

Mark D. Skillings
30 Surrey Road
Littleton, MA 01460

July 14, 2011

Ms. Anne E. Howard
Chief Executive Officer
Massachusetts Development Finance Agency
160 Federal Street
Boston, MA 02110

Dear Ms. Howard,

I am writing to you about your decision regarding 15 Great Road in Littleton. Let me start by saying I am a huge supporter of affordable housing. In fact, in the early 1970's my wife and new family found ourselves in dire straits and had it not been for affordable, subsidized housing we found in Brockton, we may very well have ended up homeless.

What I am opposed to is using the 40-B statutes to circumvent individual town's efforts to provide affordable housing in a planned environment such that the town, not an out of town developer controls the process. And I am quite surprised at the number of untruths that were allowed to pass by your agency's scrutiny.

I am writing this as a taxpaying citizen to express my outrage over the process you and your agency have engaged in to approve Omnis Request for Comprehensive Permit and respectfully request that you review and reverse your decision based upon the following items that I believe were either missed or ignored in your agency's review process.

1. **Evidence of Site Control:** In your letter you said "The applicant controls the site, based on evidence that a related party holds purchase agreements....." This simply is **not true**. The document the applicant submitted (see attached) as a P&S agreement clearly shows the date of such transaction to be March 11, 2011. However, 15 Great Road LLC and 15 Great Road LLC 2 were not established as legal entities' with the Commonwealth of Massachusetts until June 13, 2011. A very quick call to the Secretary of State's office revealed "Entities NOT legally established by filing with the Secretary's office simply "do not exist" and they said further that "**transactions with or between entities not so established, simply did not occur**". This was pointed out in the materials submitted and was either missed or ignored. Simply stated, this alone should have been sufficient to deny approval. No one is allowed to define for their convenience when a company exists, and then backdate signatures, especially not when so much is at stake. As a legally established, small LLC business owner in MASS, I am offended that Mr. Hale is allowed to get away with such wanton disregard for due process as established in this state.
2. **Building massing and topology:** Your letter states that "The conceptual project design is generally appropriate for the site taking into consideration factors such as proposed use,

conceptual site plan and **building massing, topography**, [emphasis added]environmental resources [and] integration into **existing development patterns**.

If we use this definition of “generally appropriate” then it would suggest that the Empire state building was “generally appropriate” to be placed between the Hancock and Prudential towers in Boston. Because another one of the un truths is that the buildings are not 3-4 story buildings at 54’ or less (a check box on the application) but rather 4/5 story buildings with a height of 72’....almost 2x the height of ANY OTHER BUILDING IN TOWN, and substantially higher than the abutting neighborhood. Omni used abutting structures in the neighboring towns of Acton.

Unfortunately for Omni, this development is not planned for Acton and while that town should have some say (and did) in the matter, abutting structures and the topology of Littleton structures should carry priority. To our knowledge, and we had many waiting for it, the site visit by Mass Dev never entered the abutting single-family neighborhood of Apple D’Or where you would have come to the same conclusion as that of State Sen. Jamie Eldridge and State Rep James Arciero when they visited the site that this was “simply the wrong project in the wrong place. It doesn’t fit”. [We presume that their comments were included in the review process as both had committed to go on record with their inputs]

Interestingly, Omni left the exact height off their renderings, showing only width and length of the buildings, but with an elementary ruler with 1/16” increments, it took me all of 30 seconds to calculate the actual heights at 72’.....more than 2x the height of any other building in Littleton. And Omni confirmed that fact in an abutters meeting in April. This fact again should have been sufficient to require rejection of the application.

3. Your letter states that **“Omni and the applicant have confirmed that the applicant is the developer of the project and will be the owner of the project”** [emphasis added]”. Both Omni and Mr. Hale are lying in their application, as, based on his own words at an abutters meeting (notes were taken) as well as witnessing his experience. They have no intention of becoming a project landlord. At that meeting they flat out told us “we are not landlords” “We are developers who permit the property and then sell it”{sic}. Perhaps if Mr. Hale wishes to prove me wrong, he will be willing to post a substantial bond which he forfeits should the project change hands in the first ten years. Should you need further proof, look no further than Avalon Acton.
4. As to safety issues, you accepted the applicants reference to Grist Mill road as a “major” road of 50’ in width. This also is **not true**. Grist Mill is, in fact, and as pointed out quite clearly in the town’s letter, a minor road of 24’. This winding residential street, with minimal (or none in some areas) sidewalks, carries traffic for but a couple dozen single family houses. By several estimates including that of the Littleton Police Chief, this development alone will add up to 1500 additional car trips per day. At a town meeting where this fact was raised, Mr. Hale chose not to attend to defend or explain the discrepancy. When made aware of considerable safety issues appurtenant to adding 1500 car trips – minimum – per day to Grist Mill and Surrey Roads, Mr. Hale via his attorney gave a considerably arrogant response. “Upgrading town assets is not our problem” And even if he may be technically correct, it certainly shows his true colors and intent which is to add as much revenue as possible while spending the least possible to actually “fit” the project to the town and the abutting neighborhood.
Lastly here, on their visit, Mr.’s Eldridge and Arciero were shown what it was like to be a pedestrian on Grist Mill (and also at the primary planned access road on Rt 2A on a blind hilltop). They were appalled that anyone could even be considering approving traffic access through such a stretch

I could go on but I realize everyone is busy and has only so much bandwidth to absorb so many problems, and I know that this is far from the only letter you are receiving, each containing many points that should be revisited, but let me leave you with this last item. In a letter dated April 24, 2008, from the Mass Division of Fisheries and Wildlife, The Natural Heritage of Endangered Species Program, rendered a decision to pre-approve his permit with them, and noted that he **had offered to provide a “\$100,000 grant to support the Blue Spotted Salamander research in MA”** (emphasis added) . As a semi retired executive in a prominent technology firm in MA I can tell you that had this same *offer* been made to the parallel agency in China, one would be fined heavily and/or jailed for it. Because making any promise of a financial award conditioned upon getting an agency to do something is in a word - a bribe.

In summary Ms. Howard, while I have great respect for the intent of the work your agency performs, I have to be very frank with you. I don't believe this represents the best work of your agency. If you were actively and personally involved in the application process then I would love to know what we all seem to be missing. If you instead depended heavily on inputs from your staff, then perhaps a process review is in order because they surely let you down in my humble opinion.

Sincerely,

Mark D. Skillings

The Honorable Deval Patrick, Governor of Massachusetts
Greg Bialecki Secretary, Executive Office of Housing and Economic Development
The Honorable Martha Coakley, Attorney General of the Commonwealth
Massachusetts State Senator Jamie Eldridge (Acton, Littleton)
Massachusetts State Senator Susan Fargo (Concord)
Massachusetts State Representative James Arciero (Littleton, Westford)
Massachusetts State Representative Cory Atkins (precincts 1, 2 and 6, of the town of Acton)
Massachusetts State Representative Jennifer Benson (precincts 3, 4 and 5, of the town of Acton)
Littleton Planning Board
Littleton Board of Health
Littleton Conservation Commission
Littleton Zoning Board of Appeals
Nashoba Valley Chamber of Commerce
Massachusetts Better Business Bureau
Boston Globe
Lowell-Sun
Littleton Independent
Mr. Bill Shields – WBZ TV
Mr. Joe Shortsleeve WBZ TV I-Team

