

TOWN OF WESTWOOD

Commonwealth of Massachusetts

Steven M. Rafsky, Chairman
Steven H. Olanoff, Vice Chairman
John J. Wiggin, Secretary
Bruce H. Montgomery
Carol E. Chafetz



Nora Loughnane, Town Planner
Janice Barba, Land Use Assistant

2010 DEC 10 P 1:01

TOWN CLERK
TOWN OF WESTWOOD

PLANNING BOARD

DECISION OF THE PLANNING BOARD OF THE TOWN OF WESTWOOD

APPLICANTS: Eastern Development and New England Development, with the concurrence and consent of CRFI/Doherty Westwood Station Holdings LLC

PROPERTY OWNERS: CRFI/Doherty Westwood Station Holdings LLC

PROPERTY LOCUS: Assessors' Map 33, Parcels 6, 8, 9, 11, 12, 13, 15, 16, 17, 18, 19, 20, and 51; and Assessors' Map 37, Parcels 8, 10, 16, 17, 18, 19, 20 and a portion of 9.

MEETING: The Planning Board of the Town of Westwood held a public meeting in accordance with the General Laws of the Commonwealth of Massachusetts on Monday, November 8, 2010 in the Champagne Meeting Room at the Carby Street Municipal Office Building, 50 Carby Street, Westwood, Massachusetts, at which meeting the Planning Board considered a request for an extension of the Area Master Plan Special Permit and Consolidated Special Permits made pursuant to the provisions of Section 10.3.9 of the Westwood Zoning Bylaw, and pursuant to Section 21.12 of the Planning Board's Rules and Regulations for Mixed Use Overlay District, and pursuant to the provisions of Section 19.10 of the Planning Board's Special Permit Granting Authority Rules and Regulations.

BACKGROUND AND PROJECT SUMMARY

An Area Master Plan Special Permit and Consolidated Special Permits for the Westwood Station project (the "Project") were issued by the Planning Board on December 27, 2007. An Amendment of the Area Master Plan Special Permit and Consolidated Special Permits was issued by the Planning Board on November 18,

2008 (as so amended, the "Special Permits"). A letter requesting an extension of the Special Permits was received by the Planning Board on November 5, 2010.

STATEMENT OF FINDINGS

After having reviewed the request for an extension of Special Permits, and having considered the information contained in that request and presented at the Planning Board's November 8, 2010 meeting, the Town of Westwood Planning Board makes the following procedural findings and project findings:

PROCEDURAL FINDINGS:

1. The Westwood Planning Board received a letter of request for an extension of the Special Permits on November 5, 2010, which letter was dated November 5, 2010, and signed by John E. Twohig, Attorney, on behalf of Eastern Development and New England Development, with the concurrence and consent of CRFI/Doherty Westwood Station Holdings LLC.
2. The Planning Board received a letter authorizing the Applicants to request an extension of the Special Permits on November 5, 2010, which letter was dated November 4, 2010, and signed by James, Keary, Vice President of CRI Property Trust, on behalf of CRFI/Doherty Westwood Station Holdings LLC.
3. The Westwood Planning Board considered the Applicant's request for an extension of the Special Permits at a duly noticed public meeting on November 8, 2010.

PROJECT FINDINGS:

1. Since the issuance of the Special Permits, the Project has been delayed due, in large part, to the constrained financing environment, difficult economic conditions, appeals and challenges to project approvals and the need to obtain state and federal approvals.
2. Each of the above constitutes good cause under Section 10.3.9 of the Westwood Zoning Bylaw, under Section 21.12 of the Planning Board's Rules and Regulations for Mixed Use Overlay District, and under Section 19.10 of the Planning Board's Special Permit Granting Authority Rules and Regulations, and under M.G.L. Chapter 40A, Section 9, as each of the above constitutes a practical impediment to the permit holder's exercise and use of the Special Permits.
3. A one-year extension of the Special Permits is consistent with the purposes and intent of the Zoning Bylaw.
4. Section 10.3.9 of the Westwood Zoning Bylaw, Section 21.12 of the Planning Board's Rules and Regulations for Mixed Use Overlay District, and Section

19.10 of the Planning Board's Special Permit Granting Authority Rules and Regulations, each permit the permit holder, or any successor owner, to request additional findings and further extensions from the Board if, at the time of any such request, substantial use thereof or construction has not commenced for good cause.

DECISION

The Planning Board, by a vote of four in favor and none opposed, hereby grants **approval** of a one-year extension of the Special Permits for the Project as more particularly described in the Notice of Decision for the First Amendment to the Area Master Plan Special Permit and Consolidated Special Permits dated November 18, 2008 and recorded in the Office of the Town Clerk on November 21, 2008.

CONDITIONS

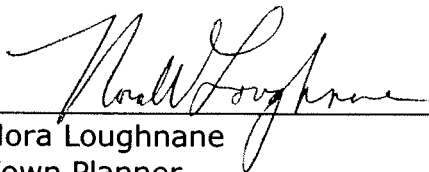
The foregoing approval is issued to the Applicant for the aforementioned Project in accordance with the terms and conditions set forth below, all of which are an integral part hereof:

1. Except as modified by the conditions and findings hereof, the Project shall comply with the Project Plans, and with all conditions of prior approvals, in all respects, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
2. This Extension of the Special Permits shall expire on November 21, 2011 unless it has been recorded at the Norfolk County Registry of Deeds and substantial construction or use thereof has commenced within this time period.

RECORD OF VOTE

The following members of the Planning Board voted to grant a One-Year Extension of the Special Permits for the abovementioned Project: John J. Wiggin, Steven H. Olanoff, Bruce H. Montgomery and Steven M. Rafsky.

The following members of the Planning Board voted in opposition to a One-Year Extension of the Special Permits for the abovementioned Project: None.



Nora Loughnane
Town Planner

DATED: December 8, 2010