

To: Select Board of Arlington  
Subj: Status of sale of 1207 Massachusetts Ave.  
Date: 4 June 2020

As the new Select Board plans its activities for the coming year, it may wish to review the status of the sale of 1207 Mass Ave. For the benefit of the majority of the Board who have not been involved in the past proceedings, I offer this brief history.

2012

Arlington police discover numerous alcohol violations at the Disabled American Veterans Club at 1207 Mass Ave.

The Board of Selectmen are surprised to discover that they are listed as owners of the property. The DAV Club had no lease and paid no rent.

The Board of Selectman votes to authorize a confidential appraisal.

A town official purchases the adjacent property, 1211 Mass Ave., with the assistance of another town official.

2014

The Board of Selectmen appoints a working committee to explore various options for the building.

A public hearing is held to discuss whether to keep for town use, rent out, or sell outright.

The Board votes to propose disposing of property to the 2015 Town Meeting. They also authorize an RFP for short term rental in the interim.

Property remains vacant throughout the year.

2015

Town Meeting is asked to approve the sale with the understanding that the proceeds would be used to pay for some of the cost of the Stratton School

renovation. The anticipated \$1M is included in the FY2016 budget for that purpose.

Property remains vacant throughout the year

2016

An RFP for short term rental is issued.

An RFP for \$750K, with reimbursement of all permit fees is issued. It receives one response from a former town official who had previously purchased the adjacent lot. The proposal is to combine 1207 and 1211 Mass Ave and build a Mixed Use with first floor commercial, and second floor residential or hotel.

Property remains vacant throughout the year

2017

The Select Board approves the bid, authorizes Town Manager to enter into negotiations for a Purchase & Sale agreement, *and to return to the Board for subsequent approval.*

Property remains vacant throughout the year

2018

Purchase & Sale is negotiated and signed, *without Board approval.*

Property remains vacant throughout the year

2019

Applicant files for Special Permit from Redevelopment Board (June 21)  
Initial Public Hearing (July). Key application materials are missing.  
Several postponements of a second hearing

Property remains vacant throughout the year

2020

Second Public Hearing (January). Key application materials are still missing.

Third Public Hearing (May), no new plans, materials, or studies presented. Continued until July.

June 21, 2020 - Either party is free to withdraw from the sale.

Property remains vacant.

No one anticipated that the sale of the town owned property would drag on for eight years. It has been five years since Town Meeting gave its approval, with the expectation that the town would receive at least \$1,000,000 to help fund the Stratton School renovation. Instead, as the years have gone by and Arlington property values have skyrocketed, the sale price has remained at just \$750,000, with a further kickback of all permit fees that will likely top \$100,000.

The Select Board has not reviewed the sale for more than three years. At that time, the Town Manager was authorized only to enter into negotiations for a Purchase & Sale, but was to return to the Board for approval.

The Buyer has not lived up to the conditions of the October 2018 Purchase & Sale Agreement, in particular 4.02 -

***The Buyer shall use it best efforts to obtain all necessary approvals as soon as reasonably practicable. It is agreed that time is of the essence of all provisions of this Agreement.***

The initial application for a Special Permit on June 21, 2019 lacked key information required of all SP applications. At the initial July 2019 hearing,

the applicant was asked to provide these materials as well as a critical professional traffic study for the location which is situated between Appleton and Lowell on Mass Ave. None of these requested materials have been presented almost a year later. The traffic study isn't even feasible at this time because of school and business shutdowns.

Under these circumstances, it is highly appropriate for the Select Board to reconsider its recommendation of five years ago to Town Meeting. And as of June 21, either party is free to back out of the proposed sale.

Sincerely,

Don Seltzer  
Irving St