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Date: 08/17/2020 09:01 AM
Subject: Fwd: Docket 3602 - Correspondence to ARB on 1207 -1211 Mass Ave

From: Don Seltzer <timoneer@gmail.com>
To: Jenny Raitt <jraitt@town.arlington.ma.us>
Date: Mon, 17 Aug 2020 08:52:36 -0400
Subject: Docket 3602 - Correspondence to ARB on 1207 -1211 Mass Ave

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To: Arlington Redevelopment Board

Having reviewed the most recent packet of documents belatedly released to the public on Thursday afternoon, I am surprised by the apparent intention of the Board to accept the current plans and approve a Special Permit at this coming Monday hearing. Although there have been a few improvements from previous submissions, the proposal is deficient on several key issues.

Among these are:

Allowable Floor Area

The numbers provided by the applicant's lawyer are incorrect and contradict even the numbers provided by the architects on the drawings. There are errors of fact, of basic arithmetic, and incorrect interpretation of the zoning bylaw definitions. Even with all of these inaccuracies, the applicant needs to resort to a highly dubious claim of deeded 'Public Use Access' for bonus footage. No resident of the neighborhood has expressed any desire for this frivolous public performance/art display area tucked away in a corner of the property.

Building Height

This issue was raised at the very first hearing in July 2019, yet has remained unaddressed by the applicant. The two lots are subject to the Reduced Height Buffer Area restrictions. For the portion of the building located in the B4 zone the height limits are 50' and four stories, for which the plans seem to comply. But for the portion of the building located in the B2 zone, the reduced limits are 40' and three stories. The current plans exceed both, to the great detriment to the residential district just behind. These neighbors bought their homes with the expectation that the zoning bylaw would be enforced to protect them from such oversized structures looming over their backyards.

Corner Lot Yard Setback

The Board is quite familiar with this provision. It was only last year that a warrant article was proposed to alter the required setback on a side street. The Board deliberated this change and rejected it unanimously. The applicant's attorney has argued for an exception based upon the 'uniqueness' of the situation, but the reasons given do not even address anything about the lot, street layout, or neighborhood impact. It rests mostly on questionable voodoo economics of inflated monetary value to the town. The Board has a responsibility to consider the very real detrimental impact on the residents who live just behind the project.

Rear Parking Lot and Driveway

The rear parking lot is simply a poorly designed disaster. The applicant has never even submitted a proper rear elevation drawing that shows the garage under the building, possibly because the ceiling height does not meet the usual standards. Every rear elevation drawing that has been submitted has included a privacy fence to hide any details.

The width of the lot is woefully short of what is needed for any delivery truck to turn around. Any truck that makes the mistake of entering front end first will be forced to back out blindly onto Clark St when exiting. Shuffling the tandem parking in the tight space will be a nightmare for the parking valet. These are matters of poor design, and not necessarily an issue for the Board to consider. But what cannot be overlooked is the dangerous safety issue created by the six foot high retaining wall coming right up to the Clark St sidewalk. This is a clear violation of both zoning bylaw and common sense.

Front Driveway

The semi-circular driveway in front of the hotel is a design bunder. It is a direct consequence of the architect's failure to notice that the frontage on Mass Ave is not level but sloped, falling off by about four feet from west to east. The original 'flat earth' design has been poorly adapted, and the now contorted front driveway is unpassable for typical passenger sedans as currently dimensioned. It is doubtful that tour buses will be able to negotiate the tight turning radius. There is also no ADA compliant passenger loading/drop-off area in front of the hotel entrance as clearly required by state law.

The Arlington Disabilities Commission has requested a meeting with the developer to discuss ADA issues including the failure to provide any accessible hotel rooms as required by state law. The applicant's attorney has dismissed these as minor issues to be worked out with the building inspector after the Board approves the project.

Hotel is Not a Permitted Use in a B2 district

Some Board members have been proceeding under the assumption that Town Counsel has issued a legal opinion on this matter. That is not correct. I have asked Doug Heim and he has replied that the Board has never requested a legal finding from him and he has never issued one. The source of this misunderstanding is apparently some email correspondence between residents and Mr Heim on this topic. In that correspondence Mr Heim gave some general thoughts which he would later characterize as "the genesis of an informal opinion".

If the Board were to approve of a hotel in a B2 district it would be a direct repudiation of what two Board members promised to Town Meeting in 2016 when Mixed Use was adopted. Repeatedly the public was assured that no use that was not already permitted in a district would be allowed under Mixed Use. The promise was unequivocal and the Chairman pledged that the current and future Boards would honor that pledge.

Attached are detailed documents regarding all of the above points.

Don Seltzer

