

**From:** Chris Loreti <cloreti@verizon.net>  
"abunnell@town.arlington.ma.us" <ABunnell@town.arlington.ma.us>,  
**To:** AWest@town.arlington.ma.us, Gene Benson <genebenson@verizon.net>,  
"DWatson@town.arlington.ma.us" <DWatson@town.arlington.ma.us>, KLau@town.arlington.ma.us  
Jenny Raitt <jrait@town.arlington.ma.us>, "MByrne@town.arlington.ma.us"  
<MByrne@town.arlington.ma.us>, Adam Chapdelaine <achapdelaine@town.arlington.ma.us>,  
**Cc:** Douglas Heim <dheim@town.arlington.ma.us>, Marie Krepelka  
<mkrepelka@town.arlington.ma.us>  
**Date:** 01/07/2019 12:31 PM  
**Subject:** Public Hearing Comments for 10 Sunnyside Ave.

---

Dear ARB Members:

I understand that tonight's special permit hearing on the proposal for 10 Sunnyside Avenue may be postponed. Nevertheless, I am providing these comments for the record as I may not be able to make the hearing this evening. Please enter them into the docket for this special permit.

1. The maximum floor area ratio (FAR) for the zoning district of the project is 1.5. The developer is proposing a structure with an FAR of 1.85 based on some 25% bonus provision, which is not explained in the proposal. If the developer thinks he can use Section 5.3.6 of the Zoning Bylaw, he is mistaken. That section only applies to lots of 20,000 square feet or more, and this lot is 16,500 square feet. (See below the basic requirement (2) which must be met for this section of the bylaw to apply).

In addition, if the developer is trying to use the bonus provisions in that section based on the required affordable units he is constructing, you should know the bonus provision has never been allowed for merely meeting the requirements of the Town's inclusionary zoning bylaw, even for lots that met the basic requirements. Neither the Symmes nor Brighams developments, for example, were allowed to exceed the FAR requirements merely because they met the bare minimum requirements for affordable housing. The bonus provisions were designed for exceeding the bylaw requirements and should only be applied to affordable housing units that go beyond the bylaw requirements, such as for HCA, Housing Authority, or other developers who voluntarily provide such affordable housing.

Prior to the recent recodification of the Zoning Bylaw, the section pertaining to the bonus provision for affordable housing clearly referred to units subject to state or federal regulation (rather than local). The revised bylaw supposedly simplified this language, but also added ambiguity. (I can only presume there was to be no substantive change intended as that is how that is how the ARB framed the bylaw recodification.) The ARB should put forth a warrant article amending this Zoning Bylaw section to make it

explicit that the FAR bonus for affordable housing does not apply to units required under by the inclusionary zoning provisions of the bylaw to avoid any arbitrary reinterpretation of this section of the bylaw in the future.

2. The proposed height of the building is excessive. The developer correctly states that the maximum height is 50', but the drawings show a parapet that exceeds that height by 4'. I can find no height exception in the bylaw for parapets.

Thank you for considering these comments.

Sincerely,  
Christopher Loreti  
56 Adams St.

p.s. to Marie Krepelka, please forward this to all member of the Board of Selectmen. Thank you.

Arlington Zoning Bylaw Section 5.3.6:

A. The Board of Appeals or the Arlington Redevelopment Board, as applicable, may grant a special permit subject to the standards in Section 3.3 or 3.4, as appropriate, to allow a maximum gross floor area higher than is permitted in the district, subject to the procedures, limitations, and conditions specified below, for a lot (or part of a lot) which meets the following basic requirements:

(1) The lot (or part of a lot) is in a district with a floor area ratio of 1.2 or greater.

(2) The lot (or part of a lot) is not less than 20,000 square feet when the principal use is residential. When the principal use is non-residential, no minimum lot size is required provided all other provisions of this Section 5.3.6 are satisfied.