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CORINNE A. DOHERTY
Of Counsel

August 28, 2025

Ms. Rachel Zsembery
Chair
Arlington Redevelopment Board
Town Hall
730 Massachusetts Avenue
Arlington, MA 02476

Re: 882-892 Massachusetts Avenue Mixed-Use Project
Docket Number 3625

Dear Ms. Zsembery and Arlington Redevelopment Board Members:

Please be advised that my office represents the 882-892 Massachusetts Avenue, LLC, the developer of the 882-892 Massachusetts Mixed-Use Project, issued a special permit by this Board on July 20, 2020, Docket Number 3625. On August 5, 2025, the ARB, through its Chair, Ms. Rachel Zsembery, sent correspondence to the Developer and to John H. Murphy, III of Summit Real Estate Strategies, LLC, the project manager on behalf of the Developer, outlining several outstanding issues that the Board would like addressed and resolved by the Developer regarding this project.

In response to the receipt of the ARB letter referred above, I have been tasked by the Developer to prepare a formal response which will address each concern in the order they appear in the letter. Each enumerated response will provide a written detailed update on the progress made by the Developer on the issue and confirmation that the condition has either been satisfied or that an action plan has been devised to meet the condition. All details of the action plan, including the expected end date for completion, will be included. In addition, all appropriate and necessary documentation to support the response will be attached for your review.

1. Signage – The Developer's tenant, Activate SBP, LLC and its sign company, Sunshine Sign Company, Inc have been actively working with Katie Luczai, the Town's Economic Development Coordinator, since January, 2025, on the submission and approval of the tenant's sign package. The outdoor sign has been administratively approved by the Planning Department, and has been submitted as part of a whole signage plan package for review by the ARB at a future meeting.

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2. Window Transparency – As stated above, the Developer’s tenant, Activate SBP, LLC and its sign company, Sunshine Sign Company, Inc, have prepared a sign package plan and applied for an Environmental Design Review before the ARB. As part of this review application, the tenant is also applying for a waiver of the minimum transparency requirement under Arlington Zoning Bylaw Section 5.5.2.B(4), due to the medical nature of the tenant’s business and the need to comply with both HIPAA requirements and the privacy rights of its patients.
3. Compressor – Due to the relocation of the building seven feet back from its original drawing location, several apparatus components and/or pieces of equipment had to be relocated either to the exterior of the building or moved to other locations on the structure. Simply put, these components no longer fit where they were originally planned when the building had to be resized. One such component was the compressor, which was relocated to the side of the building and has been there since construction began. As you know, the compressor is a major component of the buildings’ HVAC system and could not be relocated to the roof since air flow would be constricted and the cooling of the commercial units would be impeded. Therefore, it was moved to the outside north, west side of the building, for maximum effectiveness and minimal visibility. A grate, however, could be installed to minimize the compressor’s exposure and view from the street. (See photograph attached in Response 3 provided by the Cool Air Company with one option for grating to conceal the compressor. This grate would be made from powder coated galvanized metal.) If the grate is approved by the ARB, it would be orderly immediately and installed as soon as it is delivered to the Developer.
4. Open Space – As stated in response Number 3, due to the relocation of the building seven feet back from its original drawing location, many areas and spaces within the project had to be resized and redesigned. This included the open space at the rear of the building which was significantly reduced. Since the building is now close to ten feet from the lot line, there is no spot in the open space area to safely locate an outdoor grill. (See email from Developer’s Insurance Agent detailing the outdoor grill requirements for insurance coverage purposes attached in Response 4.) In compliance with Special Permit Condition 8, the Developer did install a picnic table in the open space, but removed it when the first floor residential tenant complained of lack of privacy and interference with quiet enjoyment due to proximity of the picnic table to the unit’s windows. The picnic table is now in a storage facility, but installing it again would be to the detriment of the first floor tenant. Finally, the dumpster is located in the rear of the building which compromises any effort to install outdoor amenities for enjoyment by the tenants. The Developer has tried to comply with this condition, but due to the decrease in the open space area, has been unsuccessful.

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5. Vehicle Parking – Per Special Permit Condition 9 and the Transportation Demand Management Plan (TDM), the Developer allocated one parking space per residential unit for a fee. The standard residential apartment lease used by the Developer includes a section on parking, with the amount charged for the parking space assigned to the tenant set at \$50.00 per month and is paid as part of the rental fee each month. At the present time, only one residential tenant has declined parking. (See copy of the lease page (blank) detailing the parking terms and conditions attached in Response 5. Since the lease is proprietary to the Developer, the entire lease cannot be attached for public viewing.)
6. BlueBikes Memberships – Per the TDM, the Developer notifies all residential tenants, via a letter included in its welcome package, that they are entitled to a BlueBikes Membership paid for by the Developer. (See copy of Welcome Letter provided to all residential tenants attached in Response 6.)
7. Bicycle Storage –Long-Term Indoor Parking - The Developer's architectural drawings and plans were submitted to both the ARB for approval and to the Planning Department as part of the permit application process. These drawings contained all details for the indoor bicycle storage room, including the details and specifications for the bicycle racks and holders. One approved the architect ordered all necessary equipment and materials for installation. Prior to obtaining the Certificate of Occupancy, the Building Inspector inspected the premises and signed-off on its compliance. This included the bicycle storage room. The Developer only became aware of this discrepancy when it was raised by Claire Ricker in a recent email. Since that time, the Developer has notified the architect of the issue and additional equipment and materials were ordered to bring the room into compliance. The additional equipment has been installed in the long-term bicycle storage room and it is now in compliance of the ZBL Sections 6.1.12.F and G. (See photographs of the storage room detailing the additional bicycle storage and architectural rendering used to order and place the new equipment attached in Response 7.)

Short-Term Outdoor Parking – The Developer has installed 10 short-term outdoor bicycle parking stations. (See photograph showing the installed out-door parking equipment attached in Response 7.) Of note, I reviewed the original plans and there is only one area for outdoor bicycle parking delineated on those plans and that is the spot where all ten spaces are located. There are not two sites, as indicated in your letter. The Developer has complied with this condition.

Of immediate concern for the Developer is determining how the person who provided photographs of the violation to Claire Ricker gained access and entry to the building. He is not a resident (tenant) of the apartment complex and the bicycle storage room has no windows or visibility from outside. In addition, the Developer has not received any

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complaints from tenants of the building regarding the storage room, to prompt an inquiry. The Developer takes building security very seriously and would like Ms. Ricker to probe the photographer to determine how he was able to gain entry to the building to take the photographs. If necessary, the Developer will pursue trespassing charges against this individual with the Arlington Police Department.

8. Updated Façade Design Plan – The Project Manager, John Murphy, provided the Planning Department with paint samples to select the new color to be used on the store front exterior on August 26, 2024. To date, he has not received a response nor has he been notified of the new color selection. As you know, there are only a few color options for the metallic paint that will be applied on the store front due to the material used and durability issues. The Developer will submit the updated façade design plan once the color has been selected. Of note, the original plans only identify colors by their generic names on the renderings, ie gray, white, etc., so exact paint colors must be selected after from swatches. Once the metallic paint color is finalized, the Developer will have the exterior store front -painted immediately and this work will include sanding and repairing any areas with peeling paint on the trim or elsewhere. Finally, the Developer is unaware of any trim color issues still existing. Last year, the ARB Members indicated that they had a concern with the trim color selected, since they did not believe it matched the project elevations. Mr. Murphy met with ARB Members and Planning staff, at the site, to discuss and chose another trim paint color. The new choice has already been painted on the trim. To date, no other complaints regarding the new trim color have been received and the Developer assumed that the trim color issue was resolved. (The store-front paint swatches are attached hereto in Response 8.)
9. Lighting – Per the request of the ARB, the Developer requested a more detailed lighting plan from the project architect. Once the plan is received by the Developer it will be forwarded to the ARB for review.
10. Fencing – Unfortunately, the chain link fence that runs along the west side of the property is situated on property owned by the abutting neighbor. There are sections of the fence that have bowed, which caused the upper chain link portion, in some sections, to cross the property line and are trespassing on the Developer’s property. This was caused by the growth of arborvitae trees which were planted to provide a barrier between the properties and for the privacy for the abutting neighbor’s tenants. Therefore, the Developer has no authority or ability to remove the portions of the chain link fence that are not on its property and the fence is owned and maintained by the abutter neighbor. (Also, the only reference to the fence’s removal was on the architect’s plans. He indicated that the fence may be removed, as need, for construction purposes. It was not listed as a condition for the Special Permit nor mentioned or indicated during discussions on the structure/project.)

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11. Crosswalk. – The Developer has installed the six-foot wide crosswalk across the driveway. (See photograph of the cross walk attached in Response 11.)

As you know, this mixed-use project was the first for the Town of Arlington and the only one planned and fully constructed during the Covid pandemic. There were so many unforeseen and unexpected challenges with the project that resulted in some significant delays; including sourcing difficulties and interruptions, canceled orders, material substitutions, Planning Department personnel changes and Covid protocols to be followed. All of these disruptions, which did hinder and delay the project's completion, were handled and resolved by the hard work and resolve of the Developer and its team. I believe that they should be commended for their efforts and perseverance and their ability to work collaboratively with all department and agencies within the Town towards the successful completion of this project.

Finally, as instructed in the referenced correspondence, I will be attending the September 15, 2025 ARB meeting on behalf of the Developer, and look forward to meeting each member in person.

Should you have any questions in this regard, please feel free to contact me.

Very truly yours,

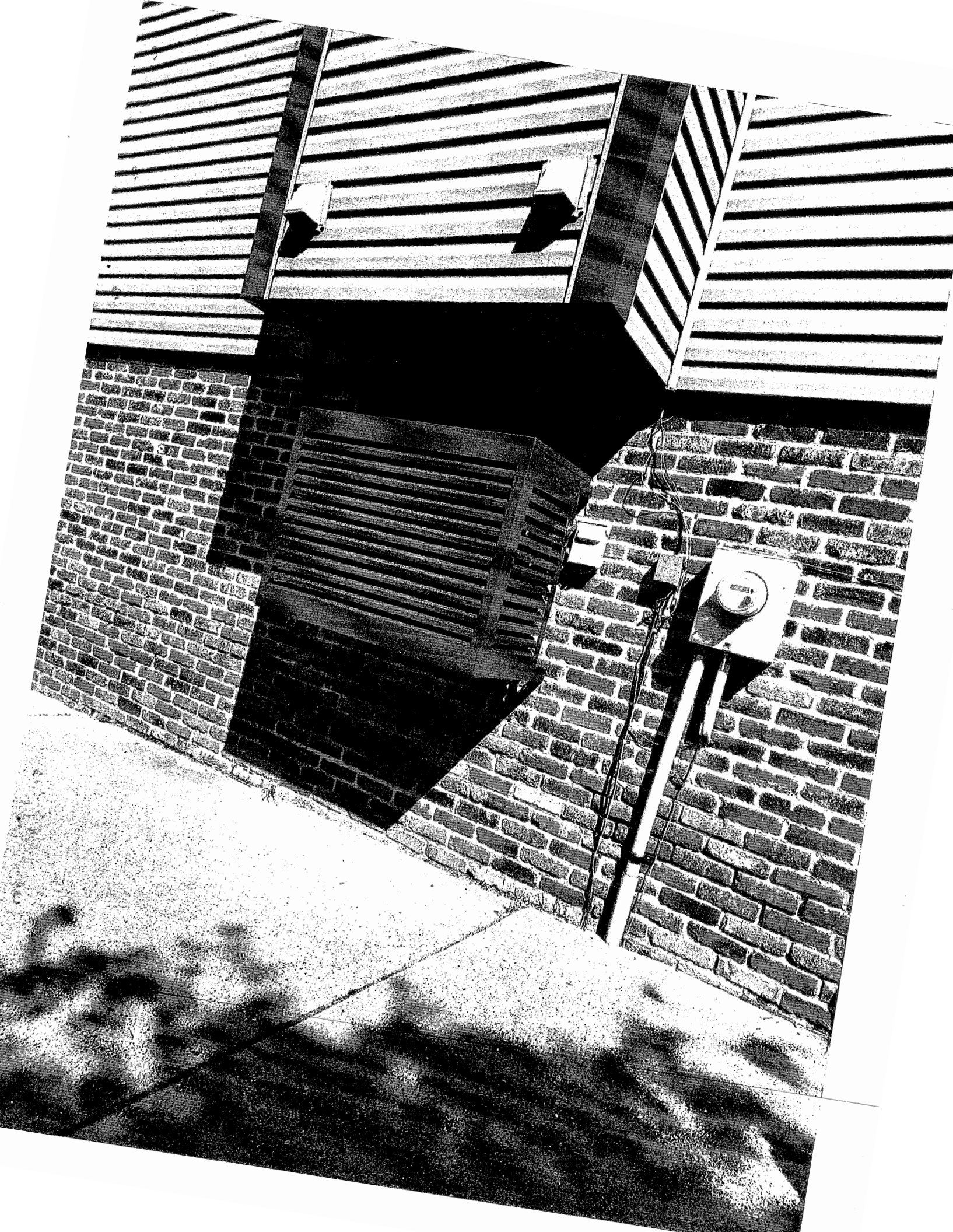
Corinne A. Doherty

Corinne A. Doherty

CAD:mm
enclosures

RESPONSE 3





RESPONSE 4

Frank,

Please see the attached stance that Vermont and as far as I know all insurance carriers are using in reference to barbecues and all the outside cooking devices. The insurance companies do follow the fire code. Please see below the exclusion.

According to **NFPA 1, Fire Code**, grills, hibachis, and outdoor cooking devices:

- **cannot be used or stored within 10 feet** of any building in multi-family dwellings (like townhomes or condos).
- This includes **gas and charcoal grills**, which are considered high fire risk.
- The rule applies **even when the grill is not in use**

Thanks,

Chris Moran, CLCS
Commercial Lines Underwriter I
Vermont Mutual Insurance Group®

P: 800-451-5000 x 7639
E: cmoran@vermontmutual.com

PO Box 188 – 89 State Street
Montpelier, VT 05601-0188

RESPONSE 5

RESPONSE 6

Welcome to 882 Massachusetts Avenue

Your Landlord is:	882-892 Massachusetts Ave LLC
Mailing Address: Rent is due on the 1 st of the month.	882-892 Massachusetts Ave LLC 400 Massachusetts Avenue Ste B Arlington, MA 02474
Payments, Water Bill & Maintenance	We use DOORLOOP, you will receive an invite, and you must complete sign up.
Maintenance: <u>Normal business hours only</u> . M-F 8AM to 4PM. Use email or DOORLOOP after hours. <u>After hours Emergency Only</u>	Email: Frank@pasciutoproperties.com Via Doorloop Call: 781-648-9867
Trash Pickup	Large trash items including but not limited to mattresses, televisions, air conditioner units cannot be placed in dumpster. Contact landlord for additional fee or arrange for self-disposal.
Electric Company	Eversource
Elevator Usage for Moving & Large Items	You must contact the landlord to arrange for the usage. Move-in and Move-outs scheduled in 3 hour time periods starting at 7AM
Free Blue Bike Membership	Please contact us for more information.

Please Note:

- 1) Those listed on the lease are the ONLY tenants. If there is an addition or change then you must contact the landlord.
- 2) No Smoking of any kind on/in the premises or in the common areas.
- 3) Front and back doors, hallways, elevator, common areas must be kept clean and free of personal items.
- 4) No person shall tamper with fire protection devices, including smoke & CO detectors
- 5) No candle or incense usage.
- 6) No satellite dishes or large antennae are permitted.
- 7) Limited wall hangings with no hole being made that are larger than 1/8 of an inch
- 8) Guests (anyone not a tenant, as referenced in this Lease) shall be allowed to stay in the premises for no longer than two weeks at a time, and no longer than three total weeks per calendar year.
- 9) Parties are prohibited at any time. Parties are considered a gathering of 3 or more unrelated people on the premises other than tenant(s)
- 10) Apartments must use air conditioner in the summer months at a temperature of 75 degrees (or lower)

RESPONSE 7

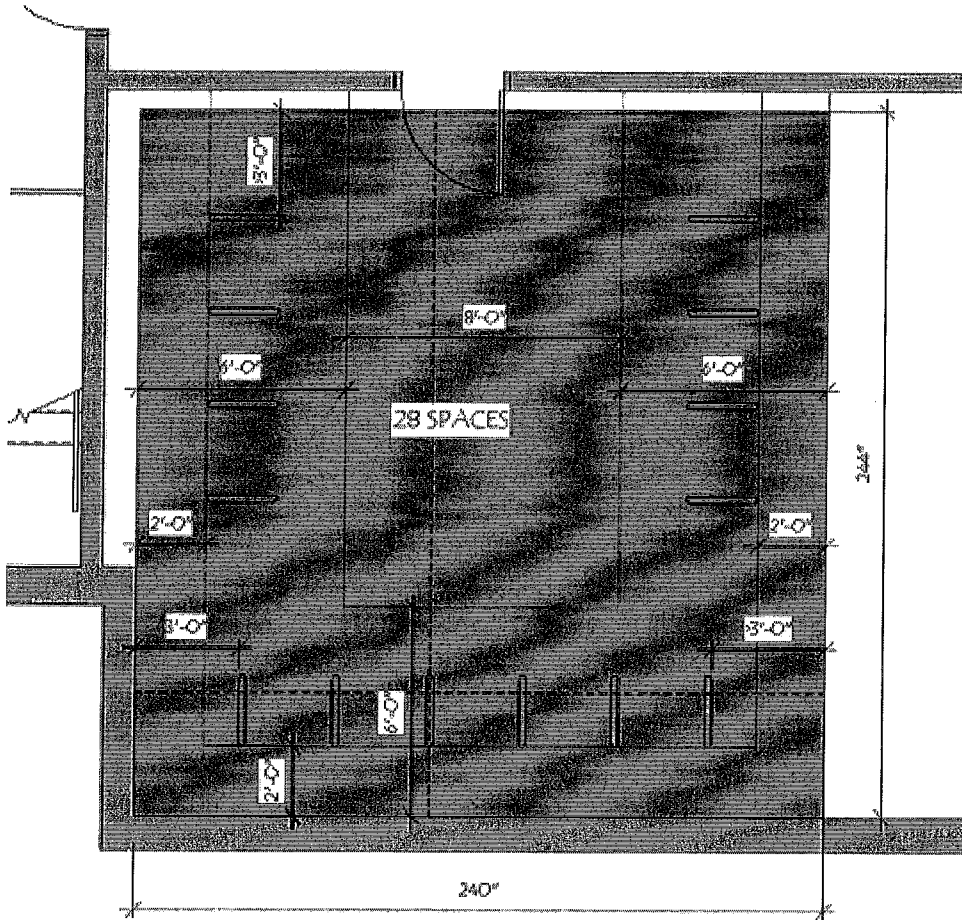
Re: 882 Mass Ave bike room

From John Murphy <john@summit-res.net>

Date Mon 8/25/2025 4:34 PM

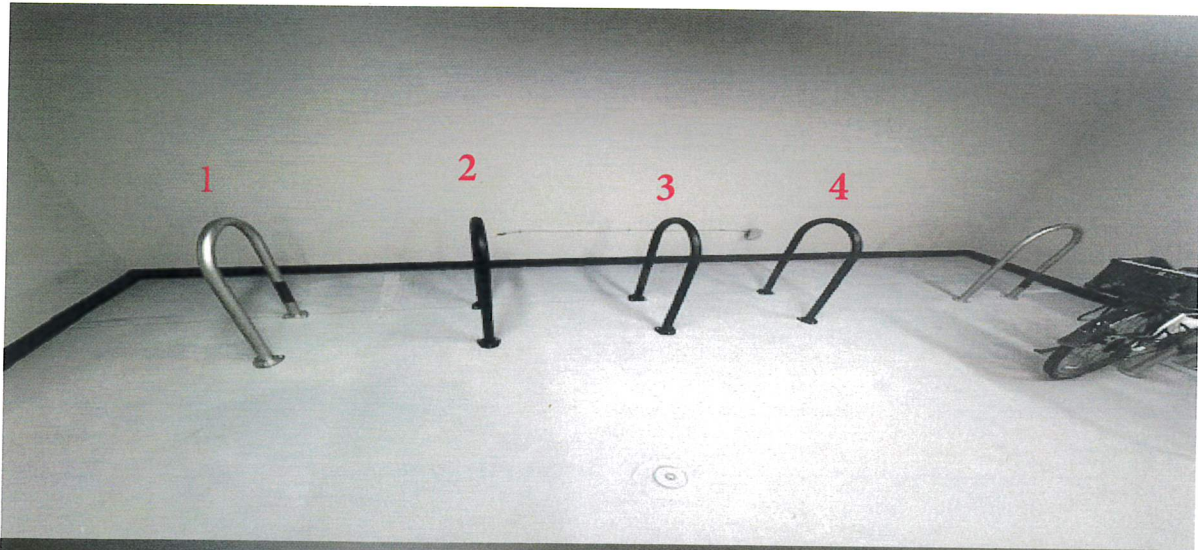
To Cynthia Pasciuto <cynthia@pasciutoproperties.com>

Cc cadoherty@comcast.net <cadoherty@comcast.net>



John Murphy

SUMMIT
Real Estate Strategies LLC
Cell: 207.776.1751





RESPONSE 8

Peter Nechtem

From: cadoherty@comcast.net
Sent: Tuesday, August 26, 2025 12:26 PM
To: Anita Freed
Subject: Fw: Specs on the car charger for 882 Mass Ave

*** WARNING: EXTERNAL EMAIL ***

Hi Anita - Could you print this email in color, so that it will show the metallic paint options? Thx

From: John Murphy <john@summit-res.net>
Sent: Wednesday, July 16, 2025 4:07 PM
To: Cynthia Pasciuto <cynthia@pasciutoproperties.com>; Corinne A. Doherty <cadoherty@comcast.net>
Subject: Fwd: Specs on the car charger for 882 Mass Ave



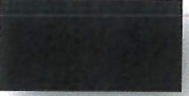
John Murphy

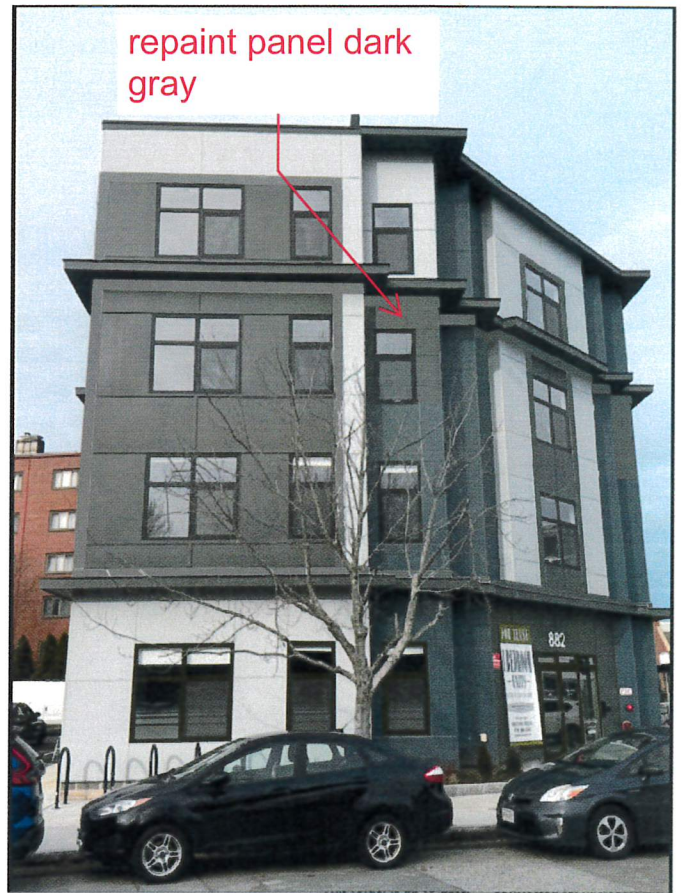
SUMMIT
Real Estate Strategies LLC
Cell: 207.776.1751

Begin forwarded message:

From: John Murphy <john@summit-res.net>
Subject: Re: Specs on the car charger for 882 Mass Ave
Date: August 26, 2024 at 11:40:02 AM EDT
To: Sarah Suarez <:ssuarez@town.arlington.ma.us>
Cc: Claire Ricker <CRicker@town.arlington.ma.us>

Also I forgot to include that there are 3 bronze options that we can tell. Is their a choice?

	#26	LIGHT BRONZE	AA-M10C21A44	Architectural Class I (.7 mils minimum)
	#28	MEDIUM BRONZE	AA-M10C21A44	Architectural Class I (.7 mils minimum)
	#40	DARK BRONZE	AA-M10C21A44 / AA-M45C22A44	Architectural Class I (.7 mils minimum)



RESPONSE 11

