



City of Malden

Massachusetts

RICHARD C. HOWARD
MAYOR

OFFICE OF THE MAYOR
200 PLEASANT STREET
MALDEN, MASSACHUSETTS 02148

TELEPHONE (781) 397-7000
FAX (781) 397-7073
www.cityofmalden.org

May 5, 2010

Mr. Timothy Glynn, Chairman
Malden Planning Board
200 Pleasant Street
Malden, MA 02148

RE: High Rock

Dear Mr. Glynn:

Via e-mail to Charles Toomajian of my staff, I am aware that the status of this matter may be before the Planning Board this evening.

As you know from my previous correspondence dated April 14, 2010, I informed the Board of the very lengthy deliberations between the City of Malden and the developer/petitioner, D&L Realty Trust, finalizing the Land Court Decision in this matter and the conditions of Judge Trombly's Order dated February 17, 2009. I want to reiterate that the list of conditions attached to my April 14, 2010 correspondence had been negotiated in good faith with the developer, with the substantial input of the Planning Department staff and taking into account the many years of litigation leading up to Judge Trombly's Order.

My *very strong* recommendation is to allow these plans to move forward with the negotiated conditions (as attached to my April 14, 2010 correspondence). My fear is that any further attempt to modify these conditions or otherwise delay these plans will be viewed by the Court as being not in good faith and/or arbitrary or capricious, resulting in an award of damages on behalf of the petitioner, D&L Realty Trust.

Acknowledging that a lot of time and effort have gone into coming to a sensible and successful conclusion, I repeat my strong recommendation to move this matter forward without delay.

If you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,

Richard C. Howard
Mayor

cc: Kathryn Fallon, City Solicitor

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