

DOCKET NO. 3690

MEMORANDUM IN OPPOSITION TO APPLICATION FOR ENVIRONMENTAL DESIGN REVIEW SPECIAL PERMIT

This Memorandum is provided on behalf of **Gary R. Santini** and **Mark Santini**, Trustees of **Santini Realty Trust** (“Santini”), owners of the property at 26 Dudley Street (the “Santini Property”), a direct abutter to the Petitioner’s proposed Project. The Santinis have owned the Santini Property since 1986. In addition to the Santini Property, the Santinis own the premises at 60 Dudley Street which houses their construction company, a business started in 1921, a residential property at 61 Dudley Street and they own and operate Arlington Self Storage at 4 Brattle Court, notwithstanding the Petitioner’s assertion in its filing that Arlington does not have a “comparable storage facility”. The Santini’s objection to the proposed facility is not based on their ownership and operation of Arlington Self Storage, but rather primarily on the adverse effects that the proposed facility will have on the Santini Property (including the potential shadowing effects on it), the building mass of the Project, the potential shadowing effects on other abutting property and increased traffic congestion and parking on Dudley Street.

The Santinis have owned their properties on Dudley Street for decades. They are intimately familiar with the ongoing and frequent traffic congestion on Dudley Street, having experienced it daily. The Santinis believe that the traffic study submitted by the Petitioner drastically understates the expected traffic volumes that will be produced were the Project constructed and thus the negative and serious effect it will have on the other, existing commercial and residential uses on Dudley Street. The Santinis strongly urge that the Board require an independent, peer traffic study and analysis prior to approving the Project. In order to grant a special permit, the Board must find that “The requested use will not create undue traffic congestion or unduly impair pedestrian safety”. The Santinis believe and aver that

requiring an independent peer traffic study and analysis is integral to the ability to make the required finding.

SHADOWING AND RELATED IMPACTS

There are a number of places in the Zoning By-Law that require “shadowing” to be considered. Even though Dudley Street is not in a residential zone (although there are a number of residential structures and uses on the Street), the Petitioner’s property appears to abut an RO zone and public open space adjacent to the Mill Brook. The Board should require under Section 3.4.4 B., or generally, given the height and mass of the proposed building, appropriate shadowing studies for the Project, especially in light of the requirement that it be “solar ready”.

CIRCULATION

Section 3.3.4 D. provides: *“Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.”*

The Santinis urge the Board to carefully consider how the proposed use, especially in light of the size of the proposed building and number of requested storage units, can meet the above standards, especially as they might negatively affect vehicular and pedestrian traffic to and from the facility and the neighboring properties.

REQUIRED PARKING

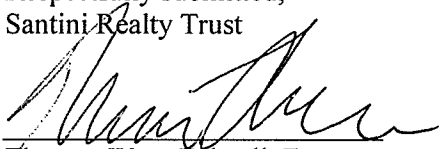
The proposed building contains 96,000 square feet. The Zoning By-Law requires 1 space per 1,000 square feet of gross floor area or, in this case, 96 spaces. The Santinu’s existing self-storage facility meets this requirement. In their experience, that ratio establishes a number of spaces that may be needed during peak days, hours and times of the year, such as in late summer when people often are moving (leases often run from September to September) or when college students are returning from college in May and going back to school in late summer. During those times the required spaces are needed. Any reliance on a reduced (especially to 25% under the authority provided to the Board under Section 6.1.5) number of spaces will, based on the experience at Arlington Self Storage, result in the spaces provided

not meeting actual demand during peaks hours, days and times of year. This will result in customers parking on Dudley Street or in front of or on abutting and adjacent properties. A reduction for a self-storage use is not justified and will lead to street and neighborhood traffic congestion. Historically, to my clients' knowledge and belief all prior developments in the Industrial Zone have been required to meet the historical standard of 1 per 1,000 of gross floor area. That should be the standard required except in extraordinary and heavily documented and justified instances where relief might be appropriate. It is important to note that although the Petitioner seeks a reduction to less than 25% of the required 96 spaces, no further reduction is possible as that further reduction can only occur in a Business, not an Industrial Zone.

In summary, for the reasons stated, the Board should require (1) an independent peer traffic and parking study and (2) shadowing studies before making any Decision on the requested Environmental Design Review Special Permit. In addition, the Board should require a redesign of the Project to accommodate a reasonable amount of customer and employee parking spaces, but in no event fewer than 25% of those dictated by any Project redesign. Alternatively, due to expected traffic and parking impacts on the neighborhood, the Board should simply deny the requested Environmental Design Review Special Permit.

Santini reserves the right to file further and supplementary responses in connection with any continued hearing in this matter.

Respectfully submitted,
Santini Realty Trust

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