

<Tfalwell@cominsnewbury.com>

To: Jenny Raitt <JRaitt@town.arlington.ma.us>, Kelly Lynema <KLynema@town.arlington.ma.us>

Cc: "Gary Santini (gary@santiniinc.com)" <gary@santiniinc.com>, "Mark Santini (mark@santiniinc.com)" <mark@santiniinc.com>, Gregg Santini <gregg@santiniinc.com>

Date: Thu, 12 May 2022 15:28:24 +0000

Subject: 34 Dudley Street

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Good Morning:

At the conclusion of the last public EDR hearing with respect to the above-captioned property, the Chair provided the applicant with an oral list of the aspects of the proposed development on which the Board wished further information or clarification. As with the prior hearing, the Chair did not include a number of items raised during the public questioning forum. See attached, for filing and docketing in the matter, my clients' Second Supplement Opposition. We respectfully request that the Board or the Department require the Applicant to address the issues referenced in the attached.

Please call or email me with any questions. Thank you.

Tom

Thomas Wray Falwell, Esquire

Comins & Newbury LLP

9 Damonmill Square, Suite 4D

Concord, MA 01742

(978) 341-0222

(978) 341-0655 (fax)

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TOWN OF ARLINGTON, MASSACHUSETTS

ARLINGTON REDEVELOPMENT BOARD

DOCKET NO. 3690

_____)	
)	
)	
34 DUDLEY STREEET, LLC, Petitioner)	
)	SECOND SUPPLEMENTAL
)	MEMORANDUM
)	IN OPPOSITION TO APPLICATION FOR
)	ENVIRONMENTAL DESIGN REVIEW
)	SPECIAL PERMIT
_____)	

BACKGROUND INFORMATION

This Second 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 and initial Supplemental Opposition previously filed with the Board.

At the conclusion of the last public EDR hearing with respect to the above-captioned property, the Chair provided the applicant with an oral list of the aspects of the proposed development on which the Board wished further information and/or clarification. As with the prior hearing, the Chair did not include a number of items raised during the public questioning portion of the hearing. These omitted items were also the subject of our filed Opposition and Supplementary Opposition and by others.

1. STORMWATER MANAGEMENT

Because the proposed building exceeds 3 stories and 39 feet in height, Arlington Zoning By-Law Section 5.6.2 (D)(7) requires that the project “**retain** and treat 100% of the stormwater on site” (emphasis added). Based on the most recent filed plans, the proposed Project does not appear to meet that requirement of the Zoning By-Law. The Applicant should be requested to address this failure and required to redesign the Project plans to be in conformity with said Section 5.6.2 (D)(7). If the Project is redesigned to meet the requirements of said Section 5.6.2 (D)(7), new Project plans and any associated, revised stormwater and

related calculations must be provided. In that regard, Santini again urges the Board to have a peer review done of the Stormwater Management and other Project calculations submitted or to be submitted by the Applicant. If a peer review at the expense of the Applicant is not required, at the very least a thorough review of the Stormwater Management and other engineering calculations for the Project, as finally designed and proposed, should be done by the Town Engineer.

2. FILL REQUIRED FOR CONSTRUCTION OF THE PROJECT

During questioning, the Applicant admitted that the Project, as currently designed, requires fill on the rear of the lot nearest to the property line and Mill Brook. The applicant should be required to address and clarify this issue, to wit, specifically how much fill is required and where will it be placed. Any plans and calculations with respect to fill required to construct the Project as proposed should be provided to the Town Engineer for review. In addition, as fill is required, it should be determined based on the specific information provided by the applicant, if an additional 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.

Lastly, if 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.

3. SHADOWING AND NEGATIVE IMPACT OF SOLAR OPPORTUNITIES ON ADJOINING PROPERTIES.

A shadowing study was provided to the Board by a member of the commenting public at the last meeting. A building of the height proposed and its location severely impacts the potential for solar panel installations on number of neighborhood properties, some of which are residential. This negative impact, as well as those relating to traffic and congestion, will result in a substantial adverse impact upon the character of the neighborhood. The EDR Standards in Section 3.4.4 require a finding that the “Proposed development shall be related harmoniously to the terrain **and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings**” (emphasis added). As the proposed building dwarfs all other existing buildings in the vicinity, it is difficult to comprehend how The Board can make the required finding under this standard as the Project is currently proposed.

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: 

Thomas Wray Falwell, Esquire
Its attorney
Comins & Newbury LLP
9 Damonmill Square, Suite 4D
Concord, MA 01742
(978) 341-0222

Dated: May 12, 2022