



Town of Arlington, Massachusetts
Department of Planning & Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

Public Hearing Memorandum

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board

From: Kelly Lynema, Secretary Ex-Officio

Subject: Environmental Design Review, 18-20 Belknap Street, Arlington, MA
Docket #3704

Date: July 7, 2022

I. Docket Summary

This is an application filed on June 16, 2022 by Spy Pond Development, LLC, 2464 Massachusetts Avenue, Cambridge, MA to renovate and convert the existing building at 18-20 Belknap Street, Arlington, MA to its original nonconforming use as a four-unit residential building within the R22 Two-Family District. The opening of Special Permit Docket #3704 will allow the Board to review and approve the project under Section 3.4, Environmental Design Review.

The Applicant proposes to renovate and convert the existing building from an illegal six-unit residential building to its original nonconforming use as a four-unit residential building in the R2 Two-Family District, which is the most recent legally nonconforming use of the property. The renovation includes the demolition of the prior accessory garage, rehabilitation of a structure that has fallen into disrepair, the introduction of usable open space to the site, and additions to the front, rear, and third story of the building. The application is before the Board because a small portion of the property abuts the Minuteman Bikeway.

Materials submitted for consideration of this application:

- Application for EDR Special Permit and Impact Statement, dated June 15, 2022;
- Existing and Proposed Site Plans, dated January 24, 2022;

- Floor Plans and Elevations, dated July 28, 2021;
- Existing Conditions Plans, undated circa 2021 ;
- Memorandum from Town Counsel, Douglas W. Heim, re: Opinion Re: Scope and Limits of ARB Authority, dated August 13, 2020; and
- Floor Plans with Half Story Delineations, dated June 15, 2022.

II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

1. Section 3.3.3.A.

The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

The site is currently located in the R2 Two-Family zoning district. The building was originally constructed around 1910 as a four-unit building, and later allowed as a pre-existing nonconforming use upon the Town's adoption of the Zoning Bylaw.¹ The use was continued through at least 1967; in 1968, Arc Realty Trust (the owner at the time) petitioned the Zoning Board of Appeals (ZBA) for a variance to convert the building from four units to six units (ZBA Docket No. 976). The application was denied. In 1980, Arc Realty Trust again petitioned the ZBA for a variance to convert the building from four units to six units and to grant a special permit to continue the use of an existing six-unit building (ZBA Docket 2327 and 2328). The application was again denied, however the illegal use as a six-unit building was continued until the current Applicant purchased the building.

Over recent years and prior to the Applicant's acquisition of the property, the building had fallen into disrepair, and was maintained as an illegal, non-permitted, six-unit structure. The Applicant has made significant improvements to the façade and proposes to convert the building from its prior illegal use as a six-unit apartment building to its pre-existing nonconforming use as a four-unit building. While a four-unit building is not allowed by right or by special permit in the R2 zoning district, the Board may choose to grant a Special Permit for the proposed use under Section 8.1.2(B) as an extension of a legally nonconforming use if it makes a finding provided for in M.G.L. c. 40A, Section 6 that the extended nonconforming use is not more detrimental to the neighborhood than the existing use.

2. Section 3.3.3.B.

The requested use is essential or desirable to the public convenience or welfare.

¹ The Middlesex South Online Registry of Deeds does not date back to the early 1900s, however the 1912 Arlington Directory lists four individual units occupied at 14-16 Belknap Street, 18-20 Belknap Street, and 28-30 Belknap Street, serving as evidence of several four-unit buildings existing in the neighborhood, predating the Town's adoption of the Zoning Bylaw which ultimately made these uses pre-existing nonconformities.

<https://archive.org/details/arlingtoncitydir1912arli/page/218/mode/2up>

Although the neighborhood is zoned R2, which generally allows one- and two-family dwellings, two other abutting structures have similar pre-existing nonconforming uses as four-unit buildings, and there exist other multi-family buildings in the immediate neighborhood, which contribute to a diversity of housing options in the Town. The Board can find that this condition is met.

3. Section 3.3.3.C.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The proposed four-unit residential use is the same as the pre-existing, nonconforming use that has been on the site for many years. As such, it will not create any additional traffic or pedestrian safety impacts in the area. The Board can find that this condition is met.

4. Section 3.3.3.D.

The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

The proposed four-unit residential use would replace the six-unit residential use, which has been on the site for many years and has not overloaded any public utilities. The Board can find that this condition is met.

5. Section 3.3.3.E.

Any special regulations for the use as may be provided in the Bylaw are fulfilled.

No special regulations are applicable to the proposal.

6. Section 3.3.3.F.

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The pre-existing nonconforming use has been present in this neighborhood at this building and other adjacent buildings for more than a century, and does not impair the integrity or character of the neighborhood. The Board can find that this condition is met.

7. Section 3.3.3.G.

The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

The proposed use is a reduction in the number of residential units as were provided in the previous use. The Board can find that this condition is met.

III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)

1. EDR-1 Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The site's prior condition was predominately impervious. The Applicant proposes to remove a detached garage from the rear of the site and remove pavement from 1,428 square feet of the rear yard, converting it to usable open space. The amount of landscaped open space will increase from 1,268 to 1,467 square feet (+199 square feet). The Board can find that this condition is met.

2. EDR-2 Relation of the Building to the Environment

Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.

The most recent legally nonconforming use on the property was a four-unit residential building. The Applicant intends to maintain this density, which is consistent with several other properties in the neighborhood. Although the number of units will decrease, the proposed project includes two additions that will expand the building's footprint, and two shed dormers that will increase the gross floor area of the top floor.

Note that floor area ratio (FAR) applies to this structure because of its four-unit use. In the R2 district, the FAR of single-family and two-family homes is not limited to a maximum number, while other permitted structures are limited to 0.35. As a result of its nonconforming use, the existing structure is nonconforming with respect to Floor Area Ratio (FAR) and the proposed expansion of the building will increase this nonconformity. However, staff were unable to accurately confirm the existing and proposed FAR from the application materials. There are conflicting calculations within the submitted materials regarding the existing and proposed total gross floor area. The Applicant should be prepared to clarify these calculations for the Board, if requested.

Regardless of clarification on the calculation of FAR, both the existing and proposed building exceed the allowable FAR in the R2 Zoning District. To better understand how the existing and proposed massing of the building compare to buildings in the immediate area, staff used Town Assessor data to compare the ratio of land area to gross floor area of the neighboring properties below using the assessor database. Note that a calculation of FAR for each building could not be calculated for these properties

based on assessor data, as the Zoning Bylaw calculation of Gross Floor Area is different than the Town Assessor definition of “gross area”.

Address	Land Area (sf)	Gross Area (sf)	Gross Area/ Land Area
12 Belknap St	7,291	5,463	0.75
22-24 Belknap	10,440	5,319	0.51
25 Linwood	7,435	5,910	0.79
19 Linwood	6,283	5,488	0.87
22 Linwood	6,405	5,582	0.87
18-20 Belknap (current)	8,824	7,868	0.89
17 Marion Rd	4,845	4,975	1.03
18-20 Belknap (proposed)	8,824	9,146*	1.04
17-19 Belknap	5,055	5,494	1.09
18 Marion Rd	4,850	5,476	1.13
13-15 Belknap St	7,440	8,502	1.14
14-16 Belknap St	6,910	8,010	1.16
15 Marion Rd	4,821	5,874	1.22
28-30 Belknap	8,850	12,114	1.37

Based on the above calculations the massing of the proposed building, while larger than the existing building, is not out of scale or character with the many of the surrounding buildings in the neighborhood.

On July 7, 2022, the Applicant provided updated materials indicating the area of the third level that is greater than 7 feet 0 inches in height. Specific area calculations were not provided. Based on this information, it is possible but unclear from the submitted materials whether the third level conforms with the definition of a half story in Section 2 of the Zoning Bylaw. The proposed dormers on the roof may work to make the altered structure a three-story building, where only two and a half stories are allowed in the R2 district. The Applicant should be prepared to clarify whether the third level meets the definition of a half story and clarify their calculations for the Board, if requested.

After conferring with Town Counsel, because the property is under ARB jurisdiction per Section 3.4.2(A), the ARB can choose to make a determination approving the extension of legally nonconforming dimensions. Overall, the Board may want more detailed information regarding the proposed increase in floor area, the calculation of FAR, and whether the proposed dormers comply with the definition of half story.

3. EDR-3 Open Space

All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open

space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.

There is currently no usable open space on the site. The Applicant proposes to demolish a detached garage and remove impervious pavement at the rear of the site and establish usable open space in the back yard. The Board can find that this condition is met.

4. EDR-4 Circulation

With respect to vehicular and 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.

Eight parking spaces (two tandem spaces per unit) will be provided at the rear of the site. Each space will be assigned to a dwelling unit to ensure orderly vehicular circulation. While the Zoning Bylaw does not provide parking minimums for townhome structures, the Applicant is providing two parking spaces per unit, which meets the minimum number of spaces required for a 3 or more bedroom apartment.

The Applicant has not proposed exterior bicycle parking spaces, however per Section 6.1.12 there is no minimum number of long or short term bicycle parking spaces required for townhouse structures.

The Board can find that this condition is met.

5. EDR-5 Surface Water Drainage

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.

In accordance with Section 3.3.4., the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.

The proposal includes a reduction in the impervious surface on site and the addition of landscaped areas. This should improve surface water drainage over existing conditions. The Board can find that this condition is met.

6. EDR-6 Utilities Service

Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

Utility access will not change as a result of this proposal. The Board can find that this condition is met.

7. EDR-7 Advertising Features

The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

This is a residential project. There will be no signage or advertising features on the property. The Board can find that this condition is met.

8. EDR-8 Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

This is a residential project. There are no special features proposed. The Board can find that this condition is met.

9. EDR-9 Safety

With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and

interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

The building will contain a full sprinkler system and individual units will be clearly marked. Open spaces will be fenced to maintain residents' privacy. The Board can find that this condition is met.

10. EDR-10 Heritage

With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

The building and property are not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington*. The Board can find that this condition is met.

11. EDR-11 Microclimate

With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.

There are no proposed changes that would affect the microclimate. The Board can find that this condition is met.

12. EDR-12 Sustainable Building and Site Design

Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.

A LEED checklist was not provided.

IV. Conditions

A. General

1. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington

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Board.

2. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
3. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
4. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws.