



January 30, 2023

Mr. Jack McCarthy, Executive Director  
Massachusetts School Building Authority  
40 Broad Street, Suite 500  
Boston Massachusetts 02109

RE: Northeast Metropolitan Regional Vocational High School Building Project

Dear Mr. McCarthy,

I am a registered architect in the Commonwealth of Massachusetts, and I hold NCARB certification nationwide. I have two professional degrees, a Bachelor of Architecture from the University of Arkansas and a Master of Architecture in Urban Design from the Harvard Graduate School of Design. For 40 years I practiced architecture in the realm of large-scale building design and master planning first as an employee of large architectural firms and then as owner of my own firm, Thomson Design Associates.

I have been a resident of Wakefield since 1982 and have recently completed our new home at 65 Prospect Street, a modern, zero energy, all electric house of my design. I currently design and develop sustainable housing.

I walk Breakheart Reservation every day weather permitting. And for the last two years I have known that a new building complex was being designed for Northeast Metro Tech School, the "Voke". I had seen the work of Dore and Whittier, and was impressed with the care and thoughtfulness of their pre-feasibility study. Moreover, I agreed with their conclusions and alternatives for the new school.

I cannot adequately put in words my dismay and disbelief when I recently found out that the NEMT Building Committee has hired a different architect of record and is proceeding with alternative C.3, the "hilltop" scheme, that D&W dismissed for good and sufficient reasons.

It is my professional opinion, based on years of work at this scale and in environmentally sensitive situations, that the current project site on top of the hill requiring destruction of 14 acres or more of forest and natural habitat is the absolute worst outcome possible for what should be a model educational facility. I firmly believe in the mission of the Voke and would vigorously support its construction in either of the other two locations, C.1 or C.2 located on the existing 30 acre developed NEMT campus recommended by Dore and Whittier. But this present course of action, building the school on C.3 and **destroying the forest** will be a travesty that will haunt the school and diminish its standing for generations to come.

At a time when the Climate Crisis is an existential threat to us all, this present design is the antithesis of an environmentally responsible, sustainable solution. Given the embedded energy necessary for preparing the site and destroying the forest, I care not what LEED certification or environmental benefits it may **claim**, it can never be considered a sustainable, environmentally responsible building because of its location.

Quite aside from the needless environmental harm this hilltop location will cause, the enormous capital costs of clearing the site, blasting the many granite rock outcroppings, importing and exporting material necessary to create an artificially flat site for the building is an irresponsible waste of taxpayer money.

Instead the exorbitant site preparation costs of the forested hilltop has or will rob the final design of sustainable components and systems due to the necessary value engineering of the building in order to stay within budget. Scarce public dollars should be more wisely invested in this project, not wasted on destruction of the NEMT Forest for no good reason and to no good end.

The majority at Town Meeting that voted in favor of Wakefield's share of construction cost could not have been aware of the change in site. I surely did not know about it. Had the change in site been *explicitly* communicated before the vote, I have little doubt that it would have been voted down, not because any of us want to stop the new Voke school, but because we just want it to be where it logically and environmentally should be. The project deserves to be done right.

Having reviewed the available public documentation, I am certain that there is no compelling reason why this school cannot be built at either the C.1 or C.2 locations on the fields next to the current school. Just think of the phased construction process that the new Galvin Middle School had to accomplish and the great result of getting the siting just right. It is a model of good design.

The present design shortcomings of the Voke building cannot be separated from its problematic site location. The hilltop location that is 60 or more feet above the student parking and athletic fields will forever affect its operation and compromise its accessibility.

The only access from lower parking lot to the Academic Building shown on drawings is a tortuous climb and dangerous descent by ramps and stairs open to the weather on the north face of the steep hillside.

Certainly, such a path up multiple ramps and flights of stairs poses a hardship for anyone with even a mild disability. The 64-foot vertical dimension between the lower parking lot where the ramps and stairs begin (elevation 79) to the lowest building entrance (elevation 143) will create potential hazardous travel for pedestrians in inclement winter weather. Compacted snow, freezing rain, and wind-swept rainstorms will inevitably make the daily trip up and down these facilities difficult in the extreme. Accidents that happen and that inflict bodily harm will occur, particularly on the descent. If not cleared immediately of snow and ice, this exposed vertical circulation system will become impassable.

A serious accident that can be attributed to a defective design or a path of travel that was known to be a potentially hazardous situation in the planning stage could expose the school, the Architect and the members of the building committee to liability in a legal proceeding seeking damages. If the proceedings and evidence show that willful misconduct is found, the penalties can be severe. For the School, if they knew or should have known that their plan for building created the hazard, the penalties could be for the organization and also for those individuals supporting the decision. For the architect it could result in professional censure or loss of license.

I can only wonder at what the opinion of NEMT students would be if they understood the hazards of coming out of class into the middle of a snowstorm and having to descend 100 or more snow covered steps to get to their parking spots. Even on a fine day in May, the 64-foot climb and descent are very hard to justify given that other alternatives ARE available.

Vertical movement is inherently more difficult and potentially more dangerous than horizontal movement, and by locating the NEMT building on the hill top, it is unavoidable, expensive and exposes them to serious liability.

This is but one of a number of *serious design and campus planning flaws and mistakes* that are inherent in the present plan to build on the hilltop. And because the NEMT facility is located within our town, we in Wakefield have a unique responsibility among the other cities and towns funding this project to get it right.

SO DO YOU. Therefore:

As a citizen of Wakefield, the hosting community, I urge the Massachusetts School Building Authority to insist on building the school on either the C.1 or C.2 site as a condition for your funding contribution, thereby fulfilling your stated obligation of funding the least environmentally damaging and most cost effective school projects possible. In so doing, you will keep the NEMT Building Committee from making a colossal, tragic mistake.

Should you wish to discuss this letter and the issues it raises, I would welcome the opportunity to expand on my professional observations concerning fatal flaws in the School Building Committee's decision.

Respectfully,

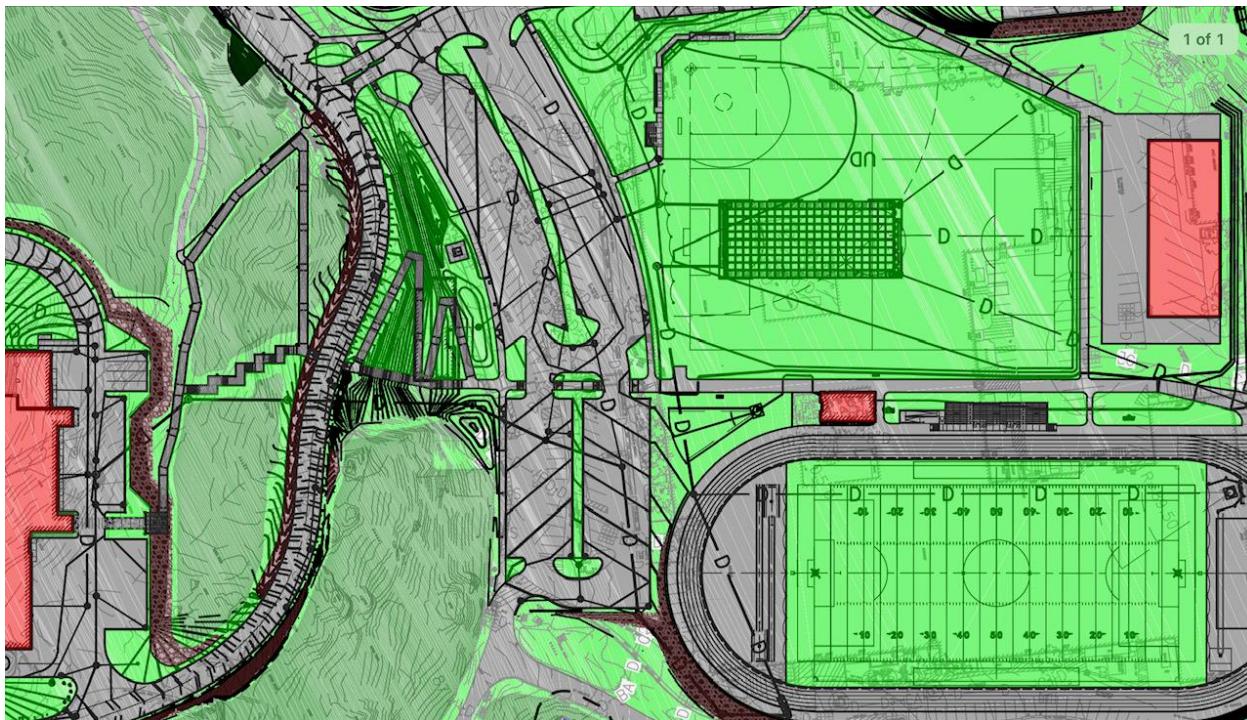
Brian Thomson, Architect  
Massachusetts License #3999

Cc: James MacDonald, CEO

Treasurer and Receiver General Deborah Goldberg

Enclosures: The Hazardous Travel between School and Parking/Athletic Facilities

## The Hazardous Travel between School and Parking/Athletic Facilities



partial site plan of proposed hilltop location for the new NEMT school

**MULTIPLE FLIGHTS OF STAIRS OPEN TO THE WEATHER**

**64 FEET VERTICAL TRAVEL**

**110 STEPS at 7 INCHES EACH**

**SHEER ROCK FACE ABUTMENT**

**IMPOSSIBLY LONG RAMPING**

**BIFURCATED CAMPUS**

**STUDENT ENTRY INTO BASEMENT OF SCHOOL**

**SCHOOL LOBBY ENTRY FACES ELECTRICAL TRANSMISSION LINES**

**DESTRUCTION OF 16 ACRES OF CORE HABITAT FOREST**

**MILLIONS OF EXTRA DOLLARS FOR SITE PREPARATION**

**UNNECESSARY ONE-HALF MILE OF REDUNDANT ENTRY ROAD**

**SHEER ROCK FACE BEHIND SCHOOL**

## **THE HAZARD OF 64 VERTICAL FEET OF OPEN STAIRS AND RAMPS CREATE LIABILITY**

<https://dussaultandzatir.com/liability-for-accidents-at-school/>

### **Duty of Care**

To ensure students receive adequate protection from accidental injuries, the courts place upon school administrators and teachers a legal duty of care (obligation). This duty of care means schools must do everything reasonably possible to protect their students from foreseeable harm, injury, and death.

This duty includes providing a safe environment for students. Authorities must repair or eliminate dangerous conditions in a timely way and make sure students receive proper supervision while they're on school grounds, on school-provided buses, and while they're off school grounds during school-sponsored, extracurricular activities.

When a school fails to protect its students from foreseeable harm, the law says it acted negligently. A school's negligence makes it responsible, or liable, for the injured student's damages. Damages include the student's medical, chiropractic and therapy bills, out-of-pocket expenses for medications, crutches, slings, hospital parking lot fees, etc., lost wages (if the student had a part-time job), and for the student's (not the parents') pain and suffering.

<https://www.alllaw.com/articles/nolo/personal-injury/injured-school-liability-immunity-lawsuits.html>

### **The Importance of Foreseeability**

Cases involving injuries on school grounds often turn on whether or not the injury was foreseeable. [Negligence](#) on the part of the school is most apparent in cases where the school knew of a specific danger but failed to take proper precautionary measures. For example, if a child is injured on a play structure, and it becomes clear that even cursory inspection of the structure would have revealed a defect or danger, the school would likely be on the legal hook for the child's [injuries](#). Learn more about [foreseeability and liability for injury](#).

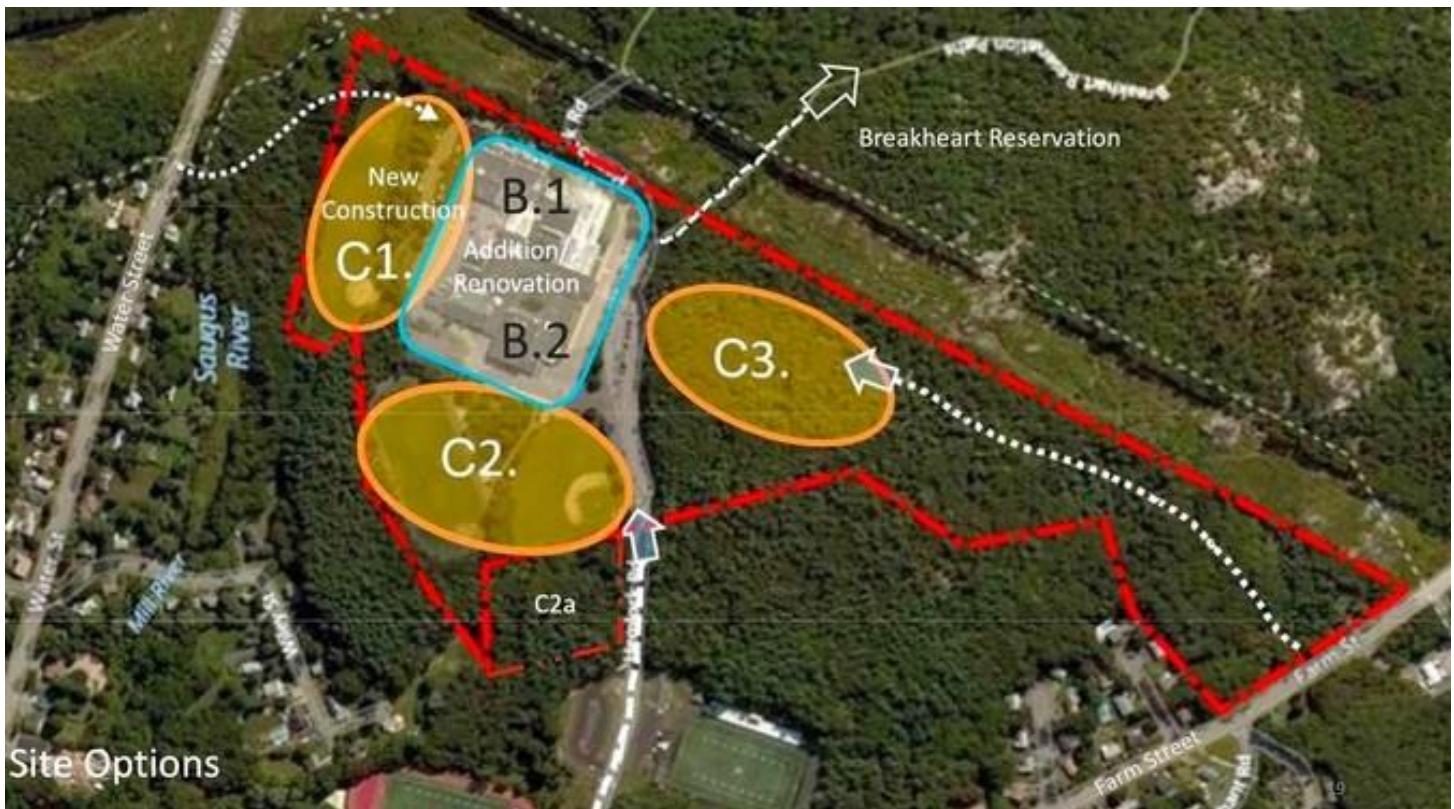
<https://www.feinbergalban.com/faq/gross-contributory-negligence/>

### **Gross Negligence**

Gross negligence is more serious than ordinary negligence, and it occurs when someone acts with complete disregard for human life and/or safety. While an actor may not intend to hurt anyone, if an individual shows a lack of concern regarding whether harm might occur, they may be grossly negligent.

### **Willful Misconduct**

Willful misconduct is the most serious form of negligence and can include blatant violations of law. To act with willful misconduct, a person must be aware of the high likelihood that their actions will cause significant harm to another and intentionally ignore that risk.



### **THREE OPTIONS FOR LOCATING THE NEW SCHOOL**

**C.1 OR C.2 ARE AVAILABLE FOR THE FULL PROGRAM ON DEVELOPED LAND**

***AND DO NOT REQUIRE***

**DESTROYING THE FOREST OR BUILDING AN UNNECESSARY ADDITIONAL ROAD**

**C.1 or C.2 DO NOT WASTE MILLIONS OF TAXPAYER DOLLARS TO BUILD ON THE MOST EXPENSIVE, THE MOST DIFFICULT, THE MOST ENVIRONMENTALLY DAMAGING SITE.**

#### **ATTRIBUTES OF C.1 AND C.2:**

**LESS SITE PREPARATION TIME**

**LESS MONEY**

**BETTER CAMPUS PLAN**

**MORE ACCESSIBLE FACILITY**

**LOGICAL - RATIONAL – ECONOMICAL - SUSTAINABLE**

***ALL ATTRIBUTES THAT C.3 IS DEFINITELY NOT***