



**Town of Arlington
Office of the Town Manager**

**Adam W. Chapdelaine
Town Manager**

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MEMORANDUM

TO: Arlington Zoning Board of Appeals
FROM: Adam W. Chapdelaine, Town Manager
RE: Thorndike Place Conditions for Transfer of Land
DATE: March 11, 2021

Members of the Zoning Board of Appeals (“ZBA”) it is my understanding that the Applicant in the c. 40B Application known as “Thorndike Place” has offered to transfer the lowlands portions of the 17.7 acres presently owned in trust by Mugar Enterprises to the Town of Arlington as a proposed condition of an approval for the project presently under your review. As part of such condition, the Applicant also proposes to offer a one-time upfront sum of money, as well annual payments of \$25,000 for a period of ten (10) years to the Town for cleaning up such portions of the site with respect to invasive species and other issues. In short, without endorsing the project or proposed condition, and after consulting with representatives from the Arlington Land Trust and Save the Mugar Wetlands, the Chair of the Conservation Commission, the Conservation Agent, a member of the Select Board, the Director of Planning and Community Development, and Town Counsel, it is my recommendation that any transfer of land be predicated on the following terms *at a minimum*:

1. The entirety of the portion of land proposed for transport be subjected to a Phase I 21E environmental site assessment by a Massachusetts Licensed Site Professional as well as Phase II Environmental Testing;
2. Any environmental contamination discovered by the 21E be remediated in a manner supervised by a Licensed Site Professional to eliminate any contamination from the site prior to transfer;
3. An appropriate recipient of the land be identified (which may or may not be the Town of Arlington);
4. Any transfer of land be subject to appropriate permanent use restrictions to prevent future development of such land but for use as open space, conservation area, or passive recreation;
5. Property title, survey, and any and all property boundary details be provided to the Department of Planning and Community Development and Town Legal Department in order to execute proper transfer of ownership to an entity with appropriate deed restrictions;
6. The Applicant work in concert with the Arlington Department of Health and Human Services, Arlington Police Department, and the Somerville Homeless Coalition to relocate unhoused persons on the site;
7. Mitigation funds sufficient to remedy an agreed upon list of conditions beyond the 21E contamination outlined, including but not limited to, removal or invasive species and foreign debris from the site, be provided to the appropriate entity or entities (potentially including the transferee); and
8. The execution of a Memorandum of Understanding outlining each of the foregoing requirements in further detail, including timeline requirements for each.

In summary, the Town itself, or another appropriate entity such as the Commonwealth, a conservation organization, or another land trust cannot accept land without firm knowledge that the site is free of environmental contamination any such transferee would be responsible for addressing. Similarly, notwithstanding that the current property owner has obligations to maintain their land with or without a condition to a Comprehensive Permit, the amount of work required to otherwise “clean up” the site with respect to invasive species, debris, and other non-contamination conditions is not presently known. As such, *if* a transfer of land were contemplated by the ZBA as a condition of a 40B permit, a Memorandum of Understanding with detailed timelines and provisions to achieve the foregoing would necessary.

If you have further questions, please contact my Office at your convenience.