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 Date: Sun, 22 Jan 2023 12:24:56 -0500  
 Subject: Docket 3650 - 190 Mass Ave fact checking

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To: Redevelopment Board  
 Correspondence regarding Docket 3560

The latest application for 190 Mass Ave contains several key inaccurate assertions.  
 I call the Board's attention to the following.

#### Residential Floor Area

The application claims that this building of 39,238 sq ft contains only 13,980 sf of Residential Floor Area. This figure is the basis for calculating the landscaped open space as 6.3%, and usable open space as 10.6% of residential floor area.

These numbers are so grossly inaccurate that it is difficult to even speculate how they might have been calculated.

#### Corrected values

Drawing C-102 seems to provide reasonably accurate gross floor areas for each story.

PROPOSED MIXED-USE BUILDING	
BASEMENT LEVEL:	8,358± S.F.
FIRST FLOOR:	6,538± S.F.
SECOND FLOOR:	8,419± S.F.
THIRD FLOOR:	8,419± S.F.
FOURTH FLOOR:	7,504± S.F.
TOTAL:	39,238± S.F.

Stories 2 and 3 are purely residential. Their countable residential floor area includes the interior dimensions of the apartments, the stairwells, elevator, and hallways, as defined in 5.3.22 of the ZBL. Story 4 has about 1000 sf fewer due to 5'6" step backs on three sides.

#### Story Total Residential Floor Area

2 8419

3 8419

4 7430

A portion of the ground floor is dedicated to the residential use, including the lobbies, mail room, stairways, and elevator. Similar areas in the lower garage level are also countable.

1 850

G 500

The approximate total residential floor area is **25618 sf**.

The required landscaped open space is 2562 sf (10%). Proposal is for only 876 sf (3.4%).

The required usable open space is 5124 sf (20%). Proposal claims 1483 sf (5.8%).

**ZONING SUMMARY TABLE**  
**B3-VILLAGE BUSINESS (MIXED-USE <=20,000SF)**

ITEM	REQUIRED/ ALLOWED	EXISTING	PROPOSED
MINIMUM LOT AREA	N/A	11,134± SF	11,134± SF
MINIMUM LOT AREA PER UNIT	N/A	N/A	371± SF
MINIMUM FRONTAGE	50 FT	102.1± FT MASS AVE	102.1± FT MASS AVE
MINIMUM FRONT YARD SETBACK	0 FT	0 FT	0.6 FT
MINIMUM SIDE YARD SETBACK	0 FT	0.6 FT	7.5 FT
MINIMUM REAR YARD SETBACK	(H+L)/6	NO REAR	NO REAR
SCREENING BUFFER	7.5 FT <sup>(3)</sup>	0.6 FT	7.5 <sup>(3)</sup>
LANDSCAPED OPEN SPACE	10% <sup>(2)</sup>	0.9%	6.3%*
USABLE OPEN SPACE	20% <sup>(2)</sup>	0%	10.6%*
MAXIMUM HEIGHT	50 FT	20± FT	48± FT
MAXIMUM HEIGHT STORIES	5	1	4 <sup>(1)</sup>
FLOOR AREA RATIO	2.8	0.9	3.5*

ZONING TABLE NOTES:

1. SECTION 5.3.17, FOR BUILDING MORE THAN 3 STORIES IN HEIGHT, AN ADDITIONAL 7.5 FT STEP-BACK SHALL BE PROVIDED BEGINNING AT THE THIRD STORY LEVEL OR 30 FT ABOVE GRADE, WHICHEVER IS LESS. THE UPPER STORY STEP-BACK SHALL BE PROVIDED ALONG ALL BUILDING ELEVATIONS WITH STREET FRONTAGE.
2. SECTION 5.3.21. SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS, D. FOR MIXED USES AND ANY PERMITTED RESIDENTIAL USE NOT SPECIFICALLY IDENTIFIED IN THE TABLES IN SECTION 5.5.2, THE MINIMUM OPEN SPACE REQUIREMENTS (COMPUTED FROM THE RESIDENTIAL FLOOR AREA ONLY) SHALL BE 10% LANDSCAPED AND 20% USABLE IN THE B1, B2, B2A, B3, AND B4 DISTRICTS, AND 15 PERCENT USABLE IN THE B5 DISTRICT.
3. SECTION 5.3.21. SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS, B3 ABUTTING R5 15 FT MINIMUM BUFFER. A SOLID WALL OR WOODEN FENCE MAY BE SUBSTITUTED FOR ONE-HALF THE WIDTH OF THE LANDSCAPED BUFFER.
4. TOTAL RESIDENTIAL (AREA PROVIDED BY ARCHITECT): 13,980 S.F.
5. TOTAL RETAIL AREA (PROVIDED BY ARCHITECT): 4,772 S.F.
6. GROSS FLOOR AREA (PROVIDED BY ARCHITECT): 39,238 S.F.

\* RELIEF REQUESTED FROM ARB.

From C-102

The rear yard setback requirements have been misunderstood by the applicant.

The proposal claims that there is no rear yard, and the lot line opposite the Mass Ave frontage and abutting the small garden apartment building is a side lot line.

A careful reading of the definitions in the ZBL makes it clear that this is a rear lot line, and the rear yard between the building and the lot line is required to be a minimum of (H+L)/6.

Minimum Rear Yard Setback = (48 + 130)/6 = 30'

Minimum yard setbacks are inconvenient to developers wishing to maximize their return on a project, but these dimensional requirements are in our bylaws to protect the existing

neighborhood. Residents who buy into a property have the reasonable expectation that new development next door will conform to the existing laws and that they won't have a tall building crowding up to their property line.

Other Comments -

The latest revised plans have added the required upper story step backs on all street frontages but the design seems to call for just 5'6", whereas the ZBL specifies a minimum of 7'6"

The applicant is not asking for a 'waiver' from 5.3.8 (*A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots*). For this proposed building that would be 15'.

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Sincerely,

Don Seltzer  
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