

## **NOTICE OF FIRST AMENDMENT TO DEVELOPMENT AGREEMENT**

This NOTICE OF FIRST AMENDMENT TO DEVELOPMENT AGREEMENT dated February 5<sup>th</sup>, 2020 (the "Development Agreement") is entered into by and between the Town of Natick, 13 E. Central Street, Natick MA 01760 by and through its Board of Selectmen ("Town") and Stonegate St. Patrick LLC, a Massachusetts limited liability company, with an address of 83 Speen Street, Natick, Massachusetts 01760 ("Developer").

*WHEREAS*, the Developer seeks to develop certain parcels of land in Natick located at: 45 East Central Street, 4 Lincoln Street, 6 Lincoln Street and 5 Wilson Street (the "Property"); and

*WHEREAS*, the Developer owns the Property pursuant to that certain deed recorded in the Middlesex Registry of Deeds Book 65800 Page 373; and

*WHEREAS*, the Developer is seeking certain approvals from the Town including a zoning change, a Local Initiative Project Comprehensive Permit, and a Site Specific Liquor License applicable to the Development Agreement of even Premises (collectively the "Approvals"); and

*WHEREAS*, the Town is desirous of the Developer undertaking the "Development" and will support the Approvals related thereto.

Accordingly, the Town and Developer have, for good and valuable consideration, entered into the Development Agreement and this First Amendment of Development Agreement of even date setting forth the obligations of each party with respect to advancing the Development of the Property and such Agreement shall remain in place and encumber the Property according to its terms and conditions until such time as the Development Agreement is terminated in accordance with its terms.

The Town agrees to file a release of this Development Agreement and this First Amendment to Development Agreement with the Registry of Deeds within 21 days following (i) failure of the Natick Town Meeting to approve the required zoning change at the October 2020 Town Meeting, or (ii) issuance of a Comprehensive Permit by the Natick Zoning Board of Appeals and the expiration of the applicable appeal period without an appeal having been filed and the subsequent issuance of a building permit, or (iii) termination of the Development Agreement pursuant to its terms of by mutual agreement of the parties (collectively items (i) (ii) and (iii) are "Termination Event(s)")

In the event that the Town fails to file the release of this Agreement with 21 days following the occurrence of any of the Termination Events set forth above, the Developer may file a release, together with an affidavit certifying that a Termination Event has occurred.

Upon recording of a release of this Agreement by either party as set forth above, this Agreement shall thereafter be null and void and of no further force and effect and the parties hereto shall have no further recourse at law or in equity against one another.

This Notice of First Amendment of Development Agreement is executed for the purpose of recordation in order to give notice of the certain terms, provisions and conditions of the Development Agreement, as amended, and is not intended, and shall not be construed, to alter, limit or modify the Development Agreement, as amended.

EXECUTED as a sealed instrument this \_\_\_\_ day of September, 2020.

Town of Natick  
By its Select Board

\_\_\_\_\_  
Jonathan Freedman, its Chair

Stonegate St. Patrick LLC

  
\_\_\_\_\_  
By: Sean McGrath, its Manager

**THE COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss.

On this \_\_\_\_\_ day of September, 2020, before me, the undersigned notary public, personally appeared Jonathan Freedman as the Chair of the Select Board of the Town of Natick, proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he signed it voluntarily for its stated purpose as Chair of the Select Board of the Town of Natick

*(official seal)*

\_\_\_\_\_  
Notary Public  
My commission expires:

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 11<sup>th</sup> day of September, 2020, before me, the undersigned notary public, personally appeared Sean McGrath as Manager of Stonegate St. Patrick LLC, proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he signed it voluntarily for its stated purpose as Manager of Stonegate St. Patrick LLC.

(official seal)

Angela R. Bagalawis

Notary Public

My commission expires:



**ANGELA R. BAGALAWIS**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
January 22, 2027

