

## South Shore Tri-Town Development Corporation

223 Shea Memorial Drive, South Weymouth, MA 02190

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

Measure #09-002

CERTIFY

SPECIAL PERMIT GRANTING AUTHORITY

*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

### DECISION ON REVISIONS TO APPLICATION FOR DEVELOPMENT PLAN APPROVAL

APPLICANT: LNR South Shore, LLC, a Delaware limited liability company

PROPERTY LOCATION: Portion of Phase 1A, Southfield, comprising land in Weymouth, Massachusetts shown as Lots R6, R7, R8, R9, R10, R11 and R12 (the "Revised Premises") shown on a Definitive Subdivision Plan entitled "Southfield—Phase 1A" dated June 27, 2008, by Kimley-Horn and Associates, Inc.; LNR South Shore, LLC, applicant, recorded with the Norfolk County Registry of Deeds (the "Registry") in Plan Book \_\_\_\_\_, Page \_\_\_\_ (the "Revised Subdivision Plan"). The Revised Premises were originally shown as Lots R6, R7, R8 and R9 on a plan entitled "Southfield—Phase 1A" dated April 6, 2007, recorded with the Registry in Plan Book 569, Page 1 (the "Original Subdivision Plan").

Reference is made to a Decision on Application for Development Plan Approval issued by the South Shore Tri-Town Development Corporation (the "Corporation"), dated August 23, 2007, recorded with the Registry in Book 25184, Page 27 (the "Original Phase 1A Development Plan Approval") and the Memorandum of Understanding dated as of November 13, 2007, recorded with the Registry in Book 25327, Page 22, as affected by that certain Affidavit and Certificate dated December 5, 2007, recorded with the Registry in Book 25380, Page 500 (the "Memorandum of Understanding"). The Original Phase 1A Development Plan Approval and Memorandum of Understanding also included Lots R1, R2, R3, C1 and C2 on the Original Subdivision Plan.

By application ("Application") dated July 9, 2008, filed with the filing clerk of the "Corporation", LNR South Shore, LLC, a Delaware limited liability company ("Applicant"), petitioned the Corporation, as the Special Permit Granting Authority (as defined in the Zoning and Land Use By-Laws for NAS South Weymouth (the "By-Laws")), for approval of revisions to the Original Phase 1A Development Plan Approval, pursuant to Article 5 of the Administrative Rules and Regulations for NAS South Weymouth (the "Administrative Regulations") and Article 13 of the By-Laws.

The filing clerk of the Corporation received the requisite number of copies of the Application, including all required submissions, and forwarded the Application package to the Corporation.

The Application did not request the issuance of any Special Permit under Article 11 of the By-Laws nor did the Application request Site Plan approval under Article 12 of the By-Laws.

The Application only relates to the Revised Premises, and the revisions to the Original Phase 1A Development Plan Approval for the Revised Premises. The Revised Premises are located entirely within the Central Redevelopment Area (as defined in the By-Laws).

The Application included all of the "Basic Information" as defined and specified in Section 5.3 of the Administrative Regulations.

As provided in Section 13.4 of the By-Laws and Section 5.4 of the Administrative Regulations, the Town Boards (as defined in the Administrative Regulations) were invited to attend and offer testimony at the public hearing to consider the Revisions to the Original Phase 1A Development Plan Approval. Additionally, pursuant to Section 13.4 of the By-Laws and Section 5.4 of the Administrative Regulations, the Town Boards were entitled to submit to the Corporation their written comments concerning the proposed project reflected in the Application, accompanied by a listing of their concerns and issues regarding the Application. No comments were received by the Corporation from the Town Boards (as defined in the Administrative Regulations).

Notification and public advertisement of the hearing (the "Hearing") on the Application was conducted according to the provisions of MGL, Ch. 40, § 11.

The Hearing was held at the Corporation's offices on August 11, 2008 at 7:00 p.m. Corporation Board Members James W. Lavin, David W. Chandler, Jeffrey D. Wall and John R. Ward were present at the Hearing. Also present at the Hearing were Eric J. Kfoury on behalf of the Corporation, the Corporation's Project Manager, James Young, and the Corporation's legal counsel, Beth H. Mitchell and Brent M. McDonald, Esq., of Nutter, McClennen & Fish, LLP. Robin Daniels and Rich Kleiman appeared on behalf of the Applicant, along with Edward S. Hershfield, Esq. (via telephone), of Brown Rudnick Berlack Israels LLP, and Brian Brewer and Richard Latini of Kimley-Horn and Associates.

At the Hearing, the Applicant described the revisions to the Original Phase 1A Development Plan Approval, and the Applicant's representative, Brian Brewer of Kimley-Horn and Associates, gave a presentation summarizing the proposed revisions to the Original Phase 1A Development Plan Approval.

As documented in the Corporation's meeting minutes for August 11, 2008, public comments were received from Ms. Mary Parsons of Rockland and Mr. Dominic Galluzzo of Weymouth.

The Hearing was closed on August 11, 2008.

## STANDARD OF REVIEW

In reviewing the Application, the Corporation applied the standards and criteria set forth in Section 13.5 of the By-Laws and Section 5.6 of the Administrative Regulations.

## FINDINGS

The Corporation hereby makes the following findings and determinations with respect to the Application, as required by Section 13.6 of the By-Laws and Section 5.7 of the Administrative Regulations:

- A. Application and Information Supplied is Complete. The Application is complete and contains all information required and necessary to make the findings and determinations set forth below.
- B. Consistency with Reuse Plan. The proposed uses and development program are in general conformity to the Reuse Plan (as defined in the By-Laws) containing a mix of uses. This is a revision to the Original Phase 1A Development Plan Approval, which was the first development plan submitted for any development within NAS South Weymouth. Therefore, there have been no other building permits, special permits or development plans that have been approved or issued.
- C. Consistency with Purposes.
  - The proposed uses and development program are consistent with the general purposes of the By-Laws
  - The proposed uses and development program are consistent with the applicable purposes and objectives set forth in the various Articles of the By-Laws and the Regulations (as defined in the By-Laws) and as set forth for the zoning districts in which the proposed uses and development program are to be located.
- D. Consistency with Other Developments. This is a revision to the Original Phase 1A Development Plan Approval, which was the first development plan submitted for any development within NAS South Weymouth. Therefore, there is no adjacent development within NAS South Weymouth and no building permits, special permits or development plans have been approved or issued.

- E. Compliance with Standards for Development Plans.
- The proposed uses and development program comply fully with the standards and criteria set forth in Article 13 of the By-Laws and in the Regulations (as defined in the By-Laws).
  - The Corporation has imposed conditions and/or safeguards, enumerated below, to adequately ensure that the proposed uses and development program shall operate or continue to operate in conformity with required standards and criteria.
- F. Consistency with Zoning Standards. The proposed uses and development program comply fully with the By-Laws and the Regulations (as defined in the By-Laws), including all applicable zoning requirements (use, density, locational, dimensional, and design standards) and the specific standards of the zoning districts in which the proposed uses and development program are to be located.
- G. Site and Area Compatibility. The proposed uses and development program are designed in a manner that is compatible with the existing natural features of the site and are compatible with the characteristics of the built environment and surrounding natural areas, including adjacent land uses.
- H. Modification of Density of Use. The proposed uses and development program do not have the potential to adversely impact the area surrounding its site due to its size and density. Accordingly, the Corporation is not requiring modification to the size of the proposed uses, structures, buildings or other improvements or the selection of different Building Forms (as defined in the By-Laws).
- I. Orientations of Vehicular/Pedestrian Access Ways and Ground Floor Uses. The Corporation has considered the context of the project site in terms of its locational attributes and the nature of abutting land uses, and established the degree of compatibility of proposed uses with adjacent existing or approved uses. However, in connection with approving the revisions to the Development Plan, the Corporation is not requiring that the proposed vehicular and pedestrian access ways and/or the uses and occupancies of the ground floor of a building be physically situated and oriented to face adjacent streets or pedestrian ways. These issues will be subject to review and approval during Site Plan Review (as defined in the By-Laws).
- J. Signage. The revisions to the Development Plan do not propose any signage. The location of, and controls for, the lighting of free-standing signs and any other allowable sign that would be visible from a residential use, shall be in accordance with the provisions of the Regulations (as defined in the By-Laws) applicable to signs. All signs shall be subject to review and approval during Site Plan Review (as defined in the By-Laws).

- K. Documentation of Findings. The Corporation finds no need to require alteration or modification of proposed uses, structures, buildings, or other development under the standards and criteria of Article 13 of the By-Laws.
- L. Master Plan Conformity. The proposed use and development are in general conformity to the Master Plan adopted and approved by the Corporation on April 29, 2005, resubmitted to the Corporation with all approved revisions incorporated on December 1, 2005, and are consistent with the goals and objectives of such master plan, taking into account all other development with NAS South Weymouth for which building permits, site plan approvals, special permits or development plans have been approved or issued.
- M. Regulatory Compliance. The proposed use and development are in compliance with all applicable provisions of the Regulations (as defined in the By-Laws) including, without limitation, the Architectural and Urban Design Standards and the Sustainable Design Standards and, subject to the conditions and safeguards discussed below, the Affordable and Workforce Housing Regulations (the "Housing Regulations").
- N. Plan Conformity. The proposed use and development are in substantial conformity with the applicable Street, Infrastructures and Utility, Landscape and Lighting Plans contained in the Subdivision Rules and Regulations of Naval Air Station (NAS) South Weymouth, except as modified or waived in the Subdivision Plan.

#### CONDITIONS

- A. The conditions imposed in the Original Phase 1A Development Plan Approval are hereby incorporated by reference into this decision, and shall apply to all revisions proposed in the Application.
- B. The Applicant shall comply with the terms and conditions of the Memorandum of Understanding.
- C. No later than 14 days from the date this decision is filed with the Corporation, the Applicant shall submit a sum of a residential base fee of \$400.00 plus \$150.00 per reviewed lot (\$1,450.00) to the Corporation as a filing fee for the purpose of engaging consultants, including legal counsel, for review of the Application and associated plans. Said funds can be used for payment for plan review work already conducted to date.

DECISION

At a public meeting on August 25, 2008, the Corporation voted to approve the Application, subject to the above conditions. The vote of each member was as follows:

<u>Member</u>	<u>Vote</u>
James W. Lavin	Approve
David W. Chandler	Approve
Jeffrey D. Wall	Approve
John R. Ward	Approve

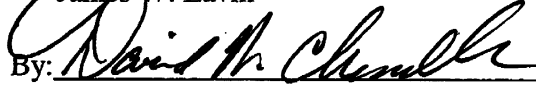
This written decision regarding the Application shall be filed with the official records of the Corporation and in the offices of the Town Clerk of Abington, the Town Clerk of Rockland and the Town Clerk of Weymouth within 14 days after the decision was rendered. Notice of the decision shall be mailed forthwith to the Applicant.

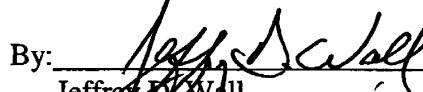
Appeals, if any, shall be made pursuant to Article 15 of the By-Laws that shall be filed within 20 days after the last date of filing of notice of this decision with the Corporation, the Town Clerk of Abington, the Town Clerk of Rockland and the Town Clerk of Weymouth.

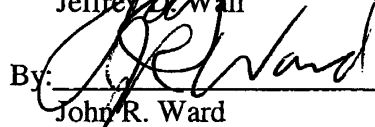
IN WITNESS WHEREOF, the undersigned has executed this instrument under seal as of the date set forth below.

SOUTH SHORE TRI-TOWN DEVELOPMENT CORPORATION

By:   
James W. Lavin


By:   
David W. Chandler

By:   
Jeffrey D. Wall

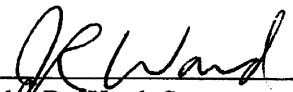
By:   
John R. Ward

Dated: August 26, 2008

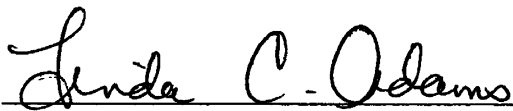
I, John R. Ward, Secretary of South Shore Tri-Town Development Corporation, hereby certify on behalf of South Shore Tri-Town Development Corporation that the foregoing is a true copy of the Decision of South Shore Tri-Town Development Corporation and that certified copies of the Decision have been filed with the official records of South Shore Tri-Town Development Corporation and in the offices of the Abington Town Clerk, the Rockland Town Clerk and the Weymouth Town Clerk.

  
\_\_\_\_\_  
John R. Ward, Secretary of South Shore Tri-Town  
Development Corporation

25<sup>th</sup> Filed with the official records of South Shore Tri-Town Development Corporation on the  
day of August, 2008.

  
\_\_\_\_\_  
John R. Ward, Secretary of South  
Shore Tri-Town Development Corporation

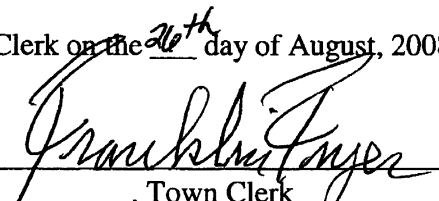
Filed with the office of the Abington Town Clerk on the 26<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
, Town Clerk

Filed with the office of the Rockland Town Clerk on the 26<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
, Town Clerk

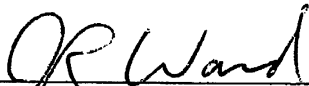
Filed with the office of the Weymouth Town Clerk on the 26<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
, Town Clerk



I, John R. Ward, Secretary of South Shore Tri-Town Development Corporation, hereby certify that the foregoing is a true copy of the Decision of South Shore Tri-Town Development Corporation dated August 25, 2008 and filed with the official records of South Shore Tri-Town Development Corporation on August 25, 2008, with the Abington Town Clerk on August 26, 2008, with the Rockland Town Clerk on August 26, 2008 and the Weymouth Town Clerk on August 26, 2008 and that twenty (20) days have elapsed after the latest date of such filing, without the filing of any appeal on such Decision.

Dated: September 22, 2008

  
\_\_\_\_\_  
John R. Ward, Secretary of South  
Shore Tri-Town Development Corporation

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