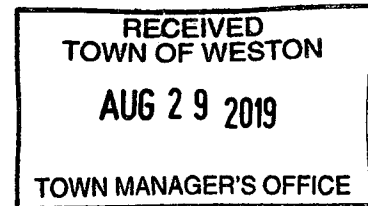


August 27, 2019

Jonathan D. Witten
jdwitten@k-plaw.com

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

518 South Avenue, LLC
c/o Jonathan Buchman
231 Boston Post Road
Wayland, MA 01778



RE: "Hanover Weston" Comprehensive Permit Application, Decision of the Weston Board of Appeals Invoking "Safe Harbor" Pursuant to 760 CMR 56.03

Dear Mr. Buchman:

At a scheduled public hearing held on August 19, 2019 in regard to the above noted matter, the Weston Board of Appeals voted to declare that the Town of Weston is "consistent with local needs" as that phrase is defined by G.L. c.40B, s.20 and 760 CMR 56.00 et seq. in regard to the Town's "1.5% land area" calculation.

Based upon publically available information provided the Board by the Weston Town Planner, the Board has concluded that Weston has met and exceeded the "1.5% land area" calculation and has, accordingly voted to assert the "safe harbor" provisions as found in 760 CMR 56.03.

This letter and attachments are provided to the Department of Housing and Community Development and the comprehensive permit applicant in accordance with 760 CMR 56.03(8) but in doing so, the Board does not waive its objections to various provisions of 760 CMR 56.00 et seq. as being inconsistent with G.L. c.40B, s.20-23 and entirely *ultra vires*.

Also, please note that, in reliance on the attached materials, the Board has concluded that the Town of Weston has exceeded the "1.5% land area" calculation without inclusion of the land area attributed to "group homes" in the Town of Weston. As you know, DHCD has not been forthcoming as to the land area attributed to "group homes" in other municipalities, requiring those cities and towns to obtain judicial relief so as to accurately account for "group home" land area. The Board reserves all rights to add the appropriate land area from "group homes" upon obtaining this information through litigation or otherwise.

Finally, the calculations prepared by the Town Planner, attached, comply with both statutory and regulatory requirements (subject to the Board's reservation of rights where the regulations unlawfully conflict with the statute). The calculations, may, or may not comply with the so-called Guidelines for Land Area Minimum calculations (so called "GLAM" guidelines). As the GLAM guidelines are not found within the statute and have not been adopted pursuant to the Administrative

KP | LAW

518 South Avenue, LLC
c/o Jonathan Buchman
August 26, 2019
Page 2

Procedures Act, the Board's position is that these guidelines do not have the force of law nor have any legal relevance as to how cities and towns comport with the statutory or regulatory requirements pertaining to the present matter.

Very truly yours,


Jonathan D. Witten

JDW/lmk

Enc.

cc: Zoning Board of Appeals
Members of the Board of Selectmen
Town Manager ✓
Town Planner
James Ward, Esq.
Department of Housing and
Community Development (via Certified Mail)

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