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November 10, 2015

FEDERAL EXPRESS

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Michael Battista, Chairman  
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RE: Smith Legacy Partners, LLC  
Special Permit with Design and Site Plan Review pursuant to Cushing  
Village Overlay District

[FletcherTilton.com](http://FletcherTilton.com)

Dear Chairman Battista and Members of the Board:

By Decision dated July 27, 2013 (filed with the Belmont Town Clerk on July 29, 2013), the Belmont Planning Board granted to Smith Legacy Partners, LLC a Special Permit pursuant to Section 8 of the Belmont Zoning Bylaw so as to permit a mixed use development commonly known as Cushing Village.

Pursuant to the provisions of Section 7.4.5 of the Belmont Zoning Bylaw, a Special Permit shall lapse within a two (2) year period from the date such permit was granted if a substantial use thereof has not sooner commenced except for good cause shown or, the case of a permit for construction, if construction has not begun within the period except for good cause (emphasis added). By decision dated August 19, 2015, the Board granted to Smith Legacy Partners an extension for a three (3) month period beginning August 19, 2015 contingent upon the approval by the Board of Selectman of the financing package for the purchase of the Cushing Square Municipal Parking Lot. For the reasons set forth below, Smith Legacy Partners, LLC respectfully requests that the Board extend the time for the lapse of the Special Permit granted to Smith Legacy Partners dated July 27, 2013, as extended, for an additional six (6) month period or until May 19, 2016.

In support of the request, Smith Legacy Partners, and its successor, Starr Capital Partners, LLC, note that while the financing package was approved in August, 2015 by the Board of Selectman and key documents executed by the Board at that time, the parties providing debt financing for the development as reflected in the financing package subsequently required major revisions to some of the documentation to more accurately reflect the role of the lenders in the transaction and the obligations of such lenders, particularly pursuant to the Land Development Agreement by and between the Town of Belmont and the property owner. Negotiations with regard to those modifications proceeded as quickly as possible with the valuable input of Belmont

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Town counsel but resolution was only recently achieved as to such documentation. With the documentation in hand, the Applicant can proceed to schedule a closing with both debt lenders which is expected to occur within the next week. The general contractor performing the construction, Nauset Construction, has committed that upon completion of the closing and the acquisition by Starr Capital Partners, LLC of the municipal parking lot, the contractor intends to mobilize almost immediately upon the site. That work will include the following sequential work:

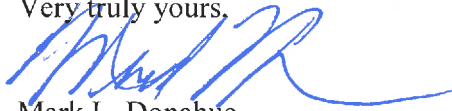
- A. Site fencing and safety/building layout/erosion and dust control.
- B. Site selective demolition at existing municipal parking lot.
- C. Mobilization for site work equipment to commence with excavation of foundations for the Winslow Building.
- D. Demolition of existing buildings.

The contractors indicated that all such work can commence all within a week of the Closing and would constitute, as determined by the Inspector of Buildings, commencement of the Special Permit. The requested extension provides an adequate period of time for the Closing to occur and for the mobilization to occur without running any risk of substantial delay. The time period is consistent with the Board's previous action in August of 2015.

I would ask that this matter be placed on the next available agenda for the Planning Board for further discussion and a vote by the Board to extend the period of time for use of the Special Permit for an additional six (6) month period.

Please do not hesitate to contact me if I can provide any further information.

Very truly yours,



Mark L. Donahue

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***Please direct all correspondence to our Worcester office.***