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April 25, 2023

Mr. Peter C. Lowitt, Land Use Administrator/Director
Devens Enterprise Commission
33 Andrews Parkway
Devens, MA 01434

RE: Letter of Use – Educational Use Qualified Under Section 501(c)(3) of the Internal Revenue Code

Dear Mr. Lowitt:

This office represents Dr. Carolynda Applebury, ALM, EdS, EdD, LABA d/b/a Applebury Academy, Inc. (“Applebury Academy”) who is searching for an available location for an educationally based endeavor as a nonprofit corporation (approval pending for 501c(3) status) that will serve the Devens community and surrounding area. Dr. Applebury has secured a site located at 29 Buena Vista Street, Ayer, which is ideally located in the Devens area zoned as the Innovation and Technology Center. Applebury Academy has submitted its application for Recognition of Exemption under Section 501(c)(3) of the Internal Revenue Code with the Department of the Treasury- Internal Revenue Office and is awaiting final approval as a nonprofit and is qualified under the educational purpose exemption. (See attached IRS filing)

We are formally requesting that this letter of use be considered a formal request for a determination that Applebury Academy is and will operate its organization in full compliance with the rules and regulations pursuant to the bylaws of the Devens Regional Enterprise Zone and will provide an educational service- based outreach to serve families and children who have need of Applebury Academy’s expertise as an accredited as children behavioral specialists.

Applebury Academy

The services that Applebury Academy provides to behaviorally challenged children is the most needed family and children related services currently available in the Commonwealth of Massachusetts. Applebury Academy's primary objective is educating families with children with special needs. Applebury Academy operates several similar operations in the Commonwealth and is inundated with daily calls from families as well as state agencies such as the Department of Children and Families who desperately need the services Applebury Academy provides.

Applebury Academy's program provides a unique educational model where families of children with special needs are able to receive services that exceed the highest standards in the Commonwealth in terms of effective education and professional resources for those in need of assistance with behavioral related challenges.

This location will be used as an educational platform where children with behavioral needs can find assistance. Applebury Academy is operates as a non-profit 501 (c) (3) company. It will be in full compliance under the Table of Permitted Uses appended to the Devens Zoning Bylaws.

As part of Applebury Academy's compliance, Applebury Academy has reviewed the relating bylaws with specific attention to Section V and Section VI as well as the Reuse Plan.

Under Section V. The Zoning Districts and Development Goals' General Description provides that the development goals must reflect the development, marketing, planning, and environmental objectives outlined for Devens in the Reuse Plan. Further guidance and compliance must comport with the entity's objectives in adherence to the uses permitted in Devens as described in Article VI, and specifically as stated from the Table of Permitted Uses therein attached at Exhibit D.

Applebury Academy is in compliance with the bylaws Permitted Uses, specifically subsection G, as stated below:

Under Section VI's Permitted Uses, 3. Use categories

g. Academic/Institutional/Civic

Academic/institutional/civic use type refers to educational services provided by public and private institutions, administrative operations provided by governmental and quasi-governmental entities, community centers, and childcare facilities. Typical uses include government offices,

municipal facilities, schools, colleges, religious facilities, childcare centers, community centers, and indoor recreation facilities. Schools may include an on-site residential component as an accessory use.

Applebury Academy's services are in keeping with the primary goals of this zoning district and falls squarely within the *Permitted Uses* criteria. In its essence, Applebury Academy is a great fit with the primary goal of this zoning district in that Applebury Academy's primary function is to encourage and promote the development of academic and educational services that pairs itself to the overall objectives of the Devens Regional Enterprise Zone, as set forth in the Reuse Plan.

We respectfully submit our request and humbly request that the Devens Enterprise Commission approve the pending application on behalf of Applebury Academy to commence operation of providing services from the above-stated location at its next scheduled meeting on May 5, 2023.

Thank you for your consideration of this matter.

Sincerely,

On behalf of Applebury Academy, Inc.


Mark Joubert, Esq.

**Streamlined Application for Recognition of Exemption
Under Section 501(c)(3) of the Internal Revenue Code**

Do not enter Social Security numbers on this form as it will be made public.

Information about Form 1023-EZ and its separate instructions is at www.irs.gov/form1023ez

Note: If exempt status is approved, this application will be open for public inspection.

Check this box to attest that you have completed the Form 1023-EZ Eligibility Worksheet in the current instructions, are eligible to apply for exemption using Form 1023-EZ, and have read and understand the requirements to be exempt under section 501(c)(3).

Have your annual gross receipts exceeded \$50,000 in any of the past 3 years and/or do you project that your annual gross receipts will exceed \$50,000 in any of the next 3 years? If yes, stop. Do not file Form 1023-EZ. See instructions. Yes No

Do you have total assets the fair market value of which is in excess of \$250,000? If yes, stop. Do not file Form 1023-EZ. See instructions. Yes No

Part I Identification of Applicant

1a Full Name of Organization APPLEBURY ACADEMY INC		b Care Of Name (if applicable)			
c Mailing Address (number, street, and room/suite). If a P.O. box, see instructions. 438 MAIN ST		d City LANCASTER		e State MA	f Zip code + 4 01523
2 Employer Identification Number 92-0974265	3 Month Tax Year Ends (MM) 12		4 Person to Contact if More Information is Needed JASON PANCOST		
5 Contact Telephone Number 502-398-6105		6 Fax Number (optional)		7 User Fee Submitted \$275.00	
8 List the names, titles, and mailing addresses of your officers, directors, and/or trustees. (If you have more than five, see instructions.)					
First Name: CAROLYNDA		Last Name: APPLEBURY		Title: PRESIDENT	
Street Address: 234 MERRIAM AVE		City: LEOMINISTER		State: MA	Zip code + 4: 01453
First Name: YOUSEF		Last Name: AL SAHEB		Title: VICE PRESIDENT	
Street Address: 234 MERRIAM AVE		City: LEOMINISTER		State: MA	Zip code + 4: 01453
First Name:		Last Name:		Title:	
Street Address:		City:		State:	Zip code + 4:
First Name:		Last Name:		Title:	
Street Address:		City:		State:	Zip code + 4:
First Name:		Last Name:		Title:	
Street Address:		City:		State:	Zip code + 4:
9a Organization's Website (if available):					
b Organization's Email (optional):					

Part II Organizational Structure

- To file this form, you must be a corporation, an unincorporated association, or a trust. **Select the box** for the type of organization.
 Corporation Unincorporated association Trust
- Check this box** to attest that you have the organizing document necessary for the organizational structure indicated above. (See the instructions for an explanation of **necessary organizing documents**.)
- Date incorporated if a corporation, or formed if other than a corporation (MMDDYYYY): 11042022
- State of Incorporation or other formation: Massachusetts
- Section 501(c)(3) requires that your organizing document must limit your purposes to one or more exempt purposes within section 501(c)(3).
 Check this box to attest that your organizing document contains this limitation.
- Section 501(c)(3) requires that your organizing document must not expressly empower you to engage, otherwise than as an insubstantial part of your activities, in activities that in themselves are not in furtherance of one or more exempt purposes.
 Check this box to attest that your organizing document does not expressly empower you to engage, otherwise than as an insubstantial part of your activities, in activities that in themselves are not in furtherance of one or more exempt purposes.
- Section 501(c)(3) requires that your organizing document must provide that upon dissolution, your remaining assets be used exclusively for section 501(c)(3) exempt purposes. Depending on your entity type and the state in which you are formed, this requirement may be satisfied by operation of state law.
 Check this box to attest that your organizing document contains the dissolution provision required under section 501(c)(3) or that you do not need an express dissolution provision in your organizing document because you rely on the operation of state law in the state in which you are formed for your dissolution provision.

Part III Your Specific Activities

1 Briefly describe the organization's mission or most significant activities (limit 250 characters)

Student support services for Autistic students as requested by public schools and/or for additional support.

2 Enter the appropriate 3-character NTEE Code that best describes your activities (See the instructions):

B90

3 To qualify for exemption as a section 501(c)(3) organization, you must be organized and operated exclusively to further one or more of the following purposes. By checking the box or boxes below, you attest that you are organized and operated exclusively to further the purposes indicated. **Check all that apply.**

- Charitable
- Religious
- Educational
- Scientific
- Literary
- Testing for public safety
- To foster national or international amateur sports competition
- Prevention of cruelty to children or animals

4 To qualify for exemption as a section 501(c)(3) organization, you must:

- Refrain from supporting or opposing candidates in political campaigns in any way.
- Ensure that your net earnings do not inure in whole or in part to the benefit of private shareholders or individuals (that is, board members, officers, key management employees, or other insiders).
- Not further non-exempt purposes (such as purposes that benefit private interests) more than insubstantially.
- Not be organized or operated for the primary purpose of conducting a trade or business that is not related to your exempt purpose(s).
- Not devote more than an insubstantial part of your activities attempting to influence legislation or, if you made a section 501(h) election, not normally make expenditures in excess of expenditure limitations outlined in section 501(h).
- Not provide commercial-type insurance as a substantial part of your activities.

Check this box to attest that you have not conducted and will not conduct activities that violate these prohibitions and restrictions.

- 5 Do you or will you attempt to influence legislation? (If yes, consider filing Form 5768. See the instructions for more details.) Yes No
- 6 Do you or will you pay compensation to any of your officers, directors, or trustees? (Refer to the instructions for a definition of **compensation**.) Yes No
- 7 Do you or will you donate funds to or pay expenses for individual(s)? Yes No
- 8 Do you or will you conduct activities or provide grants or other assistance to individual(s) or organization(s) outside the United States? Yes No
- 9 Do you or will you engage in financial transactions (for example, loans, payments, rents, etc.) with any of your officers, directors, or trustees, or any entities they own or control? Yes No
- 10 Do you or will you have unrelated business gross income of \$1,000 or more during a tax year? Yes No
- 11 Do you or will you operate bingo or other gaming activities? Yes No
- 12 Do you or will you provide disaster relief? Yes No

Part IV Foundation Classification

Part IV is designed to classify you as an organization that is either a private foundation or a public charity. Public charity status is a more favorable tax status than private foundation status.

- 1 Are you applying for recognition as a church, school, or hospital (described in section 170(b)(1)(A)(i), (ii), or (iii) of the Internal Revenue Code)? If yes, stop. Do not file Form 1023-EZ. See Instructions Yes No
- 2 If you qualify for public charity status, check the appropriate box (2a - 2c below) and skip to Part V below.
 - a Select this box to attest that you normally receive at least one-third of your support from public sources or you normally receive at least 10 percent of your support from public sources and you have other characteristics of a publicly supported organization. Sections 509(a)(1) and 170(b)(1)(A)(vi).
 - b Select this box to attest that you normally receive more than one-third of your support from a combination of gifts, grants, contributions, membership fees, and gross receipts (from permitted sources) from activities related to your exempt functions and normally receive not more than one-third of your support from investment income and unrelated business taxable income. Section 509(a)(2).
 - c Select this box to attest that you are operated for the benefit of a college or university that is owned or operated by a governmental unit. Sections 509(a)(1) and 170(b)(1)(A)(iv).
- 3 If you are not described in items 2a - 2c above, you are a private foundation. As a private foundation, you are required by section 508(e) to have specific provisions in your organizing document, unless you rely on the operation of state law in the state in which you were formed to meet these requirements. These specific provisions require that you operate to avoid liability for private foundation excise taxes under sections 4941-4945.
 - Select this box to attest that your organizing document contains the provisions required by section 508(e) or that your organizing document does not need to include the provisions required by section 508(e) because you rely on the operation of state law in your particular state to meet the requirements of section 508(e). (See the instructions for explanation of the section 508(e) requirements.)

Part V Reinstatement After Automatic Revocation

Complete this section only if you are applying for reinstatement of exemption after being automatically revoked for failure to file required annual returns or notices for three consecutive years, and you are applying for reinstatement under section 4 or 7 of Revenue Procedure 2014-11. (Check only one box.)

- 1 Check this box if you are seeking retroactive reinstatement under section 4 of Revenue Procedure 2014-11. By checking this box, you attest that you meet the specified requirements of section 4, that your failure to file was not intentional, and that you have put in place procedures to file required returns or notices in the future. (See the instructions for requirements.)
- 2 Check this box if you are seeking reinstatement under section 7 of Revenue Procedure 2014-11, effective the date you are filing this application.

Part VI Signature

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, and to the best of my knowledge it is true, correct, and complete.

CAROLYNDA APPLEBURY

(Type name of signer)

PRESIDENT

(Type title or authority of signer)

(Date)