

From: Don Seltzer <timoneer@gmail.com>
To: Erin Zwirko <EZwirko@town.arlington.ma.us>
EBenson@town.arlington.ma.us, Andrew Bunnell <ABunnell@town.arlington.ma.us>,
Cc: KLau@town.arlington.ma.us, DWatson@town.arlington.ma.us, rzsembery@town.arlington.ma.us,
Jenny Raitt <jraitt@town.arlington.ma.us>
Date: 12/16/2019 08:06 AM
Subject: Correspondence regarding Docket #3602 Continuance

I write regarding Agenda Item #1 for the Board meeting on December 16. The first and only public hearing on this project was back in July. Since then the developer has asked for several postponements.

For this last postponement, he has waited until nearly the last minute to ask for another six weeks delay, with no reason given. Surely he knew before last Thursday that he would not be ready for Monday night. It is disrespectful and disruptive to the Board to make these last minute requests. It is also disrespectful to the residents who are impacted. These delays also incur additional costs upon the town for advertising and notifying abutters.

This brings us to the question of the Special Permit fee, which helps pay these costs. The applicant has yet to pay the fee required by town bylaws. Somehow this fee waiver was negotiated into the sale by town officials who lack the legal authority to do so.

That question came before this Board at the August 12 meeting and you expressed your concerns of the legality of such a waiver. The Planning Dept and Inspectional Services informed the Board of their opinion that a waiver of 50% of the required fee would be appropriate, without any explanation of the rationale or even their legal standing to make such a determination. Furthermore, this questionable waiver is contingent upon the completion of the sale of 1207 Mass Ave, which has yet to occur.

The Board voted on two separate continuances at the August 12 meeting, the first to postpone the fee question to October 21, and the

second to postpone the Public hearing on Docket #3602 to that same date.

The Applicant did not show up for that October 21 meeting, asking for another continuance of Docket #3602. No request was made, though, regarding a waiver of the Special Permit fee, and the Board took no action on that matter. The full permit fee has not been paid, and the Applicant has continued to stall the completion of his purchase of 1207 Mass Ave.

By its own rules, the Board should demand immediate payment of the full permit fee before this application can proceed. Any consideration of a future refunding of this fee should not occur until it is established which government body, this Board or Town Meeting, has the legal authority to make such a waiver, and the purchase of 1207 Mass by the Applicant is completed.

Respectfully,

Don Seltzer