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VIA HAND DELIVERY

November 9, 2012

Susan Mellen, Esq., Clerk
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square
Boston, MA 02108

RE: Sanjoy Mahajan et al. vs. Department of Environmental Protection et al.
Docket No. SJC-11134
Oral Argument
Our File No. 2607

Dear Ms. Mellen:


This firm represents Appellees Sanjoy Mahajan et al. The case was argued before the panel on November 5, 2012.

We write to call the Justices' attention to an important concession made for the first time by counsel for the Boston Redevelopment Authority ("BRA") during oral argument. Denise A. Chicoine, Esq., said that a portion of the land at the eastern (seaward) end of Long Wharf, namely the "Compass Rose," is subject to Article 97. The Compass Rose is shown at RA 60 and 915. It is in the larger plaza area. "The plaza area is a major tourist destination highlighted by a giant brass and marble compass rose." RA 911.

This is significant in that the Compass Rose is included in the land that the Appellant MassDEP's Chapter 91 License describes as the lease area and authorizes the Appellant BRA to lease to a restaurateur. RA 70, 71, and 75. A lease is an Article 97 "disposition."

The import is that BRA concedes that it is disposing of Article 97 land.

Very truly yours,


Gregor I. McGregor

cc: Denise Chicoine, Esq. (via first-class mail)
Annapura Balakrishna, Esq. (via first-class mail)



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