



TOWN OF BURLINGTON

Building Department

Mark Dupell Inspector of Buildings	Martin Allan Senior Building Inspector	Malcolm Farrell Local Building Inspector	Joseph A. Mirabella Sr. Plumbing & Gas Inspector	Eric Sullivan Wiring Inspector
--	--	--	--	--

June 13, 2025

Ten LLC
c/o Robert Murray, Manager
27 Cambridge Street
Burlington, MA 01803

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Re: 1000 District Avenue (10 New England Executive Park) Burlington, MA. AP 52-16 (PDD Zone)-- Code Violations

Dear Mr. Murray:

This office has been made aware, through a number of credible public reports based on personal observations and experiences, as well as observations made in connection with a recent tour of the above-referenced property by Congressman Seth Moulton, of a number of apparent zoning, health and safety code violations on the property, arising out of the apparent use of the property for the operation of a detention facility, which is not a permitted use in the IG Zoning District. Furthermore, the above-mentioned reports and observations indicate a lack of sufficient bathing and sleeping facilities. While we understand that a prior building official considered the inclusion of four (4) "holding areas" an "accessory" use in 2007, representations were made by you and your tenant that each would comply with all local codes and ordinances, and all provisions of zoning and health and safety codes, and that those "holding areas" would not be used to house arrestees overnight, but merely were to be used for holding pending "processing" and transfer to detention facilities elsewhere.

In addition to the unlawful use of the property as a detention center, the above-referenced reported and observed conditions, if confirmed, at a minimum constitute a threat to the health and safety of occupants of the structure and of the public in violation of the following codes:

- 1.) Town of Burlington Zoning Bylaw, § 4.2.0;
- 2.) 248 CMR (State Plumbing Code);
- 3.) 105 CMR 410.00 (Standards of Fitness for Human Habitation);
- 4.) 105 CMR 451.00 (Correctional Facilities);
- 5.) 521 CMR 15.00 (Detention Facilities);
- 6.) 527 CMR 1.00 (Fire Safety Code);
- 7.) 527 CMR 12.00 (Electrical Code);
- 8.) 780 CMR (State Building Code);





TOWN OF BURLINGTON

Building Department

Mark Dupell Inspector of Buildings	Martin Allan Senior Building Inspector	Malcolm Farrell Local Building Inspector	Joseph A. Mirabella Sr. Plumbing & Gas Inspector	Eric Sullivan Wiring Inspector
--	--	--	--	--

Please understand this is not an exhaustive list of codes that may be involved, however the reports and observations would appear to implicate these provisions. In order to address these issues, this office requests an inspection of the premises. Please contact my office within the next three (3) days to arrange for an inspection. Should we not hear from you in that time, we will proceed with all further rights and remedies available to ensure compliance consistent with law.

I appreciate your consideration and look forward to hearing from you.

Sincerely,

Mark Dupell
Town of Burlington, Massachusetts
Inspector of Buildings



U.S. Department of Homeland Security
1000 District Avenue
Burlington, MA 01803



U.S. Immigration
and Customs
Enforcement

July 10, 2025

Mark Dupell
Inspector of Buildings
Town of Burlington
25 Center Street
Burlington, MA 01803

Dear Mr. Dupell:

This letter is in response to your letter dated June 13, 2025, addressed to Ten, LLC regarding 1000 District Avenue, Burlington, MA. As you are aware, U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), Boston Field Office is the tenant and occupant of this building. Your letter alleges apparent violations of health and safety, and zoning codes, while citing to unspecified reports and allegations.

In 2007, the ICE ERO Boston Field Office began leasing the 1000 District Avenue building from the owner Ten, LLC. Prior to occupying the building, the Town of Burlington inspected the building for conformance with applicable ordinances and regulations and provided Ten, LLC all necessary permits for ICE ERO to begin occupancy and use of the building for ICE's law enforcement activities. Since 2007, the ICE ERO Boston Field Office has continuously used the building to perform these activities. ICE ERO uses the building's holding cell area to hold and process individuals in ICE custody prior to their release from custody or transfer to a detention facility. There have been no alterations or modifications to the holding cell area of the building subsequent to the town issuing any permits to Ten, LLC for ICE's occupancy. Further, ICE ERO has not changed the manner of its use of the building for law enforcement activity since it began occupancy in 2007.

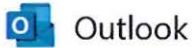
Since your June 13, 2025, letter does not provide any specific allegations that ICE can respond to, we decline to permit an inspection of the building at this time. The Town of Burlington lacks authority to inspect or oversee ICE's federal law enforcement activity and operations.

If you wish to further address this matter, you may send future correspondence to my attention.

Sincerely,


David Wesling
Acting Field Office Director

Cc: Ten, LLC
27 Cambridge Street
Burlington, MA 01803



RE: Fwd: [EXTERNAL] Re: 1000 DISTRICT AVENUE, BURLINGTON, MASSACHUSETTS

From Joseph R. Tarby, III <JTarby@rubinrudman.com>

Date Thu 6/26/2025 9:03 PM

To Mark Dupell <mdupell@burlington.org>

Mark, I have been in meetings all day. I will call you in the morning to discuss my call yesterday.
Joe

Sent with BlackBerry Work
(www.blackberry.com)

From: Mark Dupell <mdupell@burlington.org>

Date: Thursday, Jun 26, 2025 at 4:28 PM

To: Joseph R. Tarby, III <JTarby@rubinrudman.com>

Subject: Fwd: [EXTERNAL] Re: 1000 DISTRICT AVENUE, BURLINGTON, MASSACHUSETTS

WARNING: This message is from an external email address.

Sorry Joe

Sent this incorrectly earlier

Let me know if- Respectfully

Respectfully,

Mark Dupell

Inspector of Buildings / Zoning Officer

Town of Burlington

----- Forwarded message -----

From: **Mark Dupell** <mdupell@burlington.org>

Date: Thu, Jun 26, 2025 at 13:25

Subject: Re: [EXTERNAL] Re: 1000 DISTRICT AVENUE, BURLINGTON, MASSACHUSETTS

To: Joseph R. Tarby, III <JTarby@rubinrudman.com>

Hi Koe,

7/22/25, 11:48 AM

RE: Fwd: [EXTERNAL] Re: 1000 DISTRICT AVENUE, BURLINGTON, MASSACHUSETTS - Patrick Lawlor - Outlook

Can you fill me in on the call with GSA yesterday afternoon please.

Thank you,

Respectfully, Mark

Respectfully,

Mark Dupell

Inspector of Buildings / Zoning Officer

Town of Burlington

On Tue, Jun 24, 2025 at 13:06 Joseph R. Tarby, III <JTarby@rubinrudman.com> wrote:

Mark, I have a call scheduled tomorrow with counsel for ICE and counsel for GSA to discuss your inspection request. I will contact you after that call with an update. Thank you.

Joe

Joseph R. Tarby III | Partner | Rubin and Rudman LLP

500 Unicorn Park Drive | Woburn, MA 01801 |

53 State Street | Boston, MA 02109

781-897-4980

jtarby@rubinrudman.com

RUBIN AND RUDMAN LLP

2025

RECOGNIZED BY
Best Lawyers®

From: Mark Dupell <mdupell@burlington.org>

Sent: Friday, June 20, 2025 5:48 PM

To: Joseph R. Tarby, III <JTarby@rubinrudman.com>

Subject: [EXTERNAL] Re: 1000 DISTRICT AVENUE, BURLINGTON, MASSACHUSETTS

WARNING: This message is from an external email address.

Thanks again Sir

Please keep me updated on the progress with the tenant conversations.

Respectfully, Mark

Respectfully,

Mark Dupell

Inspector of Buildings / Zoning Officer

Town of Burlington

On Fri, Jun 20, 2025 at 15:14 Joseph R. Tarby, III <JTarby@rubinrudman.com> wrote:

Mark,

This is a follow-up to our telephone conversation this morning. I represent Ten LLC, the owner of the above property. My client received your letter dated June 13, 2025 on Monday, June 16, 2025 and met with me to discuss. As I discussed with you, my client leases the property to the Government as the Lessee. The Lessee is solely responsible for the business operations it conducts on the property. We have contacted the Lessee to schedule a call to discuss your request. With the federal holiday yesterday, I do not expect we will hear back from the Lessee contact until the beginning of next week. I will contact you after we speak with the Lessee contact. Thank you and have a nice weekend.

Joe

[Joseph R. Tarby III](#) | Partner | [Rubin and Rudman LLP](#)

[500 Unicorn Park Drive](#) | [Woburn, MA 01801](#) |

[53 State Street](#) | [Boston, MA 02109](#)

781-897-4980

jtarby@rubinrudman.com



53 [State Street](#) | [Boston, MA 02109](#) | p:617-330-7000

69 Park Street, Floor 2 | Andover, [MA 01810](#) | p:978-474-4700

[500 Unicorn Park Drive](#) | [Woburn, MA 01801](#) | p:781-933-5505

This e-mail message and any attachments are confidential and may be attorney-client privileged. If you are not the intended recipient please notify Rubin and Rudman LLP immediately by telephone at (617) 330-7000 or by e-mail to firm@rubinrudman.com, and destroy all copies of this

7/22/25, 11:48 AM

RE: Fwd: [EXTERNAL] Re: 1000 DISTRICT AVENUE, BURLINGTON, MASSACHUSETTS - Patrick Lawlor - Outlook

message and any attachments.

"The stylized double-R logo is a registered service mark of Rubin and Rudman LLP. All rights reserved."

All email messages and attached content sent from and to this email account are public records unless qualified as an exemption under the [Massachusetts Public Records Law](#).

All email messages and attached content sent from and to this email account are public records unless qualified as an exemption under the [Massachusetts Public Records Law](#).