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STEVEN M. BYRNE  
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

August 18, 2015

**By Electronic and First Class Mail**

Mr. Thomas Gleason  
Executive Director  
MassHousing  
One Beacon Street  
Boston, MA 02108

**Re: "Thorndike Place," Arlington, MA**

Dear Executive Director Gleason:

Please accept this letter on behalf of the Board of Selectmen ("Selectmen") of the Town of Arlington ("Arlington") in reference to the application for project eligibility/site approval submitted to MassHousing by Arlington Land Realty, LLC (the "Applicant") for a development of two hundred and nineteen (219) units off of Dorothy Road in Arlington, Massachusetts ("Development"). For the reasons set forth in detail below, the Board of Selectmen respectfully advises that the Applicant's request for project eligibility/site approval cannot be granted under the standard of review employed by MassHousing. Accordingly the Board urges MassHousing to deny the Applicant's request for project eligibility/site approval.

In summary, our recommendation is based on our review of the Application, our personal knowledge of the locus and the immediate neighborhood, including the history of the site; of relevant environmental and infrastructural constraints; and of Arlington's robust and documented planning for affordable housing and growth management to reach two conclusions:

First, the Application fails to satisfy threshold requirements and policies of MassHousing designed to protect the public's interest and properly promote affordable housing. Second, and most importantly, the Application fails to address substantive

issues particular to the site in a manner that would give this Board any confidence of the appropriateness of this project. As articulated by an Arlington resident who had expressed she had an "open mind" at the outset of a public meeting on same, presenting the "bare minimum" to MassHousing, this Board, and the public is not sufficient or acceptable given the very real and demonstrated threats to public health and safety posed by the proposed project.

As we discuss in detail below, while this Board appreciates the Applicant's efforts to present this project to us, and indeed we support the development of further affordable housing in Arlington, there is no rational support for issuing project eligibility approval for this project at this location given both threshold technical and substantive deficiencies readily apparent. Therefore, we urge MassHousing to deny the application.

#### History of the Thorndike Place Site

As an initial matter, the Selectmen believe it important for MassHousing to understand the character and history of the site in question. (A detailed timeline of the Town's records of ownership and use of the site is annexed hereto as Attachment "A"). The Mugar family initially acquired 17.7 acres of land in the early 1950s with the intention of building a Star Market. At the outset, the Mugar family promised they would not develop the site with access through the residential streets abutting the property. Following the reconstruction of Route 2 in the 1960s, the Mugar family sought and were granted several zoning changes and special permits for various projects to develop the site over the thirty years that followed (a 20-story apartment building with 5-story office building, a 325,000 square foot office complex, and a 17-lot single family residential plan in 1990), all of which were eventually abandoned.

In 1992 the Metropolitan District Commission ("MDC") Land Acquisition Program ranked the site as the 12<sup>th</sup> highest priority acquisition target for conservation in its 37-municipality service area. See MDC Conservation Target Acquisition Plan Excerpts, annexed hereto as Attachment "B-1." The Mugar family continued to explore development options, but Arlington began working to find means of acquiring the site for such conservation and open space purposes. Eventually, Arlington's 2000 Town Meeting voted to negotiate the purchase of the land (and again to "protect" the site in 2001), but at that same approximate time the Mugar family began forwarding a new proposal for a 300,000 square foot office complex. As with prior efforts to develop the locus, the proposed office complex development was abandoned.

Meanwhile, the MDC (now the Department of Conservation and Recreation) continued to stress the Thorndike site's priority for protection, noting in an October 19, 2000 letter to the Executive Office of Environmental Affairs that the site was one of the most significant undeveloped open spaces in the Boston Metropolitan area. See MDC-EOEA Letter annexed hereto as Attachment "B-2." Following receipt of the instant application, Arlington confirmed with the Department of Conservation and Recreation that the site was and is identified as a priority for protection and preservation. See July

21, 2015 Letter of DCR Commissioner Sanchez annexed hereto as Attachment "B-3." Protection of the locus is not a new idea, nor borne out of reaction to the current proposal. For over fifteen years, the Town, the Arlington Land Trust, and the Trust for Public Land have made good faith and credible offers to purchase the site.

Similarly, the Town has expended considerable time and resources developing both a Master Plan and Open Space Plan,<sup>1</sup> which both codify the Town's decades-long position that the site in question must be conserved and preserved as flood-prone open space. As such, whenever the present developer approached Town officials about developing the site, they were encouraged instead to look at other sites to redevelop in Arlington, especially the former Symmes Hospital site which was fully permitted and available for a number of years.

The history between the Town and various parties seeking development of the site has never reflected a lack of respect for the Mugar family nor opposition to development, including affordable housing in Arlington. Quite to the contrary. Throughout the Fifties, Sixties, and Seventies, the Town largely supported the Mugar's designs. However, as evidenced by the Commonwealth's own determinations relating to this site as far back as 1992, much has been learned about conservation and environmentally sustainable, smart, and appropriate municipal planning and development. As discussed in detail below, the proposed project for this locus is anything but sustainable, smart or appropriate and we trust that MassHousing will reject the application for project eligibility approval now, before additional private and public resources are expended.

1. The development does not qualify for the program under which it has applied, nor does it have any eligible federal or state subsidy as required under GL. c. 40B

The Applicant has ostensibly filed an "Application for Chapter 40B Project Eligibility/Site Approval for MassHousing-Financed and New England Fund (NEF) Rental Projects." On the Application Checklist, the Applicant has checked the box indicating that it has submitted an "NEF Lender Letter of Interest." Such submission is required under Section 5.1 of the Application, which calls for a "letter of interest from a current Federal Home Loan Bank of Boston (FHLBB) member bank," containing "confirmation that the Bank is a current FHLBB member bank and will specifically use NEF funds for the proposed development."

There is no letter of interest from a current FHLBB member bank confirming that NEF funds will be used for the project. Instead, there is a letter from TD Bank *explicitly stating that it is not an NEF member bank*. Where the Applicant has not submitted even the fig leaf of a federal subsidy that is an NEF letter - while baldly asserting that it has -

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<sup>1</sup> Both the Master Plan and latest Open Space Plan, were developed and adopted by separate processes before the Application was filed with MassHousing. Further, our previous Open Space Plans identified the area in question as a preservation priority since at least 1996, and prior to the State's formal Open Space Plan procedures, the Town targeted this area for protection as far back as a 1973 open space study.

MassHousing should conduct no further review of Application. Certainly no approval of this Application can be forthcoming where - as clearly stated on the application form - "[i]n order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the Proposed Project is . . . fundable under the applicable program."

The Applicant has submitted no evidence of any other federal or state subsidy, without which the project does not qualify for *any* approval by MassHousing. The Application should be denied on this ground alone.

2. The Applicant has failed to submit evidence of Site Control and accordingly is ineligible for any approval

As a second threshold deficiency for project eligibility/site approval, the Applicant also failed to demonstrate site control. Absent evidence of site control, MassHousing should deny further review of the Application, and certainly cannot grant approval.

In Section 4, the Applicant has checked the box indicating that the project site is "Owned (or ground leased) by the Development Entity or Applicant."<sup>2</sup> The Applicant is Arlington Land Realty, LLC. There is no documentation of the claim that Arlington Land Realty, LLC owns (or has a ground lease for) the project site, or otherwise has the requisite site control.

The Applicant has attached a 2009 deed into the Arlington Land Realty Trust (consideration: \$10.00). The Applicant attaches no deed, option, or purchase and sale agreement purporting to convey the project site to the Applicant, Arlington Land Realty, LLC.

Under the application section for "Deeds or Ground Leases," the Applicant provides only the following information: "November 12, 2009 - transfer to LLC May 19, 2015," and a purchase price of \$1,500,000. Again, there is no *evidence* of any transfer of the project site into the Applicant - perhaps the "LLC" referenced above - on May 19, 2015, also the date of the Application to MassHousing. Nor is there any documentation to support the \$1,500,000 purchase price referenced with respect to the May 15, 2015 "transfer." Further, to the extent the Applicant is attempting to pass off the deed into the

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<sup>2</sup> Confusingly, the Applicant has indicated that the terms "Grantor/Seller" and "Grantee/Buyer" are "N/A," or not applicable, but has checked the box indicating that the "Grantee/Buyer" is the "Developer Entity." In the section for Purchase and Sale Agreements or Option Agreement, the Applicant has identified the Grantor/Seller as Arlington Land Realty Trust, and the Grantee/Buyer as Arlington Land Realty LLC, but has also indicated that the terms Grantor/Seller and Grantee/Buyer are "N/A." There either exists a Grantor/Seller and a Grantee/Buyer, or there does not; there exists either a deed, or a purchase and sale agreement - or perhaps neither - but there should be a single answer.

Arlington Land Realty Trust as evidence of site control, the Applicant has failed to submit "copies of all plans referenced" in the deed, as explicitly required in the application. The Applicant's claim to "ownership" of "the entire site as shown on the site layout plans" is thus wholly unsupported.

The Selectmen are aware of the low evidentiary bar applied by MassHousing during the project eligibility/site approval process. Yet we assume that a *notation on the application itself* stating "transfer to LLC May 19, 2015" cannot possibly suffice as evidence that the Applicant has site control. The fact that the entities are reported as related does not obviate the need for some such evidence. Hence, as there is no support in the Application for a finding that the Applicant controls the site, as required by 760 CRM 56.04 (4), the Application must be denied.

3. The Application on its face violates MassHousing's Land Acquisition Value policy

As noted above, the Applicant has stated a purchase price for the project site of \$1,500,000. See Section 4 of the Application, "Site Control." Elsewhere in the Application - see Section 5, "Financial Information" - the Applicant indicated a site acquisition cost of \$4,100,000.00. The Applicant provides the figure of \$4,100,000 not only as the "pre-permit land value" - unsupported by any appraisal - but also as the "Actual Acquisition Cost" - that is, the amount the Applicant *in fact* has paid, or will pay for the property.<sup>3</sup> See p. 14-15 (emphasis supplied). There are no documents supporting the assertion that the Applicant has paid, or will pay \$4,100,000 for the project locus.

The Applicant's claim to a totally fictitious site acquisition cost violates MassHousing's Land Acquisition Value policy. Further, it calls into question the validity of other pro forma values provided by the Applicant, and prevents MassHousing from making the required findings that the project is "financially feasible" and "consistent with Chapter 40B Guidelines." As MassHousing is aware, a fictitious and inflated land valuation (in addition to being a possible violation of federal and state law) was grounds for the agency's withdrawal of a site approval letter for a comprehensive permit project in Sharon. In this case, the agency is aware of the Applicant's inflated land value *prior* to issuing any approval, and should deny the application outright based on this misrepresentation.

4. The Initial Capital Budget contains unsupported and contrived costs that serve to disguise the true costs of the project and profit to the developer

As a related threshold matter, the Initial Capital Budget provided by the Applicant includes vague and unexplained expenses, which intentional or not, serve to obscure the true costs of the project, and the profit to the developer. The hard costs portion of the pro forma include a \$2,203,440.00 contingency, and an additional \$2,250,000.00 for

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<sup>3</sup> Again, there being no documentation of the alleged transfer to the Applicant, it is unknown when such transaction has occurred or will occur.

unidentified “Unusual Site Conditions/Other Site Work (fully half of the site work cost). The soft costs portion of the pro forma contains a \$295,000.00 contingency; \$42,000.00 in unidentified “costs to others”; and an *additional* \$1,540,922.00 in unidentified “other development soft costs.”<sup>4</sup>

Simply stated, this Board suggests that contingency costs within a comprehensive permit pro forma are nothing other than a means to increase the project's costs on paper, so as to justify an increased number of units “needed” for the project to be financially feasible. The same is true of unidentified “other site work,” “other costs,” and “costs to others.” In this case, the pro forma's contingency and unidentified costs including a total \$4,306,362 serve no more than to disguise developer profits for which comprehensive permit projects are renowned.<sup>5</sup> In sum, where the Application at best reflects a lack of transparency on site control, land valuation, and budgeting, the Board trusts that MassHousing can appreciate that each these threshold deficiencies individually and collectively merit denial of this Application.

5. The proposed development is ill-suited to the project site, which is comprised largely of unbuildable wetlands and is located in a Flood Hazard Zone

According to the Applicant, the total area of the project site is 17.7 acres. Of this total area, the Applicant states that 11.5 acres, plus or minus, are wetlands.<sup>6</sup> The

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<sup>4</sup> To the extent the Applicant's explanation for hard costs in particular is rooted in concerns about unknown “unusual” site conditions rather than ambiguous budgeting, this Board is made only that much more concerned that the site is substantively inappropriate for a development of this scale. At our August 12, 2015 Meeting with the Applicant Selectman Byrne inquired as what such costs represent, and the Applicant responded that they would not discuss it at this time.

<sup>5</sup> As MassHousing is aware, any profit in excess of that allowed by the subsidy program is required to be returned to the municipality, not retained by the developer. The Selectmen are advised that the Town of Grafton was recently successful in settling a \$54M lawsuit regarding the retention of excess profits from a developer in a NEF project. Without suggesting any inappropriate involvement on its part, we note that the 40B consulting firm on that project prepared the instant Application, highlighting that even if MassHousing considers these pro formas standard practice in the past, such vague budgeting at the outset present real dangers for mismanagement with weighty consequences.

<sup>6</sup> The Applicant appears to have no understanding of the function or value of wetland resources and insults the residents of Arlington—and the citizens of the Commonwealth—regarding their concerns for the protection of the same. The Applicant describes the site as “wild, unkempt, and illegally dumped on for years” and promises that “the proposed project greatly improves site conditions.” Setting aside the question of how construction of six buildings, parking, roadways and related infrastructure in and adjacent to wetlands will “improve” the resource, how else should functioning wetlands appear, other than “wild”? As for the property being “illegally dumped on for years,”

Applicant indicates that the wetland resources are "BVW/BLSF" - Bordering Vegetated Wetlands and Bordering Land Subject to Flooding, but as no application has been made to the Arlington Conservation Commission for a delineation or Order of Conditions under the Wetlands Protection Act or the Arlington Wetlands Bylaw, the accuracy of the Applicant's estimate has not been confirmed, nor has the presence of additional wetland resources protected under the Act or Bylaw been ruled out. Further, the Applicant's estimate fails to take into consideration resources protected under Arlington's Wetlands Bylaw and Zoning Bylaw. Even using the Applicant's figure of 11.5 acres of wetlands on the property, this leaves a buildable area of 5.6 acres, into which the Applicant proposes to cram 219 units in six buildings, required parking, related construction and extensive site clearing and grading. The constraints imposed by the predominance of wetlands on the site—including well documented flood hazard zones—necessitates a crowding of buildings, roadways, parking, and infrastructure onto a small portion of upland, virtually covering it with impervious surface. In fact, the project plans illustrate that the proposed project cannot even be wedged into the upland area of the property. Portions of several buildings are located in resource areas and in buffer zones and the project will require the filling of wetlands in a manner and quantity the Applicant has failed to disclose. The agency cannot possibly conclude that "the conceptual project design is generally appropriate for the site on which it is located . . ." See 760 CMR 56.04(4)(c).

Further, the Applicant has requested waiver of provisions in the Arlington Wetlands Bylaw and Zoning Bylaw, including those pertaining to the Inland Wetland District, a resource area located on the property. Simply put, the project cannot be built without destruction of a significant resource area protected under the Bylaw, *even if* the project could be constructed in conformance with the Wetlands Protection Act<sup>7</sup>.

Waiver is sought from the Bylaw's prohibition on new habitable structures in the Inland Wetlands District, and from the prohibition on earthwork in the District. Again, the project cannot be built without destruction of a significant resource area protected under the Bylaw. The Applicant provides no assessment or even acknowledgment of the negative impacts on this protected resource area. In fact, the Applicant is so dismissive of the Bylaw's protection of the Inland Wetland District that it has not bothered to

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one might ask why the Arlington Land Realty Trust - owner of the property since 2009 and an entity related to the Applicant - allowed the property to accumulate refuse, as depicted in the photographs submitted. Based upon the condition of the wetland resources, it appears as if there have been and continue to be, violations of the Wetlands Protection Act and the Arlington Wetlands Bylaw. The Town reserves all rights to pursue enforcement of these apparent violations before the Department of Environmental Protection and the Courts.

<sup>7</sup> The applicant has provided no information—none—that the project can be constructed in compliance with the federal Clean Water Act or the Commonwealth's Wetland Protection Act and based upon our knowledge of the immediate and surrounding land areas, we believe that the project is not able to so comply.

indicate its boundaries on the project plans submitted. Without information regarding the Inland Wetland District and the impacts of the proposed project on this resource, MassHousing is in no position to approve site eligibility. In fact, MassHousing is in no position to evaluate site eligibility. It would be against basic tenets of public policy, let alone common sense, for MassHousing to approve an application for project eligibility approval where the applicant freely admitted to the Board of Selectmen on August 12, 2015 that it has no idea—none—whether the undisputed extent of wetland resources on the locus make constructing the project possible. The Town's engineering and wetlands consultant has informed the Board that they question "the ability of the Site to accommodate the project". We logically ask, therefore, how MassHousing could issue project eligibility approval where the applicant itself has provided no information upon which site eligibility can be evaluated. Approval must accordingly be denied.

The Applicant seeks numerous waivers from other provisions of the Zoning and Wetlands Bylaws and Wetlands Regulations - for example, from requirements regarding compensatory flood storage; from environmental design review (on the grounds that the ENF "will provide the same level of review and comment" - a falsity); and, generally, "a waiver to forgo full compliance with the Arlington Wetlands Bylaw." Arlington's Wetlands Bylaw and Regulations are the result of a careful process of resource evaluation, and comprise a rational scheme to protect wetland resources of great value to the locus, neighborhood, Town and region. The proposed project makes no attempt to comply with such rational requirements - in fact, the Applicant presumes their irrelevance. G.L. c. 40B allows the possible relaxation of certain local requirements where "consistent with local needs," but nowhere in the law is found support for ignoring such regulations wholesale.

Further, and as the Applicant has observed, the site lies in a Flood Zone and both the project parcel and adjacent properties are subject to flooding. Any normative review of these facts would result in a conclusion that intensive development of the site proposed is inappropriate. Even the review performed pursuant to 760 CMR 56.04 should result in such finding, where it is beyond debate that construction in such areas poses a threat not only to such construction but also to adjacent properties. For this reason, MassHousing should deny project eligibility approval as the proposed project cannot comport with the requirements of 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns.")

6. The proposed development is entirely inconsistent with Arlington's Comprehensive Plan

Arlington has an extensive history of master planning for growth and development through a robust public process, culminating most recently in the update of the Town's Comprehensive Plan. The Comprehensive Plan balances residential and commercial growth with preservation of natural resources and open space, according to sound planning principles and in consideration of Arlington's existing development



patterns. Even the Housing Appeals Committee has recognized the legitimacy of such planning efforts. See 28 Clay Street v. Middleborough Board of Appeals, No. 08-06, September 28, 2009.

The Comprehensive Plan designates certain areas of Arlington appropriate for increased or intensive housing development. The proposed site is decidedly not one of them. The proposed site is not located within or near an existing area of concentrated development, nor is it within or near any area designated in the Comprehensive Plan as appropriate for future concentrated development. To the contrary, it is a parcel located significantly distant from any commercial activity. This is directly *contrary* to numerous goals and strategies of the Comprehensive Plan, including but not limited to: the promotion of concentrated development, the reuse and revitalization of existing buildings, the creation of transit-oriented development and the promotion of walkable development<sup>8</sup>.

Although MassHousing is not a planning agency, surely the agency recognizes that consistency with a municipal comprehensive plan is a means to measure a project's compliance with 760 CMR 56.04(4)(c): "that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns." Inconsistent with Arlington's Comprehensive Plan, this project fails such measure and the Application must be denied.

7. The Project fails to comply with Arlington's Housing Plan

Arlington also has an extensive history of planning for, encouraging, and producing affordable housing including historically and currently, supporting the use of the comprehensive permit statute. Its most recent Housing Plan contains goals and strategies for the development of affordable housing for particular populations whose needs have been documented in a housing study.

The proposed project meets none of these goals. Inconsistent with Arlington's Housing Plan, this project fails the measure of 760 CMR 56.04(4)(c) and the Application must be denied.

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<sup>8</sup> Contrary to any suggestion by the Applicant, this is an entirely car-oriented development. It is located adjacent to Route 2 and is not walkable to stores, restaurants, or services.

8. The proposed project violates the Town's Open Space Plan

As part of its master planning process, the Town has developed an Open Space Plan to balance its expected growth, development, and intensified built environment.<sup>9</sup> As a substantially built-out community, Arlington has limited opportunities to preserve the open space that is vital to communities - a value that even G.L. c. 40B recognizes as significant. See G.L. c. 40B, s. 21 (including, as a component of consistency with local needs, "the need to . . . preserve open spaces").

For decades, both the Commonwealth and the Town have identified the proposed project site as a priority parcel for acquisition due to its unusually high value as an environmental resource within the greater Boston metropolitan area.

The proposed project entails the crowding of buildings, parking, and related development at the front of the parcel; the filling of state jurisdictional wetlands; and the obliteration of locally-protected wetlands. Further, it proposes a virtual wall of buildings - four stories and fifty feet in height - across the entire frontage of the parcel. Together with its location remote from existing development, the project manages to speak negatively to *every factor* MassHousing purports to consider in the site approval process. See 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include *proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns*") (emphasis supplied).

9. The proposed development is wholly out of character with its neighborhood with respect to density, scale, massing and height of buildings

Adjacent to the project site is a neighborhood of single and two family homes. The Applicant proposes a 219-unit project on a buildable parcel of five or so acres, yielding a density, by the Applicant's estimation, of 43.8 units per acre. This density is entirely out of character with the adjacent residential neighborhood, with no context or justification other than maximizing developer profit. There are areas of Arlington with existing dense development, or targeted by the Town for such dense development. The project site is not one of them. Moreover, the density of the neighborhood proposed for this project exceeds the density required by G.L. c.40R, et seq. and, remarkably, 22% of the residents of the neighborhood are low to moderate income housing according to HUD. Adding a 219 unit residential project to this immediate neighborhood is completely inconsistent with one of the most well accepted principles of constructing affordable housing, that is, to ensure even distribution of the same throughout the municipality and not concentrated in any particular neighborhood.

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<sup>9</sup> The Open Space Plan has been adopted and endorsed by both the Conservation Commission and Planning Board entitling the Plan to various presumptions found in 760 CMR 56.00 et seq.

There are no large-scale residential or commercial buildings proximate to the upland portion of the site. The project introduces into the existing single-family neighborhood massive, wall-like buildings that are also wholly out of scale and character with the adjacent homes and streetscape. The two main buildings—with a highly austere design stretch across the width of the property, near its frontage, to a height of fifty-three (53) feet. That several townhomes are proposed in front of a portion of the fifty-three foot buildings does not mitigate the visual impact of the larger buildings. The massing, scale and height of these buildings dwarf neighboring residences and wall off the wetlands area behind the project.

Unless MassHousing has concluded that the character and fabric of existing neighborhoods are irrelevant; that visual impacts on a streetscape and neighboring residences are irrelevant - in short, that the context of a proposed project may be ignored in its entirety - this Application must be denied. See 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, *conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns*") (emphasis supplied).

10. The proposed development will generate traffic far in excess of what its location can sustain

The project site is constrained by Route 2 along one side and Town-owned land along part of another. All ingress and egress from the project site will be to the local road network that currently serves the surrounding single-family neighborhood. This road network does not have the capacity - nor can it be improved to have the capacity - for the hundreds of car trips to be generated daily by this project. The road network of this neighborhood is constrained by the simple lack of space for expansion or improvement.

In addition, for decades the Board of Selectmen has been asked by neighborhood residents to stop the use of the neighborhood as a "cut-through" between Lake Street and Massachusetts Avenue. It defies common sense to endorse a project in an area that cannot accommodate existing traffic and cannot be conditioned to make needed improvements. As MassHousing should know by its site investigation, there is no traffic engineering improvements that are feasible to safely shoehorn this project into this neighborhood.

The Application should be denied where it is clearly not "generally appropriate" for the site.

11. The Project Scores Zero (0) on MassHousing's Smart Growth Criteria Scorecard.

Contrary to the Applicant's claims, this project does not represent "Sustainable Development." Instead, it fails to meet each of MassHousing's "Smart Growth Criteria," which incorporate the Commonwealth's "Sustainable Development Principles."

- The project does not “contribute to revitalization of town center”
- The project does not “preserve and reuse” historic structures;
- The project does not have a “letter of support from the Chief Elected Official”;
- The project cannot be said to “concentrate development” - unless by “concentrate” is meant “*cover the entire upland area and portions of wetlands with buildings, parking lots and infrastructure*”;
- The project does not “restore and enhance the environment”;
- The project is not “fair”; it does not “improve the neighborhood” or include a “concerted public participation effort”;
- The project does not “conserve resources”;
- The project provides few realistic “transportation choice[s]”; contrary to the Applicant's suggestion, the site is not walkable to the Red Line; the project is isolated from commerce and car-dependent; and a bike trail is not a realistic year-round transit option
- The project does not “increase job opportunities”;
- The project does not “foster sustainable businesses”; and
- The project does not “plan regionally”.

With a score of zero (0) on MassHousing's own “Scorecard,” we assume that the agency cannot but reject this Application. If approval is granted notwithstanding the project's failure to conform to the , the criteria are effectively rendered meaningless.

12. The Applicant has failed to provide a complete application

The Applicant has failed to include with its application a number of required documents and information. The following is just a sampling:

- The Applicant has declined to provide a Marketing Study, stating that it available only on request. This is a requirement of the Application.
- The Applicant has declined to provide a Flood Insurance Rate Map for the project site . This is a requirement of the Application.
- The Applicant has failed to provide an Existing Conditions plan stamped by a registered engineer. This is a requirement of the Application. Instead,

for an Existing Conditions Plan, the Applicant has submitted an unstamped plan bearing the notation: "This document is provided by Borrego Solar Systems Inc. to facilitate the sale and installation of a solar power system from Borrego Solar Systems Inc. Reproduction, release, or utilization for any other purpose without prior written consent is strictly prohibited."

- The Applicant has failed to identify the 40B projects in which consultant SEB "has had an interest," including information as to whether such projects have been constructed and whether cost certification has been conducted. The Applicant states only that "Consultant SEB/has many years/40B experience"; the brochure-type addendum on SEB provides no further information, although it does have a photograph containing a dog.<sup>10</sup>
- The Applicant has failed to explain the status of the twelve for-sale townhouse units proposed. This Application is ostensibly for approval of a 219-unit rental project. Yet there is a hand-scrawled note - "Addendum to Rental Application - Twelve Townhomes for Sale" - on an unnumbered page after p. 29. This component of the project appears to have its own budget - including *a separate land acquisition cost of \$1,000,000*. There is no effort to explain how the budget for this 12-unit ownership project relates to the budget for the rental project. In fact, it is unclear whether the 12 townhouses are part of the 40B project.
- As noted above, the Applicant has failed to provide a NEF lender letter. This is a requirement of the Application.
- As noted above, the Applicant has failed to provide evidence that the Applicant, Arlington Land Realty, LLC has site control. This is a requirement of the Application.

For all the reasons noted above, we see no rational means of MassHousing issuing a project eligibility letter for the proposed project. Assuming *arguendo* that MassHousing does not enforce its own regulations, policies and normative guidelines for land development and issue a project eligibility letter for this proposal, we request that the following minimum conditions be imposed:

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<sup>10</sup> It is not disputed that SEB generally, and Robert Engler in particular, have been involved in hundreds of 40B projects over many decades and that James Stockard, a former partner of SEB, is a member of the Housing Appeals Committee. The point is that the Application requires detailed information on the experience of all "team members," which the Applicant asserts SEB to be and precisely how SEB was introduced to the Board of Selectmen during the applicant's minimal presentation on August 12, 2015.

1. The Applicant should be required to provide evidence that has site control and a NEF member bank lender;
2. The Applicant should be required to provide evidence that the land's value *and purchase price* equals \$4,100,00 as stated in its development budget, and otherwise complies with MassHousing's Land Acquisition Value Policy;
3. The applicant should be required to submit supporting documentation for its development budget, and submit a revised pro forma without inclusion of contingency costs or unidentified "other" costs;
4. The Applicant should be required to submit a revised project application consistent with the Town's Comprehensive Plan and Housing Plan;
5. The Applicant should be required to submit a revised project application with a proposed density, scale, massing and height consistent with the context of the project site;
6. The Applicant should be required to submit a revised project application that both indicates the boundaries of the Inland Wetland Resource areas and demonstrates that the project can be constructed consistent with the Arlington Wetlands Bylaw and relevant provisions of the Zoning Bylaw;
7. The Applicant should be required to submit a revised project application that is consistent with the MassHousing's "Smart Growth Criteria"
8. The applicant should be informed that the Town of Arlington will not grant wholesale waivers from local regulations designed to protect wetland resources or those designed to protect public health and safety.
9. The applicant should be informed that the Town of Arlington has achieved the "1.5% safe harbor" provision of the relevant regulations (760 CMR 56.00 et seq.) and that the Board of Appeals will have the lawful ability of invoking the same should an application for a comprehensive permit be submitted for this project.

### Conclusion

During the Applicant's cursory presentation before the Board of Selectmen on August 12, 2015, it was apparent that neither the applicant nor its consultants have any understanding of the extent to which wetland resource areas dominate the locus or limitations such dominance has upon locus' development potential.

Similarly, it was clear that the Applicant has no understanding of the celebrated traffic and flooding issues surrounding the locus and immediate neighborhood. Any first year planning student, any credible developer and any competent site designer knows that developing a site requires as a first—*not as a final step*—the determination of a site's constraints and limitations. Outrageously, in this case, the Applicant has done the

opposite. They have proposed a massive project first—without even a rudimentary evaluation of the site's constraints—and now seek local, state and federal endorsement of the same and its attendant drain of taxpayer resources.

Having been lectured to by the Applicant and its agents as to how the proposed plans are “preliminary” and “details will be provided during the Board of Appeals process”, we ask MassHousing to prevent any further waste of public and private dollars and the potential destruction of a parcel of land agencies of the Commonwealth have long ago recognized as unique and deserving of perpetual protection.

We know, that MassHousing knows, that once a project eligibility letter is issued, the Applicant has little incentive to work with the host community and little incentive to do anything but wait out the hearing process for a chance to appear before the Housing Appeals Committee. We have little doubt that such a harsh and sad conclusion is accurate in the present case. MassHousing has an opportunity to end this process now for this ill fated and wholly inappropriate project.

We ask that MassHousing reject this application as the agency must—it violates every requirement, policy and standard the agency has established. Granting project eligibility approval for this project would make clear to the Commonwealth's 351 cities and towns that no project eligibility application would ever be bad enough to warrant disapproval.

On behalf of the Board of Selectmen of the Town of Arlington, please let me know if you have any questions or would like additional support for any of the comments made above. They are made with utmost seriousness.

Very truly yours,

On behalf of the Arlington Board of Selectmen as its Chairman,

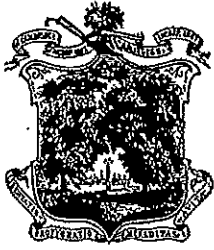
A handwritten signature in dark ink, appearing to read "Kevin F. Greeley", with a stylized flourish at the end.

Kevin F. Greeley

cc: Sen. Kenneth J. Donnelly  
Rep. Sean Garballey  
Rep. David M. Rogers

**ATTACHMENT "A"**





## TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

### DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

#### **Mugar Site History: Development and Conservation Time-line**

1951 Mugar acquires option to purchase land on Route 2 contingent on zoning change from Residential B to Business A. Mugar's counsel assures the Town that access will not be from neighborhood streets. Town Meeting adopts the zoning amendment, and S. Mugar exercises option; intends to build a Star Market. Development never commences.

1962 Mugar asks for rezoning of <5 acres to add to business zone. Concurrently, the state announces reconstruction of Route 2. The state makes land takings and Town Meeting article is withdrawn.

1970 Mugar proposes to build a 20-story apartment building and 5-story office building. Town votes to rezone to Planned Unit Development, again contingent on Mugar's counsel affirming no access would be from the neighborhood streets, only via Route 2. The re-zoning effectively increases the land value, but development never takes place.

1978 Residents request to rezone from Planned Unit Development back to Residence 2.

1983 owner proposes 325,000 square feet of office space in two buildings with 829 parking spaces; applies for Special Permits from Zoning Board of Appeals and Arlington Redevelopment Board (ARB).

1983 ARB grants special permit contingent on Route 2 access (Docket #2449) 6/29/83. Decision is appealed.

1983 Massachusetts EOTC denies Finard/Mugar 7/14/83 application for a curb-cut on Route 2 between Alewife Brook Parkway and Lake Street, noting the state's plan to acquire land and re-configure Route 2 near Alewife and access roads.

1983 Mass DPW begins Environmental Impact Report for Alewife station access roads.

1988 judgment of dismissal of abutter's appeals 11/23/88.

1990 IEP Inc. prepares a 17-lot single-family residential concept plan for the Mugar Group/Goulston & Storrs based on Arlington's R1 by-right zoning of the site, avoiding resource areas, and assumes >50% of the lot could be deeded to the town for conservation. The owners do not pursue this plan.

1990 ARB Special Permit granted in 1983 expires.

1992 Metropolitan District Commission (MDC) Land Acquisition Program ranks Mugar site 12<sup>th</sup> highest priority acquisition target for conservation in its 37-municipality service area.

1999 Mugar files Environmental Notification Form.

1999 Town Meeting warrant article is filed to acquire the Mugar Site.

2000 In January, Mugar Enterprises proposes two 5-story office buildings totaling 300,000 square feet of space.

2000 Town Meeting votes to direct the Town to negotiate to acquire the site for conservation and open space.

July 11, 2000 Finard & Co. for Mugar files with the Arlington Conservation Commission an Abbreviated Notice of Resource Area Delineation seeking confirmation of boundaries for wetlands and for the 100-year floodplain.

July 14, 2000 The Town engages the Trust for Public Land to negotiate acquisition/protection of the site with the owner.

August 2000 Finard files an Environmental Notification Form with the state.

October 19, 2000 the MDC--today's Department of Conservation and Recreation-- writes to EOE's MEPA office emphasizing the MDC's high ranking of the Mugar Land among the highest priority unprotected open spaces remaining in the metropolitan region. The state agency ranks Mugar 12<sup>th</sup> of 205 priority parcels for acquisition.

2000 MEPA certificate directs proponent to conduct analysis for full Environmental Impact Report, including "no-build" scenario, directing proponent to meet performance standards of "no-build" conditions.

2001 Finard submits additional material to the Conservation Commission supporting Finard's proposed determination of the 100 year flood elevation at the property location. The Conservation Commission in July 2001 issues a decision that does not accept the Mugar determination of the floodplain boundary, but accepts delineation of wetlands. Mugar appeals the Conservation Commission's decision to Superior Court. Superior Court in September 2002 agrees with the Conservation Commission. Mugar's appeal Superior Court decision to the Massachusetts Appeals Court.

2001 Town Meeting again votes to protect the site.

2002 Army Corps of Engineers includes Mugar parcel in proposed feasibility study of restoration of degraded wetlands.

2002 Selectmen's committee meets with David Mugar, Peter Mugar and David Ting regarding the Town's interest in acquiring the site. Selectmen then write Aug 14, 2002 to David Mugar suggesting a joint appraisal. A written offer with a specific dollar amount is made, which is declined by the Mugar's.

2002 DCR Alewife Reservation/Alewife Brook Master Plan cites hydrological connection of the Mugar parcel to the Reservation.

2003-2009 The Town, the Arlington Land Trust, and the Trust for Public Land continue to reach out to the Mugar's with offers to acquire the land.

2004 Appeals Court upholds Conservation Commission determination that Finard/Mugar's proposed floodplain boundary/elevation was inaccurate.

2009 – Oaktree Development principle Gwendolen Noyes contacts new Director of Planning & Community Development seeking to develop apartments at the Mugar land. The Director explains the Town's long-standing plan and policies to acquire the site for conservation, and instead suggests other Arlington locations better-suited for redevelopment on Massachusetts Avenue, Broadway, and especially the former Symmes Hospital site, which is already permitted for apartments.

2010 David Ting, Financial Officer for Mugar Enterprises, agrees to a price for the Town to acquire the site, and the Town is a candidate for a major wetlands protection grant to pay for it. A written agreement is ready for signature in October. In November 2010 the ballot initiative to repeal MGL Ch 40B is rejected by voters, and the property owner then declines to execute the agreement.

2010 Oaktree Development asks to meet with the Town, during which the Town Manager, Chair of the Board of Selectmen, Director of Planning & Community Development and others clearly repeat the Town's position and decades-long Open Space Plan priority to conserve the flood-prone land. The Town officials encourage Oaktree to instead look at other sites to redevelop in Arlington, especially the former Symmes Hospital site which was fully permitted and available by the bank who held the financing on the project.

2014 Arlington voters adopt the Community Preservation Act (CPA).

2014 Director of Planning & Community Development writes to Mugar Enterprises seeking to discuss acquisition.

February 2015 ARB Adopts Master Plan, including protection of Mugar land.

April 2015 ARB adopts updated Open Space & Recreation Plan re-stating the Mugar acquisition priority.

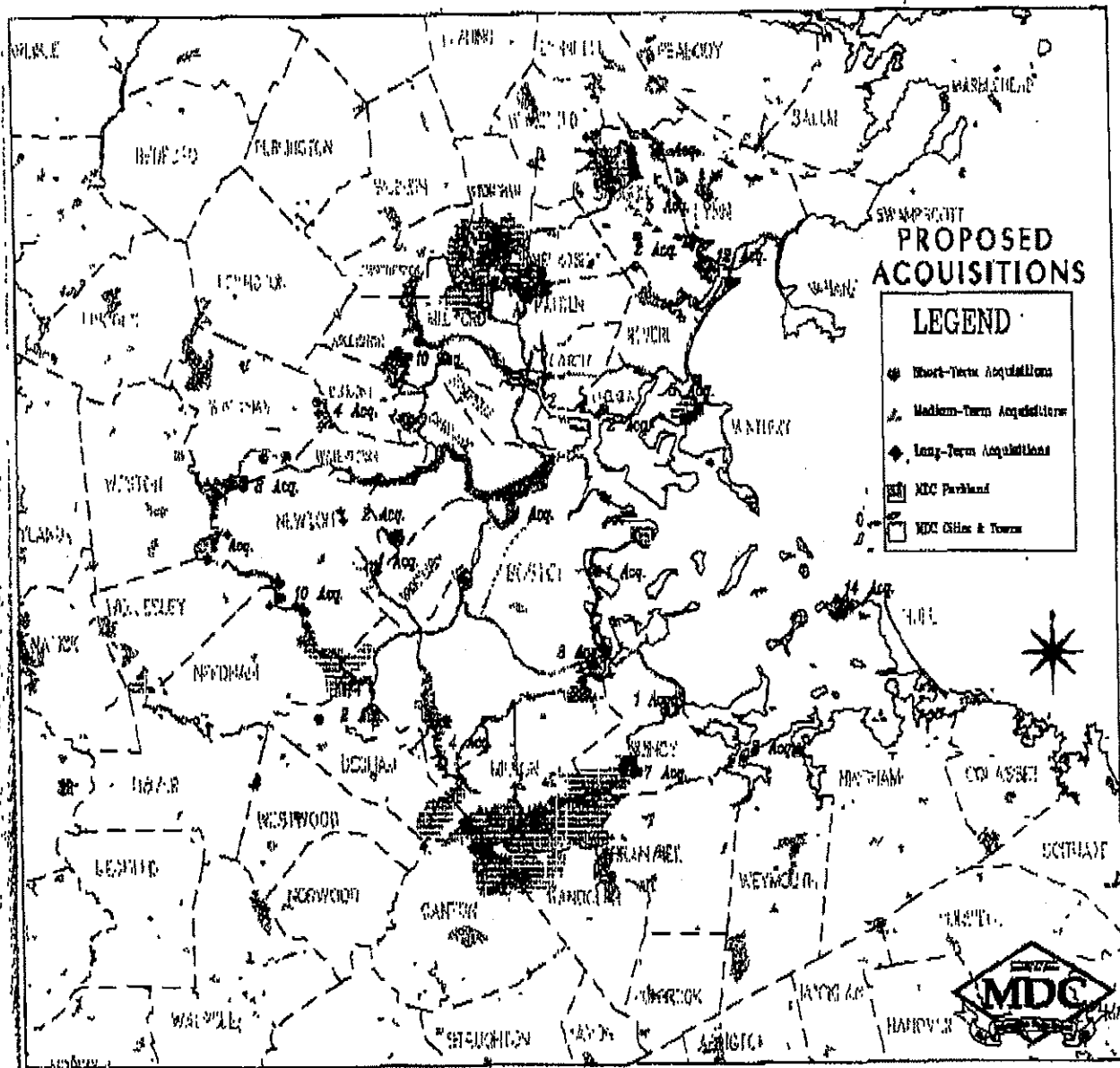
May 11, 2015 Town Meeting endorses Master Plan and specifically directs efforts to conserve the Mugar Land. Town Meeting also acts to create the Community Preservation Act Committee to implement the recently-adopted CPA.

May 28, 2015 Oaktree Development files notice with the Arlington Board of Selectmen of Oaktree's application to Mass Housing seeking to develop 219 units in 8 buildings under MGL Chapter 40B.

**ATTACHMENT "B-1"**

# Metropolitan District Commission

## LAND ACQUISITION PROGRAM



Metropolitan District Commission  
20 Somerset Street  
Boston, MA 02106

Julia O'Brien  
Director, Office of Planning

Daniel Gidycz, Principal Author  
MDC Office of Planning

Thomas J. Gray  
Director, Real Property Office

✓ - MDC has acquired  
 X - PROTECTED BY OTHERS  
 O - NOT NEEDED

PER DAN DRISCOLL  
 7 MAR 00

# APPENDIX G - FINAL PROJECT POINT RATINGS

PROJECT NAME	PARCEL	MDC SCORE	SCORP SCORE	TOTAL SCORE
		70	35	131
X Duval Property	1 of 1	60	43	127
✓ Zoppo	2 of 4	60	43	127
✓ Zoppo	4 of 4	60	43	127
✓ Zoppo	3 of 4	60	43	127
✓ Zoppo	1 of 4	60	33	117
✓ Sunnyside Ave.	1 of 1	60	23	113
✓ Bloom Parcel	1 of 1	50	33	108
O Longview Fibra Company	1 of 1	60	19	105
X Cedar Glen Golf Course	multiple	40	44	104
Marginal Street	1-6 of 6	50	33	104
✓ Armenian Benevolent Union	1-3 of 3	50	28	104
✓ Zayre Parking Lot	1 of 1	40	43	103
✓ Pinnacle Rock	4 of 14	50	39	103
Elizabeth Island	1 of 1	50	39	100
Mugar	1-7 of 7	60	26	100
✓ Duane Parcel	1 of 1	60	24	99
✓ Black Pond	1-2 of 2	30	43	99
✓ Bonacorso	2 of 4	40	43	97
✓ Pinnacle Rock	1-2 of 2	40	43	97
✓ Pinnacle Rock	12 of 14	40	43	97
✓ Pinnacle Rock	3 of 14	40	43	97
✓ Pinnacle Rock	10 of 14	40	43	97
✓ Pinnacle Rock	2 of 14	40	43	97
✓ Pinnacle Rock	8 of 14	40	43	97
✓ Pinnacle Rock	1 of 14	40	43	97
✓ Pinnacle Rock	14 of 14	40	43	97
✓ Pinnacle Rock	13 of 14	40	43	97
✓ Pinnacle Rock	11 of 14	40	43	97
✓ Pinnacle Rock	5 of 14	40	43	97
✓ Pinnacle Rock	6 of 14	40	43	97
✓ Pinnacle Rock	7 of 14	40	43	97
✓ Pinnacle Rock	9 of 14	50	42	96
X Mt. Gilboa	1-2 of 2	40	33	94
Waltham Watch Factory	1 of 1	40	34	94
Pine Hill Cemetary Parcel	1 of 1	60	24	94
✓ Wilson Mtn - Barletta Co.	1, 2, 3 of 4	60	19	93
Campo Marieuse	1 of 1	60	19	93
✓ Route 1 Access	2 of 2	50	33	93
✓ Fein	1 of 1	60	19	93
✓ Shaffner Parcel	1 of 1	40	28	92
✓ Woerd Ave. - Nichols	1 of 1	50	32	92
DPW Funded Bikeway	1 of 1	30	35	91
✓ Bonacorso	1 of 4	30	35	91
✓ Bonacorso	3 of 4	40	26	90
C.R. Reservation WHDM	1 of 1	50	24	90
✓ Cutler	1 of 3			

# SHORT-TERM ACQUISITIONS

RESERVATION	PROJECT NAME	PARCEL	PRIORITY	TOTAL SCORE
Alewife	Elizabeth Island	1 of 1	1	103
Alewife	Mugar	1-7 of 7	1	100
✓Alewife	Blair Pond	1-2 of 2	1	99
Alewife	Jerry's Pond & Babo	1-2 of 2	1	89
✓Alewife	Cattail Marsh	1 of 1	1	73
✓Back River	Cutler	1-3 of 3	1	90
✓Beaver Brook	Armenian benevolent union	1-3 of 3	1	104
Belle Isle	Duval Property	1 of 1	1	131
✓Belle Isle	Zoppo	1-4 of 4	1	127
✓Belle Isle	Sunnyside Ave.	1-3 of 3	1	117
✓Belle Isle	Bonacorac	1-4 of 4	1	99
✓Blue Hills	Duane Parcel	1 of 1	1	100
Blue Hills	Fine Hill Cemetary Parcel	1 of 1	2	94
✓Blue Hills	Colligan Parcel	1 of 1	1	88
✓Blue Hills	Shea Parcel	1-3 of 3	1	86
Blue Hills	Ricciuti Drive	1-2 of 2	1	83
✓Blue Hills	Mullin Avenue	1-2 of 2	1	80
Blue Hills	Flaherty Parcel	1 of 1	1	79
Breakheart	Cedar Glen Golf Course	multiple	1	105
Breakheart	Campo Marieuse	1 of 1	2	93
✓Breakheart	Shaffner Parcel	1 of 1	1	93
✓Breakheart	555 Broadway, rear	1 of 1	1	85
Breakheart	442 Lynnfells Parkway	1 of 1	1	85
Breakheart	Curley Property	1 of 1	1	83
✓Breakheart	425 Broadway, rear	1 of 1	1	80
Breakheart	Walnut Associates	1 of 1	1	80
Breakheart	Water Mill Site	1 of 1	1	78
Breakheart	Town Landfill	1-2 of 2	1	75
Breakheart	517 Broadway, rear	1-2 of 2	1	75
✓Breakheart	495 Broadway, rear	1 of 1	1	75
✓Breakheart	rear 425 Broadway West	1 of 1	1	75
Breakheart	Water Street Corner	1-3 of 3	1	73
Charles River	Longview Fibra company	1 of 1	1	108
✓Charles River	Zayre Parking Lot	1 of 1	1	104
Charles River	Waltham Watch Factory	1 of 1	2	94
✓Charles River	Wilson Mtn - Barletta Co.	1, 2, 3 of 4	1	94
✓Charles River	Woerd Ave. - Nichols	1 of 1	1	92
Charles River	C.R. Reservation WHDH	1 of 1	1	90
✓Charles River	Haynes Parcel	1 of 1	1	87
✓Charles River	Wilson Mountain	4 of 4	1	84



**ATTACHMENT "B-2"**



The Commonwealth of Massachusetts  
**Metropolitan District Commission**

**Planning Office**

20 SOMERSET STREET  
BOSTON, MA 02108

LR

ARGEO PAUL CELLUCCI  
GOVERNOR

JANE SWIFT  
LT. GOVERNOR

BOB DURAND  
SECRETARY

DAVID B. BALFOUR, JR.  
COMMISSIONER

TELEPHONE: (617) 727-9693  
FACSIMILE: (617) 727-8301  
[www.state.ma.us/mdc](http://www.state.ma.us/mdc)

*Faxed  
10-24-00*

**RECEIVED**

**OCT 26 2000**

**MEPA**

October 19, 2000

Bob Durand, Secretary  
Executive Office of Environmental Affairs  
Attention: Laura Rome, MEPA Office  
251 Causeway Street - 9<sup>th</sup> Floor  
Boston, MA 02114-2150

Dear Secretary Durand:

The Metropolitan District Commission (MDC) has reviewed the ENF for the Mugar parcel in Arlington, Massachusetts. It is MDC's opinion that a DEIR should be required for the proposed development. Following is an explanation for this position.

In 1992 the MDC prepared a comprehensive "Land Acquisition Program" that assessed the importance of all key open space parcels remaining within the MDC Park System's jurisdictional boundary (i.e. 37 cities/towns in the metropolitan region). Combined input from twelve public meetings, local and state officials' input, and MDC staff resulted in 205 proposed acquisitions. These properties comprised, in 1992, the most critical unprotected open space remaining in the metro. region. Fortunately, many of these key properties have been acquired by MDC over the past eight years. Due to a variety of factors, the Mugar parcel was, obviously, not one of them.

As part of the 1992 Program MDC developed an objective model for prioritizing the 205 potential acquisitions. A property received points if it met certain criterion. Examples of the criterion used follow: cultural or natural areas that are endangered or unique to the Commonwealth, including urban wilds; important ecosystems that cross political boundaries such as watersheds and wildlife habitats; recreation opportunities that are beyond the means of a single community; a parcel that strengthens existing park boundaries and prevent inappropriate intrusions; abuts water resource area; etc. Using this objective model the Mugar parcel was ranked 12<sup>th</sup> out of the 205 most significant unprotected open spaces remaining in the Metropolitan Region.

Unfortunately, recent funding limitations for parkland acquisition have significantly reduced MDC's ability to continue our proactive program of acquiring critical open space parcels such as Mugar. MDC does believe that the development of this parcel will be a major environmental loss to both the biological diversity of the Alewife Reservation and the surrounding environs, as

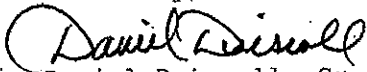
well as the Metropolitan Region's open space needs. We further believe that a property of such regional environmental importance should clearly require a DEIR.

Some of the elements that are not adequately addressed by the ENF and should be included in a DEIR follow:

- \* A baseline analysis regarding the current conditions of flooding and an analysis of flood water retention on the subject site. In addition, current flooding throughout the watershed should be considered.
- \* More detailed plans regarding the compensatory flood storage mentioned in the expanded ENF. MDC would like to note that counting flood storage as wetland mitigation, while perhaps permissible, is still harming the ecological health of the wetland system and adjacent habitat.
- \* Analysis of pollutants that would be generated from the creation of 1,145 parking spaces, including a strategy for dealing with this pollution and identification of alternatives to having so much new parking...
- \* A more comprehensive delineation of all wetland resources, and an analysis of impacts based on this delineation.
- \* Preparation of detailed plans clearly outlining the construction process and its related impacts (e.g. boundaries of the construction activity, the amount of fill being exported and imported, and the level of impact to the existing wetlands from vehicle and fill storage).

In conclusion, the MDC would like to reiterate its belief that the Mugar parcel is among the most significant, privately owned open space properties remaining in the metropolitan region. While we understand that some sort of development of this parcel may occur, it would be very unfortunate for the Alewife ecosystem if the proposal before us were approved. The proponent would be hard-pressed to come up with a proposal that showed less concern for the ecological importance of their property.

Sincerely,



Daniel Driscoll, Sr. Planner  
MDC Planning Office

Cc: Julia O'Brien, MDC Planning Director

**ATTACHMENT "B-3"**



July 21, 2015

Senator Kenneth Donnelly  
State House, Room 413D  
Boston, MA 02133

Representative Dave Rogers  
State House, Room 162  
Boston, MA 02133

Representative Sean Garballey  
State House, Room 540  
Boston, MA 02133

Dear Senator Donnelly, Representative Rogers and Representative Garballey,

I have received your letter regarding the proposed 40B development of the Mugar property in Arlington by Arlington Land Reality. It was a pleasure meeting with you, Arlington local officials, representatives of the Arlington Last Trust and the Arlington Coalition to Save the Mugar Wetlands last month. Your passion for this issue and your community was unmistakable.

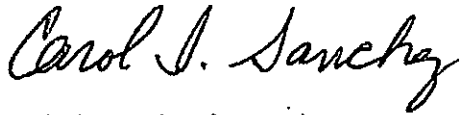
This property was identified as appropriate for protection in the December 1992 report entitled "Metropolitan District Commission Land Acquisition Program". Unfortunately, twenty three years later, though we acknowledge that permanent protection of the site would complement other protected open spaces in and around Alewife Brook, DCR is not in a fiscal position to acquire this property.

Traditionally, DCR has been reluctant to comment on local permitting issues, even in cases where the Department is a direct abutter. In this instance, where the subject parcel is not directly connected to Alewife Brook Reservation, the Department will remain silent on the proposed residential development.



I offer our staff to be a resource to you and your community should we be able to provide technical assistance in any way. I look forward to a continued partnership with you and please do not hesitate to contact our office regarding DCR matters.

Regards,

A handwritten signature in cursive script that reads "Carol I. Sanchez". The signature is written in black ink and is positioned above the printed name.

Commissioner Carol I Sanchez

Cc: Matthew Beaton, Secretary, EOEEA  
Kevin Greeley, Chair, Arlington Board of Selectmen  
Adam Chapdelaine, Town Manager, Town of Arlington