

Correspondence to Arlington Select Board regarding Public Use Easement for 1207 Mass Ave

The Arlington Select Board is being asked to approve of a public use easement on a portion of 1207 Mass Ave “for cultural, patristic, poetic and educational purposes”. In exchange, the developers of the Hotel Lexington are asking for an exception to the maximum allowable gross floor area permitted under the Zoning Bylaw, to exceed it by 2500 sq ft. In exchange, the Town would be able to schedule public events in a 256 sq ft space during daylight hours up to two times per week.

It is not clear that there is any community need for such a space, particularly in this location. The space being offered is quite modest, about the size of an average living room. It is outdoors, and located on a dead end portion of the patio in the front of the proposed hotel. It is largely unsheltered from the weather and is exposed to the traffic noise of Mass Ave.

It is not very convenient for access. There is no public parking provided by the hotel. The lot is to be valet only and restricted to hotel guests.

There is limited parking on Mass Ave near the site. The side street, Clark, is a private way and the residents have posted no parking signs because of current problems on the street. The site also presents challenges to those with mobility problems. The hotel will not offer any HP parking. It does not even have a suitable van drop off zone, as required by state law. Some of you may recall the Town Meeting presentation on Article, which highlighted this failing at this very site.

For the last year and a half, the Town has had the Arlington Heights Neighborhood Action Plan Committee to evaluate these types of uses. It is part of their charter to explore creative peacemaking in order to bring vitality and foot traffic to the Heights business district. This has been the focus of most of their meetings to date. Yet this public place easement has never been brought before them, even though the developer proposed the idea a year ago. Instead it is being thrown before this Board at the last minute for its quick approval without adequate review.

The Board should consider whether this easement actually serves a public need. Can the Board think of any scheduled events that can not be better served by other locations in town? Locations that are more accessible, better sized, and more suited to increasing foot traffic in the Heights business district?

Without any sufficient consideration of these issues, this matter should be directed first to the HNAPIC, which was created to evaluate just these questions.

The Board should also be aware that the underlying reason for this request is based upon an improper understanding of section 5.3.6 of the ZBL.

5.3.6. Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions)

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.*

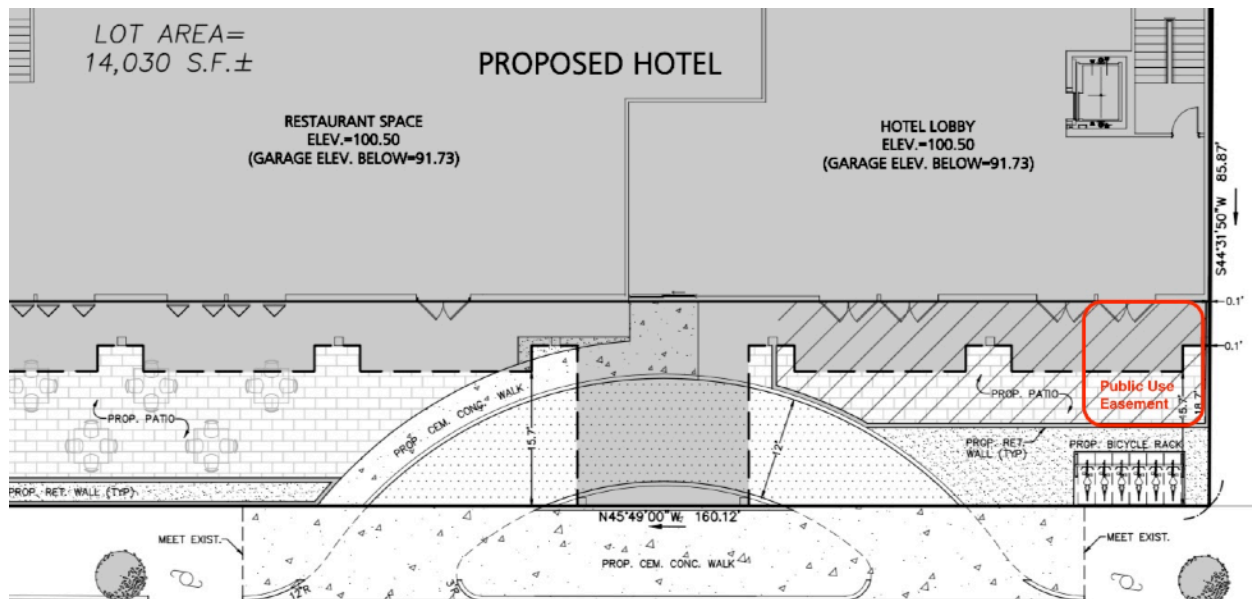
The total parcel size is only 14,000 sq ft, and a hotel is clearly identified as a residential use in 5.5.3 Use Regulations for Business Districts. The

applicant is not entitled to any bonus provisions to exceed the maximum floor area ratio.

This request for an easement should have been brought before the Select Board last summer when it was first proposed. The Board should not be rushed into giving its blessing without proper consideration.

Don Seltzer

Irving St.



MASSACHUSETTS AVENUE

5.5.3. Use Regulations for Business Districts

| Class of Use | B1 | B2 | B2A | B3 | B4 | B5 |
|---|----|----|-----|----|----|----|
| Residential | | | | | | |
| Single-family detached dwelling | Y | Y | Y | Y | Y | Y |
| Two-family dwelling, duplex dwelling | Y | Y | Y | Y | Y | Y |
| Six or more single-family dwellings or six or more units in two-family dwellings or duplex dwellings on one or more contiguous lots | SP | SP | SP | SP | SP | SP |
| Three-family dwelling | SP | SP | SP | SP | SP | SP |
| Townhouse | SP | SP | DP | SP | | SP |
| Apartment building | | SP | SP | SP | SP | SP |
| Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building | SP | | | | | |
| Single-room occupancy building | SP | | | | | SP |
| Group home | Y | Y | Y | Y | Y | Y |
| Hotel/Motel | | | SP | SP | SP | SP |
| Conversion of one or two-family dwelling to bed and breakfast | SP | SP | SP | SP | SP | SP |
| Assisted living residence | | | | SP | | |
| Dormitory (<i>Note: See Section 3.5 if use is for educational or religious purposes.</i>) | Y | Y | Y | Y | Y | Y |

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- 5.2.4. Multiple Principal Uses

A lot or structure located in the R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I, MU, and T districts may contain more than one principal use as listed in Section 5.4.3 Use Regulations for Residential Districts, Section 5.5.3 Use Regulations for Business Districts, or Section 5.6.3 Use Regulations for MU, PUD, I, T, and OS Districts. **For the purposes of interpretation of this Bylaw, the use containing the largest floor area shall be deemed the principal use and all other uses shall be classified as accessory uses.** In the case of an existing commercial use, the addition or expansion of residential use within the building footprint shall not require adherence to setback regulations for residential uses even if the residential use becomes the principal use of the property.