



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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

To: Christian Klein, Chair, Zoning Board of Appeals
From: Jennifer Raitt, Director, Department of Planning and Community Development/kl
Date: July 26, 2021
RE: 1165R Mass Ave – Application for Comprehensive Permit
Department of Planning and Community Development Comments – Response to Updated
Waiver Request List

The Department of Planning and Community Development (DPCD) provides these comments to the ZBA in response to the updated waiver request list submitted by the applicant as part of the 1165R Mass Ave Comprehensive Permit Application. The purpose of this comment letter is to assist the ZBA as it moves forward with its review of the permit application, specifically in regard to the applicant's waiver requests. DPCD notes the following on the waiver requests submitted by the applicant on July 22, 2021.

List of Waivers

Bylaw Regulation	Requirement	Proposed	Waiver Requested	DPCD Comment
Zoning By-law ("By-law") Article 5, Section 5.6.3	Multifamily/Apartment use is not allowed as of right or by special permit.	Multifamily use.	Waiver requested. The property is located in the industrial zone – absent a waiver, it cannot be constructed.	DPCD recommends that the applicant either: A. request a waiver for the use and then request a waiver from ZBL Section 3.4 (Environmental Design Review); or B. request a waiver for the use and then request waivers for the Industrial Zoning District dimensional requirements (Section 5.6.2(A) Other District Yard and Open Space Requirements, All Other District Maximum Height and Floor Area Ratio) Both approaches are not required.
By-law Article 5, Section 5.6.2. Floor area ratio, front yard	The By-law provides for a front yard, a right side yard and rear yard depth of 10' each.	The Applicant proposes: (a) front yard depth of 330'; (b) right side yard depth of 1.75'; and	Waiver requested – See Footnote "4".	See comment above regarding requesting use waivers or dimensional waivers.



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depth, right side yard and rear yard depth		(c) rear yard depth of 9'. See plans.		DPCD recommends the applicant add the word "Zoning" before the word "Bylaw" and remove the word "Article" in the first column for requests for waivers from requirements of the Zoning Bylaw.
By-law Article 5, Section 5.3.15	Varying formulas for buildings with uneven height or façade.	See plans.	Waiver requested – See Footnote "4".	See comment above regarding requesting use waivers or dimensional waivers. DPCD recommends the applicant add the word "Zoning" before the word "Bylaw" and remove the word "Article" in the first column for requests for waivers from requirements of the Zoning Bylaw.
By-law Article 5, Section 5.3.17	For buildings more than 3 stores in height, a 7.5 step back shall be provided at the fourth story or 30 feet above grade, whichever is less, along all building elevations with street frontage.	Building 4 does not comply.	Waiver requested – See Footnote "4". Additionally, this requirement may not apply. Building 4 has no street frontage.	DPCD recommends the applicant add the word "Zoning" before the word "Bylaw" and remove the word "Article" in the first column for requests for waivers from requirements of the Zoning Bylaw.
Zoning By-law Article 5, Section 5.6.2	Height Stories and Height Feet.	The Applicant proposes a 6 story building for Building 4, which consists of two floors of enclosed parking. the height proposed is 68'.	Waiver requested – See Footnote "4".	See comment above regarding requesting use waivers or dimensional waivers. DPCD recommends the applicant add the word "Zoning" before the word "Bylaw" and remove the word "Article" in the first column for requests for waivers from requirements of the Zoning Bylaw.



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By-law Article 6, Section 6.1.12 and the Bicycle Parking Design Guidelines	1.5 spaces per unit for a total of 186.	The Applicant proposes 44 spaces designed in accordance with the Bicycle Parking Design Guidelines or a waiver to construct 114 long-term spaces, which would include upper level/stacked-type parking. This will result in 114 total long-term spaces.	Waiver requested – See Footnote “5”.	DPCD recommends that the applicant provide as many bicycle parking spaces as possible, ideally a number equivalent to the number of dwelling units or equal to the number of automobile parking spaces, given the request for a reduction in automobile parking spaces and the proximity to the Minuteman Bikeway. DPCD notes that two-tier or stacked parking could meet the requirements of the Bike Parking Guidelines if it were constructed via a system that provides assistance to the user to get their bike up and down with minimal lifting (e.g., equal or better to the "Dero Decker", which provides lift assistance: https://www.dero.com/product/dero-decker/). DPCD recommends the applicant add the word “Zoning” before the word “Bylaw” and remove the word “Article” in the first column for requests for waivers from requirements of the Zoning Bylaw.
By-law Article 6, Section 6.1.4	160 parking spaces required.	Applicant proposes 128.	Waiver requested – See Footnote “5”.	DPCD recommends the applicant add the word “Zoning” before the word “Bylaw” and remove the word “Article” in the first column for requests for waivers from requirements of the Zoning Bylaw.
By-law Article 5, Section 5.7	No construction permitted in regulatory flooding, 15’ setback from waterway can be waived.	Work is proposed within 15’ of the waterway, a bridge and utility crossing within the waterway. Building 2 will be within 15’ of the Mill Brook due to the fact that the existing bridge needs to be rebuilt.	Waiver requested – See Footnote “5”.	DPCD recommends the applicant add the word “Zoning” before the word “Bylaw” and remove the word “Article” in the first column for requests for waivers from requirements of the Zoning Bylaw.



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By-Law, Article 6, Section 6.1.11(c)(11)		Eight (8) compact-sized parking spaces – Six (6) spaces in Building 2 and two (2) spaces in Building 4.	Requested relief as permitted by Article 6.	DPCD recommends the applicant add the word “Zoning” before the word “Bylaw” and remove the word “Article” in the first column for requests for waivers from requirements of the Zoning Bylaw.
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