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1/24/2017

2:45pm

**Certificate of Vote for Kimball Farm Village on the Common, LLC
Town of Littleton Zoning Board of Appeals**

At its meeting on January 5, 2017, the Town of Littleton Zoning Board of Appeals voted 4 to 0 to extend the Comprehensive Permit granted to Village on the Common, LLC and subsequently transferred to Kimball Farm Village on the Common, LLC ("Kimball Farm") for property at Great Road in Littleton, MA, until December 31, 2017. Said Comprehensive Permit is dated July 26, 2006 and recorded with the Middlesex South District Registry of Deeds in Book 48030, Page 380.

The Zoning Board of Appeals granted this Comprehensive Permit on July 26, 2006, and has previously granted four extensions—a three (3) year extension was voted on May 19, 2011, a one (1) year extension was voted on May 22, 2014, a six (6) month extension was voted June 18, 2015, and a one-year extension was voted on December 10, 2015. This last extension ran through December 31, 2016.

In a letter dated December 23, 2016 and addressed to Town Counsel, Kimball Farm asked for an additional six-month extension of the Comprehensive Permit. At the Zoning Board of Appeals' meeting on January 5, 2017, Kimball Farm revised this request and asked for a one-year extension.

The Zoning Board of Appeals has consistently noted the lack of progress with respect to this Comprehensive Permit, and has implored Kimball Farm to move this project forward. To wit:

When it voted the aforementioned six (6) month extension on June 18, 2015, the Zoning Board of Appeals noted that there had not been meaningful progress on this development, and strongly urged the permit holder to take the steps necessary to move the development forward prior to the expiration of the six month extension period running through January 4, 2016.

When the Zoning Board of Appeals voted on December 10, 2015 to extend the Comprehensive Permit through December 31, 2016, it was again not satisfied that sufficient progress had been made to support the extension, but was amenable to the permit holder's request for an additional one-year extension to pursue alternative development concepts that the permit holder believed may be better suited to the area and to the present market. The Zoning Board of Appeals noted that it expected the permit holder to make good use of this entire extension period, and to undertake in earnest whatever steps may be necessary to adequately pursue such alternatives. The Zoning Board of Appeals specifically emphasized that the permit holder cannot passively maintain this Comprehensive Permit indefinitely, and in light of the length of time since the issuance of the Comprehensive Permit, the numerous prior extensions that have already been granted, and the lack of real progress toward completion, the Zoning Board of Appeals specifically cautioned that


any request for further extension might be reasonably denied. See 760 CMR 56.05(12)(c).

At the January 5, 2017 meeting, the Zoning Board of Appeals was once again not satisfied that the permit holder had taken sufficient steps within the past calendar year to sufficiently advance this project. Nonetheless, the Zoning Board was amenable to granting an additional extension of one year.

This extension is again subject to the caution that the permit holder cannot passively maintain this Comprehensive Permit indefinitely, and in light of the length of time since the issuance of the Comprehensive Permit, the numerous prior extensions that have already been granted, and the lack of real progress toward completion, the Zoning Board of Appeals specifically cautioned that any request for further extension might be reasonably denied. See 760 CMR 56.05(12)(c).

In accordance with the foregoing, the Comprehensive Permit is extended through December 31, 2017. The permit holder shall provide a detailed status report to the Zoning Board of Appeals no later than June 30, 2017.

Town of Littleton Zoning Board of Appeals

 1-19-17
Alan Bell, Clerk


Diane Crory, Town Clerk

February 15, 2017
Date