

STOP REGIS OVERDEVELOPMENT (SRO)

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LAND COURT RULES AGAINST REGIS COLLEGE WELLESLEY STREET PROJECT

Massachusetts Land Court Judge Alexander H. Sands III has issued a Summary Judgment ruling that the dominant purpose of the Regis College proposed Aging-in Place project on a 30 acre parcel of land across from its campus on Wellesley Street is not an educational purpose protected under the Dover Amendment, and cannot circumvent Town of Weston Zoning regulations. The decision effectively bars Regis from pursuing the proposed development.

Nearly five years ago, Regis revealed its intention to build an immense, eight building, 362 unit, 750,000 square foot complex on its property, claiming that it would be an educational use and, therefore, not subject to Weston Zoning. The plan was strongly criticized and opposed by an overwhelming percentage of Weston residents and government officials.

In a 2005 decision, the Weston Zoning Board of Appeals (ZBA) denied Regis the zoning variances that would have been required to build the project. Regis appealed the ruling to the Land Court and also sought a ruling that it was exempt from Town zoning requirements under the Dover Amendment to the state Zoning Act. SRO members, who

were abutters to the College, were granted the right by the Court to intervene in the litigation. With broad community financial support, a multi-year legal battle was pursued between Regis, the Town, and the SRO-support abutters.

The Land Court decision, issued on January 4, denied Regis College the right to build the Aging-in Place facility, concluding that the concept of what is "educational" is broad but not infinitely elastic, and properly found that Regis' project stretched that concept beyond the breaking point. The undisputed facts showed that any educational components of the project were subordinate to – and dwarfed by -- the College's plan to develop elderly housing that would serve as a major source of revenue.

The Court squarely rejected Regis's argument that zoning protection under the Dover Amendment is warranted if a proposed use has some element of educational use. The Court recognized that education must be the "primary and dominant" purpose of a proposed use in order for that use to obtain protection under the Dover Amendment. In doing so, the Court relied on long-established and controlling legal precedent.

Commenting on the Court holding, SRO Steering Committee spokesman and Intervenor, Arnold Zenker, said that “from the outset, we believed this was the wrong project in the wrong place for the wrong reasons. It was clearly not an educational use of the vacant land as Regis insisted, but, instead, a blatant attempt to maximize its commercial value by trying to circumvent Wellesley Street single family use zoning. We are extremely gratified that Judge Sands concurred with our position, writing in his opinion that “the project’s educational component seems subordinate to Regis’ desire to provide elderly

housing and/or a source of revenue for Regis.’ Our battle was never against Regis College, but against an ill conceived, flawed real estate development plan.”

The Land Court decision marked the culmination of a lengthy, complicated, and contentious battle at the trial court level between the opposing parties. “Hopefully,” said SRO member, Bob Hedges, “this is the end of it. Regis can now return to its core educational mission, and we, the people of Weston, can get on with our lives, confident that our town’s environment and rural character will not be disrupted by this misguided, over-sized, and inappropriate development project.”

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