

**COMMONWEALTH OF MASSACHUSETTS  
HOUSING APPEALS COMMITTEE**

BEACON OCEAN SHORE LIMITED PARTNERSHIP,	)	
Appellant	)	
v.	)	Docket No. 02-27
ZONING BOARD OF APPEALS OF THE	)	
TOWN OF MARSHFIELD,	)	
Appellee	)	
	)	

**STIPULATION**

Appellant Beacon Ocean Shore Limited Partnership (“Beacon”) and appellee Zoning Board of Appeals of the Town of Marshfield (the “Marshfield ZBA”) hereby stipulate and agree as follows:

1. Beacon and the Marshfield ZBA have resolved their dispute with respect to certain findings and conditions included in the comprehensive permit issued by the Marshfield ZBA to Beacon on August 27, 2002 and appealed by Beacon in this action. Specifically, Beacon and the Marshfield ZBA hereby agree to each of the findings, conditions and terms set forth in the attached revised Comprehensive Permit with Conditions Pursuant to Housing Appeals Committee’s Decision on Stipulation Between the Marshfield Zoning Board of Appeals and Beacon Ocean Shore Limited Partnership (the “revised Comprehensive Permit”), which is incorporated by reference herein.
  
2. This Stipulation shall be binding upon Beacon, the Marshfield ZBA and their respective agents, successors and assigns.

3. Beacon and the Marshfield ZBA agree that the Housing Appeals Committee should issue a Decision on Stipulation that (a) directs the Marshfield ZBA to issue the revised Comprehensive Permit to Beacon or its nominee, assignee or affiliate (which nominee, assignee or affiliate, as the case may be, shall be a limited dividend organization) no later than 30 days from the date of such Decision on Stipulation, and (b) orders that, absent such issuance by the Marshfield ZBA within the allotted 30-day period, the revised Comprehensive Permit shall for all purposes be deemed the action of the Marshfield ZBA and, by operation of law, shall issue to Beacon or its nominee, assignee or affiliate (which nominee, assignee or affiliate, as the case may be, shall be a limited dividend organization).

4. Upon the issuance by the Housing Appeals Committee of said Decision on Stipulation, Beacon and the Marshfield ZBA agree to waive any and all rights of appeal relating to such Decision, including any legal action relating to the revised Comprehensive Permit, with the exception of actions in law or equity brought by either party to enforce the terms or conditions of the revised Comprehensive Permit.

5. Further, upon the revised Comprehensive Permit becoming effective and the expiration of all appeals pertaining to such permit or to the superceded comprehensive permit dated August 27, 2002 (the "August 2002 comprehensive permit"), but in no event later than the issuance of all required permits and approvals under the revised Comprehensive Permit, Beacon shall file a written waiver with the Marshfield ZBA that surrenders, on behalf of itself and its successors and assigns, any rights under the August 2002 comprehensive permit but retaining all rights under the revised Comprehensive Permit.

The undersigned parties respectfully request that the Housing Appeals Committee issue a Decision on Stipulation consistent with this Stipulation.

**BEACON OCEAN SHORE  
LIMITED PARTNERSHIP**

**MARSHFIELD ZONING BOARD  
OF APPEALS**

By its attorneys,

By its attorney,

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