



## TOWN OF ARLINGTON

DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE  
ARLINGTON, MASSACHUSETTS 02476  
TELEPHONE 781-316-3090

### MEMORANDUM

To: Zoning Board of Appeals  
From: Kelly Lynema, Assistant Director, Department of Planning and Community Development  
cc: Applicant, 1021-1027 Massachusetts Avenue  
Date: November 27, 2022  
RE: 1021-1027 Massachusetts Avenue Comments from Town Boards, Commissions, and Departments

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To aid the Arlington Zoning Board of Appeals (ZBA) in their review of the Arlington Land Realty, LLC Application for a Comprehensive Permit to develop Thorndike Place, the Department of Planning and Community Development (DPCD) has invited Town departments, boards, and commissions to provide comments and questions on the application materials.

At the ZBA's request, the DPCD solicited comments from the following: Affordable Housing Trust (Trust), Arlington Fire Department (AFD), Arlington Police Department (APD), Clean Energy Future Committee, Conservation Commission, Department of Public Works, Environmental Planner/Conservation Agent, Redevelopment Board (ARB), Senior Transportation Planner, Town Engineer, Town Manager, Transportation Advisory Committee (TAC), Tree Committee, Tree Warden. Comments were received from all except AFD, APD, the Town Manager, and the Tree Warden.

Below and attached to this memo are the collected comments.

- 1. Design:** The applicant is proposing a five-story building with commercial space and podium parking on the ground level, and four floors of condominium apartments above. It appears that each condominium offers single floor living in a building served by two elevators. Members of the ARB noted that this is a useful housing option for households interested in downsizing, remaining in Arlington, and living in an environment that avoids the need to navigate stairs. Additionally, the integration of the second floor courtyard and rear park is appreciated and will be attractive amenities for residents.

Overall, commenters appreciated the massing and use of materials, noting that the proposal is one of the better façades presented for development projects in recent years. The overall size and scale are appropriate for this location on Massachusetts Avenue, including the requested height and building setback waivers. However, the waivers for frontage setback should be conditioned on the applicant addressing the

removal of the parking area that abuts Massachusetts Avenue and instead detailing that area as a second retail tenant space (see first bullet below).

### Ground Floor

- The applicant should add a second retail tenant space on the first floor in the plan southwest corner of the building in lieu of the six parking spots to the left of the drive aisle. A window into a parking space is not a desirable use of street-fronting developments along Mass Ave and does not work to activate the street in a highly pedestrian area of the town.
- The façade at the retail tenant space shown in the south east corner of the first floor needs to be clearly detailed and articulated through a change in plane and/or materials as a tenant space. Currently it is indistinguishable from the façade treatment for the building service areas, parking area, and apartment lobby entry.
- A sign band needs to be included for the tenant space. There is currently no sign band located for the tenant to adequately sign their space which will be a deterrent when leasing the space and create difficulties for future tenants with regard to complying with Section 6.2 of the Zoning Bylaw.
- For the retail tenant space, if a small cafe or other take-away restaurant use is intended at any time in the future, the applicant will need to plan for black iron hood exhaust through the building. By building it in now the property owner will have more options in the future.

### General Design Comments

- Uplighting should be removed from the plans, as it is seen as both unnecessary and inconsistent with Title V, Article 14 (Regulation of Outdoor Lighting) in the Town's bylaws.
- Regarding the fiber cement panels, it would be preferred if they were made from a different material for the wood, such as an alucobond; the ARB has offered to assist in reviewing and providing feedback on the finish palette once samples are submitted.
- The Zoning Bylaw requires a 7.5 foot step back on Massachusetts Avenue. The applicant should provide this or request a waiver from Section 5.3.17.
- The ZBA may wish to request a shadow study for the proposed building.

## **2. Affordable Housing:**

Please refer to the attached comments and recommendations from the Affordable Housing Trust.

## **3. Conservation and Environmental Amenities:** Please refer to the attached comments and recommendations from the Conservation Commission and Tree Committee.

Additionally, ARB and staff note the following:

- The Zoning Bylaw requires one public shade tree shall be provided every 25 linear feet of lot frontage along a public way. This should be required per Section 6.3.
- The applicant should provide a buffer between sidewalk and the curb for pedestrians. The redevelopment is an opportunity to reconsider the relationship between development and the street, including expansion of the public realm.

- The applicant should consult with the Tree Warden on what trees should be saved and what trees (location, type, amount) need to be planted. The ZBA may wish to request a contribution to the Town's tree fund to be made as compensation for the reduction in trees on the rear of the parcels.

**4. Parking, Circulation, Access, and Connections:** The TAC, DPCD staff, and the ARB provided a review of traffic, parking, and circulation and provide the following comments. Please also refer to the attached memorandum from TAC and the Town Engineer.

#### Vehicular Parking

- The garage appears to have a lot of wasted garage drive aisle space; the drive aisle width for 90 degree angled spaces in a one-way configuration is about the same as a two-way configuration (usually around 24' wide). The applicant should consider a one-way traffic flow with a 45 or 60 degree to see if a redesign would free up some space for the ground floor commercial spaces (gym, office, retail, etc.). 60-degree angled parking is supposed to be an efficient parking setup as well, and takes up less space.<sup>1</sup>
- The applicant should indicate where handicapped and EV charging (level two) parking spaces will be provided. ADA requirements should be met for HP spaces; it is recommended that one space for every five spaces is an EV level two charger.
- The architectural plans show 53 parking spaces while the narrative and annotations indicate 50. The applicant should review the plans and narrative to make sure the numbers are consistent.

#### Bicycle Parking

- Bicycle parking requirements should be met; while waivers should not be provided to reduce the bicycle parking requirement, it appears that the applicant requesting a waiver for the type of long-term bicycle parking racks being provided.
- Regarding long-term bicycle parking: the Zoning Bylaw requires 75 spaces; the applicant proposes to provide 49 underground bike parking spaces and 26 garage spaces made up of hanging bike racks. To do this, the applicant would need a waiver solely for the bike rack design guidelines for those remaining 26 spaces to count. Note that sufficient short-term bicycle parking is proposed (five are required; eight are provided in front of the building).
- Dimensions should be provided for the bike parking room, the individual parking spaces, and elevators to ensure they follow bicycle parking guidelines.
- It appears that just enough hanging racks are provided at parking spaces along the walls to meet the required number of long-term spaces, however this leaves a few parking spaces along the walls without hanging racks. The applicant should consider providing bike parking racks for all parking spaces along the walls.
- Sheet A1.0 of the architectural drawings indicates that long-term bicycle parking is provided at basement level, and accessed via the building's elevators. The applicant

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<sup>1</sup> See page 10 of the MA Smart Growth / Smart Energy Toolkit Bylaw on Smart Parking Model Bylaw for recommended drive aisle widths. The Sr. Transportation Planner noted that the parking regulations in the Arlington Zoning Bylaw are out of date; these guidelines present more current recommendations for parking layout and design: <https://www.mass.gov/doc/smart-growthsmart-energy-bylaws-smart-parking/download>

is encouraged to provide elevators that are at least six feet deep, which will allow most bicycles to be wheeled directly in and out of the elevator. (Most bikes are six to seven feet long—longer if they are long-tail, cargo, or trailer bikes; an undersized elevator will render the basement bike storage effectively useless.)

- The applicant should provide a repair stand and a pump in the bicycle storage room to encourage bicycle use by allowing repairs, periodic cleaning and lubrication, and convenient access to a repair stand.
- Similarly, a garden hose should be provided on the exterior of the building to be used for bike washing. Bikes that are ridden in wet weather tend to collect dirt and debris, which is easily removed by a quick spray with a garden hose. Providing this facility outside may reduce the amount of dirt that gets tracked into elevators and the basement level of the building.
- The applicant should consider a resident with a cargo bike could be accommodated (for example, an Urban Arrow or Xtracycle, the former of which is a "Dutch style" bike with a length of 107" and the latter is a "long tail" style with a length of 83").

#### Traffic Impact Analysis

- Some details do not align with the architectural plans. For example, the TIA states that 41 parking spaces would be in the ground level garage and an "additional 9 surface parking spaces provided in the rear of the building." Currently it is expected that all the parking would be interior in the garage. This discrepancy may be due to the timing of the TIA compared to the submission of the permit.
- The TIA makes no mention of the Minuteman Bikeway despite the fact that it is less than one quarter mile from the site. They also do not note that there is a bike lane on Mass Ave in their pedestrian and bicycle inventory.
- Bicycle or pedestrian crashes were not mentioned; please clarify if that is because there is no evidence of any such crashes in the data.

**5. Utilities:** Please refer to the attached comments and recommendations from the Town Engineer.

**6. Stormwater:** Please refer to the attached comments and recommendations from the Town Engineer.

**7. Sustainability:** The CEFC noted that the applicant has not provided information regarding energy systems and efficiency (beyond intent to include gas hookups), and presence of any solar or other renewable energy use. The applicant should provide a description of how the development aligns with the goals and priority areas within the Town's 2021 Net Zero Action Plan. This should include a description of building envelope, energy systems, and building materials, including, but not limited to:

- Efficiency of building envelope;
- Proposed energy systems, including fuel sources for heating, ventilation, and air conditioning (HVAC) and water heating; and
- Any rooftop solar photovoltaics, electric vehicle charging stations (present and future), and pre-wiring of the building for such purposes, as well as eventual full electrification (if building is not all-electric).

Additionally, the CEFC noted that the application lacked evidence of awareness of Specialized Stretch Code. The ZBA may wish to ask whether the applicant intends to comply with the Specialized Stretch Code. It should be noted that this code aligns most closely with the Town's Net Zero Action Plan. Passive House is required under this code, and there is funding available through Mass Save Passive House Incentives for New Construction Multifamily:

- \$3K per unit and pre-development funding;
- Funding is for any housing development with more than five units, beyond just for affordable housing;
- There is also funding for various electric appliances through MassSave and through IRA starting in 2023.

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Overall, the provision of affordable homeownership opportunities and missing middle housing along a major bus line is supported by the boards, commissions, and departments. The project fits well with the Master Plan goals of encouraging mixed-use development along Arlington's main commercial corridors and providing a variety of housing options for a range of incomes, ages, and needs.

As noted by several commenters, this application is early in the hearing process and has not yet received peer review feedback. Details about the project will inevitably be changed and discussed during the hearing, as is appropriate for a project of this scale and complexity. The service, time, and consideration of the ZBA is sincerely appreciated.

I am happy to coordinate with boards, commissions, and Town staff should the ZBA wish to ask additional questions pertaining to their respective areas of expertise.

**Attachments:**

- Arlington Affordable Housing Trust Re: Comprehensive Permit Application, 1021-1025 Massachusetts Avenue
- Conservation Commission re: 1021 & 1025 Mass Ave – Application for Comprehensive Permit (40B) First Set of Comments from Conservation Commission
- Arlington Tree Committee (ATC) Concerns
- TAC Comments on the Comprehensive Permit Application for 1021-1027 Mass Ave
- Town Engineer re: Plan Review for 1021-1025 Mass Ave Comprehensive Permit (note that the Town Engineer indicated that his comments have not changed between the materials filed for the Project Eligibility Letter and those submitted for the Comprehensive Permit Application)



**ARLINGTON  
AFFORDABLE  
HOUSING TRUST**

November 12, 2022

Christian Klein, Chairperson  
Arlington Zoning Board of Appeals  
23 Maple Street  
Arlington, MA 02476

Re: **Comprehensive Permit Application, 1021-1025 Massachusetts Avenue**

Dear Chairperson Klein:

Reference is made to that certain Comprehensive Permit Application for 1021-1025 Massachusetts Avenue in Arlington (the “Application”) submitted by 1025 Mass Ave LLC (the “Applicant”). The proposed 50-unit home ownership development (the “Development”) would include thirteen (13) units affordable to families earning at or below 80% AMI, as required under M.G.L. c. 40B (the “Comprehensive Permit Law”), as well as approximately 1,000 square feet of ground floor commercial space.

**About the Arlington Affordable Housing Trust**

Established by Town Meeting, the purpose of the Arlington Affordable Housing Trust Fund (the “Trust”) is “to provide for the preservation and creation of Community Housing in the Town of Arlington.” The Trust is authorized to support low-income and moderate-income housing, including senior housing for those 60 years and over. We respectfully submit these comments regarding the Development for the consideration of the Zoning Board of Appeals. We are grateful for the ZBA’s collaboration with us in the preparation of our Five-Year Action Plan, which was just this week approved by the Select Board, and are pleased to have the opportunity to comment on the subject Application.

**Arlington’s Affordable Homeownership Gap**

Arlington presently has only 13 deed-restricted affordable home ownership units. This is unfortunate, since, as Arlington’s Housing Plan, approved by DHCD on June 13, 2022 (the “Housing Plan”) highlights, Arlington has few or no viable options for first-time homebuyers to find a home they can afford<sup>1</sup>. According to the Housing Plan, in 2019, households earning Arlington’s town-specific median family income of \$145,141 could reasonably afford a

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<sup>1</sup> Housing Production Plan, p. 71

single-family home priced at not more than \$592,500 or a condominium priced at not more than \$521,500, both significantly below Arlington’s median sale prices for both single-family homes and condominiums in the same year<sup>2</sup>. The situation has only worsened since 2019, with median sales prices for single-family homes and condominiums at \$950,000 and \$695,000, respectively, in 2021<sup>3</sup>.

### **Creating Affordable Homeownership Opportunities**

As described above, homeownership is particularly out of reach for low- and moderate-income households in Arlington. Unfortunately, there are few state and local subsidies available to bridge the substantial gap between a price affordable to low-income purchasers and actual single family home and condominium prices in Arlington. While there are state and federal homeownership programs that reduce mortgage rates or costs, or help with downpayments, these programs help low-income buyers increase their purchasing power, but not likely by enough to put Arlington’s high homeownership prices within reach.<sup>4</sup>

For example, a 4-person family with income equal to 80% of AMI would earn \$111,850 per year, and is estimated to be able to afford a home priced at \$290,300.<sup>5</sup> However, the median purchase price of a single family home in Arlington right now is \$950,000, or \$695,000 for a condominium. That means each affordable homeownership unit would require at least \$400,000 of subsidy, most of which would need to be provided by the Town. The cost of just the 13 units proposed at the Development could be estimated to exceed \$5 million - funds Arlington does not currently have available for this purpose.

As a result, a deal like the subject Development - where profit from market rate home sales would cross-subsidize affordable ownership opportunities without the need for public subsidy - represents one of Arlington’s only realistic pathways to homeownership for low- and moderate-income households. Accordingly, the Trust’s Five Year Action Plan, developed in consultation with the Zoning Board of Appeals and approved just this week by the Select Board, commits to encourage the creation of affordable homeownership opportunities for low- or moderate-income purchasers in mixed income homeownership developments like the subject Development. Adding 13 deed-restricted affordable homeownership units would double the number of affordable homeownership units in Arlington and represent a rare chance to offer families earning less than 80% of area median income (“AMI”) an opportunity to purchase homes in Arlington.

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<sup>2</sup> Housing Plan at pg. 43.)

<sup>3</sup> <https://tamelaroch.com/statistics/arlington-ma/>

<sup>4</sup> There has been limited success in other communities using Section 8 vouchers to subsidize homeownership, but the Trust will explore this option and add it to the Action Plan if it proves promising.

<sup>5</sup> Affordable Housing Trust, 5-Year Action Plan (2022-2027), p. 5.



## **Increasing Affordability**

While the Comprehensive Permit Law requires that 25% of the units in the development be affordable to purchasers with incomes at or below 80% of area median income, we encourage you to urge the developer to consider offering either more affordable units to the community, or to make some of the required units affordable to purchasers with incomes below 80% of AMI, as suggested by the Select Board in their initial support letter submitted with the Development's request to MassHousing for site approval. In either case, the Trust would be happy to meet with the developer to discuss the financial feasibility of additional affordability, and we or other Town bodies may be in a position to provide some limited subsidy to mitigate the cost of affordable units in excess of - or at income levels below - the minimum thresholds set by the Comprehensive Permit Law.

The Trust conducted an extensive community engagement process during 2022 and heard from many residents a deep concern about home prices in Arlington being out of reach for all but relatively affluent purchasers. While the Trust's particular mission and mandate is limited to households with incomes at or below 100% of area median, the community expressed a strong desire for housing solutions that sustain full economic diversity in our community, including housing for what is increasingly considered the "missing middle." Accordingly, the community may value additional homeownership units of various sizes priced to be affordable to middle-income people who are teachers, office workers, first responders, young professionals, or retirees looking to downsize. The ZBA is in a unique position to advocate for such outcomes as you review the developer's request for a comprehensive permit.

## **Plan for Diversity and Inclusion**

Arlington's Fair Housing Action Plan and Housing Plan highlight a lack of substantial racial and ethnic diversity in our community, a trend away from economic diversity, and substantial housing challenges that are preventing, or have the potential to prevent, seniors, people with disabilities or special needs and people of color from moving to or staying in Arlington. The creation of housing affordable to such groups, and designed to meet the needs of such groups, is an important priority for the Trust, and we have committed to be guided in our work by the principle of planning for diversity and inclusion in our community.

The Federal Reserve Bank of Boston has found that greater Boston has alarming racial wealth gaps.<sup>6</sup> It should come as no surprise that Massachusetts also has wide racial homeownership gaps - with 69% of white households owning their homes, while only 35% of households of color own.<sup>7</sup> Reducing these gaps even incrementally requires particular

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<sup>6</sup> The Color of Wealth report found that the average wealth of white households was \$247,500, vs. just \$8 for a U.S. Black household and less than \$15,000 for Caribbean Black, Puerto Rican, Dominican and other Hispanic households.

<https://www.bostonfed.org/publications/one-time-pubs/color-of-wealth.aspx>

<sup>7</sup> file:///C:/Users/KKelleher/Downloads/REACH-presentation%20(4).pdf





commitment in communities like Arlington, where home prices are high, and in 2019, there was only one home loan made to a Black purchaser in Arlington.<sup>8</sup>

While these facts add particular urgency to the need to create affordable homeownership opportunities wherever we can, they also support the need to include, in any comprehensive permit issued for the Development, conditions that maximize the opportunity for the affordable homeownership units to advance diversity and equity in our community and our region. Such conditions would presumably include a prohibition on the use of local preference to select affordable home buyers,<sup>9</sup> and intentional outreach and homeownership training partnerships with organizations like the Massachusetts Affordable Housing Alliance - specifically MAHA's Saving Toward Affordable & Sustainable Homeownership ("STASH") program, which assists first-generation homebuyers to buy their first home, in an effort to address the Commonwealth's deep racial homeownership gap.<sup>10</sup>

We also note that the Commonwealth recently announced a new MassDREAMS program which provides grants to help certain first-time homebuyers living in communities disproportionately impacted by the pandemic with their downpayment and closing costs.<sup>11</sup> The eligible communities are diverse low-income communities and do not include Arlington, but the funds can be used to buy a home in any community in the Commonwealth. When Arlington does have affordable homeownership opportunities, we hope that they will be proactively marketed to purchasers participating in the MassDREAMS program, or others like it.

In any event, we hope that any process to select affordable purchasers would include early planning to ensure that purchasers are prepared for homeownership with homeownership counseling, post-purchase counseling and other structural supports to ensure they have the information and resources they need to succeed as homeowners.

The Zoning Board of Appeals plays an important role in advancing housing affordability in Arlington, and we are grateful for its thoughtful review of the Development. We recognize that the Application presents other issues of interest to the Town, such as with respect to wetlands and other conservation matters, transportation and traffic impact, and utilities, water and waste management. We strongly support incorporating climate resiliency in all aspects of the Development, but respectfully defer to you and other appropriate Town bodies with respect to such matters and appreciate the difficult work of the Zoning Board of Appeals in evaluating and incorporating such feedback in its decision.

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<sup>8</sup> <http://financialeguity.net/wp-content/uploads/2021/08/MCBC-FY21-Mortgage-Lending-Report-final.pdf>

<sup>9</sup> This would be consistent with the recommendations of the Town's Housing Plan and Fair Housing Action Plan, and would follow a similar condition imposed by the ZBA in the comprehensive permits for both 1165R Massachusetts Avenue and Thorndike Place.

<sup>10</sup> <https://mahahome.org/STASH>

<sup>11</sup> <https://www.masshousing.com/en/home-ownership/homebuyers/massdreams>



In conclusion, the Development presents an opportunity to substantially increase the number of permanently affordable homeownership units in Arlington, without subsidy from the Town. This is a critical opportunity without recent precedent, that the Arlington Affordable Housing Trust Fund urges you to capitalize on. We hope that you will also explore with the Developer whether additional affordable units, or units affordable to a broader range of residents, could be included in the Development, and we stand ready to join those discussions and to consider how such units might be financially feasible.

Many thanks for your consideration and your thoughtful and dedicated service to the Town.

Respectfully submitted,

**Arlington Affordable Housing Trust Fund**

By:   
\_\_\_\_\_  
Karen E. Kelleher, Chair





TOWN OF ARLINGTON

MASSACHUSETTS

## CONSERVATION COMMISSION

November 4, 2022

Zoning Board of Appeals  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02476

**RE: 1021 & 1025 Mass Ave – Application for Comprehensive Permit (40B)  
First Set of Comments from Conservation Commission**

**Documents Reviewed:** “Arlington Zoning Board of Appeals 40B, Comprehensive Permit Submission, The Residences at Mill Brook, 1021 & 1025 Massachusetts Avenue, Arlington” prepared by Maggiore, dated September 19, 2022

Dear Chairman Klein and Members of the Board:

The Arlington Conservation Commission (ACC) provides this first set of comments to the Zoning Board of Appeals (ZBA) to consider the wetlands components of the 1021 & 1025 Mass Ave Comprehensive Permit Application under Chapter 40B. The Conservation Commission is providing this comment letter to assist the ZBA as it moves forward with its review of the permit application, including under the Town of Arlington Wetlands Protection Bylaw (the Bylaw) and the Commission’s implementing Wetland Regulations.

The comments presented in this letter were discussed at the ACC’s public meeting on November 3, 2022<sup>1</sup>. The Conservation Commission takes no position as to whether the Project is "generally appropriate" for the Property. The ACC’s comments focus mainly on whether the Project complies with standards the Arlington Bylaw for Wetlands Protection and its regulations, and to a lesser degree, on standards under the State’s Wetlands Protection Act (WPA). As you know, the project proponent will have to file a Notice of Intent with the Commission under the WPA.

### **Environmental Resource Area**

The primary wetland resource area on the property is the 200-foot Riverfront Area associated with Mill Brook, which Riverfront Area is approximately 20,429 sq ft of wooded uplands that currently includes 2,517 sq ft of paved parking lot (“Degraded” Riverfront). The Project includes work within the outer 100-200 foot portion of the Riverfront Area. It also appears from the site plans that there is some limited work in the 0-100 foot Riverfront Area and the 100-foot Adjacent Upland Resource Area (AURA)

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<sup>1</sup>The Commission also held two Working Sessions earlier this year and a separate meeting with Environmental Planner/Conservation Agent David Morgan and Assistant Commissioner Cathy Garnett about the proposed urban park summarized at the Commission’s May 19, 2022 meeting.

also associated with the Bank of Mill Brook. However, Section 19 of the Comprehensive Permit titled “Bylaw Notice of Intent Application” does not acknowledge this and does not include site plans.

**Recommendation:** Information provided in the Comprehensive Permit Submission, Section 19, “Bylaw Notice of Intent Application,” prepared by LEC and dated September 16, 2022, should be supplemented to clarify the work within each resource area and to show this on site plans.

### **Proposed Project Impacts to Resource Area**

The Conservation Commission notes that the Project proposes the following impacts within the “outer” (100’ to 200’ portion) of the Riverfront Area:

- construction of part of a building;
- removal of 22 or 24 trees (Patriot Engineering Site Demolition Plan shows 24 trees proposed to be removed whereas KZLA drawing L1 shows 22 trees; 3 of which are marked “dead” on both plans);
- installation of erosion controls, grading and installation of a retaining wall, paths, benches, and fencing;
- installation of subsurface infiltration system; and
- creation of an urban park with native plantings including evergreen and deciduous trees, shrubs, and understory or meadow seed mixes in the 7,700 sq ft wooded upland (KZLA drawing L5 shows Plant Schedule).

Within the “inner” (0’ – 100’) Riverfront Area and AURA, work appears limited to some grading, placement of erosion control, and removal of an existing fence. The proposed stone dust pathway also appears to slightly extend into the AURA.

**Recommendation:** Information provided in the Comprehensive Permit Submission, Section 19, “Bylaw Notice of Intent Application,” prepared by LEC and dated September 16, 2022, should clarify the number of trees to be removed and work proposed in the AURA, as presently the Application contains conflicting information.

### **Waivers to the Arlington Bylaw and Wetland Regulations**

The following appears in Section 13 “Wavers Requested” of the Comprehensive Permit application:

#### **Wetlands Protection (Title V: Article 8)**

- Comprehensive permit to include local Order of Conditions

The Comprehensive Permit Application Section 19 “Bylaw Notice of Intent Application” states, “For example, the Applicant will not be able to comply with the Vegetation Removal and Replacement requirements enumerated under Section 24 of the *Bylaw Regulations...*” The Commission requests further clarity as to whether or not Section 24 requirements can be met. While an overall Planting Plan for the entire project has been submitted, it is not stated in the Application as to the quantity and size of replacement trees that are proposed in the Riverfront Area.

**Recommendation:** Further information including quantity and size of replacement trees in the Riverfront Area should be provided to inform the ZBA whether any waivers to the Bylaw and the Commission’s Wetland Regulations should be considered.

### **Stormwater Management**

The project proposes to install a single subsurface infiltration system to collect and infiltrate stormwater run-off from the proposed structures. This stormwater system is proposed to be located within the outer Riverfront area. The Bylaw Notice of Intent states that the Stormwater Management System has been designed using the Extreme Precipitation Tables of the Northeast Regional Climate Center (Cornell University) in an effort to promote climate resiliency. However, the Stormwater Management Report prepared by Patriot Engineering references both Extreme Precipitation Tables for NOAA Atlas-14 and the Northeast Regional Climate Center as the source of precipitation values used for stormwater runoff calculations. The precipitation values used appear to be conservative and to account for extreme precipitation, similar or exceeding NOAA Plus, which is a good approach. DEP will be proposing to update its Stormwater Management Standards to require use of NOAA Plus.

In regard to water quality, the Stormwater Management Report states the system has been designed to remove a minimum of the average annual post-construction load of Total Suspended Solids (TSS). DEP's Stormwater Management Advisory Committee has recommended that DEP's Stormwater Management Standards should be revised to require a minimum of 90% TSS removal. In addition, it is the ACC's understanding that Arlington's Stormwater Management Standards also requires a minimum of 90% TSS removal for Major Stormwater Management Permits.

***Recommendation:** ACC recommends that the Applicant clarify the source of precipitation values used in the stormwater report and verify whether the values used are equal to or greater than NOAA Plus. ACC further recommends that the stormwater management system meet a minimum of 90% TSS removal. Additionally, the ACC recommends that the stormwater management report be reviewed by the Town Engineer with respect to not only pre-and post development runoff volumes, but also recharge and water quality.*

### **Wildlife Habitat, Vegetation, and Riverfront Area**

There are no known endangered, threatened, or special concern species onsite. The ACC points out, however, that the definition of "Protection of Wildlife" in the Arlington Wetland Regulations (Section 4, #59) "means protection of the ability of any resource area to provide food, breeding habitat, shelter or escape cover and species falling within the definition of wildlife set forth in these regulations."

Enhancement of wetland resources including habitat improvements can be achieved through additional native vegetation in close proximity to Mill Brook. Vegetative buffers are critical to preservation of the wetland resource area values and to protection of wildlife. The Conservation Commission appreciates that the Applicant has proposed a robust native planting plan within the 100-200 foot portion of the Riverfront Area, that includes cleaning up existing debris in this area, installing a diversity of plantings, and increasing vegetative biomass that is greater than the sum of the trees being removed. This type of planting should generate more biodiversity and be more climate resilient than the mainly Norway maple tree monoculture and invasive vegetation that are present on the site currently. In addition, this urban park area enhances connectivity of wildlife corridors and patches along Mill Brook. Unfortunately, this urban forest will be separated from Mill Brook by a parking lot owned by the neighboring condominium association. As noted above, the Conservation Commission desires further clarity regarding the number of replacement trees that will be included in the Riverfront Area.

**Recommendation:** *The ACC proposes the following recommendations to improve the resource area values that are protected in the Riverfront Area:*

- *The area proposed for the urban park currently appears to have construction debris and fill. The Commission recommends that after cleaning up existing debris, the soil should be tested for contaminants and soil suitability for the native plantings.*
- *The Project proposes a private urban park. The Commission would like the park to be an example of native urban revegetation; as such, we request that signage about the park be posted visible to the public and that some access to the public provided.*
- *Since there are a substantial number of invasive plants in the area proposed for the urban park, a robust invasive management plan would need to be developed and implemented. We recommend, for the success of the native plantings, that such a plan be required in perpetuity.*
- *The Commission had recommended to the Applicant to reach out to the neighboring Millbrook Condominium association to determine whether an agreement could be reached to undertake restoration closer to Mill Brook – within the first 50 feet from Mill Brook (this area is owned by the condo association). Such restoration would be more advantageous to resource area improvements. We have not learned of the outcome of this request. If restoration closer to Mill Brook can be achieved via an agreement with the Millbrook Association, this could enable the Applicant to fully meet the Vegetation Replacement Standards of Arlington’s Wetlands Protection Regulations.*

### **Climate Change Resiliency**

Section 31 of the Commission’s Wetland Regulations require an applicant to integrate considerations of adaptation planning into their project to promote climate change resilience so as to protect and promote resource area values into the future. An applicant does this by providing a written narrative addressing four issues. We commend the applicant here for their good Climate Change Resilience narrative responses.

### **Conclusion**

We hope the ZBA finds the above comments helpful in providing clarity and recommendations on how to best protect the Wetland Resource Areas on this site while acknowledging the current site conditions. We have an opportunity to improve the Riverfront resource area on this site along with revitalizing and adding affordable housing units for our town. I am confident that we all can work together towards these goals. Please contact us should you have questions.

Very truly yours,

*Susan*

Susan Chapnick, Chair

Arlington Conservation Commission

This comment letter was approved by unanimous vote of the Conservation Commission, November 3, 2022.

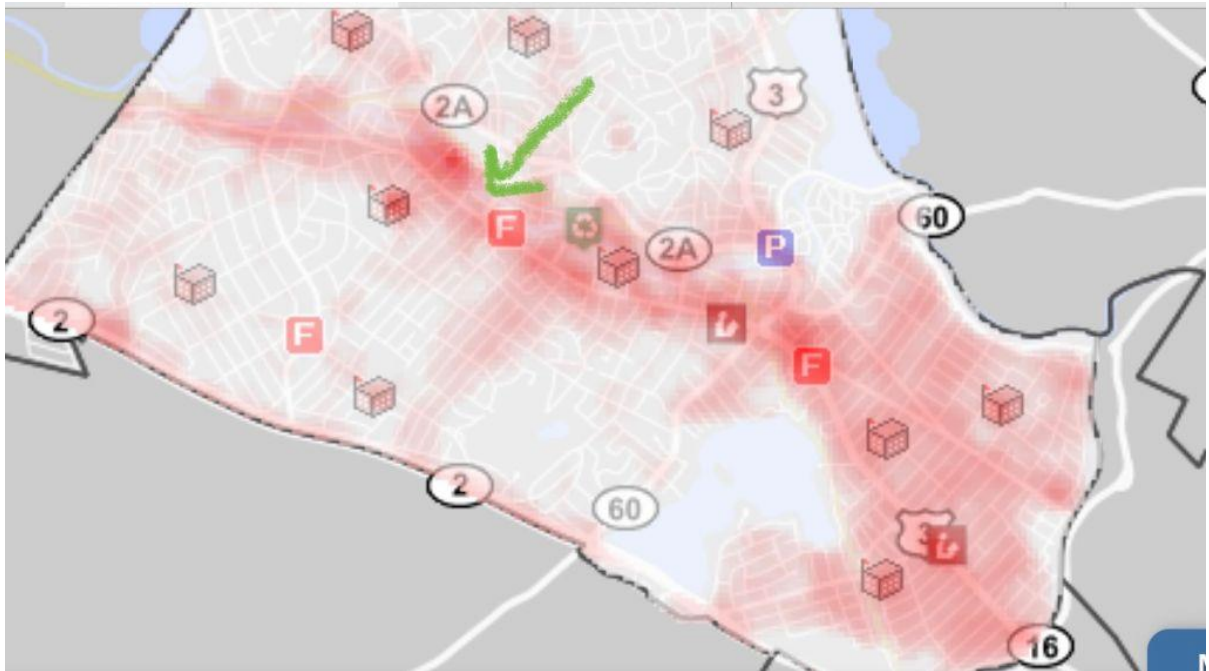
-- The Residences at Millbrook MGL Chapter 40B Project --

*Arlington Tree Committee (ATC) Concerns*

*10/31/22*

**General Comments:**

- There is a growing concern in Arlington about the decline of Arlington’s tree canopy, which is the combined quantity of trees on both public and private land within the Town’s geographic borders. With increased development, there are fewer and fewer forested spaces in Arlington, and existing green space retention is critical to thoroughly evaluate and prioritize.
- Trees and their preservation are a critical part of a solution to mitigate urban heat islands in town and curb global warming.
- Heat map of Arlington showing the hottest regions of town in red (due to dense development, presence of expansive impermeable/paved areas, and lack of trees). Project site identified by green arrow:



### Specific Comments:

This 40B redevelopment project combines two oversized (for Arlington) lots, to create a 14,000+ sq. ft. parcel that is currently roughly 25% forested.



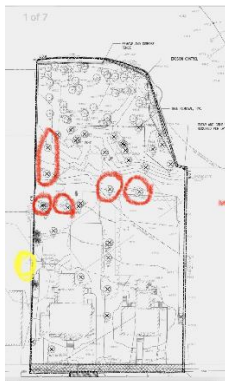
- The plan presented at the 10/18/22 ZBA meeting proposes removing most of the lot's trees (many of which are sizeable and a great loss to our canopy), building a five-story building, and creating a private woodland area in the rear of the new property, planted with a selection of native trees/shrubs/plants (over a buried artificial stormwater catchment area).
- Although on private land, the wooded area on this property is a piece of Arlington's tree canopy; its loss would further contribute to the decline of Arlington's tree canopy.
- Much of the parcel's forest is of the Norway Maple species; although classified as invasive, that does not preclude their preservation. While the Town does not plant this species anymore, the Norway Maples currently in Arlington strongly contribute to the canopy's functions of carbon sequestration, oxygen generation, shade creation, and heat island minimization.
- The proposed project includes the removal of a healthy, significant (roughly 4 ft. in diameter and 70 ft. tall) London Plane tree. Replacing the canopy of this single, mature specimen would take over 30 years.
- The requested waiver of the requirements and strictures of the Article 16 Tree Preservation Bylaw is contrary to the interests of the Town. Article 16 mitigation fees should be calculated and expressed in waiver request so that everyone is aware of the value of the waiver being requested.
- The reduction of the setbacks is concerning especially along the front yard as this would limit the space available for introducing shade trees along Mass Ave, an area that is one of Arlington's known heat islands. Furthermore, there are no "tree planting strips" on this block (and therefore, no public street trees planted), AND there are overhead wires on this side of Mass. Ave. The ATC recommends the set-back be large enough to plant large caliper (2 in. diameter and up) deciduous canopy shade trees (not understory trees); current plan suggests less-appropriate evergreen trees planted in front of the large building.
- The ATC is pleased that the applicant is working with a landscape architect (Kyle Zick Landscape Architecture), hopefully ensuring a sensitivity to tree issues. We ask that Article 16 mitigation fees be calculated and expressed within the project documentation. Our expectation is that mature tree loss will be minimized, and that expansion of the tree canopy will be encouraged through a thoughtful and forward-thinking design process.



## Questions:

- Can the proposal Tree Plan be modified to retain some of the existing forest especially along the perimeters that abut the neighboring asphalt parking lots (heat islands)? If not, why not?
- Can the applicant provide a detailed list of tree species for removal on the Tree Plan )?
- Can Article 16 mitigation fees be calculated and expressed in waiver request.
- Has there been thought given to retaining any of the mature, high-value trees (i.e. leaving mature trees screening adjacent properties; leaving the mature London Plane trophy tree (mentioned above); leaving mature, healthy Norway Maple and other trees where possible, to help transition to the new tree canopy? Specific examples of suggested current tree retention are circled in red below.
- Why is it believed that the proposed catchment area is superior to the existing natural catchment?
- How can the artificial catchment area being proposed properly function if installed on the existing ledge?
- Could larger caliper trees be planted as part of the planting plan given the expected removal of such a large number of trees?
- Is an irrigation system planned to sustain the proposed new landscape? If not, why not?

Illustration below shows priority trees on the property:



**Date: November 2, 2022**  
**To: Kelly Lynema**  
**From: Laura Swan, Chair of TAC**  
**Subject: Comments on the Comprehensive Permit Application for 1021-1027  
Mass Ave**

Please add these comments from members of the Transportation Advisory Committee to the memo you are compiling for the Zoning Board of Appeals.

- Existing Conditions
  - Were the traffic counts (March 16, 2022) conducted when schools were in session?
  - Pedestrian, bicycle and trucks volumes were not provided. Please provide them.
  - Did any of the reported crashes involve pedestrians or bicyclists?
  - It should be noted that the condition of the existing sidewalk on Mass Ave along the project frontage is in fair condition and generally not ADA compliant.
  
- Future Conditions
  - Project vehicle trips were only assigned to Mass Ave. It seems reasonable to assume that some trips would use Brattle St to get to Rt. 2A or Walnut Street or School Street to travel towards Route 2.
  - Provide a Site Layout Plan.
  - Identify proposed driveway width.
  - Identify if any existing driveway curb cuts are being closed. If so, will this create any additional on-street parking spaces?
  - How will residents get bikes to the basement?
  - Provide dimensions for parking spaces.
  - Identify handicap parking spaces.
  - It may be difficult for full-size vehicles to park in the end spaces against the walls.
  - Identify where retail customers would park on-site.
  - The Recreation and Open Space Amenities Plan shows shrubs/perennials planted within project's plaza area. Street trees should also be provided along the project frontage.
  - Will the tables, chairs, umbrellas, lawn, and furniture proposed within the plaza area be for project residents, or commercial patrons? Will it be open to the public?
  - Would the proposed pedestrian pathway on the west side of the building, to access the open spaces at the rear of the site, be open to the public?
  - Identify how emergency vehicles would access the rear of the building.
  
- Recommendations
  - Reconstruct sidewalk along the project frontage to improve surface condition and meet ADA requirements.
  - The fee for residential units and parking spaces should be unbundled (separated) so that residents who do not wish to own a vehicle do not have to pay for a parking space.

- The proponent should consider providing MBTA passes (or a portion of) for residents for the first year of occupancy as an incentive to use public transportation for commuting.



Engineering Division

TOWN OF ARLINGTON  
Department of Public Works  
51 Grove Street  
Arlington, Massachusetts 02476  
Telephone (781) 316-3320 Fax (781) 316-3281

## 1021 – 1025 Mass Ave. Review Comments

**Date:** May 18, 2022  
**To:** Kelly Lynema; Planning & Community Development  
**From:** Wayne Chouinard, Town Engineer  
**RE:** Plan review for 1021-1025 Mass Ave. Comprehensive Permit

The Town of Arlington Engineering Division is in receipt of the Comprehensive Permit information provided by email on May 3, 2022. It should be noted that the submitted plans appear to be preliminary in nature and do not include suitable detail to fully and satisfactorily evaluate the submission. These comments will respond specifically to the content related to stormwater, site utilities and accessibility. It is expected that a final review will be required for final construction level documentation.

The comments provided are based on the documents provided by the Department of Planning and Community Development. Comments are as follows:

- **Stormwater:**
  - It is noted that storm water control details are included on the Site Details Sheet. However, a comparison of pre and post development impervious areas should be provided along with a hydrological report detailing the stormwater runoff calculations in order to more accurately review the stormwater mitigation provided.
  - All necessary calculations should be submitted in order to evaluate the hydrologic and stormwater runoff conditions for pre-development and post-development conditions.
  - There is no information provided to review the stormwater collection system for runoff requirements from the building roof.
  - No stormwater collection pipes or infrastructure – roof drain, leaders, pipes etc. are indicated.
  - It is noted that there is an observation test hole indicated on the plan. Additional data should be provided indicating the subsurface conditions in the area proposed to be utilized for stormwater infiltration including soil horizons, soil type and classification and groundwater information.
  - Calculations should be included detailing the effects of groundwater mounding in the vicinity of the proposed subsurface infiltration system.
- **Traffic:**
  - Review and documentation of the Mass Ave. LOS ratings should be provided along with anticipated traffic generation and effects resulting from the proposed project.
  - Due to proximity to the Mass Ave. and Brattle Street signalized intersection and the entrance to the Highland Fire Station, it is recommended that an analysis be provided indicating the anticipated impacts of increased traffic volume and use at these locations.
- **Lighting:**
  - A photometric plan should be provided to evaluate site lighting and light spillage at property lines. Night sky reduction, light pollution, cut off fixtures and glare should be considered, carefully evaluated and documented with respect to impacts on abutting properties.



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- **Water :**
  - The site plan does not indicate separate water connections for domestic and fire protection services. A suitable connection for both services should be sized and indicated.
  - Calculations should be provided to ensure the distribution system for the area has capacity for increased demand for fire flow and domestic water supply without impacting the existing system or abutter's water volume and pressure.
  - All connections to the Town water system require a triple gated connection to provide maximum shut-off and distribution control.
  - Connections to the Town water main require a tee connection.
  
- **Sewer:**
  - The proposed sewer connection indicates a tie-in along the existing sewer main. It is recommended that the connection be made directly to the existing and adjacent sewer manhole. All existing utilities are required to be cut and capped at the existing main connections.
  - New sewer service lines from multi-family buildings should be a minimum of 8" diameter.
  - Up-gradient sewer flow analysis, with peaking factor should be determined and provided to document suitable capacity for proposed additional flow. Evaluation should include the downstream sewer main to determine whether it will provide sufficient capacity for the intended increase in flow and address any added exfiltration potential.
  - Floor drain and sewer connection details should be provided for all garage facilities serving more than five (5) vehicles including oil/gas separators. These should be designed and located properly within the parking structure or on-site.
  - Hydraulic calculations should be provided for utilities to confirm suitable capacity. It is recommended that any upgrades or improvements necessary to maintain capacity with proposed additional flow should be included in this project.
  - Details and offset dimensions are required to ensure proper spacing between water/sewer service connections.
  - It is recommended during permitting and approval, to discuss whether an Inflow/Infiltration (I/I) mitigation fee be assessed to be used to reduce I/I of the Town sewer system in the amount equal to four(4) times the design flow of the project.
  
- **Utilities: Other**
  - What are the off-site upgrade requirements necessary for the CATV requirements for proposed development? Will current utility pole and cable configurations accommodate the required cable electric and telephone wires without the need for additional utility poles or improvements outside of the project locus? Any installation of utility poles or underground conduit in the public right of way will require a Grant of Location from the Board of Selectmen. This information should be provided as part of the application process to evaluate the entirety of impacts and effects.
  
- **Pavement, parking and sidewalks:**
  - Proposed pavement markings and signage should be indicated.
  - Pavement markings and signage required for handicap spaces if required should be added, along with delineation of required ADA accessible routes to the structure.
  - Information should be provided detailing the entrance/egress location and the impacts on pedestrian accessibility along the sidewalk located within the public right of way.



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- Properly designed fire lanes or access areas should be provided for access around the structure or a suitable alternative satisfactory to the Fire Department.
- Turning radius should be included detailing required radii for all vehicles within the parking structure.
- Suitable details should be provided indicating ADA accessibility requirements for sidewalks, ramps and any other pedestrian accommodations along the right of way.
- Site plan should identify areas where delivery and other larger vehicles will frequent and address suitable turning radius requirements.
- Time of use restrictions for deliveries, trash pickup etc. to reduce impacts on adjacent neighborhood.
- **Landscaping:**
  - Project should provide properly placed screening to minimize impacts on abutting properties.
  - If possible, street tree plantings should be provided along Mass Ave. to reduce heat island effects.