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TOWN OF LITTLETON
LITTLETON, MASSACHUSETTS 01460

ZONING BOARD OF APPEALS

FINDING AND DECISION

Re: Kimball Farm Village on the Common, LLC
for a Transfer of the Comprehensive Permit (the "Transfer")
for the property at Great Road in Littleton, Massachusetts

Petitioner: Kimball Farm Village on the Common, LLC

Case No.: 695A

Date Filed: October 1, 2010

A. PROCEDURAL HISTORY

1. On July 12, 2006, the Littleton Zoning Board of Appeals (the "Board") granted to Village on the Common, LLC (the "Previous Permittee"), a Comprehensive Permit (the "Comprehensive Permit"), pursuant to M.G.L.c.40B, to construct a development (the "Development") consisting of: **(a)** one hundred and eight (108) condominium units located in fifty four (54) duplex buildings; **(b)** a pavilion; **(c)** a wastewater treatment plant; and **(d)** associated structures and infrastructure, as shown on the Site Plan entitled 40B Residential Development Village on the Common prepared by Goldsmith, Prest & Ringwall, Inc dated October 2005. The Comprehensive Permit is recorded in the Middlesex Registry of Deeds in book 48030 page 380. The Development will be built on approximately 41.4 acres of land located off Great Road in Littleton, Massachusetts (the "Property"). The Property is recorded in the Middlesex District Registry of Deeds in book 46794, page 411, book 21594 page 321 and book 29952 page 317. On October 1, 2010, Kimball Farm Village on the Common, LLC ("the Applicant"), a limited liability company with a principal address of 400 Littleton Road, Westford, Massachusetts 01886, submitted an application to have the Permit transferred to them. Kimball Farm Village on the Common had purchased the property at a mortgagee's sale by Webster Bank.
2. Notice was given by publication on October 7 and 14, 2010 in the Littleton Independent, a newspaper circulated in Littleton, and by mail to all abutters and parties in interest.
3. A duly advertised public hearing of the Littleton Zoning Board of Appeals (the "Board") was opened on October 19, 2010, and continued to the following dates:

November 18, 2010
December 16, 2010
January 20, 2011
February 17, 2011

4. The public hearing was closed on February 17, 2011

B. FINDINGS

Based on the January 25, 2011 letter from the Department of Housing and Community Development (DHCD) (erroneously dated January 25, 2010), the Applicant is qualified to receive the transfer of the Comprehensive Permit pursuant to 760 CMR 56.04(1)(a) and (b) and 760 CMR 56.05(12)(b).

C. DECISION

The Board voted unanimously to GRANT APPROVAL to transfer the July 12, 2006 Comprehensive Permit Finding and Decision relating to the property at Great Road, formerly owned by Village on the Common, LLC, from the former owner, Village on the Common, LLC, to the new owner, Kimball Farm Village on the Common, LLC, and by amending Paragraph A.1. of the Decision by adding a sentence at the end of the paragraph stating that the development was sold.

RECORD OF VOTE

On February 17, 2011, The following members of the Littleton Zoning Board of Appeals vote to grant the transfer of the Comprehensive Permit subject to the above-stated terms: William Farnsworth (Aye), John Cantino (Aye), Rod Stewart (Aye), Marc Saucier (Aye) and Allan Bell (Aye).

Signed 
John Cantino, Assistant Clerk

Date 3-6-11

Filed with the Littleton Town Clerk on March 11, 2011.