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To: Jenny Raitt <JRaitt@town.arlington.ma.us>, Kelly Lynema <KLynema@town.arlington.ma.us>  
Cc: "Mark Santini (mark@santiniinc.com)" <mark@santiniinc.com>, "Gary Santini (gary@santiniinc.com)" <gary@santiniinc.com>, Gregg Santini <gregg@santiniinc.com>  
Date: Thu, 21 Apr 2022 14:25:06 +0000  
Subject: RE: 34 Dudley Street - Docket #3690

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Jenny:

Please see the attached Supplemental Memorandum in Opposition for filing and posting with respect to the pending application for an EDR Special Permit for the above-captioned property.

Please confirm receipt and call or email me with any questions.

Thank you.

Tom

**Thomas Wray Falwell, Esquire**

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TOWN OF ARLINGTON, MASSACHUSETTS

ARLINGTON REDEVELOPMENT BOARD

DOCKET NO. 3690

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34 DUDLEY STREET, LLC, Petitioner  
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SUPPLEMENTAL MEMORANDUM  
IN OPPOSITION TO APPLICATION FOR  
ENVIRONMENTAL DESIGN REVIEW  
SPECIAL PERMIT

**BACKGROUND INFORMATION**

This Supplemental 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. Santini restates and incorporates herein the opposition as set forth in their original Opposition Memorandum previously filed with the Board. Additionally, Santini provides further reasons for opposition to the proposed Project as follows:

**STORMWATER MANAGEMENT**

The present plans called for stormwater to be, in part, treated on site and then discharged into Mill Brook. Upon a review of the filed plans, it appears that at least some of the stormwater from the site is proposed to be directly discharged into the Mill Brook without treatment. Santini avers that such direct discharge is not allowed as a matter of law and applicable regulations. Furthermore, because the proposed building exceeds 3 stories and 39 feet in height, By-Law Section 5.6.2 (D)(7) requires that the project “retain and treat 100% of the stormwater on site”. Therefore, the proposed Project, as currently proposed, does not meet the requirements of the Zoning By-Law.

**TRAFFIC, PARKING AND IMPACTS ON DUDLEY STREET**

Dudley Street is a relatively narrow street having, it is believed, an average paved width of approximately 25’ feet. It is uncontroverted that during business hours there is traffic and congestion issues on Dudley Street with cars frequently parked on both sides of the street leaving only a single travel lane. These present conditions and the potential worsening of conditions as a result of the allowance and

construction of the proposed Project need to be taken into account and analyzed in connection with the updated traffic counts requested by the Planning Department of the Applicant in a March 29, 2022 email.

On related matters of concern, the Applicant has publicly stated that **only** trucks of 24' or less will be allowed to come to the facility. What is the plan to enforce that restriction? For instance, if not knowing this, a new customer comes to the facility in a truck greater than 24', how will they be dealt with? It is difficult to believe they will be summarily sent away.

Through the undersigned, Santini had previously requested the Department to have an analysis performed showing that a 24' vehicle (1) would be able to make the turning radius when entering or exiting the loading bays and (2) when entering and exiting the proposed facility onto Dudley Street, especially when vehicles are parked, as they often are, on both sides of the street. Has this been addressed with or by the Applicant?

Additionally, has the Arlington Fire Department been consulted as to whether the proposed facility, as presently designed, allows for the required access for its equipment in the event of a fire or other emergency to which it is called to respond? If so, what was the response? If not, will this be done before any decision is made on the pending application?

#### **REQUIRED PARKING**

The Department has, we note, in the March 29, 2022 email, requested the Applicant to address how it will meet the minimum vehicle parking requirement were the Board to agree to a reduction to 25% of the otherwise required parking. Santini repeats their concerns of the adequacy of the parking if the 75% reduction of the required parking is granted based on their own experience on Brattle Court during peak days, hours and times of the year. For example, in late summer when people often are moving or when college students are returning from college in May and going back to school in late summer, the demand for on-site parking is increased exponentially and will likely cause issues with an increase in parking on Dudley Street which, as previously noted, is now often congested. **It is interesting to note that for one of the facilities that the Applicant used in compiling its traffic counts, specifically the 490 Eastern Avenue, Malden site, the applicant was required to provide 39 spaces for a facility containing 884 storage units.**

#### **BUILDING HEIGHT AND MASSING WHEN VIEWED FROM ABUTTING PUBLIC SPACES**

Santini questions, as have others at the prior public hearing, the proposed height of the building in comparison with existing buildings on Dudley Street. The proposed facility would be essentially two stories higher than any other existing building on Dudley Street. This situation will be exacerbated, it is believed, by required fill on the rear of the lot, although the existing filings with the Board and with the

Conservation Commission do not appear to clearly address that circumstance. Personal observation of the site would indicate that at the rear of the lot the existing elevation is, as an estimate, 6 or 7 feet lower than at Dudley Street. The building renderings submitted appear to show the building situated on a flat site. The applicant should be asked to address and clarify this discrepancy, to wit, is fill required on the rear of the site to raise the existing grade to the proposed, post-construction, finish grade? If so, where and to what height? If fill is, in fact, required, a Special Permit may be required under Sections 5.7.5(C) of the Zoning By-Law. There is no pending application under By-Law Section 5.7.6 for such Special Permit.

Additionally, if the answer is that the grade at the rear of the building is to be raised, this will further negatively impact the massing of the proposed building, its height when viewed from the abutting public spaces at Wellington Park and along the Mill Brook and lessen the effectiveness of the existing and proposed vegetative screening.

**FAILURE OF APPLICATION TO INCLUDE ALL LANDOWNERS WHERE PROPOSED  
WORK IS TO BE DONE**

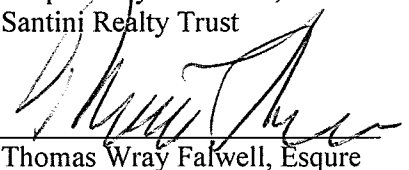
The Applicant proposes to do work on Town owned land on the bank between the property and the adjacent Mill Brook. The Applicant has no preexisting right to enter upon and perform alterations to the Town owned land. As such, the Town (acting by the Board or Department under whose jurisdiction the land is) should be a co-applicant on the pending application. It is not, thus the application should be deemed incomplete and rejected.

In summary, for the reasons stated, the Board should require (1) an independent peer or updated traffic and parking study, (2) shadowing studies, (3) a reduction in the gross floor area of the proposed building to accommodate required parking under the By-Law or, if the Board is inclined to grant a reduction in parking, not less than 25% of the otherwise required spaces and (4) the Applicant should be required to appropriately and satisfactorily address the additional questions and issues raised by this Supplemental Opposition before making any Decision on the requested Environmental Design Review Special Permit.

Alternatively, the Board should simply deny the requested Environmental Design Review Special Permit due to a failure of the applicant to meet the required Environmental Design Review and Special Permit standards.

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

Respectfully submitted,  
Santini Realty Trust

By:   
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Its attorney  
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Dated: April 21, 2022