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In Reply Refer to
File No. 44811

Theodore C. Regnante

February 26, 2018

John Jarema, Acting Chair
Zoning Board of Appeals
Town of Reading
16 Lowell Street
Reading, MA 01867

**Re: Eaton Lakeview Development LLC
M.G.L. c.40B Comprehensive Permit Application
23-25 Lakeview Avenue and 128 Eaton Street, Reading, MA**

Dear Mr. Jarema and Members of the Zoning Board of Appeals:

This office represents Eaton Lakeview Development LLC ("Eaton Lakeview"), which filed an application for a comprehensive permit with the Zoning Board of Appeals ("ZBA") on January 9, 2018. Eaton Lakeview understands that the Department of Housing and Community Development ("DHCD") has certified that the Town of Reading is in compliance with its Housing Production Plan, and that this certification is effective through February 22, 2019. Eaton Lakeview wishes to proceed with the referenced application, notwithstanding its understanding that this DHCD certification provides the ZBA with a basis to deny or conditionally approve the application pursuant to 760 CMR 56.03(1), 56.05(3) and 56.03(8) -- a right commonly referred to as "safe harbor".

I understand that there is a mutual desire to clarify how to apply the "safe harbor" under DHCD's regulations and, specifically, whether the regulations require the ZBA to deny the application within 15 days of the opening of the public hearing or simply to provide notice within those 15 days that a denial would be consistent with local needs.

Eaton Lakeview hereby agrees that if the ZBA provides notice, within 15 days of the opening of the public hearing, that it believes that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs on the basis of the certification, then it need not actually deny the application on that basis within those same 15 days. In this event, the ZBA may proceed with the public hearing, and its ability to deny the permit, or impose conditions or requirements, on the basis of the DHCD certification will be preserved. Stated differently, Eaton Lakeview waives any claim that DHCD's regulations

require the ZBA to deny the application on the basis of the Town's safe harbor certification within 15 days after opening the public hearing. Further, Eaton Lakeview agrees that the time period for the Town to exercise its safe harbor claim is hereby extended to February 22, 2019.

In addition, 760 CMR 56.05(3) states that the public hearing on a comprehensive permit application "shall not extend beyond 180 days from the date of opening the hearing...except with the written consent of the Applicant." Eaton Lakeview agrees to allow additional time for the ZBA to conduct its public hearing. Accordingly, Eaton Lakeview hereby agrees to extend the time for the ZBA to close the public hearing, vote, issue a decision, and file its decision with the Town Clerk on the subject comprehensive permit application to February 23, 2019.

Sincerely,



Theodore C. Regnante

ACCEPTED:

John Jarema, Acting Chair
Town of Reading Zoning Board of Appeals