



**Town of Arlington, Massachusetts**  
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## Redevelopment Board Minutes 12/11/2011

Minutes of Monday, December 12, 2011, 7:00pm  
Arlington Redevelopment Board  
2<sup>nd</sup> Floor Conference Room, Town Hall Annex  
Approved: 2-25-13

Present: -Michael Cayer, Ted Fields, Bruce Fitzsimmons (Chair), Christine Scypinski, Andy West

Mr. Fitzsimmons called the meeting to order noting that Symmes was the only agenda item, and that the meeting would end in an open session.

Mr. Fitzsimmons then stated that the Board needed to discuss the purchase, exchange, lease or value of real property, and that doing so in an open session may have a detrimental effect on the negotiating position of the public body, and that the Board would enter executive session.

On a motion by Mr. Fields seconded by Ms. Scypinski, to go into EXECUTIVE SESSION, Mr. Fitzsimmons took a roll-call vote at 7:02 pm: Roll call vote: Mr. West: yes; Mr. Fields: yes; Ms. Scypinski: yes; Mr. Cayer: yes; Mr. Fitzsimmons: yes.

Having taken a roll call vote that ended EXECUTIVE SESSION, the Board welcomed Additional attendees: Greg Lamb of JAG, Jake and Budge Upton, Sandi Silk of JAG, Joe Curro, Darren Baird, attorney for JAG, Bill Locke, Beth Ann Friedman, and Lorelei Kollegue.

Mr. Fitzsimmons began the open session explaining that the meeting had begun with an executive session on Symmes. He reviewed the main substantial points negotiated in an amended Land Disposition Agreement. He summarized that Arlington 360 foreclosed November 30 and now owned the property. He reviewed the program for development, including 12 town home condominiums and incentives, assisted living, and the parks. The Upton and JAG representatives commented that the combination of the two developers would be stronger than the individual companies would have been separately.

Joe Curro asked about the LDA amendment if transfer payments were still in the LDA. Mr. Fitzsimmons responded that they were. Mr. Curro also asked if the conservation restriction would be expanded to include the MOB park. Mr. Fitzsimmons responded yes. Ms. Friedman asked about the sequence of the conversion to condominium. Mr. Upton responded that conversion would follow the market. Ms. Kollegue asked why they are allowing the two developers to go ahead. Mr. Fitzsimmons responded that one developer had control of the property and even though the Board had a preference as to the plan of one, the other controlled the property. The partnership has strengths and skills on both sides. Ms. Kollegue commented that Starwood has the entire clout, and asked what was to keep them from breaking off with Upton. Mr. Fitzsimmons replied that in terms of the plan, the program is already in the Special Permit. Regarding the team, Mr. Upton (Budge) explained that there were three parties to the joint venture. JAG would manage day-to-day operations relative to the investor, then manage the property after construction. He added that the major equity investor would be the major decision-maker, but the LDA is the commitment to honor the plan. Mr. Lamb added that the Uptons were their partners, there was compromise, but the Uptons bring value, and that JAG didn't have the relationship that the Uptons have with the neighbors and the community. He concluded that all parties were confident they were protected. Mr. Curro asked about the Neighborhood Protection Plan. Mr. Upton responded that a Designated Town Representative was anticipated.

Mr. Cayer moved, Mr. Fields seconded and all voted in favor. The meeting adjourned at 9:10pm.

Respectfully submitted,  
Carol Kowalski  
Secretary ex Officio



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## **Redevelopment Board Minutes 12/12/2011 Executive Session**

Minutes of Monday, December 12, 2011,  
Arlington Redevelopment Board  
EXECUTIVE SESSION  
2<sup>nd</sup> Floor Conference Room, Town Hall Annex

Present: ~Michael Cayer, Ted Fields, Bruce Fitzsimmons (Chairman), Andy West, Christine Scypinski,  
Also present: ~Carol Kowalski, Secretary ex Officio

Having taken a roll call vote in open session, Mr. Fitzsimmons opened the Executive Session at 7:02pm.  
EXECUTIVE SESSION

Mr. Fitzsimmons reviewed a summary he prepared of the proposed LDA amendments as negotiated previously to date.  
He outlined one remaining issue, a payment in addition to taxes exception due to force majeure.

Mr. Fitzsimmons summarized the condo conversion marketing period and condo documents being recorded. To tax as  
condos, they need to be recorded and marketed as condos.

He then described the deed restriction stating that if assisted living is owned by a non-profit then a payment in lieu of  
taxes is due equal to taxes. Ms. Kowalski would respond to Jonathan Book that no need to exclude "Senior Housing  
Component" from 9.1 of operating agreement.

Additional edits were discussed, including stating that the \$600,000 payment would not be a maximum.

On a motion by Mr. West, seconded by Mr. Fields, to come out of EXECUTIVE SESSION, Mr. Fitzsimmons took a  
roll-call vote: Mr. West: yes, Mr. Fields: yes. Ms. Scypinski: yes, Mr. Cayer: yes, Mr. Fitzsimmons: yes. The executive  
session ended and the open session of the meeting resumed at 8:35pm.

Respectfully submitted,  
Carol Kowalski  
Secretary ex Officio