



Nahant Town Hall
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February 26, 2021

Dear Mr. Martin,

On behalf of the Town and the Board of Selectmen, I am responding to your February 17, 2021 letter. I regret to say that we found it to be disappointing and not very responsive to Judge Karp's suggestion that the parties engage in an honest and straightforward effort at mediation. While we are willing to follow through on Judge Karp's suggestion, it appears that Northeastern wishes to eliminate the substance of the negotiation leaving only insubstantial details on the table for discussion. That is not acceptable. The irony here is that alternatives that Northeastern itself has developed but kept hidden from public view would be welcomed by the Town at the negotiating table. Northeastern seems to believe that a real negotiation, leading to a win-win for all sides, is not in its interest. We disagree.

While this specific situation has caused contention among the parties for the last three years, in fact, we have been working on protecting our natural environment for more than thirty years, creating Natural Resource Districts that included East Point followed by significant investments in developing and creating Lodge Park. We thought that Northeastern and the citizens of Nahant were on the same side. It is regrettable that Northeastern has decided to just throw that out the window.

To be completely clear and save time for us all the following should be fully understood by all parties:

- The citizens of Nahant have a legal right to preserve this land for conservation, if necessary through eminent domain.
- By including eminent domain in this year's Town warrant, the Board of Selectmen is simply allowing the citizens of Nahant to exercise this right.
- It is the responsibility of the Board of Selectmen, as elected representatives of Nahant's citizens, to ensure that citizens have the opportunity to exercise their rights through their vote at the annual Town Meeting in May, 2021.
- In no way do we wish to hinder Northeastern's academic or financial objectives. However, we do firmly believe that Northeastern's objectives can be met without development of a Natural Resource area where building has been prohibited by Nahant's Zoning Bylaws for 30 years.

- We believe Northeastern should abide by the same laws that all Nahant property owners must abide by. That is fair by any rational standard.

Your offer of a 90% conservation restriction is highly misleading. Given the effect of the oversized 55,000 sf building on top and east of Murphy Battery after scraping tons of growth and soil; a 5 acre geothermal well field constructed by clearcutting and drilling the land and backfilling with the Battery topsoil; parking lots for 125 cars; and the years of construction impacts--there will be nothing left to preserve, much less 90%. We must all remember that this development is permanent and changes Nahant forever. Furthermore, the building is already prohibited under Nahant's Natural Resource District and other zoning bylaw amendments passed by Town and approved by the Attorney General, which we fully expect will be enforced.

Mediation makes particular sense because there exist alternatives--including ones studied by Northeastern but not disclosed to the public or to environmental regulators--that may prove to be a basis for a win-win solution for all parties.

On May 15 the Board of Selectmen will ask that Town Meeting give us the power to bring this process to a close through eminent domain. Contrary to your unsubstantiated claim, eminent domain costs have been carefully assessed, substantiated, documented, and shared with the public. We have full confidence in the expert, detailed valuation information we have received, as well as alternatives that allow us to obtain a valuation decision before committing to taking the property. Meanwhile, the cost of not acting includes inestimable harm to the environment and quality of life in Nahant, as well as concrete, substantial, long-lasting fiscal impacts to the Town's budget that have been amply documented by the Finance Committee and outside experts. We believe the vast majority of Nahant citizens would prefer to preserve the natural beauty and wildlife at East Point as a public park instead of the largest private development and construction project in the history of Nahant.

At the same time we will proceed with the litigation. It is our duty as elected officials to protect the Town's interests at every turn. We are confident the jury will agree that the wildlife preserve at East Point that Northeastern has maintained for 50 years--that it promised to maintain as a condition of getting the property for free--should and must continue to be preserved.

As you know, Superior Court Judge Karp indicated at that same hearing that Northeastern should withdraw the summary judgment motions which it had filed, which it did, and that there were factual issues that needed to be resolved by a jury in this case. You also know that Judge Karp suggested mediation as an approach that could benefit all parties. We believe that through mediation Northeastern and the Town could achieve a resolution that would result in the protection of the wildlife preserve and a reasonably sized and situated Coastal Sustainability Institute. There are alternatives and, given the Superior Court's recent rulings and upcoming Town Meeting, we believe it is in Northeastern's interest to work with the Town to identify an acceptable alternative.

Please confirm your commitment, consistent with Judge Karp's suggestion, that you will mediate these issues in a realistic and productive manner, without preconditions. Promptly upon receiving your confirmation, we will forward three names of potential mediators for your consideration and proposed dates for commencement of the mediation during March, so that any resolution could be explored, finalized and documented in advance of the May 15 Town Meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark P. Cullinan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark P. Cullinan
Chairman
Nahant Board of Selectmen