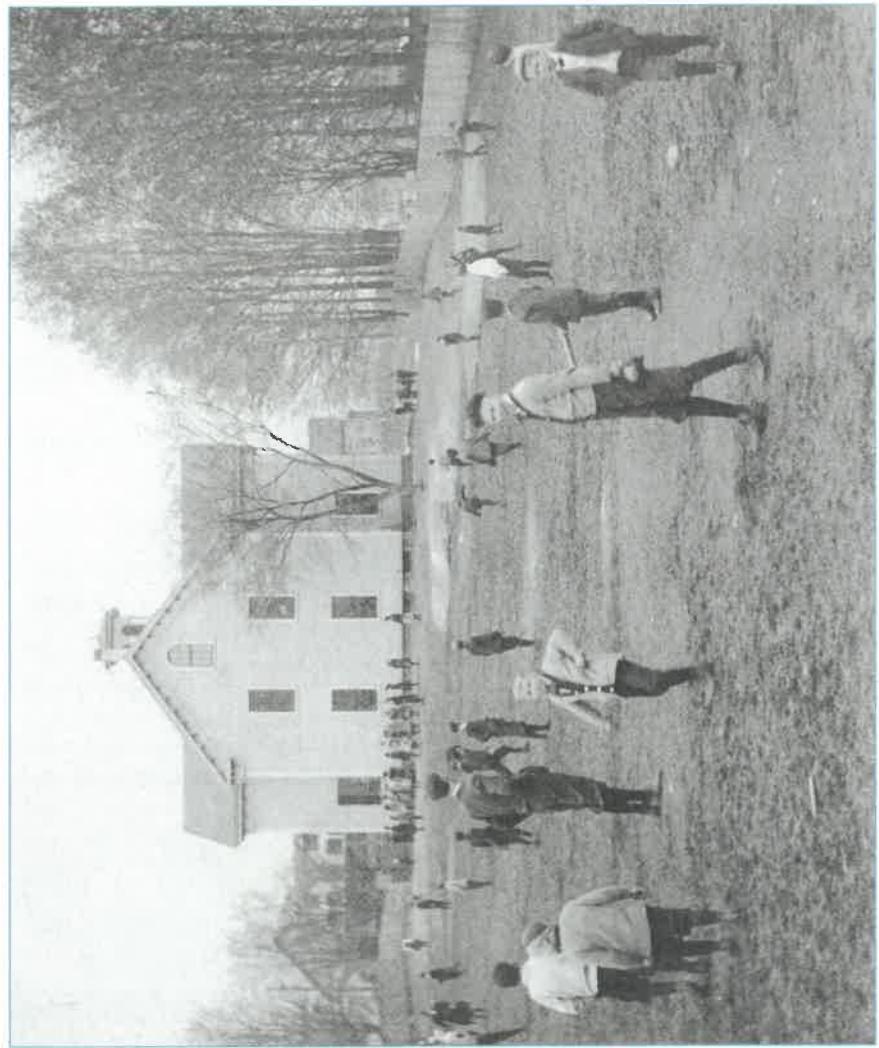
PROJECT OVERVIEW

Project Overview

The Town of Middleton and MassDevelopment have come together to create a new vision for Memorial Hall that will benefit the wider Middleton community for decades to come. Situated at 48 and 48R South Main Street, the building and its rear parcel are centrally located, holding a long history of service and great potential as community assets.

The new vision for 48 and 48R South Main street is based on community input and the programmatic needs of the town, defining dynamic future programming and potential design strategies. Studio Luz Architects was engaged for architectural assistance to help evaluate future programming for the property and the resultant architectural needs of the space.

The following report outlines these program recommendations and design schemes, serving as a toolkit for the Town of Middleton, aiding the town as it moves forward with reprogramming historic Memorial Hall.



Students at play in the yard (the present day parking lot at Memorial Hall) at the Centre School. Image from *Images of America: Middleton*.¹

1. Introduction

Project Overview

INTRODUCTION

SCOPE OVERVIEW

The scope of this study includes a vision for reprogramming 48 South Main, Memorial Hall, as well as the rear property at 48R South Main Street, for potential use as assets to the community, with architectural improvements and/or additions that can support the new programmatic requirements set forth by community input.

This programming study provides an in-depth community engagement process to determine consensus for reprogramming the soon to be vacant site. The results of the community engagement informed conceptual design schemes, incorporating the recommended programming summarized in this report.

The goal of the following study is to provide a comprehensive look at future programming scenarios for the two parcels, serving as a guide for the Town of Middleton as it pursues next steps toward the future of Memorial Hall.

Site Analysis

To kick off this study, Studio Luz conducted a site analysis in order to best grasp the environment of Memorial Hall and the Town of Middleton. This analysis included documenting existing conditions of the site and surrounding area via maps and plan drawings, conducting research about existing programming and zoning in the area, and considering future developments in the immediate area that will impact programming at 48 + 48R South Main.

Community Engagement Process:

Gathering community input through a series of workshops and an online survey, Studio Luz was able to determine the programmatic needs of the surrounding community to inform future-use scenarios for the two parcels and existing Memorial Hall structure.

Creating a flexible community engagement process across multiple platforms allowed for consensus of programming from multiple user groups.

All data recorded from the workshops can be found in Appendix I: Community Engagement

Programming Scenarios:

Based on initial site analysis and community feedback, Studio Luz provided the town with conceptual design schemes that incorporated the preferred programming by the community and the Select Board.

Each programming scenario aims to maximize existing conditions to preserve the character of Memorial Hall, in keeping with the values of the Town of Middleton. Existing programs in the area, alongside site conditions on the two parcels informed the site strategies. Anticipation for future developments such as the Middleton Municipal Complex and Villebridge housing and retail development have also been taken into consideration.

The conceptual design schemes presented here offer options for layouts and the corresponding upgrades required to reposition Memorial Hall and affiliated property as 21st century assets that will continue to benefit the Town of Middleton. Such 21st century assets include diverse housing options, preservation of passive recreation and green space, and septic upgrades to support denser programming. Anticipation of future development of the property, including the potential for a major road cut-through as requested by the community, has been taken into consideration in each scheme.

INTRODUCTION

CONTEXT OVERVIEW

Site Context

48 & 48R South Main Street

Situated in the center of town, Memorial Hall has been an architectural and municipal cornerstone of the Town of Middleton since 1860³. Its adjacent parcel is a valuable recreational asset to the community, and serves a wide range of community groups. Due to their historical and present-day significance to the community, this reprogramming study aims to maintain and enhance the community-centered nature of these assets for the Middleton Community.

Since its opening as the Centre School in 1860, Memorial Hall has been the site of various municipal activities, currently housing the Town Offices⁴. The Town Offices are moving, leaving the structure open to new use. The site features parking for 48 & 48R, as well as the entrance to Tragert walking trail. 48R is a community recreational space with a playground, walking trails, youth sports field, and a community gazebo. The rear of the parcel features a protected wetland.

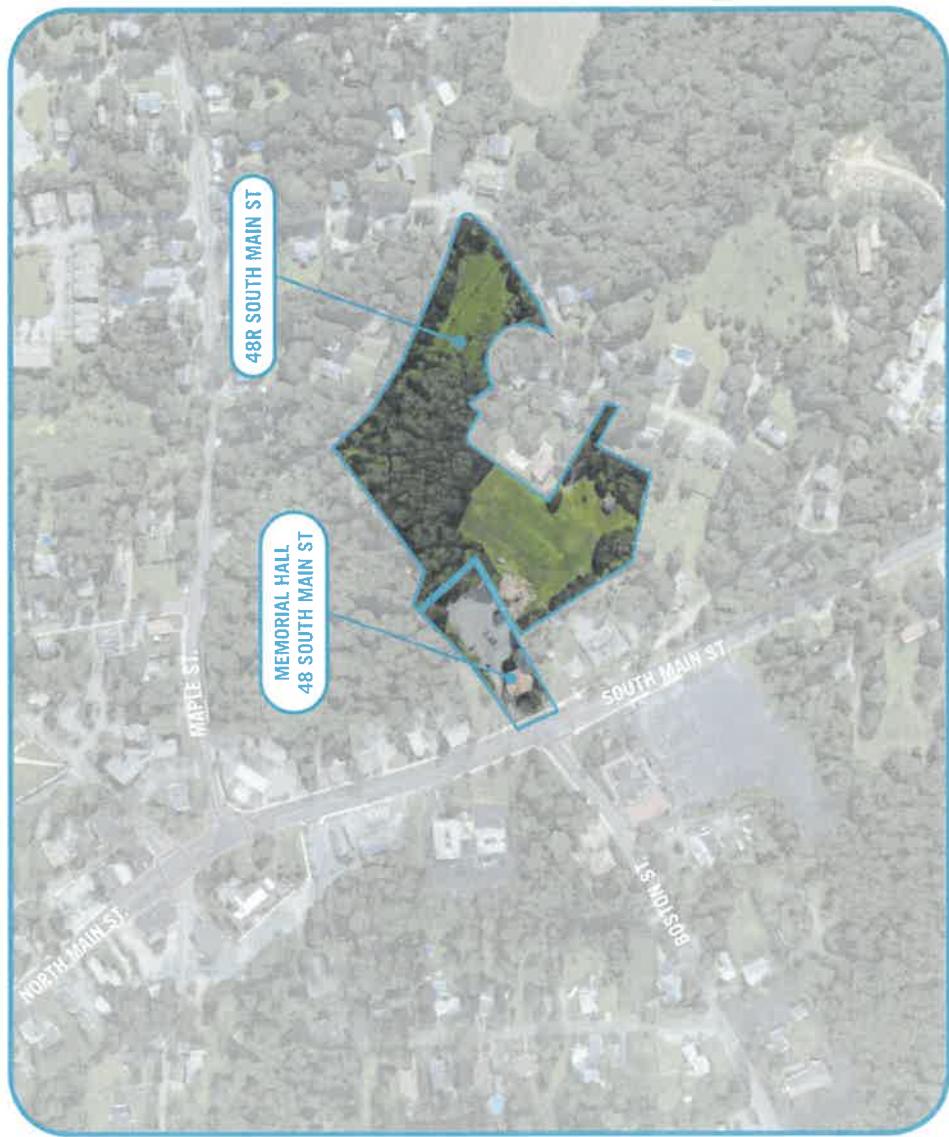


Town of Middleton boundary diagram by Studio Luz with aerial imagery from Google Earth.²

2. EXISTING CONDITIONS

EXISTING CONDITIONS

PARCEL MAP



MEMORIAL HALL 48 SOUTH MAIN ST



48R SOUTH MAIN ST

Aerial image of Middleton from Google Earth with diagrams by Studio Luz.
Memorial Hall image by Town of Middleton. Site photo of 48R South Main Street by Studio Luz.

Middleton, MA | Memorial Hall Programming Study

2. Existing Conditions
Parcels

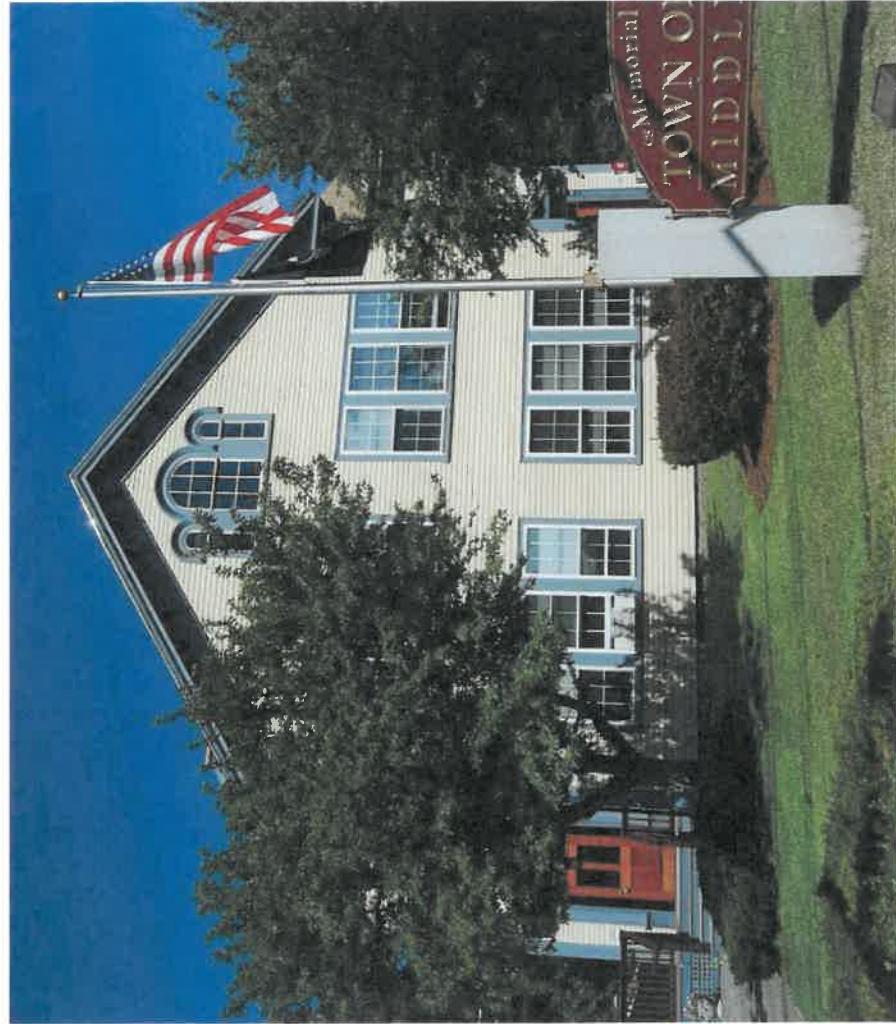
EXISTING CONDITIONS

48 SOUTH MAIN STREET

48 SOUTH MAIN STREET

6280 SF (finished area)

- Memorial Hall Town Offices
- Previously Town Hall
- Historic Façade Restrictions
- Previously Centre School (B. 1837)
- 2.5 Story Timber Frame Building
- Rear Parking Lot
- Unfinished, Raised Basement
(Additional 3140 SF)



Memorial Hall. Image courtesy of the Town of Middleton.⁵

2. Existing Conditions

48 South Main St. Site diagram by Studio Luz.



Middleton, MA | Memorial Hall Programming Study

EXISTING CONDITIONS

48R SOUTH MAIN STREET

48R SOUTH MAIN STREET

- ~ 6.2 ACRES
- Used predominantly for recreation
- Sports fields, walking trail, and gazebo on site



2. Existing Conditions

48R South Main St. site diagram and photo by Studio Luz.



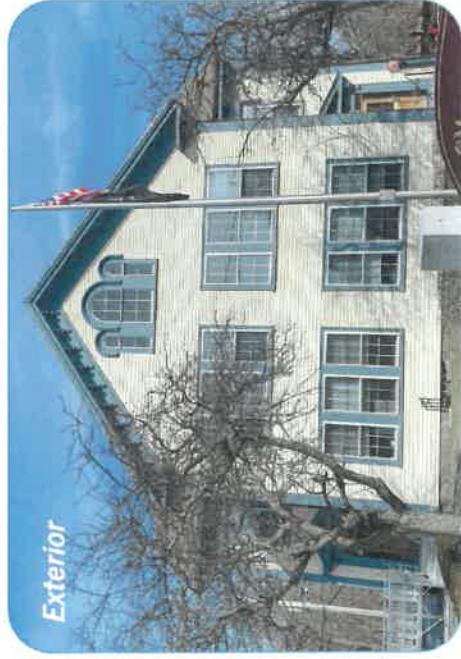
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EXISTING CONDITIONS

48 SOUTH MAIN ST.



48 SOUTH MAIN STREET OBSERVATIONS

48 South Main Street, or Memorial Hall, consists of offices on the first floor, with two entry foyers and one restroom. The first floor is made accessible by a temporary ramp at the entryway, which is one of two means of egress on the main level. On the second floor, an 800 square foot gallery and 650 square accompany additional offices and a small kitchen. The unfinished basement at Memorial Hall is currently used for storage and IT infrastructure. Memorial Hall requires upgrades accessibility and systems upgrades throughout.

2. Existing Conditions



Memorial Hall photos by Studio Luz.

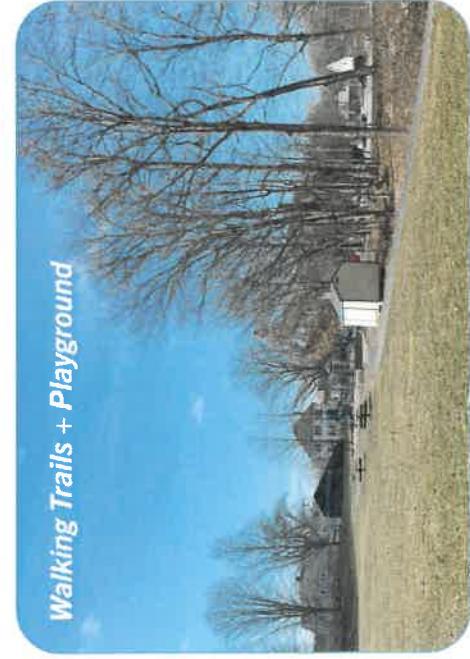
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EXISTING CONDITIONS

48R SOUTH MAIN ST.



Walking Trails + Playground



Recreational Field



Walking Trail

48R SOUTH MAIN STREET OBSERVATIONS

East of Memorial Hall is 48R South Main Street, which is approximately 6.2 acres of land predominantly used by the town for recreation such as youth sports and community activities at Memorial Hall Field. Additional uses of the space include walking trails, a playground, and a gazebo used for community gatherings. The parcel is accessed through the parking lot in the rear of Memorial Hall, or by way of Mt. Vernon Street. At the rear of the site is a steep grade with protected wetlands and a stream. Abutting single-family residences surround the property.



Abutting Residence



Gazebo

48R South Main St. photos by Studio Luz.

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SITE CONSTRAINTS

48 + 48R SOUTH MAIN ST.

SITE PLAN

GROSS AREA: 6.2 ACRES

(A) GRADE CHANGE:

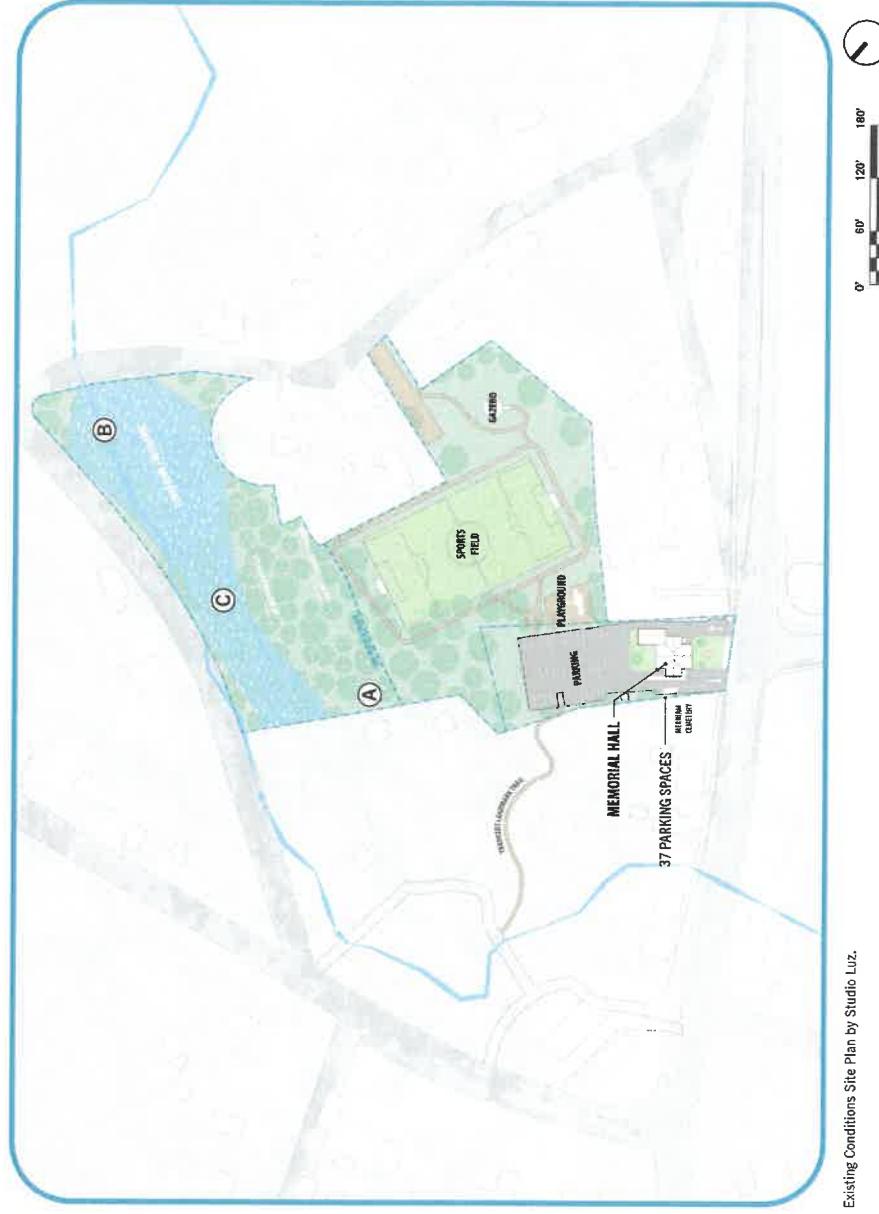
- Steep grade changes at the rear of the site make parts of the site less easily developable. This makes the developable area of the site smaller than it appears.

(B) MIDDLETON BROOK:

- In addition to the grade change at the site, Middleton Brook passes through 48R, connecting to Middleton Pond. In compliance with the Rivers Protection Act⁶, there is a 200' Riverfront setback, meaning that within 200' of the water, development is not allowed. This protection helps keep the water clean, preserves wildlife habitat, and aids flood control.

(C) FLOODZONE/WETLAND:

- At the rear of the site, there is a protected wetland. Portions of this parcel are within the AE Floodzone, meaning that there is a 1% annual chance of flooding and a 26% chance of flooding over the next 30 years; and must comply with all AE Floodzone restrictions.



Existing Conditions Site Plan by Studio Luz.

EXISTING CONDITIONS

48 SOUTH MAIN ST.

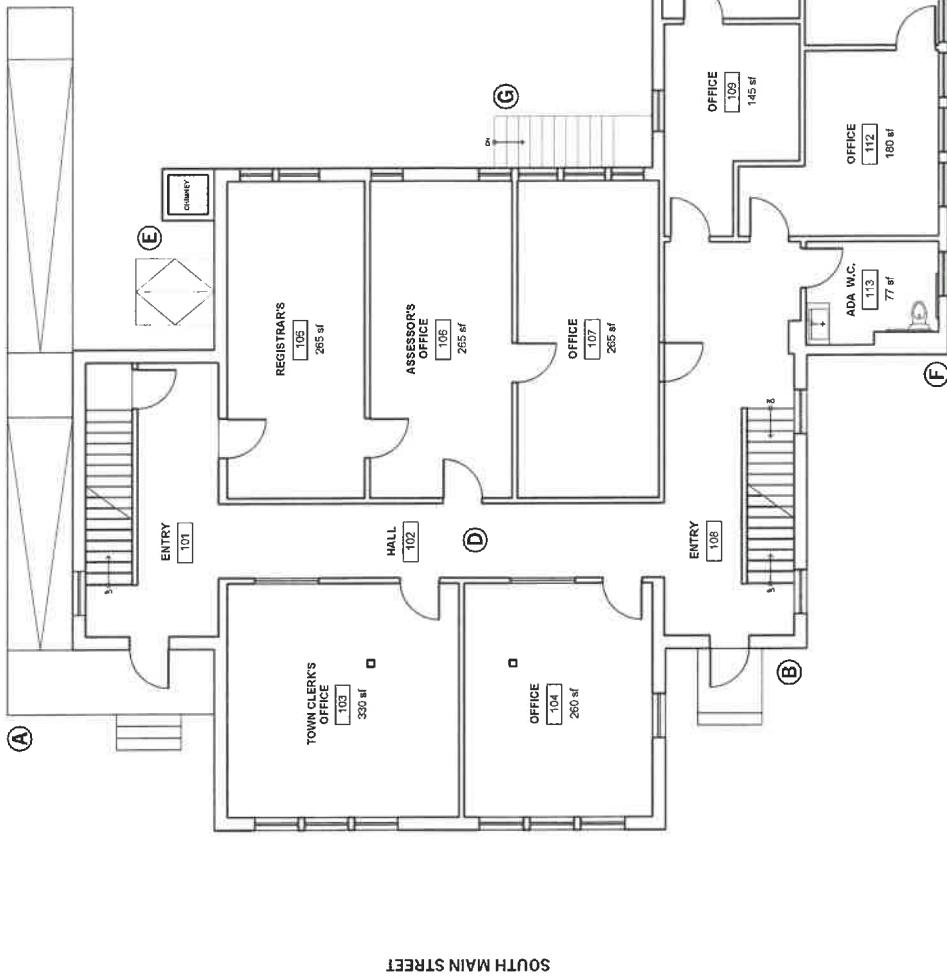
GROUND FLOOR PLAN

GROSS SQUARE FOOTAGE (GROUND FLOOR): 3,140 SF

Memorial Hall's main, accessible, entrance (A) leads to an entry foyer and stair leading to the second floor.

Several offices branch off of the building's main hallway (D), which leads to the secondary entry/exit foyer (B) which has stairs leading to the second floor and basement. The building's more recent addition (C), features additional offices and the building's only ADA accessible restroom (F).

Some exterior features of note are the currently unused chimney (E) and exterior entry to the basement (G).



Plan by Studio Luz using existing plans provided by the Town of Middleton, MA Assessor's Office. ■

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2. Existing Conditions

EXISTING CONDITIONS

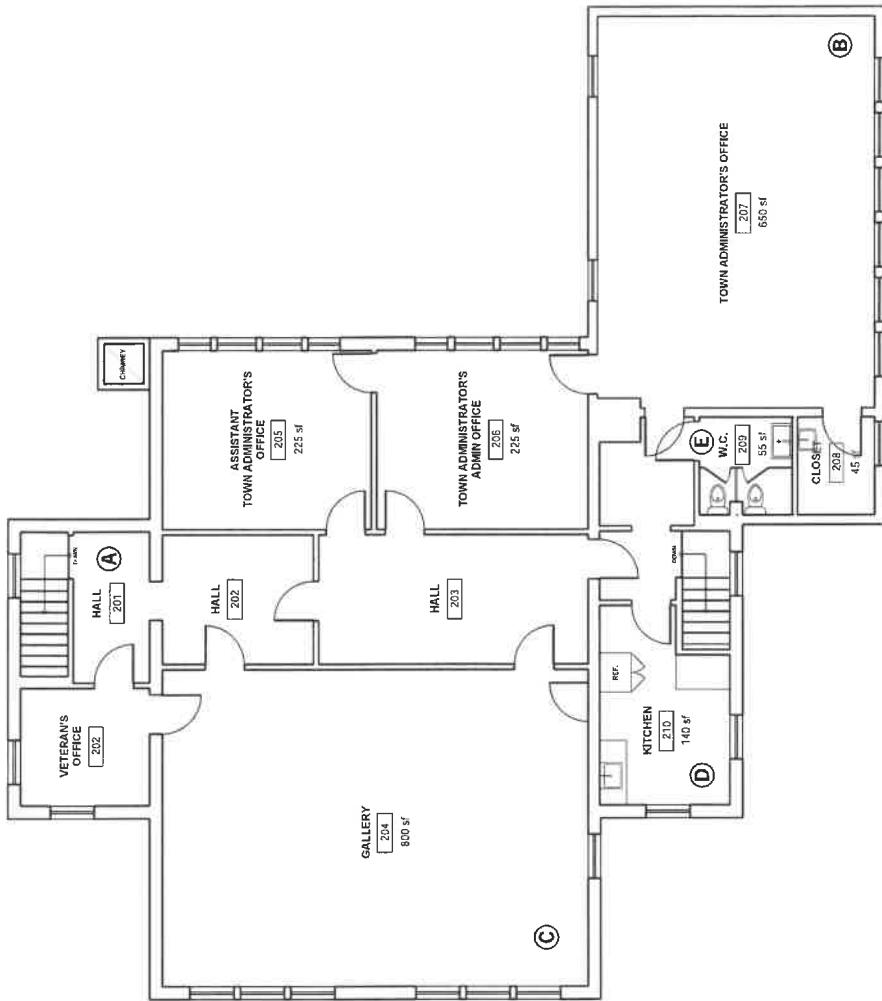
48 SOUTH MAIN ST.

SECOND FLOOR PLAN

GROSS SQUARE FOOTAGE (SECOND FLOOR): 3,140 SF

Memorial Hall's second floor opens to a small vestibule (A), that contains access to the unfinished attic. There are three small offices, a large conference room (F) that is currently being used as the Town Administrator's office, a large gallery (B) that is predominantly used for storage, and a small kitchenette (D). The existing restroom (E) is not accessible due to the lack of ADA accessibility to the second floor. This lack of ADA accessibility means that the building, without any accessibility upgrades, cannot support any public programming.

SOUTH MAIN STREET



Plan by Studio Lutz using existing plans provided by the Town of Middleton, MA Assessor's Office. 8

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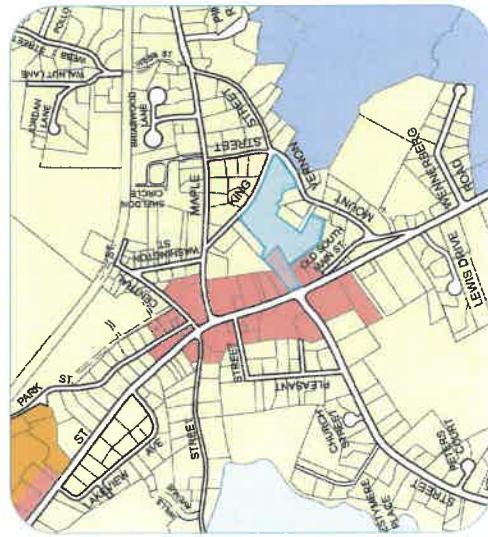


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3. SITE ANALYSIS

SITE ANALYSIS INFORMED PROGRAMMING

Studio Luz considered the zoning, existing programming, and nearby incoming developments in the area surrounding the two parcels in order to recommend programming. These considerations ensure that the programming visions fit within the existing fabric of the neighborhood, in alignment with the desires of the community, without creating redundant programming that conflicts with existing or future developments in the area.



ZONING

Middleton's Zoning code must be considered in this analysis in order to understand allowable uses for chosen future programming of 48 and 48R South Main Street.



EXISTING PROGRAM USE

Analyzing existing programs in the area of our site is important so that programming fits within the social and economic fabric of what exists currently.



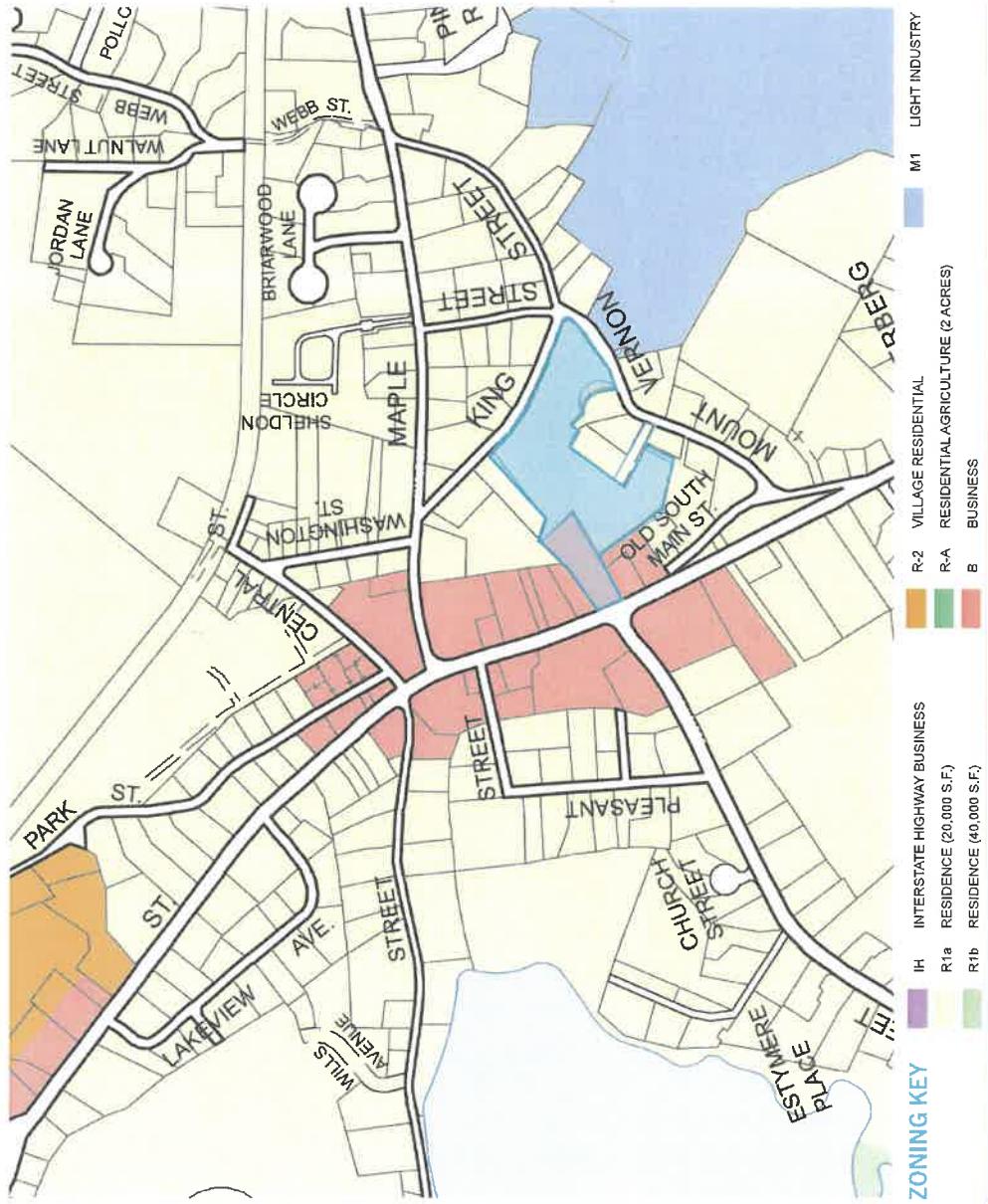
NEARBY DEVELOPMENTS

New developments in the area are considered to ensure that the visioning for the future use of the site fits within fits within the overall visioning for the town of Middleton.

Zoning map produced by CAI Technologies for the Town of Middleton.
Existing Program Use and Nearby Developments maps by Studio Luz.

SITE ANALYSIS

ZONING MAP



Memorial Hall is situated in a central business district within Middleton, MA. The parcels that make up this site are split into two separate zoning subdistricts, which may restrict use. The parcel (48 South Main St.) is zoned as Business (B), whereas its rear parcel (48R), is zoned as Residential (R1a). The below use examples show possible allowed programming on each site under the current zoning code.

USE EXAMPLES

RIA SUBDISTRICT	B SUBDISTRICT
• Single-family detached dwelling (Y)	• Single-family detached dwelling (N)
• Two-family dwelling (Permit)	• Two-family dwelling (N)
• Conversion of single-family to two-family dwelling (Permit)	• Conversion of single-family to two-family dwelling (N)
• Multifamily dwelling (N)	• Multifamily dwelling (N)
• Retail (N)	• Retail (Y)
• Trade shop (N)	• Trade shop (Y)
• Restaurant (N)	• Restaurant (Y)
• Business office (N)	• Business office (Y)
• Hotel (N)	• Hotel (Y)
	• Industrial (Y)
	• Industrial (N)

Zoning map produced by CAI Technologies for the Town of Middleton®

3. Site Analysis

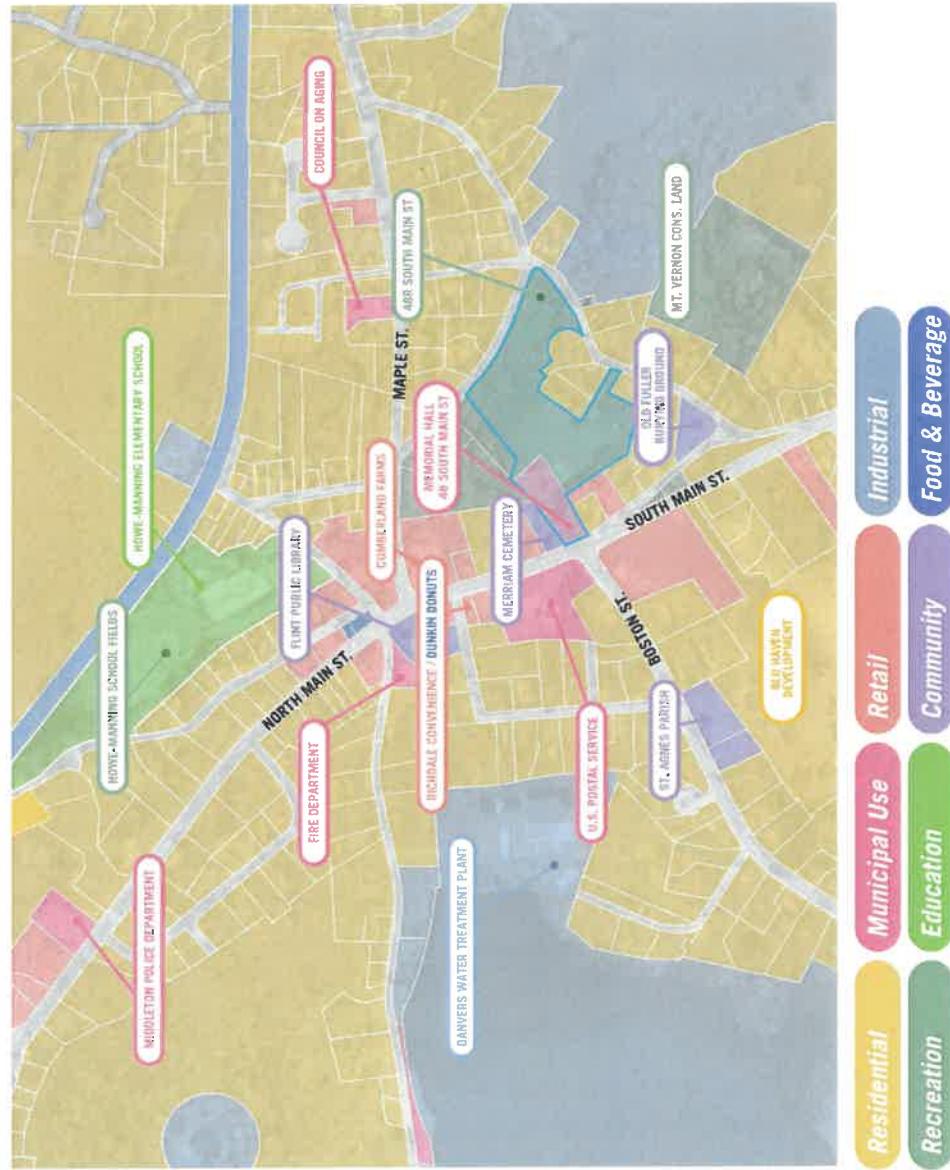
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SITE ANALYSIS

EXISTING PROGRAM USE

EXISTING PROGRAM MAP



While Middleton's South Main Street is predominantly zoned for Business (B) and Residential (R1a), our analysis showed a mixture of program uses surrounding Memorial Hall. In addition to residential and commercial uses, this area includes food & beverage, community programming, multiple municipal uses, recreation, education, and industrial uses. For example, 48 South Main abuts the historic Merriam Cemetery to the north, and a private single family residence to the south, while 48R abuts single-family residences on several sides. These adjacencies inform possible site programming for this study. Surrounding uses were considered in all programmatic recommendations to remain relevant to the existing programmatic makeup of South Main Street.

Existing Program Use map by Studio Luz.



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SITE ANALYSIS

NEARBY DEVELOPMENTS



Residential

Municipal Use

Education

Recreation

Retail

Industrial

Food & Beverage

New housing developments and retail are being introduced to the area around Memorial Hall, while many of the town's municipal programming is moving to one consolidated location south of this site.

MIDDLETON MUNICIPAL COMPLEX

- Town Common
- Town Hall
- Community Center
- Council on Aging
- Fire Department
- Police Station
- Town Hall
- Community Center
- Council on Aging
- Fire Department
- Police Station

Middleton's new Municipal Complex is an important factor in reprogramming Memorial Hall. The new complex will include the functions that Memorial Hall currently houses, as well as the Council on Aging, Police and Fire Station, and a Town Common for passive recreation, and a brand new Community Center for collective activities, such as events that were held in Angelica's Restaurant prior to its closing, or in the Flint Public Library.



Image courtesy of the Town of Middleton.¹⁰

VILLEBRIDGE HOUSING DEVELOPMENT

- -600 residential units
- -13,000 sf Commercial



Image courtesy of Villebridge Real Estate Development.¹¹

BLU HAVEN DEVELOPMENT

- 45 Townhomes



Image courtesy of DiBlase Companies.¹²

Nearby Developments map by Studio Luz.



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4. COMMUNITY ENGAGEMENT

4. COMMUNITY ENGAGEMENT

COMMUNITY ENGAGEMENT

VIRTUAL WORKSHOP, IN-PERSON WORKSHOP, + ONLINE SURVEY (114 PARTICIPANTS)

Community Engagement

Community engagement allows the creation of spaces which foster a sense of ownership, amplifying a collective sense of belonging and place. In order to achieve goals of equity, diversity, justice, and inclusion, the community engagement process and the resulting architectural spaces must both nurture a sense of community amongst all.

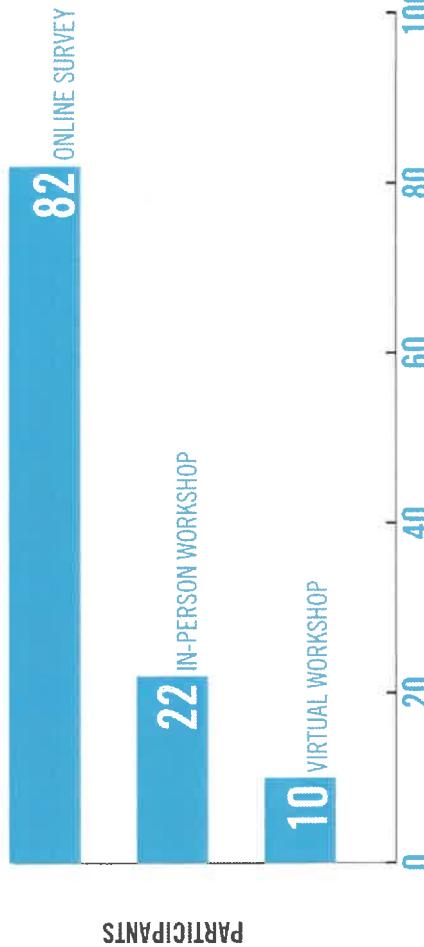
The project team underwent an in-depth community engagement process to gain a better understand of the needs of the community and help develop a shared vision for the future use of 48 and 48R South Main Street. The project team gathered feedback from community members through three different forms of engagement (an asynchronous survey, a virtual workshop, and an in-person workshop) to ensure that the community engagement process captured as many audiences as possible. The results gathered throughout this process are summarized here in this report.

See Appendix I: Community Engagement for full results

*Disclaimer: The online survey did not limit the number of allowed responses and therefore community members may have voted more than once. Please note that this exercise was conducted without the presentation of financials, and results do not reflect financial feasibility.

Community Engagement Participants

114 Middleton Residents engaged in the Community Engagement process across three mediums: Online Survey, In-Person Workshop, and Virtual Workshop.



04/08 IN-PERSON WORKSHOP: Project Presentation and Group Discussion Questions
1 MONTH ONLINE SURVEY: Discussion Questions and Open Answer Comments

Community engagement graph by Studio Luz.
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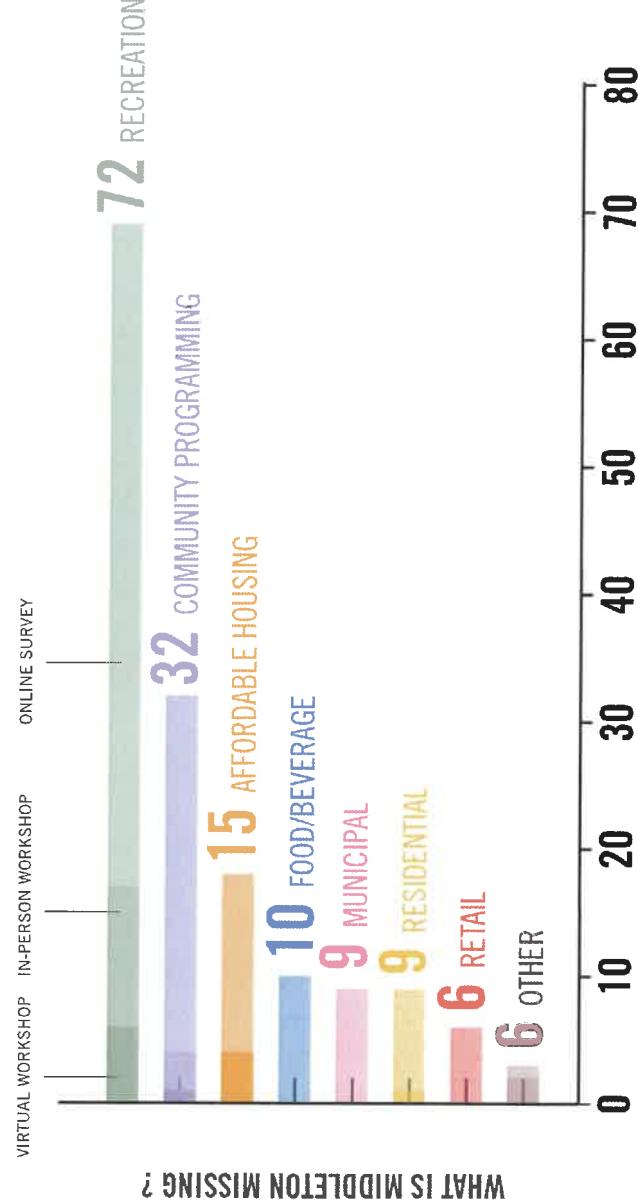
4. COMMUNITY ENGAGEMENT

COMMUNITY ENGAGEMENT

VIRTUAL WORKSHOP, IN-PERSON WORKSHOP, + ONLINE SURVEY (114 PARTICIPANTS)

What is Middleton Missing?

Community engagement results across the three different modes of engagement led to consensus of the top programming missing in Middleton. With the majority of participants listing **Recreation**, **Community Programming**, **Affordable Housing**, and **Food + Beverage** as the top four responses.



See Appendix I: Community Engagement for full results

*Disclaimer: The online survey did not limit the number of allowed responses and therefore community members may have voted more than once. However, consensus from in-person and virtual workshops reflected similar results.

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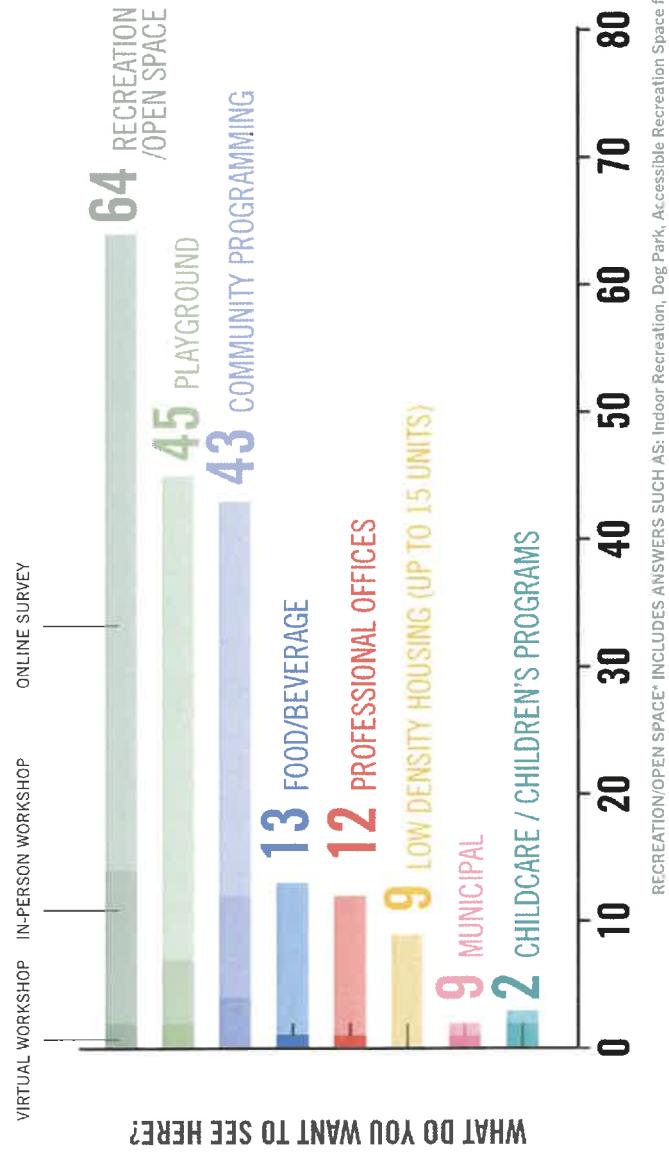
COMMUNITY ENGAGEMENT

"WHAT DO YOU WANT TO SEE HERE?" COMMUNITY BESIDE US

VIRTUAL WORKSHOP: IN-PERSON WORKSHOP + ONLINE SURVEY (114 PARTICIPANTS)

What do you want to see here?

Community engagement results across the three different modes of engagement led to consensus of the top requests for programming on the Memorial Hall (48 South Main St.) site and its rear parcel (48R South Main St). With the majority of participants listing **Recreation, Playground, and Community Programming** as the top three responses. Some respondents wrote-in additional answers in the category of “other”, listed as “write-in answers” below.



See Appendix I: Community Engagement for full results

Community engagement graph by Studio Luzz

***Disclaimer:** The online survey did not limit the number of allowed responses and therefore community members may have voted more than once. However, consensuses from in-person and virtual workshops reflected similar results.

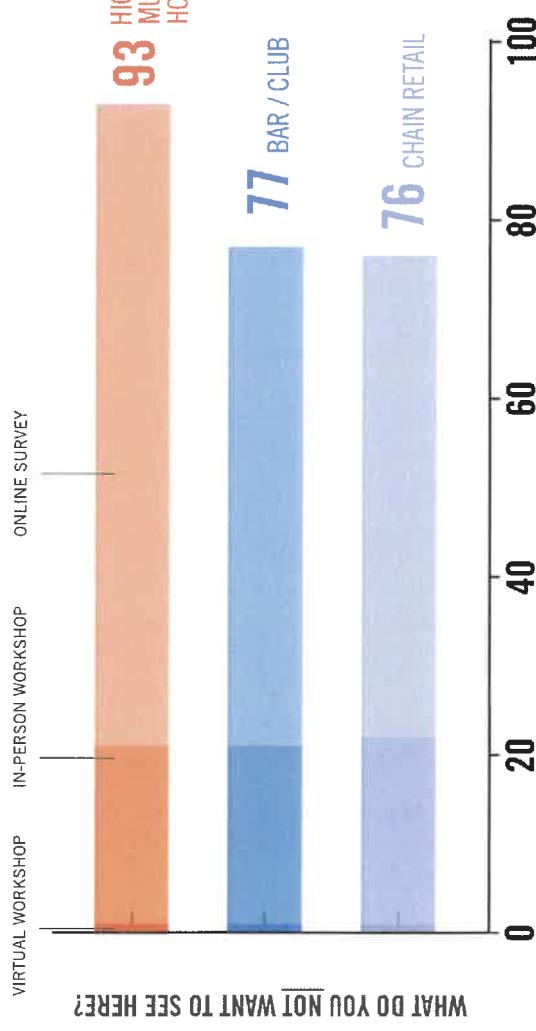
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COMMUNITY ENGAGEMENT

"WHAT DO YOU NOT WANT TO SEE HERE?" COMMUNITY RESULTS
VIRTUAL WORKSHOP, IN-PERSON WORKSHOP, + ONLINE SURVEY (114 PARTICIPANTS)

What do you not want to see here?

This question was asked to participants to see what they would never want at 48 and 48R South Main Street, to better understand what to avoid when programming. There was a consensus that none of the provided choices would be welcomed, however "High Density Multi-Family Housing" got the most votes. Some respondents wrote-in additional answers in the category of "other", listed as "write-in answers" below.



See Appendix I: Community Engagement for full results

*Disclaimer: The online survey did not limit the number of allowed responses and therefore community members may have voted more than once. However, consensus from in-person and virtual workshops reflected similar results.

Community engagement graph by Studio Luz.

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COMMUNITY ENGAGEMENT

“WHAT SITE APPROACH WOULD YOU LIKE TO SEE HERE?” COMMUNITY RESULTS
VIRTUAL WORKSHOP, IN-PERSON WORKSHOP, + ONLINE SURVEY (114 PARTICIPANTS)

What site approach would you like to see here?

The findings of this study indicate that the community would prefer the existing structure to be preserved at 48 South Main Street, with minimal visible renovation to bring the building into its new programming. More than half of community engagement participants voted for this approach. However, the required systems and accessibility upgrades at this site may be cost prohibitive. The required upgrades associated with minimal reuse should be taken into consideration when determining the best site approach. All approaches assume preservation or reconstruction of the existing façade.



A. MINIMAL RE-USE

Minimal renovation to support new programming and re-use of the space.

B. EXPANSION

Increased building footprint to provide more square footage for new programming.

C. CREATIVE ADAPTATION

Demolish existing structure to allow space for new construction, while preserving the character of the historic façade (either by relocating the building or building in the current location)

D. DEMOLITION

Several residents voted in a new option to demolish the existing building entirely, to make way for new programming.

114 Middleton community members engaged in our Community Engagement Visioning process across two workshops and an asynchronous online survey. Please note that this exercise was conducted without the presentation of financial data, and results do not reflect financial feasibility.

Site approach diagrams by Studio Luz.

SITE APPROACH

SITE APPROACH RECOMMENDATIONS

VIRTUAL WORKSHOP, IN-PERSON WORKSHOP, + ONLINE SURVEY (114 PARTICIPANTS)

An analysis of the site, existing and planned programming, and programming results from the community engagement process, in conjunction with feedback from the Select Board and the Town of Middleton helped determine the following set of site approach recommendations.

48 + 48R South Main Street

MINIMAL RE-USE → MINIMAL RE-USE / RECONSTRUCTION

1

#1 Response from the Community. However, Minimal Re-Use may be cost prohibitive and only support minimal programming due to the condition of the building. Reconstructing the building may serve as an alternate solution.

CREATIVE ADAPTATION

2

#2 Response from the Community + Supported by Select Board. May give the ability for future road relocation through the site, as requested by community members.

The site approach for the two parcels was determined in conjunction with one another, assuming a continued connection, but was considered first around the approach for the existing Memorial Hall building. Each recommended site approach assumes the preservation or reconstruction of the Memorial Hall façade, in keeping with Middleton community values. These site approach scenarios were designed to support more programming than Memorial Hall currently allows due to the condition and size of the building. Some site approaches assume that Memorial Hall will be moved, on site, to allow for better traffic flow and additional site programming. Though the "Minimal Re-Use" option was most popular with the community, it may be cost prohibitive and can only support minimal programming due to the condition of the building.

114 Middleton community members engaged in our Community Engagement Visioning process across two workshops and an asynchronous online survey. Please note that this exercise was conducted without the presentation of financial data, and results do not reflect financial feasibility.

5. Programming + Planning



5. PROGRAMMING + PLANNING

PROGRAMMING

PROGRAM RECOMMENDATIONS

An analysis of the site, existing and planned programming, and programming results from the community engagement process, in conjunction with feedback from the Select Board and the Town of Middleton helped determine the following set of programming recommendations.

48 + 48R South Main Street

- 1** **RECREATION**
#1 Response from Community + Supported by SelectBoard
- 2** **PLAYGROUND**
#2 Response from Community + Supported by SelectBoard
- 3** **COMMUNITY PROGRAMMING → NEIGHBORHOOD PROGRAMMING**
#3 Response from Community
- 4** **AFFORDABLE HOUSING**
Requested by SelectBoard + Support from Town

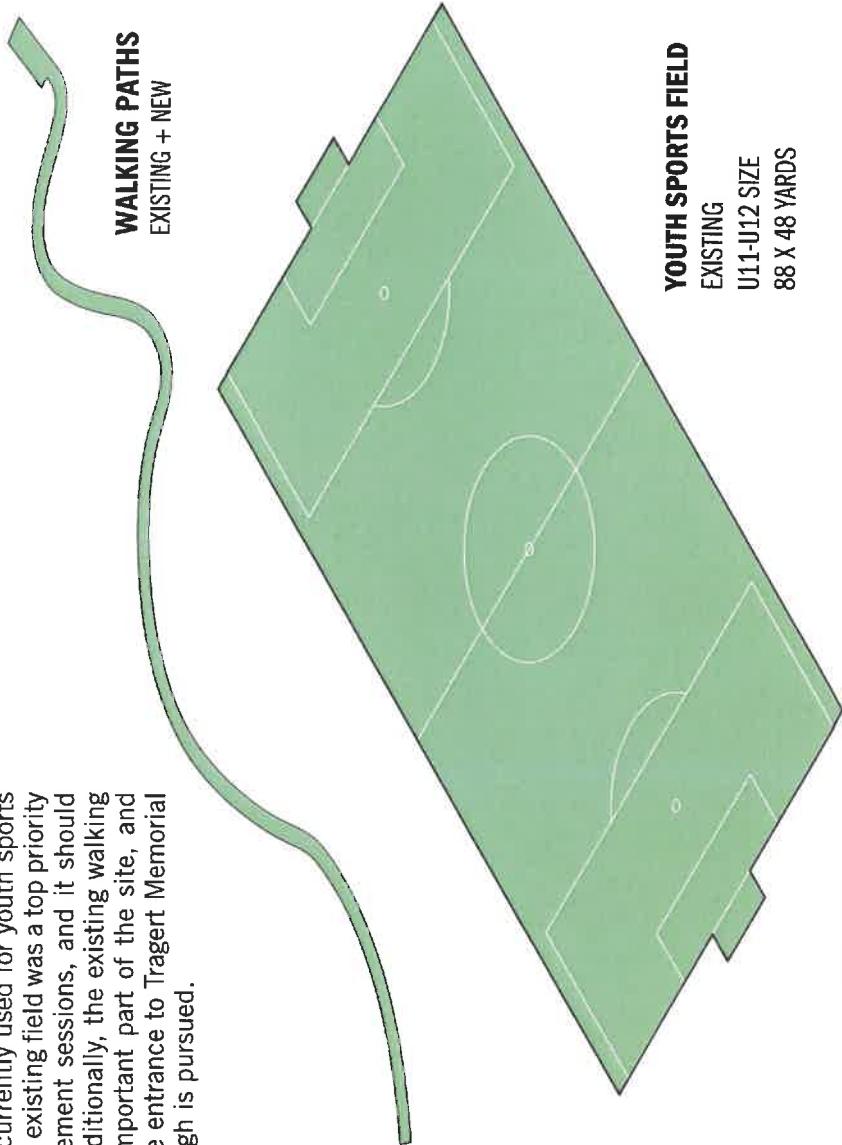
The recommended programming aims to preserve and complement some existing programming on the site (such as the recreational field, gazebo, and playground), as requested by the community. Preserving the character of Memorial Hall is important to the Town of Middleton, as well as preservation of elements of Henry Trager Town Common, including the soccer field, playground, and gazebo. Recreational space is limited in the town and used heavily, therefore informing the necessity to preserve what exists at 48R South Main Street. Additionally, planned developments were considered, such as the new Community Center planned for the Middleton Municipal Complex. Though this programming was highly requested by the residents of Middleton, a new one is already planned to be built, and therefore is not included in the recommended programming. Community Programming has been listed as Neighborhood Programming to indicate non-community center communal programming for residents and/or those using the recreational fields.

PROGRAM BREAKDOWN

RECREATIONAL + COMMUNITY TYPOLOGIES

1 RECREATION

The existing field at 48R South Main Street is currently used for youth sports as well as passive recreation. Preservation of the existing field was a top priority for Middleton Residents in Community Engagement sessions, and it should be preserved in any programming scenario. Additionally, the existing walking trails and passive recreational space are an important part of the site, and should remain. On site at 48 South Main is the entrance to Trager Memorial Trail, which will remain unless a road cut-through is pursued.



Trail around field (TOP) photo by S.L.A. Field aerial (BOTTOM) from Google Earth.

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5. Programming + Planning

Recreation program diagrams by Studio Luz.



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PROGRAM BREAKDOWN

RECREATIONAL + COMMUNITY TYPOLOGIES

2

PLAYGROUND

Playground space was the second most voted program by the community when asked what they would like to see at 48 and 48R South Main St. The existing playground has been noted as an asset to the community, and one of the lone playgrounds in the area. It is particularly popular during sporting events on the adjacent field. With this feedback, it is recommended that the playground be preserved or improved/augmented.



Existing playground (TOP), photo by SLA. Field aerial (BOTTOM) from Google Earth.

5. Programming + Planning



Playground program diagrams by Studio Luz.

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Middleton, MA | Memorial Hall Programming Study

PROGRAM BREAKDOWN

NEIGHBORHOOD PROGRAMMING TYPOLOGIES

3

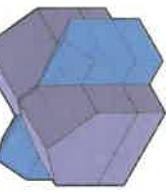
NEIGHBORHOOD PROGRAMMING

During the Community Engagement process, the third most voted-for program by community members was "Community Program". Due to the incoming Community Center at the new Middleton Municipal Complex, we recommend communal "Neighborhood Programming" that will benefit the residents of new housing development, as well as those using the recreational space at 48 and 48R South Main Street.

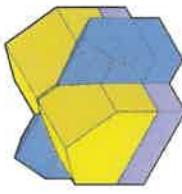
Some examples of this "Neighborhood Programming" may include: a field house and locker rooms in service of the sports field, a neighborhood art center, a neighborhood collaborative working space, a town resource center, or collective residential programming for an attached residential development.

In addition to the Neighborhood Programming offered at the current Memorial Hall, the Henry Tragert Gazebo will be preserved for communal programming.

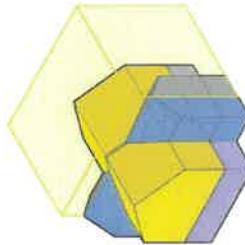
MEMORIAL HALL NEIGHBORHOOD TYPOLOGIES MEMORIAL HALL RECONSTRUCTION



MEMORIAL HALL
2 LEVELS OF NEIGHBORHOOD OR
REC. AREA PROGRAMMING
~3,245 SF
WITH ACCESSIBILITY +
SYSTEMS UPGRADES



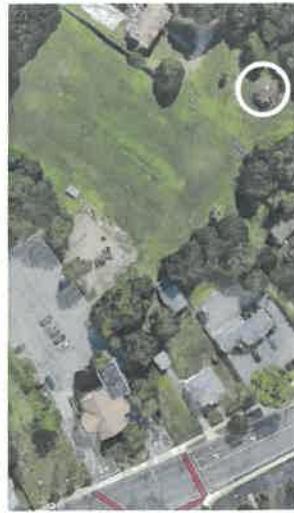
MEMORIAL HALL
UP TO 4 UNITS ON LEVEL 2
GROUND LEVEL NEIGHBORHOOD SPACE
~1,625 SF
WITH ACCESSIBILITY +
SYSTEMS UPGRADES



MEMORIAL HALL
UP TO 4 UNITS ON LEVEL 2
GROUND FLOOR NEIGHBORHOOD SPACE
~1,625 SF
CONNECTED TO NEW HOUSING



HENRY TRAGERT GAZEBO
EXISTING



Existing playground (TOP) photo by SLA, Field aerial (BOTTOM) from Google Earth.

Neighborhood programming diagrams by Studio Luz.



STUDIO LUZ
ARCHITECTS

MassDevelopment

5. Programming + Planning

Middleton, MA | Memorial Hall Programming Study

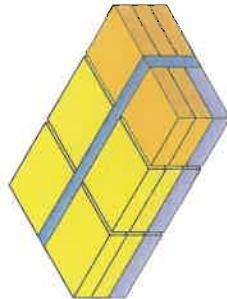
PROGRAM BREAKDOWN

HOUSING TYPOLOGIES

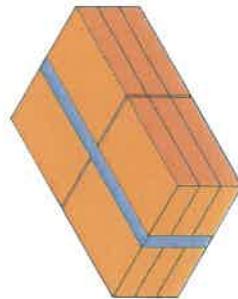
AFFORDABLE HOUSING

Affordable housing is a need for the Town of Middleton. The Select Board showed particular interest in this programming, which gained community support. The following typologies are ways in which these affordable housing units could take different forms and densities on this site, in line with the community's wishes for lower density dwellings.

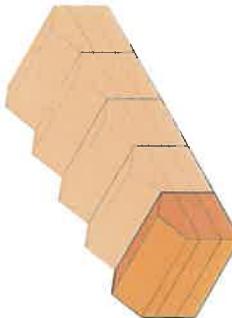
4



MIXED-USE APARTMENT BLOCK
UP TO 18 UNITS
(6) ONE-BEDROOM UNITS
(12) TWO-BEDROOM UNITS



MULTI-FAMILY CONDO BLOCK
UP TO 12 UNITS
(12) THREE-BEDROOM UNITS



3 BEDROOM TOWNHOUSES
2+ THREE-STORY UNITS
THREE-BEDROOMS



This medium-density housing option includes up to 15 units, comprised of a mix of one and two bedroom apartments with ground floor resident communal space.

This medium-density housing option includes up to 12 units, comprised of family-sized three bedroom units.

This low-density, yet modular, housing option is comprised of 3 bedroom townhouses, each at three stories tall. Each three bedroom unit would be approximately 1000 square feet with its own entry, offering a character and density closer to the surrounding neighborhood.

Middleton, MA | Memorial Hall Programming Study



PROGRAMMING SCENARIOS

48 + 48R SOUTH MAIN STREET

RECOMMENDED PROGRAMMING:

- 1** RECREATION
- 2** PLAYGROUND
- 3** NEIGHBORHOOD/RESIDENT PROGRAMMING
- 4** AFFORDABLE HOUSING

Based on the recommended program for 48 and 48R South Main Street of recreation, playground, neighborhood programming, and affordable housing, a set of programming scenarios was developed. These programming scenarios aim to address the different possibilities to help guide any future planning efforts for the property.

A pre-schematic level set of plan schemes was developed to evaluate the spatial implications of each programming scenario. Each programming scenario will also require key accessibility and systems upgrades required to support the new programming. Each of the approaches outlined in assumes preservation or reconstruction of the historic memorial hall façade.

5. Programming + Planning

Scenario 1 - CREATIVE ADAPTATION + ADDITION

Scheme 1 assumes a rebuilt Memorial Hall building with the addition of up to 12 affordable rental three-bedroom units in the rear, connecting to a rebuilt Memorial Hall which would now provide resident neighborhood programming on the ground floor, with up to 4 affordable rental units on the second floor. 48R has minimal intervention in this scheme, preserving the field and gazebo, and relocating the playground on site.

Scenario 2 - LOW-DENSITY APPROACH

Scheme 2 relocates Memorial Hall to the front of the parcel, allowing for up to 6 low-density affordable townhomes behind the structure, and up to 4 units within Memorial Hall itself. The ground floor of Memorial Hall would feature neighborhood programming. 48R has minimal intervention in this scheme, preserving the field and gazebo, and relocating the playground on site.

Scenario 3 - RECONSTRUCTING + REPROGRAMMING MEMORIAL HALL

Scheme 3 retains the existing footprint of Memorial Hall, reconstructing the building to create space for neighborhood programming. Reconfiguring the parking lot footprint, the rear of the site is opened up, allowing for up to 16 affordable rental apartment units to be built on the rear of the 48 parcel. 48R has minimal intervention in this scheme, preserving the field and gazebo, and relocating the playground on site.

Scenario 4 - ROUTE 62 REDEVELOPMENT

Scheme 4 completely re-visions the site, planning for potential infrastructural changes to accommodate the potential* for a 2-lane Route 62 road cut-through, as requested by community members. Memorial Hall would be relocated to the front of parcel 48, and support a new field house for the 48R sports field or other neighborhood programming. Parking would be split up between a small Memorial Hall lot and a back lot serving the fields and playground. The southeast corner of 48R would be developed with up to 6 low-density affordable units and connected parking, extending the adjacent neighborhood onto 48R, utilizing the existing access from Mt. Vernon Street.

*The feasibility of a 2-lane cut through is yet to be determined and should be evaluated by an engineer.

6. VISIONING + SITE SCHEMES

PROGRAMMING SCENARIO 1



PROGRAMMING

AFFORDABLE HOUSING (<18,000 SQ. FEET)

- UP TO (12) THREE-BEDROOM APARTMENTS

- UP TO (4) ADDITIONAL AFFORDABLE RENTAL UNITS IN MEMORIAL HALL

NEIGHBORHOOD/RESIDENT PROGRAMMING (~1,600 SQ. FEET)

- GROUND FLOOR RESIDENT COMMUNITY SPACE

- GAZEBO

RECREATION

- SPORTS FIELDS

- WALKING TRAILS

PLAYGROUND

44 PARKING SPACES

SITE IMPROVEMENTS

CREATIVE ADAPTATION OF MEMORIAL HALL

- DEMOLISH & RELOCATE MEMORIAL HALL TO ALLOW FOR TWO-WAY TRAFFIC

- MAINTAIN CHARACTER OF MEMORIAL HALL FAÇADE

- NEW SEPTIC TO SUPPORT DEVELOPMENT

- PRESERVE EXISTING GAZEBO

- PRESERVE EXISTING RECREATIONAL SPACE

- SPORTS FIELD

- WALKING TRAILS

- PRESERVE EXISTING PLAYGROUND

PROGRAMMING

Scheme 1 assumes a rebuilt Memorial Hall building with the addition of up to 12 affordable rental three-bedroom units in the rear, connecting to a rebuilt Memorial Hall which would now provide resident neighborhood programming on the ground floor, with up to 4 affordable rental units on the second floor. 48R has minimal intervention in this scheme, preserving the field and gazebo, and relocating the playground on site. This scheme preserves at least 85% of the trees on-site.

2 CREATIVE ADAPTATION

- 1 RECREATION
- 2 PLAYGROUND
- 3 NEIGHBORHOOD/RESIDENT PROGRAMMING
- 4 AFFORDABLE HOUSING



PROGRAMMING SCENARIO 2



PROGRAMMING

- 1 RECREATION
- 2 PLAYGROUND
- 3 NEIGHBORHOOD/RESIDENT PROGRAMMING
- 4 AFFORDABLE HOUSING

2 CREATIVE ADAPTATION

Scheme 2 relocates Memorial Hall to the front of the parcel, allowing for up to 6 low-density affordable townhomes behind the structure, and up to 4 units within Memorial Hall itself. The ground floor of Memorial Hall would feature neighborhood programming. 48R has minimal intervention in this scheme, preserving the field and gazebo, and relocating the playground on site. This scheme preserves at least 85% of the trees on-site.

SITE IMPROVEMENTS

CREATIVE ADAPTATION OF MEMORIAL HALL

- DEMOLISH & RELOCATE MEMORIAL HALL TO ALLOW FOR TWO-WAY TRAFFIC
- MAINTAIN CHARACTER OF MEMORIAL HALL FAÇADE
- NEW SEPTIC TO SUPPORT DEVELOPMENT
- PRESERVE EXISTING RECREATIONAL SPACE
 - SPORTS FIELD
 - WALKING TRAILS
- PRESERVE EXISTING PLAYGROUND

PROGRAMMING

AFFORDABLE HOUSING (~17,000 SQ. FEET)

- UP TO (6) THREE-BEDROOM TOWNHOMES
- UP TO (4) ADDITIONAL AFFORDABLE RENTAL UNITS IN MEMORIAL HALL

NEIGHBORHOOD/RESIDENT PROGRAMMING (~1,600 SQ. FEET)

- GROUND FLOOR RESIDENT COMMUNITY SPACE
- GAZEBO

RECREATION

- SPORTS FIELDS
- WALKING TRAILS

PLAYGROUND

44 PARKING SPACES

Scheme 2 Diagram by Studio Luz.



PROGRAMMING SCENARIO 3



PROGRAMMING

AFFORDABLE HOUSING (~19,000 SQ. FEET)

- UP TO (16) TWO-BEDROOM APARTMENTS

NEIGHBORHOOD/RESIDENT PROGRAMMING (~6,000 SQ. FEET)

- EXISTING MEMORIAL HALL RESIDENT COMMUNITY SPACE
- GAZEBO

RECREATION

- SPORTS FIELDS
- WALKING TRAILS

PLAYGROUND

39 PARKING SPACES

SITE IMPROVEMENTS

CREATIVE ADAPTATION OF MEMORIAL HALL

- RE-ORIENTATION OF PARKING LOT
- MAINTAIN CHARACTER OF MEMORIAL HALL FAÇADE
- NEW SEPTIC TO SUPPORT DEVELOPMENT
- PRESERVE EXISTING GAZEBO
- PRESERVE EXISTING RECREATIONAL SPACE
- SPORTS FIELD
- WALKING TRAILS
- PRESERVE EXISTING PLAYGROUND

PROGRAMMING

1 RECREATION

2 PLAYGROUND

3 NEIGHBORHOOD/RESIDENT PROGRAMMING

4 AFFORDABLE HOUSING

1 MINIMAL RE-USE + RECONSTRUCTION

Scheme 3 retains the existing footprint of Memorial Hall, reconstructing the building to create space for neighborhood programming. Reconfiguring the parking lot footprint, the rear of the site is opened up, allowing for up to 16 affordable rental apartment units to be built on the rear of the 48 parcel. 48R has minimal intervention in this scheme, preserving the field and gazebo, and relocating the playground on site. This scheme preserves at least 80% of the trees on-site.

7. NEXT STEPS

NEXT STEPS

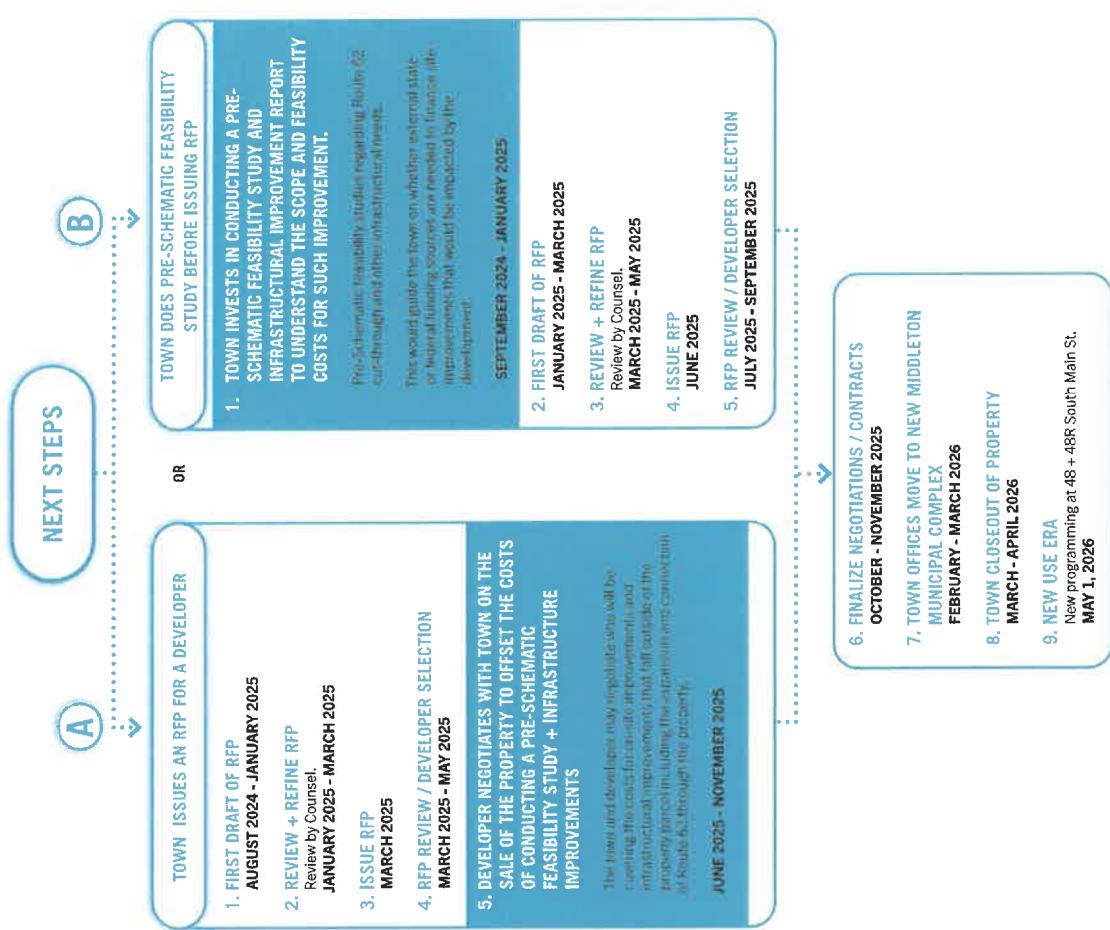
PATHS TO NEW PROGRAM USE

Guided by the possible program scenarios determined by this study, the path to implementing new programming at Memorial Hall will require careful thought and consideration to implement a new vision for the site that is reflective of community feedback and in keeping with the greater context of Middleton. This guide for next steps towards reprogramming Memorial Hall and its rear parcel can help the town on the way to giving the building and site new life.

The RFP may include the initial concept studies done on this parcel, generated from the community and the Select Board input, as a way to attract developers to bid on the project through the provided design scenarios. A strength of this RFP will be that the programming has already been introduced to and engaged with by the residents of Middleton. We recommend that the selected developer shares their proposal with the residents to solicit feedback and continued engagement from the community.

Path A allows the town to begin with issuing a Request for Proposals for developers to respond to. When a developer is chosen, the Town of Middleton can work with the developer to negotiate the sale of the property and the financing of pre-schematic feasibility studies and infrastructure improvements. Together, they can conduct studies to better understand the systems needs on site, such as septic/sewer improvements, and the possibility of a future Rte. 62 cut-through on the 48 South Main St. parcel. After conducting these studies with the selected developer, the Town can closeout the Memorial Hall property as it prepares for new use.

Path B begins with the Town of Middleton conducting necessary feasibility studies and infrastructure improvements, such as those stated above, before drafting an RFP, so that potential developers can better understand the site and prepare a comprehensive proposal. This path elicits understanding of the funding and/or financing that may be required for infrastructure improvement before the issuing of an RFP. The town may then draft an RFP with the help of a consultant, or on their own, before selecting a developer.



NEXT STEPS

REQUEST FOR PROPOSAL RECOMMENDATIONS

REQUEST FOR PROPOSALS (RFP) RECOMMENDATIONS Town to put out a request for proposals for developers

The most common method for implementing new programming at the site would be to issue an RFP to local developers. It is important that the town establishes strict criteria for the evaluation of each proposal prior to issuing the RFP to ensure that each proposal meets the town's vision for the redevelopment of each site. The town can also seek assistance for issuing the RFP by means of a consultant or an advisory committee. A consultant could be hired to help the town develop an RFP along with an advisory committee to help ensure that the RFP aligns with the needs of the town's vision for each site. Upon receiving proposals, an evaluation committee can also be appointed to aid in the review process (proposals review, interviews, etc.) and make a recommendation to the Select Board.

RFP PROGRAMMING RECOMMENDATIONS

The recommendations provided in this study should be considered when developing an RFP. To align with the feedback gathered from the community, the RFP should encourage developers to implement the following programming:

- Affordable Housing
- Neighborhood/Resident Programming
- Recreation
- Playground

RFP criteria should also address the resultant parking needs of any proposed programming.

RFP SITE APPROACH

The site approach will be another important consideration for the town when developing an RFP. Outlining the desired site approach and site considerations in the RFP itself can help developers tailor their initial proposals to be in alignment with the town's vision for the site. The site schemes encompassed in this study (informed by the initial site analysis and community engagement) can provide useful insights into possible site approaches when developing an RFP.

The following site approaches would be suitable for this site to preserve the existing character of Memorial Hall while allowing for new development of affordable housing:

- Reconstruction of Memorial Hall with separate affordable housing development
- Creative Adaptation of Memorial Hall with conjoined affordable housing

RFP SITE CONSIDERATIONS

Based on feedback from the community engagement, RFP criteria should also address the desire to preserve the existing conditions of the site where possible.

Preserving the following existing conditions should be taken into consideration for any development proposals:

- Existing character of the Memorial Hall facade
- Existing recreation field
- Existing walking trails + connection to the Target trail
- Existing gazebo
- Existing trees (where possible)



Memorial Hall. Image courtesy of the Town of Middleton.

Gazebo on 48R South Main St. Image by Studio Luz.

NEXT STEPS

IMPLEMENTATION CONSIDERATIONS

BUILDING UPGRADES

This study revealed that the community would prefer to preserve the historic façade of Memorial Hall, as well as recreational programming that currently lives on site, while implementing new programming at a low density. It should be noted that any scheme that chooses to work within the existing structure of Memorial Hall may present challenges for reprogramming and have significant added cost implications due to the state of the building required upgrades. Feasibility studies should be conducted in order to assess the site's ability to house new programming as a 21st century asset in Middleton.

Some of the most significant building upgrades and renovation considerations that may be required to support new programming are listed below:

48 + 48R SOUTH MAIN STREET

- Septic**
 - Currently utilizing the septic system from the original 1800's construction of Memorial Hall, the existing septic infrastructure will need to be upgraded to take on the sewage and water capacity generated from the new development."
- Structural Integrity for Renovations**
 - The existing structure should be evaluated for structural integrity to support any planned renovations.
- System Upgrades**
 - The existing systems at Memorial Hall, including electrical, plumbing septic, life safety, and mechanical, are out-dated and should be evaluated to determine required upgrades to support any new programming.
- Accessibility Upgrades & Code Implications**
 - Code implications and accessibility upgrades should be reviewed for all new potential programming. Memorial Hall is currently only accessible on the first floor.
- Civil Engineering Study / Highway Feasibility**
 - The community has asked for a road cut-through on the site to mitigate traffic in Middleton. It is recommended for a Traffic and Civil Engineering study to be conducted in order to understand the feasibility of a cut-through to connect Rte. 62 from Boston St. to Maple St.

7. Next Steps

Implementation Considerations

NEXT STEPS

IMPLEMENTATION CONSIDERATIONS

Implementation Considerations

ZONING

48 South Main St. is zoned for B Business, while 48R South Main St. is zoned for R-1a Residential. Depending on the programming put forth in the RFP, the proposed development may require a variance. The possibility for rezoning the parcels should also be considered simultaneously while putting out an RFP to minimize challenges for development and make the site more attractive to developers.

CONSULTANT SERVICES

The town should select a pathway (Path A or Path B) to provide a comprehensive feasibility study to assess the possible site constraints of Memorial Hall and the larger parcel including, but not limited to:

48 and 48R Parcels

- Town Sewer Capacity
- Civil & Traffic Study for Rte. 62 Cut-through
- Geotechnical Report
- Environmental Report

WETLAND / RIVERFRONT PROTECTION

Any development of 48R South Main St. must comply to the Rivers Protection act, which states that there is a 200' Riverfront Setback. Portions of this parcel are within the AE Floodzone and must comply with all AE Floodzone restrictions.

Memorial Hall (in the case of Minimal Re-use)

- A Full Code Report
- A Building Assessment Report
- Existing Septic Capacity

7. Next Steps

Implementation Considerations

8. APPENDIX I: COMMUNITY ENGAGEMENT

Community Engagement Presentation Content

APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

AGENDA

Project Introduction (10 minutes)

Memorial Hall Workshop (40 minutes)

Personal Voice 4 Discussion Questions (30 minutes)

Be the Architect

Open Discussion Q&A

1468

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MIDDLETON 119

LNU
D10
S10

MISSION

The goal is to develop consensus of **FUTURE USE** case(s) for **48 & 48R** **SOUTH MAIN STREET** and produce comprehensive documentation of **PROGRAMMING SCENARIOS** to inform a subsequent RFP for the redevelopment of the property for the **NEW PROPOSED USE**.

Middleton, MA | Memorial Hall Programming Study

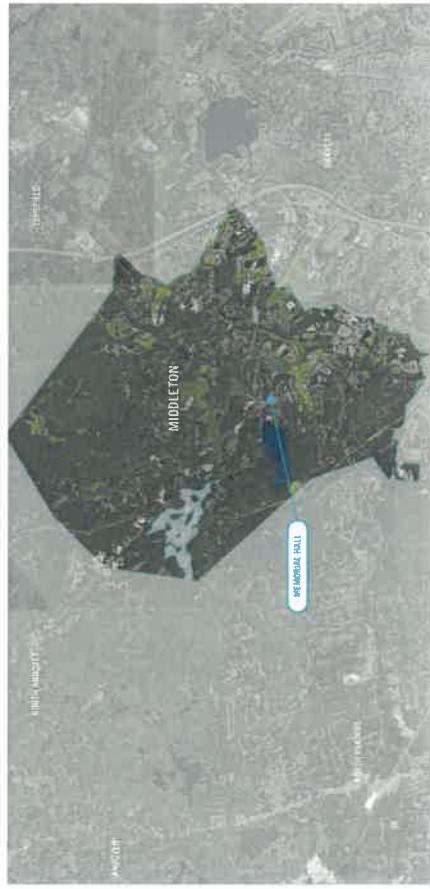


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APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

Site Locus Map



Middleton, MA

STUDIO LUZ
MassDevelopment

S. Main St. Context

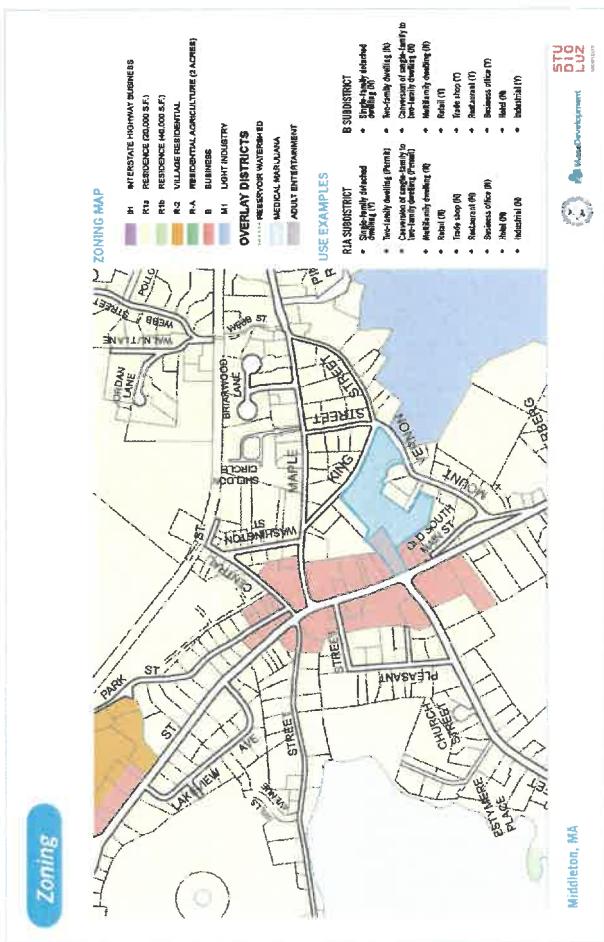


Middleton, MA

STUDIO LUZ
MassDevelopment

APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)



APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

New Development



Middleton, MA

STUDIO LUZ
Architects

STUDIO LUZ
Architects

Existing Conditions



Middleton, MA

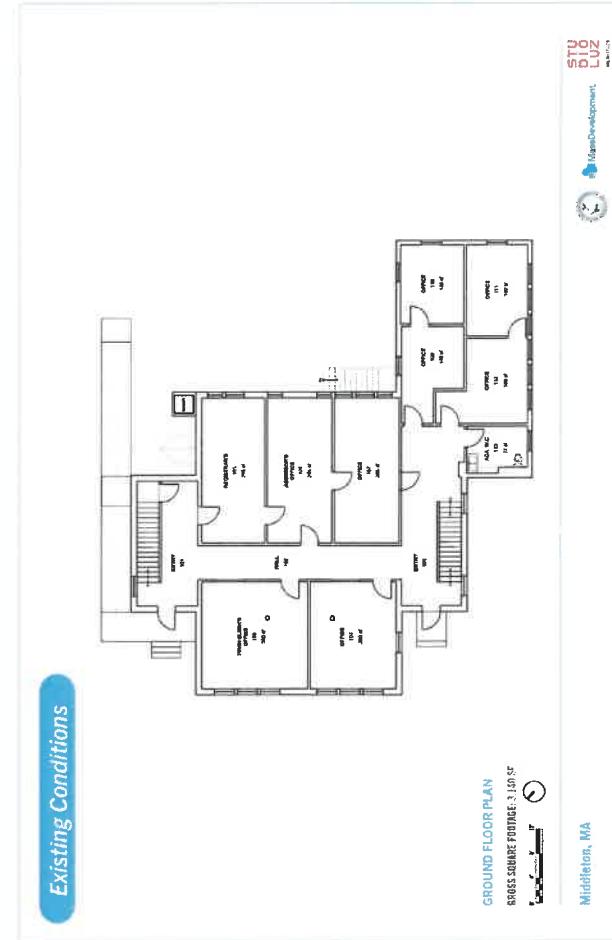
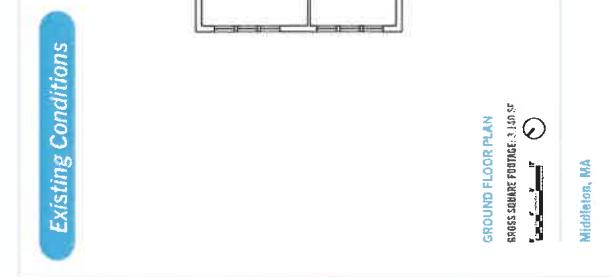
48 SOUTH MAIN STREET

- 6,280 SF (finished area)
- Memorial Hall Town Offices
- Previously Town Hall
- Previously Central School (B. 1837)
- 2.5 Story Timber Frame Building
- Ree Parking Lot
- Unfinished, Raised Basement (Additional 11,240 SF)



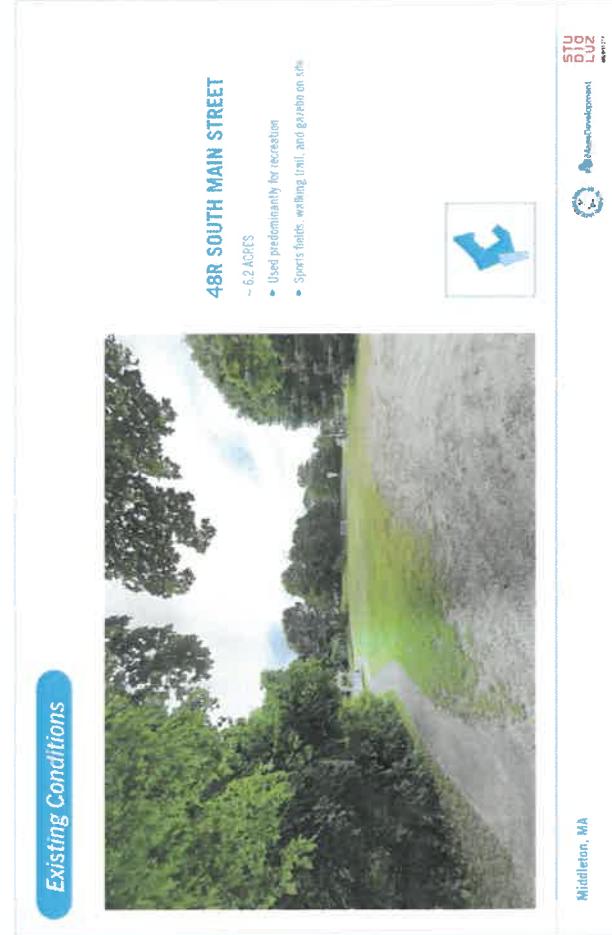
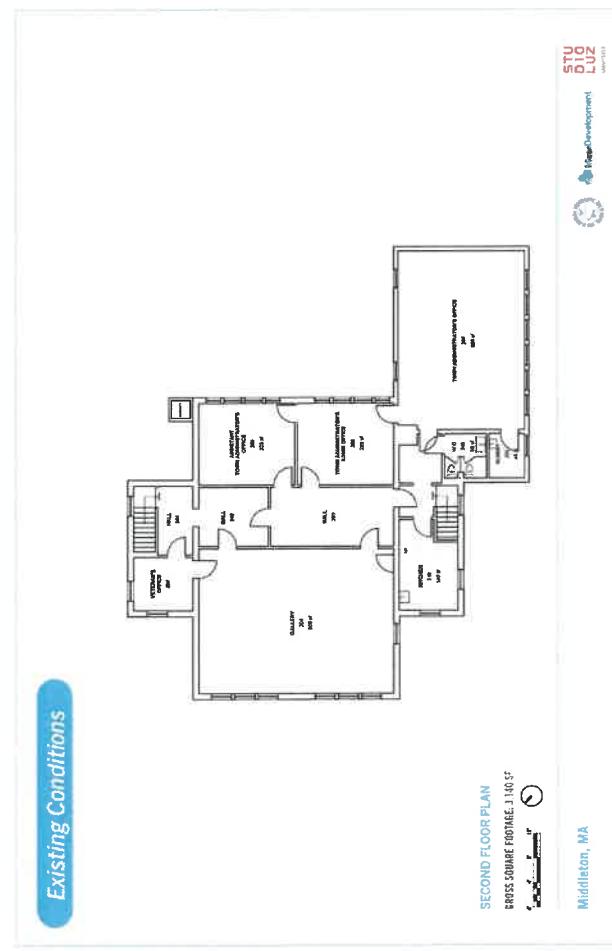
APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)



APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)



APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

Existing Conditions

4BR SOUTH MAIN STREET

- 5.2 ACRES

- Access to through traffic
- Passive Recalina
- Step back & Infilling = 2x that of site
- Existing conditions along both edges of the property
- Current uses include:
 - Recreation Fields
 - Walking Trail (proposed)
 - Playground
 - Cribb's

Recreation Fields

Walking Trail

Recreational Fields

Walking Trail

Memorial Hall

STU DIO LUZ
MassDevelopment

Existing Conditions

SITE CONSTRAINTS

ABOVE GROUND:

- Step grade at rear of site

RIVERFRONT:

- River is rear of site
 - 200' Riverfront Setback

FLUDDING/EMERGENCY LAND:

- Inland at rear of site
 - 25' Building Protection
 - 100' Buffer Zone
 - AF Floodplain at rear of site

SITE PLAN

STU DIO LUZ
MassDevelopment

Existing Conditions

STU DIO LUZ
MassDevelopment

APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

What is Middleton missing?

- A. Residential Use
- B. Affordable Housing
- C. Recreational Use / Open Space
- D. Community Programming
- E. Retail Use
- F. Food & Beverage
- G. Municipal Use
- Other?

Please tell us your thoughts.

Personal Voice

What is Middleton missing?

- F. Food & Beverage would be nice to have more variety for restaurants.
- B. Affordable Housing support our community and provide affordable living for our residents
- C. Recreation more fields for the kids! and starting for parents to watch

Please tell us your thoughts.

Personal Voice

APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

Personal Voice

Please tell us your thoughts.

What would you like to see here?



Personal Voice

Please tell us your thoughts.

What would you like to see here?



APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESERVATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

What would you NOT like to see here?



OTHER?

VACANT SPACE

Food & Beverage

Offices

Personal Voice
Please tell us your thoughts.

What would you NOT like to see here?



OTHER?

VACANT SPACE

Food & Beverage

Offices

Personal Voice
Please tell us your thoughts.

APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

Which site approach would you like to see here?

Which site approach would you like to see here?



A. MINIMAL RE-USE

C. CREATIVE ADAPTATION

Demolish existing structure to allow space for new construction, while preserving the character of the historic facade (either by relocating the building or building in the rear).

- A. MINIMAL RE-USE**
Minimal reparation to support new
programming and re-use of the
space
- B. EXPANSION**
increased building footprint to
provide more square footage for
new programming.

C. CREATIVE ADAPTATION
Demolish existing structures to allow space for new construction, while preserving the character of the historic facade (either by relocating the building or building a new one).

THE INFLUENCE OF THE CULTURE OF THE CHINESE ON THE CHINESE IN AMERICA 113

THE INFLUENCE OF THE HISTORICAL CONTEXT ON THE PRACTICE OF HISTORICAL READING 23

Personal Voice

Which site approach would you like to see here?



A. MINIMAL RE-USE

Minimal renovation to support new programming and re-use of the space.

CREATIVE ADAPTATION
existing structure to allow space
construction, while preserving the
or the historic facade (either by
the building or building in the
building)

THE INFLUENCE OF THE HISTORICAL SOURCE

1 of the historic sanctuaries

10

Middleton, MA | Memorial Hall Programming Study

APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

Existing Conditions

PRESERVATION ASSUMPTIONS:

A. **SPORTS FIELD:** No the sports field is surrounded (i.e. drainage has been developed) to see this area developed?

B. **CEMETERY:** Access to the cemetery will be preserved.

C. **TRAILS:** Access to public walking trails will be preserved.

D. **WETLANDS:** Any change to the area should the wetlands be saved to conservation Commission approval under state law

SITE PLAN

GROSS AREA: 7.2 ACRE

Middleton, MA

BE THE ARCHITECT!

I AM A:
Please select one:
 Resident
 Business Owner
 Developer
 Community Member
 Municipal Employee
 Other

Select the site strategy you are designing

Business Re-use
 Expresses
 Creative Adaptation
 Landscapes / Iteration

What program stakeholder do you represent?

Business Owner
 Nonprofit
 Community Group
 Restaurant / Food Service
 Professional Services
 Retail
 Other

As an architect, please write or draw on the site plan your vision for the future of this 40+ acre land.

What is Mixed-Use zoning?
 - Which type of programming would you like to see happen there?
 - What does one want this place to be?

APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

I AM A:

Small Business
 Resident
 Business Owner
 Developer
 Community Member
 Municipal Employee
 Other

BE THE ARCHITECT!

Select the site strategy you are designing

Revenue
 Expansion
 Creative Adaptation
 Landscaping / Recreation

What program stakeholder do you represent?

Local Business Owner
 Nonprofit
 Community Group
 Restaurant / Food Service
 Professional Service
 Rent
 Other

Do a quick sketchability. Please write or draw on the site plan your vision for the future of the 428 & 430 Main St.

LINE YOUR SKETCHES WITH THE LINE ON THE SITE PLAN

I AM A:

Small Business
 Resident
 Business Owner
 Developer
 Community Member
 Municipal Employee
 Other

BE THE ARCHITECT!

Select the site strategy you are designing

Revenue
 Expansion
 Creative Adaptation
 Landscaping / Recreation

What program stakeholder do you represent?

Local Business Owner
 Nonprofit
 Community Group
 Restaurant / Food Service
 Professional Service
 Rent
 Other

Do a quick sketchability. Please write or draw on the site plan your vision for the future of the 428 & 430 Main St.

LINE YOUR SKETCHES WITH THE LINE ON THE SITE PLAN

APPENDIX I: COMMUNITY ENGAGEMENT DATA

PRESENTATION SLIDES (VIRTUAL AND IN-PERSON PRESENTATION)

Open Discussion
Please tell us your thoughts.

If you would like more information please put your email in the chat or take our online survey!



Please contact us if you have any questions:



Email
Jackie.Bresnahan@middleton.ma.gov



Phone
978.777.3617

Scan here to take
our survey!

APPENDIX I: COMMUNITY ENGAGEMENT DATA ANALYSIS

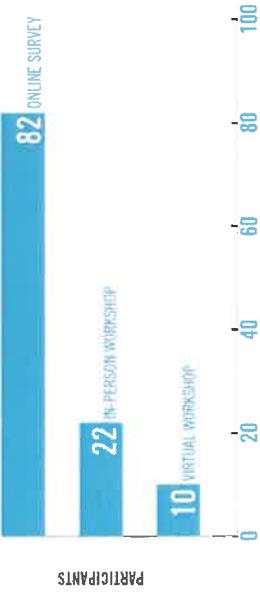
RESULTS PRESENTED TO THE SELECT BOARD. PLEASE NOTE, THE ONLINE SURVEY WAS NOT YET COMPLETE WHEN THIS DATA WAS REPORTED.
VIRTUAL WORKSHOP, IN-PERSON WORKSHOP, + ONLINE SURVEY (114 PARTICIPANTS)

Participants

VIRTUAL WORKSHOP, IN-PERSON WORKSHOP, + ONLINE SURVEY (114 PARTICIPANTS)

114 Middleton community members engaged in our Community Engagement Visioning process across two workshops and an asynchronous online survey. Please note that this exercise was conducted without the presentation of financials, and results do not reflect financial feasibility.

Community Engagement Participants

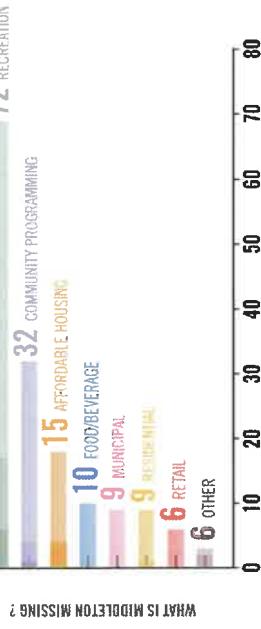


What is Middleton missing?

VIRTUAL WORKSHOP, IN-PERSON WORKSHOP, + ONLINE SURVEY (114 PARTICIPANTS)

114 Middleton community members engaged in our Community Engagement Visioning process across two workshops and an asynchronous online survey. Please note that this exercise was conducted without the presentation of financials, and results do not reflect financial feasibility.

What is Middleton missing?



Community Engagement

Programming Results

Community Engagement

Participant Breakdown



APPENDIX I: COMMUNITY ENGAGEMENT DATA ANALYSIS

RESULTS PRESENTED TO THE SELECT BOARD. PLEASE NOTE, THE ONLINE SURVEY WAS NOT YET COMPLETE WHEN THIS DATA WAS REPORTED.
VIRTUAL WORKSHOP, IN-PERSON WORKSHOP, + ONLINE SURVEY (114 PARTICIPANTS)



APPENDIX I: COMMUNITY ENGAGEMENT DATA ANALYSIS

RESULTS PRESENTED TO THE SELECT BOARD. PLEASE NOTE, THE ONLINE SURVEY WAS NOT YET COMPLETE WHEN THIS DATA WAS REPORTED.

Personal Voice

Please tell us your thoughts.

Programming Discussion

Potential Programming

Programming Results: Notes

48 + 48R SOUTH MAIN ST.

ONLINE SURVEY, VIRTUAL WORKSHOP, + IN-PERSON WORKSHOP (114 PARTICIPANTS)

COMMUNITY ENGAGEMENT

48 + 48R SOUTH MAIN ST.

ONLINE SURVEY, VIRTUAL WORKSHOP, + IN-PERSON WORKSHOP (114 PARTICIPANTS)

TOWN/ SELECTBOARD FEEDBACK

AFFORDABLE HOUSING

RECREATIONAL SPACE

PLAYGROUND

PARKING

1 RECREATIONAL SPACE

- Most community members voted for recreational space
- Potential of "Town Common" passive recreational space at new municipal complex
- Possible relocation of fields to other town properties

2 PLAYGROUND

- Keeping current playground supported by community and SelectBoard
- Possible relocation

3 COMMUNITY CENTER

- Community Center coming as part of the new Middleton Municipal Complex

4 SMALL RETAIL

- Retail (including food + beverages and other uses)
- coming in possible new developments across the street and in other locations along Routes 114 and 62

APPENDIX I: COMMUNITY ENGAGEMENT DATA ANALYSIS

RESULTS PRESENTED TO THE SELECT BOARD. PLEASE NOTE, THE ONLINE SURVEY WAS NOT YET COMPLETE WHEN THIS DATA WAS REPORTED.

Site Approach Results: Notes

48 + 48B SOUTH MAIN ST.

COMMUNITY ENGAGEMENT

TOWN/ SELECTBOARD FEEDBACK

Potential Programming

1 **MINIMAL RE-USE**
This option may be cost prohibitive and would only support minimal programming due to the condition of the building.

2 **CREATIVE ADAPTATION**
This option may give the ability for future re-use/leaving through the site, as requested by many community members.

114 Middleton community members engaged in our Community Engagement process across two workshops and an anonymous online survey. Please note that this survey was conducted without the participation of faculty, and results do not reflect a faculty constituency.

Programming Choices

48 + 48B SOUTH MAIN ST.

RECREATION

#1 Response from Community + Supported by SelectBoard

1

PLAYGROUND

#2 Response from Community + Supported by SelectBoard

2

COMMUNITY CENTER/ PROGRAMMING

#3 Response from Community

3

SMALL RETAIL/ FOOD + BEVERAGE

#4 Response from Community + Not Supported by SelectBoard

4

PROFESSIONAL OFFICES

#5 Response from Community

5

AFFORDABLE HOUSING

Noted as a need in the Community by SelectBoard + Supported by Town

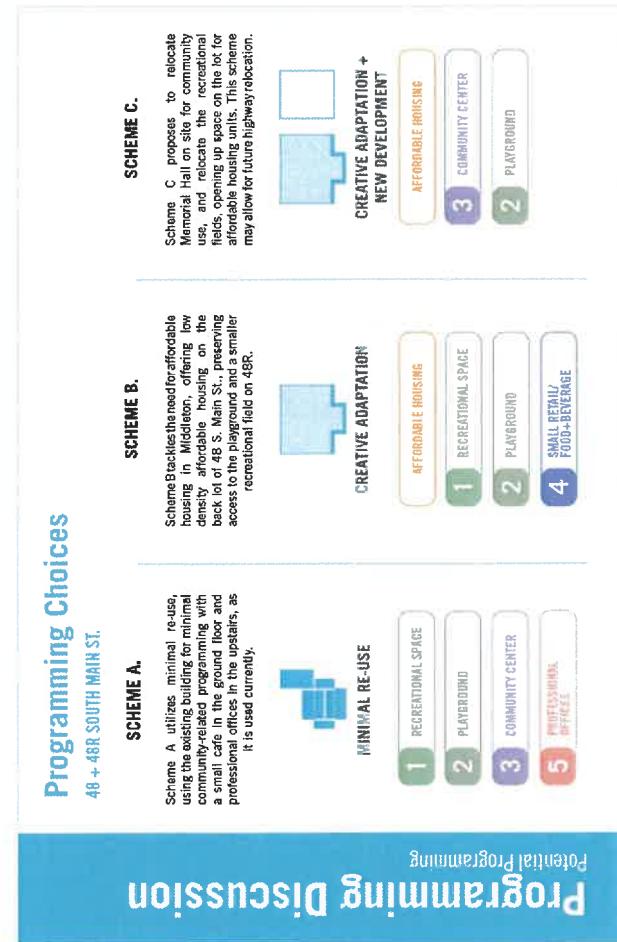
6

Potential Programming



APPENDIX I: COMMUNITY ENGAGEMENT DATA ANALYSIS

RESULTS PRESENTED TO THE SELECT BOARD. PLEASE NOTE: THE ONLINE SURVEY WAS NOT YET COMPLETE WHEN THIS DATA WAS REPORTED.



Online Survey Results

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHO ARE YOU?

ONLINE SURVEY RESULTS

STUDIO LUIZ USED A SURVEY PLATFORM FOR THIS EXERCISE ON JOOTFORM.COM. THESE IMAGES ARE DIRECTLY FROM JOOTFORM.

Who are you?

90 Responses



- A. Resident
- C. Community Member
- E. Municipal Employee
- B. Business Owner

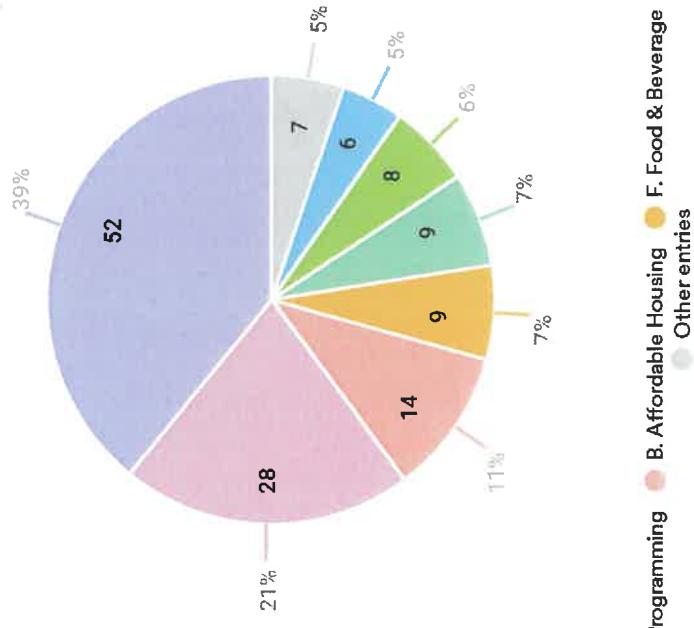


APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT IS MIDDLETON MISSING?

What is Middleton missing?

133 Responses- 7 Empty



ONLINE SURVEY RESULTS

STUDIO LUIZ USED A SURVEY PLATFORM FOR THIS EXERCISE ON JOOTFORM.COM. THESE IMAGES ARE DIRECTLY FROM JOOTFORM.

- C. Recreational Use / Open Space
- D. Community Programming
- E. Residential Use
- F. Food & Beverage
- G. Municipal Use
- A. Affordable Housing
- B. Affordable Housing

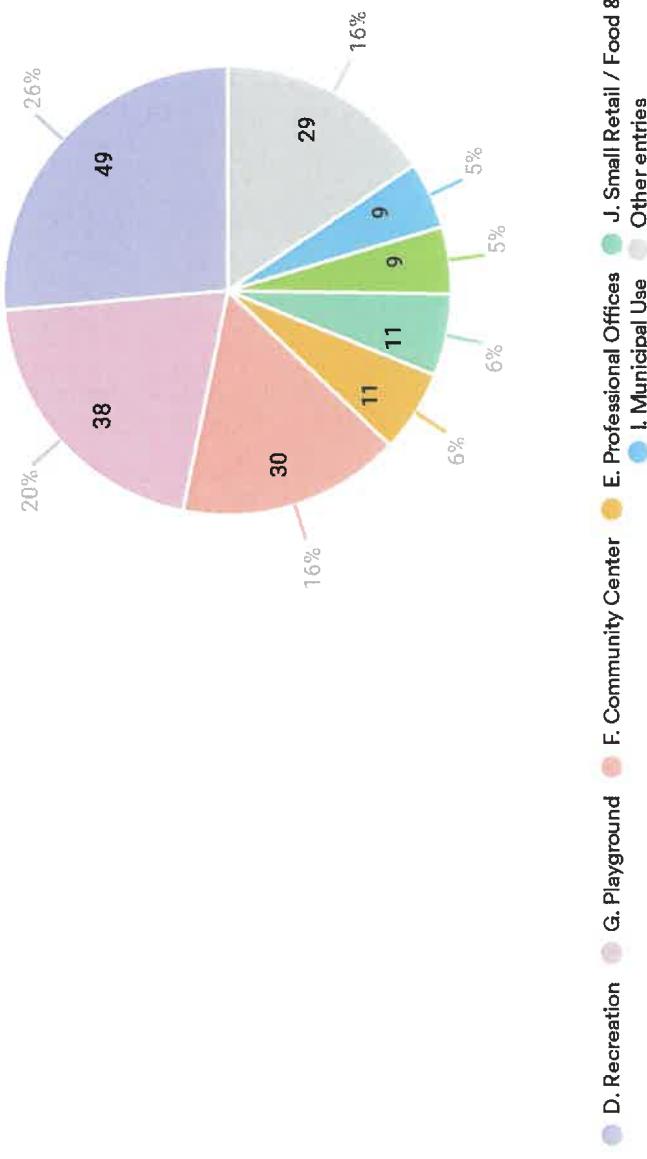


APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU LIKE TO SEE AT THIS PROPERTY?

What would you like to see at this property?

186 Responses- 3 Empty



ONLINE SURVEY RESULTS

STUDIO LUZ USED A SURVEY PLATFORM FOR THIS EXERCISE ON JOFFORM.COM. THESE IMAGES ARE DIRECTLY FROM JOFFORM.

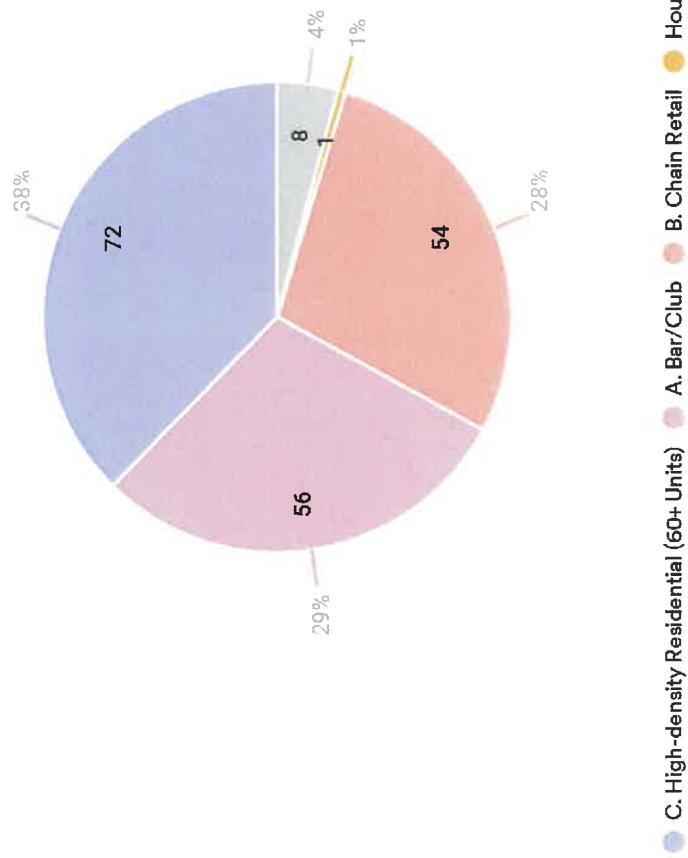
- D. Recreation
- G. Playground
- F. Community Center
- E. Professional Offices
- I. Municipal Use
- J. Small Retail / Food & Beverage
- A. Low Density Housing (less than 15 units)
- C. Residential
- B. Office
- H. Park
- L. Other entries

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU NOT LIKE TO SEE AT THE MEMORIAL HALL PROPERTY?

What would you NOT like to see at the Memorial Hall property?

191 Responses- 3 Empty



ONLINE SURVEY RESULTS

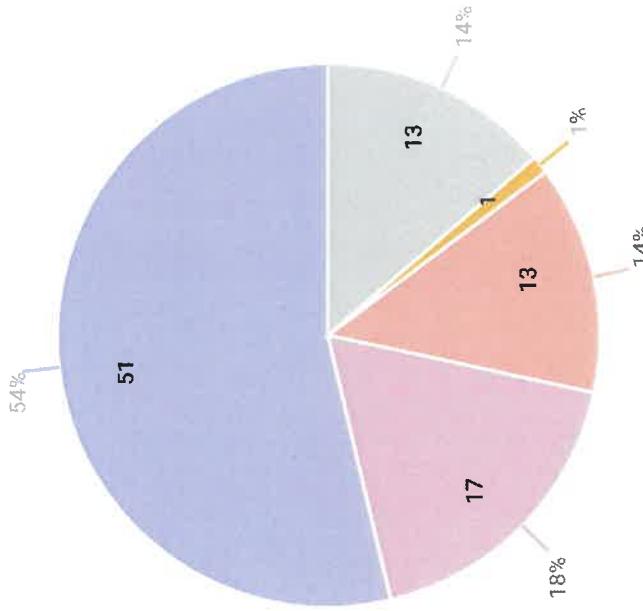
STUDIO LUZ USED A SURVEY PLATFORM FOR THIS EXERCISE ON JOTFORM.COM. THESE IMAGES ARE DIRECTLY FROM JOTFORM.

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHICH SITE APPROACH WOULD YOU LIKE TO SEE AT THE MEMORIAL HALL PROPERTY?

Which site approach would you like to see at the Memorial Hall property?

95 Responses- 6 Empty



- A. Minimal Re-use (a minimal renovation to support new programming and re-use of the space)
- C. Creative Adaptation (demolish the existing structure to allow space for new construction, while preserving the character of the historic facade either by relocating the building or building a new one)
- B. Expansion (increase the building footprint to provide more square footage for new programming)
- D. Knock building down and have Rte 62 go right across
- Other entries

ONLINE SURVEY RESULTS

STUDIO LUIZ USED A SURVEY PLATEFORM FOR THIS EXERCISE ON JOTFORM.COM. THESE IMAGES ARE DIRECTLY FROM JOTFORM.

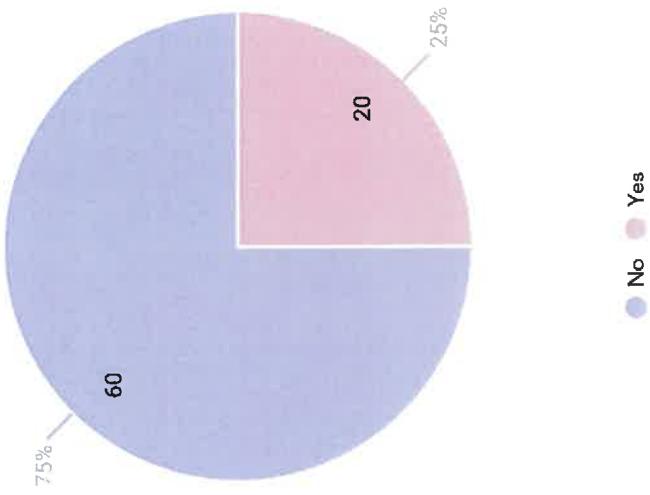


APPENDIX I: COMMUNITY ENGAGEMENT DATA

WOULD YOU LIKE TO SEE THE RECREATIONAL FIELDS RELOCATED ELSEWHERE TO ALLOW FOR DEVELOPMENT AT THIS SITE (48R)?

Would you like to see the recreational fields relocated elsewhere to allow for development at this site (48R)?

80 Responses- 2 Empty



ONLINE SURVEY RESULTS

STUDIO LUZ USED A SURVEY PLATFORM FOR THIS EXERCISE ON JOFFORM.COM. THESE IMAGES ARE DIRECTLY FROM JOFFORM.

APPENDIX I: COMMUNITY ENGAGEMENT DATA

ADDITIONAL COMMENTS

ONLINE SURVEY RESULTS
 STUDIO LUZ USED A SURVEY PLATFORM FOR THIS EXERCISE ON
 JOOTFORM.COM. THESE IMAGES ARE DIRECTLY FROM JOOTFORM.

Any additional comments?

Data	Responses
40 Responses - 42 Empty	1
We DO NOT need anymore traffic in the center of town. A one mile drive should not take 15 minutes.	1
The charm of Middleton is an agricultural and family oriented community. Don't turn it into Danvers, Peabody and God help us. Salem.	1
The area in question is very congested with traffic flow currently. Additional housing would only increase the traffic and congestion in the area.	1
Preserve and protect this central town recreational space already established for playground, soccer field, concert gazebo, walking paths and parking for recreational activities. Expand its community and recreational use by utilizing the town hall building for indoor related activities.	1
I'm not sure what those fields used for and who uses them.	1
Would love a bakery in town or some kid centered shops	1
Traffic congestion is too much and will only get worse once Angelica's property is developed. While it would be nice for the town to repurpose the the current building, it would cost too much money to do so. The town should tear it down and utilize the area for open space for the time being until a better solution is determined. The idea of possibly rerouting traffic from Boston Street through the property onto the old Hagan property sounds like a reasonable idea and should be explored if possible.	1
By adding 60 units and not addressing the traffic overflow our children will be at risk in the massive back ups of traffic and reckless driving as commuters seek alternative routes to avoid town center. Middleton needs to improve town services and the walkability of its community as part of this. There is not a true town center nor the ability to walk from end to end of 114 without putting yourself or your children at risk.	1
We desperately need a downtown area where people can actually have a reason to come to Middleton and not just drive through. With the library right there, this would be a great spot.	1
Town Hall is a historical focal point of our community. It should not be demolished. Keep for recreational use or possible site for summer program.	1
Please dont add more traffic. Leave the old charm of Middleton. An old fashioned community. Quaint new england.	1
These roads and infrastructure needs immediate upgrades. However with no room for widening, stop adding to the already horrendous	4

APPENDIX I: COMMUNITY ENGAGEMENT DATA

ADDITIONAL COMMENTS

ONLINE SURVEY RESULTS

STUDIO LUZ USED A SURVEY PLATFORM FOR THIS EXERCISE ON JOFORM.COM. THESE IMAGES ARE DIRECTLY FROM JOFORM.

Any additional comments?

40 Responses - 42 Empty

These roads and infrastructure needs immediate upgrades. However with no room for widening, stop adding to the already horrendous traffic situation. First, we need an in-depth traffic study of the whole intersection! Cars blow through the lights all the time because they are tired of waiting through multiple light cycles. These roads are obsolete!

Middleton could really use a great community center, somewhere for everyone to come together. There's always a parking lot and traffic light right there. An updated playground would also be great!

Given that this was the original Middleton schoolhouse, the structure should be preserved. There is no compelling reason to erase more of our town history. This entire building should become the new home of the Middleton Senior Center, Council on Aging and the Middleton Food Pantry. It will provide plenty of parking and access for the local seniors, access to the walking paths, green space and playground, and have plenty of room for each of these groups to flourish. This space allocated to these groups has already been significantly reduced in the plans for the new municipal center at the old golf course, so this would benefit everyone. The new municipal office construction will reclaim some expensive square footage, and the seniors and their support services will move into a much larger space. It will also make this space far more accessible to a larger number of patrons of these services. As for the soccer field, perhaps a community garden space, similar to the gardens over on Gregory Street. It would be a great way to engage the senior community and share their knowledge with the rest of the town.

Let's be realistic traffic is a huge issue. We don't need banks, dunks, mercantile etc we need to thin out Middleton square traffic as best we can. There is no magic bridge or tunnel we can afford but a 114w to 62c would be a step in the right direction

Move the fields to the new municipal building going on at the old golf course.

Keep it the same as it is no need for anything to change there. Some town halls are in much worse shape than Middleton. Just because the princess works downstairs. It doesn't mean she needs a wonderful beautiful brand new office.

Middleton has lost its small town charm.

I have been told the building is a money pit (needing major repairs) If so, although I loved this building in the fifties (free dancing school for us kids) I have seen the health and mental benefits of relaxing walking paths, stations for Yoga or meditation, a Peace garden, butterfly, sensory gardens, etc. I know groups that would help maintain it. Passive, beautiful spaces for ALL.

I would love to see the history of the town preserved. I don't mind the building being modernized inside to keep up with current building codes, but I would not want it to be demolished or changed drastically. Rent out to small businesses would be best. The lights at that intersection would have to change though to have a left hand arrow into Memorial Hall and potentially at the same time a left hand arrow up Boston St.

There is nowhere affordable to live in this town and I'm sick of the NIMBY attitude!!!

I don't mind historic buildings, but we need to be thinking about the environment we live in more now than buildings in memory, environmental think in a broader sense

APPENDIX I: COMMUNITY ENGAGEMENT DATA

ADDITIONAL COMMENTS

ONLINE SURVEY RESULTS
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JOFFORM.COM. THESE IMAGES ARE DIRECTLY FROM JOFFORM.

Any additional comments?

40 Responses - 42 Empty

I don't really have any strong opinions as to what the property is used for as long as the building is properly maintained. This is a beautiful piece of historic architecture which should be preserved. I fully support restorator work which preserves the architecture of the building. I understand that some renovations/updates will be required to meet the intended use, but I feel that such work should be done with intent of preserving the original building to the maximum extent practical.

Go forward with moving 62 and straighten out the traffic problem once and for all. be bought property for this purpose years ago what happened?

I would like to see it either kept the way it currently is or just torn down and keep the space for trees and greenery. I don't want any more housing developments.

No residential! Would like to see space for community use...yoga, art, crafts, coffee shop.

Traffic is the number one issue for all Middleton residents. Demolishing the structure and building a road that connects to route 62 is what will provide the town the most benefit.

I prefer minimal development so as to not affect traffic flow. I would also like a safe area where adults can walk.

Against anything that would cause more congestion in the center of town. As a resident of Boston street, the traffic at certain times of the day is awful. Any more housing, on top of the Angelica mess would create grid lock.

1

This building is a charming example of Middleton...The outside should not be altered in any way...

This building has historic it should not be altered in any way just rehabbed

I do not see commercial or residential use at this site. Retain for community center use. Past plans and execution for recreational use were sound and should be expanded upon. Do not throw away the existing park and recreation use.

We need more indoor recreational space especially for tweens/teens. They pack Parus and Cumberland's on half days and after school. They often then head over to the outdoor area regardless of weather. Indoor space would be huge for them as well as others. My thoughts: the first floor make community indoor recreational (e.g. board/table games, foosball, tables/chairs, separate area for younger kids with toys age appropriate. Possibly vending machines with snacks, cold and hot drinks. The second floor rental space to generate continuous income such as professional offices or minimal apartments. This would not increase traffic by much more than the current employee/resident use we currently have. Please do NOT entertain the idea of turning 62 through this property. It would cause such

1



APPENDIX I: COMMUNITY ENGAGEMENT DATA

ADDITIONAL COMMENTS

ONLINE SURVEY RESULTS

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We need more indoor recreational space especially for tweens/teens. They pack Paninis and Cumberland's on half days and after school. They often then head over to the outdoor areas regardless of weather. Indoor space would be huge for them as well as others. My thoughts: the first floor make community indoor recreational (e) board/table games, foosball, tables/chairs, separate area for younger kids with toys age appropriate. Possibly vending machines with snacks, cold and hot drinks. The second floor rental space to generate continuous income such as professional offices or minimal apartments. This would not increase traffic by much more than the current employee/resident use we currently have. Please do NOT entertain the idea of running 62 through this property. It would cause such upheaval to this neighborhood, create an unsafe playground and fields and reduce parking for said playground/park. The small benefit (I understand and agree traffic is a big issue) would not outweigh the great negatives. Our traffic issue needs much more thought than this. Thank you for listening to the residents. I am truly hopeful you will take our suggestions to heart.

Maybe they can put a community space for children to go for activities with the option for sport activities outside on the fields. The other idea is what about a community theater?

Thank you for providing us the opportunity to give input on this project.

Affordable housing should be prioritized.

Taxes have gone up enough. The golf course we bought has sat vacant for 5 years with no construction, just an increase of 50% or over \$30 million added to the total price tag on that one so far. How about buy the Angelica's property across the street and allow that and the Memorial Hall property to go back to nature, preserve a little of Middleton before it's all developed. With all the construction over the past decade the tax base has grown considerably. Where does all that money go? We should have an audit done, someone's getting rich.

Absolutely no residential housing units-rental or condominium. This space should be preserved for recreation serving children and adults, maybe a creative artist center.

I would like the building renovated, or have the town make it conservation land.

Given that Angelica's will be getting giant new residential and commercial buildings, please do not use this property in a manner that will create more traffic. Please no giant apartment buildings or retail spaces.

Virtual Community Engagement Workshop Results

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT IS MIDDLETON MISSING?

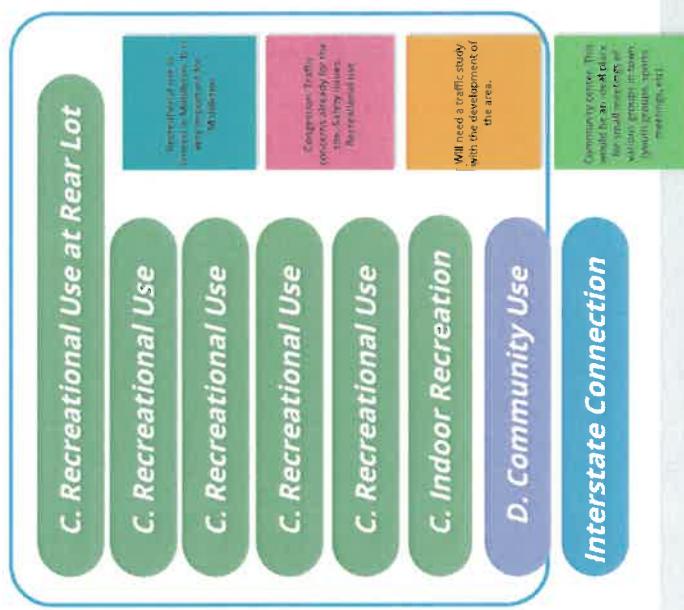
VIRTUAL COMMUNITY ENGAGEMENT WORKSHOP RESULTS

STUDIO LUZ USED A VIRTUAL WHITEBOARD FOR THIS EXERCISE ON CONCEPTBOARD.COM. THESE IMAGES ARE DIRECTLY FROM CONCEPTBOARD.

Personal Voice
Please tell us your thoughts.

What is Middleton missing?

- A. Residential Use
- B. Affordable Housing
- C. Recreational Use
- D. Community Use
- E. Retail Use
- F. Food & Beverage
- G. Municipal Use
- Other?



APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU LIKE TO SEE HERE?

Personal Voice
Please tell us your thoughts.

What would you like to see here?



VIRTUAL COMMUNITY ENGAGEMENT WORKSHOP RESULTS

STUDIO LUZ USED A VIRTUAL WHITEBOARD FOR THIS EXERCISE ON CONCEPTBOARD.COM. THESE IMAGES ARE DIRECTLY FROM CONCEPTBOARD.



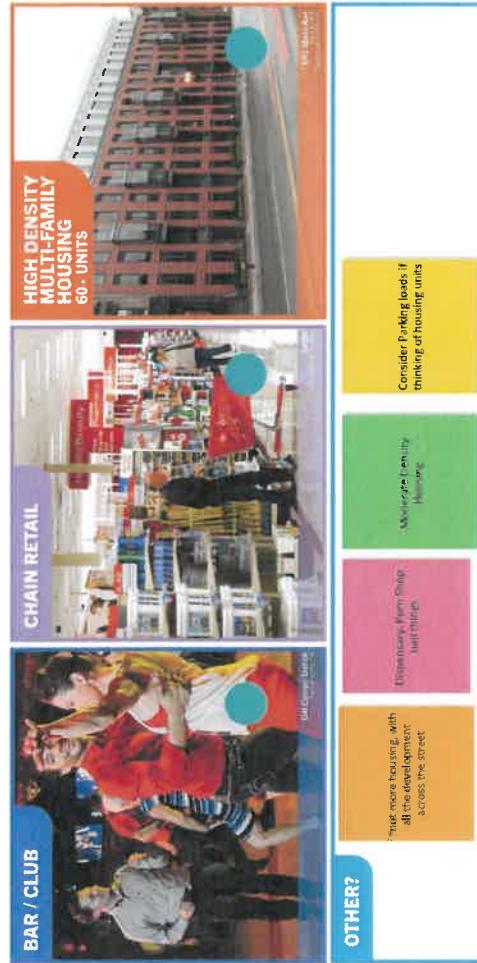
APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU NOT LIKE TO SEE HERE?

VIRTUAL COMMUNITY ENGAGEMENT WORKSHOP RESULTS

STUDIO LUZ USED A VIRTUAL WHITEBOARD FOR THIS EXERCISE ON CONCEPTBOARD.COM. THESE IMAGES ARE DIRECTLY FROM CONCEPTBOARD.

What would you NOT like to see here?



Please tell us your thoughts.
Personal Voice



APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT SITE APPROACH WOULD YOU LIKE TO SEE HERE?

VIRTUAL COMMUNITY ENGAGEMENT WORKSHOP RESULTS

STUDIO LUZ USED A VIRTUAL WHITEBOARD FOR THIS EXERCISE ON CONCEPTBOARD.COM. THESE IMAGES ARE DIRECTLY FROM CONCEPTBOARD.

Personal Voice

Please tell us your thoughts.

Which site approach would you like to see here?

Historic Facade is very important

5 colored dots (teal, pink, orange, green, yellow) for each approach

A. MINIMAL RE-USE
Minimal renovation to support new programming and re-use of the space.

B. EXPANSION
Increased building footprint to provide more square footage for new programming.

C. CREATIVE ADAPTATION
Demolish existing structure to allow space for new construction, while preserving the character of the historic facade (either by relocating the building or building in the current location)

5 colored dots (teal, pink, orange, green, yellow) for each approach

Personal Voice

Please tell us your thoughts.

Historic Facade is very important

5 colored dots (teal, pink, orange, green, yellow) for each approach



In-Person Community Engagement Workshop Results

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT IS MIDDLETON MISSING? (IN GROUPS)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

What is Middleton missing?

- A. Residential Use
- B. Affordable Housing
- C. Recreational Use / Open Space
- D. Community Programming
- E. Retail Use
- F. Food & Beverage
- G. Municipal Use
- Other?

- Historical Significance
- Main Street History
- Cultural Center
Music Lessons
Art
Farmer's Market
- Senior Affordable Housing
- Youth Center
-

Personal Voice
Please tell us your thoughts.



APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT IS MIDDLETON MISSING? (IN GROUPS)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

Personal Voice
Please tell us your thoughts.

What is Middleton missing?

- See play grounds ~~so~~ somewhat underused.
- C. Open space / parking / recreation
- Road away infrastructure to handle traffic volumes
- Maintain / enhance the recreational space.
- Some concern about outskirts being damaged / interrupted by road infrastructure
- Included.

- (1) B. Affordable housing -
- Putting in 60+ residents through a YOB
- Getting all count for day compliance, improving market is much less important

- (1) Open space, wouldn't get there
- Normal pizza! DDD! (no F)
- No retail use.

- A. Residential Use
- B. Affordable Housing
- C. Recreational Use / Open Space
- D. Community Programming
- E. Retail Use
- F. Food & Beverage
- G. Municipal Use
- Other?

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT IS MIDDLETON MISSING? (IN GROUPS)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

What is Middleton missing?

- Indoor recreation for kids
- Focus on green space (lack of)
- Keep Memorial Hall to retain the rural facade of the town.

- A. Residential Use
- B. Affordable Housing
- C. Recreational Use / Open Space
- D. Community Programming
- E. Retail Use
- F. Food & Beverage
- G. Municipal Use
- Other?

Personal Voice

Please tell us your thoughts.

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT IS MIDDLETON MISSING? (IN GROUPS)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

Personal Voice
Please tell us your thoughts.

What is Middleton missing?

- A. Residential Use
- B. Affordable Housing
- C. Recreational Use / Open Space
- D. Community Programming
- E. Retail Use
- F. Food & Beverage
- G. Municipal Use
- Other?

Affordable
C. playgrounds more
D. Recreation
Wait till the move to golf course
Recreational

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT IS MIDDLETON MISSING? (IN GROUPS)

IN-PERSON COMMUNITY
ENGAGEMENT WORKSHOP RESULTS

Personal Voice
Please tell us your thoughts.

What is Middleton missing?

- A. Residential Use
- B. Affordable Housing
- C. Recreational Use / Open Space
- D. Community Programming
- E. Retail Use
- F. Food & Beverage
- G. Municipal Use
- Other?

Recreational Use - Playground
Recreational Children's Space.
Other - Community Programming

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT IS MIDDLETON MISSING? (IN GROUPS)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

What is Middleton missing?

- A. Residential Use
- B. Affordable Housing
- C. Recreational Use / Open Space
- D. Community Programming
- E. Retail Use
- F. Food & Beverage
- G. Municipal Use
- Other?

recreation center
town hall → gym + fields + expanded
playground
affordable housing
(senior?)
transportation hub
Art Exhibit

Personal Voice
Please tell us your thoughts.

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU LIKE TO SEE HERE? (IN GROUPS)

What would you like to see here?



OTHER?

None of the above / community cultural center

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU LIKE TO SEE HERE? (IN GROUPS)

✓
What would you like to see here?

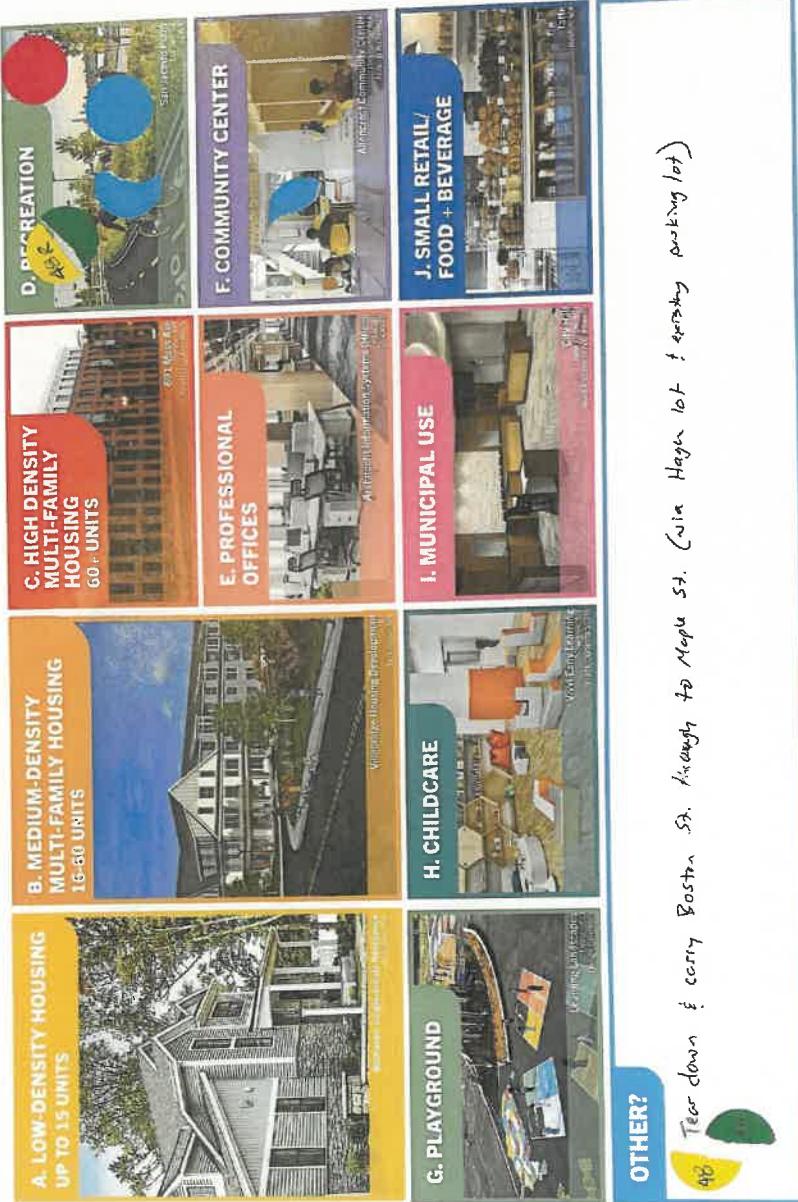
Personal Voice
Please tell us your thoughts.



APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU LIKE TO SEE HERE? (IN GROUPS)

What would you like to see here?



Personal Voice
Please tell us your thoughts.

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU LIKE TO SEE HERE? (IN GROUPS)

What would you like to see here?



Personal Voice
Please tell us your thoughts.

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU LIKE TO SEE HERE? (IN GROUPS)

What would you like to see here?



Personal Voice

Please tell us your thoughts.

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU LIKE TO SEE HERE? (IN GROUPS)

What would you like to see here?



Personal Voice
Please tell us your thoughts.

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU NOT LIKE TO SEE HERE? (IN GROUPS)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

Personal Voice
Please tell us your thoughts.

What would you NOT like to see here?



APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU NOT LIKE TO SEE HERE? (IN GROUPS)

Personal Voice
Please tell us your thoughts.

What would you NOT like to see here?



IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU NOT LIKE TO SEE HERE? (IN GROUPS)

What would you NOT like to see here?



Personal Voice
Please tell us your thoughts.

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU NOT LIKE TO SEE HERE? (IN GROUPS)

What would you NOT like to see here?



Personal Voice
Please tell us your thoughts.



APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU NOT LIKE TO SEE HERE? (IN GROUPS)

What would you NOT like to see here?



OTHER?

Personal Voice
Please tell us your thoughts.

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT WOULD YOU NOT LIKE TO SEE HERE? (IN GROUPS)

What would you NOT like to see here?



Please tell us your thoughts.

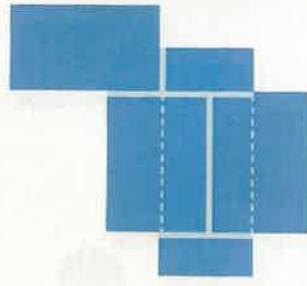
Personal Voice

APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT SITE APPROACH WOULD YOU LIKE TO SEE HERE? (IN GROUPS)

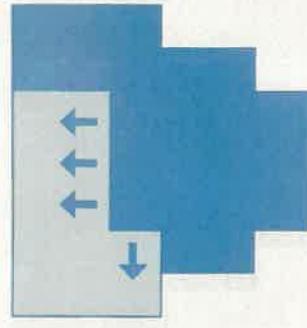
Personal Voice
Please tell us your thoughts.

Which site approach would you like to see here? ✓



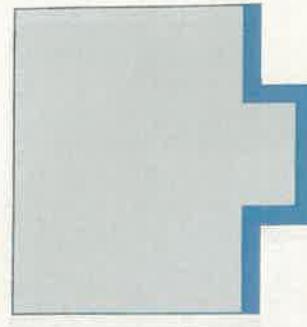
A. MINIMAL RE-USE

Minimal renovation to support new programming and re-use of the space.



B. EXPANSION

Increased building footprint to provide more square footage for new programming.



C. CREATIVE ADAPTATION

Demolish existing structure to allow space for new construction, while preserving the character of the historic facade (either by relocating the building or building in the current location)

D. Tear whole thing down / Rebuild

**All site approaches assume*

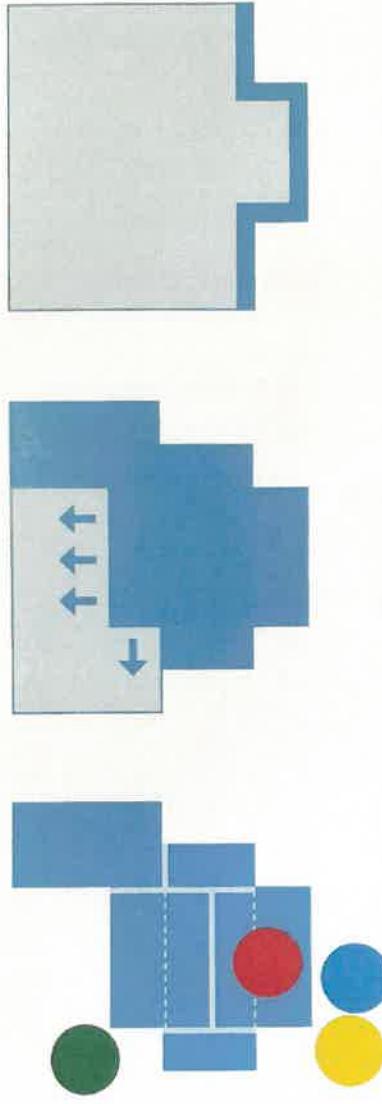
APPENDIX I: COMMUNITY ENGAGEMENT DATA

WHAT SITE APPROACH WOULD YOU LIKE TO SEE HERE? (IN GROUPS)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

Personal Voice
Please tell us your thoughts.

Which site approach would you like to
see here?



A. MINIMAL RE-USE

Minimal renovation to support new programming and re-use of the space.

B. EXPANSION

Increased building footprint to provide more square footage for new programming.

C. CREATIVE ADAPTATION

Demolish existing structure to allow space for new construction, while preserving the character of the historic facade (either by relocating the building or building in the current location)

**All site approaches assume preservation of the historic facade*

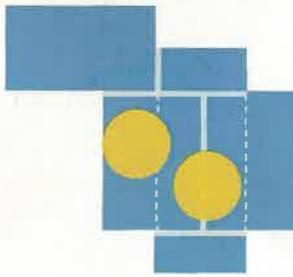
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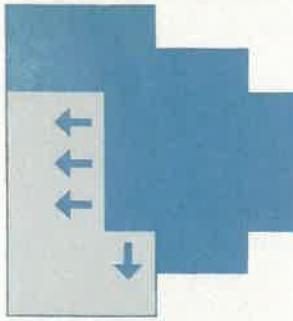
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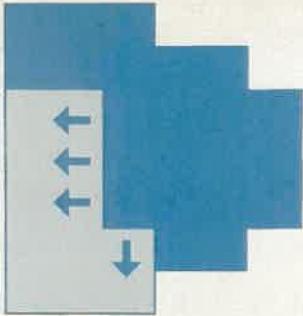


Personal Voice
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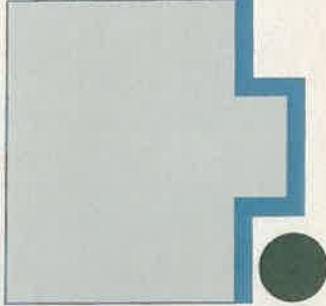
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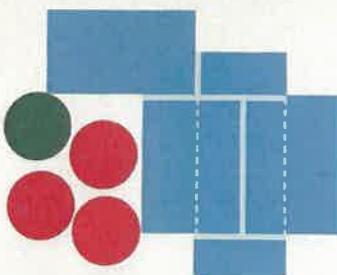
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IN-PERSON COMMUNITY
ENGAGEMENT WORKSHOP RESULTS

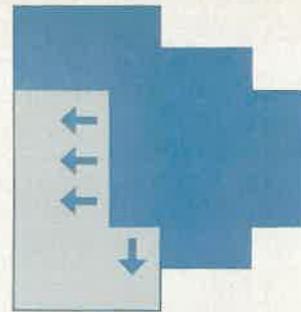
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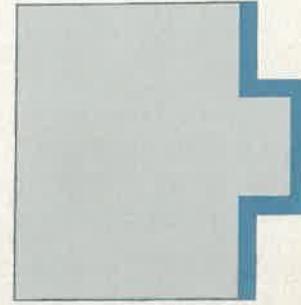
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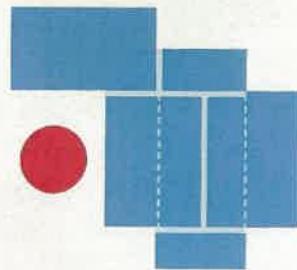
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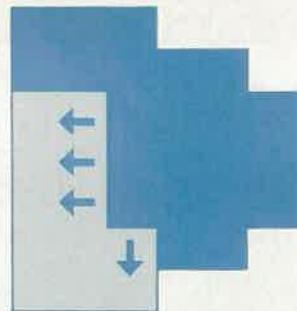
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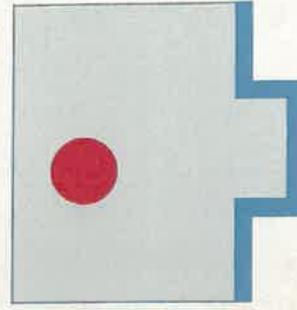
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APPENDIX I: COMMUNITY ENGAGEMENT DATA

BE THE ARCHITECT ACTIVITY (INDIVIDUAL)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

I AM A: PUBLIC OFFICIAL

Resident Business Owner Developer Community Volunteer Municipal Employee Other

What program stakeholder do you represent?

Other Nonprofit Community Group Restaurant / Food Service Professional Service Retail Other

Select the site strategy you are designing

Minimal Re-use Expansion Creative Adaptive Landscape / Permeable Landscaping / Materials

As a pair or individually, please write or draw on the site plan your vision for the future of the 49 & 49B parcels.

• What is a building/parcel?
• What type of programming do you have in mind for these parcels?
• What would you like to see in these parcels?

I AM A: FRIEND OF THE PARK

Resident Business Owner Developer Community Member Municipal Employee Other

What program stakeholder do you represent?

Other Nonprofit Community Group Restaurant / Food Service Professional Service Retail Other

Select the site strategy you are designing

Minimal Re-use Expansion Creative Adaptive Landscape / Permeable Landscaping / Materials

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What program stakeholder do you represent?

Other Nonprofit Community Group Restaurant / Food Service Professional Service Retail Other

Select the site strategy you are designing

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I AM A: FRIEND OF THE PARK

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• What type of programming do you have in mind for these parcels?
• What would you like to see in these parcels?

APPENDIX I: COMMUNITY ENGAGEMENT DATA

BE THE ARCHITECT ACTIVITY (INDIVIDUAL)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

I AM A: PLAYFUL PLACEMAKER

BE THE ARCHITECT!

Select the stakeholders you are designing for

- Resident
- Business Owner
- Developer
- Community Member
- Municipal Employee
- Other

What program stakeholder do you represent?

- Project Selective Site
- Community Group
- Restaurant / Food Service
- Professional Service
- Retail
- Other

FIELD 1

FIELD 2

Michael & wife

Ilyas

Training Manager

Landscape / Recreation

When is a placemaking event?

- When is a placemaking event?
- When is a placemaking event?
- When is a placemaking event?

You are a PLACEMAKER!

APPENDIX I: COMMUNITY ENGAGEMENT DATA

BE THE ARCHITECT ACTIVITY (INDIVIDUAL)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

APPENDIX I: COMMUNITY ENGAGEMENT DATA

BE THE ARCHITECT ACTIVITY (INDIVIDUAL)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

APPENDIX I: COMMUNITY ENGAGEMENT DATA

BE THE ARCHITECT ACTIVITY (INDIVIDUAL)

IN-PERSON COMMUNITY ENGAGEMENT WORKSHOP RESULTS

BE THE ARCHITECT!	
What program stakeholder do you represent?	What is your role in the project?
Resident	Community Member
Business Owner	Developer
Developer	Community Member
Community Member	Municipal Employee
Municipal Employee	Other
Other	Airport
	Professional Service
	Retail
	Other
	Landscaping / Maintenance

As a goal of sustainability, please add a green area to the map below you instead of the grey area!

What is your role in the project?

What program stakeholder do you represent?

Resident
Business Owner
Developer
Community Member
Municipal Employee
Other
Airport
Professional Service
Retail
Other
Landscaping / Maintenance

Business Statement

Business Owner

Developer

Community Member

Manufacturing Employee

Other

What program stakeholder do you represent?

Residential

Commercial

Nonprofit

Community group

Professional Service

Retail

Other

What are you building and for whom?

Residential

Commercial

Nonprofit

Community group

Professional Service

Retail

Other

As a participant, please write or draw on the site plan you think is the future of the 48 & 488 parcels.

Business Statement

Business Owner

Developer

Community Member

Manufacturing Employee

Other

What program stakeholder do you represent?

Residential

Commercial

Nonprofit

Community group

Professional Service

Retail

Other

What are you building and for whom?

Residential

Commercial

Nonprofit

Community group

Professional Service

Retail

Other

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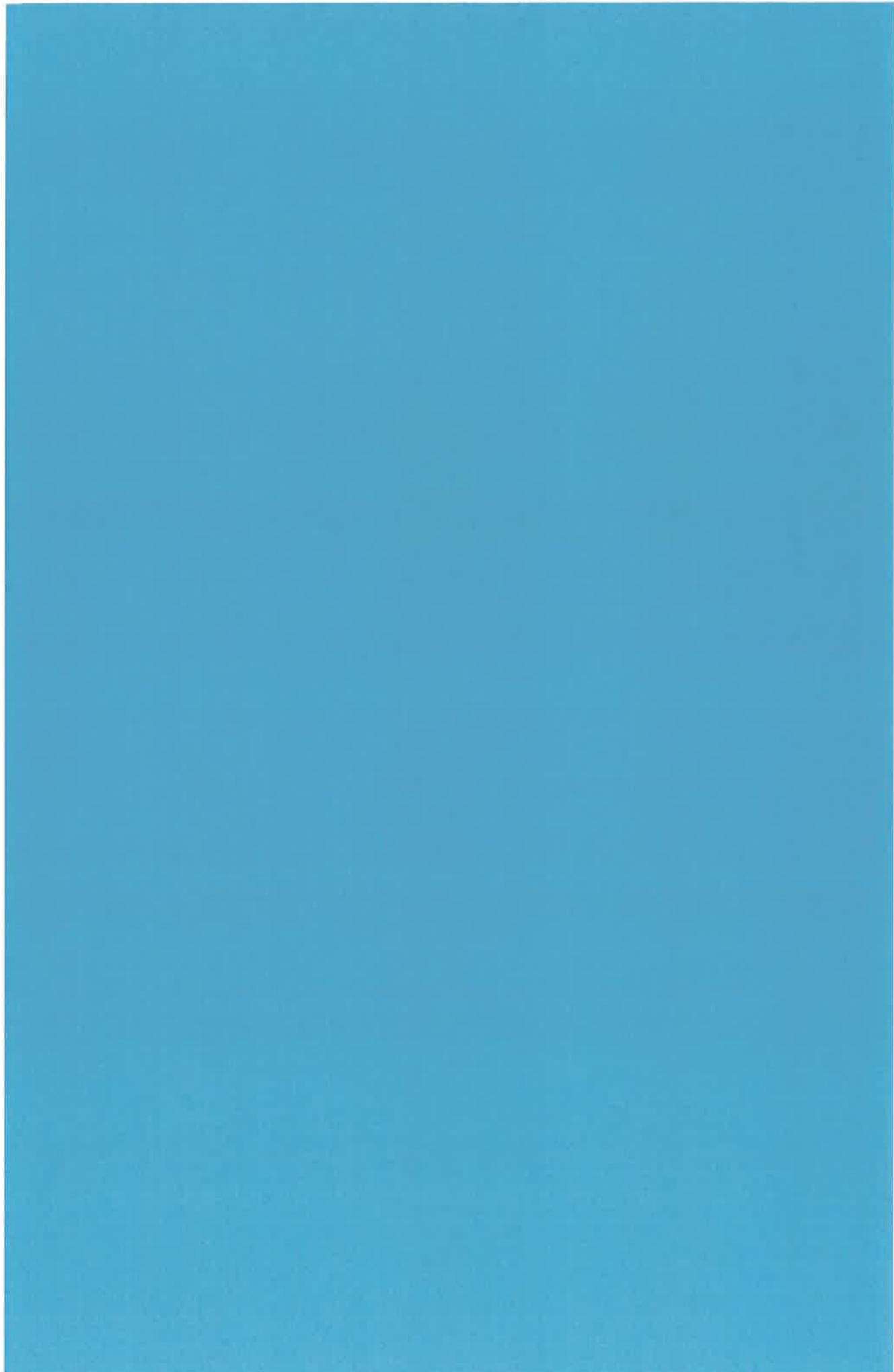
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1. Raynard, Shirley Paul. Middleton Historical Society. Images from America: Middleton. School Days, School Days, Dear Old Golden Rule Days. Page 99.
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3. Middleton History: Schools Past and Present: <https://www.wickedlocal.com/story/chronicle-transcript/2014/09/03/history-middleton-schools-past-present/36540840007/>
4. Middleton History: Schools Past and Present: <https://www.wickedlocal.com/story/chronicle-transcript/2014/09/03/history-middleton-schools-past-present/36540840007/>
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6. Massachusetts Rivers Protection Act: <https://www.mass.gov/doc/about-the-massachusetts-rivers-protection-act/download#:~:text=The%20Rivers%20Protection%20Act%20Chapter,slides%20of%20rivers%20and%20streams.>
7. FEMA: <https://www.fema.gov/glossary/zone-ae>
8. Hard copy plans utilized by Studio Luz from the Assessor's Office. For more information, visit: <https://middletonma.gov/316/Board-of-Assessors>
9. Zoning map produced by CAI Technologies for the Town of Middleton, 2016. <https://www.middletonma.gov/DocumentCenter/View/541/Zoning-Map-PDF?bId=10>
10. <https://middleton-mmrc.com/design-development-phase>
11. <https://villebridge.com/middleton>
12. <https://dibiasocompanies.com/portfolio/blu-haven/>

9. Appendix

References & Citations



10
B

A REAL ESTATE APPRAISAL REPORT

Prepared for

THE TOWN OF MIDDLETON, MA

by

MINCO CORPORATION

DATE OF VALUATION: August 23, 2024

DATE OF INSPECTION: August 23, 2024

DATE OF REPORT: August 29, 2024

For the Property Identified As

Map 14, Lots 3/Z & 52
and
Map 20, Lot 27/Z

AKA / 49 LOCUST STREET
MIDDLETON, MASSACHUSETTS

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MINCO

CORPORATION

August 29, 2024

Justin Sultzbach, Town Administrator
Town of Middleton
48 South Main Street
Middleton, MA 01949

Dear Mr. Sultzbach:

In answer to your request and authorization, we have performed an appraisal of the fee simple interest of three contiguous parcels of land identified as Assessors parcels as Map 14, Lots 3/Z & 52 and Map 20, Lot 27/Z, Middleton, MA. For purposes of this appraisal, they will be referred to collectively as 49 Locust Street.

This appraisal report is intended to comply with the reporting requirements set forth under Standards Rule 2 of the Uniform Standards of Professional Appraisal Practice (USPAP). This report presents discussions of the data, reasoning and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning and analyses are retained in our file. The depth of discussion contained in this report is specific to the needs of the client. The appraiser is not responsible for unauthorized use of this report.

This appraisal is made subject to limiting conditions and underlying assumptions set forth in this appraisal, including those regarding the presence of asbestos, lead paint, or hazardous waste as governed by applicable state, local or federal laws. The information contained herein is considered confidential in nature and is specifically prepared for the exclusive use of Town of Middleton for municipal planning.

In our opinion, the market value of the fee simple interest of the subject property as of August 23, 2024 is as follows:

Scenario 1: 12 Lots of 40,000 and greater	\$2,945,000
Scenario 2: 17 lots from 10,000 to 16,000 SF	\$3,140,000

This valuation assumes marketing and exposure times of three to six months.

Respectfully submitted,
Minco Corporation



John F. McCarthy, Senior Vice President
MA Certified General Appraiser #401
File #: C23121179.27

SUMMARY OF SALIENT FACTS

LOCATION	Assessors M/L 20- 27Z, 14/52 & 3Z aka / 49 Locust Street, Middleton, MA
OWNER OF RECORD	Town of Middleton
CURRENT DEED	Essex County South Registry of Deeds Book 17704, Page 498 and Land Court Document 419594.
PROPERTY TYPE	Undeveloped Residentially Zoned Land
LAND AREA	18.25 +/- acres
ASSESSED VALUE	\$978,300
CURRENT TAXES	Exempt - Town owned land
ZONING	R-1B Residential
HIGHEST AND BEST USE	residential development
EXTRAORDINARY ASSUMPTION	yes, see page 9
HYPOTHETICAL CONDITION	yes, see page 9
EASEMENTS OR RESTRICTIONS	yes, see deeds
INTEREST APPRAISED	Fee Simple
DATE OF VALUATION	August 23, 2024
DATE OF INSPECTION	August 23, 2024
DATE OF REPORT	August 29, 2024
INTENDED USE	Municipal Planning
INTENDED USER	Town of Middleton
MARKET VALUE	
Scenario 1: 12 Lots of 40,000 +	\$2,945,000
Scenario 2: 17 lots-10,000 to 16,000 sf	\$3,140,000

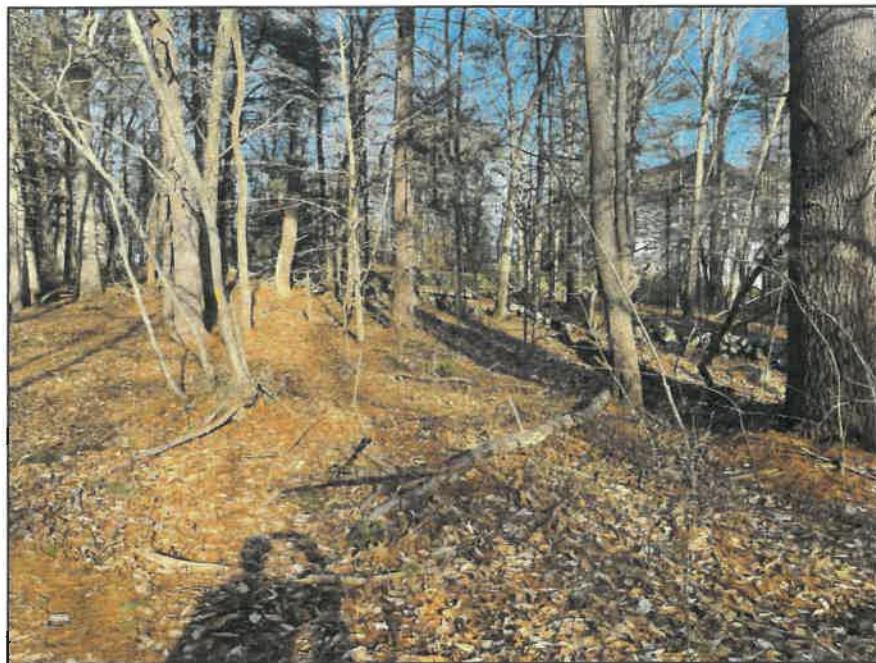
SUBJECT PROPERTY PHOTOGRAPHS (photos take January 15, 2024)



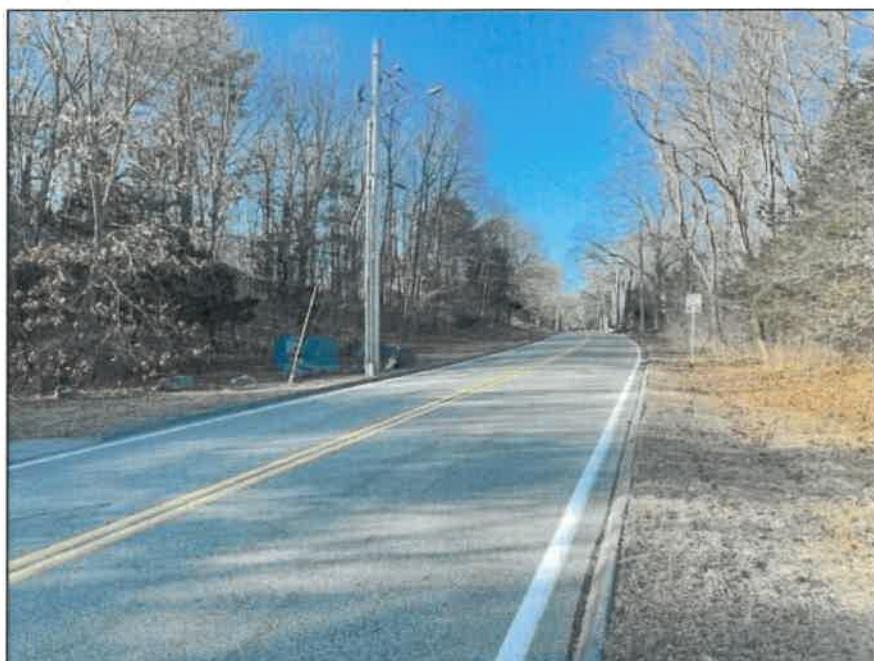
SUBJECT PROPERTY PHOTOGRAPHS



SUBJECT PROPERTY PHOTOGRAPHS



SUBJECT PROPERTY PHOTOGRAPHS
LOCUST STREET NORTHEAST AND SOUTHWEST RESPECTIVELY



SCOPE OF WORK

The appraiser was engaged by the client to appraise the market value of the subject property. It is my understanding that this report will be used by the client for possible sale negotiation purposes. The property was most recently inspected on August 23, 2024 and this is the effective date of value. To develop the appraisal, the property was inspected and public records and the client were used to obtain this information. These sources include, but were not limited to, municipal records and the registry of deeds.

The Sales Comparison was developed in this appraisal as this is the primary form of valuation of undeveloped residential land. In gathering market data, the following sources were used: CoStar, Loopnet, Banker and Tradesman / Warren Group, Multiple Listing Service Property Information Network (MLS-PIN), real estate agents, brokers, appraisers and other professionals knowledgeable of the market area. This appraisal report contains sufficient data and analysis for the client to make an informed business decision. Supporting documentation is retained in my file.

EXTRAORDINARY ASSUMPTION

According to USPAP, an extraordinary assumption is "...directly related to a specific assignment, which, if found to be false, could alter the appraisers opinions or conclusions." This appraisal is subject to the extraordinary assumption that restrictions and conditions stated in the subject deeds do not affect the portion of the parcels that are the subject of this appraisal or the hypothetical development of the subject property.

HYPOTHETICAL CONDITION

According to USPAP, a hypothetical condition "...is known to be false but is presumed to be true." This appraisal is subject to the hypothetical condition that the subject property can be developed in accordance with the conceptual plans presented in this report.

INTEREST APPRAISED

The subject property is appraised in its Fee Simple interest. Fee Simple, is "a fee without limitations to any particular class of heirs or restrictions, but subject to the limitations of eminent domain, escheat, police power, and taxation. An inheritable estate."¹ In other words, Fee Simple assumes that the property is appraised as if free and clear of liens or other encumbrances, except for any existing or proposed easements or other restrictions as noted in this report. No trade fixtures, personal property, specialized equipment, intangible items, or business value (going concern) is included in the value indication set forth in this report. As requested, we've appraised only the subject real estate.

1. Boyce, Burl N., ed., Real Estate Appraisal Terminology, Revised Edition, Cambridge, Massachusetts, Ballinger Publishing Company, 1984, p. 102.

DEFINITION OF VALUE

Market Value

As used in this report, Market Value is defined as: *The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, and knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (i) buyer and seller are typically motivated; (ii) both parties are well informed or well advised, and acting in what they consider their best interests; (iii) a reasonable time is allowed for exposure in the open market; (iv) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; (v) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.*²

EXPOSURE TIME

According to USPAP, an appraisal must state an opinion of reasonable exposure time linked to a market value opinion. In USPAP, exposure time is defined as follows: "the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of appraisal; a retrospective opinion based on an analysis of past events assuming a competitive and open market." Based on our study of the marketplace, this appraisal of market value assumes a market exposure time of three to six months prior to the date of the appraisal. Exposure time differs from marketing time which, according to USPAP, is defined as: "an opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal." If offered for sale, the forecast marketing time is three to six months, if priced relative to our market value opinion.

OWNERSHIP HISTORY

The subject property is under the ownership of the Town of Middleton which acquired the subject parcels in two separate transactions. On August 14, 2001, Alan E. Weber sold three parcels of land to the Town of Middleton, identified in a deed at the Essex County South in Book 17704 Page 498 in consideration of \$1,750,000.

A small parcel of land having frontage on Locust Street identified as Lot 43 on Land Court Plan 16270K was grant to the Town of Middleton by Thomas J. Flatley for nominal consideration on December 9, 2002. Copies of these deeds are in the addendum. Restrictions and conditions stated in the deeds do not appear to affect the parcels that are the subject of this appraisal. The subject property has not been offered for sale in the past five years.

² *Interagency Appraisal and Evaluation Guidelines, December 10, 2010, Federal Register, Volume 75, Number 237, Page 77472*

PROPERTY TAX INFORMATION

The following is assessment information applicable to the subject property as it appears in municipal records at the Middleton Assessors Office. All parcels are unimproved and have a land value only.

Assessors Address	Locust St.	Locust St.	Locust St.
Parcel ID	14 / 3 / Z	20 / 27 / Z	14 / 52
Assessment*	\$ 23,900	\$632,600	\$321,800
Total Assessment	\$978,300 Total		
Tax Rate	\$11.79/\$1,000 (Single Tax Rate - Fiscal Year 2024)		
Annual Taxes*	Exempt - Town Owned Land		

Middleton assessments are effective July 1, 2023, for Fiscal Year 2024. The subject property is town owned and exempt from taxes. Middleton recognizes a single tax rate for all classifications of real estate. It is noted that while the subject's assessment is lower than our valuation, assessments for tax exempt properties are typically unreliable.

LOCATION

Town of Middleton

Middleton is in northeastern Massachusetts, in central Essex County. It is bordered by Peabody and North Reading to the west, North Andover and Boxford to the north and North Andover and Topsfield to the east. The town's population is about 9,750 persons and total land area is 14.45 square miles. Middleton is conveniently located just north of the Interstate Route 95 (I-95) and Route 1 interchanges in neighboring Danvers and Peabody. Route 114 is the primary roadway in town, connecting with North Andover at the north and Danvers at the south. Route 62 is the other state-numbered roadway in town.

Boston is about 35 minutes driving time, via I-95. There is no Massachusetts Bay Transportation Authority (MBTA) commuter rail service in Middleton, but there is access in nearby Andover, Reading and Beverly. Logan International Airport in Boston provides the nearest scheduled air service, while Beverly Municipal Airport in neighboring Danvers and Lawrence Municipal Airport in North Andover provide the nearest general aviation service. The overall quality of this access is considered good for the area.

Middleton has an Open Town Meeting form of government. A part-time elected selectboard appoints a full-time town administrator. Town services are typical of medium-sized suburban communities in this area and include full-time fire and police departments, and K-12 school system. There is one elementary school that serves children from grades one through five, while middle and High School students attend Masconomet Regional School in neighboring Boxford. Middleton is served by municipal water and electricity. There is no public sewer in the town. Some areas of town are serviced by natural gas.

Middleton has experienced considerable commercial growth along the Route 114 corridor during the past 20 or so years, including retail properties of various types. Despite this, the town is primarily a bedroom community. Most residents commute to the greater Boston area to work.

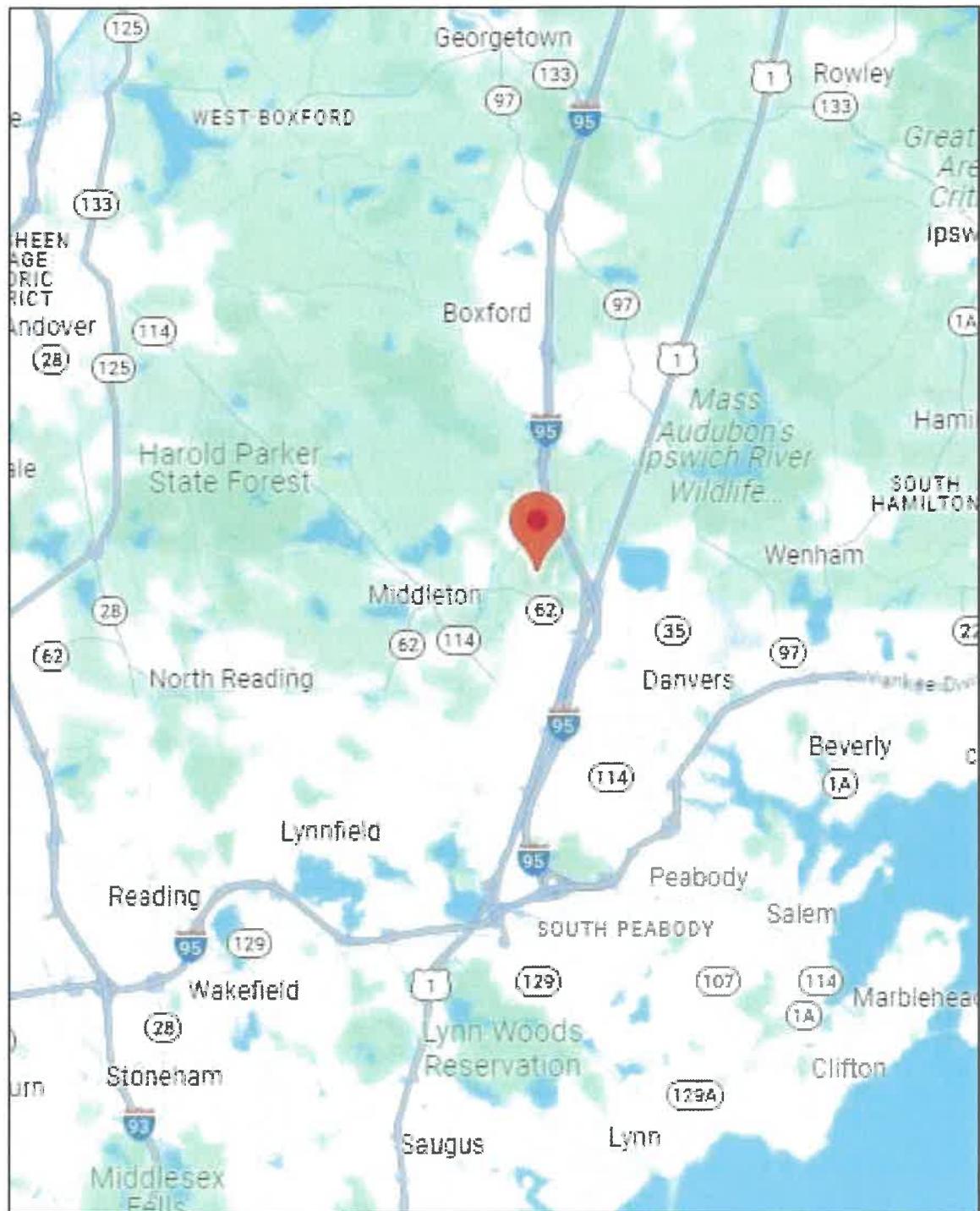
Single-family dwellings make up the majority of the housing units in Middleton. According to MLS-PIN, there are just 8 current offerings of single-family dwellings priced from \$399,999 to \$2,350,000, with an average asking price of about \$1,196,600 or \$429 per square foot of gross living area (GLA). The average days on market (DOM) is 95. There are 4 houses currently under contract to be sold, with an average asking price of \$1,220,950 or \$425 per square foot and 45.5 DOM. There were 24 sales over the past six months with an average sale price of \$1,028,975 or \$353 per square foot of GLA. The limited new construction single-family offerings in the town are typically priced in excess of \$1,250,000. There have been three new home sales in the last twelve months. New homes in Middleton, when available, tend to move very quickly.

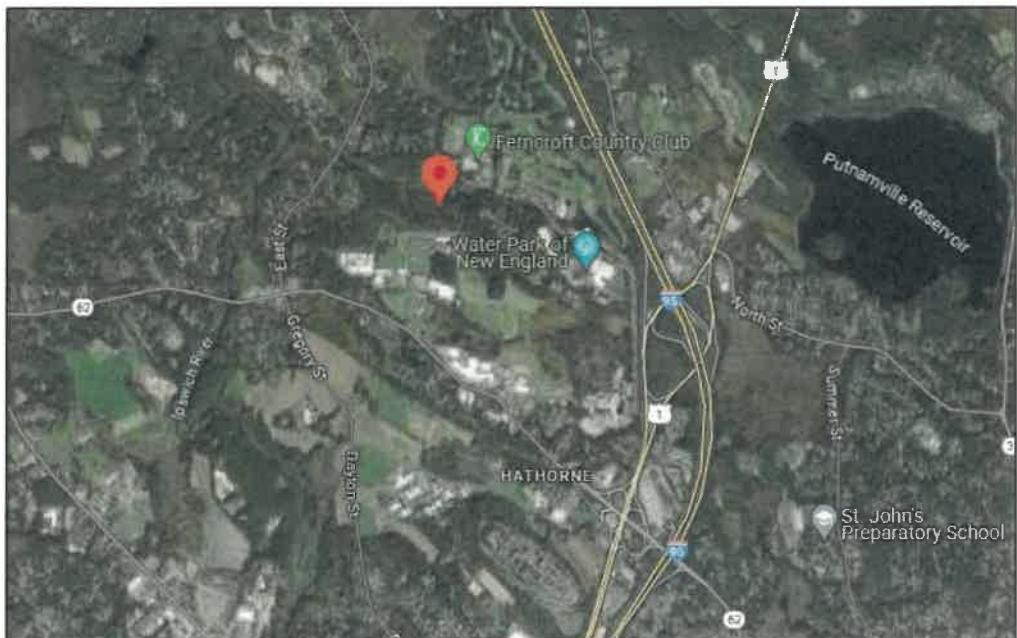
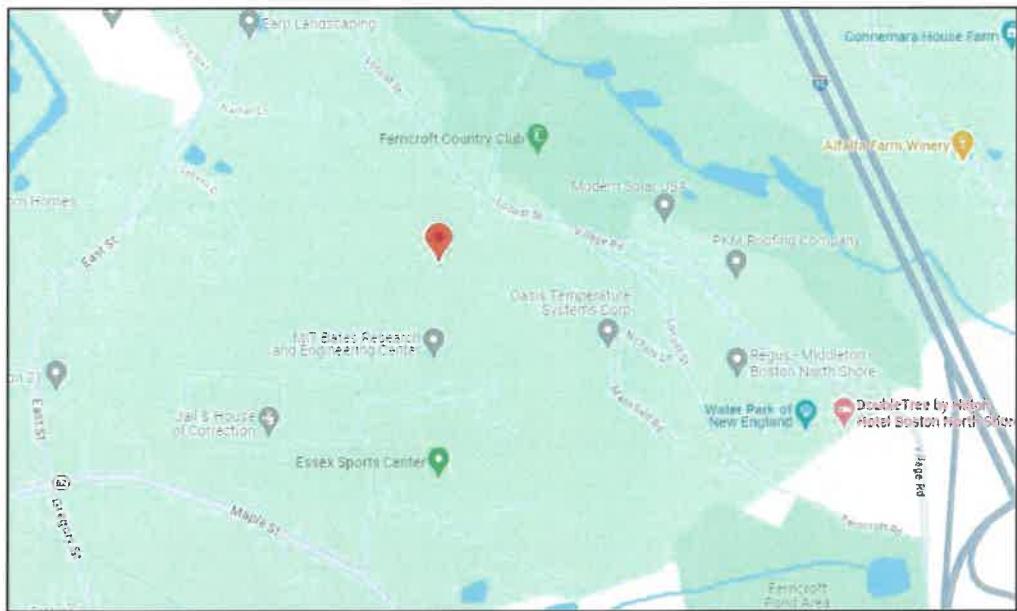
Demographics

Middleton has about 3,260 housing units of which about 87 percent are single-unit dwellings. Town occupancy is about 96 percent and 92 percent of units are owner-occupied. The average value of owner-occupied units is about \$625,800. There are about 3,120 households, of which 86 percent are married couples. The average household size is 2.7 and the median age is about 46 years. About 43 percent of the population is female and 57 percent is male.

About 90 percent of adults have a high school diploma and about 37 percent have a bachelor's degree or higher. The median household income is about \$155,500 and the median per capita income is about \$60,850. About 31 percent of households earn more than \$200,000 annually and about 14 percent earn less than \$50,000. About 3.7 percent of the population is below the poverty level, including 2.0 percent of children under the age of 18 and 5.0 percent of adults over the age of 65. The average travel time for commuters is about 33 minutes, with 81 percent driving alone.

REGIONAL MAP
(not to scale)





Neighborhood

The subject property is on Locust Street in the extreme easterly central portion of the town. Locust Street is accessed from East Street about one half mile west and Ferncroft and Village Roads and the Danvers town line to the southeast. Access to Interstate Routes 1 and 95 are within about a four mile ride to the southeast. Highway access is good overall.

The neighborhood is predominantly residential in nature with mostly single family homes from the subject to the north and west and a mix of residential condominiums and apartments to the south and east. The Ferncroft Country Club is just across from the subject. This is a private golf and recreational club which has been around since 1970. Nearby and adjacent to the club are developments of high-end single family and attached condominiums. Located south and east from the subject on Village Road is Ironwood on the Green at Ferncroft. This consists of two, seven story buildings of luxury condominiums. Just southeast of that is the Ferncroft Tower, a twelve story condominium building constructed in 1977. On the south side of the subject neighborhood, accessed from State Route 62, are industrial uses along with the Essex County House of Correction. The mixture of uses in the neighborhood are long-standing and appear to be in harmony. The neighborhood is desirable for residential living due to its highway access, setting and town amenities. No detrimental conditions were observed.



ECONOMIC & MARKET CONDITIONS

Despite almost universal expectations to the contrary, the U.S. economy did not fall into recession in 2023. A 4.9 percent annualized growth rate in Q3 of 2023 surprised most analysts. This was on the heels of about 2.25 percent annualized growth in the first half of the year. Much higher borrowing costs over the past two years have not yet slowed economic activity as expected. Many economists now see a Federal Reserve (Fed) engineered “soft landing” and perhaps avoiding a recession entirely in 2024.

Yet there is evidence of a slowdown in certain sectors of economic activity. Manufacturers report that demand for new products fell, resulting in a decline in factory activity for more than a year. The (national) housing market saw both sales transactions and prices drop in 2023 as higher mortgage rates and still-elevated prices eroded affordability. Conversely, demand for services remained strong, with travel, entertainment, and dining out keeping that sector in expansion mode.

The Fed has made some headway in its attempt to tamp inflation down. The personal consumption expenditures price index (PCE), the Fed's preferred measure of inflation, eased from its peak of 7.1 percent in June 2022 to 3.0 percent in October of 2023. Core PCE, which excludes food and energy prices, has been slower to retreat but edged lower to 3.5 percent in October 2023.

Despite tightening financial conditions and higher business costs, the labor market remained resilient. Employers had become cautious in trimming staff during the post-pandemic period, when hiring was difficult. Initial claims for unemployment remained low and job openings high, although the total number of job openings declined fairly dramatically in the second half of 2023. A high percentage of new jobs created in Q4 of 2023 were part-time positions.

Recent revisions to economic data show that households spent at a slower pace than was previously reported, and business investment weakened in response to higher borrowing costs. These trends are expected to continue, which should slow the economy in the coming months.

Bank Failures In 2023

There were three large bank failures in March 2023, including two in the U.S. (Silicon Valley Bank and Signature Bank) and one in Switzerland (Credit Suisse Group AG). As a result, there was cause for concern of major trouble looming in the banking sector. However, only two more major banks failed in the U.S. through the end of 2023, alleviating this concern, at least for the near term. Across the banking industry, the total number of branches fell for the 14th straight year in 2023. There were 77,690 active bank branches nationwide at the end of October 2023, according to S&P data, down from 79,000 branches at the end of 2022, a decline of about 1.7 percent.

Macro Economic Analysis

The Covid-19 Pandemic-induced economic shutdown in March 2020 is still impacting the economy in various ways. The U.S. Congress, the U.S. Treasury Department, and the U.S. Federal Reserve Bank (Fed) combined forces to inject about \$5 trillion of liquidity into the economy beginning in March 2020. Unlike previous bailouts, where financial institutions were the primary beneficiaries, these funds were put into the hands of businesses, institutions, and consumers. The result was that demand for all types of goods and services increased dramatically, while pandemic-related shutdowns hampered supply chains, causing worldwide shortages of key resources like petroleum products, lumber, and food.

The Fed balance sheet stood at \$7.6 trillion at the beginning of 2024, down from \$8.7 trillion a year earlier, but up from \$4.2 trillion prior to the pandemic. To put that in perspective, the Fed balance sheet had never exceeded \$1 trillion prior to March 2008. The U.S. Federal Budget deficit stood at \$1.7 trillion in early 2024, up from about \$723 billion a year earlier but down from the average of about \$3.0 trillion in 2020 and 2021. The 2022 decline in the annual deficit was due to dramatically higher tax receipts in 2022 and early 2023 due to inflation-assisted economic activity. This trend reversed in 2023 as stimulus liquidity was drained from the economy.

The pandemic disrupted supply chains significantly, resulting in dramatic inflation in 2021 and 2022, rising to about 9.0 percent by mid 2022. While price increases dropped to about 3.0 percent annualized by the end of 2023, supply chain disruption was prolonged by the Russia-Ukraine War and was further threatened in early 2024 by the Hamas blockades of the Red Sea shipping lanes. Shippers are reporting two to three times higher costs resulting from the necessary re-routing.

Crude oil futures peaked at about \$92 per barrel in September 2023, but were hovering between \$70 and \$75 in early 2024. Recent price declines are attributed to recessionary economic activity in other parts of the world, particularly Europe. OPEC cut oil production in early 2023 and announced in early 2024 that they would cut crude oil production by 2.2 million barrels per day for the foreseeable future in order to keep prices high.

The U.S. stock markets continued to flirt with new all-time highs in early 2024. The Dow Jones Average reached a new all-time high of about 38,000 in early January, as did the S&P 500 at nearly 4,800. The tech-heavy NASDAQ was about 7.5 percent below its November 2021 peak of about 16,000. Bond markets continued to struggle in the wake of much higher interest rates over the past two years. Following several strong years, most sectors of real estate struggled in 2023, again in the aftermath of increasing borrowing rates.

Cryptocurrencies (cryptos) continued to gain acceptance in 2023. Bitcoin is the best known and is considered to be different than other cryptos, due to its fixed supply and decentralized management. As a result, Bitcoin is considered a commodity by the Securities and Exchange Commission (SEC), while other cryptos are considered securities.

Despite recent fluctuations in price, these attributes result in Bitcoin being considered a reliable store of value. After reaching an all-time high price of more than \$63,000 per “coin” in November 2021, the price collapsed to less than \$17,000 in late December 2022 in the aftermath of the FTX scandal. Since then, however, the price returned more or less steadily to nearly \$46,000 by early 2024. On January 10, 2024, the SEC approved Bitcoin / crypto exchange traded funds (ETFs), which will allow investment firms to add the asset to their IRA 401K offerings. Due to the expectation of greatly increased demand, the price is expected to climb to new highs by mid year. Many long-term proponents believe as public adoption continues to increase the price fluctuations will flatten and price will continue to rise over time.

Between 2012 and 2020, real U.S. Gross Domestic Product (GDP) growth averaged about 2.2 percent annually. Between the 1970s and the 1990s, average annual GDP growth was 3.3 percent. Between 1996 and 2000 (the dot com run-up), GDP growth ranged from 3.8 to 4.7 percent and averaged 4.3 percent. In 2019, the last year of the previous recovery, real GDP grew by about 2.3 percent for the year. In 2020, GDP contracted by 3.5 percent on the heels of the pandemic. GDP grew by 5.7 percent in 2021, but a good deal of this was due to inflation. Following GDP contraction in the first half of 2022, the economy rebounded in the second half of the year to an annualized year-over-year growth rate of 2.1 percent. As stated previously, GDP growth was stronger than expected in 2023, particularly in Q3.

Prior to the pandemic, the expectation was for GDP growth of less than 2.0 percent in 2020 and the years that followed. The continuing demographic shift is a major issue in the expected GDP growth rate decline, as the U.S. birth rate is currently 1.8 per family, less than the rate of 2.1 required for “zero population growth.” The U.S. rate of population growth has been bolstered in recent years by immigration, both legal and illegal. The rates of population growth in other developed nations, particularly Europe, are much less than in the U.S.

Interest Rates / Money Supply / Inflation

At an emergency meeting on March 3, 2020, the Fed announced a 50 basis point rate cut in response to financial turbulence resulting from the pandemic-related economic shutdown. Less than two weeks later, the Fed cut the rate by another 100 basis points resulting in a Federal Funds Rate range of zero to 0.25 percent. Over the next 14 months, the Fed and the U.S. Treasury added nearly \$3.0 million in stimulus to the economy. Since then, another \$2.0 trillion or so has been added, resulting in a total of \$5.0 trillion of new spending power in the economy added since the pandemic.

Consequently, demand for all types of goods and services increased dramatically. This, combined with pandemic-related supply chain issues, led to a dramatic increase in inflation, with the core inflation index topping out at about 9.0 percent in mid 2022.

At its Open Market Meeting (OMM) on June 10, 2020 (about three months into the pandemic), the Fed announced that the Federal Funds rate would remain unchanged

through the end of 2022. The Federal Funds rate is the interest rate at which depository institutions (banks and credit unions) lend reserve balances to other depository institutions overnight, on an uncollateralized basis. In early 2021, the Fed announced that rising inflation at that time would be “transitory” (short-term), a statement that proved to be more than a bit embarrassing, and a retraction was issued in November 2021. As inflation continued to increase, the Fed changed course. Starting at its March 15, 2022 OMM. The Fed raised its key interest rate a total of 11 times in 2022 and 2023 from a range of zero to 0.25 percent up to a range of 5.25 to 5.50 percent (the highest in 22 years) at the July 13, 2023 OMM. The U.S. annualized inflation rate rose to 9.1 percent by mid 2022, the highest since November 1981. Since then, the rate of annualized inflation has declined steadily to 3.0 percent by the end of 2023.

Increases in asset prices were the primary backbone of the post 2008 / 2009 economic recovery, driven largely by historically low short-term interest rates keyed-in by the Fed. Inflation and the resulting currency debasement remain concerns for the near future. There is increasing interest in hard assets like precious metals, fine art, and other collectibles. In addition, there has been growing interest in crypto currencies, which are seen as potential replacements (worldwide) for fiat money.

Unemployment

By February 2020, the U.S. unemployment rate had dropped to 3.5 percent. Between October 2010 and February 2020, the U.S. economy added jobs for 113 consecutive months. Nearly 20 million jobs were added during this period. However, in April 2020, the unemployment rate rose to 14.7 percent in the wake of the Coronavirus Pandemic economic shutdown. This was the highest unemployment rate since the Great Depression. About 22 million jobs were lost in only three months, more than double those jobs that were created during the recent ten-plus year recovery.

In July 2024, the U.S. unemployment rate was 4.3 percent. The number of unemployed increased by 352,000 to 7.2 million people. These measures are higher than a year earlier when the jobless rate was 3.5 percent and the number of unemployed people was 5.9 million.

Among the unemployed, the number of people on temporary layoff increased by 249,000 to 1.1 million in July. The number of permanent job losers changed little at 1.7 million. The number of long-term unemployed changed little at 1.5 million in July. This measure is up from 1.2 million a year earlier. The long-term unemployed accounted for 21.6 percent of all unemployed people in July.

“U-6,” the broadest category of the unemployment rate, was 7.8 percent in July 2024, up considerably over the three months prior of 7.4 percent and up from 7.1 percent in July 2023. It is a good deal lower than the 18.3 percent rate in May 2020, just past the peak of the pandemic shutdowns. The U-6 rate was 8.9 percent in February 2020. The current rate is also less than the 17.2 percent rate at the peak of the 2007 / 2008 Great Recession. The U-6 rate includes everyone in the official unemployment rate plus marginally attached

workers, meaning those who have stopped looking for work. The main unemployment rate includes everyone who actively sought work in the previous four weeks. Many non-economists feel that the U-6 is the “real” unemployment rate.

The average hourly earnings for employees on private nonfarm payrolls in July 2024 was \$35.07, or 0.2 percent from June and up by 3.6 percent year-over-year. The average hourly workweek for all employees on nonfarm payrolls was 34.2 hours, down by 0.1 percent from June.

The labor force participation rate, at 62.7 percent, changed little in July but was up from 62.7 percent in June and unchanged from 62.7 percent in May. The current rate remains below the pre-pandemic rate of 63.4 percent in February 2020. The labor force participation rate is defined as the percentage of people over age 16 who either have a job or are actively searching for one. This rate peaked at 67.3 percent in January of 2000 and the recent high was 66.4 percent in January 2007. The change in total nonfarm payroll for May was revised down by 2,000, from +218,000 to +216,000, and the change for June was down by 27,000, from +206,000 to +179,000. With these revisions, employment in May and June combined is 29,000 lower than previously reported.

Despite the optimistic employment reports, there are concerns, particularly in the high-paying high technology sector. Technology firms have cut more than 190,000 jobs since the beginning of 2022, according to Layoffs.fyi, a website that tracks job cuts in the industry. Analysts say the job losses are likely indicative of future layoffs across a spectrum of industries within the labor market. Alphabet Inc., Google's parent company, became the latest technology company to reduce its workforce, announcing in mid January that it plans to cut 12,000 jobs, or about six percent of its workforce. Microsoft also announced that it will cut 10,000 jobs while Amazon has begun the process of cutting 18,000 employees. Other notable tech firms that announced major layoffs recently include Twitter, Salesforce, and Facebook's parent company, Meta.

The number of job openings was about 8.2 million U.S. job openings as of the last day of June 2024. This was down by 941,000 over the year. The job openings rate held at 4.9 percent in June. Job openings increased in accommodation and food service (+120,000) and in state and local government, excluding education (+94,000). The number of job openings decreased in durable goods manufacturing (-88,000) and in federal government (-62,000).

The Massachusetts seasonally adjusted employment rate was 3.2 percent in June 2024, up from 3.0 percent in May. It is down from 3.6 percent year over year and down from the post-pandemic high of 15.3 percent in May 2020. The March 2020 rate was 2.7 percent, just ahead of the pandemic shutdowns. Prior to April 2020, the unemployment rate had been under 4.0 percent for 48 consecutive months. The number of unemployed increased by 7,641 from May to June of 2024. This is virtually unchanged from the number of unemployed in June of 2023 when there were 122,410 unemployed. The labor force increased by an estimated 23,773 in June. The labor force participation rate in

Massachusetts was 62.6 percent in June, up from 62.5 percent the previous month and equal to its rate year over year.

Real Estate

Lending rates for residential mortgages increased dramatically in response to the Fed rate hikes, with 30 year fixed interest rates for single-family mortgages rising to the 7.5 to 8.0 percent range by the end of 2023. Commercial lending rates were impacted in a similar manner, but were between 100 and 150 basis points less than residential. Following a dramatic increase in prices for virtually all classes of real estate between mid 2020 and late 2022, prices for all property types began to fall in 2023 nationwide, as did transaction volume.

Single Family Housing - National - 2024

According to the National Association of Realtors (NAR), sales of previously occupied U.S. homes fell 4.3 percent in March 2024 from the previous month to a seasonally adjusted annual rate of 4.19 million. That was the first monthly decline in sales since December 2023, and followed a nearly 10 percent monthly sales jump in February 2024. Existing home sales also fell by 3.7 percent on a year-over-year basis.

Despite the lower sales volume, the national median home sale price was \$393,000 in March 2024, up 4.8 percent year-over-year. According to NAR data, 60 percent of homes purchased in March sold in less than 30 days marketing time. About 29 percent of homes sold above their initial list price, up from 28 percent a year earlier. This is indicative of lack of available inventory, as homeowners who would like to sell are choosing not to give up mortgages in the 3.0 to 4.0 percent range, in order to make a new purchase with current rates in the 6.5 to 7.0 percent range.

At the end of March 2024, there were 1.11 million unsold homes on the market, a 4.7 percent increase from the previous month, and 14.4 percent higher year-over year, according to NAR. That remains well short of the 1.7 million homes on the market in March 2019, a year before the pandemic. Available inventory indicates a 3.2 month supply, up slightly both month-over-month and year-over year. Historically, inventory typically ranges between a four and five month supply.

The U.S. home ownership rate was 65.7 percent at the end of 2024, down from 65.9 percent (0.003) year over year. This rate peaked (all-time) at 69.2 percent in Q2 of 2004, and more recently at 67.9 percent in Q2 of 2020.

Housing starts in the U.S. for single-family homes in February of 2024 were 108,100, up from 103,200 (4.7 percent) a year earlier. Building permits for single-family homes in February 2024 were 118,300, up from 110,900 (6.7 percent) a year earlier.

There was concern early in 2023 that demand for new construction would collapse in 2023 due to increasing interest rates and the looming threat of a recession. This did not happen, however, and demand for new construction remains high throughout most of the country.

Single-Family Housing - Regional & Local - Massachusetts

According to analytics from MLS-PIN, the average sale price for a single-family dwelling in Massachusetts was 8.7 percent higher in May 2024 on a year-over-year basis. The average sale price per square foot of gross living area (GLA) was about 8.3 percent higher year-over-year. There were 36,486 houses sold statewide in the 12 month period between June 2023 and May 2024, down 13.6 percent year-over-year. In Essex County, the average sale price was 10.7 percent higher in May 2024 on a year-over-year basis. The average sale price per square foot was 7.6 percent higher over the same period. Due to the wide size range of GLA, sale price per square foot is typically a more reliable analytical metric than average sale price.

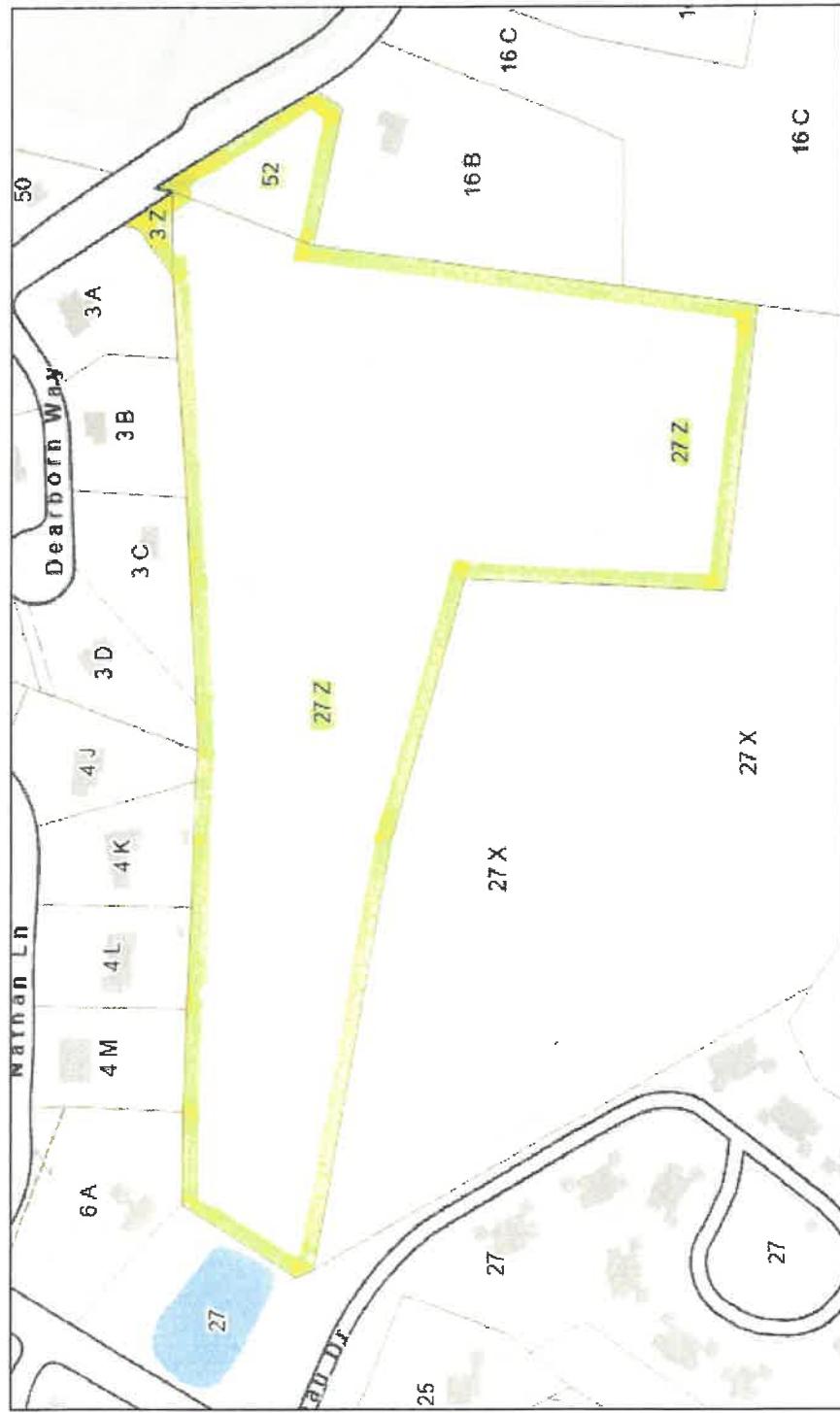
Conclusion

The economic issues resulting from the Covid-19 Pandemic-induced economic shutdown in March 2020 continue to impact the world economy. The \$5 trillion U.S. Government stimulus put cash in the hands of most citizens, businesses, and institutions. While most businesses struggled to find workers post-pandemic, the stimulus-based liquidity resulted in inflation spiking to 9.1 percent by mid 2022, the highest since 1981. In response, the U.S. Federal Reserve (Fed) raised its key interest rate a total of 11 times in 2022 and 2023 from a range of zero to 0.25 percent up to a range of 5.25 to 5.50 percent (the highest in 22 years). As a result, the rate of annualized inflation declined steadily to 3.0 percent by the end of 2023.

Total U.S. Federal Government Debt stood at about \$34 trillion in January of 2024, up from \$21.7 trillion only four years earlier. U.S. Treasury Bonds and other forms of debt rolling over in 2024 and 2025 will put pressure on the Fed to lower interest rates in 2024, which is now expected by most analysts, economists and market participants. Other forms of outstanding debt include U.S. household debt (\$17.3 trillion), corporate debt (\$11.8 trillion, with \$5.4 trillion maturing in 2024 and 2025), U.S. student loan debt (\$1.8 trillion). Total U.S. debt now stands at nearly \$95 trillion. Including unfunded liabilities like government pensions, Social Security, Medicare and Medicaid, total government debt is estimated to be in excess of *\$250 trillion*.

The Russia - Ukraine War that began in February 2022 has continued to disrupt supply chains, for key resources, with Europe being the hardest hit. This has been exacerbated by Hamas blockades of the Red Sea shipping lanes beginning in January 2024. New economic alliances for crude oil settlements are being formed in Europe, the Middle East and China that will threaten the global reserve currency status that the U.S. has enjoyed since the end of World War II. If this takes hold, demand for dollars will decline over time.

Subject Lots



PROPERTY DESCRIPTION

The subject property consists of three contiguous parcels of land totaling approximately 18.25 acres. The three parcels are shown on the town's GIS map on the previous page and a topographical map outlining the site is shown on the following page.

Assessors Parcel 3Z, a.k.a Lot 43 of Land Court Plan 16270K, is 0.115 acres according to assessors records. The site has a small length of frontage on Locust Street and is generally flat and partially cleared. This parcel, along with the Parcel 52, serve as part of an access to the Town's conservation area known as Pike's Trail. According to its deed, subject Lot 43 is granted, together with the right and easement, to use a "Proposed 15' Wide Temporary Slope Easement within adjacent Lot 46.

Assessors Parcel 52, aka Lot 13 of Land Court Plan 16270L, is 0.749 acres according to assessors records. The site has a length of frontage of approximately 250 feet on Locust Street. The site is level to gently sloping downward from street grade and heavily wooded. It appears that most of site is usable.

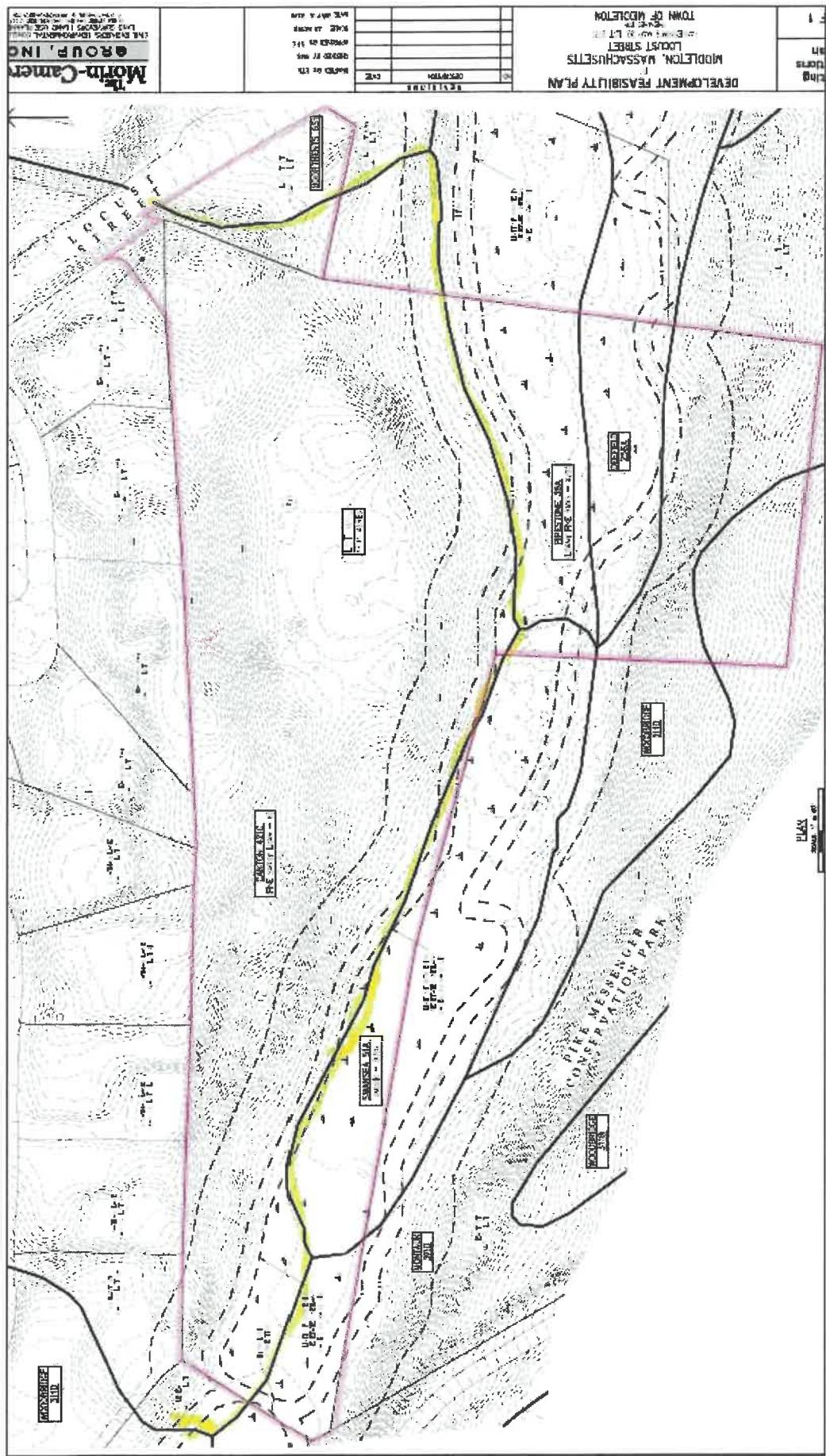
Assessors Parcel 27-Z, a.k.a Lot W1S on recorded Plan Book 352 Page 98, is 17.41 acres according to assessors records and the deed. The site has no road frontage and the topography is rolling with its northerly portion being moderately wooded and well outside any wetland areas and its lower and easterly areas being wetlands according to assessors records.

According to the deed, this lot is subject to several restrictions outlined in the subject's deed, found in the addendum of this report. Essentially, the restrictions include no facilities that work with any kind of waste product, no erection of any gas or electric lighting plants, substations, community antenna or for telecommunications or airport. Additionally, no right of access to the subject Lot shall be permitted over abutting lands, the ownership of which is retained by the Grantor except as the same may hereafter be provided by written grant duly recorded at the Registry of Deeds.

Zoning: The subject is situated in Middleton's R1B Residential district where its predominant uses include single family homes. Dimensional requirements include a 40,000 square foot minimum lot area with 125 feet of street frontage. Two-family dwellings are allowed by Planning Board approval on lots of 80,000 square feet.

Utilities: Locust Street is a two-lane, two-way, undivided, publicly maintained roadway paved in bituminous concrete. Town water is available along Locust Street. No public sewer is available in Middleton and all properties require on-site septic. From the subject property in a southeast direction, utility lines are located below ground in conduit and include electricity and high speed communication. Starting in a northwest direction, utility lines are mounted on poles along the shoulder of the street. Natural gas is not available on Locust Street at the subject's location.

Topographical Map of Site



According to FIRM Map Community Panel 25009C0401F, effective July 3, 2012, the subject site is in Flood Hazard Zone X, "Areas of minimal chance of flood hazard". A copy of the appropriate section of the referenced flood map is included in the Addendum.

According to the "List of Confirmed Disposal Sites and Location to be Investigated," published by the Massachusetts Department of Environmental Protection (DEP), the subject site is not included on the list of either confirmed or suspected toxic waste sites. For purposes of this appraisal, the appraiser assumes a "clean" site, free of contamination from hazardous substances.

There appear to be no adverse easements impacting the subject property other than those detailed in the subject deeds. If any such adverse easements are found, we'll can render an opinion regarding the impact of any such easement(s) on the market value of the subject property at that point in time, if desired.

The client engaged the Moran-Cameron Group Inc., a local engineering firm, who has performed some engineering on the subject site. Two hypothetical scenarios were developed, one depicting the site with twelve potential lots and another with seventeen lots.

Scenario 1 is summarized to the right and includes a conceptual plan for twelve building lots. According to the R1-b zoning district, single family homes on 40,000 square feet or more is allowed. Two family dwellings are allowed on lots of 80,000 square feet or more.

This scenario results in six single family lots of 40,000 square feet and six lots in excess of 80,000 square feet allowing for two family development, for a total of eighteen dwellings.

This scenario would result in two waivers, one for road length and one for a single sidewalk. The length of the road is estimated to be about 1,100 square feet. The plan is shown on the following page.

Residence R1-b Zoning District

Area: 40,000 s.f. -Single-Family, 80,000 s.f. Two-Family

Frontage: 125'

Width: 165' through Dwelling, 93.75' between Dwelling and Street

Front Setback: 25' or 50' from Street Centerline

Side/Rear Setback: 30'

Allowed Uses: Single-Family and Two-Family Residences

Subdivision Statistics

12 Total Lots between 40,000 to 90,000 s.f.

-6 lots suitable for Single-Family

-6 lots suitable for Two-Family

Up to 18 Total dwelling units, no bedroom limit

1,100 LF of road (waiver required over 500')

50' Wide Right of Way

24' of Pavement

Bituminous Curb

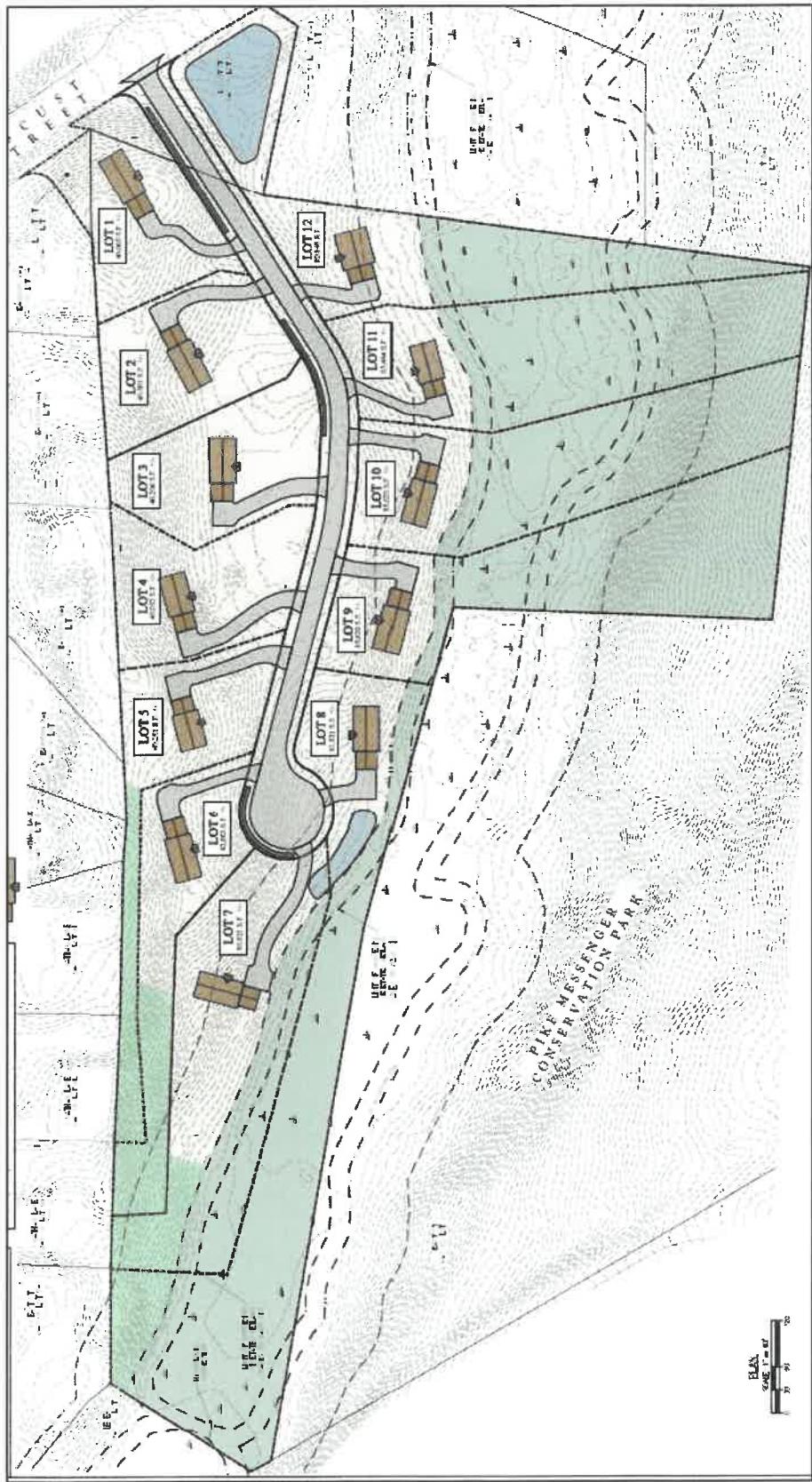
Sidewalk on 1-side (waiver required)

No restrictions on clearing lots up to 25' to wetland

No limits on house footprint sizes up to 10,000 s.f.

No open space requirements

Scenario 1: 12 Lots ranging from 40,000 to 80,000 + square feet



Scenario 2 is a conceptual plan showing seventeen lots ranging in size from 11,000 to 16,000 square feet in size. According to the plans, the road is approximately 1,050 feet in length. This scenario would require three variances and three waivers from the current zoning and subdivision regulations in order to receive approval.

The following is the engineer's summary of this layout.

Residence R1-b Zoning District

Area: 40,000 s.f. -Single-Family; 80,000 s.f. Two-Family

Frontage: 125'

Width: 165' through Dwelling; 93.75' between Dwelling and Street

Front Setback: 25' or 50' from Street Centerline

Side/Rear Setback: 30'

Allowed Uses: Single-Family and Two-Family Residences

Subdivision Statistics

18 Total Lots between 11,000 to 16,000 s.f. (variance required)

-All single-family dwellings

Up to 18 Total dwelling units, 3 to 4 bedrooms

Front Setback: 25' minimum

Side Setback: 10' minimum (variance required)

Rear Setback: 15' minimum (variance required)

Building footprint: limit to 2,500 s.f. (20 to 25%)

1,050 LF of road (waiver required over 500')

33' Wide Right of Way (waiver required to reduce from 50')

24' of Pavement

Bituminous Curb

Sidewalk on 1-side (waiver required from sidewalk 2-sides)

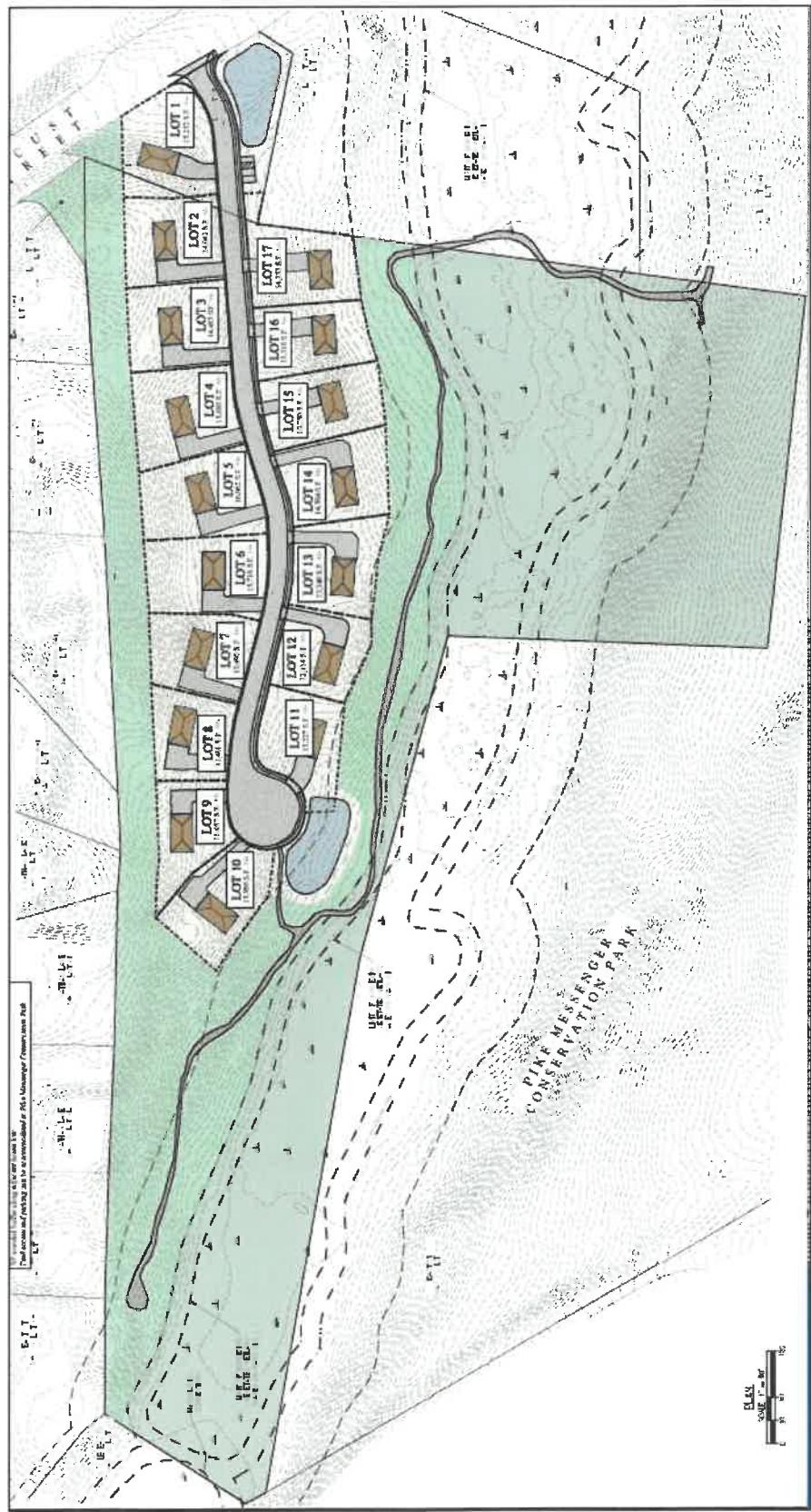
100' buffer zone to wetland protected from all lot development

50' wooded buffer along adjacent house lots

Trail access and parking can be accommodated to Pike Messenger Conservation Park

Note the engineer's summary above incorrectly states this scenario as eighteen lots. However, the plan only depicts a total of seventeen lots. For purposes of this appraisal, a 17 lot analysis is performed. The plan depicting Scenario 2 is shown on the following page.

Scenario 2: 17 Lots ranging from 11,000 to 16,000 + square feet



HIGHEST AND BEST USE

Highest and Best Use is "The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value."³

Highest and best use assumes that a parcel of land is vacant or that it can be made vacant through the demolition of any improvements. In this analysis, the question asked is, if the land were vacant, what use should be made of it? To answer this question, the following tests are made.

Legally Permissible: Legal permissibility generally speaks to the development potential of a property and must address all issues with respect to capability for a proposed development to comply with requirements set forth by all laws, bylaws, ordinances, rules, regulations and standards. The subject site is in the Residence R1-b I zoning district of Middleton. This district allows single family and two family residential homes by right.

Physically Possible: This appraisal assumes that development is physically possible on the subject site at a reasonable cost. However, no engineering or other site studies have been performed as part of this assignment to determine the suitability of the site for development. The values in this appraisal are based, in part, upon subsoil conditions which would allow for site preparation without incurring costs beyond what is considered normal. Given the size of the site and the development of the surrounding residential properties, it is reasonable to assume that any of the legally permissible alternatives are physically possible.

Financially Feasible: In appraisal terminology, financially feasible is any use in which there "is a positive net income or rate of return."⁴ In other words, there must be an anticipated profit after cost to construct new and land value are extracted from anticipated market value. It is the function of the Highest and Best Use analysis to investigate the zoning, assumed physical capacity of the land and the market value of the legally permissible and physically possible alternatives. Based on our knowledge of the marketplace, it is our opinion that residential development of the subject property would be financially feasible.

Maximally Productive: Among financially feasible uses, "the use that provides the highest rate of return, or value (given a constant rate of return), is the highest and best use."⁵

³ *Appraisal Institute, The Appraisal of Real Estate, 11th ed.. Chicago: Appraisal Institute, 1996, page 50.*

⁴ *Ibid.*

⁵ *Ibid.*

Highest and Best as Vacant: Based on the current zoning, physical attributes on the subject site and demand for housing in the region, residential development of the site is considered to be the highest and best use of the site given the recently developed uses in the neighborhood and the limitations of zoning.

As will be demonstrated on the following pages, the financial feasibility of two development scenarios will be examined.

THE VALUATION PROCESS

Appraisers commonly think of value in three ways: 1. The value indicated by recent sales of comparable properties in the market, known as the Sales Comparison Approach. 2. The current cost of replacing a property, less depreciation from all sources, that is, physical deterioration as well as functional and external obsolescence, known as the Cost Approach. 3. The value that the property's net earning power will support, based upon a capitalization of net income, known as the Income Approach.

In this instance, the Sales Comparison Approach is utilized to estimate the value of individual building lots. A Development Approach, which is a form of the Income Approach, is performed to estimate the "as is" present value of the subject site under two scenarios, either a 12 or 17 lot residential subdivision. The Cost Approach was not developed. It is not an appropriate method for valuing vacant land as there are no improvements on the site. The omission of the Cost Approach did not result in a misleading or unreliable value opinion

SALES COMPARISON APPROACH

The Sales Comparison Approach is developed in almost every appraisal of real property. The value opinion by this approach is frequently defined as "the price at which a willing seller would sell and a willing buyer would buy, neither being under abnormal pressure." This definition assumes that both buyer and seller are fully informed as to the property and state of the market for that type of property and that the property has been exposed in the open market for a reasonable time.

Scenario 1: In completing the Sales Comparison Approach, a search of recent sales of building lots similar to the proposed subject lots was made in Middleton and surrounding communities for the purpose of establishing a range of value for the subject lots. The sales are shown on the grid on the following page.

Eight recent house lot sales ranging from 40,000 to 80,000 square feet (rounded) have been located for comparison to the subject and utilized in the valuation of the subject Scenario 1. Although six of the 12 proposed lots will accommodate two family dwellings, multi-family dwellings could affect the desirability of the neighborhood when the remaining lots could likely be developed with multi-million dollar homes. The eight sales are summarized on the next page.

Residential House Lot Sales

<u>Sale #</u>	<u>Location</u>	<u>Sale Date</u>	<u>Book/Page</u>	<u>Land s.f.</u>	<u>Sale Price</u>
SUBJECT	Locust St., Middleton	N/A	N/A	40,000-80,000	N/A
1	Lot 12 Couture Way, Middleton	8/16/24	42275/434	50,018	\$700,000
2	Lot 9 Couture Way, Middleton	7/15/24	41553/568	44,758	\$630,000
3	Lot 1 Couture Way, Middleton	3/26/24	42038/520	40,174	\$600,000
4	180 North St., Lot 1, No. Reading	5/23/24	82803/3	46,603	\$475,000
5	180 North St., Lot 2, No. Reading	5/23/24	82803/6	59,197	\$475,000
6	10 Chatham Ln., Danvers	8/24/23	41728/199	80,695	\$520,000
7	6 Chatham Ln., Danvers	4/1/24	42045/509	30,858	\$550,000
8	200 Essex St., Lynnfield	6/24/24	42184/41	47,859	\$585,000

The sales include residential house lot sales in Middleton, neighboring North Reading and Danvers as well as nearby Lynnfield. These sales are considered the best available and reliable comparables for the subject property. The overall sale prices range from \$475,000 to \$700,000. Six of the eight sales have no access to any public sewer and rely on private septic, similar to the subject. Sales 6 and 7 in Danvers are served by public sewer.

Sales 1, 2 and 3 are located in Middleton off Route 62 in close proximity to North Reading. This location is considered generally similar overall to the subject's location. This is a newly developed subdivision totaling fourteen lots with homes being constructed in excess of \$2,000,000 on lots of 0.92 acres and larger. Sales 4 and 5 in North Reading are in a neighborhood considered inferior to the subject. Sales 6 and 7 in Danvers are in a slightly inferior neighborhood as compared to the subject. Additionally, overall home values in Middleton exceed those of Danvers. As a result, Sales 6 and 7 are considered inferior overall locations. Sale 8 is in Lynnfield, considered a somewhat superior overall location. However, Middleton has become a popular alternative for Lynnfield due to its similar rural atmosphere and proximity to I95.

Sales 1, 2 and 3 are all located in Middleton in a similar cul-de-sac development of new homes. Overall, they are considered most similar to the proposed subject lots in Scenario 1. The remaining sales also lend good overall support considering all physical and location characteristics. Although the sale prices have increased as the year has progressed, the later sales are considered to be driven by the increased market value of homes that are being constructed, driving the desirability of the development. As a result, the current value of a finished lot is forecast at \$600,000 for each of the twelve conceptual subject lots. This is considered reasonable and well supported by the available market data as the initial buyers will endure ongoing construction for some time.

Development Analysis

This scenario assumes that the subject would be developed into 12 single family residential house lots. The most reliable method for the valuation of the potential development site is by a development analysis. When land is developed, the sale of lots or housing units is assumed to take place over a period of time. In order to develop a market value opinion of such a project, various costs are deducted over the holding period from the gross sellout of finished lots. The lots are sold over a forecast time frame, based on anticipated market conditions. Various hard and soft costs are deducted from the gross sellout, including sales costs, taxes, surveying, engineering, legal costs to gain development approvals, roadway and infrastructure construction costs. Overhead and administrative costs, profit, and cost of capital are also deducted. What remains after all of the deductions is a present value or market value of the site "as is." This type development analysis is also commonly known as a "discounted cash flow" analysis.

Holding Period / Inflation

A significant factor in developing a present market value opinion of a residential development project is the holding or marketing period. This is forecast by analyzing anticipated demand for single-family lots and newly-constructed single-family houses.

As discussed on Page 12, demand for newly constructed single-family homes in Middleton has remained strong over the last several years. According to MLS-PIN, there were three sales of newly-constructed houses in Middleton over the past twelve months. Just two "new" homes are presently on the market in Middleton. These homes were under construction when first listed and both are in excess of \$2,000,000 and have been on the market for 100 and 115 days respectively. Completing engineering and obtaining development approvals is considered to take 12 months. Constructing the infrastructure and roadway would be another 12 months before lots are ready to be sold.

While strong demand for new construction is expected to continue for the next two to three years, there is always risk associated with making forecasts well into the future. Nonetheless, it is reasonable to assume that all 12 lots could be sold in a 30 month time frame once the roadway is constructed. This assumes that the first few lot would be pre-sold during the road construction phase. Therefore, our total assumed holding period is 48 months going forward from the effective valuation date of August 23, 2024.

Appreciation has been slower over the past year after more dramatic appreciation between 2020 and mid 2022. It is reasonable to assume that is will be slower in the coming years, as prices are now well above previous historic highs. Although borrowing rates are much higher than previous years, the Fed is expected to start lowering rates over the coming year. The Federal reserve has had a target rate of 2.0 percent inflation, and inflation has recently broken the 3.0 percent rate mark. As a result, appreciation is based on an inflation rate of 2.0 percent annually and is applied for the entirety of the 48 month development and sellout period.

Gross Sellout of 12 Lots

The first part of the analysis is to calculate the gross sellout of the proposed project. As stated previously, Scenario 1 assumes a 12 lot single family subdivision. A current market value of \$600,000 per lot has been forecast for the subject lots. Given that the lots won't be ready to market until year three, an appreciation of 2.0 percent per year as discussed above is applied to the forecast. This results in an average lot price of \$637,000 in Year 3 and \$649,000 in Year 4.

Sales Costs

Selling costs in the form of brokerage commissions are deducted from the anticipated sellout, which is called Gross Proceeds. In the local marketplace, sales commissions on residential houses and lots typically range from 4.0 to 5.0 percent per sale transaction. Most agents would be willing to accept a fee of four percent for a listing on a multi-lot development. Therefore, we have applied sales costs of 4.0 percent. The difference between the periodic gross proceeds and the sales commissions equals Adjusted Gross Proceeds (AGP).

Development Costs

Taxes: Taxes must be paid on the site during the holding period. The property is presently exempt from taxes, but once sold, the owner will be responsible for property taxes. The current tax rate in Middleton is \$11.79 per \$1,000 valuation. The tax rate will be applied at a 2.5 percent annual increase. For the first two years, taxes are forecast based on the current assessment. Beginning in Year 3, the assessment will increase based on the completion of lots. For other vacant building lots that have recently sold in Middleton, assessments appear at or near 100 percent of market value. Therefore, taxes are applied to the property based on market value. The tax liability will decrease as lots are sold.

Approvals: This includes the costs required to obtain municipal approvals for the development project. It includes, surveying, engineering (road, utilities, septic design, etc) and legal costs. For a project of this nature, about \$20,000 per lot is reasonable, or \$240,000 for the 12 lot project.

Roadway & Infrastructure Construction Costs: The developer must construct the roadway and infrastructure for the 12 lot project. Scenario 1 calls for a roadway / cul-de-sac of about 1,100 feet in length. Roadway construction costs in this market area for projects of this size have ranged from \$800 to \$1,500 per running foot. Shorter roadways with curbs, formal drainage , sidewalks and underground utilities are typically more expensive than longer streets. Given the length of road and the uncertainty with respect to soils, a conservative estimate is reasonable, say \$1,200 per running foot. The calculation is \$1,200 times 1,100 feet equals \$1,320,000.

Administrative/Contingency: These costs are related to the administration of the ongoing project and are not related to developer's fee or profit. It is an accounting for the time spent overseeing the project on a day to day basis. For this analysis, 2.0 percent of Adjusted Gross Proceeds (AGP) is deducted for administration and contingency.

Developer Fee or Profit

This is the amount that a developer/owner would expect as a return on effort. This is different than return on capital investment, which usually involves both debt and equity capital. Typically, developers of residential building projects expect a return on effort of more than 10 to 20 percent of Adjusted Gross Proceeds. With no engineering or approvals for the assumed 12 lot project, the risk is quite high. It is for this reason that undeveloped parcels of land rarely sell without approvals in place. Therefore, for this analysis, 20 percent of AGP is deducted to cover developer profit.

Discount Rate

The annual discount rate applied to the forecast income stream is an effort to represent the rate of return necessary to attract investment capital. This rate is influenced by many considerations, prospective rates of return for alternative investment opportunities, supply and demand of mortgage funds, and possible tax shelters. Rate selection requires judgment concerning prevailing market attitudes and economic indicators.

The selection of a discount rate is best compared with alternative investment vehicles in the marketplace since comparative discount rates from other projects are extremely difficult to assess and are not typically available. Generally speaking, discount rates are usually set at a level above Baa bond yields due to inherently higher risk, illiquidity, uncertainty with respect to cash flows, and management intensity. Presently, Baa bond rates are in the range of 5.5 to 7.5 percent. Borrowing rates are now in the 7.0 to 7.5 percent range. Real estate development is considered a significantly higher risk and a discount rate 100 basis points higher is considered reasonable. Therefore, a discount rate of 8.5 percent is applied to the analysis.

The spreadsheet with the development analysis is shown on the following page. Based on this analysis, an "as is" value of the subject property under Scenario 1 is \$2,945,000

Value Scenario 1 - 12 Lots

DEVELOPMENT ANALYSIS

Locust Street

Middleton, Massachusetts

Value "As Is" (12 Lots)

PERIOD	1	2	3	4
Length of Period	12 Months	12 Months	12 Months	12 Months
Number of Lots Sold				
Average Price/Lot	0	0	6	6
	\$0	\$0	\$637,000	\$649,000
GROSS PROCEEDS				
Less Selling Costs (4%)	\$0	\$0	\$3,822,000	\$3,894,000
	\$0	\$0	\$152,880	\$155,760
ADJUSTED GROSS PROCEEDS				
	\$0	\$0	\$3,669,120	\$3,738,240
DEV. COSTS/EXPENSES				
Real Estate Taxes				
Approvals (Engineering & Legal)	\$11,535	\$11,823	\$76,924	\$26,931
Roadway Construction Costs	\$240,000	\$0	\$0	\$0
Adminis./Contingency 2% AGP	\$0	\$660,000	\$660,000	\$0
	\$0	\$0	\$73,382	\$74,765
TOTAL COSTS/EXPENSES				
	\$251,535	\$671,823	\$810,306	\$101,696
NET INCOME BEFORE DEV. FEE				
Less Developer Fee 20% AGP	(\$251,535)	-\$671,823	\$2,858,814	\$3,636,544
	\$0	\$0	\$733,824	\$747,648
NET INCOME AFTER DEV. FEE				
	(\$251,535)	-\$671,823	\$2,124,990	\$2,888,896
PRES VALUE FACTOR 8.5%				
	0.921659	0.849455	0.782908	0.721574
ANNUAL PRESENT VALUE				
	(\$231,829)	-\$570,683	\$1,663,671	\$2,084,552
INDICATED VALUE				
	\$2,945,711			
SAY	\$2,945,000			

Scenario 1 - 12 Lots
\$2,945,000

Scenario 2: This scenario considered the development of the subject site with 17 lots ranging from 10,000 to 16,000 square feet. Lots of this size are very rare for new construction, both in Middleton and similar surrounding communities.

The sales include residential house lots in nearby Ipswich, Peabody, Lynnfield and Newburyport. These sales are considered the best available for comparison to the proposed subject lots. The overall sale prices range from \$257,000 to \$475,000, with five of the six ranging from \$355,000 to \$475,000. The sales are shown on the grid below.

Small Residential House Lot Sales

<u>Sale #</u>	<u>Location</u>	<u>Sale Date</u>	<u>Book/Page</u>	<u>Land s.f.</u>	<u>Sale Price</u>
SUBJECT	Locust St., Middleton	N/A	N/A	10,000-16,000	N/A
9	4 Perley Ave, Ipswich	5/14/24	42115/219	10,000	\$257,000
10	200 Country Club Way, Ipswich	3/1/23	41458/517	25,265	\$430,000
11	Lot C-4 Lake Street, Peabody	10/4/22	41228/013	20,006	\$355,000
12	Loc C-3 Penny Lane, Peabody	10/3/22	41226/102	20,004	\$465,000
13	75 Pleasant St, Lynnfield	7/26/22	41089/036	11,870	\$475,000
14	25 Howard Street, Newburyport	4/13/22	40861/300	11,431	\$389,000

Only Sales 10 and 13 are not on public sewer, like the subject. The remaining sales have access to municipal sewerage. Sales 11 through 14 are older but are most similar to the subject overall. Three of the six are slightly larger than the proposed subject lots. Sale 13 at the high end of the range had some water views to a local pond.

Overall, given the age of the sales, and that the subject lots would be in a neighborhood of new homes, a present market value of the subject lots is forecast at \$450,000.

With a total of 17 lots, permitting and construction of the infrastructure is expected to take two years, similar to Scenario 1. The sellout of the 17 lots is forecast over three years. All other parameters of the analysis are similar to Scenario 1.

The spreadsheet with the development analysis is shown on the following page. Based on this analysis, an "as is" value of the subject property under Scenario 2 is \$3,140,000.

Value Scenario 2 - 17 Lots

DEVELOPMENT ANALYSIS

Locust Street
Middleton, Massachusetts

Value "As Is" (17 Lots)

PERIOD	1	2	3	4	5
Length of Period	12 Months	12 Months	12 Months	12 Months	12 Months
Number of Lots Sold					
Average Price/Lot	0	0	6	6	5
	\$0	\$0	\$504,000	\$514,000	\$524,000
GROSS PROCEEDS					
Less Selling Costs (4%)	\$0	\$0	\$3,024,000	\$3,084,000	\$2,620,000
	\$0	\$0	\$120,960	\$123,360	\$104,800
ADJUSTED GROSS PROCEEDS					
	\$0	\$0	\$2,903,040	\$2,960,640	\$2,515,200
DEV. COSTS/EXPENSES					
Real Estate Taxes					
Approvals (Engineering & Legal)	\$11,535	\$11,823	\$80,074	\$49,854	\$16,975
Roadway Construction Costs	\$340,000	\$0	\$0	\$0	\$0
Adminis./Contingency 2% AGP	\$1,260,000	\$0	\$0	\$0	\$0
	\$0	\$0	\$58,061	\$59,213	\$50,304
TOTAL COSTS/EXPENSES					
	\$1,611,535	\$11,823	\$138,135	\$109,067	\$67,279
NET INCOME BEFORE DEV. FEE					
Less Developer Fee 20% AGP	(\$1,611,535)	-\$11,823	\$2,764,905	\$2,851,573	\$2,447,921
	\$0	\$0	\$580,608	\$592,128	\$503,040
NET INCOME AFTER DEV. FEE					
	(\$1,611,535)	-\$11,823	\$2,184,297	\$2,259,445	\$1,944,881
PRES VALUE FACTOR 8.5%					
	0.921659	0.849455	0.782908	0.721574	0.665045
ANNUAL PRESENT VALUE					
	(\$1,485,286)	-\$10,043	\$1,710,104	\$1,630,357	\$1,293,433
INDICATED VALUE					
	\$3,138,565				
SAY					
	\$3,140,000				

Scenario 2 - 17 Lots
\$3,140,000

RECONCILIATION

In this appraisal, the Sales Comparison and Development Approaches were developed. The results are shown below.

Scenario 1: 12 Lots of 40,000 and greater	\$2,945,000
Scenario 2: 17 lots from 10,000 to 16,000 SF	\$3,140,000

As a test of reasonableness we considered the sale of the raw parcel of land now known as Couture Way in Middleton. The site was developed into a 14 lot subdivision. Lot sales 1, 2 & 3 were listed in Scenario 1.

Couture Way was formerly known as 123 River Street. The site consisted of 17.5 acres of land which yielded 14 house lots. It sold in October of 2021 for \$2,575,000 or \$147,143 per acre. The above values indicate a value per acre of \$161,000 to \$172,000 for the subject's 18.25 acres of developable land. Given the passing of time and market conditions, this sale provides reasonable support to our final value estimates.

In the final analysis, the two scenarios indicate a range of only about six percent, which is not considered significant. Although Scenario 2 reflects a slightly higher overall value, it is based on highly speculative assumptions that three variances and three waivers would be permitted to allow the development. This compares to Scenario 1 which would only require two waivers for street length and sidewalk, both of which are relatively common.

This appraisal assumes marketing and exposure times of three to six months.

CERTIFICATION OF APPRAISER

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.

I have no bias with respect to the property that is the subject of this report or to the parties involved in this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results. Neither my engagement to make this appraisal (or any future appraisals for this client), nor any compensation therefore, are contingent upon the reporting of a predetermined value or direction in that value that favors the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

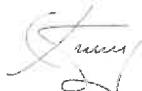
My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) and in conformity with requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

I have made an inspection of the property that is the subject of this report. Laurence Marocco of Minco Corp. has inspected the property and assisted in the development of the approaches to value.

I have *not* performed any professional services (appraisal or otherwise) on the subject property in the three years prior to the acceptance of this appraisal assignment.

As of the date of this report, I, John F. McCarthy, have completed the Standards and Ethics Education Requirements of the Appraisal Institute for Practicing Associates.

Minco Corporation



John F. McCarthy, VP
MA Certified General Appraiser #401
August 29, 2024

GENERAL LIMITING CONDITIONS

An appraisal is an unbiased opinion of value of a property reached through an analysis of that property and from data from the marketplace. An appraisal is not a certification of the soundness of the building, a survey, or a legal document, though assumptions regarding these and other matters are made. The major assumptions and limiting conditions are as follows:

1. The appraiser is not required to give testimony or appear in court because of having made the appraisal, with reference to the property in question, unless arrangements have been previously made.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event only with proper written qualification and only in its entirety.
3. The distribution of the total valuation in this report between land and improvements applies only under the reported highest and best use of the property. The allocations of value for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used.
4. Neither all or any part of the contents of this report, or a copy thereof, shall be conveyed to the public through advertising, public relations, news, sales, or any other media without written consent and approval of the appraiser. Nor shall the appraiser, firm, or professional organization of which the appraiser is a member be identified without written consent of the appraiser.

GENERAL UNDERLYING ASSUMPTIONS

1. The legal description used in this report is assumed to be correct.
2. No survey of the property has been made by the appraiser and no responsibility is assumed in connection with such matters. Sketches in this report are included only to assist the reader in visualizing the property.
3. No responsibility is assumed for matters of a legal nature affecting title to the property nor is an opinion title rendered. The title is assumed to be good and marketable.
4. Information furnished by others is assumed to be true, correct, and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the appraiser.

5. All mortgages, liens, encumbrances, leases and servitudes have been disregarded unless so specified within the report. The property is appraised as though under responsible ownership and competent management.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structure which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover such factors. No certification is made regarding the absence of any substances, regarding potential, unapparent structural defects or the proper placement of smoke detectors and potential flood hazards. Unless otherwise stated in this report, it is assumed that no adverse conditions affect the subject.
7. In this appraisal assignment, the existence of potentially hazardous material used in the construction or maintenance of the building, such as the presence of Urea-formaldehyde foam insulation, and/or the existence of toxic waste, which may or may not be present on the property, was not observed by me; nor do I have any knowledge of the existence of such materials on or in the property. The appraiser is not qualified to detect such substances. The existence of Radon Gas, Urea-formaldehyde foam insulation or other potentially hazardous materials may have an effect on the property value. The client is urged to retain experts in these fields, if desired.
8. It is assumed that there is full compliance with all federal, state and local environmental regulations and laws unless non-compliance is stated, defined and considered in the appraisal report.
9. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in the appraisal report.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted within the appraisal report.
11. It is assumed that all required licenses, consents or other legislative or administrative authority from any local, state or national governmental or private entity organization have been or can be obtained or renewed for any use on which the value opinion contained herein is based.

APPRAISER'S QUALIFICATIONS

JOHN F. MCCARTHY

CERTIFICATION: Massachusetts Certified General Real Estate Appraiser
License #401, Expiration 5/24/2025

New Hampshire Certified General Real Estate Appraiser
License # NHCG 230, Expiration 5/31/2025

CONTINUING Appraisal Institute, Chicago, IL

EDUCATION:

Course 530: Advanced Sales Comparison & Cost Approaches (1994)
Course 520: Highest & Best Use and Market Analysis (1993)
Course 2-2: Report Writing and Valuation Analysis (1992)
Course 102: Applied Residential Property Valuation (1991)
Course SPP: Standards of Professional Appraisal Practice & Ethics,
Part A&B (1995)
Course 101: Introduction to Appraising Real Property (1991)
Course 201: Principles of Income Property Appraising (1990)
Course 202: Applied Income Property Valuation (1991)

Massachusetts Board of Real Estate Appraisers (MBREA)
National USPAP Update 2024-2025 (2024)

University of New Hampshire, Durham, NH

Course DCE 101: Real Estate Principals (1976)
Course DCE 102: Real Estate Appraising (1977)
Course DCE 103: Real Estate Law & Finance (1978)

EDUCATION: University of New Hampshire (1974-1976)

Major: Business Administration, Whittemore School of Business and
Economic
Study Area: Business Management, Marketing

New England Aeronautical Institute (1972-1974)

Major: Business Management
Study Area: Accounting, Federal Income Taxation

John F. McCarthy (Continued)

**PROFESSIONAL
EXPERIENCE:**

1983-Present MINCO Corporation, North Andover, MA

Vice President/CEO. Director of Commercial Appraisal Division. Performing Narrative Appraisals and Appraisal Review of Residential, Commercial, Industrial, and Special Use Properties; Providing consulting services in Residential, Commercial and Industrial Real Estate.

1976-1979 Patriot Real Estate, Inc., Derry, NH & Andover, MA

Sales Manager, NH Office. Duties included Personnel management, advertising and marketing, real estate sales and property evaluation.

**OTHER
ORGANIZATIONS:**

Rebuilding Together * Greater Haverhill, Inc. (formerly Christmas in April)

Founding Member (1991), Former President, Treasurer, Member Board of Directors, past Chairman of the Board. Nationally chartered 501(c)(3) non-profit charity providing free home repair and renovations for low income home owners, especially the elderly and disabled, in the greater Haverhill, MA area.

**PROFESSIONAL
AFFILIATIONS:**

Practicing Affiliate - The Appraisal Institute: MAI Candidate
Licensed Real Estate Broker:

Commonwealth of Massachusetts:

Board of Registration of Real Estate Brokers & Salesmen
License #103094, Expiration 5/24/2026

State of New Hampshire:

New Hampshire Real Estate Commission
Licensed #64615, Expiration 11/28/2025

Approved Appraiser: U.S. Dept. of Housing and Urban Development (HUD)
Expert Witness: Strafford County (NH) Superior Court

Rockingham County (NH) Superior Court

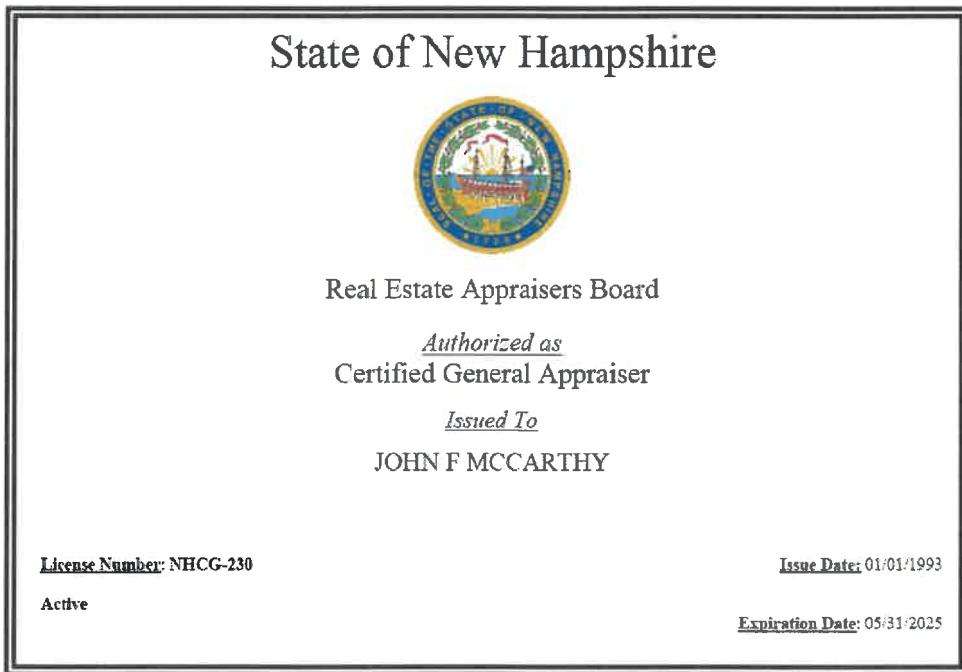
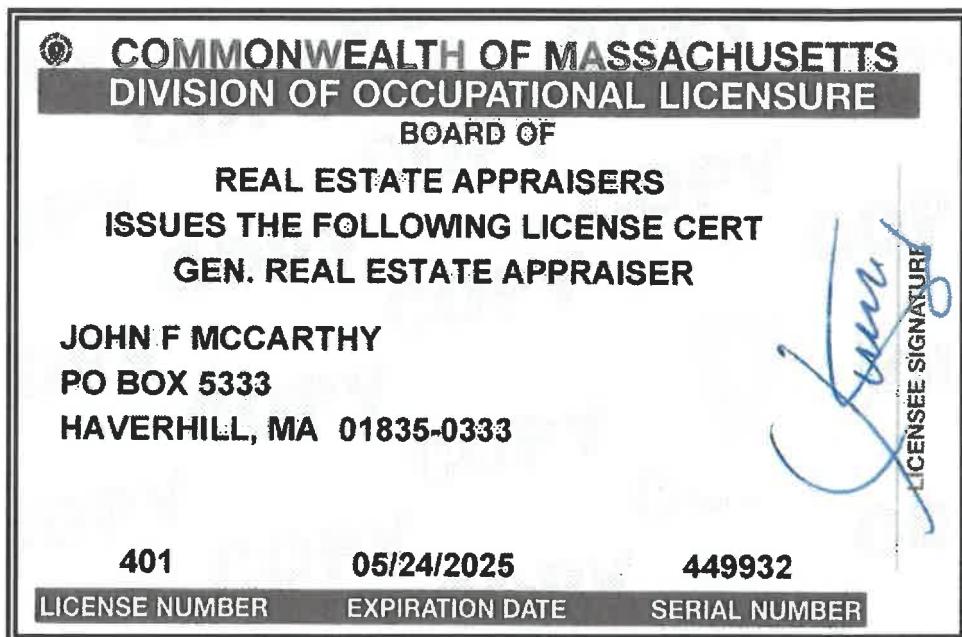
United States Bankruptcy Court, Worcester, MA
Lynn District Court, Lynn, MA

Member: Past President - Pentucket Kiwanis Club, Haverhill, MA

John F. McCarthy (Continued)

Current Appraisal

Licenses:



SUBJECT PROPERTY DEED

PROPERTY ADDRESS: LOUSET AND REAR EAST STREET, MIDDLETON, MASSACHUSETTS

REG. AS DOC. NO. 386748

9/28/01 02:44 PM Inst. 967
BK17704 PG498

QUITCLAIM DEED

ALAN E. WEBBER, individually, of East Street, Middleton, Essex County, Massachusetts 01949, in consideration of ONE MILLION SEVEN HUNDRED FIFTY THOUSAND and 00/100 (\$1,750,000.00) DOLLARS paid, hereby grant to the TOWN OF MIDDLETON of 48 South Main Street, Middleton, Essex County, Massachusetts 01949, **WITH QUITCLAIM COVENANTS**, the following described three (3) parcels of land situate in said Middleton, Essex County, Massachusetts:

Parcels #1 and #2

Lots W1S and W1C as shown on a plan of land entitled "Subdivision Plan of Land Located in Middleton, Mass." prepared by Eastern Land Survey Associates, Christopher R. Mello, PLS, 104 Lowell Street, Peabody, MA 01960, Scale 1" = 80', dated April 23, 2001 prepared for Alan E. Webber, unanimously endorsed as an Approval Not Required Plan by the Town of Middleton's Planning Board on May 23, 2001 and thereafter recorded with the Essex South District Registry of Deeds at Plan Book 352, Plan No. 98 (the "Plan") on July 30, 2001. Said Lots W1S and W1C consisting of 17.41 +/- acres and 17.60 +/- acres of land respectively, all as shown on said Plan.

For title, see Deeds recorded in said Registry in Book 9841, Page 496 and Book 7847, Page 16.

Parcel #3

The land in Middleton, Essex County, Massachusetts being Lot 43 shown on a Plan entitled "Definitive Subdivision Plan 'Fencroft Estates at Middleton', Middleton, Mass.," scale 1" = 40', prepared by Meridian Engineering, Inc dated March 31, 2000 filed with the Land

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1978-897-2166

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Registration Office in Boston as Plan 16270K, as modified and approved by the Court, a copy of a portion of which is filed with the Essex Southern Registry District of the Land Court with Certificate of Title No. 2949.

Lot 43 is granted together with the right and easement to use the "Proposed 15' Wide Temporary Slope Easement" within Lot 46 for the purpose of grading and sloping for the construction of a road within Lot 43. The temporary easement shall expire upon the construction of the road and acceptance thereof by the Town of Middleton.

Lot 43 is subject to a 10' wide way which is to be relocated from within Lot 46 to Lot 43 as depicted on the Petition Plan 16270K. The Grantee by acceptance and filing of this Deed does hereby agree to said relocation.

For my title, see Certificate of Title No. 72949.

The above conveyances are made subject to all real estate taxes assessed and not yet due and payable and all easements, covenants, restrictions, reservations, rights, agreements, takings, leases and other matters of record.

The conveyance of Lot W1S is further subject to the following restrictions and conditions:

(a) Lot W1S shall be used by the Grantee only for permissible municipal purposes and development. Notwithstanding the foregoing, in no event shall Lot W1S be used and/or developed for locating a landfill to dispose of waste, refuse and/or garbage or for the construction thereon of an incinerator, refuse transfer facility, resource recovery facility or other solid waste disposal facility, sewage treatment facility, gas or electric lighting plant or substation, community antenna television/telecommunications system or public airport.

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(b) No right of access or passage to the subject Lot shall be permitted over abutting lands, the ownership of which is retained by the Grantor except as the same may hereafter be provided by written grant duly recorded at the Essex South District Registry of Deeds.

(c) Until Lot W1S is otherwise developed, access thereto shall be through a gated entryway located along the frontage on Locust Street provided by Lot 43. Said entryway shall be secured to prevent motor vehicle access except during normal hours of operation.

The conveyance of Lot W1C is further subject to the following restrictions and conditions:

(a) Lot W1C shall be used and maintained in perpetuity by the Town of Middleton as open space and conservation land under the provisions of M.G. L. c. 40, § 8C and M.G.L. c. 184, § 31, as the same be amended from time to time, for passive non-motorized recreation only. To that end, the activities enumerated hereinbelow are expressly prohibited:

- * the construction of buildings or structures on or above the ground;
- * dumping or placing of soil, trash or other materials;
- * removal of trees, shrubs or other vegetation except as may be necessary to maintain the Lot in its current condition;
- * removal of loam, rock or other mineral substances;
- * surface use other than passive non-motorized recreation activities that permit the area to remain predominantly in its current condition;
- * activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation; or
- * any other acts or uses detrimental to the retention of the land for open space and conservation.

The within conveyances are further subject to Grantor's right to repurchase the entire premises, or any portion thereof, at its then fair market value in the event that the Town of Middleton shall ever seek to sell, transfer, convey, exchange and/or otherwise dispose of the same, or any portion

BK17704 PG501

thereof. Said right to repurchase must be exercised by the Grantor herein within ninety (90) days of Grantor's receipt of a written notice, sent by way of certified mail, return receipt requested, from the Town of Middleton of its intent to offer the premises, or any portion thereof, for sale.

The Grantee hereby acknowledges that (i) the sale of the premises is a "bargain sale" as the term is used and described in the Internal Revenue Code ("Code") of 1986, as amended; (ii) that the difference between the consideration herein recited and the appraised value of the premises is intended to be a charitable contribution under § 170 of the Code for the benefit of both the Grantor and the Grantee; and (iii) no additional goods and services have been provided by the Grantee to the Grantor in consideration of the within charitable contribution by Grantor to Grantee.

For my title, see Certificate of Title No. 72949.

WITNESS my hand and seal this 14th day of August 2001.

44-13462
SALEM
DEEDS REG 10
ESSEX SOUTH
09/28/01 1:25PM
000000 #4746
FEE \$5175.60
CASH \$5175.60

01
SALEM
DEEDS REG 10
ESSEX SOUTH
09/28/01 2:47PM
000000 #4794
FEE CASH
\$2804.40
\$2804.40


ALAN E. WEBBER, Grantor

7980- COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

August 14, 2001

Then personally appeared the above-named ALAN E. WEBBER, Grantor and acknowledged the foregoing instrument to be his free act and deed, before me.

G. Shepard Bingham
NOTARY PUBLIC
My Commission expires:

July 21, 2006

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58 MAIN STREET
TOPSFIELD, MA 01983

(978) 867-2166

FLOOD MAP





FY-26 Paving Schedule

STREET(S)	DATE(S)	TIMES	LANE CLOSURES, MISC. INFO
Forest Street	07/14/2025 & 07/15/2025**	7AM - 4PM	Road closed (both lanes); open for residents and emergency personnel <u>only</u>
Essex Street, DeBush Avenue & Liberty Street	7/16/2025**	7AM - 4PM	Road closed (both lanes); open for residents and emergency personnel <u>only</u>

**Dates subject to change due to weather, crew availability and other factors beyond our control